

**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 1,075 respondents reporting biennially and 95% of these respondents file on-line.

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 September 13, 2016. 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	2203.75
ANNUAL	
EMPLOYER	
BURDEN HOUR	
COSTS	\$90885.34

**TABLE 1
ESTIMATE OF BURDEN FOR EEO-3 REPORT**

LOCAL REFERRAL UNION STAFF	HOURLY WAGE RATE	HOURS PER LOCAL	COST PER LOCAL ¹	TOTAL BURDEN HOURS ²	TOTAL BURDEN HOUR COST ³
					Number of Local Unions =1075
SECRETARIES AND ADMINISTRATIVE ASSISTANTS	\$17.55	1	\$17.55	1075	\$18866.25
BUSINESS AGENT	\$64.21	1	\$64.21	1075	\$69025.75
LEGAL COUNSEL	\$55.69	0.05	\$2.7845	53.75	\$2993.3375
TOTAL	137.45	2.05	\$84.5445	2203.75	\$90885.3375

13. There is no cost for unions. It is believed that the costs associated with collecting, managing and reporting data are de minimis and not quantifiable.
14. Estimated cost to the federal government will be: \$81,935. (Based on competitive bid process from prior years.)
15. There were no recorded survey changes or adjustments during this survey cycle 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.
Filing deadline	December 31
First Follow-up	Communication January 29
Second Follow-up	Communication March 9
Preliminary Data	August 1
Final Data	October 1

¹ The figures in this column were calculated by multiplying the figures in the Hourly Wage Rate column by those in the Hours Per Local Column.

² The figures in this column were calculated by multiplying the figures in the Hours Per Local column by 1075, the total number of respondents.

³ The figures in this column were calculated by multiplying the figures in the Cost Per Local column by 1075, the total number of respondents.

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.