

Annual Government Filing - (EEO-1 Forms) Due September 30, 2003

The U.S. Equal Employment Opportunity Commission (EEOC) began mailing EEO-1 forms and instructions to private employers in July 2003, much earlier than in past years. This federal Agency is responsible for collecting workforce demographics by race, gender, and ethnic group from private sector employers with 100 or more employees. **The filing deadline for 2003 EEO-1 forms is September 30, 2003. This is not a voluntary survey, but one required by the Civil Rights Act of 1964.** Companies who receive forms must respond to the survey by using EEOC's web-based filing system, now available or other options, below. Each year there are changes to EEO-1 submission procedures. The following pertains to 2003 filings:

Standard EEO-1 Form: Who must file?

(Note: The Employer Information EEO-1 Survey is conducted annually under the authority of Public Law 88-352 and Title VII of the Civil Rights Act of 1964, as amended.)

A. All private sector employers with 100, or more employees: (1) subject to Title VII of the Civil Rights Act of 1964, or (2) have fewer than 100 employees, are subject to Title VII, if the company is owned or affiliated with another company, or there is centralized ownership, control or management, and the entire enterprise employs a total of 100, or more employees, or:

B. All federal contractors with 50 or more employees that are prime or first-tier subcontractors and have a contract, subcontract, or Purchase Order amounting to \$50,000, or more, or serve as a depository of

Government funds and are not exempt under 41CFR 60-1.5(2). Data for reporting on employee race, ethnic group and gender must be from any Third Quarter pay period (July 1, 2003 to September 30, 2003).

No reports are required for establishments in Puerto Rico, the Virgin Islands or other American Protectorates.

Filing Options:

1. Web-based Filing System:

This is EEOC's preferred filing method, which replaces the interactive diskette used previously. It is widely supported by the Agency. There is no software to download or install, security is enforced over the web using encryp-

tion, which ensures employer privacy, and as much as possible, information is pre-filled from the previous year to speed up data entry. Employers also do not need prior written approval to use the procedure. It requires no particular computer expertise to produce a set of completed EEO-1 reports for single and multi-site employers. If an employer filed previously, a Login ID and Password were sent in June.

Employment data must include ALL full-time and part-time employees who were employed during the selected payroll period. All reports for a company should be sent in one package to the address in the Survey mail out information.

Address questions to the following :

EEO-1 Joint Reporting Committee
P.O. Box 19100, Washington, D.C. 20036-9100
Phone: 1-866-286-6440
Fax: 202-663-7185; TTY: 202-663-7184
Customer Service No:1-866-286-6440 (Toll Free),
Email Customer Svs: e1.techassistance@eeoc.gov

To Request an Extension, submit an email to the above address before September 30, 2003. Include: Company name, number, address, and contact information of the person responsible for the Report.

2. Computer Printout

a. Single Establishment EEO-1 Reporting

EEO-1s submitted in computer printout form is a Special Reporting Procedure (SRP). The company MUST have written approval from EEOC prior to using this format. This format is strictly optional and not required of any company.

Approval Process: A letter requesting permission to use this SRP, with an attached test printout in the specific format must be submitted for review and written verification of acceptability, to the following address:

The EEO-1 Coordinator PRINTSRP
EEO-1 Joint Reporting Committee
PO Box 19100, Washington DC 20036-9100
Telephones: 1-866-286-6440 / 202-663-7184 (TTY)
Fax: 202-663-7185

For single establishment computer printout requirements:

www.eeoc.gov/eeo1survey/compfiling-single.html

2003 EEO-1 Reporting (continued)

b. Multi-Establishment EEO-1 Reporting

Multi-Establishment reporting of EEO-1s using computer printouts is also a Special Reporting Procedure (SRP), which requires the same approval process as above. A letter, with attached test printouts of the Headquarters location, and at least two (2) establishments in the specific format, must be submitted to the above address for review and written verification of acceptability. All questions concerning computer-generated reports should be directed to the above address or telephones.

Find multi-establishment computer printout requirements at: www.eeoc.gov/eeo1survey/compfiling-multi.html.

3. Filing on Magnetic Media (CD/Diskette):

This submission, like Computer Printouts, is an EEO-1 Alternate Reporting Format, where a company *must comply* with all EEOC requirements. Employers using this method must submit a CD or diskette that has been formatted according to specifications. The CD/Diskette must contain data records for the entire company, including the Headquarters Report and Consolidated Report.

Cartridges & computer tapes may not be submitted.

Approval Process: EEOC will evaluate each submission according to its specifications. If the submission does not meet EEOC specifications, a detail report of what the errors are, along with the CD or Diskette will be returned. If the submission does meet specifications, EEOC will notify the company via email that the request to submit data on CD or diskette is approved.

Find detailed specifications on this EEOC website: www.eeoc.gov/eeo1survey/magmedia.html

To obtain approval, ship CDs /Diskettes to:
 EEO-1 Coordinator - CD/Diskette SRP
 EEO-1 Joint Reporting Committee
 PO Box 19100, Washington, DC 20036-9100
 Telephone:1-866-286-6440
 TTY: 202-663-7184; Fax:202-663-7185

4. Filing EEO-1 Forms on Hard Copy or Interactive Diskettes:

If employers have no access to the web, or choose not to use EEOC's online reporting application, contact the EEO-1 Joint Reporting Committee at: 1-866-286-6440 (toll-free), or e1.techassistance@eeoc.gov, to request EEO-1 forms.

2004 EEO-1 Reporting ALERT – New Reporting Requirements

For 2004 reporting, EEOC has proposed new requirements for employers who must file EEO-1 reports. A Federal Register Notice on June 11, 2003, outlined the following changes:

- A. Two new Job Categories are proposed in the Officials & Managers Job Category;
- B. New standards for classifying an employees' Race and Ethnicity have been proposed; and
- C. Revision to the EEO-1 Form to accommodate the above changes.

Below are details comparing EEOC's proposed changes to the current EEO-1 Job Categories:

(Current) EEO-1 Categories	(Proposed) EEO-1 Categories	Status
1. Officials and Managers	1.1 Executive/Senior Level O&M	New
	1.2 Mid-Level O&M	New
	1.3 Lower-Level O&M	New
2. Professionals	2. Professionals	No change
3. Technicians	3. Technicians	No change
4. Sales Workers	4. Sales Workers	No change
5. Office and Clerical	5. Administrative Support Workers	Change Name
6. Craft Workers	6. Service Workers	Change Position
7. Operatives (semi-skilled)	7. Craft Workers	Change Position
8. Laborers (unskilled)	8. Operatives	Change Position
9. Service Workers	9. Laborers and Helpers	Change Position

When approved by the Office of Management and Budget (OMB), employers will need to make the above changes for 2004 EEO-1 reporting.

2004 EEO-1 Reporting (continued)

The following compares EEOC's proposed Race and Ethnicity Codes to those currently used:

2004 Race/Ethnic Codes (proposed)	2003 Race/Ethnic Codes (current)
Hispanic or Latino	Hispanic
White (not Hispanic or Latino)	White (not Hispanic origin)
Black or African American (Not Hispanic or Latino)	Black (not Hispanic origin)
Asian (not Hispanic or Latino)	Asian or Pacific Islander
Native Hawaiian/Other Pacific Islander (not Hispanic)	or Latino)
American Indian / Alaskan Native (not Hispanic or Latino)	American Indian/Alaskan Native
Two or more Races (not Hispanic or Latino)	

Employee Survey May Be Required to Report New Race Code Information

EEOC's guidance on Race and Ethnicity reporting implies that an employer 'know' its entire domestic workforce, regarding an individual's race, ethnicity and gender. While EEOC does not specifically state, it is obvious that employers will need to identify employees using the Agency's new race and ethnic codes for 2004 reporting if approved. In its Notice, however, EEOC does offer the following guidance:

- A. Self-identification is the preferred method of identifying race and ethnic information and employers are strongly urged to use this method.
- B. If self-identification is not feasible, post-employment records or observer information may be used.
- C. Since visual surveys are permitted, the fact that race/ethnic identification is not present on employ-

ment records will not be an excuse for failure to provide the data needed.

- D. The fact that employees are located at remote addresses is also not an acceptable reason for failure to comply with EEO-1 reporting requirements. EEOC states in such cases, visuals can be done by supervisors responsible for the work of an employee or to whom the employee reports.
- E. Conducting a visual survey and keeping post employment records of the race/ethnic identify of employees is legal in all jurisdictions and under all Federal and State laws.
- F. *It is not recommended that an employer inquire directly of an employee regarding his/her race and ethnicity.*

In it's Federal Register Notice dated June 11, 2003, EEOC has provided suggested language in an 'employee questionnaire on race and ethnicity.'

Summary of EEO-1 Requirements

2003 Reporting

Employers who must file EEO-1 forms have four options this year: 1. EEOC's new web-based filing method, (preferred by the Agency); 2. computer printouts, (requires prior EEOC approval); 3. magnetic media, such as CD or diskettes; or 4. filing hard copy EEO-1 forms, after contacting the EEO-1 Joint Reporting Committee. Deadline for filing EEO-1s is September 30, as in the past. Employment data must include all full-time and part-time employees employed during the reporting period (any payroll period between July 1 and September 30). For multi-site employers, all reports should be sent as one package, to the address in the Survey.

2004 Reporting

If changes to EEO-1 reporting, as requested by EEOC, take effect in 2004, employers *may have to comply with new requirements immediately* in these areas: 1. revising EEO-1 Job Categories in their HRIS systems to include two more Categories and reconfigure Job Categories to a new hierarchy; 2. deploy new standards for classifying employees with regard to their race and ethnicity. This may require an employee survey to comply; and 3. for employers using computer printouts generated in-house through HRIS systems, the entire EEO-1 form must change to accommodate new requirements (see above).

Visit our web site to link to EEOC's proposed EEO-1 changes.