

**Justification
Employer Reporting**

RRB Forms AA-12, G-88A.1, G-88A.2, BA-6a, BA-6a (Internet), BA-6a (E-mail)

- I. Circumstances of information collection - Under Section 9 of the Railroad Retirement Act (RRA), railroad employers are required to submit reports of employee service and compensation to the Railroad Retirement Board (RRB) as needed for administering the RRA. To pay benefits due on a deceased employee's earnings records or determine entitlement to and amount of annuity applied for, it is necessary at times to obtain from railroad employers current (lag) service information not yet reported to the RRB through the annual reporting process, Railroad Service and Compensation Reports (OMB No. 3220-0008, RRB Form Ba-3a). The reporting requirements are specified in 20 CFR 209.

Also, under Section 6 of the Railroad Unemployment Insurance Act (RUIA) and Section 9 of the RRA, the RRB maintains for each railroad employee a record of compensation paid to that employee by all railroad employers for whom the employee worked after 1936. This record, which is used by the RRB to determine eligibility for, and the amount of, benefits due under the laws it administers, is conclusive as to the amount of compensation paid to an employee during such period(s) covered by the report(s) of the compensation by the employee's railroad employer(s), except in cases when the employee files a protest pertaining to his or her reported compensation within the statute of limitations cited in Section 6 of the RUIA and Section 9 of the RRA. In order for the employee to have a basis for filing a protest, the RRB has prepared a document for each employee having some railroad employment in the previous year showing the total number of service months and compensation that the RRB has credited to him or her based on the reports from railroad employers for the previous calendar year or years, as well as the cumulative number of service months and compensation for all years he or she worked in the railroad industry. The document is form BA-6, *Certificate of Service and Compensation*. (See OMB 3220-0008 for the requirement that railroad employers report annually to the RRB compensation paid to their employees.) By April 1 of each year, each employer is required to provide the RRB with the current address of each employee for whom it had reported compensation so the RRB can mail the form BA-6 to the employee. Once the home address is furnished, only the home addresses of new hires is required (20 CFR 209.12).

2. Purposes of collecting/consequences of not collecting the information - The employer reporting forms currently used by the RRB to obtain lag service and related information and home addresses for newly hired employees follow:

RRB Form AA-12, Notice of Death and Request for Service Needed for Eligibility – We propose RRB field offices use Form AA-12 to obtain a report of railroad service from the last railroad employer of a deceased employee only when that service is required to establish a survivor's eligibility to an RRB survivor annuity

or lump-sum death benefit (Previously, the AA-12 was released for all survivor cases with lag.) The AA-12 report covers the lag period between the date of the last record of employment processed by the RRB from Form BA-3a, Annual Report of Creditable Compensation (see OMB No. 3220-0008) and the employee's death.

The RRB field office completes the identifying information in Items 1-9 before the form is released. The railroad then returns the form to RRB headquarters in the pre-addressed envelope provided for that purpose. We now propose that, along with the envelope, the employer is also given the option of returning the completed AA-12 by facsimile, which is preferable.

The RRB proposes the following formatting, editorial and clarifying changes to Form AA-12.

- Change form name to Notice of Death and Request for Service Needed for Eligibility.
- Redesign format of form to be more like Form G-88A2 and other agency forms that include Section headings.
- Create Section 1 – Identifying Information (Items 1-9)
 - Change current Item 1, “Name and Address of Employer,” to proposed Item 2.
 - Proposed Item 2 now includes a facsimile number.
 - Change current Item 2, “Name of Deceased Employee,” to proposed Item 3
 - Change current Item 3, “Payroll Identification or Location,” to proposed Item 3.
 - Change current Item 3, “Payroll Identification or Location,” to proposed Item 5.
 - Proposed Item 5, no longer requests the location, only the Payroll Number.
 - Change current Item, 4, “Date of Death,” to proposed Item 8.
 - Change current Item 5, “Social Security Number,” to proposed Item 1.
 - Change title of current Item 6, “Date Last Worked,” to “Month and Year Last Worked or Paid for Time Lost” because the source document (application) that the date is taken from has that format. (Item number remains the same.)
 - To improve documentation of the lag service request, we have created the following **new** items which are entered by us before release to the railroad:
 - Item 4, BA Number.
 - Item 9, Date Released.
 - Create new Item 7, “Date of Birth” to help identify the deceased employee.
 - Revise text of Paperwork Reduction Act to cite the correct authority for requesting the information from Section 9 of the Railroad Retirement Act to Section 7(b)(6).

- Change completion time from 6½ minutes to 5 minutes. (See Item 15 of clearance for explanation.)
- Create Section 2 – Employer Instructions.
 - Include instructions on which items must be completed.
 - Include new item which provides the fax number.
 - Include return address information for mailing, which is above Item 1 on the current form.
 - Provide a due date of “within 10 days” that the form must be returned and a statement that the survivor cannot be awarded an annuity until the form is returned.
 - Include the “Important Note” which is above Item 2 on the current form and refer to the telephone number of the Quality Reporting Service Center for any questions.
 - Create new Item 10 which requests the employer to verify the Month and Year Last Worked in Item 6. This item is only completed when the date entered by us in Item 6 is incorrect.
 - Change current Item 7(A)-(C) to proposed Item 11, which requests the employer, in a more simplified format, “X” the months the employee had service in the:
 - “Current Year,” which is also the year shown in proposed Item 6.
 - “Prior Year,” if the AA-12 is being completed before the railroad has submitted its annual report.
 - Proposed Item 11 is current Item 7(A)-(C) in a simplified format.
- Create Section 3 – Employer Certification
 - Create new item to request the certifying officer’s e-mail address, if any.

Form G-88A.1, Request for Verification of Last Date Carried on Payroll, is a computer listing which is compiled and sent to railroad employers monthly. The listing identifies age and service and disability employees who have stopped railroad employment within two years of the filing date of their annuity application. It informs the employee’s last railroad employer that the employee has retired and is used solely to verify information regarding the date last worked so the RRB can determine the correct annuity beginning date. If the employee is filing for an annuity based on age and service, the listing will also include the date rights were relinquished.

If the dates shown on Form G-88A.1 do not agree with the railroad employer’s records, the railroad employer is requested to line out the incorrect information and enter the correct information above it. The railroad employer is instructed to fax the amended page(s) to the RRB’s Retirement Initial Section (RIS) for use in correction of the annuity. The fax number for RIS is included at the top of each page of the listing. Railroad employers need not respond if the information contained is correct. Form RL-88A.1, which contains instructions on how to complete Form G-88A.1, is used to transmit the listing.

The RRB proposes no changes to Form G-88A.1.

Form G-88A.2, Notice of Retirement and Request for Service Needed for Eligibility, RRB field offices use Form G-88A.2 to obtain a report of lag service is required to establish entitlement to an employee annuity. This report covers the lag period between the date of the latest record of employment processed by the RRB from Form B A-3a, Annual Report of Creditable Compensation (see OMB No. 3320-0008) and the employee's date last worked.

The RRB proposes the following non-burden impacting formatting and editorial changes to Form G-88A.2. They include:

- Reformatted form from 2 pages to 1.
- Reformatted current items 3-12 to more closely match format of Form AA-12;
 - Changed current Item 3 to proposed Item 12
 - Changed current Item 5 to proposed Item 3.
 - Changed current Item 6 to proposed Item 5.
 - Changed current Item 7 to proposed Item 6.
 - Changed current Item 8 to proposed Item 7.
 - Changed current Item 9 to proposed Item 8.
 - Changed current Item 10 to proposed Item 9.
 - Changed current Item 11 to proposed Item 10.
 - Changed current Item 12 to proposed Item 11.
- Repositioned Paperwork Reduction Act Notice.
- Updated language that grants us the authority for requesting the information on the form. Especially the change from Section 9 of the RRA to Section 7(b)(6).
- Section 2 – Employer Instructions
 - Changed both mentions of Item 11 to proposed Item 10.
 - Moved the return address from the back of the form to the third bullet.
 - Included the “Important Note” to indicate that the lag railroad service must be reported on Form BA-3a. (Makes proposed form consistent with Form AA-12, which also has the note.)
 - Current Item 14 – Changed mention of Item 11 to proposed Item 10.
 - Add **new** sentence, “Do not report service months after the date in Item 11.”
- Updated certification language in Item 16 to make consistent with other agency forms.
- Added “Certifying Officer” to the Signature and Title of the certifier to make consistent with Form AA-12.

By April 1 of each year, railroad employers are required to provide the RRB with the current address of each employee that they had reported compensation so that the RRB can mail the Form BA-6, Certificate of Service Months and Compensation. Once the home address is furnished, only the home addresses of new hires are required (20 CFR 209.12).

RRB Form BA-6a, BA-6 Address Report, is the form the RRB currently uses to obtain employee home address information from railroad employers who do not have the home address information computerized and who submit the information in a paper format.

The form also serves as an instruction sheet to railroad employers who submit the BA-6a information electronically by magnetic tape, cartridge, or PC diskette. Class I and other large railroad employers meet this requirement by reporting this information to the Board (monthly) on magnetic media. Instructions for the BA-6a Electronic equivalent are included as a supporting document.

To our knowledge, no other agency uses a form similar to the BA-6a.

Invariably, despite the annual reporting process, some employees are missed, i.e., the RRB receives earnings information for a new employee but receives no information as to their home address. When that occurs, the RRB sends a computer-generated BA-6a listing of identified employees to the employers to secure the address information.

The RRB proposes no changes to Form BA-6a.

Form BA-6a (Internet) is also utilized by the RRB. The BA-6a (Internet) is an Internet equivalent version of Form BA-6a, BA-6 Address Report. It is not a form in the traditional sense but more of a process. Although it collects essentially the same information as the other versions of the BA-6a, it consists of a series of screens (which collect the necessary information and provide for the required notices and certification) and help messages designed to help the user successfully navigate the system.

The Internet BA-6a is filed electronically by employers who have obtained access to the RRB's Employer Reporting System (ERS). Access to ERS is granted only to employees who have completed RRB Form BA-12, System Access Application (OMB Approved 3220-0008) which provides information used by the RRB to evaluate the level of access requested as well as document the level of access granted.

The RRB proposes no changes to Form BA-6a (Internet)

To provide RRB customers additional options to submit or transact business the agency electronically, when practical, as a substitute for paper, **the RRB proposes the addition of a secure e-mail equivalent version of Form BA-6a, BA-6 Address Report, to the information collection.**

The proposed BA-6a (Internet) collects the same information in the same layout as the other approved electronic media versions. See the attached draft Program

Letter (which not only explains the proposed process but also contains required notices and certifications).

The proposed secure e-mail equivalent BA-6a will be filed electronically by employers who have obtained a Digital ID or certificate. In order to verify that the holder of the employer's Digital ID or certificate is authorized to prepare and electronically submit reports on behalf of the railroad, the employer must complete RRB Form G-117a, *Designation of Contract Official* (OMB approved 3320-0200) to provide the identifying information we will use to establish the authorized railroad employee(s) in our data base.

Employers will now have the opportunity to submit BA-6a information directly to the RRB via secure e-mail in lieu of paper. Also, as previously cited, despite the annual reporting process, the RRB receives earnings information for a new employee but receives no information as to their home address so in order to ensure, as best as possible, that all railroad employees receive a BA-6, the RRB attempts to secure the remaining missing addresses. To that end, employers currently receive either a paper BA-6a listing or an Internet download version from the RRB that lists employees that have no address on file. Upon approval of the proposed secure e-mail equivalent BA-6a, railroad employers will have the option of obtaining the listing of employees via secure e-mail BA-6a to respond back. For a more in-depth description of secure e-mail see the proposed Program Letter which includes the required Paperwork Reduction Act notice and burden statement.

The proposed E-mail equivalent BA-6a has been reviewed by the RRB's General Counsel, the Office of the Inspector General and RRB computer security staff. It has been approved for use, **upon OMB approval**, by the RRB's Board Members

To assist the employers in completing Forms AA-12, G-88A.1, G-88A.2, and Form BA-6a the RRB furnishes a manual titled "Reporting Instructions to Employers." The manual which is also accessible on the Internet provides detailed instructions for completion of the forms.

To our knowledge no other agency uses forms corresponding to Forms AA-12, G-88A.1, G-88A.2, or the various BA-6a's.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction – The RRB has had Internet BA-6a reporting available since 2003. The proposed E-mail equivalent BA-6a will provide another option. The other forms in the collection have had automation efforts deferred to at least 9/30/2008.
4. Efforts to identify duplication - This information collection do not duplicate any other information collection.
5. Small business respondents - N.A.

6. Consequences of less frequent collection - Lag service information is requested only once. As to the BA-6a, less frequent collection would hamper the RRB's effort to provide railroad employees with an annual BA-6. *It should be noted that the RRB's request is limited only to new hires.
7. Special Circumstances - None
8. Consultations outside the agency - In accordance with 5 CFR 1320.8(d), comments were invited from the public regarding the information collection. The notice to the public was published on pages 27745 and 27746 of the May 12, 2006, Federal Register. No comments were received.
9. Payments or gifts to respondents - None
10. Confidentiality - Privacy Act System of Records, RRB-5, Master File of Railroad Employees Creditable Compensation and RRB-22, Railroad Retirement Survivor and Pensioner Benefit Systems.
11. Sensitive questions - N.A.
12. Estimate of respondent burden - The current and proposed burden estimate for this collection is as follows:

Current Burden

Form #	Responses	Time (Min)	Burden (hours)
AA-12	800	6.5	87
G-88A.1	360	5	30
G-88A.1(Class I railroads)	144	20	48
G-88A.2	1,200	5	100
BA-6a (RR initiated)	120	30	60
BA-6a (RRB initiated)	250	30	125
BA-6a Electronic Equivalent**	94	15	24
BA-6a Internet (RR initiated)	250	15	63
BA-6a Internet (RRB initiated)	250	10	33
Total	3,418		570

Proposed Burden

Form #	Responses	Time (Min)	Burden (hours)
AA-12	60	5	5
G-88A.1	360	5	30
G-88A.1(Class I railroads)	144	20	48
G-88A.2	480	5	40

BA-6a (RR initiated)	80	30	40
BA-6a (RRB initiated)	250	30	125
BA-6a Electronic equivalent**	94	15	24
BA-6a Internet (RR initiated)	250	15	63
BA-6a Internet (RRB initiated)	200	10	33
BA-6a (E-mail) (proposed)	40	15	10
Total	1,958		418

** Magnetic tape, tape cartridge, and PC diskette. These types of responses are received monthly, primarily from the large railroad employers (Class I and others).

- 13. Estimated annual cost to respondents or recordkeepers - N.A
- 14. Estimate of cost to Federal government -N.A.
- 15. Explanation for change in burden - The amount of responses associated with Form AA-12 has decreased from 800 (current) to 60 (proposed), a reduction of -740 responses because the form is no longer released for all survivor cases with lag, but only when the lag service months are required for eligibility to a survivor benefit, which is approximately 5 cases per month. The estimated completion time for Form AA-12 has been decreased from 6.5 minutes to 5 minutes (-1.5) due to the improved format and the removal of questions about compensation. Overall the burden for Form AA-12 has been reduced by -82 hours.

A review of RRB records indicates that no more than 40 cases per month require Form G-88A.2., resulting in a decrease of -720 responses (1,200 current to 480 proposed) and a corresponding decrease of -60 in burden hours (100 current to 40 proposed)

Lastly, we have reduced the amount of BA-6a (RR initiated) responses from 120 (current) to 80 (proposed) due to the use of the proposed secure e-mail version, a reduction in responses (-40) with a corresponding decrease in burden hours (-20). Accordingly, we have added the proposed Ba-6A (e-mail) responses (+40) and the burden hours from (+10) to include the secure e-mail responses.

- 16. Time schedule for data collections and publication -The results of this collection will not be published.
- 17. Request not to display OMB expiration date -The forms associated with this collection are seldom revised. Given the costs associated with redrafting, reprinting, and distributing the forms in order to keep the appropriate OMB expiration date in place, the RRB requests the authority to not display the OMB expiration dates on the forms.

18. Exceptions to Certification Statement – Item (I) “it uses effective and efficient statistical survey methodology (if applicable)” was not checked. It does not apply (N.A.)