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Eeo- 1 pay data reporting



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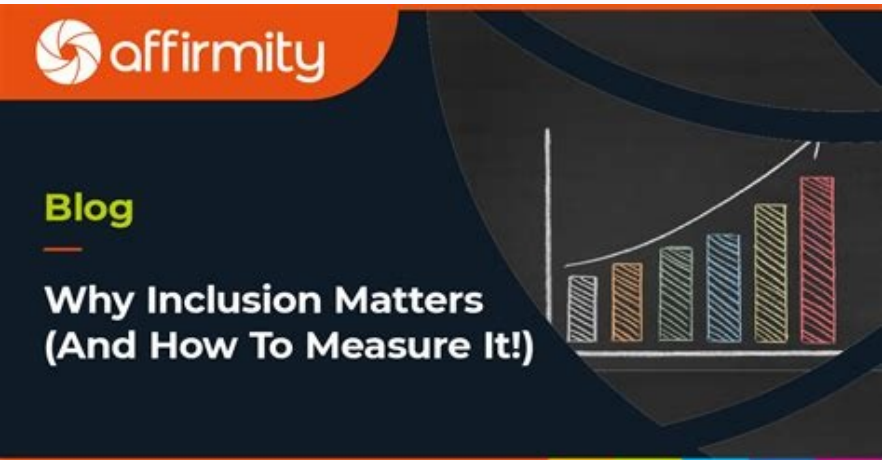
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Eeo-1 pay data reporting. Eeo-1 pay data reporting 2019. Eeo-1 pay data reporting requirements. California pay data reporting eeo-1. What is eeo 1 reporting. How to collect eeo-1 data from employees.

The EEO-1 Component 1 report is a mandatory annual data collection that requires all private sector employers with 100 or more employees, and federal contractors with 50 or more employees meeting certain criteria, to submit demographic workforce data, including data by race/ethnicity, sex and job categories. The filing by eligible employers of the EEO-1 Component 1 Report is required under section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-8(c), and 29 CFR 1602.7-.14 and 41 CFR 60-1.7(a). Filers can find additional eligibility information at [www.EEOCdata.org/eeo1](http://www.EEOCdata.org/eeo1). 2021 Pay Data Reports are due 4/1/2022 California employers of 100 or more employees must report pay and hours-worked data by establishment, job category, sex, race, and ethnicity to the Department of Fair Employment and Housing (DFEH) by March 31, 2021 and annually thereafter. In 2020, the EEOC then determined it would not seek approval to collect pay data due to the burden on employers and the questionable utility of the data. California’s pay data reporting requirements, codified in California Government Code section 12999, apply to employers who: have 100 or more employees overall (including employees located within and outside California), are already required to file a federal EEO-1 Component 1 report\*, and have at least one employee in California. In 2016, the EEOC announced it would require employers to complete Component 2 of the EEO-1 report. The DFEH has created a pay data reporting page on its website, which now includes access to the online pay reporting portal, a user guide for completing and submitting the pay data report, pay data report templates, and FAQs. Pay data provided to the DFEH will remain confidential and will not be publicly available, except to the extent necessary for an enforcement proceeding. California’s Pay Data Law The key differences between the EEO-1’s Component 2 and California’s pay data form include: Gender classification: California recognizes three genders (male, female, and non-binary) and, therefore, requires employers to report pay data based on these categories. The pay data report should also include temporary employees only if the employer must include them in its federal EEO-1 report and is required to withhold federal social security taxes from their wages. \*Although California allows employers to submit their federal EEO-1 reports to the DFEH in lieu of using California’s pay data form, this option is nonexistent for the time being since the EEOC no longer requires employers to provide Component 2 pay data on their EEO-1 reports. Component 2 previously adopted the federal Fair Labor Standards Act’s definition of “hours worked,” such that paid time off “snapshot period” for the report’s contents. Calculation of hours worked: California’s pay data report requires employers to count any paid holidays, paid vacation, or other paid time off that an employee took during the snapshot period as hours worked. Your company has to do double the reporting .Extension requests, referred to as “requests for enforcement deferral period,” should be submitted through the DFEH’s website. Best Practices for Completing the California Pay Data Report With the March 31 deadline for submitting pay data reports fast approaching, employers should ensure all employees who are required to be included in the report have had an opportunity to voluntarily self-identify their gender, race, and ethnicity since this is the preferred method for collecting this information. Employers have to submit both 2019 and 2020 pay data in that timeframe. Component 2 seeks information on employee compensation and hours worked, sorted by job category, pay band, gender, race, and ethnicity. Key Differences: EEO-1 Component 2 v. Component 1 collects data from employers with 100 or more employees (50 or more if you’re a fed contractor). Affected employers must submit their pay data reports to the DFEH by March 31, 2021, and every year thereafter on the same date. Only full- and part-time employees who worked in California or were assigned to a California establishment during the snapshot period must be included in the report. Pay data reports for the 2020 reporting year are due on March 31, 2021. Employers, you must now submit your EEO-1 pay data reporting to the feds. In September 2020, it enacted Senate Bill 973, which requires certain employers to provide this data annually to the DFEH. Of course, employers are well-advised to conduct their own pay equity analysis (and to ensure that the attorney-client privilege protects this analysis) before submitting data to the DFEH. That’s two weeks longer than you usually get. Reports for 2019 and 2020 are now due Monday, Oct. The bad news? In 2017, the EEOC changed course and decided it would no longer seek Component 2 pay data, but the federal courts ordered the EEOC to collect pay data for the 2017 and 2018 filing years. In recently issued guidance, the DFEH has advised employers to use the EEOC’s job category, race, and ethnicity classifications when preparing their California pay data reports. The law requires certain employers to submit annual reports to the California Department of Fair Employment and Housing (DFEH), detailing their California employees’ yearly compensation and hours worked based on job category, race, ethnicity, and gender classifications. Though the EEOC has not reinstated the requirement to provide pay data in EEO-1 reports, the California Legislature supports the collection and perceived utility of Component 2 pay data. This reporting is required under Government Code section 12999 enacted in SB 973. Federal Pay Data Collection and California’s Response The federal Equal Employment Opportunity Commission (EEOC) has gone back and forth on whether employers should be required to complete Component 2 of the EEO-1 report. In selecting a snapshot period, employers should be strategic and consider: choosing a pay period with fewer employees since this results in less data to be collected, or choosing a pay period where their pay data numbers and demographics look best in comparison to other periods. The Equal Employment Opportunity Commission (EEOC) has extended the deadline yet again. However, if the employee earns any wages not captured by Box 5, the employer should use the information in Box 1 to place the employee in the correct pay band. The reporting window runs from April 26 to July 19, says the Equal Employment Opportunity Commission. If the employee declines to provide this information, employers may resort to other identification methods, such as current employment records, other reliable records or information, or visual observation (in that order). As part of its continuing efforts to combat pay discrimination, California enacted a new pay data reporting law at the end of 2020. Employers who will be subject to these reporting requirements should ensure they understand and collect the information needed to complete the report on time. Component 2 previously directed employers to use Box 1 wages for all employees. For pay bands, the DFEH requires employers to use those established by the U.S. Bureau of Labor Statistics’ Occupational Employment Statistics survey, which is updated periodically. Just Component 1 this time for pay data reporting No time-consuming Component 2 this time! You only have to do Component 1 pay data reporting for each year. UPDATE: Your company was just given two more months to submit and certify your EEO-1 reports. Finally, employers who anticipate needing additional time to complete their pay data reports should request an extension immediately, but no later than March 30, 2021 (one day before the report is due to the DFEH). Component 2 previously allowed employers to report information for non-binary employees but did not require it. Calculation of wages: California’s pay data report requires employers to use Box 5 on an employee’s W-2 (showing Medicare wages and tips) to place the employee in the report’s proper pay band. The stated purpose of California’s pay data reporting law is to “collect wage data to more efficiently identify wage patterns and allow for targeted enforcement of equal pay or discrimination laws, when appropriate.” Thus, employers should choose their snapshot period carefully to ensure the selected period demonstrates compliance with California’s pay equity law. The good news? 25. Employers with multiple establishments must submit a pay data report for each establishment along with a consolidated report that includes all covered employees. Who’s Required to Submit Pay Data? Reporting was postponed last year due to the coronavirus pandemic. Teleworking employees should only be included in the pay data report if they are teleworking from California or are normally assigned to the employer’s California establishment, even if they are currently teleworking from a different state.

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