



U.S. Merit Systems Protection Board
Supporting Statement A for Paperwork Reduction Act Submissions

OMB Control Number: 3124 – 0NEW

Title: Request for Medical and Religious Exception to the COVID-19 Vaccination Requirement

This Information Collection Request (ICR) seeks an emergency Paperwork Reduction Act (PRA) clearance to allow the U.S. Merit Systems Protection Board (MSPB) to collect information from individuals applying for an exception to the mandatory COVID-19 vaccination under Executive Order 14043, “Requiring Coronavirus Disease 2019 Vaccination for Federal Employees” (Sept. 9, 2021). MSPB is unable to comply with the normal PRA clearance procedures given the critical role of the collection of information to meeting our commitments under Executive Order 14043.

Justification

1. Circumstances that make the collection of information necessary.

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, “Protecting the Federal Workforce and Requiring Mask-Wearing” \(Jan. 20, 2021\)](#), and [Executive Order 14043, “Requiring Coronavirus Disease 2019 Vaccination for Federal Employees” \(Sept. 9, 2021\)](#), the request for this collection of information is essential to implement MSPB’s health and safety measures regarding Federal employees seeking medical or religious exceptions to the mandatory COVID-19 vaccination requirement.

Title V of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, prohibits discrimination in services and employment on the basis of disability, and Title VII of the Civil Rights Act of 1964 (Civil Rights Act) prohibits discrimination, including on the basis of religion. These prohibitions on discrimination require Federal agencies to provide reasonable accommodations to individuals with disabilities and those with sincerely held religious beliefs unless doing so would impose an undue hardship. In some instances, individuals may request modifications to their workspace, schedule, duties, or other requirements for documented medical reasons that may not qualify as a disability but may necessitate an appropriate modification to workplace policies and practices. See, The Rehabilitation Act of 1973, 29 U.S.C. 701, 791, 794; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e; 29 C.F.R. 1605 (Guidelines on Discrimination Because of Religion); 29 C.F.R. 1614 (Federal Sector Equal Employment Opportunity); 29 C.F.R. 1630 (Regulations To Implement the Equal Employment Provisions of the Americans With Disabilities Act); Executive Order 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation (July 26, 2000); and Executive Order 13548, Increasing Federal Employment of Individuals with Disabilities (July 26, 2010).

Section 2 of Executive Order 14043 mandates that “[e]ach agency shall implement, to the extent consistent with applicable law, a program to require COVID-19 vaccination for all of its Federal



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employees, with exceptions only as required by law.” As such, the two forms in this ICR are necessary for MSPB to determine whether individuals are exempt, pursuant to the Rehabilitation Act and the Civil Rights Act, from the vaccine requirement in Executive Order 14043.

MSPB has an urgent need to request medical and religious exemption information from its Federal employees with input from the individual’s medical provider and/or religious or spiritual advisor. Therefore, complying with the normal PRA clearance procedures is likely to cause harm because of the threat of COVID-19 exposure and transmission.

2. How the information will be used.

The Request for Medical and Religious Exception to the COVID-19 Vaccination Requirement forms will be used by MSPB to make determinations on requests by employees or prospective employees to be exempt from the vaccine mandate established by Executive Order 14043 for medical or religious reasons.

3. Use of automated collection procedures.

The forms are in a fillable electronic format that can also be printed out to be manually completed. A link to the forms will be available on MSPB’s internal SharePoint site and available to prospective employees upon request. Additionally, the forms may also be emailed to respondents upon request. All forms must be submitted to the assigned MSPB Reasonable Accommodation Coordinator, which will then be provided to MSPB’s Director of the Office of Equal Employment Opportunity.

4. Efforts to identify duplication.

The requested information is unique to each individual request, and MSPB is unaware of any other sources of similar information.

5. Impact to small businesses.

The collection of information may impact medical providers or religious or spiritual advisors who qualify as a small business because the forms require information to be submitted by them. The burden is minimized for the entities and/or individuals because the forms request a limited amount of information and can be completed and submitted electronically.

6. Consequences of not collecting the information.

Not collecting this information would inhibit MSPB’s ability to meet the requirements of the Rehabilitation Act, the Civil Rights Act, Executive Order 14043, and guidance from the Safer Federal Workforce Task Force.



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7. Explanation of special circumstances.

Respondents will be required to prepare a written response to this collection of information in fewer than 30 days after receipt of it to meet the deadlines set by Executive Order 14043.

There are no special circumstances that would cause the information collected to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- 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 a statistical data classification that has not been reviewed and approved by the Office of Management and Budget (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 secrets, 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.

8. Federal Register Notice.

MSPB is seeking emergency clearance in accordance with the emergency review procedures set forth under 5 C.F.R. §1320.13 and waiving the notice requirement under the emergency clearance as set forth in 5 C.F.R. §1320.13(d). After emergency clearance is obtained, MSPB will submit the ICR for review under the normal clearance 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. Payment or gift to respondents.

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



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10. Assurance of confidentiality.

This collection of information is covered under [MSPB – 3, Reasonable Accommodations, MSPB-3 Reasonable Accommodations SORN, 86 Fed. Reg. 73001 \(Dec. 23, 2021\)](#).

The forms provide the required Privacy Act statement under 5 U.S.C. § 552a(e)(3).

A [Privacy Impact Assessment](#) was approved on January 3, 2022.

11. Justification for any questions of a sensitive nature.

Pursuant to and consistent with the Rehabilitation Act and Equal Employment Opportunity Commission regulations, MSPB is authorized to and required to ask questions regarding the medical condition of the individuals requesting a reasonable accommodation for medical reasons. Additionally, the Civil Rights Act prohibits employment discrimination based on religion. This includes a right for job applicants and employees to request a reasonable accommodation from an employer requirement that conflicts with their sincerely held religious beliefs, practices, or observances. For MSPB to evaluate these requests, we are authorized to collect information to determine whether the job applicant or employee has a sincerely held religious belief, practice or observance to qualify for a reasonable accommodation.



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12. Estimates of annualized costs for collection of information.

Estimated Annualized Burden Hours and Costs								
Type of Respondent	Form Name / Form No.	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Part 1 Applicant for Employment	Request for a Medical Exception to the COVID-19 Vaccination Requirement	10	1	10	1.00	10.00	37.9	\$ 379.00
Part 2 Medical Provider	Request for a Medical Exception to the COVID-19 Vaccination Requirement	50	1	50	1.00	50.00	141.99	\$ 7,099.50
Applicant for Employment	Request for a Religious Exception to the COVID-19 Vaccination Requirement	10	1	10	1.00	10.00	37.9	\$ 379.00
						0.00		\$ -
						0.00		\$ -
						0.00		\$ -
						0.00		\$ -
						0.00		\$ -
Total		70		70		70.00		\$ 7,857.50

Note: The "Avg. Hourly Wage Rate" for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

According to the U.S. Department of Labor, Bureau of Labor Statistics website (www.bls.gov) the wage rate category for General Internal Medicine Physicians is estimated to be \$141.99 per hour including the wage rate multiplier, therefore, the estimated burden hour cost to respondents Medical Provider is estimated to be \$7,099.50 annually.

According to the U.S. Department of Labor, Bureau of Labor Statistics website (www.bls.gov) the wage rate category for All Occupations is estimated to be \$37.90 per hour including the wage rate multiplier, therefore, the estimated burden hour cost to respondents Medical Provider is estimated to be \$379 annually for each form.



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13. Total costs to respondents or record keepers.

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. Estimates of annualized costs to the Federal Government.

Annual Cost to the Federal Government	
Item	Cost (\$)
Contract Costs	\$ -
Staff Salaries* [One GS 14, step 5 employee spending approximately 30% of their time annually processing reasonable accommodation requests: $\$138,866 \times 30\% = \$41,659.80$]	\$ 41,659.80
Facilities [cost for renting, overhead, etc., for data collection activity]	0
Computer Hardware and Software [cost of equipment annual lifecycle]	0
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	0
Travel	0
Total	\$ 41,659.80

* Note: The "Salary Rate" includes a 1.4 multiplier to reflect a fully-loaded wage rate.

15. Explanation of program changes or adjustments.

Not applicable. This is a new information collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

There are no outline plans for tabulation and publication of data for this information collection.

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.

This collection does not seek approval to not display the expiration date for OMB approval.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

This collection does not seek exception to "Certification for Paperwork Reduction Act Submissions".