

**Supporting Statement**  
**State and Local Government Information Report EEO-4**  
**(EEOC Form 164)**

**A. Justification**

1. The legal basis for the report form is Section 709 (c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), whose coverage includes State and local governments with 15 or more employees. The administrative requirements for such report are set forth in 29 CFR §§ 1602.32 through 1602.37. State and Local Governments with 100 or more full-time employees have been required to submit EEO-4 reports since 1973 (biennially in odd numbered years since 1993. The individual reports are confidential.
2. The EEO-4 data are used by the EEOC in its compliance, litigation, voluntary and systemic program activities. The reports are used for investigation of charges filed against State and local governments, EEOC studies of this sector of the work force and researchers requesting data for academic studies. The reports are also used by the Department of Justice for enforcement purposes.

The EEO-4 files are accessed approximately 6,000 times a year in response to request for specific State and local government reports. Further, under 709(d) of Title VII, EEOC is required to furnish survey data, without cost, to State and local Fair Employment Practices Agencies (FEPAs) which use EEO-4 data to resolve charges of discrimination and for research.

The EEO-4 survey provides the only data collected which cover employment in State and local governments by major activity (function), sex, race/ethnic group, job category and annual salary (full-time employees). The data are further defined by full-time, part-time and new hire status. No comparable data are available. If the EEO-4 survey is discontinued, EEOC would not have the data on employment in State and local governments necessary to fulfill its mission to enforce Title VII of the Civil Rights Act of 1964, as amended. Further, cancellation of the survey would prevent EEOC from providing the data to current users. Consequently, all the data users identified in this section would each request these same data from State and local governments in order to carry out their individual programs. The affected governments would suffer unnecessarily from such duplicated requests.

3. The EEO-4 report is collected through a web based on-line filing system. There are 6,018 respondents reporting biennially and 76% of these respondents file on-line. The on-line filing system has reduced the burden hours.
4. The form is collected by the Department of Justice for the COPS program but this information is voluntary and just covers public protection agencies.

5. The EEO- 4 Report survey is not collected from private employers and even then there is a 100 member reporting threshold so there is no burden on small business.
6. The above option cannot be used by EEOC because the survey is required by law. Section 709 (c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), 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. Accordingly, the EEOC has issued regulations, 29 CFR §§ 1602.32-37, which set forth the reporting requirements for State and local governments. State and local governments with 100 or more members have been required to submit EEO-4 reports since 1973 (biennially since 1993). The individual reports are confidential.

In order to help reduce burden, respondents are encouraged to file the report via on-line filing system. The data is only collected every other year. Since employment characteristics are dynamic, collecting the data less often would significantly reduce data utility.

7. None of the above special circumstances have been used for collection of the EEO-4 Report.
8. See attached Federal Register Notice dated April 18, 2008. No comments were received from the public.

When the survey form was first designed for collecting data in 1972, consultations were held with interested government officials -federal, state, and local -and representatives of outside interest groups. Materials relating to the historical background of Report EEO-4, including the transcript of the public hearing, were included in the 1973 and 1974 submissions. Members of the agency visited with state officials in Atlanta, Georgia to discuss their review of the EEO-4 form and also study and discuss any comparable reporting by the State. Among those with whom discussions were held was the Honorable Jimmy Carter, then Governor of the State. EEOC staff members discussed the proposed form with several State Personnel Directors at a meeting of the Public Personnel Association in Chicago, Illinois. Other meetings were held in Alameda, California with the Minority Study Commission; in New York City with its Commission of Human Rights; and the State Personnel Offices in Sacramento, California and Phoenix, Arizona. Other federal, state and local contacts included representatives from the Office of State Merit System, OPM, DOL, HEW, 000, Justice, Bureau of Census, HUD, governors, mayors, county executives, and city managers. Various groups desirous of offering comments and criticisms of the reporting/recordkeeping of State and Local governments were consulted. The agency met with over 22 state, county and city governments and their political subdivisions for their views on the EEO-4 survey form before the final version was proposed. There were no unresolved problems as a result of these consultations.

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. Barring prohibitive State or local legislation, a political jurisdiction may make its EEO-4 Report public at any time.
11. The EEO-4 Report does not solicit any questions for respondents of a sensitive nature.
- 12.

ANNUAL RESPONDENT BURDEN HOURS	40,000
ANNUAL EMPLOYER BURDEN COSTS	\$760,000

**Responses:** 12,036.

**Federal Cost:** \$200,000

The burden hours are assumed to be 3 hour 15 minutes per form at a cost of \$19.00 per hour.

13. There are no changes in the annual reporting and recordkeeping hour burden. Jurisdictions have been reporting in the same manner for number years.
14. Estimated cost to the federal government will be: \$200,000 contract cost (Based on competitive bid process from prior years).
15. There are adjustments based upon competitive bid process prices from prior years.
16. Time Schedule for Data Collection and Publication
  - a. September 30 - Filing deadline
  - October 30 - First follow-up communication
  - November 30 - Second follow-up communication
  - March 31 - Final data base creation
  - June 30 - preparation of data product

- b. Nine months are expected to elapse between the filing deadline and data preparation.
- B. No statistical method is used for this survey the entire sample is used.
- 17. EEOC is not seeking approval of this nature.
- 18. No exceptions are requested.