

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT OF 1995 SUBMISSIONS**

A. Justification - 1205-0398

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.

Section 112(a) of the Workforce Investment Act (WIA, Public Law 105-220, August 7, 1998) requires the governor of a state to submit to the Secretary of Labor a State Plan to be eligible to receive an allocation under Section 127 or 132, or to receive financial assistance under the Wagner-Peyser Act. The State Plan outlines a strategy for the statewide workforce investment system of the state that meets requirements of Sections 111 and 112 of the Act. This request deals with modifications to these Plans as required by WIA (20 CFR 661.230) or the Wagner-Peyser Act (20 CFR 652.212-214). A copy of Section 112(a) of WIA, WIA regulations at 20 CFR 661.220 and 661.230, Section 8 of the Wagner-Peyser Act, and Wagner-Peyser Act regulations at 20 CFR 652.212-214 are attached. State Plans may include waiver requests (See Section 189(i)(4)(B), attached.)

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.

Based on the State Plan and waiver plan that is submitted by the governor, the Secretary makes a determination whether the State Plan and waiver plan are consistent or inconsistent with provisions of title I of the Act or in the case of the portion of the plan described in Section 8(a) of the Wagner-Peyser Act, the portion satisfies or does not satisfy the criteria for approval. Acting on behalf of the Secretary, senior managers of the Employment and Training Administration (ETA) review each plan to ensure that the State Plan and waiver plan provide ETA with baseline data used to measure progress against established negotiated performance goals.

A state may submit a plan modification or a waiver request to ETA at any time during the life of the plan. State Plan modifications are required under 20 CFR 661.230 when: (1) changes in Federal or state law or policy substantially change the assumptions upon which the plan is based; (2) there are changes in the state-wide vision, strategies, policies, performance indicators, the methodology used to determine local allocation of funds, reorganizations which change the working relationship with system employees, changes in organizational responsibilities, changes to the membership structure of the state board or alternative entity, and similar substantial changes to the state's workforce investment system; or (3) the state has failed to meet performance goals and must adjust service strategies.

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.

In compliance with the Government Paperwork Elimination Act, a state may submit the plan modification or waiver request electronically. Electronic submission options include: Posting State Plans on an Internet Web-site; via e-mail; or by submitting a CD-ROM. States submitting plan modifications electronically need not submit additional paper copies, but must submit signature pages with an original signature to both the National and appropriate Regional Office, if the electronic submission does not contain an electronic signature (see Attachment A in the Planning Guidance).

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.

State Plan modifications and waiver requests may be submitted by 50 states or commonwelaths, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Republic of Palau - 57 total entities. No similar information is available. The proposed data collection entitled "State Integrated Workforce Plan Requirements for Workforce Investment Act of 1998 (WIA), Wagner-Peyser Act, and Department of Labor Workforce Programs" revises and replaces only the stand-alone planning guidance for WIA/Wagner-Peyser programs, and it also includes instructions for the inclusion of other programs administered by ETA, including the Trade Adjustment Act (TAA) and, optionally, the Senior Community Service Employment Program (SCSEP). Section 501 of WIA gives states the option to develop and submit a State Unified Plan to the Department of Labor as a central location in Washington, DC. The Unified Plan may contain any of sixteen Federal workforce development programs. The Unified Planning Guidance is also seeking an extension under this same OMB Control Number. As of April 15, 2011, 54 entities submitted standalone State Plans, and the remaining three submitted Unified Plans. This supporting statement pertains to all 57 entities that are able to submit State Plans for modifications during the next year.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

No small businesses or entities are involved.

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.

States may not be able to receive funds if a State Plan is not modified when required, or if a modification does not meet Act and regulation requirements. ETA also will have no way to measure continuous improvement in the states' performance, as required by statutes and regulations cited above, for the coming year.

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;
 - requiring 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;
 - including 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 that require the collection of information to be conducted in a manner inconsistent with 5 CFR 1320.5.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency

to obtain their views on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The agency's 60-day notice soliciting comments from the public on the information collection prior to submission to OMB was published in the Federal Register on _____. Comments were/were not received.

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

No payment is provided.

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

Not applicable. Respondents are state agencies and state plans are public documents.

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

There is no information of a sensitive nature being requested.

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 in Item 13 of OMB Form 83-I.
- 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.

ETA estimates it will receive modifications from each of 57 entities in the next year. ETA is reducing the number of estimated hours per modification from 50 hours in its last Information Collection Request to 40 hours for this request, based on the reduced number of questions to which states are required to respond.

ETA estimates that the burden hours for the preparation of a modification to the State Plan will be as follows:

- a. Respondents who prepare a State Plan modification will incur a burden of 40 hours. (5 staff preparing one modification x 8 hours per person x 1 modification/year). ETA estimates that over the next year, each of the 57 submitters must submit a modification.

57 entities x 40 hours = 2,280 total hours

- b. Total estimated cost to respondents for submitting one modification is approximately \$1,199, based upon an average rate of \$29.98 for each hour of time spent by professional staff x 40 hours. ETA derives this wage figure from the mean hourly wage of a "Social and Community Service Manager" in state governments as reported by the U.S. Bureau of Labor Statistics May 2010 Occupational Employment Statistics (OES) Survey.

40 hours x \$29.98 = \$1,199 per modification

\$1,199 X 57 modifications = \$68,343

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

- 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 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 rule-making 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 are no other costs involved.

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

Review of each State Plan modification will involve a Federal cost of approximately \$1,700. Based on program experience and on an assessment of average times spent reviewing modifications since the passage of WIA, it is estimated that, on average, 5 GS 13s will spend a total of 7 hours each, or 35 hours total. Assuming pay at the GS-13, Step 5, pay for 2011, the cost of reviewing and processing each Plan modification is \$1,700. Thus, the review of 57 modifications is \$96,900. Plan modifications are reviewed electronically; therefore operational costs, including printing and support staff costs, do not apply.

7 hours x 48.51/hour = \$340 x 5 staff = \$1700 x 57 entities = \$96,900

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

The estimate for burden hours decreased by 10 hours (from 50 hours to 40). ETA is requesting a three year extension with

changes to the current information collection. Changes proposed to this collection which reduce burden include:

- 1) Removed national strategic direction
- 2) Streamlined and reduced required plan elements and questions to those required by statute or regulations
- 3) Reorganized State Integrated Workforce Plan requirements into three key sections: the Strategic Plan, the Operational Plan, and Assurances. Replaced several previously required narrative questions with a simple assurance statement.
- 4) Added instructions on how to submit waiver and work-flex requests.
- 5) Eliminated some assurances that were duplicative of those that the state signs in the annual grant agreement, such as uniform administrative requirements.

These changes reduce total 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.

There are no plans to publish this information.

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.

There are no plans to seek non-display of the OMB approval. A draft directive, containing disclosure and burden information, is attached.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

No exceptions are requested.

B. Collection of Information Employing Statistical Methods

This request does not involve statistical methodology.