

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: 202604-3255-001

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. Statutes oblige OSC to: (1) receive and investigate complaints of prohibited personnel practices, and pursue remedies for violations; (2) operate an independent and secure channel for whistleblower disclosures of wrongdoing in federal agencies, with referral for investigation in appropriate cases; (3) provide advisory opinions on, and enforce, the Hatch Act; (4) protect the reemployment rights of veterans under the Uniformed Services Employment and Reemployment Rights Act; and (5) promote 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. §§ 1212, 1213, 1214, 1216; 5 C.F.R. §§ 1800.1 and 1800.2(c).

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://www.osc.gov/file-complaint/oscform-14/>. 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 in a web-based application available at <https://www.osc.gov/file-complaint/>. The web-based application allows for quicker processing and routing of complaints in OSC's electronic case management system. The web portal also creates a copy for filers, eliminating the burden of photocopying for a printed form.

4. **No duplication of effort.** The information to be collected is not otherwise available within OSC or other agencies. 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.** 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. 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.
7. **Special circumstances.** There are no special circumstances of the kind described in the instructions.
8. **Federal Register publication.** OSC published the proposed information collection on September 12, 2025; *see* 90 FR 44253 (2025) and again on January 22, 2026; *see* 91 FR 2804.
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. The Bureau of Labor Statistics (BLS) gathers information on full-time wage and salary workers. According to the latest available BLS data, the mean hourly wage is \$32.66 based on the BLS wage code – “00-0000 All Occupations.” This information was taken from the following website: <https://data.bls.gov/oes/#/industry/000000>. Therefore, the annualized cost for filers is \$225,941.88

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 are considered 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 collection is identical to the one OMB approved in 2020 and again in 2023.
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.
18. **Exceptions to Certification.** Not applicable.

5 U.S.C. § 1212. Powers and functions of the Office of Special Counsel

- (a) The Office of Special Counsel shall-
- (1) in accordance with section 1214(a) and other applicable provisions of this subchapter, protect employees, former employees, and applicants for employment from prohibited personnel practices;
 - (2) receive and investigate allegations of prohibited personnel practices, and, where appropriate-
 - (A) bring petitions for stays, and petitions for corrective action, under section 1214; and
 - (B) file a complaint or make recommendations for disciplinary action under section 1215;
 - (3) receive, review, and, where appropriate, forward to the Attorney General or an agency head under section 1213, disclosures of violations of any law, rule, or regulation, or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;
 - (4) review rules and regulations issued by the Director of the Office of Personnel Management in carrying out functions under section 1103 and, where the Special Counsel finds that any such rule or regulation would, on its face or as implemented, require the commission of a prohibited personnel practice, file a written complaint with the Board; and
 - (5) investigate and, where appropriate, bring actions concerning allegations of violations of other laws within the jurisdiction of the Office of Special Counsel (as referred to in section 1216).
- (b)(1) The Special Counsel and any employee of the Office of Special Counsel designated by the Special Counsel may administer oaths, examine witnesses, take depositions, and receive evidence.
- (2) The Special Counsel may-
- (A) issue subpoenas; and
 - (B) order the taking of depositions and order responses to written interrogatories; in the same manner as provided under section 1204.
- (3)(A) In the case of contumacy or failure to obey a subpoena issued under paragraph (2)(A), the Special Counsel may apply to the Merit Systems Protection Board to enforce the subpoena in court pursuant to section 1204(c).
- (B) A subpoena under paragraph (2)(A) may, in the case of any individual outside the territorial jurisdiction of any court of the United States, be served in the manner referred to in subsection (d) of section 1204, and the United States District Court for the District of Columbia may, with respect to any such individual, compel compliance in accordance with such subsection.
- (4) Witnesses (whether appearing voluntarily or under subpoena) shall be paid the same fee and mileage allowances which are paid subpoenaed witnesses in the courts of the United States.
- (c)(1) Except as provided in paragraph (2), the Special Counsel may as a matter of right intervene or otherwise participate in any proceeding before the Merit Systems Protection Board, except that the Special Counsel shall comply with the rules of the Board.
- (2) The Special Counsel may not intervene in an action brought by an individual under section 1221, or in an appeal brought by an individual under section 7701, without the consent of such individual.
- (d)(1) The Special Counsel may appoint the legal, administrative, and support personnel necessary to perform the functions of the Special Counsel.
- (2) Any appointment made under this subsection shall be made in accordance with the provisions of this title, except that such appointment shall not be subject to the approval or supervision of the Office of Personnel Management or the Executive Office of the President (other than approval required under section 3324 or subchapter VIII of chapter 33).
- (e) The Special Counsel may prescribe such regulations as may be necessary to perform the functions of the Special Counsel. Such regulations shall be published in the Federal Register.
- (f) The Special Counsel may not issue any advisory opinion concerning any law, rule, or regulation (other than an advisory opinion concerning chapter 15 or subchapter III of chapter 73).
- (g)(1) The Special Counsel may not respond to any inquiry or disclose any information from or about any person making an allegation under section 1214(a), except in accordance with the provisions of section 552a of title 5, United States Code, or as required by any other applicable Federal law.
- (2) Notwithstanding the exception under paragraph (1), the Special Counsel may not respond to any inquiry concerning an evaluation of the work performance, ability, aptitude, general qualifications, character, loyalty, or suitability for any personnel action of any person described in paragraph (1)-
- (A) unless the consent of the individual as to whom the information pertains is obtained in advance; or
 - (B) except upon request of an agency which requires such information in order to make a determination concerning an individual's having access to the information unauthorized disclosure of which could be expected to cause exceptionally grave damage to the national security.
- (h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to section 2302(b)(8) or (9), or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b)(8) or (9) and the impact court decisions would have on the enforcement of such provisions of law.
- (2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described under subsection (a).

5 U.S.C. §1213. Provisions relating to disclosures of violations of law, gross mismanagement, and certain other matters

- (a) This section applies with respect to-
- (1) any disclosure of information by an employee, former employee, or applicant for employment which the employee, former employee, or applicant reasonably believes evidences-
 - (A) a violation of any law, rule, or regulation; or
 - (B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; and
 - (2) any disclosure by an employee, former employee, or applicant for employment to the Special Counsel or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures of information which the employee, former employee, or applicant reasonably believes evidences-
 - (A) a violation of any law, rule, or regulation; or
 - (B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
- (b) Whenever the Special Counsel receives information of a type described in subsection (a) of this section, the Special Counsel shall review such information and, within 15 days after receiving the information, determine whether there is a substantial likelihood that the information discloses a violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.
- (c)(1) Subject to paragraph (2), if the Special Counsel makes a positive determination under subsection (b) of this section, the Special Counsel shall promptly transmit the information with respect to which the determination was made to the appropriate agency head and require that the agency head-
- (A) conduct an investigation with respect to the information and any related matters transmitted by the Special Counsel to the agency head; and
 - (B) submit a written report setting forth the findings of the agency head within 60 days after the date on which the information is transmitted to the agency head or within any longer period of time agreed to in writing by the Special Counsel.
- (2) The Special Counsel may require an agency head to conduct an investigation and submit a written report under paragraph (1) only if the information was transmitted to the Special Counsel by-
- (A) an employee, former employee, or applicant for employment in the agency which the information concerns; or
 - (B) an employee who obtained the information in connection with the performance of the employee's duties and responsibilities.
- (d) Any report required under subsection (c) shall be reviewed and signed by the head of the agency and shall include-
- (1) a summary of the information with respect to which the investigation was initiated;
 - (2) a description of the conduct of the investigation;
 - (3) a summary of any evidence obtained from the investigation;
 - (4) a listing of any violation or apparent violation of any law, rule, or regulation; and
 - (5) a description of any action taken or planned as a result of the investigation, such as-
 - (A) changes in agency rules, regulations, or practices;
 - (B) the restoration of any aggrieved employee;
 - (C) disciplinary action against any employee; and
 - (D) referral to the Attorney General of any evidence of a criminal violation.
- (e)(1) Any such report shall be submitted to the Special Counsel, and the Special Counsel shall transmit a copy to the complainant, except as provided under subsection (f) of this section. The complainant may submit comments to the Special Counsel on the agency report within 15 days of having received a copy of the report.
- (2) Upon receipt of any report of the head of an agency required under subsection (c) of this section, the Special Counsel shall review the report and determine whether-
- (A) the findings of the head of the agency appear reasonable; and
 - (B) the report of the agency under subsection (c)(1) of this section contains the information required under subsection (d) of this section.
- (3) The Special Counsel shall transmit any agency report received pursuant to subsection (c) of this section, any comments provided by the complainant pursuant to subsection (e)(1), and any appropriate comments or recommendations by the Special Counsel to the President and the congressional committees with jurisdiction over the agency which the disclosure involves.
- (4) Whenever the Special Counsel does not receive the report of the agency within the time prescribed in subsection (c)(2) of this section, the Special Counsel shall transmit a copy of the information which was transmitted to the agency head to the President and the congressional committees with jurisdiction over the agency which the disclosure involves together with a statement noting the failure of the head of the agency to file the required report.
- (f) In any case in which evidence of a criminal violation obtained by an agency in an investigation under subsection (c) of this section is referred to the Attorney General-
- (1) the report shall not be transmitted to the complainant; and
 - (2) the agency shall notify the Office of Personnel Management and the Office of Management and Budget of the

referral.

(g)(1) If the Special Counsel receives information of a type described in subsection (a) from an individual other than an individual described in subparagraph (A) or (B) of subsection (c)(2), the Special Counsel may transmit the information to the head of the agency which the information concerns. The head of such agency shall, within a reasonable time after the information is transmitted, inform the Special Counsel in writing of what action has been or is being taken and when such action shall be completed. The Special Counsel shall inform the individual of the report of the agency head.

(2) If the Special Counsel receives information of a type described in subsection (a) from an individual described in subparagraph (A) or (B) of subsection (c)(2), but does not make a positive determination under subsection (b), the Special Counsel may transmit the information to the head of the agency which the information concerns, except that the information may not be transmitted to the head of the agency without the consent of the individual. The head of such agency shall, within a reasonable time after the information is transmitted, inform the Special Counsel in writing of what action has been or is being taken and when such action will be completed. The Special Counsel shall inform the individual of the report of the agency head.

(3) If the Special Counsel does not transmit the information to the head of the agency under paragraph (2), the Special Counsel shall inform the individual of-

(A) the reasons why the disclosure may not be further acted on under this chapter; and

(B) other offices available for receiving disclosures, should the individual wish to pursue the matter further.

(h) The identity of any individual who makes a disclosure described in subsection (a) may not be disclosed by the Special Counsel without such individual's consent unless the Special Counsel determines that the disclosure of the individual's identity is necessary because of an imminent danger to public health or safety or imminent violation of any criminal law.

(i) Except as specifically authorized under this section, the provisions of this section shall not be considered to authorize disclosure of any information by any agency or any person which is-

(1) specifically prohibited from disclosure by any other provision of law; or

(2) specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

5 U.S.C. §1214. Investigation of prohibited personnel practices; corrective action

(a)(1)(A) The Special Counsel shall receive any allegation of a prohibited personnel practice and shall investigate the allegation to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken.

(B) Within 15 days after the date of receiving an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel shall provide written notice to the person who made the allegation that-

(i) the allegation has been received by the Special Counsel; and

(ii) shall include the name of a person at the Office of Special Counsel who shall serve as a contact with the person making the allegation.

(C) Unless an investigation is terminated under paragraph (2), the Special Counsel shall-

(i) within 90 days after notice is provided under subparagraph (B), notify the person who made the allegation of the status of the investigation and any action taken by the Office of the Special Counsel since the filing of the allegation;

(ii) notify such person of the status of the investigation and any action taken by the Office of the Special Counsel since the last notice, at least every 60 days after notice is given under clause (i); and

(iii) notify such person of the status of the investigation and any action taken by the Special Counsel at such time as determined appropriate by the Special Counsel.

(D) No later than 10 days before the Special Counsel terminates any investigation of a prohibited personnel practice, the Special Counsel shall provide a written status report to the person who made the allegation of the proposed findings of fact and legal conclusions. The person may submit written comments about the report to the Special Counsel. The Special Counsel shall not be required to provide a subsequent written status report under this subparagraph after the submission of such written comments.

(2)(A) If the Special Counsel terminates any investigation under paragraph (1), the Special Counsel shall prepare and transmit to any person on whose allegation the investigation was initiated a written statement notifying the person of-

(i) the termination of the investigation;

(ii) a summary of relevant facts ascertained by the Special Counsel, including the facts that support, and the facts that do not support, the allegations of such person;

(iii) the reasons for terminating the investigation; and

(iv) a response to any comments submitted under paragraph (1)(0).

(B) A written statement under subparagraph (A) may not be admissible as evidence in any judicial or administrative proceeding, without the consent of the person who received such statement under subparagraph (A).

(3) Except in a case in which an employee, former employee, or applicant for employment has the right to appeal directly to the Merit Systems Protection Board under any law, rule, or regulation, any such employee, former employee, or applicant shall seek corrective action from the Special Counsel before seeking corrective action from the Board. An employee, former employee, or applicant for employment may seek corrective action from the Board under section 1221, if such employee, former employee, or applicant seeks corrective action for a prohibited personnel practice described in section 2302(b)(8) or section 2302(b)(9)(A)(i), (B), (C), or (D) from the Special Counsel and-

(A)(i) the Special Counsel notifies such employee, former employee, or applicant that an investigation concerning such employee, former employee, or applicant has been terminated; and

(ii) no more than 60 days have elapsed since notification was provided to such employee, former employee, or applicant for employment that such investigation was terminated; or

(B) 120 days after seeking corrective action from the Special Counsel, such employee, former employee, or applicant has not been notified by the Special Counsel that the Special Counsel shall seek corrective action on behalf of such employee, former employee, or applicant.

(4) If an employee, former employee, or applicant seeks a corrective action from the Board under section 1221, pursuant to the provisions of paragraph (3)(8), the Special Counsel may continue to seek corrective action personal to such employee, former employee, or applicant only with the consent of such employee, former employee, or applicant.

(5) In addition to any authority granted under paragraph (1), the Special Counsel may, in the absence of an allegation, conduct an investigation for the purpose of determining whether there are reasonable grounds to believe that a prohibited personnel practice (or a pattern of prohibited personnel practices) has occurred, exists, or is to be taken.

(b)(1)(A)(i) The Special Counsel may request any member of the Merit Systems Protection Board to order a stay of any personnel action for 45 days if the Special Counsel determines that there are reasonable grounds to believe that the personnel action was taken, or is to be taken, as a result of a prohibited personnel practice.

(ii) Any member of the Board requested by the Special Counsel to order a stay under clause (i) shall order such stay unless the member determines that, under the facts and circumstances involved, such a stay would not be appropriate.

(iii) Unless denied under clause (ii), any stay under this subparagraph shall be granted within 3 calendar days (excluding Saturdays, Sundays, and legal holidays) after the date of the request for the stay by the Special Counsel.

(B) The Board may extend the period of any stay granted under subparagraph (A) for any period which the Board considers appropriate.

(C) The Board shall allow any agency which is the subject of a stay to comment to the Board on any extension of stay proposed under subparagraph (B).

(D) A stay may be terminated by the Board at any time, except that a stay may not be terminated by the Board-

(i) on its own motion or on the motion of an agency, unless notice and opportunity for oral or written comments are first provided to the Special Counsel and the individual on whose behalf the stay was ordered; or

(ii) on motion of the Special Counsel, unless notice and opportunity for oral or written comments are first provided to the individual on whose behalf the stay was ordered.

(2)(A)(i) Except as provided under clause (ii), no later than 240 days after the date of receiving an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel shall make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken.

(ii) If the Special Counsel is unable to make the required determination within the 240-day period specified under clause (i) and the person submitting the allegation of a prohibited personnel practice agrees to an extension of time, the determination shall be made within such additional period of time as shall be agreed upon between the Special Counsel and the person submitting the allegation.

(B) If, in connection with any investigation, the Special Counsel determines that there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken which requires corrective action, the Special Counsel shall report the determination together with any findings or recommendations to the Board, the agency involved and to the Office of Personnel Management, and may report such determination, findings and recommendations to the President. The Special Counsel may include in the report recommendations for corrective action to be taken.

(C) If, after a reasonable period of time, the agency does not act to correct the prohibited personnel practice, the Special Counsel may petition the Board for corrective action.

(D) If the Special Counsel finds, in consultation with the individual subject to the prohibited personnel practice, that the agency has acted to correct the prohibited personnel practice, the Special Counsel shall file such finding with the Board, together with any written comments which the individual may provide.

(E) A determination by the Special Counsel under this paragraph shall not be cited or referred to in any proceeding under this paragraph or any other administrative or judicial proceeding for any purpose, without the consent of the person submitting the allegation of a prohibited personnel practice.

(3) Whenever the Special Counsel petitions the Board for corrective action, the Board shall provide an opportunity for-

(A) oral or written comments by the Special Counsel, the agency involved, and the Office of Personnel Management; and

(B) written comments by any individual who alleges to be the subject of the prohibited personnel practice.

(4)(A) The Board shall order such corrective action as the Board considers appropriate, if the Board determines that the Special Counsel has demonstrated that a prohibited personnel practice, other than one described in section 2302(b)(8) or section 2302(b)(9)(A)(i), (B), (C), or (D), has occurred, exists, or is to be taken.

(B)(i) Subject to the provisions of clause (ii), in any case involving an alleged prohibited personnel practice as described under section 2302(b)(8) or section 2302(b)(9)(A)(i), (B), (C), or (D), the Board shall order such corrective action as the Board considers appropriate if the Special Counsel has demonstrated that a disclosure or protected activity described under section 2302(b)(8) or section 2302(b)(9)(A)(i), (B), (C), or (D) was a contributing factor in the personnel action which was taken or is to be taken against the individual.

(ii) Corrective action under clause (i) may not be ordered if, after a finding that a protected disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have taken the same personnel action in the absence of such disclosure.

(c)(1) Judicial review of any final order or decision of the Board under this section may be obtained by any employee, former employee, or applicant for employment adversely affected by such order or decision.

(2) A petition for review under this subsection shall be filed with such court, and within such time, as provided for under section 7703(b).

(d)(1) If, in connection with any investigation under this subchapter, the Special Counsel determines that there is reasonable cause to believe that a criminal violation has occurred, the Special Counsel shall report the determination to the Attorney General and to the head of the agency involved, and shall submit a copy of the report to the Director of the Office of Personnel Management and the Director of the Office of Management and Budget.

(2) In any case in which the Special Counsel determines that there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken, the Special Counsel shall proceed with any investigation or proceeding unless-

(A) the alleged violation has been reported to the Attorney General; and

(B) the Attorney General is pursuing an investigation, in which case the Special Counsel, after consultation with the Attorney General, has discretion as to whether to proceed.

(e) If, in connection with any investigation under this subchapter, the Special Counsel determines that there is reasonable cause to believe that any violation of any law, rule, or regulation has occurred other than one referred to in subsection (b) or (d), the Special Counsel shall report such violation to the head of the agency involved. The Special Counsel shall require, within 30 days after the receipt of the report by the agency, a certification by the head of the agency which states-

(1) that the head of the agency has personally reviewed the report; and

(2) what action has been or is to be taken, and when the action will be completed.

(f) During any investigation initiated under this subchapter, no disciplinary action shall be taken against any employee for any alleged prohibited activity under investigation or for any related activity without the approval of the Special Counsel.

(g) If the Board orders corrective action under this section, such corrective action may include-

(1) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

(2) reimbursement for attorney's fees, back pay and related benefits, medical costs incurred, travel expenses, any other reasonable and foreseeable consequential damages, and compensatory damages (including interest, reasonable expert witness fees, and costs).

(h) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.

5 U.S.C. §1216. Other matters within the jurisdiction of the Office of Special Counsel

(a) In addition to the authority otherwise provided in this chapter, the Special Counsel shall, except as provided in subsection (b), conduct an investigation of any allegation concerning-

(1) political activity prohibited under subchapter III of chapter 73, relating to political activities by Federal employees;

(2) political activity prohibited under chapter 15, relating to political activities by certain State and local officers and employees;

(3) arbitrary or capricious withholding of information prohibited under section 552, except that the Special Counsel shall make no investigation of any withholding of foreign intelligence or counterintelligence information the disclosure of which is specifically prohibited by law or by Executive order;

(4) activities prohibited by any civil service law, rule, or regulation, including any activity relating to political intrusion in personnel decisionmaking; and

(5) involvement by any employee in any prohibited discrimination found by any court or appropriate administrative authority to have occurred in the course of any personnel action.

(b) The Special Counsel shall make no investigation of any allegation of any prohibited activity referred to in subsection (a)(5), if the Special Counsel determines that the allegation may be resolved more appropriately under an administrative appeals procedure.

(c) If the Special Counsel receives an allegation concerning any matter under paragraph (1), (3), (4), or (5) of subsection (a), the Special Counsel may investigate and seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.

This content is from the eCFR and is authoritative but unofficial.

Title 5 —Administrative Personnel Chapter

VIII —Office of Special Counsel

Part 1800 —Filing of Complaints and Allegations

Authority: 5 U.S.C. 301, 1212(e).

Source: 87 FR 63405, Oct. 19, 2022, unless otherwise noted.

§ 1800.1 Scope and purpose.

The purpose of this part is to implement the U.S. Office of Special Counsel's (OSC) authorities at 5 U.S.C. 1212-1216 and should be read in concert with these statutory provisions. This part does not create new individual rights but instead is intended to inform individuals of filing options they may be entitled to under 5 U.S.C. 1212-1216, and 2302. Individuals are encouraged to go to OSC's website at <https://osc.gov> for more information about the OSC complaint form that should be used when filing with OSC.

This content is from the eCFR and is authoritative but unofficial.

Title 5 —Administrative Personnel

Chapter VIII —Office of Special Counsel

Part 1800 —Filing of Complaints and Allegations

Authority: 5 U.S.C. 301, 1212(e).

Source: 87 FR 63405, Oct. 19, 2022, unless otherwise noted.

§ 1800.2 Filing complaints of prohibited personnel practices or other prohibited activities.

- (c) *Procedures for filing complaints alleging prohibited personnel practices or other prohibited activities (other than the Hatch Act).*
- (1) Anyone may file a complaint with OSC alleging one or more prohibited personnel practices, or other prohibited activities within OSC's investigative jurisdiction. The OSC complaint form must be used to file all such complaints.
 - (2) OSC will not process a complaint filed in any format other than the completed OSC complaint form designated in paragraph (c)(1) of this section. OSC will, however, accept material supplementing the contents of Form 14, as long as the filer also submits a signed form. If a filer does not use this form to submit a complaint, OSC will provide the filer with information about the form and obtain a signature on the form. The OSC complaint form will be considered to be filed on the date on which OSC receives a completed form.
 - (3) The OSC complaint form requests that the filer provide basic information about the alleged prohibited personnel practices or other prohibited activities. A complaint may be amended to clarify or include additional allegations. A complaint is sufficient for investigation when OSC receives information identifying the parties, identifying any relevant personnel action(s), and describing generally the practices or activities at issue.
 - (4) The OSC complaint form is available:
 - (i) Online at: <https://osc.gov> (to print out and complete on paper, or to complete online);
 - (ii) By writing to OSC at: U.S. Office of Special Counsel, 1730 M Street NW, Suite 218, Washington, DC 20036-4505; or
 - (iii) By calling OSC at: (800) 872-9855 (toll-free), or (202) 804-7000 (in the Washington, DC area).
 - (5) A complainant can file a completed OSC complaint form:
 - (i) *Electronically at:*
<https://osc.gov>;
 - (ii) *By email to:*
info@osc.gov; or
 - (iii) *By mail to:* U.S. Office of Special Counsel, 1730 M Street NW, Suite 218, Washington, DC 20036-4505.

[87 FR 63405, Oct. 19, 2022, as amended at 90 FR 17887, Apr. 30, 2025]

