

Justification
Employer Reporting
**RRB Forms AA-12, G-88A.1, G-88A.1 (Internet), G-88A.2, G-88A.2 (Internet),
BA-6a, BA-6a (Internet), BA-6a (E-mail)**

1. Circumstances of information collection - Under Section 9 of the Railroad Retirement Act (RRA), railroad employers are required to submit reports of employee service and compensation to the Railroad Retirement Board (RRB) as needed for administering the RRA. To pay benefits due on a deceased employee's earnings records or determine entitlement to and the amount of annuity applied for, it is necessary at times to obtain from railroad employers current (lag) service information not yet reported to the RRB through the annual reporting process, Railroad Service and Compensation Reports (OMB No. 3220-0008, RRB Form BA-3). The reporting requirements are specified in 20 CFR 209.

Also, under Section 6 of the Railroad Unemployment Insurance Act (RUIA) and Section 9 of the RRA, the RRB maintains for each railroad employee a record of compensation paid to that employee by all railroad employers for whom the employee worked after 1936. This record, which is used by the RRB to determine eligibility for, and the amount of, benefits due under the laws it administers, is conclusive as to the amount of compensation paid to an employee during such period(s) covered by the report(s) of the compensation by the employee's railroad employer(s), except in cases when the employee files a protest pertaining to his or her reported compensation within the statute of limitations cited in Section 6 of the RUIA and Section 9 of the RRA. In order for the employee to have a basis for filing a protest, the RRB has prepared a document for each employee having some railroad employment in the previous year showing the total number of service months and compensation that the RRB has credited to him or her based on the reports from railroad employers for the previous calendar year or years, as well as the cumulative number of service months and compensation for all years he or she worked in the railroad industry. The document is Form BA-6, Certificate of Service and Compensation. (See OMB 3220-0008 for the requirement that railroad employers report annually to the RRB compensation paid to their employees.) By April 1 of each year, each employer is required to provide the RRB with the current address of each employee for whom it had reported compensation so the RRB can mail the Form BA-6 to the employee. Once the home address is furnished, only the home addresses of new hires is required (20 CFR 209.12).

2. Purposes of collecting/consequences of not collecting the information - The employer reporting forms currently used by the RRB to obtain lag service and related information and home addresses for newly hired employees follow.

RRB Form AA-12, Notice of Death and Request for Service Needed for Eligibility - RRB field offices use Form AA-12 to obtain a report of railroad service from the last railroad employer of a deceased employee only when that service is required to establish a survivor's eligibility to an RRB survivor annuity or lump-sum death benefit. (Previously, the AA-12 was released for all survivor cases with lag.) The AA-12 report covers the lag

period between the date of the last record of employment processed by the RRB from Form BA-3, Annual Report of Creditable Compensation (see OMB No. 3220-0008), and the employee's death.

The RRB field office completes the identifying information in Items 1-9 before the form is released. The railroad then returns the form to RRB headquarters in the pre-addressed envelope provided for that purpose or via facsimile.

The RRB proposes no changes to Form AA-12.

Form G-88A.1, Request for Verification of Date Last Worked, is a computer listing which is compiled and sent to railroad employers monthly. The listing identifies each age and service and disability employee who has stopped railroad employment within two years of the filing date of their annuity application. The listing informs the employee's last railroad employer that the employee has retired, and is used solely to verify information regarding the date last worked so the RRB can determine the correct annuity beginning date. If the employee is filing for an annuity based on age and service, the listing also includes the date rights were relinquished.

If the dates shown on Form G-88A.1 do not agree with the railroad employer's records, the railroad employer is requested to correct the information and fax the amended page(s) to the RRB for use in correction of the annuity. If the dates shown do agree with the railroad employer's records, no response is necessary. Form RL-88A.1, which contains instructions on how to complete Form G-88A.1, is used to transmit the listing.

The RRB proposes the following non-burden impacting changes to Form G-88A.1:

- Move the certification statement from the bottom of the page to the top and update language.
- Include a fraud statement.
- Change the next to last column title from "*If Later, Last Day of Pay For Time Lost*", to "*Last Day of Pay For Time Lost, If Later Than Date Last Worked.*"

In accordance with the Government Paperwork Elimination Act, which requires Federal agencies to provide its customers the option to submit or transact business with agencies electronically, when practical, as a substitute for paper, **the RRB proposes the addition of an Internet equivalent version of Form G-88A.1 to the information collection.** The proposed G-88A.1 (Internet), *Request for Verification of Date Last Worked*, will be transmitted to employers who have obtained access to the RRB's Employer Reporting System (ERS).

Access to ERS is granted only to employers and their employees who have completed RRB Form BA-12, Application for Employer Reporting Internet Access (3220-0008), which provides information used by the RRB to evaluate, grant, and document the level of access requested (view/only, data entry/modification or approval/submission).

The proposed G-88A.1 (Internet) is not a form in the traditional sense but more of a process. Although it collects essentially the same information as the approved manual version of Form G-88A.1, it consists of a series of screens with completion instructions, which collect the necessary information and provide for the required notices and certifications, as well as help messages designed to guide the user through the system and complete a successful transaction.

The proposed G-88A.1 (Internet) was reviewed by staff of the RRB's General Counsel and Chief Information Officer and found to be acceptable. Subsequently, the form was reviewed and approved for use (**pending OMB approval**) by the RRB's Board Members.

A document titled "Description of Proposed G-88A.1 Screens" providing details regarding content and how to navigate each screen is included in the document section of the G-88a.1 IC documents. Also included in the ICR supplementary document section is a draft RRB Program Letter that will be released to Railroad Employer's announcing the implementation of the Internet equivalent G-88A.1.

Form G-88A.2, Notice of Retirement and Request for Service Needed for Eligibility, is used by the RRB to obtain a report of lag service required to establish entitlement to an employee annuity. This report covers the lag period between the date of the latest record of employment processed by the RRB from Form BA-3, Annual Report of Creditable Compensation (see OMB No. 3220-0008), and the employee's date last worked.

Form G-88A.2 is designed for self-administration. Items 1-12 are completed by the RRB before the form is released to the employer for completion. Completion instructions and the Paperwork Reduction Act and Privacy Act Notices are found on the form.

The RRB proposes no changes to Form G-88A.2.

In accordance with the Government Paperwork Elimination Act, which requires Federal agencies to provide their customers the option to submit or transact business with agencies electronically, when practical, as a substitute for paper, **the RRB proposes the addition of an Internet equivalent version of Form G-88A.2, Notice of Retirement and Request for Service Needed for Eligibility, to the information collection.** The G-88A.2 (Internet) will be submitted to employers through the RRB's Employer Reporting Service (ERS). The information from the employer will be transmitted back to the RRB through ERS.

Access to ERS is granted only to employers and their employees who have completed RRB Form BA-12, Application for Employer Reporting Internet Access (3220-0008), which provides information used by the RRB to evaluate, grant, and document the level of access requested (view/only, data entry/modification or approval/submission).

The proposed G-88A.2 (Internet) is not a form in the traditional sense but more of a process. Although it collects essentially the same information as the approved manual version of Form G-88A.2, it consists of a series of screens with completion instructions, which collect the necessary information and provide for the required notices and certifications, as well as help messages designed to guide the user through the system and complete a successful transaction.

The proposed G-88A.2 (Internet) was reviewed by staff of the RRB's General Counsel, and Chief Information Officer and found to be acceptable. Subsequently, the form was reviewed and approved for use (pending OMB approval) by the RRB's Board Members.

A document titled "Description of Proposed G-88A.2 Screens" providing details regarding content and how to navigate each screen is included in the document section of the G-88a.2 IC. Also included in the supplementary document section for the MCR is a draft RRB Program Letter that will be released to Railroad Employer's announcing the implementation of the Internet equivalent G-88A.2.

By April 1 of each year, railroad employers are required to provide the RRB with the current name and address of each employee for whom they reported compensation during the previous calendar year. Once the address is furnished, it does not have to be provided again unless it changes. Otherwise, only the home addresses of new employees are required the RRB uses these addresses to mail a new or updated Form BA-6, Certificate of Service Months and Compensation, to each employee. (20 CFR 209.12).

RRB Form BA-6a, BA-6 Address Report, is used by the RRB to obtain employee home address information from railroad employers who do not have the home address information computerized and must submit the information in a paper format.

The form also serves as an instruction sheet to railroad employers who submit the BA-6a information electronically by magnetic tape, cartridge, or CD ROM. Class I and other large railroad employers meet this requirement by reporting this information to the RRB (monthly) on magnetic media. Further instructions for BA-6a electronic equivalent's are included with our IC.

To our knowledge, no other agency uses a form similar to the BA-6a.

The RRB proposes no changes to Form BA-6a.

Form BA-6a (Internet) is an Internet equivalent version of Form BA-6a, BA-6 Address Report. It is not a form in the traditional sense but more of a process. Although it collects essentially the same information as the other versions of the BA-6a, it consists of a series of screens (which collect the necessary information and provide for the required notices and certification) and help messages designed to help the user successfully navigate the system.

The Internet BA-6a is filed electronically by employers who have obtained access to the RRB's Employer Reporting System (ERS). Access to ERS is granted only to those employers and their employees who have completed RRB Form BA-12, Application for Employer Reporting Internet Access (OMB Approved 3220-0008), which provides information used by the RRB to evaluate, grant, and document the level of access requested (view/only, data entry/modification or approval/submission).

The RRB proposes no changes to Form BA-6a (Internet).

The **secure E-mail** equivalent BA-6a collects the same information in the same layout as the other approved electronic media versions. A copy of the current Program Letter, which not only explains the process but also contains the required notices and certifications, is included.

The secure E-mail equivalent BA-6a is filed electronically by employers who have obtained a Digital ID or certificate. In order to verify that the holder of the employer's Digital ID or certificate is authorized to prepare and electronically submit reports on behalf of the railroad, the employer must complete RRB Form G-117a, Designation of Contact Official (OMB approved 3220-0200), to provide us the identifying information needed to establish the authorized railroad employee(s) in our data base.

The RRB proposes no changes to the secure E-mail equivalent BA-6a.

The **File Transfer Protocol (FTP) equivalent BA-6a** essentially mirrors the file format utilized with other BA-6a electronic formats. The use of FTP is explained in Program Letter 2008-05, which includes information outlining how FTP works, the file format to be used, and the various required notices.

To assist the employers in completing Forms AA-12, G-88A.1, G-88A.2 and BA-6a, the RRB furnishes a manual titled "Reporting Instructions to Employers." The manual, which is also accessible on the Internet, provides detailed instructions for completion of the forms.

Invariably, despite the annual reporting process, some home addresses are not reported, i.e., the employer reports the earnings information for a new employee but provides no home address. To ensure, as best as possible, that all railroad employees receive a BA-6, the **RRB initiates the BA-6a** in an attempt to secure the missing addresses. To that end, employers receive a paper BA-6a listing, an Internet download version, or the secure E-mail equivalent that lists the employees that have no address on file. The secure E-mail equivalent BA-6a provides railroad employers with the option of responding back via the secure e-mail BA-6a.

To our knowledge no other agency uses forms corresponding to Forms AA-12, G-88A.1, G-88A.2, or the various versions of Form BA-6a.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction - With the proposal of Internet versions of Forms G-88A.1 (Internet) and G-88A.2 (Internet), the RRB has taken steps to offer electronic alternatives to all but Form

AA-12, which is scheduled to be developed at a future date.

4. Efforts to identify duplication - This information collection do not duplicate any other information collection.
5. Small business respondents - N.A.
6. Consequences of less frequent collection - Lag service information is requested only once. As to the BA-6a, less frequent collection would hamper the RRB's effort to provide railroad employees with an annual BA-6.
7. Special Circumstances - None
8. 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 51833 and 51834 of the August 27, 2012, Federal Register. No comments were received.
9. Payments or gifts to respondents - None
10. Confidentiality - Privacy Act System of Records, RRB-5, Master File of Railroad Employees Creditable Compensation and RRB-22, Railroad Retirement Survivor and Pensioner Benefit Systems. In accordance with OMB Circular M-03-22, a Privacy Impact Assessment for the Employer Reporting 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 and proposed burden estimate for this collection is as follows:

Current Burden

Form Number	Annual	Time (Minutes)	Burden (Hours)
AA-12	60	5	5
G-88A.1	360	5	30
G-88A.1 (Class I railroads)	144	20	48
G-88A.2	1,300	5	108
BA-6a (RR initiated)(paper)	80	32	43
BA-6a (RRB initiated)(paper)	250	32	133
BA-6a Electronic Equivalent*	14	15	4
BA-6a Internet (RR initiated)	250	17	71
BA-6a Internet (RRB initiated)	250	12	50

BA-6a (E-mail)	30	15	8
BA-6a (File Transfer Protocol)	10	15	3
Total	2,748		503

Proposed Burden

Form Number	Annual Responses	Time (Minutes)	Burden (Hours)
AA-12	60	5	5
G-88A.1	100	5	8
G-88A.1 Internet	260	4	17
G-88A.1 Internet (Class I railroads)	144	16	38
G-88A.2	100	5	8
G-88A.2 (Internet)	1,200	2.5	50
BA-6a Electronic Equivalent*	14	15	4
BA-6a (E-mail)	30	15	8
BA-6a (File Transfer Protocol)	10	15	3
BA-6a Internet (RR initiated)	250	17	71
BA-6a Internet (RRB initiated)	250	12	50
BA-6a Paper (RR initiated)	80	32	43
BA-6a Paper (RRB initiated)	250	32	133
Total	2,748		438

	<u>Responses</u>	<u>Hours</u>
Total burden change	<u>-0-</u>	<u>-65</u>
Program Change-Agency Discretion	-0-	-65

* Magnetic tape, tape cartridge, CD-ROM. These types of responses are received primarily from the large railroad employers (Class I and others).

13. Estimated annual cost to respondents or recordkeepers - N.A.
14. Estimate of cost to Federal Government - N.A.
15. Explanation for change in burden - We estimate 404 of the 504 responses currently received using Form G-88A.1, will use the proposed Internet version, resulting in a decrease in the number of Forms G-88A.1 used to 100. We estimate that using the proposed Internet version will take 4 minutes to complete, decreasing the burden hours of the G-88A.1 by 15, from 78 to 63. We anticipate 1,200 of the 1,300 currently using Form G-88A.2, will use the proposed Internet version, resulting in a decrease in the number of Forms G-88A.2 used to 100. We estimate that using the proposed Internet version will take 2.5 minutes to complete, decreasing the burden hours of the G-88A.2 by 50, from 108 to 58. We anticipate a total burden decrease of 65 hours from 503 to 438. We have

shown the changes in burden associated with the addition of Forms G-88A.1 (Internet) and G-88a.2 (Internet) as a program change- agency discretion.

16. Time schedule for data collections and publication -The results of this collection will not be published.
17. Request not to display OMB expiration date -The forms associated with this collection are seldom revised. Given the costs associated with redrafting, reprinting, and distributing the forms in order to keep the appropriate OMB expiration date in place, the RRB requests the authority to not display the OMB expiration dates on the forms.
18. Exceptions to Certification Statement – None