



U.S. OFFICE OF SPECIAL COUNSEL

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U.S. Office of Special Counsel

Accompanying Justifications to the FAIR - for Use of Commercial Reason Code A

W000:

In this category there are several individuals at OSC who each perform a small amount of activities that qualify as commercial. The only one that is significant according to the guidance is .5 of an FTE in the Management and Budget Division, which is spent on working with the various operating units of the agency to develop customer requirements upon which the IT branch can act.

Due to the benefit that OSC receives from this individual's non-commercial work, we have decided against private sector competition for the portions of work that qualify as commercial. The noncommercial portion of this work is essential to OSC's budget and must be handled by a government employee.

C000:

This 1 FTE is performed by a federal career intern in a formalized program, the purpose of which is to enable recruitment of quality future government employees after two years of evaluation as an intern.

Y403:

Half of this 4 FTE category consists of two paralegals in OSC's customer service unit. These are the only two paralegals in the agency, and we have decided not to open these positions to private sector competition because 1) we want to develop the paralegal skill set within the agency, and 2) one of the mission critical functions of paralegals in OSC is to handle the "Officer of the Week" function, where incoming calls and queries from complainants are handled by a knowledgeable and trained OSC employee. Paralegals are perfect for this because they have legal knowledge and training, while providing a way for OSC to avoid continually tying up an OSC attorney as Officer of the Week.

Further, these paralegal positions serve as training ground for possible positions within other operating divisions within the agency. OSC requires a sufficient number of FTE within this function to provide an in-house cadre of suitable candidates for career growth in mission critical areas of the agency.

The other half of this 4 FTE category consists of law clerks. These individuals have completed law school and are currently taking the bar exam. Once the law clerks pass the bar, they will become non-commercial Y415s. So these law clerk positions are part of a formalized program for hiring attorneys straight out of law schools.

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Y410:

This category of 1 FTE is made up of 80% of an IT specialist's position that focuses on information and information systems. Given the critical nature of the information systems and the small size of OSC's IT Branch, we have determined that there is a requirement to have a sufficient number of specialized FTE (in this case – one) with this expertise in the agency.

W825:

In this category there are two individuals at OSC who each perform a small amount of maintenance of ADP equipment that can qualify as commercial. Together these add up to a portion of an FTE, which is rounded up to 1 FTE. The only one that is significant according to the guidance is .4 FTE of an Information Technology Specialist in the Information Technology Branch who works on the agency network and servers.

Due to the benefit that OSC receives from this individual's non-commercial work, we have decided against private sector competition for the portions of work that qualify as commercial. The non-commercial portion of this work is Information and Telecommunications Program Management, which includes supervision of contractors and in this case is an inherently governmental function.

Y820:

This category of 3 FTE consists of approximately half the time of three administrative employees in separate field offices and 100% of the time of an employee in DC on disability leave. Given the criticality of continuity of operations in OSC's very small yet extremely busy field offices, we have determined that there is a requirement to have a sufficient number of specialized FTE (in this case – one in each office) with expertise and training in agency policies and procedures.

B700:

Function routinely requires working with proprietary, sensitive, pre-decisional business information to develop various proposals for consideration by inherently governmental final agency decision makers.

Y815:

The two employees currently performing this commercial function both have disabilities.