

# AND JUST LIKE THAT .... THE EEO-1 REPORTING PORTAL IS OPEN: 5 QUICK TIPS FOR EMPLOYERS

Insights  
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The EEO-1 reporting portal just opened yesterday and the turn-around time is quick: this year employers only have until June 24 to submit their data. 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 reporting window. Here's what you need to know about filing your 2024 EEO-1 Component 1 data this year and the five steps you'll want to take right away to file on time.

## What's New This Year?

The EEO-1 Reporting Portal welcomes users with message from the EEOC's new Acting Chair Andrea Lucas. She opens with a more personal message than we typically see and reminds employers about their non-discrimination obligations. Here's a breakdown of what Lucas says:

- **Take no action motivated by an employee's protected characteristic.** "As you report data on your employees' race, ethnicity, and sex, I want to take this opportunity to remind you of your obligations under Title VII not to take any employment actions based on, or motivated in whole or in part by, an employee's race, sex, or other protected characteristics."
- **Don't use employee demographic data to discriminate.** "Your company or organization may not use information about your employees' race/ethnicity or sex — including

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demographic data you collect and report in EEO-1 Component 1 reports — to facilitate unlawful employment discrimination based on race, sex, or other protected characteristics in violation of Title VII.”

- **Title VII’s protections apply equally to all workers.** This is true “regardless of their race or sex. Different treatment based on race, sex, or another protected characteristic can be unlawful discrimination, no matter which employees or applicants are harmed.”
- **There is no “diversity” exception to Title VII’s requirements.** The message goes on to refer the reader to the EEOC’s technical assistance Q&A document [“What You Should Know About DEI-Related Discrimination at Work”](#) and President Trump’s recent executive order titled [“Restoring Equality of Opportunity and Meritocracy.”](#)

The message serves as a reminder that employers have never been permitted to use the EEO-1 report or the demographic data contained in the reports to violate Title VII of the Civil Rights Act.

**Key Dates and Resources**

- The 2024 EEO-1 Component 1 data collection window opens May 20. The deadline to file is June 24 at 11:00 PM Eastern.
- [The 2024 EEO-1 instruction booklet is now available here.](#)
- The EEOC’s EEO-1 Component 1 online Filer Support [Message Center](#) also is now open.

## Your 5-Step Strategy Plan

### 1. Pick a Date

As in the past, EEO-1 reports require employers to pick a payroll end date between October 1, 2024, and December 31, 2024, as your “workforce snapshot period.” Employers will report all employees as of the selected payroll date. So, while you might have fewer than 100 employees on the payroll date selected, **you still must report if you reached 100 or more employees during any point of the fourth quarter of 2024.** This change to having 100 employees at any time during the fourth quarter was new last year and caught many smaller employers by surprise.

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## 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

Be sure you check your job titles carefully as each job title should only be associated with a single EEO-1 job category.

## 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.

In this year's instructions, only binary options for reporting sex are available in the EEO-1 reporting form. Do not report non-binary employees for 2024.

#### **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 24 – 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](#).