

2022 EEO-5 Data Collection Fact Sheet

Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed, to preserve such records, and to produce reports as the Commission prescribes by regulation or order. Accordingly, the EEOC has issued regulations, 29 CFR 1602.39 and .41-.45, prescribing the reporting and related record retention requirements of public elementary and secondary school districts. 29 CFR 1602.39 requires school districts to make or keep all records necessary for completion of an EEO-5 submission and retain those records for three years. 29 CFR 1602.41 requires EEO-5 filers to retain a copy of each filed EEO-5 report for three years.

Please see the [EEO-5 Instruction Booklet](#) for additional information on the 2022 EEO-5 data collection.

What school systems and districts are required to file the 2022 EEO-5 Report?

The Elementary-Secondary Staff Information Report (EEO-5), EEOC Form 168A, also referred to as the EEO-5 Report, is a mandatory biennial data collection that requires all public elementary and secondary school systems and districts with **100 or more employees** to submit demographic workforce data, including data by race/ethnicity, sex, and activity assignment classification. The filing by eligible school systems or districts is required under section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), 29 CFR 1602.39 and .41-.45.

What is the method for filing the 2022 EEO-5 Report?

EEO-5 reporting is an electronic, online application. The EEOC **requires** that EEO-5 Reports be submitted via the *EEO-5 Online Filing System* at <https://eeocdata.org/eeo5>. Data can be entered directly into the online application or submitted as an electronically transmitted data file (i.e., data file upload) through the *EEO-5 Online Filing System*. Filers can begin submitting data for the 2022 EEO-5 data collection through the *EEO-5 Online Filing System* on Tuesday, October 4, 2022.

When does the 2022 EEO-5 data collection open? What is the filing deadline?

The 2022 EEO-5 Data Collection will open on **Tuesday, October 4, 2022**. For the 2022 EEO-5 data collection, the workforce data reported must be from the pay period closest to October 1, 2022.

The EEO-5 Report for calendar year 2022 must be filed no later than **Tuesday, November 22, 2022**.

Is filing the EEO-5 report mandatory?

Yes. The reporting of EEO-5 data is mandatory for eligible school systems and districts. The filing by eligible school systems and districts is required by the EEOC under section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), 29 CFR 1602.39 and .41-.45.

Is EEO-5 data 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-5 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.

What type of data does the EEO-5 Report collect?

The EEO-5 Report is the aggregate report for the entire school system or district. The report for the school system or district must provide summary data for all personnel employed by the school system or district broken down into sections by Full-Time Staff, Part-Time Staff, and Full-Time New Hires. The workforce data reported must be from the pay period closest to October 1st of the reporting year. The EEO-5 Report also separately captures Full-Time New Hires who are on the payroll for the first time between July 1 and September 30 of the reporting year. These Full-Time New Hires must also be included (i.e., counted) in the Full-Time Staff section.

For information on other EEO-5 topics, please see:

- EEO-5 Instruction Booklet: <https://eeocdata.org/eo5/support/instructionbooklet>
- EEO-5 Frequently Asked Questions and Answers (FAQs): <https://eeocdata.org/eo5/support/faq>
- The EEO-5 User's Guide and EEO-5 Data File Upload Instructions will be available in the *EEO-5 Online Filing System (OFS)* under "Resources" immediately prior to the opening of the EEO-5 Data collection on October 4, 2022.