



AGC Membership:

I wanted to again remind you about the free WebEd for AGC members on **Thursday, May 2nd at 1:00–2:30 PM CDT**—entitled **“Critical EEO–1 Survey Reporting Requirements Update.”** Last week, the federal court ruled that employers must submit two years of EEO–1 pay data by Sept. 30, 2019. See below for more details.

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Court Orders Employer Submission of 2 Years of EEO–1 Pay Data by September 30

On April 25, the DC District Court ruled that applicable employers must turn over two years’ worth of worker pay data to the U.S. Equal Employment Opportunity Commission (EEOC) by September 30, 2019, as part of the annual EEO–1 survey. The judge ordered 2018 and an additional year’s worth of data to be submitted, but the exact additional year has yet to be determined. This ruling follows the recent court order reinstating the **previously revised** Obama administration EEO–1 form’s pay data reporting requirements that the Office of Management and Budget (OMB) **halted** in 2017. The EEO–1 is an annual survey that requires all private employers with 100 or more employees and federal government contractors or first–tier subcontractors with 50 or more employees **and** a federal contract, sub–contract or purchase order amounting to \$50,000 or more to file the EEO–1 report. The filing of the EEO–1 report is not voluntary and is required by federal law.

The traditional EEO–1 report (“Component 1”) requires employers to tally employment data by race/ethnicity, gender and job categories. The reinstated “Component 2” of the report requires employers to query their databases for W–2 pay data and FLSA hours worked information, even though individual pay data is not actually reported to the EEOC. Barring EEOC action or an appeal by the administration before the survey’s new deadline—September 30, 2019—filers should be prepared for the pay data requirements to be included in the survey.

AGC opposed the new data collection, calling upon the Trump administration and Congress to rescind the Obama administration Presidential Memorandum ordering the new EEO–1 form, and the form itself. AGC

submitted comprehensive comments explaining its position to the EEOC in **April** and **August 2016**. Additionally, on April 3, AGC and other business groups filed a motion requesting status as an amicus to present information to the court about the concerns of the employer community that have been absent from the case.

As a resource, AGC of America is offering a **free WebEd** for AGC members—entitled **“Critical EEO-1 Survey Reporting Requirements Update”**—on May 2, 2:00–3:30 PM ET to update all contractors and subcontractors on the status of the situation and provide a refresher along with new training necessary to prepare for the collection and submission of Component 2 data.

For more information, contact Claiborne Guy at claiborne.guy@agc.org or 703-837-5382.