

SUPPORTING STATEMENT FOR FORMS SSA 1002 and 1003
Statement of Agriculture Employer (Year Prior to 1988 and 1988 and Later)
20 CFR 404.702, 404.802, and 404.1056
OMB # 0960-0036

A. Justification

1. Introduction/Authoring Laws and Regulations

Section 205(a) of the *Social Security Act (the Act)* provides that the Commissioner of Social Security shall have full power and authority to make rules, regulations, and procedures necessary to carry out the provisions of the Act. Section 205(c)(2)(A) of the Act charges the Commissioner with establishing and maintaining records of the amount of wages paid to individuals.

Prior to January 1, 1988, *Section 209(a)(7)(B) of the Act* provides that an employer use Form SSA-1002 when an agricultural employee was covered by the Act, if the employee was paid \$150 or if the employee worked for the same employer 20 or more days in a year and was paid cash wages (if figured on a time basis).

Effective January 1, 1988, when the Act covers wages paid to an agricultural employee, if paid by an employer whose annual agricultural payroll is \$2,500 or more the employer use Form SSA-1003. If the employer's payroll is less than \$2,500, wages of \$150 or more are covered, and the 20-day work test is eliminated. In the case of seasonal agricultural workers, wages less than \$150 are not covered even if the employer's annual payroll is \$2,500 or more, unless the employer meets certain conditions.

The amount of earnings credited to an individual, and the periods to which such earnings are credited, may be proven by Social Security Administration (SSA) records and by other evidence or probative value, as explained in *20 CFR, Section 404.702, 404.802 and 404.1056* of the *Code of Federal Regulations*

2. Description of Collection

SSA collects the information on Forms SSA-1002-F3 and SSA-1003-F3 to resolve discrepancies when farm workers allege their employers did not report their wages, or reported their wages incorrectly. If an agricultural employer incorrectly reported wages for an employee, SSA must attempt to correct its records by contacting the employer to obtain convincing evidence of the wages. The respondents are agricultural employers having knowledge of wages paid to agricultural employees.

3. Use of Information Technology to Collect the Information

Forms SSA-1002 and SSA-1003 are available in paper format. SSA did not create an electronic version of forms SSA-1002 and SSA-1003 under the agency's Government Paperwork Elimination Act (GPEA) plan, because only 30,000 respondents complete these forms. This is less than the GPEA cut-off of 50,000.

4. **Why We Cannot Use Duplicate Information**

The nature of the information we are collecting and the manner in which we are collecting it preclude duplication. SSA does not use another collection instrument to obtain similar data.
5. **Minimizing Burden on Small Respondents**

This collection does not significantly affect small businesses or other small entities.
6. **Consequence of Not Collecting Information or Collecting it Less Frequently**

If we did not collect this information, we would have no means of determining an agricultural employee's true wages when there is a discrepancy between the wages reported by the employer and those claimed by the employee. This could lead to the agricultural employee not receiving the correct amount of credited earnings, which would affect the employee's future Social Security payments. Because we only collect the information on an as needed basis, we cannot collect it less frequently.

There are no technical or legal obstacles to burden reduction.
7. **Special Circumstances**

There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 CFR 1320.5.
8. **Solicitation of Public Comment and Other Consultations with the Public**

The 60-day advance Federal Register Notice published on August 26, 2010, at 75 FR 52578, and we received no public comments. SSA published the second Notice on _____ November 12, 2010, at 75 FR 69516. If we receive comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with the public on the revision/maintenance of this application.

We did not consult the public in the revision of this form.
9. **Payment or Gifts to Respondents**

SSA does not provide payments or gifts to the respondents.
10. **Assurances of Confidentiality**

SSA protects and holds confidential the information it collects in accordance with 42 U.S.C. 1306, 20 CFR 401 and 402, 5 U.S.C. 552 (Freedom of Information Act), 5 U.S.C. 552a (Privacy Act of 1974) and OMB Circular No. A-130.
11. **Justification for Sensitive Questions**

The information collection does not contain any questions of a sensitive nature.

12. **Estimates of Public Reporting Burden**

Form Number	Number of Respondents	Frequency of Response	Average Burden Per Response	Total Annual Burden
SSA-1002	7,500	1	30 minutes	3,750
SSA-1003	25,000	1	30 minutes	12,500
Total	32,500			16,250

The total burden for ICR is 16,250 hours. This figure represents burden hours and we did not calculate a separate burden cost.

13. **Annual Cost to the Respondents(Other)**

This collection does not impose a known cost burden on the respondents.

14. **Annual Cost To Federal Government**

The annual cost to the Federal Government is approximately \$7,200.00. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.

15. **Program Changes or Adjustments to the Information Collection Request**

There has been a decrease in the number of burden hours. The changes stem from an improved accuracy of employer reporting due to ongoing outreach programs by SSA and IRS, and an increased emphasis on the employee to first provide evidence of the alleged incorrect earnings (e.g., Form W-2) before SSA contacts the employer.

16. **Plans for Publication Information Collection Results**

SSA will not publish the results of the information collection.

17. **Displaying the OMB Approval Expiration Date**

OMB granted SSA an exemption from the requirements to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with the expired OMB approval dates, avoiding Government waste.

18. **Exceptions to Certification Statement**

SSA is not requesting an exception to the certification requirements of 5 CFR 1320.9 and related provisions at 5 CFR 1320.8(b) (3).

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this collection.