Guidelines on How to Pull EEO-1 Pay Data

The Equal Employment Opportunity Commission ("EEOC") announced that it will be collecting data on pay and hours worked from 2017 and 2018. The deadline for employers to submit this information to the EEOC is **September 30, 2019**.

♦ ***What does this mean?*** Employers with 100 or more employees must submit employee data on (1) pay and (2) hours worked (also referred to as "Component 2 Data") from 2017 and 2018 to the EEOC no later than September 30, 2019. To determine if an employer meets the 100-employee threshold for 2017 or 2018, count the number of employees during the workforce snapshot period for the corresponding reporting year.

♦ ***Didn't employers just submit EEO-1 information in May?*** Yes, employers with 100 or more employees likely just summitted an EEO-1 form (via the online portal) which included demographic data (race, ethnicity, and sex) across 10 job categories (Component 1).

♦ ***Where do employers submit this information?*** Employers must submit Component 2 data (pay and hours worked) through the EEOC's online portal under "Section D – Employment Data." The EEOC expects the online portal (available [here](#)) to be active by mid-July 2019.

♦ ***How do employers collect this data?*** Employers should take the following steps for each reporting year (2017 and 2018):

1. Identify the "workforce snapshot period," a single pay period of an employer's choice between October 1 and December 31 of the EEO-1 reporting year.

2. Identify the employees who worked during the workforce snapshot period.

3. For each employee who worked within this selected period, determine the employees' data on (1) pay and (2) hours worked. The total hours worked does not include hours worked by employees terminated before the selected workforce snapshot period or employees hired after the selected period.

Questions? Contact Stokes Wagner.

    a. *Pay:*
       i. Pull the pay data for each employee from Box 1 of their Form W-2.
      ii. Based on the amount of pay, assign each employee to one of 12 pay bands set forth for the applicable job category.

    b. *Hours Worked:*
       i. Non-exempt employees: The hours-worked data for non-exempt employees will be their actual recorded hours worked during the selected workforce snapshot period.
      ii. Exempt employees:
         1. Full-time exempt employees are presumed to work 40 hours/week employers.
         2. Part-time employees are presumed to work 20 hours/week.
         3. If the employer tracks the hours worked by exempt employees, however, it can use that actual data instead.
      iii. "Hours Worked" generally does not include paid leave, such as sick leave, vacation leave, or paid holidays.

4. Combine the individual pay and hours data and report the data in boxes by race, ethnicity, and sex in each of the 12 pay bands, within each of the 10 job categories.
    a. If there is no data for a particular box, the box will be left blank.

♦ ***Is there a chance that the data on pay and hours worked requirements will be rescinded or stayed?*** Yes, a slight chance. On May 3, 2019, the Department of Justice filed a Notice of Appeal to rescind these obligations. However, the filing of this Notice of Appeal did not stay the district court order or alter EEO-1 employers' obligations to submit this Component 2 data. EEO-1 filers should still prepare to submit the Component 2 data as described above.

♦ ***Whom can employers contact for help?*** Stokes Wagner is happy to help! However, in case you need direct assistance from the EEOC, here is the EEOC's contact information and a link to the EEOC's Frequently Asked Questions.

    o Email: EEOCcompdata@norc.org
    o Toll Free number: (877) 324-6214