

# One Minute Memo®



## Breaking News: Update to Seyfarth Alerts Regarding the Stay of "Component 2" of the Revised EEO-1 Report

By Annette Tyman, Lawrence Z. Lorber, and Michael L. Childers

**Seyfarth Synopsis:** An update to our alerts issued last week, Seyfarth has learned that the 2017 EEO-1 Report, due on March 31, 2018, will be based on employment data from a payroll period between October 1, 2017 and December 31, 2017.

### Recent Updates Regarding the Revised EEO-1 Report

As we initially reported last [Tuesday \(August 29\)](#), the Office of Information and Regulatory Affairs ("OIRA") has suspended implementation of "Component 2" of the Revised EEO-1 Report which would have required employers with over 100 employees to submit W-2 pay and FLSA hours worked information. We updated this report the [following day \(August 30\)](#) to include a statement issued by Victoria Lipnic, Acting Chair of the Equal Employment Opportunity Commission ("EEOC"), which advised employers that they would be required to file the EEO-1 Report used in previous years (also known as "Component 1" of the Revised EEO-1 Report) by the March 31, 2018 deadline.

### New Information to Report

In addition to the information that we have previously reported, the EEOC has issued additional information to clarify that the snapshot period for the 2017 EEO-1 Report will be a payroll period of the employer's choice in October, November or December of 2017. The EEOC's communication contains the following information:

- Private employers with 100 or more employees and federal contractors with 50 or more employees and \$50,000 in contracts are required to file EEO-1 Reports
- Filers are required to report on race, ethnicity, and gender data within the ten EEO-1 job categories
- No filers will be required to report on either W-2 wage or FLSA hours worked information
- Filers are required to report based on employment data from a payroll period in October, November or December of 2017
- All EEO-1 Reports are due on March 31, 2018

## What Does This Mean for the VETS-4212?

As we [previously reported \(July 31\)](#), federal contractors subject to reporting requirements under the Vietnam Era Veterans' Readjustment Act ("VEVRAA") have been granted permission to file their 2018 VETS 4212 Reports (due September 30, 2018) using employment data as of December 31, 2017. It is not yet clear whether the Department of Labor ("DOL") will permit federal contractors to use employment data collected on a date other than December 31, 2017 for their 2018 VETS 4212 Reports. Thus, federal contractors who wish to avoid gathering data separately to comply with the similar compliance requirements of both the EEO-1 and VETS 4212, should consider using the December 31 snapshot date for their EEO-1 employment data. In this way, the same December 31 snapshot data can be used to prepare both the 2017 EEO-1 Report (due on 3/31/2018) and the 2018 VETS 4212 Report (due on 9/30/2018).

Federal contractors are further reminded that their **2017** Vets-4212 Reports remain due on 9/30/2017 based on snapshot data from a pay period in July, August or September of 2017.

Despite the stay on gathering and reporting wage information on the EEO-1 Report, equal pay continues to be of significant interest to the EEOC and OFCCP. Accordingly, employers should continue to take proactive measures to ensure that their pay practices are applied without regard to gender and race/ethnicity.

We will continue to monitor these developments and will provide additional information as it becomes available.

If you would like additional information, please contact [Annette Tyman](mailto:atyman@seyfarth.com) at [atyman@seyfarth.com](mailto:atyman@seyfarth.com), [Lawrence Z. Lorber](mailto:llorber@seyfarth.com) at [llorber@seyfarth.com](mailto:llorber@seyfarth.com) or [Michael L. Childers](mailto:mchilders@seyfarth.com) at [mchilders@seyfarth.com](mailto:mchilders@seyfarth.com).

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Seyfarth Shaw LLP One Minute Memo® | September 6, 2017

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