



May 17, 2016

U.S. Department of Labor
Employment and Training Administration
Attention: Adriana Kaplan
200 Constitution Avenue NW, Room S-4209
Washington, DC 20210

Re: Agency Information Collection Activities; Comment Request for State Retention of Applications and Job Orders

Dear Ms. Kaplan,

Thank you for the opportunity to provide comments concerning a proposed extension without changes of the data retention required by CFR 652.8(d)(5) of the Wagner-Peyser Act.

As you know, the National Association of State Workforce Agencies (NASWA) and DirectEmployers created the National Labor Exchange (NLx), a sophisticated electronic labor-exchange network, in 2007. This unprecedented public-private partnership leverages private non-profit-owned technology with existing state workforce agency resources.

The NLx collects and distributes job openings exclusively found on over 30,000 corporate career websites and state job banks – and is growing on a daily basis. All NLx services are offered at no cost to state workforce agency customers – both jobseekers and employers – as well as over 40,000 jobs domains, state workforce agencies, and federal partner portals, such as USDOL's Veterans.gov, the US Chamber of Commerce's "Hiring Our Heroes" and the VA's "eBenefits." Today, all state workforce agencies, including the District of Columbia, Puerto Rico and Guam, have signed participation agreements with DirectEmployers to operate the NLx, and provide job content to www.us.jobs

Most job banks are now populated with information received electronically – either through indexing, spidering, employer-entered, or some other means. Most of the job orders posted by states are the result of the NLx job feed. For example, one state currently has 45,380 job orders in its job bank. Of that total, 8,616 orders were posted manually, and the other 36,764 were added using the indexing technology and provided to the state through the NLx daily job feed. A recent survey of NASWA member states indicates that most states do not save that feed; daily files are overwritten daily. There are a few exceptions, primarily in states using Cloud storage solutions, but most states rely on the NLx's ability to retain daily job feeds.

This ICR discusses how states are only required to maintain job posting records for one year (or less). In OFCCP regulations, federal contractors are required to maintain records of their job listings with the state agencies between one (1) year (if they are a small employer) to two (2) years (if they have over 150 employees and get over \$150K) to provide to OFCCP. Here is the problem – the same OFCCP regulations require state agencies to confirm to OFCCP the validity of what the federal contractors report. Therefore, a conflict and an unfunded mandate exists. We recommend conformity of job order retention requirements to limit confusion and additional costs and also recommend a year period be used.

NASWA is available to query the states to seek additional information to assist USDOL in reducing the burden on states, and develop coordinated reporting requirements.

We would be happy to discuss our comments with you further and thank you again for allowing us to comment.

Sincerely,



Scott B. Sanders
Executive Director
NASWA