

LEGAL UPDATES

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## Services

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# EEO-1 and VETS-100/100A Deadlines are Coming Again — Are You Ready?

The annual deadline to file your EEO-1 and VETS-100/100A forms is September 30, 2011. Filing can begin as early as this summer. To help you, we have summarized the basic rules, including who is covered and what must be done.

**NOTE:** After publication of our original communication on this matter, The Department of Labor announced that the VETS-100/100A website is not available because of technical difficulties, and that it will not be available until October 1, 2011. Because of this delay, **the deadline for filing VETS-100/100A reports has been extended from September 30, 2011, to November 30, 2011.**

### What are these forms?

The EEO-1 form is an annual report that categorizes employees based on ethnicity, race and gender, as well as by job category. The EEO-1 form uses data from any pay period in July, August or September of the filing year.

The VETS-100 and VETS-100A forms are annual reports that track the employment and hiring of former military service members by job category and type of veteran. The VETS-100 and VETS-100A forms use data from any pay period in July or August of the filing year. Additionally, the VETS-100 and VETS-100A forms contain a 12-month summary of information dating back 12 months from the specific pay period selected.

### Why are these forms important?

In addition to the legal requirement that they be completed, the forms are used by (1) government agencies, such as the Office of Federal Contract Compliance Programs (OFCCP) to help select compliance evaluation targets and to track employment patterns; and (2) plaintiffs in lawsuits. Thus, accuracy and timeliness in completing the forms is critical.

## **How do I get the employee information to prepare the forms?**

The government strongly recommends that employers request applicants/employees to voluntarily self-identify as to their racial/ethnic status. Federal contractors are required to request that applicants self-identify voluntarily concerning their veteran status.

NOTE: There are special rules concerning the timing of a request to voluntarily self-identify as to one's disabled veteran status.

## **Who must file the EEO-1 report?**

Those subject to the EEO-1 filing requirements are all private employers subject to Title VII of the Civil Rights Act of 1964 (as amended) with 100 or more employees, excluding, among others, state governments, Indian tribes, and institutions of higher education. Similarly, private employers with fewer than 100 employees are covered if, together with related entities, the entire single enterprise employs 100 or more employees.

Also covered are all federal government contractors (unless otherwise exempt) who are prime or first-tier subcontractors, with a contract/subcontract of \$50,000 or more, and who employ 50 or more employees. Additionally, certain financial institutions must file the EEO-1 form regardless of the dollar value of the federal contract.

## **Who must file the VETS-100/100A reports?**

Those subject to the VETS-100/100A filing requirements are certain federal government contractors and subcontractors. Specifically, federal government contractors and subcontractors with a contract of \$25,000 or more entered into before December 1, 2003, must file the VETS-100. However, if this contract has been modified since December 1, 2003, in the amount of \$100,000 or more, the VETS-100A must be filed instead. Additionally, federal government contractors and subcontractors with a contract of \$100,000 or more entered into on or after December 1, 2003, must file the VETS-100A. Depending on when the contracts were signed and the amount of the contracts, an employer may need to file both the VETS-100 and the VETS-100A.

NOTE: Employers subject to these requirements need to be sure to gather information about the veteran's discharge date in order to properly complete the VETS-100/100A forms.

NOTE: A veteran may need to be counted in multiple categories on the VETS-100/100A forms.

NOTE: Increased focus on veterans by OFCCP makes preparation of these reports even more important.

## **Single-Establishment Versus Multi-Establishment Employers**

A single-establishment employer must submit one EEO-1 and one VETS-100/100A report(s). Multi-

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establishment employers must submit multiple reports, which can be accomplished in a number of different ways, depending in part on the number of employees at each separate facility.

### **How We Can Help**

We prepare and file the EEO-1 and VETS-100/100A forms for clients, and do so in a very cost-effective manner that helps ensure accuracy. We are also available to consult if you have particular issues.

### **Contact Information**

If you have any questions regarding this matter, please contact your Husch Blackwell attorney or Molly Kurt at 816.983.8229.

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