

SUPPORTING STATEMENT
Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act
OMB Control Number 1205-0522

A. Justification.

The Department of Labor (Department) seeks revision of this information collection request (ICR) to fulfill the requirements of Sections 102 and 103 of the Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128). This information collection request (ICR) is being submitted in association with the *Wagner-Peyser Act Staffing, Final Rule* (Final Rule) (88 FR 82658, November 24, 2023; RIN 1205-AC02). The revised regulations require States to use State merit staff to provide Wagner-Peyser Act Employment Service (ES) services, including services provided to migrant and seasonal farmworkers (MSFW) under 20 CFR parts 653 and 658, although Colorado, Massachusetts, and Michigan may continue to use alternative staffing models to the same extent the Department previously authorized prior to the 2020 *Wagner-Peyser Act Staffing Flexibility* Final Rule (85 FR 592, January 6, 2020; RIN 1205-AB87). The Department is requiring that SMA functions at § 653.108 be performed by State merit staff in all States, including Colorado, Massachusetts, and Michigan. The changes create a uniform standard of ES services provision for all States and align the use of State merit staff for ES services with the requirement that States administer the Unemployment Insurance (UI) programs with State merit staff. The Final Rule makes additional revisions to the ES regulations to strengthen the provision of services to migrant and seasonal farmworkers (MSFWs) and to enhance the protections afforded by the Monitor Advocate System and the Employment Service and Employment-Related Law Complaint System (Complaint System). This ICR is necessary to support regulatory changes the Department is making in the Final Rule.

- 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.**

This information collection, if approved, would reflect changes in the associated Rulemaking (88 FR 82658; RIN: 1205-AC02) that require States to provide Wagner-Peyser Act Employment Service (ES) services through the use of State merit staff, with the exception of Colorado, Massachusetts, and Michigan, as highlighted above. If approved, this collection would require States to describe in the Unified or Combined State Plan how the State will staff labor exchange services under the Wagner-Peyser Act using State merit staff. Related to this requirement, the Department proposes to reinstitute the SWA's requirement to provide assurances that it will use State merit staff to deliver ES services.

If approved, this information collection would also reflect several changes in the associated Rulemaking regarding outreach, significant MSFW one-stop center staffing, and the content of the Agricultural Outreach Plan (AOP) section of the State Plan. The Department proposes to update the AOP section to explain required outreach staffing levels and that WIOA title I sec. 167 grantees' activities involving MSFWs do not substitute for SWA outreach responsibilities.

These proposed changes relate to changes to the regulations at 20 CFR Parts 651, 652, 653, and 658.

The information collection implements Sections 102 and 103 of the Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128). WIOA requires that each State, at a minimum, submit a Unified State Plan as a condition of receiving funds for core programs subject to the Unified State Plan requirements. In the alternative, States may submit a Combined State Plan as a condition of receiving funds under certain named programs subject to the Combined State Plan provisions. See [29 U.S.C. §§ 3112 and 3113](#). The Unified or Combined State Plan requirements are designed to improve service integration and ensure that the publicly funded workforce system provides a range of employment, education, training, and related services and supports to help all jobseekers secure good jobs while providing businesses with the skilled workers they need to compete in the global economy. To that end, the Unified or Combined State Plan would describe how the State will develop and implement a unified, integrated service delivery system rather than discuss the State's approach to operating each program individually.

Section 102(a) of WIOA requires each State, at a minimum, to submit a Unified State Plan that fosters strategic alignment of the core programs, which include the Adult, Dislocated Worker, and Youth programs (title I); Adult Education and Family Literacy Act program (title II); the Wagner-Peyser program (title III); and the Vocational Rehabilitation program (title IV). In the alternative, Section 103 of WIOA permits a State to submit a Combined State Plan including the aforementioned core programs plus one or more of the optional Federal programs listed in Section 103(b). States choosing to submit a Combined State Plan, are required to incorporate all of the common planning elements required in the Unified State Plan, additional elements describing how the State will coordinate the optional programs with the core programs (WIOA Section 103(b)(3)), and elements required by the optional program(s) that are included in the Combined State Plan.

Once approved, a State's Combined State Plan meets the information collection requirements for the program-specific State plans for all optional programs that a State includes. If a Combined State Plan is approved, the State is not required to submit any other State plan to receive federal funding for any optional program covered under that Combined State Plan (WIOA Section 103(b)(2)). If a State plan for an optional program changes from the one approved under the Combined State Plan, the State may have to submit additional plans to the

appropriate Department—such additional plans will be counted under the optional programs’ existing information collection requirements.

Note that some of the optional programs that a State may include in the Combined State Plan currently fulfill their program-specific State planning requirements through a broader information collection administered by the program’s appropriate Department. For example, Section 103(b)(2) of WIOA specifically allows the employment and training activities carried out under the Community Services Block Grant (CSBG) Act administered by the Department of Health and Human Services (HHS) and employment and training activities under the Department of Housing and Urban Development (HUD) to be included in a WIOA Combined State Plan. However, for example, the existing CSBG information collection includes planning elements for the employment and training activities along with planning elements for other activities under CSBG. Therefore, if States choose to include programs such as these in the Combined State Plan, only the portion of the existing planning requirements that address the employment and training activities are included in the Combined State Plan (WIOA Section 103), and, States are still required to separately submit all other required elements of a complete CSBG State Plan directly to the Federal agency that administers the program.

As mentioned above, this instrument is intended to cover the state planning information collection requirements in Sections 102 and 103 of WIOA. The Department requested, and OMB granted, a non-substantive change to the instrument for the 2020 planning cycle. The regulations that correspond to these information collection requirements are: 20 CFR Part 676 (WIOA Adult, Dislocated Worker, and Youth programs and Wagner-Peyser Act programs); 34 CFR Part 361, Subpart D (State Vocational Rehabilitation Services Program); and 34 CFR Part 463, Subpart H (Adult Education and Family Literacy Act programs).

Section 102(c)(1)(A) of WIOA states that States needed to submit their first Unified Plan to the Secretary of Labor not later than 120 days prior to the commencement of the second full program year after the date of enactment of WIOA, which was July 22, 2014. New plans are required every four years, with a modification update every two years. In 2020, the Department approved new four-year State Plans, and in 2022 states will be required to submit modifications to those plans.

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.

In order for a State to receive funding for the core programs, the State must submit a Unified or Combined State Plan every four years and a State plan modification at least every two years. A State must submit its Unified State Plan to the Secretary of Labor, who, in turn, shares the Unified State Plan with the Secretary of Education (WIOA sec. 102(c)(1)). Unified State

Plans are subject to the approval of both the Secretary of Labor and the Secretary of Education, after approval by the Commissioner of the Rehabilitation Services Administration of the Vocational Rehabilitation services portion of the plan (WIOA Section 102(c)(2)). In approving the Unified State Plan, the Secretaries of Labor and Education must determine whether the plan is consistent with Unified State Plan requirements, as well as relevant requirements for each of the core programs (WIOA Section 102(c)(2)(B)).

When a State's Combined State Plan is approved, it will be considered as having met the information collection requirements for the program-specific State plans for all optional programs that a State includes. The State is not required to submit any other State plan to receive federal funding for any optional program that it included in the Combined State Plan (WIOA Section 103(b)(2)). If a State plan for an optional program changes from the one approved under the Combined State Plan, the state may have to submit additional plans to the appropriate Department—such additional plans will be counted under the optional programs' existing information collection requirements. As stated above, some of the optional programs that a State may include in the Combined State Plan fulfill their program-specific planning requirements through a broader information collection administered by the program's appropriate Department. One example is the CSBG program administered by HHS, where WIOA Section 103(b)(2) allows States to include the planning elements for employment and training activities carried out under the CSBG program Act in the Combined State Plan but does not include the planning requirements for the other activities of the CSBG program. If States choose to include programs such as these in the Combined State Plan, only the portion of the existing planning requirements that address the employment and training activities are included in the Combined State Plan (WIOA Section 103), and, States are still required to separately follow any other program specific State plan requirements.

Portions of the Combined State Plan covering a program or activity, excluding those related to the core programs, are subject to approval by the head of the Federal agency that administers such program (WIOA Section 103(d)(2)). The portions of the Combined State Plan related to the core programs are subject to the same approval requirements applicable to the Unified State Plan.

- 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.**

For the 2020 submissions and beyond, the Departments jointly fund the development of an online submission system that uses current technology and offers expanded capabilities than the former system. The system features a web-based portal that allows users to enter data and text in response to the Unified or Combined State Plan elements, is 508 compliant, and allows

for public posting of approved plans. Grantees access this portal at wioaplans.ed.gov, which is maintained on servers hosted by the Office of Career, Technical, and Adult Education. The system is password protected, and multiple users within a State may access the system. The system benefits respondents by providing a single platform for submission of the State Plan rather than requiring the separate submission to multiple Federal agencies.

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.

Currently, States submit program-specific State plans. The approved consolidated information collection, known as the “Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act,” is the only data collection instrument for States to submit either a Unified or Combined State Plan under WIOA for the core programs. This consolidated information collection replaced program-specific State plan collections for each of the core programs. Providing a Combined State Plan response counts as a response for any existing program-specific State Plan information collection requirements for any optional program or program activities that a State includes in its Combined State Plan. Unified and Combined State Plans help to improve program effectiveness by promoting an overall collaborative approach between the various State and Federal agencies that provide the services under the core and combined plan partner programs, and potentially will lead to increased efficiencies as service duplication will be minimized.

The Department of Labor owns this collection and shares the data with its sister agencies as described here:

A Memorandum of Understanding (MOU) is in place between and among the U.S. Department of Labor, Employment and Training Administration (ETA), the U.S Department of Education, Office of Career, Technical and Adult Education (OCTAE), and the U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS). The MOU establishes a process and understanding among the agencies regarding implementation of the joint provisions of title I of the Workforce Innovation and Opportunity Act (WIOA). The MOU has been in place for several years and was most recently renewed in July 2021.

Among other areas, the MOU establishes the joint responsibilities of the agencies related to the administration of WIOA Unified and Combined State Plans. These joint responsibilities include:

- Funding the development and maintenance of the State Plan Portal, an online system for submission of WIOA State Plans.
- Staffing for Federal review of State Plans.
- Development of processes for review and approval of State Plans.
- Issuance of policy guidance transmitting instructions to state grantees required to submit WIOA State Plans.

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

The proposed information collection affects only States, not small businesses or entities.

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.

Sections 102 and 103 of WIOA require that the State submit a Unified or Combined State Plan every four years and a plan modification at least every two years. A State will not receive funding for core programs if it fails to submit an acceptable Unified or Combined State Plan (WIOA Section 102(a)). If this information collection is not approved, the Departments of Labor and Education will not be fulfilling WIOA's statutory requirement to gather the required information or to subsequently provide funding to states authorized by WIOA, and therefore, the statute will fail to be implemented as intended.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner that requires further explanation pursuant to regulations 5 CFR 1320.5.

There are no special circumstances that require the collection of information to be conducted in a manner inconsistent with 5 CFR 1320.5.

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 record keeping, 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 Final Rule (88 FR 82658; RIN 1205-AC02) that provides a 30-day period for the public to comment on the proposed changes to the collection of information. The Department previously published a 60-day notice in the Federal Register on April 20, 2022 (87 FR 23700). The Department received comments that sought clarification regarding the meaning of adequate outreach to MSFWs, which the Department addressed in the Final Rule. The AOP instructions in this submission reflect one change from the NPRM related to outreach staffing levels that the Department is making in § 653.107(a)(4) and (d)(2) in the Final Rule, based on those comments.

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

There are no payments or gifts provided 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 assurances of confidentiality; respondents are State agencies, and State plans are public documents.

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 information of a sensitive nature is requested in the proposed information collection.

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

Respondents and Annual Responses

There are 57 States and outlying areas, including the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and, for certain programs, the Republic of Palau. These jurisdictions will submit a plan the first year that plans are required and every four years after that, and all 57 states and outlying areas are required to submit an update in the third year of the planning cycle. No other submissions are required unless it is a program-specific requirement for an optional

program included in a State’s Combined State Plan. This means that the Department estimates that it will receive 38 State Plans annually over three years. $[(57 + 57)/3 = 38]$ Accordingly, the Department assumes 38 respondents will annually.

Burden Hours and Monetized Time Value

The Department estimates the annual time burden to be 8,135.8 hours. The Department estimates that it will receive 38 State Plans annually over three years $[(57 + 57)/3 = 38]$. The Department estimates each response will take 86 hours for the common elements portion of the Unified State Plan response (38 responses x 86 hours = 3,268 hours). The Department estimates for core program-specific elements the following burden:

- Title I Adult, Dislocated Worker and Youth and W-P programs will take 1,520 hours (38 responses x 40 hours= 1,520 hours);
- AEFLA program will take 1,710 hours (38 responses x 45 hours = 1,710);
- Vocational Rehabilitation programs will take 1,628 hours (38 responses x 42.85 hours = 1,628 rounded).

Furthermore, for purposes of this analysis, the Department estimates 10 respondents will submit a Combined State Plan and that each response will take one additional hour to complete. (10 responses x 1 hours = 10 hours. 10 hours/38 total responses = 0.25, rounded to the quarter hour). This results in an average total burden of hours per response (86 hours + 40 hours + 45 hours + 42.85 hours + 0.25 hours = 214 hours (rounded)). The total annual time burden would be 8,132 hours. (214 x 38 responses = 8,132 hours.).

To compute the hourly rate, the Department used the mean hourly wage of \$33.41 for management analysts (SOC code 13-1111) employed by State governments (NAICS 999200). The Department used a 61-percent benefits rate and a 17-percent overhead rate, so the fully loaded hourly wage is \$59.47 [= \$33.41 + (\$33.41 × 61%) + (\$33.41 × 17%)].

Burden Summary Table for All Agencies (See final paragraph of this section for information on how burden is to be apportioned among the participating agencies.)

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden Hours	Hourly Rate*	Monetized Value of Respondent Time
WIOA State Plan Preparation/ Submission for Common Elements	57	Every 2 years	38	86 hours	3,268	\$59.47	\$194,348

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WIOA State Plan Preparation/ Submission for Title I (Adult, Dislocated Worker, Youth) and W-P program specific elements	57	Every 2 years	38	40 hours	1,520	\$59.47	\$90,394
WIOA State Plan Preparation/ Submission for AEFLA program-specific elements	57	Every 2 years	38	45 hours	1,710	\$59.47	\$101,694
WIOA State Plan Preparation/ Submission for Vocational Rehabilitation Services Program-specific elements	57	Every 2 years	38	42.85 hours	1,628	\$59.47	\$96,817
Total			38	213.85	8,126		\$483,253
Combined state Plan element	10		38	.25	10	59.47	\$595
Unduplicated total	57		38	214.1	8,136		\$483,848

The burden required for fulfilling the program-specific State Plan requirements (for the non-core, optional programs that may be included in the Combined State Plan) will continue to be separately accounted for under the non-core, optional programs' existing, approved Information

Collections (see table below), where planning requirements exist for those programs. Those existing Information Collections are described in the table below for reference only, and the same burden exists for those programs regardless of inclusion in a Combined State Plan. In order to avoid double counting burden those figures are not included.

Summary of Annual Burden

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response (hours)	Total Annual Burden Hours	Hourly Rate*	Monetized Value of Respondent Time
WIOA State Plan	38	1	38	214.1	8,136	Varies	\$483,848
Unduplicated Total	38	1	38	214.1	8,136	Varies	\$483,848

Freestanding Associated Information Collections

Optional Program Control Number	Approved Burden Hours
Control Number 1830-0029, Carl D. Perkins Career and Technical Education Act of 2006 (P.L. 109-270) State Plan Guide	3,654 hours
Control Number 0970-0145, Temporary Assistance for Needy Families (TANF) State Plan Guidance	594 hours
Control Number 0584-0083, Supplemental Nutrition Assistance Program (SNAP) Operating Guidelines, Forms, and Waivers, Program and Budget Summary Statement	1,119 hours ¹
Control Number 1293-0009, Grant Application Requirements for the Jobs for Veterans State Grants Program	1,401 hours
Control Number 1205-0132, Unemployment Insurance State Quality Service Plan Planning and Reporting Guidelines	3,304 hours
Control Number 1205-0040, Senior Community Service Employment Program Four-Year State Plan	2,688 hours

¹ This number represents estimated average burden for the portion of the SNAP plan that covers programs authorized under Sections 6(d)(4) and 6(o) of the Food and Nutrition Act of 2008 only.

Control Number 0970-0382, Community Services Block Grant (CSBG) Model Plan Applications	112 hours ²
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We have monetized the burden hours as follows: 8,132 hours x \$59.47³ = \$483,610.

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

While States receive funds via grants that may be used for administration (in part to cover salaries) to ensure this information collection imposes no unfunded mandates, no other costs are associated with this information collection. Program funds provided by the Federal government that may be used in part for administration may be used by States for any information technology systems needed to comply with this collection.

14. Provide estimates of 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), and any other expense that would not have been incurred without this collection of information.

To build the Web portal, the Departments contracted with a private sector firm specializing in development of web-based data systems. The contracted cost to maintain the Web portal is approximately \$220,000 annually. In addition, server-hosting fees are \$65,000 annually. The average annual cost for web portal maintenance and hosting during the next three years is \$455,547 $(\$220,000 \times 3) + (65,000 \times 3) / 3 \text{ years} = \$285,000$.

Total Federal annualized costs are estimated to be \$285,000.

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

² This number represents estimated average burden for the portion of the CSBG plan that covers employment and training activities only.

³ The hourly rate is computed by dividing the FY 2017 national average PS/PB annual salary for state staff as provided for through the distribution of state UI administrative grants (https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-16-Attachment1_Acc.pdf) by the number of hours worked in a year (1,711). $\$81,777 \text{ annual rate} / 1,711 \text{ hours} = \47.79 . $(180+30=210 + 2= 212 \times \$47.79=\$10,131.48)$

This information collection request (ICR) is being submitted in association with the *Wagner-Peyser Act Staffing, Final Rule* (88 FR 82658; RIN 1205-AC02). The revised regulations require States to use State merit staff to provide Wagner-Peyser Act ES services, including services provided to MSFWs under 20 CFR parts 653 and 658, although Colorado, Massachusetts, and Michigan may continue to use alternative staffing models to the same extent the Department previously authorized prior to the 2020 Wagner-Peyser Act Staffing Flexibility Final Rule (85 FR 592, January 6, 2020; RIN 1205-AB87). The Department is requiring that SMA functions at § 653.108 be performed by State merit staff in all States, including Colorado, Massachusetts, and Michigan. The Final Rule makes additional revisions to the ES regulations to strengthen the provision of services to MSFWs and to enhance the protections afforded by the Monitor Advocate System and the Complaint System. This ICR is necessary to support regulatory changes the Department is making in the Final Rule.

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.

Under 1205-0522, State Plans are required to be submitted to DOL by April 1, 2022 for the required two-year modification, and April 1, 2024, for the new four-year State Plan. The Departments of Education and Labor must complete analysis, review, and response on acceptability of State Plans within 90 days of receipt. For any Combined State Plan programs administered by HHS, USDA, or HUD that a State may include in its submission, response for that portion must be completed within 120 days of receipt. Once State Plans are approved, they are published electronically on the online submission platform. Such plans are made available on the Web portal publicly. States may choose to separately publish approved State Plans in their preferred format.

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.

ETA displays the OMB control number and the expiration date.

18. Explain each exception to the certification statement identified in the "Certification for Paperwork Reduction Act Submission."

No exceptions are requested.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.