

Federal Energy Regulatory Commission
SUPPORTING STATEMENT
Renewal Request for a Medical Exception to the COVID-19 Vaccination
Requirement (FERC-1000)
OMB Control No. 1902-0320

The Federal Energy Regulatory Commission (FERC or Commission) requests that FERC Form No. 1000 under OMB Control No. 1902-0320, is renewed for three-years. This request is a regular renewal request and is not an emergency request.

Abstract

The purpose of this information collection request for the Paperwork Reduction Act (PRA) clearance is to allow the Commission to collect information from individuals applying for a medical exception to the COVID-19 Vaccination Requirement as specified in Part 2 of FERC Form No. 1000.

Previous Emergency Request

Previously, this form was approved under emergency processing since the collection of information was necessary for FERC to meet its commitments outlined in Executive Order 14043 of September 9, 2021, on *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* and the Safer Federal Workforce Task Force¹ requirements and guidance. In response to concerns expressed by OMB, the Commission has revised the System of Records Notice (SORN) upon which it now relies. That revised SORN was published at 86 FR 64923 (November 19, 2021).

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 of January 20, 2021, *Protecting the Federal Workforce and Requiring Mask-Wearing*,² and Executive Order 14043³ of September 9, 2021, *Requiring*

¹ See <https://www.saferfederalworkforce.gov/> for more information about the Safer Federal Workforce Task Force and its mandates and guidance.

Coronavirus Disease 2019 Vaccination for Federal Employees,⁴ the request for this collection of information is essential to implement the Commission’s health and safety measures regarding the federal employee medical exemptions to the COVID-19 mandatory vaccinations. The Rehabilitation Act of 1973, as amended, requires Federal Agencies to provide reasonable accommodations to qualified employees with disabilities unless that reasonable accommodation would impose an undue hardship on the employee’s Agency. *See* 29 U.S.C. 791; 29 C.F.R. Part 1614; *see also* 20 C.F.R. Part 1630 and Executive Order 13164 of July 26, 2000, *Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation*. Section 2 of E.O. 14043 mandates that each agency “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.” This medical exemption form (FERC Form No. 1000) is necessary for the Commission to determine whether to grant medical exceptions to the vaccine requirement under the Rehabilitation Act.⁵

² <https://www.federalregister.gov/documents/2021/01/25/2021-01766/protecting-the-federal-workforce-and-requiring-mask-wearing>

³ The vaccination requirement issued pursuant to E.O. 14043, is currently the subject of a nationwide injunction. While that injunction remains in place, the Federal Energy Regulatory Commission (FERC) will not process requests for a medical exception from the COVID-19 vaccination requirement pursuant to E.O. 14043. FERC will also not request the submission of any medical information related to a request for an exception from the vaccination requirement pursuant to EO 14043 while the injunction remains in place. But FERC may nevertheless receive information regarding a medical exception. That is because, if FERC 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, FERC 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.

⁴ <https://www.federalregister.gov/documents/2021/09/14/2021-19927/requiring-coronavirus-disease-2019-vaccination-for-federal-employees>

⁵ The Commission also offers its employees an opportunity to request a religious exception to the vaccination requirement under Title VII of the Civil Rights Act (42 U.S.C 2000e through 2000e-17). Requests for a religious exception are not subject to the requirements of the Paperwork Reduction Act because they involve only the Commission and its employees who seek a religious exception. *See* 44 U.S.C. 3502(3)(A)(i) (exempting federal employees from the definition of “collection of information”).

2. HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED AND THE CONSEQUENCES OF NOT COLLECTING THE INFORMATION

This information is being requested to promote the safety of the Federal workforce, the safety of Federal buildings, and the safety of others on site at agency facilities or those interacting with the public consistent with the COVID-19 Workplace Safety: Agency Model Safety Principles established by the White House Safer Federal Workforce Task Force and guidance from the Centers for Disease Control and Prevention. To request a medical exemption from the COVID-19 vaccination requirement, an employee must complete Part 1 of the medical exemption form and their medical provider must complete Part 2.

3. DESCRIBE ANY CONSIDERATION OF THE USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE THE BURDEN AND TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN

This information collection will require the individual responder to fill out the required fields of the form, obtain medical provider's signature for Part 2, and submit the completed form to the appropriate Commission personnel. A link to this form or a PDF version may be emailed to respondents who will then print it out to complete it or complete it electronically. We will continue to explore options to use technology to reduce the burden on individuals.

4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION AND SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN INSTRUCTION NO. 2

We are unaware of other sources of similar information.

5. METHODS USED TO MINIMIZE THE BURDEN IN COLLECTION OF INFORMATION INVOLVING SMALL ENTITIES

This information collection request has no identified impact on small businesses and organizations.

6. CONSEQUENCE TO FEDERAL PROGRAM IF COLLECTION WERE CONDUCTED LESS FREQUENTLY

We expect this to be a one-time collection, based on the current situation and current guidance from other federal entities. Less frequent collection (or no collection) would inhibit the Commission's ability to meet the mandates of the Safer Federal Workforce

Task Force and the Commission's specific established COVID-19 workplace safety protocols.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

There are no special circumstances with this information collection.⁶

8. DESCRIBE EFFORTS TO CONSULT OUTSIDE THE AGENCY: SUMMARIZE PUBLIC COMMENTS AND THE AGENCY'S RESPONSE

The Commission issued a 60-day notice of the FERC Form No. 1000 renewal on 3/17/2022⁷ and received no comments.

FERC also issued a 30-day notice on 5/17/2022 that was published in the Federal Register on 5/23/2022.⁸

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

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

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

Purposes/Routine Uses: The information on this form may be used by the Commission to help determine whether the employee is entitled to an accommodation. The supervisor will maintain a record of all accommodation requests, including this form, which will be utilized to determine the efficacy and consistency of the reasonable accommodation process and be compiled for reports to the Equal Employment Opportunity Commission (EEOC); these records are subject to periodic review by the EEOC, or the Director, Office of Civil Rights, at their request, to ensure compliance.

⁶ Previously this collection was an emergency request in response to Executive Order 14043 which required federal employees to be vaccinated for COVID-19. To meet federal requirements this collection was submitted to OMB as an emergency request.

⁷ Federal Register citation 87 FR 15235 (found at: <https://www.federalregister.gov/documents/2022/03/17/2022-05641/commission-information-collection-activities-ferc-1000-comment-request-extension>)

⁸ Federal Register citation 87 FR 31226 (found at: [Federal Register :: Commission Information Collection Activities \(FERC-1000\); Comment Request; Extension](#))

System of Records Notice (SORN). FERC Form No. 1000 is covered by FERC SORN-24, as revised on November 19, 2021.⁹

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.

The questions included on this form are consistent with the White House and OMB guidance for requesting a medical exemption.

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The estimated annualized respondent burden hours and costs are as follows:

| FERC-1000: Request for a Medical Exception to the COVID-19 Vaccination Requirement | | | | | |
|---|------------------------------|--|--|---|--|
| | Number of Respondents (1) | Annual Number of Responses per Respondent (2) | Total Number of Responses (1)*(2)=(3) | Average Burden & Cost Per Response ¹⁰ (4) | Total Annual Burden Hours & Total Annual Cost (3)*(4)=(5) |
| Medical Provider | 24 | 1 | 24 | 30 minutes (½ hour); \$72 | 720 minutes (12 hours); \$1,728 |

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There are no costs to respondents other than the labor burden costs addressed in Sections 12 and 15 of this document to complete this collection.

⁹ Details on FERC SORNs are listed at <https://www.ferc.gov/privacy/ferc-system-records-notice-sorn>. The SORN for FERC-24 (“Commission Miscellaneous Investigation Files”) is at 65 FR 21742 (April 24, 2000), amended, 86 FR 64923 (November 19, 2021).

¹⁰ Cost estimates are based on industry costs for general internal medicine physicians (NAICS code 29-1216) defined by the [Bureau of Labor Statistics](#). The cost figure for the general internal medicine physicians in 2021 was an average annual salary plus benefits of \$300,076/year or \$144/hour.

14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT

The annualized federal costs are as follows:

| Parts 1 and 2 of FERC Form No. 1000 | Number of Responses Annually (a) | Federal Hours Per Response (b) | Total Hours (column a x column b) (c) | Cost (\$) (column c x \$72.00¹¹) |
|---|---|---------------------------------------|--|--|
| Review, Analysis, & Processing of Parts 1 and 2 of FERC Form No. 1000 | 24 | 1 | 24 | \$1,728 |
| PRA processing | | | | \$8,279 |
| Total | | | | \$10,007 |

15. REASONS FOR CHANGES IN BURDEN INCLUDING THE NEED FOR ANY INCREASE

This information collection has no program changes or adjustments in estimates.

| FERC-1000 | Total Request | Previously Approved | Change due to Agency Adjustment in Estimate | Change Due to Agency Discretion |
|----------------------------|----------------------|----------------------------|--|--|
| Annual Number of Responses | 24 | 24 | 0 | 0 |
| Annual Time Burden (Hours) | 12 | 12 | 0 | 0 |
| Annual Cost Burden (\$) | \$0 | \$0 | \$0 | \$0 |

16. TIME SCHEDULE FOR PUBLICATION OF DATA

The Commission will not publish the results of this information collection.

17. DISPLAY OF EXPIRATION DATE

¹¹ The mean hourly wage plus benefits used in this calculation is \$72.00. The hourly wage of \$45.00 was determined using data of the Office of Personnel Management for GS-14, Step 1 at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/GS_h.pdf, and by using a benefits of multiplier of 1.6 that is implied at <http://www.bls.gov/news.release/ecec.nr0.htm>.

FERC-1000 (OMB Control No. 1902-0320)
Renewal: Docket No. IC22-8-000

FERC is not seeking approval to not display the OMB Control No. and expiration date. FERC provides the OMB Control Numbers of the information collections along with their expiration dates at www.ferc.gov/information-collections.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

The Commission seeks no exception.