

DRAFT SUPPORTING STATEMENT
FOR
EQUAL EMPLOYMENT OPPORTUNITY ELECTRONIC COMPLAINT SYSTEM

(3150-XXXX)
NEW

Abstract

As set forth under 29 CFR 1614, the Equal Employment Opportunity (EEO) complaint process prescribes that when an aggrieved individual believes that they have been discriminated against on the basis of their race, color, religion, sex (including sexual orientation, gender identity and expressions, and pregnancy), national origin, age, disability, genetic information (including family medical history), marital status, parental status, political affiliation, military service, and reprisal, the aggrieved individual must consult a Counselor prior to filing a complaint in order to try to informally resolve the matter. NRC employees (current and former) and job applicants can use the NRC's EEO eFile portal to initiate a request for EEO counseling¹, submit information about their informal EEO complaint², and view the status of their EEO case(s). The information collected includes the aggrieved persons Personal Identifiable Information, claims of alleged discriminatory behavior, and documentation to support claims.

A. JUSTIFICATION

1. Need For the Collection of Information

On behalf of the NRC, the Office of Small Business and Civil Rights (SBCR) Civil Rights Program (CR) administers, manages, and ensures agency compliance that prohibit discrimination in the workplace in accordance with the following Federal civil rights laws, regulations, policies, and guidance:

- Title VII of the Civil Rights Act of 1964, as amended
- Age Discrimination in Employment Act of 1967
- Section 501 of the Rehabilitation Act of 1973
- Equal Pay Act of 1963
- Genetic Nondiscrimination Act of 2008.
- Equal Employment Opportunity Commission's (EEOC) Title 29 Code of Federal Regulations, Part 1614 (29 C.F.R., Part 1614), Federal Sector Equal Employment Opportunity
- Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act)
- [Elijah E. Cummings Federal Employee Antidiscrimination Act](#)

¹ NRC Form 655, "EEO Counselor's Report" (OMB 3150-XXXX) is used to collect information as part of the informal complaint process.

² The informal complaint process is initiated using the EEO eFile portal; however, NRC Form 646, "Formal Discrimination Complaint" (OMB 3150-XXXX) is used to initiate a formal complaint.

- Executive Order 14035, Diversity, Equity, Inclusion, and Accessibility (DEIA) in the Federal Workforce
 - EEOC's Management Directive 110 (MD 110), Complaint Processing
 - EEOC's Management Directive 715 (MD 715), Affirmative Action Programs
- The information is needed to ensure agency compliance with these laws, regulations, policies, and guidance.

2. Agency Use and Practical Utility of Information

SBCR will use the information collected to provide enhanced case processing and management functionalities (i.e., inputting, processing, tracking, managing, and reporting on EEO complaint activities), and components customized to efficiently process and report EEO cases in every stage of the EEO process, from intake to resolution. In addition, SBCR compiles reports from this information/data to analyze and identify trends such as the number of complaints by fiscal years, complaints related to race/ethnicity claims, complaints related to sexual or non-sexual harassment claims, disparate treatment claims, etc. These reports and its information enables SBCR to be more proactive in eradicating discrimination in the Agency and assess its organizations to determine the offices that are doing well and/or those that are in need of improvement.

3. Reduction of Burden Through Information Technology

The NRC's Office of Small Business and Civil Rights (SBCR) uses an electronic case management system to manage Equal Employment Opportunity (EEO) complaints for all individuals who file informal and formal EEO complaints against the NRC and to comply with the Equal Employment Opportunity Commission's (EEOC)'s regulations as set forth in the Code of Federal Regulations (CFR) governing Federal Sector EEO complaint processing (29 CFR Part 1614 - Federal Sector Equal Employment Opportunity) and the Notification and Federal Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), as amended by the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020. NRC employees (current and former) and job applicants can use the NRC EEO eFile Portal website to initiate a request for EEO counseling, submit information about their informal EEO complaint, and view the status of their EEO case(s).

It is estimated that approximately **100%** of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements.

5. Effort to Reduce Small Business Burden

- Not applicable

6. Consequences to Federal Program or Policy Activities if the Collection Is Not Conducted or Is Conducted Less Frequently

Without the information submitted, aggrieved individuals may not meet the necessary criteria to properly file a formal complaint through the NRC and are subject to dismissal in accordance with 29 C.F.R §1614.107. The collection is completed only once per complaint; therefore, reporting frequency cannot be reduced.

7. Circumstances Which Justify Variation from OMB Guidelines

The information collection does not vary from OMB guidelines.

8. Consultations Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package has been published in the *Federal Register*.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b).

This information is maintained in a system of records designated as EEOC/GOVT-1 Equal Employment Opportunity in the Federal Government Complaint and Appeal Records described at 71 FR 24704 (April 26, 2006).

11. Justification for Sensitive Questions

The EEOC Management Directive 110 requires the Federal agency to determine if the aggrieved individual believes that he/she was discriminated against based on race, color, sex (gender; sexual harassment; pregnancy; or lesbian, gay, bisexual, or transgender-LGBT, religion, national origin, age (40 years or older at the time of the event giving rise to the claim), physical or mental disability, equal pay/compensation, genetic information, sexual orientation, or retaliation for participating in activities by EEO statutes. The NRC permits claims of discrimination based on sexual orientation. Collection of this information from the individuals is mandatory and forms the basis(es) for a complaint. The information is necessary to enter the EEO complaint

process. All information provided by persons alleging EEO discrimination is safeguarded and treated in accordance with the Privacy Act of 1974, as amended.

12. Estimated Burden and Burden Hour Cost

An aggrieved person will create an account in the system (2 minutes) and file an informal complain (30 minutes). The total burden for these activities is estimated to be 5.33 hours. At \$288/hr, this is a burden cost of \$1,535 (5.33 hour x \$288/hr). Burden was calculated as follows:

Description	Respondents	Responses per respondent	Responses	Burden per response	Total Burden (Hours)
Create Account	10	1	10	2 mins	0.33
File new Informal Complaint	10	1	10	30min	5.0
TOTAL	20		20		5.33

The \$288 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission’s fee for hourly rates as noted in 10 CFR 170.20 “Average cost per professional staff-hour.” For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2021 (86 FR 32146, June 17, 2021).

13. Estimate of Other Additional Costs

Contractor cost for the NRC to obtain the system and maintain it is \$31,339.

14. Estimated Annualized Cost to the Federal Government

The estimated total annual burden for NRC staff to process NRC EEO eFile complaints is 5 hours (10 forms x 30 minutes per submission) at a cost of \$1,440 (5 hours x \$288/hr).

15. Reasons for Change in Burden or Cost

This is a request for a new OMB clearance.

16. Publication for Statistical Use

Pursuant to 29 C.F.R. § 1614.703, agencies are required to post cumulative quarterly and fiscal year EEO complaint statistics, titled “Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. No.

107-174,” on the home page of the agency’s public website. Section 1614.704 of 29 C.F.R. sets forth the list of statistical data the agency must post. Additional information regarding No FEAR Act posting is found at <http://www.eeoc.gov/federal/directives/index.cfm>. The results of the collection are available on the NRC’s public website. <https://www.nrc.gov/about-nrc/civil-rights/crp/dca.html>.

17. Reason for Not Displaying the Expiration Date

The expiration date will be displayed.

18. Exceptions to the Certification Statement

There are no exceptions to the certification statement.