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The EEOC collects workforce data from employers and federal contractors meeting certain thresholds. The EEOC was projected to open the 2019 EEO-1 Component 1, the 2020 EEO-3 and the 2020 EEO-5 this year. The EEOC, however, recognizes that COVID-19 is having a profound effect on workplaces. Therefore, the EEOC is delaying the collection of workforce data to a time when filers have likely resumed more normal business operations.

**EEO-1 Report (Component 1)**

Covered private employers with 100 or more employees (and federal contractors with...
50 or more employees) must file annual EEO-1 Reports, which provides workforce headcount data by establishment location, gender and race/ethnicity. The EEOC is currently in the process of seeking approval from the Office of Management and Budget (OMB) to collect the EEO-1 survey for 2019, 2020 and 2021. As previously reported, the EEOC, however, is not currently seeking renewed approval to collect compensation (Component 2) data after its first and only reporting period. Now, the EEOC has announced that it does not expect to begin collecting the 2019 and 2020 EEO-1 Component 1 until March 2021.

EEO-3 and EEO-5 Reports

The EEO-3 Report (formally known as the Local Union Report) collects labor force data from Local Referral Unions with 100 or more employees within the United States. On the other hand, the EEO-5 Report (formally called the Elementary-Secondary Staff Information Report) collects workforce data from public elementary and secondary school districts with 100 or more employees within the United States. Notably, the EEO-5 is a requirement of not only the EEOC, but the Office for Civil Rights (OCR) of the Department of Education as well. The EEOC expects to begin collecting the 2020 EEO-3 and the 2020 EEO-5 data in January 2021.

According to the EEOC, delaying the data collections for these reports until 2021 will ensure that EEO filers are better positioned to provide accurate workforce data in a timely manner. Accordingly, EEO-1, EEO-3 and EEO-5 filers should begin preparing to submit data in 2021.

Not only will the EEOC update its website, but it will contact EEO-1, EEO-3 and EEO-5 filers directly regarding the delayed opening of the surveys. In addition, EEOC promises to notify filers of the precise date the surveys will open.

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