

GAO Highlights

Highlights of [GAO-15-77](#), a report to congressional committees

Why GAO Did This Study

USERRA protects the employment and reemployment rights of workers who leave civilian jobs to perform military or other uniformed service. VBA directed DOL and OSC to establish a second demonstration project for investigating and resolving USERRA claims filed against federal agencies. Congress established the demonstration project to facilitate a review of relative agency performance and mandated GAO to report on relative performance across a number of areas specified in the VBA.

This report assesses agencies' relative performance using VBA performance metrics - case outcomes, customer satisfaction, timeliness, cost, and capacity.

To determine agencies' relative performance, GAO analyzed agency data on the aforementioned metrics. GAO reviewed VBA requirements and relevant guidance, and interviewed agency officials. In addition, GAO also conducted tests on each agencies' cost and accounting data to ensure agreed upon cost components were reflected in the totals.

What GAO Recommends

GAO recommends that any agency chosen to investigate USERRA claims continue efforts to collect claimants' survey satisfaction information, and to consider efforts to increase the survey response rate. DOL agreed with GAO's recommendations. OSC neither agreed nor disagreed with GAO's recommendations, and disagreed with GAO's findings regarding agencies' relative performance.

View [GAO-15-77](#). For more information, contact Yvonne D. Jones at (202) 512-2717 or jonesy@gao.gov.

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VETERANS' REEMPLOYMENT RIGHTS

Department of Labor Has Higher Performance Than the Office of Special Counsel on More Demonstration Project Measures

What GAO Found

Demonstration Project Performance Between August 2011 and August 2014, the Department of Labor (DOL) demonstrated relatively higher performance than the Office of Special Counsel (OSC) on three of five performance metrics in the Veterans' Benefits Act of 2010 (VBA). The relative performance was influenced—to a varying extent—by a number of factors, such as the investigative approach.

Case Outcomes (as of July 31, 2014): OSC provided relief to about 26 percent and DOL provided relief to about 20 percent of its claimants. DOL resolved 308 (or 97 percent of the 319) Uniformed Services Employment and Reemployment Rights Act (USERRA) cases, and OSC resolved 366 (or 84 percent of the 434) cases it received. OSC received a greater number of cases due to a requirement to investigate 27 cases involving a prohibited personnel practice (PPP) and to the random assignment of cases from servicemembers with odd social security numbers. GAO did not evaluate the appropriateness of agencies' case outcomes. Although the agencies had 10 months to prepare, OSC officials stated they had limited capacity to investigate and resolve claims during the first six months of the demonstration project. In fiscal years 2013 and 2014, both agencies closed about as many cases as received.

Customer Satisfaction: On a survey sent to claimants and administered by OPM, DOL respondents reported higher average satisfaction on every question than OSC respondents, with pronounced differences in scores on timeliness, access to staff, and overall experience. For example, 66 percent of DOL's respondents (n=100) were satisfied with overall customer service, whereas 34 percent of OSC's respondents (n=151) were satisfied. In light of the low survey response rates, GAO conducted additional statistical analyses to control for potential bias and ensure conclusions could be drawn from survey results. Differences in satisfaction between agencies persisted after controlling for variables such as case outcome and timeliness.

Timeliness: DOL's average investigation time of closed cases was about 41 days and OSC's was about 151 days. GAO examined factors potentially influencing timeliness, such as OSC's responsibility to investigate cases involving a PPP, and whether relief was obtained for claimants. GAO found these factors were not primary contributors to OSC's relatively longer average times. Agencies have different policies for extending case investigation timeframes. Officials from OSC said they allow for open-ended case extensions, whereas DOL does not.

Cost: DOL spent about \$1,112 per case, whereas OSC spent about \$3,810. The relative difference in agencies' costs was affected by factors such as the number of hours dedicated to case investigations and pay levels, among others.

Capacity: The agencies demonstrated different capabilities to investigate and resolve cases in areas such as staffing, training, and information technology. For example, DOL had 31 staff investigating USERRA demonstration project, and other nonfederal USERRA or veterans' preference cases. These DOL investigators had an average annual demonstration project caseload of five. OSC had 7 staff investigating demonstration project cases, with an average annual caseload of 28. GAO could not determine relative performance on agency capacity due to the lack of a specific and comparable metric.