

CHAPTER 4: WHAT HAPPENS TO FEDERAL EMPLOYEES WHO REPORT ILLEGAL OR WASTEFUL ACTIVITIES

A. INTRODUCTION

This chapter describes what happens to those Federal employees who report an illegal or wasteful activity and who are identified as having reported it. As mentioned previously, the intent of Congress in providing statutory protections against reprisal was to ensure, in part, that employees who disclose wrongdoing suffer no adverse consequences as a result.

Respondents to the Board's 1980 survey revealed that of those employees who disclosed wrongdoing and who were identified as the source of the disclosure, more than half (55%) believed that nothing happened to them as a result of that report and approximately 11 percent even said that they were given credit by their management for having reported an activity. Approximately 20 percent, however, claimed to have been the victim of reprisal or the threat of reprisal. (The remainder maintained that while they suffered a "negative experience," such as having coworkers unhappy with them, it stopped short of being a reprisal.)

There were some positive aspects to the 1980 finding in that the large majority of employees who disclosed information were able to do so without suffering any ill effects. Unfortunately, the fact that one out of every five identified reporters in 1980 claimed that they either suffered a reprisal or were threatened with reprisal creates a "chilling effect" relative to other would be reporters that potentially outweighs the impact of the more positive findings.

This chapter will discuss the Board's 1983 survey findings regarding what has happened most recently to Federal employees who have reported illegal or wasteful activities and whether this marks any improvement or deterioration in the situation that was found to exist in 1980.

Critical Questions

To determine what Federal employees have more recently experienced when they have openly disclosed information about illegal or wasteful activities, and what this portends for other potential reporters, this chapter seeks to answer the following critical questions:

- In 1983, what happened to Federal employees who reported some type of fraud, waste, and mismanagement?
- For those employees who were identified in 1983 as the source of a report about an illegal or wasteful activity, what proportion claimed that they experienced reprisal as a result?
- What was the most frequently cited form of reprisal in 1983 according to those employees who believed they were the victims of reprisal because of an information disclosure?
- What are the differences, if any, between the findings of the 1980 and 1983 surveys relative to these critical questions?

Major Findings

As mentioned in Chapter 2, the Board found that 1983 survey respondents were less likely to claim knowledge of an illegal or wasteful activity. However, those 1983 respondents who did claim knowledge of some type of wrongdoing also reported perceiving themselves as facing as great a risk of reprisal as their counterparts in 1980. This and other related major findings discussed in this chapter can be summarized as follows:

- Among the 1983 survey respondents from the 14 agencies originally surveyed who said they reported an activity, 41 percent said that they were not identified as the source of the report. This would appear to indicate an increasing desire for anonymity since only 24 percent of the similarly situated 1980 respondents said they were not identified. Among all 1983 survey respondents, 39 percent indicated that they were not identified as the source after reporting some type of wrongdoing.
- Among the 14 agencies originally surveyed, close to the same percentage of employees in 1983 (53%) as in 1980 (55%) claimed that they reported an activity and that nothing happened to them as a result. Among all employees surveyed in 1983 who said they reported an activity, approximately 46 percent claimed they openly reported an activity and that nothing happened to them as a result.
- Among the 14 agencies originally surveyed, the percentage of identified reporters who said they experienced reprisal as a result of their report rose slightly from 20 percent in 1980 to 23 percent in 1983. Among all executive branch respondents in 1983, 24 percent of those employees who openly reported an activity claimed they experienced reprisal as a result.
- In both the 1980 and 1983 surveys, the most frequently cited forms of reprisal alleged to have occurred remain the more subjective and less easily documented ones such as being assigned the less desirable or less important duties, being given a poorer performance appraisal than that which would otherwise have been received, or being denied a promotion which would otherwise have been received. Most of the more easily documented forms of reprisal, such as a demotion, suspension, or geographic reassignment remain among the least frequently used forms of reprisal.

B. FINDINGS

This section is divided into two parts: **What Happens to Employees Who Report Fraud, Waste, and Abuse** and **Forms of Reprisal Threatened and Taken**. The major findings summarized above are discussed in greater detail under the appropriate subheading along with relevant charts.

What Happens to Employees Who Report Fraud, Waste, and Abuse

As shown in Chart 4-1, within the 14 agencies surveyed in both 1980 and 1983, there were a variety of personal consequences reported by those employees who claimed they reported an illegal or wasteful activity. For the most part, those consequences were roughly the same in both surveys. For example, in 1983 the majority (53%) of identified reporters claimed that nothing

CHART 4-1

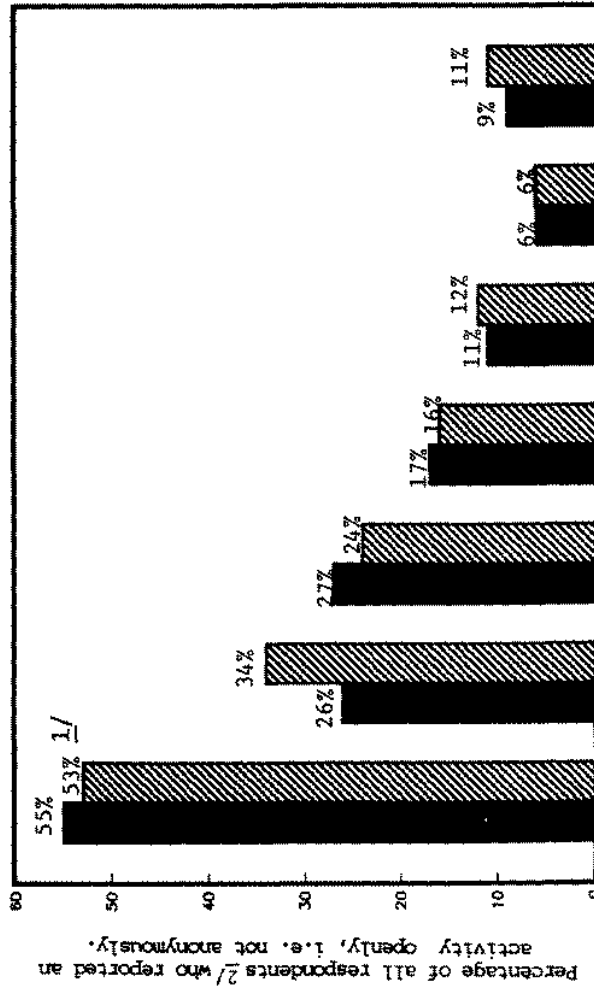
Effect of Openly Reporting an Activity, According to the Reporter

1980
Survey

1983
Survey

Question 27: If you were identified as the person who reported the activity, what was the effect on you personally?

Question 22: What was the effect on you personally as a result of being identified?



Percentage of all respondents^{2/} who reported an activity openly, i.e. not anonymously.

^{1/} Respondents were allowed to check more than one response and percentages, therefore, add to more than 100%.

^{2/} Respondents: Restricted to employees within the 14 agencies surveyed in both 1980 and 1983.

Number of respondents: 361 to 814 (depending upon the response) for 1980 survey; 244 for 1983 survey.

happened to them as a result of their report. This percentage is comparable to the Board's 1980 survey findings in which 55 percent of the identified reporters gave the same response.

The data discussed in this chapter excludes those respondents who claimed they reported an illegal or wasteful activity and were not identified. This is based on the study team's assumption that nothing happened to anonymous reporters.²⁴ It is interesting to note that in the Board's 1980 survey approximately 24 percent of those respondents who claimed they reported an activity did so anonymously. By contrast, the Board's 1983 survey reveals that the percentage of employees from the same agencies who anonymously reported an activity increased to 41 percent. For the 1983 survey population, as a whole, 39 percent of the reporters remained anonymous. This increased desire for anonymity in 1983 would appear to be related to the previously mentioned increase in the fear of reprisal also expressed in 1983.

One other interesting piece of attitudinal information illustrated in Chart 4-1 is the increase in the percentage of 1983 respondents who were identified as having reported an illegal or wasteful activity and who consequently "had the feeling that someone above my supervisor was unhappy with me because I reported the problem." Thirty-four percent of the identified reporters selected this response in 1983 compared to a somewhat lower 26 percent in 1980.

Within the 14 agencies surveyed in both 1980 and 1983 and among the respondents who claimed they were identified as the reporter of an illegal or wasteful activity, the percentage who also claimed they experienced a reprisal or threat of reprisal as a result increased slightly from 20 percent in 1980 to 23 percent in 1983. Among all executive branch respondents in 1983 who claimed they were identified as the source of a report about fraud, waste, or abuse, 24 percent claimed they experienced some type of reprisal or threat of reprisal as a result.

Forms of Reprisal Threatened and Taken

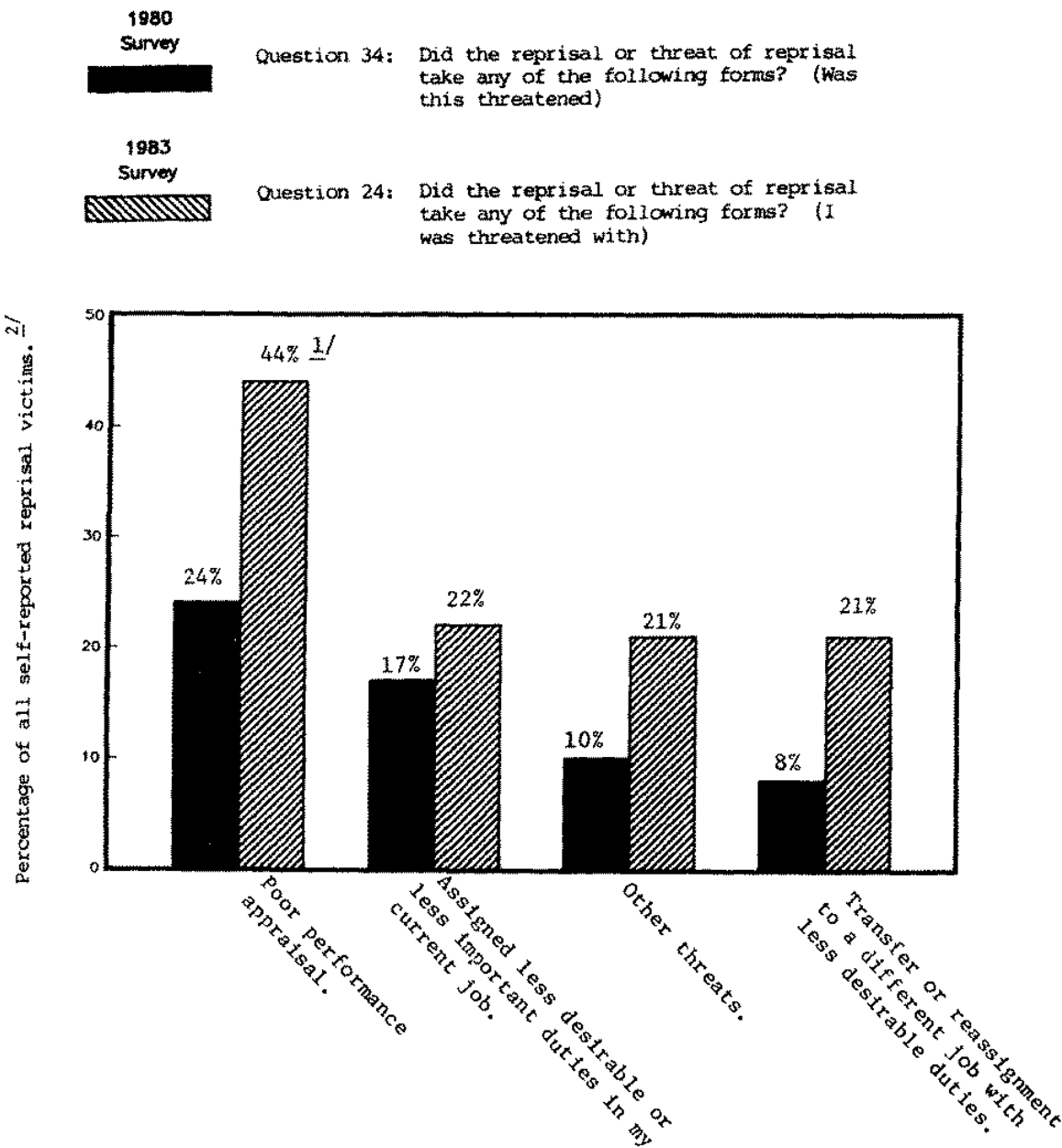
Concentrating on those employees who claimed they were identified as having reported an illegal or wasteful activity and who also subsequently claimed they experienced a reprisal or threat of reprisal as a result, the Board sought in both of its surveys to identify the form of the alleged reprisal. Chart 4-2 illustrates the most commonly occurring forms of **threatened** reprisal. Chart 4-3 illustrates the most commonly occurring forms of reprisal alleged to have actually occurred.

As shown, within the 14 agencies surveyed in both 1980 and 1983, a poor performance appraisal is still perceived to be the most frequent form of threatened reprisal. The assignment of the less desirable or less important duties in an office was the second most frequently reported form of reprisal

²⁴ Conversely, if employees thought they reported some type of fraud, waste, or abuse anonymously and later concluded that they were the victims of reprisal as a result, it is assumed that contrary to their initial expectations they were identified reporters.

CHART 4-2

Forms of Reprisal Threatened, As Reported by Alleged Reprisal Victims



^{1/} Respondents were allowed to check more than one response and percentages, therefore, add to more than 100%.

^{2/} Respondents: Restricted to employees within the 14 agencies surveyed in both 1980 and 1983.

Number of respondents: 38 to 70 (depending on the response) for 1980 survey; 55 for 1983 survey.

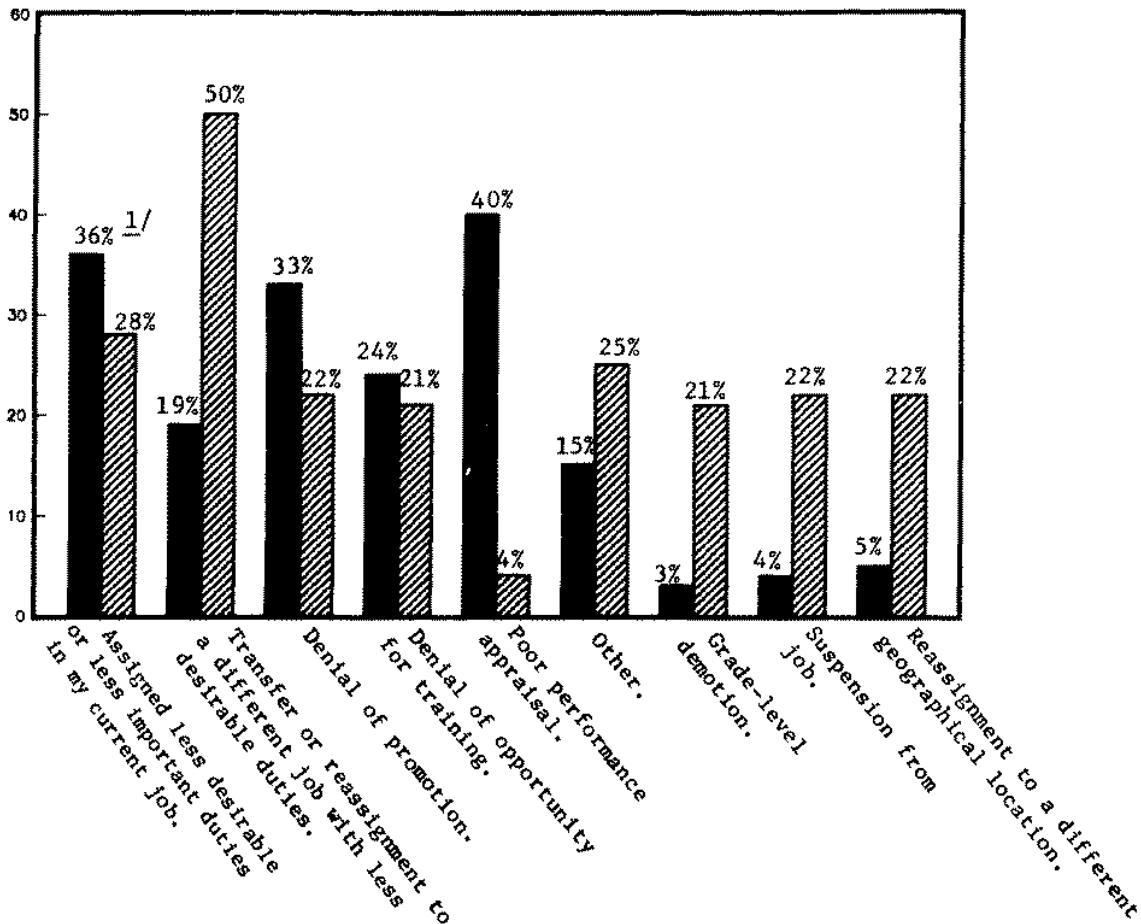
CHART 4-3

Forms of Reprisal Actually Taken, As Reported by Alleged Reprisal Victims

1980 Survey Question 34: Did the reprisal or threat of reprisal take any of the following forms? (Did this occur)

1983 Survey Question 24: Did the reprisal or threat of reprisal take any of the following forms? (This was done to me)

Percentage of all self-reported reprisal victims. ^{2/}



^{1/} Respondents were allowed to check more than one response and percentages, therefore, add to more than 100%.

^{2/} Respondents: Restricted to employees within the 14 agencies surveyed in both 1980 and 1983.

Number of respondents: 38 to 89 (depending upon the response) for 1980 survey; 55 for 1983 survey.

threatened. It is interesting to note that there does not appear to be a consistent correlation between the forms of reprisal most frequently threatened and the forms most frequently occurring. For example, although 44 percent of the 1983 survey respondents who claimed to have been the victim of a threatened reprisal said they were threatened with a poor performance appraisal, the proportion of self-identified reprisal victims in 1983 who said they actually received a poor performance rating is notably smaller (4%).

In terms of the forms of alleged reprisal actually taken and as shown in Chart 4-3, a potentially significant trend emerges in comparing 1983 survey data with 1980. In 1980, it was clear that the most commonly occurring forms of alleged reprisal were the more subtle forms involving the areas of performance appraisal, assignment of duties, and promotional opportunities. These are all areas, of course, largely dependent upon subjective judgments. In 1983, however, there is a reported increase in the percentage of alleged reprisal victims who claim that the form of reprisal taken involved a more "formal" type of personnel action.

Half (50%) of the self-reported reprisal victims in 1983, for example, claimed they were actually transferred or reassigned to a different job with less desirable duties (which differs from being assigned less desirable duties in one's current job in that an official personnel action must be processed). Similarly, the reported incidence of a geographical reassignment, grade level demotion, and job suspension as a form of reprisal are all significantly higher in 1983 than they were in 1980.²⁵ This is a trend which bears possible future monitoring.

C. CONCLUDING OBSERVATIONS

It appears that, with a few possible exceptions, there has been little change from the Board's earlier survey findings with respect to what happens to employees who disclose wrongdoing. In 1983, the most frequently reported personal consequence of reporting an illegal or wasteful activity is the same as in 1980—nothing happened. Unfortunately, according to the employees surveyed, this is not true for all employees. Too often the employee who does report an activity comes away from that experience convinced that there was a negative personal consequence, i.e., reprisal.

Of particular concern to the Board is the finding in 1983 that more than one out of every five employees who said they reported fraud, waste, or abuse also said they were the victim of a reprisal or the threat of a reprisal as a result. Even though in many cases the reprisal reportedly experienced is not in the form of an official personnel action, the apparent odds in favor of experiencing some type of negative consequence if one reports an illegal or wasteful activity are high enough to discourage many employees from taking the chance.

²⁵ It should be noted, however, that the actual number of respondents to the Board's surveys who claimed they were the victims of an actual reprisal is relatively small (55 individuals in 1983). The percentages listed, therefore, are subject to greater variance upon extrapolation to the entire work force than most of the other data presented in this report.

The reported incidence of reprisal among those employees who do report an activity clearly goes contrary to the stated intent of Congress and the Administration. Certainly, each individual incident of alleged reprisal would need to be evaluated on its merits to determine if a violation of law is actually involved. In many cases, especially where the perceived reprisal is "informal," e.g., the assignment of the less desirable or less important duties within an office, it may be unlikely that a violation of the letter of the law will be found to have occurred.

The real challenge for Federal managers, however, is to create an organizational climate within which the spirit of the law is maintained. Such a climate will be characterized by mutual respect and open communication among managers, supervisors, and employees. It also requires individual and organizational integrity. Concern for public image may sometimes need to be replaced by concern for the public good. Where wrongdoing is found and responsibility is assigned, the offending individual should be subject to appropriate sanctions. None of this is accomplished easily in an institution as huge and as diverse as the Federal Government, but it is a goal worth striving toward. Hopefully, the information contained in this report will assist in some small degree in that effort.

APPENDIX A

1983 SURVEY METHODOLOGY

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1983 SURVEY METHODOLOGY

The following is a discussion of the methodology used to collect and analyze the survey data from the Merit Principles Survey.

Development of the Questionnaire. A 16-page questionnaire was developed for the MSPB Merit Principles Survey. The questionnaire contained 70 questions in six different sections: (1) "General Employment Questions" - a section pertaining to incentives to performing, respondents' likelihood of leaving Government, and general personnel practices in the respondents' work group; (2) "Protections for Employees who Report Fraud and Waste in Government Operations" - a section answered only by respondents who had personally observed or obtained direct evidence of illegal or wasteful activities; (3) "Merit Pay" - a section on the effectiveness of merit pay as an incentive system; (4) "For Supervisors Only" - a section on supervisors' experiences dealing with poor performers; (5) "For Senior Executives" - a section examining senior executives' experiences with the SES bonus system, the incidence of arbitrary personnel actions against SES members, and their overall evaluation of the SES during its first 5 years; and (6) "Personal and Job Information" - a demographics section for all respondents.

The questionnaire was pretested seven times with employees representative of those who received the survey. Pretests were held at MSPB, IRS, Department of the Treasury, and the Department of Agriculture. Two of the seven pretests were conducted in regional offices.

Selection and Design of the Sample. The employee sample was generated using a disproportionately stratified random sample of 7,861 permanent civilian employees in the executive branch of the Federal Government who were listed in the April 1982 Office of Personnel Management (OPM) Central Personnel Data File (CPDF), with the exception of those who were:

1. located at a work site outside the continental United States, Alaska, or Hawaii;
2. employed by the FBI, intelligence agencies such as CIA and NSA, or by quasi-independent agencies such as the Post Office, TVA, or Federal Reserve, since such agencies are outside the Board's mandate.

The sample was stratified on the basis of pay category, pay grade, and agency. Respondents were grouped into seven substrata: SES, GS 13-15, GS 9-12, GS 5-8, GS 1-4, Wage Supervisor/Wage Leader, and Wage Grade. Those in SES and GS 13-15 were further stratified by agency. A total of 52 substrata were established.¹

¹ Readers interested in a detailed, quantitative description of the sampling plan may obtain an overview by writing to: David Chananie, Ph.D., Personnel Research Psychologist, Merit Systems Protection Board, Office of Merit Systems Review and Studies, 1120 Vermont Avenue, N.W., Room 836, Washington, D.C. 20419.

Administration of the Questionnaire. A private sector firm, Hay Associates, researched mailing addresses to ensure that they were valid. A secondary sample was drawn, and if an employee's mailing address could not be found in the primary sample, the employee was replaced with one from the secondary sample. A replacement was the next available employee from the secondary sample with the same stratum and substratum.

The questionnaires were mailed to the selected employees in July 1983. Questionnaires were mailed to the employees' office addresses.

Accompanying each questionnaire was a cover letter explaining the purpose of the study. To increase the response rate, reminder letters were sent to the entire sample approximately 2 weeks after the questionnaire was mailed. Anonymity was guaranteed to all respondents.

Returns. Excluding undeliverable questionnaires (229), the return rate from the Merit Principles Survey was 65 percent (4,897 returns out of 7,563 delivered questionnaires). The lowest substratum return rate was 30 percent and the highest was 87 percent.

Data Processing. Hay Associates collected the responses and prepared a clean data tape that was delivered to MSPB for its analysis. The data were verified twice by the MSPB research staff. Range checks, logic checks, and skip pattern checks were used in each verification.

The data from the survey were weighted by a proportion (STRATWGT) reflecting the ratio of the population size in each of the 52 substrata to the number of respondents for the respective substratum, i.e.,

$$\text{STRATWGT} = \frac{\text{Population size of substratum}}{\text{Number of respondents in substratum}}$$

Respondents who did not identify their agency and/or grade were placed in a separate stratum (Number 53) and assigned a weight of one.

Most of the data analysis consisted of frequency distributions and two-way cross tabulations. In analyzing and presenting the data for this report, percentages and numbers were rounded in order to simplify the analysis. A random sample of questionnaires with comments was reviewed and these findings are also included in the analysis.

APPENDIX B

1980 SURVEY METHODOLOGY

APPENDIX B

1980 SURVEY METHODOLOGY

DESCRIPTION OF SAMPLING AND VERIFICATION
PROCEDURES FOR THE REPRISAL STUDY

Survey results contained in publications on reprisal are based on data gathered from a questionnaire mailed in December 1980 to employees of 15 departments and agencies (see Attachment 1). These agencies and departments constituted the study strata and were chosen because they had selected similar internal review and control functions. Specifically, the Offices of Inspector General (OIG) were established by statute to detect and prevent fraud, waste, mismanagement, and to follow up on certain types of whistleblower allegations. The Department of State was not included because its OIG was established after the study had already begun.

Sample Design. The sampling frame consisted of all employees listed on each agency's computerized payroll system as of October 1980. A disproportionate stratified, probability sample was drawn from all permanent employees on the listing. The designated official at each agency or department was instructed to select every employee whose social security number ended in one of the pair of digits randomly generated by the Merit Systems Protection Board. Questionnaires were subsequently mailed directly to the home of 13,076 employees. This direct mailing process allowed the respondents the opportunity to complete the questionnaire privately. In order to increase the return rate, a follow-up mailing, i.e., reminder postcards, was undertaken 1 week after the questionnaires were mailed. Questionnaires were returned by 8,592 employees, representing a response rate of 65.7 percent. Attachment 1 summarizes the distribution patterns and response rates of the reprisal study strata.

Analyses were conducted to ascertain the presence of response bias. First, a preliminary data set of 4,697 cases were compared with the final data set of 8,592 cases. No important differences were found between the two sets. This finding suggests that respondents are substantially similar irrespective of when they returned the questionnaire. A factor analysis further revealed that stratum response rates have no impact on responses to questions included in the survey. Stratum response rates appear to be solely related to agency size. That is, smaller agencies were more likely to have better response rates than their larger counterparts. Thus, we may infer that respondents do not differ appreciably from nonrespondents in any important way.

Weighting. Weights were assigned to respondents proportionate to the ratio of the number of respondents in each stratum and the size of the population of each stratum. The formula was:

$$\text{Weight Assigned to Sample Respondents in Each Stratum} = \frac{\text{Size of Population in Each Stratum}}{\text{Number of Respondents in Each Stratum}}$$

A weight of one was assigned to those persons who failed to identify their agency. These persons constituted an independent stratum.

The pay grade distribution of the weighted sample closely reflects the pay grade distribution of the population. The one exception to this pattern is the Department of Interior. Here we found that the lowest pay grades responded at a lesser rate than those in the higher grades.

Data Verification. Prior to data analysis, several steps were taken to correct nonsampling errors resulting from improper keypunches and erroneous response patterns. These steps included a series of logic, skip pattern, and range checks.

The logic checks were designed to identify respondents who showed clear signs of response bias, i.e., evidence of patterning their responses around a single reply category or a series of questions. When such patterns were identified, the program manager examined the original questionnaire. Only five questionnaires were discarded because of response bias. In addition, inconsistent responses were also examined and corrected. For example, if a respondent claimed he or she was not identified as a "whistleblower" and then later claimed to suffer reprisal, the latter response was reassigned to missing data. Questions corrected in this manner include: Q2702, Q2703, Q2704, Q2705, Q2706, Q2708, Q3404, Q3503, Q3504, Q3610, and Q3702.

Data were also examined to determine if all skip patterns were followed. The checks pertained to questions following Q8, Q12, Q15, Q21, and Q28. In most cases, less than 1 percent of the responses were reassigned to missing for a given question because of this problem.

Finally, every question was examined to determine if all the responses were within their defined range. Only 16 out-of-range responses were reassigned to missing data.

REPRISAL STUDY STRATA

<u>Agency Strata</u>	<u>Population Size</u>	<u>Sampling Rate</u>	<u>Total Sample</u>	<u>Undeliverable Questionnaires*</u>	<u>Net Sample Size</u>	<u>Number of Respondents</u>	<u>Response Rate</u>
AGRICULTURE	112,795	1.2%	1,357	51	1,306	894	68.4%
COMMERCE	32,228	2.5%	846	56	790	560	70.9%
ENERGY	20,220	4.6%	974	39	935	639	68.3%
HHS	136,800	.8%	1,214	62	1,152	648	56.3%
EDUCATION	3,258	9.6%	349	37	312	210	67.3%
HUO	15,984	5.7%	916	12	904	546	60.4%
INTERIOR	57,713	1.7%	997	40	957	580	60.6%
LABOR	21,806	3.9%	861	19	842	548	65.1%
TRANSPORTATION	69,078	1.5%	1,049	42	1,007	628	62.4%
CSA	922	35.6%	342	14	328	182	55.5%
EPA	12,207	6.0%	746	18	728	444	61.0%
GSA	37,686	2.8%	1,096	41	1,055	543	51.5%
NASA	22,554	3.8%	910	54	856	573	66.9%
SBA	4,541	10.6%	503	20	483	295	61.1%
VA	209,530	.7%	1,480	59	1,421	796	56.0%
TOTALS	757,322	1.7%	13,640	564	13,076	**8,592	65.7%

* For eight agencies that did not track undeliverables, a conservative estimate was made that they each had 4% undeliverable (based on the experience of those agencies that did track undeliverables).

** Includes 506 respondents who declined to identify their agency.

APPENDIX C

1983 SURVEY QUESTIONNAIRE



U.S. MERIT SYSTEMS PROTECTION BOARD
Washington, D.C. 20419

July 1, 1983

Dear Federal Co-worker:

The Merit Systems Protection Board--an independent Federal agency established by the Civil Service Reform Act of 1978--is conducting a study of the Federal personnel system. The results will be reported to Congress and the President and made available to the public. We need your help.

We'd like you to tell us how various personnel policies and programs are working. Your opinions and experiences can make a difference, but only if you take the time to complete this survey (in the privacy of your home, if you wish) and return it directly in the envelope provided. On the average, it will take most people about twenty minutes to fill out the portions of the questionnaire that apply to them.

We will keep your answers confidential. We have no way of identifying who completed the questionnaires returned to us. For this reason please do **not** write your name anywhere on the questionnaire or ask anyone else to fill it out for you.

In developing this questionnaire we have consulted with the national headquarters of Federal employee unions and associations. We urge you to take advantage of this opportunity to make your views known.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Dennis L. Little".

Dennis L. Little
Director, Office of Merit Systems
Review and Studies

Merit Principles Survey: How Well is the Merit System Working?

This is a survey about your opinions and experiences as a Federal employee. Through this survey, we will be looking at how several key aspects of the merit system are working.

In this questionnaire we ask you about:

- Your job and the personnel practices in your work group.
- Protections for employees who report fraud and waste in Government operations.
- The merit pay system for Federal supervisors and management officials.
- The Government's ability to deal constructively with performance problems.
- Your work history and some general questions about you.

You will probably not need to answer every question. Instructions throughout the questionnaire will tell you which questions to skip since not every question will apply to you. You will also have the opportunity to write in any additional comments on the last page of the questionnaire.

Privacy Act Notice

Collection of the requested information is authorized by the Privacy Act, 5 U.S.C. 552a. Your participation in this survey is a completely voluntary and confidential activity. Responses to supply will be associated with you individually.

Section II

Protections for Employees Who Report Fraud and Waste in Government Operations

In this section we want to know whether employees report illegal or wasteful activities involving their agency and, if they do, what happens. The activities could involve situations such as stealing Federal funds or property, serious violations of Federal laws or regulations, or waste caused by buying unnecessary or defective goods. We are especially interested in knowing whether anyone tries to get back at (i.e., take reprisal against) employees who do report such activities. (Please check ONE box for each question, unless otherwise directed.)

14. During the last twelve months, did you **PERSONALLY OBSERVE** or **OBTAIN DIRECT EVIDENCE OF** one or more illegal or wasteful activities involving your agency? (Note: Do not answer yes if you only read about the activity in the newspaper or heard about it as a rumor.)

- 1 No —————> Please skip to Section III, page 6.
2 Yes

15. If you said "yes" in question 14, please select the **one** activity that represents the **most** serious problem you know about and check the number of that activity below. (Please check only ONE box.)

- 1 Stealing Federal funds.
2 Stealing Federal property.
3 Accepting bribes or kickbacks.
4 Waste caused by ineligible people receiving funds, goods or services.
5 Waste caused by unnecessary or deficient goods or services.
6 Waste caused by a badly managed program.
7 Use of an official position for personal benefits.
8 Unfair advantage given to a contractor, consultant, or vendor.
9 Tolerating a situation or practice which poses a danger to public health or safety.
10 Serious violation of law or regulation.
11 Other. (Please specify on last page of this questionnaire.)

16. Did this activity occur or originate in your own work group?

- 1 Yes
2 No
3 Not sure

17. If a dollar value can be placed on the activity, what was the amount involved?

- 1 Less than \$100
2 \$100 to \$999
3 \$1,000 to \$100,000
4 More than \$100,000
5 A dollar value cannot be placed on the activity
6 Don't know/can't judge

18. How frequently did the activity occur?

- 1 Once or rarely
2 Occasionally
3 Frequently
4 Don't know/can't judge

19. Did you report the activity to any individual or group? (Note: Merely discussing the matter with family members or mentioning it informally to co-workers is not a report.)

- 1 Yes —————> Please skip to Question 21.
2 No

20. Which of the following statements best describes your reason(s) for not reporting the activity? (Please check ALL the boxes that apply. If none of the answers apply, please skip to Section III on page 6.)

- 1 The activity had already been reported by someone else.
- 2 I did not think the activity was serious enough to report.
- 3 I did not have enough evidence to report.
- 4 I was not sure to whom I should have reported the matter.
- 5 Reporting this matter would have been too great a risk for me.
- 6 I did not think that anything **would** have been done to correct the activity.
- 7 I did not think that anything **could** have been done to correct the activity.
- 8 Some reason not listed above. (Please specify on the last page of this questionnaire.)

After answering Q.20 please go on to Section III on page 6.

21. Were you identified as the source of the report?

- 1 No —————> Please skip to Section III, page 6.
- 2 Yes

22. What was the effect on you personally as a result of being identified? (Please check ALL the boxes that apply.)

- 1 I was given credit by my management for having reported the problem.
- 2 Nothing happened to me for having reported the problem.
- 3 My co-workers were unhappy with me for having reported the problem.
- 4 My supervisor was unhappy with me for having reported the problem.
- 5 Someone above my supervisor was unhappy with me for having reported the problem.
- 6 I was threatened with reprisal for having reported the problem.
- 7 I received an actual reprisal for having reported the problem.

23. Within the last 12 months, have you personally experienced some type of reprisal or threat of reprisal by management for having reported an activity?

- 1 No —————> Please skip to Section III, page 6
- 2 Yes

24. Did the reprisal or threat of reprisal take any of the following forms? (Please check ALL the boxes that apply)

	<u>I was threatened with:</u>	<u>This was done to me:</u>
a. Poor performance appraisal.	<input type="checkbox"/>	<input type="checkbox"/>
b. Denial of promotion.	<input type="checkbox"/>	<input type="checkbox"/>
c. Denial of opportunity for training.	<input type="checkbox"/>	<input type="checkbox"/>
d. Assigned less desirable or less important duties.	<input type="checkbox"/>	<input type="checkbox"/>
e. Transfer or reassignment to a different job with less desirable duties.	<input type="checkbox"/>	<input type="checkbox"/>
f. Reassignment to a different geographic location.	<input type="checkbox"/>	<input type="checkbox"/>
g. Suspension from your job.	<input type="checkbox"/>	<input type="checkbox"/>
h. Grade level demotion.	<input type="checkbox"/>	<input type="checkbox"/>
i. Other. (Please specify on the last page of this questionnaire.)	<input type="checkbox"/>	<input type="checkbox"/>

[Next page is P 15]

Section VI

Personal and Job Information

This section asks for information about your job history and some general questions about you. (Please check ONE box for each question, unless otherwise directed.)

55. How many years have you been a Federal employee (excluding non-civilian military service)?

- 1 Less than 1 year
- 2 1 to less than 4 years
- 3 4 to less than 10 years
- 4 10 to less than 30 years
- 5 30 years or more

56. How long have you worked in your current position?

- 1 Less than 6 months
- 2 6 months to less than 2 years
- 3 2 to 5 years
- 4 6 to 10 years
- 5 More than 10 years

57. Where is your job located? (Please check ALL that apply.)

- 1 Within Washington, D.C., metropolitan area
- 2 Outside Washington, D.C., metropolitan area
- 3 Agency headquarters
- 4 Field or regional installation

58. When will you be eligible to retire voluntarily (age 55 and 30 years of service, age 60 and 20 years of service, age 62 and 5 years of service)?

- 1 I am eligible now
- 2 1 to 2 years
- 3 3 to 5 years
- 4 6 to 8 years
- 5 More than 8 years

59. How many years of full-time employment have you had outside the Federal Government within the past five years?

- 1 None
- 2 Less than 1 year
- 3 1 to less than 4 years
- 4 4 or more years

60. Are you?

- 1 Male
- 2 Female

61. Are you?

- 1 American Indian or Alaskan Native
- 2 Asian or Pacific Islander
- 3 Black, not of Hispanic origin
- 4 Hispanic
- 5 White, not of Hispanic origin
- 6 Other

62. What is your age?

- 1 Under 20
- 2 20 to 29
- 3 30 to 39
- 4 40 to 49
- 5 50 to 54
- 6 55 to 59
- 7 60 to 64
- 8 65 or older

63. Which of the following awards have you received within the past two years:

- 1 Cash award for sustained superior performance or outstanding performance rating.
- 2 Cash award for special act or achievement.
- 3 Quality step increase.
- 4 Merit Pay Cash Award.
- 5 SES Performance Bonus.
- 6 SES Distinguished or Meritorious Rank Award.
- 7 Cash award for suggestion.
- 8 Cash award—don't know the reason.
- 9 Non-monetary award.
- 10 I have not received any of these awards.

64. What type of appointment are you serving under?

- 1 Career or career-conditional
- 2 Non-career
- 3 Schedule C
- 4 Other

65. What is your highest educational level?

- 1 Less than high school diploma
- 2 High school diploma or GED (Graduate Equivalency Degree)
- 3 High school diploma plus some college or technical training
- 4 Graduated from college (B.A., B.S., or other Bachelor's Degree)
- 5 Graduate or professional degree

66. What is your pay category or classification?

- 1 General schedule and similar (GS, GG, GW)
- 2 Merit pay (GM)
- 3 Wage system supervisor or leader (WG, or WS)
- 4 Wage system non-supervisory (WG, WD, WN, etc.)
- 5 Executive (ST, EX, ES, etc.)
- 6 Other

67. What is your pay grade?

- 1 1-4
- 2 5-8
- 3 9-12
- 4 13-14
- 5 15
- 6 16-18
- 7 SES
- 8 Other

68. Which of the following best describes your position? (Please check ONE box.)

- 1 Clerical or secretarial
- 2 Manual, service or trade
- 3 Technician (for example, accounting technician or electronics technician, etc.)
- 4 Professional (for example, accountant or engineer, etc.)
- 5 Other

} → *Please skip to Question 70.*

69. Which of the following best describes the kind of work you do?

- 1 Administration (personnel, budget, etc.)
- 2 Computer and information systems
- 3 Biological, mathematical, and physical sciences
- 4 Accounting, economics
- 5 Medical and health
- 6 Engineering
- 7 Legal
- 8 Other

70. Where do you work?

- 1 Agriculture
- 2 Air Force
- 3 Army
- 4 Defense Logistics Agency, and other DoD
- 5 Commerce
- 6 Education
- 7 Energy
- 8 Environmental Protection Agency
- 9 General Services Administration
- 10 Health and Human Services
- 11 Housing and Urban Development
- 12 Interior
- 13 Justice
- 14 Labor
- 15 NASA
- 16 Navy
- 17 Office of Personnel Management
- 18 Small Business Administration
- 19 State, AID or ICA
- 20 Transportation
- 21 Treasury
- 22 Veterans Administration
- 23 Other

Please use the space below to write in specific comments, referring to questions in which you have checked "other" as a response.

QUESTION NUMBER	YOUR COMMENTS

The number that appears to the right does not identify you individually. It is a code that indicates to us the statistical group that you share with other individuals. We need this code to identify the number of responses that have been returned from each group in this survey.

APPENDIX D

1980 SURVEY QUESTIONNAIRE



MERIT SYSTEMS PROTECTION BOARD

Washington, D.C. 20419

December 2, 1980

Dear Federal Co-worker:

The Merit Systems Protection Board, a Federal agency created by the Civil Service Reform Act of 1978, is conducting the first scientific study of reprisal in the Federal workplace. Through this study, we hope to find out the degree to which Federal employees are personally aware of instances of fraud, waste, or mismanagement in Government operations, and what, if anything, they do with such information. We also want to know if any Federal employees have experienced some type of reprisal as a result of reporting any illegal or wasteful activities.

Your name was selected in a random drawing of 15,000 out of more than 800,000 employees within 15 Federal departments and agencies. In order to receive a wide range of opinions that truly represent the thoughts and experiences of Federal workers, it is extremely important that you complete and return the enclosed questionnaire. We need answers from those who have not experienced any form of reprisal, as well as those who have. Likewise, we need answers from those who do not think a significant problem exists, as well as those who do. Please do not ask anyone else to fill out this questionnaire.

We will keep your answers confidential. Please do **not** put your name anywhere on the questionnaire. We encourage you to complete this in the privacy of your home and return it directly to us in the envelope provided. It will probably take you about 15 minutes to complete this questionnaire if you are not aware of any particular problems and about 25 minutes if you are. We would appreciate your returning the completed questionnaire within **5 days** after you receive it.

The results of this survey will be reported to the Congress and to the President and made available to the public. Appropriate agency officials and national union representatives have been informed of this effort. While it is not the purpose of this study to review and resolve individual problems, the information you provide will form the basis for any major recommendations that we may make. We strongly urge you to take advantage of the opportunity to participate in this unique study.

Thank you for your assistance.

Sincerely,

Patricia A. Mathis
Director, Merit Systems Review
and Studies



U.S. Merit Systems Protection Board
Washington, D.C.

Do Federal Employees Face Reprisal for Reporting Fraud, Waste or Mismanagement?

In this questionnaire, we will ask about your opinions—as well as any experiences you may have had—concerning the reporting of illegal or wasteful practices within Government operations. *You may not have to answer every question.* Instructions in each section below will tell you what questions to skip. Please use the last page to write any comments you may wish to make. The major things we will be asking about are:

- *reprisal*, that is, taking an *undesirable* action against an employee or *not* taking a *desirable* action *because* that employee disclosed information about a serious problem. Reprisal may involve such things as transfer or reassignment to a less desirable job or location, suspension or removal from a job, or denial of a promotion or training opportunities;
 - *illegal or wasteful activities*. This covers a variety of situations, such as stealing Federal funds or property, serious violations of Federal laws or regulations, or waste caused by such things as buying unnecessary or defective goods;
 - *your immediate work group*, that is, the people with whom you work most closely on a day-to-day basis;
 - *your agency*, that is, the major Federal organization for which you work, such as the Department of Agriculture, Department of Commerce, the Veterans Administration, Environmental Protection Agency, etc.
-

SECTION I

1. The following questions ask for your *opinion* about the practice of reporting illegal or wasteful activities. (Please "X" ONE box for each question.)

- Definitely Yes
Probably Yes
Probably Not
Definitely Not
Not Sure
- a. Do you personally approve of the practice of employees reporting illegal or wasteful activities within Government operations? 1 2 3 4 5
- b. Is it possible for the Federal Government to effectively protect from reprisal an employee who discloses illegal or wasteful activities within his or her agency? 1 2 3 4 5
- c. Is it in the best interests of a Federal agency when an employee reports illegal or wasteful activities? 1 2 3 4 5
- d. Should Federal employees be encouraged to report illegal or wasteful activities within their agencies? 1 2 3 4 5
- e. If your agency had a program which gave monetary rewards to persons who reported illegal or wasteful activities, would this be a good thing? 1 2 3 4 5
- f. If you observed an illegal or wasteful activity involving your agency, would you know where to report it? 1 2 3 4 5

2. How adequate is the *protection* the Federal Government now offers to employees who report illegal or wasteful activities within their agencies? (Please "X" ONE box.)

- 1 More than adequate
2 About right
3 As adequate as it can be
4 Could and should be more adequate
5 Not sure

3. How do you feel about the *amount of encouragement* your agency gives to employees who might be inclined to report illegal or wasteful activities within the agency? (Please "X" ONE box.)

- 1 Too much
2 About right
3 Not enough
4 Not sure

4. How confident are you that your *superior* would not take action against you, if you were to report—through official channels—some illegal or wasteful activity? (Please "X" ONE box.)

- 1 Very confident
2 Confident
3 Less than confident
4 Not at all confident
5 Not sure

5. How confident are you that *someone above your supervisor* would not take action against you, if you were to report—through official channels—some illegal or wasteful activity? (Please "X" ONE box.)

- 1 Very confident
2 Confident
3 Less than confident
4 Not at all confident
5 Not sure

6. Do you feel you have enough information about where to report illegal or wasteful activities, if such activities should come to your attention? (Please "X" ONE box.)

- 1 Yes, I have more than enough information.
2 Yes, I have about the right amount of information for now.
3 No, I would prefer to have more information.

7. If you observed or had evidence of an illegal or wasteful activity, which *two* of the following would *most encourage* you to report it? (Please "X" TWO boxes.)

- 1 Knowing that I could report it and *not* identify myself.
2 Knowing that something would be done to correct the activity if I reported it.
3 Knowing that I would be protected from any sort of reprisal.
4 Knowing that I could be given a cash reward if I reported it.
5 Knowing the problem was something I considered very serious.
6 Knowing that I could report it without people thinking badly of me.
7 Other. (Please specify on the last page of this questionnaire.)

(10)

8. Have you heard of the following organizations, and how much do you know about what they are supposed to do if they receive information concerning illegal or wasteful activities? (Please "X" ONE box after each organization.)

- I never heard of this organization
- I heard of this organization but I know nothing about what they are supposed to do
- I have a vague idea of what they are supposed to do
- I have a pretty good idea of what they are supposed to do
- I have a very good idea of what they are supposed to do

- a. The Office of Inspector General or IG "Hot Line" within your agency. 1 2 3 4 5
- b. The Special Counsel of the Merit Systems Protection Board.
- c. The General Accounting Office (GAO).

NOTE: If you have never heard of the Office of Inspector General, please skip Questions 9, 10, and 11.

9. If you were to report an illegal or wasteful activity to the Office of Inspector General (OIG) within your agency and request that your identity be kept confidential, how confident are you that the OIG would protect your identity? (Please "X" ONE box.)

- 1 Very confident
- 2 Confident
- 3 Less than confident
- 4 Not at all confident
- 5 Not sure

10. If you were to report an illegal or wasteful activity to the Office of Inspector General within your agency, how confident are you that the OIG would give careful consideration to your allegations? (Please "X" ONE box.)

- 1 Very confident
- 2 Confident
- 3 Less than confident
- 4 Not at all confident
- 5 Not sure

11. If your agency had a policy that required you to bypass your supervisor and report any illegal or wasteful activities directly to your agency's Office of Inspector General, would this be a good thing for your agency? (Please "X" ONE box.)

- 1 Definitely yes
- 2 Probably yes
- 3 Probably not
- 4 Definitely not
- 5 Not sure

NOTE: If you have never heard of the Office of the Special Counsel of the Merit Systems Protection Board, please skip to Section II on this page.

12. If you were to report an illegal or wasteful activity to the Office of the Special Counsel (OSC) of the Merit Systems Protection Board, how confident are you that the OSC would give careful consideration to your allegations? (Please "X" ONE box.)

- 1 Very confident
- 2 Confident
- 3 Less than confident
- 4 Not at all confident
- 5 Not sure

13. If you were to need protection for having reported an illegal or wasteful activity, how confident are you that the Office of the Special Counsel of the Merit Systems Protection Board would protect you from reprisal? (Please "X" ONE box.)

- 1 Very confident
- 2 Confident
- 3 Less than confident
- 4 Not at all confident
- 5 Not sure

SECTION II

The questions in this section ask about actual situations that you personally observed, experienced or knew about "first hand." We are mainly interested in finding out what Federal employees do with information they may have regarding illegal or wasteful activities in their agencies. We also want to know if employees have experienced some type of reprisal for reporting such information.

14. Some employees are aware of illegal or wasteful activities because it is part of their job to know about such things.

a. Does your job require you to conduct or assist in audits, investigations, program evaluations, or inspections for your agency? (Please "X" ONE box.)

- 1 Yes
- 2 No

b. Do you work in an Office of Inspector General? (Please "X" ONE box.)

- 1 Yes
- 2 No

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15. Regardless of whether or not it is part of your job, during the last 12 months, have you personally observed or obtained direct evidence of any of the following activities? (Please "X" ONE box after each activity.)

(Note: Do not answer yes if you only read about the activity in the newspaper or only heard about it as a rumor being passed around.)

(Did you observe this or have direct evidence of it during the last 12 months?)

(Activity)	NO	YES, and the total value involved appeared to be:				
		Less than \$100	\$100 to \$999	\$1,000 to \$100,000	More than \$100,000	
a. Employee(s) stealing Federal funds.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. Employee(s) stealing Federal property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. Employee(s) accepting bribes or kickbacks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. Waste of Federal funds caused by ineligible people (or organizations) receiving Federal funds, goods, or services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. Waste of Federal funds caused by buying unnecessary or deficient goods or services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. Waste of Federal funds caused by a badly managed Federal program. (If "yes," please use the last page of this questionnaire to give a brief description of the most badly managed program that you know about.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(Activity)	NO	YES, and it appeared to occur:			
		Rarely	Occasionally	Frequently	
g. Employee(s) abusing his/her official position to obtain substantial personal services or favors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
h. Employee(s) giving unfair advantage to a particular contractor, consultant or vendor (for example, because of personal ties or family connections, or with the intent of being employed by that contractor later on).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
i. Employee(s) tolerating a situation which poses a danger to public health or safety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
j. Employee(s) committing a serious violation of Federal law or regulation other than those described above. (If yes, please use the last page of this questionnaire to give a brief description of the most serious violation that you know about.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

NOTE: If you indicated "no" to all of the activities listed in question 15, please skip to Section III on page 7.

16. If you indicated "yes" to one or more of the activities listed in question 15, please select the one activity that represents the most serious problem you know about or the one that had the greatest impact on you personally and "X" the box of that activity below. (Please "X" ONE box.)

- 1 Stealing Federal funds.
- 2 Stealing Federal property.
- 3 Accepting bribes or kickbacks.
- 4 Waste caused by ineligible people receiving funds, goods, or services.
- 5 Waste caused by unnecessary or deficient goods or services.
- 6 Waste caused by a badly managed program.
- 7 Use of an official position for personal benefits.
- 8 Unfair advantage given to a contractor, consultant, or vendor.
- 9 Tolerating a situation or practice which poses a danger to public health or safety.
- 10 Serious violation of law or regulation.

(Note: Please answer the following questions in terms of the one activity you selected in question 16 above.)

17. Is the activity you selected the most serious problem you know about or the one that had the greatest effect on you? (Please "X" ALL the boxes that apply.)

- 1 This is the activity that I consider the most serious problem.
- 2 This is the activity that had the greatest effect on me.

18. How did you find out about this activity? (Please "X" ALL the boxes that apply.)

- 1 I personally observed it happening.
- 2 I came across direct evidence (such as vouchers or other documents.)
- 3 I was told by an employee involved in the activity.
- 4 I was told by an employee who was not involved in the activity.
- 5 I read about it in an internal agency report.
- 6 I found out through some other means not listed above.

19. Did the activity appear to be caused by any of the following? (Please "X" ALL the boxes that apply.)

- 1 Employee(s) of this agency.
- 2 Employee(s) of some other agency.
- 3 Individual(s) receiving Federal funds, goods or services.
- 4 Organization(s) receiving Federal funds, goods or services.

(52)

20. Which Federal department or agency did the activity involve? (Please "X" ONE box.)

- 1 Agriculture
- 2 Commerce
- 3 Energy
- 4 Health, Education and Welfare (prior to reorganization)
- 5 Health and Human Services
- 6 Education
- 7 Housing and Urban Development
- 8 Interior
- 9 Labor
- a Transportation
- b Community Services Administration
- c Environmental Protection Agency
- d General Services Administration
- e National Aeronautics and Space Administration
- f Small Business Administration
- g Veterans Administration
- h Other

21. Did you report this activity to any individual or group? (Please "X" ONE box.)

- 1 Yes ———> Please skip to question 23.
- 2 No

22. If you did *not* report this activity to any individual or group, which of the following statements best describes your reason(s) for *not* reporting it? (Please "X" ALL the boxes that apply.)

- 1 The activity had already been reported by someone else.
- 2 I did not think the activity was important enough to report.
- 3 I did not have enough evidence to report.
- 4 I was not really sure to whom I should report the matter.
- 5 I decided that reporting this matter was too great a risk for me.
- 6 I did not want to get anyone in trouble.
- 7 I did not want to embarrass my organization or agency.
- 8 I did not think that anything *would* be done to correct the activity.
- 9 I did not think that anything *could* be done to correct the activity.
- a Some reason not listed above. (Please specify on the last page of this questionnaire.)

NOTE: If you did *not* report this activity to any individual or group, please skip to Section III on page 7.

23. Did you report this activity to any of the following? (Please "X" ALL the boxes that apply.)

- 1 Co-workers.
- 2 Immediate supervisor.
- 3 Someone above my immediate supervisor.
- 4 Personnel office.
- 5 The Office of the Inspector General or the IG "Hot Line" within this agency.
- 6 A union representative.
- 7 The Special Counsel within the Merit Systems Protection Board.
- 8 The General Accounting Office.
- 9 A Member of Congress.
- a A member of the news media.

24. Did you report the activity because it is a routine part of your job to report such activities (for example, as an auditor, investigator, quality control specialist, etc.)? (Please "X" ONE box.)

- 1 Yes
- 2 No

25. If you reported this activity to sources *within* your immediate work group (that is, the people with whom you work most closely on a day-to-day basis), what effect did it have? (Please "X" ONE box.)

- 1 I did *not* report this activity *within* my immediate work group.
- 2 The problem was resolved.
- 3 The problem was partially resolved.
- 4 The problem was not resolved at all.
- 5 The problem is still under review, but I expect it to be resolved.
- 6 The problem is still under review, but I do *not* expect it to be resolved.
- 7 I am not sure whether any action was taken.

26. If you reported this activity to sources *outside* your immediate work group, what effect did it have? (Please "X" ONE box.)

- 1 I did *not* report this activity *outside* my immediate work group.
- 2 The problem was resolved.
- 3 The problem was partially resolved.
- 4 The problem was not resolved at all.
- 5 The problem is still under review, but I expect it to be resolved.
- 6 The problem is still under review, but I do *not* expect it to be resolved.
- 7 I am not sure whether any action was taken.

(7B)
(end card 1)

27. If you were identified as the person who reported the activity, what was the effect on you personally? (Please "X" ALL the boxes that apply.)

- 1 I was *not* identified as the source of the report.
- 2 I was given credit by my management for having reported the problem.
- 3 Nothing happened to me.
- 4 I had the feeling that my *co-workers* were unhappy with me because I reported the problem.
- 5 I had the feeling that my *supervisor* was unhappy with me because I reported the problem.
- 6 I had the feeling that *someone above my supervisor* was unhappy with me because I reported the problem.
- 7 I received some threats of reprisal for having reported the problem.
- 8 I received an actual reprisal for having reported the problem.

28. Within the last 12 months, have you personally experienced some type of reprisal or threat of reprisal because of an activity you reported? (Please "X" ONE box.)

- 1 Yes
- 2 No —————> Then skip to Section III on page 7.

(Note: If you have experienced more than one incident of actual or threatened reprisal within the last 12 months, please select one experience which is either the most recent or which had the greatest impact on you. Please answer questions 29 through 37 in terms of that experience.)

29. Is the experience you are thinking about a case where: (Please "X" ONE box.)

- 1 A threat of reprisal was made but not carried out.
- 2 A threat of reprisal was made and actually carried out in some form.
- 3 Some type of reprisal was actually taken *without* a threat or warning. —————> If this happened, please skip to question 31.

30. How was the threat made? (Please "X" ONE box.)

- 1 Various words or actions *implied* there was the possibility of reprisal, but I was *not* explicitly threatened.
- 2 I was *explicitly* threatened with some type of reprisal.

31. Where were you working when this experience occurred? (Please "X" ONE box.)

- 1 Agriculture
- 2 Commerce
- 3 Energy
- 4 Health, Education and Welfare (prior to reorganization)
- 5 Health and Human Services
- 6 Education
- 7 Housing and Urban Development
- 8 Interior
- 9 Labor
- a Transportation
- b Community Services Administration
- c Environmental Protection Agency
- d General Services Administration
- e National Aeronautics and Space Administration
- f Small Business Administration
- g Veterans Administration
- h Other

32. Did you report the information that caused the reprisal or threat of reprisal to any of the following? (Please "X" all the boxes that apply.)

- 1 Co-workers.
- 2 Immediate supervisor.
- 3 Someone above my immediate supervisor.
- 4 Personnel office.
- 5 The Office of the Inspector General or the IG "Hot Line" within this agency.
- 6 A union representative.
- 7 The Special Counsel within the Merit Systems Protection Board.
- 8 The General Accounting Office.
- 9 A Member of Congress.
- a A member of the news media.

33. Who threatened or took the reprisal? (Please "X" ALL the boxes that apply.)

- 1 Co-workers.
- 2 My immediate supervisor.
- 3 My second level supervisor.
- 4 A level of management or supervision above my second level supervisor.
- 5 Other. (Please specify on the last page of this questionnaire.)

(33)

34. Did the reprisal or threat of reprisal take any of the following forms? (Please "X" ALL the boxes that apply.)

(Reprisal Action)	(Was this threat- (Did this ened) Occur)			
	Yes		No	
	1	2	3	4
a. Poor performance appraisal.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Denial of promotion.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Denial of opportunity for training.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Assigned less desirable or less important duties in my current job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Transfer or reassignment to a different job with less desirable duties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Reassignment to a different geographic location.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Suspension from your job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Grade level demotion.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Other. (Please specify on the last page of this questionnaire.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35. How was the way you do your job affected by the reprisal or threat of reprisal? (Please "X" ALL the boxes that apply.)

- 1 I now ignore instances of wrongful activities that I would not have ignored before.
- 2 I do not do my job as well as I did before the actual or threatened reprisal.
- 3 I do my job better than I did before the actual or threatened reprisal.
- 4 Nothing has changed in the way I do my job.
- 5 I applied for and accepted a different job.
- 6 I was moved into a different job by my agency.

36. In response to the reprisal or threat of reprisal, did you take any of the following actions? (Please "X" ALL the boxes that apply.)

- 1 Complained to a higher level of agency management.
- 2 Complained to some other office within my agency (for example, the personnel office or the EEO office).
- 3 Complained to the Office of Inspector General within my agency.
- 4 Filed a complaint through my union representative.
- 5 Filed a formal grievance within my agency.
- 6 Filed an EEO (discrimination) complaint.
- 7 Filed a complaint with the Office of Special Counsel of the Merit Systems Protection Board.
- 8 Filed a formal appeal, or had an appeal filed on your behalf, with the Merit Systems Protection Board.
- 9 Took an action not listed above.
- 0 Took no action. —————> If this is the case please skip to Section III on this page.

37. What happened to you as a result? (Please "X" ALL the boxes that apply.)

- 1 It got me into more trouble.
- 2 It made no difference.
- 3 The threat of reprisal was withdrawn.
- 4 The reprisal action itself was withdrawn.
- 5 Actions were taken to compensate me for the reprisal action.

SECTION III

This last section asks for information we need to help us with the statistical analyses of the survey data and to make sure we have responses from a representative sample of employees. Please answer the following questions regardless of whether you had any specific experience(s) to relate.

38. What is your pay category or classification? (Please "X" ONE box.)

- 1 General Schedule and similar (GS, GC, GW).
- 2 Wage System (WC, WS, WL, WD, WN, ETC.)
- 3 Merit Pay (GM).
- 4 Executive (ST, EX, ES, ETC.)

39. What is your pay grade? (Please "X" ONE box.)

- 1 1-4
- 2 5-8
- 3 9-12
- 4 13-15
- 5 Over 15 (SES)
- 6 Over 15 (not SES)
- 7 Other

40. Do you now write performance appraisals for other employees? (Please "X" ONE box.)

- 1 Yes
- 2 No

(75)

41. Is your current and principal place of work at headquarters or in a field or regional location? (Please "X" ONE box.)

- 1 Headquarters
- 2 Field or regional location

42. Where is your current job located? (Please "X" ONE box.)

- 1 Washington, D.C. (Metropolitan Area)
- 2 Massachusetts, Vermont, New Hampshire, Maine, Connecticut, Rhode Island
- 3 New York, New Jersey, Puerto Rico, Virgin Islands
- 4 Pennsylvania, Delaware, Maryland, Virginia, West Virginia
- 5 Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida
- 6 Michigan, Ohio, Indiana, Wisconsin, Minnesota, Illinois
- 7 Missouri, Iowa, Nebraska, Kansas
- 8 Texas, Arkansas, Louisiana, Oklahoma, New Mexico
- 9 North Dakota, South Dakota, Montana, Wyoming, Colorado, Utah
- a California, Nevada, Arizona, Hawaii
- b Washington, Oregon, Idaho, Alaska
- c None of the above

43. In which department or agency do you currently work? (Please "X" ONE box.)

- 1 Agriculture
- 2 Commerce
- 3 Energy
- 4 Health and Human Services
- 5 Education
- 6 Housing and Urban Development
- 7 Interior
- 8 Labor
- 9 Transportation
- a Community Services Administration
- b Environmental Protection Agency
- c General Services Administration
- d National Aeronautics and Space Administration
- e Small Business Administration
- f Veterans Administration
- g Other

44. What is the highest level of education you have completed? (Please "X" ONE box.)

- 1 Less than high school diploma.
- 2 High school diploma or GED (Graduate Equivalency Degree).
- 3 High school diploma plus some college or technical training.
- 4 Graduated from college (B.A., B.S., or other Bachelor's Degree.)
- 5 Graduate or professional degree.

Please use the space below to write in specific comments, referring to questions in which you have checked "other" as a response.

**QUESTION
NUMBER**

YOUR COMMENTS

This completes the questionnaire. If you have any other comments, please write them here. We appreciate your help in taking the time to answer these questions. Please use the enclosed envelope to return your completed questionnaire.

APPENDIX E

WRITTEN COMMENTS FROM RESPONDENTS TO 1983 MSPB QUESTIONNAIRE

APPENDIX E

EXCERPTS FROM WRITTEN COMMENTS TO RETURNED

1983 MSPB QUESTIONNAIRE

The following are excerpts from written comments descriptive of some of the perceived instances of illegal or wasteful activities. These comments were volunteered by a number of respondents to the Board's 1983 "Merit Principles Survey." The respondents claimed that during the 12 months preceding completion of the questionnaire, they had personally observed or otherwise had obtained direct knowledge of activities such as these. Similar excerpts were provided in the Board's report of its 1980 survey.¹

WASTE OF FEDERAL FUNDS CAUSED BY UNNECESSARY OR DEFICIENT GOODS OR SERVICES

Contracting officers negotiating too high prices with good technical pricing data to support lower prices.

* * * * *

Virtually every activity that involves [agency] in any way is full of waste. This includes space acquisition, space maintenance, product procurement.

* * * * *

Last minute unnecessary expenditures of expiring funds.

* * * * *

Employee hired as a GS-9 who didn't have the training to handle the job and didn't want to be troubled to learn. Since employee was unable to handle job, he read paperbacks.

* * * * *

The purchase of equipment, services, and supplies from [agency] schedules is ridiculous. The cost of items are extremely high, plus the quality of products is poor. It's common knowledge if a small business wants to make big and fast bucks, all they have to do is get on a [agency] schedule.

* * * * *

¹ See Note 2, Chapter 1.

A commanding general forced major design changes in major facilities which did not increase the operational functions of the building.

* * * * *

Too much is being spent on trying to catch government employees wasting, abusing, or stealing resources. This in itself is wasteful.

* * * * *

Construction of partitions by the [agency subunit] office in the name of "security" even though this was not necessary and it was actually an attempt to expand [agency subunit] office space.

* * * * *

Much money is spent and wasted in the attempt to maintain [agency] vehicles in a "like new" condition. I feel the vehicles should be maintained in a safe, reliable, and dependable condition. A more realistic attitude along this line would certainly save large sums of money at the local level.

* * * * *

EMPLOYEE(S) STEALING FEDERAL FUNDS

Very long lunch hours and most Fridays all afternoon off and still reporting eight hours of work on time cards.

* * * * *

Senior staff abusing leave by never signing for leave but accumulating leave with large lump sum payment.

* * * * *

Falsified travel vouchers. Obtaining Federal funds by submitting fraudulent travel claims.

* * * * *

Abuse of overtime among the special few allowed to "work" overtime continuously when they spend a good amount of time Monday through Friday on socializing.

* * * * *

WASTE OF FEDERAL FUNDS CAUSED BY A BADLY MANAGED FEDERAL PROGRAM

Massive amount of written documentation as to the reason for doing or not doing, answering inspection reports, completing checklists of items already given in regulations, "data trail" for instructional system development certifying that you have accomplished something.

* * * * *

Programs that will not work are continued, scientific principles are ignored because of buddy system and lack of technical ability in management.

* * * * *

Waste, inefficient procedures, and refusal to consider suggestions to correct bureaucratic bungling, granting of unneeded overtime pay, and severe morale problems due to incompetent supervisors/managers are costing the taxpayers millions of dollars per year.

* * * * *

The waste I have seen comes largely from the unwillingness of the Congress to allow my agency to proceed with reorganizations which would save money. The Congress will not allow closures of offices or facilities in their districts/states.

* * * * *

I worked for the [agency]. Our agency is a bit different from other Federal agencies. The waste I am talking about [involves] our programs and policies and the things we are required to do to administer the program. Of course, this involves decisions by Congress and high level policy people who pay very little attention to what's really happening on the front lines.

* * * * *

EMPLOYEE(S) ABUSING HIS/HER OFFICIAL POSITION TO OBTAIN SUBSTANTIAL PERSONAL SERVICES OR FAVORS

Moving an office from Newark, New Jersey, to Trenton, New Jersey, for personal convenience of director who lived closer to Trenton.

* * * * *

Office use of private developer's helicopter (twice) while the developer had projects pending with office.

* * * * *

A contract was let for someone to essentially perform personal services (circumvention of ceiling). Neither the contractor of record nor the Federal project monitor performed appropriate oversight.

* * * * *

Supervisor's use of employees to do personal work.

* * * * *

While unable to fill badly needed lower graded clerical positions in [our] work group, regional office filled at least three high graded unneeded political positions.

* * * * *

Misuse of travel funds by my supervisor. Unnecessary overnight trips.

* * * * *

The Chiefs of Medical departments (non-Federal medical school employees) control [agency] appointment (of physicians and research workers) by appointing [agency] Chiefs (e.g., of Medicine) and paying their medical school funds in addition to full time [agency] salaries.

* * * * *

EMPLOYEE(S) COMMITTING A SERIOUS VIOLATION OF FEDERAL LAW OR REGULATION OTHER THAN THOSE DESCRIBED ABOVE

I observed and complained about politically motivated hiring of several people at the GS 12-14 level.

* * * * *

Work is thrown in the garbage can rather than being completed. This results in more work at a later time, but it makes certain people look good on paper, in that they don't spend the time required to complete the work on difficult matters.

* * * * *

Use of industrial funds for expenditures properly chargeable to operations and maintenance appropriating, thereby avoiding budgeting requirements.

* * * * *

There have been serious violations of Federal law and/or regulation, primarily as regards the personnel management policy and practices. For instance, how does an employee go from a GS-14, 6 months in grade, to a temporary GM-15, back to GM-14, then to GM-15, finally to Assistant Director in a period of less than 24 months. All of this entailed various actions, creation of deputy positions, temporary promotions, details, etc. At the same time, this employee was allowed to arbitrarily assign, reassign, detail, promote, and terminate employees at will.

APPENDIX F

BIBLIOGRAPHY OF MERIT SYSTEMS REVIEW AND STUDIES REPORTS

APPENDIX F

BIBLIOGRAPHY OF MERIT SYSTEMS REVIEW AND STUDIES REPORTS

Under the mandate of the Civil Service Reform Act of 1978, the Merit Systems Protection Board (MSPB) shall:

. . . conduct special studies relating to the civil service and to other merit systems in the Executive Branch and to report to the President and to the Congress as to whether the public interest in a civil service free of prohibited personnel practices is being adequately protected.

(5 U.S.C. 1205(a)(3))

The Office of Merit Systems Review and Studies (MSRS) of the MSPB is responsible for determining whether the merit principles established by law (5 U.S.C. 2301) are being effectively implemented, and whether prohibited personnel practices (5 U.S.C. 2302) are being avoided in Federal agencies. MSRS studies the rules, regulations, and significant actions of the Office of Personnel Management (OPM) and evaluates the health of the Federal civil service system through a variety of techniques. Among these are surveys, agency specific case studies, onsite interviews, roundtable discussions, and traditional investigative techniques. Research topics are selected to produce studies that are bias-free, definitive and reliable indicators of civil service problems, and which identify ways in which these problems can be addressed. A bibliography of all published MSRS reports in chronological order is given below.

Sexual harassment in the Federal workplace: Is it a Problem?, March 1981, 208 pages.

In response to a Congressional request, the Board explored the nature and extent of sexual harassment in Federal government. Survey data for this study were based on the responses of over 20,000 men and women in the Federal work force. This report covers the following topics: the view of Federal workers toward sexual harassment, the extent of sexual harassment in the Federal government, the characteristics of the victims and the perpetrators, incidents of sexual harassment, its impact and costs, and possible remedies and their effectiveness.

Do Federal Employees Face Reprisal for Reporting Fraud, Waste, or Mismanagement? Preliminary Report, April 1981, 50 pages.

This is the preliminary report on "whistleblowing" and the Federal employee. Survey data for this study were gathered from 8,600 Federal employees in all grade levels from 15 agencies. This study reports on a number of issues including: the number of observations of illegal or wasteful activities that go unreported and the outcome when they are reported.

Study of MSPB Appeals Decisions for FY 1980, May 1981, 46 pages.

One of the principal functions of the Merit Systems Protection Board is to hear the appeals of Federal employees from one or another of various types of personnel actions taken or denied by Government agencies. This is the first annual report on MSPB appeals decisions. This report analyzes the Board's processing of the appeals during FY 1980 and place the results in historical context.

Status Report on Performance Appraisal and Merit Pay Among Mid-level Employees, June 1981, 27 pages.

This study focused on the experiences of mid-level employees in the first eight agencies that implemented Merit Pay in October 1980. The data were drawn from a survey of approximately 3,000 employees in grades GS/13-15. The study examines employee perceptions of their performance standards and the performance appraisal system, especially as it relates to improved performance, and their opinions on the fairness of the Merit Pay System.

Report on the Significant Actions of the Office of Personnel Management During 1980, June 1981, 99 pages.

The Civil Service Reform Act of 1978 mandated that the Merit Systems Protection Board monitor the significant actions of the Office of Personnel Management and report to the President and the Congress on the rectitude of those actions. This was the first such report on OPM and data were derived from a survey of more than 1,200 senior personnel officials and interviews with Directors of Personnel of all cabinet and military departments. Issues covered included a discussion of: what OPM did to promote the merit principles and prevent the commission of prohibited personnel practices, OPM's delegated and decentralized authority, and safeguards and programs set up for the Senior Executive Service.

A Report on the Senior Executive Service, September 1981, 83 pages.

This study was undertaken to determine whether the Senior Executive Service is providing the flexibility needed by management to recruit and retain the qualified executives needed to manage Federal agencies more effectively. Data for this report were derived from survey responses from approximately 1,000 senior executives and an in-depth phone survey of 100 additional SESers. The report covers many topics including: the impact of the bonus restrictions, the ceiling on executive pay and politicization of the SES.

Whistleblowing and the Federal Employee: Blowing the whistle on fraud, waste and mismanagement - who does it and what happens. October 1981, 87 pages.

This is the final report on "whistleblowing" and the reprisals that are sometimes taken against those who report an incidence of fraud, waste or abuse. Survey data were gathered from approximately 8,600 Federal employees in 15 agencies. The report covers a wide range of issues including: the number of employees who observed one or more instances of illegal activities, reasons given for not reporting these activities, and what happens to employees who do report illegal or wasteful activities.

Breaking Trust: Prohibited Personnel Practices in the Federal Service, Director's Monograph, February 1982, 50 pages.

This monograph reports on prohibited personnel practices as experienced by several key groups of Federal employees. The survey data were drawn from a random selection of 1,000 senior executives, 3,000 mid-level employees, 1,200 senior personnel officials, as well as 8,600 employees in all grade levels. Among other things, the report describes: the Government-wide incidences of prohibited personnel practices and the incidences of such practices in individual agencies.

The Other Side of the Merit Coin: Removals for Incompetence in the Federal Service, Director's Monograph, February 1982, 34 pages.

This monograph explores the question of whether Federal employees who cannot or will not improve their inadequate performance are being separated from their positions. Data for this report were drawn from the following: OPM's Central Personnel Data File, and MSPB's questionnaire surveys of 1,000 senior executives, 1,200 senior personnel officials, and 3,000 mid-level employees. The report discussed employees' expectations of removals based on poor performance and noted that the expectation of removal varies among Government-wide populations.

The Elusive Bottom Line: Productivity in the Federal Workforce, Director's Monograph, May 1982, 46 pages.

This monograph examines how well the merit system principle calling for an efficient and effective work force is being realized. Survey data were gathered from randomly selected Federal employees, including 1,000 senior executives and 3,000 mid-level employees. This study reports on employees' perceptions of their overall productivity, whether the amount of work could be increased, and whether the quality of their work could be improved.

Study of MSPB Appeals Decisions for FY 1981, December 1982, 70 pages.

This is the second annual report on MSPB appeals decisions. This report analyzes the Board's decisions on the appeals during FY 1981 and places the results in historical context.

Report on the Significant Actions of the Office of Personnel Management During 1981, December 1982, 63 pages.

This is the second annual report on significant actions of the Office of Personnel Management. Data for this report were derived from the comments solicited from organizations and individuals with a specific interest in the Federal personnel system, including on-site interviews with Directors of Personnel and other senior executives. Among other topics, this study discussed the implementation of merit pay, problems in recruiting and keeping executive talent, and the morale of the Federal work force.

Reduction-in-Force in the Federal Government, 1981: What Happened and Opportunities for Improvement, June 1983, 149 pages.

This study reviewed employee perceptions of the 1981 reduction-in-force (RIF) practices to determine if the RIFs were conducted in accordance with the merit principles and with the avoidance of prohibited personnel practices. The data for this study were based on on-site interviews with those knowledgeable about the RIF process and Government-wide surveys of 2,600 Federal employees and 800 senior Federal personnel officials. Some of the topics covered in this report include: the extent to which the 1981 RIF complied with the RIF regulations promulgated by OPM and the agencies, the extent to which the 1981 RIF affected the efficiency and effectiveness of the work force, and ways in which the RIF system could be improved in the future.

Study of MSPB Appeals Decisions for FY 1982, December 1983, 53 pages.

This is the third annual report on MSPB appeals decisions. This report analyzes the Board's decisions on the appeals during FY 1982 and places the results in historical context.

The RIF System in the Federal Government: Is It Working and What Can be Done to Improve It, December 1983, 52 pages.

As a result of much discussion about reductions in force during the summer of 1983 and OPM's proposed revisions to the RIF regulations, the Merit Systems Protection Board sponsored a roundtable to provide a forum for policymakers and other interested parties to discuss RIF issues and their effect on the merit system. This monograph is a summary of the roundtable proceedings including the panel members' presentations and the question and answer session between the audience and panel members.

Report on the Significant Actions of the Office of Personnel Management During 1980, December 1983, 140 pages.

This is the third annual report on significant actions of the Office of Personnel Management. Information for this report was derived from several sources: written comments in response to information requests sent to the 20 largest Federal departments and independent agencies, responses of 4,900 Federal employees to the Government-wide Merit Principles Survey, statements of OPM and Federal employee union officials at a MSPB sponsored roundtable, and recent studies prepared by GAO, OPM, and other public and private research organizations.

Significant Actions of the Office of Personnel Management: A Labor-Management Dialogue, August 1984, 66 pages.

This monograph is a summary of a roundtable discussion sponsored by MSRS on November 3, 1983. OPM officials and officials from the National Treasury Employees Union and the National Federation of Federal Employees served as panelists and responded to questions asking them to identify the three most significant accomplishments by OPM in 1982 and 1983, the three priority actions OPM should undertake, and the three priority actions Congress should take to improve the merit system. The discussion by panelists and members of the Federal personnel community who were invited to participate expanded upon: determining the role of OPM in maintaining an effective merit system, adapting private sector principles to the public sector, creating and conducting performance appraisals, attracting and retaining a quality work force, and providing incentives to perform.

COPIES OF STUDIES CAN BE OBTAINED BY WRITING:

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