

## **SUPPORTING STATEMENT FOR BLS CURRENT EMPLOYMENT STATISTICS PROGRAM**

### **OMB CONTROL NO. 1220-0011**

This ICR seeks OMB approval for a revision to the Bureau of Labor Statistics Current Employment Statistics program. The revision incorporates updated information for the number of reports collected and a re-calculation of the estimated respondent burden.

### **BACKGROUND**

The Bureau of Labor Statistics (BLS) Current Employment Statistics (CES) program provides current monthly statistics on employment, hours, and earnings, by industry and geography. The CES program produces detailed industry estimates of employment, hours, and earnings of workers on nonfarm payrolls. CES National Estimates produces estimates for the nation. CES State and Metro Area produces data for all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and about 450 metropolitan areas and divisions. CES National estimates are among the most visible and widely-used Principal Federal Economic Indicators (PFEIs). CES National data are also among the timeliest of the PFEIs, with their release each month by the BLS in the *Employment Situation*, typically on the first Friday of each month. CES state data are typically released the fifth week after the conclusion of the reference week and CES metropolitan area data are typically released the subsequent week. The statistics are fundamental inputs in economic decision processes at all levels of government, private enterprise, and organized labor.

The CES monthly estimates of employment, hours, and earnings are based on a sample of U.S. nonagricultural establishments. Information is derived from approximately 349,000 reports (from a sample of 122,000 businesses and government agencies with State Unemployment Insurance (UI) accounts representing approximately 666,000 individual worksites). Each month, firms report their employment, payroll, and hours on forms identified as the BLS-790. The sample is collected under a probability based design. Puerto Rico and the Virgin Islands collect an additional 8,800 reports for CES (BLS collects a portion of the Puerto Rico reports directly).

Respondents receive variations of the basic collection forms, depending on their industry. Letters and other materials sent to establishments are also included.

The CES program is a voluntary program under Federal statute. Reporting to the State agencies is voluntary in all but four States (California, New Mexico, Oregon, and South Carolina), Puerto Rico, and the Virgin Islands. To our knowledge, the States that do have mandatory reporting rarely exercise their authority. The collection form's confidentiality statement cites the Confidential Information Protection and Statistical Efficiency Act and mentions the State mandatory reporting authority.

Automated data collection methods are now used for most of the CES sample.

Collection Method	Number of Reports (approximate)	% (may not sum to 100 due to rounding)
Electronic Data Interchange (EDI)	124,000	50%
Computer Assisted Telephone Interviewing (CATI)	66,000	27%
Web	26,000	10%
Non-Standard (electronic files)	27,000	11%
Webpro	2,000	1%
Other	3,000	1%

## 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 BLS has been charged by Congress (29 USC 2) with the responsibility of collecting and publishing monthly information on employment, the average wage received, and the hours worked, by area and by industry. The data necessary to produce these estimates are voluntarily reported. The BLS receives approximately 295,000 reports each month from nonagricultural establishment worksites (including government) in the 50 States and the District of Columbia. An additional 8,800 reports are collected by Puerto Rico (BLS also collects data on behalf of Puerto Rico) and the Virgin Islands. Puerto Rico and the Virgin Islands reports are not included in the probability sample design. Spanish-language versions of the collection forms are included in this OMB package revision.

**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.**

The estimates produced from the data collected on the BLS-790 forms are fundamental inputs in economic decision processes at all levels of private enterprise, government, and organized labor. The estimates are vital to the calculation of the National Income Accounts, the Federal Reserve Board's Index of Industrial Production, and the Composite Index of Leading and Coincident Economic Indicators among others. The earnings data provide a proxy measure of the cost of labor at a level of industry detail not available from the BLS's Employment Cost Index program. The early availability of employment and hours data provides one of the primary indicators for the current status of the U.S. economy. CES data are available by industry at the national, state, and metropolitan area levels.

**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.**

The CES program relies extensively on information technology for data collection. Ninety percent of the sample is collected by Electronic Data Interchange (EDI), Web, and Computer Assisted Telephone Interviewing (CATI). EDI is used primarily for very large, multi-unit reporters, as this method allows firms to transmit microdata files containing all their reports to a central location, significantly reducing respondent burden. As of July 2023, 87 large firms, representing 124,000 reports, report via EDI.

Recently, CES has developed a new web application that better facilitates the collection of data from mid-size multi-unit reporters (typically those who report 5-50 reports). Larger multi-unit respondents (>50 reports) typically report via Electronic Data Interchange.

**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.**

The CES program is the only program that provides current monthly data on payroll employment, hours, and earnings, by industry and area. Preliminary national data are released within 3 weeks of the end of the survey week. There are no Federal surveys covering the scope of information that meet this timely reporting schedule, though there are other Federal surveys and collections that collect similar or the same information on a less timely basis for other purposes. Further, the cooperative Federal-State collection program eliminates duplication of requests made of the respondent at the Federal, State, and local levels.

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

The probability-based design calls for inclusion of all UI accounts with more than 1,000 employees with certainty. For other size classes, stratification of the sample by size decreases the probability of selection for smaller size firms. The BLS has also implemented sample rotation of non-certainty units to further reduce burden. Most non-certainty firms will report for 2 to 4 years, then will be rotated out of the sample for at least 3 years. See Supporting Statement B for more information on the sample rotation design.

It is also important to note that BLS collects the minimum information necessary in the CES program to develop the monthly measures required to meet its mission.

**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.**

The Congress (29 USC 2) mandated that the data be collected monthly for the purpose of deriving fundamental inputs into economic decision processes at all levels of government, private enterprise, and organized labor.

**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 request does not have any special circumstances that would cause information collection to be conducted in a manner:

- 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 a 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.

There are special circumstances that require respondents to report information to the agency more often than quarterly; and require respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it. Congress has mandated monthly collection (29 USC 2). Survey respondents are requested to provide payroll information for the pay period including the 12th of the month as soon as the data are available. This allows for timely publication of preliminary estimates within 3 weeks of the reference period. Research has shown that most sample units have the requisite data available in their regular payroll summaries at the time BLS is requesting this information.<sup>1</sup>

**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.**

Two comments were received as a result of the Federal Register notice published on February 6, 2024 (89 FR 8250).

The first comment, from the Bureau of Economic Analysis (BEA), strongly supported the continued collection of the CES data which serves as the main data source for key components of BEA's economic statistics, including the national income and product accounts, the input-output accounts, the gross domestic product by industry, and the regional accounts. The second comment was out of scope.

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<sup>1</sup> CES research from 2005 can be found at <https://www.bls.gov/osmr/research-papers/2005/pdf/st050210.pdf>. CES has not identified any widespread changes since that time that have impacted the ability of our respondents to assemble the requested data from existing reports.

**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.**

The CES program maintains regular contact with trade groups, academics, and other Federal agencies that use CES data as input to their products. BLS also works closely with each of the State Workforce Agencies, who are represented on the federal state CES Policy Council (CESPC). The CESPC provides feedback to BLS on opportunities to eliminate ineffective data products, focus quality efforts on core data products, identify data gaps at the state and local levels, and to explore new data products in a collaborative manner. The Data Users Advisory Council (DUAC) is an advisory group that provides the CES program with points of view of data users from various sectors of the U.S. economy on matters related to the analysis, dissemination, and use of CES data, its published reports, and on gaps between or the need for new CES data products. Cooperation in the CES survey is voluntary; so, the CES program must carefully consider a user's needs when designing surveys, collecting data, presenting indexes, and updating data monthly. This information is also used to reduce respondent burden as much as possible, since a reduced burden is proven to result in an increased response rate. The CES also utilizes the advice of the BLS Technical Advisory Committee (BLSTAC), which advises the Commissioner of Labor Statistics on statistical methodology and other technical matters related to the collection and analysis of BLS data.

**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.**

The CES program maintains regular contact with all our data providers (respondents), through monthly prompts, by email, phone, or regular mail. Respondents also submit questions, concerns, and suggestions to the CES program via email and phone. Respondents' views are taken into account and addressed, and if changes are deemed necessary, the CES program attempts to make them as soon as possible.

**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.**

The Confidential Information Protection and Statistical Efficiency Act (CIPSEA) safeguards the confidentiality of individually identifiable information acquired under a

pledge of confidentiality for exclusively statistical purposes by controlling access to, and uses made of, such information. CIPSEA includes fines and penalties for any knowing and willful disclosure of individually identifiable information by an officer, employee, or agent of the BLS.

Based on this law, the BLS provides respondents with the following confidentiality pledge:

The Bureau of Labor Statistics, its employees, agents, and partner statistical agencies, will use the information you provide for statistical purposes only and will hold the information in confidence to the full extent permitted by law. In accordance with the Confidential Information Protection and Statistical Efficiency Act (44 USC 3572) and other applicable Federal laws, your responses will not be disclosed in identifiable form without your informed consent. Per the Federal Cybersecurity Enhancement Act of 2015, Federal information systems are protected from malicious activities through cybersecurity screening of transmitted data.

BLS policy on the confidential nature of respondent identifiable information (RII) states that "RII acquired or maintained by the BLS for exclusively statistical purposes and under a pledge of confidentiality shall be treated in a manner that ensures the information will be used only for statistical purposes and will be accessible only to authorized individuals with a need-to-know."

Authorized persons are:

1. Sworn BLS employees.
2. State Employment Security Agency employees.
3. Contractors who have signed the appropriate confidentiality agreement with the Bureau.

**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.**

There are no sensitive questions asked on this survey.

**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. General, 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**

Industry	No. of Reports	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Natural Resources & Mining	718	12	8,616	0.167	1,439	\$33.31	\$47,933
Construction	7,742	12	92,904	0.167	15,515	\$33.31	\$516,805
Manufacturing	6,223	12	74,676	0.167	12,471	\$33.31	\$415,409
Services	80,425	12	965,100	0.167	161,172	\$33.31	\$5,368,639
Public Administration	29,241	12	350,892	0.100	35,089	\$33.31	\$1,168,815
Education	13,786	12	165,432	0.100	16,543	\$33.31	\$551,047
EDI Firms	124,349	12	1,044*	1.000	1,044	\$33.31	\$34,776
<b>All Industries</b>	<b>262,484</b>		<b>1,658,664</b>		<b>243,273</b>		<b>\$8,103,424</b>

Table Source: CMI Industry Report 1\_6A: Number Received by Industry for Jul 3rd Closing, 2023

\* For EDI firms, burden is calculated on per firm basis rather than report. The number of firms reporting is 87 (87 x 12 = 1,044). The reason for calculation EDI burden by firms is because we know most EDI firms have automated their reporting protocol to transmit their data to the BLS with no or minimal human intervention. Typically, an EDI firm spends 5-7 hours in developing programs to generate the CES data and this initial burden is added to the firm’s monthly data submission burden to come up with their annual total burden.

**Estimated Annualized Respondent Cost**

Annual Burden hours	243,273
Total Compensation, Office and Administrative Support occupations*	\$33.31
Estimated total cost to respondents	\$8,103,424
Number of establishments	262,484
Average annual cost per respondent	\$30.87

The estimated cost of the respondent burden is \$8,103,424. The BLS derives the cost by multiplying the total burden hours by the hourly wages, salaries, and benefits for Office and Administrative Support Occupations from the BLS National Compensation Survey, Employer Costs for Employee Compensation program, for the most recent data available (2023, 2nd quarter).

**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 shown in Items 12 and 14).**

There is no operational or maintenance cost burden to the respondent because the information collection seeks information that is part of customary and usual business practices and does not require purchase of equipment or services to meet the information collection request.

**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.**

State Contracts	\$8,000,000
All Other	\$58,000,000
<b>TOTAL</b>	<b>\$66,000,000</b>

The estimated cost to the federal government in FY 2023 for the CES program is \$66 million. This amount includes contract amounts with the cooperating State agencies to collect the data.

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

The burden currently requested is 243,273 hours. This request is a slight decrease from the previous (2020) burden request of 277,763 hours, mainly due to a smaller number of collected reports.

**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.**

The data are initially released in the “Employment Situation” news release (<http://www.bls.gov/news.release/empsit.toc.htm>) typically on the first Friday following the reference period. The release contains employment, hours, and earnings data by major industry division. For more details and techniques on methods for developing the data, see the BLS Handbook of Methods Chapter 2 (<https://www.bls.gov/opub/hom/pdf/ces-20110307.pdf>) and the CES technical notes (<https://www.bls.gov/web/empsit/cestn.htm>).

Detailed tabulation and presentation of national estimates of employment, hours, and earnings are found in the B tables of Employment and Earnings (<http://www.bls.gov/opub/ee/home.htm>), the BLS's monthly on-line publication.

The CES program will produce around 23,000 series at the national level and about 24,000 series at the State and area levels annually. Data are published monthly by the BLS in Employment and Earnings, press releases, and on the BLS web site. CES state data are typically released the fifth week after the conclusion of the reference week and CES metropolitan area data are typically released the subsequent week.

**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 BLS is requesting continuation of the approval to not display the expiration date on BLS-790 forms that are either printed or electronic forms that are designed to be used for the upcoming year. The BLS and States are continually soliciting new respondents for the CES and their ability to use the approved form would be constrained as the expiration date approaches.

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

There are no exceptions to item 19 of the “Certification for Paperwork Reduction Act Submissions”.