

SEPTEMBER 30, 2019 IS THE DEADLINE TO FILE NEW WAGE AND HOUR DATA FOR 2017 AND 2018 EEO-1 REPORTING REQUIREMENTS

WHAT IS AN EEO-1 SURVEY?

EEO-1 Reports are compliance reports that the federal government uses to track geographical data by race/ethnicity, gender and job category. Federal law normally requires companies to file these annual reports by March 31st each year or risk suspension or termination of any active contracts companies might have with the federal government.

WHY IS THIS PARTICULAR DEADLINE SIGNIFICANT?

For the first time, companies will be required to submit detailed data on employee compensation and hours worked (or Component-2 data). The Obama Administration instituted this change for the annual reporting period that originally ended March 31, 2017. However, the Trump Administration stayed the rule, agreeing with company advocacy groups that collecting the data presented a new and unnecessary hardship on employers. In a challenge led by the National Women's Law Center, a federal judge overturned the stay, with the U.S. Equal Employment Opportunity Commission (EEOC) agreeing that it could properly collect this wage data from companies by the end of September of this year. So, companies must submit this data for 2017 and 2018 by the new deadline, September 30, 2019.

WHO MUST FILE AN EEO-1 REPORT?

Any company that qualifies as an employer under Title VII of the Civil Rights Act, meaning it can be sued for discrimination, harassment or retaliation because it has at least 15 employees, is required to file an annual EEO-1 Report, provided it meets one of the following criteria:

- The company has at least 100 employees.
- The company has fewer than 100 employees, but is owned by or has a corporate affiliation with another company, and the combined enterprise has more than 100 employees in total.

For this year's deadline, federal contractors with at least 50 employees but fewer than 100 employees do not have to submit the wage data.

HOW DOES MY COMPANY REPORT THE DATA?

The EEOC has created an online portal called the Component 2 EEO-1 Online Filing System that companies must use to submit reports with certain data file specifications. The EEOC's website also includes an explanatory form report for the wage data that is easy to understand, even if collecting the data internally is not.

WILL MY COMPANY'S INFORMATION BE PROTECTED?

Both Title VII and FOIA, the Freedom of Information Act, forbid any public disclosures of information sent to the EEOC prior to a proceeding, like a lawsuit, for which the data might be relevant. The EEOC also hired NORC (the National Opinion Research Center) at the University of Chicago, an objective, non-partisan research institution, whose business it is to conduct research and data analysis across an array of modules. NORC will be handling the data collection and providing the technological infrastructure to thwart security breaches of this information. You can find the most comprehensive information about this new requirement at a newly created website: <https://eeocomp2.norc.org/info>.

Bell Nunnally's labor and employment team is here to help your company with this process and anything else you might need.

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