

From: Maura Baldiga [<mailto:mbaldiga@brandeis.edu>]

Sent: Thursday, December 22, 2016 3:55 PM

To: Chief Evaluation Office

Subject: FMLA Survey Wave 4 Comment Letter

Dear Ms. Yancy,

Please see our attached FMLA Survey Wave 4 Comment Letter.

Sincerely,

Dolores Acevedo-Garcia, Maura Baldiga, Alison Earle and Pamela Joshi

Institute for Child, Youth and Family Policy

The Heller School for Social Policy and Management, Brandeis University



Brandeis University

The Heller School for Social Policy and Management

December 22, 2016

Christina Yancy
Office of the Assistant Secretary for Policy
Chief Evaluation Office
U.S. Department of Labor, Room S-2312
200 Constitution Avenue NW
Washington, DC 20210

Subject: FMLA Survey Wave 4 Comment (OMB Control Number: 1205-0NEW)

Dear Ms. Yancy,

As researchers and Visiting Fellows from the Institute for Child, Youth and Family Policy (ICYFP) at the Heller School for Social Policy and Management, we write to express enthusiastic support for Wave 4 of the FMLA survey as well as make a recommendation for improvement. ICYFP's mission is to conduct and disseminate policy relevant research on the well-being, health and development of children and their families including working parents.

The FMLA employee and employer surveys have provided researchers and federal and state policy makers with timely and invaluable information about FMLA eligibility and affordability, take-up rates, and reasons for leave. The data collected is crucial for estimating employees' actual take-up of leave since this data is not available from any other source. As applied policy researchers, we regularly draw on these survey data in our work.

Based on our experiences, we recommend one major improvement to the proposed survey: expand the sample frame to include all U.S. workers. If this improvement is implemented, the survey would provide much needed data to answer the next generation of FMLA policy research questions regarding an important sector of the workforce. The sampling frame for the 2012 survey excludes self-employed workers; these workers should be included in the Wave 4 survey.

There are two reasons that we believe the self-employed should be included in the survey. First, self-employed workers make up one in ten workers in the U.S. workforce. According to the BLS, 10% of all U.S. workers are self-employed.¹ As a significant portion of the labor force, the survey should also capture their leave experiences.

The second reason to sample the entire U.S. workforce is that many end-users of the data report that the FMLA survey data is representative of U.S. workers. This caveat, the exclusion of self-employed, is not always included in citations of the survey. Instead, citations of the survey at times extrapolated the data (59% eligibility) to make statements about the entire U.S. workforce,

¹ <https://www.bls.gov/spotlight/2016/self-employment-in-the-united-states/pdf/self-employment-in-the-united-states.pdf>

which is incorrect. One of the many examples includes a 2014 Council of Economic Advisors report stating, “Moreover, due to several exemptions, the FMLA only covers about 60 percent of American workers and less than a fifth of all new mothers.”² The reality is that excluding any group of workers makes it complicated to report the FMLA eligibility results in a user-friendly manner and leaves out an important segment, the self-employed, that may have very limited access to leave. Specifically, we suggest at a minimum:

- Clearly and consistently define the sample frame in the survey upfront and in all publications related to the survey.
- Provide technical assistance to end users about the sample representativeness and clear and correct language to describe the population that is covered by the results of the survey.
- If it is not possible to include the self-employed in the sampling frame, the survey sampling frame could draw on the class of worker definition used in the Current Population Survey and limit the sample to “wage and salary” workers. This sampling universe makes it clear to the end-users of the data that there is a group of workers that are left out of the sample. Instead of referring to the U.S. workforce, end-users could reference US “wage and salary workers.”

In conclusion, we believe that the Department of Labor should be commended for the FMLA survey and we look forward to the next wave of data collection. The survey provides a great resource to policymakers and the field. With the addition of the self-employed population, we believe that the survey will be even stronger.

Thank you for your attention to and your consideration of these issues.

Sincerely,



Dolores Acevedo-Garcia, Maura Baldiga, Alison Earle and Pamela Joshi
Institute for Child Youth and Family Policy

² https://www.whitehouse.gov/sites/default/files/docs/leave_report_final.pdf