

Summary of Comments & Responses: Chapter 11.21 Supplemental Data Collection Policy

Policy Effective June 1, 2018

1. A few commenters expressed concerns about the additional reporting requirements from the State of Wisconsin beyond what the Department of Labor requires. The commenter was concerned these requirements may discourage businesses from participating in government programs because of the burden and invasiveness of the collection. These commenters also requested clarity on the necessity to collect earning information three quarters prior to participation.

USDOL Training Employment Guidance Letter 10-16, dated December 19, 2016, allows states and local areas to require additional data element collection from WIOA Incumbent Worker trainees. As outlined in the first paragraph of this policy, the State of Wisconsin requires additional data elements to strive towards providing efficient, effective, transparent and accountable government for its citizens. Businesses, stakeholders and incumbent workers enjoy the benefits of ensured long term quality of training providers, despite the short-term inconvenience. The first paragraph of this policy describes the department's cautious attitude towards additional data collection. It should be noted DWD-DET did not require elements such as disability status, race, ethnicity, veteran status, education levels, non-WIOA funded program involvement and many other elements that are required for WIOA program participants. The elements proposed were designed to enhance the experience of the public workforce system and return of information regarding program outcomes to its stakeholders. For example, collection of an incumbent worker's name, date of birth and gender are not federal mandated collection. These elements provide value by allowing workforce providers the opportunity to determine if an incumbent worker already has a unique identifying number. A unique identifying number is a mandatory report requirement. Collection of the incumbent worker's earnings during the three quarters prior to incumbent worker training allow evaluation to determine the impact incumbent worker training services have upon the businesses success and individual's earning ability. Three quarters of earnings prior to program entry were selected as the timeframe to provide a more complete picture of the work history prior to receipt of incumbent worker training. Our experience from the Dislocated Worker program is the quarter directly before program entry often provides anomalous results because of the economic condition, change in business practices or other circumstance that lead the business to become interested in incumbent worker training. Collection of the three quarters before program entry controls for these anomalous conditions. The state requires collection whether the individual is authorized to work in the United States to protect taxpayer funds from inadvertent services to individuals not authorized to work in the United States.

States are required to report business service activity in accordance with the approved Information Collection Requirement (OMB Control: 1205-0526, Expires 06-30-2019) necessitating the collection of the businesses information. The Department of Labor and Office of Management and Budget

have determined the reporting burden of business information is necessary and acceptable for WIOA programs.

The first paragraph in the policy describes DWD-DET's cautious attitude towards additional data collection. Although it seeks to provide benefits to its stakeholders, businesses and clients, DWD-DET also is sensitive to privacy concerns of individuals involved in its programs. DWD-DET did not require many data elements such as disability status, race, ethnicity, veteran status, education levels, non-WIOA funded program involvement and several other elements that are required for WIOA program participants. The elements selected in addition to the federal requirements provide evaluative value for the incumbent worker program.

2. A commenter asked if there would be additional guidance on how to record incumbent worker program services into the Automated System Support for Employment Training (ASSET). A second commenter expressed concern over when reporting incumbent worker courses would become effective and whether incumbent worker trainings that have already begun or have completed would be subject to this policy.

Wisconsin's WIOA Title I Technical Assistance Guide (TAG) provides step-by-step directions on how to input Incumbent Worker training services into ASSET and business services into JCW Business. Additional demonstrations are planned for new WIOA entries into ASSET and JCW Business throughout PY 17 and PY 18.

Any Incumbent Worker Training contracts using WIOA funds that are finalized after the effective date of this policy must include reporting the required elements. Reporting retroactive, prior to the effective date of this policy, incumbent worker information is not required, however is authorized. The workforce system is reminded that TEGL 10-16 Attachment 8, was published on December 19, 2016 and provides the federal collection requirements. Any contracts finalized after December 19, 2016 must collect and report the federal required data elements.

3. A commenter inquired about the definition of UI Root Number. Another requested the employer eligibility criteria for participation in incumbent worker training in the policy.

The UI Root Number is also known as the business's UI account number. Each business that is required to report quarterly earnings and employment history has an account number assigned by the Division of Unemployment Insurance. DWD-DET is changing UI root number to UI account number and making removing it from mandatory collection in the draft policy to strongly encouraged collection. The collection of this data element assists in the process of matching with proper business records in JCW-Business.

The WIOA Incumbent Worker Program employer eligibility criteria are defined by WIOA Public Law 113-128 Sec. 134 d (4) (ii) and WIOA Final Rule 20 CFR § 680.810. DWD-DET will provide additional program requirements in a separate policy. This policy is not intended to address program

requirements associated with incumbent worker training programs. The policy is solely focused on data collection.

4. A commenter expressed desire for the state to encourage collection of the individual's social security number (SSN) as strongly as it does for other programs. Another questioned why the state was not requiring collection of the last 4 digits of the SSN for wage matching.

Wisconsin supports the comment to encourage collection of the individual's social security number and the policy reads, "strongly encourages local WDBs to request each Incumbent Worker's social security number" to match outcomes with the wage file. Wisconsin believes this collection, although invasive, provides tremendous value and enhances the overall experience for program providers, businesses and incumbent workers by reducing repetitive follow-up for earning, employment information. Wisconsin nor United States Department of Labor are authorized to require collection of social security numbers for WIOA programs as outlined in the Privacy Act of 1974. Federal, state and local government agencies are prohibited from requiring disclosure of a social security number as a requirement for the provision of government services unless specified in statute. WIOA statute does not specify this requirement. Wisconsin DWD-DET strongly encourages the collection of the full nine-digit SSN to match unemployment insurance wage records.

5. A commenter asked what the relationship between incumbent worker training and WIOA performance and if additional funding opportunities for innovative pilots for Incumbent Worker Training were being considered.

WIOA performance indicators outlined in 20 CFR § 677.155 only include program participants. WIOA funded incumbent worker trainees do not meet the definition of participants in 20 CFR § 677.150. Incumbent workers are not included in Adult, Dislocated Worker or Youth program performance indicators. Incumbent Workers that become enrolled as a program participant in any of these programs will be subject to the performance accountability system consistent with their program participation. Workforce professionals can analyze the federal required elements in TEGL 10-16, Attachment 8 and conclude there is a possibility of future federal performance implications that include incumbent workers. Any new federal performance indicators must be approved through the ICR process and approved by the Office of Management and Budget. Any additional indicators the state determines must be included in the combined state plan. Ample notification and lead time will be provided to the workforce system if any new indicators are created.

DWD-DET is not currently planning to conduct a statewide incumbent worker pilot project however, may in the future. DWD-DET through its monitoring process will share promising practices related to incumbent worker training programs between local areas. Local areas are reminded that incumbent worker training funds are available by reserving no more than 20% of a local area's Adult and Dislocated Worker allocation for programmatic activities only, for incumbent worker training or may be paid through Rapid Response funds.

6. A commenter asked if verification of being authorized to work in the United States may be through the verification of I-9 Employment Eligibility Verification or testament by employer.

The methods of verifying form I-9 or written testament by the employer are acceptable methods of verifying the worker's authorization to work in the United States. While enforcement of immigration and customs law is not DWD-DET's primary focus, its workforce development programs must mitigate the chances of inadvertently aiding illegal activity.