

**SUPPORTING STATEMENT FOR
Rehabilitation Plan and Award
(FORM OWCP-16)**

OMB CONTROL NO. 1240-0045

This ICR seeks to extend this information collection.

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 (OWCP) is the agency responsible for administration of the Longshore and Harbor Workers' Compensation Act (LHWCA), and the Federal Employees' Compensation Act (FECA). 33 USC 939 (LHWCA) and 5 USC 8104 and 8111 (FECA) authorizes OWCP to pay for approved vocational rehabilitation services to eligible workers with work-related disabilities. In order to decide whether to approve a rehabilitation plan, OWCP must receive a copy of the plan, supporting vocational testing materials and the estimated cost to implement the plan, broken down to show the fees, supplies, tuition and worker maintenance payments that are contemplated. OWCP also must receive the signatures of the worker and the rehabilitation counselor to show that the worker agrees to follow the proposed plan, and that the proposed plan is appropriate. Form OWCP-16 is the standard format for the collection of this information. The regulations implementing these statutes allow for the collection of information needed for OWCP to determine if a rehabilitation plan should be approved and payment of any related expenses should be authorized. (LHWCA, 702.506 and 702.507, (FECA, 20 CFR 10.518, 10.519)

LONGSHORE REFERENCES:

- <https://www.dol.gov/agencies/owcp/dlhwc/lhwca>
- <https://www.ecfr.gov/current/title-20/chapter-VI/subchapter-A/part-702/subpart-E/section-702.506>

FECA REFERENCES:

- <https://www.dol.gov/agencies/owcp/FECA/regs/statutes/feca>
- <https://www.ecfr.gov/current/title-20/chapter-I/subchapter-B/part-10>

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.

Form OWCP-16 serves to document the plan for rehabilitation services that the injured worker and vocational rehabilitation counselor agreed upon, and document OWCP's award of payment from funds provided for rehabilitation. Form OWCP-16 summarizes the costs of the rehabilitation plan, which enables OWCP to make a prompt decision on funding. The Rehabilitation Counselor completes Items 1 through 11 using information in the records. A OWCP Rehabilitations Specialist completes Items 14 through 16, while either a District Director from the Longshore program, or a District Director or Supervisory Vocational Rehabilitation Specialist for the FECA program completes Item 17.

If Form OWCP-16 were not utilized, OWCP would have to spend time verifying that proposed plans do not include requests for payment of services that are unauthorized under either the FECA or the LHWCA. In addition, the form requires documentation of changes to, and extensions of, vocational rehabilitation plans, and minimizes the potential for waste, fraud and abuse by requiring pre-approval by OWCP. The information collected from respondents is the minimum necessary to evaluate whether a rehabilitation plan satisfies the requirements in the FECA and the LHWCA for vocational rehabilitation. Payment of plan expenses cannot be made by OWCP without the information collected.

Form OWCP-16 is submitted to OWCP by contractors hired to provide vocational rehabilitation services. The form summarizes the costs of the rehabilitation plan, which enables OWCP to make a prompt decision on authorization of funding. A prompt authorization allows the Rehabilitation Counselor to move the plan forward expeditiously. The OWCP-16 form is a required part of the vocational rehabilitation plan.

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 to adopt this means of collection. Also, describe any consideration of using information technology to reduce burden.

OWCP has developed several alternatives to mailing of documents to reduce burden. These applications are known as the Secure Electronic Access Portal (SeaPortal), the Employee Compensation Operations and Management Portal (ECOMP), and the Disability Management Portal (DMP). Each of these web applications are internet based and allows users the ability to submit a completed form electronically into the claimant's case record. The use of these applications is of no cost to the public.

References:

Longshore: https://seaportal.dol.gov/portal/?program_name=LS

FECA: <https://www.ecomp.dol.gov/#/>
<https://www.dmp.dol.gov/>

Note: The Form OWCP-16 is located on the respective forms page for both the Longshore and FECA programs noted below, however, it is noted this form can be electronically filed rather than mailing or returning the form via traditional means to OWCP.

References:

Longshore: <https://www.dol.gov/agencies/owcp/dlhwc/lforms>

FECA: <https://www.dol.gov/agencies/owcp/FECA/regs/compliance/forms>

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.

Information collected by the form is not duplicative of information available elsewhere. The respondent is the only source of the expenses data that is needed to process the request for payment.

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

This information collection has been streamlined to obtain the minimum information needed for OWCP to evaluate a proposed rehabilitation plan while imposing the minimum burden on respondents, and 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.

Please refer to the discussion in Nos. 1 and 2 on page 1. The information collected from respondents is the minimum necessary to evaluate whether a rehabilitation plan satisfies the requirements in the FECA and the LHWCA for vocational rehabilitation. Payment of plan expenses cannot be made by OWCP without the information collected.

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.**

There are no special circumstances for conducting this information collection.

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.

A Federal Register Notice inviting public comment on this collection of information was published in the Federal Register on August 30, 2023. [88 FR 59441]. Public comments were not received. OWCP has not consulted with the public for this specific ICR. We are in the

process of reviewing all our ICR requirements and implementing procedures to comply with M-22-10. We anticipate this process to be implemented by FY2024.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

There are no gifts or payments to respondents other than payments made to contractors for supplies and services rendered in connection with an approved rehabilitation plan, and to those workers entitled to receive maintenance allowances during vocational rehabilitation.

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

The information collected by these forms is maintained in OWCP claim files which are fully protected under the Privacy Act. The applicable Privacy Act System of Records are (Longshore) DOL/OWCP-3 and DOL/OWCP-4 and (FECA) DOL/GOVT-1.

See <https://www.dol.gov/agencies/sol/privacy>

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 contained on the form.

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.¹**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**

¹ Indicate the retention period for any recordkeeping requirements that pertain to the ICR.

- **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 13.**

It is estimated that 3,413 Form OWCP-16s will be filed with OWCP annually. Based upon prior experience with the use of this form, it is estimated that it will require 30 minutes (.5 hours) for the respondent to read the instructions, fill in the information, and return the form with attachments. This estimate is considered reasonable since the information is readily available to the respondent. One-half (.5) hour x 3,413 forms = 1,706.5 hours or 1,707 rounded. There is no cost for respondents' burden hours because the respondents are contractors and OWCP remunerates them for all services and expenses.

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	Monetized Value of Respondent Time
OWCP-16	3,413	1	3,413	0.5	1,707	N/A	N/A

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 startup 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.**

All operation and maintenance costs are reimbursed to the contractor. Since the contractors are the respondents under this request and all of their costs are reimbursed, there are no additional costs to the 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.

An average of 3,413 forms are received on an annual basis. The request is reviewed by an OWCP Rehabilitation Specialists with an average grade/ step of GS-12/Step 9, at an hourly rate of \$50.27. See: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/RUS_h.pdf

The review costs associated with this form = \$28,595.82 or \$28,596.00 rounded (\$50.27 x ten minutes (0.16667) x 3,413 forms.

Reimbursement costs to contractors: *\$34.26 per hour x 1,707 hours = \$58, 481.82 or \$58,482.00 rounded. See: <https://www.bls.gov/oes/current/oes211015.htm>

Description	Cost (\$)
Review Cost	\$28,596.00
Contractor Reimbursement	\$58,482.00
Annual	\$ 8,143.00 ²

²The ECOMP cost is \$285,000.00 for FY 2021. There are 35 forms which require OMB approval which can be downloaded through ECOMP. These forms are CA-2a, CA-5, CA-5b, CA-7, CA-12, CA-15, CA-16, CA-17, CA-20, CA-40, CA-41, CA-42, CA-155, CA-278, CA-721, CA-722, CA-1027, CA-1031, CA-1032, CA-1074, CA-1087, CA-1090, CA-1108, CA-1122, CA-1143, CA-1305, CA-1331, CA-2231, OWCP-5a, OWCP-5b, OWCP-5c, OWCP-16, OWCP-17, OWCP-20, and OWCP-44. The ECOMP figure used was based on the average cost for each of those collections, or 1/35 of \$285,000.00, which is \$8,142.86, or \$8,143.00 rounded.

ECOMP Contract Pricing Hosting	
TOTAL	\$95,221.00

*The salary paid to the contractual Rehabilitation Counselors under this contract is proprietary so we could not use that figure. As such, we needed to use a more general figure from the BLS for RC pay rate. There is a wide variation in pay rates among RCs working in different professional venues and RCs in the private insurance and workers comp arenas are known to make wages at the top of the range. As such, the 90th percentile was the closest we could come to an accurate representation of how the OWCP contractual RCs are remunerated.

Note: The annual ECOMP contract pricing is used for several OWCP forms and until we can separate the cost of the contract amongst the programs that utilize the contract, all other ICRs will reference this ICR for the cost of the contract.

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

The estimated number of annual respondents (3,413) is an increase of (237) from the previous request of (3,176). The estimate in burden hours (1,707) is an increase of 119 from the previously approved (1,588). This slight increase may be attributed to normal variation of programmatic referral numbers as well as an increase in Claims staff who make the referrals. As previously indicated in item 12, there are no costs for burden hours as the respondents are contractors and are remunerated for their services and expenses by OWCP.

Changes to the form itself include:

1. A text change to Section 11a which now documents that Rehabilitation Counselor fees for FECA cases are based on the national Nurse and Vocational Rehabilitation Contract (NVRS). As such, individual RC fees are no longer documented as separate plan costs.
2. A text change to Section 11 b. which is now used for documentation of Longshore-only RC fees.
3. Sections 11 c – i are reorganized for easier use.
4. A text change to Section 17 edits the title of the DFEC staff person(s) with higher level approval authority of rehabilitation plans consistent with recent programmatic change. Specifically, it adds the title of FECA Supervisory Rehabilitation Specialist.

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.

This information 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.