SUPPORTING STATEMENT FOR
Unemployment Compensation for Federal Employees (UCFE), Handbook 391
OMB CONTROL NO. 1205-0179

The Department of Labor, Employment and Training Administration (ETA) is requesting an extension without change to OMB 1205-0179, Unemployment Compensation for Federal Employees (UCFE), Handbook No. 391.

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.

Title 5 U.S.C. 8506(a) states that "Each agency of the United States and each wholly or partially owned instrumentality of the United States shall make available to State agencies which have agreements under this subchapter, or the Secretary of Labor, as the case may be, such information concerning the Federal service and Federal wages of a Federal employee as the Secretary considers practicable and necessary for the determination of the entitlement of the Federal employee to compensation under this subchapter." The information shall include the findings of the employing agency concerning -

(1) Whether or not the Federal employee has performed Federal service;
(2) The periods of Federal Service;
(3) The amount of Federal wages; and
(4) The reason(s) for termination of Federal service.
The employing agency shall make the findings in the form and manner prescribed by regulations of the Secretary.

The Unemployment Compensation for Federal Employees (UCFE) law (5 U.S.C. 8501, et seq.) requires state workforce agencies to administer the UCFE program in accordance with the same terms and provisions of the paying state's unemployment insurance law, which apply to unemployed claimants who worked in the private sector. See 5 U.S.C. 8502. Each state agency must be able to obtain certain information (e.g., wage, separation data) about each claimant filing claims for UCFE benefits to enable them to determine his/her eligibility for benefits.

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 Department of Labor (DOL) has prescribed forms to enable the state agencies to obtain this necessary information from the individual's Federal employing agency. Each of these forms is essential to the UCFE claims process and the frequency of use varies depending upon the

circumstances involved. These are model forms which states may customize as needed to collect the necessary information required to operate the UCFE program.

The following forms are subject to OMB approval:

FORM ETA-931, REQUEST FOR WAGE AND SEPARATION INFORMATION-UCFE

Purpose and Use. Form ETA-931 is used by the SWA to obtain Federal civilian employment, wage and separation information whenever an individual files a potential "first claim" for unemployment compensation (i.e., UCFE), as defined in the Federal UCFE regulations at 20 CFR 609.2(j).

FORM ETA-931A, REQUEST FOR SEPARATION INFORMATION FOR ADDITIONAL CLAIM-UCFE

Purpose and Use. Form ETA-931A is to be used by the SWA in connection with each UCFE-only, joint UCFE-UCX, UI-UCFE, or UI-UCFE-UCX, additional claim when it is necessary for a SWA to obtain intervening Federal civilian employment. The form is designed to obtain terminal annual leave and separation information from the Federal agency concerned and will be used in lieu of the regular separation notice normally used in connection with State UI additional claims. The Form ETA-931A should not be used in connection with a "new claim."

SWAs are also urged to use a Form ETA-931A in connection with State UI-only additional claims when it is necessary to obtain information on intervening Federal civilian employment. Use of a standard-type form in all cases should expedite Federal agency responses.

UCFE FORM ETA-935, CLAIMANT'S AFFIDAVIT OF FEDERAL CIVILIAN SERVICE, WAGES AND REASON FOR SEPARATION

Purpose and Use. Form ETA-935 will be used, generally, to overcome delays in the normal claims process caused by delayed returns of the completed Form ETA-931 by the employing Federal agency. The Secretary's Regulations require that the affidavit process be initiated twelve (12) days after initial mailing of Form ETA-931 if the completed form is not received at that time. If a Federal agency chronically delays the return of UCFE forms, Form ETA-935 may be taken as part of the new claims process. The completed Form ETA-935 will constitute the claimant's statement of his/her Federal employment and the reason for separation if credible evidence is presented, i.e., pay stubs, SF-50, W-2, etc. When the SWA makes a UCFE monetary and/or nonmonetary determination under its State law, it will be based, as appropriate, on information shown on Forms ETA-935, 931, ETA-931A, or ETA-934 that the agency considers credible, as well as any other available sources of information. The SWA will resolve any differences or inconsistencies, as to the information shown on such forms.

FORM ETA-933, REQUEST FOR INFORMATION REGARDING CLAIMS FILED UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT

Purpose and Use. Form ETA-933 is used to obtain information concerning the Federal Employees' Compensation Act, which is the workers' compensation law for Federal civilian employees.

Under some state unemployment insurance laws, a claimant is disqualified for any week for which he/she is seeking or receiving workers' compensation under any state or Federal law, or his/her weekly amount of unemployment benefits otherwise payable is reduced by the amount of his/her workers' compensation award for that week. In all states, receipt of Federal compensation for work injuries or classification by the Office of Workers' Compensation Programs as temporarily or permanently disabled (partially or totally) will raise able and available questions with regard to the UCFE claimant. Therefore, state agencies need such information to determine whether the claimant is entitled to unemployment benefits under State law.

If a Federal agency knows that a UCFE claimant has filed a request for, or is receiving, Federal compensation for work injuries, it will so indicate in item 3d of Form ETA-931 or Form ETA-931A. If such a notation has been made or if the UCFE claimant gives this information to the state agency, it will send a Form ETA-933 to the Office of Workers' Compensation Programs for completion.

FORM ETA-934, REQUEST FOR ADDITIONAL INFORMATION

Purpose and Use. The SWA will use the same methods provided by state law, procedures, etc., to obtain or verify wage and separation data, resolve differences in data, and make determinations for UCFE. If, however, missing or clarified data is needed, Form ES-934 is used to obtain information from a Federal agency.

The claimant, either before a determination is made or within the State appeal period, may allege that the findings of the Federal agency contain errors or omissions, or that the claimant wishes further information or reconsideration of the original findings. In such a case, Form ETA-934, signed by the claimant, is sent to the Federal personnel/payroll office by the SWA.

Form ETA-934 may be sent to the Federal agency before a nonmonetary determination is issued, or it may be sent as a result of a claimant's request for information or reconsideration after the determination is issued. If a determination has been issued, the appeal period under state law determines the time limits within which a claimant may file a Form ETA-934. In some states the initiating of a request for information or reconsideration of Federal findings will protect a claimant's appeal rights. If state law requires the filing of an appeal or any other action in addition to initiating such a request in order to protect the claimant's appeal rights, he or she should be advised to take this action.

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.

In the past, the majority of wage and employment information pertaining to the UCFE claimant was obtained from the Federal agency employer by mail using the forms prescribed by DOL for state agency use. However, recent technological advances in data transmission capabilities have made it practical and cost-effective to permit the exchange of Federal civilian employee wage and separation information between the state agencies and Federal agencies, including posting UCFE claim information at the Federal Claims Control Center (FCCC), by electronic means. Nearly all states have implemented the UCFE application, and all states are connected to the FCCC. Many of the largest Federal agencies are also connected to the FCCC. This has resulted in the implementation of an electronic ETA-931, 931A, and 934. There is still a need to maintain the non-electronic ETA-931, 931A, and 934 capabilities to obtain employee wage and separation information from those Federal agencies that do not participate, or that can only provide wage information electronically. It may not be cost effective for some of the smaller Federal agencies to participate in the electronic exchange of information.

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.

We are not aware of duplication of the data.

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 or other 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.

If collection of information is conducted less frequently, responses to the SWAs would be untimely resulting in late benefit payments. It is the responsibility of the Federal agencies to provide timely responses to enable the SWAs to determine eligibility and make timely first payments when due.

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.8506 allows for SWAs to collect this information 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, the public was given 60 days to comment on the Federal Register Notice published on June 27, 2024 (89 FR 53653). No public

comments were received. No internal or external consultations are necessary as this is a routine three-year renewal with states being aware of the unchanging nature of the report.

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

No payments or gifts are provided to respondents.

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

If a state law requires all claimants to sign a release statement, then a UCFE claimant would also be required to sign a Privacy Act release statement. Information regarding confidentiality and disclosure of unemployment insurance information, including UCFE, may be found in the Federal regulations under 20 CFR 603.

An exception to the above is the completion of Form ETA-933, Request for Information Regarding Claims Filed Under the Federal Employees' Compensation Act (FECA). A Privacy Act release statement is required as the information requested on this form involves releasing a claimant's health and medical information.

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.

Questions pertain only to information necessary to determine UCFE program eligibility; otherwise, there are no questions of a sensitive nature.

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.**

Burden hours for State Agencies are not monetized, as the cost of the ICON-Hub for FY 2023 was about $8,004,072 for the FCCC, UCFE claims processing of which was approximately 3% ($240,122). This amount is allocated to the FCCC by the Federal government as a state grant.

Fifty-three (53) SWAs will submit the various UCFE forms to approximately 186 Federal agencies based on 27,266 UCFE claims filed in FY 2023.

The following State Agency Burden chart represents the total burden hours based on program experience estimates of 27,266 UCFE claims that were filed in FY 2023.

Form ETA-935 is an affidavit issued by the state that claimants must complete to provide proof of wages and separation information necessary for determining UCFE eligibility. This is especially important when the federal agency does not respond to the state's initial request for this information.

The Individual Burden chart below illustrates the claimant's active participation in completing the ETA 935 form. The state records and maintains the affidavit to document its efforts to gather information in the absence of a response from the federal agency.

The following table can be used as a guide to calculate the total burden of an information collection.

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	Total Burden Cost
ETA-931	53	514	27,242	0.08	2,179.36	$53	$115,506.08
ETA-931A	53	154	8,162	0.08	652.96	$53	$34,606.88

ETA-933	53	15	795	0.08	63.6	$53	$3,370.8
ETA-934	53	154	8,162	0.07	571.34	$53	$30,281.02
ETA-935	53	514	27,242	0.07	1,906.94	$53	$101,067.82
Unduplicated Totals	53	Varies	71,603	Varies	5,374.20	--	$284,832.60

*Source: The hourly rate is computed by dividing the FY 2025 national average PS/PB annual salary for state staff as provided for through the distribution of state UI administrative grants (https://www.dol.gov/agencies/eta/advisories/uipl-19-24)by the average number of hours worked in a year (1,711). For FY 2024, this calculation is: $90,282 / 1,711= $53.

**The number of respondents includes all 50 states, as well as the District of Columbia, Puerto Rico, and the US Virgin Islands.

Individual Claimant Burden

Form	**Respondents**	**Responses Per Respondents**	**Total Numbers of Responses**	**Response Time (Hours)**	**Total Burden Hours**	**Hourly Wage Rate**	**Total Burden Cost**
ETA-935	514	1	514	0.07	36	$7.25	$261.00
Unduplicated Totals	***514***	***1***	***514***	***0.07***	***36***	***$7.25***	***$261.00***

As persons are unemployed, claimant burden hours have been monetized using the Federal minimum wage without a factor for fringe benefits.36 *hours* × *$* 7.25* *per hours* = *$* 261.00. [* Source: Federal minimum wage-http://www.dol.gov/whd/minimumwage.htm]

Total Annual Burden

Respondent Type	**Respondents**	**Total Responses**	**Burden Hours**	**Total Burden Cost**

State Govt.	53	71,603	5,374.20	$284,832.60
Individuals	514	514	36	$261.00
Totals	**565**	**72,117**	**5,410**	**$285,093.60**

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.**

An additional cost to this ICR exists in the form or postage costs associated with the approximately 10% of forms that are not transmitted electronically. This cost is estimated at $1989.98 for FY 2023. This estimate is based on a ratio of 10% (2,726) of UCFE claims and states for postage costs. (Note: The previous UCFE FRN calculation was incorrect, the cost estimate factored all UCFE claims filed during FY 2022 instead of 10% of all UCFE claims).

There are no other costs associated with this ICR.

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 UI-ICON contract is a fixed price contract, so the infrastructure and support costs do not change from year to year. The FCCC cost for processing UCFE and UCX claims is estimated at $8,004,072 in FY 2023. This amount is based on the percentage of the mainframe usage for UCFE as it compares with other applications as an indicator of what percentage of the total cost of the contract should be assigned to the FCCC; however, that would not include several other aspects of managing the program and reporting requirements at the regional offices and the National Office. The cost of the Federal Claims Control Center (FCCC) for FY2023 was about $8,004,072 for UCFE/UCX claims processing, of which approximately 3% ($240,122) was solely for UCFE claim processing.

Note the Federal Government provides the administrative funding that covers salaries of state staff, so this data collection does not represent a direct cost to the state.

Although no staff is required to process this report, ETA has budgeted $1,046,088 to operate and maintain the Unemployment Insurance Required Reports system. Including the subject ICR, this reporting system supports 30 information collections. For administrative purposes, each information collection is assumed to contribute an equal share of the cost for supporting the entire system; therefore, the cost allocated to this ICR is estimated to be $34,869.60 ($1,046,088 system cost/30 information collections).

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

The decreased number of UCFE claims filed, reported in Item 12 above, resulted in a downward adjustment in responses and burden hours. The decreased number of UCFE claims filed, reported in Item 12 above, resulted in a downward adjustment in responses and burden hours. The decrease in cost burden is accounting for mailing costs on the states.

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.

ETA does provide the expiration date on the model notices provided by the Agency. ETA requests a continued waiver of the requirement for States to display the assigned expiration date

on their versions of the form. Such a requirement would place an unnecessary burden on the states to reprint new forms upon each OMB expiration.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATON EMPLOYING STATISTICAL METHODS.

This collection does not involve statistical methods.