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United States
General Accounting Office
Washington, D.C. 20548

Health, Education and Human Services Division

B-260303

February 3, 1995

The Honorable Frank Riggs
House of Representatives

Dear Mr. Riggs:

The enclosed materials, which were prepared at your request, summarize GAO's written products on the Department of Labor's programs and activities from October 1, 1989, through February 3, 1995.¹ This supplements information we previously provided to you on the specific options for budgetary savings within the Department of Labor.²

For your convenience, we have organized these materials according to the Department's 12 major budget categories. The enclosures contain a summary of the key reports we have issued, as well as abstracts of each of those key reports for each of these budget categories. The last enclosure contains a chronological listing of GAO products by budget category.

We have issued reports related to all the major budget categories. For example, we have performed evaluations of those programs that comprise a large portion of the Department's budget, such as Training and Employment Services (18 percent of the fiscal year 1995 budget) and Unemployment Insurance (75 percent of the fiscal year 1995 budget). We also have performed evaluations on those areas responsible for regulatory enforcement and that account for a high proportion of the Department's staff levels, such as the Employment Standards Administration, and the Occupational Safety and Health Administration.

¹A few reports that GAO issued before October 1, 1989, are included because of their continued relevance to current issues.

²Department of Labor: Opportunities to Realize Savings (GAO/T-HEHS-95-55, January 18, 1995). Testimony before the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Committee on Appropriations, House of Representatives.

**Table 1: Department of Labor Major Budget Categories
(FY 1995)**

(Dollars in millions)

Budget category	Appropriation	Staffing level ^a	Enclosure reference
Training and Employment Services	6,001.8	1,614	1
Employment Service	1,042.3	NA	2
Veterans Employment and Training ^b	185.2	272	3
Unemployment Insurance ^b	25,494.2	NA	4
Office of the American Workplace	31.4	400	5
Pension Insurance and Enforcement Programs ^b	69.3	1,308	6
Employment Standards Administration ^b	1,456.9	3,677	7
Occupational Safety and Health Administration ^b	444.4	2,323	8
Mine Safety and Health Administration	200.6	2,521	9
Bureau of Labor Statistics	351.3	2,543	10
Departmental Management	178.1	2,569	11
Other Programs ^{bc}	(1,617.9)	490	12
Total	\$33,837.6	17,717	--

NA=Staffing levels were not available for Employment Service and Unemployment Insurance; however, staffing levels for these categories are included in the Training and Employment Services total.

^aAs measured by expected full-time equivalent usage in fiscal year 1995.

^bThese categories include both discretionary as well as mandatory spending.

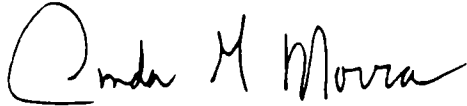
^cOther programs include the Office of the Inspector General, the Working Capital Fund, the Panama Canal Commission, interfund transfers, and selected training-related activities.

Source: Department of Labor.

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We hope that this information will assist you as you make important but difficult decisions about the Department of Labor's operations. If you have any questions, or would like to discuss this material further, please call me at (202) 512-7014.

Sincerely yours,

A handwritten signature in cursive script, reading "Linda G. Morra". The signature is written in dark ink on a white background.

Linda G. Morra, Director
Education and Employment Issues

Enclosures - 13

TRAINING AND EMPLOYMENT SERVICESSUMMARY OF KEY REPORTS ON
THE JOB TRAINING PARTNERSHIP ACT

The Job Training Partnership Act (JTPA) was passed in 1982 to provide job training assistance to economically disadvantaged adults and youth, dislocated workers, and others. GAO has studied numerous aspects of this program, including (1) whether it was only serving those easiest to help, (2) the extent to which the services received were related to a person's gender or race, (3) how well the program was being overseen, and (4) the effectiveness of the services it provided to dislocated workers. GAO found that those who entered the program appeared to be a random sample of the eligible participants, but that once in the program the intensity of services provided were associated with a participant's job readiness, sex, and race. In addition, GAO found that the program was vulnerable to waste, mismanagement, and abuse. GAO suggested changes to the program, many of which were included in the 1992 legislation amending the program. However, questions about the program's effectiveness continue to be raised.

Abstract Of Key ReportsJob Training Partnership Act: Racial and Gender Disparities in Services (GAO/HRD-91-148, Sept. 20, 1991).

Pursuant to a congressional request, GAO reviewed the extent and possible causes of disparities in the JTPA program, focusing on: (1) the extent to which disparities occur in the services provided to women and minorities, (2) factors within local project operations that contribute to such disparities, and (3) efforts by states and the Department of Labor to monitor the services provided to various demographic groups.

GAO found: (1) in 20 percent of the service delivery areas (SDAs) analyzed, white participants were more likely than minorities to receive classroom training, in 13 percent of SDAs, white participants were more likely to receive on-the-job training, and in 18 percent of SDAs, minorities were more likely to receive only job search assistance; (2) such disparities affected black participants more than Hispanic participants or other ethnic groups; (3) women received classroom training more often than men, and in some SDAs, women were less likely to get training for jobs with higher placement wages; (4) the factors that appear to contribute to disparities include self-selection by participants, financial incentives in performance-based contracts, the lack of an independent and comprehensive participant assessment process, the lack of support services for some women and minorities, and the discriminatory actions of some employers and the acquiescence of some staff; (5) state and Labor monitoring activities are inadequate to identify and address disparities in the services provided to minorities and women; and (6) Labor has identified

several disparities, but has not determined whether any civil rights violations have occurred.

Job Training Partnership Act: Inadequate Oversight Leaves Program Vulnerable to Waste, Abuse, and Mismanagement (GAO/HRD-91-97, July 30, 1991).

Pursuant to a congressional request, GAO provided information on the: (1) JTPA program's vulnerability to waste, abuse, and mismanagement, and (2) adequacy of JTPA program oversight to prevent and detect such practices.

GAO found that: (1) the majority of service delivery areas (SDAs) underreported administrative expenditures, causing a misrepresentation of program costs and amounting to a circumvention of the statutory limitation placed on administrative costs; (2) 9 of the 12 SDAs reviewed often reported administrative salaries as training costs and other administrative expenditures as participant support costs; (3) if those administrative expenditures had been charged properly, 7 of those SDAs would have exceeded the specified administrative cost limitation by an average of 68 percent; (4) most SDAs visited wasted JTPA funds on excessive on-the-job training (OJT), and used OJT contracts to subsidize portions of employers' salary and training expenses; (5) two-thirds of SDAs used questionable contract administration and monitoring practices, making contracting with training vendors vulnerable to potential waste, abuse, and mismanagement; (6) state agencies failed to identify improper cost reporting, questionable uses of OJT, and inadequate procurement practices occurring at SDAs; (7) the Department of Labor's program oversight is limited, and its policy guidance lacks a definition of administrative costs, acceptable OJT contracts, or adequate state monitoring; and (8) required independent financial and compliance audits did not compensate for inadequate state and federal monitoring and oversight.

Job Training Partnership Act: Youth Participant Characteristics, Services, and Outcomes (GAO/HRD-90-46BR, Jan. 24, 1990).

Pursuant to a congressional request, GAO provided information regarding the characteristics of youth participating in Job Training Partnership Act (JTPA) programs, focusing on youth who were high school graduates or dropouts.

GAO found that: (1) of 5,000 surveyed youth participating in 63 JTPA programs, 42 percent of out-of-school youth participants were school dropouts, 53 percent were members of minority groups, 24 percent were from families receiving welfare assistance, 15 percent were single parents with a dependent child, and 72 percent lacked recent work experience; (2) JTPA programs generally served youth with greatest need for assistance in roughly the same proportion as their representation in the eligible population; (3) 53 percent of out-of-school youth received occupational training, with 69 percent of them receiving training for moderate- or higher-skill jobs; (4) 26 percent of out-of-school youth received nonoccupational training, including remedial education and short-term work experience, to improve their basic skills; (5) 21 percent of

out-of-school youth received only job search assistance; (6) 79 percent of out-of-school youth either were placed in jobs or had other positive outcomes, such as entering other training or schooling; (7) the average starting wage for job placements was \$4.36 per hour; (8) youth who received occupational training were more likely to be placed in moderate- or higher-skill jobs and have a higher starting wage; (9) many JTPA programs' on-the-job training contracts allowed excessive amounts of time for training; and (10) black males were less likely than other youth to receive occupational training, particularly for moderate- or higher-skill jobs.

Job Training Partnership Act: Services and Outcomes for Participants With Differing Needs (GAO/HRD-89-52, June 9, 1989).

Pursuant to a congressional request, GAO provided information on JTPA, focusing on (1) participants' readiness to enter the job market, (2) the type and intensity of services participants received according to their job readiness, (3) participant employment outcomes, and (4) differences among JTPA SDAs.

GAO found that SDAs: (1) generally served more and less job-ready participants in about the same proportion as their incidence in the eligible population; (2) did not target services to any particular job readiness group; (3) tended to underserve the eligible high school dropout population and offered little remedial education; (4) provided fewer and less intensive services to less job-ready participants than they did to more job-ready participants; and (5) provided placement assistance only or lower-skill or nonoccupational training to over 50 percent of participants, who either did not get a job or obtained a low-skill job in a low- or no-growth occupation. GAO also found that: (1) participants receiving higher or moderate skill training, including the less job-ready, tended to obtain jobs at the same level of training; (2) on-the-job training contracts frequently exceeded the Department of Labor's suggested training time; (3) Labor did not collect adequately detailed information regarding JTPA participants and services; and (4) JTPA and program guidance lack the necessary specificity to ensure that those most in need of services are appropriately served.

SUMMARY OF KEY REPORTS ON SCHOOL-TO-WORK TRANSITION

GAO's work on the transition of the nation's youth from school to work focused on the extent to which the U.S. educational system focuses on youth not planning to go to a 4-year college. We found that some of our principal competitor nations have national policies that emphasize preparing noncollege youth for employment. In the United States we found that 9 million of 33 million youth 16 to 24 years old will not have the skills that employers will demand. In addition, we found that only 15 percent of youth who enter the ninth grade will complete high school and go on to obtain a 4-year college degree--85 percent will either get a job, obtain a 2-year degree, drop out of high school or college, or not enter the work force. Four states have begun to acknowledge this deficiency

in their schools and have started to develop comprehensive school-to-work transition systems. In 1994 the School-to-Work Opportunities Act was passed to encourage more states to develop such systems.

Abstract Of Key Reports

Transition from School to Work: States are Developing New Strategies to Prepare Students for Jobs (GAO/HRD-93-139, Sept. 7, 1993).

Pursuant to a congressional request, GAO reviewed the school-to-work transition problem in the United States, focusing on: (1) state progress in implementing comprehensive school-to-work transition strategies; and (2) possible federal policy options for assisting such strategies.

GAO found that (1) most analyses of school-to-work transition problems are too limited in scope; (2) sound transition strategies require a comprehensive approach that includes developing all students' academic and occupational competencies, career education and development, extensive links between schools and employers, and meaningful work-place experiences for all students; (3) four states have begun implementing comprehensive transition strategies and 9 states are considering such strategies; (4) state progress is limited due to the newness of their programs; (5) most school districts are focusing on developing academic and occupational competencies; (6) obstacles to implementing transition strategies include labor laws, state regulations, federal grant program targeting provisions, uncertain state funding, employer reluctance to hire youth, universities' nonacceptance of work-oriented academic class credits, school scheduling practices, lack of information collection and dissemination, parents' aversion to work-oriented programs, and lack of career-path jobs in some regions; and (7) the federal government could assist state programs by collecting and disseminating lessons-learned information and permitting more flexible use of grant funds.

Transition From School to Work: Linking Education and Worksite Training (GAO/HRD-91-105, Aug. 2, 1991).

Pursuant to a congressional request and a legislative requirement, GAO provided information on U.S. apprenticeship-type programs, focusing on cooperative education (co-op) programs that assist youth in the transition from school to work.

GAO found that (1) during the 1989-90 school year, about 8 percent of high school juniors and seniors and less than 3 percent of community college students participated in co-op programs; (2) access to such programs is not uniform across rural, suburban, and inner-city areas; (3) key features shared by high-quality programs included written training plans that detailed specific learning objectives, student screening, selection of employers who provided high-quality training in occupations with career paths, and close supervision of students' training by school staff; (4) high school co-op programs offer general employability skills and specific

occupational skills training, while community college programs concentrate more on specific occupational skills because these students typically are working toward a 2-year degree; (5) co-op students frequently rotate across a variety of jobs within an organization to gain a broader experience; (6) participation in high-quality co-op programs enhances the likelihood that participants will pursue further education and a majority of co-op employers offered participants permanent employment; (7) factors hindering expanded participation include lack of awareness of such programs, a negative perception of co-op at the high school level, and scheduling and transportation problems; (8) both students and employers express satisfaction with their participation in youth apprenticeship projects that enable participants to enter full-time apprenticeships upon graduation, leading to a certificate that confers journeyman's status; and (9) co-op shares many features with German youth apprenticeship, which is recognized as effective in preparing a skilled young work force.

Training Strategies: Preparing Noncollege Youth for Employment in the United States and Foreign Countries (GAO/HRD-90-88, May 11, 1990).

Pursuant to a congressional request, GAO provided information on: (1) the weaknesses in the U.S. education and training system for preparing noncollege youth for employment; and (2) foreign strategies that appear relevant to U.S. shortcomings.

GAO found that: (1) about half of all U.S. youth attended college by the age 25, but only one-fifth of them graduated; (2) most U.S. youth completed high school, but one-fourth of the nation's 33 million youth did not attain high school competency because they either dropped out of high school or graduated without mastering basic academic skills; (3) foreign countries tended to invest proportionately more in noncollege education and training; (4) despite heavy investments in college education, the United States placed little emphasis on training youth who chose employment rather than college; (5) less than half as much was invested in education and training for each noncollege youth as for each college youth; (6) young adults in the foreign countries had higher literacy levels than those in the United States; (7) many U.S. children entered school unprepared and were not adequately helped after falling behind; and (8) certain practices of foreign countries, such as providing comparable educational resources to all schools, emphasized providing equal educational opportunity to all youth, regardless of socioeconomic status and academic talent. GAO also found: (1) foreign countries helped students learn about job requirements and assisted them in finding employment; (2) Germany and the United Kingdom maintained quality occupational training by testing and certification to meet national standards, which employers looked to for evidence of skills; (3) U.S. certificates for trainees often certified course completion and not necessarily attainment of specific skill levels; and (4) foreign countries assisted most youth who encountered employment problems.

SUMMARY OF KEY REPORTS ON
CONSOLIDATION OF MULTIPLE
EMPLOYMENT TRAINING PROGRAMS

Over the years, GAO has identified the many problems with the current fragmented system of federal employment training programs and the need to reshape the array of programs into a more efficient, customer-driven system.¹ In 1991, GAO identified 125 separate federal programs or funding streams that provide employment training assistance to adults and out-of-school youths. In 1993, GAO found that the number of programs providing employment training assistance had increased to at least 154. Despite much discussion about reducing the number of programs, GAO's review of fiscal year 1995 appropriations and major legislation enacted identified at least 163 programs administered by 15 different agencies that provide about \$20 billion in employment training assistance. Individually, many programs have admirable goals, however, collectively, the current system of federal employment training programs is fraught with many problems. Clearly, though, the current conglomeration of narrowly focused programs incurs unnecessary administrative costs and confuses and frustrates workers, employers, and administrators. And despite spending billions of dollars each year on employment training assistance, most agencies do not know whether their programs are really helping people find jobs. These findings demonstrate that a major overhaul and consolidation of programs is needed to create a more efficient, customer-driven system that (1) provides easy access to services, (2) encourages the efficient use of resources, (3) offers a wide variety of employment training services, and (4) holds program administrators accountable for results, while allowing states and local agencies the flexibility to determine how best to meet the needs of their communities.

Abstract Of Key Reports

Multiple Employment Training Programs: Overlap Among Programs
Raises Questions About Efficiency (GAO/HEHS-94-193, July 11, 1994).

Pursuant to a congressional request, GAO reviewed the federal employment training system, focusing on employment programs that target economically disadvantaged persons, dislocated workers, older workers, and youth.

GAO found that: (1) programs reviewed often share common program goals, target comparable clients, provide similar services, and use parallel delivery approaches; (2) program administration is scattered among several federal agencies; (3) programs operating at the local level often share resources and provide assistance to clients enrolled in other programs, sometimes to the extent that it is difficult to determine the effectiveness of individual programs;

¹As used in this our reports, employment training programs refers to programs or funding streams that (1) help the unemployed find jobs, (2) create job opportunities, and (3) enhance the skills of participants to increase their employability.

and (4) consolidation of the overlapping programs and decisions concerning participant eligibility and the level of services provided under a new consolidated program require more extensive study.

Multiple Employment Training Programs: Most Federal Agencies Do Not Know If Their Programs Are Working Effectively (GAO/HEHS-94-88, Mar. 2, 1994).

Pursuant to a congressional request, GAO reviewed federal employment training programs for the economically disadvantaged, focusing on (1) the collection of data on participant outcomes, (2) federal agencies' monitoring of local program performance, and (3) studies of program effectiveness.

GAO found that: (1) although federal agencies closely monitor the expenditures for employment training assistance for the economically disadvantaged, only about half of them collect data on participant outcomes; (2) only 34 percent of the agencies try to link participant outcomes to the services provided or demographic characteristics; (3) federal agencies do not know whether their programs help participants find jobs or ways to modify their programs to improve performance; (4) a program's size does not determine whether federal monitoring activities include program outcome assessments; (5) most oversight efforts focus on compliance with program requirements and procedures or the agencies' progress in providing agreed-upon services; (6) few agencies conduct program effectiveness or impact studies; (7) larger programs are more likely to be the subject of effectiveness studies, even though they account for only 16 percent of the total proposed funding for the programs reviewed; and (8) program studies do not agree on whether participants benefit from federal employment training programs.

Multiple Employment Training Programs: Overlapping Programs Can Add Unnecessary Administrative Costs (GAO/HEHS-94-80, Jan. 28, 1994). Pursuant to a congressional request, GAO provided information on federal employment training assistance, focusing on the (1) extent that targeted populations and program services overlap, and (2) adverse effects of any potential overlaps in service.

GAO found that: (1) although the government attempts to provide employment training assistance to disadvantaged people to help meet the challenges of increased global competition and a changing U.S. economy, many federal employment training programs target the same populations; (2) the amount of overlap in federal training programs varies according to the type of services provided; (3) although each employment training program generally has a well-intended purpose, there is the potential for duplication of effort and increased administrative costs; and (4) the nine programs that target the economically disadvantaged have similar goals, serve the same target groups, and provide many of the same services using separate delivery structures.

Multiple Employment Training Programs: Conflicting Requirements
Hamper Delivery of Services (GAO/HEHS-94-78, Jan. 28, 1994).

Pursuant to a congressional request, GAO reviewed how federal employment training programs serving the same target populations differ concerning: (1) eligibility requirements, and (2) annual operating cycles.

GAO found that: (1) many employment training programs use several different standards for defining eligibility requirements, (2) most program administrators want to standardize the terms used to determine program eligibility, (3) differences in annual operating cycles hamper program administrators' ability to ensure that participants receive the services they need, and (4) as a result of differences in operating cycles, administrators may not be able to coordinate their plans to ensure that needed resources are available to serve their clients.

SUMMARY OF KEY REPORTS ON
DISLOCATED WORKERS

Each year over one million workers lose their jobs due to business closures and permanent layoffs. While some workers adjust quickly and find new jobs, others need counseling and training to help them find new employment. Nine federal programs provide assistance to help dislocated workers make a successful transition to new employment. GAO's work has focused on the major federal programs--Trade Adjustment Assistance (TAA), Economic Dislocation and Worker Adjustment Assistance (EDWAA), and the new NAFTA-Transitional Adjustment Assistance (NAFTA-TAA) program. GAO has found several problems with these programs, including that (1) programs were slow to provide training, (2) workers were not offered a comprehensive mix of services to meet their individual adjustment needs, (3) programs provided limited support and encouragement to facilitate successful program completion, and (4) training was not linked with job opportunities. In addition, the TAA and NAFTA-TAA programs lack the basic tracking systems needed to ensure that assistance is provided effectively and efficiently.

Abstract of Key Reports

Dislocated Workers: An Early Look at the NAFTA Transitional
Adjustment Assistance Program (GAO/HEHS-95-31, Nov. 28, 1994).

Pursuant to a congressional request, GAO reviewed the Department of Labor's efforts to provide services to workers affected by NAFTA, focusing on (1) shortening the time frame for certification, (2) including states in the certification process, (3) broadening eligibility requirements, and (4) tying income support more closely to retraining and eliminating waivers.

GAO found that: (1) Labor has shortened its certification process for the NAFTA TAA program, resulting in 94 percent of NAFTA-TAA determinations being made in 40 days or less; (2) the states' added

role in the NAFTA-TAA certification process has ensured rapid response services for dislocated workers; (3) although Labor has broadened the NAFTA-TAA eligibility requirements to include secondary workers, limited guidance, unclear authority, and a slow and cumbersome funding mechanism make it difficult for such workers to access benefits; (4) while Labor has more closely tied cash benefits to training by eliminating waivers and requiring workers to enroll in training, these restrictions have resulted in some workers receiving incomplete assessments and remedial assistance, and a limited mix of services; (5) Labor has not adequately addressed the lack of ongoing support, follow-up, and performance monitoring for NAFTA-TAA; and (6) while Labor has encouraged closer coordination between federal dislocated worker programs, it has not formally required states to track NAFTA-TAA participants.

Dislocated Workers: Proposed Re-Employment Assistance Program
(GAO/HRD-94-61, Nov. 12, 1993).

Pursuant to a congressional request, GAO reviewed the Department of Labor's proposed re-employment assistance program for workers who are displaced as a result of the North American Free Trade Agreement (NAFTA), focusing on whether the proposed program meets the goals for a successful re-employment program.

GAO found that: (1) the proposed program contains similar problems identified in the Trade Adjustment Assistance (TAA) programs; (2) the proposed program would address three significant problems concerning the TAA certification process including ensuring equal access to services by changing eligibility criteria, ensuring timely service delivery, and eliminating TAA training waivers by requiring that all recipients of income support programs be enrolled in training courses; (3) the program will not likely meet the key goals of an effective re-employment assistance program because expedition of the certification process seems unrealistic and the Department has not determined whether job search activities should be valid substitutes for classroom training in considering participants' eligibility for income support assistance; and (4) if NAFTA is passed, the Department can address these problems as it develops implementing regulations.

Dislocated Workers: Improvements Needed in Trade Adjustment Assistance Certification Process (GAO/HRD-93-36, Oct. 19, 1992).

Pursuant to a congressional request, GAO reviewed the Department of Labor's certification process for the TAA program, focusing on (1) Labor's investigation of petitions, (2) state assistance to workers in filing petitions, and (3) Labor's application of TAA eligibility criteria.

GAO found that: (1) between 1990 and 1991, 63 percent of the TAA petitions filed contained investigative flaws; (2) flawed investigations denied workers needed assistance or resulted in nonqualified workers receiving benefits; (3) the three steps in the TAA investigative process included determining whether company sales had decreased and if a significant number of workers lost their jobs, determining whether imports or competitive products had

increased, and determining whether imports significantly contributed to the company's decline in sales and production; (4) major flaws in the TAA certification process included incomplete, inaccurate, or unsubstantiated data collection, incorrect or omitted analyses of trade statistics, and inadequate or omitted customer surveys; (5) investigative flaws were attributed to time and schedule constraints resulting in data collection and review shortcuts; (6) during 1990 and 1991, few investigative determinations were appealed; (7) states with a high rate of workers filing petitions expended greater amounts of resources on outreach programs, program specialists, and rapid response teams; (8) states with low filing rates provided few outreach services, had undertrained and overworked staff, and lacked adequate program information distribution; and (9) Labor denied those TAA petitioners who provided services or produced component parts for companies directly affected by imports.

Dislocated Workers: Comparison of Assistance Programs
(GAO/HRD-92-153BR, Sept. 10, 1992).

Pursuant to a congressional request, GAO provided information on the TAA and the EDWAA programs' services to dislocated workers, focusing on (1) whom the programs serve, (2) how their services differ, (3) the outcomes for workers, and (4) coordination of services for TAA-eligible workers.

GAO found that: (1) TAA served a higher proportion of hard-to-place workers, such as female workers, older workers, and less educated workers, than did EDWAA; (2) it could find no pattern in the proportion of minorities served; (3) differences between TAA and EDWAA participants were due to the differences in the workers in industries affected by imports; (4) both programs were slow in providing training to workers, despite studies that showed early training intervention before or at time of layoff lessened the time of unemployment and enhanced subsequent earnings; (5) more TAA participants than EDWAA participants were enrolled in training lasting longer than 26 weeks, because EDWAA seldom provided income support after workers exhausted their unemployment insurance, whereas TAA often provided extended income support; (6) EDWAA provided more on-the-job training than TAA; (7) EDWAA required states to collect placement rate and wage information data on participants, while TAA did not, which made reliable data on TAA participants unavailable; and (8) coordination of services between TAA and EDWAA was limited despite legislative directives.

EMPLOYMENT SERVICESUMMARY OF KEY REPORTS

The 60-year old Employment Service (ES), administered jointly by the Department of Labor and the states, is one of the most accessible employment training programs. Each year, about 18 million people receive ES services--such as counseling, skills assessment, and job placement--through a network of 2,000 local ES offices. However, GAO reported substantial variation in the performance of local ES offices. Top-performing offices found jobs for 1 in 3 job seekers, while low-performing offices found jobs for fewer than 1 in 10. Variations in performance were related in part to differences in state management strategies and ways services were provided by local offices. Performance was better in states that guided ES performance through measurable goals and annual on-site evaluations of local office operations. Better performing local offices were more responsive to client needs through more individualized attention to employers and job seekers and faster job referral processes. The Department of Labor does little to strengthen program performance. While ES programs in some states have flourished without Labor's guidance and technical assistance, wide variations in local office performance indicate that some states may need more assistance to improve their programs.

Abstract Of Key ReportsEmployment Service: Improved Leadership Needed for Better Performance (GAO/HRD-91-88, Aug. 6, 1991).

Pursuant to a congressional request, GAO (1) identified factors influencing variations in local ES office job placement performance; and (2) examined the Department of Labor's role in guiding and monitoring state and local ES program performance.

GAO found that: (1) variations in ES performance are related, in part, to differences in state management strategies and local office operations; (2) states that set ES program goals reinforced by awards and that conducted annual on-site evaluations of local office operations had better placement results; (3) local offices that paid more attention to employers' and jobseekers' needs, were extensively involved with the JTPA program, and operated separately from local unemployment insurance offices, had better placement performance;

(4) Labor's oversight activities include approving state program plans, goals, and descriptions of basic labor exchange activities, conducting on-site program reviews, and analyzing quarterly data on state program activities and performance, but these activities provide little substantive information about how states manage ES programs; (5) without well-defined program goals, federal oversight activities will probably continue to focus on compliance rather than performance issues; and (6) Labor provides little technical assistance to help states operate ES programs efficiently or effectively.

Employment Service: Variations in Local Office Performance
(GAO/HRD-89-116BR, Aug. 3, 1989).

Pursuant to a congressional request, GAO provided information on the ES, focusing on, (1) variations in local USES performance across the nation and by state; and (2) the extent to which ES provided applicant services, such as counseling and testing.

GAO found that: (1) local ES offices and states varied greatly in their ability to place applicants in jobs; (2) local offices with above or below average performance tended to be concentrated in certain states, indicating that individual states' policies and practices contributed to performance variations; (3) although the variations were not related to the level of resources expended per applicant, better-performing states spent less per placement than other states; and (4) while the work load remained stable from 1980 to 1987, ES provided individualized assistance and career guidance at a steadily declining rate during that period.

VETERANS EMPLOYMENT AND TRAININGSUMMARY OF KEY REPORT

In September 1992, GAO issued a report on how the Veterans Administration (VA), in conjunction with the Department of Labor, helps disabled veterans find jobs. The abstract of this report is presented below.

Abstract Of Key Report

Vocational Rehabilitation: Better VA Management Needed to Help Disabled Veterans Find Jobs (GAO/HRD-92-100, Sept. 4, 1992).

Pursuant to a congressional request, GAO assessed the VA vocational rehabilitation program, focusing on (1) the program's effectiveness in helping disabled veterans obtain and maintain employment, (2) reasons for the high drop-out rate of veterans who apply for the program, and (3) VA standards for measuring program success and for providing timely services.

GAO found that VA: (1) focuses its program on training, although legislation requires that it also provide job placement services; (2) arrangements with other agencies that offer job search activities have produced only limited job search assistance; (3) does not know why 71 percent of the 202,000 veterans accepted into the rehabilitation program dropped out before obtaining suitable employment; (4) does not collect sufficient data or document drop-out reasons and has not made any special efforts to identify key reasons why veterans drop out of the rehabilitation program; and (5) has instituted a systematic approach to monitoring and assessing the program, but it is not very helpful, since it uses previous actual performance as the standard for the following year's performance, does not consider all program participants in measuring program effectiveness, and has not established standards in all necessary areas.

UNEMPLOYMENT INSURANCESUMMARY OF KEY REPORT

GAO's work on the federal-state Unemployment Insurance (UI) system has focused on examining the legislative and regulatory provisions that discourage state UI trust funds from maintaining financial reserves adequate to pay recession level benefits. GAO's analysis demonstrated the link between these provisions and the long-term decline in the proportion of unemployed persons receiving UI benefits. GAO concluded that the UI system is increasingly unable to stabilize the economy during periods of recession. GAO has also reviewed the level of federal funding for the administration of the individual state UI programs and determined that federal budgetary and appropriation cutbacks have decreased federal funding of states' UI administrative costs. In response, states have increasingly used their own funds to cover these costs and have made managerial adjustments involving increased automation and reduced staffing to contain costs and maintain service.

Abstract Of Key ReportUnemployment Insurance: Program's Ability to Meet Objectives Jeopardized (GAO/HRD-93-107, Sept. 28, 1993).

Pursuant to a congressional request, GAO reviewed the UI program, focusing on the (1) factors contributing to the decline in UI beneficiaries, and (2) the effect of this decline on the program's ability to meet its objectives.

GAO found that: (1) the deteriorating financial solvency of state trust funds has led to changes in state laws affecting eligibility and compensation levels and adversely affected the percentage of unemployed persons receiving unemployment benefits; (2) changes in the workforce such as the growth in the number of long-term unemployed workers, service-sector workers, and temporary and part-time workers, and declines in the number of manufacturing workers, have adversely affected the percentage of unemployed persons receiving UI benefits; (3) employers' circumvention of UI eligibility laws and misclassification of employees has contributed to the decline in UI beneficiaries; (4) the UI program is less able to meet its original program objectives of stabilizing the economy and providing an income safety net to unemployed persons; (5) the reduction in the percentage of unemployed persons receiving UI benefits has contributed to the increase in the poverty population; and (6) the Congress has established an advisory council to evaluate the UI program and determine what role the program should play in eliminating the adverse effects of unemployment and recession.

OFFICE OF THE AMERICAN WORKPLACESUMMARY OF KEY REPORT

The Office of the American Workplace performs a number of functions related to the fostering of labor-management cooperation in the workplace. GAO has not directly reviewed any of the operations of the Office of the American Workplace. However, GAO has described and analyzed the framework of federal workplace regulation, reviewing a wide variety of employers' and unions' perceptions regarding strengths, weakness and possible improvements of this framework. This review included employers' and unions' views on proposed and existing regulations governing the use of labor management committees in different workplace activities, like health and safety. GAO found that employers generally agreed with the overall goals of workplace regulation, but voiced concerns with how agencies implemented these regulations. The report also included a review of the 26 key statutes and 1 executive order, including scope of coverage, penalties, legal recourse and degree of federal preemption.

Abstract Of Key ReportWorkplace Regulation: Information on Selected Employer and Union Experiences (GAO/HEHS-94-138, Jun. 30, 1994).

Pursuant to a congressional request, GAO provided information on federal workplace regulation, focusing on the (1) legislative framework on which workplace regulation is based, and (2) views of employers, employees, and unions on workplace regulation and agencies' enforcement efforts.

GAO found from its analysis of 36 employer and union case studies that (1) the complexity and dynamics of workplace regulation pose a challenge to employers; (2) workplace regulation is an expanding and constantly changing process; (3) although employers and union representatives generally support workplace regulation, most have concerns regarding agencies' operational procedures; (4) most employers comply with workplace-related paperwork requirements without undue burden, but many employers believe that certain paperwork requirements have questionable regulatory value; (5) many employers believe that the current regulatory approach is adversarial and characterized by poor communication and unfair application of workplace laws and regulations; (6) most unions believe that agencies do not sufficiently enforce existing regulatory protections; and (7) both employer and union representatives have recommended that agencies develop more service-oriented approaches to regulation, improve employer and union access to information and educational resources, increase employer and union participation in setting standards, and work cooperatively during the regulatory process.

PENSION INSURANCE AND ENFORCEMENT PROGRAMSSUMMARY OF KEY REPORTS

GAO has studied three major issues at the Pension Benefit Guaranty Corporation (PBGC) and the Pension and Welfare Benefits Administration (PWBA). These include reviews of the size and growth in underfunding of private pensions insured by PBGC, the financial reporting by PBGC, and the enforcement and oversight activities by PWBA. GAO's work showed that underfunded pensions infrequently made additional contributions over and above their regular contributions, as required by law, due to design flaws in the 1987 Omnibus Budget Reconciliation Act legislation. GAO analyzed the provisions in the Retirement Protection Act (RPA) of 1994 and reported that more plans would make greater contributions under this legislation.

GAO has also studied PBGC's financial statements. In December 1992, GAO reported that PBGC's weak financial condition threatened the pension insurance program. According to PBGC, the deficit in the single-employer program was about \$2.9 billion in 1993.¹ That same year, ongoing single-employer plans insured by PBGC were underfunded by about \$71 billion. GAO also reported that management deficiencies hindered PBGC's ability to effectively assess and monitor its financial condition. PBGC improved its internal controls and procedures, enabling GAO to express an unqualified opinion on each of the financial statements for the first time for fiscal year 1993, and PBGC took other steps to improve program administration.

GAO also reviewed several issues in the enforcement of the Employee Retirement Income Security Act of 1974 (ERISA), including oversight to detect and correct fiduciary violations and selection of annuity providers (life insurance companies.) GAO reported that weaknesses in Labor and Internal Revenue Service (IRS) enforcement programs hindered detection of firms that do not comply with ERISA fiduciary requirements; and that federal regulation and oversight of pension plans' selection of annuity providers needed to be strengthened.

Abstract Of Key Reports

Private Pensions: Funding Rule Change Needed to Reduce PBGC's Multibillion Dollar Exposure (GAO/HEHS-95-5, Oct. 5, 1994).

Pursuant to a congressional request, GAO reviewed the underfunding problems of the PBGC, focusing on the: (1) efficacy of Privacy Protection Act (PPA) provisions in reducing underfunding, and (2) potential impact of the proposed Pension Funding Improvement Act (PFIA) of 1993 and RPA of 1993 on improving plan funding.

¹The amount reflected in PBGC's latest annual report.

GAO found that: (1) the current funding rules for underfunded plans are not effectively reducing underfunding problems; (2) sponsors of most underfunded plans make no additional contributions to reduce underfunding; (3) although PPA requires sponsors of all underfunded plans to calculate an additional contribution amount, it also allows this contribution to be reduced or offset; (4) because many plan sponsors contribute less than the amount originally calculated for their underfunded plans, few underfunded plans advance toward full funding; (5) the current funding offset is too large for many underfunded plans; (6) although PFIA would reduce the percent of sponsors making increased contributions to their underfunded plans, it would cause substantial increases for the few sponsors affected by its solvency maintenance provision; (7) RPA would increase the percentage of underfunded plan sponsors making additional contributions to about 50 percent; (8) about half the sponsors of underfunded plans will not make additional contributions if RPA is enacted without any further changes; and (9) changes to current funding rules beyond those proposed in RPA should be considered to protect PBGC and plan participants from the consequences of underfunded plan terminations.

Pension Plans: Stronger Labor ERISA Enforcement Should Better Protect Plan Participants (GAO/AIMD-94-157, Aug. 8, 1994).

GAO reviewed the Department of Labor's enforcement of ERISA focusing on the (1) enforcement strategy, (2) methodology for targeting pension and welfare plans for investigation, and (3) use of penalties to increase compliance.

GAO found that: (1) Labor could strengthen its enforcement program by maximizing the use of its investigative resources and increasing the use of authorized penalties; (2) PWBA cannot determine whether it is sufficiently prioritizing its enforcement actions or whether its allocation formula is effective because it has not evaluated its enforcement strategy; (3) PWBA investigators may not be targeting the pension and welfare plans that are in possible violation of the act because PWBA has not evaluated, tested, or corrected the procedural weaknesses in its computer targeting programs; (4) PWBA lacks the staff and resources necessary and does not routinely follow up on IRS referrals so that it can take appropriate legal action and impose penalties against those firms that do not comply with ERISA fiduciary requirements; and (5) PWBA needs to determine whether additional administrative guidance and legal changes are needed to enhance PWBA penalty enforcement.

Financial Audit: Pension Benefit Guaranty Corporation's 1993 and 1992 Financial Statements (GAO/AIMD-94-109, May 4, 1994).

GAO examined the financial statements of PBGC's Single-Employer and Multiemployer Funds for the years ended September 30, 1993 and 1992, focusing on PBGC's (1) financial condition, (2) internal controls, and (3) compliance with applicable laws and regulations.

GAO found that: (1) PBGC financial statements for the years ended September 30, 1993 and 1992 were reliable in all material respects

and represented fairly the funds' financial position in accordance with generally accepted accounting principles; (2) PBGC internal controls were not adequate to ensure that transactions were properly recorded, processed, and summarized in accordance with generally accepted principles, and to maintain accountability for assets among funds; (3) there was no evidence of material noncompliance with applicable laws and regulations; (4) the Single-Employer Fund's long-term viability was jeopardized by underfunding and a not-fully-risk-related premium structure; (5) weaknesses existed in the scope and quality of employee benefit plan audits and reporting; and (6) it could not audit the Multiemployer Fund's future financial assistance liability because it had incomplete information on certain financially troubled pension plans.

Private Pensions: Protections for Retirees' Insurance Annuities Can Be Strengthened (GAO/HRD-93-29, Mar. 31, 1993).

Pursuant to a congressional request, GAO reviewed the adequacy of protections for retirees' insurance annuities, focusing on (1) state guarantee coverage of insurance annuities retirees receive from private pension plans, (2) federal regulation and oversight of private pension plans' selection of insurers to provide annuity benefits, and (3) options for improving annuity protections.

GAO found that: (1) some retirees risk losing part of their benefits if their insurers fail because of variations in state guarantee coverage provisions, gaps in annuity coverage, annuity values exceeding the state guarantee limits, and variations in state guarantee limits; (2) the federal guarantee, under ERISA, does not extend to insurance annuities; (3) only one state indexes its guarantee coverage limits to reflect inflation; (4) state guarantee coverage could be improved by standardizing coverage through an interstate compact or incorporating recommended coverage provisions in financial regulation standards; (5) the federal government could improve guarantee coverage by extending PBGC coverage to insurance annuities purchased by PBGC-covered plans or establishing a national insurance guaranty fund; (6) the Department of Labor does not routinely monitor annuity-provider selection and has not provided formal guidance for fiduciaries to consider in evaluating annuity providers; (7) options to strengthen federal regulation and oversight include requiring that fiduciaries meet specified minimum standards in selecting an annuity provider; (8) PBGC participant notification requirements requiring advance notification about an annuity provider or changes in guarantee coverage are inadequate; and (9) Labor investigates questionable annuity purchases because of the potential conflict between participant and sponsor interests and the difficulty in remedying fiduciary breaches after termination.

Pension Plans: Labor Should Not Ignore Some Small Plans That Report Violations (GAO/HRD-93-45, Mar. 26, 1993).

Pursuant to a congressional request, GAO provided information on the Department of Labor's corrective actions concerning prohibited pension plan asset use, focusing on (1) whether Labor and IRS

adequately identified and acted on reported information about possible violations, and (2) those agencies' procedures and practices for resolving apparent violations.

GAO found that: (1) Labor did not take any enforcement actions against five small pension plans that reported apparent prohibited uses of funds, and could not ensure that it would act on similar future violations; (2) Labor's database errors have resulted in unreliable data, and it cannot use those databases to adequately target plans; (3) Labor's enforcement targeting system automatically screens out a substantial number of small plans and focuses on only larger plans; (4) of the 11 plans GAO reviewed, nine sponsors had corrected their funding deficiencies, or IRS had identified the deficiencies and taken appropriate corrective actions; and (5) current IRS procedures are adequate for correcting funding deficiencies reported by pension plans.

Pension Plans: Pension Benefit Guaranty Corporation Needs to Improve Premium Collections (GAO/HRD-92-103, Aug. 11, 1992).

Pursuant to a congressional request, GAO reviewed PBGC's efforts to collect pension plan premiums.

GAO found that PBGC (1) efforts to identify and collect delinquent premiums and underpaid premiums, interest, and penalties on premiums have been inadequate; (2) has infrequently issued and failed to follow up on past-due notices; (3) has not sent past-due notices to or collected delinquent premiums from plans with less than 50 participants; and (4) has not used civil action to collect delinquent premiums, interest, or penalties.

EMPLOYMENT STANDARDS ADMINISTRATIONSUMMARY OF KEY REPORTS

The Employment Standards Administration (ESA)--primarily its Wage and Hour Division (WHD)--implements and enforces laws governing child labor, immigration, prevailing wages, the use of polygraphs, and other labor standards. Most of GAO's key work on ESA, therefore, focused on the operations WHD. This work has analyzed the legislative impediments facing the agency in enforcing minimum wage, overtime, and child labor regulations. In addition, GAO has also reviewed the agency's efforts to coordinate enforcement with related federal agencies and state labor departments and to combat sweatshop working conditions generally. GAO also reviewed changes in the agency's administration of the Davis-Bacon Act since 1979 and estimated the costs to employers from certain provisions of the Family and Medical Leave Act of 1993. Finally, GAO has evaluated the employer verification and sanction provisions of the Immigration Reform and Control Act (IRCA) of 1986 to determine whether these provisions place an unnecessary burden on employers, discriminate against eligible workers, and have been implemented satisfactorily.

Abstract Of Key ReportsGarment Industry: Efforts to Address the Prevalence and Conditions of Sweatshops (GAO/HEHS-95-29, Nov. 2, 1994).

Pursuant to a congressional request, GAO provided information on sweatshops in the U.S. garment industry, focusing on (1) the number of sweatshops in existence and (2) whether the Department's WHD has taken any action to coordinate labor law enforcement in garment industry sweatshops.

GAO found that: (1) the number of sweatshops in the U.S. garment industry has increased since 1989 due to Fair Labor Standards Act enforcement and recordkeeping weaknesses, the lack of enforcement resources, and the price-competitive nature of the garment industry, which gives manufacturers and contractors incentives to break labor laws; (2) although Labor has attempted to coordinate its enforcement efforts, legal and administrative limitations have constrained these actions; (3) although WHD refers some sweatshop operations to the IRS, little information in return because IRS is legally prohibited from sharing certain information; (4) WHD coordination with state labor departments varies widely depending on states' emphasis on combatting sweatshop working conditions; (5) since 1992, WHD has attempted to supplement its enforcement efforts by encouraging garment manufacturers to voluntarily oversee its contractors and educating garment manufacturers on their employment-related responsibilities; and (6) WHD voluntary compliance efforts could reduce the amount of regulation required and permit WHD to better allocate its enforcement resources.

Davis-Bacon Act (GAO/HEHS-94-95R, Feb. 7, 1994).

Pursuant to a congressional request, GAO reviewed changes to Davis-Bacon Act regulations since 1979. GAO found that: (1) regulation has prohibited the use of federal construction wages for determining prevailing wage rates; (2) the Department of Labor's 1982 regulatory change prohibited the combination of urban and rural wages in area wage surveys; (3) since 1983, Labor has been less likely to use union wages to determine prevailing wage rates; (4) the regulations governing the use of federal construction project helpers have been revised, but the Congress has prohibited the expenditure of funds to administer the revised regulations; (5) the quality of the data that Labor uses in determining the prevailing wage rate remains a concern because contractor response rates vary, and Labor does not verify the accuracy of the data it receives; and (6) major technological changes have improved Labor's administration of the wage determination process.

Family and Medical Leave Cost Estimates (GAO/HRD-93-14R, Feb. 1, 1993).

Pursuant to a congressional request, GAO provided an estimate of the costs of the Family and Medical Leave Act of 1993, focusing on:

(1) eligibility and length of leave allowed; (2) health insurance coverage and employer costs; and (3) the size of the population that would be eligible to take leave under the proposal.

GAO noted that: (1) employer costs of continuing health insurance coverage for employees on unpaid family and medical leave would be \$674 million annually; (2) an 80 percent increase in estimated employer costs resulted from the increase in employer health insurance costs and the growth in the number of likely beneficiaries; and

(3) changes since 1986 in total employment, cost conditions facing employers, and the amount of leave allowed caused the \$334 million increase in estimated costs.

Minimum Wages & Overtime Pay: Change in Statute of Limitations Would Better Protect Employees (GAO/HRD-92-144, Sept. 22, 1992).

Pursuant to a congressional request, GAO reviewed the Fair Labor Standards Act (FLSA), focusing on: (1) the legislative history of the Portal-to-Portal Act, (2) the Department's WHD estimates of the extent to which it obtained waivers of the statute of limitations in fiscal year 1991 FLSA back wage cases, and (3) a case study of Labor's 1986-87 investigation of a grocery store chain.

GAO found that: (1) the FLSA statute of limitations differs from the statutes of limitations for some other labor laws because different actions toll the statutes of limitations; (2) under the Portal-to-Portal Act, the statute of limitations tolls only when a suit is filed in court; (3) the amount of back wages employers are required to pay for a violation under FLSA can decrease while Labor investigates cases and negotiates with employers; (4) employers

rarely agree to waive the statute of limitations for FLSA cases; (5) most waivers are obtained because employers request to pay back wages on an installment basis; (6) obtaining a waiver does not guarantee that employees will be protected from losing back wages as a result of their claims expiring under the statute of limitations; (7) in a 1986-87 investigation, three grocery store employees lost back wages because their claims expired under the statute of limitations; (8) during the 2-year period the chain agreed to waive the statute of limitations, none of the employees involved in the investigation lost back wages as a result of their claims expiring; (9) the chain paid less than 25 percent of the back wages that WHD investigators determined were owed; (10) in the case study, the amounts entered into the WHD management information system led to a substantial overstatement of the recovery rate for the case; and (11) information obtained from Labor officials indicates that overstatements may have happened in other cases.

Child Labor: Characteristics of Working Children (GAO/HRD-91-83BR, June 14, 1991).

Pursuant to a congressional request, GAO examined (1) the economic and demographic characteristics of child workers, (2) the number of serious injuries sustained by children detected the Department of Labor as being illegally employed, and (3) Labor's policy with regard to penalizing employers illegally employing children who sustain serious injuries and to child labor violations generally.

GAO found that: (1) according to the Bureau of the Census, 28 percent of all 15 year olds and 51 percent of all 16 to 17 year olds worked some time during 1988; (2) children 15 to 17 years old from families with annual incomes of \$20,000 or less were less likely to be employed than those from high-income families; (3) minority children 15 to 17 years old were employed at a lower rate than white children in the same age group in 1988; (4) children from low-income families were more likely to be employed in agriculture or other hazardous industries, such as manufacturing or construction, and to work more hours per week but fewer weeks per year than children from high-income families; (5) about 18 percent of employed 15 year olds worked in violation of federal child labor regulations governing maximum hours or minimum ages for employment; (6) between fiscal year (FY) 1983 and FY 1990, the Department of Labor detected 1,475 serious injuries of illegally employed children; (7) most violations involving serious injuries of working children were associated with hazardous order violations; (8) in FY 1990, Labor assessed the maximum nonwillful violation penalty of \$1,000 against only child labor violators employing a child who was seriously injured; and (9) Labor did not cite any of those employers for willful violations and did not refer any for criminal prosecution.

Immigration Reform: Employer Sanctions and the Question of Discrimination (GAO/GGD-90-62, Mar. 29, 1990).

Pursuant to a legislative requirement, GAO reviewed implementation and enforcement of IRCA provisions regarding sanctions against

employers who knowingly hire unauthorized workers, focusing on (1) the act's implementation, (2) whether the act caused a widespread pattern of discrimination against U.S. citizens or other eligible workers, and (3) whether the act caused an unnecessary burden on employers.

GAO found that: (1) the law reduced illegal immigration and did not pose an unnecessary burden on employers; (2) federal agencies generally carried out the law; and (3) the law had generally not been used as a vehicle to file frivolous complaints against employers. GAO also found that: (1) it was difficult to determine whether discrimination was a direct result of IRCA; (2) 65 percent of employers reported that they complied with IRCA; (3) persons of Hispanic and Asian origin suffered higher levels of discrimination; (4) because of the law, about 10 percent of employers began one or more discriminatory practices; (5) 78 percent of employers wanted simpler or better employee verification systems, and more employers that reported discriminatory practices desired such changes than those that did not report discrimination; and (6) about 9 percent of employers said that they only hired U.S.-born persons or did not hire persons with temporary work eligibility documents.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATIONSUMMARY OF KEY REPORTS

GAO has reviewed various aspects of the Occupational Safety and Health Administration's (OSHA's) operations. In enforcement, GAO reviewed the deterrent effect of OSHA's penalty schedule and the agency's procedures for fostering employer hazard abatement. In standard setting, GAO, through the use of a nationally representative survey, analyzed the extent, burden, and benefits of employer compliance with OSHA's Hazard Communication Standard (HCS). GAO also assessed OSHA's methodology for estimating the costs of employer compliance with the Hazard Communication regulation. GAO assessed OSHA's efforts to oversee state-operated health and safety programs and determined that the agency has little information about outcomes and effectiveness of either its own or the states' programs. Finally, GAO conducted a comprehensive review of proposals to reform the current system of U.S. workplace health and safety regulation, and subsequently focused on reviewing the use of employer safety and health programs and joint labor-management safety and health committees.

Abstract Of Key ReportsOccupational Safety and Health: Changes Needed in the Combined Federal-State Approach (GAO/HEHS-94-10, Feb. 28, 1994).

Pursuant to a congressional request, GAO provided information on ways to improve the combined federal/state approach to ensuring workplace safety and health, focusing on (1) the adequacy of OSHA oversight of state-operated programs, and (2) program features warranting further consideration or broader use.

GAO found that: (1) OSHA has little information from which to make judgments about the outcomes and results of state programs; (2) while OSHA has made some improvements, it does not set priorities for key program measures, conduct annual audits, or follow up to ensure that states correct problems; (3) nine states require comprehensive worksite safety and health programs, which GAO has recommended that Congress consider as a federal requirement; (4) 14 states use worksite-specific injury and illness data in their occupational safety and health enforcement programs; (5) using worksite-specific data could improve OSHA inspection targeting, education and training, and program effectiveness evaluations; (6) OSHA and the Bureau of Labor Statistics (BLS) are working on ways to allow OSHA access to BLS worksite-specific data without compromising the independence and confidentiality of the BLS data collection process; (7) some states have greater authority to take action in imminent-danger situations than does OSHA, but GAO could not determine the consequences of this limitation on OSHA authority; and (8) all state-operated programs cover state and local government employees, while OSHA is legally prohibited from doing so.

Occupational Safety & Health: Worksite Safety and Health Programs Show Promise (GAO/HRD-92-68, May 19, 1992).

Pursuant to a congressional request, GAO evaluated whether all employers should be required to implement comprehensive safety and health programs as a means of identifying and correcting worksite safety and health problems.

GAO found that: (1) according to available information, which is not conclusive, comprehensive safety and health programs can positively affect workplace safety and health; (2) doubts about requiring employers to enact such programs mainly involve implementation issues; (3) although many potential implementation problems can be overcome, there is the possibility of certain employers with various workforce sizes and various industries having problems with implementation; (4) there are only limited statistical data regarding the potential burden and impact of required safety and health programs; and (5) a preferred approach could be to place safety and health program requirements on high-risk employers, which OSHA could identify.

Occupational Safety and Health: Options to Improve Hazard-Abatement Procedures in the Workplace (GAO/HRD-92-105, May 12, 1992).

Pursuant to a congressional request, GAO compared OSHA's procedures with: (1) proposed legislation (H.R. 3160) that would affect OSHA activities, (2) Mine Safety and Health Administration (MSHA) procedures, and (3) the procedures used by 21 states operating OSHA-approved safety and health programs.

GAO found that: (1) H.R. 3160 would allow OSHA to levy substantial new civil penalties if employers refuse to either correct the hazard or remove employees from imminent danger situations; (2) H.R. 3160 would continue the current OSHA option of obtaining a court order to compel compliance; (3) H.R. 3160 would not provide the same authority that MSHA and at least eight states have in imminent danger situations; (4) H.R. 3160 would allow OSHA to require that employers abate serious hazards without suspending the time allowed for abatement while a contested citation is being reviewed; (5) OSHA and state programs lack the authority to require abatements while citations are being contested, but more employers that contest citations will eventually have to abate the hazards; (6) H.R. 3160 would require employers to give OSHA written verification that they have abated identified hazards, and post at the work site a statement that verification has occurred; and (7) neither OSHA nor the state-operated programs require employers to post a description of the abatement action at the work site, and MSHA reinspects each facility to confirm abatement.

Occupational Safety & Health: Employers' Experiences in Complying With the Hazard Communication Standard (GAO/HRD-93BR, May 8, 1992).

Pursuant to a congressional request, GAO reviewed small businesses' compliance with OSHA's HCS to identify work-place chemical hazards, focusing on the (1) difficulties small employers experienced in complying with HCS, in particular with the material safety data

sheet (MSDS) requirements, and (2) methodology underlying the OSHA cost estimates for small nonmanufacturing industries' compliance with MSDS requirements.

GAO found that: (1) although almost 70 percent of the small employers surveyed who appeared to be complying with HCS reported little difficulty with either of the two MSDS requirements, almost 80 percent of them reported problems in complying with HCS training requirements; (2) over half of the small employers experienced some cost increases in complying with HCS paperwork and clerical requirements, but fewer than 20 percent reported great or very great cost increases;

(3) although the OSHA approach for estimating nonmanufacturing employers' compliance costs was sound, GAO could not assess the accuracy of OSHA cost calculations due to data limitations; (4) about 45 percent of all employers that appeared to be complying with HCS reported that, on balance, HCS had benefited workers, compared with about 9 percent that reported that HCS had a negative effect and 36 percent that reported that it had equally positive and negative effects or no effects at all; (5) over 56 percent of employers reported a great or very great improvement in the availability of hazard information in the work place and in management's awareness of work-place hazards; and (6) about 30 percent of employers stated that MSDS information caused them to replace hazardous chemicals used in their work places with less dangerous substitutes.

Occupational Safety and Health: Penalties for Violations Are Well Below Maximum Allowable Penalties (GAO/HRD-92-48, Apr. 6, 1992).

Pursuant to a congressional request, GAO reviewed how OSHA sets and reduces workplace safety and health violation penalties, focusing on (1) how much OSHA actually assesses for violations, (2) whether proposed penalties and reductions were about the same across regions and at the different administrative and judicial review levels, and (3) whether the OSHA policy of penalty reductions to avoid litigation achieves its goal of quicker and better abatement of cited hazards.

GAO found that: (1) OSHA and the Occupational Safety and Health Review Commission (OSHRC) have considerable discretion in proposing and reducing penalties; (2) OSHA and OSHRC policies require that they consider four factors in establishing penalties, but the law does not specify how much weight those factors should have in agency deliberations; (3) OSHA uses gravity as the primary factor in deriving the proposed penalty and then reduces the penalty based on the other three factors; (4) OSHA does not consider an employer's economic benefit from noncompliance in setting a penalty; (5) the penalties initially proposed by OSHA for violations cited in fiscal year 1989 across all OSHA regions were substantially below the maximum allowed by law, and OSHA reduced many penalties; (6) most employers did not formally contest OSHA citations, but those who did contest received greater penalty reductions than those who accepted their citations or those who settled through the OSHA informal settlement process; (7) OSHA believes that reducing penalties leads to both quicker and more

comprehensive abatement, since reducing penalties makes employers more likely to accept the penalty, rather than to contest it or to continue the appeal if they have already contested it; (8) it was unable to confirm a causal relationship between penalty reductions and quicker or more comprehensive abatement, although penalty reductions may lead to a quicker resolution of citations; and (9) although the maximum penalty has increased sevenfold, the average proposed OSHA penalty is about three to four times greater than it was before the new maximum went into effect.

Occupational Safety & Health: OSHA Action Needed to Improve Compliance With Hazard Communication Standard (GAO/HRD-92-8, Nov. 26, 1991).

Pursuant to a congressional request, GAO provided information on (1) employer compliance with HCS, which requires employers to identify workplace chemical hazards and communicate that information to their employees; (2) OSHA's efforts to inform small employers about HCS; and (3) the accuracy and clarity of required MSDSs.

GAO found that: (1) according to OSHA safety and health inspection data for fiscal years 1989 and 1990, one-fourth of all the worksites reviewed did not comply with HCS, and small worksites had the highest noncompliance rate; (2) a GAO survey of the construction, manufacturing, and personal services industries found that 58 percent of small employers and 52 percent of all employers did not comply with key HCS requirements; (3) although OSHA conducts outreach activities that include information about HCS, small employers may be unaware of HCS because they have little contact with OSHA; (4) 29 percent of small employers reviewed were unaware of HCS, compared to 2 percent of large employers; (5) 57 percent of small employers stated that better distribution of printed HCS information would increase small employer awareness of HCS; (6) 55 percent of all employers that received MSDS stated that most MSDS were too technical for workers and managers to understand; (7) OSHA reviews MSDS after the chemical manufacturer or importer distributes them to employees, instead of focusing on the MSDS point of origin, which is the manufacturer's or importer's hazard evaluation process; and (8) since OSHA rarely reviews chemical manufacturers' or importers' hazard evaluations, many MSDS include inaccurate or incomplete information.

Occupational Safety & Health: OSHA Policy Changes Needed to Confirm That Employers Abate Serious Hazards (GAO/HRD-91-35, May 8, 1991).

Pursuant to a congressional request, GAO assessed OSHA's policies and procedures for confirming whether employers abated hazards it identified during inspections.

GAO found that: (1) OSHA policies and procedures lacked a regulatory requirement that employers provide evidence of abatement; (2) at least one-fourth of the follow-up inspections OSHA conducted in fiscal year (FY) 1989 found that employers failed to correct known hazards;

(3) OSHA lacked adequate procedures to resolve abatement confirmation problems posed by the often short duration of construction activities; (4) OSHA directed more than half its inspections to construction activities, since the construction industry had the highest serious injury rate and the third-highest fatality rate; and (5) although 55 percent of OSHA FY 1989 inspections were of construction sites, only 20 percent of all follow-up inspections were of construction sites.

Occupational Safety & Health: Options for Improving Safety and Health in the Workplace (GAO/HRD-90-66BR, Aug. 24, 1990).

Pursuant to a congressional request, GAO reviewed (1) policies or procedures that might better accomplish the OSHA Act's goal of providing safe and healthy workplaces; (2) options that Congress and OSHA could consider to improve occupational safety; and (3) OSHA regulatory strategies.

GAO found that: (1) the OSHA regulatory strategy emphasized workplace inspections for compliance with health and safety standards; (2) in fiscal year 1989, OSHA spent about three-fourths of its \$248-million appropriation on standard-setting and enforcement activities; (3) due to limited staff, OSHA rarely inspected employers in high-hazard industries; (4) OSHA civil and criminal sanctions provided limited deterrence to employer noncompliance; (5) OSHA relied on employers' verification of hazard abatement, without requiring any evidence; (6) employers had little incentive to promptly abate the hazards OSHA inspectors identified; (7) safety and health standards failed to cover existing workplace hazards or keep pace with new ones; (8) many employers and workers lacked workplace hazard information; and (9) OSHA minimally involved workers in improving workplace safety and health, and employers often limited their compliance efforts, rather than attempting to prevent hazards.

GAO believes that OSHA could strengthen the enforcement of standards and the role of employers and workers by: (1) responding to various standard-setting recommendations; (2) increasing the probability of hazardous worksite inspection and imposing stricter penalties for violations; (3) requiring employers to abate identified hazards; (4) strengthening training and education efforts; (5) requiring workplace safety programs and committees; and (6) increasing worker participation in the inspection process.

MINE SAFETY AND HEALTH ADMINISTRATIONSUMMARY OF KEY REPORT

Since 1990, GAO has issued one report on the Mine Safety and Health Administration (MSHA). An abstract of GAO's findings is presented below.

Abstract Of Key Report

Mine Safety and Health: Tampering Scandal Led to Improved Sampling Devices (GAO/HRD-93-63, Feb. 25, 1993).

Pursuant to a congressional request, GAO reviewed MSHA's development and use of tamper-resistant devices, particularly cassettes and pumps, for collecting coal dust samples in its respirable coal dust program.

GAO found that: (1) before the Secretary of Labor's 1991 announcement of massive tampering with coal dust samples, no incentive existed for the coal industry to independently improve tamper-resistant cassettes; (2) the Bureau of Mines, MSHA, and the National Institute for Occupational Safety and Health (NIOSH) did not seek more federal funding for tamper-resistant cassette research from 1978 through 1991; (3) the extent to which the Bureau of Mines, MSHA, and NIOSH evaluated the test results and made appropriate decisions could not be determined, since most of the documentation on prototype development was destroyed by agency personnel no longer in the federal workforce; (4) a manufacturer modified the cassette filter to prevent direct tampering in 1991, and also developed a tamper-resistant pump for monitoring industrial hygiene, in 1992; (5) MSHA will not require coal mine operators to purchase the pump immediately; (6) MSHA supports adopting a continuous fixed-site dust monitoring program that would reduce the need for mine operators and periodic sampling, but that technology remains years away; and (7) implementing a full-scale sampling program using existing technology is not a MSHA priority.

BUREAU OF LABOR STATISTICSSUMMARY OF KEY REPORT

Since 1990, GAO has produced one report on the Bureau of Labor Statistics. The report described agencies within the federal government that collect and disseminate various types of data. An abstract of the report's findings are below.

Abstract Of Key ReportTrade and Economic Data: Many Federal Agencies Collect and Disseminate Information (GAO/NSIAD-91-173, May 1, 1991).

Pursuant to a congressional request, GAO provided information on foreign economic data available to U.S. businesses and policymakers, focusing on the (1) federal agencies that collect and disseminate foreign economic and trade data, (2) ways in which executive and legislative agencies use this information, (3) extent of agency coordination in collecting and disseminating these data, and (4) methods government agencies use to disseminate data to private-sector users.

GAO found that: (1) the seven agencies collecting, maintaining, and disseminating the majority of foreign economic and trade data were the Departments of Commerce, State, Labor, Energy, and Agriculture, the Federal Reserve System, and the U.S. International Trade Commission; (2) agencies disseminated the data they collected through their own printing and distribution offices, the Government Printing Office, and the National Technical Information Service; (3) Commerce made an effort to establish a centralized dissemination point by creating the National Trade Data Bank (NTDB) in August 1990; and (4) NTDB was to be a one-stop source of information on foreign economies and trade as intended by the Omnibus Trade and Competitiveness Act of 1988, but the omission of additional federal databases has reduced its potential usefulness.

DEPARTMENTAL MANAGEMENTSUMMARY OF KEY REPORT

GAO has completed reports on various aspects of the Department of Labor's management. In 1993 GAO provided information to the Congress and the new administration on what it believed to be the most important labor issues facing the Labor Department in our increasingly competitive world economy.

Abstract Of Key Report

Labor Issues (GAO/OCG-93-19TR, Dec. 1992).

Pursuant to a congressional request, GAO summarized information on federal labor issues facing Congress and the new administration.

GAO noted that: (1) the Department of Labor needs to foster competition and assist workers to adapt to the changing environment of the workplace; (2) Labor faces significant challenges because of an inadequate education system, an increasing unskilled workforce, and a large number of temporarily dislocated workers who need job retraining; (3) problems with some of the government's 125 employment programs include inadequate state and federal oversight, inefficient service, a lack of coordination between programs, extreme high cost, and questionable program effectiveness; (4) Labor needs to provide workers with greater access to unemployment and retirement benefits; and (5) innovative strategies to ensure that the safety and health of workers through greater labor-management cooperation are needed.

OTHER PROGRAMSSUMMARY OF KEY REPORTS

GAO has issued 2 reports on other programs within the Department of Labor since 1991. These other programs include the Working Capital Fund and the Office of the Inspector General (OIG). These reports are summarized below. The first report described the effect of proposed changes to the Department's budgetary approaches, while the second summarized how the OIG allocated its resources for audits in 1988 and 1989.

Abstract Of Key Reports

Working Capital Funds: Three Agency Perspectives (GAO/AIMD-94-121, May 20, 1994).

Pursuant to a congressional request, GAO reviewed the (1) budgetary approaches used by the Departments of Labor and Justice and the General Services Administration to finance their administrative services, and (2) potential effect of proposals to establish franchise and innovation funds.

GAO found that: (1) officials from the three agencies stated that their current working capital funds (WCF) managers considerable control and flexibility in providing administrative services; (2) these agencies have taken the initiative to request additional authority when obstacles prevent them from providing centralized services; (3) in some cases, Congress has expanded the agencies' authority by broadening the funds' statutory purposes, providing new sources of funding, and allowing accumulation of additional reserves; (4) the agency officials believe that the fund proposals in H.R. 3400 provide marginal incentives to improve administrative service delivery, but they do not address the most significant obstacles to effective funds management; and (5) the agency officials also believe that the proposed requirement for competitive administrative services is unnecessary, that competition is only one incentive for reducing WCF costs, and WCF will achieve greater efficiency and cost reductions because of the downsizing of the federal government, management reform efforts, and fewer available resources.

Inspectors General: Work Performed by the Department of Labor Inspector General in 1988 and 1989 (GAO/AFMD-91-24, Jan. 31, 1991).

Pursuant to a congressional request, GAO provided information on the Department of Labor's OIG allocation of resources for audits and investigations related to each of the Labor program agencies for fiscal years (FY) 1988 and 1989.

GAO found that: (1) during FY 1988 and 1989, the OIG Office of Audit and Office of Investigations allocated most of their audit and investigative resources to projects involving the Employment

and Training Administration and ESA; (2) most of the investigations performed by the Office of Investigations involved alleged criminal activity related to Labor programs; (3) the OIG Office of Labor Racketeering classified more than half of the racketeering cases it opened during FY 1988 and 1989 as involving employee benefits plans; and (4) OIG assigned nearly half of its budget and personnel resources to its Office of Audit, while the Office of Investigations' and the Office of Labor Racketeering's budget and personnel resources ranged from 16 to 21 percent each.

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JOBS and JTPA: Tracking Spending, Outcomes, and Program Performance (GAO/HEHS-94-177, Jul. 15, 1994).

Job Training Partnership Act: Labor Title IV Initiatives Could Improve Relations With Native Americans (GAO/HEHS-94-67, Mar. 4, 1994).

Job Corps Costs and Outcomes (GAO/HRD-93-16R, Feb. 19, 1993).

Job Training Partnership Act: Actions Needed to Improve Participant (GAO/HRD-92-124, June 12, 1992).

Comments on JTPA Bills (GAO/HRD-92-35R, May 20, 1992).

Job Training Partnership Act: Racial and Gender Disparities in Services (GAO/HRD-91-148, Sept. 20, 1991).

Job Training Partnership Act: Inadequate Oversight Leaves Program Vulnerable to Waste, Abuse, and Mismanagement (GAO/HRD-91-97, July 30, 1991).

Targeted Jobs Tax Credit: Employer Actions to Recruit, Hire, and Retain Eligible Workers Vary (GAO/HRD-91-33, Feb. 20, 1991).

Job Training Partnership Act: Youth Participant Characteristics, Services, and Outcomes (GAO/HRD-90-46BR, Jan. 24, 1990).

Job Training Partnership Act: Services and Outcomes for Participants With Differing Needs (GAO/HRD-89-52, June 9, 1989).

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SCHOOL-TO-WORK TRANSITION

Transition from School to Work: States are Developing New Strategies to Prepare Students for Jobs (GAO/HRD-93-139, Sept. 7, 1993).

Vocational Education: Status in 2-Year Colleges in 1990-91 and Early Signs of Change (GAO/HRD-93-89, Aug. 16, 1993).

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Skill Standards: Experience in Certification Systems Shows Industry Involvement to Be Key (GAO/HRD-93-90, May 18, 1993).

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Training Strategies: Preparing Noncollege Youth for Employment in the U.S. and Foreign Countries (GAO/HRD-90-88, May 11, 1990).

CONSOLIDATION OF MULTIPLE EMPLOYMENT TRAINING PROGRAMS

Multiple Employment Training Programs: Overlap Among Programs Raises Questions About Efficiency (GAO/HEHS-94-193, Jul. 11, 1994).

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Dislocated Workers: An Early Look at the NAFTA Transitional Adjustment Assistance Program (GAO/HEHS-95-31, Nov. 28, 1994).

Military Downsizing: Persons Returning to Civilian Life Need More Help from DOD (GAO/HEHS-94-39, Jan. 21, 1994).

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Dislocated Workers: Labor-Management Committees Enhance Reemployment Assistance (GAO/HRD-90-3, Nov. 21, 1989).

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Employment Service: Variations in Local Office Performance (GAO/HRD-89-116BR, Aug. 3, 1989).

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Federal Contractor Hiring: Effect of Veteran Hiring Legislation Is Unknown (GAO/GGD-94-6, Oct. 18, 1993).

Vocational Rehabilitation: VA Needs to Emphasize Serving Veterans (GAO/HRD-92-133, Sept. 28, 1992).

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Unemployment Insurance: Trust Fund Reserves Inadequate to Meet Recession Needs (GAO/HRD-90-124, May 31, 1990).

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