

**Supporting Statement for Form SSA-7160  
Employment Relationship Questionnaire  
20 CFR 404.1007  
OMB No. 0960-0040**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

Section 205(a) of the *Social Security Act (Act)* authorizes the Social Security Administration (SSA) to establish procedures to maintain workers' earnings records. To accomplish this, SSA needs to determine workers' employment status as defined in section 210(j)(2) of the *Act*, and 20 CFR 404.1007 of the *Code of Federal Regulations*, when their status is uncertain or ambiguous. As defined, a worker is an employee under the "usual common-law rules" applicable in determining the existence of an employer-employee relationship.

**2. Description of Collection**

When SSA needs information to determine a worker's employment status to maintain a worker's earning records, the agency uses Form SSA-7160, to determine the existence of an employer-employee relationship. We use the information to develop the employment relationship by determining if a beneficiary is self-employed or an employee. The respondents are individuals seeking to establish their employment status as employees and their alleged employers. The respondents include individuals, households, businesses, and state and local governments.

**3. Use of Information Technology to Collect the Information**

Form SSA-7160 is available as a print-only PDF on SSA's website. We did not create an electronic version of Form SSA-7160 under the agency's Government Paperwork Elimination Act (GPEA) plan because only 16,000 respondents complete the form annually. This is less than the GPEA cut-off of 50,000.

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

The nature of the information we collect and the manner in which we collect 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 use Form SSA-7160, the earnings records of workers under the Social Security system would not be accurate. Because we only collect the information once, we cannot collect it less frequently. There are no technical or legal obstacles to prevent 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 June 8, 2018, at 83 FR 26736, and we received no public comments. The 30-day FRN published on August 6, 2018 at 83 FR 38441. If we receive any comments in response to this Notice, we will forward them to OMB.

**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**

<b>Collection Instrument</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>
Individuals	8,000	1	25	3,333
Businesses	7,200	1	25	3,000
State/Local Government	800	1	25	333
<b>Totals:</b>	<b>16,000</b>			<b>6,666</b>

The total annual burden for this ICR is **6,666** hours. We based these figures on current management information data. We did not calculate a separate cost burden.

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

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

**14. Annual Cost to the Federal Government**

The annual cost to the Federal Government is approximately \$133,667. This estimate accounts for costs from the following areas: (1) designing, printing, and distributing the form; and (2) SSA employee (e.g., field office, 800 number, DDS staff) information collection and processing time.

- 15. Program Changes or Adjustments to the Information Collection Request**  
There are no changes to the public reporting burden.
- 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 requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an 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 expired OMB approval dates, avoiding Government waste.
- 18. Exceptions to Certification Statement**  
SSA is not requesting an exception to the certification requirements at 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 information collection.