



LEGAL UPDATE

EEOC Extends EEO-1 Deadline for 2019 and 2020 Data to Aug. 23

Employers now have some extra time to submit equal employment opportunity ([EEO-1](#)) workforce data from 2019 and 2020, the U.S. Equal Employment Opportunity Commission (EEOC) announced on June 28, 2021. These reports were previously due by July 19, 2021. **Employers now have until Aug. 23, 2021**, to complete their submissions.

The EEOC's collection of this data, the portal for which opened on April 26, 2021, had been delayed numerous other times due to the coronavirus pandemic. Under Title VII of the Civil Rights Act, the EEO-1 Report is usually due by March 31 every year.

EEO-1 Reporting Background

The EEO-1 Report is an annual survey that requires certain employers to submit data about their workforces by race or ethnicity, gender and job category. The EEOC uses this data to enforce federal anti-discrimination laws.

Employers Subject to EEO-1 Reporting

In general, a private-sector employer is subject to EEO-1 reporting if it:

- Has 100 or more employees;
- Has 15-99 employees and is part of a group of employers with 100 or more employees; or
- Is a federal contractor with 50 or more employees and a contract of \$50,000 or more.

Employer Action Items

Employers subject to EEO-1 reporting requirements should ensure that they complete their EEO-1 submissions by Aug. 23, 2021. These employers should also review the EEOC's [home page](#) and [website dedicated to EEO data collections](#) for additional information.

Important Dates

April 26, 2021

First day employers subject to EEO-1 reporting requirements may begin entering data from 2019 and 2020.

July 19, 2021

Prior deadline for submission of 2019 and 2020 workforce data.

Aug. 23, 2021

New deadline for employers subject to EEO-1 reporting to submit 2019 and 2020 workforce data.

March 31, 2022

Deadline for submission of EEO-1 data from 2021.

Employers that are subject to EEO-1 reporting now have until Aug. 23, 2021, to submit data from 2019 and 2020.

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COMPLIANCE OVERVIEW

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EEO-1 Reporting Requirements

The EEO-1 Report is a federally mandated survey that collects workforce data categorized by race, ethnicity, sex and job category. Under Title VII of the Civil Rights Act (Title VII), employers with 100 or more employees and certain federal contractors must report this data to the Equal Employment Opportunity Commission (EEOC) by **March 31** every year.

However, collection of this data from 2019 and 2020 was delayed several times until the EEOC opened the portal for employers to begin entering this information on April 26, 2021. The last day to submit these reports is **Aug. 23, 2021**.

Employers subject to EEO-1 reporting were also previously required to submit information about employee pay and work hours (known as “Component 2” data) from both 2017 and 2018. The deadline to submit this Component 2 data was Sept. 30, 2019, but the Component 2 filing system closed on Feb. 14, 2020.

This Compliance Overview provides additional information EEO-1 reporting requirements.

HIGHLIGHTS

FILING INFORMATION

- Employers filing EEO-1 Reports for the first time must [register](#) to receive a company login, password and further instructions for filing from the EEOC.
- Employers that need EEO-1 filing assistance may send an email to the agency’s [technical assistance](#) inbox.

FILING DEADLINES

- Employers subject to EEO-1 reporting must file reports by **March 31** each year.
- The deadline for submission of 2019 and 2020 EEO-1 data was delayed until **Aug. 23, 2021**.
- The deadline for submission of pay and work hour (Component 2) data from both 2017 and 2018 was Sept. 30, 2019.

EMPLOYERS SUBJECT TO EEO-1 REPORTING REQUIREMENTS

With limited exceptions, the following entities must file EEO-1 Reports by March 31 every year (however, collection of data for 2019 has been delayed until early 2021):

- 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, which employs a total of 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.

ENFORCEMENT

Although the EEOC sends notification letters to employers it knows to be subject to the EEO-1 requirements, all employers are responsible for obtaining and submitting the necessary information prior to the appropriate deadline. An employer that fails or refuses to file an EEO-1 Report as required may be compelled to do so by a federal district court. Federal contractors also risk losing their government contracts for failures to comply.

HARDSHIP EXTENSION

If the preparation or filing of an EEO-1 Report would create undue hardship, an employer may send a written request for an exemption or for special reporting procedures to the EEOC. Employers may also obtain a one-time, 30-day extension of the EEO-1 filing deadline by [emailing](#) a request to the EEOC. However, **the EEOC does not grant any exemptions or extensions requested after the filing deadline.**

LINKS AND RESOURCES

- EEO-1 [Online Filing System](#)
- EEO-1 Reporting [Instructions](#)
- [Summary information](#) for EEO-1 Survey Filers