

Supporting Statement for Paperwork Reduction Act Submission

AGENCY: Pension Benefit Guaranty Corporation

TITLE: Request for Medical Exception to COVID-19 Vaccination Requirement

STATUS: Request for emergency approval of new information collection under a new OMB control number

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1. Need for collection.

On September 9, 2021, President Biden issued Executive Order 14043, requiring every Federal agency to “implement, to the extent consistent with applicable law, a program to require COVID-19 vaccination for all of its Federal employees, with exceptions only as required by law.” In following this directive as well as guidance issued by President Biden’s Safer Workforce Taskforce, the Pension Benefit Guaranty Corporation (PBGC) issued a requirement that its employees must receive and submit proof of a COVID-19 vaccination.

PBGC is bound by 29 U.S.C. 701 et seq. and 29 CFR part 1630, which require Federal agencies to provide reasonable accommodations of their employees’ disabilities. Following the requirement in Executive Order 14043 to allow exceptions to the COVID-19 vaccination requirement as required by law, PBGC is allowing an exception from the vaccination requirement for employees due to medical reasons or disabilities that would make the COVID-19 vaccine unsafe for them.

To ensure that PBGC has the information to determine whether a medical exception for an employee is legally required, PBGC is providing a form to obtain information to help determine an employee’s entitlement to the exception. The form will be completed in part by the

employee, and in part by the employee's medical provider, which therefore falls under the Paperwork Reduction Act and requires approval from OMB.

2. Use of information. PBGC will use the information on the Request for Medical Exception to COVID-19 Vaccination Requirement form to verify employees' assertions that they are entitled to an exception to the COVID-19 vaccination requirement because of their medical or disability status.

3. Information technology. The Request for Medical Exception to COVID-19 Vaccination Requirement form will be available to print online to be signed by the employee's medical provider, and employees will be able to submit it through email.

4. Duplicate or similar information. The medical information provided on this form is being collected in response to the recently issued COVID-19 vaccination mandate for Federal employees, and it is not available from another source.

5. Reducing the burden on small entities. PBGC recognizes that the medical providers who complete this form may work for small businesses, and as such it has drafted the form to be short and simple and to request only necessary information.

6. Consequence of reduced collection. Without the information in the Request for Medical Exception to COVID-19 Vaccination Requirement form, PBGC would be unable to verify that employees who are foregoing the COVID-19 vaccine have the legally protected reason of their medical statuses for doing so. PBGC would be unable to properly administer the requirements of Executive Order 14043 and unable to provide a safe workplace for its employees.

7. Consistency with guidelines. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. Outside input. PBGC is requesting emergency processing and a waiver of the Paperwork Reduction Act's public notice requirement for this information collection under 5 CFR § 1320.13.

9. Payment to respondents. PBGC provides no payments or gifts to respondents in connection with this information collection.

10. Confidentiality. Confidentiality of information is that afforded by the Freedom of Information Act and the Privacy Act. PBGC's rules that provide and restrict access to its records are set forth in 29 CFR parts 4901 and 4902, and information regarding requests for reasonable accommodation based on disability is covered under System of Records PBGC-21: Reasonable Accommodation Records.

11. Personal questions. The Request for Medical Exception to COVID-19 Vaccination Requirement form asks employees and medical providers to provide information about employees' medical statuses and the medical reasons why the employees are foregoing the COVID-19 vaccine. PBGC needs this information to accurately consider the employees' requests for exceptions.

12. Hour burden on the public. PBGC estimates that over the next 3 years an annual average of 5 medical providers will complete the relevant parts of the Request for Medical Exception to COVID-19 Vaccination Requirement form (10 in 2021, 3 in 2022, and 2 in 2023). PBGC further estimates that the average burden of this collection of information will be .5 hours per form with a total annual burden of 2.5 hours.

13. Cost burden on the public. PBGC estimates that medical providers will not incur any costs in completing the Request for Medical Exception to COVID-19 Vaccination Requirement form, and so the form does not impose a cost burden on the public.

14. Cost to the government. Because all the work of processing this information will be performed by existing staff as part of their regular duties, the annual cost to the government is estimated to be \$0.

15. Explanation of burden changes. Inapplicable, as this is a new collection.

16. Publication plans. PBGC has no plans to make information in the Request for Medical Exception to COVID-19 Vaccination Requirement form public.

17. Display of expiration date. PBGC is not seeking approval to avoid displaying the expiration date for OMB approval of this information collection.

18. Exceptions to certification statement. There are no exceptions to the certification statement.