

SUPPORTING STATEMENT

REQUIRED ELEMENTS OF AN UNEMPLOYMENT INSURANCE (UI) REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENT (RESEA) GRANT STATE PLAN

OMB Control Number: XXXX-0NEW

The Department of Labor (Department), Employment and Training Administration (ETA) is submitting this Information Collection Request (ICR) to implement and collect an annual RESEA state plan as described in Section 306(e) of the Social Security Act (SSA).

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*

The federal-state UI program is a required partner in the comprehensive, integrated workforce system. Individuals who have lost employment due to lack of suitable work and have earned sufficient wage credits may receive UI benefits if they meet initial and continuing eligibility requirements. Since 2005, the Department and participating state UI agencies have been addressing individual reemployment needs of UI claimants and working to prevent and detect UI improper payments through the voluntary UI Reemployment and Eligibility Assessment (REA) program and, beginning in FY 2015, through the voluntary RESEA program. Because there is strong evidence that these programs and service delivery strategies work, they have been a high priority for the ETA.

On February 9, 2018, the President signed the Bipartisan Budget Act of 2018, Public Law 115-123 (BBA), which included amendments to the Social Security Act (SSA) that create a permanent authorization for the RESEA program. The RESEA provisions are contained in Section 30206 of the BBA, enacting new Section 306 of the SSA. The recently enacted Section 306 of the Social Security Act introduced several new program requirements including the requirement that states must submit an annual state plan to be considered eligible for funding. The specific requirements of the state plan are identified in Section 306(e) of the SSA. Unlike other provisions of Section 306, there was no specified timeframe associated with implementation of Section 306(e) of the SSA and the Department has interpreted this provision as taking effect upon the BBA's enactment.

In addition to the statutorily required elements identified in Section 306(e) of the SSA, the requested ICR also includes routine administrative and logistical elements that have been identified by ETA as necessary for the grant review and approval process. These elements were formerly collected under the ICR titled, "DOL Generic Solution for Solicitations for Grant Applications," OMB Control No. 1225-0086, expiration date 05/31/2019. The consolidation of this information

into the proposed ICR is intended to reduce burden and streamline the application process for states requesting RESEA funding.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

To be considered eligible for RESEA funding for a Fiscal Year, a state must submit a state plan that outlines how the state intends to conduct a program of reemployment services and eligibility assessments by responding to all the required elements identified in Section 306(e) of the Social Security Act and this proposed ICR. Complete plans that fully address the required elements and are submitted in timely manner will be approved by Secretary. Plans that fail to meet the required elements will be disapproved and the state will be notified of this disapproval within 30 days of the Department's receipt of the plan. This written notification will describe any portion(s) of the plan that was not approved and the reason for the disapproval(s) and provide the state with an opportunity to submit a revised plan.

Approved plans will be incorporated into each state's grant agreement and be used by the Department to support routine grant monitoring and the targeting of technical assistance. The Department will also analyze and summarize the information contained in the state plans to inform future budget requests and respond to requests from Congress, Office of the Inspector General, and other RESEA stakeholders. Portions of the state plans may also be made available to the public through publication on the Department's websites.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.*

This data reporting requirement uses automated procedures for data collection, transmission, and analysis that utilize state and Federal information processing technology. USDOL provides computers to each state and jurisdiction along with reporting software and a proprietary network to use to transmit data to the computers at USDOL.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.*

There is no duplication.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.*

This collection does not impact small businesses.

6. *Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

Several new provisions introduced by Section 306 of the SSA require frequent oversight to ensure states are in compliance with the statute. Specifically, Section 306(c)(1) provides that “a State shall use such funds [RESEA grant funds] only for interventions demonstrated to reduce the number of weeks for which program participants receive unemployment compensation” and Section 306(d)(1) requires “any intervention without a high or moderate causal evidence rating... be under evaluation at the time of use.” There are also separate funding restrictions associated with each of these requirements.

Due to resource limitations, the Department will need to rely on the state plans to ensure compliance with Federal requirements. Collecting state plans less frequently than annually would not allow for adequate and timely monitoring or targeting of technical assistance.

Additionally, to support states in meeting the above requirements, the Department maintains an inventory of evidence-based strategies and interventions that states may incorporate into their RESEA service-delivery design. The state plans will provide valuable information, including information about ongoing evaluations and participant data collected during the previous Fiscal year that will assist the Department in maintaining an inventory that reflects the most current information available.

7. *Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the requirements of 5 CFR § 1320.5(c)(2)(i) through (viii).*

This ICR implicates no special circumstances.

8. *If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.*

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years—even if the collection of

information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

In accordance with the Paperwork Reduction Act of 1995, the public was given an opportunity to review and comment through a notice in the *Federal Register* on April 5, 2019 (84 FR 13720). All substantial comments were received in a single response from an individual in Indiana and are listed and analyzed in the table below:

Proposed Data Collection Requirement	Comment	Response
<p>Assurances and a description of how the state’s program will provide proper notification participating individuals of the program’s eligibility conditions, requirements, and benefits;</p>	<p>Comment 1: The application for RESEA funding should constitute the state’s assurance that they will provide proper notification of the program’s eligibility conditions, requirements, and benefits to participating individuals.</p> <p>Assurances become burdensome when states are required to check boxes (See 119 Assurances for SCSEP) and affirm they will operate the program in a certain manner. It is more effective and efficient to express the assurances in the grant application UIPL and indicate that by applying for the funds the grantee agrees to abide by the assurances accordingly.</p> <p>The Information Collection Request (ICR) is necessary and would provide useful information as to how verbiage and method of delivery impact program outcomes. This ICR does not impose an undue burden on the grantees.</p>	<p>Response to Comments 1-5 regarding required assurances within RESEA state plan.</p> <p>On February 9, 2018, the President signed the Bipartisan Budget Act of 2018, Public Law 115-123 (BBA), which included amendments to the Social Security Act (SSA) that create a permanent authorization for the RESEA program. The RESEA provisions are contained in Section 30206 of the BBA, enacting new Section 306 of the SSA.</p> <p>Section 306(e), SSA provides the authorization and specific requirements of the state plan. The statute specifically requires the inclusion of the assurances identified in comments 1-5. Since these particular elements, which include both an assurance and description of planned activities are statutorily required, no change will be made to the data collection.</p>
<p>Assurance and a description of how the</p>	<p>Comment 2: Regarding assurances, see State comments to #1 above.</p>	

<p>state’s program will provide reasonable scheduling accommodations to maximize participation for eligible individuals;</p>	<p>The Information Collection Request (ICR) is necessary and would provide useful information as to how verbiage and method of delivery participant scheduling methods impact program outcomes. This ICR does not impose an undue burden on the grantees.</p>	
<p>Assurances and a description of how the state’s program will conform with the purposes of RESEA that include: improving employment outcome and reducing duration of receipt of unemployment compensation through employment; strengthening program integrity and reducing improper payments, promoting alignment with the vision of the Workforce Innovation and Opportunity Act; and establishing RESEA as an entry point to other workforce system partners;</p>	<p>Comment 3: Regarding assurances, see State comments to #1 above.</p> <p>The Information Collection Request (ICR) is necessary and would provide useful information as to what interventions the grantee will be using, the evidence based evaluation rating, evaluation structure, targeted populations, the requirement timeframes, reasoning, and anticipated impacts on service delivery and program outcomes. This ICR does not impose an undue burden on the grantees.</p>	
<p>Assurances and a description of how the state’s program will satisfy the requirement to use evidence-based standards including: a description of the evidence-based interventions the State plans to use to speed reemployment; an</p>	<p>Comment 4: Regarding assurances, see State comments to #1 above.</p> <p>Regarding the ICR, see comments to #3 above. This ICR does not impose an undue burden on the grantees.</p>	

<p>explanation of how such interventions are appropriate to the population served; and, if applicable, a description of the evaluation structure the state plans to use for interventions that do not meet evidence-based standards; and</p>		
<p>Information about reemployment activities and evaluations that the state conducted in the prior fiscal year including any data collected on characteristics of program participants, the number of weeks for which program participants receive unemployment compensation, and employment and other outcomes.</p>	<p>Comment 5: Regarding assurances, see State comments to #1 above.</p> <p>Regarding the ICR, see State comments to #3 above. “any data” would impose an undue burden on the grantee, if this were in addition to information collected as a part of the normal reporting of summary level aggregate summary level data elements on the ETA 9128 and 9129. A brief treatment of RESEA outcome summary data would be warranted by the grantees.</p> <p>An undue burden would also be caused if Unemployment Insurance (UI) data already being reported on other currently existing ETA reports were to be required on the RESEA reporting as well. Otherwise this ICR does not impose an undue burden on the grant.</p> <p>A request for information should be sent to RESEA grantees asking for a list of recommended data elements to be collect on RESEA and the reasoning. Grantees should have the opportunity to review the proposed RESEA data elements to be collect and have opportunity to comment as</p>	<p>This reporting element is statutorily required and taken verbatim from Section 306(e)(1)(c), SSA.</p> <p>To prevent potential duplication and undue burden, reporting guidance accompanying the RESEA state plan clarifies that data provided to fulfill this requirement should be sourced from routine RESEA reports (ETA 9128 and ETA 9129), Workforce Innovation and Opportunity Act data, or any evaluations that were conducted during the previous Fiscal Year and does not require a separate, independent, and potential duplicative data collection. Since this required information will be derived from evaluations and current quarterly reports any burden on the state will be</p>

	<p>the benefits or detriments of collecting each specific element.</p>	<p>minimal and is necessary to fulfill statutory requirements of the SSA. Burden associated with this report element is reflected in the burden hour estimates.</p> <p>The RESEA state plan is separate from program reporting which is conducted using the ETA 9128 <i>Reemployment Services and Eligibility Assessment Workload</i> and ETA 9129 <i>Reemployment Services and Eligibility Assessment Outcomes</i>. The ETA 9128 and ETA 9129 data collections are undergoing renewal and a <i>Federal Register Notice</i> requesting public comment on these reports was published on March 13, 2019.</p>
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9. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*

No payments are made to respondents.

10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*

There are no issues of confidentiality as no personal data on individual claimants is provided to ETA as part of this collection. ETA does not receive any data on individual claimants from states as a requirement of this data collection. Only aggregate data describing activity for all claimants are reported to ETA.

11. *Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the*

specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No questions of a sensitive nature are included.

12. *Provide estimates of the hour burden of the collection of information.*

During FY 2018, 48 states the District of Columbia, Puerto Rico, and the Virgin Islands operated an RESEA program and it is envisioned that eventually all 53 potentially eligible SWAs will participate. The Department estimates that it will receive 53 state plans annually and each plan will take 40 hours to develop, finalize, and transmit. The Department estimates the annual time burden to be 2,120 hours and the monetized value of respondent time to be \$105,872.80 based on an hourly rate of \$49.95.

The following table can be used as a guide to calculate the total burden of an information collection.

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
State Plan Development	53	1	53	40	2,120	\$49.94	\$105,872.80
Unduplicated Totals	53	1	53	40	2,120	\$49.94	\$105,872.80

*The hourly rate was computed by dividing the FY 2019 national average PS/PB annual salary for state staff as provided for through the distribution of state UI administrative grants (https://wdr.doleta.gov/directives/attach/UIPL/UIPL_10-18.pdf) by the average number of hours worked in a year (1,711). For FY 2019, this calculation is: \$85,453 / 1,711= \$49.94.

13. *Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).*

There are no annualized costs to respondents.

14. *Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational*

expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

Based on program experience and on an assessment of average times spent reviewing similar plans, ETA estimates that, on average, 3 GS-13s based in the Washington, DC area will spend a total of 6 hours each, or 18 hours total, reviewing each plan. Pay for such an employee at the Step 4 level is \$51.28. Providing a 38 percent allowance to cover fringe benefits and other costs, total per hour cost for each employee is \$70.77 ($\$51.28 \times 1.38 = \70.77); thus, the Federal cost of reviewing and processing each Plan is estimated to be \$1,273.86. As noted previously, the Department estimates that it will receive 53 plans annually, resulting in a total annual cost of 67,514.58 for all 53 plans ($53 \text{ plans} \times 18 \text{ hours} \times \$70.77 = \$67,514.58$). Since plans are reviewed electronically, operational costs, including printing and support staff costs, do not apply.

15. *Explain the reasons for any program changes or adjustments reported on the burden worksheet.*

No changes or adjustments.

16. *For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

Decisions on publication of data have not been finalized.

17. *If seeking approval not to display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

The expiration date for OMB approval will be displayed.

18. *Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions,*

There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.