

KANE KESSLER, P.C.
1350 Avenue of the Americas
New York, N.Y. 10019
(212)541-6222
Fax (212) 245-3009

MEMORANDUM

FROM: Kane Kessler, P.C.
[Labor and Employment Practice Group](#)

DATE: July 16, 2007

RE: New EEO-1 Requirements

As of September 30, 2007, private employers with 100 or more employees and federal contractors with 50 or more workers must file an EEO-1 annual report with an updated Schedule D. An instructional booklet is posted at the EEOC's website: <http://www.eeoc.gov/eeo1/index.html>. You may file on-line through the EEO-1 filing system or as an electronically transmitted data file. Paper EEO-1 forms will be generated upon request only.

The updated EEO-1 Report contains changes to race and ethnicity designations by:

- Adding a new category titled "Two or more races";
- Dividing "Asian or Pacific Islander" into two separate categories: "Asian" and "Native Hawaiian or other Pacific Islander";
- Renaming "Black" as "Black or African American";
- Renaming "Hispanic" as "Hispanic or Latino";

The EEOC strongly endorses self-identification of race and ethnicity, rather than visual identification. Although not mandatory for the September 2007 report, surveying employees using new race and ethnic categories is encouraged. This may be accomplished by providing a page on a private, secure, confidential, internal web site or providing notice to employees requesting anonymous self-identification by memorandum with their pay checks.

In addition, the current category of "Officials and Managers" is to be divided into two levels based on responsibility and influence within the organization.

These two levels will be:

1. Executive/Senior Level Officials and Managers (plan, direct and formulate policy, set strategy and provide overall direction; in larger organizations, within two reporting levels of CEO);
2. First/Mid-Level Officials and Managers (direct implementation or operations within specific parameters set by Executive/Senior Level Officials and Managers; oversee day-to-day operations).

The revised EEO-1 also will move business and financial occupations from the Officials and Managers category to the Professionals category and move some hourly paid Supervisors to “Operatives”, and redesignate some hourly Office and Clerical employees to Administrative Support Workers. (A complete listing of the new categories and the jobs contained within them is available on the EEOC website at <http://www.eeoc.gov/eeo1/jobclassguide.htm1>.)

The revised EEO-1 Report must be based on employment figures from any single pay period between July 2007 and September 2007. Use of data from pay periods outside this time frame will not be accepted.

If you have any questions, please do not hesitate to contact [David R. Rothfeld](#), [Judith A. Stoll](#), [Robert L. Sacks](#), [Lois M. Traub](#), [Alexander Soric](#), [Michael C. Lydak](#) or [Jaclyn Ruocco](#).

*This memo is provided for informational purposes only.
It is not intended as legal advice and readers should consult counsel to discuss how these matters relate to their individual circumstances*