SUPPORTING STATEMENT FOR
US Department of Labor's
Request for a Medical Exception or Delay
to the COVID-19 Vaccination Requirement

OMB CONTROL NO. 1225-0NEW

This Information Collection Request (ICR) seeks to request an emergency Paperwork Reduction Act (PRA) clearance to allow the Department of Labor (DOL) to collect information for individuals applying for a medical exemption to the COVID-19 Mandatory Vaccinations as specified in the Request for a Medical Exception or Delay to the COVID-19 Vaccination Requirement Form. Given the critical role of the collection of information to meeting our commitments as outlined in Executive Order 14043 of September 9, 2021, *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* and the Safer Federal Workforce Task Force guidance, the DOL cannot reasonably comply at present with the normal clearance procedures. DOL seeks the Office of Management and Budget's (OMB) approval to process the form as emergency clearance requests in accordance with 5 C.F.R. § 1320.13, emergency processing.

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.

Consistent with guidance from the Centers for Disease Control and Prevention (CDC), guidance from the Safer Federal Workforce Task Force established pursuant to Executive Order 13991 of January 20, 2021, *Protecting the Federal Workforce and Requiring Mask-Wearing*, and Executive Order 14043 of September 9, 2021, *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees,* the request for this collection of information is essential to implement DOL's health and safety measures regarding federal employee medical exemptions to the COVID-19 mandatory vaccinations. The Rehabilitation Act of 1973, as amended, requires Federal Agencies to provide reasonable accommodations to qualified employees with disabilities unless that reasonable accommodation would impose an undue hardship on the employee's Agency. See 29 U.S.C. 791; 29 C.F.R. Part 1614; see also 20 C.F.R. Part 1630 and Executive Order 13164 of July 26, 2000, *Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation*. Section 2 of E.O. 14043 mandates that each agency "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." This medical exemption form is necessary for DOL to determine legal exemptions to the vaccine requirement under the Rehabilitation Act.

Government agencies have an urgent need to request medical exemption information with input from medical providers regarding federal employees. Applying regular PRA clearance procedures is likely to cause harm because of the threat of COVID-19 exposure and transmission (5 C.F.R § 1320.13(c)).

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.

This information is being requested to promote the federal workforce, the safety of federal buildings, and others on site at agency facilities or those interacting with the public consistent with the COVID-19 Workplace Safety: Agency Model Safety Principles established by the Safer Federal Workforce Task Force and guidance from the CDC. To request a medical exemption from the COVID-19 vaccination requirement, an employee must complete Section I of the medical exemption form, and their medical provider must complete Sections II and III.

DOL's Civil Rights Center's Reasonable Accommodation Resources Center (CRC/RARC) or the requestor's Workplace Equality Compliance Officer (WECO) would receive this form from the requester with the medical provider's certification and use it to make a recommendation about the ability to accommodate employees to the supervisor and employee based on the medical information provided in the form. It should be noted that, in some cases, the nature of the employee's job may be such that an agency determines that no safety protocol other than vaccination is adequate. This is the process currently documented on DOL's internal website for COVID-19 Guidance and Resources.

This form will also ensure the information collected is consistent throughout DOL and minimize the need to seek additional evidence. This form will be used by:

- Federal employees to request medical exemption from COVID-19 vaccine mandates.
- Selectees who have accepted a position as a Federal employee to request a medical exemption from COVID-19 vaccine mandates.
- Federal employee's medical provider for medical certification of COVID-19 Vaccine exemption.
- DOL staff to process the request and enforce the COVID-19 vaccine mandates.

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.

This information collection is electronic or paper-based and will require the respondent to fill out the required fields of the form and submit the completed form to the agency's designated point of contact, DOL's CRC/RARC or the requestor's WECO. A link to this form or a PDF version may be emailed to respondents who could then print it out to complete it manually or complete it electronically.

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 A2 above.

A doctor could submit a separate letter, test results, or medical notes to meet the requirement. Under this scenario, DOL believes that the burden on the medical professional remains unchanged.

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

This information collection request has no identified specific impact on small businesses and organizations.

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.

Not collecting this information would inhibit DOL's ability to meet the mandates of the Safer Federal Workforce Task Force and DOL's specific established COVID-19 workplace safety protocols.

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.**

There are no special circumstances involved in the collection of this information.

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.

DOL is seeking emergency clearance in accordance with the emergency review procedures set forth under 5 CFR 1320.13 and waiving of the notice requirement under the emergency clearance as set forth in 5 CFR 1320.13(d). After emergency clearance is obtained, the ICR will be submitted for review under the normal PRA procedures allowing for public review and comment.

Aside from discussions with OMB personnel and other Federal Agencies, no additional consultation was conducted for this submission.

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

No gifts or payments of any kind have been provided to any individuals who are connected to this collection.

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

For current employees, this collection is covered under DOL/CENTRAL-6, Supervisor's/Team Leader's Records of Employees, and has an approved Privacy Act Statement on applicable forms. For selectees, the information is covered by OPM/GOVT-10, - Employee Medical File System Records. DOL/CENTRAL-6 is available at: https://www.dol.gov/agencies/sol/privacy/central-6.

OPM/GOVT-10 is available at https://www.opm.gov/information-management/privacy-policy/sorn/opm-sorn-govt-10-employee-medical-file-systems-records.pdf

The Privacy Act Statement also describes and references confidentiality protections under the Rehabilitation Act of 1973, as amended.

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.

The questions included on this form are consistent with OMB's guidance for requesting a medical exemption.

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.1**

- **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 13.**

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	Monetized Value of Respondent Time
Part 2 Medical Provider	250	1	250	10/60	41.67	$ 103.06*	$4,294

* National estimate for Family Medicine Physicians mean hourly wage https://www.bls.gov/oes/current/oes291215.htm.

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 start up 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 annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

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.

There is no cost to the Federal government.

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

This is a new information collection.

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.

DOL will not publish the results of this information collection.

However, data regarding the number of employees who have been granted or denied medical accommodations will be provided to the CDC in an aggregate form. Also, DOL is required to report to OMB on the total number of employees who are fully vaccinated, partially vaccinated, requesting reasonable accommodations, or not vaccinated.

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.

The OMB expiration date will be displayed on every data collection instrument.

18. Explain each exception to the certification statement.

B. COLLECTIONS OF INFORMATON EMPLOYING STATISTICAL METHODS.