

Justification

Supplemental Information on Accident and Insurance

RRB Forms SI-1c, SI-5, ID-3s, ID-3s (Internet), ID-3s-1, ID-3u, ID-3u (Internet), ID-30k, ID-30k-1

1. Circumstances of information collection - Under Section 12(o) of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 362(o)) the Railroad Retirement Board (RRB) is entitled to reimbursement of the sickness benefits paid to a railroad employee if the employee receives a sum or damages for the same infirmity for which the benefits were paid.

Section 2(f) of the RUIA requires that employers reimburse the RRB for benefits paid to an employee for days for which salary, wages, pay for time lost or other remuneration is later determined to be payable. Reimbursements under section 2(f) generally result from the award of pay for time lost or the payment of guaranteed wages. The RUIA prescribes that the amount of benefits paid be deducted and held by the employer in a special fund for reimbursement to the RRB.

The procedures for recovery of such benefits are prescribed in 20 CFR 340 and 341.

2. Purposes of collecting/consequences of not collecting the information - Under 20 CFR 341.4, an employee who has applied for sickness benefits and has reported an infirmity that was caused by a third party is to provide the name and address of the person or company who is alleged to have caused the infirmity. Moreover, the employee is to provide whatever details are reasonably needed so that the RRB may establish its' lien upon any sum or damages paid or payable to that employee. Further, under 20 CFR 341.6 when a person or company makes a settlement or must satisfy a final judgment based on any injury for which the employee received sickness benefits, the person or company must notify the RRB of the settlement or judgment. That notice must be in writing and submitted within 5 days of the settlement or final judgment. The notification should contain the amount, the date, and the amount withheld to satisfy the RRB's lien.

Similarly, if a payment subject to section 2(f) of the RUIA is to be made, employers must contact the RRB to obtain the amount of benefits paid for the period so that the proper reimbursement is made to the RRB.

The RRB forms currently used for these purposes are Forms SI-1c, SI-5, ID-3s, ID-3s (Internet), ID-3s-1, ID-3u, ID-3u (Internet), ID-30k, and ID-30k-1. Details about each of the forms follow.

Manual Forms

Form SI-1c, Supplemental Information on Accident and Insurance, is used by the RRB to obtain specific information from a claimant about the identity of the person or persons who may be responsible for the payment of damages to the claimant. Form SI-1c is used when the application for sickness benefits, **Form SI-1a, Application for Sickness Benefits** (OMB No. 3220-0039), or another source, indicates that the claimant may receive a sum or damages for the same injury for which sickness benefits are claimed and the person or company to whom a notice of lien should be sent is not on record. Completion of Form SI-1c is self-explanatory.

The RRB proposes no changes to Form SI-1c.

Form SI-5, Report of Payments to Employee Claiming Sickness Benefits Under the Railroad Unemployment Insurance Act, is used by the RRB to obtain the information needed to determine the amount of reimbursement to which the RRB is entitled from a railroad employer. Form SI-5 obtains information not only on sums or damages paid or payable to the employee, but also on pay for time lost and workers' compensation, since under sections 2(f) and 4(a-1)(ii) of the RUIA, these payments can affect the amount of reimbursement. The form is mailed to the railroad employer who could be liable for the personal injury settlement based on information supplied by the employee on Form SI-1a, Application for Sickness Benefits, or Form SI-1c.

Forms SI-5 is computer generated. Each form is accompanied by a computer-generated **Form ID-30B, Notice of Lien**, which serves as a transmittal letter. The employee's name and other identifying information on the ID-30B and SI-5 are pre-filled by the RRB. Completion of the form is self-explanatory.

The RRB proposes no changes to Form SI-5.

Form ID-3s, Request for Lien Information - Report of Settlement, is used by a railroad employer to obtain Section 12(o) information and to report personal injury settlements by facsimile machine. The form is sent by a railroad employer to the RRB when a personal injury claim is nearing settlement and information regarding the amount of the RRB's lien is required so that proper reimbursement can be made to the RRB. Based on identifying information entered on the form by the railroad employer in Items 1-8, the RRB computes the amount of the lien, enters it in Items 9 and 10, and then transmits the completed form to the railroad employer by fax. The form can also be used to provide notice of a settlement to the RRB.

We estimate that we **fax** the completed Form ID-3s in over 75% of the cases involving employer requests for lien information. The remaining employer requests are made by **telephone**. The identifying information provided by employers when making telephone requests is identical to the information provided by employers on Form ID-3s. Completion of Form ID-3s is self-explanatory.

The RRB proposes no changes to manual Form ID-3s.

Form ID-3s-1, Lien Information under Section 12(o) of the RUIA, is similar to Form ID-3s, and is used by an attorney and/or the insurer responsible for paying personal-injury damages to the railroad employee for third-party liability cases. The form is used to obtain Section 12(o) information from the RRB and provides for the reporting of personal-injury settlements by facsimile machine (fax). Internal RRB reviews show that a small group of attorneys and insurance companies represent a substantial number of railroad employees or liable parties where the provisions of section 12(o) are applicable. The form is for their use in order to provide improved customer service. Initially, an attorney or insurer requesting lien information completes Items 1 through 5 of Form ID-3s-1 and then transmits the form via fax to the RRB. The RRB provides the lien amount information and then sends a fax of the completed Form ID-3s-1 back to the inquirer.

We estimate that we fax the completed Form ID-3s-1 in about 80% of the cases involving attorney/insurer requests for lien information. The remaining attorney/insurer requests are made by telephone. The identifying information provided by the attorneys/insurers when

making telephone requests is identical to the information provided by the attorneys/insurers on Form ID-3s-1. Completion of Form ID-3s-1 is self-explanatory.

The RRB proposes no changes to Form ID-3s-1.

Form ID-3u, Request for Section 2(f) Information, is used by railroad employers to obtain Section 2(f) information by facsimile machine (fax). The form is transmitted by railroad employers to the RRB when salary, wages, pay for time lost or other remuneration is determined to be payable for days for which benefits under the RUIA may also have been paid to an individual. Based on identifying information entered on the form by the railroad employer in Items 1-7, the RRB computes the amount of benefits to be reimbursed, enters it in Item 8, and returns the completed form to the railroad employer by fax.

We estimate that we fax the completed Form ID-3u in over 80% of the cases involving employer requests for section 2(f) information. The remaining employer requests are made by telephone. Completion of Form ID-3u is self-explanatory.

The RRB proposes no changes to manual Form ID-3u.

Form ID-30k, Notice to Request Supplemental Information on Injury or Illness, is released by the RRB along with transmittal letter ID-30D, when notice of a monetary settlement (Form SI-5) has not been received from the responsible third party after a year has elapsed and is used to obtain up-to-date information from the claimant regarding the status of the monetary settlement. If, after approximately 6 months, the first ID-30k has not been completed and returned to the RRB, a follow-up ID-30k is sent to the claimant. Completion of Form ID-30k is self-explanatory.

The RRB proposes no changes to Form ID-30k.

Form ID-30k-1, Notice to Request Supplemental Information on Injury or Illness, is released by the RRB along with transmittal letter ID-30D-1, to obtain Section 12(o) information directly from the third party or from the insurer responsible for paying personal-injury damages to the railroad employee. Similar to the ID-30k, which is sent to the RUIA claimant, Form ID-30k-1 is sent when notice of a monetary settlement (Form SI-5) has not been received from the responsible third party after a year has elapsed. The form is released at the same time as the ID-30k.

The RRB has the authority under Section 12(a) of the RUIA to subpoena such information in cases where the railroad employee, the attorney, the liable party and third party's insurance company, willfully fail to provide information about the employee's personal injury claim. Before the RRB can request service of a subpoena, however, it must show that it has exhausted all other attempts to obtain the necessary information. Form ID-30k-1 makes it possible to meet this requirement because it provides the RRB with the means to request 12(o) settlement information directly from the insured (third party), or from the insurer responsible for paying the personal-injury damages. Experience has shown that the rate of response from insurance companies, with respect to 12(o) settlement inquiries, is generally high--close to 100%. The response rate to the ID-30k from the RUIA claimant, however, is much lower. Therefore, use of Form ID-30k-1 also facilitates the collection of benefits recoverable under section 12(o).

The ID-30k-1 is also used in place of Form SI-5 (see page 2) for third-party liability cases. When released with an initial Notice of Lien (RRB Forms ID-30B-1, and ID-30B-2), the form obtains information directly from the third party or from the insurer responsible for paying personal-injury damages to the railroad employee. (The early release of this form allows the RRB to initiate collection actions sooner and increase the likelihood of recovery of monies owed the RRB under section 12(o) for third-party liability cases.)

The RRB proposes to remove Form ID-30k-1 from the Information Collection due to less than 10 responses per year.

Electronic Forms

Form ID-3s (Internet), Request for Lien Information – Report of Settlement, is submitted by employers who have obtained access to the RRB's Employer Reporting System (ERSNet).

Access to ERSNet is granted only to employers and their employees who have completed RRB Form BA-12, Application for Employer Reporting Internet Access (3220-0008), which provides information used by the RRB to evaluate, grant, and document the level of access requested (view/only, data entry/modification or approval/submission). Once the appropriate access is secured, an employer can complete and submit Form ID-3s (Internet) online.

Although the ID-3s (Internet) collects essentially the same information as the other approved versions of Form ID-3s, it consists of a screen that collects the necessary information and provides for the required notices and certifications, as well as help messages designed to guide the user through the system and complete a successful transaction.

Railroad employers submit the ID-3s (Internet) when a personal injury claim is nearing settlement and information regarding the amount of the RRB's lien is required, so that proper reimbursement can be made to the RRB. Based on identifying information entered on the form by the railroad employer in Items 1-8, the RRB computes the amount of the lien, enters it in Item 14, and responds back to the employer via ERSNet. The form can also be used to provide notice of a settlement to the RRB.

The RRB proposes no changes to Form ID-3s (Internet).

Form ID-3u (Internet), Request for Section 2(f) Information, is submitted by employers who have obtained access to the RRB's Employer Reporting System (ERSNet).

The ID-3u (Internet) is not a form in the traditional sense but more of a process. Although it collects essentially the same information as the other approved versions of Form ID-3u, it consists of a screen that collects the necessary information and provides for the required notices and certifications, as well as help messages designed to guide the user through the system and complete a successful transaction.

Access to ERS is granted only to employers and their employees who have completed RRB Form BA-12, Application for Employer Reporting Internet Access (3220-0008), which provides information used by the RRB to evaluate, grant, and document the level of

access requested (view/only, data entry/modification or approval/submission). Once the appropriate access is secured, an employer can complete and submit Form ID-3u (Internet) online.

The RRB proposes no changes to Form ID-3u (Internet).

3. Planned use of improved information technology or technical/legal impediments to further burden reduction - Adding information technology to Forms SI-5, ID-3s.1 and ID-3k-1 are not practical because the forms are initiated by the RRB with pre-filled data and are not cost-effective due to low volume. Form SI-1c is part of a larger process that will not be automated.
4. Efforts to identify duplication – This information collection does not duplicate any other RRB information collection and to our knowledge, no other agency uses forms similar to Forms SI-1c, SI-5, ID-3s, ID-3s (Internet), ID-3s-1, ID-3u, ID-3u (Internet), ID-30k, and ID-30k-1.
5. Small business respondents - N.A.
6. Consequence of less frequent collection - Not applicable since the information is obtained only once.
7. Special circumstances - None
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 57257 of the September 15, 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-21, Railroad Unemployment and Sickness Insurance Benefit System - RRB. 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 burden for the collection is as follows.

Current Burden

Form Number	Annual Responses	Time (Minutes)	Burden (Hours)
SI-1c	475	5	40
SI-5	7	5	1
ID-3s (paper & telephone)	4,000	3	200
ID-3s (Internet)	2,000	3	100

ID-3s-1 (paper & telephone)	3,000	3	150
ID-3u (paper & telephone)	400	3	20
ID-3u (Internet)	200	3	10
ID-30k	55	5	5
ID-30k-1	65	5	5
Total	10,202		531

Proposed Burden

Form Number	Annual Responses	Time (Minutes) ^{1/}	Burden (Hours)
SI-1c	1,700	5	142
SI-5	100	5	8
ID-3s (paper & telephone)	2,000	3	100
ID-3s (Internet)	2,000	3	100
ID-3s-1 (paper & telephone)	1,200	3	60
ID-3u (paper & telephone)	1,000	3	50
ID-3u (Internet)	800	3	40
ID-30k	100	5	8
Total	8,900		508

^{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, which includes time for getting the needed data and reviewing the completed form.

	Responses	Hours
Total Burden Change	<u>-1,302</u>	-23 hours
Program Change	-1,302	-23 hours

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 overall burden estimated for the collection has decreased by 1,302 from 10,202 to 8,900 and the burden hours have decreased by 23 hours from 531 to 508 hours.

This decrease is due to a reduction in the use of Form ID-3u for job protection payments in the rail industry; the removal of Form ID-30k-1 due to less than 10 responses annually; and improved tracking capabilities that allow the RRB to more accurately determine the amount of annual responses.

We estimate the 4,000 responses currently received using the paper or by telephone of Form ID-3s will now be reduced to 2,000, a decrease of 2000 and the burden changed from 200 to 100, an increase of 100. Since the number of ID-3s (Internet) responses did not change time remains the same, there is no increase or decrease and the annual responses and burden hours balance each other out.

Due to the lesser use of the Form ID-3s-1, we have decreased the responses from 3000 to 1200, a decrease of 1800; and the burden hours decreased by 90, from 150 to 60.

Due to the growing use of the ID-30k, we have increased the responses by 45, from 55 to 100 and the burden hours by 3, from 5 to 8.

Due to greater use of paper and telephone Form ID-3u, we have increased the responses from the versions by 600, from 400 to 1000; and the burden hours by 30 from 20 to 50. We have also increased the responses from the internet version by 300, from 500 to 200 and the burden hours by 30, from 10 to 40.

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 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