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September 8, 2017

Erin Good
Division of Management Systems
Bureau of Labor Statistics, Room 4080
2 Massachusetts Avenue NE
Washington, DC 20212

Re: Request for comments on proposed extension to the Leave Supplement to the American Time Use Survey

On behalf of A Better Balance: The Work and Family Legal Center, we are writing in response to the Notice 82 FR 31787 published in the Federal Register on July 10, 2017, which seeks comment regarding the proposed extension to the Leave Supplement to the American Time Use Survey.

A Better Balance is a national legal advocacy organization dedicated to promoting fairness in the workplace and helping employees meet the conflicting demands of work and family through policy advocacy, outreach, and direct legal services. As part of its core mission, A Better Balance leverages the power of the law to ensure that no worker has to make the impossible choice between their job and their family. We are leading advocates for policies that help families, including paid sick leave and family leave, flexible work, pay equity, and policies that combat discrimination based on pregnancy and family status.

High-quality data that provide information about trends over time and small populations are essential to A Better Balance's work. In the past, we have advocated for new and improved research and data collection pertaining to: caregiving responsibilities in the United States and workers' need for paid leave and workplace flexibility; job titles, compensation, gender, race, and ethnicity of all public and private sector employees in order to ensure pay equity; LGBTQ communities in the United States; gender and racial inequality within the social, economic, and environmental conditions of New York City; and more.

We believe that the Leave Supplement provides important insight into workers' ability to balance care and work responsibilities. In recent years both the labor market and the nature of work itself have undergone significant shifts. Today, two-thirds of mothers are their household's sole breadwinner or are responsible for at least a quarter of their household income. Yet many workplace policies continue to assume that a male breadwinner and a female caregiver divide the tasks of providing economic support and



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care for the family, even while demographic realities prove otherwise. Pregnant women, especially women in low-wage and physically demanding jobs, are routinely fired or forced off the job when they request modest accommodations to keep them healthy and on the job, but no federal law guarantees pregnant workers the right to reasonable accommodations in the workplace. And despite recent gains made at the city, state, and federal level, workers commonly suffer from inadequate workplace leave laws and policies. Workers of color are less likely than white workers to have access to any paid leave or workplace flexibility. Even workers who receive sick time or family leave often face limitations in their ability to use that time to care for loved ones—especially extended family and chosen family, who are playing an increasingly significant role as caregivers, especially within LGBTQ communities. Moreover, employment in the service sector has risen sharply in the past decades and is expected to continue to increase. In the name of economic efficiency, these employers have resorted to practices such as on-call and automated scheduling, leaving workers with less control over their hours. These changes and the failure of public policy to keep up with these changes impact caregiving responsibilities such as tending to an illness, helping raise a child, or caring for an elderly parent (which, as the population ages, is posing a growing financial burden on middle-aged Americans).

Given these changes, as well as the dearth of data regarding paid leave and job flexibility, we believe the Leave Supplement provides essential information regarding the labor market and caregiving practices. The notice invites comments on “whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.” We strongly support the proposed extension, and believe it is necessary for agency function and has practical utility across a variety of areas of political and economic concern.

In light of the aforementioned economic and demographic trends, the Leave Supplement allows the Department of Labor—as well as other entities and researchers—to keep up with the labor market’s many shifts, and better understand what those shifts mean for job quality and quality of life. Since its inception, the Leave Supplement has provided critical information about the circumstances under which workers are permitted to take paid and unpaid leave, their use of leave, and the extent to which workers can adjust their schedules to balance personal and work obligations instead of taking leave. The proposed extension will enhance the rigor and accuracy of the Leave Supplement’s data, which will only increase its practical utility.

The Leave Supplement has been critical to A Better Balance’s work achieving workplace leave laws in dozens of jurisdictions in the U.S. The Leave Supplement has also informed the work of countless other organizations, such as the Center for American Progress, the



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Center for Law and Social Policy, Family Values at Work, the National Partnership for Women and Families, and more. Academic researchers have also made use of these data to examine access to sick leave. Moreover, it has enabled the Department of Labor to conduct rigorous analyses of its own in order to understand which workers have access to paid leave, how they make use of it, and, perhaps most importantly, who is denied this flexibility.

With the proposed extension, the survey will yield a larger sample size, increasing the study's rigor and accuracy. For certain subpopulations, including Hispanic and non-Hispanic black workers, the proposed extension will be particularly useful, as the larger sample size will facilitate a deeper and more accurate understanding of access to paid and unpaid leave among racial and ethnic groups. In addition, the proposed extension will yield more data on different household types—including those with and without children, and with and without multiple household heads. As policymakers formulate proposals around paid leave, flexible scheduling practices, affordable child care, and long-term care options, the proposed extension will enable them to better tailor legislation to the needs of today's workers.

The notice invites comments on whether to "minimize the burden of the collection of information on those who are to respond." We believe that the proposed method of data collection represents a minimal imposition to respondents.

Survey response time averages just five minutes per respondent, which requires very minimal commitment from participants. The Leave Supplement therefore effectively balances the quality of information collected with ensuring that respondents are not overburdened.

Finally, the notice invites comments on how to "enhance the quality, utility, and clarity of the information being collected." We believe that future iterations of the Leave Supplement stand to benefit from some additional questions that will provide critical data and research.

While the Leave Supplement currently asks respondents about their ability to vary their own schedules, and how far in advance workers know their schedules, we believe that an additional set of questions about how often their managers vary their schedules and numbers of hours worked would yield important insight into job quality and flexibility. These questions would be particularly useful as employment in the service sector continues to grow, and automated scheduling technology—which allows employers to schedule workers based on when demand for services is greatest—grow more prevalent. We also recommend establishing a process to identify subpopulations not included in the



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demographic categories in the current version of the survey, such as LGBTQ communities, and work to include additional questions in future surveys.

The proposed extension of the Leave Supplement will enhance the rigor and accuracy of its data, in turn leading to policy proposals and legislation that is tailored to the needs of today's workers in an ever-changing economy.

Sincerely,

A Better Balance