

**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 – 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. **Note: RRB is currently proposing revision to Form BA-3a including renumbering to Form BA-3. The basic use and information collected is essentially the same as current.**

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 no changes to Form AA-12.

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 no changes to Form G-88A.2.

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. Further instructions for BA-6a Electronic equivalent's are included with our IC.

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 the following changes to Form BA-6a.

- add a subitem (1b) to provide for further identification of an employer
- Expand the employee's name field/item to 20 characters for the surname and 15 characters for the first name. The middle initial follows the first name and remains at 1 character. This change is being made for consistency with other RRB reporting forms and processes.
- add a date field to show the effective date an employee reported his address change to the employer.

NOTE: ** Form G-440 (or earlier versions) has been in use by the RRB as a certification form for decades and has been included for use as an exhibit with Form BA-6 and other BA-related information collections approved by OMB over that timeframe. Upon revision and further review, the RRB is proposing the implementation of G-440 as a public-use form. It will serve as a certification for **all RRB BA-series Employer Reporting Forms** and is being submitted for approval simultaneously with proposed information collection 3220-0008.

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 the following changes to Form BA-6a (Internet).

- Expand the employee's name field/item to 20 characters for the surname and add a 15 character field for the first name. The middle initial follows the first name and remains at 1 character. This change is being made for consistency with other RRB reporting forms and processes.
- add a date field to show the effective date an employee reported his address change to the employer.

To provide RRB customers additional options to submit or transact business the agency electronically, when practical, as a substitute for paper, the RRB added a secure e-mail equivalent version of Form BA-6a, BA-6 Address Report, to the information collection in 2006.

The BA-6a E-mail equivalent collects the same information in the same layout as the other approved electronic media versions. A copy of the current Program Letter (which not only explains the proposed process but also contains required notices and certifications) is included.

The secure e-mail equivalent BA-6a is 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 3220-0200) to provide the identifying information we will use to establish the authorized railroad employee(s) in our data base.

Employers can 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. The secure e-mail equivalent BA-6a, provides railroad employers the option of obtaining the listing of employees via secure e-mail BA-6a to respond back.

The RRB proposes the following changes to the secure E-mail equivalent BA-6a consistent with those proposes to other versions of the BA-6a.

- Expand the employee's name field/item to 20 characters for the surname and add a 15 character field for the first name. The middle initial follows the first name and remains at 1 character. This change is being made for consistency with other RRB reporting forms and processes.
- add a date field to show the effective date an employee reported his address change to the employer.

The changes are outlined in proposed Program Letter 2008-xx which includes information outlining how secure E-mail works, the revised file format and the various required notices

The RRB proposes the establishment of File Transfer Protocol (FTP) equivalent BA-6a.

The FTP equivalent BA-6a will essentially mirror the file format utilized with other BA-6a electronic formats. The use of FTP is explained in proposed Program Letter 2008-xx, which includes information outlining how FTP works, the file format to be used and the various required notices.

In addition to the required review under the Paperwork Reduction Act, all of the aforementioned changes proposed were reviewed by staff from the RRB's Office of General Counsel, Office of the Inspector General (OIG), and RRB computer security staff and found to be acceptable. Subsequently, all were reviewed and approved for use (pending 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, a secure E-mail equivalent BA-6a option since 2006 and now proposes the establishment of an FTP equivalent BA-6a. The other forms in the collection have had automation efforts deferred to at least 9/30/2009 due to low volume.
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.
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 46251 and 46253 of the August 17, 2007, Federal Register. The RRB received comments from the Department of Commerce's, Bureau of Economic Analysis (BEA), strongly supporting the RRB's continued collection of the data on Forms BA-3(a) and BA-4 and BA-6a stating "these forms are our main data source for key components of BEA's economic statistics". No other 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. In accordance with OMB Circular M-03-22, a Privacy Impact Assessment for the Employer Reporting Information Collection was completed and can be found at http://www.rrb.gov/pdf/PIA/PIA_EE_AA-12_BA-6a_G-88A1_G-88A2_10-17-2007_public.pdf
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	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)(paper)	80	30	40
BA-6a (RRB initiated)(paper)	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)	40	15	10
Total	1,958		418

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)(paper)	80	32	43
BA-6a (RRB initiated)(paper)	250	32	133
BA-6a Electronic Equivalent*	14	15	4
BA-6a Internet (RR initiated)	250	17	71
BA-6a Internet (RRB initiated)	250	12	50
BA-6a (E-mail)	30	15	8
BA-6a (File Transfer Protocol) (new)	10	15	2
Total	1,928		434

* Magnetic tape, tape cartridge, diskette/CD-ROM. These types of responses are received 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 burden for the information collection is essentially unchanged. The burden for Form(s) AA-12, G-88A.1and G-88A.2 is unchanged. The decrease in responses is due largely to a drop in the amount of BA-6a electronic equivalent options (tape, CD-Rom/diskette) which are being offset by responses being submitted via the RRB’s Internet-based Employer Reporting System. The burden hours for the collection have increased slightly (+16 hours) as we have added additional minutes (2 to 5 depending on the method of submission) to the completion time(s) for the various BA-6’s to account for the new items added.
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 – None