

SUPPORTING STATEMENT A
U.S. OFFICE OF SPECIAL COUNSEL

Justification

1. **Necessity for 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 employment 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 employment 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 screen shots included in this submission (to be provided as a separate attachment, U.S. Office of Special Counsel (OSC) Annual Survey, provides filers of complaints and whistleblower disclosures whose cases have closed during the fiscal year with the opportunity to rate our agency's quality of service provided. Authority for the collection of information in these forms is found at 5 U.S.C. § 1212 (copy attached).

2. **Uses of Information.** OSC employees use the information collected primarily to meet our statutory requirement that an annual survey be conducted, and to publish the results in our Annual Report to Congress. Since the survey is conducted anonymously, we do not know the breakout geographically of those complainants who responded, and therefore have not labeled our survey as being of "national scope". The results and comments made by participants are reviewed and analyzed by unit chiefs for their own internal consumption, and by the survey administrator for analysis in the Annual Report. The questions themselves used for the survey **have not** changed. The number of response totals for each question are published in the Annual Report, along with comments made concerning any visible trends found by comparing with previous fiscal year results. We have no record of Congress having commented specifically about our survey results, but in the past, when they were not ready for timely publication, they were always included in the succeeding Annual Report to Congress.
3. **Collection techniques.** We have been using an electronically based survey exclusively since 2005. Prior to 2005, a paper survey was exclusively used. The survey is available after the close of each fiscal year, for a 30 business day period, at: <http://www.osc.gov/esurvey>. Persons eligible to participate in our survey on a voluntary basis are mailed a letter with an anonymously generated survey number, which when used in conjunction with the link provided to them in their letter, they can go online and fill in the survey and submit it. Because the submissions are done electronically, and

anonymously, we do not match 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. We found by comparing the rate of response before and after the electronic based survey was implemented, that the response rate was not lowered by eliminating the paper based survey. We also observed that the quality of data of the electronic survey was superior, in two ways: comments are entirely legible, since they are typed in rather than handwritten, and responses must be filled in on the electronic form prior to submission, or the submission will fail.

4. **No duplication of effort.** The information to be collected is not otherwise available within OSC, especially in light of the fact that the information is collected anonymously.
5. **Minimizing burden.** There is no meaningful way to minimize the burden on the individuals who voluntarily participate in the survey. The fact that we changed from a written form, to an electronically available survey was the best way we had to minimize the burden to the public.
6. **If collection were not conducted.** OSC was created by law to receive, investigate, and take other appropriate action on complaints of prohibited employment activity and other prohibited activity and on whistleblower disclosures of wrongdoing in federal agencies. If filers of complaints and disclosures whose cases have closed did not provide the information contained in the survey, OSC could not carry out its statutory responsibility to both conduct the survey, and publish its results in the Annual Report. We do not term our survey 'national' because there is no distinction in cases based upon geographic area. Additionally, a case in the Washington DC area, can be handled by staff in our Oakland field office. The trends in the responses have been stable over the years we have conducted the survey. The highest level of satisfaction is with cases involving the Hatch Act Unit.
7. **Special Circumstances.** There are no special circumstances of the kind described in the instructions.
8. **Federal Register publication.** Two initial notices were published in the Federal Register on April 16, 2012 at 77 FR 22614 and on May 15, 2012 at 77 FR 28638. On June 18th, 2012, OSC's final notice and request for comment on the survey (see 2012-14726) was published in the Federal Register. OSC received no correspondence in relation to the renewal of the survey form.
9. **Payment or gift to respondents.** Not applicable.
10. **Confidentiality.** The OSC survey form is filled out by complainants and whistleblowers anonymously, and the submission is anonymous unless the applicant chooses to disclose their name in the comments field. Nevertheless, the results of the survey that are published in the Annual Report are also of an anonymous nature.

11. **Justification for Questions of a Sensitive Nature.** The survey form does not request information of a sensitive nature. Some submitters, however, may furnish such information to OSC in the comments block of the survey.
12. **Hour burden of the collection of information.** If the traditional 15% of complainants and whistleblowers volunteer to participate in the survey and fill out the electronic form, it is estimated that in each year of the three years covered by this request, 960 people will spend an average of 20 minutes to complete the form. Submissions can be made daily throughout the 30 business day period for the previous fiscal year for which the survey is being conducted. The reason that it takes this amount of time to conduct the survey, is that most respondents include a narrative at the end of the survey prior to final submission. The total estimated number of responses was calculated based on reference to FY 2011 Annual Report survey tables.
13. **Total Annual Cost Burden.** Costs associated with this information collection are expected to be non-existent.
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 480 hours of staff time at a cost of \$50.00 per hour, for a total of \$24,000.00. This cost involves: a). **the survey administrator** (1.) to generate new survey announcement letter; (2.) to test the electronic form prior to the survey; (3.) to support the calls for requests for new survey numbers or help with browser issues; (4.) to convert the results to Excel and Word; (4.) to place those results in the appropriate tables and emails for publishing/distribution b). **the IT survey administrator:** (1.) to generate the survey numbers, (2.) to generate the survey letters, (3.) to enable the survey server, (4) to create a test version, (5.) to generate survey numbers, (6.) to print out our mailing list of individuals with closed cases during the fiscal year being surveyed; (7.) to renew the contracting service, (8.) to coordinate the contract; (9). to collect results and send raw data. And c). **the contracted mailing agency:** to handle the mailing and processing of the survey letters. The processing and mailing costs for the survey letters sent out each year at the start of the survey costs approximately \$1700.00.
15. **Changes or Adjustments.** The percentage of respondents to the survey has not noticeably changed since we became involved in the process. The questions used in the survey, and the procedures used, have not changed since our previous approval of the survey. The burden estimate was adjusted to reflect a change in the estimate the average time to complete the survey.
16. **Publication of Results.** Statistical data on the number of surveys mailed, the number responded to, and the types of responses received concerning our quality of service provided, are reported by OSC in the annual report to Congress required by law at 5 U.S.C. § 1212. The survey results are published using tables in Microsoft Word. What is reported is what is required based on our statutory requirement: the response rates, and the answers to the questions asked which relate to our quality of service. These findings are analyzed based on the levels of satisfaction being compared between the different units, when wide

differences occur. An attempt is made to analyze these differences in the light of the nature of the complainants cases, i.e., a Hatch Act complaint is very dissimilar from a USERRA complaint. Each of the complainant types has a separate set of tables which display these results.

17. **Reason for not displaying expiration date.** Not applicable.
18. **Exceptions to Certification.** Not applicable.

5 USC Sec. 1212
01/03/2012 (112-90)

AMENDMENTS

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 -

- "(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."