

EEOC Proposes Addition Of Pay Data To EEO-1 Reports

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The Equal Employment Opportunity Commission (EEOC) recently announced a proposed revision to the Employer Information Report (EEO-1). Current regulations require employers with 100 or more employees (including federal government prime contractors and first-tier subcontractors with fifty or more employees and a prime contract or first-tier subcontract amounting to \$50,000 or more) to annually file an EEO-1 Report that categorizes employment data by ten job categories and by race/ethnicity and gender (Component 1). If enacted, the proposed revision will require certain employers to collect and submit W-2 pay data and hours worked by employees (Component 2). Under the revision, beginning with the September 2017 EEO-1 filing cycle, employers that are subject to the EEO-1 reporting requirement and have 100 or more employees will submit the EEO-1 with pay and related information (Components 1 and 2). However, federal contractors that are subject to the EEO-1 reporting requirement and have between fifty and ninety-nine employees will continue to submit the same information that is collected by the current EEO-1 Report (Component 1). In other words, these employers will not be required to submit pay and hours-worked data. According to the EEOC, the revision is intended to assist it and the Office of Federal Contract Compliance Programs (OFCCP) in assessing complaints of pay discrimination, in focusing agency investigations, in identifying existing pay disparities that may warrant further examination, and in promoting equal pay in the workplace. The Component 2 pay data would be reported across the ten job categories and by twelve pay bands, but would not require employers to report the specific salary of each individual employee. The proposed revision also

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provides that beginning in 2017, all employers would be required to submit the EEO-1 data electronically.