



Legal Alert: Reminder – September 30, 2009 Deadline: EEO1 and VETS 100 Reports

8/12/2009

This is a reminder that covered employers are required to file their EEO-1 and VETS 100 Reports on or before September 30, 2009.

What is an EEO-1 Report?

The EEO-1 Report is an employer-compiled report that provides the federal government with workforce profiles by gender and defined race/ethnicity groupings in defined job categories. Private employers with 100 or more employees, as well as federal government contractors with at least one government contract of \$50,000 or more and 50 or more employees, must file an EEO-1 Report form annually. Employers must use employment data from any pay period between July and September 2009 for the 2009 Report. Data must include all full-time and part-time employees.

The EEOC modified the EEO-1 report in 2005 (effective in 2007). The major changes involved dividing the job category of "Officials and Managers" into two levels and implementing revised race/ethnic categories.

How Do The New EEO-1 Race/Ethnicity Groupings Impact Federal Contractors?

The OFCCP has issued a Directive stating that until the agency provides further rules and guidance, federal contractors who are required to compile and update affirmative action programs (AAPs) in accordance with Executive Order 11246 should not be cited for noncompliance with the Executive Order if they prepare their AAPs using the revised EEO-1 race and ethnicity categories, rather than the original EEO-1 race and ethnicity categories. Additionally, the guidance states that contractors should not be cited for continuing to use the racial and ethnic categories provided under OFCCP's current regulations.

VETS 100 Report

Certain federal contractors are required to file a VETS 100 or VETS 100A Report form tracking the number of employees and new hires that belong to the categories of veterans protected under the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA) and subsequent amendments to the Act. For more information on the Act and the VETS 100 Report form, please see our November 24, 2008, Legal Alert, *DOL Publishes Rule Implementing Amendments to Veteran Reporting Requirements for*

Federal Contractors.

Penalties

Penalties for failure to file EEO-1s can include a court order requiring future filing and, for federal contractors, record keeping violations with remedies up to debarment. Federal law prohibits federal contracting agencies from entering into a contract covered by VEVRAA with a contractor from which a VETS-100 or VETS-100A Report was required with respect to previous fiscal year if such contractor did not submit such report. The Secretary of Labor makes a database available to federal contracting officers listing the Veterans' Employment Reports received from federal contractors and subcontractors.

Ford & Harrison attorneys are experienced in assisting employers with complying with the EEOC's reporting requirements. If you have questions regarding the revised EEO-1 Report form or need assistance updating your policies and procedures, please contact the attorney with whom you usually work or any member of Ford & Harrison's Affirmative Action Compliance and Plan Development Practice Group.