

Census 2000 Special EEO Tabulation Technical Documentation for SAS Datasets

Appendix 2. Background on the Special EEO Tabulation

The idea of a data product designed to measure the effects of anti-discrimination laws and regulations in the workplace and to encourage employers' compliance goes back to the early 1970s. Private-sector employers who report to the Office of Federal Contract Compliance Programs (OFCCP), within the Department of Labor, and the Equal Employment Opportunity Commission (EEOC) often need to compare the minority and sex compositions of their workforce, by occupation, against the external labor force in the geographic areas in which the employers operate.¹ OFCCP further requires employers who contract with the federal government to develop affirmative action programs based, in part, on external benchmark data.

Concerned that disputes over compliance would lead to unwanted litigation, the Equal Employment Advisory Council (EEAC) asked both an industry consultant, the Organization Resources Council (ORC), and the National Data Planning Corporation (NDPC), to design a product containing census data that would help employers measure their compliance with EEO regulations. EEAC represented large corporations who were directly affected by federal regulation of the workplace.

Under contract with ORC, the Census Bureau created the first EEO tabulation as a special tabulation after the 1970 Census. This product got the name *ORC Tapes*, after its sponsor. As emphasis on employment discrimination increased during the 1970s, this tabulation became a very popular product, primarily sold by NDPC.

Realizing that the need for such a tabulation would continue, the Census Bureau decided to make it a standard data product of the 1980 Census rather than a special tabulation created only for a specific sponsor. Before doing so, the Census Bureau consulted with a number of federal agencies, as well as EEAC and NDPC. Three federal agencies took an active role in designing the 1980 product: OFCCP, EEOC, and the Civil Rights Division of the Department of Justice (DOJ). Based on their collective advice, the *1980 Census/EEO Special File* was released in November 1982. It was the first 1980 Census product containing detailed long form data, and became one of the most popular census products during the following decade.

Before the 1990 Census, the Census Bureau again consulted with a large number of potential government and private sector data users about a 1990 EEO tabulation. After a meeting with over 30 federal agencies, five became active partners: the three from the 1980 experience, plus the Office of Personnel Management (OPM), and the Department of Agriculture. On the private sector side, the Census Bureau worked again with EEAC, NDPC (which had merged with the Claritas Corporation),

¹See Title VII of the 1964 Civil Rights Act and Executive Order 11246.

and six other companies and private consultants. Most of the government and private data users involved wanted to expand the 1990 version of the EEO tabulation. For budgetary reasons, however, the Census Bureau's policy was to keep the 1990 products no larger than their 1980 counterparts. Furthermore, all the data users wanted a product as soon as possible, since the 1980 data were outdated. To keep within the budget and to get a product out quickly, the Census Bureau kept the 1990 tabulation almost identical to the 1980 version. The Census Bureau released the 1990 Census/EEO File in July 1992, again the first detailed sample product after the 1990 Census.

Although the 1990 Census/EEO File did provide some quick access to new data, many customers wanted more. After the 1980 Census, NDPC had contracted with the Census Bureau to provide a special tabulation containing additional characteristics to those found in the basic EEO tabulation. They were able to do so with ~~A~~proprietary rights,[@] which allowed them to have exclusive use of the special tabulations for 18 months while they marketed their own products derived from Census Bureau data. After the 1990 Census, however, the Department of Justice ruled that under Title 13, the Census Bureau could not legally allow these restrictions on the release of data collected with public funds. Since NDPC/Claritas balked at funding a product that everyone else could use immediately, the Census Bureau formed a consortium of 11 sponsors (the ~~A~~EEO Consortium[@]) to fund a set of more detailed tables, called the ~~A~~1990 Census/EEO Supplemental Tabulations.[@] The sponsors included four of the five federal agencies who the Census Bureau worked with on the basic 1990 Census/EEO File (OFCCP dropped out), and seven private sector companies and consultants. These special tabs were released in two phases in late 1992 and early 1993.

For Census 2000, because of budget considerations, the Census 2000 Special EEO Tabulation became a special tabulation funded entirely by outside sources rather than a standard Census Bureau product. As a result, the Census Bureau negotiated with four federal agencies - EEOC, OFCCP, Department of Justice, and OPM - to produce a product similar to a combination of the 1990 Census/EEO File and the 1990 Census/EEO Supplemental Tabulations.