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EEOC Offers Reprieve to Employers from Employee Reporting Requirements Due to COVID-19

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The Equal Employment Opportunity Commission (“EEOC”) has provided formal notice that it will delay collecting certain reports from employers.

Under federal law, certain employers, including those with 100 or more employees or 50 employees and a federal contract of \$50,000 or more, are required to provide demographic information on their employees. In annual EEO-1 Component 1 reports, for example, employers list their employees by job category, race, ethnicity, and sex. Every two years, local referral unions and public elementary and secondary school districts with 100 or more employees also submit EEO-3 and EEO-5 surveys with similar demographic data.

The EEOC is seeking approval to collect both the 2019 and 2020 EEO-1 surveys in March 2021. The EEOC also anticipates that it will begin collecting EEO-3 and EEO-5 surveys in January 2021. The EEOC will notify filers directly when it sets the precise deadlines for these demographic surveys.

Importantly, these extensions do not affect the snapshot reporting period for these reports. As a result, employers may consider preparing and finalizing these submissions at their earliest convenience. Employers who wish to complete their surveys before the release of 2019 surveys should be able to rely on the forms the EEOC has used in the past.

Finally, the EEOC’s announcement suggests that it will not continue to collect EEO-1 Component 2 reports. As you may recall, EEO-1 Component 2 reports sought compensation and pay equity reports, but were suspended by the Trump administration,

precipitating litigation. Subsequently, the Court reinstated the reporting requirement and ordered employers to produce these reports by September 30, 2019, but since the deadline passed, the EEOC has not announced plans to collect the EEO-1 Component 2 reports on an ongoing basis.

For questions on the EEOC's surveys, contact Josh Goldberg at jgoldberg@barran.com or 503-276-2107.

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