



**Julie Athey, J.D.**  
**Director of Compliance**

*Julie assists with a variety of compliance issues related to employee benefits and the ACA, ERISA and other federal and state regulations.*

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## Employee Benefits – Question of the Month

March 2019

**Q:** We will be hitting the 100-employee mark before the end of the year and are just starting to look into EEO-1 reporting requirements. What steps do we need to take to start collecting the necessary information for the report? Can we include it on an application for employment? Is there a separate form? Is there anything else we should be considering?

**A:** While EEO-1 reporting isn't really something we typically assist with, there are certain key principles that you should keep in mind. But first, some background.

The EEO-1 reporting process allows the Equal Employment Opportunity Commission (EEOC) to compile data about the demographics characteristics of an employer's workforce (i.e., sex and race of employees and other related information). In general, employers are required to file an EEO-1 if they have: 1) 100 or more employees (including PT); or 2) 50 employees plus certain types of federal contracts.

Here are some of the most important concepts to keep in mind:

1. If your company is owned by another company (or there is common ownership between two or more companies), you may have to file the EEO-1 if the total employee count for all related companies exceeds 100. In this situation, however, each company would likely file a separate EEO-1.
2. Companies with multiple locations, or "establishments," may need to file a separate EEO-1 for each of them.
3. To compile the necessary data for the report, employers may use a questionnaire asking employees to self-identify their race, gender, etc. The EEOC offers a couple of [templates](#) you can use.
4. For employees who decline to self-identify, the employer may use employment records or their own observation to identify their race (even if that requires some degree of guessing).
5. The data reported should reflect employee demographics for one payroll period in October, November, or December.
6. In the absence of undue hardship for the employer, EEO-1 reports must be submitted via the EEO-1 Online Filing System, or as an electronically transmitted data file.
7. Due to the recent government shutdown, the deadline for filing the EEO-1 this year has been extended from March 31, 2019 to May 31, 2019. According to the EEOC, the online system for filing will not be available until "early March."

Finally, check out the [EEOC's EEO-1](#) page for detailed information about the ins and outs of EEO-1 reporting (including two handy guides in the left column). Feel free to contact me if you have any additional questions at [juliea@millercares.com](mailto:juliea@millercares.com).