

# LABOR AND EMPLOYMENT LAW

## INFORMATION MEMO

SEPTEMBER 5, 2023

### Welcome to Your Nightmare – EEO-1 Filing Opens on Oct. 31, 2023

The U.S. Equal Employment Opportunity Commission (EEOC) announced on Sept. 1, 2023, that its EEO-1 filing platform will open on Oct. 31, 2023. The deadline for employers to file their EEO-1 reports will be Tuesday, Dec. 5, 2023.

The EEOC and the U.S. Department of Labor Office of Federal Contract Compliance Programs (OFCCP) regulations require all private sector employers with 100 or more employees, and federal contractors with 50 or more employees meeting certain criteria to file EEO-1 reports annually through the EEOC's dedicated website for EEO-1 Component 1 data collection. The EEO-1 report requires the submission of demographic workforce data, including data by job category and sex and race or ethnicity, to the EEOC. The EEOC's new reporting deadline comes after its surprising announcement that it was delaying the EEO-1 Component 1 data collection process. In January 2023, the EEOC announced that the 2022 EEO-1 Component 1 filing had been scheduled to begin in mid-July 2023. That tentative start date was later than the normal start dates that had been used in prior years. On June 30, 2023, the EEOC announced another delay and stated that the 2022 EEO-1 filings would not begin until the fall of 2023.

What has previously been known as the Filer Help Desk, which is now being referred to as the online "Filer Support Message Center," will also open on Oct. 31, 2023. In its recent announcement, the EEOC noted that it will post an updated 2022 EEO-1 Component 1 Instruction Booklet for employers on Sept. 6, 2023, and employers can expect an updated 2022 EEO-1 Component 1 Data File Upload Specifications on Sept. 13, 2023. These updated guidance documents will be posted to [www.eeocdata.org/eo1](http://www.eeocdata.org/eo1).

We anticipate that the 2022 EEO-1 filing process will streamline the previous reporting structure and that the EEOC will release frequently asked questions (FAQs) for this year's filings prior to the opening of the filing platform.

Notably, federal contractors who have federal contracts or subcontracts totaling \$150,000 or more must file the annual VETS-4212 report to the Department of Labor by Sept. 30, 2023. Data reported through form VETS-4212 is used by OFCCP in Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) compliance evaluations.

For more information regarding these filing deadlines or compliance with the OFCCP's affirmative action requirements, please contact [Christa Cook](#) or any of the attorneys in Bond's [labor and employment practice](#).



