**WorkforceGPS**

**Transcript of Webinar**

**Second Quarter State Wage Interchange System (SWIS) Advisory Group Meeting 2021**

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LAURA CASERTANO: I want to welcome everyone to today's SWIS advisory group state SUIAs and PACIAs second quarter 2021 meeting and I'm going to go ahead and turn things over to your moderator today, Toquir Ahmed. He's a workforce analyst with the Office of Policy, Development and Research with the U.S. Department of Labor. Toquir, take it away.

TOQUIR AHMED: Great. Thank you. Hi everyone. Welcome to the SWIS advisory group call for the second quarter of 2021. I am Toquir Ahmed and I'll be moderating today's event.

So joining us today, we have state SUIAs and PACIAs. On the federal side, we have representatives from the OCTAE and OSERS/RSA and from ETA, we have representatives from ETLS, OUI and OPDR. From ETA's technical assistance contractors, we have Conduent, SWIS clearinghouse team, and we also have CDS2, the SWIS administration team.

Moving on to housekeeping. So I'm sure many of you have seen this before, but just as a reminder, this is a listen-only portal. You can use your computer speakers or dial in to listen to the presentation.

We do ask that everyone please type their name, state and organization in the chat box, if you have not already done so. This WorkforceGPS platform also allows us to share files, so please be sure to download any resource documents that are available in the file sharing window.

Other than technical questions, if you have any questions about SWIS, please enter those into the chat box. We'll be monitoring those throughout the call. Now, I'll go ahead and turn it over to Bruce with CDS2 to go through today's speakers. Bruce?

BRUCE RANKIN: Thanks, Toquir. We're really fortunate to have an impressive group of experts on today's call, beginning with Toquir, today's moderator. Toquir is a research analyst in the ETA's office of policy, development and research, as Laura mentioned, and to us, he is our day-to-day point of contact for SWIS operations.

Also from OPDR, we have Greg Wilson, who is the lead program analyst. Among other duties, he oversees SWIS operations within DOL. And rounding out the OPDR representatives, Kellen Grode is an economist in OPDR and he's our go-to expert on eligible training providers, as we like to say, ETPs, among other subjects. Joining us today from the Department of Education and a senior policy advisor in the Student Privacy office is Dale King and Dale is an expert, among other topics, in FERPA.

Joining us representing one of the states is Adam Leonard, director of the division of operational insight and the Texas Workforce Commission. And Adam is known to many of you as a longtime advocate and expert in the area of SWIS and prior to that, RIS and RIS2 state operations. And as I mentioned, and Toquir introduced, I'm Bruce Rankin. I'm part of the CDS2 SWIS administration team and, among other things, we help develop the technical assistance and training resources.

We manage the SWIS help desk and then we also conduct the SWIS confidentiality compliance reviews. Then we have Cynthia Binkley, the UI-ICON program manager from the SWIS clearinghouse, who we turn to often, for updates and assistance with SWIS data – (inaudible).

And then joining us and available for questions, representative Sarah Yager is a management and program analyst from the Office of Career, Technical and Adult Education, or OCTAE, within the Department of Education, representing Title II of WIOA.

And Andrea Hall, vocational rehabilitation program specialist in the Office of Special Ed and Rehabilitative Services, RSA, within the Department of Education, and Andrea works with the Title IV representatives. And I'm going to go ahead and turn it back to Toquir, who's going to provide a quick overview of today's agenda and then kick off the program. Toquir?

MR. AHMED: Thank you, Bruce. So we do have a fairly ambitious schedule for today's call. I'll start by providing an update on the SWIS implementation and operations.

I'll then turn it over to Cynthia, who will provide their quarterly technical update, along with some observations from their help desk. We'll then send it over to Dale King of the Department of Education, which will introduce the updated guidance on using the supplemental FERPA agreement resource that is tied to the – (inaudible) – of the SWIS agreement.

We'll then move along to Kellen Grode of DOL/OPDR, who will provide an update on the use of wage data obtained through SWIS for ETP and assessments. Then we'll introduce our guest speaker, Adam Leonard, of the Texas Workforce Commission, who will discuss a SWIS employment flag and possible access granted to local service providers.

Then we'll have Greg Wilson of DOL/OPDR who will give an update on ETA's planned amendments to the SWIS agreement. I'll then go ahead and facilitate the Q&A session. And then, if time permits, Bruce will provide a quick update on the confidentiality compliance reviews, DTRS process and the SWIS administration plans for 2021/2022. And then I'll go ahead and wrap everything up.

All right. So a reminder, particularly for Titles II and IV with contractor staff who may not be familiar with SWIS, all staff and contractors with access to wage data from SWIS must review and acknowledge the DSA.

This also includes those participating in the advisory group calls. Our expectation is that your organization has ratified the DSA and anyone participating has reviewed the DSA and submitted the signed NX2 documentation. This slide also highlights our new Q&A tracking document, which will be updated for each future AG call and a new record retention resource. We hope to release that soon.

We also have the Annex 1 and Annex 2 forms available along with a proposed template states can use to document plans to hold wage data from SWIS for more than five years. So attached for your convenience is a resource to document your state's or agency's policies if your PACIA has identified a legal record retention requirement that extends beyond five years.

ETA has requested state's document and justify any retention period longer than five years and transmit that completed SWIS record retention resource with applicable state statutes to SWIS@dol.gov or SWIS@cds2.com.

All right and moving along. So here's a snapshot of the current progress made toward having all parties, workforce education and vocational rehabilitation ratifying the agreement. So since the last AG call, we continue at 49 states, the District of Columbia and Puerto Rico had all four Titles signed and one state had Titles I, III and IV signed. Title II entities and process of executing DSAs. So we have the Utah State Board of Education, their DSA is in process, we're just waiting on receipt.

So all states are now responding to incoming queries, only PR, Puerto Rico, is offline. On the data request side of the equation and as of the January clearinghouse matrix report, the following states have not placed a request with the SWIS clearinghouse during the past 12 months.

That includes Connecticut, Michigan and Puerto Rico. I'll now turn it over to Bruce – to invite Cynthia from Conduent to provide the clearinghouse update and give a short summary of the help desk requests. Bruce?

MR. RANKIN: Great. Yeah, thanks, Toquir. Yeah, just real quickly, as I mentioned earlier, Cynthia, – (inaudible) – and Amanda, the backbone of the SWIS operations and the clearinghouse, these are the folks that we work with often.

Cynthia is going to provide her quick update and then also just sort of to provide some context, some of the questions that they received separate from what we see in the SWIS help desk for the typical daily operations.

So without further ado, Cynthia, take it away.

CYNTHIA BINKLEY: Thanks, Bruce. So this is the quarterly technical review, the 2021 distributed data base index, DDBI, schedule. First quarter of 2021 is due at the Hub July 5 and it will be online as July 12.

Second quarter is October 4, online as of October 11. Then we have the third and fourth quarter. They are due in January of 2022 and fourth quarter is April 4 of 2022. You all should be receiving a monthly matrix traffic report for SWIS. If you are not and want that report, please let us know and we will work with ETA, Bruce and company to approve that.

FAQs, update from clearinghouse. Typically, most of the issues that we have are password resets and information like that. Sometimes there's questions as far as downloading data or uploading. We're available any time, but really not anything major at this time.

We are working on a small item is when you hit the display, if you don't have – if you have submitted a SWIS request and you don't have any results, if you click on display, it'll just spin, but that's because you don't have any results coming back. But we're working on that. That's an issue we just recently found and that's all I have, Bruce.

MR. RANKIN: Super. Thanks. So Toquir, I'm going to turn it back to you and on to our presenters.

MR. AHMED: All right. So first up, we have Dale, who will provide an overview of the supplemental FERPA agreement, Attachment 1 guidance. Dale?

DALE KING: Thanks, Toquir. Good afternoon, everyone. I'm going to talk a little bit about the supplemental FERPA agreement, which is also referred to as Attachment 1.

We have been receiving some questions regarding when to use the supplemental FERPA written agreement and while the use of Attachment 1 is explained fully in the document, the complete document, which is – you can see in the link in the second bullet there, we decided that it might help if we developed a short document that summarizes when it would be necessary to use the supplemental FERPA written agreement.

So you should have a copy of that. It's really a two page, one and a half page, document. So I think that – you should have that available to you now.

First thing to remember is just in general that under FERPA, the requirement is that for a state educational authority to disclose PII from education records to any third-party entity for the purposes of auditing or evaluating state or federally supported education programs, that the authority must enter into a written agreement with that third party designating that entity or that third party entity as its authorized representative in order to comply with FERPA.

So when we're talking now about WIOA then, and you're aware of this, for the purposes of WIOA, there are really two ways that this will be accomplished and that's depending on the circumstances.

One, which is the SWIS agreement edit one and the other one is the Attachment 1, the supplemental FERPA written agreement.

So before I talk about the supplement, I'll just mention the Annex, because I think there's some confusion between when you use the Annex maybe and when you use supplementary.

Under the Annex 1, – (inaudible) – Annex 1, most cases this is going to be what will be used, because you use Annex 1 when the state educational authority is either the access PACIA or the state educational authority is a non-access PACIA.

If the educational authorities, even one of those, and you're going to be using the SWIS Annex 1, not the Attachment 1 supplementary. What will happen under the Annex 1 is the state educational authority is going to designate in section four of Annex 1 those parties to the agreement that are going to be authorized representatives of the state educational authority.

So that is going to be accomplished through the SWIS Annex 1. And under Annex 1, then, if the educational authority – (inaudible) – a non-access PACIA and not the access, but is a non-access PACIA, then they would, under Annex 1, would designate the access PACIA who is not an educational authority as its authorized rep.

So that's all occurring under SWIS Annex 1. However, when you're talking about the attachment, which is going to be a small – as explained in the – more thoroughly in the guidance – not this guidance, but the guidance online, that there's going to be a certain number of access PACIAs that are not an educational authority and where there's not – (inaudible) – that is a non-access PACIA.

In other words, you don't have a state educational authority who is a part in any way to the SWIS agreement. So you're only going to be using the Attachment 1 supplementary agreement when the state educational authority is neither an access PACIA nor a non-access PACIA. In other words, there is not a state educational authority that's a party to the SWIS agreement. And I think that is the big distinction.

Now, in these circumstances then, what it prevents is it prevents the access PACIA and must be designated, as I mentioned, as the state educational authority representative in order to do two things.

One, it permits the disclosure of PII for education – (inaudible) – education authority to the access PACIA and two, it permits the access PACIA, who is not an educational authority, to further designate other entities that will or may need – have access to PII under the terms of the SWIS agreement.

So those are the two distinctions and there are a couple of examples I'm going to go through, but the key there, to remember, is you're going to use the Annex 1 if the state education authority is either an access PACIA or non-access PACIA and you're going to use the supplementary when the educational authority is not a party in any way to the SWIS agreement.

Now, in this document, in the document provided you, there are two examples and one of these examples is – the first example is where you have an adult education – well, we're talking about an adult education entity that – (inaudible) – state educational authority but is neither an access PACIA nor non-access PACIA.

They're going to be disclosing PII to, let's say, the state workforce agency maybe as an access PACIA. These are examples. This is an example. But that access PACIA is not a state education authority.

So in this example, it would be necessary for – (inaudible) – to use Attachment 1, because, as mentioned above, the state education authority is not an access nor a non-access PACIA.

Therefore, it will be necessary for the state workforce agency that would be an access PACIA, in this example, to enter into a written agreement with the state educational authority that is not a party to the SWIS agreement. This would permit, then, the state workforce agency, who is the educational authority's authorized rep, to further designate other entities as authorized representatives.

Now, in the second example is where the adult education entity that is a state education authority is also a non-access PACIA and will disclosing PII to the state board agency that is the access PACIA but is not a state education authority.

In the second example, this is going to – you're not going to use supplementary here. You're going to be using Annex 1 and you – in this situation, the educational authority, the non-access PACIA will designate the access PACIA or the state workforce agency or other parties to the agreement as necessary as additional authorized representatives that would permit then the disclosure of PII.

So those are the examples and I think – this is where we tried to summarize in this one-and-a-half-page document and I think that's it, unless we have any questions.

MR. AHMED: Great. Thank you, Dale. I only see one question from Alice. It was about the fourth quarter and it was showing 2022, and this was before your presentation, isn't it 2021 Q4. Alice, you're correct. We will make that correction. Unless there are any other questions for Dale, I'll go ahead and turn it over to Kellen Grode who will present on using wage data obtained through SWIS for ETP assessments. Kellen?

KELLEN GRODE: Thanks, Toquir. Yeah, so I saw in the participants list some familiar names to me, but there are some that were new to me. So I wanted to start by going through some sort of high-level overview of what eligible training providers are and just so that folks have the background that they need for the rest of this conversation.

So as far as what are ETPs or eligible training providers, this comes out of a requirement in WIOA that each state has to develop a list of programs of training services, which we call an ETP list, that would be eligible to receive WIOA training funds through individualized training accounts or ITAs.

As a part of these set of requirements, there are reporting requirements relating to ETPs.

So states are required to report on all of their programs that are approved on their state's ETP list and these reports sort of fall into two broad buckets, one of which is the reporting on the WIOA participants that are enrolled in those ETPs and then the second big bucket is all students that are enrolled in these ETPs.

So this includes individuals who are not being served by WIOA but are enrolled in those training programs. So that, I think, is where a lot of the questions about what type of information that can be obtained through SWIS can be used for fulfilling these reporting requirements.

Another piece of background information that I think is important for folks that are not familiar with this or less familiar with this to be aware of is that for some of the early years of this reporting requirement, many states have had a waiver of this requirement to report on all students, quote, unquote.

So they were only required to report on the WIOA participants served by programs on their list. And part of the reason why it's especially important to be aware of now is that the waiver for those states that have it is scheduled to end on June 30 of this year.

So in just a few weeks, that waiver is scheduled to end, which means that the PY20 reports that will be submitted in October are the last ones that will be submitted under that waiver and now, moving forward, states will all have to be reporting on these all-students category for their training providers.

So that's sort of the background on why it's important to be thinking about how we're going to get information on these individuals in order to fulfill the reporting requirements.

And so related to that, there's a lot of questions that we get from states about how SWIS can be used in order to access wage records for the purposes of reporting on ETPs.

So I wanted to maybe highlight a few specific areas and just give like – (inaudible) – simple answers that may prompt more questions and if they do, we can dig into those. But so the basic questions though are can SWIS be used to access wage records for the purpose of reporting on ETPs?

And the short answer is yes and you see on the slide, it's yes for both WIOA participants and for all students. There's a lot more detail in training and employment guidance letter 07-16.

Forgive me, I don't know the corresponding education guidance, but it was jointly issued guidance, so it's been issued by both the Department of Labor and Education.

Then the second big question that we get quite a bit when it relates to obtaining wage record information for eligible training provider reporting is what about FERPA? Don't the FERPA requirements prevent us from accessing wage records for students that did not participate in WIOA?

And the short answer to that is no. You'll see, I have included in the slide a caveat that there is some additional work to ensure that you're complying with FERPA requirements, but it is an allowable use of the SWIS agreement and SWIS system.

And so a lot of that ties into what Dale was just talking about, in terms of determining what FERPA requirements you need to be complying with in terms of when you're accessing wage records for the purposes of reporting on eligible training providers.

So with all that said, I have a couple more quick notes on sort of some things that we recommend that states keep in mind, in particular with respect to FERPA and ETP reporting, one of which I kind of already mentioned, but the requirements are described in pretty good detail in training and employment letter 07-16, Attachment 1.

If you go through that attachment, there is a lot of information and scenarios about how to conduct wage matching for eligible training provider reporting.

I think the next sort of thing to keep in mind is what entity is it that's conducting the data matching as well as what type of entity is it that you're conducting the matching on behalf of, right?

So there's, you know, the question of are they a state educational authority? Are they an authorized representative?

And then related to that, which we saw in Dale's presentation, right, is the question about are they already a PACIA or maybe this is another entity that there needs to be some sort of – you need to go through that, like, Attachment 1, essentially, that was shared and figure out what are my responsibilities and requirements with regard to FERPA that need to be met before we can access wage records using the SWIS for information on these training providers.

Or maybe there is no FERPA requirements at all. Depending on who the training provider is, maybe FERPA doesn't even apply.

Then the final thing I wanted folks to keep in mind is, you know, in a scenario where maybe some of these other questions don't apply or you're just really struggling in getting some of the appropriate agreements signed or in place, is, are you able to build this obtaining of prior written consent into your intake process for people being served by these training providers?

So maybe when a training provider comes on the list, maybe there's some way that you can build some conditions into that thing, like, okay, if you're going to be on the list, like you have to ask everyone that you serve for this consent for us to access wage record information on them for the purpose of reporting.

You know, there's a lot of different ways to approach this. I'm sure some folks on this call have additional ideas and thoughts, so you know, we're happy to hear those examples. I think that would be useful.

But yeah, so that's sort of the bulk of what I wanted to cover in this part of the presentation and if there's questions, you know, we can maybe try to address them now or at the end as well.

MR. RANKIN: I'm going to go ahead and chime in real quickly. It's Bruce, and Toquir, you as well, but Kellen – and this may be to both of you.

We have a question that just came in and I'm not sure if we can get to an answer here, but real quickly from one of the participants, the question is who is responsible, eligible for requesting wage records for the all?

That being the non-WIOA participant students. Is that the educational authority? Either directly or through their designated access PACIA or can the partner agency administering WIOA presumably place that request?

And that may be a toss-up between the two of you, but Kellen, maybe start with you, if you can interpret that.

MR. GRODE: Sure. You know, I think for me, like I think I am – I would say personally I'm less familiar with the ins and outs of the SWIS side of things, but my read on it is that it could potentially be either and I think depending on the direction that a state decides to go, will in part influence the requirements and responsibilities with respect to some of those things that Dale is discussing with Attachment 1 in terms of like, do we need to do this Attachment 1?

Do we need to designate this other agency as – I'm blanking on the word all of a sudden, but do we need to designate them as able to request these wage records on our behalf? So that's, I guess, my immediate reaction.

I don't know if others have additional thoughts that they would add to that or clarify that I maybe got wrong.

MR. KING: This is Dale. I mean, I'm not sure who is necessarily responsible. I would look at it from – from a FERPA perspective is that the PII education records could not be disclosed or allow anyone else to access unless the educational authority is designated to whoever is going to be receiving – whatever third party is receiving the information as their authorized rep.

So I don't know if that answers the question, but from a FERPA perspective, it goes back to what I talked about earlier, that if you're going to use – under the agreement, it has to be where the state educational authority is designating a third party as an authorized rep in order to access PII.

MR. RANKIN: Super. And what I would say, this is Bruce again, just real quickly, to the extent that any of the participants, and Mr. Myer, if you're looking for additional information, feel free to follow up with a question through the SWIS help desk and we'll have all that contact information at the end.

So I don't know – any of the other folks in the presentation team, any other thoughts on that question? Again, we can follow up.

MR. GRODE: I think Dale's explanation was more clear about what I was trying to say. So one thing that this question did make me think of is that it's important to remember that when you're talking about submitting ETP reports in particular, you know, the state is responsible for submitting them, but that doesn't mean that it always has to be the same entity that's submitting of the reports. Right?

So if they're, for whatever reason, based on state structure, whoever the educational authority is, like if there's reasons why it simplifies things for maybe the educational side of things to be submitting those reports, whether it's FERPA related or what not, that is an option as well. So as long as it's designated by the state to submit those reports, that's fine, and obviously all the other caveats that we've already discussed apply as well.

MR. RANKIN: Super. I'm – just to keep things going again, we still have a few more presentations, some ground to cover. So just as Toquir said earlier, any questions folks have that we don't get to during these presentations, we'll try to capture them at the tail end of the presentation.

But what I'd love to do right now, if you don't mind, is turn to our state representative, Adam Leonard, and this is a reminder to all the members here that this is your call and that we actually encourage and welcome topics that you'd like to discuss or raise for the others to consider.

In this instance, Adam is going to bring up the question of the employment flag disclosure. I'll let him get into the details, but this was raised through the compliance review process and recently reviewed and a determination issued by DOL's ETLS and the solicitor's office and that really prompted this discussion.

So without further ado, Adam, I'm going to turn it over to you and let you present your information position on the employment flag.

ADAM LEONARD: Absolutely. I really appreciate the opportunity to do that. I think that it's kind of worth noting that we all know that the – everything is governed by the agreement and the agreement has provisions in it to allow for amendments with public comments and voting and such to move forward.

So now that we're a few years into operation on SWIS, it's really time to kind of start to go back and take a look at how it's working and where it might could work better for us.

Something that's come up in the past, but that I think is more critical today than ever before, is this idea of being able to acknowledge the existence of employment in a given quarter and – or not.

Like right now, we're like the CIA, right? If somebody asks us about that, someone who served a worker or – (inaudible) – participant or a student in our adult ed programs and they were to check with us and say, hey, I can't find this person in wage records. Are they employed?

We can neither confirm nor deny the existence of employment records that may or may not exist, in other states that we may or may not have already obtained through the SWIS. That's kind of the answer.

The problem with that is, is that the boards – our local boards and other partners are held accountable for employment outcomes on those that they serve and this inability to give them a simple answer of yes or no, not the amount, not where they're working, not what state they're in, not what industry they're in, just like telling them, hey, don't worry about it.

We know that he's employed in quarter two, it's going to show up in the data. Not being able to do that is leading to an inefficient use of resources and really it's also, I would argue, undermining continuous improvement in our system.

So from the first part, the inefficient resources piece, there are the – again, the boards and other partners like adult ed grantees are often held accountable for employment outcomes.

The boards are held accountable for employment outcomes under statute and many states hold their adult ed grantees and other partners accountable for employment and earnings outcomes more broadly than just like Title 1 does.

And so because they are held accountable for it, if – well, I don't know if every state is this way, but a lot of states provide access to basic data on the people being served and whether or not they are in the numerator or denominator on a measure.

So in our world, in Texas at least, we provide them extracts that'll tell people who's in the numerator if it is the result of something other than SWIS derived data otherwise it's not.

So what they tend to do is make phone calls and do follow up efforts and reach out to the customer, not because they're trying to confirm whether or not they need additional services or if there's – or for a follow up to try to get kind of customer satisfaction, but instead to get information so that they can get their credit on a given measure.

And so what that means, is that we have folks that are spending time and limited resources not actually trying to achieve the result, which is the employment outcome, but rather attempting to get proof or credit for the outcome they're trying to achieve, which is, again, an inefficient use of resources.

But beyond that, we also get into this question of continuous improvement and if you look at WIOA, WIOA really doubles down on the whole use of data to improve operations and the evaluation work.

And that's something that we've seen stepped up over the last several years that WIOA has been in place that our federal partners have each had efforts to help promote evaluations, meaningful evaluations, statistical evaluations of results to try to identify effective and ineffective programs or practices that can be used to improve the system. And while many of these efforts are conducted at the state level or the federal level, the reality is, is that we have local partners who have capacity to do this. They have interest in doing this.

But the problem is, is that if they can't get to the customer level data with even just the employment flag saying, yeah, employed in quarter two, nope, not employed in quarter four, but verified. If we can't give them that information, then what's happening is, is that it is essentially introducing noise into the data.

Those records that are actually in the numerator, that have unique characteristics of services they received and, you know, the demographic information, geographic information on the employees, where they were served, when they were served, how they were served.

All of that data is in there and if the numerator flag isn't available to the researcher or researchers doing this work, then that means that these people look like they're not employed and so that weakens the ability to do the analysis.

And so that's really why we wanted to bring this up now as we, as a system, or and how partners are trying to use more data, trying to do better evaluations, and trying to maximize use of resources, are there – could we amend the agreement to allow the disclosure on a given person to an authorized partner the existence of employment in a given quarter without providing them any additional details that come from the wage records?

So the existence of a wage record, but not that it was from New York or New Jersey or Florida or Georgia or wherever and who the employer is and what the – (inaudible) – FEIN of that employer is and what the – (inaudible) – code or the amount of the earnings.

Just saying, yep, he's employed, don't worry about this one, that's basically what the proposal is. And I should mention, you know, that this doesn't affect everybody equally. Obviously there are some states that don't have huge commuting patterns. There are others that have massive commuting patterns, like 15 to 20 percent of the people that they serve ultimately end up working in another state while still living in the state that they got served in.

Even in my state, which is a very big state, Texas, in the middle of the state where you wouldn't tend to think of a lot of people needing SWIS data, one of our boards is responsible for working with Fort Hood, which is the biggest military installation in the country and there are thousands of military personnel and therefore exiting military personnel who they are serving.

And ultimately, what happens is, is that they get served, they get help finding a job back home wherever they're – you know, in their state and so 9+ percent of their numerator when it comes to – (inaudible) – comes from this.

And they happen to be one of those highly motivated organizations that's motivated by performance. Motivated by excellence. Motivated by recognition. And so they spend time doing these outreaches, because they want to be sure. And we can't tell them otherwise.

So that was the idea is to put this out there. Obviously as an amendment proposal, it would have to go through a common process and the language reviewed.

But in the meantime, we wanted to kind of provide this background for you all and also we've got a couple polling questions, which we want to ask our SUIAs to answer and then another one for our PACIAs to answer, just to indicate whether or not you have interest in this.

This is not a vote, per se, okay? This is not going – saying yes now doesn't mean that you've just agreed to sign off on the final language or anything else. All this does is help us understand kind of where people's first reactions are and ultimately to kind of get a sense of whether there might be consensus around pursuing this further and whatnot.

I'd be really interested also in the chat if people have specific questions or suggestions around this in terms of finalizing it.

I'm pasting my email into the chat so you can reach out to me directly if you have ideas. If you have data. You'll see in the actual proposal itself, I put the example that I cited about central Texas.

Georgia has also provided some information about their desire to have the employment flag and how it could affect them. If there are other states who would like to kind of sign on as cosponsors and provide additional examples of how this could really help them, that would be terrific too.

So with that in mind, I guess I kick it over to the polling questions. Bruce, are you going to – (inaudible) – this part?

MR. RANKIN: Right. Yeah, I am. Laura, if you're listening. There we go. Just real quickly for everyone, as Adam pointed out, from the perspective of both the SUIAs and the PACIAs, each of you have your own question, but essentially we're just trying to get a gauge of whether or not you think this is worth pursuing further.

And a big thanks to Adam who has been a really strong proponent, has invested a lot of time and energy in this and we're obviously here to help, but looking forward to just getting a quick update from folks. I encourage everybody to take a second and please choose again based on whether you're representing the SUIA or a PACIA.

We'll just give everybody a second here. Just we have almost 120 representatives online and we're really pleased to see a great turnout today that's a little bit higher than what we've seen in some of the more recent AG calls.

MR. LEONARD: The other – something I guess I could point out here is that ultimately states would have – what this allows is it provides states flexibility to share information about the employment flag with their locals.

So it's not mandating it, but it permits it, and therefore, to the degree that it fits in your operations and you want to help support the efficient use of resources and the ability of some of maybe the more advanced local providers to analyze their data and use it to try to promote continuous improvement and effectiveness for customers, that's great.

MR. RANKIN: Super. Well, I think just to keep things moving along here, Laura, I'll let you go ahead and take those down. Adam, thank you very much again, and of course we are very interested in questions.

We'll have a little Q&A a little bit later, but I'm going to turn it back to Toquir to introduce our next presentation.

MR. AHMED: Great. Thanks, Adam and thanks, Bruce. I will now turn it over to Greg Wilson, who will provide an update on the planned amendment and walk through the four questions raised during the public comment period and the department's official responses. Greg?

GREG WILSON: Thank you, Toquir. First off, I want to thank Adam for raising an amendment proposal from the state. I think that's an excellent use of the agreement and I look forward to working with you, Adam, to hash out the details for that potential amendment.

These next two forthcoming amendments are a little bit more straightforward, because we've already sort of given notification to the system.

We've already obtained comments back on them. This is really – these two upcoming amendments are sort of to finish the process up from the notification to an actual amendment process.

So that's also why this is a great time for Adam to propose an amendment, because we will be opening up the agreement at a minimum for these two items.

A letter was sent. So I'll start with the – well, I'll start with the re-employment service and eligibility assessment program.

So a letter was sent September 24, 2020 informing members of ETA's intent to access data collected through the participant individual record layout to assess the state performance for the re-employment rate and median earnings in the second quarter after program exit.

While the RESEA performance management is not explicitly identified in the SWIS data sharing agreement, it was our interpretation that the SWIS agreement allows us the use of SWIS data for assessing program performance for this particular program.

We did not receive any comments on that proposal, so just to back up again real quickly, if you're unfamiliar with the RESEA program, is, it has four main purposes.

Reduce unemployment insurance duration through improved employment outcomes, strengthen UI program integrity, promote alignment with the vision of WIOA and establish RESEA as an entry point for other workforce system partners.

Historically, the program targets two populations. UI claimants determined to be most lucky to exhaust benefits and former U.S. military service members receiving unemployment compensation for ex-service member benefits.

The proposed amendment will be to section nine, which is the disclosures under the SWIS and it would be placed under one, which is wage data disclosure to states and local programs administered by DOL and it basically would add RESEA as a viable program under the SWIS agreement.

So it's a pretty straightforward amendment proposal. And then the next one here is the public use data file and that letter was sent more recently.

That was back on April 21, 2021 and that notified the SWIS members of ETA's intent to post revised public use data files containing information on individuals who participated in WIOA and Wagner-Peyser programs on the ETA performance website. Again, that's Titles I and III programs. The letter also outlined the additional steps we are taking to address privacy and confidentiality concerns regarding the data.

These additional steps include implementing a wage randomization process, modifying records to void the possible disclosure of UI wage record information and modified occupation – (inaudible) – associated with fewer than three participant records at a given local area.

We did receive a comment. It was from Adam from Texas on April 22 and we responded to his comments on April 26 and those questions and responses are on slides 30 through 32.

In the interest of time, I will not be sort of reading those, but you can refer to those slides to see the questions and the comments. And it was basically, in a nutshell, his comments involved surrounded whether or not we needed to do these extra additional steps and whether the wage ramification process would impact the validity of the data.

Again, we will be proposing to modify the SWIS data sharing agreement to include the public use data files as a permissible use of data obtained from the SWIS. I believe this is also the section nine, disclosure under the SWIS of the agreement. And most likely under other permissible data disclosures that would be added.

And then I guess I'll just go back one slide here and just briefly let you know that we have posted the public use data files for 2020 Q2, 2020 Q1, 2019 Q4, 2018 Q4 and 2017 Q4 on the ETA performance website at the end of May.

Each quarterly file contains a rolling 10 quarters of data, so that data is available on our website and it's primarily used by researchers trying to answer broad questions about the services provided through these programs.

With that, I'm going to turn it back to Toquir.

MR. AHMED: Thanks, Greg. I don't see any new questions in the main chat and in the interest of time, I'm going to go ahead and switch it over to Bruce.

Bruce, if you can take a few minutes and do your section for CTRs, and even if we run out of time, the following – the last slides for resources and email. So the contact information, we have the same slides every call, so even if we don't get to them, I don't think it's a big deal. So Bruce?

MR. RANKIN: Super. Thanks, Toquir, and actually I'm down to my last three minutes here. So very quickly, first of all, thanks to all the states. We really appreciate your cooperation.

The last year has been very interesting as we've gone from traditionally Titles I and III in the workforce area to include adult education Title II and Title IV in the VR world, which is at a layer of complexity logistically in trying to get everybody together and of course everything being done virtually has made life very interesting.

Just a couple things that we've taken away. Again, we're – these compliance reviews are really an opportunity for our team to see how state operations and each of the PACIAs and SUIAs align with the SWIS data sharing agreement and to the extent that we identify any inconsistencies, we bring that to the state's attention.

Some really small things that we see, but very important, you'll hear Toquir stress at the beginning of these calls and certainly it's a big part of the SWIS help desk is making sure that anybody who has direct access to wage data obtained through SWIS reviews and acknowledges the agreement. And that's the Annex 2 form. An area that we see is often missing are where states have engaged contractors. So that's a reminder and if we see that in a review, we'll bring that to the state's attention.

There's also the retention and destruction policies. There's a resource in today's resource page. We draw your attention to that, specifically for those states that either don't have a retention and destruction policy or, in the case where states are holding wage data longer than five years.

Another thing is while we don't ever expect them, preparations for breach notification, ETA asks that should a state suspect or identify a breach that involves SWIS, notify them within 24 hours. Many states don't have that incorporated into their programs or procedures and we ask that they do that. Now, in the best practices side, one of the things that we've seen, which makes sense given all the news on the front page, are very proactive cyber and information security policies and procedures.

The thing that stood out to us during the reviews is the proactive testing, if you will, of the system. Fishing and sort of the challenge to the staff to remind them of the importance.

This is shared information treated very carefully by all the states and it's great to see where states have, if you will, redoubled their efforts to protect this information. I could go on a little bit further. We're down to our last minute. I just want to point out that we have a plan for this year to visit Kansas, Missouri, Washington, Alabama, Indiana, Iowa and Massachusetts.

Those states have been notified. If there's anybody on today's call that is participating in those and haven't been notified, please feel free to reach us through the contact information and just given that we're very close, Toquir, I'm just going to go ahead and bop ahead to the contact.

Again, we can be reached at SWIS@cds2.com, SWIS@dol.gov goes to Toquir and earlier Cynthia was pointing out as the clearinghouse contractor, they can be reached at SWIS-WIOA@ – (inaudible).com. So Toquir, back to you for the quick wrap up and thank you everybody. Again, please send your questions to us and we'll try to respond to those as quickly as we can. Thanks.

MR. AHMED: Great. Thank you, Bruce. So that concludes our agenda for today. Thank you all for calling in to today's meeting. We appreciate everyone making the time to participate in the quarterly meeting of the SWIS advisory group. With that, I'll turn it back over to Laura.

(END)