

Publication

02/17/2021

Client Alert: New Developments to EEO-1 and California Pay Data Reporting Requirements

Employers subject to the Equal Employment Opportunity Commission's (EEOC) annual EEO-1 Component 1 Data reporting requirement, and those with employees in California, should take note of the following recent developments:

EEO-1 Reporting Update

Employers with 100 or more employees, and federal contractors with at least 50 employees and a federal contract of at least \$50,000, will soon need to submit their 2019 and 2020 EEO-1 Component 1 Data to the EEOC. The EEOC recently announced that it will be resuming the collection of EEO-1 Component 1 Data starting in April 2021. Because the EEOC previously postponed the collection of 2019 EEO-1 Component 1 Data in May 2020 due to the COVID-19 pandemic (see our prior client alert), covered employers now will be required to file both their 2019 and 2020 EEO-1 Component 1 Data during the upcoming collection period.

The EEOC has yet to announce the precise dates for EEO-1 Component 1 Data collection. Covered employers should be on the lookout, in April 2021, for an EEOC notice (which will be mailed and emailed) containing important information regarding the EEOC's new EEO-1 Online Filing System, including login information and

CLIENT SERVICES

Labor & Employment

RELATED PEOPLE

Alexis M. Dominguez

Alissa J. Griffin



instructions for how to register. If your company contact information has changed, employers should update their contact information using the EEOC's Contact Us form.

California Pay Data Reporting

Additionally, employers with employees located in California will soon need to submit employee pay and other demographic data to the state. California's SB 973 was enacted on September 30, 2020, and requires private employers with 100 or more employees nationally (with at least one employee located in California) to annually submit pay and other demographic data to the California Department of Fair Employment and Housing (DFEH), including pay and hours-worked data by establishment, job category, sex, race, and ethnicity.

Employers **must** report on all California employees (even those employees who are teleworking outside of the state), and **may** (but are not required to) include in the pay data report information pertaining to employees located outside of California. DFEH's pay data submission portal opened on February 16, 2021, with required reporting due by March 31, 2021 (and annually thereafter). Employers may visit the California Pay Data Reporting page to access the online submission portal, user guide, and pay data reporting template.

While EEO-1 Component 1 Data is not due until April, and California Pay Data is not due until March 31, now is the time for employers to start collecting the necessary data to be able to submit full, accurate, and timely reports.

If you have any questions regarding employer obligations when it comes to EEO-1 or pay data reporting requirements, please contact Alex Dominguez, Alissa Griffin, or your Neal Gerber Eisenberg attorney.



The content above is based on information current at the time of its publication and may not reflect the most recent developments or guidance. Neal Gerber Eisenberg LLP provides this content for general informational purposes only. It does not constitute legal advice, and does not create an attorney-client relationship. You should seek advice from professional advisers with respect to your particular circumstances.