

*U.S. Equal Employment Opportunity Commission
Office of Federal Operations
P.O. Box 19848
Washington, D.C. 20036*

July 7, 2004

Mr. Jorge E. Ponce, Co-Chair
Council of Federal EEO and Civil Rights Executives
U.S. Department of Commerce, Office of Civil Rights
14th Street and Constitution Avenue, N.W., Room 6012
Washington, D.C. 20230

Ms. Delia L. Johnson, Co-Chair
Council of Federal EEO and Civil Rights Executives
Broadcasting Board of Governors, International Broadcasting Bureau
Office of Civil Rights
330 C Street, S.W., Room 1086
Washington, D.C. 20237

Dear Mr. Ponce and Ms. Johnson:

Thank you for your correspondence dated June 14, 2004, to the U.S. Equal Employment Opportunity Commission (EEOC) Chair Cari M. Dominguez expressing concern about the Instructions of Federal Agencies for Equal Employment Opportunity Management Directive 715 (Instructions to MD-715). The Chair has asked me to respond directly to you.

In your letter, you state that some federal agencies have conveyed unease with the introduction of the nine occupational categories in the Instructions to MD-715. However, the EEOC met for several years in a consortium with the Department of Justice, the Office of Personnel Management (OPM), the Department of Labor and the Bureau of Census. The Consortium entered into a reimbursable agreement with the U.S. Census to construct the Census 2000 Special EEO File. The Special EEO File will serve as the primary external benchmark for comparing the racial, ethnic and gender composition of an internal workforce, within a specified geography and job category, and the analogous external labor market..

The EEOC has determined that use of the nine occupational categories will provide more useful information and allow comparisons to the private sector. In particular, use of the Officials and Managers category, further divided into hierarchical subcategories, allows for the collection of data about racial and gender stratification that can help to identify the existence of a "glass ceiling." We view this as a positive development in our mission to eradicate discrimination from the federal workplace and move toward the ultimate goal of making the federal government a model employer.

Although OPM may continue its historical use of PATCO, OPM's data needs differ

significantly from the EEOC's data needs in its role as the enforcer of the civil rights laws governing employment. The EEOC determined that the PATCO categories are outdated, overly broad and too imprecise to allow the level of analysis desired. To the extent that certain agencies may be objecting to grouping their data into the nine occupational categories as burdensome, the EEOC notes that other agencies have represented that their information technology departments have not found this to be a difficult task.. Nevertheless, EEOC staff have met with OPM staff and discussed the nine categories that will be used under MD-715 as OPM proceeds in the development of the new Enterprise Human Resources Integration (EHRI) system. We also conveyed to OPM the need for the system to be equally compatible with PATCOB or the nine occupational categories used for reporting under MD-715. We expect to continue to meet with OPM staff to further coordinate our mutual needs.

The race and national origin categories selected by the EEOC for reporting purposes as set forth in the Instructions to MD-715 comport with the minimum categories set forth by the Office of Management and Budget (OMB) for reporting on race and ethnicity. You can find this information at: <http://www.whitehouse.gov/omb/fedreg/ombdir15.html>. Again, nothing in MD-715 or its implementing Instructions prohibits any agency from obtaining more detailed information on the racial and ethnic backgrounds of its employees. The EEOC believes that the collection of statistical data in this manner will enhance affirmative employment efforts in the federal government.

There is no requirement that agencies re-survey their entire workforce. Agencies are instructed to re-survey only those employees who had identified themselves in the past as Asian/Pacific Islanders and those employees who have not yet identified themselves at all. See, Instructions, Section III, page. 1. Beginning in 2004, agencies should begin to implement the collection of information on new employees who identify themselves as being of two or more races. Of course, if any agency doubts the accuracy of its data, it would need to re-survey. As always, agencies are strongly encouraged to periodically re-survey their employees to accurately capture current disability status. Should an agency elect to , it could reduce the cost and staff needed by doing one re-survey which captures all the required data.

Because the requirement for reporting race and national origin data set forth in the Instructions to MD-715 merely specifies the groupings to be reported to the EEOC and do not prohibit an agency from collecting more detailed information, the EEOC had no apparent reason for mandating a uniform form for the collection of such data. The EEOC initially sought to provide federal agencies with maximum flexibility in designing their own collection instruments. However, as the EEOC also has heard from agencies about the desire for a uniform form, we have convened a work group of representatives from a number of agencies to design an applicant survey form and seek OMB approval for it.

We hope this information is helpful to you. Thank you again for sharing your thoughts about our efforts in combating discrimination in the federal workplace. We will consider them as we plan for the future. As always, we look forward to continuing our dialogue with the Council of EEO and Civil Rights Executives. If you have any further questions or concerns, please give a call at (202) 663-4519.

Sincerely,

Carlton M. Hadden, Director
Office of Federal Operations