



OFCCP Extends Contractor Deadline for Filing FOIA Objections to February 17

Insights

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Federal officials announced yesterday that they have extended the deadline for contractors to submit objections to the disclosure of their EEO-1 Reports from February 7 to **February 17, at 11:59 ET**. What do contractors need to know about this latest development from OFCCP – and what should you do if your company is among those slated to have your information released?

What's Happening?

As we previously [reported](#), OFCCP has announced that it will be releasing the Type 2 EEO-1 Reports (and their sensitive employee demographic data) in response to a FOIA request the agency received from the Center for Investigative Reporting. Last fall, contractors ultimately had until October 19, 2022, to file their objections.

On February 2, the agency provided the contractor community with what we thought was one final opportunity to object to the disclosure of their EEO-1 reports *and* provided a list of contractors slated to have their EEO-1 reports disclosed. At the time of the announcement, the two objection grounds OFCCP would consider were:

- the company was not a federal contractor between 2016 and 2021, or
- the contractor had previously filed an objection with the agency.

What's New?

Yesterday's news provides one final opportunity for action. In addition to the 10 additional days the contractors will now receive for submitting final objections as a result of yesterday's extension, the agency has also said objections may also be submitted to the extent there are entities associated with the contractor's organization that should be covered within the objection that had been previously filed. This includes merged companies, subsidiaries, and any additional entity information needed to confirm the objection.

What Should You Do?

OFCCP has provided [a list of federal contractors](#) whose data will be released, absent an objection filed by the new deadline. You should check the list on each tab of the Excel spreadsheet to

determine whether your organization – or one of your affiliated companies – is on one or more of the lists. If you previously filed an objection, or believe that you should not be on the list (i.e. because you are not a multi-establishment federal contractor or first-tier subcontractor), you will need to contact OFCCP at OFCCP-FOIA-EE01-Questions@dol.gov prior to the deadline.

If you are on the list and would like our assistance in filing an objection, please contact us right away. Fisher Phillips has a dedicated team of attorneys in our [Affirmative Action and Federal Contract Compliance Practice group](#) that can assist in developing a response.

Conclusion

Our [Affirmative Action and Federal Contract Compliance Practice group](#) stands ready to assist in determining your best next steps and in developing a response, if necessary. Please contact your Fisher Phillips attorney, the author of this insight, or any attorney in our [Affirmative Action and Federal Contract Compliance Practice group](#) with questions. We will continue to monitor developments on this topic. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information direct to your inbox.

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