

# Labor & Employment Advisory

From the Buchanan Ingersoll & Rooney Labor and Employment Group

Buchanan Ingersoll & Rooney PC  
Attorneys & Government Relations Professionals

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## EEO-1 Reports Due By September 30, 2008

Many employers must submit an Employer Information Report EEO-1 by September 30, 2008. The EEO-1 report identifies employees by job category, race/ethnicity and gender. The definitions used in this report were recently changed. In general, two categories of employers must submit the EEO-1 report: (1) private employers with 100 or more employees; and (2) employers with a federal government contract of \$50,000 or more and 50 or more employees. The EEO-1 Report must be submitted to the Joint Reporting Committee of the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP).

Because of the second category identified above, the EEO-1 filing process is as an annual reminder to each employer to evaluate whether the employer is a federal contractor or sub-contractor. If you need more information on this issue, please contact us.

Employers that have submitted EEO-1 reports in previous years should have received instructions from the EEOC on how to prepare and submit the recently revised EEO-1 report. If you believe that your organization is required to submit an EEO-1 report but you have not received instructions, or if you lost or cannot locate your organization's electronic log-in address and/or password, you may contact the EEOC/OFCCP Joint Reporting Committee at 1-866-286-6440 (toll-free telephone), 202-663-7185 (fax), or [el.techassistance@eoc.gov](mailto:el.techassistance@eoc.gov) (email).

### Information Required to be Included in the EEO-1 Report

Covered employers are required to identify the race/ethnicity and gender of each employee. In its instructions for completing the revised EEO-1 report, the EEOC strongly encourages employers to use voluntary self-identification to identify race/ethnicity. If an employee declines self-identification, then employment records and/or observer identification may be used to gather racial and ethnic data.

The recently revised race/ethnicity categories are as follows:

- Hispanic or Latino
- White (Not Hispanic or Latino)
- Black or African American (Not Hispanic or Latino)
- Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)
- Asian (Not Hispanic or Latino)
- American Indian or Alaska Native (Not Hispanic or Latino)
- Two or More Races (Not Hispanic or Latino)

Employers must also categorize each employee by job type. Major EEO-1 job categories (also recently revised) include:

- Executive/Senior-Level Official and Manager
- First/Mid-Level Officials and Managers
- Professionals
- Technicians
- Sales Workers
- Administrative Support Workers
- Craft Workers
- Operatives
- Laborers and Helpers
- Service Workers

EEO-1 job categories are primarily based on the average skill level, knowledge and responsibility involved in each occupation in the job category. A complete listing of job categories, including examples of the occupations within each, can be found in the EEOC's Job Classification Guide, located online at <http://www.eeoc.gov/eo1survey/jobclassguide.html>.

### **EEOC's Preferred Filing Methods**

The EEOC/OFCCP Joint Reporting Committee prefers that EEO-1 data be submitted through the EEO-1 Online Filing System or as an electronically transmitted data file. Paper EEO-1 forms will be provided to employers upon request only if Internet access is not readily available.

Covered employers should take the necessary steps to meet the September 30, 2008, compliance deadline. Please let us know if you need assistance with this reporting obligation.

For more information, email the author(s) at [leadvisory@bipc.com](mailto:leadvisory@bipc.com).

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