

SF-83 SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT CLEARANCE

A. Justification

1. Need

The nondiscrimination provision in the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c) prohibits recipients of federal financial assistance under the statute to discriminate, either in employment or in the delivery of services or benefits, based on race, color, national origin, sex, or religion. The implementing regulation for the Safe Streets Act, 28 C.F.R. pt. 42, subpt. E, requires that certain recipients of federal financial assistance under the statute develop an Equal Employment Opportunity Plan (EEOP). Compliance with the EEOP requirement is also an express condition in each grant award subject to the administrative provisions of the Safe Streets Act.

The obligation to comply with the EEOP requirements extends not only to recipients of financial assistance under the Safe Streets Act, but also to recipients of financial assistance under the Juvenile Justice and Delinquency Act of 1974, as amended, (see *id.* § 5672(b)). As a matter of longstanding policy, the Office for Victims of Crime has also required recipients of financial assistance under the Victims of Crime Act of 1984, as amended, to comply with the EEOP requirements.

An EEOP is a report that compares the composition of a recipient's workforce, cross-classified by race, national origin, and sex in eight major job categories, to the demographics of similarly qualified people in the relevant labor market. If there is a significant underrepresentation of recipient employees in the eight job categories based on race, national origin, or sex, the recipient must address the disparity and take steps to ensure equal employment opportunities.

Certain recipients of financial assistance subject to the Safe Streets Act are exempt from either developing an EEOP or submitting it to the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice for review and approval. Among the recipients that are completely exempt from the EEOP requirement are nonprofit organizations, medical and educational institutions, Indian tribes, organizations with less than fifty employees, and organizations that receive an award of less than \$25,000. *Id.* § 42.303(c),(d).

Recipients that are government agencies or private entities, that have fifty or more employees, and that receive an award of \$25,000 or more but less than \$500,000 must develop an EEOP, but they are exempt from submitting the report to the OCR for review.

Recipients that are government agencies or private entities, that have fifty or more employees, and that receive an award of \$500,000 or more, must develop an EEOP and submit it to the OCR for review and approval.

In adherence to the applicable federal regulation, the Equal Employment Opportunity Plan Certification and Short Form assists Safe Streets Act recipients in meeting their regulatory obligations related to the development and submission of an EEOP.
entities.

2. Purpose

The OCR is responsible for enforcing the federal regulation that requires recipients under the Safe Streets Act to produce an EEOP. 28 C.F.R. pt. 42, subpt. E. The Equal Employment Opportunity Plan Certification Form and Short Form allows the OCR to track whether a recipient may be exempt from the EEOP requirement, whether a recipient has a limited exemption from the submission requirement, or whether a recipient must develop an EEOP and submit it to the OCR for review and approval. The OCR uses the form to determine whether a recipient is in compliance with its grant obligations.

The form also provides invaluable assistance to recipients in complying with the applicable EEOP regulation. The EEOP Certification helps recipients claim exemptions for which they may be entitled. The online Short Form provides detailed, step-by-step guidance to recipients in developing an acceptable EEOP.

3. Use of Technology to Reduce Burden

The Office for Civil Rights (OCR) at the Office of Justice Programs (OJP) has created online tools to assist recipients of Federal financial assistance to comply with the Equal Employment Opportunity Plan (EEOP) requirements set forth in 28 C.F.R. pt. 42, subpt. E. Recipients have access to comprehensive, online technical assistance that explains what the EEOP requirements are, whether recipients may be exempt from them, how recipients can file a Certification to claim an exemption, whether recipients must create an EEOP Short Form, and whether recipients must submit an EEOP Short Form to the OCR for review. The online tool also guides recipients through every step of the process to create an EEOP Short Form, importing relevant labor statistics from the U.S. Census Bureau, automatically calculating employment data, and identifying statistically significant workforce underutilization based on race, sex, and national origin. The OCR has the capacity to collect Certifications and EEOP Short Forms through e-mail. The OCR is also developing the capacity for recipients to upload Certification directly into OJP's Grant Management System (GMS), which will allow the OCR to receive review the forms electronically.

4. Duplication

There is no duplicative effort based on the programmatic nature of this program.
There is no other source for this information.

5. Burden for Small Business

The information requirements do not pertain to small business or other small entities.

6. Frequency

No less frequent collection is feasible. Given that employment data changes frequently, OCR has reduced the number of submissions to a level that will not be a burden on grantees but will provide current employment-practice information to OCR.

7. Special Circumstances

The information collection is consistent with 5 C.F.R. § 1320.6.

8. Consultation Outside of Agency

Through consultations with State Administering Agencies (SAAs) over the last five years in all states and territories, the OCR has found that the Equal Employment Opportunity Plan Certification and Short Form is a particularly useful tool in helping recipients both understand and comply with the EEOP requirement. SAA reviews of the form have been uniformly favorable. SAAs have also found that the form is particularly useful in monitoring the compliance of their subrecipients, which are also subject to the EEOP requirements under 28 C.F.R. pt. 42, subpt. E.

9. Payment or Gifts to Respondents other than in the form of Grants

No other payments are given or made to Respondents.

10. Confidentiality

No confidentiality is provided.

11. Sensitivity

No sensitive information is collected.

12. Hour Burden Estimates (annual)

Grantees: There are a total of 17,865 respondents, the collective number of recipients of Federal financial assistance from the Office of Justice Programs (OJP), the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS). Approximately 3,286 respondents receive a single grant award of \$500,000 or more; consequently they

are responsible, according to 28 C.F.R. pt. 42, subpt. E, for preparing an Equal Employment Opportunity Plan (EEOP) Short Form and submitting it to the OCR for review. The estimated time for preparing and submitting the EEOP Short Form is four hours. All 17,865 respondents must complete the Certification and submit it to the OCR. The estimated time to complete the Certification is one quarter hour. Approximately 6,691 respondents will complete Section A of the Certification, claiming an exemption from the EEOP requirements based on one or more of the following criteria: being an Indian tribe, a nonprofit organization, a medical institution, or an educational institution; or receiving a single award of less than \$25,000; or having less than fifty employees. The Department of Justice was able to estimate the number of respondents that may be eligible to claim a complete exemption from the EEOP requirements based on all of the applicable criteria except for the one concerning the number of employees. As the Department of Justice has no reliable data on the size of a recipient's workforce, the number of respondents claiming an exemption based on having less than fifty employees may be marginally larger. Approximately 7,888 respondents receive a grant award of \$25,000 or more, but less than \$500,000. Consequently, these recipients would complete Section B of the Certification, noting, according to 28 C.F.R. pt. 42, subpt. E, that they are maintaining an EEOP Short Form on file but claiming an exemption from the requirement to submit it to the OCR for review. As previously noted, approximately 3,286 respondents receive a single award of \$500,000 or more; in addition to completing and submitting the EEOP Short Form, they must also complete Section C of the Certification, stating the date on which they will send (or have sent) an EEOP Short Form to the OCR for review. Based on the estimated number of respondents and the estimated time for completing the EEOP Short Form and Certification, the total burden hours on grantees would be approximately 17,610 hours.

Formula: # of respondents x frequency of response x estimated hours = hour burden

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|--------------------|--------------------------------|
| 3,286 x 1 x 4 = | 13,144 EEOP Short Form hours |
| 17,865 x 1 x 1/4 = | 4,466 EEOP Certification hours |

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|--------------------|-----------------------------------|
| 21,151 respondents | Total Burden hours = 17,610 hours |
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13. Cost Burden Estimate

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| Total Capital and Start-up | \$0 |
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| Total Operation and Maintenance and Purchase of Service | \$0 |
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14. Estimated Cost to Federal Government (annual)

Federal Government: The OCR at OJP must review the submitted EEOP Short Forms and Certifications. A contract specialist reviews the EEOP Short Forms for accuracy and provides technical assistance in writing and by telephone. The contract specialist also compiles, reviews, and files the Certifications. The estimated burden cost to the Federal Government is \$366,641

Formula: # of respondents x frequency of response x estimated hours x average hourly rate + 1 compensation of contract support staff = Cost to Federal government.

$$(17,865 \times 1 \times \frac{1}{2} \times \$34.27) + \$60,524 = \$366,641$$

15. Reasons for Changes in Burden

There is no change in the burden hours.

16. Statistical Use

The results of this collection of information will not be published.

17. Reasons for Seeking Approval not to Display OMB Expiration Date

No such approval is being sought.

18. Exception to the Certification Statements

No exception to the Certification Statements is being sought.

B. Collection of Information Employing Statistical Methods

This data collection does not employ statistical sampling methods.