

Research and Evaluation Under the State Wage Interchange System (SWIS) Data Sharing Agreement for RESEA and WPRS

Introduction:

In mid-June, the U.S. Department of Labor's (DOL) Employment and Training Administration (ETA) began the process of obtaining states' consent for a research and evaluation project under section IX.E. of the State Wage Interchange System (SWIS) Agreement. On June 18, 2024, ETA circulated a *Notice of Research and Evaluation for Reemployment Services and Eligibility Assessment and Worker Profiling and Reemployment Services Programs* (the Notice) and a *Consent for Research and Evaluation of the Reemployment Services and Eligibility Assessment and Worker Profiling and Reemployment Services Programs* (the Consent).

On July 23, 2024, ETA convened a webinar for State Unemployment Insurance Agencies (SUIAs) and Performance Accountability and Customer Information Agencies (PACIAs) to explain the Reemployment and Eligibility Assessment Services (RESEA) and Worker Profiling and Reemployment Services (WPRS) programs' research and evaluation project. During the webinar, SUIAs and PACIAs were given the opportunity to ask questions about the Notice and Consent.

SUIAs and PACIAs were provided a 30-day comment period to review these documents and submit comments and proposed changes to the Consent. On August 19, 2024, the comment period closed; ETA received one comment during the comment period.

In response to the comment, ETA modified the Notice and Consent both of which are included below. More information on the comment and ETA's changes to the documents is provided below.

Signature Process:

1. ETA asks State Unemployment Insurance Agencies, or SUIAs, to review and return the signed consent notice by **Friday, October 4, 2024**. This is 30 calendar days after receipt of final consent notice.
2. ETA will track SUIA signatures on its website at: <https://www.dol.gov/agencies/eta/performance/swis/resea-wprs-evaluations>
3. ETA will notify SWIS entities when the collection of signatures is complete, and states may begin to use Wage Data from the SWIS Clearinghouse for RESEA and WPRS evaluations.

Requested Action: ETA requests SUIAs return signed *Consent for Research and Evaluation of the Reemployment Services and Eligibility Assessment and Worker Profiling and Reemployment Services Programs* forms by **Friday, October 4, 2024** to SWIS@dol.gov.

**Comments Received and ETA Responses for
RESEA and WPRS Research and Evaluation Notice and Consent
August 2024**

Comment #1:

- If a state's SUIA does not consent, can that same state's PACIA that uses the data from other states still have access to the other consenting states' data for the research and evaluation of RESEA and WPRS?

Response #1:

To allow all states to take advantage of this data source for their required RESEA and WPRS evaluations and to encourage all states to provide their confidential UC information for these purposes, ETA is adding an additional condition to the research notice and an additional acknowledgement to the consent. Under this RESEA and WPRS research and evaluation project, if a state's SUIA does not provide consent or withdraws consent from participation in this RESEA and WPRS research and evaluation project, the PACIAs in the same state are not permitted to use data obtained from SWIS for this research and evaluation.

ETA updated the *Notice of Research and Evaluation for Reemployment Services and Eligibility Assessment and Worker Profiling and Reemployment Services Programs* and the *Consent for Research and Evaluation of the Reemployment Services and Eligibility Assessment and Worker Profiling and Reemployment Services Program* to reflect this condition of the RESEA and WPRS research and evaluation.

**Notice of Research and Evaluation for
Reemployment Services and Eligibility Assessment and Worker Profiling and
Reemployment Services Programs**

I. Introduction and process

The purpose of this Notice of Research and Evaluation is to comply with the requirements of section IX.E. of the State Wage Interchange System (SWIS) Agreement which governs when Wage Data obtained through the SWIS may be used for the purposes of research and evaluation. Pursuant to section IX.E. of the SWIS Agreement, Wage Data obtained from the SWIS may be used for research and evaluation when a notice meeting the requirements of IX.E.2.a. is distributed and all states whose Wage Data would be used in the research and evaluation provide their express written consent to the research and evaluation.

The Employment and Training Administration (ETA) is facilitating the notice and consent process for this research and evaluation.

II. Purpose of the research and evaluation and authorized program under the SWIS

The purpose of the research and evaluation is for states to assess the efficacy of interventions to reduce benefit duration by improving employment outcomes for individuals that receive unemployment compensation under the Reemployment and Eligibility Assessment Services (RESEA) and Worker Profiling and Reemployment Services (WPRS) programs. Section 303 [42 U.S.C. 503] of the Social Security Act (SSA) authorizes the WPRS program and section 306 [42 U.S.C. 506] of the SSA authorizes the RESEA program. States are required to use a percentage of their RESEA grant funds on interventions with a high or moderate causal evidence rating that show a demonstrated capacity to improve employment and earnings outcomes for program participants. Section 306(d)(2) of the SSA permits states to use not more than 10 percent of their RESEA grant funds to conduct evaluations to identify such interventions.

Section IX.E.1.a. of the SWIS Agreement permits research and evaluations for programs enumerated in section IX.B.1 of the SWIS Agreement which includes ETA administered employment and training programs in which the grantee is a state. ETA makes grants to states to administer the RESEA program. The RESEA program integrates WPRS, which identifies claimants that are likely to exhaust their UC benefits, to support the programs' shared goal to improve employment outcomes for individuals receiving UC. Therefore, these programs are programs for which research and evaluation are permitted under section IX.E.1.a. of the SWIS Agreement.

III. Identification of state whose data will be used, the time period of the study, and the approximate number of queries needed

The research and evaluation proposed would permit RESEA and WPRS evaluations to use SWIS Wage Data from consenting states for RESEA and WPRS research and evaluations to ensure they are statistically valid and meet the requirement to determine if an intervention has a high or

moderate causal evidence rating. ETA anticipates the initial research and evaluation activities will last approximately five (5) years.

IV. Identification of who will receive the data and how the data will be used

The RESEA and WPRS programs are administered by State Unemployment Insurance Agencies (SUIA) and workforce development agencies. Under this research and evaluation, all state unemployment insurance and workforce development agencies that receive RESEA grants will be able to use Wage Data for the research and evaluations.

These agencies and their research and evaluations agents and contractors will be using the information to conduct research and evaluations of interventions used in the RESEA and WPRS program.

V. An explanation of the controls and security measures to be in place for the data

The controls and security measures of sections IX, XI, XII, XIII, and XIV of the SWIS Agreement will apply for the RESEA and WPRS research and evaluation.

Performance Accountability and Customer Information Agencies (PACIAs) and SUIAs conducting RESEA and WPRS research and evaluations must provide signed Acknowledgement of Confidentiality Requirements and Restrictions in Annex 2 for all individuals who will have access to SWIS Wage Data.

VI. Time period for which the data will be held and retention and destruction procedures

States conducting the research and evaluation will need the data for approximately five years to complete the research and evaluation. After the research and evaluation is completed, states, including their agents and contractors, will dispose of the data. This data destruction will occur no later than 3 years after the date of the research and evaluation's completion.

VII. Termination of the RESEA and WPRS research and evaluation

SWIS Wage Data may only be used for the RESEA and WPRS research and evaluation while the SWIS Agreement is in effect.

At any time during the RESEA and WPRS research and evaluation, a SUIA may withdraw its consent by sending a written notice to ETA.

If a state's SUIA does not provide consent or withdraws consent for the use of its confidential UC information for the RESEA and WPRS research and evaluation project, the PACIAs in the same state are not permitted to use data obtained from SWIS for this research and evaluation.

VIII. Consequences of a potential amendment to permit states to use Wage Data for RESEA and WPRS research and evaluations

At the SWIS Advisory Group quarterly meeting on June 27, 2024, ETA announced it is exploring a potential amendment to the SWIS Agreement to permit states to use Wage Data obtained from the SWIS for RESEA and WPRS research and evaluations. If the SWIS Agreement is amended to permit this use of Wage Data, specific authorization for a RESEA and WPRS research and evaluation will not be needed under section IX.E of the SWIS Agreement. ETA will send a notice to all affected parties if the amendment is successful announcing that this Notice of Research and Evaluation is cancelled and superseded by the amendment.

**Consent for Research and Evaluation of the
Reemployment Services and Eligibility Assessment and
Worker Profiling and Reemployment Services Programs**

The State Unemployment Insurance Agency (SUIA) identified below hereby voluntarily consents to PACIAs and SUIAs that participate in the SWIS Agreement, and their agents and contractors, using its Wage Data for the Reemployment Services and Eligibility Assessment (RESEA) and Worker Profiling and Reemployment Services (WPRS) research and evaluation as outlined in the notice above.

The SUIA identified below agrees to only share its Wage Data for the RESEA and WPRS research and evaluation.

The SUIA identified below acknowledges that if costs are incurred, it will seek remuneration for those costs in accordance with its policies and procedures for such remuneration.

The SUIA identified below acknowledges that if the SUIA does not provide consent or withdraws consent, the PACIAs in their state are not permitted to use other consenting states' data for the RESEA and WPRS research and evaluation.

Section IX.E.1.g. provides that only a PACIA and its agent or contractor may have access to individual level Wage Data obtained for research and evaluation purposes. However, RESEA and WPRS research and evaluations may be carried out by state UI agencies, PACIAs, or contractors of these entities. Therefore, as explained in the above notice, the SUIA identified below consents to SUIA, PACIA, or their agents and contractors use of Wage Data for this RESEA and WPRS research and evaluation.

By: _____

Date: _____

Name (Printed): _____

Title: _____

Phone: _____

Email: _____

SUIA Agency Name: _____