2016 Federal Plain Language Report Card

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FEDERAL PLAIN LANGUAGE REPORT CARD 2016

Prepared by the Center for Plain Language

Department	Writing & Information Design
Consumer Financial Protection Bureau	A+
Department of Agriculture	A-
Department of Commerce	A
Department of Defense	A-
Department of Education	B+
Department of Energy	A
Department of Health and Human Services	A+
Department of Homeland Security	B
Department of Housing and Urban Development	NP
Department of Justice	C
Department of Labor	A+

Department	Writing & Information Design
Department of State	A
Department of the Interior	B
Department of the Treasury	B
Department of Transportation	NP
Department of Veterans Affairs	B+
Environmental Protection Agency	NP
General Services Administration	B+
National Aeronautics and Space Administration	B
National Archives and Records Administration	B+
Securities and Exchange Commission	NP
Small Business Administration	NP
Social Security Administration	B+

Susan. Kleimann

Chair, Center for Plain Language

January 10, 2017

Date

A: Excellent B: Good C: Satisfactory D: Needs Improvement F: Fail NP: Did not participate

Executive Summary

This 2016 Federal Plain Language Report Card is the 5th annual review of a small sampling of documents from major federal agencies in the Executive Branch. This year we at the Center for Plain Language focused our review on government forms and instructions that gather information from customers (usually the public). We asked each agency to submit one or two forms and their instructions that represent a high public burden, a figure which captures the number of annual users and the estimated time required to fill out the form. Center for Plain Language volunteers reviewed the submissions and scored them according to seven criteria. Several agencies' forms and instructions reflect great care and intentionality toward helping the customers (users) obtain the services they need. Other submissions, sadly, favor the convenience of the agency and legal language over actually helping the public. Compared with last year's scores, the results show a slight overall improvement, but most agencies either dropped or went up; few stayed right where they were.

A few highlights…

- We evaluated 26 forms and their instructions submitted by 18 participating agencies. Three agencies did not respond to communications from the Center, and two declined to participate based on the nature of their information gathering.[1]
- Last year's lowest scoring agencies showed the greatest improvement this year.
- Of the 18 agencies participating, nine improved over last year and seven dropped; only two remained the same.
- A record number of agencies scored B or higher with only one agency earning a C. For the second year in a row, no agency earned a D or F.

[1] Of the cabinet-level agencies, the Departments of Housing and Urban Development and Transportation did not respond to communications from the Center. In addition, The Environmental Protection Agency (EPA), The Small Business Administration (SBA), and the Securities and Exchange Commission did not participate. However, EPA and SBA did communicate with the Center to decline based on the nature of their forms and their information collection methods.

The Best and Worst

This year's top performers

The Department of Labor's submission earned the highest marks from our graders, closely followed by the Consumer Financial Protection Bureau and the Department of Health and Human Services. All three received not only strong scores across the various criteria but also high praise from the reviewers.

Greatest need for improvement

The Department of Justice earned the only C, dropping a full letter grade from its B last year. Though this grade is "satisfactory," one of its two submissions was below satisfactory. Scores and comments from reviewers suggest that the agency needs to focus on tailoring its forms and instructions to be easier to use for the customer.

Greatest Gains: State and Defense jumped two letter grades

Few agencies earned the same grade as last year. Five saw a change in letter grade, but six others jumped from B or C to A! Several more went up or down a +/- within a letter grade.

The two agencies with the lowest scores last year showed the greatest increase this year. The Department of State moved from C to A, and the Department of Defense moved from C+ to A-. We especially congratulate them on this marked improvement!

How do the grades compare with last year's?

Changes in grades from 2015 to 2016

AGENCY	Writing & Info Design Grade
Consumer Financial Protection Bureau	↑
Department of Agriculture	√
Department of Commerce	↑
Department of Defense	↑↑
Department of Education	↓
Department of Energy	↑
Department of Health and Human Services	↑
Department of Homeland Security	↓
Department of Justice	↓
Department of Labor	↑
Department of State	↑↑
Department of the Interior	↓
Department of the Treasury	↓
Department of Veterans Affairs	√
General Services Administration	↑
National Aeronautics and Space Administration	↓
National Archives and Records Administration	↑
Social Security Administration	↓

Increases (↑) and decreases (↓) include half-grade changes (e.g. B to B+). Double marks (↑↑) indicate an increase in two letter grades. √ = no change from last year.

The Grades

What did we review?

This year, we made public forms and instructions the focus of the assessment. The Center worked with CPoint Consulting to conduct the Report Card analysis and prepare the results. We asked each department to submit one (or two, as

desired) forms and instructions carrying a high number of annual public burden hours. This figure is the product of the estimated average time it takes someone to fill out the form and the number of people submitting the form annually. This selection of forms and instructions we graded collectively represent millions of hours of individual users' time each year.

Chip Crane, Center for Plain Language board member and Report Card Lead, briefed agency reps at a Federal PLAIN[2] meeting in June to help departments understand the requirements and start preparing their materials. In August, he and Susan Kleimann, the Chair of the Center for Plain Language, delivered a webinar for agency representatives. Chip covered the submission and grading process, and Susan trained agency reps on qualities of effective forms.

The evaluation system

As we did last year, we judged the use of language and the visual presentation in a single grade, which we continue to call *Writing & Information Design.* We scored the submissions against seven criteria:

- Overall Effectiveness
- Understanding the Audience
- Manner or Voice
- Writing Style
- Structure and Navigation
- Information Design and Presentation
- Pictures, Graphics, and Charts (if applicable)

The Center uses these same criteria to judge our annual plain language awards, the ClearMarks—our competition for the best plain writing in private and public sector communications.[3]

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[2] Federal PLAIN (Plain Language Action and Information Network) is an interagency working group designated to guide agencies in plain writing. PLAIN also often acts as a liaison to the Center for Plain Language to promote clear government writing. See the PLAIN website: www.plainlanguage.gov.

[3] Submissions for this year's ClearMark Awards are due Jan 31. We encourage agencies—especially those earning high marks—to nominate their documents. See the Center's website for details.

We asked agencies to provide a brief description of the audience and purpose of each form, and graders used this information to assess Overall Effectiveness and the tailoring of the form for Understanding the Audience.

We assessed both what the words conveyed and what the visual elements (typography, layout, color, white space, and graphics) achieved. The instructions accompanying the forms were the primary text judged for the Writing Style and Manner and Voice criteria. These include using active voice to emphasize action, direct syntax, word choice appropriate to the audience's background, personal pronouns to address the reader, and many other standard sentence-level elements of plain language.

With forms and instructions, the clarity of how to move easily from one section to another was a vital element in judging both Structure and Navigation. Information Design and Presentation included the use of white space, font size, the relative "cleanness" of the form, and the layout of the fields (boxes and blanks) on the page(s). If the forms and instructions included graphics or other visuals, graders scored their effectiveness separately under Pictures, Graphics, and Charts. However, the lack of these visuals did not count against the overall score.

Graders assigned a score from 1 – 5 (5 being "excellent") for each criterion. Each form was graded by two readers, and we averaged their scores. If an agency submitted two forms and instructions (instead of the one required), we scored both submissions and averaged them. To receive an A, the average of both graders and (as applicable) both submissions needed to be 4.5 or greater. Raw scores ranged from 2.3 (Justice) to 4.95 (Labor).[4]

We also added a half-letter grade (e.g., B+ to A-) for agencies that turned in their submissions on time and provided the requested description of audience and purpose along with their documents.

[4] Contact Chip Crane for details of scoring and grader's comments. See the end of this report for contact info.

Examples of Excellent Forms and Instructions

1. From the top-scoring Department of Labor submission:

The Occupational Safety and Health Administration (OSHA) Form 300 is for employers to record injuries and illnesses in the workplace. Below are two excerpts from the submission: the form itself and the first page of the accompanying instruction booklet. The form layout itself is clean, symmetrical, and easy to navigate. The detailed instruction guide makes the process clear, unintimidating, and easy to follow. These instructions expertly employ a user-friendly tone and writing style and guide the reader easily through the steps.

A welcoming introduction and an executive summary such as this form offers (see the second excerpted page below) are rare. Notice the effort made by the designers to help users understand what to expect and feel as though a real conversation between actual people is taking place through the form and instructions. This attention to the reader's perspective is consistent throughout the booklet, as the graders' comments below reflect.

Graders' comments:

> "Relatively modern document which engagingly addresses users and effectively makes information easy to find and sections straightforward to complete."
>
> "Well-tailored for the intended users. Clearly states why the forms need to be filled out and very clear on how to do it. Encourages users to ask for help when needed."
>
> "Very clear, with great use of active voice and personal pronouns. Very little use of jargon or technical terms..... Text is concise. Forms are easy to use; even the calculations seem easy to do."
>
> "Very easy to find your way through the instructions and to fill in the forms. Sections are clearly identified."

OSHA's Form 300 (Rev. 01/2004)

Log of Work-Related Injuries and Illnesses

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Year 20__ __

U.S. Department of Labor
Occupational Safety and Health Administration

Form approved OMB no. 1218-0176

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Feel free to use two lines for a single case if you need to. You must complete an Injury and Illness Incident Report (OSHA Form 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call your local OSHA office for help.

Establishment name _____

City _____ State _____

Identify the person			Describe the case			Classify the case (CHECK ONLY ONE box for each case based on the most serious outcome for that case:)				Enter the number of days the injured or ill worker was:		Check the "Injury" column or choose one type of illness:					
								Remained at Work				(M)					
(A) Case no.	(B) Employee's name	(C) Job title (*e.g., Welder*)	(D) Date of injury or onset of illness	(E) Where the event occurred (*e.g., Loading dock north end*)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (*e.g., Second degree burns on right forearm from acetylene torch*)	Death (G)	Days away from work (H)	Job transfer or restriction (I)	Other record-able cases (J)	Away from work (K)	On job transfer or restriction (L)	Injury (1)	Skin disorder (2)	Respiratory condition (3)	Poisoning (4)	Hearing loss (5)	All other illnesses (6)
			___/___ month/day			☐	☐	☐	☐	___ days	___ days	☐	☐	☐	☐	☐	☐
			___/___ month/day			☐	☐	☐	☐	___ days	___ days	☐	☐	☐	☐	☐	☐
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			___/___ month/day			☐	☐	☐	☐	___ days	___ days	☐	☐	☐	☐	☐	☐
Page totals ➤						___	___	___	___	___	___	___ Injury (1)	___ Skin disorder (2)	___ Respiratory condition (3)	___ Poisoning (4)	___ Hearing loss (5)	___ All other illnesses (6)

Be sure to transfer these totals to the Summary page (Form 300A) before you post it.

Public reporting burden for this collection of information is estimated to average 14 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any other aspects of this data collection, contact: US Department of Labor, OSHA Office of Statistical Analysis, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

Page ___ **of** ___

OSHA
Forms for Recording
Work-Related Injuries and Illnesses

U.S. Department of Labor
Occupational Safety and Health Administration

Dear Employer:

This booklet includes the forms needed for maintaining occupational injury and illness records for 2004. These new forms have changed in several important ways from the 2003 recordkeeping forms.

In the December 17, 2002 Federal Register (67 FR 77165-77170), OSHA announced its decision to add an occupational hearing loss column to OSHA's Form 300, Log of Work-Related Injuries and Illnesses. This forms package contains modified Forms 300 and 300A which incorporate the additional column M(5) Hearing Loss. Employers required to complete the injury and illness forms must begin to use these forms on January 1, 2004.

In response to public suggestions, OSHA also has made several changes to the forms package to make the recordkeeping materials clearer and easier to use:

- On Form 300, we've switched the positions of the day count columns. The days "away from work" column now comes before the days "on job transfer or restriction."
- We've clarified the formulas for calculating incidence rates.
- We've added new recording criteria for occupational hearing loss to the "Overview" section.
- On Form 300, we've made the column heading "Classify the Case" more prominent to make it clear that employers should mark only one selection among the four columns offered.

The Occupational Safety and Health Administration shares with you the goal of preventing injuries and illnesses in our nation's workplaces. Accurate injury and illness records will help us achieve that goal.

Occupational Safety and Health Administration
U.S. Department of Labor

What's Inside...

In this package, you'll find everything you need to complete OSHA's *Log* and the *Summary of Work-Related Injuries and Illnesses* for the next several years. On the following pages, you'll find:

- ***An Overview: Recording Work-Related Injuries and Illnesses —*** General instructions for filling out the forms in this package and definitions of terms you should use when you classify your cases as injuries or illnesses.
- ***How to Fill Out the Log —*** An example to guide you in filling out the *Log* properly.
- ***Log of Work-Related Injuries and Illnesses —*** Several pages of the *Log* (but you may make as many copies of the *Log* as you need.) Notice that the *Log* is separate from the *Summary*.

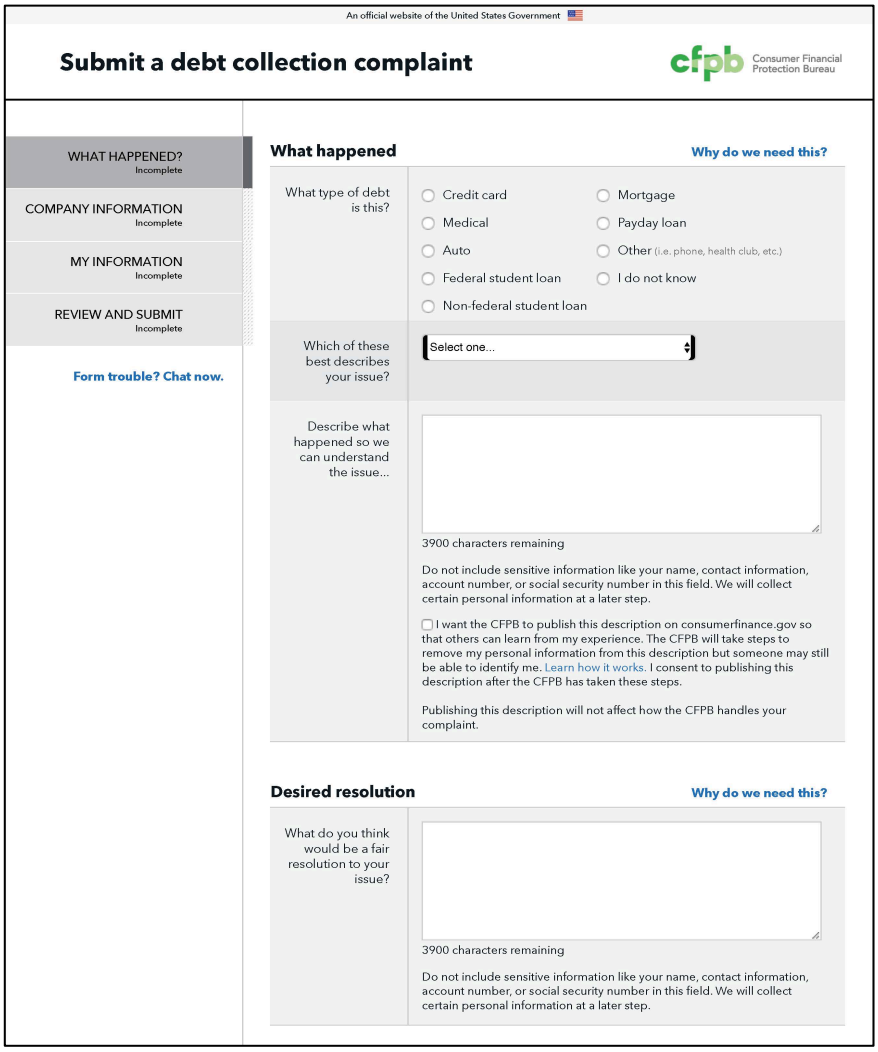
- ***Summary of Work-Related Injuries and Illnesses —*** Removable *Summary* pages for easy posting at the end of the year. Note that you post the *Summary* only, not the *Log*.

- ***Worksheet to Help You Fill Out the Summary —*** A worksheet for figuring the average number of employees who worked for your establishment and the total number of hours worked.
- ***OSHA's 301: Injury and Illness Incident Report —*** A copy of the OSHA 301 to provide details about the incident. You may make as many copies as you need or use an equivalent form.

Take a few minutes to review this package. If you have any questions, ***visit us online at www.osha.gov*** **or** ***call your local OSHA office.*** We'll be happy to help you.

2. From the Consumer Financial Protection Bureau (CFPB)

CFPB uses the following web-based form to invite complaints from consumers who have problems with companies seeking to collect on a debt such as a mortgage payment, a credit card balance, or other financial products or services.



Graders' comments:

"Very appealing; easy to follow visually."

"The form is simple and direct, which is ideal for this kind of distressful situation."

> "Anyone with a financial problem is likely to already be wary and defensive. So I appreciate the 'Why do we need this' options to learn more. Many of the questions allow for an 'I don't know' answer; this is also helpful for an audience likely to be distressed and confused."

CFPB's user testing and intentionality about helping the customer are vital elements of the form's success. Chieco tells us that launching this form led to doubled completion rates for debt collection complaints. The Bureau reviews the form regularly, "both quantitatively and qualitatively, to ensure that it continues to deliver a user-friendly experience that is intuitive and error-free."

Examples of Forms and instructions Needing Work

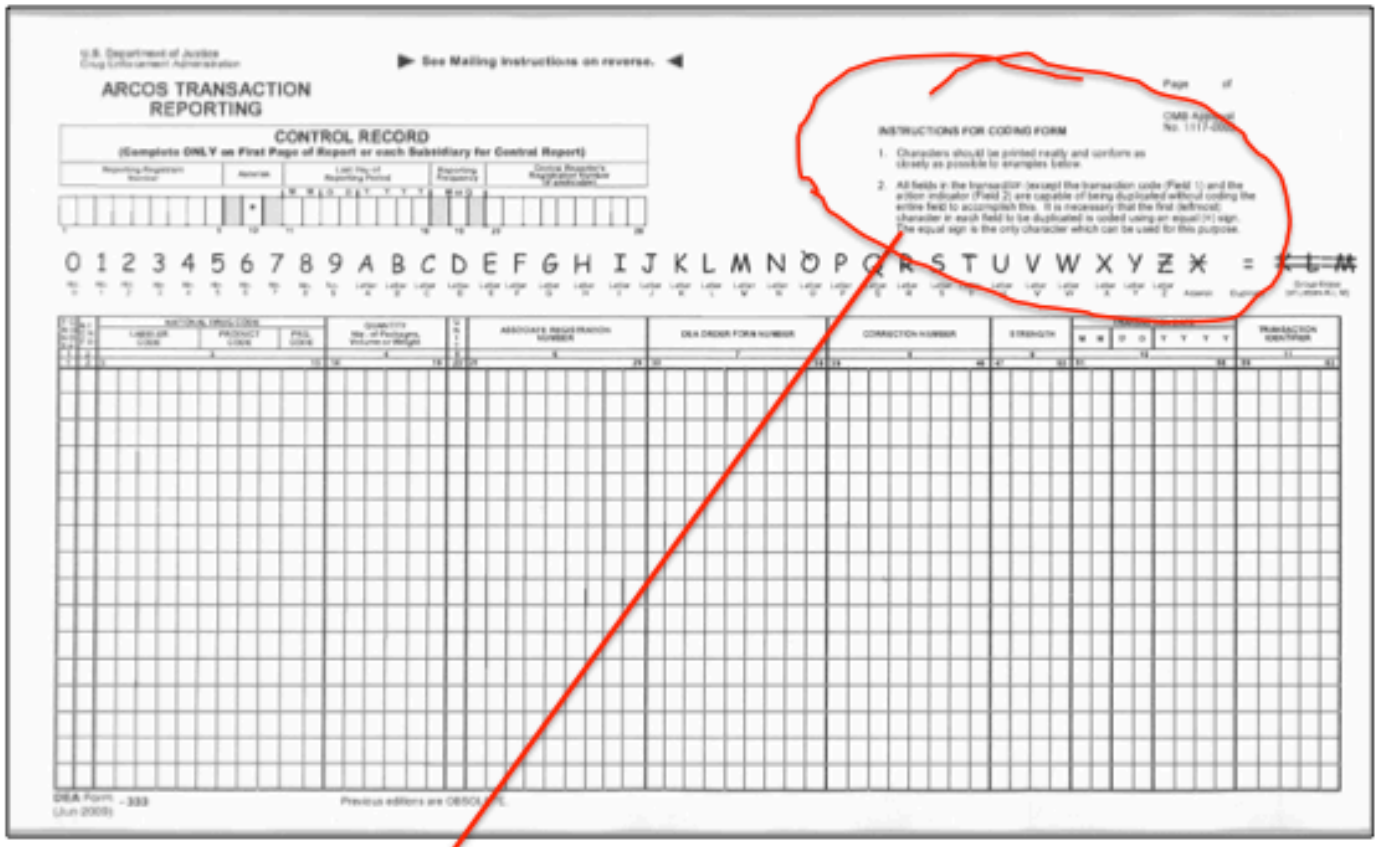
Even though everyone earned a C or better, some elements of the submissions were far from reader friendly. Below are two examples of what we found noteworthy in the lack of plain language.

1. From the Department of Justice, Drug Enforcement Administration

A form for reporting the manufacture and distribution of controlled substances. The Department explains the audience and purpose of this form as follows:

> *Explanation of intended audience: DEA Registered manufacturers and distributors of specified classes of controlled substances required to be reported to ARCOS under the provisions of 21 CFR 1304.33.*
>
> *Use and Purpose: Provides DEA with data on distribution to U.S. retail level registrants (pharmacies, doctors, hospitals, etc.) of controlled pharmaceutical narcotics and stimulants with high potential for abuse. Data collected informs policy makers, supports investigations, and meets U.N. reporting requirements*

Dept of Justice, DEA Form 333



INSTRUCTIONS FOR COMPLETING FORM

1. Characters should be printed neatly and conform as closely as possible to examples below.
2. All fields in the transaction (except the transaction code (Field 1) and the action indicator (Field 2) are capable of being duplicated without coding the entire field to accomplish this. It is necessary that the first (leftmost) character in each field to be duplicated is coded using an equal (=) sign. The equal sign is the only character which can be used for this purpose.

Graders' comments:

> "There are only 2 numbered instructions and the second one is very confusing. I'm willing to bet that a very small percent of first time users understand it without help. The agency could save itself a lot of time and its users a lot of frustration by clarifying this instruction."
>
> "The form is designed with the agency's convenience in mind, not the customer's. It lacks detailed instructions, and the minimal guidance it does provide is in a distinctively un-plain writing style. Excessive passive voice, filler words, vague pronouns, and a decidedly impersonal tone make it a model of how NOT to explain something if you want to really engage your readers."
>
> "Awful."

A detailed instruction guide for this form is available, but the agency did not submit it for review along with the form.

2. From the Department of the Treasury

Excerpts from a set of forms and instructions submitted as part of the Terrorism Risk Assessment Program (TRIP), which insurers will fill out. In these examples the text is more of a hindrance to clarity and reader-friendliness than the blanks and boxes and structure:

> **From form TRIP 02/C (Page 1 of the submission)**
>
> **Schedule C - Bordereau**
>
> **General Instructions**
>
> The purpose of the Bordereau is to provide the necessary underlying claim information that substantiates and supports the initial and supplementary Certifications of Loss. The combination of these reports and certifications will promote the prompt payment of insurer submissions and provide the information needed for control purposes. Descriptions for each data element and field follow. ALL fields are required for each line (record), unless otherwise noted. Although reserve information is to be included in this report, all requests for payment of the Federal share of compensation must be based on claim amounts already paid or to be paid as specified in 31 C.F.R. 50.53(b)(2)(i), and not based on reserves. Only claims arising from Program Trigger events are to be reported on the bordereau. All underlying claims must be reported, including those that fall within the insurer deductible.

From Form TRIP 02A, section 1.3 (Page 16 of the submission)

Premiums for personal property and casualty insurance coverages, premiums for other insurance coverages excluded from the scope of TRIA, or premiums for risks located outside the geographic scope of TRIA may be fully excluded by an insurer from the calculation of direct earned premium if such coverages include only incidental TRIA qualifying commercial property and casualty insurance coverage. For purposes of the Program, commercial coverage is incidental if less than 25 percent of the total direct earned premium is attributable to that coverage or combination of qualifying TRIA coverages.

Some of the technical language here may be justified because of the intended audience; however, the text still contains many features that the Plain Writing Act is specifically aiming to draw agencies away from. Although this form received low marks, Treasury earned a B overall due to some merits in its second submission.

Grader's comments:

"Language and overall complexity of document seem like they might hinder the average user from successfully completing the materials requested."

"The tone is bureaucratic and jargon-filled with too many legal references."

"No pronouns, a lot of passive voice, technical terms and phrases such as 'Program Trigger event,' and 'Indemnity portion of the indemnity.' Many very long sentences—one was 90 words (Under General Instruction 1.2). One form starts with 'Pursuant to 31 CFR 50.52…' Not the clearest or most engaging of openings."

What Happened to the Compliance Grades?

For the first four years of the Federal Report Card, we assessed agencies' administrative compliance with the Plain Writing Act with a second set of grades. We looked at whether an agency had a designated Plain Language Official and a website for Plain Language. We assessed whether agencies had conducted training and a few other requirements of the Act. To grade Compliance, we asked the agencies to submit detailed reports of all the ways they supported the Act.

Last year, all agencies were fully compliant, and nearly all earned A's. Therefore, we decided that a Compliance report once every three years would be sufficient accountability for the agencies. This change eases the reporting burden on the plain language officials and simplifies the report card assessment process for our volunteers.

What is the Plain Writing Act?

The Plain Writing Act of 2010 requires agencies to use language that people can understand and use for public documents that

- explain government benefits or services
- offer guidance for receiving Federal government benefits or services
- explain how to comply with requirements the government oversees.

To comply with the Act, agencies must

- appoint one or more senior officials to oversee implementation of the Act
- establish a plain language program
- set up a public feedback mechanism
- train employees on how to write in plain language
- publish an implementation plan and progress updates on a publicly visible website, accessible from the agency's homepage.

How did the Center take the lead?

The Plain Writing Act doesn't include a mechanism to review or enforce compliance. In 2012, the Center for Plain Language began reviewing agencies' writing and compliance as a service and an incentive to help them move forward in the long process needed to transform the government-wide communication culture. We are not funded by any agency for this service, and all the grading and preparation of this report is volunteer work.

Conclusions

Agencies will doubtless have specific applications of their own from these results; however, overall the grades and the comparison with last year carry a couple of broad implications:

- *Plain Language Officials and their staffs know what Plain Language looks like*. In choosing their submissions, nearly everyone submitted forms and

instructions that, even if not as good as they could be, would enable most users to complete the form.

- *Agencies still have much work ahead in making forms and instructions audience-friendly*. Plain Language reps were asked to limit their choices from among the highest-use (highest burden-hour) forms and instructions. These writing experts did a good job choosing the best possible from among those few. However, many of them were far from ideal, suggesting even greater weaknesses in some of their other forms and instructions.

Forms and instructions represent the heart of the Plain Writing Act and the goal of plain language in government: To provide communication that the public can understand and use to obtain a service or comply with a regulation. Where more than in the often painful task of filling out a form will users welcome the clarity—and even warmth—seen in the above examples from Labor and CFPB? In contrast, unhelpful forms burden the public unduly and perhaps even prevent citizens from obtaining the help they need and services they deserve.

This combination of clarity and reader-friendliness goes beyond the obvious goal of making the information more accessible. Plain language is also about ethos, about cultivating trust and showing our readers that we share their values. Simple plain language revisions to a document can help users see that they are truly just in a conversation with other people like themselves.

We at the Center congratulate those agencies with top scores and those who showed improvement, and we exhort *all* agencies to invest even further in making their forms easier to use and showing the public that the government is at their service.

About the Center for Plain Language

Creating a culture of clarity · every audience · every format · every time

The Center for Plain Language is a 501(c)(3), non-profit organization. Our mission is to champion clear communication so people and organizations can thrive.

As a volunteer organization, we support plain writing through numerous activities in addition to the Federal Report Card:

- We educate Congress about the importance of plain writing. Our efforts contributed to the passing of the Plain Writing Act.
- Since 2010, we have celebrated great writing through our annual ClearMark Awards. Held at the National Press Club in May, the ClearMark awards recognize the best plain writing in English and Spanish from the public, private, and non-profit sectors.

- Though our Consultant List, we link companies who want plain language services to the best consultants in the plain language field.
- We talk about plain language in our new e-book, *Clear Communication with Clear Results: How to start a plain language program where you work*; our blogs; and at international conferences in Dublin, Ireland, last year and Wellington, New Zealand, in the coming year.
- We work to establish standards for plain language by cooperating with other international plain language organizations, Clarity – International, the international organization for plain legal language, and *Plain Language Association – International*.

Acknowledgements

We at the Center thank the following people and organizations for their contributions to the Report Card effort:

- President Barack Obama, for the Plain Writing Act of 2010, and former Representative Bruce Braley of Iowa and Senator Daniel Akaka of Hawaii, for sponsoring the Act and getting it passed.
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- The plain language officials and coordinators from each federal agency who invested time in preparing their submissions for review and who work on the front lines advocating for clear communication in their agencies.
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    - Annetta Cheek
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    - Mary Hanson
    - Joanne Locke
    - Phillip Scott Moses

About the Author

Dr. Chip Crane, President, CPoint Consulting, is a board member of the Center for Plain Language and the Center's Federal Report Card Lead. CPoint Consulting, a service-disabled, veteran-owned small business (SDVOSB), provides writing and document design and writing and speaking training. In addition to his work as a trainer and consultant in writing and speaking, Chip also teaches technical writing at the University of Maryland at College Park. Prior to his consulting work, he directed the Writing Center at the United States Naval Academy, his alma mater, for several years during his active duty Navy career. Chip considers clear writing a product of clear thinking and sees helping people write—and think—more clearly as part of his life's calling. If you have questions about this report, you can contact Chip at cecrane@cpointconsulting.com.