

New York State Department of Labor
In association with the Finger Lakes Region
Comments on Proposed H-1B Technical Skills Training (TST)
and Jobs and Innovation Accelerator Challenge (JIAC) Grants
Reporting and Recordkeeping Requirements

The New York State Department of Labor (NYSDOL) feels it is important to provide the following information, as it is important to understand this prior to reviewing the comments provided.

In New York State, there are two distinct programs under this grant. One is for Advanced Manufacturing and is isolated to the Finger Lakes Region. This program is to be run using an Individual Training Account (ITA) format and will leverage the One Stop System in the region, meaning that all participants will be enrolled in the Workforce Investment Act (WIA).

The other is a Registered Nurse Upgrading Project, where a statewide Request for Proposal (RFP) is under development to solicit advanced training in nursing. The RFP will offer individual employers an opportunity to submit proposals to sub-contract with NYSDOL for this program and participants will not be required to be enrolled in WIA.

The differences between the two NYS H-1B programs make it unclear how the data collection and evaluation requirements will be effective. This issue is amplified when considering all the H-1B programs operating nationwide.

I. 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 concept of a control group, where certain participants would not receive services, is in complete opposition to the fundamental basis of this grant.** The intent of this grant is to encourage educational attainment and provide reimbursement of training services to ALL eligible participants under a successfully awarded sub contract; not to disallow any of them.

For our Advanced Manufacturing program, the participants will be WIA participants and enrolled in the H-1B program only if the WIA program has determined they require training in the advanced manufacturing career pathway. We are leveraging the One-Stop system resources to provide core and intensive services. The control group concept requires that front line staff inform some participants they cannot receive the benefits of the program while others can. This disparity would be invisible to the participant and appear to be potentially discriminatory.

Businesses and participants targeted through the Registered Nurse Upgrading Project may be uncomfortable with the concept of a control group for similar reasons, but also:

- a. The targeted participants are incumbent workers who would be asked to sign a consent form and if they agree, they would be required to complete the individual data element information survey. The survey asks invasive questions which the incumbent worker may not wish to share with their employer or with their union training fund organization

(e.g. Facebook name, attitudes toward employment, physical and mental competencies, etc.)

- b. The requirements indicate that after participant data element information is collected, participants would be randomly assigned to a treatment or control group. The employer would not receive reimbursement for participants in the control group. Therefore, the employer may disallow training for these participants, knowing that there would be no subsequent reimbursement under this grant.
- c. This disparity may also cause undue tension at the employer's worksite if two employees were hoping to participate but one is placed in the control group, and therefore is unable to receive services.

If it is USDOLs intention to evaluate the H-1B using a control group, we suggest looking to regular WIA participants in NYS. They would provide a large control group without the need to refuse service to individuals who qualify for this program.

- **While we understand the value of an experimental evaluation for a mature program, the two programs being implemented in New York are new initiatives.** We are happy to collect and provide participant demographics, service information, and outcome data, but feel the extraordinary data collection and follow-up associated with the evaluation for these fledgling programs is not appropriate.
- **The information we are being asked to collect for this grant is invasive and is not necessary to determine outcomes of the program.**

Many of these fields seem to have no direct relevance to the projects being undertaken (i.e. Opinions about Work Opportunities; Public Assistance questions; household characteristics) and we believe that this data may create a significant barrier to participation in the program.

Incumbent worker trainees may be very uncomfortable reporting some of these elements, knowing that their employer (the sub-recipient) will have access to this information (e.g. especially information on disabilities). This could be a significant barrier to participation.

Employers may be uncomfortable gathering some of this information. Individual trainees could allege that having access to this sensitive information could be used as a basis for denying a promotion or transfer or other employment action. This could be perceived as a disincentive to apply.

II. 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.

- **NYSDOL believes that the total annual cost burden for this program has been underestimated.** To demonstrate this, NYSDOL did an analysis of the total burden cost related to the Quarterly Performance Report as an example.

USDOL has identified a total cost burden of \$48,859 related to the Quarterly Performance Reports across the 85 grantees, or \$574.81 per grantee per year across the life of the grant.

However, NYSDOL has calculated the total annual burden cost our Division of Research and Statistics will incur to provide the Quarterly Performance Reports. The burden in the first year will be \$10,625.79 (slightly higher due to initial set up of reporting structure), and \$6,113.47 in each additional program year.

NYSDOL feels this example is also applicable across the other areas identified by USDOL in the Estimated Total Burden Hours.

III. Enhance the quality, utility and clarity of the information to be collected.

- **The use of a separate Management Information System to track participants in this program creates an undue burden on NYSDOL and its partners in this grant.** In NYSDOL's application for this grant, the use of the One Stop Operating System (OSOS) was described as being the planned method of data collection for participants in this program. After review of the data elements needed to meet the reporting requirements for this program, NYSDOL has determined that OSOS could be used to capture the data to meet all of the reporting requirements. Requiring staff to input data into the system developed by ETA is duplicative. It will result in significant amount of time spent on data entry which could better be used serving customers. In addition, it may result in data that is inconsistent across the 2 systems. NYSDOL strongly disagrees with the requirement to use ETA's data system solely to meet the needs of the evaluation.

IV. Minimize the burden of the collection of information on those who are to respond, including through the use for appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology, e.g. permitting electronic submissions or responses.

- See comment in previous section.

V. General Comments

- **The proposed control group will compromise our ability to effectively run these programs by making us unable to recruit enough participants to be able to spend the funding appropriately.**

The goals described in our grant application were designed to attract participants to pursue Associates Degrees in Applied Sciences to prepare for careers in Advanced Manufacturing; and to advance education and training for individuals who wish to pursue a higher degree and a wage increase in a Registered Nursing occupation. We could accomplish these goals by providing services and incentives to encourage individuals to pursue careers in these in-demand occupations.

To increase the enrollment in and attract recent high school graduates and displaced workers for the Advanced Manufacturing initiative, the grant offers training vouchers which should provide enough funding for students to attend school with limited, if any tuition costs incurred by the

prospective student. The availability of these training vouchers should serve as a strong incentive to potential students to pursue the advanced training being offered and in turn be qualified for the needed positions.

We feel that the possibility of being selected as a member of the control group and in turn, not receiving services would provide a disincentive to participants in the program and potentially fail to provide an adequate control group.

- **The proposed control group will change the entire marketing campaign for the grant.** Rather than promoting the availability of funding for training, the focus of the marketing would shift to that of a recruiter for the programs available without the incentive of a training voucher. Although this may be effective in secondary schools and technical and career centers, we fear that it would provide little to encourage potential participants to pursue this valuable training.
- **USDOL made no mention of this type of evaluation/reporting format prior to our submittal of its application.** While we agreed to submit reports on this grant, there was no indication of this type of control group format. Had we known, we certainly would have altered our application. The program design outlined in our application is not conducive to this type of evaluation/reporting format.