

**SUPPORTING STATEMENT
NONMONETARY DETERMINATION ACTIVITY REPORT
OMB Control No. 1205-0150**

The Department of Labor (Department), Employment and Training Administration (ETA) is requesting a revision to OMB 1205-0150, the Nonmonetary Determination Activity Report Information Collection (ETA 207). Revisions were done to the reporting instructions, form, and burden.

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 data reported on the quarterly ETA 207 provides current information on the volume and nature of nonmonetary eligibility determinations (approvals and denials) under states' Unemployment Insurance (UI), Unemployment Compensation for Federal Employees (UCFE), and Unemployment Compensation for Ex-Service Members (UCX) programs.

Claimants for unemployment insurance may be denied benefits for reasons associated with their separation from employment, such as voluntarily quitting without acceptable cause; questions of continuing eligibility; or refusal of suitable work. Data about these types of determinations are a byproduct of the normal program operations. The Department proposes revising the report to expand reportable issues; as well as enhance the delineation of existing data to better define and count specific types of determinations, currently reported in the "Other" category.

Social Security Act section 303(a)(6) authorizes this data collection. Section 303(a)(1) of the Social Security Act (SSA) provides that state UC laws must have "methods of administration" that are "reasonably calculated" to ensure full payment of unemployment compensation "when due" in order to receive a UI administrative grant. Section 303(a)(6) of the Social Security Act specifies that the Secretary of Labor will not certify state unemployment compensation programs to receive administrative grants unless the state's law includes provision for: "...making of such reports...as the Secretary of Labor may from time to time require, and compliance with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports."

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.

These data are used by ETA to determine workload counts, to enable ETA to evaluate the adequacy and effectiveness of adjudication determination procedures, and to evaluate the impact of state and Federal legislation with respect to disqualifications. They are also used for general statistical purposes. For instance, these data are used to compute ratios of nonmonetary determinations resulting in disqualifications, as well as measures reflecting the distributions of nonmonetary determinations by the eligibility issues involved. No similar data is available from other sources.

Workload counts are an input for funding states for administrative costs. Comparative figures among states give ETA information about the effectiveness of the various state provisions and or administrative procedures in carrying out the program. Combined with information from other reports, such as the ETA 5130 (OMB No. 1205-0172) and the ETA 227 (OMB Control No. 1205-0187), individual state programs and legal provisions can be evaluated for effectiveness.

Without this information, ETA would not be able to evaluate state performance in the UI adjudication area on an ongoing basis, and it would not have one of the key inputs to the administrative funding process.

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.

As with most UI reports, the ETA 207 is a part of an electronic reporting system through which State Workforce Agencies (SWA) enter and transmit data to ETA. States have the option of creating a file on their own computer system and uploading it to the UI system to eliminate hand keying and the potential for errors that go along with it.

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 2 above.

There is no other source for specific nonmonetary determinations information other than this report.

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

There is no impact on small businesses or 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.

Sec. 303(a)(6) of the SSA requires states to provide reports 'from time to time' containing such information to ensure compliance with federal provisions as the Secretary of Labor finds necessary. Less frequently than a quarterly collection would mean less ability for the Department to track impact of legislation and less ability to track patterns of nonmonetary determinations activity within a state over time.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner that requires further explanation pursuant to regulations 5 CFR 1320.5: 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 a 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 secrets, 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.**

There are no special circumstances. This request is consistent with 5 CFR 1320.5.

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 allowed 60 days to comment through the Federal Register Notice posted on January 15, 2025 (*90 FR 3958*). No public comments were received.

No separate state consultation was conducted for this renewal because the ETA 207 is a longstanding quarterly collection, and the revisions do not require states to collect new information; instead, they further delineate determinations that states already capture and report in the existing "Other" category. State UI agencies have ongoing familiarity with the ETA 207 reporting requirements through regular

quarterly submissions, and the Federal Register notice provided all interested parties, including states, an opportunity to comment on the availability of data, reporting frequency, instructions, format, burden, and related issues. Because no public comments were received and the revisions do not change the estimated reporting burden, ETA did not identify a need for additional state consultation for this submission.

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

There were no payments or gifts to any respondents.

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

There is no assurance of confidentiality to respondents.

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 estimated annual burden for this collection is 1,696 hours (848 hours for each of the ETA 207 reports covering the regular state program and the Federal-State Extended Benefits program). The information is collected from the same respondents (state UI agencies) under the same obligation. The primary difference between regular and Extended Benefits is that during a period when extended benefits are available, there may be additional disqualification provisions, and that information must still be collected on the ETA 207 for adjudication activities related to that program.

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

Program Type	Number of Respondents	Annual Frequency	Total Annual Responses	Time Per Response (Hours)	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
Regular	53**	4	212	4	848	\$62	\$52,576
EB (Extended Benefits)	53	4	212	4	848		

						\$62	\$52,576
Unduplicated Totals	53		424		1,696		\$105,152

*Source: The hourly rate is computed by dividing the FY 2026 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-15-25>) by the average number of hours worked in a year (1,711). For FY 2026, this calculation is: \$104,553/ 1,711= \$62.

**The number of respondents reflects the entities operating UI programs, which include all 50 states, the District of Columbia, Puerto Rico, and the US Virgin Islands.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

The ETA 207 is a longstanding data collection, and as such there are no startup costs. All reports are collected and electronically transmitted. The UI 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 (see item 14); which would not be considered an additional burden under the PRA; rather any additional effort would most appropriately be considered a usual or customary business practice that a respondent engages in for its own purposes. See 5 C.F.R. § 1320.3(b)(2). There are no other costs associated with this collection of information.

14. Provide estimates of annualized costs 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), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

Although no staff is required to process this report, ETA has budgeted \$479,300.16 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 \$15,976.67 (\$479,300.16 system cost/30 information collections).

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

Additional delineation of the types of nonmonetary determinations, which are currently reported as “Other” will provide the Department with greater information that it can use to develop technical assistance and to guide oversight regarding the UI system. The burden hours did not change because of the additional / revised nonmonetary fields and definitions added to the report as states currently capture these determinations and report them in the ‘Other’ column of the report.

16. For collections of information whose results will be published, outline plans for tabulation 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.

Data that states report to ETA are published on the DOL-ETA webpage:
https://oui.doleta.gov/unemploy/DataDownloads.asp#ETA_207. The data on the data download site is published as is, without modifications, calculations or filters.

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.

Instrument cleared through this ICR will bear the expiration date.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submission.”

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This information collection does not employ statistical methods.