

EEO-1 REPORTING

2019 REQUIREMENT UPDATES



A recap of what information you need and when you need it for EEO-1 reporting.

First things first, does my business even need to file the EEO-1 report?

If you have fewer than 100 employees and no federal contracts, you are not subject to EEO-1 reporting requirements. Only two categories of employers need to submit EEO-1 data:

- ✓ **Organizations with 100 or more employees** (excluding public primary and secondary schools, institutions of higher education, tribes, and tax-exempt private membership organizations).
- ✓ **Federal contractors with 50 or more employees**, that are *also* prime or first-tier subcontractors with a contract worth \$50,000 or more; or are a depository for US government funds in any amount; or are an issuing and paying agent for US Savings Bonds and Savings Notes.

Yep, I qualify! So, what's the new deadline?

Pay data for both 2017 and 2018 must be reported to the Equal Employment Opportunity Commission (EEOC) by September 30, 2019. The data that has been required in years past is still due by May 31, 2019.

An appeal of the latest decision has been filed, so it's possible that there could be yet another change to the requirements, but employers should plan to comply with these deadlines.

Got it. What exactly do I need to file?

The EEOC has divided the information it requires into two categories, referred to as components.

1 Component 1 Data:
This is the information that has always been required. It includes data about all employees by job category, race, ethnicity, and sex. **Component 1 data for calendar year 2018 is due by May 31, 2019.**

The online survey application is open and available [here](#).

If you have never filed the EEO-1 report before and believe you need to, start [here](#).

2 Component 2 Data:
This is the newly required information. It includes data about all employees, including W-2 wages, total hours worked, race, ethnicity, and sex. **This year, employers will need to report Component 2 data for calendar years 2017 and 2018. Component 2 data is due by September 30, 2019.**

The online filing portal is not yet open, but expected to be available mid-July.

In Netchex, all of your EEO data can be found and accessed easily through Publisher! The information available will only be the information updated on an employee's profile, so make sure you or your employees are keeping their info up to date!

Okay, I've gathered my info. **How do I file?**

There are a few different ways you can file:

- 1 EEO-1 Electronic Filing Requirement:**
EEO-1 reporting is an electronic, online application. The EEOC requires that EEO-1 reports be submitted via the EEO-1 Online Filing System, or as an electronically transmitted data file.

Any employer who claims that the electronic submission of Standard Form 100 would create undue hardship may apply to the Commission for a special reporting procedure in accordance with the instructions set forth in paragraph 5.
- 2 Single-establishment Employers:**
Basically, employers doing business at only one establishment in one location must complete a single EEO-1 online data record.
- 3 Multi-establishment Employers:**
Employers doing business at more than one establishment must complete online:
 - A report covering the principal or headquarters office;
 - A separate report for each establishment employing 50 or more persons; and
 - A separate report (Type 8 record) for each establishment employing fewer than 50 employees, OR an Establishment List (Type 6 record), showing the name, address, and total employment for each establishment employing fewer than 50 persons.

For the EEO-1 online portal, companies using Establishment List reports (Type 6), must enter all employment data into the Consolidated report (Type 2).

For the EEO-1 online application, all keyed employment data, including data from the Type 8 reports will automatically transfer to populate the overall Consolidated Report.

The total number of employees indicated on the headquarters report, **PLUS** the establishment reports, **PLUS** the list of establishments employing fewer than 50 employees, **MUST** equal the total number of employees shown on the Consolidated Report.

Employment data for multi-establishment companies, including parent corporations and their subsidiary holdings, must report all employees working at each company establishment or subsidiary establishment.

For purposes of this report, the term “parent corporation” refers to any corporation which owns all or the majority stock of another corporation so that the latter relates to it as a subsidiary.

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Confidentiality

All reports and information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII, and may not be made public by EEOC prior to the institution of any proceeding under Title VII. However, aggregate data may be made public in a manner so as not to reveal any particular jurisdiction's statistics. Barring prohibitive State or local legislation, a political jurisdiction may make its EEO-4 Report public at any time.

Elected and Appointed Officials

Section 701(f) of the Equal Employment Opportunity Act of 1972 contains an exemption for elected and certain appointed officials that is set forth in the definition of "employee" in Appendix (1). Based on the legislative history of Section 701(f), the General Counsel of the Commission has ruled that this exemption was intended by the Congress to be construed narrowly. This ruling concluded that only the following persons would be included in the exemption:

- (1) State and local elected officials.
- (2) Such official's immediate secretary, administrative, legislative or other immediate or first-line aide.
- (3) Such official's legal advisor.
- (4) Appointed cabinet officials in the case of a Governor, or heads of executive departments in the case of a mayor or County Council. No other persons appointed by an elected official are exempt under this interpretation. In no case is any person exempt who is appointed by an appointed official, whether or not the latter is exempt. Furthermore, as specified in Section 701 (f), the exemption does not include employees subject to the civil service laws of a State government, governmental agency or political subdivision.

Special Reporting Procedures

An employer who claims that preparation or the filing of Report EEO-4 would create undue hardships may apply to the Commission for a special reporting procedure. In such cases, the employer must submit in writing a proposal for compiling and reporting information to:

The EEO-4 Coordinator
EEOC-Surveys
1801 L Street, N. W.
Washington, D.C. 20507

Only special procedures approved in writing by the Commission are authorized. Such authorizations remain in effect until notification of cancellation is given or EEOC publishes a change to the survey form.

A computer printout, magnetic tape or diskette is also a special reporting procedure. Only the report formats for those media which are designed and approved by EEOC will be accepted. A copy of those formats with an explanatory memorandum may be acquired from the EEO-4 Coordinator at the above address.

Sources + Resources

EEO-1 Frequently Asked Questions and Answers: <https://www.eeoc.gov/employers/eeo1survey/faq.cfm>

EEO Instruction Booklet: <https://www.eeoc.gov/employers/eeo1survey/2007instructions.cfm>

How to File: <https://www.eeoc.gov/employers/eeo1survey/howtofile.cfm>

Reporting Requirements: <https://www.eeoc.gov/employers/reporting.cfm>