

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 1974 (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. The data can be analyzed to develop statistical evidence as the investigation proceeds. The 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 ninety-four 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 12,458 respondents reporting biennially and 86% 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-4 report (Form 164) 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. 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 is only collected from State and local governments with 100 or more employees 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, the 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 the 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 60 day Federal Register Notice dated August 27, 2014. EEOC received no comments from the public during the 60-day comment period; however, after publication of a Federal Register Notice on January 20, 2015, 80 Fed. Reg. 2703, OMB and EEOC received a comment from the State of Alaska requesting additional time to comply with the proposed changes. For the 2015 EEO-4 reporting cycle only EEOC will accept reports from State and Local governments using either the revised report with the new race and ethnicity categories or the previous version of the report. EEOC is making this option available to provide flexibility and ease reporting burdens during this transition, and because we were unable to provide as much advance notice as preferable to change your personnel systems to capture the revised race and ethnicity categories changes.

13. There is a one-time cost for any jurisdiction that will have to re-survey the workforce to comply with the new race and ethnicity changes. We estimate that cost to be \$21,600,000.
14. Estimated cost to the federal government will be: \$226,549 contract cost (based on a competitive bid process from prior years.)
15. The EEOC has revised the race and ethnicity categories on the EEO-4 report (Form 164) 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 164, each report will take longer to complete, and the burden hour estimate has therefore increased since the last time the form was approved.
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
 - b. Nine months are expected to elapse between the filing deadline and data preparation.
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.