



# 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**

Submit questions to: [EEO1.SuggestionBox@eoc.gov](mailto:EEO1.SuggestionBox@eoc.gov)

# 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.
- 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.
- Federal employment discrimination law also covers pay discrimination but, until now, the EEOC and the OFCCP lacked employer- and establishment-specific data for early assessment of allegations involving pay discrimination.
- Studies show that discrimination plays a role in pay gaps for women and for people of color, both women and men.

# Changes to the 2017 EEO-1

- **Summary Pay Data**
  - Aggregate pay data, which protects privacy
  - Cumulative hours worked by these employees
- **Employers that report summary pay data on the EEO-1**
  - Private employers including federal contractors and subcontractors **with 100 or more employees** report summary pay data.
- **Contractors and subcontractors that do not report summary pay data but still file an EEO-1**
  - Contractors and subcontractors with 50-99 employees do not report summary pay data.
  - But they report the number of employees by job category, sex, and ethnicity or race.
- **Private employers, contractors, and subcontractors that do not file an EEO-1**
  - Contractors or subcontractors with fewer than 50 employees do not file.
  - Private employers that are not contractors or subcontractors with fewer than 100 employees do not file.

# Changes to the EEO-1 (cont'd)

- **New filing deadline**
  - The 2017 EEO-1 is due on **March 31, 2018**. Going forward, the EEO-1 will be due **every March 31**.
- **New “workforce snapshot period”**
  - One pay period during which to count employees for the EEO-1.
  - The employees counted then are the only employees about whom EEO-1 data is reported.
  - Starting with the 2017 EEO-1, that pay period must be between October 1 and December 31.

# No Change: Job Categories and Demographic Data

- Tally the number of employees by **job category** and by **sex and race or ethnicity**.
- 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.

# No Change: Demographic Data

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
	1. \$19,239 and under	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	2. \$19,240 - \$24,439	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	3. \$24,440 - \$30,679	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	4. \$30,680 - \$38,999	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	5. \$39,000 - \$48,000	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

# Filing EEO-1 Reports

- **Online filing**
  - Use customized 2017 EEO-1 password
  - Log in to the EEO-1 portal
- **Two methods of online filing**
  - Method 1: Enter data into confidential, customized matrix
  - Method 2: Transfer an encrypted data file (“data upload”)
- Paper EEO-1 reports accepted only with special approval

# Filing EEO-1 Reports (cont'd)

The following slides will:

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

# 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

# Pay Bands (cont'd)

- To identify which pay band to use for counting a particular employee, refer to his or her 2017 W-2, Box 1 pay.
- W-2, Box 1 includes wages, tips, and other compensation that provides a comprehensive measure of employee pay.
- Tally the number of employees in each pay band within each job category by sex and ethnicity or race.

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 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		
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	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															

# Hours Worked

- If the Fair Labor Standards Act (FLSA) requires an employer to keep records of hours worked for an employee (non-exempt), these FLSA hours are the reference point for EEO-1 “hours worked.”
- For FLSA exempt employees, report either:
  - 40 hours/week for full-time and 20 hours/week for part time multiplied by the number of weeks worked that year; OR
  - Actual hours worked, if employer keeps this information and chooses to report it.

# Hours Worked (cont'd)

- Employers report total hours worked during the year for those employees tallied during the workforce snapshot period.
- This helps account for partial year, or part-time employment.

# Hours Worked (cont'd)

- 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 pay band and cell, report the total number of hours worked by those 20 people in the equivalent cell on the hours-worked matrix.

# 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	
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	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 [www.eeoc.gov](http://www.eeoc.gov) (See *Resources*, below).
  - Employers should encrypt data uploads.
- Improvements in 2016 make data upload easier.
  - Companies can test and upload data files.
  - 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 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
  - Continuous security monitoring, both inside and outside the EEOC network

# How Will the EEOC Use the Summary Pay Data?

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

# Resources for 2017 EEO-1 Survey

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

- Sample 2017 EEO-1 form
- Data File Specifications
- Ongoing Technical Assistance
- 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)
- EEOC plans to post a captioned recording of the webinar on the 2017 EEO-1 Survey page within two weeks.

# 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 and by email at:  
[EEO1.SuggestionBox@eeoc.gov](mailto:EEO1.SuggestionBox@eeoc.gov)