

PAPERWORK REDUCTION ACT SUBMISSION

Supporting Statement

Agency: U.S. Department of Justice
Civil Rights Division
Disability Rights Section

Title: Title II of the Americans with Disabilities Act of 1990/Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form

A. Justification

- 1. Circumstances Of Information Collection:** Pursuant to title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulations, 28 C.F.R. part 35, an individual who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by a public entity may, by himself or herself or by an authorized representative, file a complaint. Any Federal agency that receives a complaint of discrimination by a public entity is required to review the complaint to determine whether it has jurisdiction. If the agency does not have jurisdiction, it must determine, under subpart G of 28 C.F.R. § 35.190, whether it is the designated agency responsible for complaints filed against that public entity.
- 2. Purpose And Use Of Information:** The information to be collected in the form submitted for Office of Management and Budget (OMB) approval is necessary to enable the Department to process and investigate complaints as required by statutory mandate. The use of this collection instrument will facilitate this process by assisting complainants to identify and provide the information necessary to initiate an investigation.
- 3. Use Of Information Technology:** Currently, the form is available on our website (www.ada.gov) and respondents may view, save, or print the form. The Department plans to develop an online version of this form within the next three years.
- 4. Efforts To Identify Duplication:** The form will only be distributed to individual complainants at their request and use of the form is voluntary. If the information provided by a complainant indicates that the complaint should be investigated by another federal agency, the completed form will be forwarded to the investigating agency, thus avoiding any duplicative requests for information.
- 5. Involvement Of Small Entities:** This collection of information does not impact small businesses or other small entities.

6. **Consequences If Information Collection Is Not Conducted Or Is Collected Less Frequently:** If this information were not obtained, the Department would be unable to process and investigate complaints as required by its statutory mandate.
7. **Explanation of Special Circumstances:** None of the listed special circumstances are applicable to this information collection.
8. **Consultations Outside The Agency:** The Department has published a notice in the Federal Register on October 31, 2011 at 76 Fed. Reg. 210, allowing for a 60-day comment period. We received two comments to date. The first comment provided information regarding a local government’s activities and was not germane to this notice. The second comment was regarding the use of an electronic version of the complaint form. Currently, individuals with disabilities can file a complaint via regular mail, fax, e-mail, or phone. No additional electronic collection techniques are required.
9. **Payment To Respondents:** The Department does not provide payments or gifts to respondents in exchange for a benefit sought.
10. **Assurance Of Confidentiality:** A separate document entitled “Privacy Act Statement and Release” describes how information provided to or obtained by the Department of Justice in the course of complaint investigation will be treated by the Department. This document provides a brief overview of the Privacy Act of 1974, 5 U.S.C. § 552a, and the Freedom of Information Act, 5 U.S.C. § 552.
11. **Questions Of A Sensitive Nature:** This section is not applicable. This collection does not request information that is sensitive in nature.
12. **Estimates Of Hour Burden:** The following figures were derived from past experience in past investigations of allegations of discrimination.

a.	Number of respondents	5,000
b.	Number of responses per each respondent	1
c.	Total annual responses	5,000
d.	Number of hours per response	<u>0.75 hours</u>
e.	Total annual reporting burden	3,750 hours
13. **Estimate Of Annualized Cost Burden To Respondents:** There is no capital or start-up cost associated with this information collection. There is no fee charged to individuals who file a title II complaint. The cost to such individuals should be \$0.

- 14. Estimate Of Annualized Cost To The Federal Government:** There is no capital or start-up cost associated with this information collection. The total cost to the Federal government is based on the following:
- a. Printing cost equals the number of respondents times cost per form:
Printing cost = 5,000 x \$0.30 (3 pages @ \$0.10) = \$1500
 - b. Collection and processing cost equals the number of respondents multiplied by the time for collection and processing multiplied by the average hourly rate for clerical and professional time (e.g., the average hourly rate is based on the 2012 GS Salary Table for GS6, Step 1; GS7, Step 2; GS8, Step3; ... to GS15, Step 10):
Collection and processing cost = 5,000 x 1 x \$39 = \$195,000
 - c. Total estimated cost to the Federal government = \$196,500
- 15. Changes In Burden:** This is an extension of a previously approved information collection whose OMB approval will expire on March 31, 2012. There is no change in burden.
- 16. Time Schedule, Publication And Analysis Plans:** The Department does not intend to use statistics or the publication thereof for this collection of information.
- 17. Display of Expiration Date:** The Department is seeking approval to **not display** the expiration date for OMB approval of this information collection. The display of the expiration date would require the Department to pull and destroy current forms in its own inventory as well as in the inventory of other entities with outdated expiration dates which could otherwise still be used by the public. This would become cumbersome and costly to the Department to print and distribute this form.
- 18. Exceptions to Certification Statement:** The Department does not request an exception to the certification of this information collection.

B. Collection Of Information Employing Statistical Methods

This section is not applicable.