

Attachment E: Worker Classification Study: Employer Interview Materials

Employer Research Invitation



Month Day, Year

Dear [insert name]:

Abt Associates is working on an important national study on employment classification in the United States under contract with the U.S. Department of Labor. We are trying to gather the insights of employers and their representatives on issues related to employment classification, the use of temporary and contract labor and other alternative staffing strategies. We are conducting one-hour interviews across the country in a number of different industries, and we hope that you will speak to us about your experiences in [INSERT INDUSTRY/REPRESENTATION].

The purpose of this research is to explore employer knowledge, attitudes, and practices around classifying workers as employees or independent contractors. We want to learn about what factors have been most important to your staffing decisions in recent years and how the structure of your regular and contingent workforce has evolved. We would like to understand how different types of businesses deal with these challenges and the decisions and strategies they consider when making staffing decisions. The results will help improve the Department's understanding of how business considerations shape and affect employers' hiring and staffing practices of both employees and independent contractors.

In the near future, you will be contacted by Celina Gonzalez to set up an appointment for a brief interview (lasting no longer than one hour). The interview can take place in-person or over the phone, at a time that is most convenient for you. Your participation is voluntary, but it is important that you participate, if possible, because only you can tell us about your unique experience. Your name or company's name will not be shared with the U.S. Department of Labor. Your decision to participate in this research will not affect your relationship with the U.S. Department of Labor.

If you have any questions, please call me at 312-529-9703. We appreciate the time that you will take out of your schedule to speak with us. We see this project as an important contribution to the ongoing policy discussion about employment classification.

If you have any questions, please feel free to contact me directly at workerclassification@abtassoc.com. You may also contact Jonathan Simonetta, Deputy Chief Evaluation Officer of the US. Department of Labor, at Simonetta.Jon.A@dol.gov with any questions or concerns.

Sincerely,

Kelly Daley, Ph.D.
Principal Investigator

Public reporting burden of this collection of information is estimated to average one hour and has been approved by the Office of Management and Budget under control number XXXX-XXXX. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the

U.S. Department of Labor,
Office of the Chief Information Officer,
Attention: Departmental Clearance Officer,
200 Constitution Avenue, N.W., Room N 1301,
Washington, DC 20210
or email DOL_PRA_PUBLIC@dol.gov

Worker Classification Study: Employer Research Project Information Sheet

What is the purpose of the study?

The aim of the study is to explore the experiences and views of employers, employee representatives, and employer representatives related to employee classification and compliance with the relevant state and federal regulations. The findings will be used to improve the U.S. Department of Labor's understanding of employers' experiences.

Why have I been chosen?

You have been chosen because you are an [employer/ or an employers' representative in an industry or region of the country where employment practices are changing. We are very interested to find out about your views and experiences of this.

Do I have to take part?

It is up to you to decide whether or not to take part. If you decide to take part you are still free to withdraw at any time and without giving a reason. A decision to withdraw at any time, or a decision not to take part, will not affect your relationship with the U.S. Department of Labor.

What will happen to me if I take part?

You will take part in an informal interview with a researcher about your experiences and opinions related to classification of employees and independent contractors. The questions will predominantly be about decision factors related to staffing, hiring and employment at your company and across your industry.

Will my taking part in this study be kept private?

Yes, all details will be kept private. Only researchers working on the study will have access to the information that is collected.

Who may I contact for further information?

If you would like more information about the research before you decide whether or not you would like to take part, please call Kelly Daley at 312-529-9703 or email at k.daley@srbi.com. You may also contact the U.S. Department of Labor's point of contact, Jonathan Simonetta, the Deputy Chief Evaluation Officer at the Department of Labor: 202-693-5085.

Thank you for your interest in this research.

Employer Research Qualitative Interview Guide

Introduction and Informed Consent

Thank you for agreeing to participate in this research. This project is funded by the U.S. Department of Labor, and under contract with Abt Associates. As we mentioned in the materials we sent you, the purpose of this research is to explore employer knowledge, attitudes, and practices around classifying workers as employees or independent contractors.

Before we begin, I would like to inform you of your rights as a participant in this research.

- Your participation in this research is entirely voluntary. You are free to skip or refuse any question and end the interview at any time. The interview will take no longer than one hour to complete.
- I want to reassure you that we will keep the information you give us private. No one knows that you are taking part in this interview. Your name or the name of your company/organization is not written on this interview. Your name or the name of your company/organization will not appear in the report we write summarizing these interviews.
- The risks involved in participating in this interview are minimal, no more than those you would ordinarily encounter in daily life.
- Your participation will not affect your relationship with the U.S. Department of Labor.

Do you have any questions before you begin?

[Record questions]

Can we begin?

Recent research shows a shift away from long-term employees towards other kinds of work arrangements. For example, some companies are using short-term or “term” employees, using temporary work agencies or employee leasing agencies, independent contractors, part-time workers, seasonal workers.

What types of staffing changes have you noticed in your industry (if necessary: long-term versus short-term/temporary or consultants)

- 1) *Where* (in what context) do you see these changes taking place?
 - a. In your firm?
 - b. With firms of different sizes or scopes? Among your suppliers?
- 2) What is replacing long-term employment?
 - a. For which types of positions?
- 3) Why do you think there has been a shift? Why isn't this happening at a (faster/broader pace?)
 - a. What are the advantages of moving away from long-term employees?
 - i. PROBES: (If reluctance, use probes that emphasize tangible, neutral, operational difficulties they might encounter)
 1. Worker Training?

2. Worker Supervision?
 3. Worker motivation or performance?
 4. Work site cooperation/relations with permanent workers?
 5. Competition from other firms who are moving to using contractors or other labor arrangements?
- b. Are there any cost disadvantages to using contractors versus employees
 - i. Are there any quality issues related to using contractors? Control over work product or schedule, deliverables?
 - c. What do WORKERS prefer?
 - i. When?
 - ii. When not?
 - iii. What types of workers are more amenable to employee versus other types of status?
- 4) How do firms make the decision to change from hiring full time workers to other kinds of staff?
 - a. Who in the firm is involved?
 - b. What factors do they consider? Which factors are most important?
 - 5) Do you expect these changes to continue? Accelerate? Be rolled back?
 - a. Why?
 - b. What factors will influence what happens in the future?
 - 6) What types of enforcement experiences have you or others in your industry experienced?
 - 7) I'd like to read you a quote from a website and get your reactions to it –: “Now, more than ever, employers must have programs in place to ensure the validity of their classification of workers as independent contractors or as exempt from overtime, and must have a clear strategy for handling government audits and enforcement actions.” Here is a copy of the quote for you to reference as we discuss (pass out papers).
 - a. First I'd like to ask your opinions about what is meant by “programs in place.” Do you have such programs? How do they work?
 - b. Are they necessary for your firm? If not, why not?
 - c. Where can you go to get help with this?
 - d. Why “now more than ever?”