

Supporting Statement for Form SSA-3033
Work Activity Questionnaire
20 CFR 404.1574(a)(1)-(3)
OMB No. 0960-0483

A. Justification

1. Introduction/Authoring Law and Regulations

Under the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs, applicants and beneficiaries qualify for disability payments when a verified physical or mental impairment prevents them from performing substantial gainful activity (SGA). When an SSDI beneficiary returns to work after the onset of the disability, the Social Security Administration (SSA) must evaluate the work effort to determine if the disability claimant still qualifies for payments. SSA uses Form SSA-3033 to collect information necessary to evaluate work activity. Sections 221, 223(d)(4), 1612(b)(4)(B), and 1614(a)(3) (D) of the *Social Security Act*, and Section 20 CFR 404.1574(a)(1)-(3) of the *Code of Federal Regulations* authorizes SSA to collect this information.

2. Description of Collection

SSDI beneficiaries and SSI recipients qualify for payments when a physical or mental impairment prevents them from performing SGA. When disability beneficiaries attempt to return to work after receiving payments, but are unable to continue working or have subsidized work, SSA contacts the employer by using Form SSA-3033, Employee Work Activity Questionnaire. SSA uses this form to contact the employer of the applicant or beneficiary to validate their allegation of unsuccessful work attempts and subsidies. The evidence provided by the employer on the SSA-3033 is used to determine whether the beneficiary is eligible for disability payments. The collection of this information is voluntary; however, failure to submit the information may result in non-entitlement to benefits. SSA employees may assist the employer in completing the form via the telephone, or the form may be mailed to the employer to complete. SSA uses this form for both initial claims and post-entitlement reviews. The respondents are employers of SSDI beneficiaries and SSI recipients who unsuccessfully attempted to return to work.

3. Use of Information Technology to Collect the Information

Form SSA-3033 is available on SSA's website as a fillable printable PDF. This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. As per our 4/3/20 conversation with OIRA, we welcome OIRA to join our conversations with OMB on IT Mods; however, as our IT Mod programming is an ongoing project, we cannot provide timelines for when we will be able to make any particular ICR available via the Internet. We will convert existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this is unconnected to the PRA approval lifecycle.

- 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-3033, we would have difficulty in properly evaluating unsuccessful work attempts and subsidized work, which could result in improper payments. Because we collect the information on an as needed basis, we cannot collect it less frequently. 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 June 5, 2020 at 85 FR 34703, and we received no public comments. The 30-day FRN published on August 20, 2020 at 85 FR 51540. 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**
Please see the burden chart below:

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-3033	15,000	1	15	3,750	\$59.15*	\$221,813**

* We based this figure on average general and operations manager's hourly salary, as reported by Bureau of Labor and Statistics data (<https://www.bls.gov/oes/current/oes111021.htm>).

** 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 **3,750** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$221,813**. 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 on the respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$142,250. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing, Printing, and Distributing the Form	Design Cost + Printing Cost + Distribution Cost	\$375
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$141,875
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$0
Total		\$142,250

* We have inserted a \$0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have. First, since we work with almost every US citizen, we often do

bulk mailings, and cannot track the cost for a single mailing. We do not track design costs or upkeep costs (as these are based on employee time and may vary from collection to collection). In addition, it is difficult for us to break down the cost for processing a single form, as field office and State Disability Determination Services staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. Finally, SSA prefers not to provide breakdowns of estimated payment to employees who process these items for a variety of reasons (only one of which is that it is not possible to do this entirely accurately).

15. Program Changes or Adjustments to the Information Collection Request

There are no changes to the public reporting burden.

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.