
EQUAL EMPLOYMENT
ADVISORY COUNCIL

SUITE 400
1501 M STREET, NW
WASHINGTON, DC 20005

TEL 202/629-5650
FAX 202/629-5651

December 2, 2008

Submitted VIA Email to stephen.llewellyn@eeoc.gov

Stephen Llewellyn
Executive Officer, Executive Secretariat
Equal Employment Opportunity Commission
10th Floor
1801 L Street, NW
Washington, DC 20507

Re: **Comments of the Equal Employment Advisory Council on the EEOC's
Intent To Seek a One-Year Paperwork Reduction Act Extension of the
Employer Information Report (EEO-1) (OMB Control Number 3046-0007)**

Dear Mr. Llewellyn:

The Equal Employment Advisory Council ("EEAC") welcomes the opportunity to file these brief written comments on the Equal Employment Opportunity Commission's ("EEOC") *Employer Information Report (EEO-1)* (OMB Control Number 3046-0007). Our letter responds to the EEOC's invitation to participate in the Paperwork Reduction Act ("PRA") "preclearance" consultation program for this information collection, notice of which was published in the *Federal Register* on October 3, 2008. 73 Fed. Reg. 57622.

According to the Commission's October 3, 2008 *Federal Register* notice, the EEOC intends to seek only a one-year extension of the EEO-1 Report through January 31, 2010, rather than the normal three-year clearance period routinely sought by federal agencies when extending existing information collection requirements under the PRA. For the reasons set forth below, EEAC respectfully urges the EEOC to seek the maximum three-year extension of the EEO-1 Report through January 31, 2012, and to confirm in a subsequent *Federal Register* notice that employers subject to this information collection will not be required to change the ways in which they collect, maintain, and report the required race and ethnicity data prior to that date.

Statement of Interest

EEAC is the nation's largest nonprofit association of employers dedicated exclusively to the advancement of practical and effective programs to eliminate workplace discrimination.

Founded more than 30 years ago, EEAC's membership includes more than 300 of the nation's largest and most progressive private sector companies, all of which are firmly committed to the principles and practice of workplace nondiscrimination and affirmative action.

All of EEAC's members, as major U.S. corporations, are subject to the EEO-1 reporting requirement, and most of them file hundreds, and in some cases, thousands of EEO-1 Reports each year. In addition, most EEAC member companies also must comply with an array of other federal equal employment opportunity and affirmative action ("EEO/AA") recordkeeping and reporting requirements that incorporate the same race/ethnicity and/or job category classification systems used in the EEO-1 Report, including requirements administered and enforced by the EEOC, the U.S. Department of Labor's ("DOL") Office of Federal Contract Compliance Programs ("OFCCP"), DOL's Veterans' Employment and Training Service ("VETS"), and the Federal Communications Commission ("FCC"). EEAC's members thus have a significant interest and stake in the final outcome of the PRA consultation and clearance process for this information collection.

EEAC's Comments and Recommendations

As the Commission is well aware, after remaining essentially unchanged for more than three decades, substantial revisions to the EEO-1 Report's race/ethnicity and job category classification systems were introduced to the EEO-1 form just last year, after a lengthy and deliberative consultation process begun by the EEOC more than ten years ago to determine how the Office of Management and Budget's ("OMB") 1997 revised *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity* (the "revised standards") would be incorporated into this information collection.

With respect to the EEO-1 Report's race/ethnicity classification system, the EEOC considered during its deliberations the revised standards' two alternative classification systems for collecting, maintaining, and reporting race and ethnicity data. The first alternative, the revised standards' so-called "combined" format, would have required employers to manage race and ethnicity data in a total of six (6) categories. The second alternative, the revised standards' "two-question" format, would have required employers to manage race and ethnicity data in a total of sixty-two (62) categories.

The Commission ultimately adopted a "middle ground" approach on this issue, an approach that it characterized as an attempt to balance three competing interests: (1) obtaining data to support the enforcement of federal EEO/AA requirements; (2) modernizing the EEO-1 Report to accommodate both changing demographics and the revised standards; and (3) limiting any unnecessary burden on the tens of thousands of employers who must collect, maintain, and report the extensive amount of data required by the EEO-1 form each year. Under this approach, employers are required to *report* their race/ethnicity data in a total of seven (7) categories, and

Mr. Stephen Llewellyn
December 2, 2008
Page 3

are permitted — but not required — to *collect and maintain* race and ethnicity data in the more detailed 62-category classification system if they so choose.

The Commission also adopted a similar middle ground approach to the EEO-1 Report's job category classification system, electing to increase the number of job categories from nine (9) to ten (10), after initially proposing a total of eleven (11) EEO-1 job categories.

EEAC believed then, and still believes today, that this middle ground approach adopted by the Commission preserves the integrity and practical utility of the demographic data that are critical to the implementation, monitoring, and enforcement of many EEO/AA compliance and diversity programs, while at the same time minimizes the unnecessary costs and burdens of complying with this information collection requirement.

We also respectfully remind the Commission of the significant human, technical, and financial resources that only recently were expended by employers to comply with the EEO-1 revisions implemented just one year ago, and of the significant additional costs and burdens that would be placed on these same employers were the Commission to change the EEO-1 Report's race/ethnicity or job category classification systems yet again.

For these reasons, EEAC respectfully urges the EEOC to seek a full three-year extension of the EEO-1 Report through January 31, 2012, and to confirm in a subsequent *Federal Register* notice that employers subject to this information collection will not be required to change the ways in which they collect, maintain, and report race and ethnicity data prior to that date.

Thank you for your consideration of this request. If we can be of further assistance in any way, please do not hesitate to call me at (202) 629-5615.

Sincerely,



Jeffrey A. Norris
President

cc: Hon. Naomi C. Earp, Chair, Equal Employment Opportunity Commission
Hon. Stuart J. Ishimaru, Commissioner, Equal Employment Opportunity Commission
Hon. Christine M. Griffin, Commissioner, Equal Employment Opportunity Commission
Hon. Constance S. Barker, Commissioner, Equal Employment Opportunity Commission