

**DOL-Only Performance Accountability, Information, and Reporting System for Reportable Individuals**

**OMB Control Number: 1205-0NEW**

**Date:**

**SUPPORTING STATEMENT**

**DOL-Only Performance Accountability, Information, and Reporting System for Reportable Individuals OMB CONTROL No. 1205-0NEW**

**A. JUSTIFICATION**

The Department of Labor (Department) seeks approval of this information collection request (ICR) associated with regulatory changes the Department is proposing in *Wagner-Peyser Act Staffing, Notice of Proposed Rulemaking (NPRM)*, RIN 1205-AC02. This collection will eventually be included in OMB Control Number 1205-0521. However, the Department is not submitting this ICR under that control number since only one submission per control number may be pending at OMB during any given time and the Department expects to submit the ICR package for the renewal for 1205-0521 while the Department is also working on the Final Rule for 1205-AC02. Once all of the outstanding actions are complete, the Department intends to submit a non-material change request to merge the collections so that the new requirements will be part of OMB control number 1205-0521. Subsequently, the new OMB control number will be discontinued.

The Department is proposing changes to the *Participant Individual Record Layout (ETA-9172)*, which will require Wagner-Peyser Employment Service programs to document PIRL data element 413 *Migrant and Seasonal Farmworker Designation as defined at 20 CFR 651.10* for reportable individuals. The proposed changes will require revising the definitions used for data element 413 to conform with proposed revised definitions in the NPRM. The remainder of content in the collection associated with OMB control number 1205-0521 is unchanged. The revisions add burden to the collection, which is described later in this document

- 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 associated NPRM proposes to add a requirement in 20 CFR Part 653 that Wagner-Peyser Employment Service programs must document PIRL data element 413 for reportable individuals. The DOL-only PIRL ETA 9172 already requires Wagner-Peyser programs to document data element 413 for participants. This proposed change will help ES staff identify all of the individuals who engage in ES services who are MSFWs and the degree of their engagement, so that State Workforce Agencies (SWAs), State Monitor Advocates (SMAs), and the Department may better assess whether all Wagner-Peyser services are provided to MSFWs on an equitable basis. Revisions to ETA-9172 are necessary to inform SWAs that Wagner-Peyser Employment Service programs are required to collect data element 413 for reportable individuals.

The NPRM also proposes changes to the definitions of migrant farmworker and seasonal farmworker in 20 CFR Part 651, by removing the exclusion of full-time students who are traveling in organized groups. The Department proposes considering anyone who meets the

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definition of migrant farmworker and seasonal farmworker to be considered as such, including full-time students performing farmwork. This change will make the benefits and protections of the Monitor Advocate System available to full-time students traveling in organized groups. These protections include safeguards built into the Employment Service and Employment-Related Law Complaint System, ES service requirements, and equity and minimum service level requirements. The exclusion of full-time students in the current regulations was premised on the fact that full-time students did not need to meet minimum farmwork or income requirements. These requirements no longer exist in the ES regulations. Therefore, reference to these requirements is no longer relevant to the migrant farmworker definition. Accordingly, revisions to ETA-9172 are necessary to remove references to full-time students so that the ETA-9172 conforms with changes being proposed in the associated NPRM.

The Department of Labor's (DOL)'s Employment and Training Administration (ETA) developed the **(Program) Performance Report (ETA-9173)** and the **Pay-for-Performance Report (ETA-9174)** to facilitate State performance reporting. In order to collect the participant level data that will be aggregated and displayed in the **(Program) Performance Report (ETA-9173)** quarterly and the **Pay-for-Performance Report (ETA-9174)** annual reports, States will use a standardized individual record file for program participants, called the **DOL Participant Individual Record Layout (PIRL, ETA-9172)**. The PIRL provides a standardized set of data elements, definitions, and reporting instructions that will be used to describe the characteristics, activities, and outcomes of WIOA and DOL partner program participants. States and grantees will be required to collect participant information that corresponds with the data elements and descriptions delineated within the PIRL. Once collected, this information will then be aggregated according to the conditions outlined in the specifications found within the Program Performance Report spreadsheet. This document details the common data elements and technical specifications necessary for calculation of reporting elements under all the DOL programs listed in the paragraph below. Once aggregated, the outcomes of the **PIRL** data will be submitted by the States and grantees to ETA and then displayed according to the framework within the **(Program) Performance Report**. Each program mentioned in this supporting statement will generate a program specific report that mirrors the construct of the (Program) Performance Report. DOL requires States and grantees to certify and submit the (Program) Performance Report to ETA on a quarterly basis.

This ICR is the product of a joint effort among the DOL offices that administer the following programs: WIOA Adult, WIOA Dislocated Worker, WIOA Youth, National Dislocated Worker Grants, Dislocated Worker Projects authorized under WIOA sec. 169(c), Wagner-Peyser Employment Service, National Farmworker Jobs Program, Job Corps, YouthBuild, Indian and Native American Program, as well as non-WIOA covered programs, including Trade Adjustment Assistance (TAA), REO, H-1B discretionary grants, Senior Community Service Employment Program (SCSEP), Apprenticeship grants, and the Jobs for Veterans' State Grants Programs. While H-1B grants, TAA, SCSEP, Apprenticeship grants and the REO programs are not authorized under WIOA, these programs utilize the data element definitions and reporting templates in this ICR.

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The accuracy, reliability, and comparability of program reports submitted by States and grantees using Federal funds are fundamental elements of good public administration, and are necessary tools for maintaining and demonstrating system integrity. The use of a standard set of data elements, definitions, and specifications at all levels of the workforce system helps states improve the quality of the performance information that is received by DOL.

The set of primary indicators of performance represents the key results that ETA strives to achieve for their customers, and that ETA and Congress are interested in measuring. Using this set of primary indicators affords ETA the ability to describe, in a similar manner, the core purposes of the workforce system – through the program services received, how many people found jobs; what were their earnings; and what skill gains they achieved. They are an integral part of ETA’s performance accountability system, and through the Workforce Performance Accountability, Information, and Reporting System, ETA will continue to collect from States and grantees the data on program activities, participants, and outcomes that are necessary for program management and to convey full and accurate information on the performance of workforce programs to policymakers and stakeholders.

ETA’s statutory and regulatory authority to administer job training and employment programs includes provisions allowing for the requirement of performance reporting from States and grantees. Listed below are the legal and/or administrative requirements that permit ETA to mandate the collection and reporting of data through the DOL-only Performance Accountability, Information, and Reporting System.

## **Workforce Innovation and Opportunity Act Title I**

### *A. WIOA sec. 116 (29 U.S.C. § 3141)*

Establishes the performance accountability requirements for WIOA Adult, Dislocated Worker, and Youth programs. The purpose of sec. 116 is to establish performance accountability measures that apply across the core programs to assess the effectiveness of States and local areas (for core programs described in subtitle B) in achieving positive outcomes for individuals served by those programs (sec. 116(a)).

Further, sec. 116(d) outlines the minimum requirements for the WIOA performance reports that States and local areas must submit to DOL. The annual reports must include:

- Information specifying the levels of performance achieved with respect to the following primary indicators for each of the WIOA Adult, Dislocated Worker, Youth programs and the State adjusted levels of performance with respect to such indicators for each program:
  - the percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;<sup>1</sup>

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<sup>1</sup> For the title I Youth program, the percentage of WIOA youth participants includes those who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program (WIOA sec. (b)(2)(A)(ii)(I)).

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- the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;<sup>2</sup>
  - the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
  - the percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within one year after exit from the program. For those participants who obtained a secondary school diploma or its recognized equivalent, the participant must also have obtained or retained employment or be in an education or training program leading to a recognized postsecondary credential within one year after exit from the program;
  - the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment; and
  - the indicator(s) of effectiveness in serving employers.
- Information specifying the levels of performance achieved with respect to the primary indicators of performance for each of the above-mentioned programs as described in WIOA sec. 116(b)(3)(A)(ii) with respect to individuals with barriers to employment, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex, and age;
    - “Barriers to Employment,” as defined in sec. 3(24) of WIOA, for both number of participants served and performance on primary indicators, and then further disaggregated by age, race and ethnicity, and gender. Under sec. 3(24), an “individual with a barrier to employment” includes:
      - Displaced homemakers;
      - Low-income individuals;
      - Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in sec.166 of WIOA;
      - Individuals with disabilities, including youth who are individuals with disabilities;
      - Older individuals (55+);
      - Ex-offenders;

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<sup>2</sup> For the title I Youth program, the percentage of WIOA youth participants includes those who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program (WIOA sec. (b)(2)(A)(ii)(II)).

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- Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 USC 14043e–2(6)), homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 USC 11434a(2)), or runaway youth;
  - Youth who are in or have aged out of the foster care system;
  - Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
  - Eligible migrant and seasonal farmworkers, as defined in sec.167(i) of WIOA;
  - Individuals within two years of exhausting lifetime eligibility under Temporary Assistance for Needy Families (TANF) (part A of title IV of the Social Security Act (42 USC 601 et seq.));
  - Single parents (including single pregnant women);
  - Long-term unemployed individuals (27 or more consecutive weeks); and
  - Such other groups, as the Governor determines to have barriers to employment.
- The total number of participants served by each of the programs described in WIOA sec. 116(b)(3)(A)(ii);
  - The number of participants who received career services and training services, respectively, during the most recent program year and the 3 preceding program years, and the amount of funds spent on each type of service;
  - The number of participants who exited from career services and training services, respectively, during the most recent program year and the 3 preceding program years;
  - The average cost per participant of those participants who received career services and training services, respectively, during the most recent program year and the 3 preceding program years; (this particular information will be displayed on the common data report used by the Departments of Education and Labor as described in the WIOA Common Performance Reporting System);
  - The percentage of participants in a program authorized under title I who received training services and obtained unsubsidized employment in a field related to the training received;
  - The number of individuals with barriers to employment served by each of the programs described in WIOA sec. 116(b)(3)(A)(ii), disaggregated by each subpopulation of such individuals;
  - The number of participants who are enrolled in more than 1 of the programs described in WIOA sec. 116(b)(3)(A)(ii);

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- The percentage of the State’s annual allotment under WIOA sec. 132(b) that the State spent on administrative costs;
- In the case of a State in which local areas are implementing pay-for-performance contract strategies for programs—
  - The performance of service providers entering into contracts for such strategies, measured against the levels of performance specified in the contracts for such strategies; and
  - An evaluation of the design of the programs and performance of the strategies, and, where possible, the level of satisfaction with the strategies among employers and participants benefitting from the strategies; and
- Other information that facilitates comparisons of programs with programs in other States.

Sections 169, 185, and 189 of WIOA provide broad authority to the Secretary of Labor to address performance and accountability issues for all programs authorized under title I. Section 116 of WIOA specifically addresses performance and accountability for the WIOA Adult, Dislocated Worker, Youth, and Wagner-Peyser programs.

*B. WIOA sec. 169 (29 U.S.C. § 3224)*

Directs the Secretary to provide for the continuing evaluation of programs and activities authorized under title I. WIOA sec. 169(a) specifies that the evaluations must address:

- General effectiveness of such programs and activities in relation to their cost, including the extent to which the programs and activities improve the employment competencies of participants in comparison to comparably-situated individuals who did not participate in such programs and activities and, to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs and activities;
- Effectiveness of the performance accountability measures relating to such programs and activities;
- Effectiveness of the structure and mechanisms for delivery of services through such programs and activities, including the coordination and integration of services;
- Impact of the programs and activities on the community, businesses, and participants involved;
- Impact of such programs and activities on related programs and activities;
- Extent to which such programs and activities meet the needs of various demographic groups; and
- Such other factors as may be appropriate.

The provisions of WIOA section 169(c):

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- Allow the Secretary of Labor to use not more than 10 percent of such amount made available pursuant to WIOA section 132(a)(2)(A) for any program year to carry out demonstration and pilot projects, multiservice projects, and multistate projects relating to the employment and training needs of dislocated workers.

*C. WIOA sec. 185 (29 U.S.C. § 3245)*

Broadly addresses reports, recordkeeping, and investigations across programs authorized under title I of the Act. The provisions of section 185:

- Require the Secretary to ensure that all elements of the information required for reports submitted by any State, local board, or recipient of funds under title I of WIOA be defined and reported uniformly (WIOA sec.185(d)(2));
- Direct that each State, each Local Board, and each recipient receiving funds under title I of WIOA (other than a sub-recipient, sub-grantee, or contractor of a recipient) shall prescribe and maintain comparable management information systems, in accordance with guidelines that shall be prescribed by the Secretary, designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, on statewide, local area, and other appropriate bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with sec.188 (WIOA sec. 185(c)(2));
- Require that recipients of funds under title I of WIOA shall maintain such records and submit such reports, in such form and containing such information, as the Secretary may require regarding the performance of programs and activities carried out under title I of WIOA (sec. 185(a)(2));
- Compel States to submit to the Secretary, on a quarterly basis, a summary of the quarterly financial reports submitted to the Governor by the local boards in that State, which the Secretary shall submit to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives under WIOA secs. 185(e)(1) and 185(e)(2);
- Specify that the reports under WIOA sec. 185(c) shall include information about programs and activities carried out under title I of WIOA pertaining to:
  - Relevant demographic characteristics (including race, ethnicity, sex, and age) and other related information regarding participants;
  - Programs and activities in which participants are enrolled, and the length of time that participants are engaged in such programs and activities;
  - Outcomes of the programs and activities for participants, including the occupations of participants and placement for participants in nontraditional employment;
  - Specified costs of the programs and activities; and
  - Information necessary to prepare reports to comply with section 188 (WIOA sec. 185(d)(1)(A)-(E)).

*D. WIOA sec. 189 (29 U.S.C. § 3249)*

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- Requires the Secretary to prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate an annual report regarding the programs and activities carried out under title I of WIOA. The report must include: A summary of the achievements, failures, and challenges of the programs and activities in meeting the objectives of WIOA title I;
- A summary of major findings from research, evaluations, pilot projects, and experiments conducted under WIOA title I in the fiscal year prior to the submission of the report;
- Recommendations for modifications in the programs and activities based on analysis of such findings; and
- Such other recommendations for legislative or administrative action as the Secretary determines to be appropriate. (WIOA sec. 189(d)(1)-(4))

### **Migrant and Seasonal Farmworker Programs (also referred to as the National Farmworker Jobs Program (NFJP))**

ETA's statutory and regulatory authority to administer the NFJP includes provisions allowing for the requirement of reporting from grantees. WIOA includes provisions that require each grantee to furnish to the Secretary such information and reports as are necessary or appropriate for carrying out the purposes of Section 167 of WIOA. Information is collected through the NFJP reporting and recordkeeping system under the following authority:

A. *WIOA secs. 167(c)(1) & 167(c)(2)(C) (29 U.S.C. 3222(c)(1) & (c)(2))*

**Program Plan** — To be eligible to receive a grant or enter into a contract under this section, an entity described in WIOA sec. 167(b) shall submit to the Secretary a plan that describes a 4-year strategy for meeting the needs of eligible migrant and seasonal farmworkers in the area to be served by such entity. (WIOA section 167(c)(1))

**Contents** — The contents of the plan is required to include certain elements that relate to performance reporting. Entities will be able to complete the plans using the information that DOL is proposing to collect under this ICR. WIOA sec. 167(c)(2)(C) requires that the plan:

describe the performance accountability measures to be used to assess the performance of such entity in carrying out the activities assisted under this section, which shall include the expected levels of performance for the primary indicators of performance described in section 116(b)(2)(A);

### **Indian and Native American Programs**

ETA's statutory and regulatory authority to administer the INA programs includes provisions allowing for the requirement of performance reporting from grantees. WIOA includes provisions that require each grantee to provide to the Secretary such information and reports as are necessary or appropriate for carrying out the purposes of sec. 166 of the Act.



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Information is collected through ETA’s INA programs’ reporting and recordkeeping system under the following authorities:

*A. WIOA sec.166(e) (29 U.S.C. 3221(e))*

Program Plan — In order to receive a grant or enter into a contract or cooperative agreement under this section, an entity described in sec. 166(c) shall submit to the Secretary a program plan that describes a 4-year strategy for meeting the needs of Indian, Alaska Native, or Native Hawaiian individuals, as appropriate, in the area to be served by such entity. In addition to the program elements included in the plan, the plan is required to include elements that relate to performance reporting. Entities will be able to complete the plans using the information that DOL is proposing to collect under this ICR. WIOA sec. 166(e)(5) requires that the plan —

Describe, after the entity submitting the plan consults with the Secretary, the performance measures to be used to assess the performance of entities in carrying out the activities assisted under this section which must include the primary indicators of performance described in section 116(b)(2)(A) and expected levels of performance for such indicators, in accordance with subsection h.

**Trade Adjustment Assistance Act Program**

This program is authorized by the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reauthorization Act (TAARA) of 2015, title IV of the Trade Preferences Act of 2015 (Pub. L. No. 114-27). It is intended that this ICR will replace the current ICR being used to collect TAA-related data elements. Information is collected through the TAA reporting and recordkeeping system under the following authority:

*A. TAARA sec. 239(j) (Agreements with States. [19 U.S.C. 2311(j)])*

Performance Measures

(1) IN GENERAL.— Any agreement entered into under TAARA sec.239(j) shall require the cooperating State or cooperating State agency to report to the Secretary on an annual basis comprehensive performance accountability measures, to consist of—

- (A) the primary indicators of performance described in paragraph (2)(A);
- (B) the additional indicators of performance described in paragraph (2)(B), if any; and
- (C) a description of efforts made to improve outcomes for workers under the trade adjustment assistance program that promote efficiency and effectiveness.

(2) Indicators of Performance

(A) Primary Indicators of Performance

(i) In General—The primary indicators of performance referred to in paragraph (1)(A) shall consist of—

(I) the percentage and number of workers who received benefits under the

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trade adjustment assistance program who are in unsubsidized employment during the second calendar quarter after exit from the program;

(II) the percentage and number of workers who received benefits under the trade adjustment assistance program and who are in unsubsidized employment during the fourth calendar quarter after exit from the program;

(III) the median earnings of workers described in sub clause (I);

(IV) the percentage and number of workers who received benefits under the trade adjustment assistance program who, subject to clause (ii), obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent, during participation in the program or within 1 year after exit from the program; and

(V) the percentage and number of workers who received benefits under the trade adjustment assistance program who, during a year while receiving such benefits, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable gains in skills toward such a credential or employment.

(ii) Indicator Relating to Credential—For purposes of clause (i)(IV), a worker who received benefits under the trade adjustment assistance program who obtained a secondary school diploma or its recognized equivalent shall be included in the percentage counted for purposes of that clause only if the worker, in addition to obtaining such a diploma or its recognized equivalent, has obtained or retained employment or is in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program.

(B) Additional Indicators—The Secretary and a cooperating State or cooperating State agency may agree upon additional indicators of performance for the trade adjustment assistance program under this chapter, as appropriate.

(3) Standards with Respect to Reliability Measures—In preparing the annual report required by paragraph (1), each cooperating State or cooperating State agency shall establish procedures that are consistent with guidelines to be issued by the Secretary to ensure that the measures reported are valid and reliable.

(4) Accessibility of State Performance Reports—The Secretary shall, on an annual basis, make available (including by electronic means), in an easily understandable format, the reports of cooperating States or cooperating State agencies required by paragraph (1) and the information contained in those reports.

*B. TAARA sec. 249B(b)(2-6) (Collection And Publication of Data and Reports; Information to Workers. [19 U.S.C. 2323(b)])*

(2) Data on Benefits Received—

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- (A) The number of workers receiving benefits under this chapter.
- (B) The number of workers receiving each type of benefit, including training, trade readjustment allowances (including such allowances classified by payments under paragraphs (1) and (3) of TAARA sec. 233(a), and sec. 233(f), respectively) and payments under sec. 246, employment and case management services, and relocation and job search allowances, and, to the extent feasible, credits for health insurance costs under sec. 35 of the Internal Revenue Code of 1986.
- (C) The average time during which such workers receive each such type of benefit.
- (D) The average number of weeks trade readjustment allowances were paid to workers.
- (E) The number of workers who report that they have received benefits under a prior certification issued under this chapter in any of the 10 fiscal years preceding the fiscal year for which the data is collected under this section.

**(3) Data on Training**

- (A) The number of workers who received training approved under TAARA sec. 236, classified by major types of training, including classroom training, training through distance learning, training leading to an associate's degree, remedial education, pre-requisite education, on-the-job training, and customized training.
- (B) The number of workers who exited training approved under sec. 236, including who received pre-layoff training or part-time training at any time during that training.
- (C) The average duration of training, and the average duration of training that does not include remedial or prerequisite education.
- (D) The number of training waivers granted under sec. 231(c), classified by type of waiver.
- (E) The number of workers who exited training and the average duration of such training.
- (F) The number of workers who do not exit training and the average duration of the training that was completed by such workers.
- (G) The average cost per worker of receiving training approved under sec. 236.
- (H) The percentage of workers who received training approved under sec. 236 and obtained unsubsidized employment in a field related to that training.

**(4) Data on Outcomes**

- (A) A summary of the annual reports required under TAARA sec. 239(j).
- (B) A summary of the data on workers in the annual reports required under sec. 239(j) classified by the age, pre-program educational level, and post-program credential attainment of the workers.

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- (C) The median earnings of workers described in sec. 239(j)(2)(A)(i)(III) during the second calendar quarter after exit from the program, expressed as a percentage of the median earnings of such workers before the calendar quarter in which such workers began receiving benefits under this chapter.
- (D) The sectors in which workers are employed after receiving benefits under this chapter.
- (5) Data on Rapid Response Activities—Whether rapid response activities were provided with respect to each petition filed under TAARA sec. 221.
- (6) Data on Spending
  - (A) The total amount of funds used to pay for trade readjustment allowances, in the aggregate and by each State.
  - (B) The total amount of the payments to the States to carry out TAARA sec. 235 through 238 used for training, in the aggregate and for each State.
  - (C) The total amount of payments to the States to carry out sec. 235 through 238 used for the costs of administration, in the aggregate and for each State.
  - (D) The total amount of payments to the States to carry out sec. 235 through 238 used for job search and relocation allowances, in the aggregate and for each State.

**Wagner-Peyser Employment Service**

Collection of performance information under the Wagner-Peyser Employment Service and Jobs for Veterans State grants program is statutorily required by the following:

*A. Wagner-Peyser Act sec.3(a), 29 U.S.C. 49b(a)*

“The Secretary shall assist in coordinating the State public employment service offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedures, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system and maintaining a system for clearing labor between the States.”

*B. Wagner-Peyser Act sec. 3(c), 29 U.S.C. 49b(c)*

“The Secretary shall –

- (2) assist in the development of continuous improvement models for such nationwide system that ensure private sector satisfaction with the system and meet the demands of job seekers relating to the system.”

*C. Wagner-Peyser Act sec. 7(b), 29 U.S.C. 49f(b)*

“Ten percent of the sums allotted to each State pursuant to section 49e of this title shall be

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reserved for use in accordance with this subsection by the Governor of each such State to provide –

(1) performance incentives for public employment service offices and programs, consistent with the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act, taking into account direct or indirect placements (including those resulting from self-directed job search or group job search activities assisted by such offices or programs), wages on entered employment, retention, and other appropriate factors.”

*D. Wagner-Peyser Act sec. 10(c), 29 U.S.C. 49i(c)*

“Each State receiving funds under this Act shall –

(1) make such reports concerning its operations and expenditures in such form and containing such information as shall be prescribed by the Secretary, and

(2) establish and maintain a management information system in accordance with guidelines established by the Secretary designed to facilitate the compilation and analysis of programmatic and financial data necessary for reporting, monitoring and evaluating purposes.”

*E. Wagner-Peyser Act sec. 13(a), 29 U.S.C. 49l(a)*

“The activities carried out pursuant to section 7 shall be subject to the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act.”

*F. Wagner-Peyser Act sec. 15(e)(2)(I), 29 U.S.C. 49l-2(e)(2)(I)*

“(e) State responsibilities. –

(2) Duties. – In order to receive Federal financial assistance under this section, the State agency shall—

(H) utilize the quarterly records described in section 116(i)(2) of the Workforce Innovation and Opportunity Act to assist the State and other States in measuring State progress on State performance measures.”

*G. The performance collection requirements for the Jobs for Veterans State grants program is at 38 USC 4102A(f):*

“(f) Establishment of performance standards and outcomes measures.--(1) The Assistant Secretary of Labor for Veterans' Employment and Training shall establish and implement a comprehensive performance accountability system to measure the performance of employment service delivery systems, including disabled veterans' outreach program specialists and local veterans' employment representatives providing employment, training, and placement services under [the Jobs for Veterans State grants program] in a State to provide accountability of that State to the Secretary for purposes of subsection (c).”

*H. Additionally, DOL needs to collect the performance information for the Jobs for Veterans State grants program to fulfill its requirements under 38 USC 4107(b):*

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“(b) The Secretary shall apply performance standards established under section 4102A(f) of [title 38] for determining compliance by the State public employment service agencies with the provisions of this chapter and chapter 42 of [title 38]. Not later than February 1 of each year, the Secretary shall report to the Committees on Veterans' Affairs of the Senate and the House of Representatives on the performance of States and organizations and entities carrying out employment, training, and placement services under this chapter, as measured under subsection (b)(7) of section 4102A of [title 38]. In the case of a State that the Secretary determines has not met the minimum standard of performance (established by the Secretary under subsection (f) of such section), the Secretary shall include an analysis of the extent and reasons for the State’s failure to meet that minimum standard, together with the State's plan for corrective action during the succeeding year.”

### **Senior Community Service Employment Program (SCSEP)**

*A. OAA sec. 513 (42 U.S.C. 3056k, as amended in 2016 by P.L. 114-144)*

Establishes the performance and accountability requirements for SCSEP. The purpose of sec. 513 is to establish performance accountability measures that apply with grantees, sub-grantees, and host agencies under this title, States, older individuals, area agencies on aging, and other organizations serving older individuals, core measures of performance for each grantee for projects and services carried out under this title. (sec. 513(a)).

Further, sec. 513 outlines the minimum requirements for the SCSEP performance reports that grantees must submit to the Department of Labor. The reports must include:

- Information specifying the levels of performance achieved with respect to the following primary core indicators of performance specified in sec. 513(b)(1) and the expected levels of performance applicable to each core indicator of performance:
  - (A) hours (in the aggregate) of community service employment;
  - (B) the percentage of project participants who are in unsubsidized employment during the second quarter after exit from the project;
  - (C) the percentage of project participants who are in unsubsidized employment during the fourth quarter after exit from the project;
  - (D) the median earnings of project participants who are in unsubsidized employment during the second quarter after exit from the project;
  - (E) indicators of effectiveness in serving employers, host agencies, and project participants; and
  - (F) the number of eligible individuals served, including the number of participating individuals described in subsection (a)(3)(B)(ii) or (b)(2) of section 518.

The 2016 amendments to the Older Americans Act (OAA 2016) required SCSEP to align its performance indicators with WIOA core measures. The Department issued updated regulations that align with the new statutory measures in an Interim Final Rule issued on December 1, 2017, and a Final Rule issued on June 30, 2018. This rule is codified at 20 CFR Part 641 Subpart G.

SCSEP will continue to modify its current ICR (under OMB Control Number 1205-0040) to

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collect non-performance data elements, those PIRL data elements incorporated into the new SCSEP case management system currently under development, and new data elements required for the case management system. This will ensure that all data elements required by the case management system are approved under a single OMB control number and can be modified as required without additional changes to OMB Control Number 1205-0521.

*B. OAA sec. 515 (42 U.S.C. 3056m, as amended by P.L. 114-144)*

Establishes the performance and reporting requirements for SCSEP. Section 515 requires the preparation of a report on the levels of participation and performance outcomes of minority individuals served by the SCSEP. The report must include:

- Information on the levels of participation and the outcomes achieved by such minority individuals with respect to each SCSEP grantee, by service area, and in the aggregate, beginning with data that applies to program year 2005;
- A description of each grantee's efforts to serve minority individuals, based on information submitted to the Department by each grantee at such time and in such manner as the Department determines to be appropriate.
- The report shall also include:
  - (A) an assessment of individual grantees based on the criteria established under sec. 515(c);
  - (B) an analysis of whether any changes in grantees have affected participation rates of such minority individuals;
  - (C) information on factors affecting participation rates among such minority individuals; and
  - (D) recommendations for increasing participation of minority individuals in the program.

*C. OAA sec. 503(f) (42 U.S.C. 3056a(f), as amended by P.L. 114-144)*

Broadly addresses reports, recordkeeping, and evaluation across programs authorized under title V of the OAA. Under the provisions of section 503(f):

- Grantees must prepare and submit a report in such manner and containing such information as the Secretary may require regarding activities carried out under Title V;
- Grantees must keep records that are:
  - (A) sufficient records to permit the preparation of reports required by Title V;
  - (B) sufficient to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully; and
  - (C) contain any other information that the Secretary determines to be appropriate.

*D. OAA sec. 503(g) (42 U.S.C. 3056a(g), as amended by P.L. 114-144)*

The Department must establish by rule and implement a process to evaluate, in accordance with section 513, the performance of projects carried out and services provided by SCSEP. The Department must report to Congress, and make available to the public, the results of each such evaluation and shall use such evaluation to improve services delivered by, or the operation of, projects carried out under this title.

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## **National Apprenticeship Act**

The National Apprenticeship Act directs the Secretary to:

- Formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices;
- To extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship;
- To bring together employers and labor for the formulation of programs of apprenticeship; and
- To cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship.”

## **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.**

States must submit the required data collected by the ICR to obtain or retain Federal funding. WIOA sec. 116(f)(1)(B), 29 USC § 3141(f)(1)(B). On a quarterly basis, States and grantees must submit the DOL PIRL, which generates the ETA (Program) Performance Report, and the Apprenticeship Outreach: Organization/Employer Record Layout, which reports on apprenticeship activity occurring in states, as part of their apprenticeship outreach activities.

These reports help the DOL identify States and grantees that need early intervention to provide assistance if they are not meeting their negotiated levels of performance and program goals. DOL interprets several provisions of WIOA as authorizing the collection of these reports. Specifically, WIOA sec. 116 requires DOL to measure States’ progress, WIOA sec. 169 requires DOL to evaluate the activities of its programs, and WIOA sec. 189 requires DOL to submit an annual report to Congress on WIOA title I programs. Additionally, WIOA sec. 185 requires States to maintain records sufficient to prepare performance reports. Considered as a whole, these statutory provisions authorize DOL to require States to submit these reports.

States and grantees will submit the PIRL through DOL’s Workforce Integrated Performance System (WIPS), and DOL will use that information to generate the (Program) Performance Report. Each program mentioned in this supporting statement generates a program specific report that mirrors the construct of the (Program) Performance Report.

DOL uses the data to track total participants, characteristics, services, training strategies and outcomes for employed, unemployed and long-term unemployed participants. This data collection format permits program offices to evaluate program effectiveness, monitor compliance with statutory requirements, and analyze participant activity and grantee performance while complying with OMB efforts to streamline Federal performance reporting.

Agencies within DOL use the data to safeguard the Federal interest in conducting oversight.



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The reports and other analyses of the data will be made available to the public through publication and other appropriate methods and to the appropriate congressional committees through copies of such reports. In addition, information obtained through the WIOA information and reporting system will be used at the national level during budget and allocation hearings for DOL compliance with the Government Performance and Results Act (GPRA) and other legislative requirements, and during legislative authorization proceedings.

**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.**

States and grantees will collect participant data through electronic means. State reports and/or individual record data are submitted electronically through portals established by DOL.

In order to comply with the Government Paperwork Elimination Act, DOL is streamlining the collection of participant data and the preparation of reports to the extent feasible by providing uniform data elements and data definitions to States and grantees. All data are submitted to DOL via an electronic reporting system that aligns with the above objective. States and grantees collect, retain, and report all information electronically through this system and are provided comprehensive guidance on where, when, and how to complete the data transfer to DOL in an efficient manner. Additionally, grantee performance reports are automatically generated by DOL upon data submission. In this manner, data accuracy can be ensured by utilizing one uniform method of report aggregation.

**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 A.2 above.**

ETA has worked to minimize the reporting burden of this collection greatly by limiting as much as possible and establishing the number of data elements required commensurate with the level of services expended and services received. Data items collected by program reports and individual records are needed to: (1) account for the detailed services provided by multiple agencies to help participants prepare for job placement; (2) better identify overlapping and unproductive duplication of services; and (3) support the ongoing evaluation efforts in determining the effectiveness of each program model.

This information collection is in addition to existing program-specific collections under approved OMB Control Numbers/Report titles described in more detail below. The existing collections will be either phased out or modified so that ongoing duplication is minimized. The program offices have collaborated to develop common definitions across programs in order to reduce further the chances of duplicative reporting.

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**The currently-approved program-specific data reporting that will continue, as applicable, in addition to the data reporting under this ICR as discussed herein, for the programs include:**

- Control Number 1205-0425, Reporting and Performance Standards System for Migrant and Seasonal Farmworker Programs Under Title I, Section 167 of the Workforce Investment Act
- Control Number 1205-0507, H-1B Technical Skills Training Grants and H-1B Jobs and Innovation Accelerator Challenge Grants
- Control Number 1205-0392, Trade Adjustment Assistance (TAA) Efforts to Improve Outcomes
- Control Number 1205-0513, Youthful Offender Grants Management Information System
- Control Number 1205-0455, Reintegration of Ex-Offenders, Adult Reporting System
- Control Number 1205-0422, Reporting and Performance Standards for WIA Indian and Native American Programs
- Control Number 1205-0464, YouthBuild Reporting System
- Control Number 1205-0040, Senior Community Service Employment Program

DOL anticipates that the above collections will be discontinued or modified, as appropriate, as the WIOA performance measures are fully implemented.

The DOL-only Performance Accountability, Information, and Reporting System, while sharing a record layout and many of the same required program reporting elements as the WIOA Common Performance Reporting information collection, represents a separate set of program-specific reporting templates, their corresponding burden estimates, and statutory provisions for collection of data. While the required data elements for the Common Performance Reporting collection are included in this ICR to provide a comprehensive view of DOL's reporting system, all associated burden is accounted for solely in that information collection request to eliminate duplication. Where there is overlapping burden, it is accounted for in only one ICR, in order to avoid a duplicate count.

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

This data collection does not have a significant impact on small entities. Grantees must secure, however, the necessary data from all sub-recipients, as applicable, to incorporate into grantee-required reporting formats.

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**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.**

Failure to collect the required performance data, and/or report it less frequently than annually, would violate WIOA. Such failure could impact a State's receipt of Federal funds under WIOA, and/or be a determining factor for a financial sanction on the State (WIOA sec. 116(f), 29 USC § 3141(f)). Moreover, such failure could impede DOL's efforts to ensure compliance with Federal performance requirements, thereby affecting its ability to safeguard the Federal interest. The reporting, oversight, and monitoring of the programs presenting this collection would be severely hampered because there is no other vehicle for streamlined quarterly assessment of performance and participant outcomes.

Both DOL and recipient States are mandated by various program-specific legislative acts, as well as the GPRA, to establish performance standards and make available reports concerning program operations and expenditures. The inability to utilize annual program performance data in order to develop strategies for continuous improvement could negatively affect workforce system performance, future Congressional appropriations, and individuals who benefit from services provided through these programs.

For the WIOA Adult, Youth, Dislocated Workers, and Wagner-Peyser Employment Service programs, collection of this data is necessary so that DOL can make determinations about the State's performance success or failure on the primary indicators of performance. Such assessments will determine whether a State may be subject to a financial sanction for State failure to meet State performance accountability measures pursuant to WIOA sec. 116(f):

- (A) Technical Assistance — If a State fails to meet the State adjusted levels of performance relating to indicators described in subsection (b)(2)(A) for a program for any program year, the Secretary of Labor and the Secretary of Education shall provide technical assistance, including assistance in the development of a performance improvement plan.
- (B) Reduction in Amount of Grant for programs regulated under WIOA — If such failure continues for a second consecutive year, or (except in the case of exceptional circumstances as determined by the Secretary of Labor or the Secretary of Education, as appropriate) a State fails to submit a report under subsection (d) for any program year, the percentage of each amount that would (in the absence of this paragraph) be reserved by the Governor under sec. 128(a) for the immediately succeeding program year shall be reduced by 5 percentage points until such date as the Secretary of Labor or the Secretary of Education, as appropriate, determines that the State meets such State adjusted levels of performance and has submitted such reports for the appropriate program years.

For the Senior Community Service Employment Program, the OAA-2016 requires the Department to evaluate, publish and make available for public review, information on the actual performance of each grantee with respect to the levels achieved for each of the core indicators of performance, compared to the expected levels of performance. The results of the Department's evaluation will be reported to Congress. Failure to collect the required

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performance data, and/or report it, would violate the OAA. Such failure would impact the Department's ability to accurately determine grantee's performance and accurately report performance outcome to the program's stakeholders as required by law.

For Apprenticeship grants, collection of this data is necessary so DOL can make determinations about performance on the WIOA primary indicators of performance as well as assess different program approaches to maximize current and future federal investments in apprenticeship. Further, if data are not collected in a reliable manner that is aligned with WIOA-funded programs and grants, DOL will not be able to assess the engagement of apprenticeship programs with the national workforce system. Nor will DOL be able to properly assess the growth in apprenticeship per the Task Force on Apprenticeship Expansion established under Executive Order #13801 (*Expanding Apprenticeships in America*, dated June 15, 2017). The Task Force recommendations included goals for expanding apprenticeship access, equity and career awareness relative to apprenticeship programs, in addition to performance reporting requirements to verify performance outcomes. The inclusion of Apprenticeship in the most recent material change ICR was approved in July 2020. The subsequent implementation of that program within the DOL-only reporting system will allow a granularity of data collection the analysis of which will allow Apprenticeship grants to address the above goals, as well as to be able to inform the development of future funding vehicles to more fully address the above outlined goals. That implementation is forecast at the time of this writing to be completed by the third quarter of Fiscal Year 2021.

### **7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**

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- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

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.**

Concurrent with this information collection submission, the Department issued a Notice of Proposed Rulemaking (NPRM) that provides a 60-day period for the public to comment on the proposed changes to the collection of information.

- 9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.**

There are no payments or gifts to respondents.

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

Information submitted by States is considered a matter of public record; therefore, no assurance of confidentiality will be provided to States. The DOL is, however, responsible for protecting the privacy of any participant and performance data and will maintain the data in accordance with all applicable Federal laws, with particular emphasis upon compliance with the provisions of the Privacy and Freedom of Information Acts, including issuing a Systems of Records Notice (SORN). In addition, steps will also be taken to ensure that sample members cannot indirectly be identified in ways that would not be covered the routine uses listed in the associated SORN. For example, should only a small subset of participants exist, the Agency would combine variables in order to publish summary measures that suppress what otherwise could be identifiable information.

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DOL works diligently to ensure the highest level of security whenever personally identifiable information is stored or transmitted. All contractors with access to individually identifying information are required to provide assurances that they will keep the data private to the extent permitted by law. The Office of the Chief Information Officer (OCIO) will continue to be an active participant in the development and approval of data security measures – especially as they apply to ETA’s web-based reporting system (WIPS). In particular, DOL will not accept a Social Security Number (SSN) as a form of unique identifier, unless specifically noted and required under the individual program. Other personally identifiable information such as participant name and address is not being collected in the PIRL by any program. The Apprenticeship Outreach: Organization/Employer Record Layout will collect employer or organizational names and contact information for apprenticeship program points of contact. This information will be submitted through the WIPS.

- 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.**

While sensitive questions are asked of participants, the confidentiality of participants is protected to the extent permitted by law, as discussed in section 10.

Collection of SSNs is covered under SORN: Privacy Act Systems - DOL/ETA-31 (<https://www.dol.gov/sol/privacy/dol-eta-31.htm>)

In addition, individual records, which contain wage record information, must be submitted using a unique personal identifier rather than a SSN, unless specifically noted and required under the individual program. It should be noted that for the following programs - NFJP; NDWG (only for grantees that are also entities described in WIOA section 166(c) of WIOA and other eligible entities designated by the Secretary); certain entities from Dislocated Worker Projects authorized under WIOA sec. 169 (c), YouthBuild; H-1B grant programs; SCSEP; REO grants; Apprenticeship grants; and Section 166: INAP - in lieu of a non-SSN unique identifier, grantees will collect and provide to ETA SSNs which will allow ETA to match wage records for grantees and lessen the burden on grantees to track post-program outcomes. The collection of SSNs will be used by ETA specifically for tracking exit-based employment measures as part of the WIOA primary performance indicators. While grantees are required to collect SSNs, participants cannot be denied services if they choose to not disclose an SSN. ETA will ensure that for SSNs and any other Personally Identifiable Information (PII) collected and transmitted to ETA, appropriate security will be built into the data collection system. Participant responses to these sensitive questions will allow DOL to evaluate the effectiveness of WIOA comprehensively; NFJP; National Dislocated Worker Grants; YouthBuild; H-1B grant programs; SCSEP; and Apprenticeship grant programs.

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**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

a. Program Performance Report (ETA-9173)

The annual national burden for the DOL-only Performance Accountability, Information, and Reporting System information collection is calculated across programs based on the number of participants, the time it takes each respondent to complete and submit their PIRL, and the costs incurred by each program to complete the data collection and report submission process. The programs that will collect standardized data elements using this common control number include DOL's WIOA Adult, Dislocated Worker, and Youth, Wagner Peysner, National Dislocated Worker Grants, Dislocated Worker Projects authorized under WIOA sec. 169 (c), H-1B Discretionary Grants, National Farmworker Jobs, Trade Adjustment Assistance, Rehabilitation of Ex-Offenders, YouthBuild, the Indian and Native American programs, Apprenticeship grants and SCSEP.

The burden considers the amount of information collected, reported, and uploaded into the PIRL by each of the above-mentioned programs. The burden amount varies by participant based on the intensity of services provided and the number of PIRL elements applicable to the participant. Web-based registrations, the use of wage records for measuring outcomes, and the use of the web-based system that will generate the (Program) Performance Report, as well as other general and program specific ad hoc reports, help to minimize the burden of data collection.

This burden also includes data formatting, reviewing and correcting errors identified by the States or grantees in the participant level data, uploading the PIRL files to the electronic reporting system, as well as certifying the required reports before their transmission to DOL.

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States must certify the accuracy of the reports before they are transmitted to and accepted by DOL.

Hourly rates used to calculate hourly cost for H-1B programs and Apprenticeship grants depend upon the type of organization administering the program. For their private, non-profit grantees, the hourly rate is the average hourly wage rate for Social and Human Service Assistants according to the Bureau of Labor Statistics (2017). (The wage rate of \$117.78 has been adjusted using a loaded wage factor of 1.57 to reflect total compensation, which includes non-wage factors such as health and retirement benefits. The loaded wage factor also represents the ratio of average total compensation to average wages for State and local government workers in 2017.) May 2017 national industry-specific occupational employment and wage estimates: NAICS 999200 – Local government, excluding schools and hospitals (OES designation).

The source of the above data is from: [http://www.bls.gov/oes/current/naics4\\_999200.htm](http://www.bls.gov/oes/current/naics4_999200.htm). It should be noted that this labor category could change depending on the type of Apprenticeship grant.

### **b. DOL PIRL (ETA-9172) and Participant Reporting**

As mentioned, the purpose of this ICR is to accommodate regulatory changes the Department is proposing in a NPRM RIN 1205-AC02, Wagner-Peyser Act Staffing, which will eventually be included in OMB Control Number 1205-0521. The revisions to ETA-9172 to remove full-time students from the definitions of migrant farmworker and seasonal farmworker would not increase burden. However, the revisions to require Wagner-Peyser Employment Service programs to record data element 413 for reportable individuals would have the following new costs which are explained below and represented in tables eight and nine below.

- (1) Computer programming;
- (2) Additional time for ES staff to help individuals register for services, and
- (3) Additional time for SMAs to check the accuracy of the MSFW coding.

SWAs would need to reprogram their ES registration systems to ask MSFW status (PIRL 413) questions earlier in the registration process. The Department assumes reprogramming would cost an average of \$4,000 per jurisdiction, so the total one-time cost for reprogramming is estimated at \$228,000 (= \$4,000 × 57 jurisdictions). For the additional annual burden on ES staff, the Department anticipates that it would take an ES staff member an average of 2 minutes per reportable individual to ask the additional MSFW questions and record the answers. To estimate this cost, the Department used the median hourly wage of \$26.85 for educational, guidance, and career counselors and advisors (SOC code 21-1012) employed by State governments using NAICS 999200 (OES Designation <https://www.bls.gov/oes/current/oes211012.htm>). The Department used a 61-percent benefits rate and a 17-percent overhead rate, so the fully loaded hourly wage is \$47.79 [= \$26.85 + (\$26.85 × 61%) + (\$26.85 × 17%)]. Assuming ES staff assist in registering half of the 10.2 million reportable individuals (based on the average for Program Years 2018, 2019, and 2020), the annual cost is estimated at \$8,129,913 (= 10,207,047 reportable individuals ×



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50% × 2 minutes × \$47.79 per hour). For the annual burden on SMAs, the Department anticipates that it would take an SMA 1 hour per quarter to check the accuracy of the MSFW coding. To estimate this cost, the Department used the median hourly wage of \$36.25 for social and community service managers (SOC code 11-9151) employed by State governments using NAICS 999200 (OES Designation <https://www.bls.gov/oes/current/oes119151.htm>). The Department used a 61-percent benefits rate and a 17-percent overhead rate, so the fully loaded hourly wage is \$64.53 [= \$36.25 + (\$36.25 × 61%) + (\$36.25 × 17%)]. Therefore, the annual cost is estimated at \$14,713 (= 57 SMAs × 4 hours per year × \$64.53 per hour).

WIOA requires states to track participation in WIOA-funded programs. This creates an information collection burden for both the participants and states. DOL estimates that it takes participants 15 minutes to provide their WIOA-related information to the program coordinators reflected in Table 5. Each program in the 52 states and 5 outlying areas has different requirements of the information it needs to collect for WIOA purposes and those are delineated below in Table 6. It should be noted that the participant burden recorded in this ICR is separate from the 15-minute burden associated with the PIRL in the Joint WIOA Performance ICR.

This table is constructed based on the expected annual participants (respondents) multiplied by 15 minutes per participant to disclose all of the necessary information required to program participation.

The states and territories are also required to submit the collected information to DOL. It is estimated that it takes them 4 hours to do so once a year for a total of 228 hours of burden (57 x 4 hours = 228 reporting hours). The cost associated with this burden is multiplied by \$59.60 for a total of \$13,589. The wage is derived by estimating the average hourly earnings (Adjusted using a loaded wage factor of 1.57 to reflect total compensation, which includes non-wage factors such as health and retirement benefits and represents the ratio of average total compensation for the State and local sectors.) for Database Administrators (15-1141) who fall under NAICS code 999300 - Local Government, excluding schools and hospitals (OES Designation [http://www.bls.gov/oes/current/naics4\\_999300.htm](http://www.bls.gov/oes/current/naics4_999300.htm)).

The total number of unique respondents (1032) in Table 4 is based on the *sum* of the following numbers:

- 52 States (as defined in WIOA sec. 3(56)) (each for WIOA Adult and Dislocated Worker, Youth, Wagner- Peyser, Jobs for Veteran State Grants, National Dislocated Worker Grants, National Farmworker Jobs, and Trade Adjustment Assistance programs)
- 5 outlying areas (as defined in WIOA sec. 3(45)) (each for WIOA Adult & Dislocated Worker, Youth, Wagner- Peyser, Jobs for Veteran State Grants and National Dislocated Worker Grants programs)
- 151 grantees (specific to H-1B)
- 40 grantees (specific to Reintegration of Ex-Offenders (Adult) program)
- 84 grantees (specific to Reintegration of Ex-Offenders (Youth) program)

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- 200 grantees (specific to YouthBuild)
- 81 Tribal Grantees and 41 Not-for Profit-Grantees (Specific to Indian and Native American programs)
- 75 grantees (specific to SCSEP (20 CFR Part 641))
- 135 grantees (specific to Apprenticeship)
- 28 grantees (specific to demo grants)

The above estimates for discretionary grant programs are based on historical and current grantee counts. The overall count of total grantees within a program is likely to slightly change over time.

It is important to note that the burden associated with demonstration grants is likely to fluctuate as demo grants are awarded on an ad hoc basis. The estimates included in this supporting statement are made based on the highest level of burden possible based on historical information, which indicates that the number of grantees for demonstration grants active at any given time varies between 0 and 28 grantees.

The annual burden hours were determined based on the estimated number of annual participant responses per program (the total estimated number of annual responses) and the average number fraction of an hour necessary to collect the required program specific data for each person's individual record (minutes per record). For example, by multiplying the H-1B Discretionary Grants program's total estimated number of annual responses (181,200) by their minutes per record (35) and dividing the product by the 60 minutes that make up an hour, an annual burden of 105,096 hours is calculated.

It is also important to note that for the DOL core programs under WIOA (Adult, Dislocated Worker, Youth, and Wagner-Peyser), there is also associated data collection and reporting burden under the WIOA Performance Management, Information, and Reporting System (1205-0526). The burden and number of respondents listed here is specific only to the data elements and reports associated with this ICR; there is no assumed overlap of burden.

The total number of burden hours is divided between reporting, recordkeeping, and third-party disclosure as follows:

Reporting:	228
Recordkeeping:	6,063,561
Third-party Disclosure:	<u>4,566,411</u>
<b>Total Hourly Burden:</b>	<b>10,630,200</b>
Total Unduplicated Respondents:	22,687,331
Total Responses:	46,167,562

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Table 1: WIOA Participant Individual Record Layout (PIRL) IC (ETA-9172)

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Third-party disclosure	17,580,618	1	17,580,618	.25	4,395,155	\$7.25	\$31,864,870
Third-party disclosure reportable individuals	5,103,524	1	5,103,524	.033333	170,116	\$47.79	\$8,129,844
Recordkeeping SMA Monitoring	57	1	57	4	228	\$64.53	\$14,713
<b>Unduplicated Totals</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>0</b>

Table 2: Program Performance Report (States) IC (ETA-9173)

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Recordkeeping	57	4	228	4	912	\$35.22	\$32,120.64
<b>Unduplicated Totals</b>	<b>57</b>	<b>4</b>	<b>228</b>	<b>4</b>	<b>912</b>		<b>\$32,120.64</b>

Table 3: Pay-for-Performance Report IC (ETA-9174)

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Recordkeeping	57	1	57	25	1,425	\$59.60	\$84,930.00

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<b>Unduplicated Totals</b>	57	1	57	25	1,425		\$84,930.00
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Table 4: States/Territories Reporting to the Federal Government IC

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Reporting	57	1	57	4	228	\$35.22	\$8,030.16
<b>Unduplicated Totals</b>	<b>57</b>	<b>1</b>	<b>57</b>	<b>4</b>	<b>228</b>		<b>\$8,030.16</b>

Table 5: Program Performance Report (Private Sector) IC (ETA- 9173)

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Recordkeeping	911	1	911	3	2,733	\$35.22	\$96,256.26
Third-party disclosure	911	1	911	1	911	\$7.25	\$6,604.75
<b>Unduplicated Totals</b>	<b>911</b>	<b>1</b>	<b>911</b>	<b>4</b>	<b>3,644</b>		<b>\$102,861.01</b>

Table 6: WIOA Participant Individual Record Layout (PIRL) (Private Sector) IC (ETA-9172)

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Recordkeeping	911	1,027.07	935,661	.45063	421,637	\$35.22	\$14,850,055.14
<b>Unduplicated Totals</b>	<b>911</b>	<b>1,027.07</b>	<b>935,661</b>	<b>.45063</b>	<b>421,637</b>		<b>\$14,850,055.14</b>

Table 7: WIOA Participant Individual Record Layout (PIRL) (States) (ETA- 9172)

Activity	No. of Respondents	No. of Responses	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
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		per Respondent					
Recordkeeping	1,139	19795	22,546,505	.25	5,636,626	\$35.22	\$198,521,976.65
<b>Unduplicated Totals</b>	<b>1,139</b>	<b>19795</b>	<b>22,546,505</b>	<b>.25</b>	<b>5,636,626</b>		<b>\$198,521,976.65</b>

Table 8: Summary Table

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
WIOA Participant Individual Record Layout (PIRL) IC (ETA-9172)	0	1	0	0	4,565,499	Varies	0
Program Performance Report (States) IC (ETA-9173)	57	4	228	4	912	\$35.22	\$32,120.64
Pay-for-Performance Report IC (ETA-9174)	57	1	57	25	1,425	\$59.60	\$84,930
States/Territories Reporting to the Federal Government IC	57	1	57	4	228	\$35.22	\$8,030.16
Program Performance Report (Private Sector) IC (ETA-9173)	911	1	911	4	3,644	\$35.22	\$102,861.01
WIOA Participant Individual Record Layout (PIRL) (Private Sector) IC (ETA-9172)	911	1,027.07	935,661	.45063	421,637	\$35.22	\$14,850,055.14
WIOA Participant Individual Record Layout (PIRL) (States) (ETA-9172)	1,139	19795	22,546,505	.25	5,636,626	\$35.22	\$198,521,976.53
<b>Unduplicated Total</b>	<b>0</b>	<b>Varies</b>	<b>0</b>	<b>Varies</b>	<b>0</b>	<b>Varies</b>	<b>035</b>

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden show in Items 12 and 14).**

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating,**

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**maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There will be an associated start-up cost for each respondent to implement WIOA. These costs include: enhancements to data collection systems to adhere to WIOA requirements, training staff on data collection rules. Additionally, State data reporting systems must be programmed to include all the necessary elements listed in the PIRL, as well as the capability to submit an individual record file in a specified format to ETA. These costs are listed below; it should be noted that the costs included here are one-time only. The estimated start-up cost is based on previous iterations of State grantees upgrading performance reporting systems. The one time start-up cost for the first year is \$15,000 and \$5,000 a year for maintenance for the remaining 2 years. Costs over 3 years is  $\$25,000 / 3 = \$8,333$ .

<b>Respondents</b>	<b>Start-up and Maintenance Costs</b>	<b>Total Cost</b>
1139	\$8,333	\$9,491,287

SWAs would need to reprogram their ES registration systems to ask MSFW status (PIRL 413) questions earlier in the registration process. The Department assumes reprogramming would cost an average of \$4,000 per jurisdiction, so the total one-time cost for reprogramming is estimated at \$228,000 ( $= \$4,000 \times 57$  jurisdictions).

<b>Respondents</b>	<b>Start-up and Maintenance Costs</b>	<b>Total Cost</b>
57	\$4,000	\$228,000

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<b>Total Costs</b>		
<b>Respondents</b>	<b>Start-up and Maintenance Costs</b>	<b>Total Cost</b>
1,196	\$12,333	\$9,719,287

- 14. Provide estimates of the annualized cost 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), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.**

There are no costs to the Federal Government.

- 15. Explain the reasons for any program changes or adjustments.**

As a part of this revision request, the Department has made changes to the *Participant Individual Record Layout (ETA-9172)*, which require Wagner-Peyser Employment Service programs to document PIRL data element 413 *Migrant and Seasonal Farmworker Designation as defined at 20 CFR 651.10* for reportable individuals and update the definitions used for data element 413 to agree with revised definitions in the NPRM. As a result, the total burden will increase by 170,573 hours and \$7,765,070.87. The remainder of content from OMB control number 1205-0521 is unchanged.

- 16. For collections of information whose results will be published, outline plans for tabulations 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.**

States and grantees will submit PIRL data on a quarterly basis to ETA within 45 days of the end of each quarter. Quarterly report data will be analyzed by ETA staff and used to evaluate performance outcomes and program effectiveness.

Each year, ETA issues an annual report summarizing program performance based on the Secretary's goals. Data contained in the WIOA ETA (Program) Performance Report may be included in these reports. It may also be used to prepare GPRA reports, management and budget reports, and other ad hoc reports. All reports are made available via the internet and accessible to the public.

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

The expiration date will be included on the forms associated with this ICR.

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**18. Explain each exception to the certification statement.**

There are no exceptions.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

The collection does not employ statistical methods.