

Medical Transcription Services: The Use of Independent Contractors.

by

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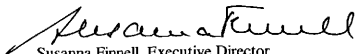
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## Abstract

### **Medical Transcription Services: The Use of Independent Contractors.**

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Medical transcription is the act of transferring a patient's medical history and treatment form oral to written form. Medical transcription services focus on providing medical transcription to a variety of medical specialists. At this time, there has been very little research performed on any aspect of the medical transcription industry.

The work force of medical transcription services can consist of employees or independent contractors. This study will examine the use of independent contractors in medical transcription services. Specifically, this study will seek to determine why transcriptionists decide to work as independent contractors, the problems these transcriptionists face, and the problems medical transcription service owners encounter when they use independent contractors.

Toward this end, I have surveyed medical transcriptionists working as independent contractors and medical transcription service owners who utilize independent contractors. These surveys are qualitative in design in an effort to obtain detailed responses from the participants. The results of these surveys will contribute to the discovery of the environmental and situational factors transcriptionists working as independent contractors face. This discovery can lead to an understanding of the factors that motivate these transcriptionists. Knowing the factors that motivate these independent contractors can contribute to increased job satisfaction and performance level if a company can develop managerial practices that raise worker motivation.

## **Introduction**

Medical transcription is the act of translating the record of a patient's medical history and treatment from oral to printed form. This usually means that a doctor will record what he or she wants a document to say on a tape or through a call-in dictation machine. Medical transcriptionists will then take the work that a doctor has dictated, type this work up, and deliver the printed document back to the doctor's office.

Medical transcription services focus on producing medical transcription work for a variety of medical specialties. This work may come from single doctor practices, partnerships, clinics, hospitals, or various other sources. Medical transcription services can either employ medical transcriptionists to produce the work or subcontract the work to independent contractors.

This study will focus only on the medical transcriptionists who work as independent contractors. In general, these independent contractors are telecommuters who modem or email their work to a central location. Telecommuters are individuals who remain at home at least one day per month during normal business hours (Miller 1995). This means that they may experience many of the same concerns as telecommuters in other fields. However, the purpose of this study is to identify the specific issues facing medical transcriptionists working as independent contractors.

Currently, the only way an entrepreneur interested in starting a medical transcription service can acquire information on the utilization of independent contractors by medical transcription services is to actually contact these services themselves. Unfortunately, these medical transcription services are highly unlikely to give tips to potential competition. Therefore, this study will seek to fill in the information gap.

## Purpose of Study

So far there has been little research done in the medical transcription field. As a result, this exploratory study seeks to identify the issues facing medical transcriptionists working as independent contractors and medical transcription service owners who hire independent contractors. These issues include what they like about their job and what problems they encounter in their job. The identification of these issues may contribute to a basic understanding of what motivates these independent contractors and, in the process, benefit the organization as a whole. According to Brief, there may be some changes in the motivational bases of work when the work is shifted to an individual's home (Brief 1985). Since many medical transcriptionists who work as independent contractors work from their homes, motivational differences need to be recognized and dealt with if they exist.

## Problem Statement

The purpose of this study is to examine the use of independent contractors in medical transcription services. This study will seek to address the following research questions:

1. Why do medical transcriptionists decide to work as independent contractors?
2. What problems do medical transcriptionists working as independent contractors face?
3. What problems do medical transcription service owners encounter when they use independent contractors?

## Significance of the Study

Whenever a medical transcription service is created, the service owner must decide what method of production to incorporate. The service owner has two basic means of production: he can either employ medical transcriptionists or subcontract their work to independent contractors. The method that is chosen can have a variety of implications on how the organization manages its work force. These implications include the methods that service owners decide to use in motivating their work force.

According to Litwin and Stringer, motivation studies in the past have displayed the significance of situational and environmental factors in selecting motivation (Litwin and Stringer 1968). In other words, different climates encourage the occurrence of different types of motivation (Litwin and Stringer 1968). The kind of motivation a person experiences generates specific attitudes that determine how a person relates to others (Litwin and Stringer 1968). In addition, job satisfaction and performance level are strongly influenced by the type of motivation experienced by an individual (Litwin and Stringer 1968). As a result, "[e]ffective management depends upon an understanding of human motivation that goes beyond the 'common sense' conventional wisdom" (Litwin and Stringer 1968). Chung states that "motivation is considered the key to individual well-being and organizational success" (Chung 1977).

Since transcriptionists who work as independent contractors may experience different environmental and situational factors than transcriptionists working as employees, the types of motivation that occur will probably differ according to whether the transcriptionist is an

independent contractor or an employee. However, independent contractors in the medical transcription field and telecommuters will probably share many of the same environmental and situational factors. Therefore, in order for an organization to maximize job satisfaction and performance level, the organization must first seek to understand what types of motivation its work force experience. This study attempts to discover the environmental and situational factors transcriptionists working as independent contractors face. Once a company knows what environmental and situational factors are important to their work force, effective programs and management techniques can be developed to increase worker motivation. Performance feedback, reward systems, and punishment are just a few of the programs and management techniques that can be modified or developed to increase worker motivation. Litwin and Stringer state that "[m]anagement practices should be based on systematic knowledge about motivational practices" (Litwin and Stringer 1968). Ideally, this study can aid transcription services in developing the appropriate programs and management techniques that will increase worker motivation and, as a result, increase job performance and job satisfaction.

## Literature Review

This study will look at the utilization of independent contractors in medical transcription services. The purpose of this examination is to discover why medical transcriptionists become independent contractors, the problems they face, and the difficulties medical transcription service owners encounter when using independent contractors. As a result, the subjects of this research are medical transcriptionists who work as independent contractors and medical transcription service owners. The difference between independent contractors and employees is an important distinction to make. As independent contractors, the transcriptionists participating in this study exhibit the traits necessary to meet the definition of telecommuters. Telecommuters are individuals that work at home at least one day per month during regular working hours (Miller 1995). Consequently, the difference between independent contractors and employees will be discussed as well as the definition of telecommuting and the problems telecommuters face.

In general, independent contractors are only responsible for the end results of their efforts, whereas employees are also held accountable for how the end results are accomplished (Stalnaker 1993). For example, a transcriptionist who is an independent contractor is assigned work that is due at a certain time. As long as the work is completed at the assigned time and is of an acceptable quality, his responsibilities have been fulfilled. On the other hand, an employee may be told to follow certain procedures in his efforts to complete the work. For example, a transcriptionist who is an employee may be told whose dictation to type first and what to do if an unfamiliar word appears in the dictation.

Independent contractors are legally distinguished from employees through the examination of a variety of factors. Some of these factors include whether a company supplies an individual

with the tools necessary to complete the task assigned to him, if the individual is free to take on work from other firms, and if the individual has the option of rejecting a task. This being said, the factors examined and the weight given to each factor may vary depending on the specific situation, what government agency is doing the classification, and whether a court is classifying the individual instead of a government agency. However, government agencies and courts tend to examine many of the same factors. As a result, the factors examined by the courts and the Internal Revenue Service (IRS) will be discussed. These institutions cover most of the factors considered relevant in determining independent contractor status. In addition, the courts and the IRS are the institutions a company is most likely to encounter if a situation were to occur that casts some doubt about whether an individual is an independent contractor or an employee.

The following is a summary of the items considered when determining a worker's status as stated in The Restatement of Agency 2d (Stalnaker 1993). The Restatement of Agency 2d was created by legal scholars who have analyzed the common law on this issue and had their findings published by the American Law Institute (Stalnaker 1993). The factors listed below are a summary of the court's stand on what constitutes an independent contractor. These factors show up repeatedly in tests used by the courts, state agencies administering workers' compensation laws and collecting taxes, the Department of Labor, the National Relations Board, and the IRS (Stalnaker 1993). It is important to not, these factors are subjective and used only as a general guideline rather than a checklist that must be strictly adhered to in order for a person to be classified as an independent contractor (Stalnaker 1993).



### **The Common Law Test**

1. The extent of control that the firm may exercise over the details of the work.
  2. Whether the worker is engaged in a distinct occupation or business.
  3. The kind of occupation, with reference to whether, in the locality, the work is usually done under the direction of the firm or by a specialist without supervision.
  4. The skill required in the particular occupation.
  5. Whether the firm or the worker supplies the instruments, tools, and place of work for the person doing the work.
  6. The length of time the work will take.
  7. The method of payment, whether by the time or by the job.
  8. Whether the work is part of the regular business of the firm.
1. Whether the parties believe they are creating an employment relationship or an independent contractor relationship (Stalnaker 1993).

The following court case demonstrates how these factors are applied in a court of law. In 1992, the United States of Appeals for the Tenth Circuit ruled on Oestman versus National Farmers Union Insurance Company (Jentz, Miller, and Cross 1996). Elmer Oestman had a contract with National Farmers Union Insurance Company to work as an insurance agent (Jentz, Miller, and Cross 1996). This contract provided that Oestman would act solely as an independent contractor (Jentz, Miller, and Cross 1996). The contract specifically stated that Oestman was not

an employee and that the contents of the contract should not be used to demonstrate that Oestman was an employee (Jentz, Miller, and Cross 1996). The wording of the contract fulfilled the item nine requirement that an individual needs to believe he is creating an independent contractor relationship.

While National Farmers Union Insurance Company utilized Oestman's services, they did not pay or withhold Social Security or income taxes for Oestman (Jentz, Miller, and Cross 1996). Moreover, Oestman filed his taxes as a self-employed individual and received his pay on a commission basis (Jentz, Miller, and Cross 1996). Being paid on a commission basis relates to item seven of the common law test. Oestman's compensation by commission, as opposed to by hour, suggests an independent contractor relationship. Oestman also made all the hiring and firing decisions for his staff, set his and his staff's working hours, supplied transportation and office equipment for himself, and accepted all of the expenses he accumulated in selling insurance (Jentz, Miller, and Cross 1996). Consequently, Oestman exercised a great deal of control over the details of his work with little, if any, supervision on the part of National Farmers. He also provided the equipment necessary to successfully complete his assignment. These activities relate to items one, three, and five of the common law test, and they all point to independent contractor status.

However, when Oestman was informed that his services were no longer needed, Oestman sued National Farmers Union Insurance Company for violating the Age Discrimination in Employment Act (ADEA) of 1967 in a federal district court (Jentz, Miller, and Cross 1996). Since the ADEA only applies to employer-employee relationships, the federal court ruled that Oestman was an independent contractor and, therefore, could not sue because of age discrimination (Jentz, Miller, and Cross 1996). Oestman appealed this decision to the U.S. Court

of Appeals for the Tenth Circuit (Jentz, Miller, and Cross 1996). This Court of Appeals affirmed the trial court's decision since it agreed with the trial court's assessment of Oestman as an independent contractor (Jentz, Miller, and Cross 1996). According to the court, a major factor in determining whether a person is an employee or an independent contractor is "whether the employer [has] a right to control the 'means and manner' of the worker's performance," again items one, three, and five of the common law test (Jentz, Miller, and Cross 1996). Since Oestman's performance while working for National Farmers Union Insurance Company had very few restrictions, the court ruled that Oestman was an independent contractor even though there were some portions of his work that, taken individually, could be construed as constructing an employee/employer relationship (Jentz, Miller, and Cross 1996). The various aspects of this work combined produce an employer/independent contractor relationship (Jentz, Miller, and Cross 1996).

While the common law test of what constitutes an independent contractor is certainly legal and valid, this test is not the only way to determine if an individual is an independent contractor. For example, the Revenue Ruling 87-41 issued by the IRS in 1987, defines elements of an independent contractor. This ruling outlines twenty factors through which the IRS classifies workers as being independent contractors or employees. These factors are generally described as being a "series of weights on a scale with the heaviness of each factor determined by the particular circumstances of a case" (Stalnaker 1993). None of these factors is universally given more weight than another (Stalnaker 1993). However, it is possible that one factor may be pivotal in determining the classification of a worker in one case while being relatively insignificant in determining classification in another situation (Stalnaker 1993).

## The Twenty Factors of the IRS

1. *Instructions.* Instructions from the business on how to do the work prove control over manner and means of performance.
  2. *Training.* The more training a business must give a worker, the more the worker looks like an employee.
  3. *Integration.* If the worker's services are an *integral part of the business operations*, the worker looks more like an employee.
  4. *Services Rendered Personally.* If the worker may do the work with helpers, the worker looks more like an independent contractor.
  5. *Hiring, Supervising, and Paying Assistants.* If the firm hires, supervises, and pays individuals to assist the worker, the worker looks more like an employee.
  6. *Continuing Relationship.* The longer and more regular the worker's relationship to the firm, the more the worker looks like an employee.
  7. *Set Hours of Work.* If the firm sets the hours the worker must work, the worker looks more like an employee.
  8. *Full Time Required.* Workers who must work full time for a business look much more like employees.
  9. *Doing Work on Firm's Premises.* Workers who must work at the premises of a business look more like employees.
  10. *Order of Sequence Set.* If a business requires that a worker follow schedules and routines that it sets, the worker looks more like an employee.
  11. *Oral or Written Reports.* If a worker must submit periodic reports, the worker looks more like an employee.
  12. *Payment by Hour, Week, Month.* Workers paid regularly look more like employees. Workers paid by the job look more like independent contractors.
  13. *Payment of Business and/or Traveling Expenses.* Workers who pay their own expenses look more like independent contractors.
  14. *Furnishing of Tools and Material.* Workers who furnish their own tools and materials look more like independent contractors.
  15. *Significant Investment.* Independent contractors almost always have a *significant investment* in their business.
  16. *Realization of Profit or Loss.* Workers at risk of loss look more like independent contractors.
  17. *Working for More Than One Firm at a Time.* Workers who provide services to many firms look more like independent contractors.
  18. *Making Services Available to the General Public.* Workers who make their services available to all look more like independent contractors.
  19. *Right to Discharge.* Independent contractors can usually be discharged, without recourse, only under the terms of their contracts. At least in theory, nonunion employees generally can be fired
  20. *Right to Terminate.* Employees can quit without recourse by the employer. Independent Contractors often will be penalized if they terminate their work before it is complete (Stalnaker
- The IRS Letter Ruling 9129011 illustrates how the IRS determines independent

contractor status through the application of these factors. In the IRS Letter Ruling 9129011, the IRS ruled that a writer who wrote free-lance articles for a magazine was an independent contractor (Stalnaker 1993). The firm employed this writer as a senior writer on a full-time basis in one of the firm's book divisions (Stalnaker 1993). In addition to this employer/employee relationship, the writer would occasionally enter into a written contract to write an article for one of the firm's magazine divisions (Stalnaker 1993). The contract specified that the writer would be paid by the page or by the word. This method of payment relates to item twelve of the twenty factors of the IRS (Stalnaker 1993). According to number twelve, a worker that is paid by the job is more likely to be classified as an independent contractor. Moreover, the firm did not have to accept the article the writer submitted (Stalnaker 1993). However, if the firm rejected the writer's article, the firm had to pay a ten-percent "kill" fee to the writer (Stalnaker 1993). In the event of a violation of the rights of third parties or copyright laws in an article, the writer agreed to indemnify the firm (Stalnaker 1993). Both of these issues relate to item sixteen of the twenty factors. In this case, the writer bore the risk of having his work rejected with very little compensation for all the time and effort he expended and of having to pay expenses in the event of a law suit.

This particular firm had a policy against employees doing free-lance work during the firm's normal working hours (Stalnaker 1993). In addition to this stipulation, the firm stated that free-lance work should not take precedence over any requests for overtime that a worker's supervisor might make (Stalnaker 1993). Workers were also prohibited from using the firm's resources when completing the free-lance work (Stalnaker 1993). Item fourteen of the twenty factors states that workers who provide their own materials and tools for completing a job are more likely to be

classified as an independent contractor. The writer wrote all of his articles at home and followed the firm's policies regarding free-lance work (Stalnaker 1993). According to items nine and five of the twenty factors, an independent contractor, as opposed to an employee, is unlikely to work on the premises of a business or have firm supervision when completing his work. Moreover, the writer also provided similar articles on a free-lance basis to other publishing companies (Stalnaker 1993). This ability to provide free-lance work to other publishing companies relates to item seventeen of the twenty factors that states that independent contractors are free to provide their services to more than one firm. The restrictions the firm set for free-lance work within the firm were the same restrictions that they placed on free-lance work performed for other companies (Stalnaker 1993). Due to this lack of separate restrictions, the free-lance work that the writer performed had no affect on his status as an employee within the company (Stalnaker 1993).

In this case, the writer was found by the IRS to be an independent contractor (Stalnaker 1993). The IRS stated that the writer was an independent contractor since he did not receive supervision while he completed the articles, the firm had the option of rejecting this writer's articles, the writer was paid a predetermined fee for his articles no matter how much work was put into completing the work, and the writer was free to do free-lance work for other companies (Stalnaker 1993). Again, items five, twelve, and seventeen of the twenty factors address these issues. In addition, the IRS wrote that the writer's status as an employee had little impact on his free-lance work as there did not appear to be a connection between the writer's free-lance work and full-time duties as an employee for the firm (Stalnaker 1993).

While knowing the process through which a person is classified (either employee or independent contractor) is useful in understanding the distinction between employees and

independent contractors, the practical applications and implications of these factors is what is really important. Medical transcriptionists who are independent contractors cannot legally be told when to do their work or how to do their work. In addition, a medical transcription service is not generally allowed to offer training to their independent contractors. The independent contractor must also provide his own equipment.

Moreover, a service may assign work to an independent contractor at an inconsistent rate. A contractor can unexpectedly find himself without the amount of work it would take to pay his bills. A service can also decide to stop giving a contractor work without notice. This leads to uncertainty about whether a contractor will have a job tomorrow or not.

The possibility that a service will not know for sure if it will have enough independent contractors to complete the work that it receives in a day exists as a result of the rules governing independent contractor status. For example, an independent contractor cannot be required to work full time. They take work on a day-to-day basis. In addition, independent contractors can decide to not take work from a service at a moment's notice. This can cause the service to suddenly become short-handed and unable to meet deadlines.

Independent contractors who work as medical transcriptionists can also be further classified as telecommuters. Telecommuting is defined as "employees or contractors who work at home one or more days per month during normal business hours" (Miller 1995). Medical transcriptionists who work as independent contractors utilize computers in their homes to complete their work which they either modem or email to a central location. Due to the completion of their work in their homes, these transcriptionists fall under the broad category of telecommuting. Although medical transcriptionists have not been the subject of much research,

telecommuting has recently undergone some study. The issues that affect telecommuters in general may be similar to the issues faced by the specific telecommuting field of medical transcriptionists. As a result, the issues that affect telecommuters will be discussed.

The disadvantages many individuals experience as a teleworker are predominately psychological (Reid 1993). Well-documented psychological disadvantages include apparent lack of security, isolation, loss of status, and increased domestic pressure (Reid 1993). According to Wright and Oldford, the main problem seems to be the fear of losing touch (Wright and Oldford 1995). Often the telecommuters lose the stimulation many people experience when interacting with their co-workers (Wright and Oldford 1995). This lack of contact and interaction may lead to the telecommuters experiencing feeling of isolation (Wright and Oldford 1995). Isolation can affect telecommuters' opportunities of selection for career-advancing assignments and promotions (Wright and Oldford 1995). Moreover, telecommuters may feel deprived of the social interactions with superiors, coworkers, subordinates, and others at work that "can satisfy a worker's needs for affiliation" (Brief 1985). In other words, working at home can be lonely (Holtz 1990).

In addition, conditions at home may not always be conducive to work (Holtz 1990). Often, a telecommuter's family and various people outside his home can become a problem (Holtz 1990). In many cases family members repeatedly interrupt the telecommuter during working hours (Holtz 1990). One transcriptionist stated that her biggest problem was educating her husband (MT Daily 1997). He did not seem to view her working at home as a real job (MT Daily 1997). In addition to family, neighbors may become a problem when they come by to socialize with the telecommuter or ask them for favors, especially when the telecommuter has a difficult



time turning them away (Shaw 1996). A transcriptionist had quite a few of her neighbors' keys so that she could let deliverymen into their various homes (MT Daily 1997). This caused her work to be interrupted constantly (MT Daily 1997). Tradespeople and salespeople may also interrupt the telecommuter throughout the day when he is attempting to work (Holtz 1990). As a result, many telecommuters find it extremely difficult to maintain regular working hours (Holtz 1990).

An individual's self-discipline can be affected when they are working at home (Holtz 1990). Management has traditionally maintained an "over the shoulder" type of supervision which is difficult, if not near impossible, to maintain when a worker is telecommuting (Reid 1993). Nobody is in the telecommuter's home supervising him or recognizing when he does a good day's work (Pacific Bell 1998). The telecommuter is entirely responsible for maintaining the discipline necessary to complete his own work. A transcriptionist remarked that "the work only gets done if you do it and no one is around to motivate you" (MT Daily 1997). According to Pacific Bell, "the motivation has to come from you" when you are a telecommuter (Pacific Bell 1990). An individual may find that they have a difficult time motivating themselves when they work at home (Shaw 1996). As a result, some people find themselves unable to work as energetically and conscientiously at home as they would in an employer's office (Holtz 1990). In addition, some people procrastinate as a consequence of fear of success, fear of failure, loneliness, anxiety, or rebellion (Pacific Bell 1990).

## Methodology

This study seeks to examine the utilization of independent contractors in medical transcription services. In particular, this study will try to discover why medical transcriptionists choose to work as independent contractors and the problems these medical transcriptionists must contend with. In addition, this study will seek to understand the problems and difficulties medical transcription service owners must deal with when using independent contractors. A qualitative study design will be used to collect and analyze the data necessary to study these issues and how they are related.

Qualitative study designs include a combination of data collection and data analysis (Bogdan and Biklen 1992). This study design is appropriate when a specific theory cannot be developed due to the lack of knowledge by the researcher about what data will be found or what themes will emerge (Bogdan and Bilken 1992). The purpose of employing qualitative measures as opposed to quantitative measures in research is to gather data that has both depth and detail (Patton 1980). For example, in a participant in a study may be asked what part of their job they find most difficult. A quantitative study would have a list of possible answers that a participant could choose from. A qualitative study would allow the participant to state what he feels is the most difficult part of his job without limiting his options. In addition, the participant would be able to state why he feels that this is the most difficult part of his job and any other comments he may believe is necessary for the researcher to understand his position.

Quantitative measures are structured in such a way as to limit subjects to a set range of analysis categories or predetermined responses (Patton 1980). Conversely, qualitative measures in no way limit how the subjects may respond to any given question. Direct descriptions,

quotations, and excerpts from documents are just a few sources of qualitative data (Patton 1980).

According to Patton, open-ended questions on a questionnaire can lead to the emergence of depth and detail in subjects' responses (Patton 1980). These measures also allow the researcher to document and comprehend subjects on subjects' own terms (Patton 1980). Individuals may describe their experiences, lives, and interactions in depth (Patton 1980). This allows the researcher to gain a more complete picture.

When multidata sources are being utilized in research of this nature, the qualitative research design used to gather and analyze data is often the constant comparative method (Glaser and Strauss 1967). In the constant comparative method, analysis of data begins early and is almost concluded by the time data collection is at an end (Glaser 1978). Therefore, data collection and analysis occurs simultaneously (Glaser 1978). As a result, this approach is usually employed when a study uses multiple-site, participant observations (Bogdan and Biklen 1992). According to Glaser, there are six steps in the constant comparative method of developing theory (Glaser 1978). These steps are listed in the following table.

#### **Steps in the Constant Comparative Method of Developing Theory**

1. Begin collecting data.
2. Looking for key issues, recurrent events, or activities, in the data that become categories of focus.
3. Collect data that provide many incidents of the categories of focus with an eye to seeing the diversity of the dimensions under the categories.
4. Write about the categories you are exploring, attempting to describe and account for all the incidents you have in your data while continually searching for new incidents.
5. Work with the data and emerging model to discover basic social processes and relationships.
6. Engage in sampling, coding, and writing as the analysis focuses on the core categories (Glaser 1978).

Due to the general lack of information to be found in the literature about the medical transcription industry in general and medical transcriptionists who work as independent contractors in particular, a specific theory could not be developed early in the research process in this study. In addition, this lack of information made using quantitative research design infeasible. As a result, this study's structure follows a qualitative research design.

Despite the lack of information in the literature, I did have some initial impressions due to the fact that a close family member of mine owns a medical transcription service. The impressions I had included a scarcity of medical transcriptionists, a desire of independent contractors to work at home, and a lack of adequate training. These impressions had formed as a result of the opportunity I had to observe the day-to-day activities of a medical transcription service that employs independent contractors and the discussions I engaged in with the owner of the transcription service. From the information gathered through these observations and discussions, I noticed some issues centered on the use of independent contractors emerged. As a result, two surveys were developed to determine why medical transcriptionists decide to become independent contractors, the problems these medical transcriptionists face, and the problems service owners encounter which utilizing independent contractors in their service. Both surveys contain questions that are open-ended. The questions were formed in this manner in an attempt to gain a comprehensive look at the utilization of independent contractors in the medical transcription field.

The first survey developed was intended for medical transcriptionists who work as independent contractors. This survey had seven questions. The first two questions of this survey gather some basic demographic data by asking for the participant's age and gender. These

questions were included since, generally speaking, age and gender influence participants' responses. For example, a twenty-five year old woman may decide to become an independent contractor so that she can stay at home with her kids whereas a fifty year old man is unlikely to decide to become an independent contractor for the same reason. However, the influences of age and gender are not discussed in this study. Questions three and four establish the participant's experience as a medical transcriptionist and an independent contractor. The purpose of questions five and six is to determine the work-related factors that motivate the participant by establishing why the participant decided to be an independent contractor and what the participant likes about being an independent contractor. The last question seeks the problems and difficulties that the participant may experience as an independent contractor and which, therefore, may be factors that prevent the participant from being motivated. These factors could become the targets of change by transcription services.

The second survey developed was intended for service owners who employ medical transcriptionists who work as independent contractors. This survey contains ten questions. As in the independent contractor survey, this survey gathers basic demographic data about the age and gender of the participant in the first two questions while the next two questions pertain to the amount of experience the participant has in the medical transcription field and in operating their own business. These questions were included in the survey in case a pattern emerged that showed that the length of a participant's experience in one or both of these areas affected the participants' answers. Question five establishes the size of the service. The size of a service influences the number of independent contractors a service will retain at any given time and, therefore, the range of experience the service owner has with independent contractors. Questions six and seven

secures the data about the length and depth of the experience the service has with independent contractors, by inquiring how long the service owner has used independent contractors and how many independent contractors the participant employs. The last three survey questions seek to discover the problems services encounter, what they believe to be the cause, and how they believe these problems can be resolved. For instance, a service owner may state that they have a problem finding qualified independent contractors, that they believe this to be caused by the lack of institutions that offer effective training, and that a possible solution is for services to train transcriptionists themselves.

Participants for these two surveys were solicited over the Internet. A message asking for independent contractors and service owners to participate in one of the two surveys was posted on the message boards of four web sites. These web sites were MT Daily, sci.med.transcription, M-TEC Message Forum, and Medword's MT Gab. In addition, service owners who had their email address posted on MT Daily's web site were emailed a message requesting that they participate in the service owner survey. Individuals interested in participating in one of the surveys could request a survey by emailing their request to me via email. A Word file containing the requested survey and a consent form was then emailed to these individuals. When the individuals participating in this study had filled out their survey and consent form, they emailed these two documents back to my email address.

As each survey was returned, the responses made by each participant was reviewed to search for emerging themes. These themes were noted, as were their possible implications on the motivation of medical transcriptionists who work as independent contractors. General subject headings were formed for each type of response along with more specific subheadings that

provided more detail. For example, a general heading for why a participant decides to become an independent contractor is stay at home. A subheading is to stay at home with her children or that the participant likes to work at home. Each response related to the utilization of independent contractors was filled under a general and specific heading. From these headings, patterns in the responses made by the participants of both surveys were analyzed to search for themes. These themes were then studied to seek out their implications on the use of independent contractors in the medical transcription field. Every response related to independent contracting will be reported. However, responses given that are not related in any manner to independent contracting will not be included in this study.

## Results

The purpose of this study has been to examine the use of independent contractors in medical transcription services. In particular, this study has been attempting to determine why medical transcriptionists become independent contractors, the problems these medical transcriptionists encounter, and the problems medical transcription service owners face when using independent contractors. The results of this study address these three issues and are discussed below.

As is the case with any exploratory research, some limitations exist. I think it important, before my conclusions are discussed, to disclose some possible limitations to the results of this study. First of all, no men participated in either of the two surveys. I feel that this may have impacted the observations I made and the conclusions I will draw from them. Generally speaking, gender has often been shown to influence an individual's response to questions. As a result, I believe that this would have been a more well rounded study if a few men had filled out a survey. Another limitation of this study is that *informational redundancy* was not achieved for every question that was asked. According to Lincoln and Guba, a researcher should continue to include new participants until *informational redundancy* is reached (Lincoln and Guba 1985). *Informational redundancy* is achieved when an additional participant ceases to contribute new information (Lincoln and Guba 1985). While I do feel that the twenty individuals, fourteen independent contractors and six service owners, that participated in this study covered most, if not all, of the major issues, a larger sample of participants may have lead to *informational redundancy* being achieved. Consequently, it is possible that not all issues faced by medical transcriptionists will be addressed in this study.



## Independent Contractor Survey

### Demographic Results:

Chart 4-1 shows the age distribution of the medical transcriptionists who participated in the independent contractor survey.

**Chart 4-1**

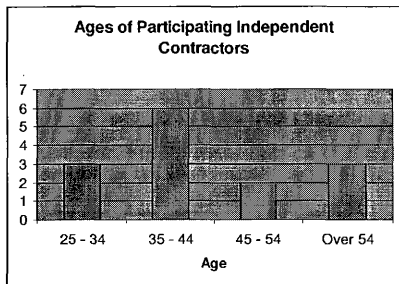
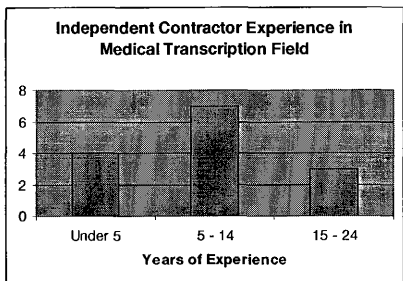


Chart 4-2 shows the amount of experience the independent contractors participating in this study have in the medical transcription field.

**Chart 4-2**



Seven of these medical transcriptionists have worked as independent contractors for under five years, six have been independent contractors for between five and fourteen years, and one for between fifteen and twenty-four years. Although I do not address representativeness in this study, I do believe that this may be an important issue when determining the validity of my conclusions. Currently, no information on representativeness is available. This may be an area where further research is warranted.

Findings:

Eight of the medical transcriptionists surveyed stated that one of the reasons they decided to become independent contractors was so that they could stay at home. As a matter of fact, this was the most often mentioned reason for deciding to work as an independent contractor. Typical

answers that these participants gave include “freedom of being at home” and “to be able to work at home.” Several of these individuals went on to explain that they wanted the flexibility, control, and freedom that they feel comes with working at home. Specifically, one independent contractor mentioned that she wanted to have “more control over [her] career.”

Another independent contractor mentioned a more commonly held view among the participants when she stated that she decided to become an independent contractor so that she would not have “someone else telling [her] what to do and when to do it.” This sentiment seems to be shared by many of the participants. At different points throughout the survey most of the participants mention something about “the freedom to choose when [she] works, “being [their] own boss,” or “no supervisor” to answer to. Moreover, many of the individuals that stated that they wanted to stay at home used phrases like “freedom to work my schedule at home,” “flexibility of time,” and “[i]ndependence and freedom.” As a result, I believe that medical transcriptionists who work as independent contractors probably view the ability to decide what work to do and when to do their work as extremely important, if not the most important value of their work.

In addition, three of the participants stated that they become independent contractors because they wanted to be able to be with their children when their children are at home. A participant explained that she wanted “to have the flexibility of working around [her] children’s school activities.” Independent contractors’ flexible schedule generally allows them to work around the demands that come with having children. One of these three also mentioned that working at home allows her to “eliminat[e] child care expenses.” In addition to being able to stay at home with children, a participant stated that she became an independent contractor “so [she]

could be at home when [her] husband retired in a few years.” This woman is fifty-two years old and feels that it is important for her to be at home with her husband when he retires.

Three individuals stated that they decided to become independent contractors since there are “no office politics” to be dealt with when you are an independent contractor. Two of these individuals only went so far as to say that one of the reasons they decided to become independent contractors was to be able to get away from office politics. They did not really go into detail on what they found so distasteful. The remaining participant elaborated on the reasons why she wanted to evade office politics. From her comments, I would hypothesize that she has had some extremely negative experiences working in an office. She stated that she wanted to “escape the whoas of office,” “negative attitudes,” and “lack of communication by management” that she felt was a part of working in an office environment. I believe that it is highly unlikely that you would be able to persuade this individual to become an employee again.

Two of the medical transcriptionists surveyed stated that they chose to become independent contractors in order “to supplement [their] full-time income” and “to supplement retirement income.” One of these two individuals works as a full-time medical transcriptionist at a hospital. She likes the fact that she has a flexible schedule and excellent pay as an independent contractor. However, this individual probably views independent contracting as a second, less important job. Her full-time job will most likely take precedence over any work she receives as an independent contractor. The other participant has a husband that will retire in a few years and feels that they will need the extra income once he retires. She states that she has received work from several companies but that they “don’t have enough work so [she] can depend on it.” She is still looking to subcontract with a company that has enough clients to provide her with a steady

flow of work. Therefore, I do not believe that she has full-time or part-time work outside working as an independent contractor and most likely views her work as an independent contractor as her primary job.

Two other responses were singularly noted by participants in this study. One participant stated that initially she became an independent contractor “because of lack of experience” to become an employee at a service. In addition, the firm she worked for only hired independent contractors. This response becomes significant when you take into account the responses of service owners. Her response implies that individuals that lack experience become independent contractors.

Another participant stated that she wanted to be an independent contractor in order “to do away with the ‘middleman’.” This participant is in her late fifties and has been in the medical transcription field for twenty years. She has been working as an independent contractor for twelve of these years. As a result, I would venture the opinion that she decided that she could make more money by getting rid of the middleman and working as an independent contractor.

Many of the reasons why the participants decided to become independent contractors in the first place are also the reasons they like being independent contractors. For example, five of the participants stated that they decided to become independent contractors to have a “flexible work schedule” while ten of the participants later mentioned that they like the “flexibility of time” that they have as independent contractors. This overwhelming majority of participants stated that they like being able to “take breaks whenever [they] want,” working “when it is convenient for the family,” and generally “setting [their] own hours.” Related to this issue, two of the participants express their pleasure in the “[i]ndependence and freedom” they experience as independent

contractors while a third individual appreciates “being in control.”

Three participants stated that they like “working at home” while three more individuals like “being able to stay at home with [their] children” while they are working. However, only one of these three participants that said that they liked working at home became an independent contractor to work at home. Of the remaining two, one decided to become an independent contractor to have the flexibility to work around her children's activities. The other participant became an independent contractor because the firm she worked for only hired independent contractors. When asked what they like about being an independent contractor, phrases like “work form home” and “being able to stay at home” appeared repeatedly. I interpret this to mean that while an individual may not necessarily decide to become an independent contractor in order to stay at home, several individuals find being at home a definite advantage.

In addition, only one of the participants that stated that she decided to become an independent contractor to stay at home with her children also stated that she likes being at home so that she can be with her children. This lack of correlation may be due to problems, such as interruptions, that often occur when an individual tries to work with children around. One participant went so far as to say that a problem she encounters as a medical transcriptionist is “being at home with my children who fight when they come home from school and all summer long.” So while several individuals considered their children when making the decision on whether to work as an employee or an independent contractor, they do not necessarily view working with their children around as a plus.

Several office-related issues were mentioned by participants. As previously mentioned, one participant strongly expressed her dislike of working in an office due as a result of office

politics. She feels that a person runs the risk of “being taken advantage of” or “totally overlooked” when working in an office. Consequently, she likes being an independent contractor because she is not required to work in an office. In addition, three of the participants mentioned that they like the fact that they “don’t have to get dressed up and go into town” and there is “no commute.” Another two participants stated that as an independent contractor you “don’t have to maintain [a] professional wardrobe” and “no money is spent on clothes.” In their opinions, this aspect is a definite advantage. Lastly, two independent contractors commented that they liked not having to report to anyone in an office. They have “no supervisor” nor do they “have to answer to anyone in an office environment.

Two other issues were raised by only one person. These issues are not really related to anything else mentioned by the other independent contractors participating in this survey. However, I feel that each of these issues is important enough that it should be reported. One person stated that she likes the “excellent wages” she receives as an independent contractor. Another individual states that she likes the fact that she is “not responsible for finding accounts, contracting, billing – just typing.”

A difficulty with being an independent contractor that four participants mentioned is that they “do not have any benefits.” Two benefits that most organizations usually offer their employees were specifically mentioned. These benefits include paid vacation or days off and health insurance. Three independent contractors stated that they have “no paid vacation” and that if they take a day off “no money comes in.” Another independent contractor expressed her dislike of having to pay her own health insurance since the costs of health insurance for self-employed individuals is high.

“Keeping on schedule” was mentioned as a disadvantage by four participants. These individuals said that they often have trouble trying to prevent themselves from “procrastinating with getting [their] work done.” Specifically, one of these participants stated that she has a hard time “disciplining [her]self to stay on schedule and keep from being distracted.” As independent contractors, no supervisor is present to make sure that they keep on schedule. This issue can be important if procrastinating causes these independent contractors to be late with their work.

Having to pay their own taxes was related as a difficulty by four of the independent contractors surveyed. Their comments included such statements as “taxes are sometimes a hassle” and “self-employment tax is not a fun thing to pay.” Whether taxes are a problem because these individuals lack an understanding of the how to pay their taxes or because everyone hates paying taxes is unclear. This may be an area that should be studied. Independent contractors not knowing how to pay their taxes can represent a major concern.

Two of the participants stated that they do not always receive “enough work to make the amount of money [they] need.” As independent contractors, they are not guaranteed a certain amount of work or a minimum amount of pay each day. An individual's workload can vary dramatically from day to day. Consequently, their paycheck can also vary from pay period to pay period. In addition to not receiving enough work, one individual stated that she had trouble “getting paid on time” and another stated that “payment from [her] accounts is not at a scheduled time.” Not receiving enough work and not getting paid at a regular time consistently causes instability in these medical transcriptionists' jobs and could lead to a service having trouble attracting and retaining independent contractors.

Responses about difficulties participants experience that were given by only one person



include the following items:

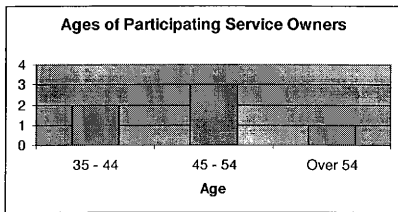
- \* “Problem solving a lot more on your own”
- \* “Being responsible for the whole business”
- \* “Being at home with [her] children”
- \* “Have to purchase own reference books – can be costly initially”
- \* “[F]inding experienced help”
- \* “None”

## Service Owner Survey

### Demographic Data:

Chart 4-3 shows the age distribution for the service owners who participated in the service owner survey.

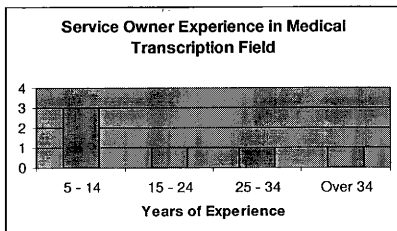
**Chart 4-3**



The following information establishes the participants' experience as business owners, in the medical transcription field, and as employers of independent contractors. All of the

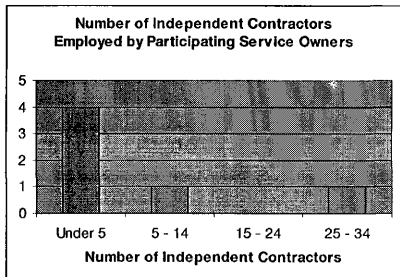
transcription service owners participating in this study have between five and fourteen years of experience in running their own business. Chart 4-4 shows the amount of experience the participating service owners have in the medical transcription field.

**Chart 4-4**



Four of the participants stated that they have used independent contractors for between five and fourteen years. The remaining two service owners have used independent contractors for less than five years. Chart 4-5 shows how many independent contractors the service owners participating in the survey utilize at any given time.

**Chart 4-5**



Transcription services use a variety of methods to calculate their output. These methods include pages per day, hours of dictation per day, lines per day, and thousands of words per day. The first three methods were methods used by the participants when they were asked to estimate the amount of work they receive in an average day. Since it is difficult to convert the service owners' answers so that they use only one calculation method, I have listed each of the service owner's responses below. These figures will give you a very general idea of the size of the services whose owners participated in this study.

- \* 80 pages per day
- \* 8.25 hours of dictation per day
- \* 50 - 100 hours of dictation per day
- \* 1,500 - 2,500 lines per day
- \* 3,000 - 4,000 lines per day

\* 33,000 - 35,000 lines per day

Findings:

Five out of the six service owners surveyed stated that they have trouble finding qualified transcriptionists. The sixth participant stated that she has no problems. However, typical responses included “lack of knowledgeable transcriptionists,” “difficulty finding qualified staff,” and “finding people with appropriate training, skills, and work ethic.” These service owners attributed a variety of causes to this problem. Two service owners stated that the lack of qualified transcriptionists was due to inadequate education and training. According to one of these two service owners, “[t]ranscriptionists don't have the opportunity for in-depth, on-the-job, long-term training that was available thirty years ago, and that is necessary to develop into a good MT (medical transcriptionist).”

Two service owners also mentioned work ethic issues as a potential cause. The comments and wording these individuals used made it clear that they feel strongly about this issue. One of them stated that “people don't have the work ethic prevalent in this country years ago.” She goes on to state that “the employee wants their training NOW” and that many of the individuals who decide to become medical transcriptionists are lured into the field by false advertising that claims that individuals “can take a home study course and in a matter of months do MT work on their own at home and earn big bucks.” She says that “[t]his is simply not so.” Her statements suggest that many of the individuals that enter the medical transcription field come into the field expecting to not have to put forth much effort but still receive high returns in the form of good pay. Another service owner stated that she had transcriptionists “lying to [her] about their abilities.” She states that these individuals usually have not had “adequate training” or have no experience.

As a result, these transcriptionists are “found out the first time they [sit] down to do transcription. This service owner’s statements suggest that service owners may be wasting quite a bit of their time and resources giving work to and subsequently taking work away from transcriptionists that are not qualified to do the job work have been assigned.

Five issues raised were singularly mentioned by participants. These issues include an increase in demand caused by doctors joining large corporations that encourage their doctors to see more patients per day, rapid growth of society, seasonal demand, individuals unwilling to take the time to receive adequate training, and acceptance of substandard work by services and doctors. The first three issues suggests that the lack of qualified transcriptionists stems from a demand for medical transcriptionists who work as independent contractors that exceeds the supply. These service owners have implied that “the rapid growth in every segment of society,” “doctors joining large corporations that want more patients seen each day,” and “time of year” have caused an increase in the demand for transcription work. This, in turn, has caused services to demand more qualified medical transcriptionists working as independent contractors.

The third issue, that individuals are unwilling to take the time to receive adequate training, implies that a change in attitude held by independent contractors toward training could decrease the problem while the fourth issue, acceptance of substandard work, suggests that a change in attitude by services and doctors may reduce the problem. I believe that all of these issues have been contributing factors to the lack of qualified independent contractors and should be considered when attempting to resolve this problem.

A second problem was mentioned by two service owners who stated that did not like the fact that they have is no assurance that the individuals they train will continue to work with their

company once their training is complete. One of these service owners specifically stated that she has to “train the person, having no guarantee they will stay with [her] after training” is complete. From the comments made by these two service owners, the implication is that they have become less willing to offer training as a result of this uncertainty. Consequently, I have concluded that this issue can, and probably does, impact whether a service owner is willing to put forth the time and effort necessary to train an individual to become a medical transcriptionist. So, while no service owner participants specifically mentioned this issue as a cause of the shortage of qualified medical transcriptionists, I do believe that this could be a factor contributing to the overall problem.

Several suggestions were made about how to increase the number of qualified transcriptionists. Quite a few of the suggestions were centered around the concept of raising the quality of transcriptionists whose work is currently substandard so that they can become qualified. For example, two service owners stated that independent contractor quality would increase if services and physicians would start demanding quality. To illustrate, one of these service owners expressed the view that there needs to be “a demand for excellence from national companies and physicians...” The other service owner stated that service owners should “[d]o excellent, high-quality dependable transcription.” This solution seeks to change the attitude of service owners and physicians and implies that their attitude toward quality is the cause of the qualified independent contractor shortage.

In addition, two service owners expressed the belief that educating/training transcriptionists would increase independent contractor quality. In particular, one service owner stated that “good testing and good feedback” by services would increase quality. Another service

owner suggested having “qualified graduates referred through their teaching facility to for internships to supply them with much needed experience and exposure to the real working world.”

One service owner made a suggestion that seems to focus more at decreasing the number of unqualified transcriptionists. She suggested requiring “truth in advertising.” According to this service owner, individuals are incorrectly “told they can take a home study course and in a matter of months do MT work on their own at home and earn big bucks.” She feels that by censoring this false information, the quality of independent contractors would increase.

Another service owner made several suggestions that focus more on what the service owner can do to increase independent contractor quality. She suggests that service owners “keep lines of communication open between doctors and transcriptionists,” “operate their service in a business-like way,” “pay their MTs fairly,” and “eventually be able to provide some benefits.” Her suggestions imply that by creating the right environment for independent contractors and offering them some incentives in the form of good pay and benefits, independent contractor quality

## Conclusion

This study has succeeded in identifying several factors that influence why medical transcriptionists become independent contractors. In addition, this study has also succeeded in identifying several problems that these medical transcriptionists face and two major problems medical transcription service owners encounter when using independent contractors. These issues are listed below.

The factors that influence medical transcriptionists to become independent contractors include:

- \* To stay at home
- \* To be with their children
- \* To have a flexible schedule
- \* To have greater control over their work
- \* To have greater freedom
- \* To have the ability to choose what work to do
- \* To escape office politics
- \* To supplement their income
- \* To do away with the middleman
- \* Lack of experience

The factors listed above that influence an individual to become an independent contractor make it extremely unlikely that an independent contractor would consent to becoming an employee. Most of these factors are not achieved when a person is an employee. They go to the



heart of what distinguishes an independent contractor from an employee. The ability to choose what work to do, the control over the work that can be exerted, and the freedom that is possible make these individuals independent contractors. Anything less and they would become employees. Employment status without the benefits listed above is not a feasible option.

In addition, the factors that influence an individual to become an independent contractor also make formal training difficult. Often training means going into an office or someplace else outside the home. Most independent contractors do not want to go to an office. One of the reasons they decided to become independent contractors in the first place is so that they do not have to go to an office. They want to work at home, be with their children, and avoid office politics. This is not possible if you have to train in an office environment.

The problems and difficulties that medical transcriptionists face as independent contractors include:

- \* No benefits
- \* *Keeping on schedule*
- \* Having to pay their own taxes
- \* Do not always receive enough work
- \* *Not getting paid at regular intervals consistently*
- \* Problem solving more on your own
- \* Being responsible for the whole business
- \* *Being at home with children*
- \* Have to purchase own reference books
- \* Finding experienced help

A few of the problems those medical transcriptionists working as independent contractors face are problems that telecommuters in general encounter. These difficulties include being at home with children and keeping on schedule. Working with children at home can mean that you are constantly being interrupted to solve domestic issues. Moreover, when working at home, you have to discipline yourself to stay on schedule. No one else is with you making sure that you complete your work on time.

A majority of the remaining problems are issues that most independent contractors must face or risk losing their independent contractor status. Independent contractors do not have benefits paid to them by the individuals they do work for nor do these individuals withhold independent contractors' taxes out for them. In addition, work is not always steady and plentiful, nor is the pay necessarily regular. The independent contractor is responsible for the whole business. This includes finding their own experienced help when they need it and purchasing their own reference materials. When a problem does occur, the independent contractor is responsible for solving it.

The problems medical transcription service owners encounter when utilizing independent contractors are trouble finding qualified transcriptionists and the lack of guarantee that individuals they train will continue to take work from their company. This often leads to service owners being reluctant to offer training. This lack of willingness to offer training, in turn, contributes to the problem of service owners being unable to find qualified transcriptionists. As a result, I do not believe that withholding training is the answer to either of these two problems. In fact, I believe that the opposite is true. I suggest that service owners start offering training sessions for a nominal amount of time every one to two weeks. In addition, independent contractors should

have to pay to attend these training sessions. This would allow service owners to receive higher quality work from their independent contractors and give the independent contractors the training they need. Moreover, if independent contractors do decide to stop working for the company after they have received their training, the service would have been paid for the training they rendered. In addition, by only offering training once every week or two for a short time period, the service will not have wasted too much of their time intensively training any one person. While I am not a tax attorney or an accountant, charging independent contractors a fee for the training they receive will probably prevent a service from having to classify these transcriptionists as employees. Services often have to reclassify independent contractors as employees when independent contractors undergo training provided by the service.

The extent of the problem of transcriptionists leaving a company after they have received training is not clear. The extent of this problem would probably become clear if turnover rate of independent contractors in the medical transcription field were known. However, this data is not available at this time, nor was it an issue addressed in this study. Yet, I believe this to be an important issue that should be addressed. This may be an area where further research would be warranted.

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