Employee Pulse Surveys
How to Administer Pulse Surveys

Phillip B. Wilson
LRI Management Services, Inc.
Broken Arrow, Oklahoma
Employee Pulse Surveys
How to Administer, Communicate and Effectively Respond to Pulse Surveys

“Where an opinion is general, it is usually correct.”
Jane Austen, Mansfield Park

What You’ll Learn In This Book

- Why use an employee pulse survey?
- How to administer a survey to overcome potential administration errors
- Legal issues regarding the conduct of opinion surveys

Why Use a Pulse Survey?
One of the critical elements to a positive workplace is the degree of satisfaction and loyalty that employees have for their employer. It is difficult to subjectively assess these attitudes, and even the perceptions of front line supervisors who work day to day with the employees are often different from the actual attitudes of those under their supervision.

The pulse survey is based on definitive research in the field of customer brand loyalty, and revolves around the concept of “net promoter score.” In the retail environment, customer loyalty to a company’s product brand has been found to be the strongest single indicator of company growth. Those who would willingly refer their friends and family members to the products are called promoters, and those who would counsel their friends and family against such products are called detractors. The “net promoter score” is a ratio between promoters and detractors.

The same application has been proven to exist in the work environment, measuring the attitudes of employees about their degree of loyalty and satisfaction with the company. Those who would easily recommend the company as a place for their friends and family to work are promoters, and those who would counsel against working at the company are detractors. The “net promoter score” in this context has been found to have a direct and strong correlation to the vulnerability of the company to third party intervention, such as a union organizing campaign.

Tips on designing an effective opinion survey
The survey format that you will be using is called “anonymous forced response.” A sample of the pulse survey form can be found in Appendix 1 at the back of this manual. The anonymous forced response survey is a form containing various statements regarding your work environment. Respondents are forced to mark their degree of agreement or disagreement with the statements.

A strong advantage of this type of survey is its anonymity. The survey can be administered in such a way that members of management are precluded from seeing the actual survey questionnaires filled out by employees. This promise of anonymity helps some employees overcome the fear of negative job implications for answering questions honestly. As a result, most employees feel that they can be more candid in this type of survey.

It is important to note that even this type of survey can have skewed results. For example, in a
unit where a group of employees conspire to answer all questions negatively or positively, the results obviously will be inaccurate. This problem is not unique to the anonymous forced response survey, but it can more difficult to detect.

Open-ended questions are another good thing to add to forced response surveys. This provides a method to voice issues not covered in the forced response section, or for clarification of answers to that section.

**Constructing The Survey**

We typically ask statements in a “Likert-type” scale (each statement is ranked from 1 to 7, 1 being most disagreement and 7 being most agreement). In this way we avoid the wording of one statement skewing the survey results. The scores on the three questions are then combined for the actual score.

We carefully construct the wording of our surveys. Statements must not be vague or subject to varied interpretations. They should cover observable behavior as opposed to thoughts or motives. Since the Likert-type scale is designed to capture degree of agreement or disagreement, it is better to word questions directly and mildly positive or negative (“My immediate supervisor treats workers consistently” is better than “Managers usually treat workers well”).

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1 There is some debate in the academic literature regarding the validity of using various numbers of response categories in a Likert-type scale (i.e. 5, 7, 9 or more responses). Cf. Paul Kline, Handbook of Psychological Testing 189 (2d ed. 2000) (7-point scale is most reliable) with Lewis R. Aiken, Rating Scales & Checklists 238 (1996) (5-point scale best, although 7-point scale may be best where range of attitudes are small). We prefer the 7-item scale for employee attitude measurement.


3 See Clark Equipment Company, 278 NLRB 498, 516 (1986); Ben Franklin Division of City Products Corporation, 251 NLRB 1512, 1518 (1971).
Administering Your Survey

Administering Opinion Surveys
Make sure you read the following instructions carefully, prior to administering the first group of surveys. There are a number of administration issues that can skew survey results. For example, where management retaliation is an issue, less candid results are obtained if a management employee administers or gathers the completed surveys. Another important factor is to administer the survey to groups of employees in as similar circumstances as possible. For example, large time gaps between survey administration periods can alter results markedly. We recommend that companies conduct surveys in small blocks of time, no longer than a week.

It is very important for these instructions to be followed exactly. Survey conditions should be as similar for each group taking the survey as is possible. Following these instructions will help to ensure that the results accurately reflect the attitudes of your workforce.

Announce the Survey
About a week before actually administering the survey, announce that your company is going to conduct the survey. Use a memo along the lines of the following:

November 11, 2011

To: All Employees
From: Your Name
Subject: Employee Opinion Survey

I am pleased to announce that during the week of _______ we will be conducting an Employee Opinion Survey at all ____ locations. The purpose of the survey is to get your honest opinion about some key issues relative to your job here at ____.

The survey will be conducted by an outside company who conducts surveys like this for organizations throughout the United States. No member of management will ever see your completed survey form.

The survey is completely confidential. The survey form does not ask for your name or any other type of personal identification. After all forms have been completed, they are sent to our outside consultants for processing and evaluation.

Our survey consultants will prepare a comprehensive report that summarizes your collective responses. Shortly after they give us this report we will share the results with you. Then, working with you, we will develop a plan to improve our weaknesses and build on our strengths to make ____ an even better place to work.

Organization Identification and Sub-group Selection
Normally your organization’s department and sub-group identification information will be printed on the survey (if using pen & paper surveys), or will come after the survey questions (if taking the survey online).

Immediately following the introductory paragraphs, you will find a place for pre-printed designations (like department, shift or plant location). Before administering the survey, you must decide how you want the survey group sub-divided. Your survey report will contain one set of graphs for the entire survey group, plus additional sets of graphs for up to three of the sub-groups you select. This allows you to examine the responses of the sub-groups and compare those responses with the total survey group.

Most organizations select sub-groups according to Shift, Job Classifications, Department, Length of Service, etc. Select any three sub-groups that are most appropriate for your organization; you are encouraged to determine these in conjunction with your LRI Advisor.

This information will be pre-printed on your survey form. Instruct participants to circle/select the sub-groups which apply. Make sure each group is told which sub-groups apply to which positions so every participant knows what group they should circle. Also, make sure participants know to designate only one sub-group per category (only one department, only one shift).

Administration
Some organizations believe that participant responses will be more honest if an outside third party administers the survey and mails the completed forms back to LRI without any member of management seeing or even touching the forms. If you feel that your survey would benefit from administration by an outside source, you may contact a local minister, attorney, judge or any other person who the survey group would believe insures total anonymity of the responses. Some clients have a member of the survey group handle the administration and mailing, thereby assuring employees that management will never see their responses.

Please note that the only duty of the administrator is to read the instructions to the participants and collect and mail the completed forms to LRI. The only reason to have an outside administrator is to provide the assurance of total confidentiality.

Administrator’s Instructions to Participants
If your survey will be conducted in two or more sessions, it is helpful if the instructions to participants are exactly the same or as close to exactly the same as possible. We suggest that you write out the instructions and have the survey administrator read the instructions to each group of participants. The survey should be administered to each employee group with as little time between as possible to avoid the sharing of responses or changes in conditions which would impact the survey results. Here is an example of survey instructions:

*Today, we are asking you to take a few minutes to participate in an opinion survey. The results of this survey will allow us to learn exactly what you as a group think and feel about a few important issues concerning your work environment. This will allow management to consider your collective opinions when making decisions. Your responses to this survey are completely confidential. Please do not sign the survey form. After I give you a few instructions, please complete the survey and*
place your completed form in the envelope located ____. After everyone has completed the survey, I will seal the envelope and mail it to our outside survey consulting firm for statistical analysis. Remember that the survey forms are anonymous and your answers are totally confidential. No member of management will ever see your completed survey form or know how you respond. This company will compile your responses and make a report detailing the collective responses of everyone who participates. After we receive this report, we will share the results with you. To begin, please read the top paragraphs of the form.

[Allow enough time for everyone to read the paragraphs, or, if you prefer, read the paragraphs aloud.]

In the middle of the page you will see an area where you can select your location, department or other information. This is used by the survey consultants to analyze whether particular work groups feel significantly different about work issues than the general population. Remember that your individual identity is completely anonymous and that our survey consultants do not report back information to us on groups with fewer than 10 respondents.

Please find the department in which you work and circle it. If you have a question about your department, or feel you could fit into more than one designation, pick the one which most closely matches your job or in which you spend the most time. Circle any other demographic information that applies (discuss specific demographic designations as appropriate). Again, if you work on more than one area, circle the one on which you've worked the most in the last few months.

Now, read the sample survey statement. Do not turn the page until everyone has finished reading.

[Allow enough time for everyone to read the sample survey statement.]

Does anyone have any questions about how to complete the survey form?

[Answer any questions.]

Place your completed survey in the envelope located _____ and return to work. All right, begin.

After all of the surveys have been completed, the administrator should seal the envelope containing the completed survey forms and mail it to LRI via your preferred mailing service. Sealing the envelope in front of the survey participants can reassure employees that their responses will remain confidential. Sometimes companies will have an hourly employee survey participant put the survey forms in the envelope and mail them. Again, the key is to make sure employees are certain that the survey forms are kept confidential. LRI will provide return mailing labels upon request.
There are a number of legal considerations when planning an opinion survey. These fall into one of two categories. First, there are a number of National Labor Relations Board (“the Board” or “NLRB” hereafter) decisions regarding the use of opinion surveys. The second area of concern is in responding to complaints of discrimination or safety violations that come up on the survey. Failure to respond to these issues can lead to potential liability under Title VII of the Civil Rights Act of 1964 or under the Occupational Safety and Health Act.

The NLRB has held in some circumstances that employee opinion surveys can violate the National Labor Relations Act (“the Act” or “NLRA” hereafter). These decisions center on the Board’s interpretation of Section 8(a)(1) of the Act, which has been interpreted over the years as prohibiting the solicitation of grievances by management during union organizing activity.

Section 8(a)(1) of the NLRA provides that “it shall be an unfair labor practice for an employer to interfere with, restrain or coerce employees in the exercise of rights guaranteed in section 7.” This section (as interpreted through Board decisions) prohibits employers from soliciting grievances where a purpose of such solicitation is to induce employees to reject a union as their collective bargaining agent. 3

The Board will inquire into both the wording of the survey instrument as well as related comments made by representatives of management to determine whether either an express or implied promise of benefit is made to employees.4 Perhaps the best expression of this doctrine was made in the Board’s decision in \textit{Uarco Incorporated}, 216 NLRB 1, 1-2 (1974) where it stated:

\ldots it is not the solicitation of grievances itself that is coercive and violative of Section 8(a)(1), but the promise to correct grievances or a concurrent interrogation or polling about union sympathies that is unlawful; the solicitation of grievances merely raises an inference that the employer is making such a promise, which inference is rebuttable by the employer.

Depending on the factual circumstances, the NLRB has held that some employee opinion surveys violate section 8(a)(1) as solicitations of grievances, while others do not. 5 The Board relies on a number of factors when determining whether a survey violates the prohibition on soliciting grievances, including the existence of union activity, the types of questions asked,

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3 See \textit{Clark Equipment Company}, 278 NLRB 498, 516 (1986); \textit{Ben Franklin Division of City Products Corporation}, 251 NLRB 1512, 1518 (1971).
4 See \textit{Clark Equipment}, 278 NLRB at 517.
5 Cf. \textit{Grove Valve and Regulator Company}, 262 NLRB 285 (1982) (opinion survey lawful where prior survey conducted in same unit absent union activity and questionnaire stated three times that survey does not imply changes in wages, benefits or work conditions) and \textit{Leland Stanford Jr. University}, 240 NLRB 1138 (1978) (survey lawful where, although administered in pre-election context, no active campaigning occurred during the period before or after the survey and no election was scheduled or imminent) and \textit{Clark Equipment}, 278 NLRB 498 (1986) (survey lawful where conducted 11 months after election and during time where there was no special union activity) with \textit{Mid-State Distributing Company}, 276 NLRB 1511 (1985) (survey unlawful where no surveys were ever conducted prior to union organizing activity, and where employees were told during meetings that the problems that came up during the survey would be addressed by the company) and \textit{Ben Franklin}, 251 NLRB 1512 (1971) (opinion survey unlawful where first formal survey conducted during midst of very active organizing campaign and where employer quickly made changes in wages, benefits and work conditions in response to survey) and \textit{Tom Wood Pontiac, Inc.}, 179 NLRB 581 (1969), \textit{enfd.}, 447 F.2d 383 (7th Cir. 1971) (survey unlawful where conducted one week after stipulated election agreement and survey organizer repeatedly discussed correcting issues that came out of survey).
whether participants are anonymous, whether the company has conducted surveys in the past, whether issues brought up in the survey are corrected and the timing of the survey.6

In Clark Equipment Company a union election was first held in February of 1978, in which the union lost. The union objected to the first election and the NLRB, agreeing with the union objections, set aside the election and directed a second election. A second election was conducted in July of 1979, and the union lost again. Once again the union filed objections to the election. In May of 1980, while the NLRB considered the objections to the second election, the company announced and conducted a survey by distributing a questionnaire to all employees in its manufacturing operation.

The survey questionnaire was not the first survey conducted by the employer, who had earlier surveyed randomly selected groups of employees and on a separate occasion surveyed its supervisors. However, these earlier surveys were substantially different than the survey distributed in 1980.

The survey asked about policies and procedures, whether the company was a good place to work and whether employee complaints received attention. It also contained an open-ended question asking what employees would change about the company. The employer asserted that the survey was confidential, but employees were asked to reveal their department, work shift, sex and length of employment. The union filed an unfair labor practice charge alleging that the survey violated section 8(a)(1) of the Act.

The NLRB ruled that the survey did not violate the Act. The Board found that the survey, conducted 11 months after the second election and at a time when no “special union activity” was under way, did not unlawfully solicit grievances.7 They ruled the survey lawful in spite of the conclusion that the survey could identify individual employee opinions on questions that could readily disclose employees’ union sentiments.8

In Ben Franklin, the employer opened a distribution center in 1978 and union activity began almost immediately after the facility opened. In April of 1979, the union filed a petition to represent the employees of the facility, with an election scheduled for July 13. On June 6, the employer announced an employee opinion survey and asked employees to complete a survey form. One employee asked whether the surveys were being conducted because of the union activity and was told no and that surveys were common. The employer testified that, while informal surveys of a sampling of employees were common at other facilities, they decided to conduct a more formal survey using a questionnaire at this facility.

Follow-up meetings were conducted later in June, where the survey results were communicated to employees. The employer representative explained that the survey showed that communication between employees and supervisors needed improvement, and that there were questions about benefits and about wages. Employees were told during the meeting that the company would train the supervisors and that they would learn about wages in July. In early

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6 See e.g. Clark Equipment Company, 278 NLRB 498, 516 (1986); Ben Franklin, 251 NLRB 1512, 1518 (1971).
7 Clark Equipment, 278 NLRB at 517.
8 Id.

9 Employee Pulse Surveys
July the company announced pay increases to go into effect over the next year. Insurance plans were also explained.

The Board held that the conduct of the opinion survey violated section 8(a)(1) of the Act. Among the critical factors noted in the decision were that the survey did not follow the same pattern as other surveys, the survey occurred during the middle of a very active organizing effort and that the employer made improvements in wages and work conditions as a result of the survey.9

Holding individual or very small group meetings with employees can, under certain circumstances, also run afoul of the Act’s protections. A number of Board decisions have found that, when an employee meeting occurs at a time, place or with personnel such that the employee may feel threatened or intimidated, the employer has engaged in unlawful interrogation under the Act.10 The Board will examine all the surrounding circumstances when determining whether an employer’s meeting was conducted in such a manner as to be threatening to the employee.11

In order to avoid problems with individual meetings, it is suggested that employer’s begin these meetings by reassuring employees under the guidelines established in the Board’s Johnnie’s Poultry decision.12 These safeguards were articulated in the context of questioning an employee regarding the investigation of an unfair labor practice charge. Nevertheless they are considered persuasive by the NLRB.13

The Johnnie’s Poultry safeguards are as follows: (1) The purpose of the questioning must be communicated to the employee. (2) An assurance of no reprisal must be given. (3) The employee’s participation must be obtained on a voluntary basis. (4) The questioning must take place in an atmosphere free from union animus. (5) The questioning itself must not be coercive in nature. (6) The questions must be relevant to the issues involved in the complaint. (7) The employee’s subjective state of mind must not be probed. (8) The questions must not “otherwise interfere with the statutory rights of employees.”14 Explaining these issues to an employee prior to an individual meeting should provide a significant measure of protection to any potential unfair labor practice charge.

Another legal consideration regards complaints of discrimination. Employers have an obligation under Title VII of the Civil Rights Act of 1964 to avoid discrimination on the basis of race, color, religion, sex or national origin.15 Other statutes prohibit discrimination based on age and disability.16

9 Ben Franklin, 251 NLRB at 1519.
10 See e.g. Huntsville Mfg. Co. 211 NLRB 54 (1974), enforcement denied, 514 F.2d 723 (5th Cir. 1972) (threat interfered election even though only one percent of employees threatened; enforcement denied due to union losing election by large majority); Super Thrift Markets, 233 NLRB 409 (1977).
11 See Blue Flash Express, 109 NLRB 591 (1954).
12 Johnnie’s Poultry Co., 146 NLRB 770 (1964), enforcement denied, 344 F.2d 617 (8th Cir. 1965) (denied on the basis that factual determinations not based on substantial evidence, did not express disagreement with the legal standards identified).
13 The Board will quickly find an employer has violated 8(a)(1) if the safeguards are not followed in the context of questioning an employee regarding an unfair labor practice trial. See e.g. Kyle & Stephen, Inc. 259 NLRB 731 (1981).
14 Id.
15 42 U.S.C. § 2000e et seq.
An employer who is made aware of discrimination or harassment based on a protected characteristic has an affirmative obligation to investigate and deal with those concerns. Therefore, an employer who learns of discrimination based on a protected characteristic during an employee opinion survey must promptly conduct a thorough investigation of that claim and carefully document its investigation and any action taken.

Another potential issue regards complaints of safety problems. Employers are obligated under the “general duty clause” of the Occupational Safety and Health Act to provide a workplace “free from recognized hazards that are likely to cause death or serious physical harm” to employees. An employer who has knowledge of a preventable hazard and fails to correct it violates this obligation and is liable under the Act. Therefore an employer who learns of a dangerous condition through an employee opinion survey is obligated under the general duty clause to make the workplace free from that condition.

Employee opinion surveys are not a panacea. Like any other employee relations tool, the survey must be part of a comprehensive employee relations strategy. Nevertheless, opinion surveys can form the backbone of a highly effective employee relations program. Surveys publicly demonstrate management’s commitment to employee communication. They help pinpoint problem areas for attack, and they give companies an effective means of objectively judging the progress (or lack of progress) made on employee relations issues.

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17 See e.g. Burlington Industries v. Ellerth, 524 U.S. 742 (1998)(one factor considered in employer affirmative defense to sex harassment cases is prompt investigation of claims); Farragher v. City of Boca Raton, 524 U.S. 775 (1998)(prompt investigation of claims is one factor considered in employer affirmative defense to sex harassment cases); Montero v. AGCO Corp., 80 FEP Cases 1658 (9th Cir. 1999)(no claim for sex harassment under Title VII due to fact that employer promptly investigated and took action within 11 days of initial complaint).
19 See e.g. Pratt & Whitney Aircraft v. Secretary of Labor, 649 F.2d 96 (2nd Cir. 1981)(dangerous potential of condition must be actually known or generally recognized before employer is liable for violation of general duty obligation).
Appendix: Pulse Survey Statements

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly Disagree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. I would recommend the company as a great place to work.</td>
<td>1 2 3 4 5 6 7</td>
<td></td>
</tr>
<tr>
<td>2. If I had to do it over again, I would still go to work here.</td>
<td>1 2 3 4 5 6 7</td>
<td></td>
</tr>
<tr>
<td>3. When I tell others about where I work, my comments are always positive.</td>
<td>1 2 3 4 5 6 7</td>
<td></td>
</tr>
</tbody>
</table>

The thing I like most about my job is:

The thing I like least about my job is: