

Request for a Medical Exception to the COVID-19 Vaccination Requirement November 2021

This new information submission is being made pursuant to 5 C.F.R. § 1320.13 and 44 U.S.C. § 3507(j) to obtain emergency processing from the Office of Management and Budget (OMB) for new information collection requirements in order to fulfill Requests for Reasonable Accommodation for medical reasons from compliance with Executive Order 14043 regarding COVID-19 vaccines, as explained further below.

SUPPORTING STATEMENT

This new information collection establishes the collection requirements necessary to scrutinize requests for reasonable exemption from the Federal employee COVID-19 vaccine mandate contained in Executive Order 14043, which otherwise requires all Federal employees to be vaccinated no later than November 22, 2021.

A. Justification:

1. *Circumstances that make the collection necessary.* The Commission seeks emergency processing under the Paperwork Reduction Act (PRA), 5 U.S.C. § 1320.13. The Commission is requesting approval from OMB for this new information collection as soon as possible after it is received at OMB.

On September 9, 2021, President Biden issued Executive Order 14043 to protect the health and safety of the Federal workforce and to promote the efficiency of the civil service. Pursuant to the Executive Order and implementing guidance, the Federal Communications Commission (FCC) informed its workforce that, other than in limited circumstances where a reasonable accommodation is legally required, all employees need to be fully vaccinated against COVID-19 by November 22, 2021, regardless of where they are working.

Among the limited exceptions to the vaccination requirement, FCC employees may request reasonable accommodation to the requirement to be vaccinated against COVID-19 due to a documented medical necessity. Employees seeking consideration of such reasonable accommodation requests must use FCC Form 5643, *Request for a Medical Exception to the Covid-19 Vaccination Requirement*, to permit the FCC to seek relevant information from their medical provider to support the employee's request. As stated above, this process must be completed by November 22, 2021.

The Commission is seeking approval for the collection of the medical disclosures and certifications described below that must be made by physicians of FCC employees seeking a reasonable accommodation from the Federal employee COVID-19 vaccine mandate in order to scrutinize whether such accommodations are medically warranted.

This information does affect Individuals or households.

The Privacy Act Statement for this collection is the following:

Privacy Act Statement

Authority: The Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791; Executive Order 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation, 65 Fed. Reg. 46,563 (Jul 28, 2000); and Equal Employment Opportunity Commission's Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Directives Transmittal Number 915.003, October 20, 2000.

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Purpose: The principal purpose for collecting this information is to permit the Federal Communications Commission (FCC) to assess whether individuals are entitled to a reasonable accommodation. Additionally, this information is being collected and maintained by the FCC to record and track requests for reasonable accommodation by individuals with disabilities, their provision, and the disposition of such requests. Information collected in connection with a request for reasonable accommodation is confidential and may be shared with Agency officials or Agency contractors only when those other individuals need to know the information to make determinations on a reasonable accommodation request or to assist the Reasonable Accommodations Coordinator in making such a determination.

Routine Uses: The records and information in the records may be used pursuant to the Routine Uses for the system found in the System of Records Notice FCC/OWD-1, Reasonable Accommodation Requests.

Effect of Disclosure: The provision of information is voluntary; however, if you do not provide this information, the FCC may not provide you with an accommodation, and you may not receive important information.

The Statutory authority is contained in Executive Order 14043.

2. *Use of information.* The requirements contained herein are necessary to implement Executive Order 14043. The information collected herein provides the Commission with the necessary information to scrutinize requests for reasonable accommodation from the requirement that all Federal employees be fully vaccinated against COVID-19 no later than November 22, 2021. Specifically, the information will allow the Commission to evaluate whether such accommodation is reasonable given a particular employee's medical history, thereby allowing the agency to fully comply with the terms of EO 14043.
3. *Use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.* We anticipate that most respondents will submit information through e-mail.
4. *Efforts to identify duplication.* There will be no duplication of information. The information sought is unique to each employee seeking a reasonable accommodation from the COVID-19 vaccination mandate. The Commission does not otherwise collect this information, and it is not available from other sources.
5. *Impact on small entities.* Entities directly subject to the requirements in this information collection are primarily physicians' offices. This information collection is designed to impose the least possible burden on the respondents while ensuring that the Commission will have the capability to scrutinize whether an accommodation from the vaccination mandate for medical reasons is reasonable and warranted. Without the requested information, the Commission will be unable to fully comply with Executive Order 14043 by the required deadline.
6. *Consequences if information not collected.* Failing to collect the information, or collecting it less frequently, would prevent the Commission from complying with Executive Order 14043 by the required deadline. As a result, some employees may be banned from the workplace, thereby preventing the Commission from fulfilling its mission in an effective and efficient manner.
7. *Special circumstances.* As explained above, without this information collection, the FCC will be unable to scrutinize requests for accommodation from the Federal employee COVID-19 vaccine

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mandate in a timely manner, thereby preventing it from fully complying with the terms of Executive Order 14043 or unnecessarily forcing some employees from the workplace.

8. *Federal Register notice; efforts to consult with persons outside the Commission.* Emergency processing is being sought for this information collection requirement, and the Commission seeks waiver of all notice requirements due to the emergency nature of this request under 5 CFR § 1320.18(d).
9. *Payments or gifts to respondents.* There will be no payments or gifts to respondents.
10. *Assurances of confidentiality.* Due to the personal and sensitive nature of the information to be collected, there is an assurance of confidentiality provided to respondents concerning this information collection.
11. *Questions of a sensitive nature.* By its very nature, as explained above, the information to be collected will most certainly address private matters of a sensitive nature: specifically, the medical histories of Commission employees.
12. *Estimates of the hour burden of the collection to respondents.* The following represents the hour burden of the collection of information:
 - a. Number of estimated annual respondents: 100.
 - b. Total number of annual responses: 100.
 - c. Frequency of response: One-time reporting and third-party disclosure requirement.
 - d. Total estimated annual burden: 0.5 hours per respondent for 100 respondents filing once. Total estimated annual hours burden is calculated as follows:

100 estimated responses x 0.5 hours per response = 50 total estimated burden hours.
 - e. Total estimate of annual in-house cost to respondents for the hours burden: \$2,693._
 - f. Explanation of calculation: The Commission expects that the relevant employee medical information will typically be collected and prepared by the respondent using existing in-house staff (e.g., medical assistant or nurse) at a rate equivalent to the hourly rate of a GS-13, Step 5 government staff member (\$53.85/hour). Therefore, the in-house cost is as follows:

100 estimated responses x 0.5 hours per response x \$53.85/hour = \$2,693.
13. *Estimates for cost burden of the collection to respondents.* There are no external costs to respondents related to this information collection.
14. *Estimate of the cost burden to the Commission.* There will be few, if any, costs to the Commission because reviewing these medical records will be quick and are encompassed by regular Commission duties performed by human resources personnel.
15. *Program changes or adjustments.* This is a new information collection resulting in a program change/increase of 100 respondents, 100 responses, and 50 total estimated burden hours.

16. *Collections of information whose results will be published.* The collected information will not be published for statistical use.
17. *Display the expiration date for OMB approval of the information collection.* The Commission seeks approval to not display the expiration date for OMB approval on this information collection. The Commission publishes a list of all OMB-approved information collections in 47 CFR § 0.408 of the Commission's rules.

B. Collections of Information Employing Statistical Methods:

The Commission does not anticipate that the collection of information will employ statistical methods.