



California Civil Rights Department

CALIFORNIA PAY DATA REPORTING HANDBOOK

REPORTING YEAR 2024

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 Black or African American (Not Hispanic or Latino) 22

 Native Hawaiian or Pacific Islander (Not Hispanic or Latino) 23

 Asian (Not Hispanic or Latino) 23

 American Indian or Alaska Native (Not Hispanic or Latino) 23

 Middle Eastern or North African (Not Hispanic or Latino) 23

 Multiracial and/or Multiethnic (Not Hispanic or Latino) 23

DISCLAIMER

The California Civil Rights Department (CRD) provides information to assist employers in filing pay data reports required by California law. The information provided in this document, and in any other materials produced by CRD (e.g., training materials, website content, etc.), is for informational purposes only. It does not, and is not intended to, constitute legal advice or establish any enforceable rights, defenses, obligations, or substantive policy. Employers are responsible for ensuring their compliance with applicable state and federal laws. If you have questions about your legal obligations, consult an attorney.

Employers should only use and reference CRD materials that are relevant to the current reporting year.

WARNING

Materials from previous years, including pay data reporting templates and user guides, are deprecated and should not be used. Only materials for the current reporting year (i.e., Reporting Year 2024) are valid. Failure to use current materials may result in invalid submissions and non-compliance with your legal requirements.

OVERVIEW OF CALIFORNIA PAY DATA REPORTING

California law¹ requires private employers² with 100 or more employees³ and/or 100 or more workers hired through labor contractors to annually report pay, demographic, and other workforce data to CRD.

This handbook discusses two separate California pay data reports: the Payroll Employee Report and the Labor Contractor Employee Report. Employers may be required to file one or both types of reports. Employers must submit their report(s) electronically through CRD's online Pay Data Reporting Portal (i.e., "portal"). The portal is the online system through which employers register with CRD, submit information about their business and labor contractors (if any), create or submit their Payroll Employee Report and/or Labor Contractor Employee Report, and certify their report(s). The portal can be accessed via

¹ Government Code § 12999.

² "Employer" means a private individual, entity, or other person (including one or more entities acting in concert) that is obligated to file a Payroll Employee Report and/or a Labor Contractor Employee Report. Appendix A of the Handbook provides additional definitions relevant to pay data reporting.

³ "Employee" is an individual on an employer's payroll for whom the employer is required to withhold federal social security taxes from that individual's wages, including full-time and part-time employees. As used in this handbook, the term "employee" may refer to a payroll employee, a labor contractor employee, or both.

the California Pay Data Reporting page at <https://calcivilrights.ca.gov/paydatareporting>. Pay data reports submitted to CRD are confidential.⁴

Pay data reports must be submitted and certified annually by the second Wednesday of each May. This year's reporting deadline is **Wednesday, May 14, 2025**.

INSTRUCTIONS

1. WHO MUST FILE

California law⁵ requires private employers with 100 or more payroll employees inside or outside of California (and at least one California employee⁶) in the prior calendar year to file a Payroll Employee Report.⁷ A private employer that is a client employer⁸ with 100 or more labor contractor employees (i.e., workers hired through labor contractors) inside or outside of California (and at least one California labor contractor employee) in the prior calendar year must file a separate Labor Contractor Employee Report.⁹ A private employer's requirement to file a Payroll Employee Report and/or a Labor Contractor Employee Report depends on its staffing levels and, if applicable, the staffing levels of any affiliated business entities in the reporting year.

For the purposes of Government Code § 12999, a "private employer" refers to any employer that is not a government employer. Regardless of whether the employer is publicly traded, a non-government employer is required to comply with California pay data reporting requirements if it meets the threshold number of payroll employees and/or workers hired through labor contractors.

⁴ Pay data reports submitted to CRD are subject to the confidentiality provisions of Government Code § 12999. Individually identifiable information from these reports may not be made public by CRD or DLSE prior to the institution of an investigation or enforcement proceeding under Labor Code § 1197.5 or Government Code § 12940 involving that information, and only to the extent necessary for purposes of the enforcement proceeding. Additionally, such information is considered confidential and is not subject to disclosure under the California Public Records Act. The confidentiality provisions authorize CRD to publish annual aggregated data reports based on the information submitted, provided the reports are reasonably calculated to prevent the identification of any specific individual employee or employer.

⁵ Government Code § 12999.

⁶ "California employee" refers to an employee who is either assigned to an establishment that is physically located in the state of California or who is physically located in California while performing any job duty, including by working remotely in California for a non-California establishment.

⁷ "Payroll Employee Report" refers to the type of pay data report by which employers annually report to CRD data on their payroll employees.

⁸ "Client employer" in this context refers to a private individual, entity, or other person as defined by Government Code § 12925, subdivision (d) (including one or more entities acting in concert) that has workers hired through labor contractors. In other parts of this handbook, "client employer" may refer to an employer that hires a Professional Employer Organization (PEO), Human Resource Outsourcing Organization (HRO), or other third-party human resource organization to perform human resource-related functions on behalf of the employer.

⁹ "Labor Contractor Employee Report" refers to the type of pay data report by which a client employer annually reports data on their labor contractor employees to CRD.

A private employer has a filing requirement if the employer employed 100 or more employees on a regular basis during the reporting year or employed 100 or more employees during a single employer-selected pay period (i.e., “Snapshot Period”) between October 1 and December 31 of the reporting year.¹⁰

If a private employer is part of an integrated enterprise, meaning it is affiliated with other entities in a manner that involves interrelated operations, common management, centralized control of labor relations, or common ownership or financial control, and the integrated enterprise employs 100 or more employees, including at least one California employee, the employer is required to submit a pay data report. Thus, an entity with fewer than 100 employees is required to submit a pay data report if it is affiliated with one or more other persons, as defined by Government Code § 12925 (including one or more entities acting in concert), such that they constitute an integrated enterprise, and the entire enterprise employs a total of 100 or more employees.

2. WHEN TO FILE

CRD’s pay data reporting portal is scheduled to open on **Monday, February 3, 2025**, for submissions for Reporting Year 2024. Under Government Code § 12999(a), the deadline for filing pay data reports with CRD is the second Wednesday of May each year. For pay data reports covering Reporting Year 2024, the filing deadline is **Wednesday, May 14, 2025**.

The latest updates and resources for Reporting Year 2024 are available at <https://calcivilrights.ca.gov/paydatareporting>.

3. HOW TO FILE

CRD requires electronic submission of pay data reports through the Pay Data Reporting Portal. The portal is accessible at <https://pdr.calcivilrights.ca.gov>. Only pay data reports submitted and certified through the portal will be accepted. CRD will not accept reports by email or in hard copy. CRD considers employers submitting reports outside of the portal to be non-compliant with their pay data reporting requirements.

To file a pay data report, an employer registers in the portal and provides basic information about its business, including information about any affiliated companies. Then, the employer creates and submits its Payroll Employee Report and/or Labor Contractor Employee Report, depending on the employer’s reporting obligations. If any employer is obligated to submit both report types, it must submit the Payroll Employee Report separately from the Labor Contractor Employee Report.

¹⁰ Please refer to the section titled “What is the Snapshot Period” in this handbook for more information on the Snapshot Period.

A pay data report covers a single employer, its component establishments (if it has more than one establishment), and its payroll employees or labor contractor employees assigned to those establishments. Affiliated entities that qualify as a single employer may choose to file either a single pay data report covering all entities or separate reports for each legal entity. Only affiliated entities that meet the criteria for an integrated enterprise may file a combined report covering multiple entities, but they are not required to do so. Affiliated companies that do not meet the threshold for an integrated enterprise must each file a separate pay data report.

4. WHAT IS THE SNAPSHOT PERIOD

The Snapshot Period is used to determine which payroll employees and/or labor contractor employees must be included in a pay data report. The Snapshot Period is defined as a single pay period between October 1 and December 31 of the reporting year.¹¹ Employers may choose any single pay period within this timeframe as their Snapshot Period.

For Labor Contractor Employee Reports, CRD recommends that a client employer, which is ultimately responsible for the Labor Contractor Employee Report, collaborate with each of its labor contractors to select a single pay period between October 1 and December 31 of the reporting year to serve as the Snapshot Period. Although CRD encourages client employers with multiple labor contractors to use the same Snapshot Period for all labor contractors, the Snapshot Period does not need to be the same for each labor contractor, as long as it otherwise complies with these instructions.

For both report types, an employer has the requisite number of employees if the employer either employed 100 or more employees during the Snapshot Period or employed 100 or more employees on a regular basis during the reporting year.¹²

5. WHAT IS AN ESTABLISHMENT

An establishment is an economic unit producing goods or services, such as a factory, office, store, or mine. A pay data report must include each of an employer's establishments with one or more California employees assigned to it. For the purposes of the pay data reports, employers should utilize the same establishments that they use for their EEO-1 Reports, and employers should assign employees to the establishment where the employer reports the employee for federal EEO-1 purposes. An employee's residential address is not considered an establishment and should not be disclosed in any pay data report submitted to CRD.

¹¹ Government Code § 12999(b)(4).

¹² "Regularly employed 100 or more employees during the reporting year" means employed 100 or more individuals on a regular basis during the reporting year. "Regular basis" refers to the nature of a business that is recurring, rather than constant. See Cal. Code Regs., tit. 2, § 11008(d)(1) & 11008(d)(1)(A).

All employees assigned to a California establishment and/or working in California during the Snapshot Period must be included in an employer's pay data reports. If an employee reports to more than one establishment during the Snapshot Period, the employer should assign the employee to the establishment to which they report for the majority of their work. Employees assigned to establishments outside of California and working outside of California should not be included in the report.

6. FILING REQUIREMENTS BY REPORT TYPE

Depending on its reporting obligations, an employer may need to file one or both of two report types: a Payroll Employee Report and a Labor Contractor Employee Report. If both reports are required, the employer must submit the Payroll Employee Report separately from the Labor Contractor Employee Report.

Whether the employer is a single-establishment or multiple-establishment employer, it submits one Payroll Employee Report and/or one Labor Contractor Employee Report, depending on its reporting requirements. A multiple-establishment employer does not need to file separate reports for each establishment, including its headquarters. The headquarters is considered a distinct establishment and is reported in the same manner as other establishments. All establishments in California or to which California-based employees are assigned must be reported, regardless of size, as Government Code § 12999 does not differentiate by establishment size.

For both report types, the completed report may be submitted by uploading an Excel file using CRD's template, uploading a CSV file, or using the portal's fillable forms. Employers must submit their pay data reports to CRD by **Wednesday, May 14, 2025**.

Payroll Employee Report

The Payroll Employee Report requires the employer to identify the California employees who will be reported on based on the employer's Snapshot Period. This includes employees assigned to California establishments and/or working within California (i.e., "California employees"). Employers should not report employees working outside of California and assigned to an establishment outside of California (i.e., "non-California employees").

Labor Contractor Employee Report

The Labor Contractor Employee Report requires the employer – that is, the client employer – to identify the California labor contractor employees who will be reported on based on the employer's Snapshot Period. This includes labor contractor employees assigned to California establishments and/or working within California ("California labor contractor employees"). Labor contractor employees working outside of California and assigned to an establishing outside of California (i.e., "non-California labor contractor

employees”) are not included in the report. The pay data report requires client employers to determine which labor contractors were used and to identify the establishments that had labor contractor employees during the reporting year.

A client employer must submit only one Labor Contractor Employee Report, even if it has multiple labor contractors. If a client employer has workers hired through multiple labor contractors, the employer’s single report must include information from all their various labor contractors. For each labor contractor that supplied workers to the client employer during the reporting year, the client employer must report all of its establishments to which California labor contractor employees were assigned during the Snapshot Period.

7. REPORT STRUCTURE

An employer’s pay data report, whether it is a Payroll Employee Report or a Labor Contractor Employee Report, is comprised of employer, establishment, and employee information.

Employer Information

Pay data reports must include information about the employer, including the employer’s address on file with the California Employment Development Department (EDD), total number of employees in the United States, total number of employees in California, Federal Employer Identification Number (FEIN), California Employer Identification Number (SEIN), California Secretary of State (SOS) number, North American Industry Classification System (NAICS) code, DUNS Number,¹³ information about affiliated entities, and whether the employer is a state contractor.

Establishment Information

Pay data reports must include information on all establishments to which employees included in report are assigned (i.e., California establishments and/or non-California establishments to which a California employee is assigned). For each establishment, the employer must provide the establishment name, address, NAICS code, major activity, the total number of employees assigned to the establishment, whether a California Pay Data Report and/or EEO-1 Report was filed for the establishment for the prior reporting year, and whether the establishment is the employer’s headquarters. Whether an employer has one establishment or multiple establishments, it submits a single Payroll Employee Report and/or a single Labor Contractor Employee Report, depending on its reporting requirements.

Employee Detail

¹³ [“Data Universal Numbering System” \(DUNS\)](#) is a unique nine-digit identifier for a business issued by Dun & Bradstreet.

For all California employees in the Snapshot Period, the employee's establishment, job category, race/ethnicity/sex combination, pay in 2024, pay bands, hours worked in 2024, and remote worker status must be identified. Within each establishment, employers will group California employees (i.e., create "employee groups") with the same job category,¹⁴ pay band,¹⁵ race/ethnicity,¹⁶ and sex.¹⁷ For each employee group, employers must calculate the total hours worked by the group, the group's mean and median hourly rates, and the number of remote workers.

For Labor Contractor Employee Reports, employers must provide additional information about the labor contractors that supplied the labor contractor employees in the report. For each labor contractor employee group, employers must provide the labor contractor name, labor contractor FEIN, Snapshot Period begin date, and Snapshot Period end date.

8. CLASSIFICATION OF EMPLOYEES INTO JOB CATEGORIES

For pay data reporting purposes, employers should assign each employee to one of ten major job categories. The job categories used for pay data reporting are consistent with the U.S. Equal Employment Opportunity Commission's (EEOC) EEO-1 Component 1 data collection. For additional guidance, employers should utilize Appendix C of the 2023 EEO-1 Component 1 Data Collection Instruction Booklet,¹⁸ EEO-1 Component 1 Job Classification Guide,¹⁹ and other guidance from EEOC to categorize employees into the appropriate job category.

If an employee worked in more than one of the job categories during the calendar year, the employer should assign that employee to the one job category for which they did the majority of their work during the Snapshot Period.

9. REPORTING BY RACE/ETHNICITY

¹⁴ Employers will assign employees to one of the following job categories: Executive or Senior Level Officials and Managers, First or Mid-Level Officials and Managers, Professionals, Technicians, Sales Workers, Administrative Support Workers, Craft Workers, Operatives, Laborers and Helpers, or Service Workers.

¹⁵ Employers will assign employees to one of the following pay bands: \$19,239 and under, \$19,240 – \$24,959, \$24,960 – \$32,239, \$32,240 – \$41,079, \$41,080 – \$53,039, \$53,040 – \$68,119, \$68,120 – \$87,359, \$87,360 – \$112,319, \$112,320 – \$144,559, \$144,560 – \$186,159, \$186,160 – \$239,199, \$239,200 and over. These pay bands reflect the most recent pay bands established by the U.S. Bureau of Labor Statistics in the [Occupational Employment and Wage Statistics Survey](#).

¹⁶ Employers will assign employees to one of the following race/ethnicity categories: Hispanic or Latino, White (Not Hispanic or Latino), Black or African American (Not Hispanic or Latino), Native Hawaiian or Pacific Islander (Not Hispanic or Latino), Asian (Not Hispanic or Latino), American Indian or Alaska Native (Not Hispanic or Latino), Middle Eastern or North African (Not Hispanic or Latino), or Multiracial and/or Multiethnic (Not Hispanic or Latino).

¹⁷ Employers will assign employees to one of the following sex categories: Male, Female, or Non-Binary.

¹⁸ See Appendix C of [EEOC's 2023 EEO-1 Component 1 Data Collection Instruction Booklet](#).

¹⁹ See [EEOC's 2023 EEOC-1 Component 1 Job Classification Guide](#).

Employee self-identification is the preferred method of identifying race/ethnicity information. If an employee declines to voluntarily provide their race/ethnicity, employers must still report the employee's race/ethnicity using (in the following order): current employment records, other reliable records or information, or observer perception. CRD recognizes the risk of inaccurate race/ethnicity identification based on observer perception alone; this method should only be used after making a good faith effort to obtain race/ethnicity information from the employee voluntarily and from other reliable records. When an employer uses observer perception, CRD encourages the employer to utilize the "Clarifying Remarks" field to state that it has done so, stating for example: "The race/ethnicity of [number] of employees in this employee grouping is being reported based on observer perception."

Definitions for race and ethnicity categories and additional guidance for reporting employee race/ethnicity for pay data reporting purposes are provided in Appendix B of this handbook.

10. REPORTING BY SEX

Under the Gender Recognition Act of 2017 (Senate Bill 179), California officially recognizes three genders: female, male, and non-binary. Therefore, employers should report employees' sex according to these three categories. CRD requires employers to report non-binary employees in the same manner as male and female employees.

Employee self-identification is the preferred method of identifying sex information. If an employee declines to state their sex, employers must still report the employee according to one of the three categories, using current employment records or other reliable records or information, such as an employee's self-identified pronouns.

11. CLASSIFICATION OF EMPLOYEES INTO PAY BANDS

In addition to identifying the job category, race/ethnicity, and sex of each of its employees in the Snapshot Period, the employer assigns those employees to the appropriate pay bands. To identify the particular pay band in which to count an employee, the employer "shall calculate the total earnings, as shown on the Internal Revenue Service Form W-2" for each employee in the Snapshot Period, for the entire reporting year.²⁰ Employers must use the Internal Revenue Service (IRS) Form "W-2 Box 5 – Medicare Wages and Tips"²¹ to identify an individual's pay band for the entire reporting year. However, if any employee has wages not reported in Box 5, use W-2 Box 1 for that employee and note this in the associated "Clarifying Remarks" field.

²⁰ Government Code § 12999(b)(5).

²¹ For more information, see [Internal Revenue Service \(IRS\) instructions for reporting Medicare wages and tips \(box 5\) on an employee's Form W-2](#).

If a labor contractor employee has worked for more than one client employer over the course of the calendar year, their W-2 Box 5 wages should be allocated respectively to each client employer, based on the wages for work performed for that client employer, for the purposes of reporting on their pay.

12. REPORTING HOURS WORKED

In addition to identifying the job category, pay band, race/ethnicity, and sex of each of its employees in the Snapshot Period, the employer calculates and reports the total hours worked by each of those employees during the calendar year. Once an employer has identified the job category, pay band, hours worked, race/ethnicity, and sex of each of its employees in the Snapshot Period, the employer counts the number of employees within each establishment (or the establishment for single-establishment employers) with the same job category, pay band, race/ethnicity, and sex, and aggregates the hours worked by this group of like employees during the calendar year. If an employee does not share the same job category, pay band, race/ethnicity, or sex of any other employee in the establishment, the employer would report a count of one and that employee's total hours worked during the calendar year alone.

Employees employed for part of the year should still be accounted for if they were employed during the employer's Snapshot Period. Part-time employees, including those who work partial days or fewer than each day of the work week, are counted the same as full-time employees for purposes of pay data reporting.

When calculating the total hours worked of a non-exempt employee, employers should utilize timesheets (or other records) to calculate the actual hours worked by the employee plus the hours the employee was on any form of paid time off for which the employee was paid by the employer (such as vacation time, sick time, or holiday time).

When calculating an exempt employee's total hours worked, employers should utilize timesheets (or other records) to calculate the actual hours worked by the employee plus the hours the employee was on any form of paid time off for which the employee was paid by the employer (such as vacation time, sick time, or holiday time), if such records are maintained. Otherwise, employers should calculate each exempt employee's total hours worked by multiplying the total number of days actually worked during the reporting year plus the total number of days on any form of paid leave for which the employee was paid by the employer (such as vacation time, sick time, or holiday time), by the average number of hours worked per day by the employee.

Proxy Employee Total Hours for an Individual Worker

If the employer records the number of hours worked by some exempt employees but not others, the employer may report the actual hours worked for the tracked employees and may use a proxy for those whose hours are not tracked. "Proxy" refers to the number of hours calculated from the formula detailed below for calculating an exempt employee's

hours when the employee does not keep timesheets (or other records). The proxy formula is specifically for estimation purposes and should be used only when actual hours worked are not tracked. While it is mathematically identical to the formula for calculating an employee's total hours, it is labeled as "proxy" to clearly identify its purpose as an estimate.

This formula is for individual exempt employees only if there is no timesheet or record of hours worked. The individual worker's proxy employee total hours should be summed with all other individual estimates for workers in the same job category, pay band, sex, and race/ethnicity combination.

Proxy employee total hours =

$$\begin{aligned} & \text{(Total days worked + Total paid leave days)} \\ & \times \text{(Average hours worked per day by employee)} \end{aligned}$$

Using the proxy formula requires the employer to calculate an exempt employee's hours worked individually. Therefore, there is not necessarily one set proxy for all full-time employees or all part-time employees (e.g., 2,080 hours for full-time employees and 1,040 hours for part-time employees).

Employers must include time during which the employee was on any form of paid time off for which the employee was paid by the employer, because such pay will be included on the employee's W-2.

If a labor contractor employee has worked for more than one client employer over the course of the calendar year, their hours worked should be allocated respectively to each client employer, based on the hours of work performed for that client employer.

13. REPORTING MEAN AND MEDIAN HOURLY RATES

Senate Bill 1162 requires that all Payroll Employee Reports and Labor Contractor Employee Reports include the mean and median hourly rates of all employee groups.

Hourly Rate

Employers must calculate each employee's individual hourly rate before calculating the mean and median hourly rates. The individual hourly rate is derived from an employee's total annual earnings for the entire reporting year, as shown on IRS Form W-2 Box 5. To calculate an individual's hourly rate, divide the employee's W-2 Box 5 income by the number of hours the employee worked during entire reporting year.

If an employee has wages not reported in IRS Form W-2 Box 5, use W-2 Box 1 for that employee's total annual earnings and divide that amount by the number of hours the employee worked during the entire reporting year.²²

Mean Hourly Rate

Employers report the mean hourly rate for each employee group. The mean hourly rate is calculated by adding the individual hourly rates for each employee in the group, then dividing that sum by the number of employees in the group.

If there is only one employee in the employee group, that employee's hourly rate is reported as the mean hourly rate.

Median Hourly Rate

Employers are required to report the median hourly rate for each employee group. The median hourly rate is calculated by ordering the hourly wages of each employee in the group from smallest to largest and selecting the middle number.

If there is only one employee in the employee group, that employee's hourly rate is reported as the median hourly rate.

If the number of employees in the employee group is an even number, the median hourly rate is calculated by arranging the hourly wages of each employee in the group from smallest to largest and taking the mean of the two middle numbers. If there are only two employees in the employee group, the median hourly rate would be the same as the mean of their two hourly rates.

14. HOW TO REPORT REMOTE EMPLOYEES

Employers must report the number of employees in an employee group who worked remotely. For purposes of pay data reporting, "remote worker" refers to employees (payroll employees or labor contractor employees) who are entirely remote, teleworking, or home-based, and have no expectation to regularly report in person to a physical establishment to perform their work duties. Employees in hybrid roles or partial teleworking arrangements expected to regularly appear in person to perform work at a particular establishment for any portion of time during the Snapshot Period would not be considered remote workers for pay data reporting purposes.

Employers should use the Snapshot Period when determining whether to classify an employee as a remote worker. If an employee was expected to report in person to a

²² For additional guidance on how to calculate the number of hours an employee worked, see the Frequently Asked Questions under the section titled, "How are employees' total hours worked calculated?" (<https://calcivilrights.ca.gov/paydatareporting/faqs>).

physical establishment during the Snapshot Period, the employee should not be reported as a remote worker, even if they work remotely at other times of the year.

Within each employee group in each establishment, employers must report the number of employees who do not work remotely, the number of employees working remotely in California for any establishment inside or outside of California, and the number of employees working remotely outside of California and assigned to a California establishment. Thus, remote employees who are based in California and report to an establishment outside of California will still be accounted for in the pay data report.

All employees working remotely in California and/or assigned to a California establishment must be reported in an employer's pay data reports. To facilitate reporting for employers, CRD is adopting EEOC's instructions for reporting assigned establishments of remote employees.²³ **Under no circumstances should an employee's residential or home address be reported on any pay data report submitted to CRD.**

If a remote employee is not assigned to and does not report to any physical establishment on a permanent basis, the employee should be reported at the establishment to which the employee's manager reports or is assigned. If an employee does not report to an establishment and the employee's manager also does not report to an establishment, then the employee (and their manager) should be reported at the employer's headquarters.

If an employer operates entirely remotely and does not have any physical establishments or headquarters, the employer should report the address where the business is legally registered.

15. HOW TO REPORT NAICS CODES

Employers are required to use the North American Industry Classification System (NAICS) to identify the primary business activity of each of its establishments. An employer must report a six-digit NAICS industry code for both the employer and each California establishment of the employer. An employer can use the U.S. Census Bureau's NAICS search tool (<https://www.census.gov/naics>) to identify the correct six-digit NAICS code for each establishment.²⁴ If an establishment operates in multiple industries, the employer should report the industry in which the greatest number of employees work.

²³ For more information, see the section named "How to Report Remote/Telework Employees" in [EEOC's 2023 EEO-1 Component 1 Instruction Booklet](#).

²⁴ A valid and complete NAICS code contains six digits. For more information, see the U.S. Census Bureau's NAICS search tool at <https://www.census.gov/naics>.

16. HOW TO REPORT EMPLOYER IDENTIFICATION NUMBERS

Federal Employer Identification Number (FEIN)

A federal employer identification number (FEIN) is a unique, nine-digit tax identification number assigned by the Internal Revenue Service (IRS) to businesses and other entities. Businesses are required to have a FEIN if they have employees or operate certain types of entities.²⁵ For pay data reporting, an employer must provide its FEIN when filing a pay data report with CRD.²⁶

State Employer Identification Number (SEIN)

A California state employer identification number (SEIN) is a unique, eight-digit employer payroll tax account number issued by EDD. All employers operating in California with at least one employee paid more than \$100 in wages in a calendar quarter are required to register as an employer with the state and obtain a state-issued SEIN.²⁷ For pay data reporting, an employer must provide its SEIN when filing a pay data report with CRD.

California Secretary of State (SOS) Identification Number

The Secretary of State (SOS) identification number is either a seven-digit (beginning with the letter 'C') or twelve-digit entity number assigned by the California Secretary of State when an employer registers its business with the state. If an employer has an SOS identification number, the employer must provide its SOS identification number when filing a pay data report with CRD.

17. REPORTING PROCEDURES FOR THIRD-PARTY HUMAN RESOURCE ORGANIZATIONS FILING FOR CLIENT EMPLOYERS

While it is the client employer's responsibility to comply with Government Code § 12999 and to certify the accuracy of its own company's pay data report(s), a Professional Employer Organization (PEO), Human Resource Outsourcing organizations (HRO), or similar third-party human resource organization may prepare and file pay data report(s) with CRD on behalf of a client employer. In addition, a labor contractor may assist in preparing and may file pay data reports with CRD on behalf of a client employer it supplied with workers during the reporting year. However, an official of the client employer, not from a PEO, HRO, or labor contractor, must certify the accuracy of the

²⁵ For more information on IRS-issued federal employer identification numbers, please visit the [IRS page for employer identification numbers](#) and review [IRS Publication 1635: Understanding Your EIN](#).

²⁶ If an employer is a sole proprietor or other business entity without a FEIN and has a filing requirement for a Labor Contractor Employee report, then an alternate federal tax identification number, such as a Social Security Number, may be used.

²⁷ For more information on obtaining a California state employer identification number from EDD, please visit EDD's ["Am I Required to Register as an Employer?"](#) page.

report. A certifying official may authorize another person to electronically file the certification on their behalf.

A PEO, HRO, or labor contractor, if subject to California's pay data reporting requirement itself, must submit its own pay data report regarding its own establishments and employees, separate from any report it submits for a client employer. It may not submit a single pay data report for itself and a client employer.

18. OFFICIAL CERTIFICATION OF SUBMISSION

To file a Payroll Employee Report or a Labor Contractor Employee Report, an official of the employer must certify that the report is accurate and prepared in accordance with CRD's instructions. While an employer may designate its own certifying official, the certifying official must have knowledge of the information contained in the report or have received it from an individual with such knowledge, must have reviewed the report and be able to certify its accuracy, and must be authorized to file the report on behalf of the employer.

If an employer identifies an error after submitting its pay data report to CRD, the employer should decertify the incorrect report and promptly submit a corrected report prior to the filing deadline, identifying the corrected cells and explaining the correction in the "Clarifying Remarks" field.

19. FAILURE TO FILE

Under Government Code § 12999(a), the deadline for filing pay data reports with CRD is the second Wednesday of May each year. For pay data reports covering Reporting Year 2024, the filing deadline is on **Wednesday, May 14, 2025**.

Government Code § 12999(f) authorizes CRD to seek a court order for compliance if CRD does not receive a required report from an employer that was obligated to file by the deadline. The statute also permits CRD to seek civil penalties of up to \$100 per employee against an employer that fails to file a required report, with the penalties increasing to up to \$200 per employee for any subsequent failure to file. Additionally, if a labor contractor fails to provide required pay data to a client employer as mandated by law, the court may apportion an appropriate amount of penalties to the labor contractor. CRD is also entitled to recover its costs associated with any enforcement action.²⁸

20. CONFIDENTIALITY

Government Code § 12999(g) prohibits CRD, the Labor Commissioner's Office (DLSE), and their staff from making public "any individually identifiable information obtained pursuant to their authority under this section" before the initiation of an investigation or

²⁸ Government Code § 12999(f).

enforcement proceeding by DLSE or CRD under Labor Code § 1197.5 or Government Code § 12940 that involves that information. Even then, disclosure is permitted only “to the extent necessary for purposes of the enforcement proceeding.” For purposes of this section, “individually identifiable information” is defined as data submitted under this section that is associated with a specific person or business.

In addition, Government Code § 12999(h) states that “[a]ny individually identifiable information submitted to the department pursuant to this section shall be considered confidential information and not subject to disclosure pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1).”

Pursuant to Government Code § 12999(i), “[CRD] may develop, publish on an annual basis, and publicize aggregate reports based on the data obtained pursuant to their authority under this section, provided that the aggregate reports are reasonably calculated to prevent the association of any data with any individual business or person.”

APPENDIX A

KEY TERMS FOR PAY DATA REPORTING

California Employee – An employee who is either assigned to an establishment that is physically located in the state of California or who is physically located in California while performing any job duty, including by working remotely in California for a non-California establishment

Client Employer – A private individual, entity, or other person as defined by Government Code §12925, subdivision (d) (including one or more entities acting in concert) that has workers hired through labor contractors

CRD – The California Civil Rights Department

Employee – An individual on an employer’s payroll for whom the employer is required to withhold federal social security taxes from that individual’s wages, including full-time and part-time employees; “employee” may refer to a payroll employee, a labor contractor employee, or both

Employer – A private individual, entity, or other person as defined by Government Code §12925, subdivision (d) (including one or more entities acting in concert) that is obligated to file a Payroll Employee Report and/or a Labor Contractor Employee Report

Establishment – An economic unit producing goods or services

Labor Contractor – An individual or entity that supplies, either with or without a contract, a client employer with workers to perform labor within the client employer’s usual course of business

Labor Contractor Employee – An individual on a labor contractor’s payroll for whom the labor contractor is required to withhold federal social security taxes from that individual’s wages, including both full-time and part-time employees, and who performs labor for a client employer within the client employer’s usual course of business

Labor Contractor Employee Report – The type of pay data report by which a client employer annually reports data on their labor contractor employees to CRD

Pay data – Generally, all of the data that must be reported to CRD in a pay data report, including but not limited to pay rates and demographic information about employees

Pay data report/report(s) – A Payroll Employee Report and/or a Labor Contractor Employee Report

Payroll Employee – An individual on an employer’s payroll for whom the employer is required to withhold federal social security taxes from that individual’s wages, including both full-time and part-time employees

Payroll Employee Report – The type of pay data report by which employers annually report to CRD data on their payroll employees

Portal – The online system through which employers register with CRD, submit information about their business and labor contractors (if any), create or submit their Payroll Employee Report and/or Labor Contractor Employee Report, and certify their report(s)

Remote worker – A payroll or labor contractor employee who is entirely remote, teleworking, or home-based, and has no expectation to regularly report in person to a physical establishment to perform work duties; employees in hybrid roles or partial teleworking arrangements expected to appear in person to perform work at a particular establishment for any portion of time during the Snapshot Period would not be considered remote workers for pay data reporting purposes

Snapshot Period – A single pay period between October 1 and December 31 of the reporting year

User Guide – Instructions for using the portal and logistical guidance on filing pay data reports

APPENDIX B**DEFINITIONS OF RACE AND ETHNICITY CATEGORIES²⁹*****Hispanic or Latino***

Includes individuals of Mexican, Puerto Rican, Salvadoran, Cuban, Dominican, Guatemalan, and other Central or South American or Spanish culture or origin.

White

Individuals with origins in any of the original peoples of Europe, including, for example, English, German, Irish, Italian, Polish, and Scottish.

Black or African American

Individuals with origins in any of the Black racial groups of Africa, including, for example, African American, Jamaican, Haitian, Nigerian, Ethiopian, and Somali.

Native Hawaiian or Pacific Islander

A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands, including, for example, Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, and Marshallese.

Asian

Individuals with origins in any of the original peoples of Central or East Asia, Southeast Asia, or South Asia, including, for example, Chinese, Asian Indian, Filipino, Vietnamese, Korean, and Japanese.

American Indian or Alaska Native

Individuals with origins in any of the original peoples of North, Central, and South America, including, for example, Navajo Nation, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community, Aztec, and Maya.

²⁹ The U.S. Office of Management and Budget (OMB) maintains standards for race and ethnicity data, including definitions for race and ethnicity categories. In 2024, OMB released revised standards for data collection on race and ethnicity. For more information, see [OMB's 2024 Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity](#).

Middle Eastern or North African³⁰

Individuals with origins in any of the original peoples of the Middle East or North Africa, including, for example, Lebanese, Iranian, Egyptian, Syrian, Iraqi, and Israeli.

Multiracial and/or Multiethnic

Individuals who identify with more than one of the above races/ethnicities (White, Black or African American, Native Hawaiian or Pacific Islander, Asian, American Indian or Alaska Native, Middle Eastern or North African) and who do not identify as Hispanic or Latino. For the purposes of this group, individuals who identify as Hispanic or Latino and one or more of the above races/ethnicities would not qualify as for the “Multiracial and/or Multiethnic” category.

ASSIGNING EMPLOYEES INTO RACE/ETHNICITY CATEGORIES

Employers should assign employees who report a single race/ethnicity to one of the seven race/ethnicity categories alone listed below. If an employee reports they are Hispanic or Latino, regardless of whether they identify with any other race/ethnicity, they must be assigned to the “Hispanic or Latino” category. If an employee reports more than one race/ethnicity and does not identify as Hispanic or Latino, they must be assigned to the “Multiracial and/or Multiethnic” category.

Hispanic or Latino

Report all employees who identify as Hispanic or Latino, regardless of whether they identify with any other race/ethnicity category, in the “Hispanic or Latino” category.

White (Not Hispanic or Latino)

Report all employees who identify as White and no other race/ethnicity, and who do not identify as Hispanic or Latino, in the “White” category.

Black or African American (Not Hispanic or Latino)

Report all employees who identify as Black or African American and no other race/ethnicity, and who do not identify as Hispanic or Latino, in the “Black or African American” category.

³⁰ In 2024, [OMB published revised race and ethnicity data standards](#), including adding Middle Eastern or North African (MENA) as a minimum reporting category for data on race and ethnicity, separate from the White category. Previously, OMB’s definition for the White category included MENA. For Reporting Year 2024, employers may report race/ethnicity of MENA employees following OMB’s revised standards.

Native Hawaiian or Pacific Islander (Not Hispanic or Latino)

Report all employees who identify as Native Hawaiian or Pacific Islander and no other race/ethnicity, and who do not identify as Hispanic or Latino, in the “Native Hawaiian or Pacific Islander” category.

Asian (Not Hispanic or Latino)

Report all employees who identify as Asian and no other race/ethnicity, and who do not identify as Hispanic or Latino, in the “Asian” category.

American Indian or Alaska Native (Not Hispanic or Latino)

Report all employees who identify as American Indian or Alaska Native and no other race/ethnicity, and who do not identify as Hispanic or Latino, in the “American Indian or Alaska Native” category.

Middle Eastern or North African (Not Hispanic or Latino)

Report all employees who identify as Middle Eastern or North African and no other race/ethnicity, and who do not identify as Hispanic or Latino, in the “Middle Eastern or North African” category.

Multiracial and/or Multiethnic (Not Hispanic or Latino)

Report all employees who identify with more than one of the above non-Hispanic/non-Latino races/ethnicities (White, Black or African American, Native Hawaiian or Pacific Islander, Asian, American Indian or Alaska Native, Middle Eastern or North African), and who do not identify as Hispanic or Latino, in the “Multiracial and/or Multiethnic” category. Identifying as Hispanic or Latino and one or more of the other listed race/ethnicity groups does not qualify as Multiracial and/or Multiethnic.