

EEOC Announces New Deadlines for EEO-1 Reporting

Related Professionals

Mark Bakker
864.282.1175
MBakker@nexsenpruet.com

Practices

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The Equal Employment Opportunity Commission (EEOC) announced this week that April 26, 2021 is the opening date for collecting 2019 and 2020 EEO-1 Component 1 data. Furthermore, employers will have until July 19, 2021 to submit two years of EEO-1 data. This announcement comes after the commission opted to delay the opening of the 2019 EEO-1 Component 1 data collection last May due to COVID-19.

What is EEO-1 Component 1 data collection? As part of its mandate under Title VII of the Civil Rights Act of 1964, the EEOC requires periodic reports from public and private employers describing the composition of their workforces. Employers who have at least 100 employees and federal contractors who have at least 50 employees must complete and submit an annual EEO-1 Report, which requests information about employees' job categories, ethnicity, race, and gender. *This report is mandatory.*

What about EEO-1 Component 2 data collection? There is no Component 2 ("hours worked" and "pay data") reporting requirement for 2019 or 2020. As Nexsen Pruet has documented in past updates, the National Academies of Sciences, Engineering, and Medicine's Committee on National Statistics is analyzing the Component 2 data submitted by employers for 2017 and 2018. Because the White House recently affirmed that pay equity and pay data transparency will be a Biden administration priority, Component 2 data collection may be revived at some point in the future.

What should eligible employers do now to prepare? Eligible EEO-1 filers should confirm or modify, if applicable, their contact information by completing the EEOC's "Contact Us" form. Filers should also begin preparing to submit data in anticipation of the April 26, 2021 opening of the data collection period. The collections this year are scheduled as follows:

April: 2019 and 2020 EEO-1 Component 1 Data Collection (private sector employers)

July: 2020 EEO-5 Data Collection (public elementary/secondary school districts)

August: 2020 EEO-3 Data Collection (local referral unions)

October: 2021 EEO-4 Data Collection (state/local governments)

By pushing the collection date to July 19, 2021, private employers have the benefit of an extended data collection period this year (12 weeks).

What happens if a filer does not comply with the above requirements, or provides false information? If an employer fails or refuses to file its EEO-1 report, the EEOC can compel disclosure through judicial means. Failure to comply may also create informal repercussions and headaches when the EEOC processes and investigates discrimination charges. Making a willfully false statement on an EEO-1 report is a violation of 18 U.S.C. §1001 and is punishable by fine and/or imprisonment.

Further questions? Resources to assist filers with their submissions will be posted online by the EEOC Filer Support Team once collection begins. Should you need assistance with this process, or have questions about your reporting obligations as an employer, please reach out to a member of the Nexsen Pruet Employment & Labor practice group.