

SUPPORTING STATEMENTAL STATEMENT
FOR
PAPERWORK REDUCTION ACT SUBMISSION
OF THE
U.S. OFFICE OF SPECIAL COUNSEL

Justification

1. **Necessity for the Collection.** The mission of the U.S. Office of Special Counsel (OSC) is to protect current and former federal government employees, and applicants for federal employment, especially whistleblowers, from prohibited personnel practices; facilitate disclosures of wrongdoing in the federal government; and promote compliance by government employees with legal restrictions on political activity. OSC carries out this mission by: (1) investigating complaints of prohibited personnel practices, especially reprisal for whistleblowing, and pursuing remedies for violations; (2) operating an independent and secure channel for whistleblower disclosures of wrongdoing in federal agencies, with referral for investigation in appropriate cases; (3) providing advisory opinions on, and enforcing, the Hatch Act; (4) protecting the reemployment rights of veterans under the Uniformed Services Employment and Reemployment Rights Act; and (5) promoting greater understanding of the rights and remedies of federal employees under the statutes enforced by OSC.

The form included in this submission, Form OSC-14, provides potential filers of complaints and whistleblower disclosures with information about OSC's jurisdiction and authorities, and provides OSC with information needed to carry out its investigative, review, and referral functions. Authority for the collection of information in this forms is found at 5 U.S.C. § 1211, et seq., and 5 C.F.R. §§ 1800.1 and 1800.2. OSC is submitting proposed revisions to 5 C.F.R. §§ 1800.1 and 1800.2, along with this proposed collection of information.

2. **Uses of the Information.** OSC employees use the information collected primarily to: (a) investigate and seek appropriate remedies for allegations of prohibited employment practices; and (b) review whistleblower disclosures of wrongdoing in federal agencies, and refer disclosures in appropriate cases to the head of the agency involved for investigation; (c) investigate allegations of a violation of the Hatch Act. The information may also be used for other purposes authorized by the Privacy Act, including routine uses published by OSC pursuant to the act. See Federal Register notice at 77 F.R. 24242 (2012).
3. **Collection Techniques.** The proposed information collection form is posted on OSC's Web site <https://dev.osc.gov/pages/osctest.aspx>. Persons wishing to submit a complaint alleging a prohibited employment practice, a whistleblower disclosure, or an allegation of Hatch Act Violation, will be able to complete and file the form online. Each filer will have the option of printing the form, signing it, and submitting it to OSC by mail for fax. OSC prefers electronic submission. We expect most filers to submit their complete e-forms electronically.

4. **No duplication of effort.** The information to be collected is not otherwise available within OSC. On occasion, complainants or whistleblowers may file the same or a similar complaint or disclosure of information with another federal agency. Any effort by OSC to obtain the same or similar information from those sources would, at a minimum, compromise the identity of complainants and whistleblowers to OSC, and seriously impair OSC efforts to comply with statutory timetables for action on complaints and disclosures. Complainants seeking to establish jurisdiction by the U.S. Merit Systems Protection Board (MSPB) over appeals involving whistleblower reprisal allegations filed with OSC may also use copies of their Form 14 submissions for that purpose.
5. **Minimizing burden.** The only small entities likely to be affected by these collections of information are the legal or other representatives of complainants or whistleblowers submitting complaints or disclosures to OSC on behalf of those individuals. There is no meaningful way to minimize the burden on such entities.
6. **If collection were not conducted.** OSC was created by law to receive, investigate, and take other appropriate action on complaints of prohibited personnel practices and other prohibited activity and on whistleblower disclosures of wrongdoing in federal agencies. If filers of complaints and disclosures did not provide the information contained in the form covered by this submission, OSC could not carry out its statutory responsibilities.
7. **Special circumstances.** There are no special circumstances of the kind described in the instructions.
8. **Federal Register publication.** Not applicable. OSC's proposed information collection is submitted, along with a proposed rule, pursuant to 5 C.F.R. § 1320.11.
9. **Payment of gift to respondents.** Not applicable.
10. **Confidentiality.** This proposed collection will permit filers to request confidentiality in connection with the handling of their complaint or disclosure. Confidentiality is protected consistent with 5 U.S.C. § 552a; 5 U.S.C. § 1212(g) (prohibited personnel practices); 5 U.S.C. § 1213 (whistleblower disclosures); and OSC policy.
11. **Justification for a question of a sensitive nature.** The form does not request information of a sensitive nature. Some submitters, however, may furnish such information to OSC in providing details of the allegations they are making in their complaint or disclosure. Allegations that could include such information are sexual discrimination (including sexual harassment), religious discrimination, or the taking of a personnel action in violation of an employee's First Amendment rights. The same Privacy Act safeguards observed in connection with other OSC investigative file records govern information about such allegations.
12. **Hour burden of the collection of information.** If all complainants alleging a prohibited employment practice use the Form OSC-14, it is estimated that in each year of the three

years covered by this request, 4000 people will spend an average of one hour and 15 minutes to complete the form. It is estimated that if all filers of a whistleblower disclosure use the Form OSC-14, 1835 people will spend an average of one hour to complete the form in each of the years covered by this request. The submitter decides the frequency of submission. It is estimated that if all filers of a Hatch Act complaint use Form OSC-14, 165 people will spend an average of 30 minutes to complete the form in each of the years covered by this request. So for each fiscal year, it is estimated that 6917.5 hours will be spent filing OSC Form-14.

The total estimated number of responses shown on the Form OMB 83-I was calculated based on a review of recent Annual Reports and an analysis of developing trends for this year.

13. **Total Annual Cost Burden.** Costs associated with this information collection are expected to be nominal. Any cost incurred by a filer's reproduction of a personal copy of the complaint or disclosure form submitted to OSC, and by the use of stationery, postage, or a fax machine, are considered to be normal costs incurred as part of customary business or private practices.
14. **Total Annual Cost to the Federal Government.** Estimated development and related costs: system development contractor cost was \$108,700.00; agency staff time spent in support of development was \$63,037.00 (approximately 1,005 hours at a blended hourly rate of \$62.72); preparation of Paperwork Reduction Act clearance and Federal Register materials was \$3,466.00 (approximately 50 hours at a blended hourly rate of \$69.33); Estimated baseline of post-implementation annual maintenance costs is \$7,752.62 (120 hours at a blended hourly rate of \$64.61).
15. **Changes or adjustments.** This is a new collection.
16. **Publication of results.** Statistical data on the number and types of complaints and disclosures received by OSC each fiscal year, including general descriptions of the types of allegations received, are reported by OSC in the annual report to Congress required by law at 5 U.S.C. § 1218.
17. **Reason for not displaying expiration date.** Not applicable