

**SUPPORTING STATEMENT**  
**DOL-only Performance Accountability, Information, and Reporting System**  
**OMB CONTROL No. 1205-0521**

**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 data collection proposed under OMB 1205-0521 creates the collection instruments necessary to meet the performance reporting requirements of section 116(d) of the Workforce Innovation and Opportunity Act (WIOA). 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 quarterly performance reporting. The Department of Labor has sponsored as the WIOA Common Performance Reporting Information Collection Request (ICR) under the common forms module for Office of Management and Budget approval of an information collection to be used by the DOL and Department of Education (ICR Reference Number 201604-1205-002) to fulfill the reporting requirements listed in WIOA sec. 116 for entities that administer WIOA core programs.

In order to collect the participant level data that will be aggregated and displayed in the **(Program) Performance Report (ETA-9173)** and the **Pay-for-Performance Report (ETA-9174)** quarterly reports, States will use a standardized individual record file for program participants, called the **DOL Participant Individual Record Layout (PIRL)**. 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 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 to ETA and then displayed according to the frameworks within the **(Program) Performance Report**, while the **Pay-for-Performance Report** narrative will be submitted annually by states. Each program mentioned in this supporting statement will generate a program specific report that mirrors the construct of the (Program) Performance Report. The Job Openings Report, which collects data (under the Wagner Peyser Act) on the number of jobs posted through the public labor exchange of the States' One-Stop delivery system, is also included in this collection request. While States are required to collect data on this report, the associated burden for collection and reporting is accounted for under OMB Control No. 1205-0240, the Wagner Peyser Labor Exchange Reporting System (LERS). As such, there is no burden for collection of the Job Opening

Report incorporated into the estimates within this ICR. The Department requires States to certify and submit the (Program) Performance Report to ETA on a quarterly basis; the Pay-for-Performance report(s) and Job Openings report will also be collected quarterly when applicable.

This ICR is the product of a joint effort among the following DOL programs: WIOA Adult, WIOA Dislocated Worker, WIOA Youth, National Dislocated Worker Grants, Wagner Peyser Employment Service, National Farmworker Jobs Program, Job Corps, YouthBuild, Indian and Native American Program, as well as non-WIOA covered programs such as Trade Adjustment Assistance (TAA), Reentry Employment Opportunities (REO), H-1B discretionary grants, and the Jobs for Veterans' State Grants Programs. While H-1B grants, TAA, and the REO programs are not authorized under WIOA, these programs will be utilizing the data element definitions and reporting templates proposed in this ICR. It should also be noted that for Job Corps, the required data elements are noted within the PIRL. However, the burden associated with that data collection currently resides in OMB 1205-0426 as part of the follow-up survey process.

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 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.

This new ICR is eventually expected to take the place of several currently existing information collections approved by OMB, including: 1205-0420 Workforce Investment Act (WIA) Management Information and Reporting System, 1205-0240 Wagner Peyser Labor Exchange Reporting System (LERS), 1205-0464 YouthBuild Reporting System, 1205-0422 Reporting and Performance Standards for WIA Indian and Native American Programs, 1205-0425 Reporting and Performance Standards System for Migrant and Seasonal Farmworker Programs under title I, Section 167 of the Workforce Investment Act, and the 1205-0392 Trade Act Participant Report. These collections will be discontinued once the last performance reporting requirements are satisfied for each program.

Section 116(d)(1) of WIOA mandates that the Secretaries of Labor and Education develop a template for performance reports to be used by States, local boards, and eligible providers of

training services for reporting on outcomes achieved by participants in the WIOA core programs. Required annual data for the core programs include those related to primary performance indicators, participant counts and costs, and barriers to employment as described further in this section.

Section 506(b)(1) of WIOA states that sec. 116 will go into effect at the start of the second full program year after the date WIOA was enacted. WIOA was enacted on July 22, 2014. Therefore, the WIOA performance accountability system will be effective on July 1, 2016. Approval of this information collection is required so that the States, grantees, and other entities can begin programming their management information systems (MIS), enabling them to collect the necessary data to implement the data collection and reporting requirements of sec. 116 in accordance with WIOA.

ETA has reviewed and analyzed comments received on the WIOA Notice of Proposed Rule Making (NPRM)<sup>1</sup> that were relevant to this ICR, together with the comments received on this ICR, thereby ensuring consistency between the ICR and the Final Rule requirements. The DOL (Program) Performance Report and the WIOA Pay-for-Performance Report have been designed to maximize the value of the reports for workers, jobseekers, employers, local elected officials, State officials, Federal policymakers, and other key stakeholders. At the same time, they have also been designed to reflect the specific requirements of reports as described in section 116(d)(2), (3), and (4) of WIOA.

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 proposed Workforce 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 and 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 the Department of Labor. 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

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<sup>1</sup> The Departments of Education and Labor issued a joint NPRM on April 16, 2015. See 80 Fed.Reg. 20,574 (April 16, 2015). The Department of Labor issued an NPRM on April 16, 2015. See 80 Fed. Reg. 20,690 (April 16, 2015).

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>2</sup>
  - the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;<sup>3</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;

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<sup>22</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)).

<sup>3</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)).

- 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;
  - 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 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 the WIOA Common Performance Management, Information, and Reporting ICR);
  - 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);
- 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, and Youth 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.

*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)*

- 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.

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**

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). No other data collection instrument is currently in place to track performance outcomes for the TAA program. 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 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—

- (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.
  - (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**

The Labor Exchange Reporting System (LERS), authorized under OMB Control Number 1205-0240, is the only current mechanism for collecting performance information on the Wagner-Peyser Act Employment Service and Jobs for Veterans' State grants' activities. As such, this set of reports is necessary for tracking and reporting, to stakeholders, information on the usage, services provided, and performance of these programs. More specifically, these reports are used to monitor the core purpose of the program – mainly, tracking how many people found jobs; did people stay employed; and what were their earnings. It is expected that OMB Control Number 1205-0240 will be utilized for all Program Year 2015 reporting; this ICR will be discontinued after all required reporting is completed. Due to lag times in performance outcomes, this will likely be after the close of Program Year 2017.

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 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):*

“(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.”

**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 proposed ICR to obtain or retain Federal funding. WIOA sec. 116(f)(1)(B), 29 USC § 3141(f)(1)(B). On a quarterly basis, States must submit the DOL Participant Integrated Record Layout (PIRL), which generates the ETA (Program) Performance Report, while the WIOA Pay-for-Performance Report is a narrative report submitted annually by states.

These reports help the DOL identify States that need early intervention to provide assistance if they are not meeting their negotiated levels of performance. 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.

DOL will receive data from the States or grantees through the PIRL and use that information to generate 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 will use 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.

Under WIOA sec. 116(d)(6), the Secretary of Labor is required to annually make available (including by electronic means), in an easily understandable format, (a) the WIOA Statewide Annual Performance Reports containing the information described in WIOA sec. 116 (d)(2) and (b) a summary of the reports, and the reports, required under WIOA sec. 116 (d)(6) (the State Performance, Local Area, and Eligible Training Provider Reports), 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.

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

Data collected in the (Program) Performance Report and the WIOA Pay-for-Performance Report will be made accessible to the public through an annual report published on [www.doleta.gov/performance](http://www.doleta.gov/performance).

- 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 will be 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 will be submitted to DOL via an electronic reporting system (currently in development) that will align with the above objective. States and grantees will collect, retain, and report all information electronically through this system and will be provided comprehensive guidance on where, when, and how to complete the data transfer to DOL in an efficient manner. Additionally, grantee performance reports will be automatically generated by DOL upon data submission. In this manner, data accuracy can be ensured by utilizing one uniform method of report aggregation.

This ICR (OMB 1205-0521), while sharing a record layout and many of the same required program reporting elements, 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 OMB 1205-0NEW are included in this ICR to provide a comprehensive view of ETA's performance reporting system, all associated burden is accounted for solely in that information collection request to eliminate duplication.

**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.**

ETA has worked to greatly minimize the reporting burden of this collection 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 proposed information collection will be 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 further reduce the chances of duplicative reporting.

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 1205-0420, Workforce Investment Act Management Information and Reporting System;
- Control Number 1205-0240, Labor Exchange Reporting System;
- 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 Act Participant Report (TAPR)
- 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

The Department anticipates that the above collections will be discontinued or modified, as appropriate, as the WIOA performance measures are fully implemented. The different programs may have varying implementation timeframes through the WIOA transition period.

The DOL 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 involves small businesses or other small entities, describe the 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.

**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 the Department'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 the Department of Labor 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.

**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 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 secrets, 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.*

The Department has engaged the public through two NPRMs published on April 16, 2015 (See 80 FR 20689 (April 16, 2015) and 80 FR 20574 (April 16, 2015)), and through two PRA 60-day *Federal Register* Notices (See 80 FR 43474 (July 22, 2015) and 80 FR 52798 (September 1, 2015)).

The Departments received 64 comments in response to the *Federal Register* notice: 40 responses were submitted by State and local workforce agencies, Workforce Investment Boards, One-Stop Career Centers, and State Associations of Workforce Investment Boards; 16 were submitted by national associations, public interest groups and research organizations; 2 were submitted by State and local education departments/institutions; 1 was submitted by a State office of Vocational Rehabilitation/Services for the Blind; and 5 were submitted by private citizens. A summary of all comments received and the Department's responses can be found in Appendix A. Full comments are available at <https://www.regulations.gov/#!documentDetail;D=ETA-2015-0008-0001>. Links to the above mentioned NPRMs and the *Federal Register* notice for the WIOA Common Performance Reporting Information Collection Request jointly proposed by the Departments of Labor and Education, and the listing of public comments on each of the respective documents are listed below:

- 80 FR 20689 – Department of Labor Workforce Innovation and Opportunity Act; Notice of Proposed Rulemaking (<https://www.regulations.gov/#!documentDetail;D=ETA-2015-0001-0001>)

- 80 FR 20574 – Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Notice of Proposed Rulemaking (<https://www.regulations.gov/#!docketDetail;D=ETA-2015-0002>)
- See 80 FR 43474 – Comment Request for Information Collection for the WIOA Performance Management, Information, and Reporting System (OMB Control No. 1205–0NEW) (<https://www.regulations.gov/#!documentDetail;D=ETA-2015-0007-0001>)

The Department also hosted a town hall event on November 19, 2014. During this time, several comments were made which were also provided in writing at the above locations. Comments focused on definitions of primary indicators of performance, calculating cost per participants, and how best to engage businesses for the effectiveness in serving employers indicator.

**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 to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for 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 WIOA 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. 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 System of Records Notice. 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.

The Department 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 Information and Services Technology (OIST) within ETA will continue to be an active participant in the development and approval of data security measures – especially as they apply to WIOA’s web based reporting system. In particular, the Department 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.

**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. 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 H-1B grant programs, the SSN may be collected and transmitted to ETA in lieu of a non-SSN unique identifier. Appropriate security will also be built into the data collection system. Participant responses to these sensitive questions will allow the Department to comprehensively evaluate the effectiveness of WIOA programs.

**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 and aggregate the hour burdens.*
- \* 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 under "Annual Cost to Federal Government."*

a. Program Performance Report (ETA-9173)

The annual national burden for the Workforce 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 Peyser, National Dislocated Worker Grants, H-1B Discretionary Grants, National Farmworker Jobs, Trade Adjustment Assistance, Rehabilitation of Ex-Offenders, YouthBuild, and the Indian and Native American programs. The Senior Community Service Employment Program (SCSEP), Registered Apprenticeship, the Office of Unemployment Insurance, and Job Corps will use data from the reports listed in this ICR but will not collect their program data using the Workforce Performance Accountability, Information, and Reporting System. As such,

these programs are not included in the collection burden.

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

Table 1: Quarterly (Program) Performance Report (ETA-9173) Annualized Burden Hour Estimate

<b>PROGRAM</b>	Number of entities reporting to the Governor	Number of Responses per Respondent (average number of program participants per State)	Total Number of Responses	Burden per Response (in hours)	Total Respondent Burden Hours
<b>Adult, Dislocated Worker, and Youth</b>	57	4	228	4	912
<b>Wagner-Peyser</b>	57	4	228	4	912
<b>National Dislocated Worker Grants</b>	57	4	228	4	912
<b>H-1B Discretionary Grants*</b>	151	4	604	4	2,416
<b>National Farmworker Jobs</b>	52	4	208	4	832
<b>Trade Adjustment Assistance</b>	52	4	208	4	832
<b>Reintegration of Ex-Offenders (Adult)*</b>	40	4	160	4	640
<b>Reintegration of Ex-Offenders (Youth)*</b>	84	4	336	4	1,344
<b>YouthBuild</b>	200	4	800	4	3,200
<b>Indian and Native American Programs</b>	122	4	488	4	1,952
<b>TOTAL</b>	<b>872</b>	<b>4</b>	<b>3,488</b>	<b>4</b>	<b>13,952</b>

\* Based on current amounts of grantees

Table 2: Quarterly (Program) Performance Report (ETA-9173) Annualized Burden Cost Estimate

<b>PROGRAM</b>	<b>Total Respondent Burden Hours</b>	<b>Hourly Wage Rate</b>	<b>Total Respondent Burden Cost</b>
<b>Adult, Dislocated Worker, and Youth</b>	<b>912</b>	<b>\$35.22</b>	<b>\$32,121</b>
<b>Wagner-Peyser</b>	<b>912</b>	<b>\$35.22</b>	<b>\$32,121</b>
<b>National Dislocated Worker Grants</b>	<b>912</b>	<b>\$35.22</b>	<b>\$32,121</b>
<b>H-1B Discretionary Grants*</b>	<b>2,416</b>	<b>\$28.30</b>	<b>\$68,373</b>
<b>National Farmworker Jobs</b>	<b>832</b>	<b>\$24.80</b>	<b>\$20,634</b>
<b>Trade Adjustment Assistance</b>	<b>832</b>	<b>\$35.22</b>	<b>\$29,303</b>
<b>Reintegration of Ex-Offenders (Adult)*</b>	<b>640</b>	<b>\$21.40</b>	<b>\$13,696</b>
<b>Reintegration of Ex-Offenders (Youth)*</b>	<b>1,344</b>	<b>\$21.40</b>	<b>\$28,762</b>
<b>YouthBuild</b>	<b>3,200</b>	<b>\$21.40</b>	<b>\$68,480</b>
<b>Indian and Native American Programs</b>	<b>1,952</b>	<b>\$45.90</b>	<b>\$89,597</b>
<b>TOTAL</b>	<b>13,952</b>	<b>Various</b>	<b>\$415,206</b>

\* Based on current amounts of grantees

The annual burden cost provided in Table 2 has been calculated based on each program's total burden hours and the applicable hourly cost for States' staff services. The WIOA Adult and Dislocated Workers, Youth, Wagner-Peyser, and National Dislocated Worker Grants programs calculate their hourly rate as \$35.22 (the wage rate of \$22.43 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 2015), the average hourly wage rate for social workers according to the Bureau of Labor Statistics. May 2015 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).

Hourly rates used to calculate hourly cost for H-1B programs 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 (2015). (The wage rate of \$18.02 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 2015.)

May 2015 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 also be noted that this labor category could potentially change depending on the type of specific H-1B grant. The labor category used for this analysis was primarily based on current grants.

Because the NFJP is largely administered through private non-profit organizations, an average hourly rate of \$24.80 (adjusted from \$15.75 using loaded wage factor of 1.57) was used in calculating the total annual costs of this collection. This is the average hourly earnings in the U.S. Department of Labor Bureau of Labor Statistics Social Assistance industry category or subsector (NAICS 624) for December 2015. (<http://www.bls.gov/iag/tgs/iag624.htm#earnings>)

The TAARA program calculates their hourly rate as \$35.22 (The wage rate of \$22.43 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 2015.), the average hourly wage rate for social workers according to the Bureau of Labor Statistics. (2015). May 2015 national industry-specific occupational employment and wage estimates: NAICS 999200 – Local government, excluding schools and hospitals (OES designation). The source of this data is from:

[http://www.bls.gov/oes/current/naics4\\_999200.htm](http://www.bls.gov/oes/current/naics4_999200.htm).

Hourly rates used to calculate the Reintegration of Ex-Offender – Adult program burden cost depend upon the type of organization administering the program. For private non-profit grantees, the hourly rate is the average hourly earnings in the Census Bureau’s social assistance industry category (March 2015, Current Employment Statistics Survey, U.S. Census Bureau). Hourly rate adjusted using loaded wage factor of 1.57.

Source: [http://www.bls.gov/web/empsit/ceseeb8a.htm#ce\\_ee\\_table8a.f.2](http://www.bls.gov/web/empsit/ceseeb8a.htm#ce_ee_table8a.f.2)

Hourly rates used to calculate the Reintegration of Ex-Offender – Youth program burden cost depend upon the type of organization administering the program. For private non-profit grantees, the hourly rate is the average hourly earnings in the Census Bureau’s social assistance

industry category (March 2015, Current Employment Statistics Survey, U.S. Census Bureau). Hourly rate adjusted using loaded wage factor of 1.57.

Source: [http://www.bls.gov/web/empsit/cese8a.htm#ce\\_ee\\_table8a.f.2](http://www.bls.gov/web/empsit/cese8a.htm#ce_ee_table8a.f.2)

Hourly rates used to calculate the YouthBuild program burden cost depend upon the type of organization administering the program. For private non-profit grantees, the hourly rate is the average hourly earnings in the Census Bureau’s social assistance industry category (March 2015, Current Employment Statistics Survey, U.S. Census Bureau). Hourly rate adjusted using loaded wage factor of 1.57. Source: [http://www.bls.gov/web/empsit/cese8a.htm#ce\\_ee\\_table8a.f.2](http://www.bls.gov/web/empsit/cese8a.htm#ce_ee_table8a.f.2). It should also be noted that this labor category could potentially change depending on the type of specific YouthBuild grant. The labor category used for this analysis was primarily based on current grants.

All hourly rates used to calculate the Indian and Native American Programs burden cost are the mean hourly earnings in the Bureau of Labor Statistics’ management analyst occupational category within State government (May 2015, Occupational Employment Statistics, U.S. Bureau of Labor Statistics). Hourly rate adjusted using loaded wage factor of 1.57. Source: <http://www.bls.gov/oes/current/oes131111.htm>.

**b. Pay-for-Performance Report Template (ETA-9174)**

The Pay-for-Performance Report narrative is required by WIOA section 116 (d)(2)(K) for states where local areas are implementing pay-for-performance contract strategies. The burden is calculated based on 52 states and 5 territories utilizing WIOA programs. It takes the states approximately 25 hours to review and verify the completion of all narrative reports and submit them to ETA annually.

**Table 3: Pay-for-Performance Report (ETA-9174) Annualized Respondent Hour Burden Estimate**

<b>PROGRAM</b>	<b>Number of Respondents</b>	<b>Number of Responses per Respondent</b>	<b>Total Number of Responses</b>	<b>Burden per Respondent (in hours)</b>	<b>Total Respondent Burden Hours</b>
<b>Pay-for-Performance Report ETA-9171</b>	<b>57</b>	<b>1</b>	<b>57</b>	<b>25</b>	<b>81,225</b>

Table 4: Pay-for-Performance Report (ETA-9174) Annualized Respondent Cost Burden Estimate

<b>PROGRAM</b>	<b>Total Respondent Burden Hours</b>	<b>Hourly Wage Rate</b>	<b>Total Respondent Burden Cost</b>
<b>Pay-for-Performance Report</b>	<b>81,225</b>	<b>\$59.60*</b>	<b>\$4,841,010</b>

\*Estimated 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)).

c. DOL PIRL (ETA-9172) and Participant Reporting

WIOA requires states to track participation in WIOA funded programs. This creates an information collection burden for both the participants and states. The Department 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 the Department. 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)).



Table 5: Participant Annualized Third-Party Disclosure Burden Hour Estimate

<b>PROGRAM</b>	<b>Number of Respondents</b>	<b>Number of Responses per Respondent</b>	<b>Total Number of Responses</b>	<b>Burden per Response (in hours)</b>	<b>Total Respondent Burden Hours</b>
<b>Adult, Dislocated Worker, and Youth</b>	<b>1,835,799</b>	<b>1</b>	<b>1,835,799</b>	<b>.25</b>	<b>458,950</b>
<b>Wagner-Peyser</b>	<b>14,667,639</b>	<b>1</b>	<b>14,667,639</b>	<b>.25</b>	<b>3,666,910</b>
<b>National Dislocated Worker Grants</b>	<b>60,000</b>	<b>1</b>	<b>60,000</b>	<b>.25</b>	<b>15,000</b>
<b>H-1B Discretionary Grants*</b>	<b>181,200</b>	<b>1</b>	<b>181,200</b>	<b>.25</b>	<b>45,300</b>
<b>National Farmworker Jobs</b>	<b>29,484</b>	<b>1</b>	<b>29,484</b>	<b>.25</b>	<b>7,371</b>
<b>Trade Adjustment Assistance</b>	<b>450,008</b>	<b>1</b>	<b>450,008</b>	<b>.25</b>	<b>112,502</b>
<b>Reintegration of Ex-Offenders (Adult)*</b>	<b>5,640</b>	<b>1</b>	<b>5,640</b>	<b>.25</b>	<b>1,410</b>
<b>Reintegration of Ex-Offenders (Youth)*</b>	<b>12,012</b>	<b>1</b>	<b>12,012</b>	<b>.25</b>	<b>3,003</b>
<b>YouthBuild</b>	<b>6,000</b>	<b>1</b>	<b>6,000</b>	<b>.25</b>	<b>1,500</b>
<b>Indian and Native American Programs</b>	<b>13,664</b>	<b>1</b>	<b>13,664</b>	<b>.25</b>	<b>3,416</b>
<b>TOTAL</b>	<b>17,261,446</b>	<b>1</b>	<b>17,261,446</b>	<b>.25</b>	<b>4,315,362</b>

\* Based on current amounts of grantees; total amount of grantees likely to fluctuate annually.

Table 6: Recordkeeping WIOA Participant Individual Record Layout (PIRL) (Hours) (ETA-9172)

<b>PROGRAM</b>	<b>Number of Respondents Annually</b>	<b>Number of Responses per Respondent (average number of program participants per State)</b>	<b>Total Estimated Number of Annual Responses (Program Completers)</b>	<b>Burden per Response (in hours)</b>	<b>Annual Burden Hours</b>
<b>Adult, Dislocated Worker, and Youth</b>	57	32,207	1,835,799	.25	458,950
<b>Wagner-Peyser</b>	57	257,327	14,667,639	.25	3,666,910
<b>National Dislocated Worker Grants</b>	57	1,053	60,000	.17	10,200
<b>H-1B Discretionary Grants*</b>	151	1,200	181,200	.58	105,096
<b>National Farmworker Jobs</b>	52	567	29,484	2.25	66,339
<b>Trade Adjustment Assistance</b>	52	8,654	450,008	.2	90,002
<b>Reintegration of Ex-Offenders (Adult)*</b>	40	141	5,640	1.8	10,152
<b>Reintegration of Ex-Offenders (Youth)*</b>	84	143	12,012	1.6	19,219
<b>YouthBuild</b>	200	30	6,000	1.8	10,800
<b>Indian and Native American Programs</b>	122	112	13,664	2.4	32,794
<b>TOTAL</b>	<b>872</b>	<b>Various</b>	<b>17,261,446</b>	<b>Various</b>	<b>4,470,461</b>

\* Based on current amounts of grantees

The total number of unique respondents (872) in Table 6 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, 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, 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)
- 200 grantees (specific to YouthBuild)
- 81 Tribal Grantees and 41 Not-for Profit-Grantees (Specific to Indian and Native American programs)

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.

Table 7: Participant and Annualized Reporting, Recordkeeping, and Third-Party Disclosure Cost Burden Estimate

<b>PROGRAM</b>	<b>Total Respondent Burden Hours</b>	<b>Hourly Wage Rate</b>	<b>Total Respondent Burden Cost</b>
Respondents Reporting to Federal Government	228	\$59.60*	\$13,589
Participant Third-Party Disclosures	17,261,446	\$7.25**	\$125,145,484
State Recordkeeping of Participants information	17,261,446	\$35.22***	\$607,948,128
<b>Total</b>	<b>34,512,964</b>	<b>Varies</b>	<b>\$733,101,642</b>

\* Estimated 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)).

\*\*Participants' time, for the purposes of the PRA, is costed out at the Federal minimum wage.

\*\*\*Average hourly wage rate (including loaded wage factor of 1.57) for social workers. Retrieved from: [http://www.bls.gov/oes/current/naics4\\_999200.htm.\(2015\)](http://www.bls.gov/oes/current/naics4_999200.htm.(2015)) This rate (representing the hourly rate for all respondents reporting to the Federal Government) is the hourly rate used to calculate total respondent costs for the Wagner Peyser program, whose participant count is most heavily weighted of the programs listed in the ICR, as it accounts for 85% of the total estimated number of annual responses.

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 proposed WIOA Performance Management, Information, and Reporting System (1205-0NEW). 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:	95,405
Recordkeeping:	4,470,461
Third-party Disclosure:	<u>4,315,362</u>
Total Hourly Burden:	8,881,228
Total Unduplicated Respondents:	17,262,375
Total Responses:	34,526,494

Table 8: Burden Summary

Activity	Number of Respondents	Number of Responses per Respondent	Total Annual Responses	Burden per Response (in hours)	Total Respondent Burden Hours	Hourly Rate*	Monetized Value of Respondent Time
Adult & Dislocated Worker and Youth Wagner-Peyser	57*	4	228	4	912	\$35.22	\$32,121
National Dislocated Worker Grants	57	4	228	4	912	\$35.22	\$32,121
H-1B Discretionary Grants**	151	4	604	4	2,416	\$28.30	\$68,372
National Farmworker Jobs	52	4	208	4	832	\$24.80	\$20,634
Trade Adjustment Assistance	52	4	208	4	832	\$35.22	\$29,303
Reintegration of Ex-Offenders (Adult)**	40	4	160	4	640	\$21.40	\$13,696
Reintegration of Ex-Offenders (Youth)**	84	4	336	4	1,344	\$21.40	\$28,762
YouthBuild	200	4	800	4	3,200	\$21.40	\$68,480
Indian and Native American Programs	122	4	488	4	1,952	\$45.90	\$89,597
Pay-for Performance	57	1	57	25	81,225	\$59.60	\$4,841,010
State PIRL Recordkeeping	872	19,795	17,261,446	.26	4,470,461	\$35.22	\$607,948
State Reporting to Federal Government	57	1	57	4	228	\$59.60	\$13,589
Participant collection	17,261,446	1	17,261,446	.25	4,315,362	\$7.25	\$31,286,375
<b>Unduplicated Totals</b>	<b>17,262,375</b>	<b>Various</b>	<b>34,526,494</b>	<b>Various</b>	<b>8,881,228</b>	<b>Various</b>	<b>\$37,164,129</b>

\*See Tables above for specific descriptions of wage sources

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

*\* 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 services 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 collections 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 also 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, and for ETA there is an associated IT cost for transitioning data intake systems to collect exit information in a new method (e.g., data systems must be able to re-open closed cases if a participant re-enters the program within a given program year). 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. It should also be noted that there is no start-up cost associated for the Job Openings report as the current requirements for that report are not changing. 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/ Maintenance Costs</b>	<b>Total Cost</b>
815	\$8,333	\$6,791,395

- 14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.**

Based on previously estimated software development costs for ETA, and considering the changes required by WIOA and the proposed regulations, a preliminary estimate of the cost for the development of the software needed to accept this report is \$5,000,000. Annualized over the three years for which the ICR will be approved, the yearly cost is \$1,666,667.

Based on previous estimates for Federal oversight, it is estimated that, on average, 15 GS-13s and 8 GS-14s at the step 5 level will each spend a total of 160 hours annually on oversight of the DOL programs. Assuming pay at the [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/DCB\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/DCB_h.pdf) for 2016 is \$50.04 and \$59.13, respectively, per hour and increasing this by a factor of 1.63 to reflect total compensation costs, including insurance contributions (total \$81.57 for GS-13s and \$96.38 for GS-14s), the Federal oversight costs are estimated to result in a preliminary annualized cost of  $(15 \times 160 \times \$81.57) + (8 \times 160 \times \$96.38) = \$319,125$ .

Total Annualized Cost to the Government: \$1,666,667 initial development costs (based on the annualized cost of \$5,000,000 total mentioned above) + \$319,125 Federal oversight costs = \$1,985,792.

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

This is a new collection of information; however, the agency notes that some burden will be offset once the request is approved and existing information collections are then discontinued because burdens will have been subsumed by this request.

The proposed changes from the existing reporting requirements to the new reporting requirements are largely created by WIOA. The specified data elements, sub-populations, barriers to employment, and reporting templates found within this ICR are due to requirements set forth under individual program authorizations, as well as WIOA. In addition, some reporting requirements or data element definitions have been revised in an attempt to better align definitions across DOL programs, in a larger effort to reduce overall reporting burden.

**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.**

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 and Pay-for-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 not to 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.

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

There are no exceptions.

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

The collection does not employ statistical methods.