

Simulation of Centralized Processing of Permanent Labor Certification Program Backlog

**Draft Final Report
on
Order for Supplies and Services No. AS 12737-03-40**

**Prepared for
U.S. Department of Labor
Employment and Training Administration**

Prepared by



TECHNOLOGY & MANAGEMENT SERVICES, INC.

April 18, 2003

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Mr. Patrick Stange
Contracting Officer's Representative
U.S. Department of Labor /ETA
Room C-4318
200 Constitution Avenue, NW
Washington, D.C. 20210

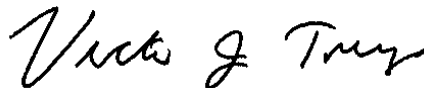
Subject: Technology & Management Services, Inc. (TMS), Draft Final Report on Order for Supplies and Services No. AS-12737-03-40, for Simulation of Centralized Processing of Permanent Labor Certification Program Backlog

Dear Mr. Stange:

Technology & Management Services, Inc. (TMS) is pleased to submit this draft final report on the subject project to the U.S. Department of Labor, Employment and Training Administration (ETA). This report presents TMS' findings and recommendations related to ETA's effort to eliminate the backlog of 300,000 applications for permanent labor certification.

We look forward to continuing work on this interesting and challenging activity. Should you have any questions or require additional information, please feel free to contact the undersigned at (301) 670-6390.

Sincerely,

A handwritten signature in black ink that reads "Vic Trunzo". The signature is written in a cursive, slightly slanted style.

Vic Trunzo
Director,
Workforce Investment Services Division

4.0 Findings and Recommendations on Specific Steps in the Process

The following subsections of the report present TMS' findings and recommendations for each step in the processing of applications. Subsection 4.1 presents findings and recommendations for data entry, completeness review, and quality control. Subsection 4.2 lists findings and recommendations for the prevailing wage review. Subsection 4.3 deals with the traditional recruitment review, and subsection 4.4 presents findings and recommendations relative to the reduction-in-recruitment activity. Subsection 4.5 lists the findings and recommendations relative to issuing determinations on cases.

4.1 Data Entry, Completeness Review, and Quality Control

In operating the simulation study, TMS has identified several opportunities for improvement in the work process for data entry, completeness review, and quality control. For example, the issuance of completeness letters for minor deficiencies in the application increases case processing time without adding value to the quality of the determination. In phase two of the simulation, TMS will streamline the process for issuing letters and obtaining additional information from employers and attorneys. The manual copying of the ETA 750 to insert into the envelope containing the completeness letter proved to be extremely time consuming, and TMS has developed a recommendation for improving that work process. Data entry errors were found to be a problem early on in the operation of the study, and TMS has developed a recommendation to ensure data accuracy. Validating the existence of the employer has been an extremely difficult task with, at times, uncertain outcomes, and TMS recommends that this step be eliminated from the application processing work flow, unless a more effective mechanism than the ReferenceUSA.com website can be found. Following are TMS' recommendations for process improvement.

Recommendation 1: In order to reduce the number of completeness deficiency letters issued in the initial phase of case processing, only those incomplete items which are required for prevailing wage and other analytical review of the application should be included in the initial completeness checklist. Those items required by the INS, such as the front-to-back requirement for the ETA 750 and type of visa, should be obtained later in the case processing workflow, if and when, the case is ready for certification.

Recommendation 2: Digital scanning of ETA 750 Forms into CAPS should be implemented to expedite case processing and issuing letters. The digitized ETA 750 Form will automatically print out with letters generated in CAPS. This reduces manual photocopying of the ETA 750 Form, which are inserted in mailing envelopes with the issuance of letters. Any amendments required should be made to the digitized copy of the ETA 750 Form by the employer, and the DOL Correction Approval stamp will be used for approved amendments on the original ETA 750 in the case files.

Recommendation 3: In order to increase data integrity and reliability, a quality control team should be created and integrated with CAPS. CAPS will randomly assign applications and the discrepancies between the original data entry and the quality control

check will be flagged by CAPS in order for disparities to be reconciled. CAPS will also utilize a program for illogical relationships to be identified and resolved by the quality control team.

Recommendation 4: The employer verification step should be eliminated from the case process due to the shortcomings of the ReferenceUSA.com website. According to recent statistics, over 24 million business entities currently exist in the U.S. ReferenceUSA.com has a database of approximately 12 million businesses, or about half of the total businesses in the U.S. As a result, the failure to locate a business on the database is not an accurate indicator of the validity of that business. ReferenceUSA has been useful in identifying a new address for a business that has moved.

4.2 Prevailing Wage Review

Operation of the simulation study has demonstrated that the prevailing wage review requires highly specialized skills, and a comprehensive knowledge of occupational categories and the application of federal regulations. TMS has developed a recommendation to ensure that the wage analysts acquire the required skills and knowledge. TMS has also found that the current practice of sending out NOFs for prevailing wage deficiencies and/or unduly restrictive requirements could result in the issuance of multiple letters to an employer and attorney, and an increase in case processing time. In addition, TMS found that some applications require a higher level of expertise regarding interpreting and complying with the federal regulations guiding the program.

Recommendation 1: TMS will develop a training guide focused exclusively on prevailing wage issues to serve as a supplement to the general training manual.

Recommendation 2: TMS recommends that when the prevailing wage team identifies prevailing wage deficiencies or unduly restrictive requirements, the application should still be forwarded to the appropriate recruitment team with the deficiency flagged. The prevailing wage issues would then be dealt with by the recruitment team to avoid sending a prevailing wage letter and then a recruitment letter to the same employer. This streamlining will reduce staff effort as well as processing time.

Recommendation 3: Establish a troubleshooting team to handle the most challenging applications can provide guidance on complex issues. Individuals on the troubleshooting team will require more extensive training than the members of the other application processing teams. An example of a scenario that would warrant transferring the application to the troubleshooting team is when an attorney or employer questions an interpretation of the federal regulations guiding the program.

4.3 Traditional Recruitment

While conducting supervised recruitments under the simulation study, TMS has developed and maintained a tickler file of questions on the process frequently asked by

employers and attorneys. TMS intends to use these questions to develop clearer recruitment instructions for use in phase two of the simulation study and in the backlog reduction effort. For posting job orders, TMS has been exclusively using America's Job Bank (AJB), and has found AJB to be extremely effective in generating resumes from U.S. workers.

Recommendation 1: Based on TMS's analysis, information has been identified as being commonly asked by attorneys and employers subsequent to the issuance of the supervised recruitment instructions. TMS has compiled a tickler file of these inquiries and recommends the supplemental information be incorporated into the recruitment instructions letter for both CAPS and at the state level in order to reduce the analysts' time required to respond to inquiries.

Recommendation 2: TMS recommends the use of AJB as the mechanism for posting job orders in the backlog reduction effort.

4.4 *Reduction-in-Recruitment*

The simulation study has revealed that the interpretation of an acceptable "established pattern of recruitment" varies from state to state.

Recommendation 1: To ensure consistency, general guidelines or criteria should be established to evaluate an established pattern of recruitment. Various issues and combination of issues should be identified which would assist analysts to assign the proper action or Notice of Findings letter required.

Recommendation 2: To minimize subjectivity and maximize productivity, guidance should be provided to support analysts in the determination of when to deny an RIR and when to issue a Notice of Findings. The distinction has an important impact on the status of the application and overall case processing time.

4.5 *Issuing Determinations*

Due to the age of many of the applications residing in the backlog, circumstances have changed for many employers and aliens. For example, some aliens are no longer working for the employer or have returned to his or her native country. Moreover, some employers are no longer in business and responses are never received to letters issued.

Recommendation 1: A withdrawal form should be incorporated into both the completeness and recruitment instructions letters to capture those situations where circumstances have changes since the initial filing of the application. The withdrawal form provides signed authorization to formally withdraw the case and permits closing cases earlier rather than letting them expire due to a non-response.

Recommendation 2: CAPS incorporates functionality to automatically calculate expiration dates for responses to letters and alert data entry specialists that a case should be inactivated. If a response is not received within the allotted time (plus a 10-day grace period to allow for mail delivery after the postmark date), the data entry specialist will initiate the automatic generation of an inactivation letter.