



Jade C. West

Senior Vice President-Government Relations

March 7, 2013

BY ELECTRONIC TRANSMISSION TO: WHDPRAComments@dol.gov

Mary Ziegler, Director
Division of Regulations, Legislation and Interpretations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Ave., NW
Room S-3502
Washington, DC 20210

Re: *Request for Extension of Comment Period*

Dear Ms. Ziegler:

The National Association of Wholesaler-Distributors (NAW) is a national trade association comprised of direct member companies and a federation of national, regional, state, and local associations and their member firms which collectively total approximately 40,000 companies with locations in every state in the United States. NAW members are a constituency at the core of our economy—the link in the marketing chain between manufacturers and retailers as well as commercial, institutional and governmental end users. Industry firms vary widely in size, employ millions of American workers, and account for over \$4.5 trillion in annual economic activity.

The Wage and Hour Division of the U.S. Department of Labor (DOL) is seeking comments from the public regarding a proposed survey to “collect information about employment experiences and workers’ knowledge of basic employment laws and rules so as to better understand employees’ experiences with worker misclassification.” *Proposed Information Collection Request (ICR) for the Worker Classification Survey*, 78 Fed. Reg. 244 (Jan. 11, 2013).

This is the first survey that DOL will conduct addressing the complex issue of employee versus independent contractor status. The worker classification survey likely will significantly influence future DOL policy in this important area, including DOL’s long-planned “Right to Know” proposed regulations. Thus, the survey will have a significant impact on many of our members.

(more)

NATIONAL ASSOCIATION OF WHOLESALE-DEALERS

1325 G Street N.W., Suite 1000, Washington, DC 20005 • 202-872-0885 • FAX: 202-785-0586 • www.naw.org

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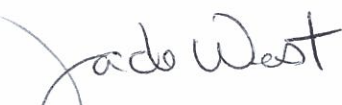
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Accordingly, ensuring that all aspects of the project plan – including sample selection, question content and survey administration – meet accepted survey and statistical standards is critical. Inadequate sampling methods, imprecise questions or poorly worded directions would result in unreliable and invalid survey results, which do not meet federal information quality standards. And, of course, if the survey results are unreliable and invalid, the information could not be used by DOL as it proposes new regulations or other policy changes.

Yet, despite the significant influence the survey results will have over future DOL policy, DOL failed to publish in the Federal Register, or on any website, its supporting statement justifying the need for the survey, the sampling methodology document and the survey instrument itself – almost 125 pages of materials essential for the public to review before it can provide meaningful comments on the survey. Although publication of the survey instrument and sampling methodology on www.dol.gov, www.reginfo.gov or www.regulations.gov would have been a simple matter, the only means by which the public currently can obtain copies of these documents is by calling a DOL telephone number, which is not toll-free, and leave a voice mail message requesting copies. Of course, obtaining copies also assumes that interested parties have discerned the need to call the DOL telephone number from the oblique reference in the Federal Register notice. 78 Fed. Reg. at 2447, col. 3 (“A copy of the proposed information request can be obtained by contacting the office listed below ...”). Further, it is our understanding that there have been delays in sending out the survey documents even after leaving a voice mail message with DOL.

Because of the difficulty in obtaining copies of the survey and supporting documents, and the time required to provide meaningful, in-depth and expert review of the proposed survey instrument and sampling methodology, the original 60-day comment period is grossly inadequate. Accordingly, we respectfully request that DOL extend the comment period for an additional 90 days, *running from the date of the publication of an announcement in the Federal Register that the proposed survey instrument, sampling methodology and other supporting documents have been made available online.*

Sincerely,

A handwritten signature in dark ink, appearing to read "Jade West", with a stylized flourish at the end.

Jade C. West
Senior Vice President-Government Relations