



# COMPLIANCE BULLETIN

## HIGHLIGHTS

- Employers may now use the EEO-1 Online Filing System to submit their 2018 reports.
- The system does not accept pay or work-hour data, but employers should prepare to include it.
- The EEO-1 filing mandate applies to employers with 100 or more employees and to certain federal contractors.

## IMPORTANT DATES

**March 18, 2019**

2018 EEO-1 officially opened

**April 3, 2019**

Deadline for EEOC guidance on EEO-1 pay and work-hour data collection

**May 31, 2019**

Deadline for employers to submit 2018 EEO-1 Reports to the EEOC

## 2018 EEO-1 Opens Amid Confusion Over Pay and Work-Hour Data Mandate

### OVERVIEW

Employers may now begin using the [EEO-1 Online Filing System](#) to report 2018 employment data to the Equal Employment Opportunity Commission (EEOC), the agency [announced](#) on March 18, 2019.

The official opening followed a federal court [decision](#), issued on March 4, 2019, that reinstated requirements for employers to include data about their employees' pay and hours of work on their EEO-1 Reports. Because the current 2018 EEO-1 does not accommodate this information, however, the court issued [another ruling](#) on March 19, 2019. Under this ruling, the EEOC must [inform](#) employers of its plan for collecting pay and work-hour data on the 2018 EEO-1 **by April 3, 2019**.

### ACTION STEPS

Employers subject to EEO-1 reporting should:

- ✓ Prepare to include information about their employees' pay and work hours on the 2018 EEO-1; and
- ✓ Monitor the EEOC's [website](#) for additional guidance.

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## Background

The EEO-1 Report is a federally mandated survey that collects workforce data, categorized by race, ethnicity, sex and job category, from employers. The EEOC uses this information to enforce federal prohibitions against employment discrimination and discriminatory pay practices.

On Sept. 29, 2016, the EEOC announced that it would begin requiring certain employers to add information about their employees' wages and hours of work to their EEO-1 reports. This was to be reported using a revised EEO-1 form that labels the new requirements as EEO-1 "Component 2" data.

Due to concerns about the burden that the Component 2 requirements would place on employers, the federal Office of Management and Budget (OMB) blocked them in August 2017. As a result, employers did not have to include pay or hours-worked data on their 2017 EEO-1 reports (which were due July 1, 2018).

## 2018 EEO-1

On March 4, 2019, the U.S. District Court for Washington, D.C., issued a decision that [reinstated](#) the EEO-1 Component 2 requirements. Two weeks later, however, the [2018 EEO-1](#) officially opened with no way for employers to enter the Component 2 data.

The court addressed this the next day, March 19, 2019, by ordering the EEOC to announce how it plans to collect the Component 2 data on the 2018 EEOC-1. The order set an **April 3, 2019**, deadline for the EEOC to comply. The EEOC also released a statement on March 19, 2019, indicating that it is "working diligently on next steps in the wake of the court's order" and "will provide further information as soon as possible."

## Employers Subject to EEO-1 Reporting Requirements

With some exceptions, the following entities must file EEO-1 Reports by March 31 every year (however, the deadline for 2018 reports has been extended to **May 31, 2019**):

- ✓ A **private employer** that has **100 or more employees** (with limited exceptions for schools and other organizations);
- ✓ A private employer with between 15 and 99 employees, if it is part of a group of employers that legally constitutes a single enterprise employing 100 or more employees; and
- ✓ A **federal contractor** that has **50 or more employees** and is either a prime contractor or first-tier subcontractor, and has a contract, subcontract or purchase order amounting to **\$50,000 or more**.

Although the EEOC sends notification letters to employers it knows are subject to EEO-1 requirements, all employers are responsible for obtaining and submitting the necessary information by the appropriate deadline. Therefore, all employers should become familiar with EEO-1 requirements in general. Employers that are subject to EEO-1 reporting should begin preparing their 2018 EEO-1 reports and closely monitor the EEO-1 [website](#) for specific guidance on the Component 2 data.

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