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Erin Good
BLS Clearance Officer
Division of Management Systems
Bureau of Labor Statistics
Room G2252
Massachusetts Avenue NE
Washington, DC 20212

Via Email to: BLS_PRA_Public@bls.gov

Dear Ms. Good:

The National Employment Law Project (NELP) submits this Comment in response to the Bureau of Labor Statistics' notice (89 FR 20502) soliciting feedback on the 2024 Work Schedules Supplement (WSS) to the Current Population Survey (CPS).

NELP is a nonprofit advocacy organization dedicated to building a just and inclusive economy where all workers have expansive rights and thrive in good jobs. Among the job quality issues NELP addresses are many related to work schedules, including access to overtime pay and scheduling flexibility, and off-the-clock work. The WSS can shed crucial light on these issues.

Our comments respond to the Bureau's request for feedback on how to improve the quality and utility of WSS data and on the value of the data to the Department's functioning.

The BLS should add questions to the 2024 WSS to probe scheduling-related issues more comprehensively.

The BLS should add questions to the 2024 WSS about the following: access to overtime pay;¹ forced overtime;² whether employers offer guaranteed minimum hours of work; time spent working off the clock, including unpaid "engaged to wait" time during which a person is unable to use the time for their own purposes; the effects of fluctuating schedules or on-call time on the ability

¹ The 2024 WSS should use questions on overtime pay from the 2004 WSS: "(Are you/Is name) usually paid an overtime rate, such as time and a half or double time, for any of the hours (you/he she/they) (work/works) during the week?" and "How many hours per week (are you/is name) USUALLY paid at the overtime rate?" See p8-3 (p136 of the pdf) of the Current Population Survey 2004 Codebook, available at <https://cps.ipums.org/cps/resources/codebooks/cpsmay04.pdf>.

² The Quality of Worklife module of the General Social Survey, administered by National Opinion Research Center at the University of Chicago, includes a question that could serve as a model: "When you work extra hours on your main job, is it mandatory (required by your employer)?" See p84 of the QWL Codebook, June 2017, at <https://gss.norc.umd.edu/Documents/codebook/QWL%20Codebook.pdf>.

manage multiple jobs; whether the number of work hours an employer offers has had an effect on access benefits like health insurance; frequency of working a closing shift followed directly by opening shift with less than 10 hours of rest in between; the prevalence of online scheduling and time-tracking systems, their user-friendliness, and the ability to address problems and correct errors, and workers who are self-employed should be asked whether they face penalties for refusing shifts or work.

Several questions in the draft 2024 WSS instruct survey respondents to select just one of multiple answer choices. Question S6 asks about shifts “usually” worked, S7 about the “main” reason behind shifts usually worked, S15 about the “main” reason for not working at home, S19 and S24 about the “main” reason for working from home, and SS8 about the “main” reason for holding multiple jobs. The 2024 WSS should include “choose all” versions of all these questions, so that the module captures all shifts worked at least weekly, all reasons behind shifts usually worked, all reasons why people work from home, and all reasons for holding multiple jobs.

Finally, work scheduling issues can vary by work arrangement—whether a worker is directly hired by an employer, subcontracted to a temporary help and staffing agency or contract firm, engaged as an independent contractor, or hired and managed via a digital labor platform. Empirical evidence of the impacts of work arrangements on work scheduling issues can inform policy enforcement and development. The Contingent Worker Supplement to the CPS, which gathers data on these alternative work arrangements, was fielded in 2023, and will be fielded again in 2025, but not in 2024 alongside the WSS, so CWS data cannot be linked to data from the 2024 WSS. The BLS should consider adding questions about alternative work arrangements to the 2024 WSS or to the September 2024 CPS that will be fielded at the same time.

WSS collection is instrumental to the Department of Labor and other agencies fulfilling their missions.

The 2024 WSS, in providing data on work scheduling issues, will enhance the Department’s ability to carry out its mission to ensure the welfare of U.S. workers, their access to work-related rights and benefits, and to “improve working conditions.”³ WSS data can point to occupations, industries, work arrangements, and geographies where targeted enforcement of overtime provisions in Fair Labor Standards Act is needed. Data from the WSS can help to determine the extent to which jobs measure up to the Department’s Good Jobs Principles.⁴ And WSS data can inform future regulation aimed at ensuring that U.S. workers have stable work and a say over their work schedules.

WSS collection benefits other federal agencies and enables independent research.

³ U.S. Department of Labor website, “About DOL,” accessed May 20, 2024, available at <https://www.dol.gov/general/aboutdol>.

⁴ See U.S. Department of Labor website, “The Good Jobs Initiative,” accessed May 20, 2024, available at <https://www.dol.gov/general/good-jobs/principles>.

In addition to assisting the Department of Labor and its sub-agencies in fulfilling core missions, the WSS provides useful data to other governmental agencies and to academics and policy researchers, including many of us at NELP.

WSS collection should be regular.

After a twenty-year gap, NELP is pleased that the WSS will be fielded in 2024. We urge the BLS to push for bi-annual collection, at the very least, of the WSS.

Thank you for the opportunity to comment regarding the 2024 WSS.

Sincerely,

Maya Pinto
Senior Researcher and Policy Analyst