

Supporting Statement
State and Local Government Information Report EEO-4
(EEOC Form 164)

A. Justification

1. The legal basis for the State and Local Government Information Report (EEO-4) 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. § 1602.30-38**, which sets forth the reporting and related recordkeeping requirements for State and Local governments. State and Local Governments with 100 or more full-time employees have been required to submit EEO-4 reports since 1973 (biennially in odd numbered years since 1993). 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. The EEO-4 data are used by the EEOC to investigate charges of employment discrimination against State and Local governments 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 of the public sector work force and academic researchers utilize the data.

The data are shared with the Department of Justice. Pursuant to §709(d) of Title VII, EEO-4 data are also shared with eighty-six State and Local Fair Employment Practices Agencies (FEPAs) for their enforcement efforts.

3. The EEO-4 report is collected through a web based on-line filing system. There are 6,018 respondents reporting biennially and 76% of these respondents file on-line. The on-line filing system has reduced the burden hours.

4. The Department of Justice’s COPS program collects gender, race, and ethnicity information from State and Local law enforcement agencies receiving COPS grants. However, the COPS collection is voluntary and only covers certain law enforcement agencies. The coverage of the EEO-4 report is broader than the COPS collection and includes State and Local personnel who do not work in law enforcement.

5. The EEO- 4 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 EEO-4 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 odd numbered years. Further, the EEO-4 is required by law. Section 709 (c) of Title VII requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed and to make reports there from as required by the EEOC. Accordingly, the EEOC issued a regulation, **29 C.F.R. § 1602.30-38**, which sets forth the reporting requirements for State and Local governments. The EEO-4 survey provides the only data collected which covers employment in State and Local governments by major activity (function), sex, race/ethnic group, job category and annual salary (full-time employees). The data are further defined by full-time, part-time and new hire status. No comparable data are available. If the EEO-4 survey is discontinued, EEOC would not have the data on employment in State and Local governments necessary to fulfill its mission to enforce Title VII. Further, cancellation of the survey would prevent EEOC from providing the data to current users. Consequently, all the data users identified in this section may each request these same data from State and Local governments in order to carry out their individual programs. The affected governments would suffer unnecessarily from such duplicated requests.

In order to help reduce burden, respondents are encouraged to file the report via the on-line filing system. The data are only collected every other year. Since employment characteristics are dynamic, collecting the data less often would significantly reduce data utility.

7. No special circumstances have been used for collection of the EEO-4 Report.
8. See attached Federal Register Notice dated February 4, 2011. There were no comments received from the public.
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. Barring prohibitive State or Local legislation, a political jurisdiction may make its EEO-4 Report public at any time.
11. The EEO-4 Report does not solicit any questions of a sensitive nature.
- 12.

RESPONDENT
 BURDEN HOURS
 ANNUAL EMPLOYER
 BURDEN COSTS \$1,450,485

REPORTS FILED 2009	ESTIMATED BURDEN PER REPORT	ESTIMATED TOTAL BURDEN HOURS	COSTS PER HOUR	ESTIMATED TOTAL BURDEN
14,060	5.25	73,185	19.00	1,400,485

Burden hours are assumed to be 5.25 hours per form at a cost of \$19.00 per hour.¹ It is assumed that large State and Local governments rely heavily on computerized systems to keep processing hours low.

13. There are no cost changes. Jurisdictions have been reporting in the same manner for many years.
14. Estimated cost to the federal government will be: \$187,500 contract cost (based on a competitive bid process from prior years.)
15. There are no program changes. However it should be noted that the burden hours estimated in question 12 above have been revised since the approval of the report for the 2008 reporting period.
16. Time Schedule for Data Collection and Publication
 - a. September 30 - Filing deadline
 - October 30 - First follow-up communication
 - November 30 - Second follow-up communication
 - March 31 - Final data base creation
 - June 30 - preparation of data product

¹ Estimated burden hours were calculated by multiplying the number of reports expected to be filed annually (14,060 in 2009) by the estimated average time to complete and submit each report (5.25hours). (14,060 X 5.25 = 73,185). Relying on an estimate of \$19 per hour results in a total burden cost of \$1,400,485 (73,185 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 hourly rate of \$18.22 was rounded up to \$19 to account for instances where higher paid staff perform this work.

- b. Nine months are expected to elapse between the filing deadline and data preparation.
- 17. No statistical method is used for this survey. The entire sample is used.
- 18. EEOC is not seeking approval to not display the expiration date for this collection of information.
- 19. No exceptions to the Certification Statement are requested.