

Justification  
**Availability for Work**  
RRB Forms UI-38, UI-38s and ID-8k

1. Circumstances of information collection - Under Section 1(k) of the Railroad Unemployment Insurance Act (RUIA), unemployment benefits are not payable for any day for which the claimant is not available for work.

Under RRB regulation 20 CFR 327.5, "available for work" is defined as being willing and ready for work. This section further provides that a person is "willing" to work if that person is willing to accept and perform for hire such work as is reasonably appropriate to his or her employment circumstances. This section also provides that a claimant is "ready" for work if he or she (1) is in a position to receive notice of work and is willing to accept and perform such work, and (2) is prepared to be present with the customary equipment at the location of such work within the time usually allotted.

Under RRB regulation 20 CFR 327.15, a claimant may be requested at any time to show, as evidence of willingness to work, that he or she is making reasonable efforts to obtain work. This section further provides that a claimant shall be considered as making reasonable efforts to obtain work when the claimant takes such steps toward obtaining work as are appropriate to his or her circumstances such as:

- Registering with a union hiring or placement facility;
- Applying for employment with former employers;
- Making application with employers, including individuals and companies not covered by the Railroad Unemployment Insurance Act, who may be reasonably expected to have openings in work suitable for the claimant;
- Responding to appropriate "want ads" for work which appears suitable for the claimant;
- Actively prosecuting a claim for reinstatement in his or her former work; and
- Any other action reasonably directed toward obtaining work.

2. Purposes of collecting/consequences of not collecting the information - The following forms are used by the RRB to obtain information needed to determine whether a claimant is ready for work, and willing to work.

**Form UI-38, UI Claimant's Report of Efforts to Find Work**, is the form used by the RRB to obtain from a claimant a listing of potential employers contacted by the claimant for the purpose of obtaining work. The information provided by the form assists the field office in making a determination as to a claimant's "willingness" to obtain work as provided under the RUIA and RRB regulations. Form UI-38 is used by the RRB when the work-seeking efforts reported by a claimant at the time of an initial eligibility interview (RRB Form UI-35, Field Office Record of Claimant Interview, OMB 3220-0057) are insufficient to establish

the availability of a claimant for work. In such cases, at the time of the initial interview, the field office will counsel the claimant on making reasonable work-seeking efforts and will furnish Form UI-38 to the claimant with instructions to complete and return it at a later date. In the event that the field office schedules a follow-up interview, the claimant may be asked to bring the completed Form UI-38 to the interview, rather than mailing it to the field office.

Form UI-38 is a two-sided form. The front side is a form letter which provides the claimant notice of his or her responsibility to seek work in order to be eligible for unemployment benefits. The RRB representative who interviews the claimant checks various boxes on the front side of Form UI-38 indicating what actions are required of the claimant and provides the claimant with a record of advice on how and where to seek work. The back side of the form is used by the claimant to report his or her efforts to find work. Form UI-38 is designed for self-completion.

**The RRB proposes minor editorial changes to Form UI-38.**

**Form ID-8k, Letter to Union Representative**, is the form used by the RRB to: a) obtain verification from a claimant's union representative that there is an on-going and active effort underway to obtain a reinstatement of the claimant with his or her railroad employer, and b) to obtain information from the claimant's union representative as to whether the claimant is seeking pay for time not worked (remuneration) as part of his or her reinstatement.

Form ID-8k is released to the local union official designated by the claimant on Form UI-1. If that official indicates on the completed form that he or she is no longer handling the employee's case for reinstatement, but that the case is being handled by an official at a higher level, the field office then releases another Form ID-8k to the general chairman of the union for completion.

Form ID-8k is designed for self-completion. The claimant's name and social security number are pre-filled in the upper right-hand corner of the form before being released to the union official. The form is mailed to the union official, along with a return envelope for sending the completed form to the RRB field office.

**The RRB proposes minor editorial changes to Form ID-8k.**

**Form UI-38s, School Attendance and Availability Questionnaire**, is the form used by the RRB primarily to obtain detailed information concerning a claimant's attendance at school for use as possible evidence that the claimant is not available for work, as provided under the RUIA and RRB regulations. (See 20 CFR 327.10(e).) Indication of a claimant's school attendance is usually obtained from one of the three following sources:

- Form UI-1, Application for Unemployment Benefits and Employment Service, OMB No. 3220-0022;
- Form UI-3, Claim for Unemployment Benefits, OMB No. 3220-0022; and

- Form UI-35, Field Office Record of Claimant Interview, OMB No. 3220-0057.

In most cases, the information obtained from these sources is not sufficient for the RRB to make a determination whether a claimant's school attendance adversely affects his or her availability for work and consequently disqualifies the claimant from receiving unemployment benefits. Form UI-38s, therefore, was developed to provide the RRB with more specific information concerning a claimant's school attendance along with other information relating to a claimant's availability for work.

Some of the information items on Form UI-38s request the same information as corresponding items on Form UI-35. However, in the majority of cases, a claimant does not complete both forms. That is because Form UI-35 is completed by no more than 40 percent of claimants. In those instances when a claimant is asked to complete both forms, there is usually an interval of approximately six to eight weeks between completion of the forms. Because of this time interval, the definite possibility exists that a claimant's responses to the same information items may differ due to a change in school attendance, or a change in other circumstances which affect the claimant's responses to various information items. In a few instances, Form UI-38s may be completed at the same time as Form UI-35 if, during the field office's interview with the claimant, the claimant states that he or she is presently attending school or plans to do so in the near future. When this information is revealed during the interview, the field office immediately requests completion of Form UI-38s in order to obtain the more detailed school information provided by the form. In these instances, the field office representative insures that the claimant will not be requested to provide duplicate information for each form.

Form UI-38s is designed for self-administration. The other option is an in-person interview at an RRB field office or itinerant point. In those cases where an in-person interview is not feasible, the field office mails Form UI-38s to the claimant. The claimant then returns the completed form to the field office in the return envelope provided.

**The RRB proposes minor editorial and cosmetic changes to Form UI-38s.**

To our knowledge, no other agency uses forms similar to Forms UI-38, UI-38s and ID-8k.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction - None planned at this time as form is **initiated** by RRB with pre-filled data.
4. Efforts to identify duplication - This information collection does not duplicate any other RRB information collection.
5. Small business respondents - N.A.
6. Consequences of less frequent collection - Not applicable since the information is solicited once for a case.
7. Special circumstances - N.A.

8. Public comment/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 10074 and 10075 of the February 25, 2008, Federal Register. No requests for further information or comments were received.
9. Payments or gifts to respondents - None
10. Confidentiality - Privacy Act Systems of Records, RRB-6, Unemployment Insurance Record File-RRB and RRB-21, Railroad Unemployment and Sickness Insurance Benefit System-RRB.
11. Sensitive questions - There are no questions of a sensitive nature.
12. Estimate of respondent burden - The current estimated annual burden for this collection remains unchanged and is as follows:

<b>Current</b>			
<b>Form</b>	<b>Annual Responses</b>	<b>Time(Min)</b>	<b>Burden(Hrs)</b>
UI-38s (in person)*	250	6	25
UI-38s (by mail)*	500	10	83
UI-38	3,750	11.5	719
ID-8k	3,100	5	258
Total	7,600		1,085

\*Approximately 33% of the forms are completed during an in-person interview and 67% are completed by mail.

13. Estimate of annual cost to respondents or record keepers - N.A.
14. Estimated cost to the Federal government - N.A.
15. Explanation for changes in burden - N.A.
16. Time schedule for data collection and publication - The results of this collection will not be published.
17. Request to not display OMB expiration date - The UI-38, UI-38s and ID-8k are seldom revised. Given the costs associated with redrafting, reprinting, and distributing the form in order to keep the appropriate OMB expiration date in place, the RRB requests authorization to not display the expiration date on the form.
18. Exceptions to Certification Statement -  
None

