

Supporting Statement A
Recordkeeping and Reporting Requirements for the
State and Local Government Information Report (EEO-4)
OMB Number 3046-0008

A. Justification

1. Need for the Information Collection

In accordance with the Paperwork Reduction Act (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) requests a three-year PRA approval of revisions to the currently approved State and Local Government Information Report (EEO-4).

Since 1973, the EEOC has required EEO-4 filers to submit workforce demographic data. Section 709(c) of Title VII requires employers 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.¹ Pursuant to this statutory authority, the EEOC issued regulations prescribing the reporting and related record retention requirements for state and local governments.² The regulations require state and local governments to make or keep all records necessary for completion of an EEO-4 submission and retain those records for three years, and also require EEO-4 filers to retain a copy of each filed EEO-4 report for three years. Additionally, the regulations require state and local governments to file executed copies of the EEO-4 in conformity with the directions set forth in the form and accompanying instructions. Under this authority, state and local governments with 100 or more employees are required to report biennially³ the number of individuals they employ by job category and by sex, salary band, and race or ethnicity.

On September 4, 2024, the Commission published a Notice in the *Federal Register* (“60-day Notice”) announcing its intention to submit to OMB a request for a three-year PRA approval of revisions to the currently approved EEO-4.⁴

On December 6, 2024, the Commission published a Notice in the *Federal Register* (“30-day Notice”) announcing its submission to OMB of a request for a three-year PRA approval of revisions to the currently approved EEO-4.⁵

¹ 42 U.S.C. 2000e-8(c).

² The regulatory sections covered by this notice are 29 CFR 1602.30 and 1602.32 through 1602.37. The EEOC is responsible for obtaining OMB’s PRA approval for the EEO-4 report.

³ Beginning in 1993, the EEO-4 report has been collected biennially in odd-numbered years. Prior to 1993, the EEO-4 report was collected annually.

⁴ See 89 Fed. Reg. 71901 (Sept. 4, 2024) at www.govinfo.gov/content/pkg/FR-2024-09-04/pdf/2024-19743.pdf.

⁵ See 89 Fed. Reg. 96963 (Dec. 6, 2024) at <https://www.govinfo.gov/content/pkg/FR-2024-12-06/pdf/2024-28580.pdf>.

2. Use of Collected Information

For decades, the EEOC has effectively used EEO-4 data to help execute its mission by enhancing its enforcement efforts, generating public reports, encouraging self-assessment, and conducting outreach and training. When consistent with the confidentiality provisions of Title VII, these data are also used by federal, state, and local law enforcement agencies and, in aggregate form, by external stakeholders, including, for example, public employers, researchers, advocacy groups, and the media.

Enforcement Uses

The EEOC uses EEO-4 data to investigate charges of employment discrimination against state and local governments and to evaluate the employment status of women and racial and ethnic groups. Specifically, as part of its enforcement efforts, the EEOC uses EEO-4 data to assess complaints of discrimination and effectively focus charge investigations. Early in the charge process, data are used to evaluate and prioritize charges under the Commission's charge handling procedures and to inform appropriate investigative approaches. For example, EEO-4 data are used, together with other information available to the Commission, to assist enforcement teams in determining if there could be a systemic sex, race, or national origin issue that the EEOC should further investigate and address and to inform what information to request from respondents. The EEOC also uses EEO-4 data during investigations to help validate analyses based on limited or flawed respondent data and to assist in assessing reasonable cause in the absence of respondent data.

Use by Other Federal, State, and Local Agencies

State and Local Fair Employment Practices Agencies (FEPAs) may also rely on EEO-4 data to aid their investigations of workplace discrimination. The FEPAs may use these data to help track changes in the demographic makeup of various occupations and state and local workforces and occupations, and to evaluate racial, ethnic, and sex disparities. The EEOC shares such data with the FEPAs pursuant to section 709(d) of Title VII, which provides that the EEOC shall furnish upon request and without cost to state or local civil rights agencies information about employers in their jurisdiction on the condition that they not make it public prior to starting a proceeding under state or local law involving such information.

With respect to federal agencies with a legitimate law enforcement purpose, the EEOC gives access to information collected under Title VII only if the agencies agree, by letter or memorandum of understanding, to comply with the confidentiality provisions of Title VII. Additionally, the EEOC may also, for example, share EEO-4 reports with the U.S. Department of Justice (DOJ) Civil Rights Division. The EEOC may also periodically receive requests for EEO-4 data from members of Congress and Committee staff.

Public Uses

Consistent with the confidentiality requirements of Title VII, the EEOC publishes public-use, aggregate EEO-4 data on its public website and through an online tool launched in December 2020 called *EEOC Explore*.⁶ In making aggregate EEO-4 data publicly available, the EEOC, through its Office of Enterprise Data and Analytics (OEDA), applies appropriate de-identification methodology

⁶ See <https://www.eeoc.gov/data/eeo-4-state-and-local-government-information-report-statistics>.

to produce a public release of aggregate EEO-4 data. The data is considered “de-identified” when the information released does not identify an individual or an organization, and there is no reasonable basis to believe that it can be used to identify an individual or an organization.

Statistical Uses

The EEOC also uses EEO-4 data for statistical purposes and for developing evidence as defined by the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act).⁷ For purposes of the Evidence Act, *statistical purpose* means the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups; and includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support these purposes.⁸ *Evidence* means information produced as a result of statistical activities conducted for a statistical purpose.⁹ An example of how the data are used for a statistical purpose is the EEOC’s annual production and publication of the *EEO-4 (State and Local Government Information Report) Statistics* on its public website.¹⁰

Outreach, Technical Assistance, and Training

The EEOC also uses EEO-4 data to help focus its outreach, education, technical assistance, and training to the public. Given the EEOC’s limited resources, EEO-4 data have been helpful in assisting the agency to identify the subjects or geographic regions where it should concentrate efforts to educate public sector employers and workers about their legal rights and obligations.

3. Use of Information Technology

In 2020, the EEOC retained a new contractor to support the agency’s EEO data collections, including the EEO-4 data collection.¹¹ The EEOC also launched a dedicated website for all of its EEO data collections¹² as well as a dedicated EEO-4 data collection website.¹³ The EEO-4 data collection website includes an embedded electronic, web-based data submission portal, referred to as the *EEO-4 Online Filing System* (OFS). Upon logging in to the OFS through the dedicated website, filers must submit and certify their data electronically through the web-based data submission portal by either manually entering their data or uploading a data file.¹⁴

⁷ Pub. L. No. 115-435 (2019).

⁸ See 44 U.S.C. § 3561(12).

⁹ See 44 U.S.C. § 3561(6).

¹⁰ See <https://www.eeoc.gov/data/eeo-4-state-and-local-government-information-report-statistics>.

¹¹ The EEOC currently administers four separate EEO data collections. These collections include the following: (1) the EEO-1 Component 1 (Employer Information Report); (2) the EEO-3 (Local Union Report); (3) the EEO-4 (State and Local Government Information Report); and (4) the EEO-5 (Elementary and Secondary Staff Information Report). Please note that while these data collections are supported by the same contractor, each EEO collection is unique and collects workforce demographic data from different respondents (i.e., private employers, local unions, state and local governments, and public elementary and secondary school systems and districts).

¹² See <https://www.eeocdata.org/>.

¹³ See <https://www.eeocdata.org/eeo4>.

¹⁴ Automated features, including numerous edit checks and validations, are programmed into the OFS to reduce filer burden and improve data quality. For returning filers, these checks also compare data entries to those provided in prior year submissions to alert the filer of potential error(s). Supporting Statement B of this package discusses the features of the OFS in further detail.

To better support EEO-4 filers, the EEOC also uses the dedicated EEO-4 website and the accompanying *OFS* as a centralized support system (i.e., “one-stop-shop”) for filers.¹⁵ In addition to communications with individual filers, the EEOC also posts instructions as well as current updates and announcements involving the EEO-4 data collection on the dedicated website. The EEOC also uses the dedicated website and the accompanying filer-accessed *OFS* to post supplementary resource materials, if needed by filers.

Additionally, during the 2021 EEO-4 data collection, the EEOC implemented a new filer support *Message Center* application for filers with questions about the collection and requests for assistance with their filing obligations. Prior to the rollout of the *Message Center*, filers contacted the EEO-4 Filer Support Team (i.e., “help desk”) via email, telephone, and/or post. Unfortunately, these multiple modes of contact resulted in filers contacting the help desk multiple times through multiple modes for a single issue. This, in turn, led to an exponential increase in the number of help desk tickets that had to be processed and resolved for a single issue involving the same filer, thus slowing response times and creating a backlog of tickets. Given these delays, the EEOC worked with its data collection contractor to develop a centralized and more streamlined system for handling help desk inquiries which at the same time would result in improved customer service.

Because the *Message Center* is available within the *OFS*, it automatically captures detailed information on the filer (e.g., point of contact information, employer name), an improvement on prior methods of filer support that did not allow for the systematic collection of filer details (e.g., filers would often forget to mention the employer’s name when leaving a voicemail). The *Message Center* also allows filers to use drop-down menus to identify the subject of their inquiry. Based on the topic selected, filers are immediately presented with potentially helpful responses to quickly connect them to relevant materials addressing their issues. If the presented responses are not sufficient, the filer can easily type a message to the Filer Support Team, who can use the selected topic to better triage inquiries. The *Message Center* allows filers to update requests with new information, terminate requests, and track the status of requests to the help desk. The implementation of the centralized *Message Center* reduced the number of contacts in 2023 by almost 59.8% compared to the 2021 EEO-4 data collection. This, in turn, significantly reduced filer response time by Filer Support Team staff while also creating a much more comprehensive history of issues encountered by filers.

4. Description of Efforts to Identify Duplication

There are other federal data collections that collect some data on state and local government employees, but no single collection is duplicative of the EEO-4 data collection effort. The Department of Justice’s Bureau of Justice Statistics (BJS) collects some data on demographic information (e.g., sex and race or ethnicity¹⁶) by select job categories on the Census of Jail Facilities and the Census of State and Federal Adult Correctional Facilities. However, those

¹⁵ On this website as well as in all communications with individual filers and other public announcements (e.g., on the EEOC’s main public website at www.eeoc.gov), the EEOC routinely directs filers to the dedicated EEO-4 website (i.e., <http://www.eeocdata.org/eeo4>) as the primary source for the latest and most current information on this data collection and refers to it as the “one-stop-shop” for information on and filing of EEO-4 reports.

¹⁶ Race/ethnicity is collected on the Census of State and Federal Adult Correctional Facilities, but not on the Census of Jail Facilities.

collections are administered at infrequent intervals, the information collected is aggregate counts, and is not able to be cross tabbed by sex, race/ethnicity, or job category. Furthermore, as a federal statistical agency, BJS's data cannot be used for investigatory purposes.¹⁷ The Department of Justice's Community Oriented Policing Services (COPS) program collects gender, race, and ethnicity information from state and local law enforcement agencies receiving COPS grants. However, the COPS collection is voluntary and only covers certain law enforcement agencies. The Census Bureau's Annual Survey of State and Local Government Finances and Annual Survey of Public Employment and Payroll collect data on expenditures, including salaries. While these surveys collect some data collected by the EEO-4 data collection, the coverage of the EEO-4 is broader in scope and includes data on state and local personnel that are not collected by the other data collections or surveys.

5. Impact on Small Business

The EEO-4 collection does not have an impact on small businesses, as it is collected from state and local governments.

6. Consequences If Information Were Collected Less Frequently

As the primary federal agency that enforces laws against employment discrimination, the EEOC requires up-to-date data reflecting the most current information possible to investigate and resolve charges of discrimination. Because the EEO-4 collection is an integral part of the Title VII enforcement process, failure to collect the EEO-4 would reduce the EEOC's ability to enforce Title VII. Collecting EEO-4 data less often would impair enforcement decisions by reducing the reliability of the data due to a lag between the employment statistics provided by state and local governments at the time of reporting and when the EEO-4 data are used. This problem is likely to be most pronounced among state and local governments with fluctuations in employment. It is important to make certain that employment decisions are consistent with law when increases or decreases in employment occur. A gap of more than two years between EEO-4 collections would also impose some processing costs on the EEOC because more work would be needed to update mailing lists. The EEO-4 data are only collected biennially. Since employment characteristics are dynamic, collecting the EEO-4 data less often would significantly reduce data utility.

7. Special Circumstances

As noted in the agency's 30-day Notice, on March 28, 2024, OMB published revisions, the first since 1997, to its Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.¹⁷ See <https://spd15revision.gov/>. The revisions include, for example, using a single combined race and ethnicity question and adding Middle Eastern or North African (MENA) as a new minimum reporting category. Federal agencies, including the EEOC, are required to bring their data collections into compliance with these standards by March 28, 2029. Because the EEOC's current EEO-4 PRA clearance expires January 31, 2025, the agency is not proposing updates to its collection of race and ethnicity data under this

¹⁷ For more information on BJS's status as a federal statistical agency and the federal statutes and regulations surrounding privacy and data practices, see https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf.

Notice in order to provide filers with sufficient notice of the revised standards and to give the EEOC sufficient time to implement the revisions across its EEO collections.

Unlike some other government data collections, the EEO-4 relies on third-party data providers (i.e., state and local governments), which requires additional planning and coordination. State and local governments will need sufficient notice and time to implement changes to their data systems for the collection of such data. Additionally, state and local governments collect the workforce demographic data submitted to the EEOC from information provided by their employees. Therefore, their employees will also require sufficient notice of the changes to the race and ethnicity categories. Finally, the EEOC will need to redevelop its legacy EEO collection instruments to accommodate the selection of multiple race/ethnicity categories, which is not feasible as currently designed. Such changes to the underlying collection architecture will require significant lead time and resources to develop.

The EEOC has been engaged in preparatory efforts to come into compliance with SPD-15 since the new standards were finalized in March 2024 and has been actively involved in the interagency technical and policy working groups to implement SPD-15. Among other things, the EEOC's Office of Federal Operations (OFO) and Office of Enterprise Data and Analytics (OEDA) developed the EEOC's outreach strategy to educate, inform, and engage stakeholder groups on SPD-15 updates of EEOC information collections, including an outline and timeline of outreach activities and identifying stakeholder categories for engagement. As part of the outreach strategy, a dedicated inbox for collecting feedback from public stakeholders, (SPD15@eeoc.gov), went live on October 4, 2024.

For example, OEDA plans to hold at least two hybrid or virtual public listening sessions with employer and employee advocacy groups and human resources information system providers to engage stakeholders in data dialogues and receive feedback on the impact of SPD-15 on the EEO-1 Component 1, EEO-3, EEO-4, and EEO-5 data collections, by September 2025. OEDA will work with other agency offices (Office of the Chair, Office of the Vice Chair, Offices of Commissioners, Office of Field Programs, Office of Legal Counsel, Office of Congressional and Legislative Affairs, and Office of General Counsel) to identify and engage relevant stakeholder groups. The non-federal stakeholders identified by OEDA include employer groups (including federal contractors); employee advocacy groups; and Human Resources Information (HRIS) providers.

8. Consultation Outside the Agency

The 60-day Notice was published in the Federal Register on September 4, 2024.¹⁸ The EEOC received no comments during the public comment period.

9. Gifts or Payments

No gifts or payments will be provided to respondents in connection with this information collection.

¹⁸ Available at <https://www.govinfo.gov/content/pkg/FR-2024-09-04/pdf/2024-19743.pdf>.

10. Confidentiality of Information

Confidentiality

All EEO-4 reports and any information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-8(e), as amended (Title VII) and may not be made public by the EEOC prior to the institution of any proceeding under Title VII involving such information. Any EEOC employee who violates this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The confidentiality requirements allow the EEOC to publish only aggregated data, and only in a manner that does not identify any particular state or local government or reveal any individual employee's personal information and there is no reasonable basis to believe that it can be used to identify an individual or employer.

Security

The EEOC's information systems (including data extracted from those systems and maintained by contractors) as overseen by the Office of Information Technology are categorized at the Federal Information Processing Standards¹⁹ (i.e., FIPS 199) level of "Moderate." As defined in the Federal Information Security Modernization Act of 2014,²⁰ information systems used or operated by an agency or by a contractor of an agency are required by statute to provide information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of the information.

The confidentiality provisions of Title VII prohibit disclosure of any charge, charge-related information, or EEO data collection information, except under the conditions outlined in the "Confidentiality of Information" section above. Both EEOC staff and the EEO-4 data collection contractor staff who have access to the EEOC records will not disclose any confidential information and will only use such information in the performance of their project responsibilities and duties. The data collection contractor is bound by contract and law to prevent the unauthorized release of information obtained by employees in the performance of work required by the EEO-4 data collection project. All EEOC staff receive training, as necessary, on all regulations and laws that restrict the release of information. The EEOC administrative and control files are the property of the EEOC, and the information contained therein is protected under the Privacy Act of 1974.²¹

11. Questions of a Sensitive Nature

The EEO-4 collection does not solicit any information of a sensitive nature from respondents. The EEO-4 data collection tallies data by job category and by sex, salary band, and race or ethnicity. All information utilized for statistical purposes will be reported in a summarized manner, and no information will be reported that would allow the identification of an individual employee or employer.

¹⁹ See <https://csrc.nist.gov/csrc/media/publications/fips/199/final/documents/fips-pub-199-final.pdf>.

²⁰ 44 U.S.C. § 3541 et seq.

²¹ 5 U.S.C. § 552a.

12. Information Collection Burden

The estimated burden for the prior EEO-4 Information Collection Review (ICR) was 95,542 hours. The total biennial burden hour estimate has been adjusted from 95,542 in the previous clearance to 18,094 (a decrease of 77,448 burden hours). As a result, the total burden hour cost estimate has been adjusted from \$4,719,509.02 to \$563,868.27 (a decrease of \$4,155,640.75). The estimated number of filers has been adjusted from 5,687 in the previous clearance to 6,607 (an increase on 920).

The EEOC's Office of Enterprise Data and Analytics administers the agency's data collections, including the EEO-4. Since OEDA's creation in 2018, the EEOC has undertaken several efforts to modernize the agency's data collections and improve the quality of data collected. OEDA has also streamlined functions, such as providing additional self-service options, resource materials, and an online support message center.

As part of these ongoing modernization efforts, OEDA has undertaken measures to enhance the agency's existing EEO-4 data frame of potentially eligible filers and make the EEO-4 filing process more user-friendly and less burdensome. By comparing the EEOC's 2023 EEO-4 frame to the U.S. Census Bureau's Census of Governments, OEDA identified approximately 1,220 additional state and local governments that may be eligible to file during the next biennial data collection. With the addition of these filers to the EEO-4 frame and considering response rates during the 2023 EEO-4 data collection, OEDA now estimates 6,607 potential respondents to the agency's next EEO-4 data collection.

Additionally, the EEOC proposes to update the salary bands in the next biennial EEO-4 data collection to keep pace with inflation and account for an increasing portion of employees falling into the highest salary bands. The EEOC reviewed several other federal data collections involving salaries and wages and determined that the Bureau of Labor Statistics' Occupational Employment and Wage Statistics (OEWS)²² program most closely aligns with the EEO-4. Therefore, the EEOC proposes adopting the OEWS salary bands and will periodically update them as appropriate. The EEOC recognizes there may be a one-time increase in burden as filers need to update their systems to produce reports in the new categories, but this increase is expected to be negligible. The proposed pay bands for the next biennial data collection are listed in the table below.

TABLE 1: UPDATED SALARY BANDS FOR EEO-4		
Interval	Wages	
	Annual	Hourly
Range A	Under \$19,240	Under \$9.25
Range B	\$19,240 to \$24,959	\$9.25 to \$11.99
Range C	\$24,960 to \$32,239	\$12.00 to \$15.49

²² The Occupational Employment and Wage Statistics (OEWS) program produces employment and wage estimates annually for approximately 830 occupations. See <https://www.bls.gov/oes/>.

Range D	\$32,240 to \$41,079	\$15.50 to \$19.74
Range E	\$41,080 to \$53,039	\$19.75 to \$25.49
Range F	\$53,040 to \$68,119	\$25.50 to \$32.74
Range G	\$68,120 to \$87,359	\$32.75 to \$41.99
Range H	\$87,360 to \$112,319	\$42.00 to \$53.99
Range I	\$112,320 to \$144,559	\$54.00 to \$69.49
Range J	\$144,560 to \$186,159	\$69.50 to \$89.49
Range K	\$186,160 to \$239,199	\$89.50 to \$114.99
Range L	\$239,200 and over	\$115.00 and over

The EEOC has also updated its methodology for calculating the biennial burden of the EEO-4 to better reflect the types of personnel responsible for preparing and filing these reports on behalf of their employers. Based upon job titles provided during the 2023 EEO-4 data collection by individuals completing the report within the *EEO-4 OFS*, the EEOC has identified six specific job categories which account for the largest amount of time spent biennially on EEO-4 reporting. These job categories include: (1) Human Resource Specialists; (2) Executive-Level Staff; (3) Secretaries and Administrative Assistants; (4) Bookkeeping, Accounting, and Auditing Clerks; (5) Administrative Services and Facilities Managers; and (6) Database Administrators and Architects.²³

Additionally, the *EEO-4 OFS* captures detailed information on when each filer starts and certifies its report. The EEOC used this information from the most recent EEO-4 data collection to calculate more precise burden hour estimates.²⁴ In Table 2 below, the estimated average hour burden per report is 2.7 hours. The total estimated biennial respondent burden for all filers is 18,094 hours.

²³ Hourly wage rates for these six job categories were obtained from the U.S. Department of Labor's Bureau of Labor Statistics (BLS) Occupational Outlook Handbook. See <https://www.bls.gov/ooh/>. Please note that the actual job titles reported during the 2023 EEO-4 data collection were collapsed into these six BLS occupational categories.

²⁴ The time estimates are based on the average time elapsed among filers who completed their report during the same calendar day within the *EEO-4 OFS*. This methodology was chosen because a single-session submission would also approximate the completion time over several, multi-day sessions.

TABLE 2: PROJECTED BURDEN FOR EACH EEO-4 BIENNIAL REPORTING YEAR (N=6,607)						
Staff Job Category	Percent in Job Category	Median Hourly Wage Rate	Hours Per Filer	Total Burden Hours	Cost Per Filer	Total Burden Hour Cost
Human Resource Specialists	68.0	\$30.88	2.8	12,575	\$86.46	\$388,309.82
Executive-Level Staff	4.1	48.12	2.6	710	\$125.11	\$34,155.58
Secretaries and Administrative Assistants	8.1	21.19	2.4	1,289	\$50.86	\$827,309.67
Bookkeeping, Accounting, and Auditing Clerks	8.8	22.05	2.5	1,450	\$55.13	\$31,972.50
Administrative Services and Facilities Managers	4.5	48.98	3.4	1,003	\$166.53	\$49,126.94
Database Administrators and Architects	0.1	53.91	0.5	3	\$26.96	\$134.78
Other^a	6.3	30.86	2.5	1,065	\$77.14	\$32,858.98
AVERAGE	.....	.....	2.7	.....	\$85.34	.....
TOTAL^b	100.0	.....	.....	18,094	.....	\$563,868.27

^a The average hourly wage rate for the “Other” category was derived by taking the weighted mean average of the hourly wage rates of the six BLS job categories listed in the above table.

^b These estimates are based upon filers’ use of the *EEO-4 OFS* to submit reports electronically because paper submissions are no longer accepted. Electronic filing remains the most efficient, accurate, and secure means of reporting for respondents required to submit the EEO-4 report.

13. Information Collection Cost Burden

The estimated average burden hour cost per report is \$85.34, and the estimated total burden hour cost for all filers per biennial collection is \$563,868.27.

14. Cost to Federal Government

The EEOC estimates that the biennial federal cost will be \$327,440.12. These costs break down to the following:

Cost of the Data Collection Contract:	\$229,623.00
Federal Staffing Costs:	\$97,817.12

The federal staffing costs are estimated by assuming a 12-member team from the EEOC’s Office of Enterprise Data and Analytics (OEDA), which administers the EEO-4 data collection. This team includes a mix of GS-13 through GS-15 staff, as well as the two Senior Executive Service (SES)

members. The estimate assumes that no staff will spend 100% of their time on the EEO-4 data collection. Time devoted to the biennial EEO-4 data collection by staff on this 12-member team ranges from a low of 1% to a high of 30% with 6.6% being the average.

15. Program Changes or Burden Adjustments

The EEOC's Office of Enterprise Data and Analytics administers the agency's data collections, including the EEO-4. Since OEDA's creation in 2018, the EEOC has undertaken several efforts to modernize the agency's data collections and improve the quality of data collected. OEDA has also streamlined functions, such as providing additional self-service options, resource materials, and an online support message center.

As part of these ongoing modernization efforts, OEDA has undertaken measures to enhance the agency's existing EEO-4 data frame of potentially eligible filers and make the EEO-4 filing process more user-friendly and less burdensome. By comparing the EEOC's 2023 EEO-4 frame to the U.S. Census Bureau's Census of Governments, OEDA identified approximately 1,220 additional state and local governments that may be eligible to file during the next biennial data collection. With the addition of these filers to the EEO-4 frame and considering response rates during the 2023 EEO-4 data collection, OEDA now estimates 6,607 potential respondents to the agency's next EEO-4 data collection.

The EEOC has also updated its methodology for calculating the biennial burden of the EEO-4 to better reflect the types of personnel responsible for preparing and filing these reports on behalf of their employers. Additionally, the *OFS* captures detailed information on when each filer starts and certifies its report. The EEOC used this information from the most recent EEO-4 data collection to calculate more precise burden hour estimates.²⁵

Additionally, the EEOC proposes to update the salary bands in the next biennial EEO-4 data collection to keep pace with inflation and account for an increasing portion of employees falling into the highest salary bands. The EEOC reviewed several other federal data collections involving salaries and wages and determined that the Bureau of Labor Statistics' Occupational Employment and Wage Statistics (OEWS)²⁶ program most closely aligns with the EEO-4. Therefore, the EEOC proposes adopting the OEWS salary bands and will periodically update them as appropriate. The EEOC recognizes there may be a one-time increase in burden as filers need to update their systems to produce reports in the new categories, but this increase is expected to be negligible.

16. Publication of Data for Statistical Use

For each biennial data collection, the EEOC publishes public-use, aggregate EEO-4 data on its public website and through an online tool launched in December 2020 called *EEOC Explore*.²⁷ In

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²⁶ The Occupational Employment and Wage Statistics (OEWS) program produces employment and wage estimates annually for approximately 830 occupations. See <https://www.bls.gov/oes/>.

²⁷ See <https://www.eeoc.gov/data/eo-4-state-and-local-government-information-report-statistics>. Public Use Files (PUFs) are also available at the same website.

making aggregate EEO-4 data publicly available, the EEOC, through its Office of Enterprise Data and Analytics (OEDA), applies appropriate de-identification methodology to allow for a public release of aggregate EEO-4 data. The data is considered “de-identified” when the information released does not identify an individual or an organization, and there is no reasonable basis to believe that it can be used to identify an individual or an organization.

Proposed Time Schedule for Information Collection and Publication²⁸

Opening of Data Collection	<i>Day 1</i>
Published Filing Deadline	<i>5 Weeks after Opening of Data Collection</i>
First Failure to File Notification (via email)	<i>1 Day after Published Filing Deadline</i>
Second Failure to File Notification (via U.S. Postal Service)	<i>1 Week after Published Filing Deadline</i>
Third and Final Failure to File Notification (via email)	<i>3 Weeks after Published Filing Deadline</i>
No Additional Reports Accepted	<i>5 Weeks after Published Filing Deadline</i>
Closure of Data Collection	<i>2 Weeks after No Additional Reports Accepted</i>
Contractor Delivery of Preliminary Data File	<i>No Later than 3 Months after Closure of Data Collection</i>
Final Delivery of Data File	<i>No Later than 4 Months after Closure of Data Collection</i>
Publication of Aggregate Data on EEOC.gov website	<i>No Later than 6 Months after Closure of Data Collection</i>

17. Approval Not to Display the Expiration Date

The EEOC is not seeking such approval. The EEOC will display the expiration date.

18. Exceptions to the Certification Statement

²⁸ This “Proposed Time Schedule for Information Collection and Publication” will be implemented for each of the EEO-4 data collections covered by this PRA renewal request.

The EEOC is not seeking any exceptions to the certification statement under this information collection request.