

Justification
Placement Service

RRB Forms ES-2, ES-21, ES-21c, UI-35 and Job Vacancies Report

1. Circumstances of the collection - Under Section 12(i) of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 362), the Railroad Retirement Board (RRB) is authorized to establish, maintain and operate free employment offices to provide claimants for unemployment benefits with job placement opportunities.

In addition, Section 704(d) of the Regional Rail Reorganization Act of 1973, as amended, and, as extended by the Consolidated Omnibus Budget Reconciliation Act of 1985, required the RRB to maintain and distribute a list of railroad job vacancies, by class and craft, based on information furnished by rail carriers to the RRB. Although this requirement under the law expired effective August 13, 1987, the RRB has continued to obtain this information in keeping with its employment service responsibilities under Section 12(k) of the RUIA.

The application procedures for the job placement program are prescribed in 20 CFR 325. The procedures pertaining to obtaining and distributing job vacancy reports furnished by rail carriers are prescribed in 20 CFR 346.1.

2. Purposes of collecting/consequences of not collecting the information - The RRB uses four forms and one report to obtain the information needed to carry out its job placement responsibilities. Details concerning their use follow.

Form ES-2, Central Register Notification, is used by the RRB to update a computerized central register of separated railroad employees available for employment in the railroad industry. The register was originally developed under provisions of the Regional Rail Reorganization Act. The central register contains information about separated railroad employees with at least one year of service who declare their current availability for railroad employment. When an employee has been listed on the register for a period of nine months, Form ES-2 is released from RRB headquarters to that employee, to keep the register up-to-date. The employee's name, address, and social security number are prefilled before release.

To retain an employee's name on the central register or remove an employee's name from the central register, the form instructs the employee to check the appropriate response. If the employee has obtained employment and elects to be removed from the register, the employee is requested to furnish their employer's name and address for program integrity purposes.

Completion of Form ES-2 is self-explanatory. The employee mails the completed form to the RRB office address listed at the top of the form.

The RRB no longer offers the Central Register as a basic employment service as of April 2017 and propose to obsolete Form ES-2.

Forms ES-21, Referral to State Employment Service (Part A), and ES-21c, Report of State Employment Service Office (Part B), are the forms used by the RRB to provide job placement assistance to unemployed railroad employees through arrangements with offices of the state employment service (SES). The employees who receive placement assistance through the use of these forms are active claimants for benefits under the

RUIA. The RRB furnishes the forms to claimants during interviews at RRB offices or by mail.

Form ES-21 is used to refer employees claiming unemployment benefits under the RUIA to an SES office for possible job openings. The address of the RRB office issuing the form; the SES office address, the date to report, the date of the request, and the claimant's name, address and social security number are prefilled before release.

Form ES-21 contains a warning notice to the claimant for failure to comply with form instructions. If the claimant fails to report to the SES as instructed, and does not complete Items 2 and 3, the RRB office may send the claimant a written notice of disqualification from receiving unemployment benefits for a period of 30 days, beginning with the date the claimant failed to report to the SES office (Section 4(a-2)(ii) of the RUIA).

Form ES-21c is used to obtain a report from an SES office on the results of the referral. The form is pre-filled with the claimant's name, social security number, and appropriate RRB office return address.

Completion of Forms ES-21 and ES-21c is self-explanatory.

Instructions for returning the completed forms to the appropriate RRB office are provided on each form. The claimant mails the completed Form ES-21 to the appropriate office in the pre-addressed postage due envelope provided and the SES representative, depending on certain circumstances, either retains and files Form ES-21c, or, mails the completed Form ES-21c to the appropriate RRB office in the pre-addressed postage paid return envelope provided.

Forms ES-21 and ES-21c are completed and returned when:

- (1) the claimant is unable, for some reason, to report to the SES office as directed. In that case, the claimant states, in Item 2 on Form ES-21, the reason for not reporting, signs and dates the form, and mails it back to the RRB office or
- (2) the claimant reports to the SES office as directed. In this situation, the SES office completes Item 1 on Form ES-21, and returns it to the claimant who then mails it back to the RRB office.

The RRB proposes no changes to Forms ES-21 and ES-21c.

Form UI-35, Field Office Record of Claimant Interview, is primarily used by the RRB when conducting in-person interviews at an RRB office or itinerant point with claimants for unemployment benefits. These interviews are generally conducted two or three months after the claimant applies for unemployment benefits. Follow-up interviews occur at intervals of up to 12 months. The form is completed by the RRB office interviewer based on information furnished verbally by the claimant during the interview. The information obtained by Form UI-35 is used by the RRB offices to:

- (1) determine whether the claimant meets the statutory eligibility criteria for unemployment benefits, such as the ability to work and availability for work, and whether the claimant is subject to any statutory disqualifying conditions;

- (2) provide job placement assistance to claimants based on their work history, education, training, qualifications and employment restrictions; and
- (3) provide program integrity by verifying and monitoring claimant eligibility to detect false or fraudulent claims and, when necessary, to initiate an investigation of a claimant's past claims or current eligibility.

Upon completion of the interview, the claimant signs Form UI-35 to certify the truth of the information furnished. The completed Form UI-35 is then retained in the RRB's Image Processing system for reference when the claimant's periodic claims for unemployment benefits are processed. In addition, the claimant signs Form UI-35c, *Certification and Authorization Under The Railroad Unemployment Insurance Act*, certifying that they have been given the correct information from the RRB relative to receiving unemployment benefits and that the conditions and requirements for receiving such benefits are understood. Forms UI-35 and UI-35c may be self-administered. In those cases where an in-person interview is not feasible, the RRB office mails Forms UI-35 and UI-35c to the claimant. The claimant then returns the completed UI-35 and UI-35c to the RRB office in the pre-addressed return envelope provided.

The RRB proposes minor changes to Form UI-35 to remove all reference to the obsolete Central Register and renumber accordingly.

Job Vacancies Reports, is primarily used by rail carriers who voluntarily report their job vacancies to the RRB. Reports are made by rail carriers via mail or telephone to any office of the RRB. These reports are used by the RRB to find jobs for individuals separated from their railroad employers. In addition, a summary list consisting of the various vacancy reports, for covered and non-covered employers, is compiled and distributed electronically to all RRB offices. Updated daily, the summary list includes only job orders which will be open for at least seven days and which the receiving RRB office does not expect to fill locally. A summary list of open job vacancies, for covered employers only, is posted on the RRB's Website and updated weekly.

The RRB issues circular letters, which instruct and advise rail carriers on how to report job vacancies. The circular letters are addressed to railroad hiring officials and chief executives of all RRA-covered employers and outline the statutory responsibilities of the railroads and the RRB. The RRB Circular Letter, No. UI-C-214, contains the Paperwork Reduction Act Notice and burden statement for the collection of job vacancy information. The UI-C-214 circular letter is also available for access and viewing on the RRB's Website at https://www.rrb.gov/Employers/Publications/ProgramAndCircularLetters/PL_UI-C-214.

The RRB proposes no changes to the Job Vacancies Report.

- 3. Planned use of improved information technology or technical/legal impediments - Not practicable for ES series forms because they are initiated by the RRB with pre-filled data and Form UI-35 is an RRB form on which the RRB representative records the results of a claimant interview. Low volume of Job Vacancies Report relegates it to lowest priority in the employer reporting electronic initiative.
- 4. Efforts to identify duplication – To our knowledge, no other agency uses forms similar to Forms ES-2, ES-21, ES-21c, and UI-5 and the information collection does not duplicate any other information collection.

5. Small business respondents - Respondents can be small businesses. However, the nature and amount of the information requested is such that minimizing the burden for small business is not relevant.
6. Consequences of less frequent collections - Less frequent collection would seriously impede the RRB's efforts to effectively conduct, monitor and maintain the job placement program required under the Railroad Unemployment Insurance Act for the benefit of unemployed railroad employees. A less effective job placement program would, in turn, adversely affect the RRB's efforts to reduce the overall number of employees receiving unemployment benefits. Less frequent collection would also impede the RRB's efforts to prevent and detect fraudulent unemployment insurance claims.
7. Special circumstances - N.A.
8. Public comments/consultations outside the agency - In accordance with 5 CFR 1320.8(d), comments were invited from the public regarding the information collection. The notice to the public was published on page 8895 of the February 18, 2020, Federal Register. No comments or requests for additional information were received.
9. Payments or gifts to respondents - None
10. Confidentiality - Privacy Act System of Records RRB-6, Unemployment Insurance Record File, and RRB-21, Railroad Unemployment and Sickness Insurance Benefit System. In accordance with OMB Circular M-03-22, a Privacy Impact Assessment for this information collection was completed and can be found at <https://www.rrb.gov/sites/default/files/2017-06/PIA-BPO.pdf>
11. Sensitive questions - N.A.
12. Estimate of respondent burden - The current and proposed burdens are shown below.

Current Burden

Form Number	Annual Responses	Time (Minutes)	Burden (Hours)
ES-2	3,750	0.25	16
ES-21	80	0.68	0.9
ES-21c	25	1.50	0.6
*UI-35 in person	6,300	7.00	735
*UI-35 by mail	700	10.50	123
Job Vacancies	470	10.00	78
Total	11,325		953

Proposed Burden

Form Number	Annual Responses	Time (Minutes) ^{1/}	Burden (Hours)
ES-21	80	1.00	1
ES-21c	25	2.00	1
*UI-35 in person	6,300	7.00	735
*UI-35 by mail	700	11.00	128
Job Vacancies	470	10.00	78
Total	7,575		943

^{1/}The RRB has been collecting the information on these forms since OMB approved the information collection. Based on a sampling done when the form was originally created, the office calculated the estimated time (rounded up/down as appropriate), which includes time for getting the needed data and reviewing the completed form.

*Current estimates show that RRB representatives complete 90% of the total number of UI-35's during in-person claimant interviews, while the remaining 10% are self-completed by UI claimants.

	Responses	Hours
Total burden Change	<u>-3,750</u>	<u>-10</u>
Adjustment	-3,750	-10

13. Estimated annual cost to respondents or record keepers - N.A.
14. Estimate of cost to Federal Government - N.A.
15. Explanation for change in burden - The total burden responses have decreased by 3,750, from 11,325 to 7,575 and the total burden hours have decreased by 10, from 953 to 943. This decrease is because Form ES-2 has become obsolete. The RRB no longer offers the Central Register as a basic employment service.
16. Time schedule for data collection and publication - The results of this collection will not be published.
17. Request not to display OMB expiration date - The RRB started an extensive multi-year IT Modernization Initiative at the beginning of Fiscal Year 2019 to transform our operations into the 21st Century using multiple contractor services to improve mission performance, expand service capabilities, and strengthen cybersecurity. In addition, we received a new Chief Information Officer (CIO) on September 2, 2019 who is reviewing our estimated project timeline milestone dates. We provided OMB with a revised consolidated project timeline.

Given that the forms in this collection are seldom revised; the costs associated with redrafting, reprinting, and distributing forms in order to keep the appropriate OMB

expiration date in place; and our desire to reevaluate after the completion of the modernization project, **the RRB requests the authority to not display the expiration date on the forms**

18. Exceptions to Certification Statement - None