

**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 1986). 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 the EEOC to investigate charges of employment discrimination against local referral union 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. The data can be analyzed to develop statistical evidence as the investigation proceeds. The 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 ninety-four State and local Fair Employment Practices Agencies (FEPAs) for their enforcement efforts. The EEOC is required to furnish survey data, without cost, to FEPAs.

3. The EEO-3 report is collected through a web based on-line filing system. There are 1,176 respondents reporting biennially and 79% of these respondents file on-line. The increase in burden hours is due to the changes made to the race and ethnicity categories on the EEO-3 report (Form 274) to conform to OMB’s [Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity](#) (October 30, 1997) (Revised Standards), as applied in OMB [Bulletin No. 00-02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement](#)

(March 9, 2000). These changes required an increase in the number of cells on each report, and we estimate that this increase will lead to an increase in the amount of time required to complete each report.

4. We are not aware of any duplicative or related data collection efforts.
5. The EEO-3 Report is only collected from referral unions with at least 100 members, 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. 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. The EEOC is currently conducting a study on how burden can be reduced by using alternative data collection approaches,
7. No special circumstances will be used to collect the EEO-3 Report.
8. See attached Federal Register Notice dated August 27, 2014. There were no comments received from the public.
9. The 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 the 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.
- 12.

ANNUAL RESPONDENT BURDEN HOURS	2,405
ANNUAL	\$45,695

EMPLOYER
BURDEN HOUR
COSTS

REPORTS FILED 2012	ESTIMATED BURDEN PER REPORT	ESTIMATED TOTAL BURDEN HOURS	COSTS PER HOUR	ESTIMATED TOTAL BURDEN HOUR COSTS
1,176	2.05	2,405	19.00	45,695

Burden hours are assumed to be 2.05 hours per form at a cost of \$19.00 per hour. ¹

13. There is a one-time cost for unions that will have to re-survey the members to comply with the new race and ethnicity changes. We estimate that cost to be \$2,822,400.
14. Estimated cost to the federal government will be: \$81,935. (Based on competitive bid process from prior years.)
15. The EEOC has revised the race and ethnicity categories on the EEO-3 report (Form 274) to conform to OMB's [Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity](#) (October 30, 1997) (Revised Standards), as applied in OMB [Bulletin No. 00-02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement](#) (March 9, 2000). We estimate that, due to these changes made to the Form 274, each report will take longer to complete, and the burden hour estimate has therefore increased since the last time the form was approved.
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.
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¹ Estimated burden hours were calculated by multiplying the number of reports expected to be filed biennially (1,176 in 2012) by the estimated average time to complete and submit each report (2.05 hours). $1,176 \times 2.05 = 2,405$. Relying on an estimate of \$19 per hour results in a total burden cost of \$45,695 ($2,405 \text{ burden hours} \times 19.00 \text{ per hour}$). 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.

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. The 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.