

## **Supporting Statement for the Applications for Employment with the Board of Governors of the Federal Reserve System (FR 28; OMB No. 7100-0181)**

### **Summary**

The Board of Governors of the Federal Reserve System (Board), under authority delegated by the Office of Management and Budget (OMB), has extended for three years, without revision, the Applications for Employment with the Board of Governors of the Federal Reserve System (FR 28; OMB No. 7100-0181). The application currently consists of the following forms:

- Application for Employment (FR 28a),<sup>1</sup> which collects information to determine the qualifications of applicants<sup>2</sup> for employment with the Board (such as education and training, employment record, and other information since the time the applicant left high school),
- Applicant’s Voluntary Self-Identification (FR 28s), which is an optional form that collects information on the applicant’s gender, race, and ethnicity,
- Research Assistant Candidate Survey of Interests and Computer Experience (FR 28i), which collects information on a Research Assistant (RA) applicant’s level of interest in various economic topics and experience in different data analytics/programs, and
- Pre-Hire Conflict of Interest Screening Form (FR 28c), which collects information from external applicants after they have been selected for an interview at the Board regarding certain financial interests that could pose a conflict of interest based on the duties of the position for which they are applying.

The estimated total annual burden for the FR 28 is 8,233 hours. The FR 28a form is available on the Board’s public website at <https://www.federalreserve.gov/careers-addinfo.htm>. The FR 28i survey is available on the Board’s public website at <https://www.federalreserve.gov/apps/rasurvey/default.aspx>.

### **Background and Justification**

The Federal Reserve Act provides the Board broad authority over the employment of staff.<sup>3</sup> Among other things, the FR 28a is used to examine, rate, or assess the applicant’s qualifications, and to contact the applicant to arrange an interview.

To complement the application for employment form, in 2001, the Board implemented the FR 28s in order for an applicant to voluntarily identify their gender, race, and ethnicity, as

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<sup>1</sup> The Board is changing the internal Agency Tracking Number for the Application for Employment form from the “FR 28” to “FR 28a.”

<sup>2</sup> An “applicant” is any person who meets the published minimum qualifications for a specific position and has expressed interest in or been considered for that position.

<sup>3</sup> See 12 U.S.C. § 244 (providing that the “employment, compensation, leave, and expenses” of Board employees “shall be governed solely by the provisions of this chapter and rules and regulations of the Board not inconsistent therewith”); 12 U.S.C. § 248(l) (granting the Board the power “[t]o employ such attorneys, experts, assistants, clerks, or other employees as may be deemed necessary to conduct the business of the [B]oard”).

well as the FR 28i, which is used to better match an RA candidate's interests with the different research areas at the Board and determine their data analysis and programming experience.

In 2016, the Board modernized the application submission process by offering an online submission option for applications, as well as adjusted the race and ethnicity self-identification questions on the FR 28s to comply with OMB standards.<sup>4</sup>

Most recently, in June 2020, the Board implemented the FR 28c to ensure advanced knowledge of a prospective employee's potential conflicts of interest.<sup>5</sup> Although certain conflicts of interest information is requested on the FR 28a, the FR 28c requests additional information to make sure that conflicts of interest are fully vetted before an applicant is employed at the Board. This information is not available from other sources.

### **Description of Information Collection**

The Board receives approximately 17,000 FR 28a applications per year, both solicited and unsolicited, from members of the public who would like to be considered for employment at the Board. The FR 28a comprises seven sections: (1) Background, (2) Job Preferences, (3) Education and Training, (4) Certifications and Professional Licenses, (5) Employment Record, (6) References, and (7) General Questions, including clarifying comments if applicable. The Background section collects name, address, telephone, citizenship information, the position for which the applicant is applying, and willingness to travel. The Job Preferences section asks about the type of employment desired (e.g., permanent or temporary; full or part-time; and desired compensation). The Education and Training section collects detailed information on the applicant's educational history and skills set. The Certifications and Professional Licenses section collects information on when an applicant's current certification(s) and license(s) were issued and expire. The Employment Record section collects a chronological summary of work experience. The References section collects information on three references. The General section collects information such as criminal records, discharges or terminations from employment, retirement annuity status from the DC or Federal Governments or Military, relationships to or acquaintances with Board staff or with officers and directors of financial institutions, and the ownership interest that the applicant or their spouse or child holds in certain financial institutions. The FR 28a application form may be completed online through the Taleo submission website, or in hardcopy by PDF. If the applicant completes the online version of the application through Taleo, they will initially be asked to upload a resume to Taleo. In addition, the version of the application on the Taleo website only requires the applicant to complete the initial four sections that come before the "Employment Record" section on the PDF version of the FR 28a application. It is not until the applicant is asked to interview that they will be instructed to complete the remaining sections of the application on the Taleo website prior to the interview. However, if the applicant fills out the PDF version of the FR 28a application form, they will fill out sections 1 through 7 of the PDF version in its entirety but may not be asked to supply a resume.

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<sup>4</sup> See 82 FR 49370 (October 25, 2017).

<sup>5</sup> See 85 FR 38893 (June 29, 2020).

In addition to the information collected through the application form and Taleo website, applicants may be asked to provide additional information such as writing samples, assessment exercises, or other material used to evaluate the applicant's qualifications. Because such additional material is designed to test the aptitude, abilities, or knowledge of an applicant, it is not subject to the PRA and is not included in the burden for this clearance.

The FR 28s is a voluntary form that comprises four sections seeking the following information: name and gender of the applicant, in which applicants are asked to check the box that corresponds to their gender or to check "I do not wish to disclose"; the position for which the applicant is applying; ethnicity self-identification, in which applicants are asked to choose between Hispanic or Latino, Not Hispanic or Latino, or "I do not wish to disclose"; and race self-identification in which applicants are asked to choose one or more among: American Indian or Alaskan Native, Asian, Black or African-American, Native Hawaiian or Other Pacific Islander, White, or "I do not wish to disclose." The Board uses this information to comply with federal equal employment opportunity (EEO) recordkeeping and reporting requirements, other legal requirements, and as an input to its self-analysis of hiring practices. Information collected on the FR 28s has no bearing on the determination of an applicant's job-related qualifications and completion of the self-identification form is voluntary.

The FR 28i survey comprises three sections in which RA candidates are asked (1) to rate their level of interest in categories of economics and related research areas, (2) provided the option to expand upon certain qualifying characteristics indicated as important to the Board, and (3) rate their experience with various software packages and statistical programming languages. The FR 28i helps to streamline the RA recruitment process.

The FR 28c conflicts of interest form comprises four sections and collects information from external applicants after they have been selected for an interview at the Board regarding certain financial interests held by the applicant and by his/her spouse and minor child(ren); immediate family members who are involved in related businesses (e.g., whether a spouse, parent, child or sibling is an employee, officer, director or trustee of any bank); compensated outside employment and uncompensated positions that the applicants participates in (aside from positions with religious, social, fraternal, or political entities); and a general question asking the applicant to disclose any other situations, arrangements, or investments the applicant believes could pose a conflict of interest based on the duties of the position for which they are applying. The purpose of the FR 28c form is to determine whether a conflict of interest exists that would impact the applicant's ability to fulfill the responsibilities associated with the position for which they have applied.

### **Personally Identifiable Information**

Personally identifiable information (PII) obtained in this information collection includes data collected from the forms described above and supporting documentation. The PII includes, but is not limited to, such data as names, personal contact information, citizenship, race, ethnicity, gender, and criminal background. The information provided is sensitive in nature and is necessary to assist the Board in recruiting and hiring individuals for Board employment, retaining qualified employees, and periodically reviewing its hiring practices. Information

collected as part of this process is stored in the systems of records BGFRS-1 Recruiting, Placement, and Onboarding Records (84 FR 18843), BGFRS-24 EEO General Files (88 FR 63106), and BGFRS-41 Ethics Program Records (87 FR 34271). This information is also covered by the following privacy impact assessments: Taleo Recruiting System, Taleo Transitions System, and Research Recruiting Application.

### **Respondent Panel**

The FR 28 panel comprises individuals who are seeking employment with the Board.

### **Frequency and Time Schedule**

The FR 28 is event-generated. The completed FR 28a application form (both the PDF version and the version on the Taleo website) must be completed and submitted to the Management Division by all applicants.<sup>6</sup> Staff in the economic research divisions and the Legal Division at the Board may distribute and collect the PDF version of the FR 28a application in their recruiting efforts. Only candidates for RA positions<sup>7</sup> submit the FR 28i survey along with the application. The FR 28s self-identification form is voluntary and, if the applicant wishes to complete this form, the form is generally provided to Management at the time the FR 28a application is submitted. Board staff who are responsible for recruiting new employees will provide and collect the FR 28c form from an applicant after the applicant has been selected for an interview, but before a formal offer of employment has been extended. Some divisions may provide the applicant with the FR 28c form after the interview has taken place.

### **Public Availability of Data**

In certain circumstances, the data related to the FR 28 may be disclosed in the aggregate for statistical purposes.

### **Legal Status**

The FR 28 form, FR 28i survey, and FR 28s form are authorized by sections 10 and 11(l) of the Federal Reserve Act, which provide the Board broad authority over employment of staff (12 U.S.C. §§ 244 and 248(l)). The FR 28c form is also authorized by section 10 of the Federal Reserve Act, which provides that the Board's determination with respect to the "employment, compensation, leave, and expenses [of its members and employees] shall be governed solely by the provisions of this chapter and rules and regulations of the Board not inconsistent therewith."

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<sup>6</sup> Additional Information about Applying for a Career at the Board is available at: <https://www.federalreserve.gov/careers-addinfo.htm>.

<sup>7</sup> Research Assistant positions are most often found in the following divisions at the Board: Consumer and Community Affairs; Financial Stability; International Finance; Monetary Affairs; Research and Statistics; Reserve Bank Operations; and Supervision and Regulation.

In addition, under regulations promulgated by the Office of Government Ethics (OGE) pursuant to 5 U.S.C. § 7301,<sup>8</sup> each executive agency's designated ethics officer is required to provide "advice and counseling to prospective ... employees regarding government ethics laws and regulations" and to "maintain records of agency ethics program activities."<sup>9</sup> The obligation to respond to information collected in the FR 28a form, FR 28c form, and in Sections I and III of the FR 28i survey is required to obtain the benefit of Board employment. The obligation to respond to the questions in Section II of the FR 28i survey and the obligation to submit gender, race and ethnicity on the FR 28s form is voluntary.

Certain information provided on the FR 28a and FR 28i forms may be kept confidential under exemption 6 of the Freedom of Information Act (FOIA), which protects information in "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" (5 U.S.C. § 552(b)(6)). For example, the release of information such as an applicant's home address, personal phone number, and personal information regarding any references provided would likely constitute a clearly unwarranted invasion of personal privacy and would be kept confidential. However, the release of information such as the educational and professional qualifications of successful applicants would not likely constitute a clearly unwarranted invasion of personal privacy and would not be treated as confidential if requested under the FOIA.

Generally, information provided on the FR 28c form may also be kept confidential from the public under exemption 6 of FOIA. In addition, financial information collected on the FR 28c form (such as confidential details about the amount of shares an applicant or his or her child or spouse owns in a bank) may be withheld under exemption 4 of FOIA, which protects "financial information obtained from a person [that is] privileged and confidential" (5 U.S.C. § 552(b)(4)).

The information collected on the FR 28a, FR 28c, FR 28i, and FR 28s forms will be maintained in a "system of records" within the meaning of the Privacy Act,<sup>10</sup> and a Privacy Act statement will accompany each of the four forms that respectively comprise this information collection. Disclosures of the information collected on these forms, including confidential information withheld from the public under a FOIA exemption, may be made by the Board to third parties in accordance with the Privacy Act's "routine use" disclosure provision, which permits the disclosure of a record for a purpose that is compatible with the purpose for which the record was collected.<sup>11</sup> The routine uses that would permit the disclosure of the information collected on each form are listed in the specific system of records notices (SORNs) that apply to each form. For the FR 28a, FR 28c, FR 28i, and FR 28s, the information collected will be stored in the SORN entitled "BGFRS-1, Recruiting, Placement, and Onboarding Records," located

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<sup>8</sup> See Executive Order 12674, 54 FR 14925, 15159, (April 12, 1989), as modified by Executive Order 12731, 55 FR 42345, 42547 (October 19, 1990) (authorizing the OGE, in consultation with the Department of Justice and the Office of Personnel Management, to issue "regulations that establish a single, comprehensive, and clear set of executive-branch standards of conduct."). Under 5 U.S.C. § 7301, an employee of the Board is therefore subject to the OGE's executive branch-wide financial disclosure regulations at 5 CFR Part 2634, as well as the OGE's executive branch-wide standards of ethical conduct at 5 CFR Part 2635, and the Board's supplemental ethics regulations that were issued with the concurrence of the OGE at 5 CFR Part 6801. See also 12 CFR 264.101.

<sup>9</sup> 5 CFR 2638.104(c)(2) and (4).

<sup>10</sup> 5 U.S.C. § 552a(a)(5).

<sup>11</sup> 5 U.S.C. § 552a(b)(3).

here: <https://www.federalreserve.gov/files/BGFRS-1-recruiting-and-placement-records.pdf>. The information collected on the FR 28c will be stored in the SORN titled “BGFRS-41, Ethics Program Records,” located here: <https://www.federalreserve.gov/files/BGFRS-41-FRB-Ethics-Program-Records.pdf>. If the applicant is hired, the information provided on the FR 28s may also be stored in the SORN titled “BGFRS-24: EEO General Files,” located here: <https://www.federalreserve.gov/files/BGFRS-24-eeo-general-files.pdf>.

Specifically, the BGFRS-1 and BGFRS-41 SORNs provide that the information may be disclosed outside the Board in accordance with general routine uses A, B, C, D, E, F, G, H, I, and J.<sup>12</sup> The BGFRS-24 SORN provides that the information may be disclosed outside the Board in accordance with general routine uses A, B, C, D, E, F, G, I, and J. The BGFRS-1 SORN also provides that all or part of the record may be disclosed outside of the Board in order to disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested), when necessary to obtain information relevant to a Board decision to hire or retain an employee, issue a security clearance, conduct a security or suitability investigation of an individual, classify jobs, let a contract, or issue a license, grant or other benefit.

### **Consultation Outside the Agency**

There has been no consultation outside the Federal Reserve System.

### **Public Comments**

On November 15, 2023, the Board published an initial notice in the *Federal Register* (88 FR 78363) requesting public comment for 60 days on the extension, without revision, of the FR 28. The comment period for this notice expired on January 16, 2024. The Board did not receive any comments. The Board adopted the extension, without revision, of the FR 28 as originally proposed. On April 3, 2024, the Board published a final notice in the *Federal Register* (89 FR 23015).

### **Estimate of Respondent Burden**

As shown in the table below, the estimated total annual burden for the FR 28 is 8,233 hours. The estimated number of respondents is based on the average number of applications (FR 28a, FR 28s, and FR 28i) submitted over the last two years. The estimated number of respondents for the FR 28c form is based on the projected number of applicants who are expected to be selected for an interview and required to provide the FR 28c form either before, or shortly after, their interview. The burden estimate was produced using the standard Board burden calculation methodology. These reporting requirements represent less than 1 percent of the Board’s total paperwork burden.

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<sup>12</sup> See General Routine Uses of Board Systems of Records, available at <https://www.federalreserve.gov/files/SORN-page-general-routine-uses-of-board-systems-of-records.pdf>.

<b>FR 28</b>	<i>Estimated number of respondents</i>	<i>Estimated annual frequency</i>	<i>Estimated average hours per response</i>	<i>Estimated annual burden hours</i>
FR 28a (Initial application only in Taleo)	15,000	1	0.31	4,650
FR 28a (Initial application plus pre-interview section in Taleo)	2,000	1	0.94	1,880
FR 28a (PDF)	150	1	1.18	177
FR 28s	7,500	1	0.016	120
FR 28i	300	1	0.24	72
FR 28c	2,300	1	0.58	<u>1,334</u>
	<i>Total</i>			8,233

The estimated total annual cost to the public for the FR 28 is \$255,223.<sup>13</sup>

### **Sensitive Questions**

This information collection gathers sensitive information on an applicant’s race, gender, and ethnicity. The Board uses this information to comply with federal EEO reporting and recordkeeping requirements, other legal requirements, as an input to its self-analysis of hiring practices, and preparing statistical reports. Sections 10(4) and 11 of the Federal Reserve Act (12 U.S.C. §§ 244, 248(q), and 248(l)) give the Board the authority to recruit, examine, and evaluate a new hire’s qualifications for employment with the Board, as well as authority for the security of its buildings.

### **Estimate of Cost to the Federal Reserve System**

The estimated cost to the Federal Reserve System for collecting and processing this information collection is \$175,000.

<sup>13</sup> The average consumer cost of \$31 is estimated using data from the Bureau of Labor Statistics (BLS), *Occupational Employment and Wages, May 2023*, published April 3, 2024, <https://www.bls.gov/news.release/ocwage.t01.htm>.