

Supporting Statement A

Recordkeeping and Reporting Requirements for

Employer Information Report (EEO-1) Component 1

OMB Number 3046-0049

A. Justification

1. Need for the Information Collection

In accordance with the Paperwork Reduction Act (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) requests a three-year PRA approval of revisions to the currently approved Component 1 of the Employer Information Report (EEO-1).¹ This PRA submission for the EEO-1 Component 1 does not change the types of demographic workforce data historically collected by the EEO-1 (i.e., employee data by job category and sex and race or ethnicity). Rather, as part of this routine three-year clearance for Component 1 under the PRA, the EEOC seeks OMB approval of measures that streamline and modernize how the current EEO-1 Component 1 workforce demographic data are collected from employers.

Section 709(c) of Title VII of the Civil Rights Act of 1964 (Title VII) requires employers to make and keep records relevant to the determination of whether unlawful employment practices have been or are being committed, to preserve such records, and to produce reports as the Commission prescribes by regulation or order.² Pursuant to this statutory authority, the EEOC in 1966 issued a regulation requiring certain employers to file executed copies of the Employer Information Report (EEO-1) and instructed employers to report employee data by job category and by sex and race or ethnicity.³ Pursuant to Executive Order 11246,⁴ the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, in 1978 issued its regulation describing the EEO-1 as a report “promulgated jointly with the Equal Employment Opportunity Commission” and requiring certain contractors to submit “complete and accurate reports” annually.⁵ Under these

¹ Component 1 of the EEO-1 refers to the demographic data the EEOC has collected since 1966. The EEOC called its historic, first-time collection of pay data from certain private employers and federal contractors Component 2 of the EEO-1. The Component 2 collection was completed in February 2020. On July 28, 2022, the National Academies of Sciences, Engineering, and Medicine (NASEM) issued a Consensus Study Report evaluating the Component 2 pay data collection and providing recommendations for future data collections. The EEOC is carefully evaluating NASEM’s recommendations as they relate to the EEO-1 Component 1 data collection and may request modification of the EEO-1 Component 1 collection in the future. The Consensus Report is available at <https://nap.nationalacademies.org/catalog/26581/evaluation-of-compensation-data-collected-through-the-eeo-1-form>.

² 42 U.S.C. 2000e-8(c).

³ The EEOC’s EEO-1 regulation is at 29 CFR Part 1602 Subpart B. § 1602.7 requires eligible employers to file “...in conformity with the directions set forth in the form and accompanying instructions.” The EEOC is responsible for obtaining OMB’s PRA approval for the EEO-1 report.

⁴ Exec. Order No. 11246, 30 FR 12319 (Sept. 24, 1965).

⁵ 41 CFR 60-1.7(a). OFCCP obtains EEO-1 Component 1 reports for federal contractors and subcontractors (“contractors”) pursuant to its own legal authority under E.O. 11246 and its implementing regulations. *See id* at 60-1.7(a)(1). Because OFCCP obtains EEO-1 Component 1 data for contractors under its own E.O. 11246 authority, some courts have ruled that the Title VII prohibition against disclosure does not apply to OFCCP’s collection of EEO-1 data. *See, e.g., United Techs. Corp. v. Marshall*, 464 F. Supp. 845, 851-52 (D. Conn. 1979); *Sears Roebuck & Co. v. Gen. Servs. Admin.*, 509 F.2d 527, 529 (D.C. Cir. 1974). Accordingly, the EEO-1 Component 1 data of federal contractors received by OFCCP may be subject to potential disclosure by

authorities, private employers with 100 or more employees and federal contractors that have 50 or more employees and meet certain criteria are required to report annually the number of individuals they employ by job category⁶ and by sex and race or ethnicity.⁷

On November 10, 2022, the Commission published a Notice in the *Federal Register* (“60-day Notice”) announcing its intention to submit to OMB a request for a three-year PRA approval of revisions to the currently approved Component 1 of the EEO-1.⁸

On May 2, 2023, the Commission published a Notice in the *Federal Register* (“30-day Notice”) announcing its submission to OMB of a request for a three-year PRA approval of revisions to the currently approved Component 1 of the EEO-1.⁹

2. Use of Collected Information

For decades, the EEOC has effectively used EEO-1 Component 1 data to help execute its mission by enhancing its enforcement efforts, generating public reports, encouraging employer self-assessment, and conducting outreach and training. When consistent with the confidentiality provisions of Title VII, these data are also used by federal, state, and local law enforcement agencies and, in aggregate form, by numerous external stakeholders, including, for example, employers, researchers, advocacy groups, and the media.

Enforcement Uses

The EEOC uses EEO-1 Component 1 data to investigate charges of employment discrimination against employers in private industry and to evaluate the employment status of women and racial and ethnic groups. Specifically, as part of its enforcement efforts, the EEOC uses EEO-1 Component 1 data to assess complaints of discrimination and effectively focus charge investigations. Early in the charge process, data are used to evaluate and prioritize charges under the Commission’s charge handling procedures and to inform appropriate investigative approaches. For example, Component 1 data are used, together with other information available to the Commission, to assist enforcement teams in determining if there could be a systemic sex, race, or national origin issue that the EEOC should further investigate and address and to inform

OFCCP under the Freedom of Information Act (FOIA), although FOIA exemptions may prevent disclosure. For more information, see the Department of Labor’s FOIA regulations at 41 CFR part 70 and frequently asked questions ([Freedom of Information Act \(FOIA\) Frequently Asked Questions | U.S. Department of Labor \(dol.gov\)](#)).

⁶ The 10 job categories are: Executive/Senior Level Officials and Managers; First/Mid-Level Officials and Managers; Professionals; Technicians; Sales Workers; Administrative Support Workers; Craft Workers; Operatives; Laborers and Helpers; and Service Workers.

⁷ The EEO-1 uses federal race and ethnicity categories, which were adopted by the Commission in 2005 and implemented in 2007. The seven race/ethnicity categories are: *Hispanic or Latino* – A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race. *White (Not Hispanic or Latino)* – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. *Black or African American (Not Hispanic or Latino)* – A person having origins in any of the black racial groups of Africa. *Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)* – A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands. *Asian (Not Hispanic or Latino)* – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. *American Indian or Alaska Native (Not Hispanic or Latino)* – A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment. *Two or More Races (Not Hispanic or Latino)* – All persons who identify with more than one of the above five races.

⁸ See 87 Fed. Reg. 67907 (Nov. 11, 2022) at <https://www.govinfo.gov/content/pkg/FR-2022-11-10/pdf/2022-24518.pdf>.

⁹ See 88 Fed. Reg. 27504 (May 2, 2023) at <https://www.govinfo.gov/content/pkg/FR-2023-05-02/pdf/2023-09216.pdf>.

what information to request from respondents. The EEOC also uses EEO-1 Component 1 data during investigations to help validate analyses based on limited or flawed respondent data and to assist in assessing reasonable cause in the absence of respondent data. In addition, the EEOC uses EEO-1 Component 1 data as part of its data analytic work to evaluate the representation of women and racial and ethnic groups by, for example, comparing the demographic characteristics of an employer's workforce to comparator employers in the same local labor market and/or to workers in similar occupations in the local labor market.

Use by Other Federal, State, and Local Agencies

State and Local Fair Employment Practices Agencies (FEPAs) also rely on EEO-1 Component 1 data to aid their investigations of workplace discrimination. The FEPAs also use these data to help track changes in the demographic makeup of various occupations and industries and evaluate racial, ethnic, and sex disparities. The EEOC shares these data with the FEPAs pursuant to section 709(d) of Title VII, which provides that the EEOC shall furnish upon request and without cost to state or local civil rights agencies information about employers in their jurisdiction on the condition that they not make it public prior to starting a proceeding under state or local law involving such information.

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) uses EEO-1 Component 1 data in support of their compliance efforts.¹⁰ With respect to other federal agencies with a legitimate law enforcement purpose but without OFCCP's independent authority to collect EEO-1 data, the EEOC gives access to information collected under Title VII only if the agencies agree, by letter or memorandum of understanding, to comply with the confidentiality provisions of Title VII. The EEOC may, for example, share EEO-1 Component 1 reports with the Department of Justice (DOJ), to represent OFCCP in litigation. Finally, the Government Accountability Office (GAO) sometimes uses EEO-1 Component 1 data as part of its research for studies in response to Congressional inquiries,¹¹ and the EEOC also periodically receives requests for EEO-1 Component 1 data from members of Congress and Committee staff.

Public Uses

Consistent with the confidentiality requirements of Title VII, the EEOC publishes public-use, aggregate EEO-1 Component 1 data on its public website and through an online tool launched in December 2020 called *EEOC Explore*.¹² In making aggregate EEO-1 Component 1 data publicly available, the EEOC, through its Office of Enterprise Data and Analytics (OEDA), applies appropriate de-identification methodology to produce a public release of aggregate EEO-1 Component 1 data. The data is considered "de-identified" when the information released does not identify an individual or an organization, and there is no reasonable basis to believe that it can be used to identify an individual or an organization.

These publicly available data are used by numerous external stakeholders including employers, researchers, advocacy groups, and the media. For example, employers may compare the aggregate

¹⁰ As discussed above in section 1, OFCCP obtains EEO-1 reports for certain federal contractors and subcontractors ("contractors") pursuant to its own legal authority under E.O. 11246 and its implementing regulations at 41 CFR 60-1.7(a).

¹¹ See, e.g., [Financial Services Industry: Overview of Representation of Minorities and Women and Practices to Promote Diversity](#) | U.S. GAO; [Workforce Diversity: Analysis of Federal Data Shows Hispanics Are Underrepresented in the Media Industry](#) | U.S. GAO

¹² See <https://www.eeoc.gov/data/job-patterns-minorities-and-women-private-industry-eeo-1-0>.

EEO-1 Component 1 data published for their industry with their own EEO-1 Component 1 data, among other data, as part of voluntary self-assessments. When consistent with the agency's confidentiality duties, academics and researchers use EEO-1 Component 1 data to analyze trends over time and conduct studies on barriers to advancement in the workplace, including to publish papers on the employment patterns of women or racial and ethnic groups and sex or race segregation by job category.

Statistical Uses

The EEOC also uses EEO-1 Component 1 data for statistical purposes and for developing evidence as defined by the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act).¹³ For purposes of the Evidence Act, *statistical purpose* means the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups; and includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support these purposes.¹⁴ *Evidence* means information produced as a result of statistical activities conducted for a statistical purpose.¹⁵ An example of how the data are used for a statistical purpose is the annual production and publication of the *Job Patterns for Minorities and Women in Private Industry (EEO-1)* by the EEOC on its public website.¹⁶

Outreach, Technical Assistance, and Training

The EEOC also uses EEO-1 Component 1 data to help focus its outreach, education, technical assistance, and training to the public. Given the EEOC's limited resources, EEO-1 Component 1 data have been helpful in assisting the agency to identify the subjects, industries, or geographic regions where it should concentrate efforts to educate employers, unions, and workers about their legal rights and obligations.

3. Use of Information Technology

In 2020, the EEOC retained a new contractor to support the agency's EEO data collections, including the EEO-1 Component 1 data collection.¹⁷ The EEOC also launched a dedicated website for all of its EEO data collections¹⁸ as well as a dedicated EEO-1 Component 1 data collection website.¹⁹ The EEO-1 Component 1 data collection website includes an embedded electronic, web-based data submission portal, referred to as the *EEO-1 Component 1 Online Filing System (OFS)*. Upon logging in to the OFS through the dedicated website, filers must submit and certify their data electronically through the web-based data submission portal by either manually entering

¹³ Pub. L. No. 115-435 (2019).

¹⁴ See 44 U.S.C. § 3561(12).

¹⁵ See 44 U.S.C. § 3561(6).

¹⁶ See <https://www.eeoc.gov/data/job-patterns-minorities-and-women-private-industry-eeo-1-0>.

¹⁷ The EEOC currently administers four separate EEO data collections. These collections include the following: (1) the EEO-1 Component 1 (Employer Information Report); (2) the EEO-3 (Local Union Report); (3) the EEO-4 (State and Local Government Information Report); and (4) the EEO-5 (Elementary and Secondary Staff Information Report). Please note that while these data collections are supported by the same contractor, each EEO collection is unique and collects workforce demographic data from different respondents (i.e., private employers, local referral unions, state and local governments, and public elementary and secondary school systems and districts).

¹⁸ See <https://www.eeocdata.org/>.

¹⁹ See <https://www.eeocdata.org/eeo1>.

their data or uploading a data file.²⁰ While the majority of filers opt to manually enter their data online, the percentage of EEO-1 Component 1 filers submitting their data through the online data file upload function has been steadily increasing. For example, 17% of filers used the data file upload option during the 2021 EEO-1 Component 1 data collection cycle compared to just 5% of filers during the 2018 cycle. Further, the uploaded data represent two-thirds (66%) of all data on establishments reported by filers. This is because multi-establishment filers, particularly those with a large number of establishments, are more likely to be using human resource information systems (HRIS) that produce upload files in much less time than manual entry would require.

To better support EEO-1 Component 1 filers, the EEOC also uses the dedicated EEO-1 Component 1 website and the accompanying OFS as a centralized support system (i.e., “one-stop-shop”) for filers.²¹ In addition to communications with individual filers, the EEOC also posts instructions as well as current updates and announcements involving the EEO-1 Component 1 data collection on the dedicated website. The EEOC also uses the dedicated website and the accompanying filer-accessed OFS to post supplementary resource materials, if needed by filers.

Additionally, during the 2021 EEO-1 Component 1 data collection cycle, the EEOC implemented a new filer support *Message Center* application for filers with questions about the collection and requests for assistance with their filing obligations. Prior to the rollout of the *Message Center* for the 2021 EEO-1 Component 1 data collection cycle, filers contacted the EEO-1 Component 1 Filer Support Team (i.e., “help desk”) via email, telephone, and/or post. Unfortunately, these multiple modes of contact resulted in filers contacting the help desk multiple times through multiple modes for a single issue. This, in turn, led to an exponential increase in the number of help desk tickets that had to be processed and resolved for a single issue involving the same filer, thus slowing response times and creating a backlog of tickets. Given these delays, the EEOC worked with its data collection contractor to develop a centralized and more streamlined system for handling help desk inquiries which at the same time would result in improved customer service.

The *Message Center* was launched during the 2021 data collection cycle and made available upon log in to the OFS. Because it is available within the OFS, the *Message Center* automatically captures detailed information on the filer (e.g., point of contact information, employer name), an improvement on prior methods of filer support that did not allow for the systematic collection of filer details (e.g., filers would often forget to mention the employer’s name when leaving a voicemail). The *Message Center* also allows filers to use drop-down menus to identify the subject of their inquiry. Based on the topic selected, filers are immediately presented with potentially helpful responses to quickly connect them to relevant materials addressing their issues. If the presented responses are not sufficient, the filer can easily type a message to the Filer Support Team, who can use the selected topic to better triage inquiries. The *Message Center* allows filers to update requests with new information, terminate requests, and track the status of requests to the help desk. The implementation of the centralized *Message Center* reduced the number of contacts

²⁰ Automated features, including numerous edit checks and validations, are programmed into the OFS to reduce filer burden and improve data quality. For returning filers, these checks also compare data entries to those provided in prior year submissions to alert the filer of potential error(s). Supporting Statement B of this package discusses the features of the OFS in further detail.

²¹ On this website as well as in all communications with individual filers and other public announcements (e.g., on the EEOC’s main public website at www.eeoc.gov), the EEOC routinely directs filers to the dedicated EEO-1 Component 1 website (i.e., www.eeocdata.org/eeo1) as the primary source for the latest and most current information on this data collection and refers to it as the “one-stop-shop” for information on and filing of EEO-1 Component 1 reports.

by almost two-thirds compared to the 2019 and 2020 EEO-1 Component 1 data collection cycle. This, in turn, significantly reduced filer response time by Filer Support Team staff while also creating a much more comprehensive history of issues encountered by filers.

4. Description of Efforts to Identify Duplication

The amount of publicly available employment data by demographic characteristics is limited. Both the U.S. Census Bureau (Census) and the U.S. Bureau of Labor Statistics (BLS) collect employment data on the U.S. workforce, but the BLS and Census surveys do not capture the same data as the EEO-1 Component 1.

The BLS National Longitudinal Surveys (NLS) are a set of surveys designed to gather information at multiple points in time on the labor market activities and other significant life events of several groups of men and women. For more than four decades, NLS data have served as an important tool for economists, sociologists, and other researchers.

The BLS Occupational Employment Statistics (OES) program produces employment and wage estimates annually for over 800 occupations. These estimates, which are based on a sample of establishments versus a universe of all employers, are available for the nation as a whole, for individual states, and for metropolitan and nonmetropolitan areas; national occupational estimates for specific industries are also available.

The U.S. Census Bureau's American Community Survey is a household survey that collects demographic data (e.g., age, sex, and race). Some limited employment data is also collected, but the relevant questions are more limited in scope than the EEO-1 Component 1 data collection.

The U.S. Census Bureau's Economic Census, which is conducted every five years, is primarily conducted on an establishment basis. A company operating at more than one location is required to file a separate report for each location or establishment. Companies engaged in distinctly different lines of activity at one location are requested to submit separate reports if the business records permit such a separation, and if the activities are substantial in size. For selected industries, only payroll, employment, and classification are collected for individual establishments, while other data are collected on a consolidated basis.

While the BLS and Census collections are useful for benchmarking EEO-1 Component 1 employment estimates, they cannot replace the EEO-1 Component 1 data collection due not only to the nature of the data being collected by BLS and Census, but also due to the permissions associated with use and dissemination of the BLS and Census data. Specifically, all information collected by the federal government for statistical purposes, including the data in these BLS and Census surveys, is collected under a pledge of confidentiality according to the provisions of the 2002 Confidential Information Protection and Statistical Efficiency Act (CIPSEA).²² This means that while the data can be used to provide statistical estimates, the data cannot be shared for purposes of enforcement of employment discrimination laws.

5. Impact on Small Business

²² Pub. L. No. 107-347 (2002).

The EEOC is committed to robust outreach, education, and technical assistance, especially for small and new businesses. The EEOC's public website contains an online Small Business Resource Center to help new and small businesses understand their responsibilities under the laws and regulations enforced by the EEOC.

The Small Business Association Office of the National Ombudsman's Annual Report to Congress grades all federal agencies on their responsiveness to small business concerns and their compliance with the Small Business Regulatory Enforcement Fairness Act of 1996. The Ombudsman's most recent 2020 Annual Report to Congress, which was published in fiscal year 2022, gave the EEOC an "A" rating across-the-board, the highest possible rating, reflecting the U.S. Small Business Administration's recognition of the EEOC's strong commitment to assist this important sector of the economy.²³

6. Consequences If Information Were Collected Less Frequently

As the primary federal agency that enforces laws against employment discrimination, the EEOC requires up-to-date data reflecting the most current information possible to investigate and resolve charges of discrimination. Collecting EEO-1 Component 1 data annually is necessary to ensure the utility of the data for enforcement purposes. An annual collection is also more efficient for the EEOC and respondents because it minimizes the disruptions caused by workforce changes and embeds the collection into employers' routine business practices. In the private sector, workforce changes are frequent, not only within a particular establishment's workforce, but also on a larger scale in light of, for example, acquisitions, spin-offs, and mergers. When employers restructure through acquisitions, spin-offs, and mergers, employee demographics may undergo significant changes. A delay in collecting data reflecting these changes would undermine the EEOC's ability to investigate and enforce the federal anti-discrimination statutes because the agency would be forced to rely on outdated and inaccurate data with respect to employers (i.e., filers). Moreover, each year approximately one-quarter of EEO-1 Component 1 filers request a new point of contact. Collecting the data less frequently would compound the change of contact issue and would unnecessarily delay filers' submissions of EEO-1 Component 1 data while the EEOC attempts to identify the new appropriate points of contact.

The EEOC's experience with the delayed collection of the 2019 EEO-1 Component 1 data due to the COVID-19 pandemic demonstrated that the EEOC's above concerns about collecting the data less frequently are well-founded. Recognizing the impact of the pandemic on workplaces across the country and the challenges that both employers and employees were facing, the EEOC delayed the opening of the 2019 EEO-1 Component 1 data collection until late April 2021 to allow employers to be better positioned to provide accurate, valid, and reliable data in a timely manner.²⁴ To streamline the process and reduce the burden on employers, the EEOC administered the delayed 2019 EEO-1 Component 1 data collection concurrently with the 2020 EEO-1 Component 1 data collection.²⁵ While the final response rates for the 2019 and 2020 EEO-1 Component 1 data collections were statistically representative, the concurrent collection of two years' worth of EEO-

²³ See https://www.sba.gov/sites/default/files/2022-04/SBA_ONO_AnnualReport_2020-508_0.pdf, at p. 59.

²⁴ See <https://www.federalregister.gov/documents/2020/05/08/2020-09876/delay-in-opening-of-2019-eeo-1-component-1-and-2020-eeo-3-and-2020-eeo-5-data-collections-due-to-the>.

²⁵ See <https://www.eeoc.gov/newsroom/eeoc-announces-opening-2019-and-2020-eeo-1-component-1-data-collection>.

1 Component 1 data proved to be very costly for the agency given the extended period of time the collection ultimately had to remain open to achieve such response rates. In addition, responses to employer inquiries were significantly delayed during the concurrent collection of 2019 and 2020 data.²⁶

Even under normal circumstances, employers frequently undergo operational changes, including to their workforces and establishments. The COVID-19 pandemic introduced significant uncertainty to the operational status of EEO-1 Component 1 employers, with many establishments closing temporarily, or in some cases, permanently, which complicated the EEOC's ability to determine the true operational status of eligible employers.²⁷ As referenced above, historically one-quarter of EEO-1 Component 1 filers request a new point of contact annually, but during the 2019 and 2020 EEO-1 Component 1 data collection cycle this percentage increased to approximately 40%. As demonstrated by the 2019 and 2020 EEO-1 Component 1 data collection cycle, collecting data less frequently compounds the change of contact issue, complicates the ability to identify and reach a filer's new point of contact in a timely manner, and unnecessarily delays a filer's submission of EEO-1 Component 1 data.

7. Special Circumstances

This information collection does not require any special circumstances.

8. Consultation Outside the Agency

The 60-day Notice was published in the Federal Register on November 10, 2022.²⁸ The EEOC received two comments during the public comment period, both of which were published on the www.regulations.gov website.²⁹ The first comment consisted of a brief statement of support for the EEOC's proposal to create a single type of establishment-level report.³⁰ The second comment was a letter submitted by a non-profit association of employers hereinafter referred to as "the employer association."³¹

The employer association stated at the outset that the EEO-1 Component 1's "structure, content, and filing options have worked well over the years and, as a general matter, [the employer association] supports the continuation of the current structure." Although the employer association stated that it "supports renewal of Component 1 and the revisions proposed by the EEOC" and "believes that the burdens imposed by the data collection requirement are justified," it stated that

²⁶ The 2019 and 2020 EEO-1 Component 1 data collections opened on April 26, 2021, with a published due date of July 19, 2021. The due date was pushed back to August 23, 2021, as response rates by mid-August were approximately 33%. The due date was then pushed back again to October 15, 2021, as response rates were less than 50% despite the August extension. Filers were then notified that they had until November 15, 2021, to submit their 2019 and 2020 EEO-1 Component 1 reports. Although the 2019 and 2020 EEO-1 Component 1 data collections achieved a final response rate of approximately 85%, the collection cycle spanned almost eight months and did not close until December 8, 2021. By contrast, the 2021 EEO-1 Component 1 data collection fielded in 2022 opened and closed within three months and achieved a similar response rate to 2019 and 2020.

²⁷ See <https://www.federalreserve.gov/econres/notes/feds-notes/business-entry-and-exit-in-the-covid-19-pandemic-a-preliminary-look-at-official-data-20220506.html> and <https://www.bls.gov/brs/2020-results.htm>.

²⁸ Available at <https://www.federalregister.gov/documents/2022/11/10/2022-24518/agency-information-collection-activities-existing-collection>.

²⁹ Available at <https://www.regulations.gov/docket/EEOC-2022-0005>.

³⁰ Available at <https://www.regulations.gov/comment/EEOC-2022-0005-0002>.

³¹ Available at <https://www.regulations.gov/comment/EEOC-2022-0005-0003>.

the EEOC's burden estimate is "too low." Additionally, the employer association supported the consolidation of the "Type 4"³² and "Type 8"³³ establishment reports into a single establishment-level report³⁴ as well as the proposed changes to the names of the EEO-1 report types.³⁵ However, the employer association believed the EEOC should have sought stakeholder input and approval before discontinuing the option to use a "Type 6"³⁶ establishment list report for establishments with fewer than 50 employees and recommends that "the EEOC incorporate into its burden estimates the number of locations covered by Type 6 Establishment Lists." Finally, the employer association stated in its letter that it "does not support further changes to Component 1" including modifying "demographic or job categories" and that any such revisions would be "premature." Referencing the formal review by the Office of Management and Budget (OMB) of its Statistical Policy Directive No. 15: *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity* (Directive No. 15),³⁷ the employer association stated that the EEOC "should wait until the OMB's review process is complete before considering whether it is appropriate to consider any additional revisions to the demographic and job categories used on the EEO-1 Report."

With respect to the employer association's comment that it "does not support further changes to Component 1" including modifying "demographic or job categories" and that such revisions are "premature," the Commission reiterates that "[t]his PRA submission for the EEO-1 Component 1 does not change the types of demographic workforce data historically collected by the EEO-1 (i.e., employee data by job category and sex and race or ethnicity)."³⁸

The EEOC specifically notes that its proposal does not change the EEO-1 Component 1 race and ethnicity categories. The EEOC has consulted with OMB regarding the full implementation of

³² The "Type 4" report contained establishment-level employee demographic data at a non-headquarters establishment with 50 or more employees.

³³ The "Type 8" report contained establishment-level employee demographic data at a non-headquarters establishment with fewer than 50 employees.

³⁴ Beginning with the 2022 EEO-1 Component 1 data collection, multi-establishment employers will no longer be required to file a separate "type" of establishment report based on the size of an individual non-headquarters establishment (i.e., establishments with 50 or more employees or establishments with fewer than 50 employees). Rather, in place of the former "Type 4" and "Type 8" establishment reports and the former "Type 6" establishment list report, there will be a newly named "Establishment-Level Report." All multi-establishment employers will use the "Establishment-Level Report" to submit establishment-level employee demographic data for each of their non-headquarters establishment(s) regardless of size. With this change, a multi-establishment employer will no longer have to take the additional step of counting employees in each establishment to determine whether to file a "Type 4" or "Type 8" establishment report. Multi-establishment employers will still be required to submit a "Headquarters Report" (formerly referred to as a "Type 3" report) and a "Consolidated Report" (formerly referred to as a "Type 2" report). However, each "Consolidated Report" for every multi-establishment employer will be auto-populated and auto-generated with data from their "Headquarters Report" and "Establishment-Level Report(s)" within the EEOC's electronic, web-based *EEO-1 Component 1 Online Filing System* (OFS).

³⁵ Beginning with the 2022 EEO-1 Component 1 data collection, the EEOC is renaming the reports submitted by filers. The naming convention for EEO-1 Component 1 reports will no longer include the word "Type" or a specific number corresponding to "Type."

³⁶ The "Type 6" establishment list report contained the name and address of *each* non-headquarters establishment with fewer than 50 employees, as well as the total number of employees at each such establishment. A multi-establishment employer choosing the option to submit a "Type 6" establishment list report, instead of a "Type 8" report, was required to *manually* enter employee demographic data by job category and sex and race or ethnicity into the accompanying "Type 2" consolidated report for every employee of every establishment included on the "Type 6" establishment list report.

³⁷ See <https://www.whitehouse.gov/omb/briefing-room/2022/06/15/reviewing-and-revising-standards-for-maintaining-collecting-and-presenting-federal-data-on-race-and-ethnicity/>

³⁸ See Notice of Information Collection 87 FR 67907 (Nov. 10, 2022) at <https://www.federalregister.gov/documents/2022/11/10/2022-24518/agency-information-collection-activities-existing-collection>.

Directive No. 15³⁹ and the 1997 Revised Standards for Data on Race and Ethnicity.⁴⁰ Since those consultations, OMB convened an Interagency Technical Working Group (ITWG) as part of its formal review to study whether Directive No. 15 should be updated, with a goal of completing revisions by the summer of 2024. The EEOC is one of several agencies and Cabinet-level departments participating in the ITWG and contributed to the initial proposal, released by OMB on January 26, 2023, for revising the federal race and ethnicity standards.⁴¹ The EEOC will carefully consider any revisions to the federal standards for collecting race and ethnicity data in evaluating future data collections.

The EEOC's proposal likewise does not change the EEO-1 Component 1 sex categories. Executive Order 14075 on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals charged the Co-Chairs of the Interagency Working Group on Equitable Data, established in Executive Order 13985 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government), to establish a subcommittee on sexual orientation, gender identity, and sex characteristics (SOGI data). Executive Order 14075 also directed the subcommittee, in coordination with the Director of OMB, to develop and release a Federal Evidence Agenda on LGBTQI+ Equity.⁴² The EEOC has two representatives on this Subcommittee on SOGI Data and contributed to the first Federal Evidence Agenda on LGBTQI+ Equity, published in January 2023.⁴³ The EEOC will carefully consider recommendations in the Federal Evidence Agenda and other studies in evaluating whether to add SOGI data questions to future data collections.

9. Gifts or Payments

No gifts or payments will be provided to respondents in connection with this information collection.

10. Confidentiality of Information

Confidentiality

All EEO-1 Component 1 reports and any information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-8(e), as amended (Title VII) and may not be made public by the EEOC prior to the institution of any proceeding under Title VII involving such information. Any EEOC employee who violates this prohibition may be found guilty of a criminal misdemeanor and could be fined

³⁹ This directive provides standard classifications for record keeping, collection, and presentation of data on race and ethnicity in Federal program administrative reporting and statistical activities. See <https://wonder.cdc.gov/wonder/help/populations/bridged-race/directive15.html>

⁴⁰ See <https://www.federalregister.gov/documents/2016/09/30/2016-23672/standards-for-maintaining-collecting-and-presenting-federal-data-on-race-and-ethnicity>

⁴¹ See <https://www.whitehouse.gov/omb/briefing-room/2023/01/26/initial-proposals-for-revising-the-federal-race-and-ethnicity-standards/> and <https://www.federalregister.gov/documents/2023/01/27/2023-01635/initial-proposals-for-updating-ombs-race-and-ethnicity-statistical-standards>.

⁴² See <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/> and <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/15/fact-sheet-president-biden-to-sign-historic-executive-order-advancing-lgbtqi-equality-during-pride-month/>.

⁴³ See <https://www.whitehouse.gov/wp-content/uploads/2023/01/Federal-Evidence-Agenda-on-LGBTQI-Equity.pdf> and <https://www.whitehouse.gov/ostp/news-updates/2023/01/24/fact-sheet-biden-harris-administration-releases-first-ever-federal-evidence-agenda-on-lgbtqi-equality/>.

or imprisoned. The confidentiality requirements allow the EEOC to publish only aggregated data, and only in a manner that does not identify any particular employer or reveal any individual employee's personal information and there is no reasonable basis to believe that it can be used to identify an individual or employer.

As discussed above, with respect to other federal agencies with a legitimate law enforcement purpose but without OFCCP's independent authority to collect EEO-1 Component 1 data, the EEOC gives access to information collected under Title VII only if the agencies agree, by letter or memorandum of understanding, to comply with the confidentiality provisions of Title VII. In addition, section 709(d), 42 U.S.C. § 2000e-8(d), provides that the EEOC shall furnish upon request and without cost to state or local civil rights agencies information about employers in their jurisdiction on the condition that they not make it public prior to starting a proceeding under state or local law involving such information. The EEOC shares EEO-1 Component 1 data with Fair Employment Practices Agencies (FEPAs) pursuant to Worksharing Agreements that impose obligations on the contracted FEPA with respect to confidentiality, privacy, and data security. On a case-by-case basis, the EEOC may share EEO-1 Component 1 data with a FEPA that does not have a Worksharing Agreement, but only if that FEPA agrees to comply with confidentiality, privacy, and data security obligations similar to those imposed on FEPAs with Worksharing Agreements.

OFCCP obtains EEO-1 Component 1 reports for certain federal contractors and subcontractors (contractors) pursuant to its own legal authority under E.O. 11246 and its implementing regulations. *See id* at 60-1.7(a)(1). Because OFCCP obtains EEO-1 data for contractors under its own E.O. 11246 authority, some courts have ruled that the Title VII prohibition against disclosure does not apply to OFCCP's collection of EEO-1 data. *See, e.g., United Techs. Corp. v. Marshall*, 464 F. Supp. 845, 851-52 (D. Conn. 1979); *Sears Roebuck & Co. v. Gen. Servs. Admin.*, 509 F.2d 527, 529 (D.C. Cir. 1974). Accordingly, the EEO-1 Component 1 data of federal contractors received by OFCCP may be subject to potential disclosure by OFCCP under the Freedom of Information Act (FOIA), although FOIA exemptions may prevent disclosure. For more information, see the Department of Labor's FOIA regulations at 41 CFR part 70 and frequently asked questions ([Freedom of Information Act \(FOIA\) Frequently Asked Questions | U.S. Department of Labor \(dol.gov\)](#)).

Security

The EEOC's information systems (including data extracted from those systems and maintained by contractors) as overseen by the Office of Information Technology are categorized at the Federal Information Processing Standards⁴⁴ (i.e., FIPS 199) level of "Moderate." As defined in the Federal Information Security Modernization Act of 2014,⁴⁵ information systems used or operated by an agency or by a contractor of an agency are required by statute to provide information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of the information.

The confidentiality provisions of Title VII prohibit disclosure of any charge, charge-related information, or EEO data collection information, except under the conditions outlined in the

⁴⁴ *See* <https://csrc.nist.gov/csrc/media/publications/fips/199/final/documents/fips-pub-199-final.pdf>.

⁴⁵ 44 U.S.C. § 3541 et seq.

“Confidentiality of Information” section above. Both EEOC staff and the EEO-1 data collection contractor staff who have access to the EEOC records will not disclose any confidential information and will only use such information in the performance of their project responsibilities and duties. The data collection contractor is bound by contract and law to prevent the unauthorized release of information obtained by employees in the performance of work required by the EEO-1 data collection project. All EEOC staff receive training, as necessary, on all regulations and laws that restrict the release of information. The EEOC administrative and control files are the property of the EEOC and the information contained therein is protected under the Privacy Act of 1974.⁴⁶

11. Questions of a Sensitive Nature

The EEO-1 Component 1 data collection tallies data by job category and sex and race or ethnicity. All information utilized for statistical purposes will be reported in a summarized manner, and no information will be reported that would allow the identification of an individual employee or employer.

12. Information Collection Burden

The annual estimated burden for the prior EEO-1 Component 1 Information Collection Review (ICR) for reporting years 2019, 2020, and 2021 was 9,140,226 hours.⁴⁷ For the proposed package for reporting years 2022, 2023, and 2024, the EEOC is using the same methodology for calculating burden and considering the same factors as the agency did for the prior ICR. However, as detailed below, the EEOC’s plan to use a single “Establishment-Level Report” and an auto-populated and auto-generated “Consolidated Report,” as well as the increasing usage by employers of the data file upload function, significantly reduced the annual estimated aggregate filer burden under the proposed package from 9,140,226 to 5,238,467 hours.

The methodology used in the 30-day Notice to calculate the burden for the collection of EEO-1 Component 1 data is to separate single-establishment and multi-establishment employers and calculate the burden by considering the following factors: (1) the type of filer (i.e., single-establishment or multi-establishment employer); (2) the combination of report types submitted by the filer (i.e., for single-establishment employers, the “Single-Establishment Employer Report” or, for multi-establishment employers, the “Consolidated Report,” “Headquarters Report,” and “Establishment-Level Report(s)”);⁴⁸ and (3) the total number of reports employers will certify to complete their EEO-1 Component 1 submission.

Reporting time estimates for EEO-1 Component 1 filers are based on the most recently completed EEO-1 Component 1 collection cycle (i.e., the 2021 EEO-1 Component 1 data collection).⁴⁹ At

⁴⁶ 5 U.S.C. § 552a.

⁴⁷ See Notice of Information Collection 84 FR 48,138 (Sept. 12, 2019) at <https://www.govinfo.gov/content/pkg/FR-2019-09-12/pdf/2019-19767.pdf> and Notice of Information Collection 85 FR 16,348 (Mar. 23, 2020) at <https://www.govinfo.gov/content/pkg/FR-2020-03-23/pdf/2020-06008.pdf>.

⁴⁸ A single-establishment employer is required to submit only a “Single-Establishment Employer Report.” A multi-establishment employer is required to submit a summary “Consolidated Report,” a “Headquarters Report,” and a separate “Establishment-Level Report” for each non-headquarters establishment. The “Consolidated Report” is auto-populated and auto-generated for all multi-establishment employers within the EEOC’s *EEO-1 Component 1 Online Filing System* (OFS) with data from their “Headquarters Report” and “Establishment-Level Report(s).”

⁴⁹ The 2021 EEO-1 Component 1 data collection cycle opened on April 12, 2022 and ended on June 21, 2022.

the end of the 2021 EEO-1 Component 1 data collection, there were a total of 92,025 filers and a total of 1,507,468 reports submitted.⁵⁰ Based on data trends over the last three EEO-1 Component 1 data collection reporting years (i.e., 2019, 2020, and 2021),⁵¹ as well as ongoing updates by the EEOC to the EEO-1 Component 1 frame (i.e., filer roster/list or employer roster/list), the EEOC believes the total number of filers submitting at least one report may increase to 110,000. The EEOC further estimates single-establishment employers will continue to represent approximately 40% of EEO-1 Component 1 filers and will submit less than 2% of all reports, while multi-establishment employers will continue to represent approximately 60% of EEO-1 Component 1 filers and will submit more than 98% of all reports.

Based upon the anticipated 110,000 filers submitting EEO-1 Component 1 reports, the EEOC estimates these filers will submit a total of 2,235,938 reports annually, for reporting years 2022, 2023, and 2024.⁵² The EEOC estimates 44,257 single-establishment employers will submit a single “Single-Establishment Employer Report,” and it will take these filers 33,193 hours to do so. The EEOC estimates 65,743 multi-establishment employers will submit 2,191,681 reports. By definition, all EEO-1 Component 1 multi-establishment employers must submit, at a minimum, a “Consolidated Report,” a “Headquarters Report,” and at least one “Establishment-Level Report.” The total number of “Establishment-Level Reports” filed by EEO-1 Component 1 multi-establishment employers varies greatly, with the plurality of multi-establishment employers filing one establishment report,⁵³ and a small number of multi-establishment employers filing many reports. A small number of multi-establishment employers account for a large portion of overall “Establishment-Level Reports” submitted.⁵⁴

Table 1 below outlines the number of reports, the average reporting time by report type, and the aggregate number of hours estimated to submit these reports. The aggregate reporting time for EEO-1 Component 1 filers by report type varies between a low of 33,193 hours for single-establishment employers submitting a “Single-Establishment Employer Report,” and a high of 5,205,274 hours for multi-establishment employers submitting “Consolidated Reports,” “Headquarters Reports,” and “Establishment-Level Reports.” When also accounting for the aggregate reporting time for EEO-1 Component 1 single-establishment employers to complete a “Single-Establishment Employer Report” (33,193 hours), the total aggregate reporting time for all EEO-1 Component 1 filers is 5,238,467 hours.

⁵⁰ For the 2021 EEO-1 Component 1 data collection, these 1,507,468 reports were made up of the following types of reports: “Type 1” reports for single-establishment employers and “Type 2” consolidated reports; “Type 3” headquarters reports; and “Type 4” and “Type 8” establishment reports for multi-establishment employers.

⁵¹ The 2019 EEO-1 Component 1 data collection was delayed until 2021 due to the Coronavirus Disease 2019 (COVID-19) public health emergency. As a result, the 2019 and 2020 EEO-1 Component 1 data collections were collected concurrently in 2021. See <https://www.federalregister.gov/documents/2020/05/08/2020-09876/delay-in-opening-of-2019-eeo-1-component-1-and-2020-eeo-3-and-2020-eeo-5-data-collections-due-to-the>.

⁵² This total includes the 65,743 consolidated reports submitted annually by multi-establishment employers that are auto-populated and auto-generated by the *EEO-1 Component 1 Online Filing System* (OFS). While these reports contribute to the total report count, they have no associated burden.

⁵³ For the 2021 EEO-1 Component 1 data collection, the modal (i.e., most common) number of reports submitted by multi-establishment employers was three reports: one headquarters report, one establishment report, and one consolidated report. The median number of reports submitted by multi-establishment employers was eight reports: one headquarters report, six establishment reports, and one auto-populated and auto-generated consolidated report.

⁵⁴ For example, in the 2021 EEO-1 Component 1 data collection, there were individual multi-establishment employers whose submissions included thousands of reports for their non-headquarters establishments.

Type of Report	Number of Reports	Average Reporting Time (minutes)	Aggregate Reporting Time (hours)
Single-Establishment Employer Report^a	44,257	45	33,193
Consolidated Report^b	65,743	0	0
Headquarters Report^c	65,743	50	54,786
Establishment-Level Report^d	2,060,195	150	5,150,488
Total	2,235,938	5,238,467

^a A “Single-Establishment Employer Report” must be submitted by all single-establishment employers. A single-establishment employer is required to submit only one report. This report must contain demographic data for all the single-establishment employer’s employees categorized by job category and sex and race or ethnicity.

^b A “Consolidated Report” is required for all multi-establishment employers. A “Consolidated Report” must contain demographic data for all the multi-establishment employer’s employees (i.e., employees at headquarters and all establishments), categorized by job category and sex and race or ethnicity. The “Consolidated Report” is auto-populated and auto-generated within the EEOC’s electronic web-based *EEO-1 Component 1 Online Filing System* (OFS) for all multi-establishment employers with data from their “Headquarters Report” and “Establishment-Level Report(s).” Therefore, there is no associated burden.

^c A “Headquarters Report” must be submitted by all multi-establishment employers. The report must contain demographic data for all the multi-establishment employer’s headquarters employees, categorized by job category and sex and race or ethnicity.

^d An “Establishment-Level Report” must be submitted by all multi-establishment employers for each non-headquarters establishment. An “Establishment-Level Report” must contain establishment-level demographic data for all employees at each of the multi-establishment employer’s non-headquarters establishments categorized by job category and sex and race or ethnicity. One “Establishment-Level Report” must be submitted for each non-headquarters establishment. For example, if a multi-establishment employer has 10 non-headquarters establishments, the multi-establishment employer must submit 10 “Establishment-Level Reports.” Beginning with the 2022 EEO-1 Component 1 data collection, multi-establishment employers will no longer be required to file a separate “type” of establishment report based on the size of an individual non-headquarters establishment (i.e., establishments with 50 or more employees or establishments with fewer than 50 employees). Rather, a multi-establishment employer will submit an “Establishment-Level Report” to report establishment-level employee demographic data for each of its non-headquarters establishment(s) regardless of size.

The estimated number of respondents that must file EEO-1 Component 1 data for the next three reporting years (i.e., 2022, 2023, and 2024) is 110,000 filers each year. Each filer is required to respond to the EEO-1 Component 1 once annually. The burden estimate is based on data from prior administrations of the EEO-1 Component 1 data collection. The EEOC estimates the 110,000 filers will submit a total of 2,235,938 reports annually. About 40% of EEO-1 Component 1 filers (i.e., 44,257 single-establishment employers) will submit one report (i.e., a “Single-Establishment Employer Report”) on a single establishment. It is estimated these single-establishment employers will take an average of 45 minutes per reporting year to complete their EEO-1 Component 1 Report. About 60% of EEO-1 Component 1 filers (i.e., 65,743 multi-establishment employers) will report data on multiple establishments. For each reporting year, all multi-establishment employers must submit a “Consolidated Report,” a “Headquarters Report,” and an “Establishment-Level Report” for each establishment, resulting in an estimated total of 2,191,681 reports submitted.⁵⁵ While the actual submission time for each single-establishment employer and multi-establishment employer varies, for purposes of this ICR the EEOC estimates that it will take a single-establishment employer 45 minutes and the modal (i.e., most common) multi-establishment

⁵⁵ This total includes the 65,743 “Headquarters Reports” and the 65,743 “Consolidated Reports” submitted by multi-establishment employers, which are auto-populated and auto-generated by the *EEO-1 Component 1 Online Filing System* (OFS). While the “Consolidated Reports” contribute to the total report count, they have no associated burden.

employer 200 minutes (i.e., 3.33 hours) to complete their EEO-1 Component 1 Report(s).⁵⁶ Therefore, the collection of EEO-1 Component 1 data for reporting years 2022, 2023, and 2024 is estimated to impose 5,238,467 annual burden hours for 2,235,938 EEO-1 Component 1 Reports filed each reporting year.

13. Information Collection Cost Burden

The EEOC estimates that it will cost EEO-1 Component 1 filers \$273,137,678.30 to submit approximately 2,235,938 reports. The EEOC further estimates that it will take filers a total of 5,238,467 hours to complete this submission. Using the most recent median pay data from the U.S. Bureau of Labor Statistics, the EEOC estimates that a computer network specialist would account for 60% of the estimated hourly wage; a database administrator and architect would account for 20%; an HR specialist would account for 10%; legal counsel would account for 5%; and a CEO would account for 5%, yielding a total estimated hourly wage of \$34.87.⁵⁷

14. Cost to Federal Government

The EEOC estimates that the annual federal cost will be \$3,892,230. These estimated costs break down to the following:

Annual Cost of the Data Collection Contract:	\$3,258,616
Annual Federal Staffing Costs:	\$633,614

The federal staffing costs are estimated by assuming a 15-member team from the EEOC's Office of Enterprise Data and Analytics (OEDA), which administers the EEO-1 Component 1 data collection. This team includes a mix of GS-13 through GS-15 staff, as well as the two SES (Senior Executive Service) members. The estimate assumes that no staff will spend 100% of their time on the EEO-1 Component 1 data collection. Time devoted to the annual EEO-1 Component 1 data collection by staff on this 15-member team ranges from a low of 1% to a high of 80% with 33.2% being the average.

15. Program Changes or Burden Adjustments

⁵⁶ Burden for single-establishment employers is based on a single report. Burden for multi-establishment employers is cumulative and is based on the report type combination. The completion time for the "Consolidated Report" is 0 minutes since this report is auto-populated and auto-generated within the EEOC's electronic web-based *EEO-1 Component 1 Online Filing System* for all multi-establishment filers with data from their "Headquarters Report" and "Establishment-Level Report(s)." The completion of the "Headquarters Report" adds 50 minutes to the burden, and the completion of each "Establishment-Level Report" adds 150 minutes to the burden. Given the modal (i.e., most common) multi-establishment filer submitted one "Consolidated Report," one "Headquarters Report," and only one "Establishment-Level Report," the modal Multi-Establishment filer will have a total burden of 200 minutes, or 3.33 hours (0 minutes for the "Consolidated Report," 50 minutes for the "Headquarters Report," and 150 minutes for the one "Establishment-Level Report"). Please note that the "modal" multi-establishment filer referenced here is based on the number of reports submitted by multi-establishment filers during the EEOC's most recent EEO-1 Component 1 data collection (i.e., 2021), which closed in summer 2022.

⁵⁷ See U.S. Dept. of Labor, Bureau of Labor Statistics, *Occupational Outlook Handbook*, <https://www.bls.gov/ooah>. Wages cited are median hourly wages.

As discussed in the 2019 and 2020 Federal Register Notices associated with the agency's previous request for clearance of EEO-1 Component 1,⁵⁸ the EEOC created the Office of Enterprise Data and Analytics (OEDA) in May 2018 with the goal of creating a 21st century data and analytics organization at the agency. Since its creation, OEDA, which administers the agency's EEO data collections, including the EEO-1 Component 1, has undertaken several efforts to modernize the collections and improve the quality of data collected. OEDA has also streamlined functions, such as providing additional self-service options, resource materials, and an online support message center. As part of these ongoing modernization efforts, OEDA identified additional burden-reducing measures to streamline how the current EEO-1 Component 1 workforce demographic data are collected from employers. This ICR includes changes that make the EEO-1 Component 1 filing process more user-friendly and less burdensome.

The EEOC estimates a lower burden per filer for the 2022, 2023, and 2024 EEO-1 Component 1 data collections as a result of the following measures to streamline how filers submit their workforce demographic data: (1) implementation of a single "Establishment-Level Report" for each non-headquarters establishment regardless of size and (2) auto-population and auto-generation of "Consolidated Reports" for multi-establishment employers within the *EEO-1 Component 1 Online Filing System* (OFS). The methodology used to develop these burden estimates is the same as the methodology used in the prior ICR that the EEOC submitted for reporting years 2019, 2020, and 2021, and it continues to account for the burden of filing each different "type" of EEO-1 Component 1 "report."⁵⁹ The EEOC estimates that implementing a single "Establishment-Level Report" for each non-headquarters establishment regardless of size as well as auto-population and auto-generation of the "Consolidated Reports" will save filers 3,901,759 hours and \$27 million.⁶⁰

As discussed in sections 8 and 12 of this Supporting Statement, beginning with the 2022 EEO-1 Component 1 data collection, multi-establishment employers will no longer be required to file a separate "type" of establishment report based on the size of an individual non-headquarters establishment (i.e., establishments with 50 or more employees or establishments with fewer than 50 employees). Rather, in place of the "Type 4" and "Type 8" reports and the "Type 6" establishment list report, there will be a newly named "Establishment-Level Report." All multi-establishment employers will use an "Establishment-Level Report" to submit establishment-level employee demographic data for each of their non-headquarters establishment(s) regardless of size. With this change, a multi-establishment employer will no longer have to take the additional step of counting employees in each establishment to determine whether to file a "Type 4" or "Type 8 report." Multi-establishment employers will still be required to submit a "Headquarters Report" and a "Consolidated Report." However, all individual "Consolidated Reports" for multi-establishment employers will be auto-populated and auto-generated with data from their "Headquarters Report" and "Establishment-Level Report(s)" within the EEOC's electronic, web-

⁵⁸ See Notice of Information Collection 84 FR 48,138, 48,139 (Sept. 12, 2019) at <https://www.govinfo.gov/content/pkg/FR-2019-09-12/pdf/2019-19767.pdf> and Notice of Information Collection 85 FR 16,348, 16,341 (Mar. 23, 2020) at <https://www.govinfo.gov/content/pkg/FR-2020-03-23/pdf/2020-06008.pdf>.

⁵⁹ In the prior ICR for reporting years 2019, 2020, and 2021, the term "records" was used interchangeably with the term "reports" to refer to the "reports" submitted by filers. Beginning with the ICR for reporting years 2022, 2023, and 2024, the EEOC will no longer use the term "records" to refer to "reports" submitted by filers.

⁶⁰ The EEOC estimated a total burden of 9,140,226 hours for filers with associated costs of \$297 million in the prior ICR package. However, the EEOC now estimates that burden hours will be reduced to 5,238,467 hours with associated costs of \$273,137,678.30.

based *EEO-1 Component 1 Online Filing System* (OFS). A single-establishment employer is still required to submit only one report, a “Single-Establishment Employer Report”⁶¹ (formerly referred to as a “Type 1” single establishment report).

With respect to the employer association’s comment regarding the “Type 6” establishment list report referenced above in section 8, the EEOC maintains that the burden estimates already account for discontinuation of the “Type 6” option. The 2,060,195 “Establishment-Level Reports” that the Commission expects to receive is extrapolated from the total of previous years’ “Type 4” and “Type 8” establishment reports, combined with the number of locations previously included on “Type 6” reports (which the commenter correctly notes will now each require an “Establishment-Level Report”). The burden estimates are further expanded to account for the anticipated increase in the number of filers.

Furthermore, the Commission does not agree with the commenter’s assertion that replacing the “Type 6” establishment list report with an “Establishment-Level Report” is “by definition more burdensome and costly.” In the past, a multi-establishment employer that chose to submit a “Type 6” report (instead of a “Type 8” report for each non-headquarters establishment with fewer than 50 employees) was required to provide the name and address of *each* such establishment, as well as the total number of employees at each establishment as part of this report. A multi-establishment employer choosing this option would then be required to *manually* enter employee demographic data by job category and sex and race or ethnicity into the accompanying “Type 2” consolidated report for every employee of every establishment included on the “Type 6” report.” As detailed in the EEOC’s ICR package for reporting years 2019, 2020, and 2021, there was a higher burden associated with the “Type 6” report compared to the “Type 8” report for this reason. For the “Type 6” report, the average estimated reporting time was 480 minutes versus 180 minutes for the “Type 8” report.

With the discontinuation of the option to use a “Type 6” establishment list report instead of a “Type 8” report for non-headquarters establishments with fewer than 50 employees, a “Consolidated Report” can be auto-populated and auto-generated with data from a multi-establishment employer’s “Headquarters Report” and “Establishment-Level Report(s)” within the EEOC’s electronic, web-based *EEO-1 Component 1 Online Filing System* (OFS). Further, employers with multiple establishments are likely already using a Human Resource Information System (HRIS) to generate their reports, in which case providing demographics at the establishment level for each location can be performed in an automated fashion.

16. Publication of Data for Statistical Use

For each data collection year, the EEOC publishes public-use, aggregate EEO-1 Component 1 data entitled *Job Patterns for Minorities and Women in Private Industry* on its public website and through an online tool launched in December 2020 called *EEOC Explore*.⁶² In making aggregate EEO-1 Component 1 data publicly available, the EEOC, through its Office of Enterprise Data and

⁶¹ This was referred to as a “Single-Establishment Filer Report” in the 60-day Notice published on November 10, 2022 in the Federal Register.

⁶² See <https://www.eeoc.gov/data/job-patterns-minorities-and-women-private-industry-eeo-1-0>. Public Use Files (PUFs) are also available at the same website.

Analytics (OEDA), applies appropriate de-identification methodology to allow for a public release of aggregate EEO-1 Component 1 data. The data is considered “de-identified” when the information released does not identify an individual or an organization, and there is no reasonable basis to believe that it can be used to identify an individual or an organization.

Proposed Time Schedule for Information Collection and Publication⁶³

Opening of Data Collection	<i>Day 1⁶⁴</i>
Published Filing Deadline	<i>5 Weeks after Opening of Data Collection</i>
First Failure to File Notification (via email)	<i>1 Day after Published Filing Deadline</i>
Second Failure to File Notification (via U.S. Postal Service)	<i>1 Week after Published Filing Deadline</i>
Third and Final Failure to File Notification (via email)	<i>3 Weeks after Published Filing Deadline</i>
No Additional Reports Accepted	<i>5 Weeks after Published Filing Deadline</i>
Closure of Data Collection	<i>2 Weeks after No Additional Reports Accepted</i>
Contractor Delivery of Preliminary Data File	<i>No Later than 3 Months after Closure of Data Collection</i>
Final Delivery of Data File	<i>No Later than 4 Months after Closure of Data Collection</i>
Publication of Aggregate Data on EEOC.gov website	<i>No Later than 6 Months after Closure of Data Collection</i>

17. Approval Not to Display the Expiration Date

The EEOC is not seeking such approval. The EEOC will display the expiration date.

18. Exceptions to the Certification Statement

⁶³ This “Proposed Time Schedule for Information Collection and Publication” will be implemented for each of the three annual EEO-1 Component 1 data collections (for reporting years 2022, 2023, and 2024) covered by this PRA renewal request, beginning with the 2022 EEO-1 Component 1 data collection. Pending OMB approval, the 2022 EEO-1 Component 1 data collection will open in calendar year 2023.

⁶⁴ Pending OMB approval, the EEOC tentatively anticipates opening the 2022 EEO-1 Component 1 data collection in mid-July 2023.

The EEOC is not seeking any exceptions to the certification statement under this information collection request.