

December 2013. The proposed extension of the Well-being Module will facilitate more robust and in-depth analysis on key topics of interest to the supplement's sponsor: The relationship between evaluative and experienced well-being and the health and well-being of eldercare providers. These topics only can be studied with the 2012 and later data because questions on eldercare and life evaluation were not a part of the ATUS and Well-being Module when the first wave was collected in 2010.

A question on life satisfaction and another that measures respondents' overall emotional experience yesterday were added to the second wave of the Well-being Module which began in January 2012. Additionally, questions to identify eldercare and eldercare activities in the time diary were added to the main ATUS in 2011. The well-being of eldercare providers is of interest to the NIA and policy makers because the elderly population is growing, along with a reliance on informal care providers to assist them. An extension of the collection period for the Well-being Module would provide researchers with two full years of supplementary data for the full Well-being questionnaire and corresponding data on eldercare from the ATUS. Additional data also would facilitate analysis of the well-being of other subpopulations, beyond eldercare providers.

### III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate 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.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*Type of Review:* Extension without change of a currently approved collection.

*Agency:* Bureau of Labor Statistics.  
*Title:* Well-being Supplement to the American Time Use Survey.  
*OMB Number:* 1220-0185.  
*Affected Public:* Individuals or Households.

*Total Respondents:* 6,400.  
*Frequency:* One time.  
*Total Responses:* 6,400.  
*Average Time per Response:* 5 minutes.  
*Estimated Total Burden Hours:* 533 hours.  
*Total Burden Cost (capital/startup):* \$0.  
*Total Burden Cost (operating/maintenance):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 7th day of January 2013.

**Eric Molina,**

*Acting Chief, Division of Management Systems, Bureau of Labor Statistics.*

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## DEPARTMENT OF LABOR

### Wage and Hour Division

#### Proposed Information Collection Request (ICR) for the Worker Classification Survey; Comment Request

**AGENCY:** Wage and Hour Division, Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that required data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Department is soliciting comments concerning its proposal to collect information about employment experiences and workers' knowledge of basic employment laws and rules so as to better understand

employees' experience with worker misclassification. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before March 12, 2013.

**ADDRESSES:** You may submit comments by either one of the following methods: *Email:* WHDPRAComments@dol.gov; *Mail, Hand Delivery, Courier:* Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW., Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number (or other identifier) identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

**FOR FURTHER INFORMATION CONTACT:** Karen Livingston, Director, Division of Strategic Planning and Performance, Wage and Hour Division, 200 Constitution Avenue NW., Frances Perkins Bldg., Room S-3510, Washington, DC, 20210, telephone number (202) 693-0023 (this is not a toll-free number).

#### **SUPPLEMENTARY INFORMATION:**

*Background:* The purpose of this study is to design and administer a new survey to collect information about employment experiences and workers' knowledge of basic employment laws and rules so as to better understand employees' experience with worker misclassification. This is the first time DOL will field a survey to examine worker classification. The survey instrument utilizes and adapts existing survey questions, as well as incorporates new questions specific to this study. The data collection effort with this group will gather information about workers' employment and pay arrangements and will measure workers' knowledge about their current job classification, and their knowledge about the rights and benefits associated with their job status. Worker misclassification can be understood 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). As a result, employees are deprived of their legal wage entitlements, including minimum wage and/or overtime, as well as programs like unemployment insurance and workers' compensation, because such programs generally apply only to "employees" rather than workers in general. Federal labor laws do not require employers to inform workers of their employment status (whether the worker is an employee or not), the basis for their status determinations, or pay (including hours worked, pay rates, and wages paid). As a result, workers may not be prepared for the consequences of misclassification.

Employers who misclassify workers may achieve significant administrative and labor cost reductions, giving them a profound advantage over employers that properly classify their workers as employees. According to one estimate, if only one percent of all employees were misclassified nationally, the loss in overall unemployment insurance revenue due to underreporting would be nearly \$200 million dollars annually.<sup>1</sup> This may be an underestimate; some states report losing between 5 and 20 million dollars annually on unemployment insurance payments alone.<sup>2</sup> The GAO estimates that unpaid taxes total more than \$2.7 billion dollars per year in unpaid Social Security, unemployment insurance, and income tax due to misclassification.<sup>3</sup> A 2000

DOL commissioned study found that 10 to 30 percent of firms audited for state unemployment insurance had one or more of its employees misclassified as independent contractors.<sup>4</sup> Since 2009, Wage and Hour investigators have collected over \$29 million in back wages for over 29,000 employees who were not paid in compliance with federal law because they were misclassified as independent contractors.

This survey will provide critical information to Department policymakers on whether workers have knowledge of their employment classification and whether they understand the implications of their classification status. The primary tasks of the survey include: (1) design and cognitively test survey questions to be used for worker classification survey, (2) develop sampling methodology that will generate nationally representative samples of workers (or as close to nationally representative as possible), (3) conduct in-depth interviews of employers and employer groups to explore employer knowledge, attitudes, and practices around classifying workers, and (4) execute the survey, analyze the data and report the results. The period of performance of this evaluation is 30 months ending in March 2014. The overall budget for the evaluation is \$1,852,029. The evaluation contractor is Abt Associates.

**2. Desired Focus of Comments:** Currently, the Department of Labor is soliciting comments concerning the above data collection. Comments are requested that:

- Evaluate 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;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the information collection on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**3. Current Actions:** Pursuant to the PRA implementing regulations at 5 CFR 1320.8(d)(1), this notice requests comments on the proposed information collection request discussed above in the Background section of this notice. Interested parties are encouraged to provide comments as described in the **ADDRESSES** section above.

*Agency:* Wage and Hour Division.

*Type of Review:* New Collection.

*Title of Collection:* Worker Classification Survey.

*OMB Control Number:* [Insert OMB Control Number].

*Affected Public:* Individuals or households.

*For Worker Survey:*

**Annual hour burden:**

Screeners—17,906 households × 5 minutes each .....	1,492
Extended interview—10,060* × 15 minutes .....	2,515
<b>Total Burden (10,060 respondents) .....</b>	<b>4,007</b>
<hr/>	
Main Survey Annualized cost to respondents: (4,007 hours at \$23.28** per hour) .....	\$93,282
200 Non-response interviews × 5 minutes each .....	16.66
Annualized cost to respondents (16 hours at \$23.28 per hour) .....	\$388
<b>TOTAL ANNUALIZED Cost to Respondents: .....</b>	<b>\$93,670</b>

\* Includes sixty (60) pre-test cases.

\*\* U.S. Department of Labor, Bureau of Labor Statistics, Table B-3. Average hourly and weekly earnings of all employees on private non-farm payrolls by industry sector, seasonally adjusted (accessed from the following website as of January 2012: <http://www.bls.gov/webapps/legacy/cesbt3.htm>).

**In-depth Interviews:**

**Annual hour burden:**

Recruitment (includes calls and review of materials) 100 executives × 15 minutes each .....	25
In-depth interviews—20 @ 60 minutes each .....	20

<sup>1</sup> GAO-09-717 and Planmatics, Inc. Independent Contractors: Prevalence and Implications for Unemployment Insurance Programs. February 2000.

<sup>2</sup> Statement of Seth D. Harris, Deputy Secretary, U.S. DOL, before the Committee on Health,

Education, Labor, and Pensions of the U.S. Senate. June 17, 2010.

<sup>3</sup> GAO-07-859T and Upper Midwest Employment Law Institute, 2010.

<sup>4</sup> GAO-09-717 and Planmatics, Inc. Independent Contractors: Prevalence and Implications for Unemployment Insurance Programs. February 2000.

Total Burden (20 respondents) .....	45
Annualized cost to respondents: (45 hours at \$84.88* per hour) .....	\$3,820
* U.S. Department of Labor, Bureau of Labor Statistics, Table B-3. Average hourly and weekly earnings of all employees on private non-farm payrolls by industry sector, seasonally adjusted (accessed from the following website as of January 2012 ( <a href="http://www.bls.gov/news.release/ocwage.t01.htm">http://www.bls.gov/news.release/ocwage.t01.htm</a> )).	

Comments submitted in response to this request will be summarized and/or included in the request for OMB approval; they will also become a matter of public record.

Signed: at Washington, DC this 8th day of January, 2012.

**Mary Ziegler,**

*Director, Division of Regulations, Legislation, and Interpretations, Wage and Hour Division, U.S. Department of Labor.*

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## NATIONAL CREDIT UNION ADMINISTRATION

### Office of Small Credit Unions (OSCU) Grant Program Access for Credit Unions

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Notice of Funding Opportunity.

**SUMMARY:** The National Credit Union Administration (NCUA) is issuing a Notice of Funding Opportunity (NOFO) to invite eligible credit unions to submit applications for participation in the OSCUI Grant Program (a.k.a. Community Development Revolving Loan Fund (CDRLF)), subject to funding availability. The OSCUI Grant Program serves as a source of financial support, in the form of technical assistance grants, for credit unions serving predominantly low-income members. It also serves as a source of funding to help low-income designated credit unions (LICUs) respond to emergencies arising in their communities.

**DATES:** There will be various application open periods from January 1, 2013 thru December 31, 2013 for different grant initiatives offered throughout the year. For each initiative funds may be exhausted prior to the deadlines, at which time the programs/funds will no longer be available.

**ADDRESSES:** Applications must be submitted online at [www.cybergrants.com/ncua/applications](http://www.cybergrants.com/ncua/applications).

**FOR FURTHER INFORMATION CONTACT:** Further information can be found at [www.ncua.gov/OSCU/grantsandloans](http://www.ncua.gov/OSCU/grantsandloans). For questions email: National Credit Union Administration, Office of Small Credit Union Initiatives at [OSCUAPPS@ncua.gov](mailto:OSCUAPPS@ncua.gov).

## SUPPLEMENTARY INFORMATION:

### I. Description of Funding Opportunity

The purpose of the OSCUI Grant Program is to assist specially designated credit unions in providing basic financial services to their low-income members to stimulate economic activities in their communities. Through the OSCUI Grant Program, NCUA provides financial support in the form of technical assistance grants to LICUs. These funds help improve and expand the availability of financial services to these members. The OSCUI Grant Program also serves as a source of funding to help LICUs respond to emergencies. The Grant Program consists of Congressional appropriations that are administered by OSCUI, an office of the NCUA.

From February 15, 2013 to March, 15, 2013 OSCUI will accept applications from credit unions under the Collaboration Initiative. This initiative will provide up to \$50,000 of funding to a credit union for the most innovative, scalable, replicable and cost-saving collaboration. Under this initiative a single LICU must collaborate with another entity, such as a league, another LICU, a CUSO, and/or a vendor. At least two credit unions must participate in this collaboration.

OSCUI intends to offer additional funding under additional initiatives throughout the year under this NOFO. Additional information about the OSCUI Grant Program, including more details regarding the collaboration initiative, other funding initiatives, amount of funds available, funding priorities, permissible uses of funds, funding limits, deadlines and other pertinent details, are periodically published in NCUA Letters to Credit Unions, in the OSCUI e-newsletter and on the NCUA Web site at [www.ncua.gov/OSCU/GrantsandLoans](http://www.ncua.gov/OSCU/GrantsandLoans).

**A. Program Regulation:** Part 705 of NCUA's regulations implements the OSCUI Grant and Loan Program. 12 CFR 705. A revised Part 705 was published on November 2, 2011. 76 FR 67583. Additional requirements are found at 12 CFR Parts 701 and 741. Applicants should review these regulations in addition to this NOFO. Each capitalized term in this NOFO is more fully defined in the regulations and grant guidelines. For the purposes of this NOFO, an Applicant is a Qualifying Credit Union

that submits a complete Application to NCUA under the OSCUI Grant Program.

**B. Funds Availability:** Congress has not made an appropriation to the OSCUI Grant Program for Fiscal Years 2013-2014. NCUA expects to award the entire amount appropriated under this NOFO. NCUA reserves the right to: (i) Award more or less than the amount appropriated; (ii) fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFO; and (iii) reallocate funds from the amount that is anticipated to be available under this NOFO to other programs, particularly if NCUA determines that the number of awards made under this NOFO is fewer than projected.

### II. Description of Grant Program

OSCUI grants are made to LICUs that meet the requirements in the program regulation and this NOFO, subject to funds availability.

**A. Eligibility Requirements:** The regulations specify the requirements a credit union must meet in order to be eligible to apply for assistance under this NOFO. See 12 CFR 705. A credit union must be a LICU, or equivalent in the case of a Qualifying State-chartered Credit Union, in order to participate in the OSCUI Grant Program.

Requirements for obtaining the designation are found at 12 CFR 701.34.

**B. Permissible Uses of Funds:** NCUA will consider requests for funds consistent with the purpose of the OSCUI Grant Program. 12 CFR 705.1. Per § 705.10 of the regulation permissible uses for the grant fund include: (i) Development of new products or services for members including new or expanded share draft or credit card programs; (ii) Partnership arrangements with community based service organizations or government agencies; (iii) Enhancement and support credit union internal capacity to serve its members and better enable it to provide financial services to the community in which the credit union is located.

NCUA will consider other proposed uses of funds that in its sole discretion it determines are consistent with the purpose of the OSCUI Grant Program, the requirements of the regulations, and this NOFO.

**C. Terms:** The specific terms and conditions governing a grant will be