



COMPLIANCE BULLETIN

HIGHLIGHTS

- Employers must submit 2017 and 2018 EEO-1 “Component 2” data **by Sept. 30, 2019.**
- EEO-1 “Component 1” data is still due **by May 31, 2019.**
- A filing system for Component 2 data will be available in July 2019.
- The EEO-1 applies to employers with 100 or more employees and to certain federal contractors.

IMPORTANT DATES

May 31, 2019

Deadline to submit 2018 EEO-1 Component 1 data

Mid-July 2019

The EEOC will begin collecting 2017 and 2018 EEO-1 Component 2 data

September 30, 2019

Deadline to submit 2017 and 2018 EEO-1 Component 2 data

EEO-1 Pay and Work-Hour Data from Both 2017 and 2018 is Due by Sept. 30

OVERVIEW

Employers have until **Sept. 30, 2019**, to submit pay and work-hour (“Component 2”) data **from both 2017 and 2018** as part of their 2018 EEO-1 Reports, the Equal Employment Opportunity Commission (EEOC) announced on May 3, 2019.

The announcement followed a federal court [decision](#) that required the EEOC to collect Component 2 data from 2018 and to decide whether it would collect that data from either 2017 or 2019 as well. The EEOC chose to require the 2017 information and indicated that a system for employers to submit the Component 2 data from both 2017 and 2018 will be available starting in mid-July 2019.

ACTION STEPS

Employers subject to EEO-1 reporting should:

- ✓ Ensure that they submit [2018 EEO-1 Component 1 data](#) by May 31, 2019; and
- ✓ Prepare to submit both 2017 and 2018 EEO-1 Component 2 data by Sept. 30, 2019.

Provided By:

AP of California, LLC

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Background

The EEO-1 Report is a federally mandated survey that collects workforce data, categorized by race, ethnicity, sex and job category, from employers. The EEOC uses this information to enforce federal prohibitions against employment discrimination and discriminatory pay practices.

On Sept. 29, 2016, the EEOC announced that it would begin requiring certain employers to add information about their employees' wages and hours of work to their EEO-1 reports. This was to be reported using a revised EEO-1 form that labels the new requirements as EEO-1 "Component 2" data.

Due to concerns about the burden that the Component 2 requirements would place on employers, the federal Office of Management and Budget (OMB) blocked them in August 2017. As a result, employers did not have to include pay or hours-worked data on their 2017 EEO-1 reports (which were due July 1, 2018).

On March 4, 2019, however, the U.S. District Court for Washington, D.C., issued a decision that [reinstated](#) the EEO-1 Component 2 requirements. Two weeks later, the [2018 EEO-1](#) officially opened with no way for employers to enter the Component 2 data.

The court addressed this the next day, March 19, 2019, by ordering the EEOC to announce how it plans to collect the Component 2 data on the 2018 EEOC-1. The court also ordered the EEOC to collect the Component 2 data from either 2017 or 2019 in addition to the 2018 Component 2 information.

On May 3, 2019, the EEOC [announced](#) that it will require employers to submit **the Component 2 for both 2017 and 2018 by Sept. 30, 2019**. The EEOC also indicated that an online system for submitting this Component 2 data will be available in mid-July of 2019.

Employers Subject to EEO-1 Reporting Requirements

With some exceptions, the following entities must file EEO-1 Reports every year:

- ✓ A **private employer** that has **100 or more employees** (with limited exceptions for schools and other organizations);
- ✓ A private employer with between 15 and 99 employees, if it is part of a group of employers that legally constitutes a single enterprise employing 100 or more employees; and
- ✓ A **federal contractor** that has **50 or more employees** and is either a prime contractor or first-tier subcontractor, and has a contract, subcontract or purchase order amounting to **\$50,000 or more**.

Employers that are subject to EEO-1 reporting should begin preparing their 2018 EEO-1 reports and closely monitor the EEO-1 [website](#) for additional guidance on the Component 2 data.