

Supporting Statement for Form SSA-3385
Report of Adult Functioning – Employer
20 CFR 404.1512 and 20 CFR 416.912
OMB No. 0960-0805

A. Justification

1. Introduction/Authoring Laws and Regulations

Under the authority provided in sections 205(a), 223(d)(5)(A), 1631(d)(1), and 1631(e)(1) of the *Social Security Act (Act)*, the agency may collect information from each applicant for, or recipient of (hereinafter collectively referred to as “claimant”), disability insurance benefits (DIB) or Supplemental Security Income (SSI) payments. We use this information as evidence to help us determine eligibility or continued eligibility for DIB or SSI. These sections of the *Act* grant us the authority to establish procedures for collecting and verifying this evidence. Sections 20 CFR 404.1512 and 20 CFR 416.912 of the *Code of Federal Regulations* provide detailed requirements for the types of evidence we request claimants provide showing how their impairment(s) affects their ability to work (e.g., medical, work experience, daily activities, efforts to work). We use Form SSA-3385, Report of Adult Functioning – Employer, to collect information from a current or former employer regarding a claimant’s day-to-day functioning in a work setting.

2. Description of Collection

When SSA’s Disability Determination Service adjudicative team determines that SSA needs additional information to process an applicant’s or claimant’s case because the claimant was not able to provide adequate information on their functioning in a particular work setting through SSA’s disability application process, we use Form SSA-3385 to collect information from a claimant’s current or former employer on an as needed basis. The DDSs use the SSA-3385 to collect information regarding the claimant’s ability to function in the job setting as evidence to help inform the disability eligibility for the claimant. Primarily, the DDS only needs to send this form to employers when they need additional evidence regarding the claimant’s ability to function on the job, specifically in cases where there is a history of short-lived employment, cognitive impairments, or other issues which limit the information we previously received regarding work-related functioning. We send the SSA-3385 with a pre-addressed and stamped envelope to a claimant’s direct supervisor, or another person who has direct knowledge of the claimant’s job performance and ask that individual to provide information about the claimant’s day-to-day functioning in a work setting. The respondent completes Form SSA-3385 and sends it back to SSA in the enclosed envelope.

Once SSA receives the SSA-3385, the field office scans the form into the claimant’s electronic folder. Then the Disability Determination Service adjudicative team uses this information to evaluate the claimant’s

impairment-related functional limitations to determine eligibility or continued eligibility for SSDI or SSI.

The respondents are current or former employers who are contacted only when the adjudicative team decides additional information is necessary and the employer may be a good source for the information.

3. Use of Information Technology to Collect the Information

This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. In addition, because SSA is not able to ensure secure transmission of PII outside the agency network, we do not use email to collect claimant information for this information collection request. 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. In the interim, we evaluated this collection for conversion to a submittable PDF. Given the high volume of conversions we are coordinating and the more urgent nature of some of the other conversions, we ultimately decided not to prioritize this ICR for conversion to fully submittable PDF at this time. When we can schedule this form for conversion to a submittable PDF, we will submit a Change Request to OMB to request prior approval.

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 not significantly affect small businesses or other small entities.

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

If we did not use Form SSA-3385, we would be unable to complete our evaluation of the claimant and may not fulfill our mandate to make payments to those who are disabled. Because we collect this information only 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 July 25, 2022, at 87 FR 44180, and we received no public comments. The 30-day FRN published on October 6, 2022, at 87 FR 60721. If we receive any comments in response to this Notice, and we received no public comments. We did not consult with the public in the revision 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)*	Total Annual Opportunity Cost (dollars)**
Form SSA-3385	3,601	1	40	2,401	\$29.76*	\$71,454**

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm).

** 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 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 20 minutes accurately shows the average burden per response for reading the instructions, gathering the facts, and answering the questions. Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is 2,401 burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of \$71,454. 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 \$3,643. 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	\$223
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	\$0*
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	\$3,420
Quantifiable IT Costs	Any additional IT costs	\$0*
Total		\$3,643

* 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 U.S. citizen, we often do bulk mailings, and cannot track the cost for a single mailing. In addition, it is difficult for us to break down the cost for processing a single form, as field office and State DDS 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 hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. However, we have calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections.

15. Program Changes or Adjustments to the Information Collection Request

We increased the public reporting burden for this ICR to include the time estimates for learning about the program; receiving notices as needed; reading and

understanding instructions; gathering the data and documents needed; scheduling any necessary appointment or required phone call; consulting with any third parties (as needed); and waiting to speak with SSA or DDS employees (as needed), as well as answering the questions and completing the information collection instrument. Our previous burden only showed the estimated time for completing the information collection and submitting it to SSA. Per our management information data, there is no change in the number of respondents for this information collection.

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.