

Supporting Statement for the Discrimination Complaint Forms (FR 1413; OMB No. 7100-NEW)

Summary

The Board of Governors of the Federal Reserve System (Board), under authority delegated by the Office of Management and Budget (OMB), proposes to implement the Discrimination Complaint Forms (FR 1413; OMB No. 7100-NEW). The FR 1413 consists of two forms: the Pre-Complaint of Discrimination (FR 1413A) and the Formal Complaint of Discrimination (FR 1413B). These forms are used by individuals alleging discrimination by the Board while they were either applying for or had separated from employment with the Board.¹

The Board's Rules Regarding Equal Opportunity (the Board's EEO rules) (12 CFR part 268) govern the Board's discrimination complaint process and have been enforced since August 7, 2006. The Board proposes to clear these reporting requirements under the Paperwork Reduction Act (PRA).

The estimated total annual burden for the FR 1413 is 3 hours. The forms are provided to individuals after they contact the equal employment office at the Board. They are not available on the public website.

Background and Justification

The Board's discrimination complaint process stems directly from the Board's Equal Employment Opportunity (EEO) policy (EEO policy). The EEO policy states that the Board prohibits discrimination in employment on the basis of race, color, religion, sex (including discrimination based on sexual orientation, gender identity, and pregnancy), national origin, age, disability, or genetic information and promotes the full realization of EEO through a continuing affirmative program.

The Board strives to comply with the following statutes and any amendments thereof: Title VII of the Civil Rights Act of 1964², Rehabilitation Act of 1973³, the Age Discrimination in Employment Act of 1967⁴, the Equal Pay Act of 1963⁵, the Genetic Information Nondiscrimination Act of 2008⁶, and the Uniformed Services Employment and Reemployment Rights Act of 1994.⁷ The Board's EEO rules set forth the policies and procedures relating to the Board's policy to promote equal opportunity to Board employees and applicants for employment.

¹ Current Board employees also use these forms, but current Board employees are not subject to the Paperwork Reduction Act and therefore they are not included in the burden estimates or respondent universe for this collection.

² 42 U.S.C.A § 2000e et seq.

³ 29 U.S.C. § 701 et seq.

⁴ 29 U.S.C. § 621 et seq.

⁵ 29 U.S.C. § 206(d) et seq.

⁶ 42 U.S.C. § 2000ff et seq.

⁷ 38 U.S.C. §§ 4301-4335.

Processing discrimination complaints are one part of the Board's EEO program.⁸ The Board uses the FR 1413 to collect information to process complaints in accordance with its pre-complaint and formal complaint procedures.⁹ FR 1413 includes two forms: the Pre-Complaint of Discrimination (FR 1413A) and the Formal Complaint of Discrimination (FR 1413B). Information collected in the FR 1413A is used to by an EEO counselor to help achieve a resolution to the complaint. Information collected in the FR 1413B is used by the Board's Office of Diversity, Equity, and Inclusion (ODEI) to determine whether the complaint allegations should be accepted for investigation and/or dismissed in whole or in part (i.e., a "Partial Dismissal"). This information is not available from other sources.

Description of Information Collection

The FR 1413A is filed with the ODEI after an applicant, current employee, or former employee contacts the Board's ODEI. Filing the FR 1413A starts the informal EEO pre-complaint process. The form collects basic contact information, information on the action(s) or event(s) that the respondent believes represents discrimination, and how the respondent believes they were discriminated against. The form also asks if the respondent has a legal representative and what corrective action or other remedy is sought.

If the respondent is not satisfied with the results of the informal EEO complaint process, they may file a formal complaint using FR 1413B. Form FR 1413B must be submitted within 15 days of being notified of the right to file a formal complaint of discrimination.¹⁰ This 15-day notice to submit the FR 1413B is a requirement under the Board's EEO Rules. The form collects more specific details on the information collected in the FR 1413A, including relevant background information of the respondent depending on the basis of the alleged discrimination, and specific details on the actions that the complainant believes represents discrimination. The form also asks if the respondent has discussed the complaint with an EEO counselor.

Respondents use information technology (email) to submit these forms to the Board.

Personally Identifiable Information

Personally identifiable information (PII) obtained in this information collection includes such data as employee, potential employee, and separated employee names; home addresses and phone numbers; a complainant's protected class status; and open-end content responses related to a complaint that may contain PII details. The information provided is sensitive in nature and is necessary to assist the Board in carrying out its responsibilities under statutory authorities and the Board's EEO rules. Information collected as part of this process is stored in the system of records, BGFRS-5, "FRB—EEO Discrimination Complaint File" (87 FR 34269).

Respondent Panel

While the FR 1413 respondent panel comprises individuals who have applied for employment at the Board, current Board employees, and former Board employees, i.e.,

⁸ 12 CFR 268.103.

⁹ 12 CFR 268.104-05.

¹⁰ The 15-day notification period is required by 12 CFR 1614.105(d).

individuals who have separated from employment with the Board, only individuals who have applied for employment with the Board and former Board employees are subject to the PRA and are included in the burden estimate.

Frequency and Time Schedule

The FR 1413 is event-generated.

Proposed Implementation of the FR 1413

The Board EEO complaint regulation (12 CFR Part 268) has been in place at the Board since August 7, 2006. However, the reporting requirements were not previously cleared under the PRA. The Board proposes to clear the FR 1413A and FR 1413B forms under the PRA.

Public Availability of Data

No data collected by this information collection are published.

Legal Status

The FR 1413 is authorized by the Board's EEO rules, issued under the authority of sections 10(4) and 11(i), (k), and (l) of the Federal Reserve Act,¹¹ which authorize the Board to employ persons deemed necessary to conduct the business of the Board, set rules and regulations regarding various employment matters, and to delegate functions to certain entities. The Board's EEO rules aim to comply with Title VII of the Civil Rights Act of 1964 (title VII),¹² the Rehabilitation Act of 1973,¹³ the Age Discrimination in Employment Act of 1967 (ADEA),¹⁴ the Equal Pay Act of 1963,¹⁵ and the Genetic Information Nondiscrimination Act of 2008,¹⁶ and amendments thereof. Collectively, these statutes and subsequent amendments prohibit discrimination in employment, including at federal agencies, on the basis of race, color, religion, sex (including sexual orientation or gender identity),¹⁷ national origin, age, disability, and genetic information. The Board's EEO rules set procedures to process complaints of discrimination prohibited by these statutes.¹⁸ Information obtained from the FR 1413 is used to process complaints in accordance with the Board's EEO rules. The FR 1413 is required to obtain a benefit.

To the extent a respondent submits personal, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy, the respondent may request confidential treatment pursuant to exemption 6 of the FOIA.¹⁹ If a respondent requests

¹¹ 12 U.S.C. §§ 244, 248.

¹² 42 U.S.C. § 2000e et seq.

¹³ 29 U.S.C. § 701 et seq.

¹⁴ 29 U.S.C. § 621 et seq.

¹⁵ 29 U.S.C. § 206(d) et seq.

¹⁶ 42 U.S.C. § 2000ff et seq.

¹⁷ See *Bostock v. Clayton Cnty.*, 140 S. Ct. 1731 (2020).

¹⁸ 12 CFR 269.103 et seq.

¹⁹ 5 U.S.C. § 552(b)(6).

confidential treatment, the Board will determine whether the information is entitled to confidential treatment on a case-by-case basis.

Consultation Outside the Agency

There has been no consultation outside the Federal Reserve System.

Public Comments

On December 6, 2024, the Board published an initial notice in the *Federal Register* (89 FR 96977) requesting public comment for 60 days on the implementation of the FR 1413. The comment period for this notice expires on February 4, 2025.

Estimate of Respondent Burden

As shown in the table below, the estimated total annual burden for the FR 1413 is 3 hours. The number of respondents is based on the average number of FR 1413 filings received in the past 3 years. The burden estimate was produced using the standard Board burden calculation methodology. These reporting requirements represent less than 1 percent of the Board's total paperwork burden.

FR 1413	<i>Estimated number of respondents</i>	<i>Estimated annual frequency</i>	<i>Estimated average hours per response</i>	<i>Estimated annual burden hours</i>
Proposed				
FR 1413A	1	1	0.5	1
FR 1413B	3	1	0.75	2
<i>Total</i>				3

The estimated total annual cost to the public for this collection of information is \$93.²⁰

Sensitive Questions

The FR 1413 includes questions and collection of data of a sensitive nature, such as religion, sexual orientation, and other matters that are commonly considered private. The Board considers these questions necessary to obtain information about discrimination complaints and to make decisions or determinations about those complaints.

Estimate of Cost to the Federal Reserve System

The estimated cost to the Federal Reserve System for collecting and processing this information collection is estimated to be \$41,721.

²⁰ The average consumer cost of \$31 is estimated using data from the Bureau of Labor Statistics (BLS), Occupational Employment and Wages, May 2023, published April 3, 2024, <https://www.bls.gov/news.release/ocwage.t01.htm#>.

