

Proposed Amendments 1, 2, 3 and 6 to the SWIS Agreement – Comment Period One Comments & Responses

Proposed Amendment 1. ETA Use of Wage Data for UI Programs

Comment #1:

- Last sentence of IX.F.1: The reference to “IX.F.2” should be “IX.F.1”
- First sentence of IX.F.2: Change “Section 116, 242(c)(2)(D)” to “Sections 116 and 242(c)(2)(D)”

Response #1:

Thank you for catching this. These typos in the text of proposed Amendment 1 have been addressed.

Proposed Amendment 2. ETA, OCTAE, or OSERS/RSA use of Wage Data to create files for Public Use

Comment #1:

By allowing SWIS data in the public use file it opens the doors to evaluations by vendors not chosen by the states. Currently the public use file omits the out of state SWIS wages forcing vendors to work with states to perform accurate complete evaluations containing out of state wage records.

Response #1:

This proposed amendment formalizes the federal partners’ use of SWIS Wage Data to create de-identified and masked participant data for public use. The unemployment insurance (UI) confidentiality regulations permit redisclosure of confidential UC information in limited circumstances. Therefore, the Department of Labor (DOL) and the Department of Education (ED) are amending the SWIS Agreement to clearly provide for the use of information obtained through the SWIS Clearinghouse to create and release the public data use files.

This amendment addresses a specific and limited use of de-identified and masked SWIS data for federally managed Public Use Data Files containing information on individuals who participated in certain DOL and ED funded programs. The Employment and Training Administration (ETA) produces quarterly national Public Use Data File(s) with information obtained from the Participant Individual Record Layout (PIRL) states submit to ETA. The Rehabilitation Services Administration (RSA) produces an annual Research File for approved research projects, which also contains information from the PIRL that states submit to RSA. The PIRL contains confidential unemployment compensation (UC) information from a state’s records and records obtained through the SWIS. ETA and RSA de-identify and mask the information in the Public Use Data and Research Files. The Office of Career, Technical and Adult Education (OCTAE) does not collect individual record data at the Federal level. As a result, this amendment does not currently apply to OCTAE.

Although the Public Use Data File information is modified so that it cannot be used to identify an individual, these federally managed data sets are excellent resources for individuals/researchers. However, there is insufficient information in the Public Use Data File(s) to conduct evaluations or establish control groups.

Proposed Amendment 3. Grants Under ETA Purview when the Grantee is a State

Comment #1:

Section IX.B.1.i: ETA administered employment and training programs in which the grantee is a state.

Comments: We understand this to expand the purposes for which unit level wage data to be disclosed to include all ETA administered employment and training programs in which the grantee is a state, not just the Registered Apprenticeship program.

Response #1:

The intent of this proposed amendment is to permit use of wage data from the SWIS to conduct required performance reporting for all ETA administered employment and training programs when the grantee is a state, not just the Registered Apprenticeship program.

By explicitly identifying the National Dislocated Worker Grant program in Section IX as an authorized program, the current SWIS Agreement inadvertently implies that a PACIA may not access SWIS Wage Data for performance reporting on other programs where the grantee is a state. Section V.CC. of the SWIS Agreement also provides that, a PACIA may not also be designated as a third-party entity. This prohibited PACIAs from querying the SWIS Clearinghouse to obtain results for performance reporting on behalf of ETA-administered programs that were not explicitly listed in the SWIS Agreement. This amendment resolves this issue and expands the permissible use of SWIS wage record data for performance reporting purposes when a state is a grantee of an ETA administered program.

Proposed Amendment 6. Section XV. Amendment of the Agreement. Revise section F. Effectiveness of Amendments

ETA did not receive any comments regarding proposed amendment six (6) during Comment Period One.