

E-ALERT: Employers Must Submit EEO-1 Pay Data by September 30, 2019



Background

On April 25, 2019, a federal district judge announced that EEO-1 pay data collection requirements are back in effect and must be submitted by September 30, 2019. The reports with pay data including W2 wages and hours worked will be submitted as “Component 2” of the EEO-1 form. The reports will not only require wages from 2018, but also a second year of data for calendar year 2017. The wage and hour data, which is broken down by job categories, race, ethnicity, and sex, is intended to assist the Equal Employment Opportunity Commission (EEOC) in identifying potential discriminatory compensation practices.

Summary

The EEO-1 Report is a compliance survey, mandated by Title VII of the Civil Rights Act, that employers must use to report employment data to the federal government. Private employers with 100 or more employees

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and federal contractors with at least 50 employees are required to submit an EEO-1 Report to the EEOC. The EEO-1 Report provides the EEOC with data about the size, location, and race and gender demographics — and now also wage and hour data — concerning an employer's workforce.

In general, employers required to file an EEO-1 should have received a notification letter and filing instructions from the EEOC prompting them to begin their EEO-1 Report. If you have not received a letter but have more than 100 employees or a federal contract as explained above, you are still required to file. First-time filers will need to register their organization with the EEOC before reporting.

The EEOC has opened its online portal to receive 2018 EEO-1 data starting March 18, 2019 and ending May 31, 2019. For now, the EEO-1 form can be filed similarly to how it has been done in the past, using the online EEO-1 portal to submit Component 1 data (the standard EEO-1 data) by May 31, 2019. The EEOC expects to begin collecting Component 2 data in mid-July 2019 and will notify employers of the date the survey will open as soon as it is available.

Employer Next Steps

- If you are a covered employer, the 2018 EEO-1 Report is due on **May 31, 2019**, based on a workforce snapshot taken between October 1 and December 31, 2018. Filers should continue to use the currently open EEO-1 portal to submit Component 1 data from 2018 by May 31, 2019.
- Employers subject to the EEO-1 filing requirement should prepare to submit Component 2 data (on wages and hours worked) for **calendar year 2017**, in addition to **calendar year 2018**, by **September 30, 2019**.
- The EEOC plans to begin collecting the Component 2 data for calendar years 2017 and 2018 in mid-July 2019 and will notify employers of the precise date the survey will open as soon as it is available.
- If you are interested in outsourcing the preparation and submission of your EEO-1 Report, please [email us](#) to learn more about this service.
- Clients who are currently working with us to complete their EEO-1 filing will be provided with further direction as information becomes available from the EEOC.

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