

A. Justification.

1. Legal Authority. Chapter 5 U.S.C. 8506 states that “Each agency of the United States and each wholly or partially owned instrumentality of the United States shall make available to state workforce agencies (SWA) 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. (See Attachment A.)

2. Use of Information. The 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. Each state agency must be able to obtain certain information (wage, separation data) about each claimant filing claims for UCFE benefits to enable them to determine his/her eligibility for benefits. The Department of Labor 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 and burden is claimed in Item 13:

**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 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 return of UCFE forms, the 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 reason for separation if creditable 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 from the Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor. That office is responsible for administering 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. Use of Improved Technology. 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 the U.S. Department of Labor 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 capability 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. Efforts to Identify Duplications. This information is only available from the former employing Federal agency. There is no duplication.

5. Small Business. Collection does not involve small business.

6. Less Frequent Collection. 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. Exception to Guidelines in 5 CFR 1320.6.

5 U.S.C.8501 and 8506 allow for information collection by SWAs on an as needed basis.

8. Consultation Outside the Agency. In accordance with the Paperwork Reduction Act of 1995, ETA has solicited comments on the proposed extension of approval through publication of a notice in the Federal Register (Vol. 74, p. 14581) on March 31, 2009. No comments were received.

The six UI Regional Administrators and all 53 SWAs have been consulted on the design of these forms that have been in use since the inception of the UCFE program in 1955. The SWAs are responsible for collecting the information. Also, this agency consults with the Deputy and Assistant Secretaries, military civilian personnel, the comptroller, and the solicitor's office on an ongoing basis.

9. Respondents. There has been no decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

10. Confidentiality. SWAs are no longer required to attach a claimant's signed Privacy Act release statement to UCFE forms which request the employing Federal agency to release wage and employment data to requesting SWAs pertaining to the claimant. However, 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. An unemployment insurance program letter (UIPL) has been issued to advise that general personnel records, which include wage and separation information, are considered a "system of records" maintained for "routine usage" and are an exception to the Privacy Act of 1974 .

An exception to the above is the completion of Form ES-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. Sensitive Questions. Questions pertain only to information necessary to determine UCFE program eligibility; otherwise, there are no questions of a sensitive nature.

12. Respondent Burden and Cost. The cost of the Federal Claims Control Center (FCCC) for FY 2008 was about \$830,154 for UCFE/UCX claims processing of which approximately 10% (\$83,015) was solely for UCFE claim processing. 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 169 Federal agencies based on 77,000 UCFE claims filed in FY 2008.

The following represents the total burden hours based on program experience estimates of 77,000 UCFE claims that were filed in 2008.

| <b>Form</b>   | <b>Frequency</b> | <b>Total Responses</b> | <b>Average Time per Response</b> | <b>Burden</b> |
|---------------|------------------|------------------------|----------------------------------|---------------|
| ETA-931       | 1                | 77,000                 | 5 Min                            | 6,416 hrs     |
| ETA-931A      | 1                | 24,000                 | 5 Min                            | 2,000 hrs     |
| ETA-935       | 1                | 38,500                 | 9 Min                            | 5,775 hrs     |
| ETA-933       | 1                | 3,850                  | 5 Min                            | 320 hrs       |
| ETA-934       | 1                | 7,700                  | 4 Min                            | 513 hrs       |
| <b>Totals</b> |                  | <b>151,050</b>         |                                  | <b>15,024</b> |

13. Startup Capital Costs. There are no capital startup burden costs.

14. Ongoing Costs. The FCCC cost for processing UCFE claims is estimated to remain at 10% (\$83,015) in FY 2009.

15. Change in Burden. There is no change in burden.

16. Published Results. We have no plans to publish any detailed data or information relating to these requests.

17. Request for Waiver. ETA requests a waiver of the requirement to display the assigned expiration date since these data collection documents are used in ongoing operations in the states and such requirement would place an unnecessary burden on the states to reprint new forms upon each OMB expiration.

18. Exceptions. There are no exceptions to the certification statement identified in item 19, A Certification for paperwork Reduction Act Submission, of OMB 83-I.

B. Collection of Information Employing Statistical Methods. This collection does not involve statistical methods.