



U.S. Equal Employment Opportunity Commission

EEOC Headquarters

131 M Street, NE

Washington, DC 20507

State and Local Government Information Report (EEO-4)

EEOC Form 164

EEO-4 Data Collection Instruction Booklet



Equal Employment Opportunity Commission
OMB Number 3046-0008

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
COLLECTION OF 2021 EEO-4 DATA**

**State and Local Government Information Report (EEO-4)
EEOC Form 164**

INSTRUCTION BOOKLET

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**STATE AND LOCAL GOVERNMENT INFORMATION REPORT (EEO-4)
EEOC FORM 164**

INSTRUCTION BOOKLET

1. WHO MUST FILE

The State and Local Government Information Report (EEO-4), EEOC Form 164, also referred to as the EEO-4 Report, is a mandatory biennial data collection that requires all State and local governments with 100 or more employees to submit demographic workforce data, including data by race/ethnicity, sex, job category, and salary band. The filing by eligible State and local governments is required under section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), 29 CFR 1602.30 and .32-.37. *See Appendix 5 below for additional information.*

Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), requires employers to make and keep records relevant to a 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. Accordingly, the EEOC has issued regulations, 29 CFR 1602.30 and .32-.37, prescribing the reporting and related record retention requirements for State and local governments. 29 CFR 1602.30 requires every covered State and local government to make or keep all records necessary for completion of an EEO-4 submission and retain those records for three years. 29 CFR 1602.32 requires EEO-4 filers to retain a copy of each filed EEO-4 report for three years. *See Appendix 5 below for additional information.*

2. HOW TO FILE

EEO-4 reporting is an electronic, online application. The EEOC requires that the 2021 EEO-4 Reports be submitted via the new *EEO-4 Online Filing System* at <https://EEOCdata.org/eo4>. Data can be entered directly into the online application or submitted as an electronically transmitted data file (i.e., data file upload) through the *EEO-4 Online Filing System*. Detailed data file upload instructions will be available at <https://eocdata.org/EEO4/howto/upload>. Filers can begin submitting data for the 2021 EEO-4 data collection through the *EEO-4 Online Filing System* on **Tuesday, October 26, 2021**.

3. WHEN TO FILE

The 2021 EEO-4 data collection will open on Tuesday, **October 26, 2021**. The EEO-4 Report for calendar year 2021 must be filed no later than Tuesday, **January 4, 2022**. This filing deadline date is posted on the EEOC's dedicated website for the EEO-4 data collection at <https://EEOCdata.org/eo4>, and on the EEOC's public website at www.eeoc.gov.

4. INSTRUCTIONS FOR FILING EEO-4 REPORTS

State and local governments must file EEO-4 reports according to the number of full-time employees on the payroll during the period covering June 30th of the reporting year (i.e., 2021).

In those jurisdictions where all data are available at a single location, all reports may be completed by the central office. Where data are not available centrally, data should be obtained by the central office from all departments/agencies and aggregated into the relevant report by function.

The fact that a branch or agency of a government has separately elected officials or is autonomous or semi-autonomous in its operations does not affect the legal status of the jurisdiction, nor the requirement that the EEO-4 covers the entire jurisdiction. To the extent feasible, the report should cover all branches of the government. In any cases where that is not feasible, and data are not available to the central office of the government, the jurisdiction should list the name and address of each department/agency for which data has not been included under section 5 *F. Departments/Agencies Not Included in This Report* (see below).

Where interstate, intercounty, boards, agencies, commissions, or other types of special district governments exist, one report should be submitted by the headquarters of the special district for each function performed.

Instructions for All Jurisdictions

- (1) All State and local governments must file one report for each function listed under section 5 *C. Function* (see below) (if that function is performed) for a maximum of 15 function reports. Jurisdictions should only report employees on the jurisdiction's payroll during the relevant period (i.e., payroll period covering June 30th of the reporting year). For the 2021 EEO-4 Report, the reporting year is 2021.
- (2) Additionally, for each function report, the jurisdiction should list the departments or agencies that perform the function indicated in the report under section 5 *E. Departments/Agencies Included in This Report* (see below). For example, Function 1 "Financial Administration" and "General Control" might include the following departments/agencies: Office of the Tax Collector, Office of the Mayor, Office of the District Attorney, etc. Jurisdictions should also include under that section, the National Crime Information Center (NCIC) numbers assigned by the U.S.

Department of Justice to any criminal justice departments/agencies whose data are included in this report.

- (3) If a jurisdiction cannot supply the data for every department or agency with the below functions, the jurisdiction should list the name and address of each department or agency for which data has not been included in the report under section 5 F. *Departments/Agencies Not Included in This Report* (see below).

5. DATA TO BE REPORTED IN EEO-4 REPORT

A. Type of Government

Under this section, the filer must select only one of the following (i.e., type of government):

- (1) State
- (2) County
- (3) City
- (4) Township
- (5) Special District
- (6) Other (Specify)

Note: If filers select "other," please specify what type of government best identifies your political jurisdiction.

B. Identification

Under this section, the political jurisdiction must provide the following information:

- (1) Name of Political Jurisdiction
- (2) Mailing Address
- (3) City/Town
- (4) County
- (5) State
- (6) Zip Code

Note: Filers should provide the central mailing address of the political jurisdiction.

C. Function

Indicate which jurisdiction function(s) is(are) performed by the employees on the report. A jurisdiction must file one report for each function listed below (if that function is performed) for a maximum of 15 function reports.

List of 15 Functions

- (1) **Financial Administration.** Tax billing and collection, budgeting, purchasing, central accounting and similar financial administration carried on by a treasurer's, auditor's or comptroller's office and;

General Control. Duties usually performed by boards of supervisors or commissioners, central administration offices and agencies, central personnel or planning agencies, all judicial offices and employees (judges, magistrates, bailiffs, et al.).

- (2) **Streets and Highways.** Maintenance, repair, construction and administration of streets, alleys, sidewalks, roads, highways, and bridges.
- (3) **Public Welfare.** Maintenance of homes and other institutions for the needy; administration of public assistance. (Hospitals should be reported under Function number 7 below).
- (4) **Police Protection.** Duties of a police department sheriff's, constable's, coroner's office, etc. Including technical and clerical employees engaged in police activities.
- (5) **Fire Protection.** Duties of the uniformed fire force and clerical employees. (Report any forest fire protection activities in Function number 6 below).
- (6) **Natural Resources.** Agriculture, forestry, forest fire protection, irrigation drainage, flood control, etc., and;
Parks and Recreation. Provision, maintenance and operation of parks, playgrounds, swimming pools, auditoriums, museums, marinas, zoos, etc.
- (7) **Hospitals.** Operation and maintenance of institutions for inpatient medical care.
- (8) **Health.** Provision of public health services, outpatient clinics, visiting nurses, food and sanitary inspections, mental health, alcohol rehabilitation service, etc.
- (9) **Housing.** Code enforcement, low rent public housing, fair housing ordinance enforcement, housing for elderly, housing rehabilitation, rent control.
- (10) **Community Development.** Planning, zoning, land development, open space, beautification, preservation.
- (11) **Corrections.** Jails, reformatories, detention homes, halfway houses, prisons, parole and probation activities.
- (12) **Utilities and Transportation.** Includes water supply, electric power, transit, gas, airports, water transportation and terminals.
- (13) **Sanitation and Sewage.** Street cleaning, garbage and refuse collection and disposal. Provision, maintenance and operation of sanitary and storm sewer systems and sewage disposal plants.
- (14) **Employment Security.** State governments only.
- (15) **Other.** (Specify).

Note: If a jurisdiction selects “other,” please list the function(s) performed under this selection.

The data reported for the above functions should be aggregated for all the performing departments or agencies within the particular function. This also applies to unspecified functions which are to be combined for Function 15 “Other” above. Any jurisdictions reporting employees under Function 15 “Other” should also list these unspecified functions. State education agencies (both agencies covering elementary and secondary schools and those covering education) should be included in Function 15 “Other” above. However, data for public elementary and secondary school systems and districts should not be included in the EEO-4 Report. The EEOC collects such data separately under the EEO-5 Elementary-Secondary Staff Information Report. Additional information regarding the EEO-5 Report can be found at <https://EEOCdata.org/eo5>.

Where the jurisdiction is unable to separate data, the department or agency should be reported under the function that represents its dominant activity. For example, if a transportation department includes, among other functions, streets and highways, and two-thirds of the employees of the department are engaged in street and highway activities, those employees should be separated out and reported separately if feasible. If not, the entire department should be reported separately under Function 2 “Streets and Highways” above.

D. Employment Data as of June 30th

Employment data used for the 2021 EEO-4 report must be provided as of June 30th of the reporting year (i.e., 2021). The employment status that full-time and part-time employees are reported under, must also be based on their employment as of June 30th of the reporting year (i.e., 2021).

For purposes of the EEO-4 report, a person is an employee of a political jurisdiction if the employee is on the payroll of that jurisdiction, regardless of the source of the funds by which the employee is paid.

Relevant Reporting Periods for EEO-4 Employee Data

Full-time Employee Data: Full-time employee data should cover the payroll period which includes June 30th of the reporting year (i.e., 2021).

Part-time Employee Data: Part-time employee data should cover the payroll period which includes June 30th of the reporting year (i.e., 2021).

New Permanent Full-Time Hires Data: Filers must provide a breakout of new permanent full-time hires during the fiscal year (i.e., July 1st, 2020 – June 30th, 2021). Data for such new hires covers the entire fiscal year which ends on June 30th of the reporting year (i.e., 2021). The relevant time period for the 2021 reporting year would be July 1st, 2020 – June 30th, 2021.

Please note that the data for new hires only includes permanent full-time new hires. Part-time/temporary new hires would not be included in the “*New Hires during Fiscal Year*” sub-section under section 5 D. *Employment Data as of June 30th*. However, any new permanent full-time hires covered by the payroll period which includes June 30th, 2021, should also be included in the “*Full-Time Employees*” sub-section under section 5 D. *Employment Data as of June 30th*.

Full-time Employees

Employee data under this sub-section (i.e., *Full-time Employees*) should include total full-time employees except for certain exempted elected and appointed officials described below in Appendix 1. Where employees receive separate salaries or payments from two or more jurisdictions, but work full-time for one jurisdiction, those employees should be counted as full-time employees by that jurisdiction. Additionally, those employees’ annual salaries, to the extent possible, should reflect their total earnings from all jurisdictions from which they are paid. Also, where a person is a full-time employee of a jurisdiction, but is employed in more than one function, the employee should be reported for the function which accounts for most of the employee’s worktime. Trainees should be counted in the appropriate columns by job, salary, race/ethnicity, and sex. Every “full-time employee” must be accounted for in one and only one of the listed categories. The specific job categories as well as race/ethnicity definitions can be found below in Appendices 2 and 3.

Annual Salary: Full-time employee data must also be reported by annual salary in the provided pay bands within the job category. The list of annual salary pay bands can be found in Appendix 4 below. Report each employee in only one job/annual salary category. Where employees are paid on other than an annual basis, their regular earnings in the payroll period which includes June 30th of the reporting year (i.e., 2021) should be expanded and expressed in terms of an annual income. All special increments of an employee’s annual earnings which are regular and recurrent should be included. Overtime pay should not be included.

Other Than Full-time Employees

Employee data under this sub-section (i.e., *Other Than Full-time Employees*) should include all employees not included under the *Full-time Employees* sub-section above, except for certain exempted elected and appointed officials described below in Appendix 1. Where employees are working part-time for different jurisdictions, and are on separate payrolls of different jurisdictions, they should be reported as part-time employees of the separate jurisdictions. Employees on the payroll of the jurisdiction for a specified temporary appointment, such as a public employment program, should be included in this sub-section (i.e., *Other Than Full-time Employees*). Every “other than full-time employee” must be accounted for in one and only one of the listed categories. Job categories as well as race/ethnicity definitions can be found below in Appendices 2 and 3. Filers are not

required to provide annual salary data for “other than full-time employees” under this sub-section.

New Hires During Fiscal Year

Employee data under this sub-section should include those employees who were hired during the fiscal year (i.e., July 1, 2020 – June 30, 2021) into permanent full-time positions. New permanent full-time hires should be included in this sub-section even if they were terminated prior to the end of the fiscal year. Additionally, new hires reported in this sub-section (i.e., *New Hires During Fiscal Year*) should also be reported in the *Full-time Employees* sub-section above if the new hires were on the payroll as of June 30th, 2021 of the fiscal year. Every “new hires during fiscal year” must be accounted for in one and only one of the listed categories. Job categories as well as race/ethnicity definitions can be found below in Appendices 2 and 3. Filers are not required to provide annual salary data for “new hires during fiscal year” under this sub-section.

E. Departments/Agencies Included in This Report

For each report, the jurisdiction should list in this section the departments or agencies included under the particular function. For example, Function 1 “Financial Administration” and “General Control” might include the following departments and agencies: Office of the Tax Collector, Office of the Mayor, Office of the District Attorney, etc. Jurisdictions should also include under this section, the National Crime Information Center (NCIC) numbers assigned by the U.S. Department of Justice to any criminal justice departments/agencies whose data are included in the report.

F. Departments/Agencies Not Included in This Report

If a jurisdiction cannot supply the data for every department or agency with the functions described in section 5 *C. Function* (see above), the jurisdiction should list under this section the name and address of each department and agency for which data has not been included.

G. Remarks

Under this section, a jurisdiction may provide any other remarks, explanations, or pertinent information regarding this report that it would like to include.

Instructions for Jurisdictions in the State of Hawaii

Under the *Remarks* section, jurisdictions in Hawaii may choose to also include data for employees based upon the below prior historical EEO-4 race/ethnicity categories for the State of Hawaii. The reporting of such data is not mandatory and is optional for jurisdictions in the State of Hawaii.

- (1) “Hawaiian”: Includes persons of Hawaiian descent including part Hawaiian with any other descent.

- (2) “Chinese and Korean”: Includes persons of Chinese and Korean descent.
- (3) “Filipino”: Includes persons of Filipino descent.
- (4) “Japanese”: Includes persons of Japanese descent.

Please preface these data with the phrase “Additional Hawaii Jurisdiction Data.”

For example: Additional Hawaii Jurisdiction Data: Function 4 Police Protection: 1 Chinese or Korean Female employee in job category Protective Service; salary band \$33.0 – 42.9. Function 6 Natural Resources: 2 Filipino Male employees in job category Professionals; salary band: \$43.0 – 54.9. 1 Filipino Female Employee in job category Professionals; salary band: \$43.0 – 54.9. Function 1 General Administration: 4 Hawaiian Female employees in job category Officials – Administrators; salary band: \$70.0 plus.

If a jurisdiction in the State of Hawaii has questions about the reporting of such data by the above race/ethnicity categories, please contact the EEO-4 Filer Support Center at EEO4FilerSupport@EEOCdata.org. Emails must include the subject line: *Hawaii Supplemental Data Question*.

6. CERTIFICATION

Prior to a jurisdiction certifying its report(s), the EEO-4 Online Filing System will present a screen that displays the number of full-time employees previously entered in the system, as well as the listing of the Functions that are and are not included in the jurisdiction’s 2021 EEO-4 filing. Please see the list of Functions provided in section 5 C. Function (see above) of this document for information on each function. If the filer notices any discrepancies in the data that should and should not be included in the filing, there will be instructions on how to rectify the information.

Finally, State and local governments must certify their respective EEO-4 filings. Under the certification section of the EEO-4 Report, the certifying official must provide their name and title as well as contact information including mailing address, telephone number and email address. Once this information is provided, the certifying official is required to check the box on the certification screen within the EEO-4 Online Filing System certifying that the information in the report is correct and true to the best of their knowledge and was prepared in accordance with the accompanying instructions.

In the EEO-4 Online Filing System, once the certifying official completes the certification, the system will generate a PDF report containing the information provided during the filing process, including the functions included and not included in the filing, and all information provided during the certification process. Filers are encouraged to download, print, and save the PDF report for their records.

7. CONFIDENTIALITY

All 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 the EEO-4 data. 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 individual's information.

8. EXEMPTION FROM REPORTING REQUIREMENTS

Pursuant to 29 CFR § 1602.35, if a political jurisdiction (i.e., state or local government) claims that the preparation or filing of the report would create an undue hardship, the political jurisdiction may apply to the Commission for an exemption by submitting a specific proposal for an alternative reporting system. Political jurisdictions must submit any such requests in writing to EEO4FilerSupport@EEOCdata.org. Requests under 29 CFR § 1602.35 should be submitted to the Commission prior to the filing deadline for the report. For the 2021 EEO-4 data collection, the filing deadline is **Tuesday, January 4, 2022**.

9. BURDEN ESTIMATE

Comments regarding this collection of information, including suggestions for reducing burden, can be sent at any time to: EEO4FilerSupport@EEOCdata.org and:

Paperwork Reduction Act (3046-0008)
Office of Management and Budget
Washington, DC 20503

The full text of the OMB regulations on the Paperwork Reduction Act (PRA) may be found at 5 CFR Part 1320.

Appendix 1. DEFINITIONS

Commission refers to the Equal Employment Opportunity Commission (EEOC) established under Title VII of the Civil Rights Act of 1964, as amended.

Employee means an individual employed by a political jurisdiction who is on the payroll of that jurisdiction, regardless of the source of the funds by which the employee is paid.

For purposes of the EEO-4 report, the term “employee” shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer’s personal staff, or an appointee on the policy making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency or political subdivision.

Full-time Employees are persons employed during the payroll period that includes June 30th of the reporting year (i.e., 2021) and who work the number of hours per week that represents regular full-time employment. Temporary and intermittent employees are not considered full-time employees.

Other Than Full-Time Employees are persons employed during the payroll period that includes June 30th of the reporting year (i.e., 2021) on a part-time basis. Included in this definition are the following: (1) daily or hourly employees usually engaged for less than the regular full-time work week; (2) temporary employees who work on a seasonal basis (whether part-time or full-time) or are hired for the duration of a particular job or operation, including public employment programs; and (3) intermittent employees.

New Hires During Fiscal Year are persons, both with and without previous experience and transfers, who were hired for the first time in the jurisdiction or rehired after a break in service for permanent full-time employment. For purposes of the 2021 EEO-4 report, the fiscal year is July 1st, 2020 – June 30th, 2021.

Appendix 2. DESCRIPTION OF JOB CATEGORIES

In order to simplify and standardize the method of reporting, all jobs are considered as belonging in one of the broad job categories below.

Officials – Administrators: Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and-housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.

Professionals: Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.

Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers), and kindred workers.

Protective Service: Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, firefighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.

Paraprofessionals: Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a New Careers concept. Included: research assistants, medical aides, child support workers, policy auxiliary welfare service aides, recreation assistants,

homemaker aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.

Administrative Support: Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.

Skilled Craft: Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.

Service – Maintenance: Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry-cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundskeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

Appendix 3. DEFINITIONS OF RACE/ETHNICITY CATEGORIES

Self-identification is the preferred method of identifying the race and ethnicity information necessary for the EEO-4 report. Employers are required to attempt to allow employees to use self-identification to complete the EEO-4 report. As to the method of collecting data, the basic principles for ethnic and racial self-identification for purposes of the EEO-4 report are:

- (1) Offer employees the opportunity to self-identify.
- (2) Provide a statement about the voluntary nature of this inquiry for employees. For example, language such as the following may be used (employers may adapt this language):

“The employer is subject to certain governmental recordkeeping and reporting requirements for the administration of civil rights laws and regulations. In order to comply with these laws, the employer invites employees to voluntarily self-identify their race or ethnicity. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information obtained will be kept confidential and may only be used in accordance with the provisions of applicable laws, executive orders, and regulations, including those that require the information to be summarized and reported to the federal government for civil rights enforcement. When reported, data will not identify any specific individual.”

If an employee declines to self-identify his or her race and/or ethnicity, employment records or observer identification may be used. Where records are maintained, it is recommended that they be kept separately from the employee’s basic personnel file or other records available to those responsible for personnel decisions.

Race and ethnicity designations as used by the Equal Employment Opportunity Commission for the EEO-4 do not denote scientific definitions of anthropological origins. In addition, such designations do not control who is protected by Title VII’s prohibitions against employment discrimination based on race or national origin.

Definitions of the EEO-4 race and ethnicity categories are as follows:

Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

White (Not Hispanic or Latino) - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Black or African American (Not Hispanic or Latino) - A person having origins in any of the black racial groups of Africa.

Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Asian (Not Hispanic or Latino) - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

American Indian or Alaska Native (Not Hispanic or Latino) - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

Two or More Races (Not Hispanic or Latino) - All persons who identify with more than one of the above five races (White, Black or African American, Native Hawaiian or Other Pacific Islander, Asian, American Indian or Alaska Native).

Instructions for assigning employees into the race/ethnicity categories:

Hispanic or Latino - Include all employees who answer “YES” to the question, “Are you Hispanic or Latino?” in the appropriate category for both males and females as indicated.

White (Not Hispanic or Latino) - Include all employees who identify as White and no other race, and who responded “NO” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

Black or African American (Not Hispanic or Latino) - Include all employees who identify as Black or African American and no other race, and who responded “NO” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) - Include all employees who identify as Native Hawaiian or Other Pacific Islander and no other race, and who responded “NO” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

Asian (Not Hispanic or Latino) - Include all employees who identify as Asian and no other race, and who responded “NO” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

American Indian or Alaska Native (Not Hispanic or Latino) - Include all employees who identify as American Indian or Alaska Native and no other race, and who did responded “NO” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

Two or More Races (Not Hispanic or Latino) - Include all employees who identify with more than one of the above five races, and who responded “NO” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

Appendix 4. ANNUAL SALARY CATEGORIES

Full-time employee data must also be reported by annual salary in the below pay bands within the job category. Where employees are paid on other than an annual basis, their regular earnings in the payroll period which includes June 30th of the reporting year (i.e., 2021) should be expanded and expressed in terms of an annual income. All special increments of an employee's annual earnings which are regular and recurrent should be included. Overtime pay should not be included.

Annual Salary (in thousands 000)

\$0.1 – 15.9
\$16.0 – 19.9
\$20.0 – 24.9
\$25.0 – 32.9
\$33.0 – 42.9
\$43.0 – 54.9
\$55.0 – 69.9
\$70.0 PLUS

Appendix 5. LEGAL BASIS FOR REPORTING REQUIREMENTS

Section 709(C), Title VII, Civil Rights Act of 1964, as Amended

Execution, retention, and preservation of records; reports to Commission; training program records; appropriate relief from regulation or order for undue hardship; procedure for exemption; judicial action to compel compliance.

Every employer, employment agency, and labor organization subject to this subchapter shall: (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this subchapter which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of this subchapter, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which applications were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if

such application for an exemption is denied, bring a civil action in the United States District Court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief. If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States District Court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, or the Attorney General in a case involving a government, governmental agency or political subdivision, have jurisdiction to issue to such person an order requiring him to comply.

Title 29, Chapter XIV Code of Federal Regulations

Subpart I—State and Local Governments Recordkeeping

§1602.30 Records to be made or kept.

On or before September 30, 1974, and annually thereafter, every political jurisdiction with 15 or more employees is required to make or keep records and the information therefrom which are or would be necessary for the completion of report EEO-4 under the circumstances set forth in the instructions thereto, whether or not the political jurisdiction is required to file such report under §1602.32 of the regulations in this part. The instructions are specifically incorporated herein by reference and have the same force and effect as other sections of this part. Such reports and the information therefrom shall be retained at all times for a period of 3 years at the central office of the political jurisdiction and shall be made available if requested by an officer, agent, or employee of the Commission under section 710 of title VII, as amended. Although agency data are aggregated by functions for purposes of reporting, separate data for each agency must be maintained either by the agency itself or by the office of the political jurisdiction responsible for preparing the EEO-4 form. It is the responsibility of every political jurisdiction to obtain from the Commission or its delegate necessary instructions in order to comply with the requirements of this section.

§1602.31 Preservation of records made or kept.

Any personnel or employment record made or kept by a political jurisdiction (including but not necessarily limited to requests for reasonable accommodation application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, layoff, or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship) shall be preserved by the political jurisdiction for a period of 2 years from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of 2 years from the date of termination. Where a charge of discrimination has been filed, or an action brought by the Attorney General against a political jurisdiction under title VII, the ADA, or

GINA, the respondent political jurisdiction shall preserve all personnel records relevant to the charge or action until final disposition of the charge or the action. The term “personnel record relevant to the charge,” for example, would include personnel or employment records relating to the person claiming to be aggrieved and to all other employees holding positions similar to that held or sought by the person claiming to be aggrieved; and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the person claiming to be aggrieved applied and was rejected. The date of final disposition of the charge or the action means the date of expiration of the statutory period within which a person claiming to be aggrieved may bring an action in a U.S. district court or, where an action is brought against a political jurisdiction either by a person claiming to be aggrieved or by the Attorney General, the date on which such litigation is terminated.

Subpart J–State and Local Government Information Report

§1602.32 Requirement for filing and preserving copy of report.

On or before September 30, 1993, and biennially thereafter, certain political jurisdictions subject to title VII of the Civil Rights Act of 1964, as amended, shall file with the Commission or its delegate executed copies of “State and Local Government Information Report EEO-4” in conformity with the directions set forth in the form and accompanying instructions. The political jurisdictions covered by this section are (a) those which have 100 or more employees, and (b) those other political jurisdictions which have 15 or more employees from whom the Commission requests the filing of reports.

Every such political jurisdiction shall retain at all times a copy of the most recently filed EEO-4 at the central office of the political jurisdiction for a period of 3 years and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 710 of title VII, as amended.

§1602.33 Penalty for making of willfully false statements on report.

The making of willfully false statements on report EEO-4, is a violation of the United States Code, title 18, section 1001, and is punishable by fine or imprisonment as set forth therein.

§1602.34 Commission’s remedy for political jurisdiction’s failure to file report.

Any political jurisdiction failing or refusing to file report EEO-4 when required to do so may be compelled to file by order of a U.S. district court, upon application of the Attorney General.

§1602.35 Political jurisdiction’s exemption from reporting requirements.

If it is claimed that the preparation or filing of the report would create undue hardship, the political jurisdiction may apply to the Commission for an exemption from the requirements

set forth in this part by submitting to the Commission or its delegate a specific proposal for an alternative reporting system prior to the date on which the report is due.

§1602.36 Schools exemption.

The recordkeeping and report-filing requirements of subparts I and J of this part shall not apply to State or local educational institutions or to school districts or school systems or any other educational functions. The previous sentence of this section shall not act to bar jurisdiction which otherwise would attach under §1602.30.

§1602.37 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as the “State and Local Government Information Report EEO-4,” about the employment practices of individual political jurisdictions or group of political jurisdictions whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of title VII, the ADA, or GINA. Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of title VII, section 107 of the ADA, or section 207(a) of GINA and as otherwise prescribed by law.

Subpart K—Records and Inquiries as to Race, Color, National Origin, or Sex.

§1602.38 Applicability of State or local law.

The requirements imposed by the Equal Employment Opportunity Commission in these regulations, subparts I and J, supersede any provisions of State or local law which may conflict with them.