

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

Justification

1. **Necessity for the Collection.** The U.S. Office of Special Counsel (OSC) is statutorily required to conduct this annual survey to obtain responses of individuals who filed matters within the relevant year. The mission of the OSC is to protect current and former federal government employees, and applicants for federal employment, especially whistleblowers, (“filers”) 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 survey questionnaires included in this submission provide filers of complaints and whistleblower disclosures the voluntary opportunity to respond to questions relating to whether the respondent was: (1) apprised of his or her rights; (2) successful at the OSC or at the Merit Systems Protection Board; and (3) satisfied with the treatment received at the OSC. This annual survey is required by Section 13 of Public Law 103-424 (1994), codified at 5 U.S.C. 1212 note (copy attached).

2. **Uses of the Information.** The OSC is required to publish the survey results in the agency’s annual report to Congress. The OSC also uses the information to measure filer satisfaction and review areas for potential program refinement.
3. **Collection Techniques.** The OSC will contact filers to request their voluntary response to the survey, and will provide information to access the survey. As with the annual report survey collection that the Office of Management and Budget (OMB) previously approved, this survey will be hosted by Survey Monkey (<https://www.surveymonkey.com>). Respondents will have the option of completing a survey and submitting it to OSC by mail for fax, but we expect most respondents to submit their answers electronically.

OSC will mail to eligible persons a letter with an anonymously generated survey number, which respondents can use to complete the survey. Because the submissions are electronic and anonymous, we do not compare the list of names of those mailed a survey form/number, with the anonymous survey numbers used, to try to determine who has responded or not. Therefore, we do not resend survey forms out a second time to attempt to increase our response rate.

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4. **No duplication of effort.** The information to be collected is not otherwise available to the OSC. In addition, the OSC is statutorily required to conduct this annual survey.
5. **Minimizing burden.** We estimate that each individual respondent will spend 12 minutes completing the survey. OSC cannot meaningfully reduce that burden. The only small entities that might be affected by this collection of information would be the legal or other representatives of complainants or whistleblowers who would receive the surveys in light of their clients' prior filings. OSC cannot meaningfully reduce that burden on such entities.
6. **If collection were not conducted.** The OSC is statutorily required to conduct this annual survey collection of information, and to include the results of the survey in the agency's annual report to congress. If the collection were not conducted, the OSC could not comply with the statutory requirements that it conduct the survey and report on the results.
7. **Special circumstances.** In response to an Office of Management and Budget comment in a prior approval of this collection, OSC publishes the following statement along with the results: "Due to the low response rate, and lack of geographic diversity among respondents, these results may not be representative samples. OSC is considering ways to improve our response rates and measure nonresponse bias in order to increase the utility if the survey." We invite survey responses from all OSC filers from the relevant year. The geographic locations of those filers determines the geographic diversity of the respondent universe.

OSC requests emergency approval of the collection. Pursuant to 5 C.F.R. § 1320.13, we request that OMB approve this ICR within 5 days of OMB's receipt of this submission.

8. **Federal Register publication.** We have attached the notice submitted to the Federal Register. OSC's proposed information collection is submitted pursuant to 5 C.F.R. § 1320.13.
9. **Payment of gift to respondents.** Not applicable.
10. **Confidentiality.** Respondents will receive a code to access the survey, but the survey does not ask for any personally identifying information (PII). If a respondent provides PII (despite the survey not requesting it), 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 survey does not ask for personally identifying information. Questions that ask about the type of OSC filing the respondent made, and whether he or she was satisfied with the process, are necessary elements of the survey. Those and similar questions are anonymized and do not contain PII.
12. **Hour burden of the collection of information.** Based a review of recent surveys, the OSC estimates that 500 respondents will complete the survey at an average time of 12 minutes per completed survey, for an estimated burden of 100 hours.

13. **Total Annual Cost Burden.** Any cost incurred by a filer's reproduction of a personal copy of the survey, or of opting to submit the survey by mail or fax, is nominal.
14. **Total Annual Cost to the Federal Government.** Estimates of annualized costs to the government are as follows: (a) staff time – approximately based on calculation of rates of pay for estimated 104 hours of staff time at a cost of \$45.58 per hour, for a total of \$4,740.64. The grand total of all costs is \$14,320.64. This cost involves: a) **the survey administrators** (1) to generate new survey announcement letter; (2) to test the electronic form prior to the survey; (3) to generate the file containing the survey letters, (4) to support the calls for requests for new survey numbers or help with browser issues; (5) to renew the contracting service, (6) to coordinate the contract, (7) to collect results and send raw data, (8) to convert the results to Excel and Word, (9) to place those results in the appropriate tables and emails for publishing/distribution; b) **the IT survey administrator** (1) to enable the case management server, (2) to create a test version, (3) to generate the survey numbers; c) **the Finance supervisor** to review the work of the survey administrator; and d) **the contracted services**, which include (1) the fulfillment agency which prints, processes and mails out the surveys, (2) the electronic survey tool provide, and (3) the vendor costs for printing of the Annual Report done primarily for the purpose of reporting survey results. The costs for these three components are approximately \$9,580.00.
15. **Changes or adjustments.** This is an emergency request for reinstatement without change of a previously approved collection for which approval has expired. This collection is unchanged since OMB last approved it in 2015.
16. **Publication of results.** OSC will publish the survey results in the agency's annual report to Congress.
17. **Reason for not displaying expiration date.** Not applicable.
18. **Exceptions to Certification.** Not applicable.

5 USC Sec. 1212 note

ANNUAL SURVEY OF INDIVIDUALS SEEKING ASSISTANCE

Section 13 of Pub. L. 103-424 provided that:

The Office of Special Counsel shall, after consulting with the Office of Policy and Evaluation of the Merit Systems Protection Board, conduct an annual survey of all individuals who contact the Office of Special Counsel for assistance. The survey shall -

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"(1) determine if the individual seeking assistance was fully apprised of their rights;

"(2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and

"(3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel."(b) Report. - The results of the survey conducted under subsection (a) shall be published in the annual report of the Office of Special Counsel."