

SUPPORTING STATEMENT

A. Justification:

1. The Annual Employment Report is a data collection device to enforce the Federal Communications Commission's (FCC's) EEO rules. All common carrier licensees or permittees with sixteen (16) or more full-time employees are required to file this report and retain it for a two-year period. The report identifies each carrier's staff by gender, race, color and/or, national origin in each of ten major job categories. The Commission has updated its race/ethnicity and job categories on the FCC Form 395 to conform with the race/ethnicity and job categories used by the Equal Employment Opportunity Commission (EEOC). Requirements for filing FCC Form 395 are in accordance with Sections 154 (i), 303, and 307-310 of the Communications Act of 1934, as amended. See 47 U.S.C. §§ 154(i), 303, 307-310. Sections 1.815, 22.321, 90.168, 101.4, and 101.311 of the FCC rules require this information collection.¹

The Commission is now seeking OMB approval for an extension (no change in the reporting and/or recordkeeping requirements) to obtain the full three year clearance from them. There is no change in the Commission's burden estimates.

As noted on the OMB Form 83i, this information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

The statutory authority for this collection is contained in sections 154(i), 303, and 307-310 of the Communications Act of 1934, as amended. See 47 U.S.C. §§ 154(i), 303, 307-310. Sections 1.815, 22.321, 90.168, 101.4, and 101.311 of the FCC rules.

2. The information describes the applicant's compliance with the EEO rules. The information is used by the Commission and public interest groups to compile industry employment trends.

3. Improved information technology is being utilized by permitting submission of the report by facsimile and fillable PDF forms.

4. Similar employee data are collected by the Equal Employment Opportunity Commission (EEOC), from all firms with 100 or more employees (EEO-1 Report). The information collected by EEOC is of a confidential nature; whereas, FCC rules require that information collected through the FCC Form 395 be made available for public inspection.

5. The collection is designed to minimize the burden on all carriers regardless of size. Carriers with less than 16 full-time employees are not subject to the collection.

¹ See 47 C.F.R. §§ 1.815, 22.321, 90.168, 101.4, and 101.311. Since the previous collection renewal request, the Commission eliminated Part 23 from its rules. See *Elimination of Part 23 of the Commission's Rules*; IB Docket No. 05-216, Report and Order, 20 FCC Rcd 11416, 11416, para. 1 (2010).

6. The FCC Form 395 is collected annually. Failure to collect the information, or collecting it less frequently, would jeopardize the Commission's EEO policies and programs designed to monitor employment trends of common carriers.
7. The information is not conducted in a manner inconsistent with the guidelines of 5 C.F.R. § 1320.5(d)(1).
8. A notice was placed in the Federal Register as required by 5 C.F.R. § 1320.8(d). See 75 FR 37802, June 30, 2010. No comments were received.
9. The Commission does not anticipate providing any payment or gifts to respondents.
10. The information is not of a confidential nature.
11. No questions of a sensitive nature are requested.
12. The following represents the estimate of hour burden of the collection of information. We note that the time for complying with the requirement may range anywhere from 5 minutes up to 1 hour. This estimate also includes time for meeting the record retention (recordkeeping) requirement. Respondents are required to retain their submission, including all attachments thereto, for a two-year period.

FCC Form 395:

(1) Number of Respondents: 1,000.

(2) Frequency of Response: Annual reporting requirement per year and a recordkeeping requirement)

(3) Total Number of Responses Annually: 1,000 responses (approximately)

1,000 respondents x 1 response/annually = 1,000 responses

(4) Total Annual Hourly Burden: **1,000 hours.**

The Commission estimates that it will take each respondent no more than one hour to complete the FCC Form 395.

1,000 respondents x 1 hour per Form 395 = 1,000 hours

(5) Total Industry Costs:

The Commission estimates that it will take the average respondent approximately 1 hour to comply with the requirement. The Commission assumes that the respondent uses staff equivalent to a GS-7/Step 5 (\$22.92/hour) Federal employee, plus 30% overhead, to comply with the requirement.

1,000 hours x \$22.92 per hour = \$22,920.00
 30% overhead = \$6,876.00
 Total: \$29,796.00

13. The following represents the Commission's estimate of the annual cost burden to respondents or record-keepers resulting from the collection of information:

- (a) Total capital and start-up cost component (annualized over its useful life): \$0.00.
The requirement will not require the purchase of additional equipment.
- (b) Total operations and maintenance and purchase of services component: \$0.00.
- (c) Total annualized cost requested: \$0.00.

14. Annualized cost to the Federal government is estimated to be \$15,605.20 based on the following:

a. Processing Costs:

- (1) Estimated processing and maintenance time: 240 hours
- (2) Hours-to-dollars conversion, based on average grade of GS-13/Step 5:

$$240 \text{ hours} \times \$48.35 \text{ per hour} = \$11,604.00$$

b. Printing Costs		<u>\$400</u>
	Subtotal	\$12,004.00
c. Overhead Costs (\$12,004.00 x 30%)		<u>\$3,601.20</u>
	Total	\$15,605.20

15. The Commission notes there were no changes in burden.

16. There are no plans for publication of the results.

17. The Commission seeks approval to not display the OMB expiration date for OMB approval of the information collection; instead, the Commission will use the edition date in lieu of an OMB expiration date on these forms.

18. There are no exceptions to the certification statement in Item 19.

B. Collections of Information Employing Statistical Methods:

The Commission does not anticipate that the collection of information will employ statistical methods.