

Department of the Treasury  
Departmental Offices  
Supporting Statement – Information Collection Request  
EQUAL EMPLOYMENT OPPORTUNITY (EEO) Complaint Form OMB 1505-0262

**A. Justification**

**1. Circumstances Making the Collection of Information Necessary.**

Title 29 of the United States Code of Federal Regulations (CFR) Part 1614, directs agencies to maintain a continuing program to promote equal opportunity and to identify and eliminate discriminatory practices and policies. The Department of the Treasury (Department) is thus required to process complaints of employment discrimination from Department employees, former employees and applicants for jobs with the Department who claim discrimination based on their membership in a protected class, such as, race, color, religion, sex (including pregnancy), national origin, age (over 40), disability, genetic information, or retaliation for engaging in prior protected activity. Claims of discrimination based on parental status are processed as established by Executive Order 11478 (as amended by Executive Order 13152). Federal agencies must offer pre-complaint “informal” counseling and/or Alternative Dispute Resolution (ADR) to these individuals (the counselee), claiming discrimination by officials of the Department. If the complaint is not resolved during the informal process, agencies must issue a Notice of Right to File a Complaint of Discrimination form to the counselee.

**2. Purpose and Use of the Information Collection.**

This information is being collected for the purpose of processing informal and formal complaints of employment discrimination against the Department on the bases of race, color, religion, sex (including pregnancy), national origin, age (over 40), disability, genetic information, parental status, or retaliation. Pursuant to 29 CFR §1614.105, the individual must participate in pre-complaint counseling to try to informally resolve his/her complaint prior to filing a complaint of discrimination. Information provided on the pre-complaint forms may be used by the counselee to assist in determining if they would like to file a formal complaint against the Department. The information captured on these forms will be reviewed by the staff of the Department's Office of Civil Rights and EEO to frame the claims for investigation and determine whether the claims are within the parameters established in 29 CFR Part 1614.

**3. Consideration Given to Information Technology.**

The proposed collection of information will consist of electronic PDF forms which will be submitted via email or through a portal on the Department's public facing webpage.

Currently, the Department utilizes ETKEEO and E-complaints, which are two online applications used to process, track, and manage Equal Employment Opportunity (EEO) cases at the pre-complaint, the formal complaint/investigation, and the post-investigation adjudication and appeal stages of the EEO process.

**ETKEEO:** This application is used to process, manage, and report information related to Department-wide EEO cases as well as to provide aggregate EEO data for internal reports (including the form to the Equal Employment Opportunity Commission (EEOC) 462 and the No Fear Report to Congress). ETKEEO also

maintains reports from EEO counseling sessions (Reports of Counseling), acceptance/acknowledgement letters (wherein the agency acknowledges receipt of a formal EEO complaint) and final agency decisions (FAD). The Report of Counseling form is used to capture the employee's contact information, allegations of discrimination with supporting documentation, and management's response. If a resolution cannot be achieved in the informal stage, the individual may file a formal EEO complaint. Formal EEO complaints are not maintained in ETKEEO.

- (1) E-complaints:** This application is used to produce and store EEO complaint files and documents used in adjudicating formal EEO complaints. This includes: the forms and documentation comprising Reports of Counseling, the Individual Complaint of Discrimination Forms, letters of acceptance or dismissal, records of correspondence with individuals alleging discrimination (termed "complainants" after filing a formal complaint), investigatory files (also called Reports of Investigation) and final agency actions.

#### **4. Duplication of Information.**

The information obtained through this collection is unique and is not already available through for use thorough another source.

#### **5. Reducing the Burden on Small Entities.**

This collection of information will not have an impact on small entities.

#### **6. Consequences of Not Conducting Collection.**

It is the responsibility of federal agencies to comply with the rules, regulations, orders, and instructions issued by the EEOC to ensure that complaints of employment discrimination are resolved fairly and timely. The regulations at 29 C.F.R. § 1614 clearly set forth the authority of the EEOC over the federal sector EEO programs and the duty of federal agencies to maintain EEO programs in a manner consistent with the mandatory directives of the EEOC. Non-compliance with these mandates will result in the agency's inability to timely process complaints appropriately and may result in sanctions imposed on the agency by the EEOC.

#### **7. Special Circumstances.**

In accordance with MD-110, informal EEO Counseling must be conducted within 30 calendar days, unless an agreement to extend an addition 60 days is obtained. Individuals are expected to cooperate and provide required information for the processing of their EEO complaints of employment discrimination. Where the aggrieved chooses to participate in an alternative dispute resolution procedure, the pre-complaint processing period is extended to 90 days. 29 CFR §1614.105(f).

There are no other special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

#### **8. Consultations with Persons Outside the Agency.**

Treasury solicited public comment on these information requirements in a *Federal Register* notice published on April 28, 2025 (90 FR 17689). Comments

were received during the 60-day comment period from ten individuals, as well as the National Employment Lawyers Association (NELA) and a joint letter from twelve members of Congress. All of the commenters objected to the proposed removal of references to gender identity and sexual orientation, with many citing the Supreme Court opinion in *Bostock v. Clayton County, Georgia*, 590 U.S. 644 (2020) that the prohibition on sex discrimination in Title VII of the Civil Rights Act of 1964 prohibits discrimination based on sexual orientation and gender identity.

The removal of subcategories under “sex” specifying gender orientation and sexual orientation is being done in accordance with Executive Order 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” (Jan 20, 2025). Nonetheless, Treasury recognizes that *Bostock* prohibits discrimination based on sexual orientation and gender identity and confirms that employees can continue to file claims on those bases by indicating they have been discriminated against based on their sex. While these are being removed, the separate subcategory for sex discrimination based on pregnancy (which is also a part of sex discrimination under Title VII) is being retained on the EEO forms due to the additional accommodations provided for in the Pregnant Workers Fairness Act (PWFA), 42 U.S.C. 2000gg which necessitate additional specificity.

**9. Payment or Gift.**

No payment or gift is associated with this information collection.

**10. Confidentiality.**

The information on this form may be disclosed as generally permitted under 5 U.S.C. §552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in Treasury 013 -- Department of the Treasury, Civil Rights, Complaints and Compliance Review Files System of Records Notice, Published November 7, 2016 (81 FR 78266, Doc No: 2016-26662).

**11. Questions of a Sensitive Nature.**

Disclosure of information sought is voluntary; however, failure to furnish the information sought may hamper the investigation or resolution of the complaint and may result in the complaint being returned without action.

**12. Burden of Information Collection.**

Note: While the Department completed a total of 20 EEO counselings in fiscal year (FY) 2024, the chart below represents the number of complaints filed in the same FY by members of the public (i.e., former employees and applicants for employment).

Description	Form Number	Number of Respondents	Frequency of Responses	Annual Hour of Burden	Annual Cost to Respondents
EEO Informal Report of Counseling	TD F 62-03.1	20	1	1.00	\$0.00
Designation of Representative	TD F 62-03.2	5	1	0.05 min	\$0.00
Agreement to Extend Counseling to Participate in Mediation	TD F 62-03.4	1	1	0.05 min	\$0.00
Agreement to Extend Counseling	TD F 62-03.6	15	1	0.05 min	\$0.00
Notice of Rights and Responsibilities	TD F 62-03.7	15	1	0.20 min	\$0.00
Notice of Right to File	TD F 62-03.8	15	1	0.20 min	\$0.00
Notice of Withdrawal from Participation in the EEO Pre-Complaint Process	TD F 62-03.9	2	1	0.05 min	\$0.00
Class Complaint	TD F 62-03.10	1	1	1.00	\$0.00
ADR Election	TD F 62-03.11	1	1	0.05	\$0.00
Formal Complaint Form	TD F 63-03.5	15	1	1.00	\$0.00
<b>TOTAL</b>				4.05	\$0.00

The total estimate for all respondents is 90 responses and 47 hours of burden.

### 13. Annual Cost to Respondents.

There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

### 14. Cost to the Federal Government.

The following formula was used to obtain the average hourly salary of a collateral duty, GS-13, EEO Counselor or Specialist:

- Applicable hourly wage rate from OPM 2025 GS Pay Tables that reasonably reflects who would be doing the work.
- Add 60% to that wage rate to account for benefits & overhead (fully loaded).
- Multiply the number of hours by the fully-loaded wage to get your total Federal cost.

Based on this formula a collateral duty, GS-13, Step 1, EEO Counselor with DC locality pay, (e.g.  $\$57.78 \times 1.6 = \$92.45/\text{hour}$ , fully-loaded) with an estimated 4 hours (identified above in line item 12), one case per week the estimated annual cost is \$19,230.

### 15. Reason for Change.

There are no changes from the currently approved estimates. Minor changes were made to previously approved EEO Forms to reflect the removal of gender identity and sexual orientation as subcategories of sex discrimination. The term/label of "Aggrieved" was also changed to "Counselee" or "Aggrieved" to

“employee or applicant”.

**16. Tabulation of Results, Schedule, Analysis Plans.**

Not applicable.

**17. Display of OMB Approval Date.**

The Department of the Treasury is seeking approval to not display the OMB expiration date on the forms associated with this information collection. The agency does not expect to revise or discontinue use of these forms over the next five years, which means any dates of expiration will cause an undue process to update them.

**18. Exceptions to Certification for Paperwork Reduction Act Submission.**

There are no exceptions to the certification statement.