

Supporting Statement for Paperwork Reduction Act Submission

AGENCY: Pension Benefit Guaranty Corporation

TITLE: Request for Medical Exception to COVID-19 Vaccination Requirement

STATUS: Request for extension of a previously-approved collection of information, without modifications (OMB control number 1212-0075; expires May 31, 2022)

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1. Need for collection.

On September 9, 2021, President Biden issued Executive Order (E.O.) 14043, requiring every Federal agency to “implement, to the extent consistent with applicable law, a program to require COVID-19 vaccination for all of its Federal employees, with exceptions only as required by law.” In following this directive as well as guidance issued by President Biden’s Safer Workforce Taskforce, the Pension Benefit Guaranty Corporation (PBGC) has a requirement that its employees must receive and submit proof of a COVID-19 vaccination.

PBGC is bound by 29 U.S.C. 701 et seq. and 29 CFR part 1630, which require Federal agencies to provide reasonable accommodations of their employees’ disabilities. Following the mandate in E.O. 14043 to allow legally required exceptions to the COVID-19 vaccination requirement, PBGC permits an exception from the vaccination requirement for employees due to medical reasons or disabilities that would make the COVID-19 vaccine unsafe for them.

To ensure that PBGC has the information to determine whether a medical exception for an employee is legally required, PBGC uses a form to obtain information to help determine an employee’s entitlement to the exception. The form is completed in part by the employee, and in

part by the employee's medical provider, which therefore falls under the Paperwork Reduction Act and requires approval from OMB.

2. Use of information. PBGC uses the information on the Request for Medical Exception to COVID-19 Vaccination Requirement form to verify employees' assertions that they are entitled to an exception to the COVID-19 vaccination requirement because of their medical or disability statuses.

As of the date that the 30-day Paperwork Reduction Act notice was submitted to the Federal Register for publication, the vaccination requirement issued pursuant to E.O. 14043 is currently the subject of a nationwide injunction. While that injunction remains in place, PBGC will not process requests for a medical exception from the COVID-19 vaccination requirement pursuant to E.O. 14043. PBGC 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 PBGC may nevertheless receive information regarding a medical exception. That is because, if PBGC 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, PBGC 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. Information technology. The Request for Medical Exception to COVID-19 Vaccination Requirement form is available online to print and be signed by the employees' medical providers, and employees are able to submit it through email.

4. Duplicate or similar information. The medical information provided on this form is being collected in response to the COVID-19 vaccination mandate for Federal employees, and it is not available from another source.

5. Reducing the burden on small entities. PBGC recognizes that the medical providers who complete this form may work for small businesses, and consequently the form is short and simple and requests only necessary information.

6. Consequence of reduced collection. Without the information in the Request for Medical Exception to COVID-19 Vaccination Requirement form, PBGC would be unable to verify that employees who are forgoing the COVID-19 vaccine have the legally protected reason of their medical statuses for doing so. PBGC would be unable to properly administer the requirements of E.O. 14043 and unable to provide a safe workplace for its employees.

7. Consistency with guidelines. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. Outside input. On February 14, 2022, PBGC published (at 87 FR 8303) a notice of its intent to request that OMB extend approval of this collection of information. PBGC received one comment, and the commenter expressed support for the exemption, noting that some employees may have disabling conditions.

9. Payment to respondents. PBGC provides no payments or gifts to respondents in connection with this information collection.

10. Confidentiality. Confidentiality of information is that afforded by the Freedom of Information Act and the Privacy Act. PBGC's rules that provide and restrict access to its records are set forth in 29 CFR parts 4901 and 4902, and information regarding requests for reasonable accommodation based on disability is covered under System of Records PBGC-21: Reasonable Accommodation Records.

11. Personal questions. The Request for Medical Exception to COVID-19 Vaccination Requirement form asks employees and medical providers to provide information about employees' medical statuses and the medical reasons why the employees are forgoing the COVID-19 vaccine. PBGC needs this information to accurately consider the employees' requests for exceptions.

12. Hour burden on the public. PBGC estimates that over the next 3 years an annual average of 2 medical providers will complete the relevant parts of the Request for Medical Exception to COVID-19 Vaccination Requirement form (3 in 2022, 2 in 2023, and 2 in 2024). PBGC further estimates that the average burden of this collection of information will be 0.5 hours per form with a total annual burden of 1 hour.

13. Cost burden on the public. PBGC estimates that medical providers will not incur any costs in completing the Request for Medical Exception to COVID-19 Vaccination Requirement form, and so the form does not impose a cost burden on the public.

14. Cost to the government. Because all the work of processing this information will be performed by existing staff as part of their regular duties, the annual cost to the government is estimated to be \$0.

15. Explanation of burden changes. PBGC estimates that it will receive fewer requests, as, during the next three years, it will receive requests only from newly hired employees.

16. Publication plans. PBGC has no plans to make information in the Request for Medical Exception to COVID-19 Vaccination Requirement form public.

17. Display of expiration date. PBGC is not seeking approval to avoid displaying the expiration date for OMB approval of this information collection.

18. Exceptions to certification statement. There are no exceptions to the certification statement.