

U.S. Department of Labor

Assistant Secretary for  
Employment Standards  
Washington, D.C. 20210



April 15, 2008

RECEIVED  
OFFICE OF THE CHAIR

2008 MAY -7 PM 1:35

Chair Naomi C. Earp  
U.S. Equal Employment Opportunity Commission  
1801 L Street, NW  
Washington, DC 20507

Dear Chair Earp:

We write with regard to the Notice of Information Collection on the Uniform Guidelines on Employee Selection Procedures (UGESP), published by the Equal Employment Opportunity Commission (EEOC) on March 25, 2008 (73 FR 15754). The Department of Labor ("Department") supports the EEOC's notice of its intent to submit the UGESP, without change, to the Office of Management and Budget for a three-year approval under the Paperwork Reduction Act and its decision to not finalize the March 4, 2004 Paperwork Reduction Act Federal Register document relating to UGESP entitled "Agency Information Collection Activities: Adoption of Additional Questions and Answers To Clarify and Provide a Common Interpretation of the Uniform Guidelines on Employee Selection Procedures as They Relate to the Internet and Related Technologies" (69 FR 10152).

Since the Department, along with the Department of Justice (DOJ) and the Office of Personnel Management (OPM), was a signatory to the March 4, 2004 proposed Additional Questions and Answers, we are writing to provide our formal concurrence with EEOC's proposed withdrawal of this joint proposal. We note that UGESP was jointly promulgated by the Department, EEOC, DOJ, and OPM. See 41 CFR 60-3.1.A. The Department has a significant interest in this issue as it, just like the EEOC, has "unique enforcement responsibilities and priorities monitoring employment practices and detecting employment discrimination." 73 FR 15754. In light of the Department's October 7, 2005 rule regarding the application of UGESP to the use of the Internet and related technologies (70 FR 58946) – which is fully consistent with UGESP – we believe the decision to not finalize the March 4, 2004 proposed Additional Questions and Answers serves the goal of greater consistency across the government.

We look forward to working cooperatively with EEOC in the future on UGESP and other matters related to our complementary missions.

Sincerely,

Handwritten signature of Victoria A. Lipnic in black ink.

Victoria A. Lipnic  
Assistant Secretary for Employment Standards

Handwritten signature of Charles E. James, Sr. in black ink.

Charles E. James, Sr.  
Deputy Assistant Secretary for Federal  
Contract Compliance

cc: Grace C. Becker  
Acting Assistant Attorney General for Civil Rights  
Kerry B. McTigue  
General Counsel, Office of Personnel Management