

Justification
Railroad Separation Allowance or Severance Pay Report
RRB Form BA-9

1. Circumstances of information collection - Section 6 of the Railroad Retirement Act, provides for a lump-sum payment to an employee or the employee's survivors equal to the Tier II taxes paid by the employee on a separation allowance or severance payment for which the employee did not receive credits toward retirement. The lump sum is not payable until retirement benefits begin to accrue or the employee dies. This provision is effective retroactively for separation and severance payments made beginning January 1, 1985.

Section 4(a-1)(iii) of the Railroad Unemployment Insurance Act (RUIA) provides that a railroad employee who is paid a separation allowance is disqualified for unemployment and sickness benefits for the period of time the employee would have to work to earn the amount of the allowance.

The requirements for railroad employers to prepare and file a report of employee separation allowances and severance payments to railroad employees and survivors of railroad employees are prescribed in 20 CFR 209.14 and in 45 U.S.C. 354(a-1)(iii), 45 U.S.C. 355(b) and 45 U.S.C. 359(a).

2. Purposes of collection/consequences of not collecting the information - Form BA-9, Report of Separation Allowance or Severance Pay, is the form used by the Railroad Retirement Board (RRB) to calculate the lump-sum payment provided to railroad employees or their survivors. In order to provide these payments, the RRB must collect and maintain records of separation allowances and severance payments which were subject to Tier II taxation. The RRB uses Form BA-9 to obtain, on a quarterly basis, the information needed from railroad employers concerning the separation allowances and severance payments made to railroad employees and/or their survivors by the RRB after December 31, 1988. Form BA-9 is also used by employers to report adjustments to reported severance pay. All reports contain a one-line entry for each such payment or adjustment.

Employers have the option of submitting their reports on Form BA-9, or, in like format, on a magnetic tape, or tape cartridge. Employers also have the option of submitting their reports by secure E-mail or File Transfer Protocol (FTP). Formats for magnetic tapes and tape cartridges, are prescribed in the RRB's Reporting Instructions to Employers. Program Letter 2008-05 explains the secure E-mail and FTP processes, contains the file layout, and includes the required Paperwork Reduction Act-related notices. All reports of separation allowances and severance payments are accompanied by Form G-440, Report Specifications Sheet. The G-440 provides information as to the type of report and specifications, if necessary, for the computer. The form also provides for the signature and identifying information of a certifying officer. The instructions for completing Form BA-9 and the burden statement relating to the estimated completion time for the information collection are shown on the reverse side of the form.

The RRB proposes no changes to Form BA-9.

To our knowledge, no other agency obtains information similar to that obtained by Form BA-9.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction - N.A.
4. Efforts to identify duplication - This information collection does not duplicate any other information collection.
5. Small business respondents - N.A.
6. Consequences of less frequent collection - Since an up-to-date record is essential for timely and accurate benefits, obtaining the separation allowance and severance pay information less frequently would affect payment of benefits under the Acts the RRB administers.
7. Special circumstances - None
8. Public comments/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 page 65388 of the October 22, 2010, Federal Register. No comments or requests pertinent to the information collection were received.
9. Payments or gifts to respondents - N.A.
10. Confidentiality - Privacy Act System of Records, RRB-5, Master File of Railroad Employee's Creditable Compensation and RRB-21, Railroad Unemployment and Sickness Insurance Benefit System. In accordance with OMB Circular M-03-22, a Privacy Impact Assessment for this information collection was completed and can be found at <http://www.rrb.gov/pdf/PIA/PIA-BPO.pdf>
11. Sensitive questions - N.A.
12. Estimate of respondent burden - The current burden for the collection is unchanged as follows:

Current			
Form Number	Annual Responses	Time (Minutes)	Burden (Hours)
BA-9 (paper)	265	76	336
BA-9 (magnetic tape)	50	76	63
BA-9 (diskette/CD-ROM)	10	76	13

BA-9 (secure E-mail)	25	76	32
BA-9 (FTP)	10	76	13
Total	360		457

13. Estimate of annual cost to respondents or record keepers - N.A.
14. Estimated cost to Federal Government - N.A.
15. Explanation for change in burden – N.A.
16. Time schedule for data collection and publication -The results of this collection will not be published.
17. Request not to display OMB expiration date - The BA-9 is 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