



THE WORKPLACE WORD

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Revised EEO-1 Report Means Revisions to Your EEOC Reporting Practices

In its ongoing efforts to eliminate discrimination in the workplace, the United States Equal Employment Opportunity Commission ("EEOC") has recently revised the Employer Information Report, more commonly known as the EEO-1 Report. Revisions to the report include new racial, ethnicity and job categories. Additionally, the EEOC is now placing heavy emphasis on employee self-reporting of race/ethnicity.

"Covered Employers," i.e., private employers that either: (1) have a federal government contract of \$50,000 or more and 50 or more employees; or (2) do not have a federal government contract but have 100 or more employees, must file the EEO-1 form on or before September 30 of each year. If you are a "Covered Employer," you will likely be facing a revision to your employee data collection and reporting practices.

Changes to the Form

The new EEO-1 form adopts changes to both race/ethnic categories, as well as job categories. With regard to the race/ethnic categories, the revised EEO-1 report:

- Adds a new category titled "Two or more races;"
- Divides "Asian or Pacific Islander" into two separate categories: "Asian" and "Native Hawaiian or other Pacific Islander;"
- Renames "Black" as "Black or African American;"
- Renames "Hispanic" as "Hispanic or Latino;" and
- Strongly endorses self-identification of race and ethnic categories, as opposed to visual identification by employers.

With regard to job categories on the new EEO-1 report, the current category of "Officials and Managers" is divided into two levels based upon the



responsibility and influence within the organization, including the following:

- Executive/Senior Level Officials and Managers, defined as those to plan, direct and formulate policy, set strategy and provide overall direction; within large organizations, these are people within two reporting levels of the CEO; and
- First/Mid-level Officials and Managers, defined as those who direct implementation or operations within specific parameters set by Executive/Senior Level Officials and Managers, and those who oversee day-to-day operations.

In addition to the changes to Officials and Managers, the revised EEO-1 form also moves business and financial occupations from the Officials and Managers category to the Professionals category.

Self-Reporting and Implementation

Under the prior form, employers typically gathered employee data through visual observation. Under the revised form, "self-identification," whereby the employee volunteers his or her racial/ethnic identification, is now the "preferred" method for gathering such information. Thus, employers should rely upon employment records or visual observation *only* when employees decline to self-identify. Nevertheless, anticipating implementation obstacles, the EEOC will allow employers to rely on visual observation and post-hire data for the race/ethnic portion of the 2007 report, but encourages employers to resurvey current employees using the new race and ethnic categories as soon as possible.

Summary

If you are required to file the EEO-1 form each September, now is the time to reevaluate your

data-gathering and survey process and put into place employee self-identification procedures with appropriate statements regarding the voluntary nature of the inquiry. While a re-survey of the workforce to properly categorize employees in the new racial/ethnic categories is not required for the report due September, 2007, implementing processes now to capture that data will save time in the long run. Additionally, while the EEOC has granted a reprieve from the new racial/ethnic categories for the form due September 2007, it has not granted a similar reprieve for the new job categories. Thus, for the September, 2007 report, employers will need to re-categorize employees that previously fell within the "Officials and Managers" category into either the "Executive/Senior Level Officials and Managers" or "First/Mid-level Officials and Managers" categories. Additionally, any non-managerial employees with business or financial expertise, or recognized professional degrees or certifications will need to be reclassified into the "Professionals" category.

The revised EEO-1 form along with its revised instruction booklet can be found on the EEOC's website at www.eeoc.gov/eeo1/index.html. The website also contains further information about the form itself, and filing requirements.

UPCOMING SEMINAR

Topic: Focus on the Workplace
Date: Thursday, April 26, 2007
Time: 7:00-11:45 AM
Location: Snell & Wilmer, L.L.P.
 One Arizona Center | Phoenix
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 For more information, please visit the news & events page of our Web site at www.swlaw.com.