

Supporting Statement B
Recordkeeping and Reporting Requirements for
Local Union Report (EEO-3)
OMB Number 3046-0006

B. Collections of Information Employing Statistical Methods

1. Respondent Universe

Since 1967, the EEOC has required EEO-3 filers to submit workforce 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 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.

There is no single source for the universe of all local unions that meet the EEO-3 filing criteria. The EEOC has maintained the frame using the last EEO-3 filing cycle mailing list as a starting

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.

point. The EEOC intends to identify additional external data sources that will improve the coverage of the list.

The EEOC estimated that approximately 5,999 local unions met the EEO-3 eligibility criteria by comparing the EEOC's 2022 EEO-3 frame to the U.S. Department of Labor's Office of Labor Management Standards (OLMS) 2024 Online Public Disclosure Room (OPDR) database to identify additional local unions that may be eligible to file during the next biennial data collection.

Response Rate during the Last Collection

During the 2022 EEO-3 data collection, the data collection frame included 1,167 potentially eligible local unions. By the end of the collection, 974 of the potentially eligible local unions filed an EEO-3 report. Thus, the response rate for the 2022 EEO-3 data collection was 83.46 percent.

2. Procedures for Collection of Information

The EEO-3 data collection is not a sample, and as a result does not employ sampling methods, such as weighting or stratification. All local unions who meet the eligibility criteria, as discussed above in section 1, have a mandatory legal obligation to submit the EEO-3 report.

Approximately 30 days prior to the opening of the EEO-3 data collection, existing users of the *EEO-3 Online Filing System (OFS)* receive an advance notification via email reminding them of the opening. When this notice is sent out, filers 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 local union. 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-3 *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-3 data collection, an advance notification letter is sent via U.S. Postal Service to the local union's primary point of contact at the union'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-3 website and the accompanying *OFS* as a centralized support system (i.e., "one-stop-shop") for filers. In addition to communicating with individual filers, the EEOC also posts instructions as well as current updates and announcements involving the EEO-3 data collection on the dedicated website. The EEOC also uses the dedicated website and accompanying filer-accessed *OFS* to post supplementary resource materials, for use by filers if they choose.

As described above, EEO-3 filers must submit their filing electronically to the EEOC through a web-based data collection application (i.e., portal) referred to as the *OFS*.⁶ All filers must have at least one *OFS* account associated with the local union. Upon logging in to the *OFS*, returning users

⁶ EEO-3 filers may access the *OFS* through the EEOC's dedicated EEO-3 website at www.eeocdata.org/eeco3. The *OFS* is designed to reduce the burden on filers 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.

are directed to their “Local Union List” screen, which displays the list of local unions for which they are permitted to file, while new users must associate their *OFS* account with a local union. Once a “Local Union List” is accessed in the *OFS*, filers follow a series of steps to complete the local union’s EEO-3 report:

1) Confirm Local Union Details

Filers confirm local union details (e.g., local union name, address), local union contact information (e.g., primary point of contact and certifying official details), and eligibility determination. If the local union is eligible, the local union then moves on to step 2. If the local union is ineligible, the local union then moves on to step 4.

2) Submit EEO-3 Report

Eligible local unions will be required to confirm, update, and/or enter their identification information and statistics (e.g., membership, number of applicants and referrals) by sex and race or ethnicity. These data are submitted via manual data entry into the *OFS*. Additionally, beginning with the next reporting period, filers will also have the option of uploading a data file through the *OFS*.

3) Review EEO-3 Report

After submitting the EEO-3 report, filers may preview a PDF of the local union’s uncertified EEO-3 report prior to certifying their submission.

4) Certify EEO-3 Report

In the final step of the EEO-3 data collection process, the local union 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-3 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-3 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 local unions 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 to expect during the upcoming EEO-3 data collection cycle. 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-3 filing before the published deadline. For example, during the 2022 EEO-3 data

collection cycle, 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-3 report under Title VII and the accompanying regulations. The letter is mailed to the primary point of contact and provides detailed instructions on accessing the *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-3 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-3 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-3 data collection:

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