

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

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**MARC D. FREEDMAN**  
EXEC. DIRECTOR, LABOR LAW POLICY  
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March 1, 2013

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

By electronic transmission: [WHDPRAComments@dol.gov](mailto:WHDPRAComments@dol.gov)

**RE: Request for extension of comment period on Information Collection Request  
for the Worker Classification Survey; 78 Fed. Reg. 2447 (January 11, 2013)**

Dear Ms. Ziegler:

The Chamber is the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region. The proposed worker classification survey will drive Department of Labor Wage and Hour policies that will affect virtually all of our members. Because the survey documents and instrument was not made easily available, and these are extremely lengthy and complex, the Chamber requests an extension of the period to comment on them during the Paperwork Reduction Act review. Specifically, we believe the comment period should be extended to 90 days *from the date of the Federal Register announcing that these documents are available online.*

The proposed survey raises significant and novel issues of both statistical sampling design and of substantive content. The fact that this will be the first-ever Federal survey addressing the complex issue of employment/contractor status classification makes it especially critical that all aspects of the project plan, including sample selection, survey administration approach and question content, contribute to a reliable, credible and replicable product. The results of the survey will become a highly influential statistical finding and the requirements of the Information Quality Act should be scrupulously observed in its design and execution. The results of the survey may inform public policy decisions that affect the structure, productivity, and competitiveness of the U. S. economy for generations to come.

The 60 day comment period, until March 12, that has been provided is inadequate for the development of the kind of in-depth, well-informed and operationally specific public input on both the technical and substantive design issues. It is less adequate considering that the survey instrument and supporting documents were *not* included in the Federal Register notice soliciting

comments on them, nor was there even a simple internet link provided where interested parties could access them. Only by contacting the Department directly could these documents be acquired, and even then the only phone number provided went to an answering machine meaning more delay. Even the Department's minimal and superficial questions are unanswerable without access to the documents.

The Department of Labor will benefit from cogent, fact-based, and thoughtful comments from the public. Thorough and thoughtful public comment will reduce the considerable risks of wasted resources and damaged credibility that the government will face if the ultimate survey design were to be found flawed after implementation. In addition to the time required to digest and consider the voluminous documents that the Department has furnished to accompany this request, the Department has included references to 27 distinct papers and treatises regarding technical design issues. Thoughtful and meaningful comments must include review of these sources as well as survey of the relevant statistical and survey design literature to identify other research findings that the Department or its contractor may have overlooked and that would have a bearing on the appropriate design of the survey.

In particular, we are concerned that the sample size may be too small, especially considering the likely non-response bias problem, to produce reliable estimates at the necessary level of detail when the data is cross-tabulated by relevant respondent characteristics. Additional comment period time will enable us and other commenters to conduct research, including experiments and simulations that would provide the government with valuable additional information to inform its sample design and selection effort.

We are also concerned about the content of the survey, and to address our questions and to provide useful comment to the government, we plan to conduct live field interviews to test the proposed questions and other questions that we may determine to suggest adding to the survey. The limited comment period does not provide time to conduct and evaluate these tests of the survey. The government would clearly benefit by extending the comment period to facilitate public submission of the results of such tests.

Because the Department's survey will have a far reaching and long lasting impact on policies affecting a very wide array of employers, and because the Department did not make the survey instrument and supporting documents available through the Federal Register, we request an extension of the period to comment on these documents. That new comment period should be 90 days from the Federal Register notice indicating these documents are available online.

Sincerely,

A handwritten signature in black ink, appearing to read "Randel K. Johnson", with a stylized flourish at the end.

Randel K. Johnson  
Sr. Vice President  
Labor Immigration & Employee Benefits

A handwritten signature in black ink, appearing to read "Marc Freedman", with a stylized flourish at the end.

Marc Freedman  
Executive Director, Labor Policy  
Labor Immigration & Employee Benefits