

**Supporting Statement
Recordkeeping and Reporting Requirements for
Local Union Report EEO-3**

A. Justification

1. The legal basis for the Local Union Report EEO-3 form and recordkeeping requirements is Section 709 (c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), which requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed and to make reports there from as required by the EEOC. The EEOC has issued regulations, 29 CFR §§ 1602.22-26, which set forth the reporting requirements for referral local unions with 100 or more members. They have been required to submit EEO-3 reports since 1967 (biennially since 1985). The individual reports are confidential.
2. The reports are used for investigation of charges filed against unions, EEOC studies of this sector of the work force including membership and referral practices, and researchers requesting data for academic studies.

The EEO-3 survey form provides the only data collected which cover the membership and referral practices of unions by race/ethnic group and sex. The data are routinely shared with other Federal agencies in order to carry out their specific mandates.

EEO-3 data are also shared with some State and local agencies. Under Section 709(d) of Title VII, EEOC is required to furnish survey data, without cost, to State and local Fair Employment Practices Agencies (FEPAs).

If the EEO-3 survey is discontinued, EEOC would have no data depicting the membership and referral practices of referral unions by race/ethnic group and sex in order to fulfill its mission to enforce Title VII of the Civil Rights Act of 1964, as amended. Further, cancellation of this survey would preclude EEOC from providing such data to current user agencies. Consequently, State and local governments as well as other Federal agencies would request union membership and referral data on an individual basis. The affected respondents would suffer unnecessarily from those duplicated efforts.

3. The EEO-3 report is collected through a web based on-line filing system. There are 1399 respondents reporting biennially and 79% of these respondents file on-line. The on-line filing system has reduced the burden hours.
4. We are unable to identify duplicative or even related data collection efforts.
5. The EEO-3 Report survey is not collected from private employers and there is a 100 member reporting threshold so there is no burden on small business.

6. The data is only collected every other year. Since membership and referrals are dynamic, collecting the data less often would significantly reduce data utility. However, during the extension period, alternative data collection approaches to reduce the reporting burden will be explored.
7. None of the above special circumstances will be used to collect the EEO-3 Report.
8. See attached Federal Register Notice dated April 18, 2008. No comments were received from the public. The following persons/organizations were directly notified of the public hearings.

Labor Committee
American Bar Association

Charles A. Kothe
Industrial Relations Division
National Association of
Manufacturers

Bernard Frechtman
National Employment Association

Richard Rivers
Mississippi Private Employment
Agency Association

Fred B. Irwin
IBEW - AFL-CIO

Maxwell Harper
Association of Personnel
Agencies
William S. Gary
IUE, AFL-CIO

Cleveland Robinson
Retail, Wholesale Department
Store
Union District 65

William E. Fredenberger
International Brotherhood of
Firemen and Oilers AFL-CIO

Henry Spitz
New York Commission
on Human Rights

Paul Sanders
Vanderbilt Law School

N. Thompson Powers
Steptoe and Johnson

Henry Rose
Solicitor's Office,
USDOL

Napoleon Johnson
National Urban League

Max Steinbock
Retail, Wholesale
Department Store
Workers, AFL-CIO

Eugene Keeney
U.S. Chamber of Commerce

Michael I. Sovern
Columbia Law School

Hugh C. Murphy
BAT,USDOL

Written or oral testimony was received from the following organizations:

Nathan Duff
Perth Amboy, New Jersey

Joseph Fagan
Wisconsin Industrial
Commission

9. EEOC's employees are prohibited by law from providing any payment or gifts to respondents, other than remuneration of contractors or grantees.
10. All reports and information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII, and may not be made public by EEOC prior to the institution of any proceeding under Title VII. However, aggregate data may be made

public in a manner so as not to reveal any particular jurisdiction's statistics. All State and local FEPAs which share the data must agree to maintain the confidentiality of the data.

11. The EEO-3 Report does not solicit any questions of a sensitive nature from respondents.

12.

ANNUAL RESPONDENT BURDEN HOURS	2,098
ANNUAL EMPLOYER BURDEN COSTS	\$39,871

Burden hours are assumed to be 1.5 hours per form at a cost of \$19.00 per hour.

13. There are no cost changes. Jurisdictions have been completing this form for a number of years.

14. Estimated cost to the federal government will be: \$60,000 contract cost. (Based on competitive bid process from prior years.)

15. There are no program changes or adjustments.

16. The time schedule for information collection and publication is as follows:

Report Period of Data	Any two-month period .selected by the local union between August 1 and November 30.
Filing deadline	December 31
First Follow-up	Communication January 31
Second Follow-up	Communication February 28
Preliminary Data	Tape July 31
Final Data Tape	September 30

17. EEOC is not seeking approval of this nature.

18. No exceptions are requested.