

Education Committee Report and Supplemental Report

Employee Misclassification Advisory Task Force

This report addresses five (5) non-statutory questions and issues posed to the Education Committee. The Education Committee prioritized, considered issues, and provided the following responses:

1. Whether the task force should develop a Clearing House Operation that can take in complaints and refer matters to the proper agency (i.e. task force website for the public to report unlawful employment practices, tip form, email link, and toll free line (tipster's line)).

The Committee determined that Question #1 should be prioritized as #1. Examples of website information from other states were reviewed and Maine's website was chosen to form a base for Tennessee's website. The Committee was given permission by Maine to use its copyrighted material and used it as the basis for the materials on the Tennessee website.

The website may be viewed at <http://www.tn.gov/labor-wfd/EMEEF/>

The Committee determined that the educational materials would be produced first in English and Spanish then later expanded to other Title VI languages.

The website, printed materials and advertising campaign will include factors to determine if a person is an "employee" or an "independent contractor". The public awareness campaign will be accomplished by means of billboards, posters, brochures (printed in house by the Department of General Services) or downloaded from the website. A tri-fold brochure will be prepared and available in the future.

The Committee decided that the website information would include a toll free number for reporting potential misclassification complaints and a "tip form" addressing content and formatting requirements. The Committee discussed the anonymity issue. In an effort to prevent employees from failing to report fraud due to fear of retaliation, it was determined that the "tip form" be in an HTML format, which would be forwarded to the appropriate program and would provide for an anonymous referral as opposed to a PDF document. Confidentiality of reported information will thereby be maintained.

2. Whether there should be legislation requiring high schools (post high school) to provide mandatory training to students on employee rights and responsibilities.

The Committee decided that legislation for mandatory training was not a priority at this time.

3. Whether the TN Department of Labor and Workforce Development should offer training classes to employees, employers and various other groups as to employee rights and responsibilities.

See Question # 4.

4. Whether a video or public service announcement should be created.

Questions #3 and #4 were combined and placed second (2nd) on the priority list. The Committee preferred "education" regarding misclassification over "training". Educational forums are already provided by the Department of Labor and Workforce Development. Information can also be distributed by investigators to county offices which have particular knowledge of ongoing construction projects. The committee suggested the use of informational webinars using video and Power Point presentations. These are available at the cost of \$220 each. A brief video panel discussion with a question and answer session targeted at Employees and Employers is preferred. Material must be created at a language level no higher than sixth grade. An alternate plan would be a webinar which could be offered on YouTube.

5. Whether the task force should engage in community outreach to educate the public as to unlawful employment practices through electronic media task force website (i.e. billboards, radio and television broadcast).

The Committee decided that because Public Service Announcements (PSA's) rarely make it to airtime other than at 3:00 in the morning, and require star power or money for better placement, they are not an effective outreach method. However, Spanish radio stations are an effective mechanism for reaching the Spanish speaking population and have been used by the State to provide public service information through announcements or interviews.

The Committee produced the following proposed budget for the task force. These numbers reflect the cost of a public awareness campaign regarding employees' rights and employers' responsibilities.

Production Budget

Client: State of TN – EMATF

Project: Public Awareness Campaign

Title: Employment Rights & Responsibilities Awareness

Estimate Date: 11/11/11

Planning and Research	10,000
Strategy and Creative	35,000
Radio	25,000
TV	50,000
Cable	35,000
TV Production	25,000
Billboards	20,000
Direct Mail	20,000
Brochures	15,000
Posters	10,000
Print Production	10,000
Coupons (Grocery)	5,000
Telemarketing	15,000
Newspaper	15,000
Public Access Videos	7,000
Web Videos	15,000
Media Coordination	25,000
Evaluation	14,000

Total: \$351,000

Since the December meeting, and upon advice of the Task Force, several additional (smaller) budgets have been prepared in addition to the cost proposals. Budgets B, C and D follow in descending order according to cost.

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Budget B (also attached on letterhead form)

Production Budget

Client: State of TN – EMATF

Project: Public Awareness Campaign

Title: Employment Rights & Responsibilities Awareness

Estimate Date: 12/6/11

Planning and Research	5,000
Strategy and Creative	25,000
Radio	25,000
TV	50,000
Cable	35,000
TV Production	25,000
Direct Mail	10,000
Brochures	15,000
Posters	10,000
Print Production	10,000
Telemarketing	15,000
Newspaper	15,000
Media Coordination	15,000
Evaluation	5,000

Total: \$260,000

Budget C (also attached on letterhead form)

Production Budget

Client: State of TN – EMATF

Project: Public Awareness Campaign

Title: Employment Rights & Responsibilities Awareness

Estimate Date: 12/6/11

Planning and Research	5,000
Strategy and Creative	5,000
Radio	25,000
TV	50,000
Cable	35,000
TV Production	25,000
Direct Mail	10,000
Print Production	10,000
Telemarketing	15,000

Total: \$180,000

Budget D

Production Budget

Client: State of TN – EMATF

Project: Public Awareness Campaign

Title: Employment Rights & Responsibilities Awareness

Estimate Date: 12/6/11

Strategy and Creative	5,000
Cable	35,000
TV Production	20,000
Direct Mail	10,000
Print Production	10,000
Telemarketing	15,000

Total: \$95,000

Members of the Education Committee:

Lynn Ivanick, Chair

Mary Griffin

Jeff Hentschel

Kathy Collier

Jeanie L. Talton