

# EEO-1 Component 2 Reports Are Still Due September 30, But....

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Employers have been furiously working to prepare their EEO-1 Component 2 submissions by the September 30 deadline. Some employers who underestimated the task have asked us whether the EEOC's submission portal will remain open after September 30 in case they are unable to complete their submissions in time. Until now, our response has been "maybe."

However, today the EEOC provided the [following guidance to employers](#):

In a September 27, 2019 Status Report that was filed in the lawsuit discussing post-September 30th activities, the EEOC stated that so long as the Court's order is in effect stating that the collection will not be complete until it reaches what the Court has determined to be the target response rate, the EEOC will continue to accept Component 2 data for 2017 and 2018. The EEOC encourages all filers to submit their data as soon as possible.

In its report to the Court, the EEOC reported that "As of September 25, 2019, 39.7% of eligible filers have completed submission of Component 2 EEO-1 data." The Court's target is a 72.7% filing rate.

Although the response rate is quite low, it is believed that many employers have been waiting until September 30 to file their EEO-1 submissions – because they need more time, see no reason to file early, or are holding out hope for a last minute stay of the requirement (which does not appear to be in the offing – sorry!). Accordingly, although there is fear that the 72.7% response rate may never be hit, employers should not assume it will not be hit on or shortly after September 30. Employers should therefore continue to work to meet the September 30 deadline, but be comforted that it appears likely they will have at least a few more days to make their submissions if necessary.

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- **Guy Brenner**

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