

# EEO-1

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# Agenda

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  - Job Categories
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# Critical Legislative Updates:

Federal Agencies have been busy this week!

- FLSA Salary Basis Increased:
  - \$844/week July 1, 2024
  - \$1,128/week January 1, 2025
  - Increase every 3 years
  - Still must meet duties test
- FTC bans noncompete agreements – future and current

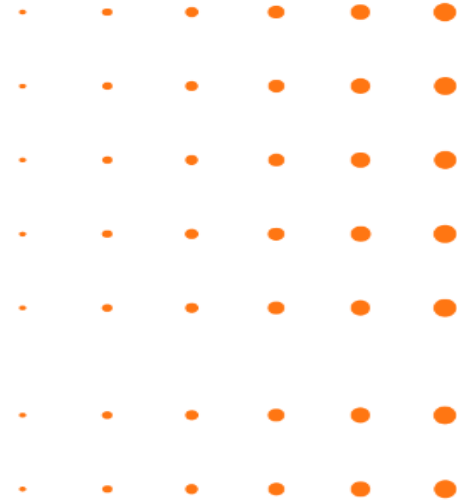


# EEO-1

## Why now?

Filing portal opened April 30 and runs till June 4, 2024.

Don't wait – need time to correct any issues (headcounts/missing information).



# EEO-1: Mandatory Filers

## Who is required to comply?

**Mandatory filing** – for employers with:

- 1.) More than 100 employees; OR
  - Although separate locations/companies is important for other parts of this form; for purposes of 100 employees, look at common ownership/control. Counting across the entire “enterprise.”
- 2.) Federal contractors (first tier or subcontractors) with more than \$50,000 in contracts, subcontracts or purchase orders and more than 50 employees.



## EEO-1 Mandatory Filers

**Example:** If an employer (e.g., a parent corporation) has only 30 employees but owns two separate subsidiaries (i.e., establishments) each with 35 employees, the headquarters of the parent corporation must file EEO-1 Component 1 reports for its two subsidiaries (i.e., establishments) since the parent corporation and its two subsidiaries comprise a single enterprise with 100 employees.

## EEO-1: What Data?

To some extent this is the employer's choice. An employer can select ANY pay period (i.e., workforce snapshot period) in the fourth quarter (i.e., October 1 through December 31) of the reporting year.

**NOTE:** Beginning with 2023 EEO-1 Component 1 data collection, an employer that meets the employee threshold for EEO-1 Component 1 reporting purposes at any time during the fourth quarter (i.e., October 1 through December 31) of the reporting year, may not select a workforce snapshot period where it falls below the threshold in an effort to avoid the filing requirement.

Cannot select a pay period that would be an outlier. For example, if the business had over 100 employees all year but laid off a substantial component the last two weeks of the year, the employer would not pick that pay period. Concern regarding avoiding filing based on the argument that the enterprise dropped below 100 employees or skewing data.

**KEY CONCEPT:** If an employee was employed during the selected workforce snapshot period, then the employer must include the employee in its reporting even if the employee resigned or was terminated during or after the selected workforce snapshot period. If the employee was employed at any time during the selected workforce snapshot period, then the employee must be reported. An employer is not required to report employees who were not employed at any time during the selected workforce snapshot period.

# EEO-1: Multi vs. Single Establishment Employer?

An employer – known as the “enterprise” – must know how many “establishments it has. If more than one (single establishment”), it is a “multi-establishment” filer.

- An establishment is generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office).
- Establishments at different physical locations must be reported as separate establishments even if conducting the same business or performing the same services or industrial operations. In addition, employers should only include establishments located in the 50 United States and the District of Columbia.
- However, foreign-based and/or foreign-owned employers must report for eligible establishments located in the 50 United States and the District of Columbia. If a foreign-based and/or foreign-owned employer has a United States-based headquarters, the U.S. based headquarters is responsible for filing as a multi-establishment filer (i.e., multi-establishment employer) for all the employer’s establishments located in the 50 United States and the District of Columbia. If a foreign-based and/or foreign-owned employer does not have a headquarters based in the 50 United States or the District of Columbia, one of its establishments located in the U.S. may file on behalf of all the employer’s establishments as a multi-establishment filer



## EEO-1: Single Establishment

An employer conducting business or performing services or industrial operations at only one establishment is required to submit and certify one EEO-1 Component 1 report. This report is referred to as a “Single-Establishment Employer Report.” The “Single-Establishment Employer Report” must include demographic data for all the employer’s employees categorized by job category and sex and race or ethnicity

# EEO-1: Multi-Establishment

A multi-establishment employer is required to submit and certify all the following three types of EEO-1 Component 1 reports (i.e., “Consolidated Report,” “Headquarters Report,” “Establishment-Level Report(s)”).

**Headquarters Report:** A multi-establishment employer is required to submit and certify a “Headquarters Report.” The “Headquarters Report” must include demographic data for all the employer’s employees at its headquarters (i.e., main office site), as well as any remote employees who report to the employer’s headquarters, categorized by job category and sex and race or ethnicity.

**Establishment-Level Report:** A multi-establishment employer is required to submit and certify an “Establishment-Level Report” for each non-headquarters establishment of the employer regardless of the number of employees at the establishment. The “Establishment-Level Report” must include demographic data for all the employer’s employees at each establishment, as well as any remote employees who report to the establishment, categorized by job category and sex and race or ethnicity.

Multi-establishment employers are not required to file a separate “type” of establishment report based on the size of an individual non-headquarters establishment (i.e., establishments with 50 or more employees or establishments with fewer than 50 employees). Rather, in place of the former “Type 4” and “Type 8” establishment reports and the former “Type 6” establishment list report, filers must submit an “Establishment-Level Report.” All multi-establishment employers will use an “Establishment-Level Report” to submit establishment-level employee demographic data for each of their non-headquarters establishment(s) regardless of size.

## EEO-1: Multi-Establishment Con't

**Consolidated Report:** A multi-establishment employer is required to submit and certify a “Consolidated Report.” The “Consolidated Report” must include workforce demographic data for all the multi-establishment employer’s employees (i.e., all employees at the employer’s headquarters and all its establishments) categorized by job category and sex and race or ethnicity. In other words, the total number of employees in the “Headquarters Report” plus the total number of employees in all the multi-establishment employer’s “Establishment-Level Report(s)” must equal the total number of employees in the “Consolidated Report.” A “Consolidated Report” is auto-populated and auto-generated with data from a multi-establishment employer’s “Headquarters Report” and “Establishment-Level Report(s)” within the EEOC’s electronic, web based EEO-1 Component 1 Online Filing System (OFS) for all multi-establishment employers.

**NOTE:** Even though auto populated, it is still the employer’s responsibility to ensure all numbers match up between reports AND that each employee is only counted once (e.g. an employee is not on BOTH the headquarters and establishment-level reports).

# EEO-1: Single or Multi Establishment

## KEY CONCEPTS:

- **REMOTE WORKERS:** Employees who work remotely and/or telework must be included in an employer's EEO-1 Component 1 report(s) by the specific establishment to which the employees report. Under no circumstances, should an employee's home address be reported on any EEO-1 Component 1 submission or report.
- **CLIENT SITES:** Workforce demographic data on employees working at client site locations must be included in an employer's EEO-1 Component 1 filing. For the 2023 EEO-1 Component 1 data collection, employers continue to have the option to report employees working at client sites either by (1) using the client site address as the location of the establishment or (2) reporting those employees at an establishment of the employer (i.e., non-client site). This is slated to change for 2025.

# EEO-1: Job Categories/Classifications

There are ten job categories BUT each category has multiple subcategories/classifications.

- Executive/Senior Level Officials and Managers; First/Mid-Level Officials and Managers; Professionals; Technicians; Sales Workers; Administrative Support Workers; Craft Workers; Operatives; Laborers and Helpers; and Service Workers
- Caution on Executive/Senior Level employees.

This gives employers a total of 32 pages of potential job classifications.

[2023 EEO-1 Component 1 Job Classification Guide \(eeocdata.org\)](https://www.eeocdata.org/2023-EEO-1-Component-1-Job-Classification-Guide)



# EEO-1: Reporting by Race or Ethnicity

Voluntary self-identification by employees is the preferred method of identifying the race and/or ethnicity information required for the EEO-1 Component 1 report.

The basic principles for race and ethnicity self-identification for purposes of the EEO-1 Component 1 report are: (1) Offer employees the opportunity to self-identify. (2) Provide a statement about the voluntary nature of this inquiry for employees.

For example, language such as the following may be used (employers may adapt this language): “The employer is subject to certain governmental recordkeeping and reporting requirements for the administration of civil rights laws and regulations. In order to comply with these laws, the employer invites employees to voluntarily self-identify their race or ethnicity. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information obtained will be kept confidential and may only be used in accordance with the provisions of applicable laws, executive orders, and regulations, including those that require the information to be summarized and reported to the federal government for civil rights enforcement. When reported, data will not identify any specific individual.”



# EEO-1: Reporting by Race or Ethnicity Con't

If an employee declines to self-identify their race and/or ethnicity, employment records or observer identification may be used.

Where records are maintained, they should be kept separately from the employee's basic personnel file or other records available to those responsible for personnel decisions.

# EEO-1: Definitions of Race and Ethnicity

**Hispanic or Latino** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

**White** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

**Black or African American** A person having origins in any of the black racial groups of Africa.

**Native Hawaiian or Other Pacific Islander** A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**Asian** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**American Indian or Alaska Native** A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

**Two or More Races** All persons who identify with more than one of the above five races (White, Black or African American, Native Hawaiian or Other Pacific Islander, Asian, American Indian or Alaska Native). **For the purposes of this group, identifying as Hispanic or Latino and only one of the listed 5 race groups does NOT qualify.**



## EEO-1: Reporting by Sex

“REPORTING BY SEX,” the EEO-1 Component 1 data collection currently provides only binary options (i.e., male or female) for reporting employee counts by sex, job category, and race or ethnicity.

However, employers may voluntarily choose to report employee demographic data for non-binary employees – that is, employees who do not identify as exclusively male or female – by sex (i.e., non-binary), job category and race or ethnicity in the “comments” section of the report(s). Employers that voluntarily choose to report non-binary employees in the “comments” section of the report(s) should not assign such employees to the male or female categories or any other categories (i.e., job category and race or ethnicity) within the report(s).

**NOTE:** Comments section can be used for any issue that needs explained.

# EEO-1: Certification



Once an employer's reports have been completed, **the name and contact information for the employer's "Certifying Official" and the employer's "Primary Point of Contact (POC) for EEO-1 Component 1 Reporting" (i.e., "Primary POC")** for receiving communications from the EEOC regarding the report must be provided in the OFS. The "Certifying Official" will certify to the below statement within the OFS. "I certify that the information, including any workforce demographic data, provided in this report is correct and true to the best of my knowledge and was prepared in conformity with the directions set forth in the form and accompanying instructions." Below this statement, the EEOC provides written notice to the "Certifying Official" that "[k]nowingly and willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001."

# EEO-1: Failure to File

The deadline to file the 2023 EEO-1 Component 1 report is 11:00 pm ET (i.e., Eastern Time) on Tuesday, June 4, 2024 (i.e., “Published Due Date”).

Following the Tuesday, June 4, 2024 “Published Due Date” deadline, the EEOC will enter the “Failure to File” phase. All employers who have not submitted and certified their mandatory 2023 EEO-1 Component 1 report(s) by the Tuesday, June 4, 2024 “Published Due Date” deadline will receive a “Notice of Failure to File” from the EEOC instructing them to submit and certify their data as soon as possible, and no later than 11:00 pm ET (i.e., Eastern Time) on Tuesday, July 9, 2024 (i.e., “Failure to File” deadline). After the Tuesday, July 9, 2024 “Failure to File” deadline passes, no additional 2023 EEO-1 Component 1 report(s) will be accepted, and eligible employers will be out of compliance with their mandatory 2023 EEO-1 Component 1 filing obligations. Pursuant to EEOC regulation 29 CFR 1602.9, any employer “failing or refusing” to file when required to do so, may be compelled to file by order of a U.S. District Court, upon application by the Commission.

# EEO-1: Failure to File Con't

No penalties/teeth for private employers.

- Don't ignore
- Can be part of a document request for a discrimination case (especially disparate treatment – May seminar!)

Federal contractors can face loss of contracts/status.

# CTR Client Solution

We make it simple for you! If your data is accurate, you can generate a report ready to upload to the EEOC filing site!

→ Our guide will take you through all the steps to identify any missing data, setting up establishments, and running your report!

# CTR Clients & isolved Reporting options

How do I prepare?

- Are you using Onboarding? Employee Self-Service?

**Gender Identification** (select only one):

- Female
- Male
- Non-binary
- I do not wish to disclose

**Race/Ethnic Identification** (select only one):  
*[Click here for definitions of Race/Ethnicity](#)*

- Hispanic or Latino
- White (Not Hispanic or Latino)
- Black or African American (Not Hispanic or Latino)
- Native Hawaiian or Pacific Islander (Not Hispanic or Latino)
- Asian (Not Hispanic or Latino)
- Native American or Alaska Native (Not Hispanic or Latino)
- Two or More Races (Not Hispanic or Latino)
- I do not wish to disclose

You can also do policy acknowledgements with Employee Messages

Data-Ensure Your Data is Correct!

## Quick Data Check!

- Jobs
- Ethnicity/Gender
- Establishment Data

# Data-Ensure Your Data is Correct!

## Establishments

isolved University

+ Add New   ▾ Expand All Groups   ▲ Collapse All Groups   ↻ Clear Grouping/Filters

Drag a column header here to group by that column



🔒 🔍 Search...

| Name ↑ ▾           | ID ▾   | Headquarters ▾ | Federal Contractor ▾ | NAICS ▾                     | Work Locations  | Actions |
|--------------------|--------|----------------|----------------------|-----------------------------|---|---------|
| CA                 |        | ✓              |                      | 928110 - National Security* | BEVERLY HILLS, CA   | ✎ ✕     |
| Establishment Four | 444444 |                | ✓                    | 111333 - Strawberry Farming | COLUMBUS, GA, FAIRFIELD, OH, FLINT, MI, HARPURSVILLE, NY, Johnson Cl... | ✎ ✕     |






# Data-Ensure Your Data is Correct!

## Jobs

 Save  Go Back to List

### Job

\* Job Code:   
Job Title:   
Job Group:     
Job Level:  

Active

### Job Options

- Manages Others
- Supervises Others
- Seasonal Employee
- Tipped Employee
- Union Employee

### Regulatory Options

EEO Category:   

# Data-Ensure Your Data is Correct!

## Federal Reporting Data

Disability **EEO** Veterans

 Save  Cancel

### EEO Information

Self-identification is the preferred method of identifying the race, ethnic, and gender information necessary for the EEO-1 report. Employers are required to attempt to allow employees to use self-identification to complete the EEO-1 report. If an employee declines to self-identify his or her race, ethnicity, or gender, employment records or observer identification may be used.

Ethnic Origin:  ▼

Gender: **Male**

# CTR & isolved Reporting options

## Client Reports

Report Category:  ▼

Search:  Filter

| Output Name                      | Report Type |
|----------------------------------|-------------|
| EE01 Component 2 Pay Data Export | As Of Date  |
| EE01 Component 2 Pay Data Report | As Of Date  |
| EE01 Export                      | Date Range  |
| EE01 Report                      | As Of Date  |
| EE01 With SOC Export             | As Of Date  |

[Generate Report](#) [Go To My Reports Queue](#)

Once your report request has been submitted you can do any of the following: Run another report, retrieve reports, or exit this screen to perform other tasks. The report will be available in My Reports.

### EE01 Export

Standard: This report generates a Data File 1 (csv) which can be used by single or multi-establishment employers to submit EEO data via the EEO-1 Component 1 Online Filing System.

**Filtering**

From Date:  📅

To Date:  📅

This report is available to run at the client level. If the Legal Company is left blank the report will be run for ALL Companies.

Legal Company:

**Options**

Headquarters:

Company ID:  ℹ️

# Reporting

## Identifying Missing Data

To identify missing data, run the EEO-1 PDF Report (not export). If someone exists on the report and their record includes at least one EEO component (Gender, Ethnicity or Job Category) but not all three, then they will appear under the EEO-1 Exceptions portion of the report. If someone is missing all EEO components, then they will not appear on the report at all.

### EEO-1 Exceptions

The following employees are missing data that is required in order to produce the EEO-1 Headcount report.

| Employee #               | Employee Name    | Gender                       | Ethnic Origin       | EEO Category         |
|--------------------------|------------------|------------------------------|---------------------|----------------------|
| 31                       | Brees, Drew      | Male                         | Missing             | Professionals        |
| 34                       | Cousins, Kirk    | Male                         | Chose not to answer | Professionals        |
| 57                       | Mahomes, Patrick | Male                         | Chose not to answer | Professionals        |
| 49                       | Tester, Benefits | Female                       | Chose not to answer | Laborers and Helpers |
| <b>Employee Count: 4</b> |                  | <b>Missing Data Count: 0</b> | <b>1</b>            | <b>0</b>             |

# Reporting

- If you are manually entering the data into the Portal:
  1. EEO-1 Report (PDF)
    - Make Corrections
    - Rerun
  2. EEO-1 Report (Excel)
- If you are importing the EEO-1 .CSV file into the Portal:
  1. EEO-1 Report (PDF)
    - Make Corrections
    - Rerun
  2. EEO-1 Export (Excel)
    - Make modifications

# Reporting

**Client Reports**

Report Category:

Search:

| Output Name                      | Report Type |
|----------------------------------|-------------|
| EE01 Component 2 Pay Data Export | As Of Date  |
| EE01 Component 2 Pay Data Report | As Of Date  |
| EE01 Export                      | Date Range  |
| EE01 Report                      | As Of Date  |

**Generate Report**

Once your report request has been submitted you can do any of the following: Run and Reports Queue to retrieve reports, or exit this screen to perform other tasks. The report Reports Queue for 72 hours.

**EE01 Export**

Standard: This report generates a Data File 1 (csv) which can be used by single or multi-establishment employers to submit EEO data via the EEO-1 Component 1 Online Filing System.

**Filtering**

From Date:

To Date:

Legal Company:

**Options**

Headquarters:

Company ID:

Contact:

**IMPORTANT!** When running the report, you must choose a valid Period End Date from a Payroll Run for the "As of Date". Otherwise, the report will not return any data.



# Contact

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Thank You