



# Revisions to the EEO-1 to Collect Summary Pay Data

**EEOC Office of Research, Information and Planning  
Program Research and Surveys Division**

**EEOC Office of Legal Counsel**

Subject-related questions to: [EEO1.SuggestionBox@eoc.gov](mailto:EEO1.SuggestionBox@eoc.gov)

Technical assistance from the AT&T Help Desk at 888-796-6118 or the  
ATTCES Operator via the webinar software

# Introduction

- **Background**

- The EEOC and the OFCCP enforce the federal prohibitions on employment discrimination including Title VII of the Civil Rights Act, the Equal Pay Act, and Executive Order 11246. These laws cover pay discrimination.
- For 50 years, the EEOC and the OFCCP have collected workforce data about the number of employees by job category, sex, and ethnicity or race, using the EEO-1 report. But they have not collected data about pay.

- **Reasons for Adding Pay Data**

- There have been persistent pay gaps, especially for women and people of color. This is one of several factors that has put pressure on American households working to support their families.
- Recent studies document that discrimination plays a role, even after accounting for factors like education, experience, or region.
- Employers and the government will be more effective in avoiding or reducing pay discrimination with more data.

# Timeline for Adding Pay Data

- **The 2016 EEO-1 report was due on September 30, 2016.** It collected data about employees' job categories, sex, race, and ethnicity.
- **There will be no EEO-1 report due on September 30, 2017.**
- **The next EEO-1 report will be due on March 31, 2018.**
- If your company has filed its 2016 EEO-1, it does not need to file an EEO-1 again until **March 31, 2018**. This would be the 2017 EEO-1.
- Your company will have **18 months** between the due dates for the 2016 and 2017 EEO-1 reports.

# Who Will File: Private Employers

- Private companies (without federal contracts or subcontracts) that have **100 or more employees on the payroll** during the selected payroll period will file the EEO-1 with pay data.
- Private companies with **fewer than 100 employees on the payroll** will not file the EEO-1 at all.

# Federal Contractors and Subcontractors

- Federal contractors and subcontractors covered by E.O. 11246 (see [DOL/OFCCP](#)) **file an EEO-1** depending on the number of employees on the payroll during the selected payroll period.
- All federal contractors and subcontractors with **100 or more employees on the payroll** will file the revised EEO-1 with pay data.
- All federal contractors and subcontractors with **50-99 employees on the payroll** will file only demographic data on the EEO-1.
- All federal contractors and subcontractors with **49 or fewer employees** will not file the EEO-1 at all.

# Changes: Add Summary Pay Data

- **No individual pay information will be reported.** Each job category will have 12 pay bands. Count and report the number of employees in each pay band for the job category.
- **Measure of pay:** W-2, Box 1 pay for the entire year. Why?
  - W-2, Box 1 includes wages, tips, and other compensation that provides a comprehensive measure of employee pay.

# Changes: Add Hours Worked

- **Why?** Will help explain partial-year or part-time employment.
- **What?** The measure for EEO-1 hours worked is the Fair Labor Standards Act (FLSA) hours worked.
- For **FLSA non-exempt employees**, use the number of hours worked under the FLSA that year.
- For **FLSA exempt employees**, employers have a choice to either report:
  - 40 hours/week for full-time and 20 hours/week for part time multiplied by the number of weeks worked that year; OR
  - The actual hours worked, if they choose to report them.**Employers are not required to start keeping records for exempt employees.**

# Changes: Deadline and Payroll Period

- **New filing deadline: every March 31** starting March 31, 2018
- **Workforce snapshot period: New range of dates, familiar practice**
  - Employers choose one pay period, also referred to as the workforce snapshot period, to count employees by job category, sex, race or ethnicity for the EEO-1.
  - Previously, pay period was between July 1 and September 30.
  - Now, pay period is between October 1 and December 31.
- **Workforce snapshot period: Significance for pay data**
  - Report pay and hours worked for the ENTIRE YEAR (W-2, box 1, and FLSA hours worked) for employees who are on the pay roll during the chosen pay period.
  - DO NOT report pay and hours worked ONLY for this pay period.

# No Changes: Job Categories and Demographic Data

- The ten EEO-1 job categories have not changed:
  - 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; Service Workers.
- The race and ethnicity groups have not changed:
  - Hispanic or Latino; or
  - Not Hispanic or Latino: White; Black or African American; Native Hawaiian or Other Pacific Islander; Asian; American Indian or Alaska Native; Two or More Races.

# Filing EEO-1 Reports

- **Online filing**
  - Use unique company information/ “credentials”
  - Log in to the EEO-1 portal
- **Two methods of online filing**
  - Method 1: Enter data into confidential customized report
  - Method 2: Transfer data file (“data upload”) to a secure site
- Paper EEO-1 reports accepted **only** with special approval.

# Filing EEO-1 Reports (cont'd)

## The following slides will:

- Show how the new EEO-1 organizes the summary pay data;
- Demonstrate how employers will enter this data on the confidential EEO-1 matrix (Method 1); and
- Describe how employers will use the data upload process to submit EEO-1 files (Method 2).

# Entering Data in Pay Bands

There are 12 pay bands:

1. \$19,239 and under
2. \$19,240 - \$ 24,439
3. \$24,440 - \$ 30,679
4. \$30,680 - \$ 38,999
5. \$39,000 - \$ 49,919
6. \$49,920 - \$ 62,919
7. \$62,920 - \$ 80,079
8. \$80,080 - \$101,919
9. \$101,920 - \$128,959
10. \$128,960 - \$163,799
11. \$163,800 - \$207,999
12. \$208,000 and over

| Job Categories                                       | Annual Salary in Thousands | Number of Employees (Report employees in only one category) |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   | Total Col A-N |
|--|----------------------------|---|--------|------------------------|---------------------------|-------------------------------------|-------|----------------------------------|-------------------|--------|---------------------------|-------------------------------------|-------|----------------------------------|-------------------|---------------|
|  |                            | Race/Ethnicity  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  |                            | Hispanic or Latino  |        | Non/Hispanic or Latino |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  |                            |   |        | Male                   |                           |                                     |       |                                  |                   | Female |                           |                                     |       |                                  |                   |               |
|  |                            | Male  | Female | White                  | Black or African American | Native Hawaiian or Pacific Islander | Asian | Native American or Alaska Native | Two or More races | White  | Black or African American | Native Hawaiian or Pacific Islander | Asian | Native American or Alaska Native | Two or More races |               |
|  |                            | A   | B      | C                      | D                         | E                                   | F     | G                                | H                 | I      | J                         | K                                   | L     | M                                | N                 |               |
| Executive/Senior Level Officials and Managers<br>1.1 | 1. \$19,239 and under      |   |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  | 2. \$19,240 - \$24,439     |   |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  | 3. \$24,440 - \$30,679     |   |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  | 4. \$30,680 - \$38,999     |   |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  | 5. \$39,000 - \$49,919     |   |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  | 6. \$49,920 - \$62,919     |   |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  | 7. \$62,920 - \$80,079     |   |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  | 8. \$80,080 - \$101,919    |   |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  | 9. \$101,920 - \$128,959   |   |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  | 10. \$128,960 - \$163,799  |   |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  | 11. \$163,800 - \$207,999  | 24  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|  | 12. \$208,000 and over     |   |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |

Enter the appropriate figures on all lines and in all columns. Blank spaces will be considered as zeros.

| Job Categories                                       | Annual Salary in Thousands | Number of Employees (Report employees in only one category) |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   | Total Col A-N |
|--|----------------------------|---|--------|------------------------|---------------------------|-------------------------------------|-------|----------------------------------|-------------------|-------|---------------------------|-------------------------------------|-------|----------------------------------|-------------------|---------------|
|  |                            | Race/Ethnicity  |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  |                            | Hispanic or Latino  |        | Non/Hispanic or Latino |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  |                            | Male  |        |                        |                           |                                     |       | Female                           |                   |       |                           |                                     |       |                                  |                   |               |
|  |                            | Male  | Female | White                  | Black or African American | Native Hawaiian or Pacific Islander | Asian | Native American or Alaska Native | Two or More races | White | Black or African American | Native Hawaiian or Pacific Islander | Asian | Native American or Alaska Native | Two or More races |               |
| A  | B                          | C   | D      | E                      | F                         | G                                   | H     | I                                | J                 | K     | L                         | M                                   | N     | O                                |                   |               |
| Executive/Senior Level Officials and Managers<br>1.1 | 1. \$19,239 and under      |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 2. \$19,240 - \$24,439     |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 3. \$24,440 - \$30,679     |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 4. \$30,680 - \$38,999     |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 5. \$39,000 - \$49,919     |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 6. \$49,920 - \$62,919     |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 7. \$62,920 - \$80,079     |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 8. \$80,080 - \$101,919    |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 9. \$101,920 - \$128,959   |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 10. \$128,960 - \$163,799  |   |        | 5                      |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 11. \$163,800 - \$207,999  | 24  |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 12. \$208,000 and over     |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 13. \$19,239 and under     |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 14. \$19,240 - \$24,439    |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 15. \$24,440 - \$30,679    |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 16. \$30,680 - \$38,999    |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |
|  | 17. \$39,000 - \$49,919    |   |        |                        |                           |                                     |       |                                  |                   |       |                           |                                     |       |                                  |                   |               |

# Entering Hours-Worked Data

- Employers report total hours worked during the year for those employees identified during the workforce snapshot period.
- Each cell on the hours-worked matrix corresponds to a cell on the summary pay data matrix.
- For example, if there are 20 people counted in a cell within a pay band, report the total number of hours worked by those 20 people in the equivalent cell on the hours-worked matrix.

# Entering Hours-Worked (cont'd)

## Example:

- Employer reports 4 Black/African American men in pay band 11 (\$163,800 - \$207,999) in the Executive/Senior Level Officials and Managers job category.
- Employer calculates the number of hours these 4 employees worked in 2017:
  - Employee 1: 2080 hours
  - Employee 2: 2500 hours
  - Employee 3: 1660 hours
  - Employee 4: 1040 hours
  - TOTAL hours worked in 2017 for all 4 employees: 7,280 hours

Employment at this establishment - Report all permanent full- and part-time employees including apprentices and on-the-job trainees unless specifically excluded as set forth in the instructions. Enter the appropriate figures on all lines and in all columns. Blank spaces will be considered as zeros.

| Job Categories                                    | Annual Salary in Thousands | For each cell provide the <u>TOTAL Number of Hours</u> worked in last year |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   | Total Col A-N |
|---|----------------------------|--|--------|------------------------|---------------------------|-------------------------------------|-------|----------------------------------|-------------------|--------|---------------------------|-------------------------------------|-------|----------------------------------|-------------------|---------------|
|   |                            | Race/Ethnicity   |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   |                            | Hispanic or Latino   |        | Non-Hispanic or Latino |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   |                            |  |        | Male                   |                           |                                     |       |                                  |                   | Female |                           |                                     |       |                                  |                   |               |
|   |                            | Male   | Female | White                  | Black or African American | Native Hawaiian or Pacific Islander | Asian | Native American or Alaska Native | Two or More races | White  | Black or African American | Native Hawaiian or Pacific Islander | Asian | Native American or Alaska Native | Two or More races |               |
| A   | B                          | C  | D      | E                      | F                         | G                                   | H     | I                                | J                 | K      | L                         | M                                   | N     | O                                |                   |               |
| Executive/Senior Level Officials and Managers 1.1 | 1. \$19,239 and under      |  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   | 2. \$19,240 - \$24,439     |  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   | 3. \$24,440 - \$30,679     |  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   | 4. \$30,680 - \$38,999     |  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   | 5. \$39,000 - \$49,919     |  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   | 6. \$49,920 - \$62,919     |  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   | 7. \$62,920 - \$80,079     |  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   | 8. \$80,080 - \$101,919    |  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   | 9. \$101,920 - \$128,959   |  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   | 10. \$128,960 - \$163,799  |  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   | 11. \$163,800 - \$207,999  |  |        |                        | 7280                      |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |
|   | 12. \$208,000 and over     |  |        |                        |                           |                                     |       |                                  |                   |        |                           |                                     |       |                                  |                   |               |

# Data Upload

- Employers are encouraged to upload their data to make reporting less burdensome.
  - Data file specifications are posted on [2017 EEO-1 Survey](#) (See *Resources* slide, below).
- Improvements in 2016 make data upload easier.
  - Companies can test and upload data files.
  - Data to be entered on a secure EEOC website.
  - Data files can be in a text or csv (EXCEL) format.
  - Files are directly uploaded to a production database.
  - There is immediate notification of acceptance.

# Confidentiality and Privacy of EEO-1 Data

- The EEOC has strict procedures to protect confidentiality of all EEO-1 data, including pay data.
- The EEOC collects EEO-1 data under Title VII of the Civil Rights Act, as amended (Title VII).
  - Title VII prohibits any EEOC officer or employee from disclosing data collected on EEO-1 report, unless data is subject to litigation. Criminal sanctions for violation.
- The EEOC publishes only reports of aggregated EEO-1 data that do not disclose individual employer or employee's information.

# Data Security

- The EEOC annually trains and tests its staff in data protection and security.
- The EEOC's computer security practices include:
  - maintaining robust cyber security and privacy program in compliance with Federal Information Security Modernization Act of 2014; and
  - ongoing security monitoring, both inside and outside the EEOC network.

# How Will the EEOC Use the Summary Pay Data?

- Provide large-scale aggregated data for employers to use for comparison with their own data
- Issue analytic reports that analyze large-scale aggregated data
- Assess complaints of discrimination and more effectively focus investigations very early in the EEOC charge process

# Resources

Resources available on [2017 EEO-1 Survey](#) webpage:

- Small Business Fact Sheet: The Revised EEO-1 and Summary Pay Data
- Questions and Answers: The Revised EEO-1 and Summary Pay Data
- EEOC's Final Notice of Proposed Changes to the EEO-1 to Collect Summary Pay Data (published in Federal Register)
- Sample 2017 EEO-1 form
- Data File Specifications
- Ongoing publication of new Qs and As from the public.
- Captioned recording of the webinar within one week.

# Resources (cont'd)

## EEOC Point of Contact for New EEO-1

- [EEO1.SuggestionBox@eeoc.gov](mailto:EEO1.SuggestionBox@eeoc.gov)
- Ron Edwards, EEOC Office of Research, Information and Planning, Program Research and Survey Division
  - [ronald.edwards@eeoc.gov](mailto:ronald.edwards@eeoc.gov)
  - (202) 663-4949

# Questions?

During the live webinar, we are accepting questions by telephone, in addition to email.

[EE01.SuggestionBox@eeoc.gov](mailto:EE01.SuggestionBox@eeoc.gov)