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Opportunity Commission

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Small Business Fact Sheet: The Revised EEO-1 and Summary Pay Data

Background

- The U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) enforce federal prohibitions on employment discrimination based on race, sex, and national origin, among other bases. The EEOC enforces Title VII of the Civil Rights Act and the Equal Pay Act. The OFCCP enforces Executive Order 11246.
- For many years, certain employers have reported data about their number of employees by EEO-1 job category, and then by sex and ethnicity or race, on the "Employer Information Report" or EEO-1. The EEOC and the OFCCP consolidate collection of EEO-1 data with a "Joint Reporting Committee."
- Beginning with the 2017 EEO-1, private employers and federal contractors with 100 or more employees also will report summary pay data on the EEO-1. Summary pay data for private employers will go to the EEOC. Summary pay data for federal contractors and subcontractors subject to Executive Order 11246 will go to OFCCP.

When Is the First Deadline for Submitting the New EEO-1 Report?

- The EEO-1 report will be due for the first time with pay data on March 31, 2018, and the EEO-1 will be due every March 31 after that.
- Employers will have 18 months between the 2016 and 2017 EEO-1 deadlines—from September 30, 2016, until March 31, 2018—to prepare for this change.
- The 2016 EEO-1 deadline is still September 30, 2016.

Preparing for the New EEO-1 Report

- The EEOC is committed to working with businesses to ensure a successful transition to the new EEO-1 report.
- To initiate the transition, the EEOC published the technical file specifications for the revised EEO-1 data on the same day as it announced the new report. [See https://www.eeoc.gov/employers/eeo1survey/2017survey.cfm](https://www.eeoc.gov/employers/eeo1survey/2017survey.cfm).
- The EEOC is offering free webinars and additional outreach and technical assistance to assist employers.
- Free webinars will be held on October 20, 2016 and October 26, 2016. Check www.eeoc.gov for details.
- The EEOC will send a notice to each EEO-1 employer describing the new EEO-1 filing requirements and deadlines.
- If your business needs assistance filing the EEO-1 now or in the future, please contact the Joint Reporting Committee by telephone at 1-877-392-4647 (toll-free) or by email at e1.techassistance@eeoc.gov. Or, you may write to the EEO-1

Coordinator at: Joint Reporting Committee, EEOC Survey Division -- Room 4SW22G, 131 M Street, NE Washington, D.C. 20507.

Which Employers Will Report Summary Pay Data?

- Private employers with 100 or more employees will report summary pay data.
- Federal contractors and subcontractors with 50 - 99 employees will not report summary pay data, but they will tally employees by job category and then by sex and ethnicity or race, as they did before. Federal contractors and subcontractors with fewer than 50 employees will not file EEO-1 reports at all.
- Employers with 1 - 99 employees that are not federal contractors or subcontractors will not file EEO-1 reports. This is a continuation of current practice.

What Will Federal Contractors and Subcontractors with 50-99 Employees Report on the New EEO-1?

- These contractors and subcontractors will continue to report the same information as on the most recent EEO-1. They will tally and report the number of employees by EEO-1 job category and then by sex and ethnicity or race. They will not report summary pay data.
- The 10 EEO-1 job categories will be the same as on the most recent EEO-1. They are:
 - (1) Executive/Senior Level Officials and Managers;
 - (2) First/Mid Level Officials and Managers;
 - (3) Professionals;
 - (4) Technicians;
 - (5) Sales Workers;
 - (6) Administrative Support Workers;
 - (7) Craft Workers;
 - (8) Operatives;
 - (9) Laborers and Helpers; and
 - (10) Service Workers.
- To continue to assist employers in categorizing specific jobs, the "EEO-1 Job Classification Guide 2010," assigns hundreds of specific occupations to EEO-1 job categories.
- The sex and ethnicity or race categories are the same as in the most recent EEO-1. For an explanation, see the EEO-1 Instruction Booklet at <https://www.eeoc.gov/employers/eeo1survey/2017survey.cfm>.
- Employers will count their employees for the EEO-1 during the "workforce snapshot period."
 - Starting with the 2017 EEO-1, the "workforce snapshot period" for the EEO-1 will be a pay period of the employer's choice between October 1 and December 31.

What will Private Employers and Contractors/Subcontractors with 100 or more Employees Report on the New EEO-1?

- These larger employers will start by counting and categorizing employees by EEO-1 job category and then by sex and ethnicity or race, as on the most recent EEO-1. They will count employees during the "workforce snapshot period" between October 1 and December 31.
- Then, they will count employees in one of the 12 pay bands on the new EEO-1. The pay bands are:
 - (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; and
- (12) \$208,000 and over.

- To choose a pay band, refer to the earnings reported in the W-2 Box 1.
 - For example, for the 2017 EEO-1, employers will refer to employees' W-2, Box 1, income for the year January 1 through December 31, 2017.
- Employers will tally the number of employees in each pay band by sex and ethnicity or race. For example, an employer might report 23 Sales Workers who are non-Hispanic white women in pay band 4 (\$30,680 - \$38,999).
- Finally, these employers will report the total number of hours worked that year by the employees in each pay band. For example, an employer reports the total number of hours worked by 23 Sales Workers who are non-Hispanic white women in pay band 4.
 - The new EEO-1 gives employers a choice about how to count hours worked for employees who are exempt employees under the FLSA. Employers may either use 40 hours per week for full-time employees and 20 hours per week for part-time employees or, if it chooses, report the number of hours the employees actually worked. Again, this is a choice.

Confidentiality and Privacy of EEO-1 Data

- The EEOC has strict procedures in place to protect the confidentiality of EEO-1 data, including summary pay data. The EEOC collects EEO-1 data under Title VII of the Civil Rights Act, as amended (Title VII).
- All information that the EEOC collects under Title VII is subject to strict confidentiality requirements.
 - Title VII prohibits any EEOC officer or employee from disclosing data collected on the EEO-1 report, unless the data is the subject of litigation.
 - Title VII imposes criminal sanctions on any EEOC officer or employee who violates this prohibition.
- The EEOC reinforces this requirement with strict security and privacy controls that protect the EEOC's and the Joint Reporting Committee's operations and information systems against a range of threats. The EEOC regularly trains its employees on Title VII confidentiality and on computer security.
- The EEOC imposes these Title VII confidentiality requirements on its own contractors as a condition of their EEOC contracts.
- The EEOC publishes reports based on large-scale EEO-1 data (for example, nationwide, statewide, metropolitan area EEO-1 data) only when the EEO-1 data is aggregated in a manner that does not disclose any individual employer or employee information.
- The OFCCP holds EEO-1 data for federal contractors and subcontractors confidential to the maximum extent possible under the Freedom of Information Act (FOIA) and the Trade Secrets Act.
 - The Joint Reporting Committee will provide the OFCCP with pay data only for federal contractors and subcontractors subject to Executive Order 11246.

How The EEO-1 Data Will Be Used

The EEOC

- The EEOC receives thousands of Title VII charges of employment discrimination every year alleging race, national origin, or sex discrimination, including pay discrimination. The EEOC also receives close to one thousand charges under the Equal Pay Act alleging pay discrimination based on sex every year.

- The EEOC does statistical analysis of EEO-1 data early in its investigations. This helps with a first assessment of the allegations made in a charge of discrimination and, as appropriate, with planning an investigation. The EEO-1 is not the only source of data used at this stage, but it certainly helps.
- In addition, the EEOC will periodically publish aggregated EEO-1 data and industry reports that may provide useful comparative data for private employers and federal contractors.
 - Small employers will especially benefit from the published reports because they will obtain comparative data that will assist them in conducting voluntary self-assessment of their pay practices.
 - Voluntary self-assessment will help small businesses remedy any pay disparities and comply with state and federal equal pay laws.

OFCCP

- OFCCP will use the EEO-1 data to help identify federal contractors and subcontractors for compliance reviews under E.O. 11246.

For more information, contact Ronald Edwards, Director, Program Research and Surveys Division, EEOC, 131 M Street NE, Room 4SW30F, Washington, D.C. 20507; (202) 663-4949, voice or (202) 663-7063 (TTY).

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Overview

PRESS RELEASE



The Commission & the General Counsel

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Meetings of the Commission

EEOC to Collect Summary Pay Data

Open Government

First Collection Will Be in March 2018

Newsroom

Laws, Regulations, Guidance & MOUs

WASHINGTON - The U.S. Equal Employment Opportunity Commission (EEOC) today announced that starting March 2018, it will collect summary employee pay data from certain employers. The new data will improve investigations of possible pay discrimination, which remains a contributing factor to persistent wage gaps. The summary pay data will be added to the annual Employer Information Report or EEO-1 report that is coordinated by the EEOC and the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP). OFCCP collects data from federal contractors and subcontractors.

Budget & Performance

Enforcement & Litigation

Initiatives

Task Forces

"More than 50 years after pay discrimination became illegal it remains a persistent problem for too many Americans," said EEOC Chair Jenny R. Yang. "Collecting pay data is a significant step forward in addressing discriminatory pay practices. This information will assist employers in evaluating their pay practices to prevent pay discrimination and strengthen enforcement of our federal antidiscrimination laws."

Interagency Programs

Publications

Statistics

Outreach & Education

"Collecting data is a critical step in delivering on the promise of equal pay," said U.S. Secretary of Labor Thomas E. Perez. "Better data will not only help enforcement agencies do their work, but it helps employers to evaluate their own pay practices to prevent pay discrimination in their workplaces."

Legislative Affairs

FOIA & Privacy Act

Doing Business with EEOC

EEOC is committed to providing support for employers as they transition to reporting summary pay data on the new EEO-1 report. In response to public comments, the first deadline for the new 2017 EEO-1 report will be March 31, 2018, which gives employers 18 months to prepare. This revision does not impact the 2016 EEO-1 report, which is due on September 30, 2016 and is unchanged.

Jobs & Internships

EEOC History

Office of Inspector General

Private employers including federal contractors and subcontractors with 100 or more employees will report summary pay data. Under no circumstances should employers report individual pay or salaries or any personally identifiable information.

Federal contractors and subcontractors with 50-99 employees will not report summary pay data, but they will continue to report employees by job category as well as by sex, ethnicity, and race as they do now. Employers with 99 or fewer employees and Federal contractors and subcontractors with 49 or fewer employees will not be required to complete the EEO-1 report as is current practice.

EEOC will offer free webinars for interested employers and stakeholders on October 20 and October 26, 2016. Technical assistance also will be available through the EEOC's hotline and email. For more information, see

<https://www.eeoc.gov/employers/eeo1survey/2017survey.cfm>.

The EEOC adopted this new EEO-1 after an extensive deliberative process that included publication of two versions of the proposed EEO-1 for public comment and a public hearing on March 16, 2016, at which stakeholders, researchers, and academics discussed the EEO-1 proposal and responded to questions from EEOC Commissioners. In total, the EEOC considered written comments from thousands of individuals, employers and their representatives, civil rights and women's organizations, human resources and payroll associations, and Members of Congress.

The EEOC does not disclose EEO-1 data for a specific employer; it only publishes large-scale aggregated EEO-1 data in a way that fully protects employer confidentiality and employee privacy. OFCCP holds EEO-1 data for federal contractors and subcontractors confidential to the maximum extent possible under the Freedom of Information Act and the Trade Secrets Act.

The EEOC enforces federal laws prohibiting employment discrimination, including the Equal Pay Act of 1963 and the Civil Rights Act of 1964. Collectively, these laws prohibit pay discrimination based on sex, race, ethnicity, and other bases. More information about the revised EEO-1 report, including the [new form](#), a [Fact Sheet for Small Business](#), and a [question and answer document](#) are available on EEOC's website at www.eeoc.gov. General information for Federal contractors and subcontractors is available at OFCCP's website www.dol.gov/ofccp/

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