



# Surprise, Surprise: EEO-1 Reporting is Already Back! Your 5-Step Strategy Plan for Navigating 2024's Deadline

Insights

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You now have your marching orders for 2024: you'll have to turn over your workforce demographic data to federal regulators between April 30 and June 4. Sound familiar? Why yes, you did just file your 2022 EEO-1 reports a few weeks ago in December 2023 and January 2024. But it's EEO-1 season once again, and with this week's announcement from the EEOC, the time is now to begin your work. Private employers with at least 100 employees and federal contractors with at least 50 employees need to begin sorting data by employee job category, as well as sex and race/ethnicity, to turn over to the Equal Employment Opportunity Commission (EEOC) during the upcoming reporting window. Here's what you need to know about filing your 2023 EEO-1 Component 1 data this year and the five steps you'll want to take ahead of the approaching deadline.

## Key Dates and Resources

Before we dive in with your five-step strategy plan, here is a one-stop shop with all the resources you'll need to master this year's EEO-1 season.

- As announced this week, the 2023 EEO-1 Component 1 data collection window will open on Tuesday, April 30. The deadline to file is Tuesday, June 4.
- The EEOC anticipates posting the 2023 EEO-1 Component 1 Instruction Booklet and the 2023 Data File Upload Specifications by March 19. We'll add links here once those are posted.

### **[Editor's Note: The EEO-1 instruction booklet is now available.]**

- The EEOC's EEO-1 Component 1 online Filer Support *Message Center* (which serves as its filer help desk) will open on April 30 to assist you with any questions you may have. We'll add a link once that center is active.

## Your 5-Step Strategy Plan

### 1. Pick a Date

Traditionally, EEO-1 reports require employers to pick a payroll end date between October 1, 2023, and December 31, 2023, as your "workforce snapshot period." This which will become the basis of reporting all employees as of that date. New for this reporting cycle, the EEOC has said that you will

need to file an EEO-1 report if you reached 100 or more employees **during any point of the fourth quarter** of 2023.

## 2. Categorize Your Workforce

Next, ensure that your job titles are categorized correctly and consistently. The EEO job categories are:

(1.1) Executive/Senior-level officials and managers

(1.2) First/Mid-level officials and managers

(2) Professionals

(3) Technicians

(4) Sales workers

(5) Administrative support workers

(6) Craft workers

(7) Operatives

(8) Laborers and helpers

(9) Service workers

## 3. Let Your Employees Choose

Give your employees an opportunity to self-identify their sex and race/ethnicity, and provide a statement about the voluntary nature of the inquiry.

The race/ethnicity categories are unchanged:

- **Hispanic or Latino:** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
- **White (Not Hispanic or Latino):** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- **Black or African American (Not Hispanic or Latino):** A person having origins in any of the black racial groups of Africa.
- **Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino):** A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

- **Asian (Not Hispanic or Latino):**A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **American Indian or Alaska Native (Not Hispanic or Latino):**A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.
- **Two or More Races (Not Hispanic or Latino):** All persons who identify with more than one of the above five races.

Under last year’s filing instructions, only binary options for reporting sex are available in the EEO-1 reporting form. However, employers could voluntarily choose to report employee demographic data for non-binary employees in the comments section of the report. Employers 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. We anticipate similar instructions this year, but will update this Insight if something changes.

#### 4. Choose a Point of Contact

Designate an employee as the “account holder” who will file the EEO-1 report through the EEO-1 Component 1 Online Filing System (OFS). Note that there are separate instructions for new filers and for those who are changing their point of contact. Account holders must submit the workforce demographic data electronically in the OFS through either manual data entry or data file upload. The employer’s certifying official must then certify the EEO-1 Component 1 report(s) in the OFS.

#### 5. File on Time!

File by June 4, 2024 – or earlier! In the past, the EEO-1 reporting system has slowed down significantly as the deadline approached, which makes filing more challenging. You might want to allow yourself sufficient time before the deadline so you aren’t scrambling at the last minute with technical challenges. Typically, the EEOC does not provide for extensions.

#### Conclusion

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. If you have any questions about filing EEO-1 reports, please consult your Fisher Phillips attorney, the authors of this Insight, or a member of Fisher Phillips’ [Affirmative Action and Federal Contract Compliance Practice Group](#).

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