



**U.S. Equal Employment
Opportunity Commission**

**[SPECIFIC REPORTING YEAR
WILL BE INSERTED BY EEOC]
EEO-3 Data Collection
Instruction Booklet**

EEOC Headquarters

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Washington, DC 20507



**EEO-3
Data Collection**

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 DATA COLLECTION

Local Union Report EEOC FORM 274 EEO-3 Report

INSTRUCTION BOOKLET

NOTICE

As discussed in the 30-day Notice published in the Federal Register on December 6, 2024, the EEOC has undertaken several efforts to modernize the agency's data collections and improve the quality of the data collected. Since the creation of the EEOC's Office of Enterprise Data and Analytics (OEDA) in May 2018, which administers the agency's EEO data collections, including the EEO-3, OEDA has streamlined functions, such as providing additional self-service options, resource materials, and an online support message center.

As part of its ongoing modernization efforts and in response to feedback from filers in prior collections, OEDA has redesigned the *EEO-3 Instruction Booklet* to better meet the needs of filers. The Instruction Booklet consolidates existing filer-support materials, including frequently asked questions (FAQs) and fact sheets, into a single resource for filers and provides additional information to clarify reporting requirements. Like the dedicated EEO-3 website launched by the EEOC in 2021, the updated Instruction Booklet will serve as a "one-stop-shop" containing important information for new and returning filers.

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OVERVIEW OF THE EEO-3 REPORT

Since 1967, the EEOC has required EEO-3 filers to submit demographic data. Every labor organization subject to Title VII of the Civil Rights Act of 1964, as amended (Title VII)¹ is required to file the EEO-3 report, provided it has 100 or more members at any time during the 12 months preceding the due date of the report and is a “local union” (as that term is commonly understood) or an independent or unaffiliated union. Labor organizations required to report are those which perform, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not they are so designated.

Section 709(c) of Title VII requires labor organizations 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 issued regulations prescribing the reporting and related record retention requirements for labor organizations.³ The regulations require every local union to retain the most recent report filed, to make records necessary for completion of the EEO-3, and to preserve them for a year (or if a charge of discrimination is filed, relevant records must be retained until final disposition of the matter). These recordkeeping requirements are part of standard administrative practices, and as a result, the EEOC believes that any impact on burden would be negligible and nearly impossible to quantify. Additionally, the regulations require labor organizations with 100 or more members at any time during the 12 months preceding the due date of the report, and that are a “local union” (as that term is commonly understood)⁴ or are independent or unaffiliated unions, to file executed copies of the EEO-3 report in conformity with the directions set forth in the form and accompanying instructions. Under this authority, such unions are required to report biennially⁵ the number of their members and applicants for membership by sex and race or ethnicity.

These data are currently collected electronically by the EEOC through a web-based data collection application (i.e., portal) referred to as the *EEO-3 Online Filing System (OFS)*.⁶ Filers must submit their data electronically to the web-based portal. The individual EEO-3 reports are confidential.⁷ EEO-3 data are used by the EEOC to investigate charges of

¹ 42 U.S.C. 2000e, *et seq.*

² 42 U.S.C. 2000e-8(c).

³ The EEOC’s EEO-3 regulation is at 29 CFR Part 1602 Subparts F and G. The EEOC is responsible for obtaining OMB’s PRA approval for the EEO-3 report.

⁴ Labor organizations required to report are those which perform, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not they are so designated.

⁵ Beginning in 1986, the EEO-3 report has been collected biennially in even-numbered years. Prior to 1986, the EEO-3 report was collected annually.

⁶ EEO-3 filers may access the OFS through the EEOC’s dedicated EEO-3 website at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

⁷ All 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 the EEO-3 data. Any EEOC employee who violates this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The confidentiality

employment discrimination against local unions and to publish periodic reports on workforce demographics.⁸

INSTRUCTIONS

1. LEGAL BASIS

All local unions meeting the eligibility requirements detailed below have a mandatory legal obligation to submit and certify the biennial EEO-3 report containing required demographic data to the EEOC.⁹ The instructions for submitting and certifying such reports, including the types of data requested and relevant deadlines, are provided here in the *[SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Instruction Booklet*.¹⁰

2. WHO MUST FILE¹¹

Pursuant to Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), 29 CFR 1602.22 and 29 CFR 1602 .27-.28, every labor organization subject to Title VII of the Civil Rights Act of 1964, as amended (Title VII)¹² is required to file the EEO-3 report, provided it has 100 or more members at any time during the 12 months preceding the due date of the report and is a “local union” (as that term is commonly understood) or an independent or unaffiliated union. Labor organizations required to report are those which

requirements allow the EEOC to publish only aggregated data, and only in a manner that does not identify any particular filer or reveal any individual member’s personal information. With respect to other federal agencies with a legitimate law enforcement purpose, the EEOC gives access to information collected under Title VII only if the agencies agree in writing to comply with the confidentiality provisions of Title VII. In addition, section 709(d) of Title VII (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-3 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-3 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

⁸ Any reports the EEOC publishes based on EEO-3 data include only aggregated EEO-3 data that protect the confidentiality of each union’s information, as well as the privacy of each member’s personal information.

⁹ The authorities under which EEO-3 data are collected include section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), 29 CFR 1602.22, and 29 CFR 1602 .27-.28.

¹⁰ To further assist filers, the EEOC provides supplementary resource materials (e.g., user’s guide; frequently asked questions (FAQs); fact sheet) at the opening of each data collection. Access by registered *EEO-3 Online Filing System (OFS)* account holders choosing to use these supplementary resource materials is available through the dedicated EEO-3 data collection website at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

¹¹ A local union that receives an EEO-3 filing notice from the EEOC but believes it is not required to file must access the *EEO-3 Online Filing System (OFS)* to complete the embedded eligibility screener. If the screener confirms eligibility, the union must follow the prompts to submit and certify the required demographic data. If the eligibility screener indicates the union is ineligible to file, the union must certify that it is ineligible in the *OFS*. Failure to certify ineligibility through the *OFS* will result in future EEO-3 filing notices being sent to the union by the EEOC. Additionally, a local union that receives an EEO-3 filing notice from the EEOC but has ceased operations must also access the *EEO-3 Online Filing System (OFS)* to complete the eligibility screener. If the eligibility screener indicates the local union is ineligible to file, the union must certify that it is ineligible and has ceased operations in the *OFS*. Similarly, failure to certify ineligibility through the *OFS* will result in future EEO-3 filing notices being sent to the local union by the EEOC.

¹² 42 U.S.C. 2000e, *et seq.*

perform, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not they are so designated.¹³ As part of this requirement, the reporting unions provide data on their members, applicants for membership, referrals, and applicants for referral by sex and by race or ethnicity to the EEOC. Local unions located within the 50 United States and the District of Columbia, as well as in the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and the U.S. Possessions of American Samoa, Guam, Northern Mariana Islands, and Wake Island are eligible to file the EEO-3 report.

Please note the EEOC does not collect demographic data from *private employers, state and local governments, and public primary or secondary school systems or districts* through the EEO-3 data collection. Demographic data for these entities are collected through other EEO data collections administered by the EEOC.¹⁴ These data collections include the EEO-1 Component 1 Employer Information Report, the EEO-4 State and Local Government Report, and the EEO-5 Elementary-Secondary Staff Information Report.

3. WHEN TO FILE

The [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 data collection is scheduled to open on [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC]. **The deadline to file the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 report is [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC].** The final opening and deadline dates will be posted on the EEOC's dedicated website for its EEO-3 data collection at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] and on the EEOC's public website at www.eeoc.gov/data/eeo-data-collections. Filers are strongly advised to visit [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] for the latest updates regarding the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 data collection, including any updates regarding the deadline to submit and certify reports.

Once data collection closes for a particular reporting cycle, local unions are not able to correct and/or update any data reported during that cycle. Further, a local union that fails to submit a required EEO-3 report during any reporting cycle(s) is not permitted to submit any such reports during subsequent reporting cycle(s). For example, an eligible local union that failed to submit a [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 report is not permitted submit that report during the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 data collection cycle.

¹³ The Office of Labor-Management Standards (OLMS)'s Online Public Disclosure Room (OPDR) is the U.S. Department of Labor's primary database on labor organization data in the United States. Every labor organization subject to the Labor-Management Reporting and Disclosure Act, as amended (LMRDA), the Civil Service Reform Act (CSRA) standards of conduct regulations, or the Foreign Service Act (FSA) must file an initial Form LM-1 Information Report, along with its constitution and bylaws, and an annual financial report, Forms LM-2, LM-3, or LM-4 Labor Organization Annual Report.

¹⁴ If you are one of these entities but have received an EEO-3 filing notice from the EEOC, please contact the EEO-3 Filer Support Team via the online *Message Center* at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

4. HOW TO FILE

4.1 OVERVIEW

The EEOC requires electronic submission of the EEO-3 report through a web-based data collection application (i.e., portal) referred to as the *EEO-3 Online Filing System (OFS)*. The *OFS* is accessible at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

All individuals responsible for filing a local union's report will be required to have an individual user account associated with their email address to access the *OFS*. To create a new account, visit [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] and select "Create an Account." New account holders for unions that have filed in prior year reporting cycles can link their individual user account to the local union's record using the union's "Registration ID"¹⁵ and "PIN," which will be sent to them via postal mail prior to the opening of data collection. Account holders for local unions that have never filed before can register a new local union by selecting "Add Local Union" on the "*My Local Union*" screen. Returning *OFS* account holders can log in using their existing username (i.e., email address) and password. Returning account holders may be required to reset their password when logging in to the *OFS* if the account holder has not accessed the *OFS* in the past 90 days. Account holders **must** submit the local union's demographic data electronically in the web-based portal (i.e., *OFS*) through either (1) manual data entry¹⁶ or (2) data file upload.¹⁷ The local union's certifying official must then certify the EEO-3 report in the *OFS*.

The EEOC will only accept EEO-3 reports submitted and certified through the agency's *OFS*. The EEOC will **not** accept reports submitted via paper or through other non-*OFS* electronic means (e.g., email, CD-ROM). The EEOC will consider filers submitting reports outside of the *OFS* to be non-compliant for purposes of their mandatory EEO-3 filing obligation.

As a part of the EEO-3 filing process, individuals responsible for filing a local union's EEO-3 report will complete the following steps.

1. Log in to the *OFS*, either with an existing user account or by creating a new one. See the section entitled "Accessing the *OFS*" for more details.
2. If necessary, add a new or existing local union to your account. See the section entitled "Adding an Existing Local Union to an Account" for more details.
3. Select a local union from the "*My Local Union List*" screen.

¹⁵ The EEOC Registration ID is normally the local union's Office of Labor-Management Standards (OLMS) File Number. This ID previously had been called the "Control Number" in the EEO-3 data collection.

¹⁶ The "manual data entry" option requires directly entering demographic data into the EEOC's web-based data collection application referred to as the *EEO-3 Online Filing System (OFS)*.

¹⁷ The "data file upload" option requires uploading a data file using the EEOC's [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Data File Upload Specifications which may be found online at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

4. Confirm the contacts associated with local union. See the section entitled “Adding or Changing a Local Union’s Contact(s) or Associated Account(s)” for more details.
5. Confirm information about your local union and answer eligibility screener questions. See the section entitled “Correcting a Local Union’s Information in the OFS” for more details.
6. If eligible, report your local union’s demographic data. See the section entitled “Reporting Local Union Demographic Data” for more details.
7. Review your uncertified EEO-3 Report for accuracy. See the section entitled “Review of the EEO-3 Report” for more details.
8. Certify your EEO-3 Report. See the section entitled “Official Certification of Submission” for more details.
9. Save or print a copy of your certified EEO-3 Report (see the section entitled “Saving/Printing a Copy of Submitted/Certified EEO-3 Report” for more details).

The [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] *EEO-3 User’s Guide*, which will be available beginning on [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC] (i.e., the opening of the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 data collection), has additional helpful technical information on how to file within the *OFS* for use by filers if they choose. The supplementary technical User’s Guide can be accessed by selecting “Resources” on the “*My Local Union List*” screen within the *OFS* or by clicking the folder icon on the top of the screen.

4.1.1 Saving Entries within the *OFS*

As an account holder advances from one screen to another, the *EEO-3 Online Filing System (OFS)* saves their additions/deletions/changes as they click “Next,” “Save,” “Confirm,” or “Submit.” An account holder must select “Next,” “Save,” “Confirm,” or “Submit” and advance to the next page to save their additions/deletions/changes. Otherwise, they will need to re-enter any additions/deletions/changes if they navigate away from the *OFS* before clicking “Next,” “Save,” “Confirm,” or “Submit.”

4.1.2 Finishing Required Filing Steps in the *OFS*

As account holders complete each step of the process on the “Local Union Dashboard” screen, each step will change from “Go →” to “Complete.” After the “Report [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Data (Manual Entry or Data File Upload)” is shown as “Complete,” the “Review [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report” and the “Certify [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report” steps will show the “Go →” button. While optional, local unions should consider reviewing their report for accuracy by selecting “Review [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report.” Once accuracy is confirmed, select “Certify EEO-3 Report” to complete the certification process. Account holders will then proceed to a screen to enter certification comments (optional), “Certifying Official” contact information, and certify the EEO-3 report. All contacts linked to the local

union account will receive an email indicating that the EEO-3 report was certified.

4.2 ACCESSING THE OFS

All individuals responsible for filing a local union's EEO-3 report will be required to have an individual user account associated with their email address to access the *EEO-3 Online Filing System (OFS)*. Account holders **must** submit the local union's data electronically in the OFS¹⁸ through either (1) manual data entry¹⁹ or (2) data file upload.²⁰ The local union's certifying official must then certify the EEO-3 Report in the OFS.

4.2.1 Local Unions Filing for the First Time

A new OFS user account can be created by visiting [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] and selecting "Create an Account." After registering for an account, account holders may log in to the account using their username (i.e., email address) and their password created in the account creation process.

4.2.2 Existing Account Holders for Local Unions which have Previously Filed

Returning OFS account holders who created their account during or after the 2020 EEO-3 data collection may log in to the *EEO-3 Online Filing System (OFS)* by visiting [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] and entering their email address and password. Returning account holders may be prompted to reset their password before proceeding.²¹ Account holders who do not know their password should select "Forgot Password."

4.2.3 New Account Holders for Local Unions which have Previously Filed

Individuals who are newly responsible for filing the report for their local unions which have previously filed will be required to create an individual user account associated with their email address to access the *EEO-3 Online Filing System (OFS)*. This can be done by visiting [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] and selecting "Create an Account." After creating an account and logging in to the OFS, new account holders can link their individual user account to a local union by selecting "Add Local Union" on the "My Local Union List" screen and entering the "Registration ID" and "PIN" provided on the local union filing notifications sent via U.S. postal mail and email prior to the opening of the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 data collection.

If an account holder does not have the "Registration ID" and "PIN," they should obtain this information from their local union's certifying official and enter it into the OFS. If the account

¹⁸ The EEOC will only accept EEO-3 reports submitted and certified through the OFS. The EEOC will not accept reports submitted via paper or through other non-OFS electronic means (e.g., email, CD-ROM, flash drive). The EEOC will consider filers submitting reports outside of the OFS to be non-compliant for purposes of their mandatory EEO-3 filing obligation.

¹⁹ The "manual data entry" option requires directly entering demographic data into the OFS.

²⁰ The "data file upload" option requires uploading a data file that follows EEOC's *EEO-3 Data File Upload Specifications*, accessed on the EEOC's dedicated EEO-3 website at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

²¹ Please note that account holders are required to reset their password every 90 days.

holder does not have access to the “Registration ID” and “PIN,” they should proceed in the *OFS* to answer a series of additional prompts. If the local union has previously filed an EEO-3 report, the account holder will be taken to a “Change of Contact” form in the *OFS*.²² Account holders will be asked to provide the following in the “Change of Contact” form:

- First Name, Last Name, Title, Phone Number, and Email Address of the person requesting the change of contact
- Local Union Name
- Registration ID (if known)
- First Name, Last Name, Title, Phone Number, and Email Address of the new local union contact
- A verification letter in PDF format on the local union’s letterhead from an authorized local union representative approving this change (e.g., President, Chairperson, Business Manager, etc.)

4.3 ADDING AN EXISTING OR NEW LOCAL UNION TO AN ACCOUNT

After successfully logging in to the *EEO-3 Online Filing System (OFS)*, account holders may use the instructions provided in this section to (1) add an existing local union to their account, or (2) register a new local union. If after following the process outlined below, the local union is not listed on the “*My Local Union List*” screen, please contact the Filer Support Team via the online *EEO-3 Message Center*.²³

4.3.1 Add an Existing EEO-3 Local Union to Your Account

Account holders may add an existing local union to their account by selecting “Add Local Union” on the “*My Local Union List*” screen. When adding an existing EEO-3 local union, account holders will follow a series of prompts to: (1) enter the local union’s “Registration ID” and “PIN” if they are known, or (2) be taken to a “Change of Contact” form to request access to the local union’s profile in the *EEO-3 Online Filing System (OFS)*.²⁴

4.3.2 Adding a New Local Union to Your Account

Account holders may add a new local union to their account by selecting “Add Union to List” on the “*My Local Union List*” screen. When adding a local union, account holders will follow a series of prompts to determine a local union’s eligibility to file. If eligibility is determined, account holders will be asked to provide the local union’s: (1) city and state (to ensure it is not an existing EEO-3 local union), (2) name, and (3) address.

During the new local union registration process, account holders will be provided with a

²² Please note that a “Change of Contact” request must be reviewed by the EEO-3 Filer Support Team and may take up to 5–7 business days to be approved.

²³ After creating an account, users can communicate with the Filer Support Team via the online *EEO-3 Message Center* at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] and access supplementary helpful resources, if needed.

²⁴ See the section entitled “New Account Holders for Local Unions which have Previously Filed” for more information about the Change of Contact process.

“Registration ID” and “PIN.” The “Registration ID” and “PIN” can be shared with other OFS account holders to link their “Individual User Account” with the local union profile.

4.4 ADDING OR CHANGING A LOCAL UNION’S CONTACT(S) OR ASSOCIATED ACCOUNT(S)²⁵

As a part of the EEO- filing process, filers will review the contacts and accounts associated with the local union.

4.4.1 Contacts

Contacts are individual representatives of the local union with responsibility for filing and/or certifying the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report. They receive critical communications regarding the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report. If there are multiple contacts, one must be selected as the “Primary Contact.”

4.4.2 Accounts²⁶

Individuals listed under Accounts have associated their *EEO-3 Online Filing System (OFS)* account with the local union. Individuals added under Accounts will receive instructions and the information needed to associate the local union with their *OFS* account (i.e., the “Registration ID” and “PIN” for this local union). Please note that contacts must also be listed in the Accounts section to have access to the local union within the *OFS*.

To add a new account, select “Add Account” and fill out the required information. Upon completion, the added individual will receive instructions on how to create an account within the *OFS* if they do not already have one, as well as the “Registration ID” and “PIN” associated with the local union. This will provide the user with access to maintain and update the local union record.

To unlink an account from the local union record, select “Unlink” beside the account holder’s First Name. This will revoke the user’s access to the local union record in the *OFS*.

4.5 CORRECTING LOCAL UNION INFORMATION IN THE OFS²⁷

Most local union information can be edited in the *EEO-3 Online Filing System (OFS)*. “Registration ID” is the only exception – this cannot be edited by account holders. To update local union information, log in to the *OFS*, and select a local union from the “*My Local Union List*” screen. On the “Local Union” screen, select the “Confirm Local Union Details” step. Follow the prompts within this step to confirm or update the local union information.

²⁵ Please note that a local union may have more than one contact in the *OFS*. The EEOC strongly encourages local unions to include more than one contact to ensure the local union receives critical notifications about the EEO-3 data collection.

²⁶ If an individual needs to link their *EEO-3 Online Filing System (OFS)* account to a local union, they should follow the instructions in the section entitled “Adding an Existing or New Local Union to an Account”.

²⁷ Please note that once data collection closes for a particular reporting cycle, local unions are not able to retroactively correct and/or update any demographic data reported during that cycle.

4.6 REPORTING LOCAL UNION DEMOGRAPHIC DATA

A local union that meets certain eligibility criteria²⁸ must submit demographic data by:

- Manually entering the data into the *EEO-3 Online Filing System (OFS)*, or
- Uploading a data file using the approved [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Data File Upload template.²⁹

The EEO-3 Report is the aggregate report for the *entire* local union. The report for the local union must provide summary data for all members of the local union broken down into five sections (1) Members, (2) Applicants for Membership in the Past Year, (3) Number of Members Referred, (4) Number of Referrals, and (5) Applicants for Referrals.³⁰ The membership data (Members and Applicants for Membership in the Past Year) should be reported from the time period since December 31st of the year preceding the reporting year. For the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report, this would be the period since December 31, [SPECIFIC YEAR WILL BE INSERTED BY EEOC]. The referral data (Number of Members Referred, Number of Referrals, and Applicants for Referrals) reported *must reflect a consecutive two-month period between August 1, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] and November 30, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]*.

When the referral of persons is handled by an agent of the local union, or under a joint arrangement with other local unions (representing the same or different crafts or trades), it is the responsibility of the reporting union to ensure that the agent compiles the information necessary for the requested demographic data. The definition of a labor organization under Title VII makes it clear that “agents” of a local union are covered by the law and therefore are equally subject to the reporting and recordkeeping regulations adopted under it.

4.6.1 Reporting by Race or Ethnicity

Voluntary self-identification by members, applicants, and referrals is the preferred method of identifying the race and/or ethnicity information required for the EEO-3 report.

The basic principles for race or ethnicity self-identification for purposes of the EEO-3 report are:

- (1) Offer members, applicants, and referrals the opportunity to self-identify.
- (2) Provide a statement about the voluntary nature of this inquiry for members,

²⁸ See the section entitled “Local Union Filing Eligibility” for more information.

²⁹ The “data file upload” option requires uploading a data file that follows EEOC’s *EEO-3 Data File Upload Specifications*, accessed on the EEOC’s dedicated EEO-3 website at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

³⁰ See “Data to Be Reported” for definitions of Members, Applicants for Membership in the Past Year, Number of Persons Referred, Number of Referrals, and Applicants for Referrals.

applicants, and referrals.

For example, language such as the following may be used (local unions may adapt this language) to solicit self-identification:

“The local union is subject to certain governmental recordkeeping and reporting requirements for the administration of civil rights laws and regulations. In order to comply with these laws, the local union invites members and applicants and referrals to voluntarily self-identify their race or ethnicity. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information obtained will be kept confidential and may only be used in accordance with the provisions of applicable laws, executive orders, and regulations, including those that require the information to be summarized and reported to the federal government for civil rights enforcement. When reported, data will not identify any specific individual.”

If a member, applicant, or referral declines to self-identify his or her race and/or ethnicity, personnel records or observer identification may be used. Where records are maintained, it is recommended that they be kept separately from the basic files on members, applicants, and referrals, or other records available to those responsible for personnel decisions.

Definitions of the race or ethnicity categories used by the EEOC for purposes of EEO-3 reporting are found below in Appendix A of the *Instruction Booklet*. Instructions for assigning members, applicants, and referrals into these categories are also provided in Appendix A.³¹

4.6.2 Reporting by Sex

The EEO-3 data collection currently provides only binary options (i.e., male or female) for reporting member, applicant, and referral counts by sex and race or ethnicity. However, local unions may *voluntarily* choose to report demographic data for non-binary members, applicants, and referrals – that is, those who do not identify as exclusively male or female – by sex (i.e., non-binary) and race or ethnicity in the “remarks” section of the report. Local unions that voluntarily choose to report non-binary members, applicants, and referrals in the “remarks” section of the report should not assign such members, applicants, and referrals to the male or female categories or any other categories (i.e., race or ethnicity) within the report.

Local unions that *voluntarily* choose to provide demographic data for their non-binary members, applicants, and referrals may do so in the “remarks” section within in the *OFS*.³²

³¹ Please note that race and ethnicity designations, as used by the EEOC for the EEO-3 report, do not denote scientific definitions of anthropological origins. In addition, such designations do not control who is protected by Title VII’s prohibitions against employment discrimination based on race or national origin.

³² For example, a local union that has a total of 500 members and is voluntarily reporting 2 of those members as non-binary in the “Remarks” section should show a member count of 498 members on the local union’s “Local Union Demographic Data” (i.e., less the 2 non-binary members reported in the “Remarks” section). Also, please note that the voluntary

Please follow the instructions in the above section of the Instruction Booklet entitled “Reporting by Race or Ethnicity” when deciding whether to report an individual as male, female, or non-binary. If the sex reported by an individual during voluntary self-identification differs from the sex recorded in the individual’s personnel records, the local union should report the former (i.e., self-identification) and not the latter (i.e., personnel records).

Local unions choosing to voluntarily report demographic data for non-binary individuals should preface any such data in the “Remarks” with the phrase “Additional Non-Binary [Member/Applicant/Referral] Data:”. For example:

Additional Non-Binary Member Data: 1 non-binary member; Race or Ethnicity: White (Not Hispanic or Latino).

Additional Non-Binary Member Applicant Data: 3 non-binary applicants for membership; Race or Ethnicity: 1 Hispanic or Latino, 1 Black or African American (Not Hispanic or Latino), 1 Two or More Races (Not Hispanic or Latino).³³

4.6.1 Manual Data Entry

Once a local union gathers the counts for each combination of sex and race or ethnicity for Members, Applicants for Membership in the Past Year, Number of Members Referred, Number of Referrals, and Applicants for Referrals, it can enter the data manually into the data grid using this option.

4.6.2 Data File Upload

Please review the EEOC’s [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Data File Upload Specifications, available under the “Resources” screen within the OFS, before uploading a file.

4.6.3 Referral Period

The EEO-3 Report is the aggregate report for the entire local union. The report for the local union must provide summary data for all members of the local union broken down into five sections (1) Total Membership, (2) Total Applicants for Membership, (3) Number of Members Referred, (4) Number of Referrals, and (5) Applicants for Referrals. The *membership data* (Total Membership and Total Applicants for Membership in the Past Year) should be reported from the time period since December 31st of the year preceding the reporting year. For the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report, this would be the period since December 31, [SPECIFIC YEAR WILL BE INSERTED BY EEOC]. The *referral data*

reporting of non-binary members, applicants, and referrals does **not** impact the membership threshold for EEO-3 reporting purposes. For example, if a local union has a total of 100 members, of which 2 are voluntarily reported as non-binary in the remarks, the local union is still required to file even though the total number of members on the local union’s “Local Union Demographic Data” would reflect only 98 members.

³³ Please note that filers voluntarily choosing to provide such data through the data file upload option *must* ensure that any remarks submitted do not contain any commas. See “Field [SPECIFIC FIELD TO BE INSERTED BY EEOC]” in the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Data File Upload Specifications.

(Number of Members Referred, Number of Referrals, and Applicants for Referrals) reported must reflect a consecutive two-month period between August 1, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] and November 30, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC].

4.7 REVIEW OF THE EEO-3 REPORT

As a part of the EEO-3 filing process, filers can download and preview an *uncertified* EEO-3 Report prior to certification. This step is optional but **strongly encouraged**. If any changes to the EEO-3 Report are necessary prior to certification, filers can return to the applicable step above to do so.

4.8 OFFICIAL CERTIFICATION OF SUBMISSION

Once a local union's report has been completed, the name and contact information for the local union's "Certifying Official" and the local union's "Primary Point of Contact (POC) for EEO-3 Reporting" (i.e., "Primary POC") for receiving communications from the EEOC regarding the report must be provided in the *EEO-3 Online Filing System (OFS)*.³⁴ The "Certifying Official" will certify to the below statement within the *OFS*.

"I certify that the information, including any demographic data, provided in this report is correct and true to the best of my knowledge and was prepared in conformity with the directions set forth in the form and accompanying instructions."

Below this statement, the EEOC provides written notice to the "Certifying Official" that "[k]nowingly and willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001."

Please note that if a local union fails to complete the **final** step to certify its EEO-3 Report within the *OFS*, the status of the local union's filing will be considered "incomplete" by the EEOC.³⁵ Any local union that has not certified its submission in the *OFS* by the "Published Due Date" (i.e., published deadline) will receive a "Notice of Failure to File" from the EEOC requesting that the local union certify its submission in order to complete the required filing.

4.9 SAVING/PRINTING A COPY OF SUBMITTED/CERTIFIED EEO-3 REPORT

After certification, the "Local Union Dashboard" screen will display "Thank you for completing the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report." Account holders may save and/or print a PDF copy of their submitted and certified EEO-3 Report by selecting "↓ Report" on this screen.

³⁴ Local unions are permitted to have the same individual serve as both the "Certifying Official" and the "Primary Point of Contact (POC) for EEO-3 Reporting" (i.e., "Primary POC") for the local union's "Official Certification of Submission." However, the individual serving as the "Certifying Official" **must** be an official (i.e., employee) of the local union.

³⁵ Please note that even if the local union has submitted data for its required report, the filing will not be considered complete by the EEOC until the local union certifies its submission in the *EEO-3 Online Filing System (OFS)*.

If you have completed the certification step prior to the end of the data collection period and find an error in your EEO-3 Report, select “Decertify” and make the required edits. After correcting errors, you **must** repeat the steps outlined above to recertify the EEO-3 Report.³⁶ Any local union that has not certified its submission in the OFS by the “Published Due Date” (i.e., published deadline) will receive a “Notice of Failure to File” from the EEOC requesting that the local union certify its submission in order to complete the required filing.

4.9.1 Accessing Prior Year Filed Reports

Historic EEO-3 Reports will be available in the *EEO-3 Online Filing System (OFS)* for all reports filed beginning with the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 data collection.³⁷ Select the local union in the “My Local Union List” screen to access the “Local Union Dashboard,” and click on “Historic EEO-3 Reports” to download any available report from prior years.

5. OFS REQUIRED FILING INFORMATION

As part of the EEO-3 filing process, in addition to submitting demographic data if required to do so, a local union is required to provide within the *EEO-3 Online Filing System (OFS)* certain identifying information on the local union. The local union must also complete a set of questions to determine whether it meets the threshold eligibility requirements to submit EEO-3 demographic data.

The information provided by a local union in the sections and sub-sections discussed below will be included in the final, certified, downloadable local union’s EEO-3 report generated by the OFS.³⁸ Please note that local unions may preview and review uncertified PDF versions of their reports prior to the local union’s official certification of the submission to the EEOC.

5.1 PART A: LOCAL UNION IDENTIFICATION

This section contains identifying information about the local union, including the local union name’s name, AFL/CIO affiliation, address, and “Registration ID.” The “Registration ID” is a unique, six-character OFS identification number associated with each local union. It is assigned by the EEOC and is normally the local union’s Office of Labor-Management Standards (OLMS) File Number. This ID was previously called the “Control Number”.

³⁶ Even if the local union has submitted data for its required report, the filing will not be considered complete by the EEOC until the local union certifies its submission in the *EEO-3 Online Filing System (OFS)*.

³⁷ Report availability is dependent on the local union’s filing history.

³⁸ Appendix C of the Instruction Booklet contains a “sample” of an EEO-3 report generated by the EEOC’s *EEO-3 Online Filing System (OFS)*. Filers are not permitted to submit EEO-3 demographic data using this sample. The EEOC requires electronic submission of EEO-3 report through the OFS, the agency’s web-based data collection application (i.e., portal). The OFS is accessible at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR]. The EEOC will only accept an EEO-3 report submitted and certified through the OFS. The EEOC will not accept reports submitted via paper or through other non-OFS electronic means (e.g., email, CD-ROM). The EEOC will consider filers submitting reports outside of the OFS to be non-compliant for purposes of their mandatory EEO-3 filing obligation.

This section also notes whether the local union is affiliated with a national/international union or national federation and, if so, displays the affiliated union's name and address.

5.2 PART B: LOCAL UNION FILING ELIGIBILITY

As part of the EEO-3 filing process, local unions must answer these eligibility questions within the *OFS* to determine if they are legally required to submit demographic data to the EEOC.³⁹ A local union must complete the entire EEO-3 Report if it answers "Yes" to eligibility question (1) below -AND- answers "Yes" to *any part* of eligibility question 2 (i.e., answers "yes" to 2a, 2b, and/or 2c).

1. Has the local union had 100 or more members at any time since December 31, [SPECIFIC YEAR WILL BE INSERTED BY EEOC]?
2. Does the local union, or any unit, division, or agent of the local union, or any labor organization which performs, within a specific jurisdiction, the functions ordinarily performed by a local union, whether or not it is so designated:
 - (a) Operate a hiring hall or hiring office?
 - (b) Have an arrangement under which one or more employers are required to consider or hire persons referred by the local union or an agent of the local union?
 - (c) Have 10 percent or more of its members employed by employers which customarily and regularly look to the union, or any agent of the union, for employees to be hired on a casual or temporary basis, for a specified period of time, or for the duration of a specified job?

If the local union answers:

- "No" to question 1, or
- "Yes" to question 1 -AND- "No" to questions 2a, 2b, and 2c

it is still **required** to submit a [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report certifying to its ineligibility.

5.3 PART C: LOCAL UNION DEMOGRAPHIC DATA

This section contains summary data for all members of the local union broken down into five

³⁹ The specific eligibility requirements for filing are discussed in detail in the above section of the Instruction Booklet entitled "WHO MUST FILE." Please note that a local union that receives an EEO-3 filing notice from the EEOC but believes it is not required to file must access the *EEO-3 Online Filing System (OFS)* to complete the embedded eligibility screener. If the screener confirms eligibility, the local union must follow the prompts to submit and certify the EEO-3 Report. If the eligibility screener indicates the local union is ineligible to file, the local union must certify that it is ineligible in the *OFS*. Failure to certify ineligibility through the *OFS* will result in future EEO-3 filing notices being sent to the local union by the EEOC.

subsections (1) Total Membership, (2) Total Applicants for Membership, (3) Number of Members Referred, (4) Number of Referrals, and (5) Applicants for Referrals. The membership data (Members and Applicants for Membership in the Past Year) should be reported from the time period since December 31st of the year preceding the reporting year. For the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report, this would be the period since December 31, [SPECIFIC YEAR WILL BE INSERTED BY EEOC]. The referral data (Number of Members Referred, Number of Referrals, and Applicants for Referrals) reported must reflect a consecutive two-month period between August 1, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] and November 30, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC].⁴⁰

When the referral of persons is handled by an agent of the local union, or under a joint arrangement with other local unions (representing the same or different crafts or trades), it is the responsibility of the reporting union to ensure that the agent compiles the information necessary for the requested demographic data. The definition of a labor organization under Title VII makes it clear that “agents” of a local union are covered by the law and therefore are equally subject to the reporting and recordkeeping regulations adopted under it.

5.3.1 Data to Be Reported

5.3.1.1 Total Membership

The *Total Membership* section should include statistics for all members in the referral unit by sex and race or ethnicity any time since December 31st of the year preceding the reporting year. For the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report, this would be the period since December 31, [SPECIFIC YEAR WILL BE INSERTED BY EEOC].

5.3.1.2 Total Applicants for Membership

The *Total Applicants for Membership* section should include statistics for the number of applicants for membership by sex and race or ethnicity any time since December 31st of the year preceding the reporting year. For the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report, this would be the period since December 31, [SPECIFIC YEAR WILL BE INSERTED BY EEOC].

5.3.1.3 Number of Members Referred

The *Number of Members Referred* section should include, by sex and race or ethnicity, statistics for the number of individual persons referred (i.e., sent out) to a job during the selected consecutive two-month period between August 1, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC], and November 30, [SPECIFIC REPORTING YEAR WILL BE

⁴⁰ As discussed in the above section of the Instruction Booklet entitled “REPORTING BY SEX,” the EEO-3 data collection currently provides only binary options (i.e., male or female) for reporting individual counts by sex, job category, and race or ethnicity. However, local unions may *voluntarily* choose to report demographic data for non-binary members, applicants, and referrals – that is, individuals who do not identify as exclusively male or female – by sex (i.e., non-binary) and race or ethnicity in the “Remarks” section of the report. Unions that voluntarily choose to report non-binary individuals in the “Remarks” section of the report should not assign such individuals to the male or female categories or any other categories (i.e., race or ethnicity) within the report. For additional information on the voluntary reporting of non-binary individuals, please refer to the above section of the Instruction Booklet entitled “REPORTING BY SEX.”

INSERTED BY EEOC]. For example, if one member was referred (i.e., sent out) to five total jobs during the selected consecutive two-month period, then the member should only be included once in “Number of Members Referred.”

5.3.1.4 Number of Referrals

The *Number of Referrals* section should include, by sex and race or ethnicity, statistics for the number of job referrals that the persons identified in “Number of Members Referred” were referred (i.e., sent out) to during the selected consecutive two-month period between August 1, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC], and November 30, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]. For example, if one member was referred (i.e., sent out) to five total jobs during the selected consecutive two-month period, then all five jobs should be included in “Number of Referrals.”

5.3.1.5 Applicants for Referral

The *Applicants for of Referral* section should include, by sex and race or ethnicity, statistics for the number of persons who were applicants for referral during the selected consecutive two-month period between August 1, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC], and November 30, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC].

5.3.1.6 Dates of Selected Two-Month Period

The local union must enter the start and end dates of the selected consecutive two-month referral period between August 1, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC], and November 30, [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] that was used for the information provided under “Number of Members Referred,” “Number of Referrals,” and “Applicants for Referral.”

5.3.2 Remarks (optional)

After completing this part of the EEO-3 filing process (i.e., PART C: LOCAL UNION DEMOGRAPHIC DATA), a local union may provide the EEOC with any additional remarks. If no remarks are submitted, “No Remarks Provided” will be populated in this section.⁴¹

5.4 PART D: CERTIFICATION

This section will appear in the PDF version of the local union’s EEO-3 Report generated by the *EEO-3 Online Filing System (OFS)*.

⁴¹ As discussed in the above section of the Instruction Booklet entitled “Reporting by Sex,” the EEO-3 data collection currently provides only binary options (i.e., male or female) for reporting employee counts by sex and race or ethnicity. However, local unions may *voluntarily* choose to report demographic data for non-binary members, applicants, and referrals – that is, those who do not identify as exclusively male or female – by sex (i.e., non-binary) and race or ethnicity in the “Remarks” section of the appropriate section of the *OFS*. Local unions that voluntarily choose to report non-binary employees in the “Remarks” section of the *OFS* should not assign such employees to the male or female categories or any other categories (i.e. race or ethnicity) within the report. For additional information on the voluntary reporting of non-binary individuals, please refer to the above section of the Instruction Booklet entitled “Reporting by Sex.”

Please note that if a local union fails to complete the **final** step to certify its EEO-3 Report within the *OFS*, the status of the local union's filing will be considered "incomplete" by the EEOC.⁴² Any local union that has not certified its submission in the *OFS* by the "Published Due Date" (i.e., published deadline) will receive a "Notice of Failure to File" from the EEOC requesting that the local union certify its submission in order to complete the required filing. This section contains the following information:

5.4.1 Certification Comments (optional)

A local union may provide the EEOC with any final comments regarding its submission in this section. Any comments provided will be populated in this section. If no comments are submitted, "No Comments Provided" will be populated in this section.

5.4.2 Certification Statement

The employer's "Certifying Official" will certify to the following statement in the *OFS*:

"I certify that the information, including any demographic data, provided in this report is correct and true to the best of my knowledge and was prepared in conformity with the directions set forth in the form and accompanying instructions."

Below this statement, the EEOC provides written notice to the "Certifying Official" that "[k]nowingly and willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001."

5.4.3 Date of Certification

The *EEO-3 Online Filing System (OFS)* will automatically generate the month, day, year, and time (e.g., [DATE WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] 9:00 AM) that the submission was certified by the local union in the *OFS*.

5.4.4 Local Union Certifying Official

The individual serving as the "Certifying Official" **must** be an official (i.e., employee) of the local union.

This section contains the following information:

- Name of Local Union's Certifying Official
- Title of Certifying Official
- Email Address of Certifying Official
- Telephone Number of Certifying Official

5.4.5 Primary Point of Contact (POC) for EEO-3 Reporting

⁴² Please note that even if the local union has submitted data for its required report, the filing will not be considered complete by the EEOC until the local union certifies its submission in the *EEO-3 Online Filing System (OFS)*.

In addition to a “Certifying Official,” a local union must also provide a “Primary Point of Contact (POC) for EEO-3 Reporting” (i.e., “Primary POC”) for receiving communications from the EEOC regarding the report. A local union may choose the same individual to serve as both its “Certifying Official” and “Primary Point of Contact (POC) for EEO-3 Reporting” (i.e., “Primary POC”). Alternatively, a local union may provide a different individual to be its “Primary Point of Contact (POC) for EEO-3 Reporting” (i.e., “Primary POC”). However, the “Certifying Official” **must** be an official (i.e., employee) of the local union.

6. FAILURE TO FILE

The deadline to file the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report is **11:00 pm ET (i.e., Eastern Time) on [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC]** (i.e., “Published Due Date”).

Following the [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC] “Published Due Date” deadline, the EEOC will enter the “Failure to File” phase. All local unions who have **not submitted and certified** their mandatory [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report by the [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC] “Published Due Date” deadline will receive a “Notice of Failure to File” from the EEOC instructing them to submit and certify their data **as soon as possible, and no later than 11:00 pm ET (i.e., Eastern Time) on [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC]** (i.e., “Failure to File” deadline).

After the “Failure to File” deadline passes, **no** additional [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 reports will be accepted, and eligible local unions will be **out of compliance** with their mandatory [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 filing obligations. Pursuant to EEOC regulation 29 CFR 1602.24, any local union “failing or refusing” to file report EEO-3 when required to do so may be compelled to file by order of a U.S. district court, upon application of the Commission.⁴³

7. APPLICATION FOR UNDUE HARDSHIP EXEMPTION⁴⁴

The EEOC’s EEO-3 regulation at 29 CFR Part 1602 Subpart F. § 1602.22 requires eligible local unions to file “...in conformity with the directions set forth in the form and accompanying instructions.” Pursuant to 29 CFR § 1602.25, if a local union claims that the preparation or filing of the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report would create undue hardship, the local union may apply to the Commission for an exemption by submitting a written exemption application pursuant to the directions contained herein.⁴⁵

⁴³ See 29 CFR § 1602.24.

⁴⁴ 29 CFR § 1602.22 requires eligible local unions to file “...in conformity with the directions set forth in the form and accompanying instructions.” For purposes of the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 data collection, the instructions for submitting an exemption application are provided in this section of the Instruction Booklet.

⁴⁵ Please note that a Notice of Proposed Rulemaking (NPRM) was published in the Federal Register on October 11, 2024, in

The Commission will grant an undue hardship exemption, only if local union has demonstrated in its written exemption application how the preparation or filing of the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 Report would create undue hardship.⁴⁶ Please note that while an application is pending, the applicant (i.e., local union) must continue to collect and prepare the data required for the report in case the exemption request is denied.

All exemption applications **must** be submitted in writing and sent to the following mailing address:

U.S. Equal Employment Opportunity Commission (EEOC)
Attention: Office of Enterprise Data and Analytics (OEDA)
131 M Street NE
Washington, DC 20507

Exemption applications must be postmarked on or before the following date: [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC]. Only exemption applications submitted according to the above instructions will be accepted for consideration.⁴⁷ Filers are not permitted to submit an exemption application via email or through the *EEO-3 Online Filing System (OFS)*. Additionally, any exemption applications postmarked **after** the above date will not be considered.

8. CONFIDENTIALITY

All 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 the EEO-3 data. Any EEOC employee who violates this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The confidentiality requirements allow the EEOC to publish only aggregated data, and only in a manner that does not identify any particular filer or reveal any individual member's personal information.

With respect to other federal agencies with a legitimate law enforcement purpose, the EEOC gives access to information collected under Title VII only if the agencies agree in writing to

which the EEOC proposes to amend its regulations regarding recordkeeping and reporting requirements. See <https://www.federalregister.gov/documents/2024/10/11/2024-23327/recordkeeping-and-reporting-requirements-under-title-vii-the-ada-gina-and-the-pwfa>. Specifically, the NPRM proposes to delegate authority for making determinations on hardship exemption applications, to set forth the procedure for applying for exemptions, and to provide a non-exhaustive list of criteria for considering exemption applications.

⁴⁶ Please note that an application for an undue hardship exemption is for consideration of an exemption from filing a local union's mandatory EEO-3 report. It is **not** an application for an extension of either the "Published Due Date" deadline or the final "Failure to File" deadline.

⁴⁷ Please note that applications submitted to EEOC field offices or other offices within EEOC headquarters will **not** be considered.

comply with the confidentiality provisions of Title VII. In addition, section 709(d) of Title VII (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-3 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-3 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.

9. BURDEN ESTIMATE

Comments regarding the burden associated with the collection of [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-3 data under the Paperwork Reduction Act (PRA),⁴⁸ including suggestions for reducing burden, may be submitted at any time to either the EEOC or the Office of Management and Budget (OMB) at the following mailing addresses:

**U.S. Equal Employment Opportunity Commission (EEOC)
Attention: Office of Enterprise Data and Analytics (OEDA)
131 M Street NE
Washington, DC 20507**

OR

**Paperwork Reduction Act (3046-0006)
Office of Management and Budget
Washington, DC 20503**

⁴⁸ The full text of the OMB regulations on the PRA may be found at 5 CFR Part 1320.

APPENDIX A: RACE AND ETHNICITY CATEGORIES

A.1 DEFINITIONS OF RACE AND ETHNICITY CATEGORIES⁴⁹

A.1.1 Hispanic or Latino

A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

A.1.2 White

A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

A.1.3 Black or African American

A person having origins in any of the black racial groups of Africa.

A.1.4 Native Hawaiian or Other Pacific Islander

A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

A.1.5 Asian

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.

A.1.6 American Indian or Alaska Native

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.

A.1.7 Two or More Races

All persons who identify with more than one of the above five races (White, Black or African American, Native Hawaiian or Other Pacific Islander, Asian, American Indian or Alaska Native). For the purposes of this group, identifying as Hispanic or Latino and only one of the listed 5 race groups does NOT qualify.

⁴⁹ Please note that on March 28, 2024, OMB published revisions, the first since 1997, to its Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.” See <https://spd15revision.gov/>. The revisions include, for example, using a single combined race and ethnicity question and adding Middle Eastern or North African (MENA) as a new minimum reporting category. Federal agencies, including the EEOC, are required to bring their data collections into compliance with these standards by March 28, 2029. Because the EEOC’s current EEO-5 PRA clearance expires January 31, 2025, the agency is not proposing updates to its collection of race and ethnicity data under this Notice in order to provide filers with sufficient notice of the revised standards and to give the EEOC sufficient time to implement the revisions across its EEO collections.

A.2 INSTRUCTIONS FOR ASSIGNING EMPLOYEES INTO THE RACE/ ETHNICITY CATEGORIES

A.2.1 Hispanic or Latino

Include all employees who answer “YES” to the question, “Are you Hispanic or Latino?” in the appropriate category for both males and females as indicated.

A.2.2 White (Not Hispanic or Latino)

Include all employees who identify as White and no other race, and who did not answer “YES” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

A.2.3 Black or African American (Not Hispanic or Latino)

Include all employees who identify as Black or African American and no other race, and who did not answer “YES” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

A.2.4 Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)

Include all employees who identify as Native Hawaiian or Other Pacific Islander and no other race, and who did not answer “YES” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

A.2.5 Asian (Not Hispanic or Latino)

Include all employees who identify as Asian and no other race, and who did not answer “YES” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

A.2.6 American Indian or Alaska Native (Not Hispanic or Latino)

Include all employees who identify as American Indian or Alaska Native and no other race, and who did not answer “YES” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

A.2.7 Two or More Races (Not Hispanic or Latino)

Include all employees who identify with more than one of the above five races, and who did not answer “YES” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

APPENDIX B: DEFINITIONS

“Account Holder” refers to an individual who has access to the *EEO-3 Online Filing System (OFS)* via a user account associated with their email address.

“Certifying Official” refers to the official (i.e., employee) designated by a local union to certify the local union’s EEO-3 report submission to the EEOC. The “Certifying Official” will certify to the following statement within the *OFS*: *“I certify that the information, including any demographic data, provided in this report is correct and true to the best of my knowledge and was prepared in conformity with the directions set forth in the form and accompanying instructions.”* Below this statement, the EEOC provides written notice to the “Certifying Official” that “[k]nowingly and willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001.”

The individual serving as the “Certifying Official” **must** be an official (i.e., employee) of the local union.

“Commission” refers to the U.S. Equal Employment Opportunity Commission (EEOC).

“EEO-3 Online Filing System (OFS)” refers to the web-based application (i.e., portal) used to electronically collect EEO-3 data by the EEOC.

“My Local Union List” refers to a section in the *EEO-3 Online Filing System (OFS)* that lists the local union associated with a user account.

“New Account Holders” refers to account holders created as part of the current reporting year’s collection.

“OEDA” (Office of Enterprise Data and Analytics) refers to the office within the EEOC which administers the agency’s EEO data collections, including the EEO-3.

“OFS” is an abbreviated reference to the *“EEO-3 Online Filing System (OFS).”*

“Point of Contact” refers to an individual designated by the local union to receive communications from the EEOC. The EEOC strongly encourages local unions to include more than one individual as a point of contact to ensure the local unions receives critical notifications.

“Primary Point of Contact (POC) for EEO-3 Reporting” refers to the individual designated within “Section F –Certification” as the “Primary Point of Contact (POC) for EEO-3 Reporting” (i.e., “Primary POC”) for receiving communications from the EEOC regarding the report. In addition to a “Certifying Official,” local unions must provide a “Primary Point of Contact (POC) for EEO-3 Reporting” (i.e., “Primary POC”). Local unions may choose the same individual to serve as both the local union’s “Certifying Official” and the “Primary Point of Contact (POC) for EEO-3 Reporting” (i.e., “Primary POC”). Alternatively, a local union may provide a different individual to be its “Primary Point of Contact (POC) for EEO-3 Reporting”

(i.e., “Primary POC”). However, the “Certifying Official” **must** be an employee of the local union.

“Registration ID” refers to a unique, six-character identifier that corresponds to a local union in the *EEO-3 Online Filing System (OFS)*.

“Returning Users” refers to EEO-3 account holders who had a user account during a previous reporting year (i.e., cycle).

“Local Union Dashboard” refers to a page in the *EEO-3 Online Filing System (OFS)* that displays a particular local union’s details, shows the various actions and milestones required to complete the EEO-3, and makes reports from previous reporting years available.

DRAFT FOR OMB REVIEW AND PUBLIC COMMENT

APPENDIX C: SAMPLE EEO-3 REPORT

NOTICE:

SAMPLE EEO-3 Report

This is a “sample” EEO-3 report generated by the EEOC’s *EEO-3 Online Filing System (OFS)*. Filers are **not** permitted to submit EEO-3 demographic data using this sample. The EEOC requires electronic submission of EEO-3 report through the OFS, the agency’s web-based data collection application (i.e., portal). The OFS is accessible at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

The EEOC will only accept EEO-3 reports submitted and certified through the *OFS*. The EEOC will **not** accept reports submitted via paper or through other non-*OFS* electronic means (e.g., email, CD-ROM). The EEOC will consider filers submitting reports outside of the *OFS* to be non-compliant for purposes of their mandatory EEO-3 filing obligation.

DRAFT FOR OMB REVIEW

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 20YY LOCAL UNION REPORT (EEO-3)												EEOC Form 274 Revised: MM/20YY OMB Control Number: 3046-0006 Expiration: MM/DD/20YY																							
PART A: LOCAL UNION IDENTIFICATION																																			
REGISTRATION ID [REGISTRATION ID]				NAME OF LOCAL UNION [Name of Local Union]								AFL/CIO AFFILIATION [Yes/No]																							
ADDRESS [Address 1] [Address 2]				CITY [City]				STATE [State]				ZIP CODE [ZIP]																							
AFFILIATED NATIONAL/INTERNATIONAL UNION OR NATIONAL FEDERATION																																			
NAME OF AFFILIATED NATIONAL/INTERNATIONAL UNION OR NATIONAL FEDERATION [Name of Affiliated Union or National Federation]																																			
ADDRESS [Address 1], [Address 2]				CITY [City]				STATE [State]				ZIP CODE [ZIP]																							
PART B: LOCAL UNION FILING ELIGIBILITY																																			
☐ YES (Eligible)		☐ No (Total Staff)		☐ No (Merged)		☐ No (Closed)		☐ No (Not Local Union)		☐ No (Other): [REASON_OTH]																									
PART C: LOCAL UNION DEMOGRAPHIC DATA																																			
										Hispanic or		Not Hispanic or Latino				Row Total																			
												Male		Female																					
										Male		Female		White		Black or African American		Native Hawaiian or Other Pacific Islander		American Indian or Alaska Native		Two or More Races		White		Black or African American		Asian		Native Hawaiian or Other Pacific Islander		American Indian or Alaska Native		Two or More Races	
A. MEMBERSHIP IN REFERRAL UNION																																			
1. Total Membership										0		0		0		0		0		0		0		0		0		0		0		0			
2. Total Applicants for Membership										0		0		0		0		0		0		0		0		0		0		0		0			
B. REFERRALS DURING SELECTED TWO-MONTH PERIOD																																			
3. Number of Members Referred										0		0		0		0		0		0		0		0		0		0		0		0			
4. Number of Referrals										0		0		0		0		0		0		0		0		0		0		0		0			
5. Applicants for Referral										0		0		0		0		0		0		0		0		0		0		0		0			
Dates of Selected Two-Month Period: [START_DATE] – [END_DATE]																																			
C. REMARKS (OPTIONAL) [REMARKS]																																			
PART D: CERTIFICATION																																			
CERTIFICATION COMMENTS (optional) [CERT_COMM]																																			
CERTIFICATION STATEMENT I certify that the information, including any workforce demographic data, provided in this report is correct and true to the best of my knowledge and was prepared in conformity with the directions set forth in the form and accompanying instructions. Knowingly and willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001																																			
DATE OF CERTIFICATION [CERT_DATE]																																			
LOCAL UNION CERTIFYING OFFICIAL																																			
NAME [CERT_OFF_NAME]										TITLE [CERT_OFF_TITLE]																									
EMAIL [CERT_OFF_EMAIL]										TELEPHONE NUMBER [CERT_OFF_TEL]																									
PRIMARY POINT OF CONTACT (POC) FOR EEO-3 REPORTING																																			
NAME [POC_NAME]										TITLE [POC_TITLE]																									
EMAIL [POC_EMAIL]										TELEPHONE NUMBER [POC_TEL]																									