

Reminder: Employers Must Submit 2011 EEO-1, VETS-100/100A Reports by September 30

By Eric J. Felsberg

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The September 30th deadline for filing the EEO-1 and VETS 100/100A reports is fast approaching. Highlighted below are some of the EEO-1 and VETS 100/100A filing requirements.

EEO-1 Report

The EEO-1 reporting requirement obligates all employers subject to Title VII of the Civil Rights Act with at least 100 employees, and contractors/subcontractors with at least 50 employees and \$50,000 in federal prime or subcontracts, to file an EEO-1 report with the Equal Employment Opportunity Commission's EEO-1 Joint Reporting Committee. The EEO-1 report requires submission of demographic (race/ethnicity/gender) information related to an employer's workforce by EEO-1 job category.

Race data for employees who have self-identified their ethnicity as "Hispanic or Latino" is not reported on the EEO-1 report. Race data should be reported only for employees who have self-identified as "Not Hispanic or Latino."

While single establishment employers file a single EEO-1 report, those covered employers with multiple establishments generally must file several type of reports: a headquarters report; a company consolidated report that must include *all* employees by race, sex and job category; separate reports for each establishment of at least 50 employees; and either separate reports for each establishment of fewer than 50 employees or a list with the name, address, total employment and major activity of each establishment employing fewer than 50 employees. Employers must use employment data from any one payroll period in July, August or September of the current year. EEOC strongly encourages filing EEO-1 reports online, but it will consider specific, written requests for hardcopy submission. The EEOC's online filing system, as well as filing instructions and sample forms, may be found at <http://www.eeoc.gov/eo1survey/index.html>.

VETS 100/100A

The VETS-100/100A reporting requirement obligates covered federal contractor employers to file the VETS-100/100A report with the U.S. Department of Labor Veterans' Employment and Training Service. These reports request information regarding the number of covered veterans in the employer's workforce, as well as the number of covered veterans hired during the 12-month period preceding the date of completion of the report. While single-establishment employers may file single VETS 100/100A reports, multi-establishment employers generally must file VETS-100/100A reports for each separate hiring establishment of at least 50 employees, and either file a separate VETS-100/100A form for each hiring location employing fewer than 50 employees or consolidated reports that cover hiring locations within one *state* that have fewer than 50 employees. Unlike the EEO-1, *company* consolidated reports are not required or available for the VETS-100 report. Employers must use employment data from any one payroll period in July or August of the current year. Sample VETS-100/100A report forms are available from the U.S. Department of Labor's Veterans' Employment and Training Service at <http://www.dol.gov/vets/programs/fcp/main.htm>.

Employers with federal contracts entered into prior to December 1, 2003, may need to file both the VETS-100 and the VETS-100A report.

Don't know whether to file a VETS-100 or 100A report? Consider the following:

- Contractors with federal contracts of at least \$100,000 entered into on or after December 1, 2003, must file the VETS-100A report.
- Contractors with federal contracts of at least \$25,000 entered into prior to December 1, 2003, must

Meet the Author



[Eric J. Felsberg](#)

Principal
New York Metro
Long Island 631-247-4640
Email

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file the VETS-100 report.

- Contractors that have covered contracts entered into both before and on or after December 1, 2003, are required to file both the VETS-100 and the VETS-100A report.
- A contract modified on or after December 1, 2003, that was entered into before December 1, 2003, creates a new contract and therefore requires the contractor to file a VETS-100A report.

Employers may request an extension of time from the administering agencies to submit the EEO-1 report or VETS-100/100A reports.

What Should Employers Do Now?

- Determine whether the organization is subject to the reporting requirements outlined above.
- Select an appropriate payroll period to gather the data required for submission.
- For those employers new to these requirements, or for those who do not have the required demographic/covered veteran status of employees and new hires, consider polling the workforce for the information.

Contact your Jackson Lewis attorney with any questions about the EEO-1 and/or VETS-100/100A reports or for assistance with electronic filing.

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