



September 25, 2023

Michelle L. Paczynski
Administrator
Office of Policy Development and Research
US Department of Labor, Employment and Training Administration
200 Constitution Avenue NW
Room N-5641
Washington, DC 20210

RE: Department of Labor, Employment and Training Administration Request for Information Regarding Confidential Unemployment Compensation Information, Docket No. ETA-2023-0002 and Regulatory Identification Number (RIN) 1205-AC11

Dear Administrator Paczynski:

On behalf of the National Association of Workforce Boards (NAWB), representing the nation's more than 500 Local Workforce Development Boards (LWDBs), thank you for the opportunity to provide input into the U.S. Department of Labor's recent request for information related to unemployment compensation (UC) information and the appropriate role it should have in helping policymakers and stakeholders understand and implement workforce development programs. Our comments that follow are intended to highlight the importance of maintaining and expanding access to this information and call to your attention challenges that LWDBs currently face in accessing and using these records in the course of their work as workforce conveners, collaborators, and navigators within their local communities.

NAWB has also joined the Data Quality Campaign (DQC) and several other organizations on separate, more broad comments, in response to this RFI and encourage your agency to thoughtfully consider those recommendations as well as part of this wider RFI process.

Access to unemployment compensation (UC) information is crucial for workforce development practitioners and leaders to implement the requirements of the Workforce Innovation and Opportunity Act (WIOA) and for a wide variety of other critical functions. For instance, these data provide policymakers and workforce development professionals with real-time insights into the health of the labor market and wider economy, allowing them to make more informed decisions regarding how to allocate resources and maximize their impact. Moreover, UC information helps identify populations that are in most need of targeted assistance and helps to direct resources towards these populations when they are disconnected from the labor market and in the most need of support. Robust access to UC data can also help answer a host of other critical questions related to workforce development that policymakers at the federal, state, and local levels are increasingly asking, including evaluating the impact of public investment in training programs, which programs and pathways provide the greatest value for workers, and other foundational questions that must be addressed to inform future policy decisions.

When used judiciously and in a privacy protected manner, greater access to UC information empowers workforce development efforts to be more responsive, equitable, and effective in addressing the evolving needs of job seekers, employers, and other stakeholders within the labor market. Despite the clear importance of these data, our members have sometimes reported challenges to accessing UC information. The responses that follow are derived from a recent survey we conducted of NAWB's LWDB membership and reflect a large variance across and sometimes within states regarding access to UC information.

9.) Are local workforce development boards prevented from receiving confidential UC information for their official duties? If yes, please explain why (for example, the structure of a local workforce development board prevents it from being considered a public official).

Under current UC regulations, LWDBs, in the course of their responsibilities implementing WIOA, are afforded access to confidential UC information. Unfortunately, many of our members often encounter substantial challenges when seeking to do so. At the same time, we have also heard from a smaller subset of members that they have little difficulty when seeking to access UC data, which underscores the immense range of state interpretations of current UC regulations. We therefore urge you to clarify in future regulations and guidance that LWDBs specifically can and should be afforded access to these data.

When LWDBs are able to gain access to these records they often report that these data may be incomplete, significantly delayed, or have other limitations placed on them by other state entities that significantly decreases its utility. For example, a significant number of our member respondents reported having access only to UC information in the aggregate as displayed on federal performance report templates (e.g. PIRL). In addition, the governance structures of LWDBs vary considerably, which can often play a role in these challenges. For instance, when LWDBs contract out services, or if a workforce board functions as its own non-profit apart from government, they often struggle to access UC information. We strongly believe that providing further clarity in existing UC regulations and guidance that more explicitly affirms LWDB access to these data would help to alleviate some of these challenges.

10. For what purposes do local workforce development boards request confidential UC information?

UC wage data is essential for reporting on the core indicators of performance as required by WIOA. Our members have also reported using this information—or seeking to do so—to connect with UC claimants and provide them with workforce development services depending on their needs. Additionally, LWDBs report using UC information, when they are able to access it, to evaluate their work, supportive services they offer, and other programmatic efforts to better understand how services impact the participants they serve. These functions are even more important when attempting to understand whether and how public workforce development investments are equitable and providing adequate support and opportunities to historically underserved populations.

11. For what purposes would one-stop operators or their agents or contractors request confidential UC information?

Among the LWDBs that report having better access to UC information, they report that this information is often used in the following ways:

- To confirm whether a participant meets certain eligibility criteria, such as for dislocated worker programs.
- For recruitment and targeted outreach purposes to connect participants with services in their local communities.
- For federal or state mandated accountability purposes, including reporting participant labor market outcomes.
- Program evaluation and refinement to better serve customers.

12. For what purposes would other Workforce Innovation and Opportunity Act (WIOA) local service providers request confidential UC information?

LWDBs who responded to our survey indicated that local service providers request UC information for the following reasons:

- Verifying a participant's income.
- Developing targeted training cohorts based on demographic profiles.
- Validating performance achievements and evaluating providers or specific initiatives.
- Outreach and job matching activities.

We appreciate the opportunity to provide input as part of this request for information and your willingness to engage with many stakeholders, including local workforce development boards, as part of your wider efforts to understand how UC information is used in meaningful and impactful ways. Should you have further questions or would like to discuss these comments further, please do not hesitate to reach out to Kyle Marinelli, NAWB's Associate Director of Policy (marinellik@nawb.org).

Sincerely,



Bradford C. Turner-Little, CEO
National Association of Workforce Boards