



NEWS ALERT - EEO-1 FILING UPDATE

The EEO-1 portal at the Equal Employment Opportunity Commission's (EEOC) website is not ready to accept employer submissions. Any news article that reminds employers about a March 31, 2020 filing deadline is inaccurate.

The EEOC needs re-approval from the White House's Office of Management and Budget (OMB) to collect the data, and the EEOC is not ready with its online portal.

If you navigate to the EEOC's EEO-1 Survey website (<https://www.eeoc.gov/employers/reporting.cfm>), you will see that the EEOC still is waiting for Administration approval to collect the race and gender data. As of February 27, 2020, the announcement states:

The 2019 EEO-1 survey (<https://www.eeoc.gov/employers/eeo1survey/index.cfm>) is not yet opened. The EEOC is currently in the process of seeking approval under the Paperwork Reduction Act (PRA) to collect the EEO-1 survey for 2019, 2020, and 2021. The EEOC is seeking to collect Component 1 of the survey and to discontinue the collection of Component 2 pay data. See, EEO-1 60-Day PRA Notice - (<https://www.federalregister.gov/documents/2019/09/12/2019-19767/agency-information-collection-activities-existing-collection>). The opening of the collection will be announced by posting a notice on the EEOC home page and sending a notification letter to eligible

EEO-1 filers. When the survey opens, the EEOC will provide online resources to assist filers with their submissions and the EEOC's helpdesk will be available to respond to filer inquiries and to provide additional filing assistance (including, for example, guidance on processing mergers and acquisitions and other corporate changes).

The U.S. Equal Employment Opportunity Commission (EEOC) opened the 2018 Component 1 EEO-1 survey on March 18, 2019. The deadline to submit EEO-1 data was May 31, 2019. Findings from that survey year can be found here: <https://www.eeoc.gov/eeoc/statistics/employment/jobpat-eeo1/2018/index.cfm>.

Until the EEOC provides more certainty, we think the better advice is to wait for the EEOC to make its announcement. Although the EEOC did not ask for approval to change the timeframe that employers use to pull their data, and the EEOC's FAQ's (<https://www.eeoc.gov/employers/eeo1survey/faq.cfm>) from past submission cycles have not been taken down, and these FAQs direct employers to use a payroll period from October, November or December in submitting the survey responses, we don't know for sure about the payroll timeframe for the 2019 reporting cycle.

For those of you that know you are going to have to deal with the data implications of mergers, acquisitions, or spinoffs since the last EEO-1 reporting cycle, we encourage you to contact the EEOC's various email addresses to be proactive in addressing any data issues these transactions may cause for the upcoming reporting cycle.

- For acquisitions and mergers, the email address is: E1.ACQUISITIONSMERGERS@EEOC.GOV
- For spinoffs, the email address is: E1.SPINOFFS@EEOC.GOV

If you have questions about the legal implications of **mergers, acquisitions, and spinoffs** on your data submissions and need advice before you alert the EEOC to the transaction, please do not hesitate to contact us.

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