

Eye on Washington Regulatory Update

The EEOC Delays EEO-1 Data Collection Due to COVID-19 - Employers Do Not Need to Submit 2019 Data This Year

On May 7, 2020, the Equal Employment Opportunity Commission (EEOC) announced that it is postponing employers' EEO-1 reporting obligation to 2021 as a result of the COVID-19 pandemic.

Most employers with 100 or more employees (and federal contractors with 50 or more employees and a federal contract of \$50,000 or more) are required to provide the EEOC with certain EEO-1 demographic data every year. Typically, these EEO-1 filers are required to submit one calendar year of EEO-1 data in or around March of the following year.

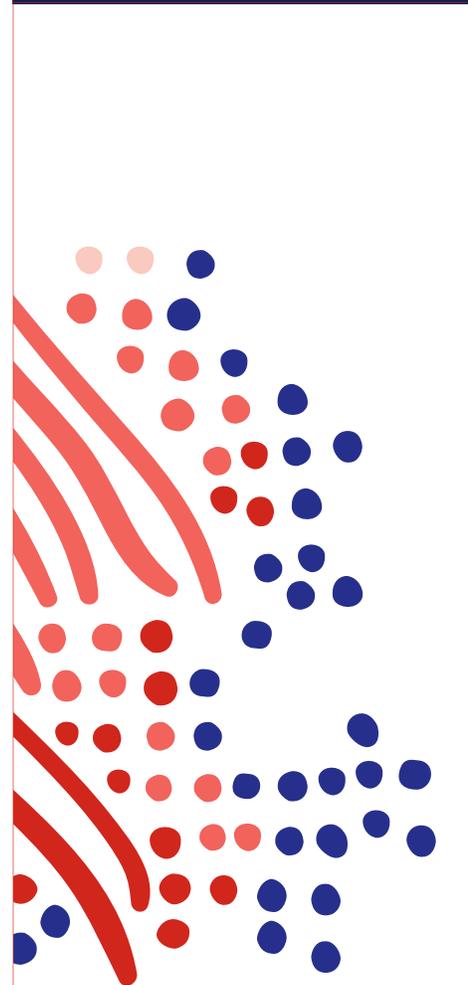
Employers with EEO-1 filing requirements had been waiting for the EEOC to announce when it would collect 2019 data.

In the May 7 announcement, the EEOC stated that employers are not required to submit data this year. Instead, the EEOC expects to collect EEO-1 data for both calendar year 2019 and calendar year 2020 in March 2021. The EEOC recognized "the impact that the current public health emergency is having on workplaces across America" and that "[d]elaying the collections until 2021 will ensure that EEO filers are better positioned to provide accurate, valid and reliable data in a timely manner." The EEOC indicated that it will notify filers of the precise filing deadlines as soon as possible.

Background

The EEOC has been collecting Component 1 data, which includes information about employees' job categories, race/ethnicity and gender, since 1966 as part of its mandate to prevent discrimination in employment under Title VII of the Civil Rights Act of 1964.

In 2019, employers were also required to submit Component 2 data, which includes detailed information about employee pay and hours worked, for calendar years 2017 and 2018. In September 2019, the EEOC announced its decision to discontinue seeking this additional pay data, and to return to collecting the traditional EEO-1 Component 1 data (job category, race/ethnicity and gender) for calendar years 2019, 2020, and 2021.



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Although the form to be used for 2019 reporting has not yet received final approval from the federal Office of Management and Budget, at this point there is no indication that the Component 1 form will change from what was used prior to Component 2 collection.

What Comes Next?

The EEOC will update its website and communicate directly with EEO-1 filers regarding the change in the filing schedule. The EEOC also will provide EEO-1 filers with the precise date in 2021 on which it will begin collecting 2019 and 2020 data. EEO-1 filers should continue to check the EEOC's website for additional information.

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