

EEOC Changes EEO-1 Race and Job Categories

July 2008

Private employers with 100 or more employees, or those with 50 or more employees and a government contract of at least \$50,000, must file an annual EEO-1 form with the EEOC. The filing may be done electronically through the EEOC's website.

Beginning September 30, 2008, the EEO-1 form contains new race/ethnicity groupings, and divides the old "Officials and Managers" category into separate "Executive Level Manager" and "Mid-Level Manager" groups. Race/ethnicity categories have been increased from five to seven and include: 1) Hispanic or Latino, 2) White, 3) Black or African American, 4) Native Hawaiian or other Pacific Islander, 5) Asian, 6) American Indian or Alaskan Native, and 7) Two or More Races.

Categories 2-7 exclude Hispanics and Latinos, therefore, if a person considers themselves Hispanic or Latino (category 1); they are limited to that category and cannot select any other category, including the Two or More Race category. For example, a person born of a Latino mother and Black father apparently must decide if they fall into the Latino or Black category, but cannot select the Two or More Race group. In contrast, a person born of an Asian mother and Black father can select the Two or More Race group.

Given today's workforce diversity and the difficulty categorizing individuals, the EEOC strongly encourages employers to have employees self identify, provided any self identification is voluntary and the information gathered is not used to make any employment related decisions. The government suggests a two question approach. First ask whether the employee considers

herself to be Hispanic or Latino. If the answer is “no,” then ask her to select another category. A person selecting Two or More Races need not identify the actual races comprising his race/ethnicity. Where self identification is not provided employers can use visual observation.

In separating the “Officials and Managers” category into two groups the EEOC considers Executive/Senior Level Officials and Managers to be those that “plan, direct and formulate policy and provide the overall direction of the organization.” First/Mid-Level Officials and Managers are those who “direct implementation or operation within the parameters established by the Executive/Senior Level group.”

Failure to file timely reports may result in federal contract termination and debarment from future contracts. Employers requiring an extension can request one by e-mailing the EEOC at e1.extensions@eeoc.gov.

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