

Summary Report of the Conference Call of the Wage Record Interchange System (WRIS) Advisory Group

Fourth Quarter 2009 Conference Call: December 18, 2009

*Convened December 18, 2009, from Employment and Training Administration (ETA),
U.S. Department of Labor, Washington, DC*

Meeting Highlights

Welcome and Adoption of Minutes:

- Karen A. Staha, Director, Division of Performance Accountability of ETA's Office of Performance and Technology, convened the meeting and provided an overview of issues to be discussed. She reviewed the Draft Minutes from the September 29 Quarterly Meeting and called for a motion to adopt, which carried unanimously.

WRIS II Initiative:

- John Glen, Chairman of the Working Group, outlined recent developments and issues to be resolved for the Advisory Group's WRIS II Initiative.
- WRIS II is a voluntary data sharing initiative to be governed by a separate Data Sharing Agreement. Only existing, authorized, PACIAs will aggregate the wage data and provide the aggregate data to the requesting entities. The WRIS Operator will create a separate portal for WRIS II.

Amendment Proposals to the Data Sharing Agreement:

- The amendment procedure is governed by the Data Sharing Agreement at Section X. Amendment of Agreement. In January, ETA will re-issue the six Third Round amendment proposals to reflect the state comments received during the 60-day, initial comment period. Issuance of the revised amendment proposals will initiate the 30-day, second comment period.
- In mid-January, ETA will host a conference call with member states to discuss amendments and comments received.

Quarterly Technical Report of WRIS Operations:

- The WRIS Operator's Quarterly Technical Report included trend analysis and the 2010 Distributed Data Base Index (DDBI) schedule. The volume of WRIS requests continues to increase.
- During early 2010, ETA and the WRIS Operator will host Web-based Town Hall meetings for PACIAs, SUIAs, and IT staff. The Annual Confidentiality Compliance Review training module will also be presented.

Minutes of the Conference Call

The Fourth Quarter 2009 Conference Call Meeting of the Advisory Group of the Wage Record Interchange System (WRIS) was convened on Friday, December 18, 2009, at 2:00 p.m. EST.

I. Welcome and Remarks

Karen A. Staha, Director, Division of Performance Accountability of the Office of Performance and Technology, welcomed the Advisory Group to the Fourth Quarter 2009 conference call and outlined the agenda. She noted that a significant period had been reserved for discussion of the Third Round amendment proposals and the state comments received during the 60-day comment period, and for the WRIS II Initiative.

II. Adoption of Summary Report: September 2009 WRIS Advisory Group Meeting

Ms. Staha reviewed the Draft Summary Report of the September 29, 2009 Advisory Group conference call. The draft was e-mailed to the Advisory Group on October 9, 2009, and posted on the ETA WRIS Web-site and Collaborative Workspace. Since no comments or revisions were received, Ms. Staha called for approval of the Report; the Advisory Group approved unanimously.

III. WRIS II Initiative

John Glen, from the State of Oregon and Chairman of the Working Group, provided a status report for the WRIS II Initiative, an Advisory Group effort to facilitate interstate sharing of aggregate wage record data with state education and other public agencies for performance reporting.

Basic principles for the design of the WRIS II Initiative include:

- Participation by states in the WRIS II Initiative will be strictly voluntary.
- States will be required to sign a WRIS II Data Sharing Agreement to participate in the Initiative.
- Only currently authorized PACIA staff in participating states will submit participant data to the WRIS II Initiative for matching.
- The PACIA staff will be responsible for reporting and for providing to the requesting public entity only aggregate data from the WRIS system. No individual wage information will be provided to the requesting entity.

Mr. Glen outlined the Working Group's status in finalizing the separate Data Sharing Agreement (DSA) for the WRIS II Initiative. Ms. Lois Zuckerman and Ms. Rachel Dober of the Department of Labor's Office of the Solicitor are working on drafting the legal authority section of the DSA and identifying the programs that could be designated for exchange through the Initiative. Working Group member Clinton Flowers, from the State of Missouri, is working with ETA staff to document the specific mechanics and confidentiality restrictions for the project. The WRIS Operator, ACS, Inc., is designing the portal for file transmission and will ensure the portal operates with security measures similar to the current WRIS system. It is anticipated that the design and testing of the WRIS II portal will take approximately 30 days to complete following adoption of the WRIS II DSA.

It is envisioned that PACIAs would calculate the outcomes and provide aggregate results. The model would be similar to ETA's Common Reporting Information System (CRIS) agreement with the national grantees, which was discussed during the June 2009 Advisory Group meeting. Robert Clarkin, from the State of Delaware, questioned if PACIAs would need to maintain the data received through WRIS on behalf of other programs in support of their future data validation audits. ETA will research this issue further.

Mr. Glen advised that the Working Group and ETA will keep all states updated on the progress of this initiative.

IV. Discussion: Amendment Proposals to the Data Sharing Agreement

In opening the discussion, Ms. Staha advised the Advisory Group that the procedure for amendments is detailed in the Data Sharing Agreement (DSA) at Section X. Amendment of Agreement. The initial, 60-day comment period for the six Third Round proposed amendments closed November 24, 2009.

Based on the written comments received and the Advisory Group discussion, it is ETA's intent to issue the amendment dispositions in January 2010, to initiate the 30-day second comment period. As required by Section X., ETA will host a conference call for discussion during the 30-day comment period. Ms. Staha suggested the conference call will likely be held in January and the proposed amendments issued for approval in February or March 2010.

During discussion of proposed **Amendment 10** (Expanded Definition of "Aggregate Data"), Gary Kamimura, from Washington State, inquired if NAICS codes will be assumed part of the referenced employer data since Amendment 15 proposed that NAICS codes be included as allowable employer data under WRIS. Greg Wilson, Team Leader for the Division of Performance Accountability, suggested that a wording change in Amendment 15 from "six-digit NAICS code" to "six-digit or appropriate due to secondary disclosure" might alleviate concerns. The DSA would not mandate that the six-digit code be used; rather, the wording would allow whichever level is appropriate.

In discussion of **Amendment 11** (Prohibiting Wage Data Storage on Devices That Can Be Compromised), Adam Leonard, from the State of Texas, raised his concern that Amendment 11 primarily addresses transportability rather than security, restricting portable devices such as removable media, USB's, CD's, DVD's, external hard drives, and laptop computers. In Mr. Leonard's view, the amendment hinders states that use laptops instead of desktop computers, and he suggested focusing on the format in which data is stored by proscribing a level of security that ensures strong passwords and encryption. Mr. Leonard observed that a USB flash drive with strong encryption, such as AES 256 used in Texas, is more secure than unencrypted data on a desktop in a building. Norman Steele, from the State of New York, suggested replacing the brand names mentioned in the amendment, such as *BlackBerry* and *iPod*, with more generic terms, but noted that such changes would be unnecessary if the restrictions on portable devices were revised. Dan Holton, from the State of Tennessee, recommended Advisory Group members research their respective state policies since some may have wording similar to proposed Amendment 11. Robert Ganong, from the State of Massachusetts and sponsor of the amendment, indicated that his state would review the comments and revise the language of the amendment for further consideration.

The comment received for **Amendment 12** (Legal Authority of Data Sharing Agreement) had been withdrawn.

In outlining Oregon's comment for **Amendment 13** (WRIS Meetings and Distribution of Minutes) John Glen noted that the proposed 20 business days for Advisory Group members to comment on the Draft Summary Report seemed to be unnecessarily long. He recommended the proposed amendment be revised to provide the Advisory Group with 10 business days, rather than 20, to comment on the Draft.

Dan Holton, from the State of Tennessee, raised a concern that, as worded, **Amendment 14** (Expand the Data Sharing Agreement to Include U.S. DOL Employment and Training Administration (ETA) Programs and Grants Funded by the American Recovery and Reinvestment Act of 2009 in the Programs Specified as Allowable for Wage Data Exchange in Section VII), the proposal is not restrictive in designating the agencies and grantees that might receive aggregate

WRIS information. Ms. Staha suggested a revision in the language of Amendment 14 to clarify that the proposal applies only to current ETA-funded programs and the green job grants and grantees created under American Recovery and Reinvestment Act (ARRA). Mr. Leonard recommended including language in the amendment designating “other One-Stop programs” so that ETA programs created by Congress under any future legislation would be covered. However, based on Mr. Holton’s comments, he said he understood that such language might cause concern.

In discussion of proposed **Amendment 15** (Inclusion of NAICS Code in the Definition of Wage Data), Jacqueline Keener, from the State of North Carolina, advised that the NAICS codes that are submitted into the WRIS cannot be derived from a Bureau of Labor Statistics (BLS) program that is protected by the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSW). Jon Eller, from the State of Oklahoma, indicated his hope that NAICS codes would not be unduly restricted so that states wishing to use WRIS II would not be prevented from creating aggregate reports for WIA boards that had developed programs to track industries that trainees entered and the trainees’ aggregate wage levels. ETA staff noted that three related guidance documents recently had been distributed by e-mail through the Regions and would be posted on the Advisory Group Collaborative Workspace.

Ms. Staha closed the amendment proposals discussion by expressing appreciation for the thoughtful suggestions and observations made by the Advisory Group participants.

V. Quarterly Technical Report of WRIS Operations

The WRIS Operator’s Fourth Quarter Technical Report was provided by Ms. Amanda Gohl, Account Manager for ACS, Inc. A reference PowerPoint had been e-mailed in advance of the meeting to Advisory Group members and to WRIS State Contacts. Ms. Gohl emphasized the trend analysis on pages four and five of the Report and the 2010 Distributed Data Base Index (DDBI) schedule; the DDBI schedule is also posted on the WRIS Operator’s applications home page. The volume of WRIS requests continues to remain high.

During early 2010, ETA and the WRIS Operator will again host three Web-based Town Hall meetings for PACIA, SUIA, and IT representatives. In addition, the Annual Confidentiality Compliance Review training module will be presented. Advisory Group members were invited to suggest additional training topics by e-mail to WRIS@dol.gov.

VI. Additional Business

No additional business was raised in response to Ms. Staha’s inquiry.

VII. Adjournment

Receiving no further items for discussion, Ms. Staha thanked members for their participation in the Fourth Quarter Advisory Group meeting and invited them to e-mail any follow-up questions to WRIS@dol.gov.