

Supporting Statement
National Science Foundation (NSF)
COVID Medical and Religious Reasonable Accommodation Exception Forms
OMB# XXXX-XXXX Expiration date: XX/2021
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Check off which applies:

- New
- Revision
- Reinstatement with Change
- Reinstatement without Change
- Extension
- Emergency**
- Existing w/o OMB approval

Federal Government Employee Information:

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Attachments

1. Medical Exception Form
2. Religious Exception Form

A. Justification

Pursuant to Executive Order 14043 (Sept. 9, 2021) and guidance issued by the Centers for Disease Control and Prevention (CDC) and the Safer Federal Workforce Task Force (SFWTF), all Federal employees, as defined by 5 U.S.C. 2105, must be vaccinated against COVID-19, with exceptions only as required by law, no later than November 22, 2021.¹ This requirement extends to other NSF staff (e.g., Intergovernmental Personnel Act (IPA) assignees, fellows, student volunteers), in accordance with applicable law, agreement, and NSF policy. Consistent with Federal law, including title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, and Equal Employment Opportunity Commission (EEOC) regulations, all such individuals must be afforded the right to request reasonable accommodation from this vaccination requirement on medical or religious grounds. Accordingly, NSF requests emergency clearance under the Paperwork Reduction Act (PRA), as provided in 5 CFR 1320.13 (emergency processing), in order to conduct this collection of information in order to make expedited reasonable accommodation determinations required under Federal law before the vaccination requirement goes into effect.

A.1 Circumstances Making the Collection of Information Necessary

See para. A above. The information collection is necessary to document and make determinations as to the eligibility of individuals for reasonable accommodations or other legal exceptions from mandatory vaccination requirements established by NSF for its employees and other staff under Executive Order 14043, CDC and SFWTF guidance, and other applicable law, agreement or NSF policy. As noted above, the vaccination deadline is November 22, 2021.

Emergency clearance is being requested to allow sufficient time for individuals to request a reasonable accommodation based on medical or religious grounds, and for NSF to make the required reasonable accommodation or legal exception determinations. NSF, based on initial staff feedback, has provided below a rough estimate of how many of its 1000+ staff may request such a determination. Each such determination must be made on a case-by-case basis before the vaccination requirement is scheduled to take effect on November 22, 2021. Prior to the expiration of the 180-day emergency approval period, NSF intends to make a regular PRA clearance submission to allow this information collection activity to continue for three years, because NSF will continue to need to collect the information at issue (e.g., from new employees or other new NSF staff), until the COVID-19 public health emergency has abated, or the COVID-19 vaccination requirement has been rescinded.

A.2 Purpose and Use of the Information Collection

See para. A.1 above. The NSF is conducting this information collection activity to afford individuals the right and opportunity to seek a reasonable accommodation from above-described vaccination requirements on medical or religious grounds. The information will be used by authorized NSF officials to make a case-by-case determination to grant or deny each such request. Where appropriate and necessary, this information will be used in connection with agency efforts to maintain a safe and healthy workplace (i.e., to determine what alternative workplace safeguards or procedures may need to be followed if the employee remains unvaccinated); for workforce flexibility and emergency planning purposes; to facilitate NSF cooperation with public health authorities; in connection with contact tracing and exposure notification purposes; and to comply with applicable legal recordkeeping and reporting requirements. The information (e.g.,

¹ See <https://www.saferfederalworkforce.gov/faq/vaccinations/>

individual's vaccination or exempt status) may also be routinely used or disclosed, where authorized and appropriate, to Federal, State, local or other agencies, health departments, medical authorities, or other entities in connection with health screening, contact tracing, statistical reporting, and other efforts to address the spread of communicable diseases and/or a public health emergency, as further described in SORN NSF-78 (NSF Staff & Visitor Medical Information) and NSF-79 (NSF Health Program Records), which have been submitted for emergency PRA clearance and approval. See also OPM/GOVT-10 (Employee Medical Files System Records).

As noted above, to continue to respond to this national public health emergency, NSF will develop and submit a separate full clearance package to OMB to continue using these reasonable accommodation forms following the completion of the requested six-month emergency clearance.

A.3 Use of Information Technology and Burden Reduction

NSF information collection forms will be distributed primarily through electronic means (i.e., fillable PDFs). Thus, individuals may complete the forms without printing or signing such forms in ink. Likewise, for the medical reasonable accommodation form, part 2 of which must be completed by the individual's medical provider, the form may be transmitted to, completed, and returned by such provider to the individual by electronic means. (To the extent, if any, that the completed form contains sensitive PII, the form may be passworded or encrypted to prevent compromise.) The use of electronic means to distribute and collect the information will minimize the burden on respondents.

A.4 Efforts to Identify Duplication and Use of Similar Information

The information collection activity is not duplicated by other information currently available to NSF. While NSF has reasonable accommodation forms, the vaccination requirement is new and individual seeking such an accommodation will have to provide specific information to explain why they cannot comply on medical or religious grounds.

A.5 Impact on Small Businesses or Other Small Entities

Information will be collected primarily from NSF employees or other staff who are not small businesses or other small entities for purposes of PRA clearance. The medical exception form (part 2) will collect information from medical providers, some of whom may meet the definition of a small business or other small entity. The impact on those entities, however, is estimated to be minimal. (See burden-hour estimates below, paras. A.12 and A.14.)

A.6 Consequences of Collecting the Information Less Frequently

If this information collection is not conducted, or conducted less frequently, the consequences may include the spread of the COVID-19 virus, serious illness, and fatalities in the NSF workplace or community, since individuals may remain unvaccinated on medical or religious grounds without the agency's knowledge or authorization. The agency will also be in violation of Federal law if it fails to offer individuals the right and opportunity to seek a reasonable accommodation (see paras. A. and A.1 above). By requiring individuals to seek and be granted a reasonable accommodation, NSF will be able to identify such individuals and ensure that they follow alternative safeguards or procedures to protect the health and safety of themselves and others in the workplace and other NSF-sponsored in-person activities (e.g., meetings, review panels).

A.7 Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

In response to the national public health emergency, **NSF is requesting emergency clearance for this data collection, including a request that OMB waive the normal requirement for the Federal Register publication and public comment process before the NSF may sponsor or conduct the proposed information collection activity.** As explained above, all NSF staff must be vaccinated by November 22, 2021. Considering this deadline, emergency clearance is required so that NSF can properly identify and process any reasonable accommodations requests as soon as possible in advance of that deadline, as required by law. NSF intends to submit a regular request for OMB clearance in compliance with the full requirements of 5 CFR 1320.5 to extend the emergency 180-day approval period that NSF is currently requesting.

A.8.1 Comments in Response to the Federal Register Notice

Not applicable. As noted above, NSF is requesting that OMB waive the Federal Register publication requirement and related public comment periods.

A.8.2 Efforts to Consult Outside Agency

Both information collection forms follow the templates prescribed by the Safer Federal Workforce Task Force for reasonable accommodations based on a [medical condition](#) (10/4/2021) or [religion](#) (10/29/2021).

A.9 Explanation of Any Payment of Gift to Respondents

None, not applicable.

A.10 Assurance of Confidentiality Provided to Respondents

Personally identifiable information (PII) collected in this form will be stored electronically by secure means as agency records within the NSF Privacy Act system for NSF staff and visitor medical information (SORN NSF-78), which has already been submitted for emergency OMB review. The information may also be stored as part of NSF's Privacy Act system for its health program records (SORN NSF-79), which has also been submitted for emergency OMB review with NSF-78, if the individual utilizes the services of the NSF health program unit and reasonable accommodation information is also maintained in that unit's records. These systems are subject to the information security requirements of the Federal Information Security Modernization Act of 2014 (FISMA) and other applicable Federal information security rules, standards, and guidance.

The information shall not be disclosed without the subject individual's written consent, except as authorized by the Privacy Act of 1974, 5 U.S.C. 552a, including routine uses compatible with the purpose for which the information is collected, as published in the SORNs that have also been submitted to OMB for emergency review, as noted above.

A.11 Justification for Sensitive Questions

See paras. A., A.1, and A.2 above. The information collection activity is necessary to obtain the employee's justification for a medical or religious exception to the vaccination requirement discussed above as a reasonable accommodation under applicable Federal law. Accordingly, it is necessary to ask the individual questions regarding the specific basis for the request (e.g., medical or religious) and to provide appropriate

supporting documentation, where appropriate (e.g., statement of the individual’s medical provider as to the specific medical condition justifying the accommodation, or about the individual’s religious beliefs).

A.12.1 Estimates of Hour Burden Including Annualized Hourly Costs

Table 12-1

Estimated Annualized Burden Table

Type of Collection	No. of Respondents (estimated)	No. Responses per Respondent	Average Burden per Response (in hours)	Total Burden Hours (estimated)
NSF Request for a Medical Exception to the COVID-19 Vaccination Requirement	100	1	3*	300
NSF request for a Religious Exception to the COVID-19 Vaccination Requirement*	100	1	1**	100
Total	200	2	4	400

*This figure comprises one (1) hour for NSF employees, who are not members of the public for PRA clearance purposes, and other NSF staff (e.g., IPA assignees, fellows) who complete this medical exception form (part 1), and two (2) hours for medical providers who must also complete the form (part 2).

**This figure represents the estimated burden on primarily NSF employees (who are not who are members of the public for PRA clearance purposes) and miscellaneous other NSF staff.

A.12-2 ANNUAL COST TO RESPONDENT

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.

Table 12-2 Annualized Cost to Respondents

Type of Respondents	Total Annual Burden Hours	Hourly Respondent Wage Rate	Respondent Cost
Individuals (medical providers)**	200	\$ 117.68*	\$ 23,536
TOTAL	200	\$ 117.68	\$ 23,536

*Source: U.S. Dept. of Labor, Bureau of Labor Statistics, Occupation Wage and Employment Statistics (May 2020), https://www.bls.gov/oes/current/oes_stru.htm. See Hourly Mean Wage for Offices of Physicians, <https://www.bls.gov/oes/current/oes291228.htm>.

**Cost to NSF employees, who are not members of the public, is excluded from PRA clearance. Cost to non-employee NSF staff will vary widely and cannot be reasonably estimated. The cost to them is expected to be relatively minimal, however, since the total burden of these information collection forms will fall almost entirely on excluded NSF employees.

A.13 Estimate of Other Total Annual Cost Burden to Respondents or Record Keepers

Not applicable. The forms will be collected and maintained by NSF. Respondents (e.g., medical providers) are not required to retain a copy of the information collection forms, although they may do so voluntarily.

A.14 Annualized Cost to the Federal Government

Cost Descriptions	Grade/Step	Salary*	% of Effort	Fringe (if applicable)	Total Cost to Gov't
Federal Oversight					
Branch Chief	GS-15/10	\$172,500	10	**	\$17,250
Admin. Specialist	GS-11/5	\$82,453	5	**	\$4123
Contractor Cost					
Medical Director	N/A	\$208.14/hour	10	N/A	\$41,628***
Other Cost					
Total					\$63,001

*Source: For Federal Oversight, U.S. Office of Personnel Mgt. (OPM), Pay & Leave, Salaries & Wages, Salary Table 2021-DCB (eff. Jan. 2021), <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/html/DCB.aspx>.
 **Fringe benefits may result in an additional 30-40% in annual cost, based on comparable FY2021 civilian defense personnel data. See https://comptroller.defense.gov/Portals/45/documents/rates/fy2021/2021_d.pdf.
 ***Annual cost estimate based on contractor performing services 40 hours/week and 50 weeks/year.

A.15 Explanation for Program Changes or Adjustments

This request is for a new information collection activity (see para. A.4 above).

A.16 Plans for Tabulation and Publication and Project Time Schedule

A.16 - 1 Project Time Schedule	
Activity	Time Schedule
Forms Disseminated to Respondents	1 week - 6 months after OMB approval
Analyze and Make Determinations Based on Responses (No Public Reporting)	1 week – 6 months after OMB approval

A.17 Reason(s) Display of OMB Expiration Date is Inappropriate

Not applicable. Once the information collection activity is approved, an OMB control number will be displayed (including the expiration date) for each information collection form.

A.18 Exceptions to Certification for Paperwork Reduction Act Submissions

None.