

**SUPPORTING STATEMENT FOR
REPORT ON THE OCCUPATIONAL EMPLOYMENT AND WAGE STATISTICS PROGRAM
OMB CONTROL NO. 1220-0042**

On May 4, 2020, the Office of Management and Budget approved the continuance of the OEWS collection with minor changes. With this ICR, the OEWS program seeks to renew its OMB clearance.

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 Occupational Employment and Wage Statistics (OEWS) survey is a Federal/State establishment survey of wage and salary workers designed to produce data on current detailed occupational employment and wages for each Metropolitan Statistical Area and nonmetropolitan areas as well as by detailed industry classification. OEWS survey data assists in the development of employment and training programs established by the Perkins Career and Technical Education Act of 2006 and the Wagner-Peyser Act (See attachments I and II for pertinent sections of each Act).

The Wagner-Peyser Act mandates that the Secretary of Labor shall oversee the development, maintenance, and continuous improvement of a nationwide system of employment statistics that includes—“(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data are available), and skill trends by occupation and industry, with particular attention paid to State and local conditions[.]”

In 1996, the OEWS program modified its collection method to produce prevailing wage data required by Foreign Labor Certification under the Immigration Act of 1990 (See attachment III for pertinent sections of this Act). The current process for obtaining foreign labor certification requires employers to actively recruit U.S. workers for a period of at least thirty days for all job openings for which foreign labor is sought. The employers’ job requirements must be reasonable and realistic, and employers must offer prevailing wages and working conditions for the occupation. Federal regulations provide more information on the determination of a prevailing wage for use in Foreign Labor Certification (See Attachment IV “Subpart D – Determination of Prevailing Wage” for an elaboration).

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.

Occupational employment data obtained by the OEWS survey are used to develop information regarding current and projected employment needs and job opportunities. These data assist in the development of state and local career and technical education plans. Nationwide collection of OEWS wage data can further develop labor market and occupational information at the Federal, State, and sub-State levels. The survey

meets the needs of organizations involved in planning and delivering services provided by the Wagner-Peyser Act and the Perkins Career and Technical Education Act (2006).

National OEWS wage data collection can provide a significant source of information to support a number of different federal, state, and local efforts. For instance, occupational wage data can be extremely useful in the administration of the Unemployment Insurance (UI) system. Generally, UI clients must meet work-search requirements and take jobs that pay equivalent to their previous employment. Wage data by occupation can help employment services identify occupations that meet the requirements of these individuals. Similarly, the Dislocated Worker program uses previous wages as a guide in preparing dislocated workers for employment. The OEWS survey can provide a standard source of occupational wage data to assist these workers.

Wage data at the occupational level can assist States and local authorities in carrying out career and technical rehabilitation programs. The data can support U.S. military interests by providing State and local career information for Department of Defense workers. Minimum wage deliberations can use OEWS employment and wage data as a source of information.

OEWS wage data provides career and technical trainers and enrollees with information on the wage rates for the occupations present in the economy. These data assist the national, State, and local coordinating committees to develop occupational information systems designed to aid job searchers and career counselors. As an example, CareerOneStop provides OEWS employment and wage data to individuals and career counselors online at <https://www.careeronestop.org>.

Reliable wage data has many practical uses. OEWS wage data can be used to understand the direction and quality of the jobs being created in our economy and can play a part in important legal and administrative decisions. More importantly, wage information is a valuable commodity to the general public, whether the data are assembled in the BLS Occupational Outlook Handbook, or released across the country in occupational information systems. The detail, reliability, and applicability of the OEWS wage survey argues strongly for its expanded support.

The Immigration Act of 1990 as amended, assigns responsibilities to the U.S. Department of Labor (DOL) relating to the entry and employment of certain categories of immigrant and nonimmigrant foreign workers under the PERM, H-2B, H-1B, H-1B1, and E-3 programs. See 8 U.S.C. § 1182(a)(5)(A)(i)(II); 8 U.S.C. §§ 1182(n)(1)(A)(i)(I)-(II), (t)(1)(A)(i)(I)-(II); 8 CFR 204(k)(4)(i), 214.2(h)(4)(i)(B)(1), (h)(6)(iii)(A), (h)(6)(iv)(A). The Act mandates that DOL base Foreign Labor Certification (FLC) on current prevailing wage rates. Under this Act, DOL is required to certify that the employment of foreign workers under certain visa classifications will not adversely affect the wages and working conditions of similarly employed workers in the U.S. In order to render this certification, DOL determines the prevailing wage for the occupational classification and area of intended employment and ensures the employer offers a wage to the foreign worker that equals at least the prevailing wage. If employers prove the unavailability of United States workers with occupation-specific skills, DOL may grant a certification to an employer through an application approval.

FLC requires employers to actively recruit U.S. workers for a period of at least 30 days for all job openings for which foreign workers are sought. The employers' job requirements must be reasonable and realistic, and employers must offer the appropriate prevailing wages and working conditions for the occupation requested.

The Employment and Training Administration (ETA) provides occupational employment and wage data from the OEWS survey in the FLC wage database online at <https://www.dol.gov/agencies/eta/foreign-labor>.

The OEWS employment data are used as inputs to the Employment Cost Index, the Occupational Requirements Survey, and estimates of Occupational Injury and Illness rates. Data are used by the Centers for Medicare and Medicaid Services in the calculation of reimbursement rates for Medicaid and Medicare providers. Additionally, special tabulations of employment by State, industry, and wage range are supplied to the Bureau of Economic Analysis for estimating Social Security payments from employers.

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.

OEWS has a secure data collection website, which allows respondents to provide data online. Respondents who use the website have the option to upload an existing data file with the necessary employment and wage information, complete an online version of the OEWS form, enter data in a downloadable Excel template, or update contact information before each survey panel begins. Once the online submission is completed, it is transmitted to the appropriate State office, and the respondent receives no further follow-up postal mailings or email reminders.

OEWS started accepting data via email in 2004, and now sends email notifications to respondents at the beginning of each panel and as a follow up to a hard copy pre-notification letter. Respondents who provide email addresses in response to the pre-notification letter are sent an automated email with an initial request for data, and instructions on how to report electronically. During the panel, respondents who provided email addresses but have not provided their occupation and wage data may be sent additional email requests to submit data.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

The American Community Survey is the only other source of occupational data available at a similar level of geographic detail, but it does not produce as much occupational detail as OEWS, and their published data has been significantly limited because of the COVID-19 pandemic. In addition, the surveys capture different workers and detail as the ACS is a household based survey and OEWS is an employer based survey. The collection of employment and wage data at the detailed levels produced by OEWS eliminates the need for fragmented local collection efforts carried out within the States. These efforts are not only costly, but place a burden on employers, since several different groups may request wage data from the same employers. The OEWS survey produces current and accurate data on occupational employment and wage information at the National, State, and sub-state levels.

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

The OEWS sample design as described in Part B calls for using a variation of the Neymann allocation procedure to allocate sample to each ST/MSA/3-4-5-6 digit NAICS cell. Additionally, the establishments within each of these cells are selected using probability proportional to employment size. Both of these procedures result in smaller establishments having a smaller chance or probability of inclusion in the sample than the larger establishments. In other words, within a sampling cell, the larger the establishment the greater the likelihood of being included in the sample.

The mode of collection depends on employers' mode preference. Establishments with fewer than 20 employees may receive a short form, a letter asking that they report online, or an email asking them to report online. In a previous clearance package, OMB approved the use of a simplified, one page faxable form which OEWS currently is using. This form further reduces burden to small establishments. Upon receipt of the postal or email data request, small establishments may request the faxable form from their State office.

Finally, many smaller establishments find it easiest to report the data by phone. Phone numbers are included in survey solicitation materials, and many employers report over the phone when states are conducting non-response follow-up.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The Labor Market Information (LMI) network of federal and state agencies, to which the OEWS program is vital, provides continuous, timely, accurate, and detailed information about the labor force to public and private stakeholders, allowing them to plan and deliver employment and training services at the federal, state, and local levels. Because of changing staffing patterns, wage rates, and seasonal fluctuations, the OEWS survey must be conducted on a semi-annual basis to provide the timely, accurate, and detailed occupational employment and wage estimates that the stakeholders rely on. Currently, an individual establishment is contacted at most once every three years. Any change to less frequent data collection may adversely affect the existing reliability of OEWS data.

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

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

consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

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

There are no special circumstances for this collection of information.

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.

No comments were received as a result of the Federal Register notice published on November 9, 2022 (87 FR 67716).

The occupational expert consulted is:

Ms. Nikki Bryant Whitener
OEWS Manager, Florida

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

The OEWS program does not pay employers to provide data.

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

The Confidential Information Protection and Statistical Efficiency Act (CIPSEA) states that information acquired by BLS for exclusively statistical purposes under a pledge of confidentiality must be used by BLS employees and agents for statistical purposes only. CIPSEA further states that any BLS employee or agent, who knowingly and willfully discloses identifiable respondent information to someone not authorized to receive it, is subject to imprisonment for not more than 5 years and fines of not more than \$250,000, or both.

Based on this law, the BLS provides OEWS respondents with the following confidentiality pledge and informed consent statement:

“The Bureau of Labor Statistics, its employees, agents, and partner statistical agencies, will use the information you provide for statistical purposes only and will hold the information in confidence to the full extent permitted by law. In accordance with the Confidential Information Protection and Statistical Efficiency Act (44 USC Section 3572) and other applicable Federal laws, your responses will not be disclosed in identifiable form without your informed consent except in the case of state and local governments. The BLS publishes statistical tabulations from this report that may reveal the information reported by state and local governments. Upon request, however, the BLS will hold the information provided by state and local governments on this report in confidence. Per the Federal Cybersecurity Enhancement Act of 2015, Federal information systems are protected from malicious activities through cybersecurity screening of transmitted data.”

BLS policy on the confidential nature of respondent identifiable information (RII) states that “RII are respondent data collected or maintained by, or under the auspices of, the BLS under a pledge of confidentiality. RII must be used only for statistical purposes and accessible only to authorized persons.”

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No questions of a sensitive nature are requested by the OEWS program.

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

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

Based upon the results from a 2012 Response Analysis Survey, OEWS respondents take an average of 0.5 employee-hours (from 10 minutes to 3 hours) to provide the desired occupational employment and wage information. In order to calculate annual burden hours, the BLS used 0.5 hours as the basis for the calculation. Each employer is asked to report data only once during the year. BLS may, on occasion, re-

contact respondents for quality assurance of the information. The re-contact burden is minimal and is incorporated into the below averages.

Estimated Annualized Respondent Cost and Hour Burden

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Private/ Voluntary 1133, 1151, 1152, 21-81 (exc. 814)	175,082	1	175,082	0.5219*	91,375	\$30.48	\$2,785,110
Government / Voluntary State and local government	7,891	1	7,891	0.5219*	4,118	\$30.48	\$125,517
Private/ Mandatory 1133, 1151, 1152, 21-81 (exc. 814)	69,235	1	69,235	0.5	34,618	\$30.48	1,055,157
Government / Mandatory State and local government	3,154	1	3,154	0.5	1,577	\$30.48	48,067
Totals	255,362		255,362		131,688		4,013,851

**Note: The average and total burden estimates for states where the OEWS is not mandatory includes additional burden for conducting a test to collect extra data elements from employers within the State of Michigan. Average burden is expected to return to 0.5 hours after the test has been completed and total burden will decrease slightly in FY 2024 and FY 2025.*

The BLS estimates the total annual cost to respondents at \$4,013,851. To arrive at this figure, the average annual burden hours of 131,688 were multiplied by \$30.48 per hour. The BLS derives this wage figure from Employer costs for employee compensation, total compensation of office and administrative support occupations for 2022 1st quarter. (Source: <https://www.bls.gov/ncs/ect/#tables>)

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

- The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and

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

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

The OEWS program does not require respondents to keep special records, or to purchase and install special hardware or software. Employers use traditional payroll and personnel records as a source to fulfill the data request.

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

The approximate cost to the Federal Government for Fiscal Year 2023 is estimated to be approximately \$34.4 million. This amount includes grants to the cooperating State agencies to collect the data. The Bureau of Labor Statistics will expend a portion for survey materials, planning, development, and training of State staff, technical assistance, and customer service.

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

Annual respondent burden for the OEWS survey has decreased from the last full clearance request, falling from 133,245 hours to 131,688 hours, primarily due to a decrease in response rates. Included in the burden estimate are additional burden hours to conduct a test in FY 2023 to collect extra data elements from employers within the State of Michigan. This test was referenced in Supporting Statement B, #4 Development Tests, of the 2020 clearance package and also is included in this request. Based on previous research, it is estimated that these employers will incur 1 hour of burden to report their normally requested OEWS data as well as the extra data elements being tested.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The reference dates for the OEWS survey will be the payroll periods that include the 12th day of either November or May. Data collection will begin on the reference date and will end approximately eight months later. Four postal mailings per panel (an initial and up to three follow-ups) and multiple email follow-ups are planned. Telephone, email, and field follow-ups of non-respondents are conducted throughout the collection period. States are requested to complete data processing about 7 months after the reference date. Exact deadlines for States to complete specified tasks are negotiated each year as part of the LMI Cooperative Agreement process.

Annual National, State, and sub-State estimates from the survey will be available to customers in March or April of the year following the May survey reference date. The news releases with these estimates will be published electronically on the BLS website at <https://www.bls.gov/oes>.

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

The OEWS program is requesting OMB permission to continue to omit the expiration date on the OEWS data collection instruments. The OMB expiration date often falls in the middle of the data collection-period and displaying the expiration date could cause some respondents to not cooperate. In order to ensure the high quality of OEWS data, State Workforce Agencies will need to continue to collect data past the OMB expiration date on any survey materials. Additionally, in order to maintain and improve on the current 67-percent response rate, State Workforce Agencies (SWAs) will need to obtain data from late reporters. These delayed responders are crucial to achieving response rates allowing for production of estimates for detailed occupations in every U.S. metropolitan area.

18. Explain each exception to the certification statement.

There are no exceptions to the certification.