

EEOC Revises EEO-1 Reporting Form

The Equal Employment Opportunity Commission (EEOC) has significantly revised its EEO-1 Reports for 2007. The revisions represent the first major change to the EEO-1 Report in 40 years.

The EEO-1 Report is a form that many employers are required to complete and file with the government each year. A completed EEO-1 Report reflects the submitting organization's workplace demographics — specifically including job categories divided by ethnicity, race, and gender. The EEOC uses EEO-1 Reports to support civil rights enforcement and to analyze employment patterns, such as the representation of female and minority workers within companies, industries, and regions.

Which Organizations Must Complete the EEO-1 Report?

EEO-1 reporting requirements apply to private sector employers with 100 or more employees and private sector employers with federal government contracts of \$50,000 or more and with 50 or more employees.

Recent Changes

Currently there are five race and ethnic categories on the EEO-1 Report. In 2007, these categories will be expanded to seven. More specifically, the "Asian and Pacific Islander" category will be divided into two new categories: "Asian, not Hispanic or Latino" and "Native Hawaiian or other Pacific Islander, not Hispanic or Latino." The revisions also add a "Two or More Races, not Hispanic or Latino" race category and rename two existing categories: "Black" as "Black or African American" and "Hispanic" as "Hispanic or Latino."

The revisions also modify some job categories. The current category of "Officials and Managers" will be divided into two levels based on responsibility and influence within the organization. Individuals who plan, direct and formulate company policy, set strategy, and provide overall direction will be classified as "Executive/Senior Level Officials and Managers." Individuals who oversee day-to-day operations or direct implementation or operations within specific parameters set by Executive/Senior Level Officials and Managers will be classified as "First/Mid-Level Official and Managers." Nonmanagerial business and financial occupations are also moved from the "Officials and Managers" category to the "Professionals" category. According to the EEOC, these changes were made to improve data for analyzing mobility trends of women and

minorities within the two new "Officials and Managers" categories.

Employers should also be aware that the revisions change the process by which employers may obtain ethnic and racial employee information for EEO-1 reporting purposes. In the past, the EEOC permitted employers to determine an employee's race or ethnicity by visual observation. The revisions strongly encourage employers to ask their employees to self-identify their race or ethnicity and to rely on visual identification of an employee's race or ethnicity only when an employee refuses to self-identify. In gathering this information, employees must be notified that the self-identification is voluntary; employers may not force employees to declare their ethnic and racial classification.

The final major revision affects employers in Hawaii. In the past, Hawaiian employers only were required to report their employees' gender on the EEO-1 form. The revisions require these employers to submit the same race and ethnic data as employers in other states.

Deadline Approaching

EEO-1 Reports must be filed by September 30 of each year, and may be filed electronically through the EEOC's Web site: www.eeoc.gov. The new revisions go into effect with the September 2007 filing; there are no changes to the 2006 reporting. Therefore, employers should wait until after the submission of their 2006 EEO-

1 Report to make changes based on the revisions.

Key Steps for Employers

In preparation of their 2007 EEO-1 filing, employers should become familiar with the EEOC's Instruction Booklet for the EEO-1 Survey Report beginning in 2007, which contains definitions of the racial and ethnic classifications, as well as detailed descriptions of the job categories used in the EEO-1 survey. The EEO-1 instruction booklet is available online at <http://www.eeoc.gov/eo1/index.html>.

Employers should also solicit self-identification of race and ethnic information from each current employee, ensure that the information is correctly categorized, as well as update their applicant tracking systems and employee recordkeeping methods to include the new and revised EEO-1 categories.

Sample Language

When requesting worker self-identification, employers should include a compliant statement explaining the voluntary nature of the inquiry. Employers can use the EEOC's recommended language on its self-identification forms, stating:

"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 and ethnicity. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information will be kept confidential and will only be used in accordance with the provisions of applicable law, 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 a specific individual."

Employers should ensure that they maintain the confidentiality of this information and that its access is limited to members of HR who are not involved in employment decisions.

The EEOC's Web site contains useful information regarding EEO-1 reporting requirements: <http://www.eeoc.gov/eo1survey/index.html>. Willis HR Partner can also assist employers with HR compliance questions, including those involving EEO-1 filing.

U.S. Benefit Office Locations

Anchorage, AK (907) 562-2266	Atlanta, GA (404) 224-5000	Austin, TX (800) 861-9851	Baltimore, MD (410) 527-1200
Birmingham, AL (205) 871-3871	Boise, ID (208) 340-0645	Boston, MA (617) 437-6900	Cary, NC (919) 459-3000
Charlotte, NC (704) 376-9161	Chicago, IL (312) 621-4700	Cincinnati, OH (513) 762-7661	Cleveland, OH (216) 861-9100
Columbus, OH (614) 766-8900	Dallas, TX (972) 385-9800	Denver, CO (303) 218-4020	Detroit, MI (248) 735-7580
Eugene, OR (541) 687-2222	Farmington, CT (860) 284-6137	Florham Park, NJ (973) 410-1022	Ft. Worth, TX (817) 335-2115
Grand Rapids, MI (616) 954-7829	Greenville, SC (864) 232-9999	Houston, TX (713) 625-1023	Jacksonville, FL (904) 355-4600
Knoxville, TN (865) 588-8101	Las Vegas, NV (702) 562-4335	Long Island, NY (516) 941-0260	Los Angeles, CA (213) 607-6300
Louisville, KY (502) 499-1891	Memphis, TN (901) 248-3100	Miami, FL (305) 373-8460	Milwaukee, WI (414) 271-9800
Minneapolis, MN (763) 302-7100	Mobile, AL (251) 433-0441	Mountain View, CA (650) 944-7000	Naples, FL (239) 514-2542
Nashville, TN (615) 872-3700	New Orleans, LA (504) 581-6151	New York, NY (212) 344-8888	Omaha, NE (402) 778-4851
Orlando, FL (407) 805-3005	Philadelphia, PA (610) 964-8700	Phoenix, AZ (602) 787-6000	Pittsburgh, PA (412) 586-1400
Portland, OR (503) 224-4155	Roswell, NM (505) 317-3397	St. Louis, MO (314) 721-8400	San Diego, CA (858) 678-2000
San Francisco, CA (415) 981-0600	San Juan, PR (787) 725-5880	Seattle, WA (206) 386-7400	Spokane, WA (206) 386-7400
Tampa, FL (813) 281-2095	Washington, DC (301) 530-5050	Wilmington, DE (302) 477-9640	

Willis Employee Benefits Alert is produced by Willis' Legal & Research Group. The information contained in this publication is not intended to represent legal advice and has been prepared solely for educational purposes. You may wish to consult your attorney regarding issues raised in this publication. Willis publications appear on the Internet at: www.willis.com © Copyright 2006