



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Office of the chair

November 18, 2021

Transmitted VIA ROCIS Portal

Mr. Howard Shelanski
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Re: **SUPPORTING STATEMENT PART A**

Dear Mr. Shelanski:

The Federal Mine Safety and Health Review Commission is submitting the following statement with its Paperwork Reduction Act package for OMB review:

1. It is necessary to collect this information because vaccination against the Coronavirus Disease 2019 (Covid-19) is now required for federal employees and the collection of this information allows the Commission to process requests for exceptions to the vaccination mandate based on medical reasons.
2. The Reasonable Accommodation Coordinator will use the information provided to determine if the employee requesting the exception has a medical necessity for not receiving the Covid-19 vaccination under the Rehabilitation Act, or for delaying the vaccination according to medical exception guidance provided by the Safer Federal Workforce Task Force.
3. The information is collected through a form that can be accessed online or printed off and filled out by hand. Forms are returned by email to the Reasonable Accommodation coordinator. This collection method accommodates the Commission's employees who are currently operating in situational telework status. Medical exception request forms can be emailed by employees to medical providers, or printed off and hand-delivered to medical providers, whichever the employee prefers. Once completed, forms may be scanned and attached to an email or the employee can take a picture of the form with a mobile device and submit the image electronically.

4. The information being collected is not duplicate information. The Commission has not needed to collect this type of information in the past. Typically, employee medical information is not collected and is required here due to the unprecedented emergence of a global pandemic and federal requirements that federal employees be vaccinated against Covid-19.
5. The Commission is not aware of any impact to small businesses or other small entities that the collection of this information will create.
6. If the collection of this information is not conducted, employees who would otherwise be eligible for an exception to the Covid-19 vaccination would not be able to seek a reasonable accommodation. The Commission is not aware of any technical or legal obstacles to reducing burden of collecting this information. The information that the Commission is seeking through this collection form is minimally burdensome.
7. There are no special circumstances that would cause an information collection to be conducted in a manner listed under number 7 of the Supporting Statement Part A. The Commission does not anticipate that the respondents will need to report information to the agency more often than annually; respondents would be provided notice at least 30 days in advance prior to having to prepare a written response to a collection of information; respondents are not required to submit more than one copy of any document; respondents are not required to retain records; information collected will not be used in connection with a statistical survey not designed to produce valid and reliable results that can be generalized to the universe of study; information collection does not require the use of a statistical data classification; the collection includes a pledge of confidentiality and is supported by disclosure and data security policies; and the information collected will be protected to the extent permitted by law.
8. The Commission is seeking an emergency waiver from having this collection notice published in the Federal Register. The Commission utilized the recommendations provided by OMB and the Safer Federal Workforce Task Force for the collection of this information. The Commission will review this form every two years to ensure that the collection method and information collected conforms with best practices and remains relevant. Input will be sought from individuals submitting the information being collected.
9. The collection of this information does not involve any payment or gift to respondents.
10. Currently the request for information form for an exception to the Covid-19 vaccination for medical reasons contains the following statement: the agency will be required to keep confidential any medical information provided, subject to the applicable Rehabilitation Act standards.

The collection of this information requires a systems of records notice, specifically, CFR 2021-25382, published November 22, 2021, page _____.

The Commission utilized the recommendations provided by OMB and the Safer Federal Workforce Task Force for the collection of this information.

11. The Commission recognizes that the information regarding a medical condition that precludes receiving a Covid-19 vaccination is by its nature, sensitive. The medical exception request form does not contain intrusive questions regarding an employee's medical condition. Rather, it relies upon a medical provider's statement referencing a medical condition, and the medical provider's digital signature, to corroborate the existence of a medical condition.
12. The Commission estimates that the collection of this information is minimally burdensome, and can be acquired in a period of 1 to 3 hours.

The medical exception request form requires a minimum of two respondents: the individual requesting the medical accommodation, and a medical provider. The individual's portion of the form will take a matter of minutes to complete. The medical provider's portion of the form will take longer to complete, taking into account the retrieval of medical records, the analysis of a medical condition, and the drafting of a response to be filled out on the form. The medical provider will have to provide a digital signature, and return the form back to the individual originating the request. The Commission estimates up to one hour for each part of the medical provider's contribution, arriving at a total estimate of three hours for the completion of this form for medical providers. However, the form merely asks for a statement from the medical provider confirming the need to allow an exception for the Covid-19 vaccination, so in practice, the actual time involved with supplying this statement could be far less than 3 hours.

13. The Commission does not anticipate any significant costs associated with the collection of this information for respondents or record keepers due to the nature of the information collected. There is no start-up cost component for the system of records associated with this information collection. The cost for total operation and maintenance of the information does not impose any additional costs on the Commission's existing operations. No new equipment is being purchased and no new software programs are needed to generate, collect, maintain and store the information collected.

In some circumstances, respondents may need to pay for a medical appointment to have a medical provider provide a statement on the medical exception form.

14. The annualized costs to the Federal government for collecting this information is estimated to be less than \$1000. This amount was obtained by factoring the numbers of hours it would take to process Covid-19 exception requests utilizing the Reasonable Accommodation Coordinator and his or her staff. All other costs such as equipment and network service are factored into this amount.
15. The Commission has no program changes or adjustments reported on the burden worksheet.
16. The Commission will not publish any collections of information associated with exception requests.

17. The Commission will not seek exemption from display of the expiration date for OMB approval of the information collection.
18. There are no exceptions to the topics of the certification statement, however the Commission is still in the process of adding the valid OMB control number to the information collection form.