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SPECIAL BULLETIN

EEOC Proposes Revisions to EEO-1 Requiring Large Employers to Submit Pay Data of Employees

On Friday January 29, 2016, the U.S. Equal Employment Opportunity Commission (EEOC) announced a proposal that would require employers, including federal contractors, with 100 or more employees to submit data regarding the hours and compensation of their workforce on the annual Employer Information Report (EEO-1). Under current practice, federal contractors (with 50-99 employees) and private employers (with at least 100 employees) tally and report their employee numbers on an annual basis by job category, sex, race and ethnicity. There are currently ten job categories and seven race and ethnicity groups for which employee demographic information is reported.

The current proposal would build on the existing reporting structure to add data on the number of workers based upon 12 different pay ranges or "bands." For example, an employer would report that it employs 15 African American women as "Laborers and Helpers" whose total W-2 earning for the last 12 months are in pay band 4 (\$30,680-\$38,999). To account for part-time and partial-year employment, employers are also required to report the total number of hours worked. Using the example above, an employer would report that the total number of hours worked for 15 African American women who are Laborers and Helpers in the fourth pay band is 10,000 hours.

This pay data collection proposal expands on and replaces an earlier plan by the Department of Labor (DOL) to collect similar information from federal contractors only. The collection of new data is purportedly designed to assist the EEOC and the Office of Federal Contract Compliance Programs improve enforcement of pay discrimination laws and support employer's voluntary compliance with those laws.

The proposed changes to the EEO-1 were to be published in the Federal Register on February 1, 2016. Comments may be submitted until April 1, 2016. The proposal is expected to be finalized by September 2016 with compliance expected as of the September 30, 2017 EEO-1 filing deadline. *Please note that if a business is not currently required to file an EEO-1, it would not be required to file the EEO-1 in accordance with the proposed revisions.*

If you have any questions please contact the attorney with whom you usually speak.

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