



U.S. Equal Employment Opportunity Commission

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2023 EEO-1 Component 1 Data Collection Frequently Asked Questions (FAQs)



EEO-1 Component 1
Data Collection



2023 EEO-1 Component 1 Data Collection

FAQs

FREQUENTLY ASKED QUESTIONS

NOTICE

Employers (i.e., filers) should read the [2023 EEO-1 Component 1 Instruction Booklet](#) (i.e., “*Instruction Booklet*”) prior to and in conjunction with using the below “FAQs” (i.e., Frequently Asked Questions). Filers must ensure they are complying with the EEOC’s substantive filing requirements detailed in the *Instruction Booklet* and should not refer solely to these “FAQs” to complete their required 2023 EEO-1 Component 1 filing.

The *2023 EEO-1 Component 1 Instruction Booklet* may be accessed at the following link on the EEOC’s dedicated EEO-1 Component 1 website (www.eeocdata.org/eeo1):
[www.eeocdata.org/pdfs/2023 EEO 1 Component 1 Instruction Booklet.pdf](http://www.eeocdata.org/pdfs/2023_EEO_1_Component_1_Instruction_Booklet.pdf).



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Overview of the EEO-1 Component 1 Report

1. What is the EEO-1 Component 1 report?

Since 1966, the EEOC has required employers to submit workforce demographic data (EEO-1 Component 1) on an annual basis. All private employers that are covered by Title VII of the Civil Rights Act of 1964, as amended (Title VII),¹ and that have 100 or more employees are required to file workforce demographic data.² In addition, U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) regulations require certain federal contractors to file the EEO-1 Component 1 if they have 50 or more employees and are not exempt as provided for by 41 CFR 60-1.5.³ Under these authorities, private employers with 100 or more employees and federal contractors with 50 or more employees and that meet certain criteria are required to report annually the number of individuals they employ by job category and by sex and race or ethnicity.

2. What are the job categories collected by the EEO-1 Component 1 report?

The 10 job categories are: Executive/Senior Level Officials and Managers; First/Mid-Level Officials and Managers; Professionals; Technicians; Sales Workers; Administrative Support Workers; Craft Workers; Operatives; Laborers and Helpers; and Service Workers. Additional information on the 10 major job categories used by the EEOC are found in Appendix C of the [2023 EEO-1 Component 1 Instruction Booklet](#).

3. What are the race and ethnicity categories collected by the EEO-1 Component 1 report?

The EEO-1 Component 1 uses federal race and ethnicity categories, which were adopted by the Commission in 2005 and implemented in 2007. The seven race/ethnicity categories are: *Hispanic or Latino* – A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race. *White (Not Hispanic or Latino)* – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. *Black or African American (Not Hispanic or Latino)* – A person having origins in any of the black racial groups of Africa. *Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)* – A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands. *Asian (Not Hispanic or Latino)* – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. *American Indian or Alaska Native (Not Hispanic or Latino)* – A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment. *Two or More Races (Not Hispanic or Latino)* – All persons who identify

¹ 42 U.S.C. 2000e, *et seq.*

² The EEOC's EEO-1 regulation is at 29 CFR Part 1602 Subpart B. § 1602.7 requires eligible employers to file "...in conformity with the directions set forth in the form and accompanying instructions."

³ Pursuant to Executive Order 11246, OFCCP in 1978 issued its regulations describing the EEO-1 as a report "promulgated jointly with" the EEOC and requiring certain contractors to submit "complete and accurate reports" annually. 41 CFR 60-1.7(a). OFCCP obtains EEO-1 Component 1 reports for federal contractors and subcontractors (contractors) pursuant to its own legal authority under E.O. 11246 and its implementing regulations. *See id* at 60-1.7(a)(1).



with more than one of the above five races. Please see Appendix B of the [2023 EEO-1 Component 1 Instruction Booklet](#) for additional information on the EEO-1 Component 1 race and ethnicity categories.

4. How is the EEO-1 Component 1 report(s) (i.e., data) collected?

These data are currently collected electronically by the EEOC through a web-based data collection application (i.e., portal) referred to as the *EEO-1 Component 1 Online Filing System (OFS)*. EEO-1 Component 1 filers may access the *EEO-1 Component 1 Online Filing System (OFS)* through the EEOC's dedicated EEO-1 Component 1 website at www.eeocdata.org/eeo1.

5. How must employers (i.e., filers) submit their data?

Employers must submit their data electronically to the *EEO-1 Component 1 Online Filing System (OFS)* through either (1) manual data entry or (2) data file upload.

6. Are EEO-1 Component 1 reports confidential?

The individual EEO-1 reports are confidential. All reports and any information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-8(e), as amended (Title VII) and may not be made public by the EEOC prior to the institution of any proceeding under Title VII involving such information. Any EEOC employee who violates this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The confidentiality requirements allow the EEOC to publish only aggregated data, and only in a manner that does not identify any particular filer or reveal any individual employee's personal information. Because OFCCP obtains EEO-1 data for contractors under its own E.O. 11246 authority, some courts have ruled that the Title VII prohibition against disclosure does not apply to OFCCP's collection of EEO-1 data. *See, e.g., United Techs. Corp. v. Marshall*, 464 F. Supp. 845, 851-52 (D. Conn. 1979); *Sears Roebuck & Co. v. Gen. Servs. Admin.*, 509 F.2d 527, 529 (D.C. Cir. 1974). Accordingly, the EEO-1 Component 1 data of federal contractors received by OFCCP may be subject to potential disclosure by OFCCP under the Freedom of Information Act (FOIA), although FOIA exemptions may prevent disclosure. For more information, see the Department of Labor's FOIA regulations at 41 CFR part 70 and frequently asked questions (Freedom of Information Act (FOIA) Frequently Asked Questions | U.S. Department of Labor (dol.gov)) at <https://www.dol.gov/agencies/ofccp/faqs/foia>.

With respect to other federal agencies with a legitimate law enforcement purpose but without OFCCP's independent authority to collect EEO-1 data, the EEOC gives access to information collected under Title VII only if the agencies agree, by letter or memorandum of understanding, to comply with the confidentiality provisions of Title VII. In addition, section 709(d) (42 U.S.C. 2000e-8(d)) provides that the EEOC shall furnish upon request and without cost to state or local civil rights agencies information about employers in their jurisdiction on the condition that they not make it public prior to starting a proceeding under state or local law involving such information. The EEOC shares EEO-1 data with Fair Employment Practices Agencies (FEPAs)



pursuant to Worksharing Agreements that impose obligations on the contracted FEPA with respect to confidentiality, privacy, and data security. On a case-by-case basis, the EEOC may share EEO-1 data with a FEPA that does not have a Worksharing Agreement, but only if that FEPA agrees to comply with confidentiality, privacy, and data security obligations similar to those imposed on FEPAs with Worksharing Agreements.

7. How does the EEOC use EEO-1 data?

EEO-1 data are used by the EEOC to investigate charges of employment discrimination against employers in private industry and to publish periodic reports on workforce demographics. Any reports the EEOC publishes based on EEO-1 Component 1 data include only aggregated EEO-1 Component 1 data that protect the confidentiality of each employer's information, as well as the privacy of each employee's personal information.



Instructions

A. LEGAL BASIS

8. What is the legal basis for the EEOC collecting EEO-1 Component 1 data?

All private employers and federal contractors meeting the eligibility requirements have a mandatory legal obligation to submit and certify annual EEO-1 Component 1 report(s) containing required workforce demographic data to the EEOC. The authorities under which EEO-1 Component 1 data are collected include: Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 United States Code (U.S.C.) 2000e, *et seq.* and Sections 1602.7-1602.14, Chapter XIV, Title 29 of the Code of Federal Regulations (CFR); Exec. Order No. 11246, 30 FR 12319 (Sept. 24, 1965) and 40 CFR 60-1.7(a).

9. Are there specific “instructions” for submitting an EEO-1 Component 1 report(s) to the EEOC?

The instructions for submitting and certifying the 2023 EEO-1 Component 1 report(s), including the types of data requested and relevant deadlines, are provided in the [2023 EEO-1 Component 1 Instruction Booklet](#). The *2023 EEO-1 Component 1 Instruction Booklet* may be accessed at the following link on the EEOC’s dedicated EEO-1 Component 1 website (www.eeocdata.org/eeo1): [www.eeocdata.org/pdfs/2023 EEO 1 Component 1 Instruction Booklet.pdf](http://www.eeocdata.org/pdfs/2023%20EEO%201%20Component%201%20Instruction%20Booklet.pdf).

Additionally, filers choosing to submit data via the “data file upload” option must upload a data file using the [2023 EEO-1 Component 1 Data File Upload Specifications](#). The *2023 EEO-1 Component 1 Data File Upload Specifications* may be accessed at the following link on the EEOC’s dedicated EEO-1 Component 1 website (www.eeocdata.org/eeo1): [www.eeocdata.org/pdfs/2023 EEO 1 Component 1 Data File Upload Specifications.pdf](http://www.eeocdata.org/pdfs/2023%20EEO%201%20Component%201%20Data%20File%20Upload%20Specifications.pdf).

10. Does the EEOC provide additional resource materials to help filers with submitting their EEO-1 Component 1 report(s)?

To further assist filers, the EEOC provides supplementary resource materials (e.g., user’s guide; frequently asked questions (FAQs); fact sheets; mini help desk guides) at the opening of each data collection. Access by registered *OFS* account holders to these supplementary resource materials is available through the dedicated EEO-1 Component 1 data collection website at www.eeocdata.org/eeo1.

11. Will screenshots of the *OFS* portal (i.e., *User’s Guide*) be made available to filers for the 2023 EEO-1 Component 1 data collection?

Yes. The *2023 EEO-1 Component 1 User’s Guide* will be available on the dedicated EEO-1 Component 1 website at www.eeocdata.org/eeo1 when data collection opens on **Tuesday, April 30, 2024**.



12. Have there been updates to the EEO-1 Component 1 Instruction Booklet since the last data collection reporting cycle (i.e., 2022)?

As discussed in the 30-day Notice published in the Federal Register on May 2, 2023, the EEOC created the Office of Enterprise Data and Analytics (OEDA) in May 2018 with the goal of creating a modern data and analytics organization at the agency. Since its creation, OEDA, which administers the agency’s EEO data collections, including the EEO-1 Component 1, has worked to modernize the collections and improve the quality of data collected. OEDA has also streamlined functions, such as providing additional self-service options, resource materials, and an online support message center.

The *2023 EEO-1 Component 1 Instruction Booklet* (i.e., “*Instruction Booklet*”) consolidates existing filer-support materials, including frequently asked questions (FAQs) and fact sheets, into a single resource for filers and provides additional information to clarify reporting requirements. Like the dedicated EEO-1 Component 1 website launched by the EEOC in 2021, the *Instruction Booklet* serves as a “one-stop-shop” containing important information for new and returning filers. The *2023 EEO-1 Component 1 Instruction Booklet* may be accessed at the following link on the EEOC’s dedicated EEO-1 Component 1 website (www.eeocdata.org/eeo1):
<https://www.eeocdata.org/pdfs/2023 EEO 1 Component 1 Instruction Booklet.pdf>.



B. WHO MUST FILE

13. Which employers must file an EEO-1 Component 1 report(s)?

Pursuant to Title VII and Executive Order Number 11246, private employers and federal contractors meeting the below requirements have a mandatory legal obligation to submit and certify annual EEO-1 Component 1 report(s) containing required workforce demographic data to the EEOC. Different employee threshold requirements apply depending on whether the employer is a federal contractor that meets certain criteria.

Private Employers⁴

A private employer that is subject to Title VII and that has 100 or more employees during an employer-selected pay period (i.e., “workforce snapshot period”) in the fourth quarter (i.e., October 1 through December 31) of the reporting year⁵ has a mandatory legal obligation to submit and certify an annual EEO-1 Component 1 report containing required workforce demographic data to the EEOC.⁶

Additionally, a private employer that is subject to Title VII with *fewer* than 100 employees has a mandatory legal obligation to submit and certify an annual EEO-1 Component 1 report(s) containing required workforce demographic data to the EEOC if the employer owns, is owned by, and/or is affiliated or associated⁷ with another employer or there is centralized or common ownership, control,⁸ or management so that the group of employers constitutes a single enterprise and/or integrated enterprise and the entire enterprise had 100 or more employees⁹

⁴ Appendix A of the [2023 EEO-1 Component 1 Instruction Booklet](#) provides the definition of an “employer” for purposes of filing the EEO-1 Component 1 report(s).

⁵ Workforce demographic data (i.e., employee data by job category and sex and race or ethnicity) submitted by an eligible employer must include all full-time and part-time employees who were employed during an employer-selected pay period (i.e., “workforce snapshot period”) in the fourth quarter (i.e., October 1 through December 31) of the reporting year. Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “WORKFORCE SNAPSHOT PERIOD” for additional information.

⁶ Beginning with the 2023 EEO-1 Component 1 data collection, an employer that meets the employee threshold for EEO-1 Component 1 reporting purposes at **any time during the fourth quarter** (i.e., October 1 through December 31) of the reporting year, may **not** select a workforce snapshot period from this quarter where it falls below the threshold in an effort to avoid the filing requirement.

⁷ For example, if there is interrelation between operations.

⁸ For example, there is financial control or centralized control of personnel policies and/or labor relations.

⁹ For example, if an employer (e.g., a parent corporation) has only 30 employees but owns two separate subsidiaries (i.e., establishments) each with 35 employees, the headquarters of the parent corporation must file EEO-1 Component 1 reports for its two subsidiaries (i.e., establishments) since the parent corporation and its two subsidiaries comprise a single enterprise with 100 employees.



during an employer-selected pay period (i.e., “workforce snapshot period”) in the fourth quarter (i.e., October 1 through December 31) of the reporting year.¹⁰

Federal Contractors

Pursuant to Executive Order 11246 and Office of Federal Contract Compliance Programs (OFCCP) regulations,¹¹ a federal prime or subcontractor that meets **all** the following four criteria¹² has a mandatory legal obligation to submit and certify annual EEO-1 Component 1 report(s) containing required workforce demographic data to the EEOC. The four criteria outlined in the OFCCP regulations¹³ require a contractor to file the EEO-1 if it:

- (1) is not exempt from the provisions of these regulations in accordance with § 60-1.5;¹⁴
- (2) has 50 or more employees;
- (3) is a prime contractor or first tier subcontractor; and
- (4) has a contract, subcontract or purchase order amounting to \$50,000 or more or serves as a depository of Government funds in any amount, or is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes: *Provided*, That any subcontractor below the first tier which performs construction work at the site of construction shall be required to file such a report if it meets requirements of (1), (2) and (4).

14. What if I have questions as to whether my company is a federal prime or subcontractor meeting the criteria provided in Executive Order 11246 and Office of Federal Contract Compliance Programs (OFCCP) regulations?

Filers with questions as to whether an employer (i.e., company) is a federal prime or subcontractor meeting these criteria should refer to OFCCP’s regulations at <https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-1/subpart-A/section-60-1.7>. Additional information on federal contractor status may also be found on OFCCP’s website at <https://www.dol.gov/agencies/ofccp> or by contacting OFCCP directly at <https://www.dol.gov/agencies/ofccp/contact>.

¹⁰ Workforce demographic data (i.e., employee data by job category and sex and race or ethnicity) submitted by an eligible employer must include all full-time and part-time employees who were employed during an employer-selected pay period (i.e., “workforce snapshot period”) in the fourth quarter (i.e., October 1 through December 31) of the reporting year. Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “WORKFORCE SNAPSHOT PERIOD” for additional information. Also, beginning with 2023 EEO-1 Component 1 data collection, an employer that meets the employee threshold for EEO-1 Component 1 reporting purposes at any time during the fourth quarter (i.e., October 1 through December 31) of the reporting year, may *not* select a workforce snapshot period where it falls below the threshold in an effort to avoid the filing requirement.

¹¹ 41 CFR 60-1.7(a). See <https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-1/subpart-A/section-60-1.7>.

¹² *Id.*

¹³ *Id.*

¹⁴ 41 CFR 60-1.5. See <https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-1/subpart-A/section-60-1.5>.



15. What if my company received an EEO-1 Component 1 filing notice from the EEOC but we don't believe we are required to file?

An employer that receives an EEO-1 Component 1 filing notice from the EEOC but believes it is not required to file must access the *EEO-1 Component 1 Online Filing System (OFS)* to complete the embedded eligibility screener. If the screener confirms eligibility, the employer must follow the prompts to submit and certify the required workforce demographic data. If the eligibility screener indicates the employer is ineligible to file, the employer must certify that it is ineligible in the *OFS*. Failure to certify ineligibility through the *OFS* will result in future EEO-1 Component 1 filing notices being sent to the employer by the EEOC.

16. What if I received an EEO-1 Component 1 filing notice from the EEOC but my company is no longer in business?

An employer that receives an EEO-1 Component 1 filing notice from the EEOC but has ceased operations and is no longer in business must access the *EEO-1 Component 1 Online Filing System (OFS)* to complete the embedded eligibility screener. If the eligibility screener indicates the employer is ineligible to file, the employer must certify that its company is ineligible and no longer in business in the *OFS*. Failure to certify ineligibility through the *OFS* will result in future EEO-1 Component 1 filing notices being sent to the employer by the EEOC.

17. Does the EEO-1 Component 1 report collect data from local referral unions, state and local governments, or public elementary and secondary school systems and districts?

Please note the EEOC does not collect workforce demographic data from *local referral unions, state and local governments, and public elementary and secondary school systems and districts* through the EEO-1 Component 1 data collection. Demographic data for these entities are collected through other EEO data collections administered by the EEOC. These biennial data collections include the EEO-3 Local Union Report, the EEO-4 State and Local Government Report, and the EEO-5 Elementary-Secondary Staff Information Report.

18. What if my organization is a local referral union, state or local government, or public elementary or secondary school system or district, and received an EEO-1 Component 1 notice from the EEOC?

If your organization is one of these entities but has received an EEO-1 Component 1 filing notice from the EEOC, please contact the EEO-1 Component 1 Filer Support Team via the online *Message Center* at www.eeocdata.org/eeo1.

19. Does the EEO-1 Component 1 collect data on post-secondary education?

Please note that the National Center for Education Statistics (NCES), located within the U.S. Department of Education's Institute for Education Sciences, collects data on post-secondary education through the annual Integrated Postsecondary Education Data System (IPEDS) Survey. See <https://nces.ed.gov/ipeds/>.



20. Should terminated employees be included in an employer's EEO-1 Component 1 report(s)?

Workforce demographic data (i.e., employee data by job category and sex and race or ethnicity) must include all full-time and part-time employees who were employed during an employer-selected pay period (i.e., "workforce snapshot period") in the fourth quarter (i.e., October 1 through December 31) of the reporting year. The workforce snapshot period for the 2023 EEO-1 Component 1 report would be an employer-selected pay period between October 1, 2023 and December 31, 2023. If an employee was employed during the selected workforce snapshot period, then the employer must include the employee in its reporting even if the employee resigned or was terminated during or after the selected workforce snapshot period. If the employee was employed at any time during the selected workforce snapshot period, then the employee must be reported. An employer is not required to report employees who were not employed at any time during the selected workforce snapshot period.



C. WHEN TO FILE

21. When does the 2023 EEO-1 Component 1 data collection open?

The 2023 EEO-1 Component 1 data collection will open on **Tuesday, April 30, 2024**. The EEO-1 online Filer Support *Message Center* (i.e., filer help desk) will also be available beginning **Tuesday, April 30, 2024**, to assist filers with any inquiries they may have regarding the 2022 collection.

22. Where can I find the latest updates on the 2023 EEO-1 Component 1 data collection, including filing deadlines?

The latest updates on the 2023 EEO-1 Component 1 data collection may be found on the EEOC's dedicated EEO-1 Component 1 website at www.eeocdata.org/eoo1. All filers are strongly advised to visit www.eeocdata.org/eoo1 for the latest filing updates, including any updates regarding the deadline to submit and certify reports.

23. When is the published due date (i.e., deadline) to submit the 2023 EEO-1 Component 1 report(s)?

The published due date (i.e., deadline) to file the 2023 EEO-1 Component 1 report(s) is **11:00 pm ET (i.e., Eastern Time) on June 4, 2024**.

24. What happens if my company does not file its 2023 EEO-1 Component 1 report by the "published due date"?

See question 194 under the "Failure to File" section.

25. After the 2023 EEO-1 Component 1 data collection closes, will my company be able to correct and/or update any workforce demographic data that were submitted during the 2022 reporting cycle?

No. Once data collection closes for a particular reporting cycle, employers are not able to correct and/or update any workforce demographic data reported during that cycle.

26. If my company failed to submit its 2022 EEO-1 Component 1 report last year, can we submit the 2022 report during the 2023 data collection?

No. An employer that fails to submit required EEO-1 Component 1 report(s) during any reporting cycle(s) is not permitted to submit any such reports during subsequent reporting cycle(s). For example, an eligible employer that failed to submit a 2022 EEO-1 Component 1 report(s) is not permitted submit that report during the 2023 EEO-1 Component 1 data collection cycle.



D. HOW TO FILE

27. Do I need an account to file EEO-1 Component 1 report(s) with the EEOC?

All individuals responsible for filing an employer's reports will be required to have an individual user account associated with their email address to access the *EEO-1 Component 1 Online Filing System (OFS)*. To create a new account, visit www.eeocdata.org/eeo1/signin and select "Create an Account." New account holders for employers (i.e., companies) that have filed in prior year reporting cycles can link their individual user account to the employer record using the employer's "OFS Company ID" and "Employer PIN," which will be sent to them via postal mail prior to the opening of data collection. Account holders for employers that have never filed before can register a new employer by selecting "Add Employer" on the "My Employer List" screen. Returning *OFS* account holders may also sign into the *OFS* by visiting www.eeocdata.org/eeo1/signin and entering the email address and password used when last logging into the *EEO-1 Component 1 Online Filing System*. Returning account holders may be required to reset their password when logging in to the *OFS* if the account holder has not accessed the *OFS* in the past 90 days.

28. What is the definition of the acronym "OFS?"

The EEOC collects EEO-1 Component 1 reports (i.e., data) electronically through a web-based data collection application (i.e., portal) referred to as the *EEO-1 Component 1 Online Filing System (OFS)*. EEO-1 Component 1 filers may access the *EEO-1 Component 1 Online Filing System (OFS)* through the EEOC's dedicated EEO-1 Component 1 website at www.eeocdata.org/eeo1. Employers must submit their data electronically to the *EEO-1 Component 1 Online Filing System (OFS)* through either manual data entry or the upload of a data file.

29. How are employers permitted to file their EEO-1 Component 1 report(s) with the EEOC?

The EEOC requires electronic submission of EEO-1 Component 1 report(s) through a web-based data collection application (i.e., portal) referred to as the *EEO-1 Component 1 Online Filing System (OFS)*. The *OFS* is accessible at www.eeocdata.org/eeo1.

30. Are there different "electronic" options for an account holder to submit EEO-1 Component 1 data to the EEOC?

Account holders **must** submit the employer's workforce demographic data electronically in the web-based portal (i.e., *OFS*) through either (1) manual data entry or (2) data file upload. The employer's certifying official must then certify the EEO-1 Component 1 report(s) in the *OFS*.

31. How does the "manual data entry" option work?

The "manual data entry" option requires directly entering workforce demographic data into the EEOC's web-based data collection application referred to as the *EEO-1 Component 1 Online Filing System (OFS)*.



32. How does the “data file upload” option work?

The “data file upload” option requires uploading a data file using the EEOC’s [2023 EEO-1 Component 1 Data File Upload Specifications](#) which may be accessed at the following link on the EEOC’s dedicated EEO-1 Component 1 website (www.eeocdata.org/eeo1): [www.eeocdata.org/pdfs/2023 EEO 1 Component 1 Data File Upload Specifications.pdf](http://www.eeocdata.org/pdfs/2023%20EEO%201%20Component%201%20Data%20File%20Upload%20Specifications.pdf).

33. Will the EEOC accept EEO-1 Component 1 report(s) that are not submitted through the EEO-1 Component 1 Online Filing System (OFS)?

No. The EEOC will only accept EEO-1 Component 1 report(s) submitted and certified through the agency’s *EEO-1 Component 1 Online Filing System (OFS)*. The EEOC will **not** accept reports submitted via paper or through other non-*OFS* electronic means (e.g., email, CD-ROM). The EEOC will consider filers submitting reports outside of the *OFS* to be non-compliant for purposes of their mandatory EEO-1 Component 1 filing obligation.

34. Will the EEOC accept EEO-1 Component 1 report(s) that are submitted in paper format?

No. The EEOC will only accept EEO-1 Component 1 report(s) submitted and certified through the agency’s *EEO-1 Component 1 Online Filing System (OFS)*. The EEOC will **not** accept reports submitted via paper or through other non-*OFS* electronic means (e.g., email, CD-ROM). The EEOC will consider filers submitting reports outside of the *OFS* to be non-compliant for purposes of their mandatory EEO-1 Component 1 filing obligation.



E. Getting Started: *OFS* Log In – Username and Password

35. What if an employer has forgotten their username or password? Or what if the previous point of contact (POC) is no longer with the company, and the employer does not have access to the username and password that was previously used?

Returning *EEO-1 Component 1 Online Filing System (OFS)* account holders may sign into the *OFS* by visiting www.eeocdata.org/eeo1/signin and entering the email address and password used when last logging into the *OFS*. Account holders who do not know their password should select “Forgot Password.”

36. What if most of the employer’s workforce is virtual and may not receive the postal letter with the user ID information?

The “*OFS Company ID*” and “Employer PIN” are provided in the employer’s annual filing notification sent via U.S. postal mail to the primary employer contact. This information will also be sent via email to all employer contacts the week of April 29th. To ensure you receive these important notifications, please add Notification@eeocdata.org and EEOCdata-noreply@eeocdata.org to your employer’s safe senders list.

37. Are we replacing “Company Number” with the “OFS Company ID?” If so, who is providing the “OFS Company ID?” Is it autogenerated in the *OFS* or do we have to create the *OFS Company ID* on our end (i.e., the filer)?

The “*OFS Company ID*” is the same as “Company ID” or “Company Number.” It is the unique, alphanumeric, seven-character identifier that corresponds to an employer in the *EEO-1 Component 1 Online Filing System (OFS)*.

38. The length of the “Company Number” is currently seven characters? What is the length of the “OFS Company ID?” If the “Company ID” is the “Establishment/Unit ID,” it will be more than the seven-character limit. Is there a character limit as provided in the prior collection’s data file upload specifications?

The “*OFS Company ID*” is the same as “Company ID” or “Company Number.” It is the unique, alphanumeric, seven-character identifier that corresponds to an employer in the *EEO-1 Component 1 Online Filing System (OFS)*. The Establishment-Level Unit ID is also seven characters. Filers who previously used the now-discontinued “Type 6” Establishment List Report may have had an 11-character or 12-character ID for those establishments. As of the 2022 data collection, all Establishment-Level Unit IDs have been converted to seven-character identifiers.



F. Getting Started: *OFS* Log In – Employer PIN

39. When will Employer PINs be sent out?

The “*OFS* Company ID” and “Employer PIN” are provided in the employer’s annual filing notification sent via U.S. postal mail to the primary employer contact. This information will also be sent via email to all employer contacts the week of April 29th. To ensure you receive these important notifications, please add Notification@eocdata.org and EEOCdata-noreply@eocdata.org to your employer’s safe senders list.



G. Data File Upload Specifications

Reporting of New Establishments (“Type 9 Reports”)

40. Are Type 9 reports currently invalid?

As with prior EEO-1 Component 1 data collections, a Status Code of 9 (i.e., Status Code=9) allows multi-establishment employers to submit an “Establishment-Level Report” for a new establishment. Status Code=9 indicates a new “Establishment-Level Report” that has never been reported in prior-year EEO-1 Component 1 reports and has never been assigned an Establishment-Level Unit ID.¹⁵

41. Is it correct that all new reports, regardless of size, will be a “Type 9”?

As with prior EEO-1 Component 1 data collections, a Status Code of 9 (i.e., Status Code=9) allows multi-establishment employers to submit an “Establishment-Level Report” for a new establishment. Status Code=9 indicates a new “Establishment-Level Report” that has never been reported in prior-year EEO-1 Component 1 reports and has never been assigned an Establishment-Level Unit ID.¹⁶

42. Will these reports stay a “Type 9” report going forward? Or in the next reporting cycle will they become an existing location and need to be a “Type 4” or a “Type 8” report?

As with prior EEO-1 Component 1 data collections, “Establishment-Level Reports” for new non-headquarters establishments should be indicated using a Status Code of 9 in the 2023 EEO-1 Component 1 data file. In future data collections, these establishments should be assigned a Status Code representing an *existing* “Establishment-Level Report” (e.g., Status Code=4 or Status Code=8 in the 2023 EEO-1 Component 1 data collection).

Reporting of Existing Establishments

43. For existing establishments (i.e., reported in the last collection cycle), what happens if an existing establishment had 50 or more employees last year (i.e., a “Type 4”) but this year has less than 50 employees and would otherwise be a “Type 8” establishment? Do we have to keep this establishment as a “Type 4”, or can we submit it as a “Type 8”?

For the 2023 EEO-1 data collection, either Status Code=4 or Status Code=8 indicates an existing “Establishment-Level Report” that has been included in prior-year EEO-1 Component 1

¹⁵ See the section entitled “Specifications for New Non-Headquarters Establishments” in the *2023 EEO-1 Component 1 Data File Upload Specifications* for additional information available at https://www.eeocdata.org/pdfs/2023_EEO_1_Component_1_Data_File_Upload_Specifications.pdf.

¹⁶ See the section entitled “Specifications for New Non-Headquarters Establishments” in the *2023 EEO-1 Component 1 Data File Upload Specifications* for additional information available at https://www.eeocdata.org/pdfs/2023_EEO_1_Component_1_Data_File_Upload_Specifications.pdf.



reports and has an existing Establishment-Level Unit ID assigned by the *EEO-1 Component 1 Online Filing System (OFS)*.¹⁷

Sample CSV/TXT Data Files

44. When will an updated CSV data file upload sample be available for companies to use to prepare their data file upload for the 2023 EEO-1 Component 1 reporting cycle?

The 2023 EEO-1 Component 1 sample data files (CSV and TXT) will be available within the *OFS* when data collection opens on **Tuesday, April 30, 2024**.

Obsolete Data Fields

45. For the data file upload option, why must filers include fields in their data file that are no longer processed?

For the 2023 EEO-1 Component 1 data collection, the EEOC’s Office of Enterprise Data and Analytics (OEDA) left such fields as-is (i.e., “NULL”) to minimize the number of edits that filers need to make to the programs and/or processes used to produce the 2023 EEO-1 Component 1 data file.

Field 189 Comment

46. For “Field 189 Comment” in the 2023 EEO-1 Component 1 Data File Upload Specifications, must a filer use the comment field when they upload the data file? If so, do you have any specific directions (e.g., Column #, Column Name, Length, Column Type and Possible Values & Remarks)? Where are all the changes to the data file upload specs for the 2023 data collection?

All changes to the 2023 EEO-1 Component 1 data file upload specifications are listed in Section 2 (Summary of Updates to Data File Upload Specifications) of the *2023 EEO-1 Component 1 Data File Upload Specifications* available on the EEOC’s dedicated EEO-1 Component 1 website at <https://www.eeocdata.org/EEO1/home/datafilespecs>. Data entered into “Field 189” will appear in the “Certification Comments” (Section K) of the EEO-1 Component 1 PDF-generated report for single-establishment filers or the “Headquarters or Establishment-Level Comments” (Section J) of the EEO-1 Component 1 PDF-generated report for multi-establishment filers. See “Field 189: Employer/HQ/Establishment Comments” in the *2023 EEO-1 Component 1 Data File Upload Specifications* for additional information (e.g., TXT Positions, CSV Column, Length).

¹⁷ See “Field 2: Status Code” in the *2023 EEO-1 Component 1 Data File Upload Specifications* for additional information available at https://www.eeocdata.org/pdfs/2023_EEO_1_Component_1_Data_File_Upload_Specifications.pdf.



H. ESTABLISHMENTS

47. What is an “establishment” for purposes of the EEO-1 Component 1?

The EEOC uses the term “establishment” when referring to the filing obligations of eligible employers. An establishment is generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office).¹⁸

48. If my company has several establishments that are conducting the same business but are at different locations, can I report the establishments as a single establishment?

No. Establishments at different physical locations must be reported as **separate** establishments even if conducting the same business or performing the same services or industrial operations.

49. My company has locations outside of the United States (e.g., Asia, Europe). Must I report those international locations on the EEO-1 Component 1 report(s) for my company?

Employers should only include establishments located in the 50 United States and the District of Columbia. Employers should not include establishments located in Puerto Rico, the Virgin Islands, or other American protectorates.

50. My company is a foreign-based company (i.e., outside of the United States) but has locations within the United States. Is my foreign-based company required to file an EEO-1 Component 1 report(s) for those locations within the United States?

Yes. Foreign-based and/or foreign-owned employers **must** report for eligible establishments located in the 50 United States and the District of Columbia. If a foreign-based and/or foreign-owned employer has a United States-based headquarters, the U.S. based headquarters is responsible for filing as a multi-establishment filer (i.e., multi-establishment employer) for all the employer’s establishments located in the 50 United States and the District of Columbia. If a foreign-based and/or foreign-owned employer does **not** have a headquarters based in the 50 United States or the District of Columbia, one of its establishments located in the U.S. *may* file on behalf of all the employer’s establishments as a multi-establishment filer (i.e., multi-establishment employer) but is not required to do so. Otherwise, each establishment must file its own EEO-1 Component 1 report with the EEOC.

¹⁸ See Frequently Asked Question 2 (What is an establishment?) at <https://www.census.gov/naics/> for the U.S. Census Bureau’s North American Industry Classification System (NAICS) definition.



I. REQUIRED REPORT FOR A SINGLE-ESTABLISHMENT EMPLOYER

51. How does the EEOC define a “single-establishment employer” for purposes of the EEO-1 Component 1 data collection?

The EEOC defines a single-establishment employer as an employer with a single establishment where business is conducted or where services or industrial operations are performed. A single-establishment employer is also referred to as a single-establishment filer for purposes of the EEO-1 Component 1 data collection. A single-establishment employer is required to submit and certify only one EEO-1 Component 1 report (i.e., a “Single-Establishment Employer Report”).

52. What type of EEO-1 Component 1 report must a “single-establishment employer” submit to the EEOC?

An employer conducting business or performing services or industrial operations at only one establishment is required to submit and certify one EEO-1 Component 1 report. This report is referred to as a “Single-Establishment Employer Report.” The “Single-Establishment Employer Report” must include demographic data for all the employer’s employees categorized by job category and sex and race or ethnicity.

53. Is the “Single-Establishment Employer Report” the same thing as the former “Type 1” report collected by the EEOC?

Yes. The “Single-Establishment Employer Report” was formerly referred to as a “Type 1” single establishment report. Beginning with the 2022 EEO-1 Component 1 data collection, this report is now known as a “Single-Establishment Employer Report.”



J. REQUIRED REPORTS FOR A MULTI-ESTABLISHMENT EMPLOYER

54. How does the EEOC define a “multi-establishment employer” for purposes of the EEO-1 Component 1 data collection?

The EEOC defines a multi-establishment employer as an employer with more than one establishment where business is conducted or where services or industrial operations are performed. A multi-establishment employer is also referred to as a multi-establishment filer for purposes of the EEO-1 Component 1 data collection.

55. What type(s) of EEO-1 Component 1 report(s) must a “multi-establishment employer” submit to the EEOC?

A multi-establishment employer is required to submit and certify all the following three types of EEO-1 Component 1 reports to the EEOC: “Consolidated Report”; “Headquarters Report”; “Establishment-Level Report(s)”.

Headquarters Report

56. What data must be reported on a multi-establishment employer’s “Headquarters Report?”

A multi-establishment employer is required to submit and certify a “Headquarters Report.” The “Headquarters Report” must include 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, categorized by job category and sex and race or ethnicity.

57. Is the “Headquarters Report” the same thing as the former “Type 3” report collected by the EEOC?

Yes. The “Headquarters Report” was formerly referred to as a “Type 3” headquarters report. Beginning with the 2022 EEO-1 Component 1 data collection, this report is now known simply as a “Headquarters Report.”

58. Can a “multi-establishment employer” submit a “Headquarters Report” for all its establishments (i.e., locations)?

Multi-establishment employers, including, for example, parent corporations and their subsidiary holdings, must report workforce demographic data for all employees at each establishment and subsidiary establishment(s). A multi-establishment employer is not permitted to report its entire workforce on the employer’s “Headquarters Report.” Workforce demographic data for non-headquarters establishments must be reported separately for each establishment on the “Establishment-Level Report(s).”



59. What if my company's headquarters is, for example, a holding company and has zero employees, must my company still file as a multi-establishment employer?

Please note that if an employer's headquarters is a holding company, or similar type entity, with zero employees, it is still necessary for the employer to file as a multi-establishment employer. The filing requirements for the EEO-1 Component 1 data collection are based on employee counts across all establishments of the employer (i.e., a total of 100 or more employees and 50 or more employees for federal contractors meeting certain criteria). For example, if a holding company has non-headquarters establishments which total 100 or more employees (or 50 or more employees for federal contractors meeting certain criteria), the holding company must file as a multi-establishment employer and submit a "Headquarters Report" for the holding company and "Establishment-Level Report" for each of its establishments.

Establishment-Level Report

60. What data must be reported on a multi-establishment employer's "Establishment-Level Report?"

A multi-establishment employer is required to submit and certify an "Establishment-Level Report" for each non-headquarters establishment of the employer regardless of the number of employees at the establishment. The "Establishment-Level Report" must include demographic data for all the employer's employees at each establishment, as well as any remote employees who report to the establishment, categorized by job category and sex and race or ethnicity.

61. Did the "Establishment-Level Report" replace the former "Type 4," "Type 6," and "Type 8" reports?

Yes. The "Establishment-Level Report" replaces the former "Type 4" and "Type 8" non-headquarters establishment reports and the former "Type 6" establishment list report. Beginning with the 2022 EEO-1 Component 1 data collection, a non-headquarters establishment report is now known simply as an "Establishment-Level Report."

62. Can a multi-establishment employer still submit a "Type 6" establishment list for establishments with fewer than 50 employees?

No. The "Establishment-Level Report" replaces the former "Type 4" and "Type 8" non-headquarters establishment reports and the former "Type 6" establishment list report.¹⁹ Beginning with the 2022 EEO-1 Component 1 data collection, a non-headquarters establishment report is now known simply as an "Establishment-Level Report." The "Establishment-Level Report" must include demographic data for all the employer's employees at each establishment,

¹⁹ The former "Type 6" establishment list report contained the name and address of *each* non-headquarters establishment with fewer than 50 employees, as well as the total number of employees at each establishment. A multi-establishment employer choosing the option to submit a "Type 6" establishment list report, instead of a "Type 8" report, was required to *manually* enter employee demographic data by job category and sex and race or ethnicity into the accompanying "Type 2" consolidated report for every employee of every establishment included on the "Type 6" establishment list report.



as well as any remote employees who report to the establishment, categorized by job category and sex and race or ethnicity.

63. Are employers still required to file establishment-level report(s) based on the size of the establishment (i.e., 50 or more employees or fewer than 50 employees)?

No. Beginning with the 2022 EEO-1 Component 1 data collection, multi-establishment employers

will no longer be required to file a separate “type” of establishment report based on the size of an individual non-headquarters establishment (i.e., establishments with 50 or more employees or establishments with fewer than 50 employees). Rather, in place of the “Type 4” and “Type 8” establishment reports and the former “Type 6” establishment list report, there will be a newly named “Establishment-Level Report.” All multi-establishment employers will use an “Establishment-Level Report” to submit establishment-level employee demographic data for each of their non-headquarters establishment(s) regardless of size.

With this change, a multi-establishment employer will no longer have to take the additional step of counting employees in each establishment to determine whether to file a “Type 4” or “Type 8” establishment report. Multi-establishment employers will still be required to submit a “Headquarters Report” and a “Consolidated Report.” However, all individual “Consolidated Reports” for multi-establishment employers will be auto-populated and auto-generated with data from their “Headquarters Report” and each “Establishment-Level Report” within the *EEO-1 Component 1 Online Filing System (OFS)*.

64. If I am choosing to submit my company’s EEO-1 Component 1 data via the data file upload option, am I required to use a new “status code” to denote an “Establishment-Level Report” for my former “Type 4” and “Type 8” establishments?

No. Please note that the [2023 EEO-1 Component 1 Data File Upload Specifications](#) will allow users to indicate an “Establishment-Level Report” by using a Status Code (Field 2) of either 4 or 8 (i.e., filers can leverage either code to indicate an “Establishment-Level Report” when using the data file upload option to report workforce demographic data). Selecting either Status Code (4 or 8) will have the identical effect of indicating that a report is an “Establishment-Level Report.”

65. How do I report establishments that are located at the same address and have both the same NAICS code and the same EIN?

Please note that if establishments are located at the same address (including, for example, suite number) and have both the same NAICS code and the same EIN, the establishments must be combined into a single “Establishment-Level Report.” Such establishments are considered one establishment for purposes of EEO-1 Component 1 reporting.



66. What if during my company's selected workforce snapshot period, one or more of my establishments had zero employees?

Please note that if during the employer's selected workforce snapshot period, an establishment had zero employees, the employer should not file an "Establishment-Level Report" for that establishment. If the establishment appears in the employer's list of establishments from the previous reporting cycle, the filer should delete the establishment with zero employees from its list.

Consolidated Report

67. What data must be reported on a multi-establishment employer's "Consolidated Report?"

A multi-establishment employer is required to submit and certify a "Consolidated Report." The "Consolidated Report" must include workforce demographic data for all the multi-establishment employer's employees (i.e., all employees at the employer's headquarters and all its establishments) categorized by job category and sex and race or ethnicity. In other words, the total number of employees in the "Headquarters Report" plus the total number of employees in all the multi-establishment employer's "Establishment-Level Report(s)" must equal the total number of employees in the "Consolidated Report."

With the discontinuation of the "Type 6" establishment list report,²⁰ a "Consolidated Report" is now auto-populated and auto-generated with data from a multi-establishment employer's "Headquarters Report" and "Establishment-Level Report(s)" within the EEOC's electronic, web-based *EEO-1 Component 1 Online Filing System (OFS)* for all multi-establishment employers.²¹

68. Is the "Consolidated Report" the same thing as the former "Type 2" report collected by the EEOC?

Yes. The "Consolidated Report" was formerly referred to as a "Type 2" consolidated report. Beginning with the 2022 EEO-1 Component 1 data collection, this report is now known simply as a "Consolidated Report."

²⁰ The former "Type 6" establishment list report contained the name and address of *each* non-headquarters establishment with fewer than 50 employees, as well as the total number of employees at each establishment. A multi-establishment employer choosing the option to submit a "Type 6" establishment list report, instead of a "Type 8" report, was required to *manually* enter employee demographic data by job category and sex and race or ethnicity into the accompanying "Type 2" consolidated report for every employee of every establishment included on the "Type 6" establishment list report.

²¹ The "Consolidated Report" will be generated by the *EEO-1 Component 1 Online Filing System (OFS)* once the "Headquarters Report" and all "Establishment-Level Report(s)" have been completed by the filer.



69. Given the EEO-1 Component 1 Online Filing System (OFS) now auto-populates and auto-generates the “Consolidated Report” do I still need to ensure the number of employees in the “Consolidated Report” for my company are accurate?

Yes. Although a “Consolidated Report” is now auto-populated and auto-generated in the OFS, a multi-establishment employer is still responsible for ensuring that the total employee count in the “Consolidated Report” matches the total number of employees the filer is reporting in its “Headquarters Report” and “Establishment-Level Report(s)” prior to certification. An employer must also ensure that it has reported for all its establishments. For example, if an employer has 200 establishments, but only reported data for 150 establishments, the “Consolidated Report” will only reflect the data for establishments submitted by the filer (i.e., 150). It is the responsibility of the employer to ensure that data for each of its establishments has been submitted and that the “Consolidated Report” matches that number.²²

70. Will a multi-establishment filer be able to make changes to the employee numbers in the “Consolidated Report” given the “Consolidated Report” will be auto-populated and auto-generated with data from the “Headquarters Report” and each “Establishment-Level Report” within the EEO-1 Component 1 Online Filing System (OFS)?

All individual “Consolidated Reports” for multi-establishment employers will be auto-populated and auto-generated with data from their “Headquarters Report” and each “Establishment-Level Report” within the OFS. In the FAQ posed above, a multi-establishment filer will **not** be able to make changes directly to the “Consolidated Report.” However, a filer can edit an individual “Headquarters Report” and/or “Establishment-Level Report(s)” to ensure the auto-populated and auto-generated “Consolidated Report” reflects accurate totals for an employer across the headquarters and all non-headquarters establishments.

71. If we are a global company, do we report data for only our US-based employees?

Yes. If a company has locations outside of the United States (e.g., Asia, Europe), the company is not required to report those international locations on the EEO-1 Component 1 report. Employers should only include establishments located in the 50 United States and the District of Columbia. Employers should not include establishments located in Puerto Rico, the Virgin Islands, or other American protectorates.

Additionally, if a company is a foreign-based company (i.e., outside of the United States) but has locations within the United States, the foreign-based company is required to file EEO-1 Component 1 report(s) for those locations within the United States. Foreign-based and/or

²² As discussed in the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) (i.e., “Instruction Booklet”) entitled “REPORTING BY SEX,” the EEO-1 Component 1 data collection currently provides only binary options (i.e., male or female) for reporting employee counts by sex, job category, and race or ethnicity. However, employers may *voluntarily* choose to report employee demographic data for non-binary employees – that is, employees who do not identify as exclusively male or female – by sex (i.e., non-binary), job category and race or ethnicity in the “comments” section of the report(s). Employers that voluntarily choose to report non-binary employees in the “comments” section of the report(s) should not assign such employees to the male or female categories or any other categories (i.e., job category and race or ethnicity) within the report(s). For additional information on the voluntary reporting of non-binary employees, please refer to the section of the *Instruction Booklet* entitled “REPORTING BY SEX.”



foreign-owned employers **must** report for eligible establishments located in the 50 United States and the District of Columbia. If a foreign-based and/or foreign-owned employer has a United States-based headquarters, the U.S. based headquarters is responsible for filing as a multi-establishment filer (i.e., multi-establishment employer) for all the employer’s establishments located in the 50 United States and the District of Columbia. If a foreign-based and/or foreign-owned employer does **not** have a headquarters based in the 50 United States or the District of Columbia, one of its establishments located in the U.S. may file on behalf of all the employer’s establishments as a multi-establishment filer (i.e., multi-establishment employer) but is not required to do so. Otherwise, each establishment must file its own EEO-1 Component 1 report with the EEOC.

72. Are bank branches considered separate establishments?

The EEOC uses the term “establishment” when referring to the filing obligations of eligible employers. An establishment is generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office).²³ The EEOC defines a multi-establishment employer as an employer with more than one establishment where business is conducted or where services or industrial operations are performed. A multi-establishment employer is also referred to as a multi-establishment filer for purposes of the EEO-1 Component 1 data collection. A multi-establishment employer is required to submit and certify all the following three types of EEO-1 Component 1 reports to the EEOC: “Consolidated Report”; “Headquarters Report”; “Establishment-Level Report(s)”. Establishments at different physical locations must be reported as **separate** establishments even if conducting the same business or performing the same services or industrial operations. However, if establishments are located at the same address (including, for example, suite number) and have both the same NAICS code and the same EIN, the establishments must be combined into a single “Establishment-Level Report.” Such establishments are considered one establishment for purposes of EEO-1 Component 1 reporting.

In the FAQ posed above, if the bank “branches” (i.e., establishments) are located at separate physical locations, then such branches are considered separate establishments for purposes of EEO-1 Component 1 reporting. For example, if a banking corporation (i.e., parent) has 10 separate bank branches (i.e., establishments) located in 10 separate locations (not including its corporate headquarters), the corporation would file the following reports: a “Consolidated Report”; a “Headquarters Report” and 10 “Establishment-Level Reports” (i.e., one “Establishment-Level Report” for each of its 10 “branches” or locations.)

²³ See Frequently Asked Question 2 (What is an establishment?) at <https://www.census.gov/naics/> for the U.S. Census Bureau’s North American Industry Classification System (NAICS) definition.



73. If a company has different subsidiaries with different federal tax ID numbers (i.e., EINs) at multiple locations, should a separate report be created for every business within each address? For example, if three companies sit at the same address, should three reports be submitted? Or only one report for each physical address?

The EEOC uses the term “establishment” when referring to the filing obligations of eligible employers. An establishment is generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office).²⁴ The EEOC defines a multi-establishment employer as an employer with more than one establishment where business is conducted or where services or industrial operations are performed. A multi-establishment employer is also referred to as a multi-establishment filer for purposes of the EEO-1 Component 1 data collection. A multi-establishment employer is required to submit and certify all the following three types of EEO-1 Component 1 reports to the EEOC: “Consolidated Report”; “Headquarters Report”; “Establishment-Level Report(s)”.

Establishments at different physical locations must be reported as **separate** establishments even if conducting the same business or performing the same services or industrial operations. However, if establishments are located at the same address (including, for example, suite number) and have both the same NAICS code and the same EIN, the establishments must be combined into a single “Establishment-Level Report.” Such establishments are considered one establishment for purposes of EEO-1 Component 1 reporting.

In the FAQ posed above, the company with different subsidiaries with different EINs at multiple locations, would be required to provide an individual “Establishment-Level Report” for each one of these subsidiaries. Additionally, even if the three subsidiaries are located at the same address, a separate “Establishment-Level Report” would be required for each subsidiary (i.e., three “Establishment-Level Reports”).

74. Should remote contractors working in a foreign country outside of the United States be reported as an establishment?

For purposes of EEO-1 Component 1 reporting, employers should only include establishments located in the 50 United States and the District of Columbia. Employers should not include establishments located in Puerto Rico, the Virgin Islands, or other American protectorates.

The EEOC uses the term “establishment” when referring to the filing obligations of eligible employers. An establishment is generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office). The EEOC defines a single-establishment employer as an employer with

²⁴ See Frequently Asked Question 2 (What is an establishment?) at <https://www.census.gov/naics/> for the U.S. Census Bureau’s North American Industry Classification System (NAICS) definition.



a single establishment where business is conducted or where services or industrial operations are performed. A single-establishment employer is also referred to as a single-establishment filer for purposes of the EEO-1 Component 1 data collection. A single-establishment employer is required to submit and certify only one EEO-1 Component 1 report (i.e., a “Single-Establishment Employer Report”).

The EEOC defines a multi-establishment employer as an employer with more than one establishment where business is conducted or where services or industrial operations are performed. A multi-establishment employer is also referred to as a multi-establishment filer for purposes of the EEO-1 Component 1 data collection. A multi-establishment employer is required to submit and certify all the following three types of EEO-1 Component 1 reports to the EEOC: “Consolidated Report”; “Headquarters Report”; “Establishment-Level Report(s)”.

In the FAQ posed above, if the employer has only one establishment in the United States, the employer would be considered a single-establishment employer for purposes of the EEO-1 Component 1.

Please Note: If in the above FAQ, the company is a foreign-based company (i.e., outside of the United States) but has locations within the United States, the foreign-based company is required to file an EEO-1 Component 1 report(s) for those locations within the United States. Foreign-based and/or foreign-owned employers **must** report for eligible establishments located in the 50 United States and the District of Columbia. If a foreign-based and/or foreign-owned employer has a United States-based headquarters, the U.S. based headquarters is responsible for filing as a multi-establishment filer (i.e., multi-establishment employer) for all the employer’s establishments located in the 50 United States and the District of Columbia. If a foreign-based and/or foreign-owned employer does **not** have a headquarters based in the 50 United States or the District of Columbia, one of its establishments located in the U.S. *may* file on behalf of all the employer’s establishments as a multi-establishment filer (i.e., multi-establishment employer) but is not required to do so. Otherwise, each establishment must file its own EEO-1 Component 1 report with the EEOC.



K. WORKFORCE SNAPSHOT PERIOD

75. For EEO-1 Component 1 reporting, how is the workforce snapshot period defined?

Workforce demographic data (i.e., employee data by job category and sex and race or ethnicity) must include all full-time and part-time employees who were employed during an employer-selected pay period (i.e., “workforce snapshot period”) in the fourth quarter (i.e., October 1 through December 31) of the reporting year.

76. What is the workforce snapshot period for the 2023 EEO-1 Component 1 report?

The workforce snapshot period for the 2023 EEO-1 Component 1 report would be an employer-selected pay period between October 1, 2023 and December 31, 2023.²⁵

77. For the 2023 EEO-1 Component 1 report, is an employer required to use the same workforce snapshot period that it selected for previous reporting cycles (e.g., the 2022 EEO-1 Component 1 report)?

No. An employer is not required to use the same workforce snapshot period (i.e., months, days) from the fourth quarter of the reporting year that it selected in previous reporting cycles. For example, an employer that selected a workforce snapshot period with the month/days of October 1 through October 14 for the 2022 EEO-1 Component 1 reporting cycle may select different month/days (e.g., November 15 through November 30) for the 2023 EEO-1 Component 1 reporting cycle.

78. Am I required to report an employee who resigned or was terminated during or after my selected workforce snapshot period?

Yes. If an employee was employed during the selected workforce snapshot period, then the employer must include the employee in its reporting even if the employee resigned or was terminated during or after the selected workforce snapshot period. If the employee was employed at any time during the selected workforce snapshot period, then the employee must be reported.

79. Am I required to report an employee who was not employed at any time during my selected workforce snapshot period?

No. An employer is not required to report employees who were not employed at any time during the selected workforce snapshot period.

²⁵ Workforce demographic data (i.e., employee data by job category and sex and race or ethnicity) submitted by an eligible employer must include all full-time and part-time employees who were employed during an employer-selected pay period (i.e., “workforce snapshot period”) in the fourth quarter (i.e., October 1 through December 31) of the reporting year. Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “WORKFORCE SNAPSHOT PERIOD” for additional information. Also, beginning with 2023 EEO-1 Component 1 data collection, an employer that meets the employee threshold for EEO-1 Component 1 reporting purposes at **any time during the fourth quarter** (i.e., October 1 through December 31) of the reporting year, may *not* select a workforce snapshot period where it falls below the threshold in an effort to avoid the filing requirement.



80. Can I select a workforce snapshot period where my employer fell below the eligibility threshold?

No. Beginning with 2023 EEO-1 Component 1 data collection, an employer that meets the employee threshold for EEO-1 Component 1 reporting purposes at **any time** during the fourth quarter (i.e., October 1 through December 31) of the reporting year, may **not** select a workforce snapshot period where it falls below the threshold in an effort to avoid the filing requirement.



L. REPORTING BY RACE OR ETHNICITY

81. What is the preferred method of identifying the race and/or ethnicity information required for the EEO-1 Component 1 report?

Voluntary self-identification by employees is the preferred method of identifying the race and/or ethnicity information required for the EEO-1 Component 1 report.

The basic principles for race and ethnicity self-identification for purposes of the EEO-1 Component 1 report are:

- (1) Offer employees the opportunity to self-identify.
- (2) Provide a statement about the voluntary nature of this inquiry for employees.

For example, language such as the following may be used (employers may adapt this language):

“The employer is subject to certain governmental recordkeeping and reporting requirements for the administration of civil rights laws and regulations. In order to comply with these laws, the employer invites employees to voluntarily self-identify their race or ethnicity. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information obtained will be kept confidential and may only be used in accordance with the provisions of applicable laws, executive orders, and regulations, including those that require the information to be summarized and reported to the federal government for civil rights enforcement. When reported, data will not identify any specific individual.”

82. What if an employee declines to self-identify?

If an employee declines to self-identify their race and/or ethnicity, employment records or observer identification may be used. Where records are maintained, they should be kept separately from the employee’s basic personnel file or other records available to those responsible for personnel decisions.

83. My company has employees who have chosen not to self-identify. How does my company report such employees in the EEO-1 Component 1 report?

If an employee declines to self-identify their race and/or ethnicity, employment records or observer identification may be used. Where records are maintained, they should be kept separately from the employee’s basic personnel file or other records available to those responsible for personnel decisions.



84. Where can I find the definitions of the race and ethnicity categories used by the EEOC for the EEO-1 Component 1 report?

Definitions of the race and ethnicity categories used by the EEOC for purposes of EEO-1 Component 1 reporting are provided in Appendix B of the [2023 EEO-1 Component 1 Instruction Booklet](#).

85. Where can I find instructions for assigning employees into the race and ethnicity categories used by the EEOC for the EEO-1 Component 1 report?

Instructions for assigning employees into these categories are provided in Appendix B of the [2023 EEO-1 Component 1 Instruction Booklet](#).



M. REPORTING BY SEX

86. Can my company voluntarily report employee demographic data for non-binary employees on the 2023 EEO-1 Component 1 report?

Yes. The EEO-1 Component 1 data collection currently provides only binary options (i.e., male or female) for reporting employee counts by sex, job category, and race or ethnicity. However, employers may *voluntarily* choose to report employee demographic data for non-binary employees – that is, employees who do not identify as exclusively male or female – by sex (i.e., non-binary), job category and race or ethnicity in the “comments” section of the report(s). Employers that voluntarily choose to report non-binary employees in the “comments” section of the report(s) should not assign such employees to the male or female categories or any other categories (i.e., job category and race or ethnicity) within the report(s).

Single-establishment employers that *voluntarily* choose to report demographic data for non-binary employees may do so in the “Certification Comments” section within the *OFS*.²⁶ Multi-establishment employers that *voluntarily* choose to report demographic data for non-binary employees may do so in the “Headquarters or Establishment-Level Comments” section.²⁷ This option will be available to multi-establishment filers through manual entry in the *OFS* as well as through the data file upload function.²⁸

For employers that voluntarily choose to provide demographic data for their non-binary employees, please follow the instructions in the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “REPORTING BY RACE OR ETHNICITY” when deciding whether to report an employee as male, female, or non-binary. If the sex reported by an employee during

²⁶ For example, a single-establishment employer that has a total of 500 employees and is voluntarily reporting 2 of those employees as non-binary in the “Certification Comments” section should show an employee count of 498 employees on the employer’s “Single-Establishment Employer Report” (i.e., less the 2 non-binary employees reported in the comments section). Also, please note that the voluntary reporting of non-binary employees does not impact the employee threshold for EEO-1 Component 1 reporting purposes. For example, if a non-federal contractor employer has a total of 100 employees, of which 2 are voluntarily reported as non-binary in the comments, the employer is still required to file even though the total number of employees on the employer’s “Single-Establishment Employer Report” would reflect only 98 employees.

²⁷ For example, if a multi-establishment employer has a total of 1,000 employees and is voluntarily reporting 10 of those employees as non-binary for the entire enterprise, the multi-establishment employer would do so in the comments section of the EEO-1 Component 1 report where those 10 non-binary employees are employed (i.e., on the appropriate “Headquarters Report” or “Establishment-Level Report”). Using this same example, if there are 200 employees at the multi-establishment employer’s headquarters and 5 of those employees are voluntarily reported as non-binary in the comments section, the “Headquarters Report” would only show a total of 195 employees (i.e., less the 5 non-binary employees reported in the comments section). Continuing this example, the remaining 5 non-binary employees would be reported in the comments section of the appropriate “Establishment-Level Report.” Finally, the employer’s “Consolidated Report” would show an employee count of 990 employees (i.e., less the 10 non-binary employees reported in the comments sections on the “Headquarters Report” and “Establishment-Level Report”). Also, please note that the voluntary reporting of non-binary employees does not impact the employee threshold for EEO-1 Component 1 reporting purposes. For example, if a non-federal contractor employer has a total of 100 employees, of which 2 are voluntarily reported as non-binary in the comments, the employer is still required to file even though the total number of employees on the employer’s “Consolidated Report” would reflect only 98 employees.

²⁸ The “Headquarters or Establishment-Level Comments” section allows a multi-establishment employer to provide comments for its headquarters as well as each of its individual non-headquarters establishments at the establishment-level. Providing comments, including demographic data for non-binary employees, is optional and not required.



voluntary self-identification differs from the sex recorded in the employee's employment records, the employer should report the former (i.e., self-identification) and not the latter (i.e., employment records).

Employers choosing to voluntarily report employee demographic data for non-binary employees should preface any such data in the comments with the phrase "Additional Non-Binary Employee Data:". For example:

"Additional Non-Binary Employee Data: 1 non-binary employee in Job Category Administrative Support Workers; Race/Ethnicity: White (Not Hispanic or Latino). 3 non-binary employees in Job Category Professionals; Race/Ethnicity: Employee 1 – Black or African American (Not Hispanic or Latino) / Employee 2 – Hispanic or Latino / Employee 3
– Two or More Races (Not Hispanic or Latino)."²⁹

87. How do I report sex of an employee whose sex reported during voluntary self-identification differs from the sex recorded in the employee's employment records?

For employers that voluntarily choose to provide demographic data for their non-binary employees, please follow the instructions in the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled "REPORTING BY RACE OR ETHNICITY" when deciding whether to report an employee as male, female, or non-binary. If the sex reported by an employee during voluntary self-identification differs from the sex recorded in the employee's employment records, the employer should report the former (i.e., self-identification) and not the latter (i.e., employment records).

88. If an employer has 150 employees and two are non-binary, the instructions state that it is voluntary (i.e., the employer's option) to report the employees as non-binary in the comments section. If the employer chooses not to include the two non-binary employees in the 150-employee count given that the employees do not identify as either male or female, is the employer required to report the two non-binary employees in the comments section?

No. As discussed in the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) (i.e., "Instruction Booklet") entitled "REPORTING BY SEX," employers may *voluntarily* choose to report employee demographic data for non-binary employees – that is, employees who do not identify as exclusively male or female – by sex (i.e., non-binary), job category and race or ethnicity in the "comments" section of the report(s). Employers that choose **not** to report non-binary employees in the "comments" section of the report(s) are not required to assign such employees to the male or female categories or any other categories (i.e., job category and race or ethnicity) within the report(s). Please note, however, that an employer's decision about

²⁹ Please note that filers voluntarily choosing to provide such data at the headquarters or establishment-level through the data file upload option *must* ensure that any comments submitted do not contain any commas. See "Field 189" in the [2023 EEO-1 Component 1 Data File Upload Specifications](#).



voluntary reporting of non-binary employees does not impact the employee threshold for EEO-1 Component 1 reporting purposes. For example, if a non-federal contractor employer has a total of 100 employees, of which 2 are non-binary and not reported in the “comments” section, the employer is still required to file even though the total number of employees on the employer’s “Single-Establishment Employer Report” would reflect only 98 employees. For additional information on the voluntary reporting of non-binary employees, please refer to the section of the *Instruction Booklet* entitled “REPORTING BY SEX.”



N. CLASSIFICATION OF EMPLOYEES INTO JOB CATEGORIES

89. Where can I find information on the job categories used by the EEOC for the EEO-1 Component 1 report?

The 10 major job categories used by the EEOC for purposes of EEO-1 Component 1 reporting are found in Appendix C of the [2023 EEO-1 Component 1 Instruction Booklet](#). Each job category includes a brief description of the skills and training required for occupations in that category and examples of the job titles that fit each category. The examples provided are illustrative and not intended to be exhaustive of all job titles in a job category. These job categories are primarily based on the average skill level, knowledge, and responsibility involved in each occupation within the job category. Employers should select the category which best reflects the job function performed by each employee.³⁰

³⁰ For additional assistance, employers should refer to the *EEO-1 Component 1 Job Classification Guide*, located within the *OFS*, that maps Standard Occupational Classifications (SOC), occupational titles, and three-digit Census Job Codes to the EEO-1 Component 1 job categories.



O. HOW TO REPORT NAICS CODES

90. What are “NAICS” codes and how does my company report them for purposes of the EEO-1 Component 1 report?

The North American Industry Classification System (NAICS) code is used to identify the primary industry in which a business or an establishment operates. The industry represents the primary goods or services provided to the public and is very specific. For example, a business that provides IT technical support to its clients would be classified as 541519 (Other Computer Related Services), while a business that primarily provides software design or support services would be classified as 541512 (Computer Systems Design Services).

Businesses that operate in more than one location may have different industries assigned to their establishments. For example, a coffee company may have establishments for retail distribution of their products, establishments for roasting and processing the coffee beans, as well as establishments associated with warehousing supplies used by other aspects of the business’ operations. In this example, each of these establishments would have a different NAICS code. Please note that if a business operates several industries at one establishment and thus, has several NAICS codes associated with that one location, the employer must provide the one NAICS code under which the largest number of employees work.

Each establishment must have an appropriate NAICS code associated with it. NAICS codes are updated by the Office of Management and Budget (OMB) every five years (i.e., in years that end in 2 or 7). For the 2023 EEO-1 Component 1 report(s), the 2022 NAICS codes should be used. To identify the correct NAICS code for each establishment, an employer can search using keywords for its business using the U.S. Census Bureau NAICS Search Tool at www.census.gov/naics/.



P. HOW TO REPORT EMPLOYER IDENTIFICATION NUMBER (EIN)

91. How does my company report its EIN(s) for purposes of the EEO-1 Component 1 report?

The Employer Identification Number (EIN) is a unique, nine-digit identifier used to identify business entities in the U.S. It is assigned by the IRS and is needed by all businesses that have employees and certain others with no employees. For purposes of EEO-1 Component 1 reporting, an EIN must be provided for a single-establishment employer and a multi-establishment employer’s headquarters and each of its establishments.

However, if establishments are located at the same address (including, for example, suite number) and have both the same NAICS code and the same EIN, the establishments must be combined into a single “Establishment-Level Report.” Such establishments are considered one establishment for purposes of EEO-1 Component 1 reporting.

Please note that if an establishment (e.g., subsidiary) has a different EIN than, for example, its “parent” company, the establishment cannot file its EEO-1 Component 1 report separately from its “parent” company. The “parent” company’s headquarters is responsible for filing “Establishment-Level Report(s)” for all its establishments, even if the establishments have different EINs from the “parent” company.³¹

³¹ Please note that a “parent” company, holding company, or other such corporate-type entity must file as a multi-establishment employer (i.e., multi-establishment filer) for itself as well as any other commonly owned, controlled, managed, affiliated, or associated establishments (e.g., subsidiaries, holdings).



Q. HOW TO REPORT UNIQUE ENTITY ID (UEI) FOR FEDERAL CONTRACTORS (Only applicable for employers that are federal contractors.)

92. What is a Unique Entity ID (UEI)? Where can a filer get a UEI?

On April 4, 2022, the federal government stopped using the “Data Universal Numbering System” (DUNS) to uniquely identify entities doing business with the federal government (i.e., federal contractors). Before April 4, 2022, the DUNS Number issued by Dun & Bradstreet was the official entity identifier used by the federal government. The “Unique Entity ID” (UEI) created in SAM.gov (i.e., www.sam.gov) is now the official identifier for federal contractors.³² For purposes of the EEO-1 Component 1 data collection, eligible federal contractors will no longer provide the “DUNS Numbers” associated with their headquarters and/or establishment(s) in the *EEO-1 Component 1 Online Filing System (OFS)* or in any data files uploaded to the *OFS*. Beginning with the 2022 EEO-1 Component 1 data collection, employers (i.e., single-establishment and multi-establishment employers) that are federal contractors must instead provide UEIs. For example, a multi-establishment employer must provide UEIs for any headquarters and/or establishment(s) which are federal contractors.³³

93. As a federal contractor, why is my company now required to report a Unique Entity ID (UEI) instead of a DUNS number for the EEO-1 Component 1 report?

On April 4, 2022, the federal government stopped using the “Data Universal Numbering System” (DUNS) to uniquely identify entities doing business with the federal government (i.e., federal contractors). Before April 4, 2022, the DUNS Number issued by Dun & Bradstreet was the official entity identifier used by the federal government. The “Unique Entity ID” (UEI) created in SAM.gov (i.e., www.sam.gov) is now the official identifier for federal contractors.³⁴

For purposes of the EEO-1 Component 1 data collection, eligible federal contractors will no longer provide the “DUNS Numbers” associated with their headquarters and/or establishment(s) in the *EEO-1 Component 1 Online Filing System (OFS)* or in any data files uploaded to the *OFS*. Beginning with the 2023 EEO-1 Component 1 data collection, employers (i.e., single-establishment and multi-establishment employers) that are federal contractors must

³² For more information on the federal government’s transition to the Unique Entity ID (i.e., UEI), see <https://www.gsa.gov/about-us/organization/federal-acquisition-service/technology-transformation-services/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>; https://www.fsd.gov/gsafsd_sp?id=kb_article_view&sysparm_article=KB0041254&sys_kb_id=875189f21bee8d54937fa64ce54bcbaa&spa=1 and <https://sam.gov/content/duns-uei>.

³³ Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “WHO MUST FILE” for federal contractor eligibility.

³⁴ For more information on the federal government’s transition to the Unique Entity ID (i.e., UEI), see <https://www.gsa.gov/about-us/organization/federal-acquisition-service/technology-transformation-services/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>; https://www.fsd.gov/gsafsd_sp?id=kb_article_view&sysparm_article=KB0041254&sys_kb_id=875189f21bee8d54937fa64ce54bcbaa&spa=1 and <https://sam.gov/content/duns-uei>.



instead provide UEIs. For example, a multi-establishment employer must provide UEIs for any headquarters and/or establishment(s) which are federal contractors.³⁵

94. My company is not a federal contractor, nor are any of my company's establishments.

For the 2023 EEO-1 Component 1 report, am I required to provide a Unique Entity ID (UEI) for my company and each of its establishments?

No. The "Unique Entity ID" (UEI) created in SAM.gov (i.e., www.sam.gov) is the U.S. Government's official identifier for federal contractors (i.e., entities doing business with the federal government). Providing a UEI for the 2023 EEO-1 Component 1 report is only applicable to employers that are federal contractors.

95. What if my company has an establishment that is a federal contractor, but the establishment doesn't have a UEI? May my company use, for example, the enterprise, parent, or headquarters UEI for the establishment's UEI field?

Yes. If your company has an establishment that is a federal contractor, but your company does not have a separate UEI for that establishment, you may use the company's non-headquarters establishment UEI (e.g., enterprise, parent, or headquarters level UEI) if your company has one for the establishment's UEI field. Alternatively, if your company has an establishment that is a federal contractor, but your company does not have a separate UEI for that establishment, or your company is unsure which UEI to use for the establishment, your company may enter the word "UNAVAILABLE" (without quotation marks) in the UEI field in place of a UEI. If a company indicates an establishment is a federal contractor, the UEI field cannot be left blank.

96. If only one non-headquarters establishment has a federal contract, but the UEI is for the corporate headquarters in www.sam.gov, do we only provide the UEI for the headquarters and leave the other establishments blank? Or do we use the same UEI for all establishments?

If your company has an establishment that is a federal contractor, but your company does not have a separate UEI for that establishment, you may use the company's non-headquarters establishment UEI (e.g., enterprise, parent, or headquarters level UEI) if your company has one for the establishment's UEI field. Alternatively, if your company has an establishment that is a federal contractor, but your company does not have a separate UEI for that establishment, or your company is unsure which UEI to use for the establishment, your company may enter the word "UNAVAILABLE" (without quotation marks) in the UEI field in place of a UEI. If a company indicates an establishment is a federal contractor, the UEI field cannot be left blank.

Also, please note that providing a UEI for the 2023 EEO-1 Component 1 report is only applicable to employers that are federal contractors. If your company is not a federal contractor, nor are any of its establishments, then your company is not required to provide a UEI(s). If only *some* of your company's establishments are federal contractors (e.g., one non-

³⁵ Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled "WHO MUST FILE" for federal contractor eligibility.



headquarters establishment), then a UEI only needs to be provided for those establishments which are federal contractors. For example, if your company has 20 non-headquarters establishments and 10 of those non-headquarters establishments are federal contractors, then a UEI needs to be provided for each of those 10 non-headquarters establishments and each of those non-headquarters establishments may have a different UEI. UEIs do not need to be provided for establishments which are not federal contractors.

97. For the 2023 EEO-1 Component 1 data collection, federal contractors are now required to provide a UEI instead of a DUNS. The DUNS was a companywide number, but there are multiple UEIs in www.sam.gov for my company, all with different addresses. For a company that has multiple establishments, can the UEI differ by location (i.e., establishment)?

Yes. For purposes of the EEO-1 Component 1 data collection, eligible federal contractors will no longer provide the “DUNS Numbers” associated with their headquarters and/or establishment(s) in the *EEO-1 Component 1 Online Filing System (OFS)* or in any data files uploaded to the *OFS*. The “Unique Entity ID” (UEI) created in SAM.gov (i.e., www.sam.gov) is the U.S. Government’s official identifier for federal contractors (i.e., entities doing business with the federal government). Beginning with the 2023 EEO-1 Component 1 data collection, employers (i.e., single-establishment and multi-establishment employers) that are federal contractors must instead provide UEIs. For example, a multi-establishment employer must provide UEIs for any headquarters and/or establishment(s) which are federal contractors.³⁶

Providing a UEI for the 2023 EEO-1 Component 1 report is only applicable to employers that are federal contractors. If your company is not a federal contractor, nor are any of its establishments, then your company is not required to provide a UEI(s). If only *some* of your company’s establishments are federal contractors, then a UEI only needs to be provided for those establishments which are federal contractors. For example, if your company has 20 non-headquarters establishments and 10 of those non-headquarters establishments are federal contractors, then a UEI needs to be provided for each of those 10 non-headquarters establishments and each of those non-headquarters establishments may have a different UEI.

98. Are UEIs specific to a location (i.e., establishment)?

Yes. Beginning with the 2022 EEO-1 Component 1 data collection, employers (i.e., single-establishment and multi-establishment employers) that are federal contractors must provide UEIs. The “Unique Entity ID” (UEI) created in SAM.gov (i.e., www.sam.gov) is the U.S. Government’s official identifier for federal contractors (i.e., entities doing business with the federal government). For example, a multi-establishment employer must provide UEIs for any headquarters and/or establishment(s) which are federal contractors.³⁷

³⁶ Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “WHO MUST FILE” for federal contractor eligibility.

³⁷ Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “WHO MUST FILE” for federal contractor eligibility.



Providing a UEI for the 2023 EEO-1 Component 1 report is only applicable to employers that are federal contractors. If your company is not a federal contractor, nor are any of its establishments, then your company is not required to provide a UEI(s). If only *some* of your company's establishments are federal contractors, then a UEI only needs to be provided for those establishments which are federal contractors. For example, if your company has 20 non-headquarters establishments and 10 of those non-headquarters establishments are federal contractors, then a UEI needs to be provided for each of those 10 non-headquarters establishments and each of those non-headquarters establishments may have a different UEI.

If a company indicates it is a federal contractor and/or has an establishment that is a federal contractor, the UEI field cannot be left blank. If your company is a federal contractor and/or has an establishment that is a federal contractor, but you do not have a UEI for your company and/or establishment(s), or your company is unsure which UEI to use, your company may enter the word "UNAVAILABLE" (without quotation marks) in the UEI field in place of a UEI. Alternatively, if your company is unsure which UEI to use for an establishment(s) that is a federal contractor, you may use the company's non-headquarters establishment UEI (e.g., enterprise, parent, or headquarters level UEI) if your company has one for the establishment's UEI field.

99. Will a federal contractor be able to file a 2023 EEO-1 Component 1 report without providing a UEI?

Beginning with the 2022 EEO-1 Component 1 data collection, employers (i.e., single-establishment and multi-establishment employers) that are federal contractors must provide UEIs. The "Unique Entity ID" (UEI) created in SAM.gov (i.e., www.sam.gov) is the U.S. Government's official identifier for federal contractors (i.e., entities doing business with the federal government). For example, a multi-establishment employer must provide UEIs for any headquarters and/or establishment(s) which are federal contractors.³⁸ Eligible federal contractors will no longer provide the "DUNS Numbers" associated with their headquarters and/or establishment(s) in the *EEO-1 Component 1 Online Filing System (OFS)* or in any data files uploaded to the *OFS*.

If a company indicates it is a federal contractor and/or has an establishment that is a federal contractor, the UEI field cannot be left blank. If your company is a federal contractor and/or has an establishment that is a federal contractor, but you do not have a UEI for your company and/or establishment(s), or your company is unsure which UEI to use, your company may enter the word "UNAVAILABLE" (without quotation marks) in the UEI field in place of a UEI. Alternatively, if your company is unsure which UEI to use for an establishment(s) that is a federal contractor, you may use the company's non-headquarters establishment UEI (e.g.,

³⁸ Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled "WHO MUST FILE" for federal contractor eligibility.



enterprise, parent, or headquarters level UEI) if your company has one for the establishment's UEI field.

100. *Not all our establishments have a UEI since not all our establishments have business with the government (i.e., are not a federal contractor). Will we be permitted to leave the UEI field "blank" for our establishments that are not federal contractors?*

Yes. Providing a UEI for the 2023 EEO-1 Component 1 report is only applicable to employers and establishments that are federal contractors. If your company is not a federal contractor, nor are any of its establishments, then your company is not required to provide a UEI(s). If only some of your company's establishments are federal contractors, then a UEI only needs to be provided for those establishments which are federal contractors. For example, if your company has 20 non-headquarters establishments and 10 of those non-headquarters establishments are federal contractors, then a UEI needs to be provided for each of those 10 non-headquarters establishments.

101. *What if my company has an establishment that is a federal contractor, but the establishment doesn't have a UEI? Can I leave the UEI field blank for that establishment?*

No. If a company indicates an establishment is a federal contractor, the UEI field cannot be left blank. If your company has an establishment that is a federal contractor, but your company does not have a separate UEI for that establishment, or your company is unsure which UEI to use for the establishment, your company may enter the word "UNAVAILABLE" (without quotation marks) in the UEI field in place of a UEI. Alternatively, if your company is unsure which UEI to use for an establishment(s) that is a federal contractor, you may use the company's non-headquarters establishment UEI (e.g., enterprise, parent, or headquarters level UEI) if your company has one for the establishment's UEI field.

102. *My company is a federal contractor, specifically a longtime federal subcontractor. My company, as a federal subcontractor, does not have a UEI and was never asked to register for a UEI with www.sam.gov. What information should my company provide in the UEI field for purposes of the EEO-1 Component 1 report since we don't have a UEI?*

If your company is a federal contractor and/or has an establishment that is a federal contractor, but you do not have a UEI for your company and/or establishment(s), your company may enter the word "UNAVAILABLE" (without quotation marks) in the UEI field in place of a UEI. If a company indicates it is a federal contractor and/or has an establishment that is a federal contractor, the UEI field cannot be left blank.

103. *For purposes of EEO-1 Component 1 reporting, how will banks that are federal contractors provide a UEI(s) given that many banks are not registered in www.sam.gov?*

If an employer (e.g., a bank) is a federal contractor and/or has an establishment that is a federal contractor but does not have a UEI for its company and/or establishment(s), the employer may enter the word "UNAVAILABLE" (without quotation marks) in the UEI field in



place of a UEI. If an employer (e.g., a bank) indicates it is a federal contractor and/or has an establishment that is a federal contractor, the UEI field cannot be left blank.

104. *My company is a federal contractor and has many UEIs depending on when the contract was signed and with what federal agency. Which UEI do I provide for EEO-1 Component 1 reporting purposes?*

If your company is a federal contractor and/or has an establishment that is a federal contractor, but your company is unsure which UEI to use for the company and/or establishment(s), your company may enter the word “UNAVAILABLE” (without quotation marks) in the UEI field in place of a UEI. Alternatively, if your company is unsure which UEI to use for an establishment(s) that is a federal contractor, you may use the company’s non-headquarters establishment UEI (e.g., enterprise, parent, or headquarters level UEI) if your company has one for the establishment’s UEI field. If a company indicates it is a federal contractor and/or has an establishment that is a federal contractor, the UEI field cannot be left blank.

105. *What if an employer has more than one UEI for an establishment that is a federal contractor? Which UEI does the employer provide for EEO-1 Component 1 reporting purposes?*

If the employer has an establishment with multiple UEIs and the employer is unsure which UEI to use for the establishment, the employer may enter the word “UNAVAILABLE” (without quotation marks) in the UEI field in place of a UEI for that establishment. Alternatively, if your company is unsure which UEI to use for an establishment(s) that is a federal contractor, you may use the company’s non-headquarters establishment UEI (e.g., enterprise, parent, or headquarters level UEI) if your company has one for the establishment’s UEI field. If an employer has an establishment that is a federal contractor, the UEI field cannot be left blank.

106. *Does a filer now provide a UEI in place of the EIN? Or is a filer required to provide both a UEI and an EIN for the EEO-1 Component 1 report?*

For EEO-1 Component 1 reporting, a UEI (i.e., Unique Entity ID) is not provided in place of an EIN (i.e., Employer Identification Number) or vice versa. A UEI and an EIN are two separate and different identifiers provided by the federal government. Additionally, a UEI is only applicable to entities that do business with the federal government (i.e., federal contractors).

EIN: The Employer Identification Number (EIN) is a unique, nine-digit identifier used to identify business entities in the U.S. It is assigned by the IRS and is needed by all businesses that have employees and certain others with no employees. For purposes of EEO-1 Component 1 reporting, an EIN must be provided for a single-establishment employer and a multi-establishment employer’s headquarters and each of its establishments. However, if establishments are located at the same address (including, for example, suite number) and have both the same NAICS code and the same EIN, the establishments must be combined into a single “Establishment-Level Report.” Such establishments are considered one establishment



for purposes of EEO-1 Component 1 reporting. Please note that if an establishment (e.g., subsidiary) has a different EIN than, for example, its “parent” company, the establishment cannot file its EEO-1 Component 1 report separately from its “parent” company. The “parent” company’s headquarters is responsible for filing “Establishment-Level Report(s)” for all its establishments, even if the establishments have different EINs from the “parent” company.³⁹

UEI: On April 4, 2022, the federal government stopped using the “Data Universal Numbering System” (DUNS) to uniquely identify entities doing business with the federal government (i.e., federal contractors). Before April 4, 2022, the DUNS Number issued by Dun & Bradstreet was the official entity identifier used by the federal government. The “Unique Entity ID” (UEI) created in SAM.gov (i.e., www.sam.gov) is now the official identifier for federal contractors.⁴⁰ For purposes of the EEO-1 Component 1 data collection, eligible federal contractors will no longer provide the “DUNS Numbers” associated with their headquarters and/or establishment(s) in the *EEO-1 Component 1 Online Filing System (OFS)* or in any data files uploaded to the *OFS*. Beginning with the 2023 EEO-1 Component 1 data collection, employers (i.e., single-establishment and multi-establishment employers) that are federal contractors must instead provide UEIs. For example, a multi-establishment employer must provide UEIs for any headquarters and/or establishment(s) which are federal contractors.⁴¹

107. Is there a list of federal contractors and their associated UEIs that would be readily available for employers that are federal contractors?

The EEOC does not generate UEIs and is not the source for these federal government-generated identifiers. Neither the EEOC nor the EEOC’s Filer Support Team *Message Center* (i.e., help desk) can provide federal contractors with their associated UEIs. Employers that are federal contractors should ensure that their EEO-1 Component 1 POCs (i.e., points of contact) and/or EEO-1 Component 1 Certifying Officials have access to the employers’ UEIs to complete their 2023 report(s).

As discussed in the *2023 EEO-1 Component 1 Instruction Booklet*, on April 4, 2022, the federal government stopped using the “Data Universal Numbering System” (DUNS) to uniquely identify entities doing business with the federal government (i.e., federal contractors). Before April 4, 2022, the DUNS Number issued by Dun & Bradstreet was the official entity identifier used by the federal government. The “Unique Entity ID” (UEI) created in SAM.gov (i.e.,

³⁹ Please note that a “parent” company, holding company, or other such corporate-type entity must file as a multi-establishment employer (i.e., multi-establishment filer) for itself as well as any other commonly owned, controlled, managed, affiliated, or associated establishments (e.g., subsidiaries, holdings).

⁴⁰ For more information on the federal government’s transition to the Unique Entity ID (i.e., UEI), see <https://www.gsa.gov/about-us/organization/federal-acquisition-service/technology-transformation-services/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>; https://www.fsd.gov/gsafsd_sp?id=kb_article_view&sysparm_article=KB0041254&sys_kb_id=875189f21bee8d54937fa64ce54bcbaa&spa=1 and <https://sam.gov/content/duns-uei>.

⁴¹ Please refer to the section of the *2023 EEO-1 Component 1 Instruction Booklet* entitled “WHO MUST FILE” for federal contractor eligibility.



www.sam.gov) is now the official identifier for federal contractors.⁴² For purposes of the EEO-1 Component 1 data collection, eligible federal contractors will no longer provide the “DUNS Numbers” associated with their headquarters and/or establishment(s) in the *EEO-1 Component 1 Online Filing System (OFS)* or in any data files uploaded to the *OFS*. Beginning with the 2022 EEO-1 Component 1 data collection, employers (i.e., single-establishment and multi-establishment employers) that are federal contractors must instead provide UEIs. For example, a multi-establishment employer must provide UEIs for any headquarters and/or establishment(s) which are federal contractors.⁴³

108. Are federal contractors filing an EEO-1 Component 1 report required to provide a UEI? UEIs may be difficult for “HR” (i.e., Human Resources) staff to obtain as part of the EEO-1 Component 1 filing process since HR staff may not be privy to such information.

Beginning with the 2022 EEO-1 Component 1 data collection, employers (i.e., single-establishment and multi-establishment employers) that are federal contractors must provide UEIs. The “Unique Entity ID” (UEI) created in SAM.gov (i.e., www.sam.gov) is the U.S. Government’s official identifier for federal contractors (i.e., entities doing business with the federal government). For example, a multi-establishment employer must provide UEIs for any headquarters and/or establishment(s) which are federal contractors.⁴⁴ Eligible federal contractors will no longer provide the “DUNS Numbers” associated with their headquarters and/or establishment(s) in the *EEO-1 Component 1 Online Filing System (OFS)* or in any data files uploaded to the *OFS*.

The EEOC does not generate UEIs and is not the source for these federal government-generated identifiers. Neither the EEOC nor the EEOC’s Filer Support Team *Message Center* (i.e., help desk) can provide federal contractors with their associated UEIs. Employers that are federal contractors should ensure that their EEO-1 Component 1 POCs (i.e., points of contact) and/or EEO-1 Component 1 Certifying Officials have access to the employers’ UEIs to complete their 2023 report(s).

If a company indicates it is a federal contractor and/or has an establishment that is a federal contractor, the UEI field cannot be left blank. However, if your company is a federal contractor and/or has an establishment that is a federal contractor, but you do not have a UEI for your company and/or establishment(s), or your company is unsure which UEI to use, your company may enter the word “UNAVAILABLE” (without quotation marks) in the UEI field in place of a UEI. Alternatively, if your company is unsure which UEI to use for an establishment(s) that is a

⁴² For more information on the federal government’s transition to the Unique Entity ID (i.e., UEI), see <https://www.gsa.gov/about-us/organization/federal-acquisition-service/technology-transformation-services/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>; https://www.fsd.gov/gsafsd_sp?id=kb_article_view&sysparm_article=KB0041254&sys_kb_id=875189f21bee8d54937fa64ce54bcbaa&spa=1 and <https://sam.gov/content/duns-uei>.

⁴³ Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “WHO MUST FILE” for federal contractor eligibility.

⁴⁴ Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “WHO MUST FILE” for federal contractor eligibility.



federal contractor, you may use the company's non-headquarters establishment UEI (e.g., enterprise, parent, or headquarters level UEI) if your company has one for the establishment's UEI field.



R. HOW TO REPORT REMOTE/TELEWORK EMPLOYEES

109. Is my company required to include employees who work remotely and/or telework on its EEO-1 Component 1 report(s)?

Yes. Employees who work remotely and/or telework must be included in an employer's EEO-1 Component 1 report(s) by the specific establishment to which the employees report. **Under no circumstances, should an employee's home address be reported on any EEO-1 Component 1 submission or report.**

110. Does the temporary closure of a physical work site impact how my employees should be counted for the EEO-1 Component 1 report?

The temporary closure of a physical work site will normally not affect how employees are counted on the EEO-1 Component 1 report. The fact that most, or even all, employees are teleworking will typically not change EEO-1 Component 1 reporting if the employees continue to be assigned to, or report to, a physical location or establishment. Those employees should be included on the "Headquarters Report" or "Establishment-Level Report" for the physical location to which they are assigned or report. If the employer has closed an establishment and reassigned an employee from the closed establishment to another location, the reassigned employee should be included at the establishment to which that employee reports or has been reassigned.

111. What if I have a remote employee who is not assigned to and does not report to any physical location on a permanent basis?

If a remote employee is not assigned to and does not report to any physical location on a permanent basis, the employee should be counted at the establishment to which the employee's manager reports or is assigned. If an employee does not 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."

112. What if my company operates entirely remotely and does not have any physical locations?

If an employer operates entirely remotely and does not have any physical locations, not even a headquarters office, the employer should report the address where the business is legally registered, for example, a Post Office box in lieu of a physical address.



113. We have remote employees on the West Coast, but the corporate headquarters is on the East Coast. Are the remote employees on the West Coast still counted as part of the corporate headquarters on the East Coast?

Employees who work remotely and/or telework must be included in an employer's EEO-1 Component 1 report(s) by the specific establishment to which the employees report. If the remote employees on the West Coast report to the corporate headquarters on the East Coast, then those employees should be included on the corporation's "Headquarters Report." Please note that **under no circumstances, should an employee's home address be reported on any EEO-1 Component 1 submission or report.**



S. HOW TO REPORT EMPLOYEES AT CLIENT SITES

114. My company has employees working at client site locations across the country, how do I report these employees in my 2023 EEO-1 Component 1 report?

Workforce demographic data on employees working at client site locations must be included in an employer's EEO-1 Component 1 filing. For the 2023 EEO-1 Component 1 data collection, employers continue to have the option to report employees working at client sites **either** by (1) using the client site address as the location of the establishment or (2) reporting those employees at an establishment of the employer (i.e., non-client site).

Beginning with the 2025 EEO-1 Component 1 data collection, tentatively scheduled to open 2026, the EEOC intends to propose that employers will be required to report employees working at client site locations at the address of the client site. The address of the "client site" will serve as the location of the establishment for any such employees. Employers will no longer have the option to report such employees at an establishment of the employer (i.e., non-client site).



T. HOW TO REPORT EMPLOYEES AT U.S. GOVERNMENT AND MILITARY LOCATIONS THAT ARE RESTRICTED FROM DISCLOSURE

115. *My company has employees who work at a U.S. government location that is restricted from disclosure. How do I report these employees on my 2023 EEO-1 Component 1 report?*

A filer reporting employees located at a U.S. government or military site that is restricted from disclosure may enter only the city, state, and zip code for that establishment(s). In the address field for the establishment, the filer may enter either “SECRET LOCATION” or “CONFIDENTIAL LOCATION.”



U. HOW TO REPORT AN ACQUISITION, SPINOFF, OR MERGER

116. Have there been any changes to the “Report Acquisition, Spinoff, or Merger” module?

No. For important details and information on Acquisitions, Spinoffs, and Mergers, please refer to the [ASM Fact Sheet](#) on the dedicated EEO-1 Component 1 website at www.eeocdata.org/eeo1.

117. If a company has closed, how should the EEOC be notified? Is there a separate notification, in addition to the Acquisition, Spinoff, or Merger module?

If an employer has experienced an acquisition, spinoff, or merger (i.e., ASM) since the last EEO-1 Component 1 reporting cycle, the employer must utilize the “Report Acquisition, Spinoff, or Merger” module in the *EEO-1 Component 1 Online Filing System (OFS)* to report any changes to the EEOC. The module will provide filers detailed information on how to accurately report such changes within the *OFS*. For important details and information on Acquisitions, Spinoffs, and Mergers, please refer to the [ASM Fact Sheet](#) on the dedicated EEO-1 Component 1 website at www.eeocdata.org/eeo1.

An employer that receives an EEO-1 Component 1 filing notice from the EEOC but has ceased operations and is no longer in business must access the *EEO-1 Component 1 Online Filing System (OFS)* to complete the embedded eligibility screener. If the eligibility screener indicates the employer is ineligible to file, the employer must certify that its company is ineligible and no longer in business in the *OFS*. Failure to certify ineligibility through the *OFS* will result in future EEO-1 Component 1 filing notices being sent to the employer by the EEOC.

118. Are the instructions regarding mergers only applicable to mergers that occurred in calendar year 2023?

No. If a company/employer merged with another company/employer to create a new company/employer, certain filing obligations apply depending on when the merger was completed.

Merger Completed before or during the Fourth Quarter (i.e., October 1 through December 31) of the Reporting Year (i.e., 2023): If the merger was completed *before* or *during* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2023) and the new company otherwise meets the filing eligibility requirements, the new company is responsible for submitting 2023 EEO-1 Component 1 data under a new “*OFS* Company ID” provided by the EEOC through the *EEO-1 Component 1 Online Filing System (OFS)*.

Merger Completed after the Fourth Quarter (i.e., October 1 through December 31) of the Reporting Year (i.e., 2023): If the merger was completed *after* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2023) and the new company otherwise meets the filing eligibility requirements and has access to 2023 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year for one or more of



the companies that merged, the new company is responsible for submitting 2023 EEO-1 Component 1 data under a new “OFS Company ID” provided by the EEOC through the *EEO-1 Component 1 Online Filing System (OFS)*. If the newly created company is eligible to file and does not have access to 2023 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year for one or more of the companies that merged, the newly created company should note this in the “Certification Comments” within the *OFS*.

119. What are the filing responsibilities of companies which acquired another company?

If a company/employer acquired another company/employer, certain filing obligations apply depending on when the acquisition was completed.

120. If my employer experienced an acquisition, spinoff, or merger since the last EEO-1 Component 1 reporting cycle (i.e., 2022), am I required to report those changes for the current reporting cycle (i.e., 2023)?

Yes. If an employer has experienced an acquisition, spinoff, or merger since the last EEO-1 Component 1 reporting cycle, the employer must utilize the “Report Acquisition, Spinoff, or Merger” module in the *EEO-1 Component 1 Online Filing System (OFS)* to report any changes to the EEOC. The module will provide filers detailed guidance on how to accurately report such changes within the *OFS*.

Additionally, as a general matter, when a company completes an acquisition, spinoff, or merger and does not have access to all or part of the required 2023 EEO-1 Component 1 data for an acquired, spun off, or former company, employers must note this in the “Certification Comments” within the *OFS*. Employers should preface any such comments with the phrase “Additional ASM Information:”. Following this phrase, an employer must provide a statement identifying the company (companies) and/or establishments for which the employer does not have data as well as an explanation detailing why such data are not accessible for reporting purposes.

121. What are the filing responsibilities of new companies created as the result of a merger?

If a company/employer merged with another company/employer to create a new company/employer, certain filing obligations apply depending on when the merger was completed.

122. Merger Completed before or during the Fourth Quarter (i.e., October 1 through December 31) of the Reporting Year (i.e., 2023)

If the merger was completed *before* or *during* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2023) and the new company otherwise meets the filing eligibility requirements, the new company is responsible for submitting 2023 EEO-1 Component 1 data under a new “OFS Company ID” provided by the EEOC through the *EEO-1 Component 1 Online Filing System (OFS)*.



123. *Merger Completed after the Fourth Quarter (i.e., October 1 through December 31) of the Reporting Year (i.e., 2023)*

If the merger was completed *after* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2023) and the new company otherwise meets the filing eligibility requirements and has access to 2023 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year for one or more of the companies that merged, the new company is responsible for submitting 2023 EEO-1 Component 1 data under a new “OFS Company ID” provided by the EEOC through the *EEO-1 Component 1 Online Filing System (OFS)*.

If the newly created company is eligible to file and does not have access to 2023 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year for one or more of the companies that merged, the newly created company should note this in the “Certification Comments” within the *OFS*.

124. *If an employer acquired a company on December 31, 2023, must the employer choose the pay period (i.e., “workforce snapshot period”) ending December 31, 2023, to capture the acquisition? Or, if the employer normally selects a workforce snapshot period in October, can the employer still choose a workforce snapshot period in October that excludes the employees acquired on December 31, 2023?*

If a company/employer acquired another company/employer, certain filing obligations apply depending on when the acquisition was completed.

Acquisition Completed before or during the Fourth Quarter (i.e., October 1 through December 31) of the Reporting Year (i.e., 2023)

If the acquisition was completed *before* or *during* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2023) and the acquiring company otherwise meets the filing eligibility requirements, the acquiring company is responsible for submitting 2023 EEO-1 Component 1 data for itself and the newly acquired company.

Acquisition Completed after the Fourth Quarter (i.e., October 1 through December 31) of the Reporting Year (i.e., 2023)

If the acquisition was completed *after* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2023) and the acquiring company otherwise meets the filing eligibility requirements and has access to 2023 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year for the acquired company, the acquiring company is responsible for submitting 2023 EEO-1 Component 1 data for itself and the newly acquired company. If the acquiring company is eligible to file and does not have access to 2023 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year for the acquired company, the acquiring company should note this in the “Certification Comments” within the *OFS*.



Acquisition Completed before or during the Fourth Quarter (i.e., October 1 through December 31) of the Reporting Year (i.e., 2023)

If the acquisition was completed *before* or *during* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2023) and the acquiring company otherwise meets the filing eligibility requirements, the acquiring company is responsible for submitting 2023 EEO-1 Component 1 data for itself and the newly acquired company.

Acquisition Completed after the Fourth Quarter (i.e., October 1 through December 31) of the Reporting Year (i.e., 2023)

If the acquisition was completed *after* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2023) and the acquiring company otherwise meets the filing eligibility requirements and has access to 2023 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year for the acquired company, the acquiring company is responsible for submitting 2023 EEO-1 Component 1 data for itself and the newly acquired company.

If the acquiring company is eligible to file and does not have access to 2023 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year for the acquired company, the acquiring company should note this in the “Certification Comments” within the *OFS*.

125. What are the filing responsibilities of companies which completed a spinoff?

If a company/employer was spun off from another company/employer (e.g., a parent company), certain filing obligations apply depending on when the spinoff was completed.

Spinoff Completed before or during the Fourth Quarter (i.e., October 1 through December 31) of the Reporting Year (i.e., 2023)

If the spinoff was completed *before* or *during* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2023) and the spun off company otherwise meets the filing eligibility requirements, the spun off company is responsible for submitting 2023 EEO-1 Component 1 data for itself under its own “*OFS* Company ID.”

Spinoff Completed after the Fourth Quarter (i.e., October 1 through December 31) of the Reporting Year (i.e., 2023)

If the spinoff was completed *after* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2023) and the spun off company otherwise meets the filing eligibility requirements and has access to its 2023 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year, the spun off company is responsible for submitting 2023 EEO-1 Component 1 data for itself under its own “*OFS* Company ID.”



If the spun off company is eligible to file and does not have access to its 2023 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year, the spun off company should note this in the “Certification Comments” within the *OFS*.



V. REPORTING PROCEDURES FOR THIRD-PARTY HUMAN RESOURCE ORGANIZATIONS AND THEIR CLIENT EMPLOYERS⁴⁵

Client Employers and Third-Party Human Resource Organizations

126. Who is a “client employer” for purposes of EEO-1 Component 1 reporting? What is the relationship between a third-party human resource organization and a “client employer?”

Clients of Professional Employer Organizations (PEOs), Administrative Services Organizations (ASOs), Human Resource Outsourcing organizations (HROs), and similar third-party human resource organizations are referred to as “client employers” by the EEOC for purposes of the EEO-1 Component 1 data collection. A “client employer” is an employer that uses the services of a third-party human resource organization (e.g., PEO, HRO, ASO). These services can include preparing and filing the employer’s EEO-1 Component 1 report(s) on the employer’s behalf. The employer using these services is referred to as a “client employer” of the third-party human resource organization (e.g., PEO, HRO, ASO) that is filing on the employer’s behalf.

Filing on Behalf of a Client Employer

127. May a third-party human resource organization (e.g., PEO, HRO, ASO) still prepare and file an EEO-1 Component 1 report on behalf of eligible client employers?

Yes. A third-party human resource organization (e.g., PEO, HRO, ASO) may still prepare and file an EEO-1 Component 1 report on behalf of eligible client employers. After the eligible client employer creates its company registration record, the client employer can invite its third-party human resource organization (e.g., PEO, HRO, ASO) to create an associated user account. However, a third-party human resource organization (e.g., PEO, HRO, ASO) is not permitted to certify a client employer’s EEO-1 Component 1 report. An official (i.e., employee) of the client employer (i.e., “certifying official”) must certify the client employer’s EEO-1 Component 1 report. The client employer’s “certifying official” cannot be from the third-party human resource organization (e.g., PEO, HRO, ASO).

128. Is a third-party human resource organization (e.g., PEO, HRO, ASO) permitted to file for an eligible “client employer” as an establishment of the third-party human resource organization?

No. A third-party human resource organization (e.g., PEO, HRO, ASO) is not permitted to file for the eligible client employer as an “establishment” of the third-party human resource organization. In other words, a PEO, HRO, ASO or other third-party human resource organization (e.g., PEO, HRO, ASO) may not submit an EEO-1 Component 1 report(s) that includes itself and a client employer and/or a report that includes multiple client employers.

⁴⁵ Third-party human resource organizations and their current or former client employers should refer the [2023 EEO-1 Component 1 Instruction Booklet](#) for additional information on their filing responsibilities.



Additionally, third-party human resource organizations (e.g., PEOs, HROs, ASOs) are not **permitted** to file only establishment report(s) for a client employer. Third-party human resource organizations choosing to file on behalf of a single-establishment client employer (i.e., “single-establishment employer”) or a multi-establishment client employer (i.e., “multi-establishment employer”) must file all the reports that a client employer filing on its own behalf would be required to file.

129. *Is a third-party human resource organization (e.g., PEO, HRO, ASO) permitted to file EEO-1 Component 1 report(s) on behalf of a client employer for only a partial number of the client employer’s employees?*

No. A third-party human resource organization (e.g., PEO, HRO, ASO) is also not permitted to file EEO-1 Component 1 report(s) on behalf of a client employer for only a partial number of the client employer’s employees. In such a situation, the client employer, not the third-party human resource organization, must file EEO-1 Component 1 report(s) for all its employees.

Client Employer Registration

130. *Is a client employer of a third-party human resource organization (e.g., PEO, HRO, ASO) required to have its own registration in the EEO-1 Component 1 Online Filing System (OFS)?*

Yes. Every eligible client employer on behalf of which a third-party human resource organization (e.g., PEO, HRO, ASO) chooses to file is required to have its own *OFS* employer registration under the client employer’s EIN (i.e., Employer Identification Number). The employer registration contains basic contact and location information and resides within the *EEO-1 Component 1 Online Filing System (OFS)*. This employer registration must be for the client employer itself and not the third-party human resource organization filing on the client employer’s behalf. Additionally, all filers (e.g., client employers, PEOs, HROs, ASOs) are required to have an individual-level user account to gain access to the *EEO-1 Component 1 Online Filing System (OFS)*.

Upload of Data File on Behalf of a Client Employer

131. *Is a third-party human resource organization (e.g., PEO, HRO, ASO) permitted to provide a bulk or consolidated upload of data files for multiple client employers?*

No. A third-party human resource organization (e.g., PEO, HRO, ASO) choosing to submit data file uploads on behalf of eligible client employers must do so separately for each client employer. The bulk or consolidated upload of data files for multiple client employers by a third-party human resource organization is not permitted. Every eligible client employer on behalf of which a third-party human resource organization is choosing to file must have a separate data file upload under that client employer’s registration in the *EEO-1 Component 1 Online Filing System (OFS)*.



Filing Responsibility of Client Employers

132. Who is responsible for ensuring that an EEO-1 Component 1 report is filed on behalf of a client employer?

It is the responsibility of a client employer, if eligible, to ensure an EEO-1 Component 1 report is filed on its behalf. If a third-party human resource organization (e.g., PEO, HRO, ASO) is choosing to prepare and/or file the client employer’s EEO-1 Component 1 report, the client employer should contact its third-party human resource organization to ensure it has the necessary information to file. It is the responsibility of the client employer to ensure an EEO-1 Component 1 report is filed on its behalf. If a third-party human resource organization (e.g., PEO, HRO, ASO) is choosing not to file an eligible client employer’s 2023 EEO-1 Component 1 report, it is the responsibility of a client employer to ensure a report is filed for its company.

Client Employer Certification

133. Is a third-party human resource organization (e.g., PEO, HRO, ASO) permitted to certify an EEO-1 Component 1 report(s) filed on behalf of a client employer?

No. A third-party human resource organization (e.g., PEO, HRO, ASO) is not permitted to certify a client employer’s EEO-1 Component 1 report. An official (i.e., employee) of the client employer (i.e., “Certifying Official”) must certify the client employer’s EEO-1 Component 1 report. The client employer’s “Certifying Official” cannot be from the third-party human resource organization (e.g., PEO, HRO, ASO).

Third-Party Human Resource Organization Filing as an Employer

134. How does a third-party human resource organization (e.g., PEO, HRO, ASO) that is eligible to file a 2023 EEO-1 Component 1 report in its own capacity as an employer file a report for itself?

A third-party human resource organization (e.g., PEO, HRO, ASO) that is eligible to file an EEO-1 Component 1 report in its own capacity as an employer must submit a report that includes only the third-party human resource organization and its own establishments and employees. The third-party human resource organization’s own report must not include any of its client employers or client employers’ establishments.



Requests by Client Employers for Prior Reports Filed by a Third-Party Human Resource Organization

135. For the 2020 EEO-1 Component 1 reporting cycle, my former PEO filed a report on my company's behalf. How do I access the 2020 EEO-1 Component 1 report that was filed by my former PEO?

As in prior data collection years, the EEOC cannot provide client employers with any prior year (i.e., 2020 reporting cycle or earlier) EEO-1 Component 1 report(s) filed on behalf of the client employer by a third-party human resource organization (e.g., PEO, HRO, ASO). Client employers must contact the third-party human resource organization (e.g., PEO, HRO, ASO) to obtain any such reports.

Processing of Client Employer Establishment Deletions/Registrations by the EEOC

136. Will the EEO-1 Component 1 Filer Support Team manually process client employer deletions and account registrations for my PEO?

No. In prior EEO-1 Component 1 data collection years, and upon request by a third-party human resource organization (e.g., PEO, HRO, ASO), the EEOC and its EEO-1 Component 1 data collection contractor manually processed client employer establishment deletions and employer registrations, including bulk deletions and registrations. The EEOC and its contractor will no longer process such deletions and registrations for an individual third-party human resource organization (e.g., PEO, HRO, ASO) and/or its current or former client employers.



W. OFFICIAL CERTIFICATION OF SUBMISSION

137. How do I certify my company's EEO-1 Component 1 submission?

Once an employer's reports have been completed, the name and contact information for the employer's "Certifying Official" and the employer's "Primary Point of Contact (POC) for EEO-1 Component 1 Reporting" (i.e., "Primary POC") for receiving communications from the EEOC regarding the report must be provided in the *OFS*. The "Certifying Official" will certify to the below statement within the *OFS*.

"I certify that the information, including any workforce demographic data, provided in this report is correct and true to the best of my knowledge and was prepared in conformity with the directions set forth in the form and accompanying instructions."

Below this statement, the EEOC provides written notice to the "Certifying Official" that "[k]nowingly and willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001."

138. Can the same employee of a company serve as both the "Certifying Official" and the "Primary Point of Contact (POC) for EEO-1 Component 1 Reporting?"

Yes. Employers are permitted to have the same individual from the employer serve as both the "Certifying Official" and the "Primary Point of Contact (POC) for EEO-1 Component 1 Reporting" (i.e., "Primary POC") for the employer's "Official Certification of Submission." However, the individual serving as the "Certifying Official" must be an official (i.e., employee) of the employer. For example, employers using a third-party human resource organization (e.g., PEO, HRO, ASO) are not permitted to have an official (i.e., employee) of the third-party human resource organization certify an employer's EEO-1 Component 1 report(s). An official of the employer must certify the employer's EEO-1 Component 1 report(s).

139. What if my company fails to certify its 2023 EEO-1 Component 1 report?

If an employer fails to complete the final step to "Certify EEO-1 Component 1 Report(s)" within the *EEO-1 Component 1 Online Filing System (OFS)*, the status of the employer's filing will be considered "incomplete" by the EEOC.⁴⁶ Any employer that has not certified its submission in the *OFS* by the "Published Due Date" deadline (i.e., **Tuesday, June 4, 2024**) will receive a "Notice of Failure to File" from the EEOC requesting that the employer certify its submission in order to complete the required filing.

⁴⁶ Please note that even if the employer has submitted data for each of its required reports, the filing will not be considered complete by the EEOC until the employer certifies its submission in the *EEO-1 Component 1 Online Filing System (OFS)*.



X. OFS INSTRUCTIONS FOR NEW AND RETURNING EMPLOYERS AND ACCOUNT HOLDERS

Employers Filing for the First Time

140. What do I need to do in the EEO-1 Component 1 Online Filing System (OFS) if I am an employer filing for the first time?

- All individuals responsible for filing the employer’s reports will be required to create an individual user account associated with their email address to access the *EEO-1 Component 1 Online Filing System (OFS)*. This can be done by visiting www.eeocdata.org/eeo1/signin and selecting “Create an Account.”
- After creating an account and signing in to the *EEO-1 Component 1 Online Filing System (OFS)*, account holders can register a new employer (i.e., company) by selecting “Add Employer” on the “My Employer List” screen.⁴⁷
- When adding a new employer, account holders will follow a series of prompts to determine an employer’s eligibility to file. If eligibility is determined, account holders will be asked to provide the: (1) Employer Identification Number (EIN);⁴⁸ (2) 2022 North American Industry Classification System (NAICS) code;⁴⁹ (3) employer name (i.e., company name); and (4) employer headquarters address.
- During the new employer registration process, account holders will be provided with an “OFS Company ID” and “Employer PIN.” The “OFS Company ID” and “Employer PIN” can be shared with other OFS account holders to link their “Individual User Account” with the employer profile.
- After registering for an account, account holders may log in to the account using their username (i.e., email address) and their password created in the account creation process. If after linking an employer to a user account, the employer is not listed on the “My Employer List” screen please contact the Filer Support Team via the *Message Center*.

⁴⁷ After creating an account, users can communicate with the Filer Support Team via the online EEO-1 Component 1 *Message Center* at www.eeocdata.org/eeo1 and access supplementary helpful resources, if needed.

⁴⁸ If the employer’s EIN is associated with an existing EEO-1 Component 1 employer (i.e., company) report(s), the “New Employer Registration” process cannot be completed. Please follow the instructions within the OFS to receive assistance from the Filer Support Team through the online *Message Center* at www.eeocdata.org/eeo1.

⁴⁹ To identify the correct 2022 NAICS code for each establishment, an employer can search using keywords for its business using the U.S. Census Bureau NAICS Search Tool at www.census.gov/naics/.



Employers that have Previously Filed

141. How do I access my employer's profile to begin submitting reports?

All individuals responsible for filing the employer's reports will be required to create an individual user account associated with their email address to sign in to the *EEO-1 Component 1 Online Filing System (OFS)* to access employer report(s) (formerly referred to as company records) and/or submit EEO-1 Component 1 report(s).

142. What do I need to do in the OFS if I am a returning user?

Account holders may sign in to the *EEO-1 Component 1 Online Filing System (OFS)* by visiting www.eeocdata.org/eeo1/signin and entering the email address and password created beginning with the 2019/2020 EEO-1 Component 1 data collection cycle. Account holders may be prompted to reset their password before proceeding.⁵⁰ Account holders who do not know their password should select "Forgot Password."

143. What if I am a new account holder for an employer that has previously filed?

New individuals responsible for filing reports for employers which have previously filed will be required to create an individual user account associated with their email address to access the *EEO-1 Component 1 Online Filing System (OFS)*. This can be done by visiting www.eeocdata.org/eeo1/signin and selecting "Create an Account." After creating an account and logging in to the *OFS*, new account holders can link their individual user account to an employer by selecting "Add Employer" on the "My Employer List" screen and entering the "OFS Company ID" and "Employer PIN" provided on the employer's annual filing notifications sent via U.S. postal mail and email prior to the opening of the 2023 EEO-1 Component 1 data collection.

If an account holder does not have the "OFS Company ID" and "Employer PIN," they should obtain this information from their employer's certifying official and enter it into the *OFS*. If the account holder does not have access to the "OFS Company ID" and "Employer PIN," they should proceed in the *OFS* to answer a series of additional prompts. If the employer has previously filed an EEO-1 Component 1 report, the account holder will be taken to a "Change of Contact" form in the *OFS*.⁵¹ Account holders will be asked to provide the following in the "Change of Contact" form:

- First Name, Last Name, Title, Phone Number, and Email Address of the person requesting the change of contact;
- Employer Name and EIN;
- *OFS* Company ID (if known);
- First Name, Last Name, Title, Phone Number, and Email Address of the new employer (i.e., company) contact;

⁵⁰ Please note that account holders are required to reset their password every 90 days.

⁵¹ Please note that a "Change of Contact" request must be reviewed by the EEO-1 Component 1 Filer Support Team and may take up to 5–7 business days to be approved.



- A verification letter in PDF format on the employer's letterhead (i.e., company's letterhead) from an authorized employer (i.e., company) representative approving this change (e.g., CEO, President, General Counsel, CFO, Controller, Vice President of Human Resources) is required.



Y. OTHER QUESTIONS

144. How do I access reports filed in prior years?

EEO-1 Component 1 reports will be available in the *EEO-1 Component 1 Online Filing System (OFS)* for all reports filed beginning with the 2015 EEO-1 Component 1 data collection.⁵² Select the employer in the “Employer List” to access the “Employer Dashboard,” and click on “Historic EEO-1 Component 1 Reports” to download any available prior year reports.

Adding/Changing an Employer’s Point of Contact (POC)

145. I am an account holder linked to an employer in the OFS, how do I add/change a point of contact (POC)?

Account holders whose accounts are linked to an employer in the *EEO-1 Component 1 Online Filing System (OFS)* can update the employer’s contact by selecting the appropriate employer from the “My Employer List” screen. On the “Employer Dashboard”, select the “Confirm Employer Contacts” step. To add a new employer contact, select “Add New Contact.” To update or delete an existing employer contact, select “Edit/Delete” next to the appropriate contact.

146. I am an account holder, but I am not linked to an employer in the OFS, how do I add/change a point of contact (POC)?

If an individual needs to update an employer’s point(s) of contact (POC(s)) and their user account is not linked to an employer in the *EEO-1 Component 1 Online Filing System (OFS)*, the individual can visit www.eeocdata.org/eeo1 and log in to their user account or select “Get Started” to create a user account. Once logged in, account holders should select “Add Employer” on the “My Employer List” screen. Account holders should follow the prompts to link their individual user account to the employer. After successfully linking to the employer, the account holder can select the employer on the “My Employer List” screen. On the “Employer Dashboard”, select the “Confirm Employer Contacts” step. To add a new employer contact, select “Add New Contact” to update or delete an existing employer contact, select “Edit/Delete” next to the appropriate contact.

147. Is my company permitted to have more than one point of contact (POC) in the OFS?

Yes. An employer may have more than one point of contact (POC) in the OFS. The EEOC strongly encourages employers to include more than one person as a point of contact to ensure the employer receives critical notifications about the EEO-1 Component 1 data collection.

⁵² Report availability is dependent on the employer’s filing history.



Saving Entries within the OFS

148. How do I save an entry within the OFS?

As an account holder advances from one screen to another, the *EEO-1 Component 1 Online Filing System (OFS)* saves their additions/deletions/changes as they click “Next,” “Save,” “Confirm,” or “Submit.” An account holder must select “Next,” “Save,” “Confirm,” or “Submit” and advance to the next page to save their additions/deletions/changes. Otherwise, they will need to re-enter any additions/deletions/changes if they navigate away from the *OFS* before clicking “Next,” “Save,” “Confirm,” or “Submit.”

Correcting Establishment Information in the OFS

149. How do I correct establishment information in the OFS for my company?

Most employer information, including an EIN, can be edited in the *EEO-1 Component 1 Online Filing System (OFS)*. “*OFS Company ID*” and “*HQ/Establishment-Level Unit ID*” are the only exceptions – these cannot be edited by account holders. To update employer information, log in to the *OFS*, and select an employer from “*My Employer List*” screen. On the “*Employer Dashboard*”, select the “*Confirm Employer Details*” step. Follow the prompts within this step to confirm or update employer information. The *2023 EEO-1 Component 1 User’s Guide*, which will be available beginning on **Tuesday, April 30, 2024** (i.e., the opening of the 2023 EEO-1 Component 1 data collection), also has additional helpful technical information on how to edit employer information, if wanted by a filer. The supplementary technical user’s guide can be accessed from the “*Resource*” page on the “*My Employer List*” screen within the *OFS* or by clicking the folder icon on the top of the screen.

150. How do I correct and/or update my company’s data after the collection closes?

Please note that once data collection closes for a particular reporting cycle (e.g., 2023 EEO-1 Component 1), employers are not able to retroactively correct and/or update any workforce demographic data reported during that cycle.

Finishing Required Filing Steps in the OFS

151. How do I complete each step of the filing process within the OFS?

As account holders complete each step of the process on the “*Employer Dashboard*,” each step will change from “*Go →*” to “*Complete*.” After the “*Report EEO-1 Component 1 Data (Manual Entry or Data File Upload)*” is shown as “*Complete*,” the “*Review EEO-1 Component 1 Reports*” and the “*Certify EEO-1 Component 1 Reports*” steps will show the “*Go →*” button. Employers should review their report(s) to ensure data accuracy. When the “*Certify EEO-1 Component 1 Reports*” displays “*Go →*,” select that step to complete the certification process. Account holders will then proceed to a screen to enter “*Certifying Official*” information and certify the EEO-1 Component 1 report(s). Account holders will receive an email indicating that the EEO-1 Component 1 report(s) was certified.



Saving/Printing a Copy of Submitted/Certified EEO-1 Component 1 Reports

152. Am I able to save and/or print a copy of my certified 2023 EEO-1 Component 1 report?

Yes. After certification, the “Employer Dashboard” will display “Thank you for completing the EEO-1 Component 1 report for 2023.” Account holders may save and/or print a PDF copy of their submitted and certified EEO-1 Component 1 report(s) by selecting “Report” on this screen.



Z. OFS REQUIRED FILING INFORMATION

153. In addition to my company's workforce demographic data, what other information must be provided for my report(s)?

As part of the EEO-1 Component 1 filing process, in addition to submitting workforce demographic data if required to do so, an employer is required to provide within the *EEO-1 Component 1 Online Filing System (OFS)* certain identifying information on the employer and any establishments being reported. The employer must also complete a set of questions to determine whether it meets the threshold eligibility requirements to submit EEO-1 Component 1 workforce demographic data. Additionally, all employers must indicate whether the employer and/or any headquarters or non-headquarters establishments are federal contractors for purposes of EEO-1 Component 1 reporting.

The information provided by an employer in these sections (i.e., Sections A, B, C, D, E, F, G, H, I, J, K) and associated sub-sections will be included in the final certified downloadable employer's report(s) generated by the *OFS* (i.e., a "Single-Establishment Employer Report" for single-establishment employers and a "Consolidated Report," "Headquarters Report," and "Establishment-Level Report(s)" for multi-establishment employers).

154. Does the EEOC provide a "sample" for filers of a 2023 EEO-1 Component 1 report and the various sections the report(s) include?

Yes. Appendix E of the [2023 EEO-1 Component 1 Instruction Booklet](#) contains a "sample" of an EEO-1 Component 1 report(s) generated by the EEOC's *EEO-1 Component 1 Online Filing System (OFS)*. Filers are not permitted to submit EEO-1 Component 1 workforce demographic data using this sample. The EEOC requires electronic submission of EEO-1 Component 1 report(s) through the *OFS*, the agency's web-based data collection application (i.e., portal). The *OFS* is accessible at www.eeocdata.org/eeo1. The EEOC will only accept EEO-1 Component 1 report(s) submitted and certified through the *OFS*. The EEOC will not accept reports submitted via paper or through other non-*OFS* electronic means (e.g., email, CD-ROM). The EEOC will consider filers submitting reports

outside of the *OFS* to be non-compliant for purposes of their mandatory EEO-1 Component 1 filing obligation.

155. Am I able to preview and review uncertified versions of my company's reports prior to certification?

Yes. Employers may preview and review uncertified PDF versions of their reports prior to the employer's official certification of the submission to the EEOC via the *OFS*.



SECTION A – TYPE OF REPORT

156. What does “Section A – Type of Report” denote in the 2023 EEO-1 Component 1 report?

Section A denotes the specific “type” of report displayed (i.e., a “Single-Establishment Employer Report,” a “Consolidated Report,” a “Headquarters Report,” or an “Establishment-Level Report”).

157. I am a single-establishment employer. How many PDF reports will the OFS generate for my company?

Please note that the OFS will only generate one PDF report for a single-establishment employer since such an employer is only required to submit a “Single-Establishment Employer Report.”

158. I am a multi-establishment employer. How many PDF reports will the OFS generate for my company?

Depending on the number of non-headquarters establishments for which a multi-establishment employer is reporting, there could be hundreds, or thousands, of reports generated by the OFS for the employer. For example, a multi-establishment employer with a headquarters and 500 non-headquarters establishments will have a total of 502 PDF reports generated by the OFS (i.e., one “Consolidated Report” PDF report, one “Headquarters Report” PDF report, and 500 “Establishment-Level Report” PDF reports for its non-headquarters establishments). These reports may be accessed within the OFS as individual PDFs or as a single PDF containing all reports.

159. I am a multi-establishment employer with thousands of establishments. Am I able to download all my reports into a single PDF document?

Yes. A multi-establishment employer can download all its reports into a single PDF document as in past reporting cycles.

SECTION B – EMPLOYER IDENTIFICATION

160. What does “Section B – Employer Identification” denote in the 2023 EEO-1 Component 1 report?

Section B contains identifying information about the single-establishment employer or multi-establishment employer, including the employer’s name, address, and “OFS Company ID.” For a multi-establishment employer, the “employer name” would be, for example, the name of the parent company or holding company. The “OFS Company ID” is a unique, seven-character identification number associated with each employer. It is assigned by the EEOC.



SECTION C – HEADQUARTERS OR ESTABLISHMENT-LEVEL IDENTIFICATION (if applicable)

161. What does “Section C – Headquarters or Establishment-level Identification” denote in the 2023 EEO-1 Component 1 report?

Section C applies only to a multi-establishment employer and contains identifying information for the multi-establishment employer’s headquarters or a non-headquarters establishment. For a single-establishment employer, this section will be denoted with a “N/A” (not applicable) designation in the PDF version of its “Single-Establishment Employer Report.”

For a multi-establishment employer, this section may contain a “N/A” denoting that this section was “not applicable” depending on the “type” of report associated with the PDF. For example, a multi-establishment employer’s “Consolidated Report” will contain a “N/A” designation in this section since it is not a “Headquarters Report” or an “Establishment-Level Report.” However, the employer’s “Headquarters Report” will contain the headquarters’ name, address, and Headquarters ID in this section. For an “Establishment-Level Report,” this section will contain the name of the specific establishment, along with the establishment’s address and Establishment-Level Unit ID.

SECTION D – EMPLOYER IDENTIFICATION NUMBER (EIN)

162. What does “Section D – Employer Identification Number (EIN)” denote in the 2023 EEO-1 Component 1 report?

Section D contains the Employer Identification Number (EIN). The Employer Identification Number (EIN) is a unique, nine-digit identifier used to identify business entities in the U.S. It is assigned by the IRS and is needed by all businesses that have employees and certain others with no employees.

163. How will this section be populated for a single-establishment employer?

For a single-establishment employer, the employer’s EIN for its “Single-Establishment Employer Report” will be populated in this section.

164. How will this section be populated for a multi-establishment employer?

For a multi-establishment employer, the employer’s EIN for its headquarters will be populated in this section of the employer’s “Headquarters Report.” Additionally, for the employer’s “Consolidated Report” this section will be populated with the EIN provided for its headquarters. The EIN associated with a multi-establishment employer’s non-headquarters establishment(s) will be populated in this section on each of its “Establishment-Level Report(s).”⁵³

⁵³ For purposes of EEO-1 Component 1 reporting, an EIN must be provided for an employer’s headquarters and each of its non-headquarters establishments. However, if establishments are located at the same address (including, for example, suite number) and have both the same NAICS code and the same EIN, the establishments must be combined into a single “Establishment-Level Report.” Such establishments are considered one establishment for purposes of EEO-1 Component 1 reporting.



SECTION E – EMPLOYER FILING ELIGIBILITY

165. What does “Section E – Employer Filing Eligibility” denote in the 2023 EEO-1 Component 1 report?

As part of the EEO-1 Component 1 filing process, employers must answer a series of eligibility questions within the *OFS* to determine if they are legally required to submit workforce demographic data to the EEOC.⁵⁴ The employer’s response indicating whether it is eligible, not eligible, or no longer in business will be populated in this section of the employer’s EEO-1 Component 1 report(s). The three potential designations in this section include the following:

- YES** (Employer Is Eligible to File)
- NO** (Employer Is Not Eligible to File)
- EMPLOYER NO LONGER IN BUSINESS**

166. What if my company received an EEO-1 Component 1 filing notice from the EEOC but we don’t believe we are required to file?

An employer that receives an EEO-1 Component 1 filing notice from the EEOC but believes it is not required to file must access the *EEO-1 Component 1 Online Filing System (OFS)* to complete the embedded eligibility screener. If the screener confirms eligibility, the employer must follow the prompts to submit and certify the required workforce demographic data. If the eligibility screener indicates the employer is ineligible to file, the employer must certify that it is ineligible in the *OFS*. Failure to certify ineligibility through the *OFS* will result in future EEO-1 Component 1 filing notices being sent to the employer by the EEOC.

167. What if I received an EEO-1 Component 1 filing notice from the EEOC but my company is no longer in business?

An employer that receives an EEO-1 Component 1 filing notice from the EEOC but has ceased operations and is no longer in business must access the *EEO-1 Component 1 Online Filing System (OFS)* to complete the embedded eligibility screener. If the eligibility screener indicates the employer is ineligible to file, the employer must certify that its company is ineligible and no longer in business in the *OFS*. Failure to certify ineligibility through the *OFS* will result in future EEO-1 Component 1 filing notices being sent to the employer by the EEOC.

⁵⁴ The specific eligibility requirements for filing are discussed in detail in the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “WHO MUST FILE.”



SECTION F – FEDERAL CONTRACTOR DESIGNATION (if applicable)

168. What does “Section F – Federal Contractor Designation” denote in the 2023 EEO-1 Component 1 report?

As part of the EEO-1 Component 1 filing process, single-establishment and multi-establishment employers must identify whether they are a federal contractor⁵⁵ and if so, provide their associated Unique Entity ID (UEI).⁵⁶ A multi-establishment employer must also identify whether its headquarters or any non-headquarters establishment is a federal contractor and if so, provide the UEI associated with each. Please note that OFCCP considers an employer (e.g., parent, headquarters) to be a federal contractor if any of the employer’s establishments are a federal contractor.⁵⁷

This information is populated in “Section F – Federal Contractor Designation (if applicable)” on the employer’s EEO-1 Component 1 report(s) generated by the OFS. These designations include the following:

- YES (Single-Establishment Employer is Federal Contractor)**⁵⁸
- YES (Multi-Establishment Employer is Federal Contractor)**⁵⁹
- YES (Headquarters is Federal Contractor)**⁶⁰
- YES (Non-Headquarters Establishment is Federal Contractor)**⁶¹
- YES (One or More Non-Headquarters Establishments is Federal Contractor)**⁶²

⁵⁵ Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “WHO MUST FILE” for federal contractor eligibility.

⁵⁶ On April 4, 2022, the federal government stopped using the “DUNS Number” to uniquely identify entities doing business with the federal government (i.e., federal contractors). The “Unique Entity ID” (UEI) is now the official identifier for federal contractors. See <https://www.gsa.gov/about-us/organization/federal-acquisition-service/technology-transformation-services/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update> and <https://sam.gov/content/duns-uei>. Beginning with the 2022 EEO-1 Component 1 data collection, single-establishment and multi-establishment employers must provide their “UEIs” instead of a “DUNS Number” for any headquarters and/or establishment(s) which are federal contractors.

⁵⁷ For example, if an employer (i.e., parent company) has 1,000 non-headquarters establishments and of these establishments, only one is a federal contractor, OFCCP considers the entire employer (i.e., parent, headquarters, and all non-headquarters establishments) to be a federal contractor.

⁵⁸ If a single-establishment employer indicates that it is a federal contractor, this box will be populated in “Section F” of the PDF version of the employer’s “Single-Establishment Employer Report.”

⁵⁹ If a multi-establishment employer indicates that it is a federal contractor, this box will be populated in “Section F” of the employer’s “Consolidated Report.”

⁶⁰ If a multi-establishment employer indicates that its headquarters is a federal contractor, this box will be populated in “Section F” of the employer’s “Headquarters Report.”

⁶¹ If a multi-establishment employer indicates that a specific non-headquarters establishment is a federal contractor, this box will be populated in “Section F” of the “Establishment-Level Report” for that establishment.

⁶² If a multi-establishment employer indicates that any non-headquarters establishment is a federal contractor, this box will be populated in “Section F” of the employer’s “Consolidated Report,” “Headquarters Report,” and “Establishment-Level Report(s).”



SECTION G – NAICS INFORMATION

169. What does “Section G – NAICS Information” denote in the 2023 EEO-1 Component 1 report?

This section contains the NAICS (North American Industry Classification System) code used to identify the primary industry in which the single-establishment or multi-establishment employer operates, including any establishment(s). Each employer and any establishment(s) must have an appropriate NAICS code associated with it. NAICS codes are updated by the Office of Management and Budget (OMB) every five years (i.e., in years that end in 2 or 7). For the 2023 EEO-1 Component 1 Report, the 2022 NAICS codes should be used. To identify the correct NAICS code for each establishment, an employer can search using keywords for its business using the U.S. Census Bureau NAICS Search Tool at www.census.gov/naics.⁶³

170. What if an employer operates several industries at one establishment and has several NAICS codes associated with that one location?

If an employer operates several industries at one establishment and thus has several NAICS codes associated with that one location, the employer must provide the one NAICS code under which the largest number of employees work. Additionally, for the “Headquarters Report,” the multi-establishment employer must provide the one NAICS code under which the largest number of employees work for the multi-establishment employer as a whole (i.e., across all establishments).

SECTION H – WORKFORCE DEMOGRAPHIC DATA

171. What does “Section H – Workforce Demographic Data” denote in the 2023 EEO-1 Component 1 report?

This section contains workforce demographic data by job category and sex and race or ethnicity submitted by eligible single-establishment and multi-establishment employers. The total reported employees within each job category should equal the sum of each employee reported for that job category across all sex and race/ethnicity categories. Additionally, the total number of employees within each sex and race/ethnicity category should equal the sum of that particular category across all job categories. This section will also provide the “current reporting year total” and “prior reporting year total” for each sex and race/ethnicity category across all job categories.

172. Can my company voluntarily report workforce demographic data for non-binary employees on the 2023 EEO-1 Component 1 report?

Yes. As discussed in the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) (i.e., “*Instruction Booklet*”) entitled “REPORTING BY SEX,” the EEO-1 Component 1 data collection currently provides only binary options (i.e., male or female) for reporting employee counts by

⁶³ For additional information on reporting a NAICS code by establishment, please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “HOW TO REPORT NAICS CODES.”



sex, job category, and race or ethnicity. However, employers may *voluntarily* choose to report employee demographic data for non-binary employees – that is, employees who do not identify as exclusively male or female – by sex (i.e., non-binary), job category and race or ethnicity in the “comments” section of the report(s). Employers that voluntarily choose to report non-binary employees in the “comments” section of the report(s) should not assign such employees to the male or female categories or any other categories (i.e., job category and race or ethnicity) within the report(s). For additional information on the voluntary reporting of non-binary employees, please refer to the section of the *Instruction Booklet* entitled “REPORTING BY SEX.”

SECTION I – WORKFORCE SNAPSHOT PERIOD

173. What does “Section I – Workforce Snapshot Period” denote in the 2023 EEO-1 Component 1 report?

This section contains the dates (i.e., month, day, year) of the workforce snapshot period selected by an eligible single-establishment or multi-establishment employer for the reporting of its workforce demographic data (i.e., employee data by job category and sex and race or ethnicity). These dates must be entered into the *OFS* and will populate under the table containing each report’s workforce demographic data.

The workforce snapshot period must include all full-time and part-time employees who were employed during an employer-selected pay period in the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., the “workforce snapshot period”). The workforce snapshot period for the 2023 EEO-1 Component 1 report would be an employer-selected pay period between October 1, 2023 and December 31, 2023.⁶⁴

SECTION J – HEADQUARTERS OR ESTABLISHMENT-LEVEL COMMENTS (optional)

174. What does “Section J – Headquarters or Establishment-Level Comments” denote in the 2023 EEO-1 Component 1 report?

Employers *may* provide the EEOC with any additional comments regarding its headquarters or any of its non-headquarters establishments. Any comments provided for the employer’s headquarters or any non-headquarters establishment will be populated under this section in the applicable report(s) generated by the *OFS*. If no comments are submitted, the statement “No Comments Provided” will be populated in this section of the PDF(s). Please note this section is not applicable to a multi-establishment employer’s “Consolidated Report,” which will be

⁶⁴ Workforce demographic data (i.e., employee data by job category and sex and race or ethnicity) submitted by an eligible employer must include all full-time and part-time employees who were employed during an employer-selected pay period (i.e., “workforce snapshot period”) in the fourth quarter (i.e., October 1 through December 31) of the reporting year. Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “WORKFORCE SNAPSHOT PERIOD” for additional information. Also, beginning with 2023 EEO-1 Component 1 data collection, an employer that meets the employee threshold for EEO-1 Component 1 reporting purposes at **any time during the fourth quarter** (i.e., October 1 through December 31) of the reporting year, may *not* select a workforce snapshot period where it falls below the threshold in an effort to avoid the filing requirement.



populated with the statement “Not Applicable.” Employers may also leave additional comments in “Section K” under the “Certification Comments” sub-section. Any comments provided will be populated in “Section K” of a multi-establishment employer’s “Consolidated Report” and in “Section K” of a single-establishment employer’s “Single-Establishment Employer Report.”

175. *Can my company voluntarily report workforce demographic data for non-binary employees on the 2023 EEO-1 Component 1 report?*

Yes. As discussed in the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “REPORTING BY SEX,” the EEO-1 Component 1 data collection currently provides only binary options (i.e., male or female) for reporting employee counts by sex, job category, and race or ethnicity. However, employers may *voluntarily* choose to report employee demographic data for non-binary employees – that is, employees who do not identify as exclusively male or female – by sex (i.e., non-binary), job category and race or ethnicity in the “comments” section of the report(s). Employers that voluntarily choose to report non-binary employees in the “comments” section of the report(s) should not assign such employees to the male or female categories or any other categories (i.e., job category and race or ethnicity) within the report(s).

176. *I am a single-establishment employer and would like to report demographic data for non-binary employees. Where do I enter such information?*

Single-establishment employers that *voluntarily* choose to report demographic data for non-binary employees may do so in the “Certification Comments” section (i.e., “Section K”) within the *OFS*.

For example, a single-establishment employer that has a total of 500 employees and is voluntarily reporting 2 of those employees as non-binary in the “Certification Comments” section should show an employee count of 498 employees on the employer’s “Single-Establishment Employer Report” (i.e., less the 2 non-binary employees reported in the comments section). Also, please note that the voluntary reporting of non-binary employees does not impact the employee threshold for EEO-1 Component 1 reporting purposes. For example, if a non-federal contractor employer has a total of 100 employees, of which 2 are voluntarily reported as non-binary in the comments, the employer is still required to file even though the total number of employees on the employer’s “Single-Establishment Employer Report” would reflect only 98 employees.

Employers choosing to voluntarily report employee demographic data for non-binary employees should preface any such data in the comments with the phrase “Additional Non-Binary Employee Data:”. For example:

“Additional Non-Binary Employee Data: 1 non-binary employee in Job Category Administrative Support Workers; Race/Ethnicity: White (Not Hispanic or Latino). 3 non-binary employees in Job Category Professionals; Race/Ethnicity: Employee 1 – Black or



African American (Not Hispanic or Latino) / Employee 2 – Hispanic or Latino / Employee 3 – Two or More Races (Not Hispanic or Latino).”

For employers that voluntarily choose to provide demographic data for their non-binary employees, please follow the instructions in the section of the *2023 EEO-1 Component 1 Instruction Booklet* entitled “REPORTING BY RACE OR ETHNICITY” when deciding whether to report an employee as male, female, or non-binary. If the sex reported by an employee during voluntary self-identification differs from the sex recorded in the employee’s employment records, the employer should report the former (i.e., self-identification) and not the latter (i.e., employment records).

177. *I am a multi-establishment employer and would like to report demographic data for non-binary employees. Where do I enter such information?*

Multi-establishment employers that *voluntarily* choose to report demographic data for non-binary employees may do so in the “Headquarters or Establishment-Level Comments” section. The “Headquarters or Establishment-Level Comments” section allows a multi-establishment employer to provide comments for its headquarters as well as each of its individual non-headquarters establishments at the establishment-level. Providing comments, including demographic data for non-binary employees, is optional and not required. This option will be available to multi-establishment employers through manual entry in the *OFS* as well as through the data file upload function. Please note that filers voluntarily choosing to provide such data at the headquarters or establishment-level through the data file upload option *must* ensure that any comments submitted do not contain any commas. See “Field 189” in the [2023 EEO-1 Component 1 Data File Upload Specifications](#).

For example, if a multi-establishment employer has a total of 1,000 employees and is voluntarily reporting 10 of those employees as non-binary for the entire enterprise, the multi-establishment employer would do so in the comments section of the EEO-1 Component 1 report where those 10 non-binary employees are employed (i.e., on the appropriate “Headquarters Report” or “Establishment-Level Report”). Using this same example, if there are 200 employees at the multi-establishment employer’s headquarters and 5 of those employees are voluntarily reported as non-binary in the comments section, the “Headquarters Report” would only show a total of 195 employees (i.e., less the 5 non-binary employees reported in the comments section). Continuing this example, the remaining 5 non-binary employees would be reported in the comments section of the appropriate “Establishment-Level Report.” Finally, the employer’s “Consolidated Report” would show an employee count of 990 employees (i.e., less the 10 non-binary employees reported in the comments sections on the “Headquarters Report” and “Establishment-Level Report”). Also, please note that the voluntary reporting of non-binary employees does not impact the employee threshold for EEO-1 Component 1 reporting purposes. For example, if a non-federal contractor employer has a total of 100 employees, of which 2 are voluntarily reported as non-binary in the comments, the employer is still required to file even



though the total number of employees on the employer’s “Consolidated Report” would reflect only 98 employees.

For employers that voluntarily choose to provide demographic data for their non-binary employees, please follow the instructions in the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “REPORTING BY RACE OR ETHNICITY” when deciding whether to report an employee as male, female, or non-binary. If the sex reported by an employee during voluntary self-identification differs from the sex recorded in the employee’s employment records, the employer should report the former (i.e., self-identification) and not the latter (i.e., employment records).

Employers choosing to voluntarily report employee demographic data for non-binary employees should preface any such data in the comments with the phrase “Additional Non-Binary Employee Data:”. For example:

“Additional Non-Binary Employee Data: 1 non-binary employee in Job Category Administrative Support Workers; Race/Ethnicity: White (Not Hispanic or Latino). 3 non-binary employees in Job Category Professionals; Race/Ethnicity: Employee 1 – Black or African American (Not Hispanic or Latino) / Employee 2 – Hispanic or Latino / Employee 3 – Two or More Races (Not Hispanic or Latino).”

SECTION K – OFFICIAL CERTIFICATION OF SUBMISSION

178. What does “Section K – Official Certification of Submission” denote in the 2023 EEO-1 Component 1 report?

For a single-establishment employer, this section will appear in the PDF version of the employer’s “Single-Establishment Employer Report” generated by the *OFS*. For a multi-establishment employer, this section will appear in the PDF version of the employer’s “Consolidated Report.”

179. In order to complete my company’s certification, must I provide comments in the certification section?

No. A single-establishment or multi-establishment employer *may* provide the EEOC with any final comments regarding its submission in this sub-section. Any comments provided will be populated in this section. If no comments are submitted, a “No Certification Comments Provided” will be populated in this section.

180. Must the “certifying official” be an employee of my company?

Yes. The individual serving as the “Certifying Official” must be an official (i.e., employee) of the employer. For example, an employer using a third-party human resource organization (e.g., PEO, HRO, ASO) is not permitted to have an official (i.e., employee) of the third-party human resource



organization certify an employer's EEO-1 Component 1 report(s). An official of the employer must certify the employer's EEO-1 Component 1 report(s).

181. Can the same individual serve as both the “certifying official” and the “Primary Point of Contact (POC) for EEO-1 Component 1 Reporting” (i.e., “Primary POC”)?

Yes. In addition to a “Certifying Official,” employers must also provide a “Primary Point of Contact (POC) for EEO-1 Component 1 Reporting” (i.e., “Primary POC”) for receiving communications from the EEOC regarding the report. Employers may choose the same individual to serve as both the employer's “Certifying Official” and the “Primary Point of Contact (POC) for EEO-1 Component 1 Reporting” (i.e., “Primary POC”). Alternatively, an employer may provide a different individual to be its “Primary Point of Contact (POC) for EEO-1 Component 1 Reporting” (i.e., “Primary POC”). However, the “Certifying Official” must be an employee of the employer and not, for example, an employee or representative of the employer's third-party human resource organization (e.g., PEO, ASO, HRO) filing on the employer's behalf.

182. What happens if my company fails to certify its 2023 EEO-1 Component 1 report?

If an employer fails to complete the final step to “Certify EEO-1 Component 1 Report(s)” within the *EEO-1 Component 1 Online Filing System (OFS)*, the status of the employer's filing will be considered “incomplete” by the EEOC. Even if the employer has submitted data for each of its required reports, the filing will not be considered complete by the EEOC until the employer certifies its submission in the *EEO-1 Component 1 Online Filing System (OFS)*. Any employer that has not certified its submission in the *OFS* by the “Published Due Date” (i.e., published deadline) will receive a “Notice of Failure to File” from the EEOC requesting that the employer certify its submission in order to complete the required filing.

183. What information is contained in “Section K – Official Certification of Submission?”

Employer Identification

This section contains identifying information about the single-establishment employer or multi-establishment employer, including the employer's name, address, and “*OFS* Company ID.” For a multi-establishment employer, the “Employer Name” would be, for example, the name of the parent company or holding company, and the “Address” would be the associated address. The “*OFS* Company ID” is a unique, seven-character identification number associated with each employer. It is assigned by the EEOC.

Certification Comments (optional)

A single-establishment or multi-establishment employer *may* provide the EEOC with any final comments regarding its submission in this sub-section. Any comments provided will be populated in this section. If no comments are submitted, a “No Certification Comments Provided” will be populated in this section.



As discussed in the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “REPORTING BY SEX,” the EEO-1 Component 1 data collection currently provides only binary options (i.e., male or female) for reporting employee counts by sex, job category, and race or ethnicity. However, employers may *voluntarily* choose to report employee demographic data for non-binary employees – that is, employees who do not identify as exclusively male or female – by sex (i.e., non-binary), job category and race or ethnicity in the “comments” section of the report(s). Employers that voluntarily choose to report non-binary employees in the “comments” section of the report(s) should not assign such employees to the male or female categories or any other categories (i.e., job category and race or ethnicity) within the report(s).

Single-establishment employers that *voluntarily* choose to report demographic data for non-binary employees may do so in the “Certification Comments” section within the *OFS*. Multi-establishment employers that *voluntarily* choose to report demographic data for non-binary employees may do so in the “Headquarters or Establishment-Level Comments” section (i.e., “Section J”.)

Certification Statement

The employer’s “Certifying Official” will certify to the following statement in the *OFS*:

“I certify that the information, including any workforce demographic data, provided in this report is correct and true to the best of my knowledge and was prepared in conformity with the directions set forth in the form and accompanying instructions.”

Below this statement, the EEOC provides written notice to the “Certifying Official” that “[k]nowingly and willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001.”

Date of Certification

The *OFS* will automatically generate the month, day, year, and time (e.g., May 2, 2023, 9:00 AM) that the submission was certified by the employer in the *OFS*.

Employer’s Certifying Official

The individual serving as the “Certifying Official” **must** be an official (i.e., employee) of the employer. For example, an employer using a third-party human resource organization (e.g., PEO, HRO, ASO) is not permitted to have an official (i.e., employee) of the third-party human resource organization certify an employer’s EEO-1 Component 1 report(s). An official of the employer **must** certify the employer’s EEO-1 Component 1 report(s).

This sub-section contains the following information:

- Name of Employer’s Certifying Official
- Title of Certifying Official
- Email Address of Certifying Official



- Telephone Number of Certifying Official

Primary Point of Contact (POC) for EEO-1 Component 1 Reporting

In addition to a “Certifying Official,” employers must also provide a “Primary Point of Contact (POC) for EEO-1 Component 1 Reporting” (i.e., “Primary POC”) for receiving communications from the EEOC regarding the report. Employers may choose the same individual to serve as both the employer’s “Certifying Official” and the “Primary Point of Contact (POC) for EEO-1 Component 1 Reporting” (i.e., “Primary POC”). Alternatively, an employer may provide a different individual to be its “Primary Point of Contact (POC) for EEO-1 Component 1 Reporting” (i.e., “Primary POC”). However, the “Certifying Official” must be an employee of the employer and not, for example, an employee or representative of the employer’s third-party human resource organization (e.g., PEO, ASO, HRO) filing on the employer’s behalf.

This sub-section contains the following information:

- Name of Primary POC
- Title and Employer of Primary POC
- Email Address of Primary POC
- Telephone Number of Primary POC



AA.REPORTING FEDERAL CONTRACTOR STATUS

184. Per the 2023 EEO-1 Component 1 Instruction Booklet, our company is providing federal contractor status at the establishment level for each of our establishments that is a federal contractor (please note that not all our establishments are federal contractors). If any one of our establishments indicates that it is a federal contractor, does such a “yes” response “overwrite” the responses for ALL our establishments as “yes” (i.e., even the ones that we did not indicate were federal contractors)? Or does a “yes” response just impact the “Consolidated Report” and the “Headquarters Report”, leaving the other establishments marked as they were submitted (i.e., indicated)?

As part of its ongoing modernization efforts and in response to feedback from filers in prior collections, the EEOC’s Office of Enterprise Data and Analytics (OEDA) has redesigned the format of the certified report(s) generated by the *EEO-1 Component 1 Online Filing System (OFS)*. The report(s), which filers will be able to download and save as a PDF, contain several enhancements to how information provided by filers is displayed. For example, the updated report(s) now have delineated sections and headers that clearly identify the information being displayed and filers’ answers to reporting questions such as eligibility and federal contractor status.

Single-establishment and multi-establishment employers must identify whether they are a federal contractor⁶⁵ and if so, provide their associated Unique Entity ID (UEI).⁶⁶ A multi-establishment employer must also identify whether its headquarters or any non-headquarters establishment is a federal contractor and if so, provide the UEI associated with each. The information provided by an employer in this section (i.e., Section F – Federal Contractor Designation (if applicable)) will be included in the final certified downloadable employer’s report(s) generated by the *OFS* (i.e., a “Single-Establishment Employer Report” for single-establishment employers and a “Consolidated Report,” “Headquarters Report,” and “Establishment-Level Report(s)” for multi-establishment employers).

⁶⁵ Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “WHO MUST FILE” for federal contractor eligibility.

⁶⁶ On April 4, 2022, the federal government stopped using the “DUNS Number” to uniquely identify entities doing business with the federal government (i.e., federal contractors). The “Unique Entity ID” (UEI) is now the official identifier for federal contractors. See <https://www.gsa.gov/about-us/organization/federal-acquisition-service/technology-transformation-services/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update> and <https://sam.gov/content/duns-uei>. Beginning with the 2023 EEO-1 Component 1 data collection, single-establishment and multi-establishment employers must provide their “UEIs” instead of a “DUNS Number” for any headquarters and/or establishment(s) which are federal contractors.



This information is populated in “Section F – Federal Contractor Designation (if applicable)” and includes the following designations:

- YES** (Single-Establishment Employer is Federal Contractor)⁶⁷
- YES** (Multi-Establishment Employer is Federal Contractor)⁶⁸
- YES** (Headquarters is Federal Contractor)⁶⁹
- YES** (Non-Headquarters Establishment is Federal Contractor)⁷⁰
- YES** (One or More Non-Headquarters Establishments is Federal Contractor)⁷¹

As to the FAQ posed above, the federal contractor designation(s) listed in Section F will only be “marked” (i.e., checked) if a multi-establishment employer affirmatively indicates that it is a federal contractor at the enterprise level, headquarters level, or non-headquarters establishment level. The examples provided below demonstrate how Section F would be populated in a multi-establishment employer’s *OFS* generated PDF reports.

⁶⁷ If a single-establishment employer indicates that it is a federal contractor, this box will be populated in “Section F” of the PDF version of the employer’s “Single-Establishment Employer Report.”

⁶⁸ If a multi-establishment employer indicates that it is a federal contractor, this box will be populated in “Section F” of the employer’s “Consolidated Report.”

⁶⁹ If a multi-establishment employer indicates that its headquarters is a federal contractor, this box will be populated in “Section F” of the employer’s “Headquarters Report” as well as in the employer’s “Consolidated Report” and “Establishment-Level Report(s).”

⁷⁰ If a multi-establishment employer indicates that a specific non-headquarters establishment is a federal contractor, this box will be populated in “Section F” of the “Establishment-Level Report” for that establishment.

⁷¹ If a multi-establishment employer indicates that any non-headquarters establishment is a federal contractor, this box will be populated in “Section F” of the employer’s “Consolidated Report,” “Headquarters Report,” and “Establishment-Level Report(s).”



185. Example A: Enterprise: Yes | Headquarters: No | Any Non-headquarters Establishments: No

A multi-establishment employer has four non-headquarters establishments (identified as establishments #1, #2, #3, and #4 for purposes of this example). The multi-establishment employer indicates that neither its headquarters nor any of its non-headquarters establishments are federal contractors. However, the multi-establishment employer indicates that it is a federal contractor at the enterprise level. In such an example, the multi-establishment employer’s OFS generated PDF reports (i.e., “Consolidated Report”; “Headquarters Report”; “Establishment-Level Report(s)”) would be designated as follows in “Section F – Federal Contractor Designation (if applicable)”:

“Consolidated Report”

Unique Entity ID (UEI): CRCRCRCRCRCR

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Headquarters Report”

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #1

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #2

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)



“Establishment-Level Report” for Establishment #3

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #4

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

As indicated above, any UEI provided by the multi-establishment employer at the enterprise level would be included on the “Consolidated Report.”⁷²

⁷² Providing a UEI for the 2023 EEO-1 Component 1 report is only applicable to employers that are federal contractors. If neither your company nor any of its establishments are federal contractors, then your company is not required to provide a UEI. If only *some* of your company’s establishments are federal contractors, then you only need to provide a UEI for those establishments that are federal contractors. For example, if your company has 20 non-headquarters establishments and 10 of those non-headquarters establishments are federal contractors, then a UEI should be provided for each of those 10 establishments. If a company is a federal contractor or has an establishment that is a federal contractor, the UEI field cannot be left blank. However, if your company is a federal contractor or has an establishment that is a federal contractor, but you do not have a UEI or your company is unsure which UEI to use, you may enter the word “UNAVAILABLE” (without quotation marks) in the UEI field in place of a UEI. Alternatively, if your company is unsure which UEI to use for an establishment that is a federal contractor, you may use the company’s non-headquarters establishment UEI (e.g., enterprise, parent, or headquarters level UEI) if your company has one for the establishment’s UEI field.



186. Example B: Enterprise: Yes | Headquarters: No | Any Non-headquarters Establishments: Yes

A multi-establishment employer has five non-headquarters establishments (identified as establishments #1, #2, #3, #4, and #5 for purposes of this example). The multi-establishment employer indicates that non-headquarters establishments #2 and #3 are federal contractors. Additionally, the multi-establishment employer indicates that it is a federal contractor at the enterprise level, but the headquarters is not a federal contractor. In such an example, the multi-establishment employer’s OFS generated PDF reports (i.e., “Consolidated Report”; “Headquarters Report”; “Establishment-Level Report(s)”) would be designated as follows in “Section F – Federal Contractor Designation (if applicable)”:

“Consolidated Report”

Unique Entity ID (UEI): CRCRCRCRCRCR

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Headquarters Report”

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #1

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #2

Unique Entity ID (UEI): ELR2ELR2ELR2

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)



“Establishment-Level Report” for Establishment #3

Unique Entity ID (UEI): ELR3ELR3ELR

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #4

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #5

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

As indicated above, any UEI provided by the multi-establishment employer at the enterprise level would be included on the “Consolidated Report.” Additionally, any UEI(s) provided for Establishments #2 and #3 would be included on the respective “Establishment-Level Report” for that location.⁷³

⁷³ Providing a UEI for the 2023 EEO-1 Component 1 report is only applicable to employers that are federal contractors. If neither your company nor any of its establishments are federal contractors, then your company is not required to provide a UEI. If only *some* of your company’s establishments are federal contractors, then you only need to provide a UEI for those establishments that are federal contractors. For example, if your company has 20 non-headquarters establishments and 10 of those non-headquarters establishments are federal contractors, then a UEI should be provided for each of those 10 establishments. If a company is a federal contractor or has an establishment that is a federal contractor, the UEI field cannot be left blank. However, if your company is a federal contractor or has an establishment that is a federal contractor, but you do not have a UEI or your company is unsure which UEI to use, you may enter the word “UNAVAILABLE” (without quotation marks) in the UEI field in place of a UEI. Alternatively, if your company is unsure which UEI to use for an establishment that is a federal contractor, you may use the company’s non-headquarters establishment UEI (e.g., enterprise, parent, or headquarters level UEI) if your company has one for the establishment’s UEI field.



187. Example C: Enterprise: No | Headquarters: Yes | Any Non-headquarters Establishments: Yes

A multi-establishment employer has three non-headquarters establishments (identified as establishments #1, #2, #3 for purposes of this example). The multi-establishment employer indicates that its non-headquarters establishment #3 is a federal contractor. Additionally, the multi-establishment employer indicates that its headquarters is also a federal contractor. However, in response to whether it is a federal contractor at the enterprise level, the multi-establishment employer indicates that it is not a federal contractor. In such an example, the multi-establishment employer’s OFS generated PDF reports (i.e., “Consolidated Report”; “Headquarters Report”; “Establishment-Level Report(s)”) would be designated as follows in “Section F – Federal Contractor Designation (if applicable)”:

“Consolidated Report”

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Headquarters Report”

Unique Entity ID (UEI): HRHRHRHRHRHR

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #1

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #2

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)



“Establishment-Level Report” for Establishment #3

Unique Entity ID (UEI): ELR3ELR3ELR3

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

As indicated above, any UEI provided by the multi-establishment employer at the headquarters level would be included on the “Headquarters Report.” Additionally, any UEI provided for Establishment #3 would be included on the “Establishment-Level Report” for that location.⁷⁴

⁷⁴ Providing a UEI for the 2023 EEO-1 Component 1 report is only applicable to employers that are federal contractors. If neither your company nor any of its establishments are federal contractors, then your company is not required to provide a UEI. If only *some* of your company’s establishments are federal contractors, then you only need to provide a UEI for those establishments that are federal contractors. For example, if your company has 20 non-headquarters establishments and 10 of those non-headquarters establishments are federal contractors, then a UEI should be provided for each of those 10 establishments. If a company is a federal contractor or has an establishment that is a federal contractor, the UEI field cannot be left blank. However, if your company is a federal contractor or has an establishment that is a federal contractor, but you do not have a UEI or your company is unsure which UEI to use, you may enter the word “UNAVAILABLE” (without quotation marks) in the UEI field in place of a UEI. Alternatively, if your company is unsure which UEI to use for an establishment that is a federal contractor, you may use the company’s non-headquarters establishment UEI (e.g., enterprise, parent, or headquarters level UEI) if your company has one for the establishment’s UEI field.



188. Example D: Enterprise: No | Headquarters: No | Any Non-headquarters Establishments: Yes

A multi-establishment employer has four non-headquarters establishments (identified as establishments #1, #2, #3, and #4 for purposes of this example). The multi-establishment employer indicates it is not a federal contractor at the enterprise level nor the headquarters level. However, the multi-establishment employer indicates that its non-headquarters establishment #4 is a federal contractor. In such an example, the multi-establishment employer’s OFS generated PDF reports (i.e., “Consolidated Report”; “Headquarters Report”; “Establishment-Level Report(s)”) would be designated as follows in “Section F – Federal Contractor Designation (if applicable)”:

“Consolidated Report”

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Headquarters Report”

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #1

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #2

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)



“Establishment-Level Report” for Establishment #3

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #4

Unique Entity ID (UEI): ELR4ELR4ELR4

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

As indicated above, any UEI provided for Establishments #4 would be included on the “Establishment-Level Report” for that location.⁷⁵

⁷⁵ Providing a UEI for the 2023 EEO-1 Component 1 report is only applicable to employers that are federal contractors. If neither your company nor any of its establishments are federal contractors, then your company is not required to provide a UEI. If only *some* of your company’s establishments are federal contractors, then you only need to provide a UEI for those establishments that are federal contractors. For example, if your company has 20 non-headquarters establishments and 10 of those non-headquarters establishments are federal contractors, then a UEI should be provided for each of those 10 establishments. If a company is a federal contractor or has an establishment that is a federal contractor, the UEI field cannot be left blank. However, if your company is a federal contractor or has an establishment that is a federal contractor, but you do not have a UEI or your company is unsure which UEI to use, you may enter the word “UNAVAILABLE” (without quotation marks) in the UEI field in place of a UEI. Alternatively, if your company is unsure which UEI to use for an establishment that is a federal contractor, you may use the company’s non-headquarters establishment UEI (e.g., enterprise, parent, or headquarters level UEI) if your company has one for the establishment’s UEI field.



189. Example E: Enterprise: No | Headquarters: No | Any Non-headquarters Establishments: No

A multi-establishment employer has three non-headquarters establishments (identified as establishments #1, #2, #3 for purposes of this example). The multi-establishment employer indicates it is not a federal contractor at the enterprise level nor the headquarters level. It also indicates that none of its non-headquarters establishments are federal contractors either. In such an example, the multi-establishment employer’s *OFS* generated PDF reports (i.e., “Consolidated Report”; “Headquarters Report”; “Establishment-Level Report(s)”) would be designated as follows in “Section F – Federal Contractor Designation (if applicable)”:

“Consolidated Report”

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Headquarters Report”

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #1

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)

“Establishment-Level Report” for Establishment #2

- YES (Single-Establishment Employer is Federal Contractor)
- YES (Multi-Establishment Employer is Federal Contractor)
- YES (Headquarters is Federal Contractor)
- YES (Non-Headquarters Establishment is Federal Contractor)
- YES (One or More Non-Headquarters Establishments is Federal Contractor)



“Establishment-Level Report” for Establishment #3

- YES** (Single-Establishment Employer is Federal Contractor)
- YES** (Multi-Establishment Employer is Federal Contractor)
- YES** (Headquarters is Federal Contractor)
- YES** (Non-Headquarters Establishment is Federal Contractor)
- YES** (One or More Non-Headquarters Establishments is Federal Contractor)

In other words, none of the designations in “Section F – Federal Contractor Designation (if applicable)” would be marked (i.e., checked) on any of the multi-establishment employer’s reports since the employer did not indicate it was a federal contractor at the enterprise, headquarters, or non-headquarters establishment level. Additionally, the multi-establishment employer in this example would not be required to provide a UEI since it is not a federal contractor at any level.



BB. FAILURE TO FILE

190. What happens if my company does not file its 2023 EEO-1 Component 1 report by the Tuesday, June 4, 2024 “Published Due Date” deadline?

Following the **Tuesday, June 4, 2024** “Published Due Date” deadline, the EEOC will enter the “Failure to File” phase. All employers who have not submitted and certified their mandatory 2023 EEO-1 Component 1 report(s) by the **Tuesday, June 4, 2024** “Published Due Date” deadline will receive a “Notice of Failure to File” from the EEOC instructing them to submit and certify their data *as soon as possible*, and *no later than 11:00 pm ET (i.e., Eastern Time) on Tuesday, July 9, 2024* (i.e., “Failure to File” deadline).

After the **Tuesday, July 9, 2024** “Failure to File” deadline passes, no additional 2023 EEO-1 Component 1 report(s) will be accepted, and eligible employers will be out of compliance with their mandatory 2023 EEO-1 Component 1 filing obligations. Pursuant to EEOC regulation 29 CFR 1602.9, any employer “failing or refusing” to file when required to do so, may be compelled to file by order of a U.S. District Court, upon application by the Commission.⁷⁶

191. Is a filer able to make updates to its 2023 submission in the OFS if such updates are made by the Tuesday, June 4, 2024, published deadline? Additionally, will updates to 2023 data be permitted in the OFS if done after the published deadline but before the Tuesday, July 9, 2024 “Failure to File” deadline?

Yes. Following the **Tuesday, June 4, 2024** “Published Due Date” deadline, the EEOC will enter the “Failure to File” phase. All employers who have not submitted and certified their mandatory 2023 EEO-1 Component 1 report(s) by the **Tuesday, June 4, 2024** “Published Due Date” deadline will receive a “Notice of Failure to File” from the EEOC instructing them to submit and certify their data *as soon as possible*, and *no later than 11:00 pm ET (i.e., Eastern Time) on Tuesday, July 9, 2024* (i.e., “Failure to File” deadline). After the **Tuesday, July 9, 2024** “Failure to File” deadline passes, no additional 2023 EEO-1 Component 1 report(s) will be accepted, and eligible employers will be out of compliance with their mandatory 2023 EEO-1 Component 1 filing obligations.

In the FAQ posed above, a filer is permitted to make updates to its 2023 EEO-1 Component 1 report(s) until **Tuesday, July 9, 2024**, but *must* certify its 2023 EEO-1 Component 1 report(s) on or before this date.

⁷⁶ See <https://www.ecfr.gov/current/title-29/subtitle-B/chapter-XIV/part-1602/subpart-B/section-1602.9>.



CC. CONFIDENTIALITY

192. Are EEO-1 Component 1 reports confidential?

All reports and any information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-8(e), as amended (Title VII) and may not be made public by the EEOC prior to the institution of any proceeding under Title VII involving the EEO-1 Component 1 data. Any EEOC employee who violates this prohibition may be found guilty of a criminal misdemeanor and could be fined or imprisoned. The confidentiality requirements allow the EEOC to publish only aggregated data, and only in a manner that does not identify any particular filer or reveal any individual employee's personal information.

The Office of Federal Contract Compliance Programs (OFCCP) obtains EEO-1 Component 1 reports for federal contractors pursuant to its own legal authority under Executive Order 11246 and its implementing regulations. Because OFCCP obtains EEO-1 data for contractors under its own E.O. 11246 authority, some courts have ruled that the Title VII prohibition against disclosure does not apply to OFCCP's collection of EEO-1 data. *See, e.g., United Techs. Corp. v. Marshall*, 464 F. Supp. 845, 851-52 (D. Conn. 1979); *Sears Roebuck & Co. v. Gen. Servs. Admin.*, 509 F.2d 527, 529 (D.C. Cir. 1974). Accordingly, the EEO-1 Component 1 data of federal contractors received by OFCCP may be subject to potential disclosure by OFCCP under the Freedom of Information Act (FOIA), although FOIA exemptions may prevent disclosure. For more information, see the Department of Labor's FOIA regulations at 41 CFR part 70 and frequently asked questions (Freedom of Information Act (FOIA) Frequently Asked Questions | U.S. Department of Labor (dol.gov)) at <https://www.dol.gov/agencies/ofccp/faqs/foia>.

With respect to other federal agencies with a legitimate law enforcement purpose but without OFCCP'S independent authority to collect EEO-1 data, the EEOC gives access to information collected under Title VII only if the agencies agree, by letter or memorandum of understanding, to comply with the confidentiality provisions of Title VII. In addition, section 709(d) 42 U.S.C. 2000e-8(d) provides that the EEOC shall furnish upon request and without cost to state or local civil rights agencies information about employers in their jurisdiction on the condition that they not make it public prior to starting a proceeding under state or local law involving such information. The EEOC shares EEO-1 data with state or local Fair Employment Practices Agencies (FEPAs) pursuant to Worksharing Agreements that impose obligations on the contracted FEPA with respect to confidentiality, privacy, and data security. On a case-by-case basis, the EEOC may share EEO-1 data with a FEPA that does not have a Worksharing Agreement, but only if that FEPA agrees to comply with confidentiality, privacy, and data security obligations similar to those imposed on FEPAs with Worksharing Agreements.