



### **AFFIRMATIVE ACTION UPDATE**

*This bulletin provides an update on relevant issues for contractors and employers who have subscribed to our Affirmative Action e-Bulletin. Please contact us if you have any questions about this bulletin or its effect on your business.*

### **EEOC Finally Approves Revisions To EEO-1 Report**

We first started telling you about the possibility of the U.S. Equal Employment Opportunity Commission (EEOC) revising its 40-year old EEO-1 form over two years ago. Now, the EEOC has voted 3-1 to approve final proposed revisions to the Employer Information Report, also known as the EEO-1 Report. The revisions, assuming the EEOC can successfully jump through some remaining hoops, would be effective for the 2007 reporting cycle.

The EEO-1 report has not been significantly revised since 1966. In June 2003, the EEOC published a notice of proposed revisions to the EEO-1 Report in the Federal Register, received and considered public comments, and held a public hearing on the topic in October 2003. However, the proposed changes were not exactly welcomed, as employers feared the complexity involved in the new multi-racial category and other political groups lobbied to have the changes move in one direction or another.

The final revisions incorporate some of the recommendations received by the EEOC during the past two years. The final proposed changes to the EEO-1 Report's race and ethnic categories – which increased the five current racial and ethnic categories to seven (including the controversial “two or more races” category) – include:

- Adding a new category titled “Two or more races not Hispanic or Latino;”
- Separating “Asians” from “Pacific Islanders;”
- Adding a new category titled “Asians not Hispanic or Latino;”
- Renaming the category from “Black” to “Black or African American;”
- Renaming the category “Hispanic” to “Hispanic or Latino;”
- Adding a new category titled “Native Hawaiian or Other Pacific Islander not Hispanic or Latino;”

- Extending the EEO-1 data collection by race and ethnicity to the State of Hawaii (which has not previously been subject to this requirement); and
- Strongly endorsing self-identification of race and ethnic categories, as opposed to visual identification by employers.

The final proposed changes to the EEO-1 Report's job categories include:

- Dividing "Officials and Managers" into two levels based on responsibility and influence within the organization: "Executive/Senior Level Officials and Managers" and "First/Mid-Level Official and Managers;" and
- Moving non-managerial business and financial occupations from the "Officials and Managers" category to the "Professionals" category.

A notice about the revisions to the EEO-1 Report will be published shortly in the Federal Register, and the public will have 30 days to submit comments to the Office of Management and Budget ("OMB") on the final proposal. OMB can then approve the final EEO-1 after considering public comments – at which time the EEOC will post on its website the final EEO-1, with valid OMB number, along with a revised Instruction Booklet.

Contractors will need to keep a close ear to the ground to know when these revisions are finalized so that they can update their record-keeping. Contractors will likely need to work with their vendors to retool their existing reporting software to take these changes into account.

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