

Supporting Statement B
Recordkeeping and Reporting Requirements for
Elementary-Secondary Staff Information Report (EEO-5)

OMB Number 3046-0003

B. Collections of Information Employing Statistical Methods

1. Respondent Universe

Since 1973, the EEOC has required EEO-5 filers to submit workforce demographic data. Section 709(c) of 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.¹ Pursuant to this statutory authority, the EEOC issued regulations prescribing the reporting and related record retention requirements for public elementary and secondary school systems and districts.² The regulations require school systems and districts to make or keep all records necessary for completion of an EEO-5 submission and retain those records for three years, and require EEO-5 filers to retain a copy of each filed EEO-5 report for three years. Additionally, the regulations require public elementary and secondary school systems and districts to file executed copies of the EEO-5 in conformity with the directions set forth in the form and accompanying instructions. Under this authority, public elementary and secondary school systems and districts with 100 or more employees are required to report biennially³ the number of individuals they employ by activity assignment classification (i.e., job category) and by sex and race or ethnicity.

There is no single source for the universe of all public elementary and secondary school systems or districts that meet the EEO-5 filing criteria. The EEOC has maintained the frame using the last EEO-5 filing cycle mailing list as a starting point. The Department of Education's National Center for Education Statistics (NCES) provides a supplemental list which reflects school system or district updates due to redistricting or other changes. The EEOC compares this list to the most current EEO-5 frame. New school systems or districts are incorporated into the EEO-5 frame in preparation for launching the current year's collection. The EEOC intends to identify additional external data sources that will improve the coverage of the list.

As of data year 2024, the EEOC estimated that approximately 10,500 public elementary and secondary school systems or districts met the EEO-5 eligibility criteria based on the 2022 EEO-5 data collection and by comparing the EEOC's 2022 EEO-5 frame to the U.S. Department of Education's publicly available Common Core of Data (CCD) database to identify additional public

¹ 42 U.S.C. 2000e-8(c).

² The EEOC's EEO-5 regulation is at 29 CFR Part 1602 Subparts L and M. The EEOC is responsible for obtaining OMB's PRA approval for the EEO-5 report.

³ Beginning in 1982, the EEO-5 report has been collected biennially in even-numbered years. Prior to 1982, the EEO-5 report was collected annually.

elementary and secondary school systems and districts that may be eligible to file during the next biennial data collection.

Response Rate during the Last Collection

In the 2022 EEO-5 data collection, the data collection frame included 8,684 potentially eligible public elementary and secondary school systems and districts. By the end of collection, 7,160 of the potentially eligible public elementary and secondary school systems and districts filed an EEO-5 report. Thus, the response rate for the 2022 EEO-5 data collection was 82.45 percent.

2. Procedures for Collection of Information

The EEO-5 data collection is not a sample, and as a result does not employ sampling methods, such as weighting or stratification. All public elementary and secondary school systems and districts who meet the eligibility criteria, as discussed above in section 1, have a mandatory legal obligation to submit the EEO-5 report.

Approximately 30 days prior to the opening of the EEO-5 data collection, existing users of the *EEO-5 Online Filing System (OFS)* receive an advance notification via email reminding them of the opening. When this notice is sent out, school systems and districts also can create new accounts in the *OFS*, add or change associated contacts, and invite other users to create *OFS* user accounts associated with their public elementary and secondary school system or district. A similar notice is emailed to existing users approximately 14 days prior to the data collection opening date, but at this time they are also notified that they can access the *EEO-5 Message Center* to contact the Filer Support Team and track the status of requests. Approximately one week prior to the opening date of the EEO-5 data collection, an advance notification letter is sent via U.S. Postal Service to the public elementary and secondary school system or district's primary point of contact at the school or district's listed mailing address. This letter describes how to log in to the *OFS* (returning users versus new users), the two ways to submit data, "What's New" with the current data collection, important filing details, and a description of who is required to file.

The EEOC also uses the dedicated EEO-5 website and the accompanying *OFS* as a centralized support system (i.e., "one-stop-shop") for filers. In addition to communications with individual filers, the EEOC also posts instructions as well as current updates and announcements involving the EEO-5 data collection on the dedicated website. The EEOC also uses the dedicated website and accompanying filer-accessed *OFS* to post supplementary resource materials, if needed by filers.

As described above, EEO-5 filers must submit their filing electronically to the EEOC through a web-based data collection application (i.e., portal) referred to as the *EEO-5 Online Filing System (OFS)*.⁴ All filers must have at least one *OFS* account associated with the school system or district. Upon logging in to the *OFS*, returning users are directed to their "My School System or District

⁴ EEO-5 filers may access the *EEO-5 Online Filing System (OFS)* through the EEOC's dedicated EEO-5 website at www.eeocdata.org/eeo5. The *OFS* is designed to reduce the burden on school systems and districts by pre-populating fields, when feasible. For example, Google geocoding is used to pre-populate addresses in the *OFS*. Additionally, the *OFS* is embedded with soft data checks (i.e., prompts) which encourage filers to confirm or correct data that falls outside of expected boundaries (e.g., more than 30% of establishments are deleted).

List” screen, which displays the list of school systems or districts for which they are permitted to file, while new users must associate their *OFS* account with a school system or district. Once a “School System or District List” is accessed in the *OFS*, filers follow a series of steps to complete the school system or district’s EEO-5 report:

1) Confirm School System or District Details

Filers confirm school system or district’s details, including school system or district contact information (e.g., primary point contact and certifying official details), school system or district details (e.g., school system or district name, address), and eligibility determination. If the school system or district is eligible, the school system or district then moves on to step 2. If the school system or district is ineligible, the school system or district then moves on to step 4.

2) Submit EEO-5 Report

Eligible school systems and districts will be required to confirm, update, and/or enter the school system or district’s information (if applicable), workforce snapshot period, and workforce demographic data by activity assignment classification (i.e., job category)⁵ and sex and race or ethnicity. The filer may enter the workforce demographic data either via manual data entry into the *OFS* or via data file upload.

3) Review EEO-5 Report

After submitting the EEO-5 report, filers may preview a PDF of the school system or district’s uncertified EEO-5 report prior to certifying their submission.

4) Certify EEO-5 Report

In the final step of the EEO-5 data collection process, the school system or district must certify their report in order to complete their filing.

3. Methods to Maximize Response Rates

In recent years, the EEOC has adopted an enhanced notification process for EEO-5 filers as well as a more vigorous follow-up schedule for non-respondents (i.e., filers in the EEOC’s frame that have not submitted and certified their filings). In addition to communication with filers through postings and routine updates on the dedicated EEO-5 website, as well as the EEOC’s public website and social media, the EEOC uses a series of directed prompts to notify filers of the upcoming data collection cycle. As described in section 2 above, the first prompt begins approximately one month prior to the opening of the data collection in the form of an email to all contacts associated with school systems and districts identified as potentially eligible to file. This first email to all contacts announces the planned opening date of the data collection. The second prompt to all contacts is an email from the EEOC sent 14 days prior to the opening of the data collection. This prompt reminds filers of the opening and provides additional information on what

⁵ The 17 EEO-5 activity assignment classifications (i.e., job categories) are: Officials, Administrators, Managers; Principals; Assistant Principals; Elementary Classroom Teachers, Secondary Classroom Teachers and Other Classroom Teachers; Guidance; Psychological; Librarians/Audiovisual Staff; Consultants and Supervisors of Instruction; Other Professional Staff; Teacher Aides; Technicians; Administrative Support Workers; Service Workers; Skilled Crafts; Laborers and Helpers; Professional Instructional; Other Professional Staff.

to expect during the upcoming EEO-5 data collection. The third prompt is a letter sent via U.S. Postal Service to all primary points of contact from the EEOC approximately one week prior to the opening of the data collection. The final prompt is an email sent to all contacts from the EEOC notifying filers that the data collection is now open.

During active data collection, non-respondents are prompted on an ongoing basis to submit and certify their EEO-5 filing before the published deadline. For example, during the 2022 EEO-5 data collection, non-respondents received four separate emails on a weekly basis (i.e., one email a week for four weeks) reminding them to submit and certify their filing by the published deadline. In addition to these emails during active data collection, the EEOC sends a series of three “Failure to File” notices to non-respondents who did not file by the published deadline. These notices, consisting of two emails and one mailed letter, remind non-respondents of their mandatory legal obligation to file the EEO-5 under Title VII and the accompanying regulations. The letter is mailed to the primary point of contact and provides detailed instructions on accessing the *EEO-5 Online Filing System (OFS)* to submit and certify their filing. The emails provide general information and direct filers to submit and certify their filings in the *OFS* “as soon as possible” and no later than the specific date provided in the notice (i.e., the “Failure to File” deadline). All three notices inform the filer that after the “Failure to File” deadline, no additional reports will be accepted and that they will be out of compliance with their legal filing obligation.

4. Procedures or Methods Undertaken

As part of its modernization efforts, the EEOC’s Office of Enterprise Data and Analytics has been evaluating the processes and design of the EEO-5 data collection and is conducting internal qualitative and quantitative research to assess the impact on burden of any revisions. In addition, OEDA will continue its efforts to modernize the *OFS* and identify improved methods for reporting that will further reduce burden on filers in the future.

Since sampling methods are not used in the EEO-5 data collection, a non-response bias analysis has not been performed. However, as part of its ongoing modernization efforts, OEDA is undertaking a gap analysis to better understand the coverage of the existing frame in terms of the potential eligible universe.

5. Contact Information

The following individuals were consulted on the statistical aspects of the EEO-5 data collection:

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