

SUPPORTING STATEMENT

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

OMB Control Number: 1205-0538

The Department of Labor (Department), Employment and Training Administration (ETA) is submitting a revision 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 (attached). 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 ICR also includes routine administrative and logistical elements that have been identified by ETA as necessary for the grant review and approval process.

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 this proposed ICR. Complete plans that fully address the required elements and are submitted in a 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 the USDOL National Office.

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 requirements in 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 will maintain 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:

- **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**
- **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.

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 14, 2022 (87 FR 22234). No comments were received.

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

No payments and/or gifts 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.

- **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.**

Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response (Hours)	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
State Plan Development	53	1	53	40	2,120	\$53.34	\$113,080.80
Unduplicated Totals		////	53	////	2,120		\$113,080.80

*Source: The hourly rate is computed by dividing the FY 2022 national average PS/PB annual salary for state staff as provided for through the distribution of state UI administrative grants (<https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-25-21-change-1>) by the average number of hours worked in a year (1,711). For FY 2022, this calculation is: \$91,265 / 1,711= \$53.34.

During FY 2022, 49 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 response 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 \$113,080.80 based on an hourly rate of \$53.34.

- 13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown 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, 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 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.

There are no costs to the Federal Government.

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

ETA is proposing to make three adjustments to the State Plan Template, which are necessary to accurately capture information that reflects the status of states' RESEA programs and for ETA's wholistic review of planned RESEA activities.

1. Adjusting the document's format from PDF to word document is to assist states in presenting their RESEA narratives without any length limitations. Additionally, a word document format aides the state plan review process as it permits a reviewer to see a state's response in its entirety.
2. Removal of redundant questions to minimize the burden of the collection of information, while working to enhance the quality, utility, and clarity of the information to be collected.
3. Addition of an evaluation chart to better support states in meeting the fiscal year 2023 implementation of section 303(c)(2), SSA, which requires states to devote a specific percentage of their RESEA funding to evidence-based components with a high or moderate causal rating.

Although ETA removed redundant questions to minimize the burden of the collection of information, the new addition of an evaluation chart whose information request is comparable to that of the removed redundant questions. Thus, the burden of the collection of information to the states remains unchanged.

- A version of the form showing the tracked changes is included under "Documents for IC" in the submitted ICR.

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 certification statement.

There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.