

COVID-19 Vaccination Requirement for FTC New Employee Hires Supplemental Supporting Statement

1. Necessity for Collecting the Information

On September 9, 2021, President Biden issued Executive Order 14,043,¹ which requires all Federal employees as defined in 5 U.S.C. § 2105, to be vaccinated against COVID-19, with exceptions only as required by law. Executive Order 14,043 also directed the Safer Federal Workforce Task Force to issue guidance within seven days of the date of that order (Sept. 9, 2021). The Task Force thereafter directed that Federal employees must be fully vaccinated by November 22, 2021, other than in limited circumstances where the law requires an exception. Agencies were also directed to require that individuals who start their government service after November 22, 2021, be fully vaccinated prior to their start date, except in limited circumstances where an accommodation is legally required. The FTC needs information requested on the job offer letter to determine if the prospective employee complies with the vaccination requirement. This information is subject to clearance under the Paperwork Reduction Act (“PRA”).

Some prospective employees may seek a medical exception to the vaccination requirement due to a disability, using an adapted version of the template form provided by the Safer Federal Workforce Task Force that includes a Privacy Act Statement. Part one of the medical exception form, which is not subject to clearance under the PRA, provides that the prospective employee would seek a medical exception to the requirement for COVID-19 vaccination or a delay because of a temporary condition or medical circumstance. Part two of the form, which is to be completed by the prospective employee’s medical provider, is subject to clearance approval from the Office of Management and Budget under the PRA. The FTC needs information requested on part two of the form from the medical provider to effectively evaluate the prospective employee’s reasonable accommodation request.

2. Use of the Information

The Federal Trade Commission needs the information from the prospective employee to

¹ Officially Executive Order 14,043, “Requiring Coronavirus Disease 2019 Vaccination for Federal Employees” (Sept. 9, 2021).

effectively evaluate their vaccination status, and when necessary, from their medical provider to support their claim for a medical exception.

3. Consideration to Use Improved Information Technology to Reduce Burden

Responses from the prospective employee relating to their vaccination status and from their medical provider to support a medical exception will be collected in a secure and efficient manner.

4. Efforts to Identify Duplication/Availability of Similar Information

The information to be collected is not duplicated elsewhere. The information also would not be requested by another federal agency since each agency is responsible for collecting the data as it relates to their prospective employees.

5. Efforts to Minimize Burden on Small Businesses

All respondents for vaccination certification purposes are individuals and not small businesses. Respondents for part two of the medical exception to the vaccination requirement are small and larger businesses. However, the documentation sought for both is very minimal and should only take up to 10 minutes per participant.

6. Consequences of Conducting Collection Less Frequently

Each collection relates directly to a request for verification of an individual's vaccination status or the medical provider's portion from the individual's request for a medical exception. Any collection less frequent than that would significantly impair the FTC's ability to effectively evaluate whether the prospective employee is vaccinated or whether to grant a medical exception as required by the Executive Order.

7. Circumstances Requiring Collection Inconsistent with Guidelines

This collection of information is consistent with the guidelines contained in 5 CFR 1320.5.

8. Consultation Outside the Agency

Special circumstances exist that require an emergency clearance pursuant to 5 CFR 1320.13(a). Executive Order 14,043 directed the [Safer Federal Workforce Task Force](#) to issue guidance within seven days of the date of this order (Sept. 9, 2021) on implementation by federal agencies covered by the order. The Task Force thereafter directed that Federal employees must be fully vaccinated by November 22, 2021, other than in limited circumstances where the law requires an exception. Agencies were also directed to require that individuals who start their government service after November 22, 2021, be fully vaccinated prior to their start date, except in limited circumstances where an accommodation is legally required.

Thus, the collection of information is needed prior to the expiration of time periods ordinarily required by the PRA statute and implementing rules and is essential to the mission of the FTC. 5 CFR 1320.13(a)(1)(i)-(ii). Additionally, public harm is reasonably likely to result if normal clearance procedures are followed. 5 CFR 1320.13(a)(2)(i). This information is being collected and maintained to promote the safety of Federal buildings and the Federal workforce consistent with the above-referenced authorities, the COVID-19 Workplace Safety: Agency Model Safety Principles established by the Safer Federal Workforce Task Force, and guidance from Centers for Disease Control and Prevention and the Occupational Safety and Health Administration.

9. Payments or Gifts to Respondents

Not applicable.

10. & 11. Assurances of Confidentiality and Matters of a Sensitive Nature

The form solicits information relating to whether a prospective federal employee complies with the COVID-19 vaccination mandate, and when necessary, from their medical provider to determine whether they qualify for a medical exception. To the extent this information is deemed sensitive by respondents, it is necessary to promote the safety of Federal buildings, and the Federal workforce, and others on site at agency facilities consistent with Executive Order and government-wide guidance. This information is subject to additional protections and will be collected,

maintained, and secured pursuant to the applicable Privacy Act system for [Employment Application-Related Records \(FTC-II-4\)](#). See 84 Fed. Reg. 16,493 (Apr. 19, 2019).

12. Burden Estimate

The estimated burden of collecting information relating a prospective employee's vaccination status over the six months of requested clearance is as follows:

50 respondents

$$\begin{aligned} & \times 1 \text{ per respondent} \\ & = 50 \text{ total annual responses} \\ & \times (10/60 \text{ hours per average respondent}) \\ & = 5.83 \text{ annual hours for respondents.} \end{aligned}$$

The cost per respondent should be negligible. Participation is voluntary for job seekers, and will not require any labor expenditures by respondents.

The estimated burden of collecting this information from a medical provider relating to a prospective employee's request for a medical exception over the six months of requested clearance is as follows:

2 respondents

$$\begin{aligned} & \times (10/60 \text{ hours per average respondent}) \\ & = 0.333 \text{ annual hours for respondents} \\ & \times \$104/\text{hour for personnel}^2 \\ & \$35 \text{ in annual labor costs.} \end{aligned}$$

13. Estimated Capital or Other Non-Labor Costs

The Agencies believe that there are no current start-up costs or other capital costs associated with the information collection.

² This is derived from the hourly mean rate for family medicine physicians in the Bureau of Labor Statistics, Occupational Employment and Wages – May 2020, March 31, 2021, Table 1, <https://www.bls.gov/news.release/pdf/ocwage.pdf>.

14. Estimated Cost to the Federal Government

The Agencies estimate that a representative year's cost of collecting the information will be minimal.

15. Program Changes or Adjustments

This is a new information collection relating to prospective new federal employees, even if the FTC is technically revising a previously approved collection for current federal employees relating to part two of the medical exception form from the vaccination mandate. Both are required by Executive Order.

16. Statistical Use of Information

The proposed collection does not employ statistical methods.

17. Display of Expiration Date for OMB Approval

Not applicable.

18. Exceptions to the Certification for Paperwork Reduction Act Submissions

Not applicable. No exceptions are being requested on the certification statement.