

**SUPPORTING STATEMENT FOR
Weekly Claims and Extended Benefits Data and Weekly Initial and Continued Weeks
Claimed**

OMB CONTROL NO. 1205-0028

This information collection request requests an extension without change to OMB Control Number 1205-0028, Weekly Claims and Extended Benefits Data and Weekly Initial and Continued Weeks Claimed, ETA 538 and ETA 539.

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 Federal-State Extended Unemployment Compensation Act of 1970 section 203, as amended provides for extended benefits to be paid to claimants exhausting regular benefits in a state if that state is experiencing high unemployment as measured by a thirteen-week moving average of the insured unemployment rate. The ETA 539 report is the vehicle states use to report weekly insured unemployment and other information necessary to calculate the trigger rate. The head of the state agency shall notify the Secretary of Labor that a state is triggering "on" or "off" extended benefits. The Secretary shall then publish such notice in the Federal Register.

In addition, DOL publishes the number of initial claims for unemployment insurance and the number of continued weeks claimed for unemployment insurance. These two pieces of data are important economic indicators. Initial claims are a leading economic indicator, and continued weeks claimed are a concurrent indicator. These data are used by other government agencies such as the Federal Reserve Board, the Council of Economic Advisors, the Bureau of Labor Statistics, the Office of Management and Budget, and the Department of Commerce as well as economists in the private sector. The data may also provide insight on state agency workload requirements and can be used in budget forecasting.

While only two of several labor market indicators, these claims take on added importance because they are weekly and because they are available so soon after the period of reference.

The ETA 538 report permits DOL to report data five days after the week of reference. This data is released as an "advance" figure to the ETA 539 economic data. ETA 539 is not as timely, but it gives figures that are slightly more accurate nationally and provides State data reflecting claimants by state of residence, which the ETA 538 does not.

This collection is authorized by the Social Security Act, section 303(a)(6) and by PL 91-373, section 203.

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 data are used by the Office of Unemployment Insurance to assure that the states perform Extended Benefits (EB) trigger calculations correctly and to monitor patterns of data to assure proper reporting. The Secretary of Labor may then certify that a state has begun or ended an extended benefit period. If this data were not collected, DOL would have to take the word of the states that data were correct at the time of certification with no way to check it. If data were not monitored, states could change trigger status when they should not, causing benefits to be paid when they should not and vice versa.

As indicated above, both initial and continued weeks are used by various agencies of the government to show the labor market conditions. These data are used as a predictor of the nation's economy in general. If data were not collected on these weekly reports, then the only source would be a monthly report on which data is not available until about twenty days after the month of reference. This would not be timely enough to be predictive and there would be fewer data points to indicate trend.

The ETA 538 gives an advance figure quickly for publication of the key economic data while the ETA 539 gives a more refined economic picture of the US and state activity, as well as providing, as its main purpose, data on the EB trigger mechanism.

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 compliance with the Government Paperwork Elimination Act, these reports are highly computerized. The reports are submitted over the Unemployment Insurance Required Reports (UIRR) electronic entry system, which allows states to enter data on a computer in each state. The input screen will default such things as state name, report date, and week number, and in the case of the ETA 539, the covered employment figure that remains the same for 13 weeks at a time. A national office computer polls each state computer each night to pick up reports submitted. This electronic submission of the ETA 538 is the main reason the weekly claims release time can be accelerated providing information on claims the fifth day after the week the data represents. The electronic system also contains edits and other features to assure the most accurate data possible.

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.

Weeks claimed and initial claims data are reported on the ETA 5159 (OMB 1205-0010), but that data is monthly and would not allow for as many data points for economic trend analysis nor for the required weekly tracking of EB triggering data. The ETA 5159 data are not available until three weeks after the close of the reference month, which means it would not be timely either for triggering purposes or for predictive purposes. However, the monthly data is still required because it provides finer detail than the weekly data.

While closely related, the data on the ETA 538 differ from the ETA 539 figures. The ETA 539 includes intrastate, and interstate agent counts, thus representing the insured unemployed residing in and therefore looking for work within the State reporting the data. The weeks claimed data reported on the ETA 538, does not include agent weeks claimed but instead includes liable counts, which are available more quickly.

The ETA 538 initial claims are the initial claims received directly from claimants during the report period, whether that is as intrastate, liable or agent State. The ETA 539 initial claims represent intrastate and interstate agent claims. Because each is an unduplicated count, the US figure should remain essentially equivalent.

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

The 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 data were collected less frequently than weekly, we could not properly monitor the states calculation of trigger rates to assure it was being done properly and head off problems early. As it is, a state begins paying benefits in an extended benefit period just four days after we receive the report that tells us they have triggered "on". By monitoring the data all along, we can be confident that the triggering is proper. If we only have four days (two of which are a weekend) to receive backup materials, analyze trends and redo calculations, a state might begin paying benefits before we could confirm it was proper.

If data were collected less frequently than weekly, it would take on much less importance as an economic indicator and would not give as much lead-time in its ability to project the direction of the economy.

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.**

See Q1 and Q2 above for the explanation of need for weekly data.

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.

As required by 5 CFR 1320.8(d), ETA has solicited comments on the proposed extension of approval for the ETA 538 and 539 through publication in the Federal Register on March 11, 2025, (90 FR 11751). A letter was received from the National Employment Law Project in support of the program.

No internal or external consultations are needed for this routine three-year renewal, as the States, the District of Columbia, the Virgin Islands, and Puerto Rico are aware of the report.

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

There are no payments made to respondents.

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

While there is no assurance of confidentiality, as a practical matter data submitted are embargoed until after the publication date.

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.

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.

Annual burden hours are estimated at 3,675 per year for both reports. There is shared preparatory time, which is reflected in the ETA 538 report here because it is submitted first.

ETA 538: 53 states x 52 reports x 30 min. = 1,378 hours

ETA 539: 53 states x 52 reports x 50 min. = 2,297 hours
3,675 hours

The data are a by-product of SWA's operation of the unemployment insurance system. The cost of assembling the reports is estimated to be \$194,775 per year. This estimate is arrived at by multiplying the annual burden hours by the FY 2025 average hourly wage for state workforce agency staff as follows:

3,675 hours x \$53.34 = \$ 194,775.

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 538	53	52	2,756	30 minutes	1,378	\$53	\$73,034
ETA 539	53	52	2,756	50 minutes	2,297	\$53	\$121,741
Total	53	NA	5,512	80 minutes	3,675	\$53	\$194,775

*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 2025, 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.

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.**

There are no other costs involved other than those mentioned in item 12.

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.

These data are submitted electronically by states and stored on DOL owned computer systems along with many other reports. There are no direct additional federal costs to processing this report.

Although, no staff is required to process this report, ETA has budgeted \$920,436.80 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 \$30,681.23 (\$920,436.80 system cost/30 information collections).

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

Sentences were added to the ETA 538 reporting instructions to provide clarity for capturing the economic activity within the given week.

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.

The ETA 538 data are published as “advance” national and state level claims figures in the weekly news release every Thursday. The news release also contains the state-by-state data and revised national data for each of the two weeks prior to the advance data from the ETA 539. The news release is available to the public here https://oui.doleta.gov/unemploy/claims_arch.asp.

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State level data can be found on the DOL website here:

<https://oui.doleta.gov/unemploy/DataDownloads.asp>
<https://oui.doleta.gov/unemploy/archive.asp>

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 will display the OMB control number and expiration date on the ETA 538 and ETA 539.

18. Explain each exception to the certification statement.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does not involve statistical methods