

Supporting Statement for Paperwork Reduction Act Submission
Equal Employment Opportunity Commission
Office of Federal Operations

A. Justification

1. Explain the circumstances that make the collection of information necessary. Include identification of any legal or administrative requirements that necessitate the collection.

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35), and Office of Management and Budget (OMB) regulation 5 C.F.R. § 1320.8(d)(1), the Equal Employment Opportunity Commission (EEOC) announces that it intends to submit to OMB a request to approve an existing collection as described below.

The Demographic Information on Applicants form is designed to enable federal agencies to evaluate their employment practices by collecting and analyzing data on the race, national origin, and sex of applicants for both permanent and temporary employment in order to comply with requirements of Equal Employment Opportunity Management Directive 715 (MD-715). MD-715 was promulgated under EEOC's authority under Title VII and the Rehabilitation Act as described in question 8 below. Federal agencies may or may not elect to use the form. Applicants for federal employment may or may not elect to complete the form. Therefore, federal agencies' and applicants use of the form is optional.

Currently the Office of Personnel Management (OPM) publishes forms SF-181, Ethnicity and Race Identification, and SF-256, Self-Identification of Disability, for use in obtaining data from employees. However, there is not an approved form for collecting the information from applicants.

EEOC is dedicated to ensuring that all segments of American society are represented within the federal workforce. Collection of this data allows federal agencies to develop outreach and recruiting programs to diversify the workforce. Diversification allows the federal workplace to capitalize on differing viewpoints, thereby improving the overall service provided to the public. The federal government's outreach efforts are important to meeting this goal and without the information received from this collection we will be unable to determine the effectiveness of a federal agency's recruitment program.

2. Indicate how, by whom, and for what purpose the information is to be used.

Federal agency representatives will use this data to determine if their recruitment efforts are reaching all segments of the population, consistent with federal equal employment opportunity ("EEO") laws, applicable to these agencies and enforced by EEOC. A more comprehensive assessment of how the form is used is not yet available because USAJobs, the primary source for job postings by federal agencies, has not yet fully integrated the applicant flow form into agency systems. If there has been an impact, it would likely not be meaningfully measured before the FY 2012 or FY 2013 MD-715 report submissions.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

EEOC will provide this form in electronic format to interested federal agencies.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.

While some other federal agencies (or components of such agencies) have obtained OMB's approval for the use of forms collecting data on the race, national origin, sex, and disability status of applicants, it is not an efficient use of government resources for each federal agency separately to seek OMB approval. Accordingly, in order to avoid unnecessary duplication of effort and a proliferation of forms, EEOC seeks approval of a form that can be used by any federal agency that so desires.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize the burden.

The collection of this data will not impact small business or other small entities.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently as well as any technical or legal obstacles to reducing burden.

If the collection of this data is not conducted, federal agencies will not be able to evaluate whether recruitment activities effectively are reaching all segments of the relevant labor pool and whether the agencies' selection procedures allow all of the applicants to compete on a level playing field regardless of race, national origin, or sex.

7. Explain any special circumstances that required the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

The collection is consistent with the guidelines in 5 CFR 1320.6.

8. Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information received and describe actions taken by the agency in response to these comments. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the date elements to be recorded, disclosed, and reported.

The 60-day notice was published in the Federal Register on February 21, 2012; Vol. 77, No. 34, pages 9923-9924. No comments were received. As indicated in EEOC's prior 60-day notice:

EEOC enforces Title VII of the Civil Rights Act, the Equal Pay Act, the Age Discrimination in Employment Act, the Rehabilitation Act and Title I of the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act. Pursuant to its authority under those statutes, EEOC issued Equal Employment Opportunity Management Directive 715 (MD-715) to provide policy guidance and standards for establishing and maintaining effective affirmative programs of equal

employment opportunity under Section 717 of Title VII and effective affirmative action programs under Section 501 of the Rehabilitation Act. MD-715 applies to all executive agencies and military departments (except uniformed members) as defined in Sections 102 and 105 of Title 5 U.S.C. (including those with employees and applicants for employment who are paid from nonappropriated funds), the United States Postal Service, the Postal Rate Commission, the Tennessee Valley Authority, the Smithsonian Institution, and those units of the judicial branch of the federal government having positions in the competitive service.

The overriding objective of MD-715 is to ensure that all employees and applicants for employment enjoy equality of opportunity in the federal workplace regardless of race, color, sex, age, national origin, religion, disability or genetic information. In order to ensure that agencies proactively prevent potential discrimination before it occurs and establish systems to monitor compliance with Title VII and the Rehabilitation Act, MD-715 requires agencies to evaluate their employment practices by collecting and analyzing data on the race, national origin, sex and disability status of applicants for both permanent and temporary employment. See also 29 C.F.R. Part 1607 (Uniform Guidelines on Employee Selection Procedures). This notice concerns an optional form for the use of federal agencies in gathering data on the race, national origin, and sex of applicants, which constitutes a collection of information under the Paperwork Reduction Act.

The Demographic Information on Applicants form is designed to enable federal agencies to evaluate their employment practices by collecting and analyzing data on the race, national origin, sex of applicants for both permanent and temporary employment. Use of the form is not required. Federal agencies may or may not elect to use the form. Applicants for federal employment may or may not elect to complete the form.

9. Explain decision to provide any payment or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts will be provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

The voluntary responses are requested pursuant to Public Law 93-579 ("Privacy Act of 1974") for individuals completing federal records and forms that solicit personal information. The authority is Title 5 of the U.S. Code, Sections 1302, 3301, 3304, and 7201.

The voluntary responses will be treated in a highly confidential manner and play no part in the selection of who is hired. The responses are not provided to any panel rating the applications, selecting officials, anyone who can affect the application, or to the public. Rather, the information is used in summary form to determine trends over many selections within a given occupational or organizational area. Responses from this form are not placed in an official personnel file.

11. Provide additional information for any questions of a sensitive nature, such as sexual behavior and attitude, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the question necessary, the specific uses to be made of the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of collection of information.

In fiscal year 2011, EEOC gathered data from the 59 federal agencies required to collect applicant data. Based on the agency responses, we expect that 26,854,281 applicants will be asked to complete the form.

Because of the increasing use of online application systems, which require only pointing and clicking on the selected responses, and because the form requests only six questions regarding basic information, the EEOC estimates that an applicant can complete the form in approximately 3 minutes.

Overview of This Information Collection

Collection Title: Demographic Information on Applicants

OMB Control No.: 3046-0046

Description of Affected Public: Individuals submitting applications for federal employment.

Number of Forms: One

Number of Responses: 26,854,281

Estimated Time Per Response: 3 minutes

Total Burden Hours: 1,342,714 [(26,854,281x3)/60]

Federal Cost: None

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection.

For Respondents: Because of the increasing use of online application systems, which require only pointing and clicking on the selected responses, and because the form requests only six questions regarding basic information, the EEOC estimates that an applicant can complete the form in approximately 3 minutes.

14. Provide estimates of annualized cost to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expense, and any other expense that would not have been incurred without this collection of information.

The estimated annual cost to the federal agencies is not known. A more comprehensive assessment of how the cost of the form is not yet available because USAJobs, the primary source for job postings by federal agencies, has not yet fully integrated the applicant flow form into agency systems. Once the form is fully integrated, we do not expect that there will be an additional cost to agencies.

15. Explain reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There are no program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

16. For collection of information whose results will be published, outline the plans for tabulation and publication.

The data will be compiled and utilized in the federal agencies' MD-715 reports that are submitted annually to the EEOC by January 31st.

17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

EEOC is not requesting that the expiration date not be displayed.

18. Explain each exception to the certification statement identified in item 19 of OMB Form 83-I.

No exceptions.

Attachments:

Federal Register 30-day notice

Form - DEMOGRAPHIC INFORMATION ON APPLICANTS

Vacancy Announcement No.:
Position Title and Grade:
Name (Last, First, Middle Initial):

Your Privacy Is Protected

This information is used to determine if our recruitment efforts are reaching all segments of the population, consistent with Federal equal employment opportunity laws. Your voluntary responses are treated in a highly confidential manner. **Your responses are not released to the panel rating the applications, to the selecting official, to anyone else who can affect your application, or to the public.** No information taken from this form is ever placed in your Personnel file. This is vital information not available from any other source. We can only get it directly from you. Thank you for helping us to provide better service.

1. How did you learn about this position? (Check One):

1. Agency Internet Site recruitment.
2. Private Employment Web Site.
3. Other Internet Site.
4. Poster.
5. Newspaper.
6. Magazine.
7. TV/Radio.
8. Student association.
9. Private Employment Office.
10. State Employment Office.
11. Federal, state, or local Job Information Center.
12. Agency Human Resources Department (bulletin board or other announcement).
13. Agency or other Federal government on campus.
14. Religious organization.
15. School or college counselor or other official.
16. Job Fair (give location: _____).
17. Friend or relative working for this agency.
18. State Vocational Rehabilitation Agency.
19. Professional organization or publication.
20. Other.

2. Sex (Check One):

1. Male 2. Female

3. Ethnicity (Check One):

1. Hispanic or Latino—a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
2. Not Hispanic or Latino.

4. Race (Check all that apply):

1. American Indian or Alaska Native—a person having origins in any of the original peoples of North or South America (including Central America), and who maintains tribal affiliation or community attachment.
2. Asian—a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, or Vietnam.
3. Black or African American—a person having origins in any of the black racial groups of Africa.
4. Native Hawaiian or Other Pacific Islander—a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific islands.
5. White—a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Privacy Act and Paperwork Reduction Act Statement

Privacy Act Information: This information is provided pursuant to Public Law 93-579 ("Privacy Act of 1974"), for individuals completing Federal records and forms that solicit personal information. The

authority is Title 5 of the U.S. Code, sections 1302, 3301, 3304, and 7201. **Purpose and Routine Uses:** No individual data is ever provided to selecting officials. This form will only be seen by HR Personnel and Equal Employment Opportunity officials. Data summarizing all applicants for a position will be used to determine if we are effectively recruiting from all segments of the population, in conformance with the requirements of Federal equal employment opportunity laws. Only summary data is reported, and only in a format which can not be broken out by individual applicants. **Effects of Nondisclosure:** Providing this information is voluntary. No individual personnel selections are made based on this information.

Paperwork Reduction Act Statement: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et. seq.) requires us to inform you that this information is being collected for planning and assessing affirmative employment program initiatives. Response to this request is voluntary. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The estimated burden of completing this form is three (3) minutes, including the time for reviewing instructions. Direct comments regarding the burden estimate or any other aspect of this form to the Equal Employment Opportunity Commission, Affirmative Employment Division, Federal Sector Programs, 1801 L St., NW, Washington, DC 20507 and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.