

Department of Transportation

INFORMATION COLLECTION

SUPPORTING STATEMENT

Individual Complaint of Employment Discrimination

OMB control number: 2105-0556

INTRODUCTION

This is to request renewal and revision of the Office of Management and Budget's (OMB) three-year approved clearance for the information collection titled, "Individual Complaint of Employment Discrimination" (Complaint Form).

Part A. Justification.

1. Circumstances that make collection of information necessary.

The U.S. Equal Employment Opportunity Commission's (EEOC) regulation, 29 Code of Federal Regulations (CFR) Part 1614 specifies that to enter the Equal Employment Opportunity (EEO) complaint process, individuals who believe that they have been discriminated against must contact an EEO Counselor within 45-calendar days of the discriminatory event or the effective date of the personnel action. If the claim of discrimination is not resolved during the pre-complaint stage, the individual has the right to file a formal complaint of discrimination. The complaint may be accepted for investigation or dismissed if it fails to meet the statutory requirements. The individual may appeal the dismissal of the complaint to the EEOC Office of Federal Operations. If the complaint is accepted for investigation, the agency will issue the complainant a Report of Investigation (ROI) within 180-calendar days of the filing of the formal complaint. Upon receipt of the ROI, the complainant has the right to request a final agency decision or a hearing before an EEOC Administrative Judge. Throughout the administrative process, the U.S. Department of Transportation's (DOT) Departmental Office of Civil Rights notifies the individual of his or her rights, and the applicable time limits involved. Accordingly, DOT needs to collect the data identified in this information request from employees, former employees, and applicants filing complaints against DOT.

The goal is to streamline the collection of required information, reduce printing costs, and ensure uniformity throughout DOT in the processing and resolution of EEO complaints.

2. How, by whom, and for what purpose is the information used.

DOT collects the information through an automated form and through hard copies received in-person, through the mail, electronic mail, and fax. The Complaint Form is

used to collect or document required information for processing EEO formal complaints of discrimination filed against DOT by employees, former employees, and applicants. DOT, for the most part, will enter the information from the Complaint Form into its automated complaint tracking system.

3. Extent of automated information collection.

The Complaint Form is a fully automated (fillable and fileable) form. DOT's Complaints and Investigations Division receives prompt notification to ensure formal complaints are processed in a timely manner via the e-Formal Filing process. DOT enters the information from the Complaint Form into an automated complaint tracking system.

4. Efforts to identify duplication.

The nature of the EEO complaint process makes the issue(s) and basis(es) for each complaint unique to the circumstances identified by the aggrieved individual filing the complaint. In this sense, similar information is not available for use or modification prior to the actual filing of the EEO complaint.

5. Efforts to minimize the burden on small businesses.

This information collection has no impact on small businesses or other small entities.

6. Impact of less frequent collection of information.

EEOC's Federal Sector regulations at 29 CFR Part 1614 and EEOC Management Directive 110 govern the processing of EEO complaints of discrimination, which require the collection of data or documentation of requirements contained in the Complaint Form. DOT will be unable to process and document complaints of discrimination from external individuals filing complaints against DOT if the information request is denied.

7. Special circumstances.

The provision of the data contained in DOT's information request is solely voluntary by employees, former employees, and applicants filing complaints against DOT who claim EEO discrimination and do not require any special circumstances as identified above.

8. Compliance with 5 CFR 1320.8.

On May 4, 2026, DOT published a 60-day Federal Register Notice [FR Vol. 91, No. 85, page 24031]. On July 2, 2026 DOT published a 30-day Federal Register Notice.

9. Payments or gifts to respondents.

DOT has not and will not provide any payment or gift to respondents or remuneration to contractors or grantees.

10. Assurance of confidentiality.

DOT protects all information collected during the EEO complaint process in compliance with the Privacy Act of 1974, 5 U.S.C § 552a, as amended. All personal EEO pre-complaint and formal complaint discrimination data is treated in a confidential manner and its use is restricted. Persons violating the privacy safeguards are subject to disciplinary action, a fine, or both.

11. Justification for collection of sensitive information.

EEOC's Management Directive 110 requires the Federal agency to determine if the aggrieved individual believes that he/she was discriminated against based on race, color, sex (gender; sexual harassment; pregnancy; or lesbian, gay, bisexual, or transgender-LGBT), religion, national origin, age (40 years or older at the time of the event giving rise to the claim), physical or mental disability, equal pay/compensation, genetic information, sexual orientation, or retaliation for participating in activities by EEO statutes. Collection of this information from the individuals is mandatory and forms the basis(es) for a complaint. The information is necessary to enter into the EEO complaint process. As mentioned in DOT's response to Question 10 above, all information provided by persons alleging EEO discrimination is safeguarded and treated in accordance with the Privacy Act of 1974, as amended.

12. Estimate of burden hours for information requested.

DOT expects an estimation of 244 EEO complaints of discrimination annually by employees, former employees and applicants. The total burden per respondent for each form is estimated to be 1 hour for the Complaint Form. This amounts to 1 hour per respondent, and 244 hours per annum for all 244 respondents.

13. Estimate of total annual costs to respondents.

Postage for one packet of mailed forms will cost approximately \$8.75 if mailed by U.S. Postal Service priority mail in a large envelope, or \$87.50 for all ten respondents who choose to file by U.S. mail.

14. Estimate of cost to the Federal government.

The DOT currently has an EEO complaint processing system in place that utilizes a similar standardized form, procedures, and automated system for its current and former employees alleging EEO discrimination. The estimated ten EEO complaints received annually from employees, former employees, and applicants that are mailed to DOT and

not received via the automated system can be absorbed within the current business processes with essentially no additional cost to the Federal government.

15. Explanation of program changes or adjustments.

Since the previous OMB approval, DOT has revised the Individual Complaint of Employment Discrimination Form to include information related to the Pregnant Workers Fairness Act. In addition, DOT updated its estimated annual number of respondents of 244 based on more recent complaint volume.

16. Publication of results of data collection.

DOT will not publish information collected in the Complaint Form.

17. Approval for not displaying the expiration date of OMB approval.

DOT is not seeking approval to not display the expiration date of the Complaint Form.

18. Exceptions to certification statement.

DOT has not identified any exceptions to the certification statement.