

Justification

**Railroad Service and Compensation Reports/
System Access Application/Report Certification**

RRB Forms BA-3, BA-3 (Internet), BA-4, BA-4 (Internet), BA-12 and G-440

1. Circumstances of information collection - Under Section 9 of the Railroad Retirement Act (RRA) (45 U.S.C. 231h) railroad employers are required to submit reports of their employees' service and compensation. In addition, under Section 9 of the RRA and Section 6 of the Railroad Unemployment Insurance Act (RUIA), the Railroad Retirement Board (RRB) maintains, for each railroad employee, a record of the compensation paid by all railroad employers for whom the employee worked after 1936. This record, which is used by the RRB to determine eligibility for, and the amount of, benefits due under the laws it administers, is conclusive as to the amount of compensation paid to an employee during the period(s) covered by the report(s) of compensation by the employee's railroad employer(s), except in cases when an employee files a protest pertaining to his or her reported compensation within the statute of limitations cited in Section 9 of the RRA and Section 6 of the RUIA.
2. Purposes of collecting/consequences of not collecting the information - To enable the RRB to establish and maintain the record of compensation, employers are required under Section 6 of the RUIA and Section 9 of the RRA to file with the RRB, reports of their employees' compensation in such manner and form and at such times as the RRB by rules and regulations may prescribe. These information-reporting requirements are identified in 20 CFR 209.8 through 209.9. The prescribed reporting formats are Forms BA-3 and BA-4. Details about each of the reports follow.

RRB Form BA-3, Annual Report of Creditable Compensation, provides the RRB with annual creditable service and compensation for each individual who works in the railroad industry in a given year. Employers currently have the option of submitting their reports on CD-ROM, secure Email, File Transfer Protocol (FTP) or online through the RRB's Employer Reporting System (ERSNet), which is described under **Form BA-3 (Internet)** later in this justification. The report specifications and record format requirements for the files submitted via CD-ROM, secure Email, FTP, and uploaded to ERSNet are prescribed in the RRB's Reporting Instructions to Employers. All reports contain an entry for each employee, showing the employee's social security number, name, total compensation creditable under the RUIA, maximum benefit compensation under the RUIA, months in which the employee worked, total service months, total Tier I compensation under the RRA, total Tier II compensation creditable under the RRA, miscellaneous and sick pay under the RRA, and the last daily pay rate for any 8 hour tour-of-duty for the earnings year.

Filing a BA-3 report by CD-ROM, secure Email, and FTP, requires, among other things, that the employer sign the certification statement that is provided on Form G-440, *Report Specifications Sheet*, upon submission of a completed BA-3 report. Form G-440 is described later in this justification.

The RRB proposes to remove Form BA-3 (Paper) from the Information Collection due to less than 10 responses per year.

Form BA-3 (Internet), Annual Report of Creditable Compensation, is submitted by employers who have authorization to access the RRB's Employer Reporting System

(ERSNet). Access to ERSNet is granted only to employers who have completed RRB Form BA-12, *Application for Employer Reporting Internet Access*. Form BA-12 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 the BA-3 report online.

The online version of Form BA-3 *collects essentially the same information as the other approved versions of the BA-3*, however, it consists of a series of screens, which collect the necessary information and provide for the required notices and certifications, as well as help messages designed to guide the user through the system and complete a successful transaction.

Different from the other formats for filing a BA-3 report, filing online does not require the employer to sign the certification statement on Form G-440, *Report Specifications Sheet*, and submit it with every report. Instead, the employer signs the certification statement on Form BA-12 once; at the time that they apply for access to ERSNet.

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

RRB Form BA-4, Report of Creditable Compensation Adjustments, is used by employers to provide the RRB with adjustments to previous reports and any service and compensation omitted from a previous BA-3 report. Employers currently have the option of submitting their reports on -ROM, secure Email, FTP or online through the RRB's Employer Reporting System (ERSNet), which is described under **Form BA-4 (Internet)** later in this justification. The report specifications and electrical file record format requirements are prescribed in the RRB's Reporting Instructions to Employers.

Filing a BA-4 report by CD-ROM, secure Email, or FTP requires, among other things, that the employer sign the certification statement that is provided on Form G-440, *Report Specifications Sheet*, which they return with the completed BA-4 report. Form G-440 is described later in this justification.

The RRB proposes to remove Form BA-4 (Paper) from the Information Collection due to less than 10 responses per year.

Form BA-4 (Internet), Report of Creditable Compensation Adjustments, is submitted by employers who have authorization to access the RRB's Employer Reporting System (ERSNet). Access to ERSNet is granted only to employers who have completed RRB Form BA-12, *Application for Employer Reporting Internet Access*. Form BA-12 provides information used by the RRB to evaluate the level of access requested and document the level of access granted (view/only, data entry/modification, or approval/submission). Once the appropriate access is secured, an employer can complete and submit the BA-4 (Internet) online.

The BA-4 (Internet) *collects essentially the same information as the other approved versions of the BA-4*, however, it consists of a series of screens (which collect the necessary information and provide for the required notices and certifications) and help messages designed to help the user navigate through the system and complete a successful transaction.=

Different from the other formats for filing a BA-4 report, filing online does not require the employer to sign the certification statement on the Form G-440, *Report Specifications Sheet*, and submit it with every report. Instead, the employer signs the certification statement on Form BA-12 once; at the time that they apply for access to ERSNet.

The RRB proposes no changes to Form BA-4 (Internet).=

Form BA-12, Application for Employer Reporting Internet Access, is used by the RRB to obtain identifying information from railroad employers about the employees they have selected to use the RRB's Employer Reporting System (ERSNet) and the appropriate level of access (read only, update (data entry/modification), and approval (certify and submit). Form BA-12 is completed by both the railroad employee seeking system access as well as by an authorized employer representative who approves the request. Within 7 days of the receipt of an acceptable application, the RRB mails a logon identification and a password to the employee that provides initial access to ERSNet. Upon initial entry to the system, the employee is prompted to establish a unique password. Form BA-12 is also used by an employer to terminate an employee's access. Completion of the BA-12 is voluntary and is necessary only if an employer wants to submit data and reports online.

The RRB proposes no changes to Form BA-12

Form G-440, Report Specification Sheet, is submitted with all BA-series Employer Reporting forms submitted via paper, CD-ROM, secure Email and FTP that require a certification statement. It also identifies the type of report and specifications, if necessary, for the computer. Signing of the certification serves as validation that the certifying officer submitting the report is an authorized official of the railroad employer for whom the data is being reported and acknowledgment of the penalties that may be imposed for submitting a false or fraudulent report.

The RRB proposes no changes to Form G-440.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction – During this reporting period, we propose to eliminate the paper version of Form BA-4. Consistent with various OMB/PRA directives, the RRB continues to strive to replace the use of paper with electronic processing. Due to agency technology limitations, this information collection does not allow for electronic submission as described in the Government Paperwork Elimination Act (GPEA). However, we will reevaluate electronic signatures after the completion of our IT Modernization project.
4. Efforts to identify duplication and other improvements - To our knowledge, no other agency use similar forms and this information collection does not duplicate any other RRB information collection.
5. Small business respondents - N.A.
6. Consequences of less frequent collections - Obtaining service and compensation information less frequently would affect the payment of benefits under the RRA and the RUIA. An up-to-date record is essential for the timely and accurate payment of benefits.
7. Special Circumstances - N.A.

8. 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 38507 of the July 21, 2021, Federal Register. No comments pertinent to the information collection were received.
9. Payments or gifts to respondents – None
10. Confidentiality - Privacy Act System of Records, RRB-5, Master File of Railroad Employee's Creditable Compensation. 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 annual burden for this collection is shown as follows:

Current Burden

Reporting	Responses	Time (minutes) <u>1</u> /	Burden (Hours)
BA-3			
Electronic Media <u>2</u> /	96	46.25 (2,775 min)	4,440
BA-3 (Internet)	617	46.25 (2,775 min)	28,536
Total BA-3	713		32,976
BA-4			
Paper	40	1.25 (75 min)	50
Electronic Media <u>2</u> /	345	1.00 (60 min)	345
BA-4 (Internet)	3,912	.33 (20 min)	1,304
Total BA-4	4,297		1,699
BA-12			
Initial Access	295	.33 (20 min)	98
Access Termination	38	.166 (10 min)	7
Total BA-12	333		105
G-440 (certification)			
Form BA-3 (zero employees)	19	.25 (15 min)	5
Form BA-11 (zero employees)	60	.25 (15 min)	15
Paper forms (without recap)	7	.25 (15 min)	1
Electronic transactions	94	.50 (30 min)	47
BA-3 and BA-4 (with recap)	125	1.25 (75 min)	156
Total G-440	305		224
Grand Total	5,648		35,074

Proposed Burden

Reporting	Responses	Time (minutes) <u>1/</u>	Burden (Hours)
BA-3			
Electronic Media <u>2/</u>	96	46.25 (2,775 min)	4,440
BA-3 (Internet)	617	46.25 (2,775 min)	28,536
Total BA-3	713		32,976
BA-4			
Electronic Media <u>2/</u>	355	1.00 (60 min)	355
BA-4 (Internet)	3,942	.33 (20 min)	1,314
Total BA-4	4,297		1,669
BA-12			
Initial Access	295	.33 (20 min)	98
Access Termination	38	.166 (10 min)	7
Total BA-12	333		105
G-440 (certification)			
Form BA-3 (no employees)	19	.25 (15 min)	5
Form BA-11 (no employees)	60	.25 (15 min)	15
Paper forms (without recap)	7	.25 (15 min)	1
Form BA-15	600	.25 (15 min)	150
Electronic transactions	94	.50 (30 min)	47
BA-3 and BA-4 (with recap)	125	1.25 (75 min)	156
Total G-440	905		374
Grand Total	6,248		35,194

	Responses	Hours
Total burden Change	+600	+120
Program Change	+600	+120

1/ Includes time for accumulating and summarizing the data.

2/ Includes CD-ROM, FTP, and secure Email.

13. Estimated annual cost to respondents or record keepers - N.A.
14. Estimate of cost to Federal Government - N.A.
15. Explanation for changes in burden – The estimated overall annual responses for this collection have increased from 5,648 to 6,248 (+600) and the burden hours have increased by 120, from 35,074 to 35,194. Paper Form BA-4 was eliminated. BA-4 reports that were previously received in paper format are now received either electronically or through ERSNet. The burden associated with BA-4 reports through those mediums is significantly less than a paper BA-4.

Note: The RRB's Bureau of Actuary developed a new reporting form, Form BA-15, Report of Stock Options and Other Payments. All rail and labor employers are required to submit a BA-15 report annually. Form G-440 must be included with all BA-15 reports.

16. Time schedule for data collection and publication - The results of this collection will not be published.
17. Request to not 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. 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