



# Mini-Guide: EEO-1 Reporting Frequently Asked Questions

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### What exactly is the EEO-1 report?

The EEO-1 report is a compliance survey mandated by federal statute. It requires employers to report each employee's race/ethnicity, gender, and job category by work location on an annual basis. The information is reported to the Equal Employment Opportunity Commission (EEOC) and for federal contractors to the Office of Federal Contract Compliance Programs (OFCCP).

### Who needs to file?

You're required to file an EEO-1 report if you answer "yes" to one or more of these questions:

1. Does the entire company (at all locations combined) have at least 100 employees?
2. Is the company affiliated through common ownership or centralized management with other entities in an enterprise with a total employee count of 100 or more?
3. Does the company or any of its establishments have a contract with the federal government worth \$50,000 or more and have 50 or more employees?
4. Is the company or any of its establishments a federal government contractor that serves as a depository of government funds in any amount or a financial institution that is an issuing and paying agent for U.S. Savings Bonds and Savings Notes in any amount?

If you answered "no" to all of the questions above, you don't need to file an EEO-1 report. If you're unsure about the answer to question 2, you should speak with an attorney.

Some employers are right on that 50- or 100-employee threshold. If you can identify a workforce snapshot period (a single pay period) in the 4th quarter of 2022 in which you fall below the applicable threshold, you don't need to file. This loophole will not be available for 2023 data (to be reported in 2024).

### When will the system be open for filing 2022 data?

The system will be open October 31, 2023, through December 5, 2023.

### When is the deadline to file?

December 5, 2023.

### Where do I file?

All filing must be done using the EEOC's [online filing system](#).



### How do I prepare to file?

If you have not already done so, the first step is to give each employee the opportunity to voluntarily self-identify their EEO-1 information. You can use this [self-identification form](#).

### What resources are available for help?

The [EEO-1 Component 1](#) website has the latest filing updates. You can also reference the EEOC's [Instruction Booklet](#).

### What timeframe do I use to collect the data?

The data you report may be pulled from any one pay period in the 4th quarter of 2022 (October, November, or December). You get to select the pay period. This is often referred to as the "snapshot period."

### Are part-time, temporary, and seasonal employees included on the report?

Yes. All W-2 employees on the payroll for the pay period are included on the report. Independent contractors are not included on the report.

### Do I report on employees who have since been terminated?

Yes. If the employee was on the payroll for any of the snapshot payroll period you selected, the employee must be included on the report.

## Are remote employees considered to work at their own location?

No. Remote employees are counted with the physical office location they report to. If a remote employee isn't assigned to and doesn't report to any physical location on a permanent basis, the employee should be counted at the establishment the employee's *manager* reports to or is assigned. If an employee doesn't report to an establishment and the employee's manager also does not report to an establishment, the employee (and their manager) should be included on the employer's "Headquarters Report." If an employer operates entirely remotely and doesn't have any physical locations, not even a headquarters, the employer should report the address where the business is legally registered, for example, a Post Office box in Delaware.

## Can you explain the different reports for the single versus multiple locations?

Beginning in 2023 (when entering your data from 2022), the single versus multiple establishment reports have become much simpler.

### Single Location

If all your employees work from the same physical address, you will file a single report, now called a "Single-Establishment Employer Report" (formerly known as a Type/Status 1 EEO-1 Report). Remote employees are counted as working from the location they *report* to, not their home address/office. If your company has one corporate office and all other employees are remote, this is the report you'll use.

### Multiple Locations

If your company has more than one physical location, you're required to submit a separate report for each physical location *and* a report consolidating all employees. This holds true even if all employees work under the same Employer Identification Number (EIN). The reports to use if you have multiple locations are:

1. Headquarters Report—One report that includes demographic data for all the employer's employees at its headquarters (i.e., main office site), as well as any remote employees who report to the employer's headquarters.



2. Establishment-Level Report(s)—One report per non-headquarters location that includes demographic data for that location, regardless of the number of employees that work there. It must also include any remote employees who report to that location.
3. Consolidated Report—One combined report that must include demographic data for all the Establishment-Level Report(s) and the Headquarters Report. The total number of employees in the Headquarters Report plus the total number of employees in all the Establishment-Level Report(s) must equal the total number of employees in the Consolidated Report. The system auto-populates this report based on the data in the Headquarters Report and the Establishment-Level Report(s). However, you are required to verify that the information is correct.

If you have filed with multiple locations in the past, you probably remember different types of reports based on each location's size (Type 4, Type 6, Type 8, etc.)—these are all now a thing of the past.

## How do I report non-binary employees?

The EEO-1 Component 1 data collection currently provides only binary options (male or female). However, employers may voluntarily report data for non-binary employees in the "Comments" section of the reports and we recommend doing so. Employers that do this should not include non-binary employees in the body of the reports, to avoid double counting.

For single-establishment employers, use the "Certification Comments" to report non-binary employees. For multi-establishment employers, use the "Headquarters or Establishment-Level Comments" section.

The EEOC also provides the following sample verbiage:

*Comments: "Additional Non-Binary Employee Data: 1 non-binary employee in Job Category: Administrative Support Workers; Race/Ethnicity: White (Not Hispanic or Latino)."*

If the sex reported by an employee during voluntary self-identification differs from the sex recorded in the employee's other employment records, the employer should report based on how the employee has self-identified.

## Is the data we report kept confidential?

The EEOC states that all reports and any information from individual reports are subject to the confidentiality provisions of Title VII and will not be made public by the EEOC prior to the institution of any proceeding under Title VII involving the EEO-1 data. The confidentiality requirements allow the EEOC to publish only aggregated data, and only in a manner that does not reveal any individual filer's or employee's personal information.