

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

Form Name: Form OSC-14: Electronic Submission of Allegations and Disclosures

OMB Control Number: 3255-0005

ICR Reference Number: 201907-3255-002

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 form is found at 5 U.S.C. § 1211, *et seq.*, and 5 C.F.R. §§ 1800.1 and 1800.2.

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; (b) review whistleblower disclosures of wrongdoing in federal agencies, and refer disclosures in appropriate cases to the head of the agency involved for investigation; and/or (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 82 FR 45076-01 (2017).
3. **Collection Techniques.** The proposed information collection form is posted on OSC's website at <https://osc.gov/Resources/OSC%20Form-14%20Full%20Form.pdf>. Persons submitting complaints 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.

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 pursuant to 5 C.F.R. § 1320.11 (the final rule was published at 82 FR 26739 and is effective August 26, 2019; *see* 84 FR 35515 (2019)).
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 filers use the Form OSC-14, it is estimated that in a year, 6000 people will file a complaint. Each filer will spend an average of one hour and 15 minutes to complete the form, which is an estimated 6,918 hours for each fiscal 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 is \$0.00.
15. **Changes or adjustments.** This is a revised 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