

**SUPPORTING STATEMENT FOR
Unemployment Compensation for
Ex-Servicemembers (UCX) Handbook**

OMB CONTROL NO. 1205-0176

This information collection request (ICR) seeks an extension to the ETA Unemployment Compensation for Ex-servicemembers (UCX) - ETA Handbook 384; states use the ETA form 843 to collect necessary UCX information.

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.

Chapter 5 USC 8523 states that when designated by the Secretary of Labor, an agency of the United States shall make available to the appropriate State agency or to the Secretary, as the case may be, such information, including findings in the form and manner prescribed by regulations of the Secretary, as the Secretary considers practicable and necessary for the determination of entitlement of an individual to compensation under this subchapter. Form ETA 843, Request for Military Document and Information, which is contained in the Unemployment Compensation for Ex-servicemembers (UCX) Handbook, ET Handbook No. 384, may be necessary to process claims for unemployment benefits under the UCX program.

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 UCX law (5 USC 8521-8523)* requires state workforce agencies (SWAs) to administer the UCX program in accordance with the same terms and conditions of the paying state's unemployment insurance law, which apply to unemployed claimants who worked in the private sector. Each state agency needs to obtain certain military service information on claimants filing for UCX benefits to enable them to determine their eligibility for benefits. The state agencies may record or obtain required UCX information on the form developed by the Department of Labor, ETA 843, Request for Military Document and Information. The use of this form may be essential to the UCX claims process.

Information pertaining to the UCX claimant can only be obtained from the individual's military discharge papers, the appropriate branch of military service, or the Department of Veterans Affairs (formerly the Veterans Administration). Without the claimant's military information, the SWA cannot adequately determine the eligibility of ex-servicemembers and would not be able to administer the program properly.

* (See ETA Handbook 384, Appendix A, pages A-10 through A-12)

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.

State workforce agencies have implemented procedures to send electronic requests to the Federal Claims Control Center (FCCC) for UCX wage and separation information via the Military-State Data Exchange System (MSDES). The Federal Claims Control Center maintains the Department of Labor's copy of each DD214 issued by the military. (The FCCC provides military wage and separation information and performs crossmatches to prevent improper use of wages and duplicate payments of benefits.) This allows the state to determine appropriate action. States are authorized to determine UCX eligibility under an affidavit process, using the claimant's copy of the DD Form 214 upon notice from the FCCC that there is no DD214 on file. If the claimant does not have a DD Form 214, use of Form ETA 843 may be required.

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.

SWAs use military documents (usually the DD Form 214 or Orders of Report and Release) in order to determine individual eligibility for UCX benefits. SWAs are encouraged to obtain information pertaining to a UCX claimant from the individual's military documents (usually DD Form 214) even though this information is also available from the appropriate branch of military service or the Department of Veterans Affairs. This ensures timely first payment of UCX benefits as required by the Secretary's standard. However, when military documents are not available, Form ETA 843 is used.

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

Collection does not involve small business.

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.

If required information was collected less frequently, SWAs would not have enough information available to make timely UCX determinations as required by the Secretary's standard.

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.**

5 U.S.C. 8521 and 8523 allow for information collected by SWAs on an as needed basis.

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.

In accordance with the Paperwork Reduction Act of 1995, ETA solicited comments for sixty days on the proposed extension of approval through publication in the *Federal Register* on February 23, 2022 (87 FR 10247). 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 have been provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

General personnel records, which include information to establish UCX eligibility, are considered a “system of records” maintained for “routine usage” and are an exception to the Privacy Act of 1974. Title 5 USC §552a and 552b governs records maintained on individuals and conditions for disclosure of such records and requires each military branch to publish and maintain Systems of Records Notifications (SORN), including outlining routine use cases for each system. The SORN for each branch’s personnel records systems identifies the provision of information to State Unemployment Compensation offices and/or actions required under the Federal Employees Compensation Act as routine uses regarding the disclosure of personnel records. Therefore, SWAs are no longer required to have a signed Privacy Act statement from the claimant attached to UCX forms requesting the appropriate branch of military service or the Department of Veterans Affairs to release pertinent information regarding the claimant to the SWA. However, if state law requires all claimants to sign a released statement, then a UCX claimant would also be required to sign a Privacy Act statement containing the state-specific language required under its law.

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.

SWAs are required by Sections 303(f) and 1137 of the Social Security Act to maintain *Income and Eligibility Verification Systems* (IEVS) that require employers to submit wage reports, require claimants to furnish their SSNs for UI claims purposes, and use SSNs in administering the UI program in a way that associates information from individuals with their SSNs.

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. Generally, 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.**

Fifty-three (53) SWAs utilize Form ETA 843. ETA 843 is used by SWAs only when it is necessary to collect needed information or obtain additional clarifying information from the military pertaining to the UCX claimant or obtain a copy of DD Form 214 that was not issued to the claimant when they separated from military service. The ETA 843 is used for approximately five (5) percent of the UCX "first claims." The ETA 843 form is sent to any one of the four branches of military service (Army, Navy, Marines, and Air Force, or the Coast Guard, or the National Oceanic Atmospheric Administration.)

Based on 38,215 UCX claims filed in FY 2021, approximately five (5) percent (or 1,908) required the ETA 843 to be sent.

A. Burden Estimates:

Form ETA 843

Estimated Annualized Respondent Cost and Hour Burden

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Minutes)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
ETA-843	53	36	1,908	5	159	\$53.27	\$8,416.66

*Source: The hourly rate is computed by dividing the FY 2022 national average PS/PB annual salary for state staff as provided for through the distribution of state UI administrative grants

(https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6102) by the average number of hours worked in a year (1,711). For FY 2022, this calculation is: $\$91,144 \div 1,711 = \53.27 .

13. Provide an estimate of the total annual cost burden to respondents or record-keepers 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.**

There are no burden costs for respondents.

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 FCCC approximated cost for FY 2021 was \$561,960 for UCX claim processing alone. This amount is allocated to the FCCC by the Federal government as a state grant. Since it is estimated that the Form 843 is completed for 5% of the claims, the estimated cost for processing is \$28,098: $\$561,960 \times 5\% = \$28,098$

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

The burden that the electronic transactions in this collection put on respondents is directly related to the number of transactions conducted within the system. As a result, the number of UCX claims resulting from changes in the economic cycle and with military deployments will affect the burden over the course of the years. During FY 2021, the number of UCX claims increased 3.18% from FY 2018 (the FY used in the previous submission's calculations). There has been no change in the way UCX claims are processed or administered since 2009, and the decrease in claims volume has also resulted in a decrease in burden hours.

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.

We have no plans to publish any detailed data or information relating to these requests.

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.

This package also requests an extension of the waiver of the requirement to display expiration dates on all forms used in the Unemployment Compensation for Ex-servicemembers (UCX) program. Forms are tailored according to the current needs and UI laws of the individual SWAs. The requirement would place an unnecessary burden on the SWAs to reprint new forms upon (each) expiration. ETA will announce the extension of the current expiration date through an Unemployment Insurance Program Letter.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement identified in item 19, "Certification for Paperwork Reduction Act Submission."

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does not involve statistical methods.