



American Staffing Association

277 South Washington Street, Suite 200 - Alexandria, VA 22314-3675



703.253.2020

703.253.2053 fax

asa@americanstaffing.net

americanstaffing.net

VIA FACSIMILE: (202) 691-5111

November 29, 2016

Carol Rowan
Clearance Officer
Bureau of Labor Statistics
Division of Management Systems
Department of Labor
Room 2
2 Massachusetts Avenue NE
Washington, DC 20212

Re: Department of Labor, Bureau of Labor Statistics, Proposed Collection, Comment Request (OMB No. 1220-0153)

Dear Ms. Rowan:

The following comments are submitted on behalf of the American Staffing Association ("ASA") in response to the 60-Day notice of Proposed Collection, Comment Request, published by the Department of Labor in the Federal Register on September 30, 2016, regarding reinstatement, of the Bureau of Labor Statistics ("BLS") Contingent Worker Supplement to the CPS ("CWS").

ASA is the voice of the U.S. staffing industry. Along with its affiliated chapters, ASA promotes the interests of the industry through legal and legislative advocacy, public relations, education, and the establishment of high standards of ethical conduct. ASA has been promoting flexible employment opportunities since its founding in 1966. ASA members provide a wide range of employment-related services and solutions, including temporary and contract staffing, recruiting and permanent placement, outsourcing, training, and human resource consulting.

ASA has conducted reliable, ongoing research on temporary and contract staffing employment since 1992 and is thus uniquely situated to evaluate the impact of the proposed revisions to the CWS on the staffing industry. During the course of a year, ASA analyzes thousands of survey responses from staffing companies regarding their temporary and contract employees, in addition to separately surveying nearly 12,000 staffing employees periodically. ASA is deeply familiar with the CWS and any substantive change to it has the potential to have a significant impact on the usefulness of the survey data to the staffing industry.

ASA believes the four new questions proposed for the end of the survey will enhance the utility of the information collected. However, ASA strongly recommends additional revisions, as detailed below, to further enhance the utility and greatly improve the quality and clarity of the survey data.

1. Eliminate or Significantly Limit the Use of the Term "Contingent"

- Change the term and references to "contingent" to "alternative employment arrangements" (AEA) and "contingent worker" to "workers in alternative employment arrangements"

The quality, utility, and clarity of the questionnaire and survey data will be significantly improved by focusing on the stated objective of the study—to provide information about workers in nontraditional, alternative employment arrangements. Use of the term "contingent" frustrates this objective, as ASA research and discussion with several staffing organizations suggest that the term is viewed unfavorably and is widely misunderstood. As Anne Polivka stated in her *Monthly Labor Review* article (October 1996), "Contingent Workers Defined," referring to alternative employment arrangements as contingent causes many workers to be misclassified and many analysts to be confused about what exactly is being described or studied.

Part of the confusion may lie in the fundamental reality that, in a broad sense, *all* work is contingent—in that every employment relationship is, to one degree or another, dependent on the demand for the workers' services, which can vary, and change, depending on a wide range of factors, some of which involve subjective value judgments. In legal terms, this uncertainty is captured in the concept of "employment at will."

For these reasons, "contingent" is not, in ASA's view, a useful term to describe the work arrangements the BLS study is designed to examine.

Changing the term and references as recommended will likely increase the response rate for the AEA study, and the perception of the research when reported by BLS.

2. Condense the Survey Screener

- Delete questions to reduce the screener length and replace with a question similar to the following:

Q600 Which one of the following best describes your current employment arrangement?
[RANDOMIZE]

- Temporary or contract employee (i.e., work for a limited period of time or until the completion of a project)
- Independent contractor, independent consultant, or freelance worker (self-employed, obtaining customers on your own to provide a product or service)
- Seasonal employee (i.e., hired to work for a particular season or only during certain times of the year)
- Internship (i.e., job training for a white-collar or professional career)
- Apprenticeship (i.e., training to learn a skilled occupation)
- Permanent employee
- Other (please specify): [ANCHOR]

This approach to the screener would significantly reduce the respondent burden and confusion, which may also increase the response rate, in addition to establishing clear categories of alternative employment arrangements and workers.

3. Revise the Screener Questions

If BLS chooses not to condense the survey screener to reduce respondent burden and clarify survey questions as proposed in comment 2 above, an alternative is to reorder the screener to move the relevant temporary and contract staffing employee questions so that they appear earlier in the survey.

- Question S2INS (Are you paid by a temporary help agency?) should be moved before question S1 (Some people are in temporary jobs that last only for a limited time or until the completion of a project. Is/Was your job temporary?)
- Question S2 (Even though you told me your job is not temporary, are you paid by a temporary help agency?) should be moved before question S1SCRI (Could you have continued to work at your job if you had wished?)

Reordering the screener questions in the aforementioned manner will assist survey respondents in being placed in the correct category of alternative employment arrangements, rather than mistakenly being coded as an independent contractor or on-call worker, for example. The reordered questions would also provide temporary and contract staffing employees with necessary context to answer questions like S1SCRI (Could you have continued to work at your job if you had wished?) where the "job" would then be more likely viewed as the temporary assignment.

4. Request to Review New Survey Questions

ASA respectfully requests the opportunity to review the wording and response categories for the proposed new BLS survey questions on the new types of work arrangements that have emerged since the CWS was deployed.

ASA urges acceptance and implementation of the above recommendations to further enhance the quality, utility, and clarity of the information collected.

Feel free to contact me with any questions.

Sincerely,



Steven P. Berchem
Chief Operating Officer
American Staffing Association
Direct: (703) 253-2045