

**SUPPORTING STATEMENT
UNEMPLOYMENT COMPENSATION FOR
EX-SERVICEMEMBERS (UCX) HANDBOOK
OMB 1205-0176**

A. Justification

The Department of Labor, Employment and Training Administration (ETA) is renewing a revision for ETA Unemployment Compensation for Ex-servicemembers (UCX) - ETA Handbook 384. ETA is removing the ETA form 841 from the list of UCX related forms because this form is no longer used by states; states use the ETA form 843 to collect necessary UCX information.

- 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.*

Chapter 5 U.S.C. 8523 states that when designated by the Secretary of Labor, an agency of the United States shall make available to the appropriate State agency or to the Secretary, as the case may be, such information, including findings in the form and manner prescribed by regulations of the Secretary, as the Secretary considers practicable and necessary for the determination of entitlement of an individual to compensation under this subchapter. Form ETA 843, Request for Military Document and Information, which is contained in the Unemployment Compensation for Ex-servicemembers (UCX) Handbook, ET Handbook No. 384, may be necessary to process claims for unemployment benefits under the UCX program.

- 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 UCX law (5 U.S.C. 8521-8523)* requires state workforce agencies (SWAs) to administer the UCX program in accordance with the same terms and conditions of the paying state's unemployment insurance law, which apply to unemployed claimants who worked in the private sector. Each state agency needs to obtain certain military service information on claimants filing for UCX benefits to enable them to determine his/her eligibility for benefits. The state agencies may record or obtain required UCX information on the form developed by the Department of Labor, ETA 843, Request for Military Document and Information. The use of this form may be essential to the UCX claims process.

Information pertaining to the UCX claimant can only be obtained from the individual's military discharge papers, the appropriate branch of military service or the Department of Veterans Affairs (formerly the Veterans Administration). Without the claimant's military

information, the SWA cannot adequately determine the eligibility of ex-servicemembers and would not be able to properly administer the program.

* (See ETA Handbook 384, Appendix A, pages A-10 through A-12)

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.*

State workforce agencies have implemented procedures to send electronic requests to the Federal Claims Control Center (FCCC) for UCX wage and separation information via the Military-State Data Exchange System (MSDES). The Federal Claims Control Center maintains the Department of Labor's copy of each DD214 issued by the military. (The FCCC provides military wage and separation information and performs crossmatches to prevent improper use of wages and duplicate payments of benefits.) This allows the state to determine appropriate action. States are authorized to determine UCX eligibility under an affidavit process, using the claimant's copy of the DD Form 214, upon notice from the FCCC that there is no DD214 on file. If the claimant does not have a DD Form 214, use of the Form ETA 843 may be required.

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.*

SWAs use military documents (usually the DD Form 214 or Orders of Report and Release) in order to determine individual eligibility for UCX benefits. SWAs are encouraged to obtain information pertaining to a UCX claimant from the individual's military documents (usually DD Form 214) even though this information is also available from the appropriate branch of military service or the Department of Veterans Affairs (formerly the Veterans Administration). This ensures timely first payment of UCX benefits as required by the Secretary's standard. However, when military documents are not available, Form ETA 843 is used.

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 business.

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 required information was collected less frequently, SWAs would not have enough information available to make timely UCX determinations as required by the Secretary's standard.

7. *Explain any special circumstances that would cause an information collection to be conducted in a manner:*

5 U.S.C. 8521 and 8523 allow for information collected by SWAs 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, ETA solicited comments for sixty days on the proposed extension of approval through publication in the *Federal Register* on December 28, 2018 (83 FR 67355). No comments were received.

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

No payment or gifts has been provided to respondents.

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

General personnel records, which include information to establish UCX eligibility, are considered a "system of records" maintained for "routine usage" and are an exception to the Privacy Act of 1974. Title 5 U.S.C. §552a and 552b governs records maintained on individuals, and conditions for disclosure of such records, and requires each military branch to publish and maintain Systems of Records Notifications (SORN) including outlining routine use cases for each system. The SORN for each branch's personnel records systems identify the provision of information to State Unemployment

Compensation offices and/or actions required under the Federal Employees Compensation Act as routine uses, with respect to the disclosure of personnel records. Therefore, SWAs are no longer required to have a signed Privacy Act statement from the claimant attached to UCX forms requesting the appropriate branch of military service or the Department of Veterans Affairs to release pertinent information regarding the claimant to the SWA. However, if state law requires all claimants to sign a release statement, then a UCX claimant would also be required to sign a Privacy Act statement containing the state-specific language required under its law.

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.*

SWAs are required by Sections 303(f) and 1137 of the Social Security Act to maintain *Income and Eligibility Verification Systems* (IEVS) that require employers to submit wage reports, require claimants to furnish their SSNs for UI claims purposes, and use SSNs in administering the UI program in a way that associates information about an individual with his or her SSN.

12. *Provide estimates of the hour burden of the collection of information. The statement should:*

Burden hours for State Agencies are not monetized, as the cost of the Federal Claims Control Center (FCCC) for FY2018 was about \$925,000 for UCFE/UCX claims processing of which approximately 10% (\$92,500) was solely for UCX claim processing. This amount is allocated to the FCCC by the Federal government as a state grant.

Additionally, fifty-three (53) SWAs utilize Form ETA 843. ETA 843 is used by SWAs only when it is necessary to collect needed information, or to obtain additional clarifying information, from the military pertaining to the UCX claimant or to obtain a copy of DD Form 214 that was not issued to the claimant when he/she separated from military service. As a result, the ETA 843 is used for approximately five (5) percent of the UCX "first claims." The ETA 843 is then sent to any one of the four branches of military service (Army, Navy, Marines, and Air Force). The Coast Guard and the National Oceanic Atmospheric Administration are considered branches of military service for UCX purposes but are not under the jurisdiction of the Department of Defense.

Based on 54,221 UCX claims that were filed in FY 2018, approximately five (5) percent of those claims were filed using the ETA 843.

A. Burden Estimates:

Form ETA 843

54,221 total UCX claims x 5% of claims using ETA 843 = 2,711 submissions
 2,711 submissions x 5.0 minutes/submission = 13,555 minutes or 226 hours.

Total burden = 226 hours for ETA form 843.

Activity	Respondents (Average)	Responses Per Respondent (Advance & Repayments)	Total Annual Responses	Time Per Response	Total Burden Hours	Hourly Value*	Monetized Burden Hours (Rounded to nearest \$)
ETA-843	53	51.15	2711	0.083	226	\$ 49.94	\$11,282
Unduplicated Totals	53	51.15	2711	0.083	226	\$ 49.94	\$19,386

*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.

Note: ETA is removing ETA form 841 from the list of UCX related forms, as states no longer use the form for data collection.

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).

There are no burden costs for respondents.

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 total cost of the Federal Claims Control Center (FCCC) for FY 2018 was \$92,500 for UCX claim processing alone. Since it is estimated that the Form 843 is completed for 5% of the claims, the estimated cost for processing is \$4,625: \$92,500 * .05 = \$4,625.

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

The burden that the electronic transactions in this “collection” put on respondents is directly related to the number of transactions conducted within the system. As a result, increases and decreases in unemployment claims resulting from changes in the economic

cycle and with military deployments will affect burden over the course of years. During FY18, the number of UCX claims dropped by close to 50% from FY16 (the FY used in the previous submission's calculations) There has been no change in the way UCX claims are processed or administered since 2009. The lower claim volume has resulted in a decrease in burden hours.

Note: ETA is removing ETA form 841 from the list of UCX related forms, as states no longer use the form for data collection. The required information for this form is on the DD Form 214 or information received from the Federal Claims Control Center based on the SWA's inquiry.

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.*

This package also requests an extension of the waiver of the requirement to display expiration dates on all forms used in the Unemployment Compensation for Ex-servicemembers (UCX) program. Forms are tailored according to the current needs and UI laws of the individual SWAs. The requirement would place an unnecessary burden on the SWAs to reprint new forms upon (each) expiration. ETA will announce the extension of the current expiration date through an Unemployment Insurance Program Letter.

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 identified in item 19, "Certification for Paperwork Reduction Act Submission."

B. Collection of Information Employing Statistical Methods.

This collection does not involve statistical methods.