

Justification
Employee's Certification
 RRB Form G-346 and G-346sum

1. Circumstances of information collection – The RRB is collecting this information so that we can prove the validity of the marriage of the EE to their spouse. Without this information we cannot legally prove the marriage and pay the spouse their annuity. Section 2 of the Railroad Retirement Act (RRA) (45 U.S.C. 231a) provides for the payment of an annuity to the spouse or divorced spouse of a retired railroad employee. For the spouse or divorced spouse to qualify for the annuity, the Railroad Retirement Board (RRB) must determine if the employee's current marriage to the applicant is still valid.

The requirements for obtaining documentary evidence to determine valid marital relationships are prescribed in 20 CFR 219.30 through 219.35.

Section 2(e) of the RRA requires that an employee must relinquish all rights to any railroad employer service before a spouse annuity can be paid.

2. Purposes of collecting/consequences of not collecting the information - Form G-346, Employee's Certification, which is used to establish that the applicant is the current spouse of the employee, is signed by the retired employee who is the husband or wife of the applicant for a spouse annuity. The form is used to support the information furnished by the spouse in Section 3 of RRB Form AA-3, *Application for Spouse/Divorced Spouse Annuity*, or RRB Form AA-3cert, *Application Summary and Certification (3220-0042)*, or Section 3 of RRB Form AA-7, *Spouse/Divorced Spouse Application for Medicare (3220-0082)*. Form G-346 is not used in cases involving a divorced spouse who files for an annuity, since any marriage impediments would have been identified during the divorce court proceedings.

If the information is available in the APPLE (Application Express) system database, the responses will pre-fill for the employee to review. The APPLE system automatically pre-fills identifying information in real time from RRB database records.

The manual Form G-346 is only used when the APPLE system goes down and is designed for self-administration by the employee. Items 1, 2, and 3 are pre-filled by the RRB with employee identifying information before the form is either handed to the retired employee for completion at the time the spouse files an application or is mailed if the retired employee is not present at the spouse application interview.

The RRB proposes no changes to Form G-346.

Form G-346sum, Employee's Certification Summary, which essentially mirrors Form G-346, is electronically produced when a railroad employee, after completion of an interview with RRB field office staff, signs the form using an alternate signature method known as "Attestation." Attestation refers to an action taken by an RRB representative to confirm and annotate in the RRB's records the applicant's affirmation, under penalty of perjury, that the information provided is correct, and that they have agreed to sign the form by proxy.

The RRB representative interviews the railroad employee either at an RRB field office or by telephone. During the interview, the RRB representative secures facts to support the information furnished by the spouse in Section 3 of RRB Form AA-3, *Application for Spouse/Divorced Spouse Annuity*, or RRB Form AA-3cert, *Application Summary and Certification* (3220-0042), or Section 3 of RRB Form AA-7, *Spouse/Divorced Spouse Application for Medicare* (3220-0082). Upon completion of the interview Form G-346sum is generated for review by the employee or mailed to the employee after a phone interview. Form G-346sum is not used in cases involving a divorced spouse who files for an annuity, since any marriage impediments would have been identified during the divorce court proceedings.

NOTE: Two versions of Form G-346sum are attached. One version contains all possible questions. The second version serves as an example of a completed questionnaire which includes only the relevant responses. The annuitant and any personally identifiable information contained in these two versions are fictitious.

The RRB proposes no changes to Form G-346sum.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction - With respect to an Internet equivalent option, the RRB has deferred action (given the relatively low amount of annual responses). 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 - 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 collection - N.A.
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 53120 of the September 24, 2021, Federal Register. No comments or requests for additional information were received from the public.
9. Payments or gifts to respondents - None
10. Confidentiality - Privacy Act System of Records, RRB-22, Railroad Retirement, Survivor and Pensioner 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 for the collection are shown below.

Current Burden

Form Number	Annual Responses	Time (Min)	Burden (Hrs)
G-346	4,220	5	352
G-346sum	2,100	5	175
Total	6,320		527

Proposed Burden

Form Number	Annual Responses	Time (Minutes)1/	Burden (Hours)
G-346	3,300	5	300
G-346sum	2,260	5	188
Total	5,560		488

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	-760	-39
Adjustment	-760	-39

13. Estimate of annual cost to respondents or record keepers - N.A.
14. Estimated cost to the Federal Government - N.A.
15. Explanation for change in burden - Due to improved record-keeping, which allows for a more accurate count, and a decrease in the number of employee applications filed annually, we have decreased the total annual responses by 760, from 6,320 to 5,560 and the burden hours by 39, from 527 to 488. We are showing this decrease as an adjustment.
16. Time schedule for data collections and publications - 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. 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