

**Supporting Statement  
for OMB Clearance  
Request Part A**

**Family and Medical  
Leave Act, Wave 4  
Surveys**

OMB Control Number 1290-0NEW

July 2017

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## Part A: Justification

### A.1. Necessity for the Data Collection

As required under the Paperwork Reduction Act (PRA), the Chief Evaluation Office (CEO) at the U.S. Department of Labor (DOL) is seeking approval from the Office of Management and Budget (OMB) for a study of the federal Family and Medical Leave Act (FMLA). Consistent with its commitment to tracking and analyzing user feedback, DOL periodically conducts surveys of employees and employers who are covered by the provisions of the FMLA. Surveys were conducted in 1996 (DOL 1996), 2000 (Cantor et al. 2001), and again in 2012 (Klerman, Daley, and Pozniak 2013). DOL has contracted with Abt Associates Inc. (in partnership with Abt SRBI<sup>1</sup>) to conduct a fourth “wave” of Employee and Employer Surveys.

Since 2012, both the labor market and the policy context in which the FMLA operates have continued to evolve. In particular, as of December 2016, building on the FMLA, 43 states, counties, and cities have implemented one or more paid leave policies.

This information collection request covers a fourth “wave” of nationally representative surveys of employees and employers that will update and expand upon the knowledge gained from prior studies in the current policy landscape. Specifically, the surveys will help DOL understand current workplace policies and practices related to family and medical leave, allowing the Department to determine how those policies affect the work-life balance of workers and the productivity and workflow of employers. The study will also enable the Wage and Hour Division (WHD) at DOL to shape future regulatory options, craft interpretive guidance (such as plain-language fact sheets), develop compliance programs (employer outreach and investigation policies), and establish regulatory priorities based on sound, current data, rather than outdated or anecdotal information. Finally, the study will provide a data set by which WHD can evaluate the effect of a range of FMLA activities—regulatory, educational, investigative, and legal—on employer compliance.

CEO undertakes a learning agenda process each year to identify Departmental priorities for program evaluations. This evaluation was prioritized as part of that process in FY 2016. Division H, Title I, section 107 of Public Law 114-113, the “Consolidated Appropriations Act, 2016” authorizes the Secretary of Labor to reserve not more than 0.75 percent from special budget accounts for transfer to and use by the Department’s Chief Evaluation Office (CEO) for departmental program evaluation. Further, 29 USC 3224a (1), authorizes the Secretary of Labor to conduct ongoing evaluation of programs and activities to improve the management and effectiveness of these programs.

### A.2. Purpose of Survey and Data Collection Procedures

DOL’s Chief Evaluation Office requests clearance to administer two surveys:

<sup>1</sup> Effective April 1, 2017, Abt SRBI will be consolidated into the existing Abt Associates Inc. government segment. Abt SRBI will cease to function as an independent entity and will become a part of the parent company. Abt Associates is in the process of executing this transition, including integrating current Abt SRBI employees into the parent company.

- A survey of employees that primarily examines leave usage patterns and unmet needs; and
- A survey of employers that examines their leave policies, as well as their experiences with and perceptions of the FMLA.

These surveys are based on the 2012, Wave 3 FMLA surveys. However, the instruments in this information collection request have been revised (with the input of substantive and methodological experts) to reflect changes in the external environment, build on past data collection experience, and improve our understanding of the FMLA and leave-taking behavior and needs.

As part of the questionnaire updating process, the contractor solicited input from various sources. First, the contractor's team conducted several listening sessions and in-depth interviews with numerous stakeholders, including DOL staff, scholars who study the FMLA, policy and advocacy professionals working in the area of family and medical leave, and employers and third-party administrators who administer FMLA. Second, the contractor's team also consulted with the study's Technical Working Group (TWG) (see Section A8 below for a list of TWG members). Feedback from these informative sessions has been incorporated into the Wave 4 surveys. The content, sample, and administration of the Employee and Employer Surveys are described in detail below.

#### **A.2.1 Target Population, Mode of Administration, Survey Content and Objectives**

The following section describes the target population for each survey, as well as the method by which the surveys will be administered. It then describes the content of each survey and how that aligns with the survey objectives. This information is provided first for the Employee Survey and then for the Employer Survey.

##### **Objectives and Design of the Employee Survey**

The Employee Survey (Attachment A) will examine the need for and use of leave among employees. The survey will be conducted by computer-assisted telephone interview (CATI) in both English and Spanish. The target number of completed interviews is 4,000. The target population for the Employee Survey will be individuals aged 18 or older who live in the United States, have a telephone (landline or cellular), and have been employed for pay (private or public sector) in the 12 months prior to the interview. Employed workers will be screened into the survey using a question adapted from the Current Population Survey: "in the past 12 months were you employed by government, by a private company, a nonprofit organization, or were you self-employed?" Respondents who say that they were employed by government, a private company, or a nonprofit organization are classified as wage and salary workers and are included in the survey. Those who report that they were self-employed are not included in the survey.

The proposed Employee Survey is also designed to yield representative samples of major demographic groups defined by race, ethnicity, age, gender, and income. Consistent with the 1995, 2000, and 2012 waves of this survey, leave-takers (employees who took leave) and leave-needers (employees who needed leave but did not take one) will be oversampled to achieve reliable subsample estimates. New to the current wave, low-wage workers and employees working in a state with a paid family and medical leave statute will also be oversampled.

The survey will gather information across seven different domains: (1) respondent characteristics, (2) FMLA coverage and eligibility, (3) leave benefits, (4) leave usage, (5) leave experience, (6) the decision

## **PART A: JUSTIFICATION**

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not to use FMLA benefits, and (7) leave requirements and practices. Exhibit 1, below, describes the rationale for including each domain (and their subdomains) in the Employee Survey for each section of the survey (“Survey Section”).

The Employee Survey has four different types of target respondents: those who participate in the interview screening, those who are selected to complete the survey after screening (referred to as “all respondents” in the table), leave-takers (employees who took leave for a covered reason during the screening period), and leave-needers (employees who needed to take leave for a covered family or medical reason, but did not). Exhibit 1 also indicates the target respondents for each section.

In addition to the domain specific rationales listed below, several survey questions have been included in the survey to maintain comparability with the 2012 Employee Survey. For additional detail about comparability, see Section B.2.1.

**Exhibit 1. Employee Survey Content and Objectives**

Domain	Rationale	Subdomain	Survey Section <sup>2</sup>	Survey Question
Respondent Characteristics	To facilitate understanding of how FMLA coverage, use (and non-use), need, and experiences vary by employee characteristics.	<ul style="list-style-type: none"> <li>Demographics</li> <li>Employment</li> <li>Family Size and Structure</li> </ul>	<ul style="list-style-type: none"> <li>Sections S &amp; T: Screener</li> <li>Section E: Employment (All respondents)</li> <li>Section D: Demographics (All respondents)</li> </ul>	S1-10, T1-6 S13, E0, E9-10, E15-17, D2-11, ZIP
FMLA Coverage & Eligibility	To document current levels of FMLA worksite coverage and employee eligibility. Also, employees' awareness and familiarity with the law, as well as how they learn about the FMLA.	<ul style="list-style-type: none"> <li>Worksite Coverage Criteria</li> <li>Employee Eligibility Criteria</li> <li>Awareness and Familiarity</li> <li>Learning about the FMLA</li> </ul>	<ul style="list-style-type: none"> <li>Section E: Employment (All respondents)</li> </ul>	E2-6, E11-12
Leave Benefits	To provide information in the Employee Survey on the types of paid and unpaid benefits available to employees during leave, the breadth of those benefits, and whether those benefits vary by type of employee.	<ul style="list-style-type: none"> <li>Employer-Provided Benefits</li> <li>Other Applicable Leave Benefits</li> </ul>	<ul style="list-style-type: none"> <li>Section E: Employment (All respondents)</li> </ul>	E7-8
Leave Usage	To better understand leave usage from the employee perspectives. That is, how often, how long, and for what reasons employees take family and medical leave. This domain also covers how employers process FMLA requests, when they deny requests, and their perceptions about the frequency of FMLA misuse.	<ul style="list-style-type: none"> <li>Frequency</li> <li>Qualifying Reason/Type</li> <li>Length/Spells</li> </ul>	<ul style="list-style-type: none"> <li>Sections S &amp; T: Screener</li> <li>Section A: Leave-takers</li> <li>Section C: Employed-only</li> </ul>	S11a-b, A1-20a, C1
Leave Experience	To provide information on employees' financing of leave-taking and their transition back into the workplace, and on how employers accommodate their employees' need for leave.	<ul style="list-style-type: none"> <li>Financial Security</li> <li>Pay and Benefits</li> <li>During-Leave Employment</li> <li>Transition Back to Work</li> </ul>	<ul style="list-style-type: none"> <li>Section A: Leave-takers</li> <li>Section E: Employment (All respondents)</li> </ul>	A23a-g, A43-59, A62-64, E5-6
Decision to Not Use FMLA Benefits	To understand the circumstances of those who needed but did not take leave, including reasons the leave was needed and reasons why it was not taken	<ul style="list-style-type: none"> <li>Frequency</li> <li>Reasons</li> <li>Outcomes</li> </ul>	<ul style="list-style-type: none"> <li>Section S &amp; T: Screener</li> <li>Section B: Leave-needers</li> </ul>	S12a-b, B1-20

<sup>2</sup> See Attachment A for the Employee Survey

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Domain	Rationale	Subdomain	Survey Section	Survey Question
Leave Requirements and Practices	To determine the length of notice employees give to employers before taking leave (both according to company policy and in practice), and examine the process of obtaining medical certification and clearance to return to work.	<ul style="list-style-type: none"><li>• Notification</li><li>• Medical Certification</li><li>• Post Leave</li></ul>	<ul style="list-style-type: none"><li>• Section A: Leave-takers</li></ul>	A26-42, A60



A detailed description of the respondent universe, sampling methods, and data collection procedures, as well as discussion of efforts to maximize response rates for the Employee Survey, can be found in Part B.

### **Objective and Design of the Employer Survey**

The Employer Survey (Attachment B) will explore human resource/benefits administrator experience with and perception of implementing FMLA leave by employees at their worksite. The survey will be conducted using a sequential multi-mode (web and CATI) methodology. The target number of completed surveys is 2,000. This sample will support nationally representative estimates of results in the aggregate, as well as estimates by major industry and employer size.

The target population for the Employer Survey is U.S. private-sector business worksites,<sup>3</sup> excluding self-employed persons without employees and also excluding government and quasi-government units (federal, state, and local governments; public educational institutions; and post offices). This universe differs from that of the Employee Survey, which includes both private- and public-sector employees. As in 2012, the Dun & Bradstreet Dun's Market Identifiers (DMI) file will serve as the sampling frame for the Employer Survey.

As with the Employee Survey, the Employer Survey collects information across seven domains: (1) worksite and firm characteristics, (2) FMLA coverage and eligibility, (3) leave benefits, (4) leave usage, (5) leave experience, (6) leave requirements and practices, and (7) perceptions of the FMLA. Exhibit 2, below, describes the rationale for collecting information across these domains (and subdomains) and the target respondents for each section of the survey ("Survey Section").

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<sup>3</sup> Not firms; i.e., in a multi-site firm, the respondent should answer only for the sample worksite, not for the firm as a whole.

**Exhibit 2. Employer Survey Content and Objectives**

Domain	Rationale	Subdomain	Survey Section <sup>4</sup>	Survey Question
Worksite and Firm Characteristics	To facilitate understanding of how FMLA coverage, use (and non-use), need, and experiences vary by employer characteristics.	<ul style="list-style-type: none"> <li>Firm/Organization Characteristics</li> <li>Workforce Composition</li> </ul>	<ul style="list-style-type: none"> <li>Background Information about the Establishment's Employees (All Worksites)</li> </ul>	Q1-1.2, Q4-7, Q14-14a
FMLA Coverage & Eligibility	To document current levels of FMLA worksite coverage and employee eligibility. Also, employers' awareness and familiarity with the law, as well as how they learn about the FMLA.	<ul style="list-style-type: none"> <li>Worksite Coverage Criteria</li> <li>Employee Eligibility Criteria</li> <li>Awareness and Familiarity</li> <li>Learning about the FMLA</li> </ul>	<ul style="list-style-type: none"> <li>Background Information about the Establishment's Employees (All Worksites)</li> <li>Implementation of FMLA - Covered Worksites</li> </ul>	Q2-3.1, Q8-10, Q17, Q47
Leave Benefits	To provide information in the Employer Survey on the types of paid and unpaid benefits available to employees during leave, the breadth of those benefits, and whether those benefits vary by type of employee.	<ul style="list-style-type: none"> <li>Employer-Provided Benefits</li> <li>Breadth of Benefits</li> </ul>	<ul style="list-style-type: none"> <li>Background Information about the Establishment's Employees (All Worksites)</li> <li>Implementation of FMLA (Covered Worksites)</li> </ul>	Q11-11.3, Q16_A-H, Q16X_1, Q16X_4, Q44D
Leave Usage	To better understand leave usage from the employer perspectives. That is, how often, how long, and for what reasons employees take family and medical leave. This domain also covers how employers process FMLA requests, when they deny requests, and their perceptions about the frequency of FMLA misuse.	<ul style="list-style-type: none"> <li>Frequency</li> <li>Qualifying Reason/Type</li> <li>Length/Spells</li> <li>Oversight/Approval</li> <li>Perceived Misuse</li> </ul>	<ul style="list-style-type: none"> <li>Use of FMLA by Employees at this Covered Location</li> <li>FMLA Non-Covered Worksites</li> <li>All Worksites FMLA Covered and Non-Covered</li> </ul>	Q18-22, Q27-28, Q40-43, Q58-60, Q68
Leave Experience	To provide information on employees' financing of leave-taking and their transition back into the workplace, as well as how employers accommodate their employees' need for leave.	<ul style="list-style-type: none"> <li>Pay and Benefits</li> <li>During-Leave Employment</li> <li>Transition Back to Work</li> </ul>	<ul style="list-style-type: none"> <li>Background Information about the Establishment's Employees (All worksites)</li> <li>Implementation of FMLA (Covered employers)</li> <li>Use of FMLA by Employees at this Covered Location</li> <li>All Employers FMLA Covered and Non-Covered</li> </ul>	Q16X_5, Q57_1-3, Q23-24, Q44C, Q61X-bX

<sup>4</sup> See Attachment B for the Employer Survey

Domain	Rationale	Subdomain	Survey Section	Survey Question
Leave Requirements and Practices	To determine the length of notice employees give to employers before taking leave (both according to company policy and in practice), and examine the process of obtaining medical certification and clearance to return to work.	<ul style="list-style-type: none"> <li>• Notification</li> <li>• Medical Certification</li> <li>• Post Leave</li> </ul>	<ul style="list-style-type: none"> <li>• Background Information about the Establishment's Employees (All worksites)</li> <li>• Use of FMLA by Employees at this Covered Location</li> <li>• Implementation of FMLA (Covered employers)</li> </ul>	Q15-15a, Q16X_2-3, Q25-26a, Q34-39, Q44A-B, Q48-48a
Perceptions of the FMLA	To provide information on the perceived impact on employers of their employees taking leave under the FMLA.	<ul style="list-style-type: none"> <li>• Costs</li> <li>• Administration/Compliance</li> <li>• Ease of Accommodating Leave-takers</li> <li>• Effects</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation of FMLA (Covered employers)</li> <li>• All Employers FMLA Covered and Non-Covered</li> </ul>	Q49-56, Q67A-E

Additional information about the respondent universe, sampling methods, and data collection procedures, as well as efforts to maximize response rates for the Employer Survey, can be found in Part B.

### **A.2.2 How the Survey Findings Will Be Used**

DOL's contractor will compile an analytical research report on the results of these surveys. We anticipate that information will be used by policy makers and researchers both inside and outside of government to analyze the current state of family and medical leave as well as make comparisons with 2012. The results will be primarily descriptive in nature since the study cannot provide evidence of causal effects of FMLA. To the extent feasible however, regression-adjusted comparisons will be reported for some outcomes to provide results that are "closer to causal."

## **A.3. Improved Information Technology to Reduce Burden**

The use of electronic technology potentially provides the opportunity to facilitate the administration and completion of the survey instruments, ultimately leading to a reduction in respondent burden. This section discusses this issue first for the Employee Survey and then for the Employer Survey.

### **A.3.1 Employee Survey**

The study team will field the Employee Survey using computer-assisted telephone interview (CATI) methods. The study team has taken several steps to minimize burden on respondents. Respondents will be allowed to provide the information in a short telephone survey. In addition, respondents will be offered the opportunity to conduct the survey at a time most convenient to them, and given a toll-free number to call to schedule or conduct it. Following standard survey protocol, respondents will be informed that they may choose not to answer any question and that they may end the survey at any time. Furthermore, respondents will be offered the opportunity to begin the survey in one session and finish it in another session.

### **A.3.2 Employer Survey**

The Employer Survey will use a combination of internet administration and CATI methods. The study team has attempted to minimize the burden on respondents by allowing them to provide the information either through the internet or over the phone.

To determine the eligibility of a worksite and the name and contact information of the person who is the most appropriate to complete the survey questionnaire given the nature of the information requested (the "key informant"), the study team will first call each worksite and conduct a short telephone screener survey (see Attachment B). Once the appropriate employer respondent has been identified (and prior to actual survey administration), the study team will give that key respondent the option of receiving an informational packet by email or mail. The informational packet explains the survey and provides a list of information about leave-takers that the employer should gather prior to the telephone interview (Attachment C). If the study team is not able to reach the identified respondent on the telephone, it will mail (not email) the materials. For those who request email, that email will also contain a secure link to take the respondent directly to his/her own landing page to log into the survey. During the telephone screener, interviewers will first walk respondents through how to access the web-based survey on their

own. If they are unwilling or unable to do the survey on the internet, the study team will offer the option to complete the survey on the telephone.

#### **A.4. Efforts to Identify Duplication**

##### **A.4.1 Employee Survey**

The study team has designed the survey to provide comparison data for the FMLA Employee Survey conducted by the DOL Commission on Family and Medical Leave in 1995 and by the Department in 2000 and 2012. There are no other surveys of a large, random sample of individuals or households that asked questions specifically related to the required topics regarding family and medical leave.

##### **A.4.2 Employer Survey**

The study team has designed the survey to provide comparison data for the FMLA Employer Survey conducted by the DOL Commission on Family and Medical Leave in 1995 and by the Department in 2000 and 2012. There are no other surveys of a large, random sample of businesses of diverse sizes that ask questions specifically related to the required topics regarding family and medical leave.

#### **A.5. Involvement of Small Organizations**

##### **A.5.1 Employee Survey**

The CATI technique is being used for the Employee Survey to minimize burden on leave taking and leave needing employees. Small businesses and other small entities are not involved.

##### **A.5.2 Employer Survey**

About one-third of the Employer Survey respondents are expected to represent small businesses. According to the Small Business Association, the Office of Advocacy defines a small business as an independent enterprise having fewer than 500 employees. The data collection procedures have been designed to minimize the burden on those small employers as well as representatives from larger organizations through the following:

- 1) The advance letter and accompanying materials (Attachment C) inform the respondents that survey questions may require them to consult administrative records in order to accurately complete the instrument. Being notified in advance will minimize the need to pause in completing the survey in order to consult the proper records.
- 2) The Employer Survey seeks information about a 12-month period, and allows employer respondents to select the 12-month period most convenient for them.
- 3) The internet survey will further enhance this opportunity in so far as respondents may end any given session on the survey and return to their previous answers at their discretion. This will allow respondents to complete the survey at a time and place most convenient to them.

#### **A.6. Consequences of less Frequent Data Collection**

This is a one-time collection.

## A.7. Special Circumstances

There are no special circumstances for the proposed data collection efforts.

## A.8. Federal Register Notice and Consultation

### A.8.1 Federal Register Notice and Comments

In accordance with the Paperwork Reduction Act of 1995 (P.L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), DOL published a notice in the Federal Register announcing the agency's intention to request an OMB review of this information collection activity. This notice was published on Friday, October 28, 2016, in Volume 81, Number 209, pages 75161–75163, and provided a 60-day period for public comment. A copy of this notice is included as Attachment D. During the notice and comment period, the government received 13 comments from 12 entities. The comments included statements of support for the data collection, requests for the survey instruments, and substantive comments about the surveys. DOL provided the survey instruments to all entities that requested them. See Attachment E for a full discussion of the substantive comments and our responses.

### A.8.2 Consultation with Experts

The following people were consulted in developing the design, the data collection plan, and the forms for which clearance is requested.

#### *Abt Associates*

Ms. Radha Roy	(301) 347-5722
Mr. Glen Schneider	(617) 349-2471
Dr. Jane Leber Herr	(617) 520-3042
Mr. Jacob Klerman	(617) 520-2613
Dr. Kelly Daley	(312) 529-9703

Abt Associates assembled a technical working group consisting of five experts in the following areas: (1) studies of the federal Family and Medical Leave Act (2) workforce and work-family policies (3) survey methodology, and (4) human resources administration and employment law. These experts have reviewed and commented on the Employee and Employer Surveys and will review the study findings. Due to her particular expertise, Dr. Jolene Smyth will also review the study design.

#### *TWG Members*

Dr. Ann Bookman	University of Massachusetts Boston
Dr. Christopher Ruhm	University of Virginia
Dr. Jolene Smyth	University of Nebraska-Lincoln
Dr. Jane Waldfogel	Columbia University
Ms. Christine Walters	FiveL Company

The surveys will update results from the three previous surveys conducted on this topic in 1995, 2000, and 2012. Many of the items in the Employee and Employer Surveys are from the previously approved 2012 FMLA Employer and Employee Surveys (OMB No. 1235-0026).

## **A.9. Incentives of Respondents**

This section discusses incentives for respondents, first for the Employee Survey and then for the Employer Survey.

### **A.9.1 Employee Survey**

In order to cover extenuating costs (e.g., per minute phone charges), participants completing the Employee Survey on a cellphone will be issued \$15 as a token of appreciation for their participation. The ultimate objective of offering incentive payments is to improve our estimates by reducing nonresponse bias. In accordance with OMB guidance, incentives are most appropriately used in federal statistical surveys to reduce nonresponse bias.<sup>5</sup> The incidence of taking leave or needing to take leave is relatively rare and the failure to include these hard to find participants could jeopardize the quality of the survey data. Furthermore, the incentive will improve our estimates for low-wage workers, a group that is traditionally difficult to reach and survey, and also a group that is of special interest to DOL. The study team plans to oversample low-wage workers by oversampling prepaid cellphones (see Part B, Section B.1.1 for more information). The \$15 incentive will cover the costs of per minute phone charges incurred by these individuals and their propensity to use pre-paid cell phones.

The Employee Survey features both a screener and an extended interview. In theory, incentives could be offered at one or both stages. The research literature and the survey sample design indicate that extended interview incentives would be cost effective for this survey while screener incentives would not (O'Hare and Frederick 2003; Cantor et al. 1998, 2007; Singer et al. 2000). A related issue is whether incentives should be prepaid or post-paid ("promised"). Based on the prominence of cellphones and unlisted landlines in the sample, we estimate that fewer than half of the numbers sampled for the survey (about 40 percent) could be matched to an address. This makes prepaid incentives a moot issue. The interview incentives, thus, will need to be post-paid. Respondents will be notified at the beginning of the survey that they will receive the incentive after completion of the survey. Respondents to the survey who provide their address will receive a check for the incentive amount within three weeks of completing the telephone survey.

A nonresponse follow-up survey (NRFU), which the study team will use to evaluate nonresponse in the Employee Survey, will include incentive payments. The NRFU will collect information on employees who fail to respond to the survey and provide insight into whether the nonrespondents differ from the respondents on the characteristics of interest (e.g., family and medical leave). Specifically, interviewers will call back a subsample (n=1,200) of households that declined the original survey and attempt to recruit an eligible employee to complete a shortened interview with a \$40 incentive. Respondents to the NRFU who provide their address will be mailed a check for \$40 within three weeks of completing the NRFU survey.

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<sup>5</sup> The research literature indicates that we can expect about an 8 percentage point increase in the response rate if \$15 is promised as opposed to \$0 (Cantor et al. 2003; Strouse and Hall 1997).

Incentives are a common feature in NRFU surveys because, by definition, the NRFU sample did not cooperate with the original survey, and so a major change in the recruitment protocol is required to elicit cooperation. Zimowski and colleagues (1997) noted in their report to the Federal Highway Administration (FHWA-PL-98-029) that large monetary incentives (e.g., \$20 to \$50) are a common element of NRFU designs for household surveys. For example, Peytchev et al. (2009) documented how a \$20 incentive was used in a successful NRFU to the National Intimate Partner and Sexual Violence Survey for the Centers for Disease Control and Prevention. As part of the 2012, Wave 3 FMLA surveys, the contractor offered a \$20 incentive to respondents of the NRFU survey and achieved a response rate of 23 percent. More recently, in the Worker Classification Knowledge Survey project for DOL, respondents were offered \$20 as remuneration for completing a NRFU, and the response rate was just seven percent (Daley et al. 2016). To improve on this recent experience, the Wave 4 FMLA NRFU study team has increased the amount of the incentive from \$20 to \$40.

### **A.9.2 Employer Survey**

No payments or incentives will be provided for participation in the Employer Survey.

## **A.10. Privacy of Respondents**

Verbal assurance of privacy will be provided to all respondents of the Employee and Employer Surveys. Respondents who elect to take the online version of the Employer Survey will receive written assurance of privacy. All participants will be informed that their participation is voluntary and they may skip any questions they do not wish to answer, their responses will be kept private, and the risks are minimal. The exact statement indicating the privacy of respondents' answers is attached (Attachment F).

The contractor has obtained approval from its IRB (Attachment H). All staff working on the study will have completed basic human protections as well as project-specific IRB training.

Prior to the analysis of the collected survey data, the contractor will assign generic study identifiers—not based on PII—for each study participant to link participant data. The contractor will then remove personal identifiers (e.g., name of company, name of employee). As a result, this analysis file (and the Public Use File which will be derived from it) will not include information that will allow direct linking to a specific individual or employer. Thus external analysts will never see or be able to access these individual-level identifiers. Reverse identification (not from identifiers) remains possible. Later in this section, we discuss the additional steps we will take to prevent reverse identification from variables other than identifiers.

The survey data will be stored on a contractor's computer that is protected by a firewall which monitors and evaluates all attempted connections from the Internet. Private information on each survey respondent (e.g., name, telephone number, and for those who elect to receive an incentive, mailing address) will be maintained in a file separate from the survey data. The contractor uses a LAN and WAN network infrastructure to facilitate computer-assisted telephone interviewing. Access to the LAN and WAN are restricted by IP address. Access to the WAN is restricted by IP address, firewalls, and security rules on the contractor's routers. All servers' access is restricted by username and password authentication. The perimeter is secured by an active IPS (Intrusion Prevention System) with state packet inspection. Once the survey is completed, all private data on each respondent will be destroyed. Any data used for analysis by the contractor or the Department will be completely de-identified. The entire database will be encrypted so that any data stored will be further protected. Finally, access to data with identifying



information will be limited to contractor staff directly working on the survey. Those doing analysis will not have access to the identifying information.

All analyses, summaries or briefings will be presented at the aggregate level. As a result, it will not be possible to link specific responses to individual respondents in any way. The database delivered to DOL and subsequently available for public use will not include any identifying information such as names, addresses, telephone numbers, or social security numbers, nor any other information that might support reverse identification of respondents.

Public use files (PUFs) for both the Employee Survey and Employer Survey will be made available after completion of the data collection. Following standard privacy protocols, in the Wave 4 files the study team will coarsen the data to protect respondent privacy, while still providing sufficient information to allow other researchers using the PUFs to replicate the analyses presented in the *Final Report*. In particular, the study team will review the final data for rare responses in both survey data sets. As necessary, the study team will re-code so that no single response category or combination of closely related response categories has an unweighted frequency below five. For other rare responses, or for combinations of responses that may be susceptible to re-identification, the contractor will coarsen the data by some combination of suppression, rounding, top-coding, bottom-coding, or collapsing response groups as needed so that no identifying values are released in the PUFs. However, for some variables of special interest, the contractor may instead maintain privacy by using an alternative approach, such as data swapping.

The study team also will prepare and deliver tables that describe how to use and access the files, each variable, any editing strategies employed, the data source, the sample and population represented, and information such as frequencies, means, and any additional information agreed on with DOL. The collection, maintenance, and dissemination of data (including personal identifiers) will be compliant with all requirements articulated in federal statutes. The contractor complies with the E-Government Act of 2002, including Title III: Federal Information Security Management Act (FISMA), which covers site security, security control documentation, access control, change management, incident response, and risk management. The contractor follows a risk management process to manage security risks to the company and projects, in order to assess risks and implement secure mitigation strategies accordingly to secure Personally Identifiable Information (PII) and Protected Health Information (PHI).

With multimodal data collection via phone and web surveys, the privacy of the individuals rests heavily on the interviewers and the systems doing the data collection. All staff are trained in how to protect sensitive information and are monitored by multiple supervisors. For any IT used, the contractor's Information Security team reviews the design and security requirements of the survey system to identify gaps in implementation and privacy weaknesses. In the event of an incident, the contractor has developed an incident response capability to support the proper investigation and reporting of any PII related incident.

The contractor will collaborate with DOL in determining options for presenting the Wave 4 public use data files in order to support replication of key results and data usage while preserving respondent privacy.

### **A.11. Sensitive Questions**

The content of both surveys is limited to information needed for policy purposes as was true in the 2012 and earlier waves of the surveys. This includes asking the earlier questions again (to estimate trends) and

asking new questions based on changing regulations, changes in regulation under consideration, changes in the external environment, and lessons learned in the analysis and use of the earlier surveys.

#### **A.11.1 Employee Survey**

Before starting the survey, respondents will be told that the survey pertains to family and medical leave and will contain questions about their experience taking leave, or needing to take leave, from work. Interviewers will inform respondents that they may skip or refuse to answer any question and may also end the interview at any time. Respondents will also be notified that their participation and responses will be kept private, to the extent allowable under law.

The Employee Survey asks respondents to identify whether or not they have taken leave, or needed to take leave, from work for a variety of reasons which may be sensitive. The survey also asks respondents about the relationship (e.g., parent, spouse, child, etc.) between themselves and the person for whom they took leave. These questions are central to the goal and focus of this study. This information is vital for determining what working families need to help them balance the demands of work and family. All data will be aggregated so that information about individual respondents will not be identifiable.

The Employee Survey also asks respondents about their sexual orientation. This question wording is taken verbatim from the sexual orientation and gender identity module of the Behavioral Risk Factor Surveillance System (BRFSS) coordinated by the Centers for Disease Control and Prevention (CDC) at the U.S. Department of Health and Human Services. The CDC developed this module in 2013 with input from the Sexual Minority Assessment and Research Team and the Gender Identity in U.S. Surveillance, and it allowed states to begin using the module the following year. Twenty states and territories added these questions in 2014 and 25 did so in 2015 (Baker and Hughes 2016).

The issue of coverage of same sex partners for family and medical leave has been an area of specific policy activity with respect to the FMLA. In particular, in June 2010, DOL clarified the FMLA definition of “son and daughter” to include an employee standing “in loco parentis” to a child, regardless of the employee’s legal or biological relationship to the child. Combined with other questions for the survey, this information will help DOL understand the magnitude, needs, and experiences of same sex partners regarding family and medical leave from work.

The study team does not anticipate substantial nonresponse for any of the survey items described above. Similar questions were asked in the 2012 survey and there was less than 5 percent nonresponse across these items. Also, the study team conducted cognitive tests of the Employee Survey with nine volunteer respondents from a range of different backgrounds and leave experiences. The cognitive interview research protocol used by the study team followed guidelines recommended in the Statistical Policy Directive No. 2: Standards and Guidelines for Statistical Surveys, section on Cognitive Interviewing<sup>6</sup>. Further information is included in Part B, Section B.4.1. The testing did not reveal any issues with the questions. The survey included in this package reflects the findings from those interviews.

#### **A.11.2 Employer Survey**

There are no sensitive questions in the Employer Survey.

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<sup>6</sup> See guidelines here: [https://obamawhitehouse.archives.gov/sites/default/files/omb/inforeg/directive2/final\\_addendum\\_to\\_stat\\_policy\\_dir\\_2.pdf](https://obamawhitehouse.archives.gov/sites/default/files/omb/inforeg/directive2/final_addendum_to_stat_policy_dir_2.pdf)

### **A.12. Estimation of Information Collection Burden**

The proposed data collection does not impose a financial burden on respondents nor will respondents incur any expense other than the time spent completing the surveys.

**PART A: JUSTIFICATION**

**Exhibit 3. Estimated Annualized Respondent Hour and Cost Burden**

Type of Instrument	Number of Respondents	Number of Responses Per Respondent	Number of Responses	Average Burden Per Response (in Hours)	Estimated Burden Hours	Average Hourly Wage <sup>1,2</sup>	Total Burden Costs
<b>EMPLOYEE SURVEY</b>							
Screeners	8,864	1	8,864	2/60	295	\$25.62	\$7,557
Extended Interview Overall	1,333	1	1,333	14/60	311	\$25.62	\$7,968
<i>Nonresponse Follow-Up</i>	167	1	167	10/60	28	\$25.62	\$717
Duplicated Total	10,364	--	10,364	--	634	--	\$16,242
<b>EMPLOYER SURVEY</b>							
Screeners	3,044	1	3,044	4/60	203	\$56.29	\$11,427
Data Gathering + Extended Interview Overall	667	1	667	1	667	\$56.29	\$37,545
Duplicated Total	3,711	--	3,711	--	870	--	\$48,972
<b>Duplicated Totals</b>	<b>14,075</b>	<b>--</b>	<b>14,075</b>	<b>--</b>	<b>1,504</b>	<b>--</b>	<b>\$65,214</b>

<sup>1</sup>Hourly wage reflects the June 2016 (seasonally adjusted) average hourly earnings for private nonfarm payrolls, as reported by the U.S. Department of Labor, Bureau of Labor Statistics, Table B-3. "Average hourly and weekly earnings of all employees on private nonfarm payrolls by industry sector, seasonally adjusted" (accessed from the following web site as of September 26, 2016: <http://www.bls.gov/news.release/empsit.t19.htm>).

<sup>2</sup>Hourly wage reflects the May 2015 average hourly earnings for human resources managers, as reported by the U.S. Department of Labor, Bureau of Labor Statistics, Table 1. "National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2015" (accessed from the following web site as of January 11, 2017: <https://www.bls.gov/news.release/ocwage.t01.htm>).

**A.13. Cost Burden to Respondents of Record Keepers**

There are no costs to respondents other than their time, and no recordkeeping is required. There are no capital and start-up costs borne by respondents for this information collection. There are no costs to respondents associated with operation, maintenance, or the purchase of services.

**A.14. Estimate of Cost to the Federal Government**

The estimated annualized cost to the Federal government is \$920,132. The estimated total cost to the Federal government over the 3 year clearance period is \$2,760,396.<sup>7</sup> This cost estimate is comprised of two components:

1. The estimated total cost to the Federal government for the contractor to carry out the tasks for which this justification seeks approval is \$2,702,000. This is comprised of \$378,881 for

<sup>7</sup> Total costs include the full cost of instrument design and data collection activities. Annual costs include the total costs annualized over a three year period.

instrument design and \$2,323,119 for data collection. Annualized over three years, the estimated annual cost is \$900,667.<sup>8</sup>

2. DOL expects the annual level of effort for Federal government technical staff to oversee the contract will require 200 hours for one Washington D.C.-based I GS-14, Step 5 employee earning \$60.83 per hour.<sup>9</sup> To account for fringe benefits and other overhead costs the agency applies a multiplication factor of 1.6. Thus, the estimated annual cost borne by DOL for these duties is \$19,466.<sup>10</sup> The data collection period covered by this justification is three years, so the estimated total cost for performance of these duties is \$58,397.

### A1.5. Change in Burden

This is a new data collection.

### A.16. Plan and Time Schedule for Information Collection, Tabulation and Publication

#### A.16.1 Employee Survey

Consistent with the overall intent and design of the study, data will be analyzed and presented primarily in a descriptive statistical manner, employing cross-tabulations. No complex analytical techniques will be used in assessing these data. Survey results will be weighted to be representative of the U.S. non-institutional population based on figures from the American Community Survey and the Current Population Survey. The analysis team will use SAS to estimate level differences in key outcomes across these subgroups (e.g., FMLA eligible and ineligible employees), reporting confidence intervals and testing for statistical significance. The study team will also supplement these simple weighted comparisons with regression-adjusted comparisons for selected outcomes. See Part B for more detail.

#### A.16.2 Employer Survey

As with the Employee Survey, analysis of the results from the Employer Survey will also rely primarily on descriptive statistics. Again, no complex analytical techniques will be used in assessing these data. Survey results will be weighted to adjust for differential probabilities of selection and nonresponse. The analysis team will use SAS to estimate level differences in key outcomes across these subgroups (e.g., FMLA eligible and ineligible employees), reporting confidence intervals and testing for statistical significance. The study team will also supplement these simple weighted comparisons with regression-adjusted comparisons for selected outcomes. See Part B for more detail.

#### A.16.3 Timeline

CEO is seeking OMB approval beginning October 2017 and ending October 2020. Exhibit 4 presents an overview of the project schedule for data collection, analysis, and publications.

<sup>8</sup>  $(\$378,881 + \$2,323,119) / 3 = \$900,667$

<sup>9</sup> See Office of Personnel Management 2017 Hourly Salary Table:  
[https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/DCB\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/DCB_h.pdf).

<sup>10</sup>  $200 \text{ hours} \times \$60.83 \times 1.6 = \$19,466$

**Exhibit 4. Project Timeline**

Timeline	Activity	Details of Activity
August 2016 – January 2017	Develop and refine surveys	<ul style="list-style-type: none"> <li>• Conduct “listening sessions” with key FMLA stakeholders</li> <li>• Consult with TWG to gather feedback and refine surveys</li> </ul>
February – March 2017	Cognitive testing of surveys	
April – October 2017	Office of Management and Budget (OMB) package under review	
November 2017 – April 2018	Field surveys (assuming OMB clearance obtained by October 31, 2017)	
May 2018 – April 2019	Prepare findings	
April – August 2019	Disseminate findings	<ul style="list-style-type: none"> <li>• Report on survey findings (June 2019 draft, August 2019 final)</li> <li>• Write 3 policy briefs</li> <li>• Draft scholarly journal article (first draft)</li> <li>• Brief DOL and the public</li> <li>• Create public use data file</li> <li>• Conduct public help session on using the public use data file</li> </ul>

**A.17. Reasons Not to Display OMB Expiration Date**

All instruments will display the expiration date for OMB approval.

**A.18. Exceptions of Certification for Paperwork Reduction Act Submissions**

No exceptions are necessary for this information collection

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