Justification
Employee's Certification
RRB Form G-346 and G-346sum

1. <u>Circumstances of information collection</u> - Section 2 of the Railroad Retirement Act (RRA) provides for the payment of an annuity to the spouse or divorced spouse of a retired railroad employee. For the spouse or divorced spouse to qualify for the annuity, the Railroad Retirement Board (RRB) must determine if the employee's current marriage to the applicant is still valid.

    The requirements for obtaining documentary evidence to determine valid marital relationships are prescribed in 20 CFR 219.30 through 219.35.

    Section 2(e) of the RRA requires that an employee must relinquish all rights to any railroad employer service before a spouse annuity can be paid.

2. <u>Purposes of collecting/consequences of not collecting the information</u> - **Form G-346, Employee's Certification,** which is used to obtain information needed to determine whether the employee's current marriage is valid, is completed and signed by the retired employee who is the husband or wife of the applicant for a spouse annuity. The form is used to support the information furnished by the spouse in Section 3 of RRB Form AA-3, *Application for Spouse/Divorced Spouse Annuity*, or RRB Form AA-3cert, *Application Summary and Certification* (3220-0042), or Section C of RRB Form AA-7, *Spouse/Divorced Spouse Application for Medicare* (3220-0082). Form G-346 is not used in cases involving a divorced spouse who files for an annuity, since any marriage impediments would have been identified during the divorce court proceedings.

    Form G-346 is designed for self-administration. Items 1, 2, and 3 are pre-filled by the RRB with employee identifying information before the form is either handed to the retired employee for completion at the time the spouse files an application or is mailed if the retired employee is not present at the spouse application interview.

    The RRB proposes no changes to Form G-346.

    In accordance with recently amended regulation 20 CFR 217.17, the RRB **proposes the implementation of Proposed Form G-346sum, Employee's Certification Summary.** Form G-346sum, which essentially mirrors Form G-346, will be electronically produced when a railroad employee, after completion of an interview with RRB field office staff, signs the form using an alternate signature method known as "Attestation". Attestation refers to an action taken by an RRB representative to confirm and annotate in the RRB's records the applicant's affirmation under penalty of perjury that the information provided is correct and that they have agreed to sign the form by proxy.

    The RRB representative will interview the railroad employee either at an RRB field office or by telephone. During the interview, the RRB representative will secure facts to support the information furnished by the spouse in Section 3 of RRB Form AA-3, *Application for Spouse/Divorced Spouse Annuity*, or RRB Form AA-3cert, *Application Summary and Certification* (3220-0042), or Section C of RRB Form AA-7, *Spouse/Divorced Spouse Application for Medicare* (3220-0082). Upon completion of the interview Form G-346sum will be generated for review by the employee or mailed to the employee after a phone interview. Form G-346sum is not used in cases involving a divorced spouse who files for

an annuity, since any marriage impediments would have been identified during the divorce court proceedings.

Proposed Form G-346sum has been reviewed by staff from the RRB's Office of General Counsel, Office of Inspector General and Bureau of Information Services. After completion of the reviews, it was approved for use and submission to OMB by the RRB's Board Members.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction - With respect to an Internet equivalent option, the RRB has deferred action (given the relatively low amount of annual responses) due to limited funding and the need to develop higher priority projects.

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 - N.A.

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 62098 of the October 6, 2011, Federal Register. No comments or requests for additional information were received from the public.

9. Payments or gifts to respondents - None

10. Confidentiality - Privacy Act System of Records, RRB-22, Railroad Retirement, Survivor and Pensioner 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/PIA/PIA-BPO.pdf.

11. Sensitive questions - N.A.

12. Estimate of respondent burden - The current and proposed burden for the collection follows:

Current Burden

Form Number	Annual Responses	Time (Min)	Burden (Hrs)
G-346	6,900	5	575

Estimated Burden

Form Number	Annual Responses	Time (Min)	Burden (Hrs)
G-346	4,830	5	403

3220-0140

G-346sum	2,070	5	172
Total	6,900		575

13. <u>Estimate of annual cost to respondents or record keepers</u> - N.A.

14. <u>Estimated cost to the Federal Government</u> - N.A.

15. <u>Explanation for change in burden</u> – Though implementation of "Attestation" requires the creation of new Form G-346sum there is no change in the total estimated burden. The RRB still estimates the burden to be 6,900 annual responses and 575 burden hours.

16. <u>Time schedule for data collections and publications</u> - The results of this collection will not be published.

17. <u>Request not to display OMB expiration date</u> - The G-346 is <u>seldom revised</u>. Given the cost associated with redrafting, reprinting, and distributing the form in order to keep the appropriate OMB expiration date in place, <u>the RRB requests the authority to not display the expiration date on the form</u>.

18. <u>Exceptions to Certification Statement</u> - None