

EEOC Issues New EEO-1 Form Requiring Employers to Submit Pay Data

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On September 29, 2016, the U.S. Equal Employment Opportunity Commission (EEOC) published a revised EEO-1 form. The new form will require private employers and federal contractors with 100 or more employees to report pay data information for their workforce. According to the EEOC, access to pay data will help the EEOC and the Office of Federal Contract Compliance Programs (OFCCP) to identify pay discrimination and focus their enforcement efforts on employers who are more likely out of compliance with federal laws.

The revised form will require employers to identify employees' total W-2 earnings for a 12 month period, looking back from a pay period between July 1st and September 30th. The revised EEO-1 has 12 pay bands for each job category. Employers must report the number of employees whose total W-2 earnings the prior 12 months fell within the pay band, e.g., 15 African American females in the laborers and helpers category work in the pay band of \$19,400 to \$24,439.

Employers will be required to submit the pay data information on their 2017 EEO-1 form, but the September 30th deadline has been extended to March 31, 2018 to give employers additional time to collect the pay data. Employers should begin assessing their existing HRIS systems to ensure that they have ready access to the information needed to prepare the new report. In addition, it is recommended that employers review the job titles in each of the ten EEO-1 job categories to ensure that employees are appropriately classified and that their job descriptions are accurate. Employers should also consider a preliminary audit of their compensation practices within each EEO-1 category using the salary bands established in the new form to identify and correct any disparities in compensation that cannot be justified by a legitimate, nondiscriminatory reason.

Barley Snyder can assist employers with compliance with the new EEO-1 as well as helping employers review their compensation practices. Please contact a member of the [Employment Law](#) group with any questions.

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