

The Texas Workforce Commission (TWC) would like to provide the following comments to the U.S. Department of Labor, Employment and Training Administration (USDOL) regarding OMB Control Number: OMB 1205–0332 addressing the Tax Performance System (TPS). TWC appreciates the consideration given to its comments and is available to provide any clarifications, if necessary.

Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

The information collection and analysis necessitated by the TPS program is essential for the proper performance of the functions of both TWC and USDOL. TWC has complied with 20 CFR § 602.20 by placing its TPS function in a division completely independent of the tax and collections functions it monitors. The independence of the TPS auditor ensures a clear and unbiased view of the Agency's taxing and collections activities. This independent analysis ensures both the TWC and the USDOL can trust the outcomes reported in the ETA 581 and the methods used to obtain them.

Merely the existence of an independent TPS auditor who is familiar with TWC operations provides practical utility to the TWC and USDOL by discouraging questionable program choices in the areas monitored by TPS. Furthermore, the ongoing nature of the TPS process ensures tax, collections, and finance leadership are promptly made aware of any performance deficiencies discovered in their respective operations. The open and frequent dialog between TPS auditor and program leadership allows leadership to address and correct any inadequacies before a corrective action plan becomes necessary. Additionally, because the TPS programs are linked from state to state and region to region, best practices can be communicated among peers within the TPS program to foster higher levels of state agency performance.

Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

TWC believes that USDOL's estimate of one full time employee does not fully represent the burden imposed on state agencies for the proposed collection of information in the TPS program. TWC acknowledges it is possible for a state agency with established TPS programming and an experienced TPS auditor to perform the TPS functions with one employee, however, USDOL's estimate fails to account for certain externalities needed to ensure continuity of operations. Cross training staff for essential functions is an organizational necessity to ensure continued operations. USDOL's estimate of one full time employee does not account for the employee time state agencies must spend to ensure more than one person can perform TPS responsibilities in the event of staff turnover. TWC recommends that USDOL increase its estimated burden on state agencies to include the time needed to cross train a potential backup for the TPS auditor.

Enhance the quality, utility, and clarity of the information to be collected and minimize the burden of the collection of information on those who are to respond.

TWC does not have comments regarding how to enhance the quality, utility, and clarity of the information to be collected as TWC understands USDOL is already collaborating with the states to accomplish this goal. Specifically, USDOL is in the process of replacing the “SUN” reporting system which TWC has assisted with testing. Additionally, USDOL is updating the TPS procedures manual, ET Handbook No. 407, with new information and guidance and TWC has provided input to the relevant USDOL employees. While the frequency of TPS peer review is burdensome at the moment due to catching up from COVID pandemic delays, TWC understands such peer reviews will soon return to their normal pace.