

Supporting Statement for Report of Adult Functioning-Employer
20 CFR 404.1512 and 20 CFR 416.912
Form SSA-3385-BK
OMB No. 0960-0805

A. Justification

1. Introduction/Authoring Laws and Regulations

Sections 205(a), 223(d)(5)(A), 1631(d)(1), and 1631(e)(1) of the *Social Security Act (Act)* require claimants for Social Security disability benefits or Supplemental Security Income (SSI) payments to provide medical and other evidence of their disability. These sections of the *Act* grant the Social Security Administration (SSA) the authority to establish procedures for collecting and verifying this evidence. 20 CFR 404.1512 and 20 CFR 416.912 of the *Code of Federal Regulations* provide detailed requirements for the types of evidence Social Security disability claimants and beneficiaries must provide showing how their impairment(s) affects their ability to work (e.g., evidence of age; education and training; work experience; daily activities; efforts to work; and any other evidence).

2. Description of Collection

Individuals receiving or applying for Social Security Disability Insurance or SSI provide SSA with medical evidence and other proof SSA requires to prove their disability. Past employers familiar with the claimant's ability to perform work activates complete Form SSA-3385-BK, Report of Adult Functioning-Employer, to provide SSA with information about the employee's day-to-day function in the working setting. We only reach out to past employers when the adjudicative team decides more information is necessary, and that they would be a good source for that information. SSA and Disability Determination Services (DDS) use the information Form SSA-3385-BK collects as a basis to determine eligibility or continued eligibility for disability benefits. The respondents are claimants' past and current employers.

3. Use of Information Technology to Collect the Information

The DDS mails Form SSA-3385-BK to the respondent to complete and mail back. Due to the low volume of respondents for this form, the form is not a good candidate for electronic implementation.

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-3385-BK we would be unable to fulfill our mandate to make payments to those who are disabled. There are no technical or legal obstacles to 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 July 3, 2019, at 84 FR 31972, and we received no public comments. The 30-day FRN published on September 16, 2019 at 84 FR 48694. 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**

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
SSA-3385	3,601	1	20	1,200	\$22.50*	\$27,000**

* We based these figures on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data.

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

The total burden for this ICR is **1,200** burden hours (reflecting SSA management

information data), which results in an associated theoretical (not actual) opportunity cost financial burden of \$27,000. SSA does not charge respondents to complete our applications.

13. Annual Cost to the Respondents (Other)

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

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$8,046. 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

When we last cleared this information collection (IC) in 2016, the burden was 1,300 hours. However, we are currently reporting a burden of 1,200 hours. This change stems from a decrease in the number of responses from 3,900 to 3,601, which is within the levels of expected fluctuation for this IC. There is no change to the burden time per response. Although the number of responses changed, SSA did not take any actions to cause this change.

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.