

Annual EEO-1 Filing Deadline Fast Approaching

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PRACTICE AREAS

Employment and Labor

As the weather gets cooler and the leaves begin to change, it is once again time for employers to file the annual Employer Information Report ("EEO-1 Report"). Typically, employers are required to file the EEO-1 Report by September 30 of each year. This year, however, the EEO-1 Joint Reporting Committee has extended the filing deadline an additional 30 days so that the EEO-1 Report is due no later than October 30, 2015. This change may be due in part to certain changes for the 2015 EEO-1 filing process.

By way of background, the EEO-1 Report is a yearly compliance requirement set forth under Title VII of the Civil Rights Act of 1964 ("Title VII"), and involves compiling and reporting demographic information on the employer's workforce, including race/ethnicity and gender information. Once gathered, the information must be sorted on the basis of different job categories outlined in the EEO-1 Report form based on an employee's job duties. The employment data to be reported must be pulled from one of the employer's pay periods in either July, August, or September of the current survey year. The information reported is used by federal agencies such as the U.S. Equal Employment Opportunity Commission ("EEOC") and the Office of Federal Contract Compliance Programs ("OFCCP") to review employment patterns and support their civil rights enforcement efforts.

Not all employers are required to fill out the EEO-1 Report. The mandatory filing requirement applies to employers that:

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- Have 100 or more employees and are subject to Title VII;
- Have fewer than 100 employees, but are owned or corporately affiliated with another company where the entire combined enterprise employs a total of 100 or more employees, in addition to being subject to Title VII; or
- Are federal government contractors or subcontractors subject to Executive Order 11246 that have 50 or more employees and a government contract or subcontract worth \$50,000 or more.

Covered employers can submit their EEO-1 Reports either electronically or as computer print-outs. In addition, employers with multiple establishments are required to submit multiple EEO-1 Report forms covering the consolidated information for the entire company and separate reports covering individual locations. This year, employers must include their federal tax identification number ("EIN") when submitting the EEO-1 Report. In addition, employers may no longer file more than one EEO-1 Report for the same address if the North American Industrial Classification System ("NAICS") code is the same for duplicate reports. If an employer has multiple records with the same address and NAICS code, it must either change the NAICS code to one that better describes the main business activity at each establishment, or consolidate the records into a single EEO-1 Report. Employers needing assistance or with specific questions regarding the EEO-1 Report filing process should contact a member of Koley Jessen's Labor, Employment and Benefits Practice Group.