

Supporting Statement for Form SSA-3033
Work Activity Questionnaire
20 CFR 404.1574(a)(1)-(3)
OMB No. 0960-0483

A. Justification

1. Introduction/Authoring Law and Regulations

Under the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs, applicants and beneficiaries qualify for disability payments when a verified physical or mental impairment prevents them from performing substantial gainful activity (SGA). When an SSDI beneficiary returns to work after the onset of the disability, the Social Security Administration (SSA) must evaluate the work effort to determine if the disability claimant still qualifies for payments. SSA uses Form SSA-3033 to collect information necessary to evaluate work activity. Sections 221, 223(d)(4), 1612(b)(4)(B), and 1614(a)(3) (D) of the *Social Security Act*, and Section 20 CFR 404.1574(a)(1)-(3) of the *Code of Federal Regulations* authorizes SSA to collect this information. This is a revision to the existing collection.

2. Description of Collection

SSDI beneficiaries and SSI recipients qualify for payments when a physical or mental impairment prevents them from performing SGA. An eligibility requirement to receive SSDI or SSI (or continue to receive disability under SSDI) is the claimant's inability to engage in SGA due to a physical or mental impairment. Therefore, when disability beneficiaries attempt to return to work after receiving payments under SSDI but are unable to continue working or have subsidized work, SSA (normally the field office or program service center) contacts the employer (or former employer) to obtain information about the claimant's work to determine if they engaged in SGA. When SSA calculates whether the individual is engaging in SGA, the claimant's countable income can be reduced by the application of work incentives, i.e., subsidy. When there is indication that a subsidy may exist, either through claimant allegation or other documentation, SSA (typically the field office or program service center) may use Form SSA-3033, Employee Work Activity Questionnaire, to obtain subsidy information from the employer, former employer, or other knowledgeable source. SSA uses this form to contact the employer of the applicant or beneficiary to validate the beneficiary's allegation of unsuccessful work attempts and subsidies. The form requests information needed to further evaluate whether the beneficiary's work is subsidized. If the employer indicates on the form that the beneficiary's work was subsidized, SSA may determine that the beneficiary was not working at or above the SGA threshold. If appropriate, SSA uses this information to apply the subsidy to the gross income, determining a countable income after the application of the work incentive. SSA conducts this analysis using only the earnings that represent the reasonable value of the work an

individual performs to decide if the work is at the SGA level. SSA deducts any additional wage or salary an employer pays an impaired individual (over the reasonable value of the actual services performed) from gross earnings to arrive at the countable earnings. This countable income is the factor SSA uses in determining if the individual is working at or above the applicable SGA threshold.

SSA uses the evidence the employer provides on the SSA-3033 to determine whether the beneficiary is eligible for disability payments under SSDI or SSI, or continued disability payments under SSDI. Additionally, if the employer validates the allegation that the attempt at work was unsuccessful (typically employment that discontinues or reduces to the non-SGA level after a short time [no more than 6 months] because of the impairment or the removal of special conditions related to the impairment that are essential to the further performance of work), then that information may inform SSA's assessment that the beneficiary cannot work at an SGA level.

The respondents learn about the SGA policies and more about our SSI and SSDI programs, as well as associated information, in the cover letter of the form. To make this process easier for the respondents to understand, we revised the form for clarity (see attached Addendum). The provision of this information to SSA by the employer or other knowledgeable source is voluntary; however, failure to submit the information may result in non-entitlement to benefits if SSA cannot otherwise verify the beneficiary's subsidy allegation. SSA does not solicit information from the employer about subsidies and unsuccessful work attempts (UWA) when earnings are below the SGA level. However, when earnings are above the SGA level and there is an allegation or other indication of subsidy, SSA employees mail the form to the employer, or former employer, to complete (or, in some circumstances, an SSA technician may conduct the information collection with the employer over the phone). SSA uses this form for both initial claims and post-entitlement reviews. SSA employees may capture some of the information provided on the form in its Work CDR processing system.

- **Psychological Cost**

- **Requirement for the Program:** The SSA-3033 asks the employer or other knowledgeable source information about a disabled claimant or beneficiary's work efforts to support their eligibility for benefits.
- **Psychological Cost:** The respondents might perceive that the questions could negatively impact the employer or employee. Because of this, some may find the process stressful or stop answering the questions entirely. The respondents may find the questions on the form unduly invasive and choose not to answer.

We understand these psychological costs may cause respondents to delay their completion of the information collection or cause them to abandon the

information collection entirely. However, we need additional information in order for us to accurately determine SGA level work when a subsidy is alleged. we require full completion of this collection to [continue to] receive benefits. Therefore, we have taken this potential psychological cost into account when calculating our burden in #12 below.

The respondents are employers, former employers, and other knowledgeable sources (VR agencies, Work Incentive Planning and Assistance Counselors, Employment Networks, Educational sources, etc.) with information about SSDI beneficiaries and SSI recipients who allege subsidized work.

3. Use of Information Technology to Collect the Information

Form SSA-3033 is available on SSA's website as a fillable printable PDF. To ensure the respondent has an easier time completing this form electronically, we have removed the signature requirement. We expect this will allow the respondent to submit the form via our Upload Documents platform (OMB No. 0960-0830) as part of a future release; however, in the meantime, it also streamlines the process for the respondent to complete and print the form for submission. In addition, SSA estimates that 33% of respondents submit this information orally via a phone-based interview with an SSA agent. For the interview process, SSA employees record the information from form SSA-3033 on form SSA-823 or in the eWork system. SSA uses the eWork system, a legacy IT system the agency is planning to phase out, to process SSDI post-entitlement work decisions.

This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. This is in part due to the low volume of respondents to this collection, as well as the fact that most respondents submit the information via a phone call. Even so, given that IT Mod programming is an ongoing, dynamic project, we cannot provide specific timelines for when we will be able to make any particular ICR available via Internet web-based application. We will ultimately convert most existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this may be unconnected to the PRA approval lifecycle.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the way we collect it preclude duplication. SSA does not use another collection instrument to obtain similar data.

5. Minimizing Burden on Small Respondents

This collection does affect small businesses or other small entities. However, if we did not impose this burden, we would be unable to determine the correct countable income, and therefore the potential entitlement/entitlement of SSDI beneficiaries and SSI applicants. We minimized the burden by carefully

reviewing the form and ensuring that we only ask small businesses/entities to complete relevant and necessary questions. We revised to form to reduce this burden.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

If we did not use Form SSA-3033, we would have difficulty in properly evaluating subsidized work, which could result in improper payments. Because we collect the information on an as needed basis, we cannot collect it less frequently. There are no technical or legal obstacles to burden reduction.

7. Special Circumstances

There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 CFR 1320.5.

8. Solicitation of Public Comment and Other Consultations with the Public

The 60-day advance Federal Register Notice published on December 29, 2023, at 88 FR 90223, and we received no public comments. The 30-day FRN published on March 11, 2024, at 89 FR 18471. If we receive any comments in response to this Notice, we will forward them to OMB. We did not consult with the public in the development of this form.

9. Payment or Gifts to Respondents

SSA does not provide payments or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information it collects in accordance with 42 U.S.C. 1306, 20 CFR 401 and 402, 5 U.S.C. 552 (Freedom of Information Act), 5 U.S.C. 552a (Privacy Act of 1974), and OMB Circular No. A-130.

11. Justification for Sensitive Questions

The information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Average Wait Time for Teleservice Centers (minutes)**	Total Annual Opportunity Cost (dollars)***
SSA-3033 Phone	5,000	1	15	1,250	\$59.07*	19	\$167,345***
SSA-3033 Returned via mail	10,000	1	15	2,500	\$59.07		\$147,675***
Totals	15,000			3,750			\$315,020

* We based this figure on average general and operations manager’s hourly

salary, as reported by Bureau of Labor Statistics data.(
<https://www.bls.gov/oes/current/oes111021.htm>)

** We based this figure on the average FY 2023 wait times for field offices, based on SSA’s current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

We calculated the following Learning Cost time burden based on the estimated time and effort we expect respondents will take to learn about this program, its applicability to their circumstances, and to cover any additional research we believe respondents may need to take to understand how to comply with the program requirements (beyond reading the instructions on the collection instrument):

Total Number of Respondents	Frequency of Response	Estimate Learning Cost (minutes)	Estimated Total Annual Burden (hours)	Total Annual Learning Cost (dollars)**
15000	1	15	3,750	\$57,975*****

*****We based this dollar amount on the Average Theoretical Hourly Cost Amount in dollars shown on the burden chart above.

NOTE: We included the total opportunity cost estimate from this chart in our calculations when showing the total time and opportunity cost estimates in the paragraph below.

We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that **15** minutes accurately shows the average burden per response for learning about the program; receiving notices as needed; reading and understanding instructions; gathering the data and documents needed; answering the questions and completing the information collection instrument; scheduling any necessary appointment or required phone call; consulting with any third parties (as needed); and waiting to speak with SSA employees (as needed). Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is **3,750** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$119,814**. SSA does not charge respondents to complete our applications.

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burden on the respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$163,009. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing and Printing the Form	Design Cost + Printing Cost	\$375
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$0*
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$158,900
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0*
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$3,734
Quantifiable IT Costs	Any additional IT costs	\$0*
Total		\$163,009

* We have inserted a \$0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have. First, since we work with almost every US citizen, we often do bulk mailings, and cannot track the cost for a single mailing. We do not track design costs or upkeep costs (as these are based on employee time and may vary from collection to collection). In addition, it is difficult for us to break down the cost for processing a single form, as field office and State Disability Determination Services staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. Finally, SSA prefers not to provide breakdowns of estimated payment to employees who process these items for a variety of reasons (only one of which is that it is not possible to do this entirely accurately).

15. Program Changes or Adjustments to the Information Collection Request

There are no changes to the public reporting burden.

16. Plans for Publication Information Collection Results
SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date
OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.

18. Exceptions to Certification Statement
SSA is not requesting an exception to the certification requirements at *5 CFR 1320.9* and related provisions at *5 CFR 1320.8(b)(3)*.

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.