Supporting Statement B
Recordkeeping and Reporting Requirements for
Local Union Report EEO-3
(OMB Control No. 3046-0006)

B. Collections of Information Employing Statistical Methods

1. <u>Respondent Universe</u>

The respondent universe for the EEO-3 collection is defined by Title VII of the Civil Rights Act of 1964, as amended (Title VII). The EEO-3 is conducted to fulfill the reporting responsibility of local referral unions subject to Title VII. As part of this requirement, the reporting unions provide data on their members, applicants for membership, referrals, and applicants for referral by sex and by race/ethnic groups to the EEOC. Local referral unions with 100 or more members have been required to submit the EEO-3 report since 1967 (biennially since 1986). All local referral unions within the 50 U.S. states, except Hawaii, and District of Columbia who have had 100 or more members at any time since December 31 of the year preceding the collection are legally obligated to complete and file the EEO-3.

"Referral unions" are those under whose normal methods of operation individuals customarily and regularly seek or gain employment through the union or an agent of the union. For the purposes of EEO-3 eligibility, a local union will be considered to be a Referral Union only if it:
(a) Operates a hiring hall or hiring office (on its own behalf or through a joint council or other referral agent), or
(b) Has an arrangement under which one or more employers are required to consider or hire persons referred by the union or its agent, or
(c) Has 10 percent or more of its members employed by employers which customarily and regularly look to the union, or any agent of the union, for employees to be hired on a casual or temporary basis, for a specified period of time, or for the duration of a specified job.

Only those local referral unions located in the 50 States and the District of Columbia, excluding Hawaii, must report.

There is no single source for the universe of all local referral unions that meet the EEO-3 filing criteria. For a given reporting year, the EEOC maintains the respondent frame using the last EEO-3 filing cycle mailing list as a starting place. In the past, the EEOC consulted with the Department of Labor's Office of Labor Management Standards (OLMS) to access lists of active unions (https://www.dol.gov/agencies/olms).

The EEOC is aware that the current list undercounts existing eligible unions. The EEOC is developing a plan to improve the coverage of the list by identifying eligible filers who are not recorded in the current roster through means such as web searches and cross-referencing

EEO-3 filers to external databases. The EEOC will also begin researching access and coverage of the OLMS database as part of a larger effort to improve the list of eligible filers.

Response Rate during the Last Collection

The estimated number of respondents included in the biennial EEO-3 collection is approximately 1,100 referral unions, as this is approximately the number of filers on the list from the most recent (2018) reporting cycle. Each union completes one report for all its members.

There were 1,100 unions that were notified of their filing obligation for the 2018 EEO-3 collection. Of the notified unions, 975 filed reports. The 2018 EEO-3 collection response rate was 89 percent.

The 2016 EEO-3 collection achieved a response rate of 93.6 percent, with 1,098 out of 1,173 unions of record submitting EEO-3 data.

2. **Procedures for Collection of Information**

The EEO-3 collection does not utilize a sample, and as a result does not employ sampling methods, such as weights or stratification. All unions who fit the eligibility criteria, as outlined above, are legally obligated to respond. Filers submit a single EEO-3 submission providing data on their members, applicants for membership, referrals, and applicants for referral by sex and by race/ethnic groups to the EEOC.

EEO-3 filers can submit their data electronically through an online web-based application system. Once filers have completed entering their EEO-3 data, the online application prompts them to review the data for accuracy, and to certify their submission. The data entered through the online application can only be submitted after the data have been certified by the filer. 975 respondents reported EEO-3 data for the 2018 collection. Of these, 944 respondents, or approximately 97 percent, filed electronically through the online filing system. Of the 975 respondents, 31 or 3.2 percent of the respondents filed EEO-3 data through paper submission. Online electronic filing remains the most popular, efficient, accurate, and secure means of reporting for respondents required to submit EEO-3 data. The EEOC has also made online electronic filing much easier for respondents. The EEOC will provide filers with the option of uploading a data file in future years and will provide specifications for future filers who wish to upload an electronic CSV data file through the online application system. The EEOC will provide technical assistance to any filers who have difficulty responding online electronically. Accordingly, the EEOC will continue to encourage EEO-3 filers to submit data through online electronic filing and will only accept paper records from filers who have secured permission to submit data via paper submission.

In order to further reduce reporting burden on filers, the EEOC is working to improve the online application system and filer communications, including modernizing and streamlining instructional materials for EEO-3 filers.

At the start of the EEO-3 collection, eligible unions receive a letter via U.S. mail from the EEOC notifying them that the EEO-3 collection has opened. The EEOC will also send email blasts to EEO-3 filers prior to the opening of the collection, notifying them of the opening date of the collection. The EEOC provides easy to follow guidance to filers to assist them in submitting accurate data. In addition to an instruction booklet, the EEOC provides an EEO-3 user guide that contains instructions for filing through the online web-based application system. The guide provides step-by-step instructions for filing for the first time, navigating the online application system (including screenshots), inputting data, and certifying data. Additionally, the EEOC will provide specifications for future filers who wish to upload an electronic CSV data file through the online application system.

All technical assistance resources are available electronically through the internet and updated as necessary prior to opening of the EEO-3 collection. Resources include frequently asked questions and answers (FAQs), instructions for retrieving lost login credentials, and contact information for a filer help desk. For the opening of the 2020 EEO-3 collection in August 2021[1], filers will be able to find such resources on the internet at https://eeocdata.org.

In order to reduce burden on respondents, EEO-3 data are collected every other year (biennially), in even-numbered years. The EEO-3 collection typically opens in September of the reporting year.

The EEOC plans to keep active data collection (i.e., the time period between the data collection opening date and the published due date) open for approximately 12 weeks. Once the published due date has passed, the EEOC will enter the non-response follow-up phase where the EEOC will prompt non-responding eligible EEO-3 filers to submit their data as soon as possible. Three prompts will be sent during this time, which typically lasts six weeks past the published due date.

3. **Methods to Maximize Response Rates**

Unions have been submitting EEO-3 data for decades. They are familiar with the EEOC's processes regarding the collection and accustomed to the EEOC's notifications regarding the opening and closing of the collection as well as periodic updates.

In addition to routine electronic notifications and updates, the EEOC encourages filers to participate through a series of prompts occurring throughout the collection cycle. The first prompt begins at the start of data collection when the EEOC sends letters via U.S. mail to filers announcing the opening of data collection. This letter contains a unique login ID (control number) as well as a temporary password. Once filers access the online application, they are prompted to change their passwords to provide additional security and update their

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[1] The 2020 EEO-3 collection has been delayed until calendar year 2021 due to the COVID-19 pandemic. The 2020 EEO-3 data collection is scheduled to open in August 2021. The filing deadline is scheduled for mid-October. Follow-up letters will be sent from October through November. The data will be cleaned December through February and the data are tentatively scheduled to be published in March 2022. The EEO-3 collection will resume its normal schedule in 2022.

primary contact email address. The letter also contains information about how filers can reach the EEOC if they need technical assistance.

In past collections, the initial notification letter was the only individualized communication sent to EEO-3 filers before follow-up after the collection due date. In future collections, the EEOC plans to utilize methodological best practices to increase the frequency and types of reminders sent to EEO-3 filers. Once the data collection period opens, the EEOC will send periodic email blasts (e-blasts) reminding EEO-3 filers to submit their data in order to maximize response before the posted due date. The EEOC will send follow-up communications 2-3 weeks after data collection opens, and another follow up 1-2 weeks before the published deadline. Following the posted due date, the EEOC sends three reminder letters to instruct non-responding filers to submit data as soon as possible.

Moving forward, the EEOC plans to further improve response rates and reduce burden by modernizing and streamlining instructional materials.

In addition to filer communications, the EEOC encourages a high rate of response by providing technical assistance via email, phone, and U.S. mail. Technical assistance is provided to assist filers immediately with filing instructions and navigating the online filing system, as well as performing contact and address updates and organization change requests.

The EEOC also makes efforts to minimize nonresponse and incomplete data. Where filer notification letters are returned as undeliverable, the EEOC's EEO-3 collection contractor researches the unions to determine changes of addresses and/or whether the union is still in existence. New address updates are made in the online application and new notification letters are generated with the updated addresses. The contractor's staff attempt to contact filers who submit incomplete or uncertified data and encourage them to re-submit complete data.

As described above, the EEOC sends letters to notified unions that failed to complete the EEO-3 data collection report as required by the published due date. The mail file used to send these letters is brought up to date with any changes to union information since the collection opened (updates from research on undeliverable mail, contact changes, or updates made by filers that report they are not eligible to file).

4. **Procedures or Methods Undertaken**

There have not been tests of procedures or methods on the EEO-3 data collection in recent years. The EEOC is in the process of evaluating the processes and design of the EEO-3 collection, which may include both qualitative and quantitative research to assess the impact on burden of any revisions to the form or content. The EEOC will submit a separate request to OMB to outline any revision plans that will impact burden. In addition, the evaluation seeks to modernize the online tool and identify improved methods for reporting that should ease the burden on respondents in the future.

Since sampling methods are not used in this collection, a non-response bias analysis has not been performed.

As previously stated, the EEOC is aware of significant under coverage in the EEO-3 frame. The U.S. Department of Labor's Office of Labor Management Standards maintains union information that may be used to enhance the frame. The EEOC plans to identify additional external data sources to improve the completeness of the EEO-3 roster.

5. **<u>Individuals Consulted on Statistical Aspects</u>**

The following individuals were consulted on the statistical aspects of the EEO-3 data collection:

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