

New York State Releases Draft Compensation Reporting Documents for State Contractors

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In January, New York Governor Andrew Cuomo signed [Executive Order 162](#), which requires most state contractors and subcontractors to disclose employee job title and salary data, in addition to the equal employment opportunity information (such as sex, race, and ethnicity) already required. With the Executive Order that took effect on July 1, 2017, the New York State Division of Minority and Women's Business Development released draft guidelines and supporting materials detailing state contractor requirements. New York State [solicited](#) public comments to the draft documents and those public comments are now under review.

The [draft guidelines](#) provide clarity on many issues, including who must report, what reports must be filed, the compensation information to be reported, when to report, and how to file. Employers can also review a [Frequently Asked Questions](#) document, which covers how the state will use the data, as well as the confidentiality of the data submitted.

Workforce Utilization Form (EEO-1)

The state released a sample Workforce Utilization Form that contractors will use to report on employee job title and salary data. Notably, the [form](#) requests information regarding the total number of employees within each job title, the number of hours worked, and total compensation, broken down by minority groups and gender.

Per the draft guidance, the compensation reported should be exclusive to the state contract, not compensation paid to contractors for work outside the state contract. The draft guidance also states that contractors need only execute the Workforce Utilization for contracts entered into on or after June 1, 2017, with the **first reports due after January 1, 2018**. The guidance specifies that most state agencies and authorities will require that contractors submit reports within seven to ten days following the end of each monthly (for construction contracts) or quarterly (for commodities and services contracts) reporting period.

Implications for Employers

Employers can do several things to prepare for the New York State reporting requirements. First, employers should review the proposed Workforce Utilization Form, guidance documents, and frequently asked questions.

Employers who are entering into state contracts on or after June 1, 2017, should review their systems to ensure they can track all information required, including which employees are working on state contracts as well as the amount of time the employees spend working on those state contracts.

Employers also should remain current on other state laws aimed to close the pay gap, which may impose similar reporting requirements. Jackson Lewis will keep you informed on significant changes to pay equity laws forthcoming.

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