Supporting Statement B
Recordkeeping and Reporting Requirements for
State and Local Government Information Report (EEO-4)
(OMB Control No. 3046-0008)

B. Collections of Information Employing Statistical Methods

1. <u>Respondent Universe</u>

The respondent universe for the EEO-4 data collection is defined under Title VII of the Civil Rights Act of 1964, as amended (Title VII). The EEO-4 is conducted to fulfill the reporting responsibility of State and local governments subject to Title VII. As part of this requirement, the reporting State or local governments provide data on their full-time, part-time, and new hire employees by sex, race/ethnic group, and job category to the EEOC. Annual salary is also collected in pay bands for full-time employees. The EEOC collects these labor force data biennially from State and local governments with 100 or more employees within the 50 U.S. states and the District of Columbia through the EEO-4 collection. State and local governments with 100 or more employees have been required to submit EEO-4 reports since 1974 (biennially since 1993).

For a given reporting year, the EEOC maintains the respondent frame using the last EEO-4 filing cycle mailing list as a starting place. The EEOC is aware that the current list undercounts existing eligible State and local governments. Both historical data and past practices[1] indicate that this method has led to an undercount of eligible EEO-4 filers. Specifically, the number of EEO-4 reporting units has shrunk by 25 percent between 2005 and 2019, but the decline in participation is not stable. For instance, while the decline between 2005 and 2019 is 25 percent, the average biennial change over the entire time period is a decline of 3.4 percent. When looking at changes between two subsequent collection periods, the percent changes fluctuate from as little as 0.3 percent to as much as 18.6 percent, and the patterns are not stable across the observation period. As a result, the EEOC has reason to believe that the shrinking EEO-4 frame can be attributed to some extent to eligible filers cycling in and out of the frame, and not due to true ineligibility.

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 and comparing the roster to the Census Bureau's Annual Survey of State and Local Government Finances and other government databases. The EEOC is also developing a plan to create a longitudinal file of historical EEO-4 data to assess the extent to which eligible reporting units are cycling in and out of the EEO-4 frame. The EEOC will use the results of the analysis to improve the frame.

<u>Response Rate during the Last Collection</u>

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[1] Historically, filers that were labeled as being ineligible were contacted, but active measures were not taken to confirm that they were still ineligible. After three cycles of no-contact, they were removed from the frame.

In 2019, 7,950 State and local governments were sent letters notifying them they were required to report EEO-4 data. Of those 7,950, 4,988 State and local governments submitted EEO-4 data. Of the 2019 non-respondents, 341 were known to be true non-respondents; 79 were ineligible; and the eligibility status of the remaining 2,883 jurisdictions was undetermined during the 2019 data collection cycle. As a result, the response rate is estimated to be between 93 percent[2] and 63 percent[3]. The sections on 'Respondent Universe' and 'Methods to Maximize Response Rates' provide additional information as to why this estimate is likely inaccurate and the steps the EEOC will be taking in the coming years to improve the frame and the calculation of response rates.

2. **Procedures for Collection of Information**

The EEO-4 collection does not utilize a sample, and as a result does not employ sampling methods, such as weights or stratification. All State and local governments that fit the eligibility criteria, as outlined above, are legally obligated to respond. Filers submit a single EEO-4 submission reporting data on their full-time, part-time, and new hire employees by sex, race/ethnic group, and job category to the EEOC. Annual salary is also collected in pay bands for full-time employees.

EEO-4 filers can submit their data electronically through one of two ways: (1) online web-based application system or (2) online web-based upload of an electronic CSV data file. Once filers have completed entering their EEO-4 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. 4,988 respondents reported EEO-4 data for the 2019 collection. Of these, 4,582 or 92 percent filed through the online application, 190 or 4 percent uploaded a data file, and 216 or 4 percent submitted paper records. Online electronic filing remains the most popular, efficient, accurate, and secure means of reporting for respondents required to submit the EEO-4. The EEOC has also made online electronic filing much easier for respondents. The EEOC will provide technical assistance to any filers who have difficulty responding online electronically. Accordingly, the EEOC will continue to encourage EEO-4 filers to submit data through the online electronic filing and will only accept paper records from filers who have secured permission to submit data via paper submission.

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-4 filers.

At the start of the EEO-4 collection, filers receive a letter via U.S. mail from the EEOC notifying them that the EEO-4 data collection has opened. The EEOC will also send email blasts to EEO-4 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

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[2] This would assume that no more than 341 jurisdictions failed to file their EEO-4 data.

[3] This would assume that 7,871 of 7,950 jurisdictions contacted were all eligible, and the 2,883 jurisdictions with ambiguous eligibility status were all true non-respondents.

submitting accurate data. In addition to an instruction booklet, the EEOC provides an EEO-4 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 filing system (including screenshots), inputting data, and certifying reports. Additionally, the EEOC provides specifications for 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 the EEO-4 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 2021 EEO-4 collection in October of 2021, filers will be able to find such resources on the internet at https://eeocdata.org.

In order to reduce burden on respondents, EEO-4 data are collected every other year (biennially), in odd numbered years. The EEO-4 collection typically opens in the late summer of the reporting year. Filers provide information on their workforce as of June 30th of the reporting year. The filing deadline is typically September 30th.

The EEOC plans to keep active data collection (i.e., the 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-4 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. Due to the COVID-19 pandemic, the EEOC plans to begin the 2021 EEO-4 collection cycle in October 2021.

State and local government filers are split into two reporting categories: filers with fewer than 1,000 full-time employees (FTE) and filers with 1,000 or more FTEs. EEO-4 filers with fewer than 1,000 FTEs file one report which includes all employees by job category. In addition, they must file a separate report for each function (e.g., fire protection, law enforcement) that has 100 or more employees and indicate which function is being reported in the form. Finally, filers must list any eligible agencies under their jurisdiction that are currently not included in the report and provide a current address for those agencies. EEO-4 filers with 1,000 or more FTEs must file one form for each function listed, up to a maximum of 15 forms. Filers can report their data through a central office if they collect and maintain their data through a single office. For all other filers, the data must be aggregated by function.

3. **Methods to Maximize Response Rates**

State and local governments have been submitting EEO-4 data for decades. They are familiar with the EEOC's processes regarding the collection and are 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 EEO-4 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 to filers via U.S. mail announcing the opening of the collection. This letter contains a unique login ID as well as a temporary password. Once filers access the online application system, they may access and update their profile information, reset their temporary password to provide additional security, and update their 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-4 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-4 filers. Once the data collection period opens, the EEOC will send periodic email blasts (e-blasts) reminding EEO-4 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 during data collection to assist filers with filing instructions and navigating the online application 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 contractor researches the State or local government to determine changes of addresses and/or whether the State or local government is still eligible. New address updates are made in the online application system and new notification letters are generated with the updated addresses. The data collection contractor's technical assistance staff attempt to contact filers who submit incomplete or uncertified data and encourage them to re-submit complete data.

The mail file used to send these letters are updated with any jurisdictional information since the collection opened (e.g., 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-4 collection in recent years. The EEOC is in the process of evaluating the processes and design of the EEO-4 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.

As previously stated, the EEOC is aware of significant under-coverage in the EEO-4 frame and because sampling methods are not used in this collection, a non-response bias analysis has not been performed. The U.S. Census Bureau collects data on State and local governments that may be used to enhance the frame. The EEOC plans to identify additional external data sources with which to improve the completeness of the EEO-4 roster. Finally, the EEOC plans to create a longitudinal EEO-4 historical data file that will allow the EEOC to better estimate how and why EEO-4 filers cycle in and out of the collection. The EEOC will use the results of this analysis to identify both eligible, non-reporting and ineligible State and local governments, and use this information to improve the completeness of the EEO-4 frame.

5. **Individuals Consulted on Statistical Aspects**

The following individuals were consulted on the statistical aspects of the EEO-4 data collection:

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