

Wage And Hour Division Seeks Comments To Proposed Information Collection For Worker Classification Survey

January 11, 2013 | [Fair Labor Standards Act](#), [Labor And Employment](#)

Earlier this week, the Wage and Hour Division for the Department of Labor (DOL) published a [Request for Comments](#) on its proposed information collection for worker classification survey.

According to the DOL, the purpose of this survey is to “collect information about employment experiences and worker’s knowledge of basic employment laws and rules so as to better understand employees’ experiences with worker misclassification.” The DOL’s collection effort will “gather information about workers’ employment and pay arrangements and will measure workers’ knowledge about their current job classification, and their knowledge of basic rights and benefits associated with their job status.” Included in this survey will be in-depth interviews of employers and employees, which will continue through March 2014.

The DOL considers employee misclassification as “the practice, intended or unintended, of improperly treating a worker who is an employee under the applicable law as in a work status other than an employee (i.e., an independent contractor).” The DOL views misclassification as having a significant adverse impact on the US economy. According to the DOL, if one percent of all employees are misclassified nationally, there is a loss of \$220 million annually in unemployment insurance revenue. Additionally, citing to a GAO report, more than \$2.7 billion per year is unpaid in taxes, including Social Security. Finally, enforcement of misclassification of independent contractors has resulted in the DOL recovering more than \$29 million in back pay for employees for over 29,000 employees since 2009.

The comments must be submitted to the DOL within 60 days from January 8, 2013, or by no later than **March 9, 2013**. Comments may be sent to WHDPRAComments@dol.gov or otherwise delivered to the Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room s-3502, 200 Constitution Avenue, NW, Washington DC 20210.

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