

SUPPORTING STATEMENT - PART A

Uniformed Services Employment and Reemployment Rights Act (USERRA) Inquiry and Support Request OMB Control Number 0704-0678

Summary Of Changes

There was a typo in the Form Number when originally submitted. The form number has been changed from DD 3201 to DD 3021. No other changes.

1. Need for the Information Collection

Uniformed Services Employment and Reemployment Rights Act (USERRA) Inquiry, DD Form 3021, and USERRA Support Request, DD Form 3022, are intended for those who need information and/or experience civilian employment problems related to military obligations.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (38 United States Code Chapter 43) (USERRA) establishes rights and responsibilities for uniformed Service members and their civilian employers.

USERRA is intended to ensure that persons who serve or have served in the Armed Forces, Reserve, National Guard, or other Uniformed Services: (1) are not disadvantaged in their civilian careers because of their service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present, or future military service.

The Employer Support for the Guard and Reserve (ESGR) informs and educates Service members and their civilian employers regarding their rights and responsibilities governed by USERRA pursuant to title 38 U.S.C. chapter 43 Employment and Reemployment Rights of Members of the Uniformed Services and DoDI 1205.12 "Civilian Employment and Reemployment Rights for Service Members, Former Service Members and Applicants of the Uniformed Services". ESGR does not enforce USERRA, but serves as a neutral, free resource for employers and Service members.

ESGR's Ombudsman Services Program provides information and mediation on issues related to USERRA. The ESGR Customer Service Center is available to answer USERRA questions. Specially trained Ombudsmen are available to assist members of the Guard and Reserve in resolving disputes with their civilian employers related to military service in the Uniformed Services through neutral and impartial mediation. ESGR Ombudsmen are volunteers located throughout the United States and its territories.

2. Use of the Information

Uniformed Services Employment and Reemployment Rights Act (USERRA) Inquiry, DD Form 3021, and USERRA Support Request, DD Form 3022, are intended to gather basic information for those who experience civilian employment problems related to military obligations.

DD Form 3022 is part of the process, but it is only completed by Service members, so it is not covered by the PRA. The burden for this form is not included as part of this information collection request.

Service members may request ESGR assistance as related to their rights and responsibilities pursuant to USERRA. These electronic forms are submitted through the www.ESGR.mil website:

<https://www.esgr.mil/USERRA/USERRA-Contact/USERRA-Information-Request/t/0>

<https://www.esgr.mil/USERRA/USERRA-Contact/USERRA-Support-Request/t/1>.

These forms record basic information related to communicating with the Service member and provide an overview of the problem to begin the mediation of disputes and answering of inquiries related to the USERRA.

Assigned Ombudsman use the information to track case assignments and mediation results of potential conflicts between employers and the National Guard, Reserves, or National Disaster Medical Service (NDMS) members they employ; and reports statistics related to the ESGR Ombudsman Program in aggregate and at the state committee-level. These records are also used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness and conducting research.

3. Use of Information Technology

100% of the responses is collected electronically via the Inquiry and Case Management System (ICMS) from the ESGR website. The PDF DD Forms are for backup purposes only if the ICMS and website go down for an extended period of time.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

6. Less Frequent Collection

The collection frequency is on occasion with the average burden per response of 5 minutes.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on Wednesday May 10, 2023. The 60-Day FRN citation is 88 FR 30099.

No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for the collection published on Thursday December 21, 2023. The 30-Day FRN citation is 88 FR 88378 FRN.

Part B: CONSULTATION

No additional consultation apart from soliciting public comments through the Federal Register was conducted for this submission.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

A Privacy Act Statement is required and is provided on the webpage which includes the electronic forms. The specific website addresses for the forms and Privacy Act Statements are located at:

<https://www.esgr.mil/USERRA/USERRA-Contact/USERRA-Information-Request/t/0>
<https://www.esgr.mil/USERRA/USERRA-Contact/USERRA-Support-Request/t/0>

A System of Record Notice (SORN) is published and can be found at the following link:
<https://dpcl.d.defense.gov/Portals/49/Documents/Privacy/SORNs/OSDJS/DHRA-16.pdf>

This information does require a Privacy Impact Assessment (PIA) which is published and located at the following link:

<https://www.dhra.mil/Portals/52/Documents/Privacy/PIA/FEPP.ICMS.9.10.2015.pdf?ver=2017-05-17-142730-463>

Records are maintained in electronic storage media and are retrieved by an individual's name and/or case number. Records are destroyed seven years after the case is closed.

11. Sensitive Questions (1 paragraph)

No questions considered sensitive are being asked in this collection.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

1) Collection Instrument(s)

[DD FORM 3021, Uniformed Services Employment and Reemployment Rights Act (USERRA) Inquiry, via the ICMS/ESGR website only, reference: OMB CONTROL NUMBER: 0704-ERRA]

- a) Number of Respondents: 977
 - b) Number of Responses Per Respondent: 1
 - c) Number of Total Annual Responses: 977
 - d) Response Time: 5 minutes
 - e) Respondent Burden Hours: 81.4 hours
- 2) Total Submission Burden (Summation or average based on collection)
- a) Total Number of Respondents: 977
 - b) Total Number of Annual Responses: 977
 - c) Total Respondent Burden Hours: 81.4 hours

Part B: LABOR COST OF RESPONDENT BURDEN

1) Collection Instrument(s)

[DD FORM 3021, Uniformed Services Employment and Reemployment Rights Act (USERRA) Inquiry, reference: OMB CONTROL NUMBER: 0704-ERRA]

- a) Number of Total Annual Responses: 977
 - b) Response Time: 5 minutes
 - c) Respondent Hourly Wage: \$26.00 average
 - d) Labor Burden per Response: \$2.17
 - e) Total Labor Burden: \$2,117
- 2) Overall Labor Burden
- a) Total Number of Annual Responses: 977
 - b) Total Labor Burden: \$2,117

The Respondent hourly wage was determined by using the Bureau of Labor Statistics Wage Estimate Website: https://www.bls.gov/oes/current/oes_nat.htm

13. Respondent Costs Other Than Burden Hour Costs (1-4 sentences)

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

(P): Repeat (using copy and paste) 1a-e for each collection instrument.

1) Collection Instrument(s)

[DD FORM 3021, Uniformed Services Employment and Reemployment Rights Act (USERRA) Inquiry, reference: OMB CONTROL NUMBER: 0704-ERRA]

- a) Number of Total Annual Responses: 977
 - b) Processing Time per Response: 0.17 (~10 minutes)
 - c) Hourly Wage of Worker(s) Processing Responses: \$28.42
 - d) Cost to Process Each Response: \$4.83
 - e) Total Cost to Process Responses: \$4,720.28
- 2) Overall Labor Burden to the Federal Government
- a) Total Number of Annual Responses: 977
 - b) Total Labor Burden: \$4,720.28

Part B: OPERATIONAL AND MAINTENANCE COSTS

1) Cost Categories

- a) Equipment: \$0
 - b) Printing: \$0
 - c) Postage: \$0
 - d) Software Purchases: \$59,200
 - e) Licensing Costs: \$450
 - f) Other: \$16,000 (Cyber Security and Hosting)
- 2) Total Operational and Maintenance Cost: *(P: Add a) through f) in this section)*
\$75,650

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

- 1) Total Labor Cost to the Federal Government: \$4,720
- 2) Total Operational and Maintenance Costs: \$75,650
- 3) Total Cost to the Federal Government: \$80,370

15. Reasons for Change in Burden (1-7 sentences)

This is a new collection with a new associated burden.

16. Publication of Results (1 sentence/ 1 paragraph)

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date (1 sentence/ 1 paragraph)

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to “Certification for Paperwork Reduction Submissions” (1 sentence)

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.