

employers covered under title VII and Executive Order 11246 are subject to UGESP. However, for the purposes of burden calculation, data for all employers are counted.¹ The number of employers with 15 or more employees is estimated at 887,869 which combines estimates from private employment,² the public sector,³ colleges and universities,⁴ apprenticeship programs,⁵ and referral unions.⁶ Employers with 15 or more employees represent approximately 13.5% of all employers in the U.S. and employ about 86.2% of all employees in the U.S.⁷

This burden assessment is based on an estimate of the number of job applications submitted to all employers in one year, including paper-based and electronic applications. The total number of job applications submitted every year to covered employers is estimated to be 1,850,752,956 based on an average of approximately 26

¹ In calculating burden, data from multiple sources are used. Some of these sources do not allow us to identify only those employers who are covered by Title VII (employers with 15 or more employees).

² Source of original data: U.S. Census Bureau, 2021 Statistics of U.S. Businesses (SUSB) (Dec. 2023). (<https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html>). Local Downloadable CSV data. Select U.S. & states, 6 digit NAICS. The original number of employers was adjusted to only include those with 15 or more employees.

³ Source of original data: 2022 Census of Governments: Employment. Individual Government Data File (<https://www.census.gov/data/datasets/2022/econ/apes/2022.html>), Local Downloadable Data zip file "Individual Unit Files". The original number of government entities was adjusted to only include those with 15 or more employees.

⁴ Source: U.S. Department of Education, National Center for Education Statistics, IPEDS, Fall 2022, Institutional Characteristics component (provisional data). See Table 1, "Number and percentage distribution of Title IV institutions, by control of institution, level of institution, and region: United States and other U.S. jurisdictions, academic year 2022–23" (<https://nces.ed.gov/ipeds/search/viewable?tableId=35945&returnUrl=%2Fsearch>).

⁵ Source: U.S. Department of Labor, Registered Apprenticeship National Results Fiscal Year 2021, Number of active apprenticeship programs in 2021 (<https://www.dol.gov/agencies/eta/apprenticeship/about/statistics/2021>).

⁶ The EEOC has undertaken measures to enhance the agency's existing EEO–3 data frame (i.e., roster) of potentially eligible filers that was most recently used during the 2022 EEO–3 data collection. The number of referral unions was estimated by comparing the EEOC's 2022 EEO–3 frame to a list of active unions from the U.S. Department of Labor's Office of Labor Management Standards (OLMS) Online Public Disclosure Room (OPDR) database (<https://olmsapps.dol.gov/olpdr/>).

⁷ Source of original data: U.S. Census Bureau, 2021 Statistics of U.S. Businesses (SUSB) (Dec. 2023). (<https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html>). Local Downloadable CSV data. Select U.S. & states, 6 digit NAICS. The original number of employers was adjusted to only include those with 15 or more employees.

applications⁸ for every hire and a Bureau of Labor Statistics data estimate of 71,046,000 annual hires.⁹ This figure also includes 136,806 applicants for union membership reported on the EEO–3 form for 2022. The employer burden associated with collecting and storing applicant demographic data is based on the following assumptions: applicants would need to be asked to provide three pieces of information—sex, race/ethnicity, and an identification number (a total of approximately 13 keystrokes); the employer may need to transfer information received to a database either manually or electronically; and the employer would need to store the 13 characters of information for each applicant. Recordkeeping costs and burden are assumed to be the time cost associated with entering 13 keystrokes.

Assuming that the required recordkeeping takes 30 seconds per record, and assuming a total of 1,850,752,956 paper and electronic applications per year (as calculated above), the resulting UGESP burden hours would be 15,422,941. Based on a wage rate of \$22.94¹⁰ per hour for the individuals entering the data, the collection and storage of applicant demographic data would come to approximately \$353,802,267 per year. The foregoing assumptions likely are over-inclusive because many employers have electronic job application processes that should be able to capture applicant flow data automatically. While the burden hours and costs for the UGESP recordkeeping requirement seem large, the average burden per employer is relatively small. UGESP applies to an estimated 887,869 employers, or about 13.5% of employers in the U.S., and these employers employ about 86.2% of employees in the U.S.¹¹

⁸ The average number of applicants per job opening in 2023, according to the iCIMS 2024 January Workforce Report (<https://icims.drift.click/January-2024-Workforce-Report>).

⁹ Bureau of Labor Statistics Job Openings and Labor Turnover Survey, 2023 annual level data (seasonally adjusted), (<http://www.bls.gov/jlt/data.htm>) is the source of the original data. The BLS figure includes new hires in both the public and the private sectors across all employer sizes.

¹⁰ Burden hour cost estimates are based on the median hourly wage rate of \$22.94 for Human Resources Assistants, except payroll and timekeeping obtained from the Bureau of Labor Statistics, May 2023 (see U.S. Department of Labor, Bureau of Labor Statistics, Occupational Employment and Wage Statistics, <https://www.bls.gov/oes/current/oes434161.htm>).

¹¹ Source of original data: U.S. Census Bureau, 2021 Statistics of U.S. Businesses (SUSB) (Dec. 2023). (<https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html>). Local Downloadable CSV data. Select U.S. & states, 6 digit NAICS. The original number of employers was adjusted to only include those with 15 or more employees.

Therefore, the estimated cost per covered employer is about \$398. Additionally, 36.4% of employees work for firms with at least 5,000 employees,¹² for which the burden of data entry is transferred to the applicants via use of electronic application systems. Finally, UGESP allows for simplified recordkeeping for employers with more than 15 but less than 100 employees.¹³

For the Commission.

Dated: December 31, 2024.

Charlotte A. Burrows,
Chair.

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FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 89 FR 105048.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, January 9, 2025, at 10:00 a.m.

CHANGES IN THE MEETING: The meeting was rescheduled for Tuesday, January 14, 2025, at 10:00 a.m.

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer. Telephone: (202) 694–1220.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

Vicktoria J. Allen,

Deputy Secretary of the Commission.

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FEDERAL TRADE COMMISSION

[File No. 222 3156]

accessiBe; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

¹² Source of original data: 2021 Economic Census. (<https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html>). Local Downloadable CSV data. Select U.S. & states, 6 digit NAICS. The original number of employers was adjusted to only include those with 15 or more employees.

¹³ See 29 CFR 1607.15A(1): *Simplified recordkeeping for users with less than 100 employees.* In order to minimize recordkeeping burdens on employers who employ one hundred (100) or fewer employees, and other users not required to file EEO–1, *et seq.*, reports, such users may satisfy the requirements of this section 15 if they maintain and have available records showing, for each year: (a) The number of persons hired, promoted, and terminated for each job, by sex, and where appropriate by race and national origin; (b) The number of applicants for hire and promotion by sex and where appropriate by race and national origin; and (c) The selection procedures utilized (either standardized or not standardized).