

EEO-1 Component 2 Report Update

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The EEOC has now clarified that it will not seek renewal of its authorization to collect Component 2 data for the EEO-1 survey. As previously discussed by the *Fast Laner*, Component 2 data required covered employers to classify employees based on job category, gender, race and ethnicity, with the addition of employees' pay bands (based on W-2, Box 1 earnings for the calendar year), as well as aggregated hours worked by employees.

However, the EEOC is seeking renewal of its authorization to collect Component 1 data (*i.e.*, job category, gender, race and ethnicity data), which the EEOC has collected since 1966. The EEOC's announcement does not affect employers' obligations to file Component 2 data for calendar years 2017 and 2018.

Although the deadline for Component 2 data reporting for calendar years 2017 and 2018 has not been formally extended beyond September 30, 2019, the EEOC recently announced in a status report to the Court in ongoing federal litigation that "so long as the Court's order is in effect stating that the collection will not be complete until it reaches what the Court has determined to be the target response rate, the EEOC will continue to accept Component 2 data for 2017 and 2018."

Based on this information, EEO-1 eligible employers should continue to submit and certify their Component 2 EEO-1 reports for 2017 and 2018 as soon as possible as the EEOC has not clearly set a portal closing date.

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