

*SUPPORTING STATEMENT AND JUSTIFICATION:
PAPERWORK REDUCTION ACT SUBMISSION*
Demographic Information on Applicants for Federal Employment
OMB Control No. 4046-0046

1. Circumstances Making the Collection of Information Necessary

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35), and Office of Management and Budget (OMB) regulation 5 C.F.R. § 1320.8(d)(1), the Equal Employment Opportunity Commission (EEOC) announces that it is submitting to OMB a request to approve an existing collection as described below.

The Demographic Information on Applicants form is intended for use by Federal agencies in gathering data on the race, ethnicity, sex, and disability status of job applicants. This form is used by the EEOC and other agencies to gauge progress and trends over time with respect to equal employment opportunity (EEO) goals and to comply with requirements of Equal Employment Opportunity Management Directive 715 (MD-715). MD-715 was promulgated pursuant to EEOC's authority under Section 717 of Title VII of the Civil Rights Act of 1964 and 501 of the Rehabilitation Act. Federal agencies may or may not elect to use the Demographic Information on Applicants form. Applicants for federal employment may or may not elect to complete the form. Therefore, federal agency and applicant use of the form is optional.

Currently, the Office of Personnel Management (OPM) publishes forms SF 181 (Ethnicity and Race Identification) and SF 256 (Self-Identification of Disability) for use in obtaining data from federal employees. The Demographic Information on Applicants form collects identical information from applicants, thereby allowing federal agencies to measure the effectiveness of their recruitment efforts.

EEOC is dedicated to ensuring that all segments of American society are represented within the federal workforce. Collection of this data allows federal agencies to develop outreach and recruiting programs to diversify the workforce. The federal government's outreach efforts are important to meeting this goal and without the information received from this collection we will be unable to determine the effectiveness of a federal agency's recruitment program.

2. Purpose and Use of the Information

Federal agency representatives will use this data to determine if their recruitment efforts are reaching all segments of the population, consistent with federal EEO laws, applicable to these agencies and enforced by EEOC.

3. Use of Information Technology and Burden Reduction

EEOC provides this form in electronic format to interested federal agencies.

4. Efforts to Identify Duplication and Use of Similar Information

While some other federal agencies (or components of such agencies) have obtained OMB's approval for the use of forms collecting data on the race, national origin, sex, and disability status of applicants, it is not an efficient use of government resources for each federal agency separately to seek OMB approval. Accordingly, to avoid unnecessary duplication of effort and a proliferation of forms, EEOC seeks approval of a form that can be used by any federal agency that so desires.

5. Impact on Small Business or Other Small Entities

The collection of this data will not impact small business or other small entities.

6. Consequences of Collecting the Information Less Frequently

If the collection of this data is not conducted, federal agencies will not be able to evaluate whether recruitment activities are reaching all segments of the relevant labor pool and whether the agencies' selection procedures allow all applicants to compete on a level playing field regardless of race, national origin, sex, or disability. Federal agencies will also not be able to evaluate the effectiveness of affirmative action plans for persons with disabilities.

7. Special Circumstances

Not applicable. The collection is consistent with the guidelines in 5 C.F.R. § 1320.6.

8. Comments in Response to the Federal Register Notice

On March 8, 2023, the EEOC published a notice in the Federal Register, as required by 5 C.F.R. § 1320.8(d), giving notice of its intent to submit to OMB a request to approve an extension without change of this information collection. The notice specifically requested comments in response to four PRA topics relating to respondent cost and burden, data quality, utility, and clarity. EEOC received three comments unrelated to these topics.

9. Explanation of any Payment or Gift to Respondents

No payments or gifts will be provided to respondents.

10. Assurance of Confidentiality Provided to Respondent

The voluntary responses requested in this information collection are made pursuant to the Privacy Act of 1974 for individuals completing federal records and forms that solicit personal information. The authority is 5 U.S.C. §§ 1302, 3301, 3304, and 7201.

The voluntary responses will be treated in a highly confidential manner and play no part in the selection process. The responses are not provided to any panel rating the applications, selecting officials, anyone who can affect the application, or the public. Rather, the information is used in

summary form to determine trends over many selections within a given occupational or organizational area. Responses from this form are not placed in an official personnel file.

This collection is also covered by OPM's Applicant Race, Sex, National Origin, and Disability Status Records System of Record Notice ([OPM/GOVT-7](#)), which in part states:

Note 1 --These data are maintained under conditions that ensure that the individual's identification as to race, sex, national origin, or disability status does not accompany that individual's application nor is otherwise made known when the individual is under consideration by a selecting official.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

- a. To disclose information to the Equal Employment Opportunity Commission (EEOC), in response to its request for use in the conduct of an examination of an agency's compliance with affirmative action plan instructions and the Uniform Guidelines on Employee Selection Procedures (1978), or other requirements imposed on agencies under EEOC authorities in connection with agency Equal Employment Opportunity programs.
- b. To disclose information to the Merit Systems Protection Board or the Office of the Special Counsel in connection with the processing of appeals, special studies relating to the civil service and other merit systems in the executive branch, investigations into allegations of prohibited personnel practices, and such other functions; e.g., as prescribed in 5 U.S.C. chapter 12, or as may be authorized by law.
- c. By OPM or employing agency maintaining the records to locate individuals for personnel research or survey response and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.
- d. To disclose information to a Federal agency in response to its request for use in its Federal Equal Opportunity Recruitment Program to the extent that the information is relevant and necessary to the agency's efforts in identifying possible sources for minority recruitment.
- e. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

- f. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is party to a judicial or administrative proceeding.
- g. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear, when:
 - 1. The agency, or any component thereof; or
 - 2. Any employee of the agency in his or her official capacity; or
 - 3. Any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or
 - 4. The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.
- h. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.
- i. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant cooperative agreement, or job for the Federal Government.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature.

12. Estimate of Hour Burden Including Annualized Hourly Costs

Collection Title: Demographic Information on Applicants

Description of Affected Public: Individuals submitting applications for federal employment¹

Number of Annual Responses: 9,092

¹ Each agency is responsible for its own burden estimates.

Estimated Time Per Response: 3 minutes

Total Annual Burden Hours (EEOC only): 455²

Annual Federal Cost: None

Abstract: Under section 717 of Title VII and 501 of the Rehabilitation Act, the Commission is charged with reviewing and approving federal agencies' plans to affirmatively address potential discrimination before it occurs. Pursuant to such oversight responsibilities, the Commission has established systems to monitor compliance with Title VII and the Rehabilitation Act by requiring federal agencies to evaluate their employment practices through the collection and analysis of data on the race, national origin, sex, and disability status of applicants for both permanent and temporary employment.

While several federal agencies (or components of such agencies) have obtained OMB approval for the use of forms collecting data on the race, national origin, sex, and disability status of applicants, it is not an efficient use of government resources for each federal agency to separately seek OMB approval. Accordingly, to avoid unnecessary duplication of effort and a proliferation of forms, the EEOC seeks approval of a form to be used by federal agencies.

Response by applicants is completely optional. The information obtained will be provided in the form of aggregate data and used by federal agencies only for evaluating whether an agency's recruitment activities are effectively reaching all segments of the relevant labor pool and whether the agency's selection procedures allow all applicants to compete on a level playing field regardless of race, national origin, sex, or disability status. The voluntary responses provided by applicants are treated in a highly confidential manner and play no part in the selection of the individual for employment. The information is not provided to any panel rating the applications, to selecting officials, to anyone who can affect the application or to the public. Rather, the information is used in summary form to determine trends over many selections within a given occupational or organization area. No information from the form is entered into an official personnel file.

The present Notice is for a three-year extension without change to the Commission's existing form for collecting voluntary demographic information from federal applicants. The Commission remains engaged in interagency discussions about equitable data collection, including (a) the Federal Interagency Technical Working Group on Race and Ethnicity Standards convened by OMB; and (b) the Subcommittee on Sexual Orientation, Gender Identity, and Variations in Sex Characteristics convened by the National Science and Technology Council's Subcommittee on Equitable Data. As the work of those groups continues, the Commission may seek authorization from OMB, pursuant to the Paperwork Reduction Act, to amend the race, ethnicity, and/or sex questions on the Demographic Information on Applicants form.

² This total is calculated as follows: 9,092 annual responses from EEOC applicants x 3 minutes per response = 27,276 minutes. 27,276 /60 = 455 hours each year and approximately 1,364 hours for the three-year period.

13. Estimate of Total Annual Cost Burden to Respondents or Recordkeepers

There are no costs to respondents associated with this collection.

14. Annualized Cost to the Federal Government

The annual cost to the federal agencies is negligible, if any, because the form is fully integrated into the USAJOBS site.

15. Explanation for Program Changes or Adjustments

Not applicable.

16. Plans for Tabulation and Publication

The data will be compiled and utilized in the federal agencies' MD-715 reports that are submitted in aggregate annually to the EEOC by January 31st.

17. Reasons Display of OMB Expiration Date is Inappropriate

Not applicable.

18. Exception to Certification

Not applicable.