

## **SUPPORTING STATEMENT**

**Information Collection Title:** NASA Complaints of Discrimination

**Terms of Clearance:** Existing collection in use without an OMB control number

### **1. JUSTIFICATION**

This information collection is necessary to ensure NASA compliance with the Civil Rights Act of 1964, the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act of 1972, NASA Policy Directive 3713.6P, Delegation of Authority to Act in Manners Pertaining to Discrimination Complaints under 29 CFR Part 1614, and the following NASA policy documents:

NPR/3713.4, NASA Procedural Requirements, Procedures for Discrimination Complaints Based on Sexual Orientation.

It is NASA policy to provide Equal Employment Opportunity (EEO) to members of the public engaged in business with the NASA, and to individuals seeking federal employment regardless of race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, status as a parent, or gender identity. Pursuant to this policy, NASA prohibits discrimination on these bases in the workplace and the Agency's employment practices. NASA strives to provide and maintain a work environment that is free of all forms of discrimination, including discriminatory harassment, as well as reprisal or retaliation for engaging in protected EEO activity. NASA also seeks to address harassing conduct at the earliest possible stage, before it can become severe or pervasive.

Pursuant to MD-715, [EEO Reporting Requirements for Federal Agencies](#), it is also NASA policy to promote the full realization of a model EEO program by effectively considering and addressing concerns that arise under Title VII and Section 501 of the Rehabilitation Act. NASA's efforts to be a model Agency for EEO include identification of and strategies to remove deficiencies in EEO programs and barriers to EEO in any aspect of Agency policies, programs, or practices including, but not limited to, outreach and recruiting, hiring, promoting, training, awareness, and facilities and program accessibility for employees of NASA.

Model EEO efforts include monitoring strategies and employment practices in the areas of hiring, transfers, reassignments, promotions, awards, benefits, and separations. These efforts are undertaken to help gain and maintain a talented NASA workforce that is reflective of the Nation's demographic diversity. This information collection also supports NASA's self-assessment processes in that regard.

**2. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED.**

NASA Office of Equal Employment Opportunity will use the information collection to:

- Comply with the U.S. Equal Employment Opportunity Commission (EEOC) annual reporting requirement through the submittal of EEOC Form 462 which tracks federal agency EEOC program activity to include the number of formal and informal cases. (Individual case information in not included in the annual report.)
- Facilitate communication between the NASA Office of Equal Employment Opportunity and the Complainant(s) and serve as the primary tool to initiate an investigation.
- Track compliance and complaint trends within NASA.

Information submitted by a Complainant is maintained by NASA in accordance with the Privacy Act of 1974 and the NASA Records Retention Schedule (insert appropriate schedule number(s)).

**3. DESCRIBE WHETHER, AND TO WHAT EXTENT, THE COLLECTION OF INFORMATION INVOLVES THE USE OF AUTOMATED, ELECTRONIC, OR OTHER FORMS OF INFORMATION ECHNOLOGY.**

The NASA Complaints of Discrimination form is currently available electronically in an Adobe format. The form can be filled electronically. However, an original signature is required by NASA to process.

**4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION.**

During 2015, a review of forms used at NASA to support the “complaints of discrimination” process was conducted. Duplicate information collection forms/processes were identified and mitigated.

**5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES, DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.**

The collection of information does not impact small businesses or other small entities.

**6. DESCRIBE THE CONSEQUENCE TO THE FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION IS NOT CONDUCTED, OR IS CONDUCTED LESS FREQUENTLY.**

The Equal Employment Opportunity Commission (EEOC) requires federal agencies to implement a program designed to address and eliminate discrimination in the work place, as mandated by Title VII of the Civil Rights Act of 1964. Failure to maintain and regulate a properly functioning program is in violation of the law and could lead to penalty and federal sanction.

NASA collects information necessary to adjudicate and resolve complaints of discrimination.

**7. EXPLAIN ANY SPECIAL CIRCUMSTANCES**

The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

**8. IDENTIFY THE DATE AND PAGE NUMBER OF PUBLICATION IN THE FEDERAL REGISTER OF THE AGENCY'S NOTICE.**

The 60-day FRN, notice number 14-090, was published on August 28, 2014, pages 51363-51363 ( <http://www.gpo.gov/fdsys/pkg/FR-2014-08-28/pdf/2014-20487.pdf> )

Comments were received from the Equal Employment Opportunity Commission directing NASA to update the information collection instrument to include the following:

- a) discrimination based on actual or perceived sexual orientation and/or gender identity
- b) pregnancy/pregnancy discrimination

c) family medical history, after genetic information

The NASA form was updated to reflect the changes.

The 30-day FRN, notice number 15-075 was published on September 14, 2015, page 55152, Volume 80. No.177. No comments were received.

**9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.**

NASA will not provide a payment or gift to respondents.

**10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS.**

Under Title VII, the complainant has a limited right to confidentiality, meaning that information is shared on a need to know basis, with relevant management officials.

All information collected on NASA Form 1355P is covered by the Privacy Act and protected accordingly.

The NASA Form 1355P is also covered by SORN 10EEOR, Equal Opportunity Records:

*SYSTEM NAME:* Equal Opportunity (EO) Records.

*SECURITY CLASSIFICATION:* None.

*CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:*

This system maintains information on current and former employees and applicants for employment who have entered the informal counseling process, who have filed formal complaints, and who have requested reasonable accommodations.

*CATEGORIES OF RECORDS IN THE SYSTEM:*

Equal Employment Opportunity (EEO) informal counseling and formal complaint records; records of requests for reasonable accommodation

**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.**

This NASA Form 1355P does collect information of a sensitive nature to determine the bas(e)s, as defined by Title VII, upon which the Complainant is alleging discrimination to identify areas of discrimination. The Agency utilizes this information to maintain contact with the Complainant, to contact and interview the Complainant and relevant managers and witnesses, and to obtain information from the Center about the data trends of that organizational unit. The information is collected on the NASA Form 1355. The information is only shared with relevant parties and high level officials within the Agency on a need to know basis. The information is not shared with other organizations and is privately stored, as required by The Privacy Act.

**12. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION.**

NASA estimates thirty burden hours annually:

<b>Respondent Category</b>	<b>Number of Responses (within a twelve month period)</b>	<b>Estimated amount of time it will take to read the instructions, gather, the information, complete and submit the form/information collection instrument</b>	<b>Annual Burden Hours</b>
Individual	60	30	30

**13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPERS RESULTING FROM THE COLLECTION OF INFORMATION.**

The respondent's original signature is required on the NASA Form 1355P. Therefore respondents will incur postage cost. That cost is estimated at \$500 per year.

**14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT.**

The estimated annual cost to NASA is \$21,399.23:

- 1) Store 100 forms at .0473 per page = \$4.73
- 2) Employee labor and materials to consolidate the information collected for reporting purposes = GS-14(hourly rate at \$53.00) x 1 hour per form x 60 forms=\$3,180.00
- 3) Employee labor for analyzing, evaluating and reporting (462):
  - a) Annual Maintenance of iComplaints =\$4,634.50
  - b) Annual 462/iComplaints training=\$165.00 x 3 employees=\$495.00
  - c) Maintenance of iComplaints data = GS-11 (hourly rate \$32.25) x 10 hours a pay period x 26 pay periods=\$8,385.00
  - d) Completion of 462:
    - a. GS-11 (hourly rate at \$32.25) x 40 hours x 2=\$2,580.00
    - b. GS-14 (hourly rate at \$53.00) x 40 hours =\$2,120.00

Total estimated annual costs incurred: 1+2+3a+3b+3c+3da+3db = \$21,399.23

**15. EXPLAIN THE REASON FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14.**

There are no program changes or adjustments to report.

**16. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS WILL BE PUBLISHED, OUTLINE PLANS FOR TABULATION, AND PUBLICATION.**

NASA does not publish the results of information collected, however NASA provides information to the EEOC which is published.

The data collected via NASA Form 1355P is used (in part) to complete the EEOC Form 462 (EEOC analytical tool to analyze complaints data.)

NASA utilizes the iComplaints Quality Report Management (QRM) tool and the iComplaints system to prepare the EEOC Form 462 for submittal.

**16. DISPLAY THE EXPIRATION DATE OF THE INFORMATION COLLECTION.**

NASA will display the PRA Statement with the required OMB control number and associated expiration date.

**18. EXPLAIN EXCEPTIONS TO THE CERTIFICATION STATEMENT, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS,"**

NASA does not take exception to the certification statement below:

The proposed collection of information –

(a) is necessary for the proper performance of the functions of NASA, including that the information to be collected will have practical utility;

(b) is not unnecessarily duplicative of information that is reasonably accessible to the agency;

(c) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined in the Regulatory Flexibility Act (5

*U.S.C. 601(6)*), the use of such techniques as:

(1) establishing differing compliance or reporting requirements or timelines that take into account

the resources available to those who are to respond;

(2) the clarification, consolidation, or simplification of compliance and reporting requirements; or

(3) an exemption from coverage of the collection of information, or any part thereof;

(d) is written using plain, coherent, and unambiguous terminology and is understandable to those who are targeted to respond;

(e) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;

(f) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

(g) when applicable, uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

(h) to the maximum extent practicable, uses appropriate information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public; and

(i) will display the required PRA statement with the active OMB control number, as validated on [www.reginfo.gov](http://www.reginfo.gov)

The NASA information collection sponsor is:

Ms. Aisha Moore, NASA Equal Employment Specialist

300 E Streets, S.W.

Washington, D.C. 20546

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This information collection does not employ statistical methods.