



United States Government Accountability Office
Washington, DC 20548

June 10, 2011

The Honorable Patty Murray
Chairman
The Honorable Richard Burr
Ranking Member
Committee on Veterans' Affairs
United States Senate

The Honorable Jeff Miller
Chairman
The Honorable Bob Filner
Ranking Member
Committee on Veterans' Affairs
House of Representatives

Subject: Veterans' Reemployment Rights: Steps Needed to Ensure Reliability of DOL and Special Counsel Demonstration Project's Performance Information

In the wake of the ongoing conflicts in Iraq and Afghanistan, thousands of current and former military servicemembers are undergoing a transition between their military service and their civilian employment. Congress enacted the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)¹ to protect the employment and reemployment rights of federal and nonfederal employees when they leave their employment to perform military or other uniformed service.² Among other rights, servicemembers who meet the statutory requirements are entitled to reinstatement to the positions they would have held if they had never left their employment or to positions of like seniority, status, and pay. USERRA applies to a wide range of employers, including federal, state, and local governments as well as private-sector firms.³ This report focuses on servicemembers who are employees of, prior employees of, and applicants to, federal executive agencies.

¹Pub. L. No. 103-353, 108 Stat. 3149 (Oct. 13, 1994) (codified at 38 U.S.C. §§ 4301-4335). USERRA is the most recent in a series of laws protecting veterans' employment and reemployment rights going back to the Selective Training and Service Act of 1940. Pub. L. No. 783, 54 Stat. 885, 890 (Sept. 16, 1940).

²In addition to those serving in the armed forces and the Army and Air National Guards (when engaged in active duty for training, inactive duty training, or full-time National Guard duty), USERRA covers the commissioned corps of the Public Health Service and other persons designated by the President in time of war or national emergency.

³We have previously reported on problems related to the length of time it takes agencies to investigate and review federal employee USERRA claims, and the reliability of the data agencies report to Congress. See enc. VI for a list of related GAO products on this topic.

Under USERRA, an employee who believes that his or her USERRA rights have been violated may file a claim with the Department of Labor's (DOL) Veterans' Employment and Training Service (VETS), which investigates and attempts to resolve the claim. If DOL's VETS cannot resolve the claim and the servicemember is a federal government employee or applicant to a federal agency, DOL is to inform the claimant of the right to have his or her claim referred to the Office of Special Counsel (OSC)⁴ for further review and possible OSC representation before the Merit Systems Protection Board (MSPB).⁵

Under a demonstration project established by the Veterans Benefits Improvement Act of 2004 (VBIA),⁶ from February 8, 2005, through December 31, 2007, OSC was authorized to receive and investigate certain USERRA claims, with DOL continuing its investigative role for others. In 2007, we evaluated the demonstration project and reported to Congress that while both DOL and OSC had policies and procedures for receiving, investigating, and resolving USERRA claims against federal executive employers since the start of the demonstration project, data for reporting outcomes were not sufficiently reliable at either agency. Specifically, we found that the data DOL used to track claims processing time and the data DOL and OSC used to track case outcomes were not reliable to monitor, track, and report on the agencies' performance. We recommended that the Secretary of Labor develop an internal review mechanism for all unresolved claims before they are closed and claimants are notified and establish internal controls to ensure the accuracy of data entered into DOL's database. DOL agreed with and implemented our recommendations.⁷ At the end of this demonstration project, DOL and OSC returned to the USERRA investigation and review procedures in place before the start of the demonstration project.

Congress included language in the Veterans' Benefits Act of 2010 (VBA) directing OSC and DOL to establish a second demonstration project (36-month duration) for receiving, investigating, and resolving USERRA claims against federal executive employers.⁸ Similar to procedures authorized for the first demonstration project, under the current demonstration project, VETS is authorized to investigate and seek corrective action for those claims filed against federal executive agencies if the servicemember's Social Security number (SSN) ends in an even number, and OSC is authorized to investigate and seek corrective action for USERRA claims against federal executive agencies if the servicemember's SSN ends in an odd number.⁹ Enclosure I describes in more detail how the agencies will implement the demonstration project.

⁴The OSC is an independent investigative and prosecutorial agency with the primary mission of protecting the employment rights of federal employees and applicants for federal employment.

⁵DOL is also to inform claimants that they may file a complaint directly with the MSPB.

⁶Pub. L. No. 108-454, §204, 118 Stat. 3598, 3606-08 (Dec. 10, 2004). Under VBIA, the demonstration project was originally scheduled to end on September 30, 2007, but through a series of extensions ran through December 31, 2007.

⁷GAO, *Military Personnel: Improved Quality Controls Needed over Servicemembers' Employment Rights Claims at DOL*, GAO-07-907 (Washington, D.C.: July 20, 2007).

⁸Pub. L. No. 111-275, § 105, 124 Stat. 2864, 2868-70 (Oct. 13, 2010).

⁹If a claim does not contain an SSN, VETS will assign a claim number based on the date of the month the claim is received. For example, claims filed on an odd-numbered date will be assigned an odd case number and forwarded to OSC; claims filed on an even-numbered date will be assigned an even case number and be investigated by VETS. Also, under the demonstration project, OSC is authorized to handle any "mixed claims" in which a claimant files a USERRA claim against a federal executive employer and also brings a related prohibited personnel practice (PPP) claim. There are 12 prohibited personnel practices including discrimination, retaliation, or unauthorized preference or improper advantage. 5 U.S.C. § 2302.

The legislation also directs the two agencies to submit a report to Congress and GAO describing the jointly established methods and procedures to be used in reviewing their relative performance during the demonstration project. Furthermore, VBA mandates that GAO report on the methods and procedures selected by the agencies and may provide any recommendations for improving the design of the demonstration project. The VBA directs the demonstration project to begin no later than 60 days after the GAO report is submitted to Congress and also directs GAO to conduct periodic evaluations of the demonstration project and submit to Congress a report on these evaluations.

Objective, Scope, and Methodology

Our objective was to determine the extent to which the methods and procedures DOL and OSC selected for the demonstration project allow for a later assessment and comparison of the agencies' relative performance investigating and resolving USERRA claims. To address this objective, we reviewed the proposed project design that DOL and OSC developed and determined whether DOL and OSC selected meaningful performance measures and comparable methods for collecting data and reporting definitions of case outcomes.¹⁰ We also reviewed the steps agencies plan to take to ensure that their data are reliable and accurate. We reviewed agency documents including agencies' operations manuals for processing USERRA claims, and interviewed agency officials to aid in our determination of whether agencies established a comparable process. After receiving the report on March 2 and analyzing it, we met with agency officials on March 17 to ask questions about the report, discuss our preliminary analysis, and share our preliminary observations.

We conducted our work from December 2010 to June 2011 in accordance with all sections of GAO's Quality Assurance Framework that are relevant to our objectives. The framework requires that we plan and perform the engagement to obtain sufficient and appropriate evidence to meet our stated objectives and to discuss any limitations in our work. We believe that the information and data obtained, and the analysis conducted, provide a reasonable basis for any findings and conclusions in this product.

On March 22, 2011, we briefed House committee staff and on March 31 we briefed Senate committee staff on our preliminary observations on the DOL and OSC demonstration project design as presented in their joint report. This report transmits the final results of our work and the briefing slides, which are printed in enclosure II.

Summary of Findings

The joint report describing the demonstration project's design for investigating and resolving USERRA claims shows that DOL and OSC have identified and agreed upon a

¹⁰U.S. Office of Special Counsel and Department of Labor Veterans' Employment and Training Service, *Joint Report on Methods & Procedures for Demonstration Project for Referral of USERRA Claims Against Federal Agencies to the U.S. Office of Special Counsel* (Washington, D.C.: January 2011).

preliminary set of performance measures. These measures will facilitate the collection of baseline information and measurement of performance related to customer satisfaction, timeliness, and cost. However, the report lacked sufficient details about the methods agencies will use to collect the data needed to report on these measures. As such, we cannot yet determine whether the resulting performance information will be reliable and will permit a later comparison of the agencies' performance. For example, the joint report did not include sufficient information to determine whether the two agencies have established a comparable process for administering a standardized customer satisfaction survey, calculating the average cost of a claim, or reporting case outcomes, such as claim granted, claim settled, no merit, or withdrawn. Also, for the purpose of measuring the average processing time of a claim, the joint report described the deadlines to be adhered to when investigating claims and reviewing claims for representation. However, the report lacked sufficient detail on how OSC will conduct its investigative and legal review in stages comparable to DOL's process. Having DOL and OSC select comparable methods and procedures for collecting and reporting their data is a critical step in ensuring the integrity of the evaluation of the demonstration project. Significant differences in the way in which the two agencies collect and report data could compromise the validity and reliability of the evaluation of this demonstration project by limiting the ability to compare the agencies' relative performance processing claims.

The joint report also did not identify the steps agencies will take to ensure the accuracy and reliability of data. If data errors are substantial, they will impede the ability to draw accurate conclusions based on those data.

Recommendations for Executive Action

To address these issues, we recommend that prior to the start of the demonstration project

- (1) the Special Counsel, as the project administrator, and
- (2) the Secretary of Labor, by directing the Assistant Secretary for Veterans'

Employment and Training, take the following five actions:

- To ensure that customer (i.e., servicemember) satisfaction data are collected in a way that is most likely to produce reliable information, DOL and OSC should establish and agree upon comparable methods for administering the customer satisfaction survey. For example, the demonstration project should include a survey plan, describing agreed-upon protocols for contacting and following up with respondents. The survey plan should also document what steps agencies will take to ensure adequate response rates.
- To ensure that both agencies can document how long it takes to investigate a claim, and how long it takes to conduct a legal review, OSC should describe the actions and functions it plans to apply to each of those phases, and the agencies should agree that they have established a comparable two-step process.

- To ensure that both agencies use comparable methods for tracking the amount of personnel time spent investigating and reviewing federal USERRA cases, and the costs of these activities including indirect costs such as administrative overhead, DOL and OSC should establish, document, and agree upon a time accounting process that distinguishes between the investigative and legal review phases and a method that assigns costs to claims processing activities.
- Provide evidence that the agencies have identified, and agreed upon, a common set of potential case outcomes and a crosswalk of common or comparable codes assigned to each of those outcomes prior to the start of the demonstration project, such as claim granted, claim settled, no merit, or withdrawn.
- Agree upon a controls plan and implementation strategy that will be used during the course of the demonstration project to help ensure data integrity, reliability, and accuracy.

See enclosure II for a more detailed discussion of our analysis and recommendations.

Agency Comments and Our Evaluation

We provided a draft of this report to the Associate Special Counsel and the Secretary of Labor for their review and comment. In written comments, which are included in enclosure III, the Chief of OSC's USERRA Unit generally concurred with our conclusions and recommendations. Specifically, OSC concurred with our recommendations related to collecting and reporting customer satisfaction, timeliness, and outcomes data. However, OSC disagreed with our recommendation related to measuring costs, and did not directly respond to our recommendation related to data reliability. OSC agreed with our recommendation for measuring timeliness and said that it will work to ensure that its 90-day investigative process is as comparable as possible to DOL's processes. OSC also said that DOL and OSC have agreed that the "trigger" event for the end of the 90-day investigative phase is the date upon which the claimant is notified of the results of the investigation and attempts to resolve the claim, as well as the claimant's right to have OSC consider his or her claim for possible legal presentation before the MSPB. In addition, OSC noted that it believes that GAO should evaluate overall claim processing time, believing that overall processing time is the most meaningful measure for the claimant. We intend to evaluate multiple aspects of timeliness, including overall claim processing time. We believe that measuring the time it takes DOL and OSC to complete the different phases of the claims process will provide useful information for comparison and may help identify possible inefficiencies.

OSC disagreed with our recommendation to establish, document, and agree upon a time accounting process that distinguishes between personnel time spent during the investigative and legal review phases, and partly disagreed with our recommendation to establish, document, and agree upon a method for assigning costs to claims processing activities. OSC stated that its current structure—a stand-alone USERRA Unit—makes the

distinction between the investigative and legal review phases unnecessary, and therefore does not believe it must establish a process that distinguishes the two activities for the purpose of measuring personnel time. However, as we describe in this report, OSC reported in the joint report on methods and procedures for the demonstration project that the agency intends to distinguish between the investigative and legal review phases for purposes of measuring the timeliness of claims processing. As such, we maintain that it is reasonable and appropriate for OSC to also make this distinction for the purpose of measuring personnel costs. Capturing the costs for each of the two phases separately would provide insights into the factors affecting the costs of processing claims. For example, one would be able to determine the extent to which total costs are affected by each of the phases.

With respect to our recommendation to include indirect costs, such as administrative overhead, when calculating the costs of processing USERRA claims, OSC stated that indirect costs may be difficult to accurately and comparably measure, and measuring such costs may provide little, if any, insight into the relative costs of claims processing. Nevertheless, OSC says it will work with DOL to identify non-personnel-related costs that can be measured. Federal financial accounting standards recommend that full costs, including both direct and indirect costs, of programs and their outputs be measured when making decisions on program effectiveness.¹¹ This is especially important when comparing the costs of similar services performed by different entities so that the cost effect of any differences in the way services are performed or structured can be considered.

OSC did not respond directly to our recommendations related to data reliability. We recommend that DOL and OSC agree upon a controls plan and implementation strategy that will be used during the course of the demonstration project to help ensure data integrity, reliability, and accuracy. We also recommend that DOL and OSC develop and agree upon methods and procedures used to test data reliability, and determine whether these controls are being applied. OSC stated that GAO had previously found the agency's data to be reliable and that OSC plans to use the same methods and procedures during the demonstration project. OSC further stated that it has agreed to consult with GAO and DOL throughout the project to develop new or additional data quality assurance processes, if needed. However, this new demonstration project requires OSC to collect and report on data not previously used or assessed by GAO, such as customer satisfaction survey results and cost information. Also, claims and other data will be entered at multiple locations—DOL and OSC headquarters and DOL regional offices—and data will be entered in multiple systems. Therefore, we believe it is critical that OSC describe the control activities the agency will employ to ensure the reliability of customer satisfaction survey results, claims processing times, cost data, and case outcomes prior to the start of the demonstration project. We can then review the agency's data reliability plan and make suggestions for improvements, if warranted.

¹¹Statement of Federal Financial Accounting Standards 4, *Managerial Cost Accounting Standards and Concepts*, establishes standards for managerial cost accounting information at federal agencies.

In written comments from DOL, which are included in enclosure IV, the Assistant Secretary for Veterans' Employment and Training neither agreed nor disagreed with our recommendations, but discussed actions that DOL is taking to address the recommendations.

In commenting on our recommendation to establish and agree upon comparable methods for administering a customer satisfaction survey, DOL said together with OSC it is presently working to develop a survey that will objectively measure overall public satisfaction with the quality of the service provided under the demonstration project. Regarding our recommendation that the agencies agree on a comparable two-step process, DOL said it understands that OSC is working to make its process as comparable as possible to DOL's to allow for timeliness comparisons. For its part, DOL said that it currently maintains documentation on the length of its USERRA investigations, as well as legal reviews conducted subsequent to claimants' requests for referral to OSC.

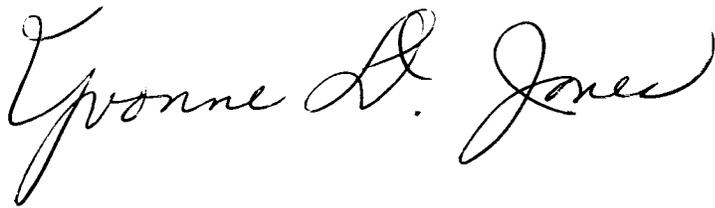
In commenting on our recommendation to use comparable methods for tracking personnel time and assigning costs to processing claims activities, DOL said it recommends that the project focus on salary and benefits costs for personnel engaged in the demonstration project, and the costs of training and travel associated with the project. DOL further stated that these costs are currently tracked and validated through automated payroll record and travel voucher systems. DOL also said it intends to explore the potential for using a case and time tracking system similar to the Veterans Administration's Veterans Appeals Control and Locator System, or develop its own, and will work with OSC as it explores these options. As discussed above in our response to OSC's comments, we maintain that DOL and OSC should document and agree upon a method that assigns costs, including indirect costs, to USERRA claims processing activities, and further, is consistent with federal financial accounting standards.

In commenting on our recommendation to develop a mutually agreed-upon crosswalk of case outcome codes, DOL said that it intends to work with OSC to develop a joint crosswalk for both case opening and closing issues. DOL further stated that it believes that outcome effectiveness measures must include quality issues, in addition to timeliness and cost.

With respect to our recommendations related to data reliability, DOL stated that it and OSC have agreed to utilize an operations manual that was developed in an earlier demonstration project that includes a controls strategy to ensure data integrity, reliability, and accuracy. As part of our follow up, we contacted OSC to inquire about an agreement made with DOL to use a manual developed during a previous demonstration project. The Chief of OSC's USERRA Unit subsequently reviewed the documents provided to us by DOL and stated that, while some of the same case transfer/tracking procedures might be applicable during the upcoming demonstration project, it is not clear that the documents include a controls strategy to ensure data integrity, reliability, and accuracy. Therefore, we maintain that DOL and OSC need to agree upon a controls plan and need to develop and agree upon methods and procedures to test data reliability.

We will send copies of this report to the Secretary of Labor and the Special Counsel, and other interested parties. This report will also be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you have any questions on this report, please contact me at (202) 512-2717 or jonesy@gao.gov. Contact points for our offices of Congressional Relations and Public Affairs may be found on the last page of this report. Staff who made key contributions to this report are listed in enclosure V.

A handwritten signature in black ink that reads "Yvonne D. Jones". The signature is written in a cursive style with a large, stylized 'Y' and 'J'.

Yvonne D. Jones
Director, Strategic Issues

Enclosures –

- I: Background
- II: Findings and Recommendations
- III: Comments from the Office of Special Counsel
- IV: Comments from the Department of Labor
- V: GAO Contact and Staff Acknowledgements
- VI: Related GAO Products

Enclosure I: Background

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) was enacted as a means to encourage noncareer service in the uniformed services by reducing the disruption that servicemembers often face when returning to the civilian workforce and to prohibit discrimination against individuals based upon their uniformed service. Under USERRA, an employee or applicant for employment who believes that his or her USERRA rights have been violated may file a complaint with the Department of Labor's (DOL) Veterans' Employment and Training Service (VETS), which is the entity that investigates and attempts to resolve the complaint. If VETS cannot resolve the complaint, DOL is to inform the complainant of the right to request to have his or her complaint referred to the Department of Justice (DOJ) or the Office of Special Counsel (OSC). A complaint is referred to DOJ if it involves state or private employers or to OSC if it involves a federal executive agency. If the servicemember elects to have the complaint referred, DOJ and OSC then determine whether to initiate legal action against the employer.¹ In its fiscal year 2009 annual report to Congress, which is the most recent report available, VETS reported that it reviewed 1,431 new USERRA cases for the year and it referred 175 cases to DOJ and 41 cases to OSC.² For fiscal year 2008, VETS reported that it reviewed 1,389 unique USERRA cases, and it referred 100 cases to DOJ and 15 cases to OSC.³

Earlier legislation required an OSC and DOL demonstration project similar to the one directed by the Veterans' Benefits Act of 2010 (VBA). Under a demonstration project established by the Veterans Benefits Improvement Act of 2004 (VBIA),⁴ from February 8, 2005, through December 31, 2007, OSC was authorized to receive and investigate certain USERRA claims, with DOL continuing its investigative role for others. VBIA also reinstated the requirement that the Secretary of Labor in consultation with the U.S. Attorney General and the Special Counsel prepare and transmit a USERRA annual report to Congress on, among other matters, the number of USERRA claims reviewed by DOL along with the number of claims referred to DOJ or OSC. Further, VBIA mandated that we conduct periodic evaluations of the demonstration project and submit a report to Congress. In 2007, we reported to Congress that while both DOL and OSC had policies and procedures for receiving, investigating, and resolving USERRA claims against federal executive employers since the start of the demonstration project, data for reporting outcomes were not sufficiently reliable at either agency. Specifically, we found that the data DOL used to track claims processing time and the data DOL and OSC used to track case outcomes were not reliable to monitor, track, and report on the agencies' performance. We recommended that the Secretary of Labor develop an internal review mechanism for all unresolved claims before they are closed and claimants are notified

¹DOJ initiates legal action in federal district court and OSC initiates legal action before the Merit Systems Protection Board (MSPB). Servicemembers may also bring their claims directly to federal court or to the MSPB without using federal assistance.

²Office of the Assistant Secretary for Veterans' Employment and Training, U.S. Department of Labor, *Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA): Fiscal Year 2009 Annual Report to Congress* (Washington, D.C., October 2010).

³Office of the Assistant Secretary for Veterans' Employment and Training, U.S. Department of Labor, *Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA): Fiscal Year 2008 Annual Report to Congress* (Washington, D.C., October 2009).

⁴Pub. L. No. 108-454, §204, 118 Stat. 3598, 3606-08 (Dec. 10, 2004). Under VBIA, the demonstration project was originally scheduled to end on September 30, 2007, but through a series of extensions ran through December 31, 2007.

Enclosure I: Background

and establish internal controls to ensure the accuracy of data entered into DOL's database. DOL agreed with and implemented our recommendations.⁵

Similar to procedures authorized for the first demonstration project, under the current demonstration project, VETS is authorized to investigate and seek corrective action for those claims filed against federal executive agencies if the servicemember's Social Security number (SSN) ends in an even number, and OSC is authorized to investigate and seek corrective action for USERRA claims against federal executive agencies if the servicemember's SSN ends in an odd number.⁶ Figure 1 depicts USERRA claims' processing under the demonstration project.

OSC's current responsibility under USERRA for conducting an independent review of certain claims after they are investigated by VETS remains unchanged during the demonstration project. For those claims that VETS investigates but cannot resolve, the claimant may request to have his or her USERRA claim referred to OSC. Before sending the referred claim to OSC, VETS prepares a memorandum of referral (MoR), which it sends with the investigative file to a VETS regional office for review. The regional office then conducts a supervisory review and sends the file to the DOL's Office of the Solicitor (SOL), which prepares a legal analysis of the claim and then refers the claim to OSC. OSC reviews the case file and, if necessary, conducts further research and analysis. If OSC determines that the claimant is entitled to relief under USERRA, OSC may offer to act as attorney for the claimant and begin negotiations with the claimant's federal executive employer. If efforts to resolve the claim are unsuccessful, OSC may represent the claimant before the Merit Systems Protection Board (MSPB).

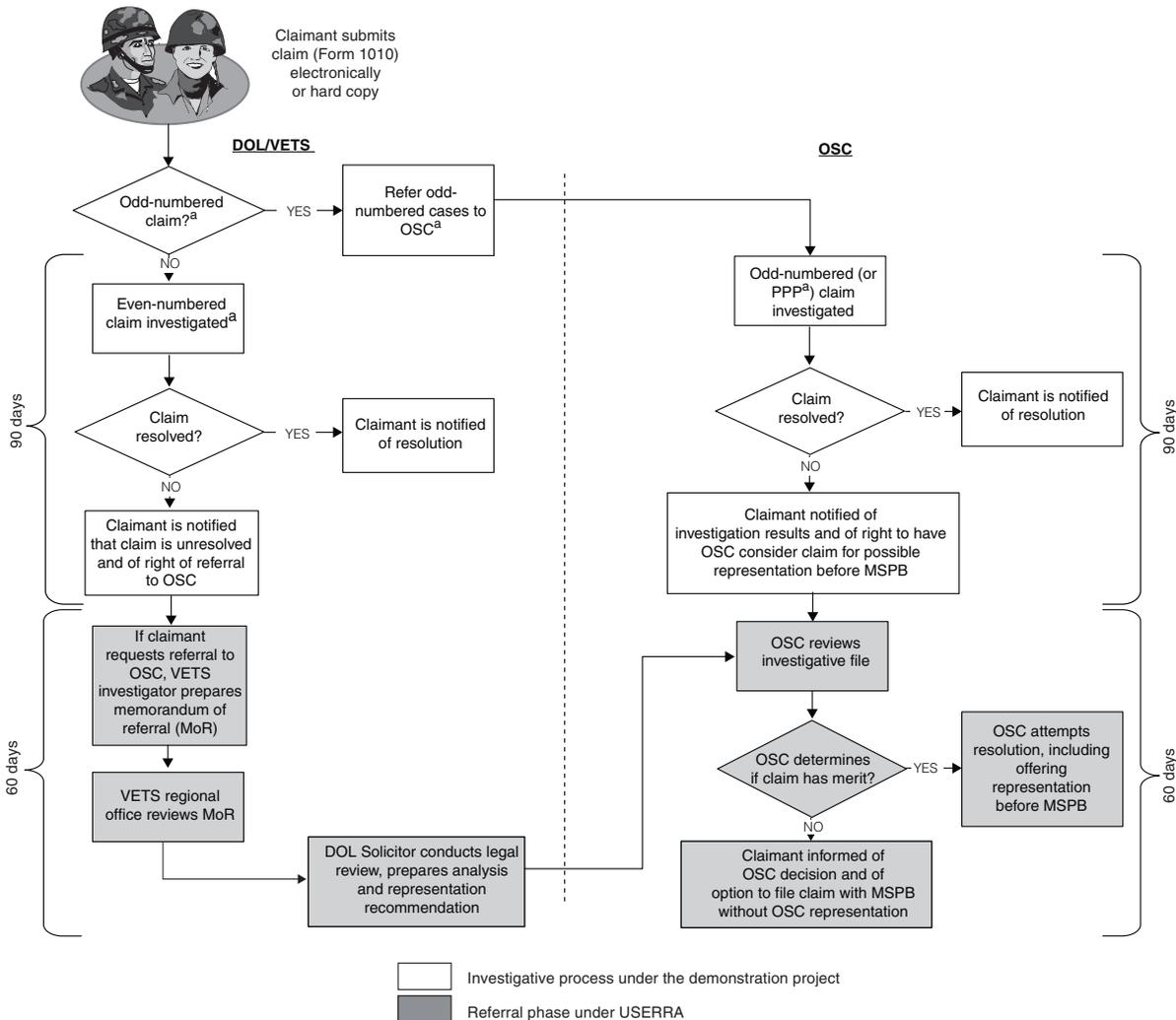
The required time frames to complete certain claims processing steps under USERRA remain in place during the demonstration project. Under USERRA, DOL is required to investigate and attempt to resolve USERRA claims within 90 days of receipt, unless the claimant agrees to an extension. Under the demonstration project, the same 90-day time limit also applies to OSC. If DOL's investigation does not resolve the case and the claimant requests to have the claim referred to OSC, DOL is required to refer the claim to OSC within 60 days of receiving the request, unless the claimant agrees to an extension. Once OSC receives that referred claim from DOL, it has 60 days to review the file and notify the claimant as to OSC's decision to offer representation before the MSPB, unless the claimant agrees to an extension. In instances where OSC finds that a claim does not have merit, it is to inform the servicemember of its decision not to represent him or her before the MSPB.

⁵GAO, *Military Personnel: Improved Quality Controls Needed over Servicemembers' Employment Rights Claims at DOL*, GAO-07-907 (Washington, D.C.: July 20, 2007).

⁶If a claim does not contain an SSN, VETS will assign a claim number based on the date of the month the claim is received. For example, claims filed on an odd-numbered date will be assigned an odd case number and forwarded to OSC; claims filed on an even-numbered date will be assigned an even case number and be investigated by VETS. Also, under the demonstration project, OSC is authorized to handle any "mixed claims" in which a claimant files a USERRA claim against a federal executive employer and also brings a related prohibited personnel practice (PPP) claim. There are 12 prohibited personnel practices including discrimination, retaliation, or unauthorized preference or improper advantage. 5 U.S.C. § 2302.

Enclosure I: Background

Figure 1: USERRA Claims Processing under the Demonstration Project



^aIf, during initial processing or investigation phase, VETS personnel identify a possible Prohibited Personnel Practice (PPP) case, VETS and OSC will jointly determine at what point, if at all, the case should be transferred to OSC for investigation.



Objective

Determine the extent to which the methods and procedures selected by DOL and OSC for the demonstration project allow for a later assessment and comparison of the agencies' relative performance investigating and resolving USERRA claims.

Criteria

DOL and OSC must use comparable methods for collecting and reporting data to ensure that the resulting performance information will be reliable, and allow for a later assessment and comparison of the agencies' relative performance. According to GAO guidance on designing program evaluations, a well-documented data-collection plan can help ensure that both agencies collect adequate, accurate, and timely performance information, which in turn can facilitate comparisons of customer satisfaction, the average time it takes to process a claim, and the average cost of processing a claim. At a minimum, data-collection plans should detail the type and source of data necessary to evaluate various dimensions of the demonstration project, methods for data collection, and the timing and frequency of data collection.

VETERANS' REEMPLOYMENT RIGHTS

Steps Needed to Ensure Reliability of DOL and Special Counsel Demonstration Project's Performance Information

Joint Report Lacked Sufficient Details on Approach for Assessment and Comparison of DOL's and OSC's Relative Performance

In the joint report to Congress describing the design of the demonstration project for investigating and resolving USERRA claims, DOL and OSC identified and agreed upon a preliminary set of performance measures. These measures cover key aspects of project performance and signal the agencies' intention to collect and submit performance information related to customer satisfaction, timeliness, and cost. However, the joint report lacked sufficient details about the methods agencies will use to collect the data needed to report on these measures. As such, we cannot yet determine whether the resulting performance information will be reliable.

Customer Satisfaction

Methods for Collecting and Reporting Data

What GAO Recommends

To ensure that customer (i.e., servicemember) satisfaction data are collected in a way that is most likely to produce objective and reliable performance information, DOL and OSC should establish and agree upon comparable methods for administering the customer satisfaction survey. For example, the demonstration project should include a survey plan, describing agreed-upon protocols for contacting and following up with respondents. The survey plan should also document what steps the agencies will take to ensure adequate and comparable response rates.

The joint report stated that agencies will work together to design a customer satisfaction survey that they will administer to claimants, but did not provide sufficient details describing how the survey will be administered to collect an adequate and comparable number of responses.

- The agencies reported that they intend to distribute a standardized survey to claimants 30 days after the case is closed. The survey is likely to incorporate the following elements: courtesy and professionalism of agency investigative personnel, responsiveness to claimant, thoroughness of investigation, and clarity of verbal and written communications. The agencies reported that they will design the survey in such a way that it will allow for a comparison of customer satisfaction rates for like cases, such as cases resolved with full relief as opposed to cases resolved with partial or no relief.
- However, the agencies did not report sufficient details about how they will administer the survey, including how they will contact respondents, or determine and achieve an adequate survey response rate. According to GAO guidance on survey design, there is a high potential for error if surveys are not designed and administered properly. To that end, it is important that questions are clearly written and easy to understand and answer. Pretesting a survey is a critical step to ensure that the survey communicates what it was intended to communicate, that it will be uniformly interpreted by the target population, and that it will be free of design flaws that could lead to inaccurate answers. It is also important to identify what constitutes a reasonable response rate and anticipate how to encourage respondents to complete the survey because a high or disproportionate nonresponse rate can threaten the credibility or generalizability of the findings.
- DOL and OSC officials responsible for implementing the demonstration project acknowledged that developing an objective survey will be a challenge for them because they have limited experience designing and administering surveys. However, they also said they can identify colleagues within their respective agencies who have relevant experience designing and administering surveys intended to measure customer satisfaction, and that they intend to consult with them and complete the design of the survey prior to the start of the demonstration project.

Methods for Collecting and Reporting Data (continued)**What GAO Recommends**

To ensure that both agencies can document how long it takes them to investigate a claim and how long it takes them to conduct a legal review, OSC should describe the actions and functions it plans to apply to each of those phases, and the agencies should agree that they have established a comparable two-step process before the start of the demonstration project.

Timeliness

For the purpose of measuring the average processing time of a claim, the joint report described the agencies' agreement to establish a two-step process and the deadlines to be adhered to when processing USERRA claims. However, it did not provide sufficient detail to ensure that the agencies will have a comparable two-step process that will allow for a comparison of their relative performance.

- The agencies agreed to use and track the same completion dates such as the date a claim is successfully resolved and closed, and the date a claimant is notified of the right to have claim considered for possible representation.
- However, in the joint report, OSC did not fully describe its investigative and legal review process. When DOL's VETS cannot resolve a claim within the required 90 days (unless it receives an extension), and the claimant requests to have the claim referred to OSC, DOL's VETS will transfer the investigative file to DOL's Office of the Solicitor. After receiving the request for referral, DOL has 60 days (unless it receives an extension) to review the investigative file and make a recommendation regarding representation before referring the claim to OSC. For the purpose of the demonstration project, OSC reported that it intends to develop a two-step process for investigating claims and conducting a legal review that mirrors DOL's two-step process. However, OSC has not yet described which actions and functions will take place during the investigation phase and which will take place during the legal review phase. In the joint report, OSC also did not describe what trigger event it would use to distinguish these phases.

Cost**Methods for Collecting and Reporting Data (continued)****What GAO Recommends**

To ensure that both agencies use comparable methods for tracking the amount of personnel time spent investigating and reviewing federal USERRA cases, and the costs of these activities including indirect costs such as administrative overhead, DOL and OSC should establish, document, and agree upon a time-accounting process that distinguishes between the investigative and legal review phases and a method that assigns costs, including indirect costs, to claims processing activities.

The joint report described the agencies' intent to measure the average cost per claim, however it did not document in sufficient detail the methods and procedures each agency will use to calculate the total costs of processing USERRA claims.

- To facilitate the comparison of similar functions, DOL reported that it intends to separately measure the costs associated with investigating claims and the costs associated with its legal review process. OSC reported that its unitary structure does not allow it to separate activities and costs associated with these two functions. However, OSC also reported that it plans to differentiate between these activities for the purposes of measuring the time it takes to process claims.
- Officials from both agencies acknowledged that a key driver of claims processing costs is personnel time; however, the report did not describe in sufficient detail how either agency will track personnel time spent investigating and reviewing claims. DOL's VETS and DOL's Office of the Solicitor personnel process both federal and nonfederal USERRA claims, therefore DOL reported that it will develop and implement a time accounting process to document the proportion of time personnel spent investigating and reviewing federal claims as opposed to nonfederal claims. OSC reported that it will expand the current USERRA Unit, and that personnel in the unit will exclusively process federal USERRA claims.
- The joint report also did not describe the methods and procedures agencies will use for assigning direct costs and allocating indirect costs—such as administrative overhead—to USERRA processing activities. DOL and OSC officials responsible for implementing the demonstration project said that they have not yet consulted with internal budget or financial management experts, who could help determine how to accurately calculate the indirect costs associated with processing a claim. However, they said they would meet with these experts from their respective agencies prior to the start of the demonstration project.

Definitions of Case Outcomes

Methods for Collecting and Reporting Data (continued)

What GAO Recommends

To facilitate a later assessment and comparison of the agencies' relative performance across similar types of cases, DOL and OSC should provide evidence that the agencies have identified and agreed upon a common set of potential case outcomes and a crosswalk of common or comparable codes assigned to each of those outcomes prior to the start of the demonstration project, such as claim granted, claim settled, no merit, or withdrawn.

DOL and OSC reported that they will work to ensure that case outcomes are described in a consistent manner, but the agencies have not yet established or agreed to a crosswalk of common or comparable case outcome definitions.

- Both DOL and OSC use case disposition codes in their respective case management systems to indicate the basis on which a case was closed, and whether a claimant received or was offered any of the relief requested. Some examples of case outcomes include claim granted, claim settled, no merit, or withdrawn. However, differences exist between the range of codes used by both agencies and their definitions.
- The joint report states that agencies will share their case outcome code lists and descriptions, and will attempt to reconcile any discrepancies prior to the start of the demonstration project. The report also described agencies' intent to prepare a crosswalk to facilitate a comparison of case outcomes. Such a crosswalk will enable Congress and others to compare average claim processing times and costs for cases with similar attributes such as cases with merit as opposed to those deemed to be without merit.

Joint Report Did Not Identify Steps to Ensure Data Reliability**Data Reliability****Criteria**

GAO's *Standards for Internal Control in the Federal Government* requires that agencies establish a system to ensure the accuracy of data that they process. These standards state that such a system should employ a variety of control activities to ensure accuracy and completeness, such as using edit checks in controlling data entry and performing data validation and reviewing and testing to identify erroneous data, among other activities. Moreover, we found and reported in the past that the data DOL used to track claims processing time and the data DOL and OSC used to track case outcomes were not sufficiently reliable to monitor, track, and report on the agencies' performance.

What GAO Recommends

Prior to the start of the demonstration project, agencies need to agree upon a controls plan and implementation strategy that will be used throughout the demonstration project to help ensure data integrity, reliability, and accuracy. Also, DOL and OSC need to develop and agree upon methods and procedures used to test data reliability, and determine whether these controls are being applied.

The joint report stated that DOL and OSC intend to take steps to ensure the accuracy and consistency of data during the demonstration project, but it did not identify the control activities agencies will take to ensure the reliability of the various systems agencies will use to track federal USERRA claims and gather performance data.

- In the report, both agencies noted that they will provide data from their respective claim tracking systems and access to claim files. The report also stated that both agencies will consult with GAO to develop and implement new or additional quality-assurance processes. However, the report did not describe the control activities agencies will employ to ensure the reliability of customer satisfaction survey results, claims processing times, cost data or case outcomes.
- The joint report also did not address what methods and procedures will be used to ensure the consistency of either claims data or performance-related data gathered specifically for the demonstration project. Because claims and other data will be entered at multiple sites including DOL and OSC headquarters, and DOL's VETS regional offices, and data will be entered in multiple systems (DOL E-1010, DOL's VETS UIMS, and OSC2000), consistent data entry rules and controls should be developed and agreed upon by both agencies. Inconsistent interpretation of data entry rules can lead to data that, taken as a whole, are unreliable.

Enclosure III: Comments from the Office of Special Counsel



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202-254-3600

April 29, 2011

Yvonne D. Jones
Director, Strategic Issues
U.S. Government Accountability Office
441 G St., NW
Washington, DC 20548

Re: Response to GAO Draft Report GAO-11-312R

Dear Ms. Jones:

Thank you for the opportunity to comment on Government Accountability Office (GAO) Draft Report GAO-11-312R, *VETERANS' REEMPLOYMENT RIGHTS: Department of Labor and Office of Special Counsel Should Take Steps to Ensure the Reliability of Information Needed to Assess Agencies' Performance* (GAO Draft Report). This report addresses the extent to which the methods and procedures selected by the Office of Special Counsel (OSC) and the Department of Labor (DOL) for the USERRA demonstration project will enable GAO to assess the relative performance of the two agencies in investigating and resolving federal USERRA claims.¹

OSC generally concurs with the conclusions and recommendations contained in the report, with certain caveats. First, we agree that OSC and DOL should establish and agree upon comparable methods for administering the customer satisfaction survey required by the project. We note, however, that OSC and DOL have preliminarily agreed upon many aspects of administering the survey, including timing, elements to be measured, and correlation of survey results to case outcomes (i.e., whether the claimant was offered or received any of the relief he or she requested).² During the exit conference with GAO on March 30, 2011, OSC and DOL also agreed to consider contacting non-respondents to determine the extent to which their views are consistent with those who respond to the survey.

In its draft report, GAO also makes other specific recommendations regarding the survey, including that DOL and OSC establish and agree upon a survey plan that describes protocols for contacting and following up with respondents and ensures adequate survey response rates.³

¹ Section 105 of the Veterans' Benefits Act of 2010, Pub. L. No. 11-175 (VBA), establishes a 36-month demonstration project under which OSC, rather than DOL, will receive and investigate certain claims involving Federal executive agencies under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Pursuant to the VBA, in March 2011, OSC and DOL issued a report to GAO and Congress, *Joint Report on Methods & Procedures for Demonstration Project for Referral of USERRA Claims against Federal Agencies to the U.S. Office of Special Counsel* (Joint Report).

² See Joint Report, pp. 8-9.

³ See GAO Draft Report, p.4.

Enclosure III: Comments from the Office of Special Counsel

OSC Response to GAO-11-312R
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While OSC is committed to these goals, given our limited resources and expertise in this area, we are exploring the feasibility of having an outside entity develop and administer the survey, in consultation with DOL.

Second, GAO recommends that OSC describe the actions and functions it plans to apply to the 90-day investigative period and 60-day legal review period for USERRA claims to ensure that the average processing time of claims is measured accurately and in a manner comparable to DOL.⁴ As stated in the Joint Report, the agencies plan to measure and report timeliness with regard to both the 90-day and 60-day periods.⁵ OSC also believes that GAO should evaluate overall claim processing time, i.e., the total time from claim receipt to final disposition, which is the most meaningful measure for the claimant.⁶ Nevertheless, DOL and OSC agree that the “trigger” event for the end of the 90-day investigative phase is the date upon which the claimant is notified of the results of the investigation and attempts to resolve the claim, as well as their right to have OSC consider their claim for possible legal representation before the Merit Systems Protection Board (MSPB).⁷ OSC will work to ensure that its 90-day process is as comparable as possible to DOL’s to allow for accurate comparisons between the two agencies.

Third, to measure the time and costs associated with handling federal USERRA claims, GAO recommends that OSC and DOL agree to establish a time accounting process that distinguishes between the investigative and legal review periods for such claims.⁸ As we have previously explained, however, OSC’s current structure makes such a distinction unnecessary. Because DOL transfers some USERRA claims from its investigative component, the Veterans Employment and Training Service (VETS), to its legal review component, the Solicitor’s Offices (SOL), such a time accounting process may be necessary for DOL to accurately measure time and costs. In contrast, OSC has a stand-alone USERRA Unit, which will conduct both the investigative and legal review phases of federal USERRA claims received during the project. Therefore, OSC does not believe that it must establish a time accounting process that distinguishes between the two time periods.

In its draft report, GAO also recommends that OSC and DOL allocate indirect costs, such as administrative overhead, to USERRA claims processing activities. As stated during the exit conference, OSC and DOL agree that personnel costs make up the vast majority of the costs associated with handling USERRA claims and, therefore, should be tracked and measured for

⁴ *Id.*

⁵ See Joint Report, pp. 9-11.

⁶ For DOL, final disposition is closure, resolution, or referral to OSC; for OSC, final disposition is closure, resolution, or a representation decision.

⁷ Both agencies will also notify claimants of their right to take their claim directly to the MSPB.

⁸ See GAO Draft Report, p.5.

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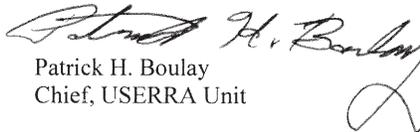
purposes of determining relative cost.⁹ However, as explained during the exit conference, indirect costs may be difficult (if not impossible) to accurately and comparably measure. Moreover, measuring such costs may provide little if any additional insight into the relative costs of USERRA claims processing at the two agencies. Nevertheless, OSC will work with DOL to identify any non-personnel related costs that can be accurately and comparably measured during the project. OSC also welcomes any specific guidance from GAO about the types of indirect costs it believes should be measured and how to accurately measure such costs.

Fourth, as GAO recommends, OSC will work with DOL to identify and agree upon a common set of potential claim outcomes, and prepare a crosswalk of common or comparable data entry codes assigned to each outcome, prior to the start of the project.¹⁰ As explained in the Joint Report, we plan to ensure that claim outcomes are described in a consistent manner, including by adding or modifying data entry codes if necessary.¹¹

Last, GAO recommends that prior to the start of the project, OSC and DOL agree upon a controls plan and implementation strategy to help ensure data integrity, reliability, and accuracy throughout the project. As we noted during the exit conference, GAO has previously found OSC's data to be reliable, and OSC plans to use the same or similar data entry, quality assurance, and collection methods and procedures during the project.¹² OSC has also agreed to consult with GAO and DOL throughout the project to develop new or additional data quality assurance processes if existing processes are deemed insufficient or unreliable.¹³ Finally, prior to the start of the project, OSC plans to attend a data reliability seminar conducted by GAO's Division of Applied Research and Methods.

In closing, we appreciate your efforts to ensure that the USERRA demonstration project satisfies Congress's goals and we thank you for the opportunity to comment on your draft report.

Sincerely,


Patrick H. Boulay
Chief, USERRA Unit

⁹ OSC estimates that approximately 90% of the costs associated with processing USERRA claims are personnel-related; DOL has made a similar estimate.

¹⁰ See GAO Draft Report, p. 5.

¹¹ See Joint Report, p. 12.

¹² See GAO Report Nos. 07-0907 and 11-55.

¹³ See Joint Report, p. 13.

Enclosure IV: Comments from the Department of Labor

U.S. Department of Labor

Assistant Secretary for
Veterans' Employment and Training
Washington, D.C. 20210



MAY 13 2011

Ms. Yvonne D. Jones
Director, Strategic Issues
United States Government Accountability Office (GAO)
Washington, D.C. 20548

RF: GAO Draft Report 11-312R

Dear Ms. Jones:

On behalf of the Secretary of Labor, thank you for the opportunity to review and comment on the Government Accountability Office (GAO) draft Report 11-312R on the USERRA Demonstration Project Mandate (Code 450885). Pursuant to the Veterans' Benefits Act of 2010, P.L. 111-275, Congress has directed that the Department of Labor (DOL) and the U.S. Office of Special Counsel (OSC) establish a three-year demonstration project designed to assess and compare the agencies' performance investigating and resolving claims against federal executive agencies under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. §§ 4301-4335. Over the course of this project, DOL's Veterans' Employment and Training Service (VETS) will provide OSC with claims it receives that are filed against federal executive agencies that have Servicemembers' social security numbers that end in an odd number, and OSC will undertake to investigate and resolve the issues raised in those claims.

GAO met with DOL/VETS and OSC on March 30, 2011, to conduct an exit conference and share its recommendations for the project. I am pleased to offer DOL/VETS' comments to each of GAO's recommendations below.

- DOL and OSC should establish and agree upon comparable methods and procedures for collecting customer (i.e., Servicemember) satisfaction, timeliness, and cost data. Specifically,
 - To ensure that customer satisfaction data is collected in a way that is most likely to produce reliable information, DOL and OSC should establish and agree upon comparable methods for administering the customer satisfaction survey. For example, the demonstration project should include a survey plan, describing agreed-upon protocols for contacting and following-up with respondents. The survey plan should also document what steps agencies will take to ensure adequate response rates.

Enclosure IV: Comments from the Department of Labor

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DOL/VETS and OSC are presently working on development of a customer satisfaction survey that will objectively measure overall public satisfaction with the quality of the service the agencies provide under the project. DOL/VETS anticipates seeking clearance for any survey instrument and obtaining Paperwork Reduction Act clearance for the survey through the Office of Management and Budget.

- To ensure that both agencies can document how long it takes to investigate a claim, and how long it takes to conduct a legal review, OSC should describe the actions and functions it plans to apply to each of those phases, and the agencies should agree that they have established a comparable two-step process.

DOL/VETS understand that OSC is working to make its process as comparable as possible to DOL's to allow for the necessary timeliness comparisons. For its part, DOL/VETS currently maintains documentation on the length of its USERRA investigations, as well as legal reviews conducted subsequent to claimants' requests for referral to OSC. Validation of the length of a DOL/VETS investigation, including a claimant's approval of an extended investigation; the request for a case to be referred to the OSC; and the amount of time that a case remains in a referral status are verified through VETS' Veterans Investigative Preference and Employment Rights System (VIPERS.) The VIPERS is an electronic data base used to administratively manage USERRA and Veterans' Preference cases, including the opening, transfer and closing of the cases that are assigned to the OSC.

- To ensure that both agencies use comparable methods for tracking the amount of personnel time spent investigating and reviewing federal USERRA cases, and calculating indirect costs, such as administrative overhead, the DOL and OSC should establish, document, and agree upon a time accounting process that distinguishes between the investigative and legal review phases and an allocation method that apportions indirect costs to claims processing activities.

DOL/VETS recommends that the project focus on salary and benefits costs for personnel engaged in the project; and the costs of training and travel associated with the project investigations. These costs are currently tracked and validated through automated payroll record and travel voucher systems. DOL/VETS intends to explore the potential for use of a case and time tracking system similar to the Veterans Administration's Veterans Appeals Control and Locator System (VACOLS), or alternatively develop its own time tracking program, and will work with OSC as we explore these options.

Enclosure IV: Comments from the Department of Labor

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- Provide evidence that they have identified, and agreed upon a common set of potential case outcomes and a crosswalk of common or comparable codes assigned to each of those outcomes prior to the start of the demonstration project, such as claim granted, claim settled, no merit, or withdrawn.

DOL/VETS intends to work with OSC to develop a joint crosswalk for both case opening and closing issues that will allow both agencies to compare and evaluate the case processing time and costs. In this regard, DOL/VETS believes that outcome effectiveness measures must include quality issues, in addition to timeliness and cost. DOL/VETS intends to measure and track the quality of its USERRA investigations during the project and believes that such measurements are critical in assessing each agency's overall effectiveness.

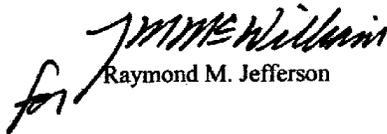
DOL/VETS has developed its own quality assessment tool, based on the results of a recent contractor-led Lean Six Sigma study. DOL/VETS' management strongly believes that, in order to meet Congress' intended goals in establishing this demonstration project, the quality of each investigation must be objectively measured, and that any such evaluation contain measurable outcomes.

- Agree upon a controls plan and implementation strategy that will be used during the course of the demonstration project to help ensure data integrity, reliability, and accuracy.

DOL/VETS and OSC have agreed to utilize an operations manual developed in an earlier demonstration project that includes a controls strategy to be used during the course of the current demonstration project to ensure data integrity, reliability and accuracy.

The Department of Labor appreciates the opportunity to provide its views on the subject GAO draft report, and looks forward to addressing GAO's recommendations in the manner detailed above.

Sincerely,


Raymond M. Jefferson

Enclosure V: GAO Contact and Staff Acknowledgments

GAO Contact

Yvonne D. Jones, (202) 512-2717 or jonesy@gao.gov

Staff Acknowledgments

In addition to the contact listed above, key contributors to this report were Trina V. Lewis, Assistant Director; Jessica Nierenberg, Analyst-in-Charge; Marcus Corbin; Laura Miller Craig; Elizabeth Curda; Karin Fangman; Mark Kehoe; Cynthia Saunders; Bernice Steinhardt; Tamara Stenzel; Jessica Thomsen; Kate Hudson Walker; Jack Warner; and Greg Wilmoth.

Enclosure VI: Related GAO Products

Reports Related to Veterans' Reemployment Rights

Servicemember Reemployment: Agencies Are Generally Timely in Processing Redress Complaints, but Improvements Needed in Maintaining Data and Reporting. GAO-11-55. Washington, D.C.: October 22, 2010.

Military Personnel: Improvements Needed to Increase Effectiveness of DOD's Programs to Promote Positive Working Relationships between Reservists and Their Employers. GAO-08-981R. Washington, D.C.: August 15, 2008.

DOD Financial Management: Adjudication of Butterbaugh Claims for the Restoration of Annual Leave or Pay. GAO-08-948R. Washington, D.C.: July 28, 2008.

Military Personnel: Federal Agencies Have Taken Actions to Address Servicemembers' Employment Rights, but a Single Entity Needs to Maintain Visibility to Improve Focus on Overall Program Results. GAO-08-254T. Washington, D.C.: November 8, 2007.

Military Personnel: Considerations Related to Extending Demonstration Project on Servicemembers' Employment Rights Claims. GAO-08-229T. Washington, D.C.: October 31, 2007.

Military Personnel: Improved Quality Controls Needed over Servicemembers Employment Rights Claims at DOL. GAO-07-907. Washington, D.C.: July 20, 2007.

Office of Special Counsel Needs to Follow Structured Life Cycle Management Practices for Its Case Tracking System. GAO-07-318R. Washington, D.C.: February 16, 2007.

Military Personnel: Additional Actions Needed to Improve Oversight of Reserve Employment Issues. GAO-07-259. Washington, D.C.: February 8, 2007.

Military Personnel: Federal Management of Servicemember Employment Rights Can Be Further Improved. GAO-06-60. Washington, D.C.: October 19, 2005.

U.S. Office of Special Counsel's Role in Enforcing Law to Protect Reemployment Rights of Veterans and Reservists in Federal Employment. GAO-05-74R. Washington, D.C.: October 6, 2004.

Selected Reports Related to Performance Management

Managing for Results: Opportunities to Strengthen Agencies' Customer Service Efforts. GAO-11-44. Washington D.C.: October 27, 2010.

Streamlining Government: Opportunities Exist to Strengthen OMB's Approach to Improving Efficiency. GAO-10-394. Washington D.C.: May 7, 2010.

Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making. GAO-05-927. Washington D.C.: September 9, 2005.

Results-Oriented Government: GPRA Has Established a Solid Foundation for Achieving Greater Results. GAO-04-38. Washington, D.C.: March 10, 2004.

Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures. GAO-03-143. Washington, D.C.: November 22, 2002.

Executive Guide: Effectively Implementing the Government Performance and Results Act. GAO/GGD-96-118. Washington, D.C.: June 1996.

Selected Reports Related to Applied Research and Methods

Applied Research and Methods: Assessing the Reliability of Computer-Processed Data. GAO-09-680G. Washington, D.C.: July 2009.

Program Evaluation and Methodology Division: Developing and Using Questionnaires. GAO/PEMD-10.1.7. Washington, D.C.: October 1993.

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