



## FACT SHEET WHO MUST FILE

### 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 “fact sheet.” Filers must ensure they are complying with the EEOC’s substantive filing requirements detailed in the *Instruction Booklet* and should not refer solely to this “fact sheet” 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](http://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).

Pursuant to Title VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. 2000e, *et seq.*, 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 Employers

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 year (i.e., 2023) has a mandatory legal obligation to submit and certify an annual EEO-1 Component 1 report containing required workforce demographic data to the EEOC.

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 (i.e., 2023).<sup>1</sup>

Please refer to the section of the [2023 EEO-1 Component 1 Instruction Booklet](#) entitled “**WORKFORCE SNAPSHOT PERIOD**” for additional information. Additionally, **Appendix A** of the *Instruction Booklet* provides the definition of an “employer” for purposes of filling the EEO-1

<sup>1</sup> 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.



Component 1 Report(s). 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](http://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).

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 associated (e.g., if there is interrelation between operations) with another employer or there is centralized or common ownership, control (e.g., there is financial control or centralized control of personnel policies and/or labor relations), or management so that the group of employers constitutes a single enterprise and/or integrated enterprise and the entire enterprise had 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 year (i.e., 2023).

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.

### Federal Contractors

Pursuant to Executive Order 11246 and Office of Federal Contract Compliance Programs (OFCCP) regulations,<sup>2</sup> a federal prime or subcontractor that meets *all* the following four criteria<sup>3</sup> 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 regulations<sup>4</sup> 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;<sup>5</sup>
- (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

<sup>2</sup> 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>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> 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>.



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).

Filers with questions as to whether an employer (i.e., company) is a federal prime or subcontractor meeting the above 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>.

### Additional Information

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. Additionally, 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 also access the *EEO-1 Component 1 Online Filing System (OFS)* to complete the 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*. Similarly, 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.

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. 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/>. If you are one of these entities but have 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](http://www.eeocdata.org/eeo1).



## EEOC 2023 EEO-1 Component 1 Data Collection

All updates about the 2023 EEO-1 Component 1 data collection, including the *2023 EEO-1 Component 1 Instruction Booklet* and the *2023 EEO-1 Component 1 Data File Upload Specifications*, are available on the EEOC's dedicated EEO-1 Component 1 website at [www.eeocdata.org/eeo1](http://www.eeocdata.org/eeo1).

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 *EEO-1 Component 1 Online Filing System (OFS)* account holders to these supplementary resource materials is available through the EEOC's dedicated EEO-1 Component 1 data collection website at [www.eeocdata.org/eeo1](http://www.eeocdata.org/eeo1).

The deadline to file the 2023 EEO-1 Component 1 report is **11:00 pm ET (i.e., Eastern Time) on Tuesday, June 4, 2024** (i.e., "Published Due Date"). 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.

**The EEO-1 Component 1 report is a mandatory annual data collection that requires all private sector employers with 100 or more employees, and federal contractors with 50 or more employees meeting certain criteria, to submit workforce demographic data, including data by job category and sex and race or ethnicity, 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 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 41 CFR 60-1.7(a).**