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EEOC Delays Collection of EEO-1 Reports Due to COVID-19

On Friday, May 8, the U.S. Equal Employment Opportunity Commission (EEOC) announced via Federal Register notice that it will delay the anticipated opening of the 2019 EEO-1 Component 1 data collection, among other data reporting obligations. This data includes a listing of all employees, broken down by racial/ethnic group, gender, and job category. The EEOC cited the COVID-19 pandemic as the impetus for this delay, reasoning that the Commission intended to relieve employers of "unnecessary burdens" during the ongoing public health emergency.

However, the Federal Register notice makes clear that the EEOC still intends to collect the 2019 EEO-1 Component 1 data from employers, but will likely do so in 2021. In fact, the EEOC has sought approval from the Office of Management and Budget (OMB) to collect the 2019 EEO-1 Component 1 data, along with the 2020 EEO-1 Component 1 data, from employers in March 2021. Accordingly, covered employers should continue to maintain EEO-1 Component 1 data for 2019. Given that the EEOC will likely receive 2019 and 2020 Component 1 data simultaneously in March 2021, employers would be wise to work with employment counsel to carefully scrutinize any upcoming plans to impose reductions in pay, hours, and/or headcount to ensure that such decisions do not disproportionately affect employees who fall into EEO protected categories.

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If you have any questions concerning this reporting requirement, or require assistance in performing adverse impact analyses, please contact Sonya Rosenberg, Corinne Biller or your Neal Gerber Eisenberg attorney.

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