

February 3, 2021

**Justification
Applicant Background Survey
RRB Form EEO-44**

1. **Circumstances of Information Collection** - The information collection is needed to comply with Federal laws and regulations. Title VII of the Civil Rights Act of 1964, § 2000e-8 [§ 709], requires agencies to make and keep relevant records to identify unlawful employment practices. 29 C.F.R. § 1602 allows agencies to collect data to determine if there is any adverse impact on employment practices such as recruitment and selection.

2. **Purpose of collecting/consequences of not collecting the information** - The Railroad Retirement Board (RRB), Office of Equal Opportunity collects and uses the information to assess the impact of RRB's recruitment processes on the hiring of minorities, women, and people with disabilities. The **RRB's Form EEO-44, Applicant Background Survey**, is included with external (candidates outside the RRB considered) job announcements that are distributed for public use. External employment applicants voluntarily complete the form and submit it with their application to our Human Resources office. As applications are submitted to the RRB they are checked to see if the Applicant Background Survey was included in the application package and, if not, a manual follow-up request is promptly sent. Upon receipt, authorized RRB Human Resources personnel provide all completed EEO-44's received to the RRB's Office of Equal Opportunity staff where the information is collected and maintained as a tally for analysis to determine how effectively our recruiting practices reach all segments of the population, as required by Federal law. The tallied information does not contain any personal identifying information.

The forms are then used to prepare various Affirmative Action Reports such as the Management Directive 715 which is submitted annually to the Equal Employment Opportunity Commission (EEOC) as well as the Federal Equal Opportunity Recruitment Program and the Hispanic Employment Initiative reports which are submitted annually to the Office of Personnel Management (OPM). The forms are maintained for a period of two years subsequent to the completion of the reports to EEOC and OPM, in the event that the oversight agencies inquire about report content.

3. **Planned Use of Information Technology or technical/legal impediments to further burden reduction** - We rely on the Office of Personnel Management (OPM) system—USAJOBS-- to advertise positions for external applicants electronically. Proposed Form EEO-44 is provided via an electronic link from the USAJOBS listing to RRB.gov.

4. **Efforts to Identify Duplication** - Information about the racial or ethnic identity, gender, and disabilities of applicants for RRB jobs from outside the Federal government is not available elsewhere.

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5. **Small Business respondents** - This data collection does not affect small businesses or other small entities.
6. **Consequences of less frequent collection** - If this data is not collected (since it is only collected once, to collect it less frequently would mean not collecting it at all), we cannot analyze the racial, ethnic, and disabilities composition of applicant pools. It has proven difficult, if not impossible, to identify the reason for any under-representation without this information. We would not be able to include all of America in our applicant pool without it.
7. **Special Circumstances Relating to the Guidelines of 5 CFR 1320.5** - There are no special circumstances.
8. **Public comments/Consultations outside the agency** - In accordance with 5 CFR 1320.8 (d), comments were invited from the public regarding the information collection. The notice to the public was published on page 3115 and 3116 of the Federal Register of January 16, 2009. No comments or requests for further information were received.
9. **Payments or Gift to respondents** - No payment or gifts will be provided to respondents.
10. **Confidentiality** - Almost half of the form is devoted to various assurances of confidentiality. There is a statement of the Privacy Act of 1974 (Public Law 93-589), the Public Burden Statement, and the Paperwork Reduction Act Statement. In addition, the form prominently displays a "Plain English" assurance that the information is kept highly confidential and only shared with authorized RRB officials. This assurance specifically states that the results are kept as a running tally which cannot be disaggregated to individual names, that information from this form is not entered into the Human Resources database, that the information is not provided to selecting officials or any others who can affect the selection, and that the forms will be destroyed after the position is filled. Privacy Act System - OPM/GOVT-1, General Personnel Records
11. **Sensitive Questions** - The form asks the respondent for their sex, ethnicity, race, and disability status. RRB uses this information to determine if our recruiting methods are reaching groups who are under-represented in our workforce. The form explains this to the respondent and states that providing the information is voluntary.
12. **Estimates of respondent burden – The estimated burden for this collection is unchanged.** The RRB estimates the amount of annual responses at approximately 800. With an estimated completion time of 5 minutes per response, the RRB estimates the burden for the information collection at approximately 67 hours annually.

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13. **Estimate of Annual Cost Burden to Respondents or recordkeepers.** There is no other cost burden to respondents. Respondents are not required to keep records.
14. **Estimate of cost to the Federal government** – N.A.
15. **Explanation for Change in Burden** – N.A
16. **Time Schedule for data collection and publication** - Statistical data derived from the submitted forms will be reported annually to the Equal Employment Opportunity Commission as part of the RRB's EEO Management Directive 715 submission,) as well as to the Office of Personnel Management as part of the Federal Equal Opportunity Recruitment Program and the Hispanic Employment Initiative..
17. **Request not to Display OMB expiration date** - Form EE0-44 is seldom revised. Given the cost associated with redrafting, reprinting and distributing the form in order to keep the appropriate OMB expiration date in place, the RRB requests the authority to not display the expiration date on the form.
18. **Exceptions to Certification Statement** - None