

EEO-1 Report Portal Opening Soon – Deadline is Set

Labor & Employment Law Update

By Beverly Alfon on April 16, 2021



The Equal Employment Opportunity Commission's (EEOC's) EEO-1 Component 1 Online Filing System is set to open on Monday, April 26, 2021. Private employers with at least 100 employees, and federal contractors with at least 50 employees and a contract worth \$50,000 or more, must file their EEO-1 data for years 2019

(previously postponed due to the COVID-19 pandemic) and 2020, by **Monday, July 19, 2021**. Employers will be required to first file for 2019, then file for 2020 – after the 2019 report is submitted and certified.

As a reminder, EEO-1 reports require data from a “workforce snapshot period,” which is any single pay period during the last quarter of the year (October through December), as selected by the employer. Employers may select different workforce snapshot pay periods for 2019 and 2020.

Employees who telework must also be included in the EEO-1 report for the establishment to which they report. *Practical tip:* Do not include home addresses for these remote employees as a company location.

The 2019 and 2020 reports will only include “Component 1” data, which is comprised of the same workforce demographic information that has long been required on the EEO-1. As of right now, the controversial “Component 2” pay data information does *not* need to be reported to the EEOC. Last year, the EEOC did not renew its authority to collect the pay data information and is still evaluating the Component 2 data that it received for FY 2017 and 2018 to determine whether or not the information is useful, and whether or not the data collection form needs to be revised.

It should also be noted that the U.S. Congress also could act on legislation pending in the form of the Paycheck Fairness Act, which would require the EEOC and the Office of Federal Contract Compliance Programs (OFCCP) to initiate pay

data collection.

In the meantime, some states have implemented their own pay data collections. California has completed its first round of collection under the state's pay data collection law, and Illinois has enacted a law that requires employers in the state to submit pay data starting in 2023 (and obtain an equal pay registration certificate by March 24, 2024). Notably, Illinois employers who are required to file a federal EEO-1 report, will also be required to file similar information with the Secretary of State, making the data publicly available.

Bottom line: Employers should be prepared to begin submissions of their EEO-1 reports for 2019 and 2020 as soon as possible. Don't stop there. Evaluate your EEO-1 data and strongly consider pay equity analysis, with the goal of identifying and correcting any potential issues, sooner rather than later.

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