

**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 (Public Law 105-220, August 7, 1998) requires the Governor of the 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 the 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, 20 CFR 661.220 and 661.230, and Section 8 of the Wagner-Peyser Act and 20 CFR 652.212-214 are 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 that is submitted by the Governor, the Secretary makes a determination whether the Plan is consistent or inconsistent with the 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) will review each plan to ensure that the State Plan provides ETA with baseline data used to measure progress against established negotiated performance goals.

A State may submit a Plan modification to ETA at any time during the life of the Plan. Modifications are requested 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 electronically. Electronic submission options include: Posting State Plans on an Internet Web site; via Electronic Mail (e-mail); or by submitting a CD-ROM. All electronic submissions must be in Microsoft Word or ASCII format. Macintosh versions cannot be accepted. 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 original 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.

The State Plan modifications may be submitted by the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Marian Islands, American Samoa, and the Insular Area of the Pacific (Republic of Palau/Trust Territory, Republic of Marshall Islands and the Federated States of Micronesia) - 59 total entities. No similar information is available. Section 501 of WIA gives States the option to develop and submit a State Unified Plan to a central location in Washington, DC. The Unified Plan may contain up to sixteen Federal workforce development programs. The Unified Planning Guidance is seeking an extension under OMB Control No. 1205-0407. As of April 22, 2008, 56 entities had submitted State Plans and the remaining three had submitted Unified Plans. Thus, this supporting statement pertains to the 56 that submitted State Plans for their 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 the

Act and Regulations' requirements. ETA also will have no way to measure continuous improvement in the states' performance, as required by the 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;
 - 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 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.

In accordance with the Paperwork Reduction Act of 1995, the public was afforded the opportunity to review and comment on this document for sixty days. It was published in the Federal Register on May 5, 2008 (Vol. 73, No. 87; p 24614). In the next submission of this Supporting Statement after the 60-day public comment period has expired, ETA will provide a summary of each public comment received and ETA's responses.

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.

In its last submission, ETA estimated that it would receive 19 modifications each year. In 2007, ETA received 56 modifications from States submitting a Stand Alone plan rather than a Unified Plan. Therefore, ETA now estimates that it will receive 56 modifications per year. ETA is using the same number of estimated hours per modification (50 hours) as in its last Information Collection Request.

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 Stand-Alone Plan modification will incur a burden of 50 hours. (5 staff preparing one modification x 10 hours per person x 1 modification/year). ETA estimates that over the next year, each of the 56 submitters may choose or need to submit a modification.

56 entities x 50 hours = 2,800 total hours

- b. The total estimated cost to respondents for submitting one modification is approximately \$1,439, based upon an average rate of \$28.78 for each hour of time spent by professional staff x 50 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 May 2006 Occupational Employment Statistics (OES) Survey of the U.S. Bureau of Labor Statistics.

50 hours x \$28.78 = \$1,439 per modification
\$1,439 X 56 modifications = \$80,584

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 will be no cost incurred by the State associated with modifying a State Plan. Based on our most recent experience, most of the States submitted their Stand-Alone State Plan modifications electronically via an e-mail account established by ETA. ETA anticipates that future modifications will be submitted electronically as well.

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 modifications will involve a Federal cost of approximately \$1,802. 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 one day each, or 40 hours total. Assuming pay at the GS-13, step 5 pay for 2008, the cost of reviewing and processing each Plan modification is \$1,802. Thus,

the review of 56 modifications is \$100,912. Plan modifications are now reviewed electronically; therefore operational costs, including printing and support staff costs, do not apply.

8 hours x 45.05/hour = \$360.40 x 5 staff = \$1,802 x 56 entities = \$100,912

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

This extension request maintains the burden hours (50 hours) requested per modification, as states will again be submitting a modification to a full Plan. However, in its last submission, ETA estimated that it would receive 19 modifications each year. In 2007, ETA received 56 modifications from entities submitting a Stand Alone Plan. Therefore, ETA now estimates that it will receive 56 modifications per year. Therefore, the total number of hours requested increases from 950 to 2,800.

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.

No information will be published by the Department of Labor.

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.

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.