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If you have questions relating to the EEOC's new reporting requirements, or would like additional information on this topic, please contact Sheila O'Leary of Foley Hoag LLP's [Labor & Employment Law Department](#) (soleary@foleyhoag.com or 617.832.3044), or contact your attorney at Foley Hoag LLP.

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EEOC Will Begin Requiring A New EEO-1 Report As of September 30, 2007

Beginning on September 30, 2007, the Equal Employment Opportunity Commission will begin mandating that employers use a new EEO-1 Report form, which counts employees by job category and by ethnicity, race and gender. Employers with at least 100 employees (as well as certain smaller employers with federal contracts) generally are required to submit the form on an annual basis.

The revised EEO-1 Report contains a number of changes to the race and ethnicity categories, including adding a new category titled "Two or more races" for employees who specify more than one race. The new form also divides the old category of "Asian or Pacific Islander" into two separate categories: "Asian" and "Native Hawaiian or other Pacific Islander." In addition, the new Report renames "Black" as "Black or African American" and renames "Hispanic" as "Hispanic or Latino."

The revised Report also changes the job categories. The category of "Officials and Managers" has been divided into two separate categories: "Executive/Senior Level Officials and Managers" and "First/Mid-Level Officials and Managers." The "Executive/Senior Level Officials and Managers" category is defined as individuals who reside in the highest levels of organizations and who plan, direct and formulate policy, set strategy and provide overall direction. The "First/Mid-Level Officials and Managers" category is defined as individuals who oversee and direct the delivery of products, services or functions at group, regional or divisional levels, and who implement policies, programs or directives of executives and senior management. The revised Report also moves business and financial occupations from the Officials and Managers Category to the Professional category.

Although covered employers are required to submit their 2007 results on the new form, they are not required to re-survey their workforce based upon the new race and ethnicity categories. This means that if the employer survey is based on the old EEO-1 categories, this will be sufficient for this year, provided that the information is submitted on the new form. If an employer does not re-survey for the 2007 report, it should count employees previously identified as "Asian or Pacific Islander" as "Asian." Employers should not re-survey only those employees who were identified as "Asian/ Native Hawaiian or Other Pacific Islander."

Going forward, the EEOC advises that employers should use the new race and ethnicity categories for all new employees. It also encourages employers to re-survey current employees using the new race and ethnic categories as soon as possible, either by asking employees to confidentially self-identify when employees update their personal information or by providing a page on their internal websites where employees can voluntarily and confidentially self-identify.

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