

**Supporting Statement  
Recordkeeping and Reporting Requirements for  
Local Union Report EEO-3**

**A. Justification**

1. The legal basis for the Local Referral Union Report (EEO-3) form and recordkeeping requirements is Section 709 (c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), (Title VII), which imposes the requirement that “[e]very employer, employment agency, and labor organization subject to this subchapter shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports there from as the Commission shall prescribe by regulation or order. . .” Accordingly, the EEOC issued a regulation, **29 C.F.R. § 1602.22-26**, which set forth the reporting and related recordkeeping requirements for various kinds of labor organizations. Local referral unions with 100 or more members have been required to submit EEO-3 reports since 1967 (biennially since 1985). The individual reports are confidential and may not be made public by the Commission prior to the institution of lawsuit(s) under Title VII in which the individual reports are involved.
  
2. EEO-3 data are used by EEOC to investigate charges of employment discrimination against local referral union employers and to provide information about the employment status of minorities and women. The data are used to evaluate and prioritize charges under the Commission’s charge processing system and to determine the appropriate investigative approaches. Further in the process, the data can be analyzed to develop statistical evidence as the investigation proceeds. EEOC uses the data to develop ad hoc studies examining membership and referral practices and to assist researchers requesting data for academic studies. The EEO-3 survey form provides the only data collection which covers the membership and referral practices of unions by race/ethnic group and sex.

EEO-3 data are shared with other agencies for their enforcement efforts. Pursuant to §709(d) of Title VII of the Civil Rights Act of 1964, as amended, EEO-3 data are also shared with eighty-six State and local Fair Employment Practices Agencies (FEPAs) for their enforcement efforts. EEOC is required to furnish survey data, without cost, to FEPAs.

If the EEO-3 survey is discontinued, EEOC would have no data depicting the membership and referral practices of referral unions by race/ethnic group and sex in order to fulfill its mission to enforce Title VII. Further, cancellation of this survey would preclude EEOC from providing such data to current user agencies. Consequently, state and local governments as well as other Federal agencies would likely need to request union membership and referral data on an individual basis from the relevant respondents. The affected respondents would suffer unnecessarily from those duplicated efforts.

3. The EEO-3 report is collected through a web based on-line filing system. There are 1399 respondents reporting biennially and 79% of these respondents file on-line. The on-line filing system has reduced the burden hours.
4. We are not aware of any duplicative or related data collection efforts.
5. The EEO-3 Report survey is not collected from private employers and there is a 100 member reporting threshold, so there is no burden on small entities.
6. The data are an integral part of the Title VII enforcement process, so failure to collect the data reduces our ability to enforce Title VII. The data are only collected in even numbered years. Since membership and referrals are dynamic, collecting the data less often would significantly reduce data utility. However, during the extension period, alternative data collection approaches to reduce the reporting burden will be explored.
7. No special circumstances will be used to collect the EEO-3 Report.
8. See attached Federal Register Notice dated February 4, 2011. There was one comment received from the public. However, it did not apply to the proposed extension.
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. All state and local FEPAs with whom we share the data must agree to maintain the confidentiality of the data.
11. The EEO-3 Report does not solicit any information of a sensitive nature.
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|--------------------------------------|----------|
| ANNUAL<br>RESPONDENT<br>BURDEN HOURS | 2,102    |
| ANNUAL EMPLOYER<br>BURDEN COSTS      | \$39,929 |

| REPORTS<br>FILED<br>2018 | ESTIMATED<br>BURDEN<br>PER REPORT | ESTIMATED<br>TOTAL BURDEN<br>HOURS | COSTS<br>PER<br>HOUR | ESTIMATED<br>TOTAL<br>BURDEN |
|--------------------------|-----------------------------------|------------------------------------|----------------------|------------------------------|
| 1,401                    | 1.50                              | 2,102                              | 19.00                | 39,929                       |

Burden hours are assumed to be 1.5 hours per form at a cost of \$19.00 per hour. <sup>1</sup>

13. There are no cost changes. Unions have been completing this form for a number of years.
14. Estimated cost to the federal government will be: \$60,000. (Based on competitive bid process from prior years.)
15. There are no program changes. However it should be noted that the burden hours estimated in question 13 above have been revised since the approval of the report for the 2008 reporting period. The total burden hour estimate represents an update from the pre-2008 estimates when total burden hours were estimated at 2,098. This increase in burden hours is due to a slight increase in the number of unions reporting that began in 2008.
16. The time schedule for information collection and publication is as follows:

|                       |  |
|-----------------------|--|
| Report Period of Data | Any two-month period selected by the local union between August 1 and November 30. |
| Filing deadline       | December 31  |
| First Follow-up       | Communication January 31   |
| Second Follow-up      | Communication February 28  |
| Preliminary Data      | Tape July 31   |
| Final Data Tape       | September 30   |
17. EEOC is not seeking approval to not display the expiration date for this collection of information.
18. No exceptions to the Certification Statement are requested.

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<sup>1</sup> Estimated burden hours were calculated by multiplying the number of reports expected to be filed biennially (1,401 in 2008) by the estimated average time to complete and submit each report (1.5 hours).  $1,401 \times 1.5 = 2,102$ . Relying on an estimate of \$19 per hour results in a total burden cost of \$39,929 dollars (2,102 burden hours X 19.00 per hour). The rate of \$19 per hour is based on the hourly pay rate of human resources assistants of \$18.22 (*Occupational Employment Statistics, Occupational Employment and Wages, May 2010, 43-4161 Human Resources Assistants, Except Payroll and Timekeeping*, <http://data.bls.gov/cgi-bin/print.pl/oes/current/oes434161.htm/6/30/2011>, Last Modified Date: May 17, 2011, U.S. Bureau of Labor Statistics, Division of Occupational Employment Statistics). The rate of \$18.22 was rounded up to \$19 to account for instances where higher paid staff perform this work.

