

Supporting Statement
Unemployment Compensation for Federal Employees (UCFE), Handbook 391
OMB control number 1205-0179

A. Justification.

The Department of Labor, Employment and Training Administration (ETA) is renewing an Extension without changes for ETA Unemployment Compensation for Federal Employees (UCFE), Handbook No. 391. Updates were made to items 12 through 15 to reflect new burden totals.

1. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*

Title 5 U.S.C. 8506(a) states that “Each agency of the United States and each wholly or partially owned instrumentality of the United States shall make available to state workforce agencies (SWA) which have agreements under this subchapter, or the Secretary of Labor, as the case may be, such information concerning the Federal service and Federal wages of a Federal employee as the Secretary considers practicable and necessary for the determination of the entitlement of the Federal employee to compensation under this subchapter.” The information shall include the findings of the employing agency concerning -

- (1) Whether or not the Federal employee has performed Federal service;
- (2) The periods of Federal Service;
- (3) The amount of Federal wages; and
- (4) The reason(s) for termination of Federal service.

The employing agency shall make the findings in the form and manner prescribed by regulations of the Secretary.

The Unemployment Compensation for Federal Employees (UCFE) law (5 U.S.C. 8501, et seq.) requires state workforce agencies to administer the UCFE program in accordance with the same terms and provisions of the paying state's unemployment insurance law, which apply to unemployed claimants who worked in the private sector. See 5 U.S.C. 8502. Each state agency must be able to obtain certain information (wage, separation data) about each claimant filing claims for UCFE benefits to enable them to determine his/her eligibility for benefits.

2. *Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

The Department of Labor (DOL) has prescribed forms to enable the state agencies to obtain this necessary information from the individual's Federal employing agency. Each of these forms is essential to the UCFE claims process and the frequency of use varies depending upon the circumstances involved. These are model forms which states may customize as needed to collect the necessary information required to operate the UCFE program.

The following forms are subject to OMB approval:

FORM ETA-931, REQUEST FOR WAGE AND SEPARATION INFORMATION-UCFE

Purpose and Use. Form ETA-931 is used by the SWA to obtain Federal civilian employment, wage and separation information whenever an individual files a potential "first claim" for unemployment compensation (i.e., UCFE), as defined in the Federal UCFE regulations at 20 CFR 609.2(j).

FORM ETA-931A, REQUEST FOR SEPARATION INFORMATION FOR ADDITIONAL CLAIM-UCFE

Purpose and Use. Form ETA-931A is to be used by the SWA in connection with each UCFE-only, joint UCFE-UCX, UI-UCFE, or UI-UCFE-UCX, additional claim when it is necessary for a SWA to obtain intervening Federal civilian employment. The form is designed to obtain terminal annual leave and separation information from the Federal agency concerned, and will be used in lieu of the regular separation notice normally used in connection with State UI additional claims. The Form ETA-931A should not be used in connection with a "new claim."

SWAs are also urged to use a Form ETA-931A in connection with State UI-only additional claims when it is necessary to obtain information on intervening Federal civilian employment. Use of a standard-type form in all cases should expedite Federal agency responses.

UCFE FORM ETA-935, CLAIMANT'S AFFIDAVIT OF FEDERAL CIVILIAN SERVICE, WAGES AND REASON FOR SEPARATION

Purpose and Use. Form ETA-935 will be used, generally, to overcome delays in the normal claims process caused by delayed returns of the completed Form ETA-931 by the employing Federal agency. The Secretary's Regulations require that the affidavit process be initiated twelve (12) days after initial mailing of Form ETA-931 if the completed form is not received at that time. If a Federal agency chronically delays the return of UCFE forms, Form ETA-935 may be taken as part of the new claims process. The completed Form ETA-935 will constitute the claimant's statement of his/her Federal employment and the reason for separation if credible evidence is presented, i.e., pay stubs, SF-50, W-2, etc. When the SWA makes a UCFE monetary and/or nonmonetary determination under its State law, it will be based, as appropriate, on information shown on Forms ETA-935, 931, ETA-931A, or ETA-934 that the agency considers credible, as well as any other available sources of information. The SWA will resolve any differences or inconsistencies, as to the information shown on such forms.

FORM ETA-933, REQUEST FOR INFORMATION REGARDING CLAIMS FILED UNDER THE FEDERAL EMPLOYEES COMPENSATION ACT

Purpose and Use. Form ETA-933 is used to obtain information concerning the Federal Employees' Compensation Act, which is the workers' compensation law for Federal civilian employees.

Under some state unemployment insurance laws, a claimant is disqualified for any week for which he/she is seeking or receiving workers' compensation under any state or Federal law, or his/her weekly amount of unemployment benefits otherwise payable is reduced by the amount of his/her workers' compensation award for that week. In all states, receipt of Federal compensation for work injuries or classification by the Office of Workers' Compensation Programs as temporarily or permanently disabled (partially or totally) will raise able and available questions with regard to the UCFE claimant. Therefore, state agencies need such information to determine whether the claimant is entitled to unemployment benefits under State law.

If a Federal agency knows that a UCFE claimant has filed a request for, or is receiving, Federal compensation for work injuries, it will so indicate in item 3d of Form ETA-931 or Form ETA-931A. If such a notation has been made or if the UCFE claimant gives this information to the state agency, it will send a Form ETA-933 to the Office of Workers' Compensation Programs for completion.

FORM ETA-934, REQUEST FOR ADDITIONAL INFORMATION

Purpose and Use. The SWA will use the same methods provided by state law, procedures, etc., to obtain or verify wage and separation data, resolve differences in data, and make determinations for UCFE. If, however, missing or clarified data is needed, Form ES-934 is used to obtain information from a Federal agency.

The claimant, either before a determination is made or within the State appeal period, may allege that the findings of the Federal agency contain errors or omissions, or that the claimant wishes further information or reconsideration of the original findings. In such a case, Form ETA-934, signed by the claimant, is sent to the Federal personnel/payroll office by the SWA.

Form ETA-934 may be sent to the Federal agency before a nonmonetary determination is issued, or it may be sent as a result of a claimant's request for information or reconsideration after the determination is issued. If a determination has been issued, the appeal period under state law determines the time limits within which a claimant may file a Form ETA-934. In some states the initiating of a request for information or reconsideration of Federal findings will protect a claimant's appeal rights. If state law requires the filing of an appeal or any other action in addition to initiating such a request in order to protect the claimant's appeal rights, he or she should be advised to take this action.

3. *Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.*

In the past, the majority of wage and employment information pertaining to the UCFE claimant was obtained from the Federal agency employer by mail using the forms prescribed by DOL for state agency use. However, recent technological advances in data transmission capabilities have

made it practical and cost-effective to permit the exchange of Federal civilian employee wage and separation information between the state agencies and Federal agencies, including posting UCFE claim information at the Federal Claims Control Center (FCCC), by electronic means. Nearly all states have implemented the UCFE application and all states are connected to the FCCC. Many of the largest Federal agencies are also connected to the FCCC. This has resulted in the implementation of an electronic ETA-931, 931A, and 934. There is still a need to maintain the non-electronic ETA-931, 931A, and 934 capability to obtain employee wage and separation information from those Federal agencies that do not participate, or that can only provide wage information electronically. It may not be cost effective for some of the smaller Federal agencies to participate in the electronic exchange of information.

4. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.*

We are not aware of duplication of the data.

5. *If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.*

Collection does not involve small businesses or other small entities.

6. *Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

If collection of information is conducted less frequently, responses to the SWAs would be untimely resulting in late benefit payments. It is the responsibility of the Federal agencies to provide timely responses to enable the SWAs to determine eligibility and make timely first payments when due.

7. *Explain any special circumstances that would cause an information collection to be conducted in a manner that requires further explanation pursuant to regulations 5 CFR 1320.5.*

5 U.S.C.8506 allows for SWAs to collect this information on an as needed basis.

8. *If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.*

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

In accordance with the Paperwork Reduction Act of 1995, the public was given 60 days to comment on the Federal Register Notice published on September 14, 2018 (83 FR 46760). No public comments were received.

9. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*

No payments or gifts are provided to respondents.

10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*

If a state law requires all claimants to sign a release statement, then a UCFE claimant would also be required to sign a Privacy Act release statement. Information regarding confidentiality and disclosure of unemployment insurance information, including UCFE, may be found in the Federal regulations under 20 CFR 603.

An exception to the above is the completion of Form ETA-933, Request for Information Regarding Claims Filed Under the Federal Employees' Compensation Act (FECA). A Privacy Act release statement is required as the information requested on this form involves releasing a claimant's health and medical information.

11. *Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

Questions pertain only to information necessary to determine UCFE program eligibility; otherwise, there are no questions of a sensitive nature.

12. *Provide estimates of the hour burden of the collection of information.*

Burden hours for State Agencies are not monetized, as the cost of the Federal Claims Control Center (FCCC) for FY2017 was about \$925,000 for UCFE/UCX claims processing of which approximately 10% (\$92,500) was solely for UCFE claim processing. This amount is allocated to the FCCC by the Federal government as a state grant.

Fifty-three (53) SWAs will submit the various UCFE forms to approximately 186 Federal agencies based on 58,728 UCFE claims filed in FY 2017.

The following State Agency Burden chart represents the total burden hours based on program experience estimates of 58,728 UCFE claims that were filed in FY 2017. The Individual Claimant Burden chart applies specifically to Form ETA-935, which is used when a Federal Agency does not respond to a request for wage and separation information and a claimant affidavit must be taken by the state.

The following table can be used as a guide to calculate the total burden of an information collection.

Burden Associated with Site Selection Activities Table

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value per Respondent
ETA-931	53	851.08	45,107	.08	3,609	\$49.94	\$180,233
ETA-931A	53	257	13,621	.08	1,090	\$49.94	\$54,435
ETA-935	53	851.08	45,107	.07	3,157	\$49.94	\$157,661
ETA-933	53	24.91	1,320	.08	106	\$49.94	\$5,294
ETA-934	53	51.80	2,745	.07	192	\$49.94	\$9,588
Unduplicated Totals	53	Varies	107,900	Varies	8,154	--	\$407,211

*Source: The hourly rate is computed by dividing the FY 2019 national average PS/PB annual salary for state staff as provided for through the distribution of state UI administrative grants (https://wdr.doleta.gov/directives/attach/UIPL/UIPL_10-18.pdf) by the average number of hours worked in a year (1,711). For FY 2019, this calculation is: \$85,453 / 1,711= \$49.94.

Individual Claimant Burden

Form	Respondents	Responses Per Respondents	Total Numbers of Responses	Response Time (Hours)	Total Burden Hours	Time Value	Value of Respondent Time
ETA-935	45,107	1	45,107	.07	3,157	\$7.25	\$22,888
Unduplicated Totals	45,107	1	45,107	.07	3,157	\$7.25	\$22,888

As persons are unemployed, claimant burden hours have been monetized using the Federal minimum wage without a factor for fringe benefits. 3,157 hours x \$7.25* per hours = \$22,888. [* Source: Federal minimum wage- <http://www.dol.gov/whd/minimumwage.htm>]

13. *Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).*

Burden Summary

Respondent Type	Respondents	Responses	Burden Hours	Value of Respondent Time
State Govt.	53	107,898	8,155	\$407,343
Individuals	45,107	45,107	3,158	\$22,892
Totals	45,160	153,005	11,313	\$430,235

14. *Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.*

The UI-ICON contract is a fixed price contract, so the infrastructure and support costs do not change from year to year. The FCCC cost for processing UCFE claims is estimated at \$92,500 in FY 2017. This amount is based on the percentage of the mainframe usage for UCFE as it compares with other applications as an indicator of what percentage of the total cost of the contract should be assigned to the FCCC; however, that would not include several other aspects of managing the program and reporting requirements at the regional offices and the National Office. The cost of the Federal Claims Control Center (FCCC) for FY2017 was about \$925,000 for UCFE/UCX claims processing of which approximately 10% (\$92,500) was solely for UCFE claim processing. In order to compute the hourly rate of State staff costs, divide the FY 2017 national average PS/PB annual salary for State staff as provided for through the distribution of state UI administrative grants (https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-16.pdf, see page 8) by the average number of hours worked in a year 1,711. For FY2017, this calculation was: $\$81,777 / 1,711 = \47.79 .

Note the Federal Government provides the administrative funding that covers salaries of state staff, so this data collection does not represent a direct cost to the state.

15. *Explain the reasons for any program changes or adjustments reported on the burden worksheet.*

The decrease in the number of UCFE claims filed, reported in Item 12 above, resulted in a downward adjustment in responses and burden hours. The country has recovered from the recession that began in December of 2007 and ended in June of 2009. The economy continues to improve, which would account for the significant reduction in the number of claims.

16. *For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time*

schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

We have no plans to publish any detailed data or information relating to these requests.

17. *If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

ETA does provide the expiration date on the model notices provided by the Agency. ETA requests a continued waiver of the requirement for States to display the assigned expiration date on their versions of the form. Such a requirement would place an unnecessary burden on the states to reprint new forms upon each OMB expiration.

18. *Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods.

This information collection does not employ statistical methods.