

This 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 related to COVID-19 vaccine attestation by prospective new employees to comply with Executive Order 14043, as explained further below.

SUPPORTING STATEMENT

This information collection seeks to establish collection requirements related to COVID-19 vaccine documentation by prospective new employees upon receiving a tentative job offer.

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 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 needed to be fully vaccinated against COVID-19 by November 22, 2021, regardless of where they are working. To ensure compliance with this mandate, the FCC established a requirement for employees to complete and submit a form attesting to their current vaccination status. Since then, the Executive Order was enjoined by a nationwide injunction, which has recently been overturned although this latter decision may still be appealed. Regardless of the status of the Executive Order, the FCC has developed and implemented health and safety protocols to ensure and maintain the safety of all occupants during standard operations and public health emergencies or similar health and safety incidents, such as the current pandemic, and will continue to request that workers report on their vaccination status. For incoming employees not yet on the payroll, however, the FCC is required to obtain OMB approval prior to collecting such information. As such, we now seek approval to collect vaccine documentation from prospective employees after they have received a tentative job offer pending the results of a background and security check.

This information does affect Individuals or households.

This information will be collected informally via an e-mail request, using the following language:

COVID-19 Vaccination Requirement

Pursuant to applicable, governmentwide guidance from the Safer Federal Workforce Task Force, the FCC is requiring information regarding the vaccination status of selected applicants for the purposes of implementing other workplace safety protocols, such as protocols related to masking, physical distancing, testing, travel, and quarantine.

Accordingly, you must inform the FCC of your vaccination status, including submitting proof of COVID-19 vaccination documentation, if applicable, to your servicing HR Specialist via e-mail prior to entering on duty. Information regarding acceptable forms of proof of vaccination may be found here:

<https://www.saferfederalworkforce.gov/faq/vaccinations/>.

Upon entering on duty, you must also submit documentation of vaccination status and proof of vaccination, if applicable, via the FCC vaccination portal at <https://fccprod.servicenowservices.com/vss> *Note-You will not be able to access the FCC vaccination portal until your FCC email account has been successfully established and you are able to logon to the FCC network.*

The Privacy Act Statement for this collection is the following:

Privacy Act Statement

As Privacy Act-protected records, the records that you are providing to the FCC are kept confidential and will not be disclosed except under applicable Privacy Act exceptions, including the routine uses identified in the System of Records Notice “OPM/GOVT-10, Employee Medical File System Records” posted at <https://www.govinfo.gov/content/pkg/FR-2010-06-21/pdf/2010-14838.pdf>.

The Statutory authority for this information collection is contained in Executive Order 14043.

2. *Use of information.* The requirements contained herein are necessary to ensure and maintain the safety of all building occupants during the current pandemic.
3. *Use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.* We anticipate that respondents will submit information electronically by scanning their vaccine documentation.
4. *Efforts to identify duplication.* There will be no duplication of information. The information sought is unique to each employee. The Commission does not otherwise collect this information, and it is not available from other sources.
5. *Impact on small entities.* Respondents are individuals who will be performing work for the FCC, and thus there will be no impact on small entities.
6. *Consequences if information not collected.* Failing to collect the information, or collecting it less frequently, would negatively impact the health and safety of the FCC workforce, and prevent the Commission from complying with Executive Order 14043 if and when the current injunction is permanently lifted.
7. *Special circumstances.* There are no special circumstances associated with this information collection.
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.* As explained above, the information to be collected relates to the vaccination status of individuals who will be performing work for the FCC, which is considered medical in nature and therefore could constitute private matters of a sensitive nature.

12. *Estimates of the hour burden of the collection to respondents.* The following represents the hour burden of the collection of information for whom this notice applies.

a. Number of estimated annual respondents: 200.

b. Total number of annual responses: 200.

c. Frequency of response: One-time reporting requirement.

d. Total estimated annual burden: 0.25 hours per respondent for 200 respondents filing once. Total estimated annual hours burden is calculated as follows:

200 estimated responses x 0.25 hours per response = 50 total estimated burden hours.

e. Total estimate of annual in-house cost to respondents for the hours burden: \$3,428.

f. Explanation of calculation: The Commission expects that the relevant documentation will typically be collected and submitted by prospective employees who will, on average, be offered a salary at a rate equivalent to the hourly rate of a GS-14, Step 5 government staff member (\$68.55/hour). Therefore, the total cost is as follows:

200 estimated responses x 0.25 hours per response x \$68.55/hour = \$3,428.

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 the completed forms will be quick and is 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 200 respondents, 200 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.

18. *Explain any exceptions to the statement certifying compliance with 5 C.F.R. § 1320.9 and the related provisions of 5 C.F.R. § 1320.8(b)(3).* There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

**New Information Collection
Vaccine Attestation Form for Prospective New Employees**

**3060-XXXX
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The Commission does not anticipate that the collection of information will employ statistical methods.