

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

Amendments 10-16 Final Approval
Conference Call: April 28, 2010

The Conference Call Meeting of the Advisory Group of the Wage Record Interchange System (WRIS) was convened on Wednesday, April 28, 2010, at 2:00 p.m. EDT, from the Employment and Training Administration (ETA), U.S. Department of Labor, Washington, DC

Welcome and Remarks

Karen Staha welcomed everyone to the call and requested that in lieu of a roll call, everyone should e-mail their participation to WRIS@dol.gov.

Purpose of the Call

Karen Staha explained that the purpose of the call was to discuss comments one last time for the resolution of the six proposed amendments to the WRIS agreement. Requirements are that during the 30-day comment period, there would be a conference call to allow for comments. The URL for the comments is: <http://www.doleta.gov/performance/WRIS> As required in Section X.E (Amendment of Agreement) of the WRIS Data Sharing Agreement, prior to the conclusion of the 30 day comment period the Employment and Training Administration (ETA) is to host a conference call in which any party to the agreement can either voice their support or concern regarding the six third round amendment proposals.

If there are objections to any of the proposals they will be amended or withdrawn. If there are no objections, amendments will be sent out to all participating states for signature which generally takes several months until all signatures are returned. Amendments become final once all participating states signatures are received. If objections are raised during the 30 comment period, or the conference call, the proposal will not be adopted. The proposing entity may choose to amend its proposal and repeat the amendment process.

Presentation of Amendments 10-14

Greg Wilson presented the proposed disposition for [Amendment #10](#) and opened the floor for comment. No comments were submitted by mail and no comments from the floor were received.

A. "Aggregate Data" is "Wage Data" that has been stripped of any information that would identify the individual(s) and employers to whom the data pertains, including but not limited to, name and Social Security Number (SSN) or Federal Employer Identification Number (FEIN), and that have been aggregated into a group(s) containing no fewer than three records, provided however, that nothing herein shall prevent a PACIA from observing a more stringent aggregation policy with regard to its own use and reporting of data.

Greg Wilson presented the proposed disposition for [Amendment #11](#) and opened the floor for comment. No comments were submitted by mail. A recommendation to add language to include “paragraph 9” was accepted from the floor.

Reference: Section VIII. Confidentiality/Restrictions on Use of Information, Subsection A, Paragraph 6

6. The Queries obtained through the WRIS shall be processed in a manner that will protect the confidentiality of the records and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal, or any other means. Queries may be downloaded to, or maintained on, mobile or portable devices only if the queries are encrypted with a very strong password that, at minimum, meets the standards established by the National Institute of Standards and Technology (NIST). Queries may be accessed only from a secure location.

Reference: Section VIII. Confidentiality/Restrictions on Use of Information, Subsection B, Paragraph 9

9. The Wage Data obtained through the WRIS Clearinghouse shall be processed in a manner that will protect the confidentiality of the records and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal, or any other means. Wage Data may be downloaded to, or maintained on, mobile or portable devices only if the Wage Data are encrypted with a very strong password

Greg Wilson presented the proposed disposition for [Amendment #12](#) and opened the floor for comment. No comments were submitted by mail and no comments from the floor were received.

The preliminary decision on the disposition of this amendment proposal is to incorporate the original language proposed on 9/23/2009 into the Agreement.

Greg Wilson presented the proposed disposition for [Amendment #13](#) and opened the floor for comment. No comments were submitted by mail and no comments from the floor were received.

- 1. The Advisory Group will convene each calendar quarter either in person or via a conference call. In-person meetings will be held in conjunction with other meetings to conserve state travel resources to the extent possible.*
- 2. Employment and Training Administration:
b) After each meeting or call, ETA shall provide a draft of the meeting report or conference call to group members within ten (10) business days. Advisory Group members will have ten (10) business days to comment on the draft report.*

Greg Wilson presented the proposed disposition for [Amendment #14](#) and opened the floor for comment.

3. To allow the PACIA to obtain Wage Data used to satisfy the performance and reporting requirements for the Job Corps Program, Senior Community Service Employment Program, Migrant and Seasonal Farm Worker Program, Native American Program, Veterans Workforce Investment Program, Youth Build Program, Registered Apprenticeship Program, Prisoner Reentry Initiative Grant Program, H-1B Technical

Skills Training Grant Program, the Community-Based and High-Growth Job Training Initiative Grant Program; and ETA programs and ETA grants funded under the American Recovery and Reinvestment Act of 2009 (Recovery Act), Division A, Title VIII of Public Law No. 111-5. Such requests are permissible, provided that a PACIA has entered into an agreement, which sets forth terms and conditions for such data sharing that are consistent with the terms of this Agreement, and 20 CFR Part 603, with an entity that operates such programs, or directly with ETA. A PACIA may submit Requests to the WRIS Clearinghouse on behalf of such entity, provided further, that any Results obtained from the SULA shall be reported to such entity by the PACIA as Aggregate Data.

Comments had been received during the sixty day comment period on this amendment. **Bruce Olinsky**, on request from Legal Counsel, had submitted a comment on April 9, 2010. New Hampshire asked for clarification on this amendment's impact on their state's policy for sharing data. NH has a state statute that restricts the sharing of state data to entities with which NH has a data-sharing contract. Is the sharing of this new data beyond the scope the existing WRIS contract, and does it therefore violate NH statute?

Greg Wilson responded: this amendment does not change the scope of the existing data-sharing contract—it only provides a new provision that allows states to use the WRIS Interchange System to share wage data on participants that received ARRA funds. The scope of the data is not different.

Greg Wilson presented [Amendment #15](#) and opened the floor for comment.

N. "Wage Data" means individually identifiable information reported quarterly by employers as required by Section 1137(a)(3) of the Social Security Act including, but not limited to, employer names and employee names, SSNs, and associated wages. Wage data also includes industry sectors in which employees work, as identified by the North American Industrial Classification System (or "NAICS") code. States provide the 6-digit NAICS code associated with the wage data unless an individual employer can be identified. In such cases, states provide the NAICS code at a higher level of aggregation (i.e., 4-digit or 2-digit level).

Connecticut raised a comment on the 6-digit NAICS code—it would be less time consuming to require 6-digit NAICS for all wage data, or to provide 2 digit codes only. As the amendment is currently written, it is very time consuming to "provide the 6-digit NAICS" only if an individual employer cannot be identified. This provision also seems unnecessary because the names of the employers are already collected in the wage data. Pennsylvania and Missouri agree.

Lisa from Pennsylvania raised a concern: because there is a heavy workload on the states currently, they may not be able to provide NAICS codes for two years—what is the penalty?

Greg Wilson replies that, because WRIS is a voluntary agreement, there is no penalty on the states that cannot comply. Lois Zuckerman adds that there may be repercussions under the Trade Act because the NAICS codes are still a reporting requirement for states under that legislation.

Conclusion

Karen Staha thanked everyone for participating on the call today. She also offered a “heads up” on a recent [TEN 37-09](#) that has been issued by ETA with the intent to evaluate programs using a 5-year process. This will involve 30 randomly selected WIBs. Questions can be sent to Simonetta.Jonathan@dol.gov