

VETERANS' EMPLOYMENT AND TRAINING SERVICE
VETS/USERRA/VP Form 1010 (VETS-1010 Form)
OMB No. 1293-0002
December 2019

**DEPARTMENT OF LABOR
VETERANS' EMPLOYMENT AND TRAINING SERVICE
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SUPPORTING STATEMENT

This is a routine extension request and no changes to the collection are sought.

A. Justification

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.

On October 13, 1994, the Uniformed Services Employment and Reemployment Rights Act (USERRA), P.L. 103-353, 108 Stat. 3150, was signed into law. Contained in Title 38, U.S.C., Sections 4301-4335, USERRA is the replacement for the Veterans' Reemployment Rights (VRR) law. USERRA's purposes are: to encourage non-career service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service; to minimize the disruption of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service; and to prohibit discrimination against persons because of their service in the uniformed service. 38 U.S.C. 4301(a).

Recognizing the sacrifices made by members of the uniformed services, Congress enacted laws to prevent veterans seeking Federal employment from being penalized for their time in military service. The Veterans Employment Opportunities Act (VEOA) of 1998, P.L. 105-339, 112 Stat. 3182, contained in Title 5 U.S.C. §3330a-3330c, provides redress to preference eligible individuals who believe their rights under the veterans' preference (VP) laws have been violated. VP recognizes the sacrifices of those who have served our country in uniform, and provides them a favorable competitive position for Federal employment.

Section 4322 of USERRA requires the Secretary of Labor to investigate claims by individuals who believe their USERRA rights have been violated. The Secretary has designated the Veterans' Employment and Training Service to carry out these activities. Section 3 of the

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VEOA similarly requires the Secretary of Labor to investigate complaints brought by preference eligibles. 5 U.S.C. 3330a(b)(1).

The collection instrument under this ICR is used by veterans to file claims under USERRA and VP. The information requested on the form allows the Department to determine initial eligibility of the claimant to seek redress under USERRA or the VP laws.

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 information on the VETS/USERRA/VP Form 1010 (VETS-1010 Form) is used by the Veteran's Employment and Training Service (VETS) to determine eligibility and serves as an official notification that the claimant requested assistance in obtaining rights under VP or USERRA. Detailed items on the form describe the claimant's employment relationship with the employer involved in the claim. The information collected is essential to VETS in meeting its statutory mandate. Additionally, aggregate data from the form is used for DOL's USERRA Annual Report to Congress

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 order to comply with the Government Paperwork Elimination Act (GPEA) claimants have the option of submitting the report electronically. The VETS-1010 Form can be submitted in paper form, by FAX or electronically using the Web at <https://vets1010.dol.gov/Login.aspx>. The Web site allows a claimant to enter information and electronically transmit the claim to VETS. VETS assigns an investigator and the claimant receives an e-mail conformation notice. In Fiscal Year (FY) 2018, approximately 80 percent of the USERRA cases and VP cases were filed electronically. Electronic submission of the VETS-1010 reduces the amount of time required by Federal staff to enter information from a hardcopy thus streamlining the claims process.

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.

The information is submitted by the claimant and is unique and not kept by other known agencies. The information is not collected by VETS in any other information collection.

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

The collection of information has no impact on 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.

The collection of information is made at the time a claimant alleges that his/her USERRA or VP rights have been violated. Therefore, information is collected only once. Discontinuing this information collection result in veterans having no means of supplying information needed to determine whether their legal rights were violated. The collection provides veterans an efficient and straightforward way to file a USERRA or VP claim.

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

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances that would cause the information to be collected or kept in any manner inconsistent with 5 CFR 1320.5.

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.

VETS published a Federal Register Notice on Monday, September 30, 2019, providing a period of 60 days for the public to submit comments on the proposal to extend the information collection request that is currently approved under OMB Control No. 1293-0002 (VETS-1010 Form) and VETS has received no comments regarding the requested extension to the VETS-1010 Form.

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.

The VETS 1010 Form contains no assurances to keep information provided by respondents private, beyond that established by law. Confidentiality is maintained except that correspondence, edited to comply with the Privacy Act, is provided to the claimant's employer. Respondents who complete the VETS-1010 Form provide their signature to authorize VETS'

staff to contact the respondent's employer. The information may be used in the course of settlement negotiations with the employer and/or in the course of presenting possible disclosure to opposing counsel. Further, the entire contents of a USERRA and VP investigative file are subject to the Privacy Act and the Freedom of Information Act disclosure, as appropriate. A Privacy Act disclosure statement is included on VETS-1010 Form.

The confidentiality and use of these records is addressed in the DOL/VETS-1 and VETS-2, System of Records Notice (SORN), 67 FR 16816, 16942 (April 8, 2002). All claimants are informed clearly that they must use the VETS-1010 Form when filing a USERRA claim.

11. Sensitive Questions

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.

The VETS-1010 Form requires a description of the issues that are related to the person USERRA/VP claim and the claimant's identifying information, such as social security number, home address, military service, place of employment, wage data, and, occasionally, a claimant's service connected disability. If a claimant does not wish to provide his or her social security number, the instructions specify that providing the social security number is optional or the claimant may provide only the last four digits. Additionally, complaint of employment discrimination covered by USERRA requires a description of an individual's military service and type of separation from the military. These questions are used to establish jurisdiction under USERRA and to begin investigation of the claim. As noted in question number 10 above, all of the information is kept private in compliance with the Privacy Act.

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

*** Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for**

the variance. Generally, estimates should not include burden hours for customary and usual business practices.

*** If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**

*** Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

Due to yearly fluctuations in claims and to prevent potential PRA violations, VETS estimates that approximately 2,250 VETS-1010 Forms will be filed annually. The total burden is estimated to be approximately 1,125 hours per year. (30 minutes x 2,250 responses = 1,125 Burden Hours.) The projected hours per response for this collection of information were derived by breaking the estimated Burden Hours into two basic components:

- Collecting the information needed to file a USERRA or VP claim is estimated to take 10 minutes.
- Time required to complete of the VETS-1010 Form is estimated to take 20 minutes.
- Therefore, total estimated response time to file a claim is 30 minutes.

The use of electronic submission (internet) requires the same amount of time as it takes complete a hardcopy VETS-1010 Form. In FY 2018, approximately 82 percent of the USERRA cases and VP cases were filed electronically.

Estimated Annual Burden Hours Table

	USERRA	VP	Total Forms
Total Number of VETS-1010 Forms Filed	1,575	675	2,250
Percent of Paper Forms	20%	20%	-
Number of Paper Forms	315	135	450
Percent of Electronic Forms	80%	80%	-
Number of Electronic Forms	1,260	540	1,800
Total Forms	1,575	675	2,250
Burden Hours			
Paper 30 Min/Form	157.5	67.5	
Electronic 30 Min/Form	630	270	
Total Annual Burden Hours	788	338	1,125

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

*** The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

*** If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

*** Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.**

There are no requirements for claimants to have any kind of equipment to be able complete and file a claim. The electronic portal removes the need for paper and mail costs; however, the agency still provides that a paper filing for persons who choose to do so for their own reasons. Therefore, there are no additional costs not reported in item 12.

14. Provide estimates of annualized cost 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 also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

We estimate that approximately 450 claims filed will be paper submissions. Claimants are able to print the form from the web and submit as a hardcopy, or file a claimant electronically. But, assuming that all 450 claimants request VETS to mail them a VETS-1010 form Federal government, the cost to print and/or copy the VETS-1010 form would cost \$0.016 per page. The estimated paper cost \$.08 per page. In addition, it would cost \$0.55 for each mailing. Accordingly, the cost to the Federal government for supporting, maintaining, printing, stocking, and disbursal of this form is \$25,490.70 annually.

- Support staff = \$25,200 (15% of 1 FTE including benefits)
- Copy cost = 450 forms x \$0.016 = \$7.20.
- Paper cost = 450 forms x \$0.08 = \$36.00.
- Mailing cost = 450 forms x \$0.55 = \$247.50

15. Explain the reasons for any program changes or adjustments reporting.

VETS is not requested any program changes or adjustments.

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.

The results of this information collection will not be published; however, aggregate data from the form is used for DOL's USERRA Annual Report to Congress.

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.

VETS will display the expiration date on the Form VETS/USERRA/VP Form 1010 (VETS-1010.)

18. Explain each exception to the certification statement.

No exceptions to the certification statement.

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B. Collection of Information Employment Statistical Methods

This information collection does not employ statistical methods.