

**SUPPORTING STATEMENT**  
**NONMONETARY DETERMINATION ACTIVITY REPORT**  
**OMB Control No. 1205-0150**

The Department of Labor, Employment and Training Administration (ETA) is submitting an extension without change of the Nonmonetary Determination Activity Report Information Collection (ETA 207).

**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.*

The data reported on the ETA 207 provides current information on the volume and nature of nonmonetary determinations and denials under state Unemployment Insurance (UI) and Unemployment Compensation for Federal Employees (UCFE), and Unemployment Compensation for Ex-Service Members (UCX) programs.

Claimants for unemployment insurance may be denied their benefits for reasons associated with their separation from employment, such as voluntarily quitting, questions of continuing eligibility, or refusal of suitable work. These data are a byproduct of the normal program operations. The ETA 207 report contains state data on the number and types of issues that arise and on the denials of benefits that may result.

This collection is authorized under the Social Security Act, Section 303(a)(6) and 42 U.S.C. 503(a)(6).

*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.*

These data are used by the Office of Unemployment Insurance (OUI) to determine workload counts, to enable the OUI to evaluate the adequacy and effectiveness of adjudication determination procedures, and to evaluate the impact of state and Federal legislation with respect to disqualifications. They are also used for general statistical purposes. For instance, these data are used to compute ratios of nonmonetary determinations resulting in disqualifications, as well as measures reflecting the distributions of nonmonetary determinations by the eligibility issues involved. No similar data are available from other sources.

Workload counts are an input for funding states for administrative costs. Comparative figures among states give the ETA National Office information about the effectiveness of the various state provisions and or administrative procedures in carrying out the program. Combined with information from the ETA 5130 (OMB No. 1205-0172) and the ETA 227 (OMB No. 1205-0173), individual state programs and legal provisions can be evaluated as to effectiveness.

Without this information, the National Office would not be able to evaluate state performance in the adjudication area on an ongoing basis and it would not have one of the key inputs to the administrative funding process.

*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.*

As with most UI reports, the ETA 207 is a part of an electronic reporting system through which State Workforce Agencies (SWA) enter and transmit data to the National Office. States have the option of creating a file on their own computer system and uploading it to the UI system to eliminate hand keying and the potential for errors that go along with it.

*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.*

There is no other source for this information.

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

This collection does not involve small business or 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.*

Less frequently than a quarterly collection would mean less ability to track impact of legislation and less ability to track patterns of activity within a state over time.

*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: 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.

*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 allowed 60 days to comment through the Federal Register Notice posted on October 31, 2019 (84 FR 58410). No public comments were received.

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

There were no payments or gifts to any respondents.

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

There is no assurance of confidentiality to respondents.

*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.*

There are no questions of a sensitive nature.

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

The estimated annual burden for this collection is 1,696 hours (848 hours for the ETA 207 report covering the regular state program, and the Federal-State Extended Benefits program).

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

Program Type	Number of Respondents	Annual Frequency	Total Annual Responses	Time Per Response (Hours)	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
Regular	53	4	212	4	848	\$50.62	\$42,926
EB (Extended Benefits)	53	4	212	4	848	\$50.62	\$42,926
<b>Unduplicated Totals</b>	<b>53</b>		<b>424</b>		<b>1,696</b>		<b>\$85,852</b>

\*Source: The hourly rate is computed by dividing the FY 2020 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\\_16-19.pdf](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_16-19.pdf)) by the average number of hours worked in a year (1,711). For FY 2020, this calculation is: \$86,609 / 1,711= \$50.62.

*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).*

The ETA 207 is a long standing data collection, and as such there are no startup costs. All reports are collected and electronically transmitted. The Department has determined that additional costs incurred by States choosing to create a file on their own computer system and uploading it to the UI system. The UI system supports 30 information collections. For administrative purposes, each information collection is assumed to contribute an equal share of the cost for supporting the entire system (see item 14); which would not be considered an additional burden under the PRA; rather any additional effort would most appropriately be considered a usual or customary business practice that a respondent engages in for its own purposes. See 5 C.F.R. § 1320.3(b)(2).

*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.*

Although, no staff is required to process this report, during 2020 ETA has budgeted \$1,024,744.87 contractual cost for operating and maintaining the Unemployment Insurance Required Reports system. Including the subject ICR, this system supports 30 information collections. For administrative purposes, each information collection is assumed to contribute an equal share of the cost for supporting the entire system; therefore the cost allocated to this ICR is estimated to be \$34,158.16 (\$1,024,744.87 system cost/30 information collections.)

The agency associates the following Federal personnel costs for this collection:

Pay Grade <sup>1</sup>	* Overhead Adjustment	* Level of Effort	= Total Personnel Cost
GS12, Step 4: \$84,394	* 1.4	* 75%	= \$88,614
GS-15 Step 4: \$139,492	* 1.4	* 15%	= \$29,293
<b>Total Personnel Cost</b>			<b>\$117,907</b>

**Total Annual Federal Cost Estimate: \$152,065** (\$34,158 + \$117,907).

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

No adjustments or changes have been made.

*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.*

This data is not routinely published.

*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.*

Instrument cleared through this ICR will bear the expiration date.

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

There are no exceptions to the certification statement.

## **B. Collection of Information Employing Statistical Methods**

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<sup>1</sup> Source: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/RUS.pdf>

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This information collection does not employ statistical methods.