

**U. S. OFFICE OF GOVERNMENT ETHICS
SUPPORTING STATEMENT FOR
OGE REQUEST FOR A MEDICAL EXCEPTION TO THE COVID-19
VACCINATION REQUIREMENT
APRIL 2022**

A. Justification

1.-2. Explain the circumstances that make the collection of information necessary. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

This information is essential to implement OGE's health and safety measures included in recent Centers for Disease Control and Prevention and Safer Federal Workforce Task Force Guidance. OGE is using the template provided by the Safer Federal Workforce Task Force. The information is necessary to document the consideration, decision, and implementation of requests for reasonable accommodation from the COVID vaccination requirement set forth in Executive Order 14043, Requiring Coronavirus Disease 2019 Vaccination for Federal Employees (Sept. 9, 2021).

We note that the vaccination requirement issued pursuant to E.O. 14043 is currently the subject of a nationwide injunction. While that injunction remains in place, OGE will not process requests for a medical exception from the COVID-19 vaccination requirement pursuant to E.O. 14043. OGE will also not request the submission of any medical information related to a request for an exception from the vaccination requirement pursuant to E.O. 14043 while the injunction remains in place. But OGE may nevertheless receive information regarding a medical exception. That is because, if OGE were to receive a request for an exception from the COVID-19 vaccination requirement pursuant to E.O. 14043 during the pendency of the injunction, OGE will accept the request, hold it in abeyance, and notify the employee who submitted the request that implementation and enforcement of the COVID-19 vaccination requirement pursuant to E.O. 14043 is currently enjoined and that an exception therefore is not necessary so long as the injunction is in place. In other words, during the pendency of the injunction, any information collection related to requests for medical exception from the COVID-19 vaccination requirement pursuant to E.O. 14043 is not undertaken to implement or enforce the COVID-19 vaccination requirement.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The information collection, like the template it is based on, is a fillable pdf.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

OGE is using the template recommended by the Safer Federal Workforce Task Force, which requires that a medical providers answer specific questions about the employee's request for a medical accommodation. OGE does not currently collect that information from medical providers, nor is there any other source of such information.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Not applicable. This collection of information does not involve small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing the burden.

If the information is not collected, OGE will not be able to process requests for medical exceptions to the vaccination requirement. As a result, OGE may not be able to comply with Executive Order 14043 and/or the Rehabilitation Act of 1973.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **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 3 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 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 that 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.**

No such special circumstances exist.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.

OGE published a first round Federal Register notice soliciting comments on this information collection on February 10, 2022 (87 FR 7838). OGE received one response to that notice. The comment did not address the substance of information collection; it opposed it on the basis of the outstanding injunction against implementation of the vaccination requirement issued pursuant to E.O. 14043. As noted in the notices and above, OGE will not process requests for a medical exception or request the submission of any medical information related to a request for an exception pursuant to E.O. 14043 while the injunction remains in place. But OGE may nevertheless receive information regarding a medical exception. Therefore, clearance of the information collection is necessary.

OGE published a second round Federal Register notice soliciting comments to be directed to OMB on April 25, 2022. See 87 FR 24304.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable. Respondents receive no payments or gifts.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no assurance of confidentiality, however the information is protected by the Privacy Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Although the information is medical information, which is commonly considered private, it is necessary to review and make a determination on requests for medical accommodations. Only the minimum necessary information is sought.

12. Provide estimates of the hour burden of the collection of information.

OGE estimates that fewer than five OGE employees annually will seek a medical accommodation to the vaccine mandate. Although it is unclear whether employees will

be asked to resubmit the request after a certain length of time, we estimate that no single respondent will submit the information more than once per decade.

The information sought from medical providers is minimal and will be based on the provider's preexisting records. OGE estimates that it should take no more than ten minutes for the medical provider to complete their portion of the form.

Accordingly, the total annual time burden is estimated to be 0.17 hours.

13. Provide an estimate for the total annual cost burden to respondents or record-keepers resulting from the collection of information.

Based on the above, the total annual cost burden for private citizen filers is estimated to be \$17. This is based on information from the Bureau of Labor Statistics, which indicates that the 2020 median pay of physicians and surgeons is \$100 per hour.

14. Provide an estimate of annualized costs to the Federal Government.

There should be no additional cost to the Federal Government. Collecting and reviewing this information is just a very small fraction of the work performed by salaried employees.

15. Explain the reasons for any program changes or adjustments reported in items 12 through 14.

Not applicable.

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

Not applicable.

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.

Not applicable.

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

Certification items (c), (f) and (i) are not applicable to this information collection.

B. Collections of Information Employing Statistical Methods

Not applicable. This collection of information does not employ statistical methods.