



Time is Running Out for Independent Schools to Complete Their EEO-1 Reporting Requirements Before December 5

Insights

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Schools sometimes forget that they are businesses – and businesses are required to submit workforce demographic data to the Equal Employment Opportunity Commission (EEOC) by December 5 this year. This legal requirement applies to private employers with at least 100 employees, which covers many independent schools. Your school can satisfy this obligation by filing an EEO-1 report before this upcoming deadline. What are some key points your school needs to know to ensure you fulfill all of your requirements this year?

The EEO-1 Overview

The EEOC recently released its instruction booklet for this year providing additional details about the process, but you can get an overview of the process [by reading our firm's Insight here, which contains a five-step action plan.](#)

An employer conducting business or performing services at only one establishment is required to submit and certify one EEO-1 Single-Establishment Employer Report. The Single-Establishment Employer Report must include demographic data for all employees categorized by job category and sex and race/ethnicity. Schools should select a payroll end date between October 1, 2022, and December 31, 2022, as their “workforce snapshot period,” which will become the basis for reporting all employees as of that date.

An important note: schools with fewer than 100 employees but that are affiliated with a religious or other institution such that the combined total of employees exceed the 100-employee threshold should consult with legal counsel about whether they are required to file an EEO-1.

The “Sex” Question

Schools should give employees an opportunity to self-identify their sex and race/ethnicity, and provide a statement about the voluntary nature of the inquiry. Currently, the EEO-1 reporting form only provides binary options for reporting sex . However, schools may voluntarily choose to report employee demographic data for non-binary employees in the comments section of the report.

Schools that voluntarily choose to report non-binary employees in the comments section should not assign such employees to the male or female categories or any other categories (job category and

race/ethnicity) within the report.

Where to Begin?

In order to begin the filing process, schools will need to designate an employee as the “account holder” who will file the EEO-1 report through the EEO-1 Component 1 Online Filing System (OFS). That employee can then submit the workforce demographic data electronically in the OFS through either manual data entry or data file upload. The EEO-1 Component 1 report(s) in the OFS must then be certified.

Conclusion

While schools still have time to undertake this filing, the December 5 deadline is fast approaching. We suggest you begin your filing process as soon as possible. If you have any questions about filing EEO-1 reports, please consult your Fisher Phillips attorney, the authors of this Insight, or any member of our Education team. Fisher Phillips will continue to monitor any further developments in this area as they occur, so you should ensure you are subscribed to Fisher Phillips’ Insight System to gather the most up-to-date information.

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