

**SUPPORTING STATEMENT FOR
Notice of Payments (LS-208)**

OMB CONTROL NO. 1240-0041

This ICR seeks a Revision of a currently approved ICR.

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 Office of Workers' Compensation Programs administers the Longshore and Harbor Workers' Compensation Act (LHWCA). The Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employee in loading, unloading, repairing, or building a vessel. In addition, several acts extend Longshore Act coverage to certain other employees.

Under Section 914(b) of the Longshore Act, the employer or its insurance carrier must issue payment of the first installment of compensation on or before the fourteenth day after notification of injury and notify the Director of such payment. Under Section 14(c) of the Act, the employer/carrier must immediately issue notification that payment has begun or has been suspended. Section 30(b) and (e) of the Act require the employer/carrier to file notice of payment and anytime an interim change in benefit payment is made. Section 914(g) of the Act requires the employer/carrier issue notification of final payment of compensation. Under Section 914(e), if any installment of compensation payable without an award is not paid within 14 days after it becomes due, there shall be added to such unpaid installment an amount equal to 10 percent thereof, which shall be paid at the same time, but in addition to, such installment. Payments were previously submitted on both the LS-206 (Payment of Compensation Without Award) and the LS-208 (Notice of Final Payment or Suspension of Compensation Payments). The Form LS-206 has been discontinued. Form LS-208 (Notice of Payments) has now been designated as the proper form on which to report these payments. Filing of the report is mandatory as failure to do so is subject to a civil penalty <https://www.dol.gov/agencies/owcp/dlhwc/lhwca>.

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 form is used to notify OWCP District Offices that any payments of compensation benefits – initial, final, change in benefits amounts - have been made. The report is required by law. If the report were not filed, our offices would have no way to determine that a claimant has received all

benefits that he/she is entitled to receive under the Act.

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.

To improve upon the capabilities for the public to submit DLHWC documents, OWCP created the Secure Electronic Access Portal (SEAPortal), which allows the user to upload all forms (including this one) directly into the case file. It can be accessed at https://seaportal.dol.gov/portal/?program_name=LS

We are not aware of any additional improved information technology that could potentially reduce burden. This form is electronically interactive as mandated by the Government Paperwork Elimination Act. The form is currently available on the Internet where it can be form-filled and submitted. The website is <https://www.dol.gov/agencies/owcp/dlhwc/lforms>

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 A.2 above.

This information collection does not duplicate existing requirements. No similar information is available from any other source, which information is only available from the insurance carrier or self-insured employer since there are no other forms or reports that collect this information and the information must be filed on a case-by-case basis soon after compensation payments begin and/or are terminated in a case.

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

The information is collected only from large insurance carriers and large employers who have been authorized to self-insure their liability under the Act. The information is not collected from small businesses or other small entities. As such, this information collection does not have a significant economic impact on a substantial number of small 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.

The information is only collected when required by law at the time of initial, final or change in payment on a compensation case. It therefore cannot be collected less frequently without eliminating this method for determining a change in payment status.

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 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 secret, 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.**

The information is only collected when required by law at the time of initial, final or change in payment on a compensation case. It therefore cannot be collected less frequently without eliminating this method for determining a change in payment status.

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.

No outside consultations have been conducted concerning the use of this form. This form is a simple and basic claim form, which requires the reporting of payments in a compensation case. This form is used routinely by all insurance carriers and self-insured employers that have been authorized by the Department of Labor to write Longshore Act coverage or to self-insure who make compensation payments under the Act. These insurance carriers and self-insurers are in almost daily contact with our District Directors who manage our district offices and with whom the form is filed. This relationship allows for what amounts to constant evaluation by the affected industry.

A Federal Register notification inviting public comment was published on April 15, 2021 (86 FR 19906). No comments were received.

9. Explain any decision to provide any payments or gifts 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.

While no assurance of confidentiality is provided to respondents, to the extent records pertaining to specific compensation cases are disclosed, they are protected under the Privacy Act. Otherwise, the information collected is not protected under the Privacy Act. The applicable SORN is DOL/OWCP-3.

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 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. General, 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.**
- **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 14.**

It is estimated from records maintained in the National Office that approximately 25,500 LS-208 forms will be filed each year. There are approximately 550 authorized carriers and self-insurers under the Act. We estimate approximately 60 LS-208 forms will be filed for each. (550 carriers and self-insurers x 60 LS-208 forms for each company = 33,000 estimated total LS-208 forms filed). An average is used from the OWCP Workers' Compensation System (OWCS), as the number of forms filed each year will vary depending on the number of lost-time injuries that are reported. A lost-time injury is an injury that results in loss of time from work beyond the shift or day of injury. However, the form LS-208 will only be filed in those cases in which disability exceeds 3 days, which requires the payment of compensation benefits. A Form LS-208 will therefore not be filed in every lost-time case; and in certain cases involving intermittent periods of disability, several forms may be filed for one case by an insurance carrier or self-insured employer. Depending on the severity of the injury and the length and types of disability, all or only a part of the form will be completed to reflect the amount of compensation paid in a case. Our best estimate of the time needed to complete the form is 10 minutes or .16667 hour. This estimate represents an average time since the form can be completed in less time in cases involving minor injuries and will take longer in cases involving serious injuries. This estimate is also based on the actual time taken by agency personnel to complete the form. It also includes the time needed to review and transfer the information from existing records maintained by the industry. Total burden is therefore as follows:

- 33,000 forms X .16667 hours per form = 5,500 burden hours
- The annualized burden cost to the respondents has been estimated to be approximately \$112,255.00. This estimate is derived from use of the National

Average Weekly Wage (NAWW) as computed by the Bureau of Labor Statistics and which is based on the national average earnings of production or nonsupervisory workers on private non-agriculture payrolls. Section 906(b) of the Act mandates the use of the NAWW in setting the maximum and minimum compensation rates under the Act and in determining the amount of annual adjustments due to permanent total disability and death beneficiaries. Since it is not possible to determine the specific occupation or wages for each person who will provide the information covered by this clearance, e.g., claims adjusters, claims managers, self-insurance administrators, secretaries, claims clerks, and other office personnel, and wages can vary considerably from person to person depending on duties and length of service, use of a national average weekly wage covering all occupations appears reasonable under the circumstances. The current applicable NAWW is \$816.35. The computations are therefore as follows:

- $\$816.35 \div 40 \text{ hrs} = \$20.41/\text{hr} \times 5,500 \text{ hrs} = \$112,255.00$ annualized burden cost.

Estimated Annualized Respondent Cost and Hour Burden

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
LS-208	550	60	33,000	.16667	5,500	20.41	\$112,255.00

13. Provide an estimate of 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 service 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 collection 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.**

It is estimated that 80% of respondents will submit the forms electronically using our Secure Electronic Access Portal (SEAPortal) with no mailing costs associated with the forms. Mailing costs for the remaining 20% of respondents are estimated as follows:

6,600 (20% of 33,000 responses) x \$.55 (postage) = \$3,630.00 mailing costs

14. Provide estimates of the 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), 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 into a single table.

The estimated cost to the government has been estimated to be approximately \$231,440.00. This estimate includes the cost of analysis of the form once received. Analysis costs were determined by applying the hourly rate of a GS-12 Step 5 Claims Examiner (\$42.08*) to the total annual hours required for review. The annual review hours were determined by applying an estimate of 10 minutes (.16667 hours) for the review of each form against the 33,000 forms, which are reviewed each year. The computations are therefore as follows:

*Salary Table 2021 – RUS, http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/RUS_h.pdf

33,000 x .16667 hrs = 5,500 hrs x \$42.08 = \$231,440.00

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

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Expires August 2021

The reduction in hour burden is due to a reduction in the number of claims filed and subsequent payments made during this reporting period. Cost burden to respondents has been reduced due to the ability of forms submission using our Secure Electronic Access Portal (SEAPortal). However, a miscalculation in cost burden in the previous submission has resulted in an increase in cost burden showing in this submission.

16. For collections of information whose results will be published, outline plans for tabulations, 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 information collected will not be 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.

The expiration date will be displayed on the form.

18. Explain each exception to the certification statement.

There are no exceptions to the certification.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

Statistical methods are not used in these collections of information.