

Supporting Statement for Paperwork Reduction Act Submission
Optional Form 178 (OF-178) - Certificate of Medical Examination

Under the provisions of the Paperwork Reduction Act of 1995 (Public Law 104-13, May 22, 1995), the Office of Personnel Management (OPM) is submitting to the Office of Management and Budget (OMB) a request for the use of the Optional Form (OF-178), Certificate of Medical Examination, which will be used to collect medical information about individuals who are incumbents of positions which require physical fitness/agility testing and medical examinations, or who have been selected for such a position contingent upon meeting physical fitness/agility testing and medical examinations as a condition of their employment. This information is needed to ensure fair and consistent treatment of employees and job applicants, to adjudicate passover of a preference eligible, and to adjudicate claims of discrimination under the Americans with Disabilities Act (ADA).

A. Justification for Optional Form 178 (OF-178).

1. Veterans' preference is established by the Veterans Preference Act of 1944, as amended, and is now codified in various provisions of title 5, United States Code (U.S.C.). By law, veterans who are disabled or who served on active duty in the Armed Forces during certain specific time periods or in military campaigns are entitled to preference over others in hiring from competitive lists of eligibles. Specifically, 5 U.S.C. 3312, 3318, 3504; and 5 CFR part 339 - Medical Qualification Determinations and 5 CFR 351.702(d) – Qualifications for Assignment; speak to ensuring that applicants are treated fairly and not discriminated against because of a medical or physical condition that would not affect their ability to perform the duties of the position. The medical passover of a preference eligible, or rejection of a veteran with a service-connected disability rated at 30 percent or more, are raised by Federal agencies or the U.S. Postal Service for adjudication by OPM.

2. In formulating this adjudication decision, the OPM and agency examining offices will use the information from the OF-178, including supporting documentation, to determine whether an applicant for a Federal job is physically able to perform the duties of the position. Without this information, officials would not know how to adjudicate a passover request. The submission of documents alone, without the OF-178, would not satisfy this need.

3. Electronic alternatives to the OF-178 would not be cost-effective because of the amount of information that is actually collected. The supporting documentation that must be submitted with the OF-178 provides most of the information agencies use to adjudicate veterans' preference. The information may come from the military, the Department of Veterans Affairs, the courts, hospitals, or medical practitioners, as appropriate. The form will be available on OPM's website in PDF fillable format.

4. There are no duplicative efforts in this process. If the supporting documentation submitted with the OF-178 is inadequate, the examining office must contact the agency requesting that OPM render a passover determination to attain all relevant data required to complete the review

and render a final determination concerning the physical ability of the employee to perform the duties of the position with undue risk to the health and safety of themselves or others.

5. The collection of information does not affect small businesses or other small entities.
6. Veterans' preference is a factor considered in Federal hiring. Federal agencies and the USPS are unable to proceed in the selection of a non-preference eligible to a position until OPM has rendered a determination relative to an agency adjudication request regarding a medical passover of a preference eligible, or rejection of a veteran with a service-connected disability rated at 30 percent or more.
7. There are no special reporting or recordkeeping requirements that increase the burden on the applicant.
8. The notice was previously published in the Federal Register at 76 FR 81999 on December 29 2011. There were no comments received.
9. No payment or gift is made to respondents.
10. The Privacy Act Statement printed on the form identifies limitations on disclosure. The Privacy System of Records covering this information is OPM Government 5: Recruiting, Examining, and Placement Records.
11. The OF-178, Certificate of Medical Examination, collects personal and sensitive medical information about an applicant which is necessary for OPM to render a medical adjudication relative to an applicant's ability to safely and efficiently perform the duties of the position without undue risk or harm to the individual, to the safety of others, or to the vulnerability to business operating and information systems. The information is collected, maintained and protected by OPM as required under the Privacy Act.
12. OPM estimates approximately 45,000 forms will be completed each year. Each form requires from two to three hours to complete with an annual estimated burden of 135,000 hours. There is no cost to the respondent to complete this form.
13. There is no cost to respondents for the collection of information or its recordkeeping.
14. OPM estimates annual usage of the OF-178 form is 45,000. Cost can be calculated by processing the total estimated forms (45,000) at a rate of \$2.66 per form for a total of \$119,700 plus 25% overhead (\$7,482.58), resulting in a total cost of \$127,182.58 to the Government.
15. The reporting burden is 135,000 hours. Providing the OF-178 in an easily accessible online version, both fillable and printable, will aid agencies in hiring greater numbers of disabled veterans into the Federal Government. An increasing use of the OF-178, and the reporting burden each successive year, can be attributable to additional hiring of disabled veterans.
16. Frequency of recordkeeping or recording is not applicable. Information is not published.

17. N/A

18. Agency contact would not be applicable for this purpose.

B. Collection of Information Employing Statistical Methods.

Not applicable.