



GROUP HEALTH PLAN ADVISORY

May 7, 2019

Court Orders EEO-1 Pay Data by September 30

September 30, 2019 is the new deadline for the Equal Employment Opportunity Commission (EEOC) to complete their collection of employer data for the Annual EEO-1 Report. The data is collected from Form W-2, which is sorted by race, ethnicity and gender.

Who Must File an EEO-1 Report?

Federal law requires private employers with 100 or more employees, employers with less than 100 employees but are owned or controlled by a company with more than 100 employees, or companies with 50 or more employees and have a federal contract of more than \$50,000 to file the federal EEO-1 report annually. The report requires the number of individuals employed by job category, sex, race and ethnicity (Component 1 data).

[Link to 2018 EEO-1 Survey](#) - The Employer Information Report EEO-1, is required to be filed with the EEOC Office of Enterprise Data and Analytics' Employer Data Team.

Those employers who previously filed their EEO-1 should have received an E-BLAST from the EEOC announcing the delayed opening of the 2018 survey due to a partial lapse in appropriations. The notice was sent to the EEO-1 company contact on file. Questions can be directed to the Employer Data Team at 1-877-392-4647.

Background Information Regarding the Deadline

The Obama administration changed the EEO-1 reporting form in September 2016 to include categorized Form W-2 income and hours worked pay data (Component 2 data) in an effort to counter pay discrimination.

In September 2017, the Office of Management and Budget (OMB) issued an immediate stay of the revised form in order to review the pay data component. The EEOC instructed employers not to report Component 2 data when filing their report but said Component 1 data was still due by the March 31 deadline. They later extended that reporting deadline to May 31 due to a lapse in appropriations caused by the partial government shutdown. The National Women's Law Center and other advocacy groups filed a lawsuit, claiming the stay harmed their ability to gather information needed to promote equal pay.

The U.S. District Court for the District of Columbia issued a ruling requiring employers to file Component 2 pay data for 2018 and left it up to the EEOC to also require one additional year of pay data from either 2017 or 2019. On Friday, May 3, the EEOC responded to the Court order by announcing that employers covered by the EEO-1 reporting obligation must submit pay data broken down by job category, pay band,

race, ethnicity and sex for both calendar years 2017 and 2018. This Component 2 pay data of the EEO-1, is due on September 30, 2019.

Company Contact Changes

If your EEO-1 contact person has changed, submit a letter on company letterhead signed by an authorized company representative, indicating the new contact's name, title, phone number and email address to the Employer Data Team at e1.techassistance@eeoc.gov. Please remember to include your company number (if known) in your request.

Filing the EEO-1

- The preferred method for filing the EEO-1 Survey is through the online filing application.

Previous Filers

- 2018 filers should have received their company's 2018 Notification Letter by mail no later than Monday, March 18, 2019.

Requirements

- The requirement for providing the Employer Identification Number (EIN) for each establishment location will be more carefully monitored.
- Company establishments with the same address, NAICS Code and EIN must be combined into one establishment record.

EEO-1 Filing FAQs

Questions regarding EEO-1 filing? Please refer to: [FREQUENTLY ASKED QUESTIONS \(FAQs\)](#).

Please contact your Oswald client team representative for further information.

Oswald Companies | Health Care Reform Implementation
Danielle Jarvis, Compliance Team Leader | djarvis@oswaldcompanies.com; 216.649.7384
Luke Clark, Sr. Benefits Consultant | lclark@oswaldcompanies.com; 216.367.8758

Disclaimer: Materials are solely for informational purposes as an educational resource. Please contact counsel to obtain advice with respect to any specific issue.