

## EEOC Announces Delay of EEO Data Collections

On May 7, 2020, the U.S. Equal Employment Opportunity Commission (EEOC) announced that it will delay the 2019 EEO-1 Component 1 data collection and the 2020 EEO-3 and EEO-5 data collections due to the COVID-19 public health emergency. The notice was [published in the Federal Register](#) on May 8.

Generally, the equal employment opportunity (EEO) surveys collect data from employers with more than 100 employees, though lower thresholds apply to federal contractors. Filers of the EEO-1, EEO-3 and EEO-5 include private sector employers, local referral unions and public school districts, respectively. The surveys collect various categories of workplace data such as gender, race and ethnicity information which is used by the EEOC for enforcement, self-assessment and research.

The EEOC was planning to open these surveys in 2020, but will now delay collection until 2021. Subject to the approval of the Office of Management and Budget under the Paperwork Reduction Act, the EEOC expects to begin collecting the 2019 and 2020 EEO-1 Component 1 data in March 2021. The EEOC expects to begin collecting the 2020 EEO-3 and the 2020 EEO-5 data in January 2021. With respect to each of these data collections, the EEOC will notify filers of the dates on which the surveys will open as soon as that information is available.

The decision to delay data collections was made in light of the “unique and urgent” issues employers with reporting obligations are facing due to the public health emergency. The EEOC stated in a press release that “[d]elaying the collections until 2021 will ensure that EEO filers are better positioned to provide accurate, valid and reliable data in a timely manner.” The EEOC’s notice published in the Federal Register states that the anticipated 2021 opening of the EEO-1, EEO-3 and EEO-5 data collections will occur at a time “when the agency anticipates that filers will have resumed more normal operations.”

If you have any questions about this Information Memo, please contact [Hannah K. Redmond](#), any of the [attorneys](#) in our [Labor and Employment practice](#) or the attorney in the firm with whom you are regularly in contact.



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