

IT'S TIME TO GET YOUR EEO-1 DUCKS (OR DATA) IN A ROW: A 5-STEP ACTION PLAN FOR EMPLOYERS

Insights
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Many businesses will soon need to submit workforce demographic data to the Equal Employment Opportunity Commission (EEOC) sorted by employee job category, as well as sex and race/ethnicity. If you are a private employer with at least 100 employees — or a federal contractor with at least 50 employees — you are likely well-acquainted with the annual tradition of filing EEO-1 reports, which this year must be filed between October 31 and December 5. The EEOC recently released the instruction booklet for this year and expects to post additional information for filers on September 13. Here's what covered employers need to know about filing their 2022 EEO-1 Component 1 data this year and the five steps you'll want to take ahead of the approaching deadline. *[Consider registering for our upcoming webinar to learn more: [What Employers Need to Know About EEO-1 Reporting.](#)]*

What You Need to Know

For Single-Establishment Employers: An employer conducting business or performing services or industrial operations at only one establishment is required to submit and certify one EEO-1 Single-Establishment Employer Report, (formerly the Component 1 Report). The Single-Establishment Employer Report must include demographic data for all your employees categorized by job category and sex and race/ethnicity.

For Multi-Establishment Employers: An employer with more than one establishment must file a Consolidated Report, a Headquarters Report, and Establishment-Level Report(s).

Related People



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The Establishment-Level Reports replace the Type 4, and Type 8 reports. Establishments at different physical locations must be reported as separate establishments, even if conducting the same business or performing the same services or industrial operations.

Note: A private employer subject to Title VII of the Civil Rights Act with fewer than 100 employees will also need to file an EEO-1 report if:

- the employer owns, is owned by, and/or is affiliated or associated with another employer; or there is centralized or common ownership, control, or management such that the group of employers constitutes a single enterprise and/or integrated enterprise; and
- the entire enterprise had 100 or more employees during the employer-selected pay period.

Your 5-Step Action Plan

1. Select a payroll end date between October 1, 2022, and December 31, 2022, as your “workforce snapshot period,” which will become the basis of reporting all employees as of that date. *For this year’s filing, employers who fell below the employee threshold during one of its payroll periods in the fourth quarter of 2022 may not be required to file an EEO-1 report, if the payroll period selected would not meet the threshold requirement.* Starting with next year’s data collection, however, an employer that meets the employee threshold for EEO-1 Component 1 reporting purposes *at any time during the fourth quarter of the reporting year* will have filing requirements.

2. Ensure that your job titles are categorized correctly. 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. Give your employees an opportunity to self-identify their sex and race/ethnicity, and provide a statement about the voluntary nature of the inquiry. For now, only binary options for reporting sex are available in the EEO-1 reporting form. However, employers may 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.

The race/ethnicity categories are unchanged:

1. **Hispanic or Latino:** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
2. **White (Not Hispanic or Latino):** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
3. **Black or African American (Not Hispanic or Latino):** A person having origins in any of the black racial groups of Africa.
4. **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.
5. **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.
6. **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.

7. Two or More Races (Not Hispanic or Latino): All persons who identify with more than one of the above five races.

4. 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 by December 5, 2023! In the past, the EEO-1 reporting system has slowed down significantly as the deadline approached, which makes filing more challenging, so allow yourself sufficient time.

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](#).

Register for our upcoming webinar to learn more: [What Employers Need to Know About EEO-1 Reporting](#).