

## **SUPPORTING STATEMENT**

### **DEPARTMENT OF LABOR VETERANS' EMPLOYMENT AND TRAINING SERVICE VETS/USERRA/VP Form 1010 (VETS-1010 Form)**

**OMB No. 1293-0002**

#### **A. Justification**

##### **1. Legal and Administrative Requirements**

On October 13, 94, the Uniformed Services Employment and Reemployment Rights Act (USERRA), P.L. 103-353, 108 Stat. 3150, was signed into law. Contained in Title 38, U.S.C., Sections 4301-4335, USERRA is the replacement for the Veterans' Reemployment Rights (VRR) law. USERRA's purposes are: to encourage non-career service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service; to minimize the disruption of persons performing service in the uniformed services as well as to their completion of such service under honorable conditions; and to prohibit discrimination against persons because of their service in the uniformed service, 38 U.S.C. 4301(a).

Recognizing the sacrifices made by members of the uniformed services, Congress enacted laws to prevent veterans seeking Federal employment from being penalized for their time in military service. The Veterans Employment Opportunities Act (VEOA) of 1998, P.L. 105-339, 112 Stat. 3182, contained in Title 5 U.S.C. §3330a-3330(b), provides assistance to preference eligible individuals who believe their rights under the veteran's preference (VP) laws and the Veterans Benefit Improvement Act of 2008 (Public Law No: 110-389) have been violated. VP recognizes the sacrifices of those who have served our country in uniform, and provides them a favorable competitive position for Federal employment.

Section 4322 of USERRA authorizes the Secretary of Labor (through the Veterans' Employment and Training Service) to investigate claims by individuals who believe their USERRA rights have been violated. Section 3 of the VEOA provides the Secretary of Labor similar authority to investigate complaints brought by preference eligibles. The collection instrument completed by claimants contains much of the information needed for the Department to determine initial eligibility of the claimant.

##### **2. Use of Information Collected**

The information on the VETS/USERRA/VP Form 1010 (VETS-1010 Form) is used by the Veteran's Employment and Training Service (VETS) to determine eligibility and serves as an official notification that the claimant requested assistance in obtaining rights under VP or USERRA. Detailed items on the form describe the employment relationship with the employer involved in the claim. The information collected is essential to VETS in meeting its statutory mandate.

### **3. Use of Information Technology**

In order to comply with the Government Paperwork Elimination Act (GPEA) claimants have the option of submitting the report electronically. The VETS-1010 Form can be submitted in paper form, by FAX or electronically using the Web. The Web site allows a claimant to enter information and electronically transmit the claim to VETS. VETS assigns an investigator and the claimant receives an e-mail conformation notice. In Fiscal Year (FY) 2009, 62 percent of the USERRA cases and 74 percent of the VP cases were filed electronically. Electronic submission of the VETS-1010 reduces the amount of time required by Federal staff to enter information from a hardcopy thus streamlining the claims process.

### **4. Description of Efforts to Identify Duplication**

The information is submitted by the claimant and is unique and not kept by other known agencies.

### **5. Collection of Information Impact on Small Businesses or Other Entities**

The collection of information has no impact on small business

### **6. Consequences to Federal Programs If Information Were Collected Less Frequently**

The collection of information is made at the time a claimant alleges that his/her USERRA or VP rights have been violated. Therefore, the question of frequency of collection is not relevant.

### **7. Special Circumstances for the Collection of Information**

This collection will not be conducted in a manner inconsistent with 5 CFR 1320.5.

### **8. Solicitation of Public Comments on the Collection of Information**

VETS published a Federal Register Notice on March 9, 2010 Volume, 75, Number 45, Page10821-10822, providing a period of 60 days for the public to submit comments on the proposal to revise the information collection request that is currently approved under OMB Control No. 1293-0002 (VETS-1010 Form) to include the burden associated with the VETS-1010 Form. VETS received no comment during the 60-day open period.

### **9. Gift Giving**

There is no decision, nor is one contemplated, to provide any payment or gift to claimant.

### **10. Assurance of Confidentiality**

All claimants are informed clearly that they must use the VETS-1010 Form when filing a USERRA claim. The form authorizes VETS staff to contact their employer. The VETS-1010

Form indicates that he/she wishes the employer to be contacted. Further, the entire contents of a USERRA and VP investigative file are subject to the Privacy Act and the Freedom of Information Act disclosure, as appropriate.

#### **11. Sensitive Questions**

No questions of a sensitive nature are asked on the form. During case processing, it is possible that medical information related to the person's service-connected injuries could be asked. The form asks if the claimant has a service-connected disability, however the response is limited to a "yes" or "no." VETS is required by statute to report aggregate information to Congress on the proportion of USERRA claimants with service-connected disabilities.

#### **12. Estimate of the Hour Burden for the Collection of Information**

VETS estimates that DOL will receive approximately 2,500 VETS-1010 Forms annually. The total burden is estimated to be approximately 1,250 hours per year. (30 minutes x 2,500 responses = 1,250 Burden Hours.) The projected hours per response for this collection of information were derived by first breaking the process into two basic components:

- Collecting the necessary supporting documents: 10 minutes
- Completion of the Form: 20 minutes
- Total Hours per Response: 30 minutes

The use of electronic submission (Internet) takes about the same amount of time it takes as for a claimant to submit a hardcopy VETS-1010 Form. The agency estimates that it takes one half-hour (30 minutes) to submit the VETS-1010 Form. In FY 2009, 62 percent of the USERRA cases were filed electronically and 74 percent of the VP cases were filed electronically.

Estimated Annual Burden Hours Table in FY 2009

	USERRA	VP	Total Forms
<b>Total Number of VETS-1010 Forms Filed</b>	<b>1,600</b>	<b>900</b>	<b>2,500</b>
Percent of Paper Forms	38%	26%	-
Number of Paper Forms	608	234	842
Percent of Electronic Forms	62%	74%	-
Number of Electronic Forms	992	666	1,658
<b>Total Forms</b>	<b>1,600</b>	<b>900</b>	<b>2,500</b>
<b>Burden Hours</b>			
Paper 30 Min/Form	304	117	421
Electronic 30 Min/Form	496	333	829
<b>Total Annual Burden Hours</b>	<b>800</b>	<b>450</b>	<b>1,250</b>

**13. Annual Cost Burden for Maintaining and Providing the Information Collection**

There are no requirements for claimants to have any kind of equipment to be able complete and file a claim. Therefore, there are no additional costs not reported in item 12.

**14. Annualized Costs to the Federal Government**

The cost to the Federal Government for printing, stocking, and disbursal of this form is minimal (\$100.00 a year). Claimants are able to print the form from the web and submit as a hardcopy, or file a claimant electronically.

**15. Changes in Burden Hours**

VETS is requesting an increase of 1000 responses and 875 burden hours.

The increased number of responses results from an increase in the number of USERRA and Veterans Preference (VP) claims filed. This trend is expected to continue as the military remains involved in armed conflicts abroad, and continues its unprecedented use of National Guard and Reserve Forces. In the past four years (fiscal years 2006 – 2009), the number of USERRA claims has increased by 13 percent and the number of VP claims has increased by 55 percent. VETS anticipates receiving an additional 1,000 claim forms.

The increase in the estimated time required to complete the form can be attributed the increased complexity of USERRA issues, which necessitate that the respondent review more of his or her records and provide a more detailed narrative of the issue(s) involved. VETS estimates that, because of these factors, the form takes an additional 14 minutes to complete, resulting in an annual increase of 833 burden hours. In addition, two straightforward “check the box” questions have been added to the form as a result of the Veterans’ Benefits Improvement Act of 2008. It is estimated that responding to those questions takes one minute per form, resulting in an annual increase of 42 burden hours.

**16. Publication of Results of the Information Collection**

The results of this information collection will not be published however; aggregate data from the form is used for DOL's USERRA Annual Report to Congress.

**17. Approval Not to Display Expiration Date for OMB Approval**

VETS will display the expiration date on the Form VETS/USERRA/VP Form 1010 (VETS-1010.)

**18. Exceptions to the Certification Statement for Paperwork Reduction Act Submission**

No exceptions to the certification statement were identified in item 19 of OMB Form 83-1.

**B. Collection of Information Employing Statistical Methods**

The information collection does not employ any statistical methods.