



U.S. Equal Employment Opportunity Commission

[SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Data Collection Instruction Booklet

EEOC Headquarters

131 M Street, NE

Washington, DC 20507



EEO-5 Data Collection

OMB Control Number: 3046-0003

Expiration Date: [TO BE INSERTED BY EEOC UPON
ISSUANCE BY OMB]

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 DATA COLLECTION

Elementary - Secondary Staff Information Report EEOC FORM 168A EEO-5 Report

INSTRUCTION BOOKLET

NOTICE

As discussed in the 30-day Notice published in the Federal Register on December 6, 2024, the EEOC has undertaken several efforts to modernize the agency's data collections and improve the quality of the data collected. Since the creation of the EEOC's Office of Enterprise Data and Analytics (OEDA) in 2018, which administers the agency's EEO data collections, including the EEO-5, OEDA has streamlined functions, such as providing additional self-service options, resource materials, and an online support message center.

As part of its ongoing modernization efforts and in response to feedback from filers in prior collections, OEDA has redesigned the *EEO-5 Instruction Booklet* to better meet the needs of filers. The 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-5 website launched by the EEOC in 2021, the updated Instruction Booklet will serve as a "one-stop-shop" containing important information for new and returning filers.

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OVERVIEW OF THE EEO-5 REPORT

Since 1973, the EEOC has required EEO-5 filers to submit workforce demographic data. All public elementary and secondary school systems and districts 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 their workforce demographic data.

Section 709(c) of Title VII requires employers to make and keep records relevant to the 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.² Pursuant to this statutory authority, the EEOC issued regulations prescribing the reporting and related record retention requirements for public elementary and secondary school systems and districts.³ The regulations require school systems or districts to make or keep all records necessary for completion of an EEO-5 submission and retain those records for three years, and require EEO-5 filers to retain a copy of each filed EEO-5 report for three years. These recordkeeping requirements are part of standard administrative practices, and as a result, the EEOC believes that any impact on burden would be negligible and nearly impossible to quantify. Additionally, the regulations require public elementary and secondary school systems and districts to file executed copies of the EEO-5 in conformity with the directions set forth in the form and accompanying instructions. Under this authority, public elementary and secondary school systems and districts with 100 or more employees are required to report biennially⁴ the number of individuals they employ by activity assignment classification (i.e., job category) and by sex and race or ethnicity.

These data are currently collected electronically by the EEOC through a web-based data collection application (i.e., portal) referred to as the *EEO-5 Online Filing System (OFS)*.⁵ Filers must submit their data electronically to the web-based portal by either manual entry or by uploading a data file. The individual EEO-5 reports are confidential.⁶ EEO-5 data are

¹ 42 U.S.C. 2000e, *et seq.*

² 42 U.S.C. 2000e-8(c).

³ The EEOC's EEO-5 regulation is at 29 CFR Part 1602 Subparts L and M. The EEOC's EEO-5 regulation at 29 CFR Part 1602 Subpart M. § 1602.41 requires eligible public elementary and secondary school systems and districts to file "...in conformity with the directions set forth in the form and accompanying instructions."

⁴ Beginning in 1982, the EEO-5 report has been collected biennially in even-numbered years. Prior to 1982, the EEO-5 report was collected annually.

⁵ EEO-5 filers may access the *EEO-5 Online Filing System (OFS)* through the EEOC's dedicated EEO-5 website at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

⁶ 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. With respect to other federal agencies with a legitimate law enforcement purpose, the EEOC gives access to information collected under Title VII only if the agencies agree in writing to comply with the confidentiality provisions of Title VII. In addition, section 709(d) of Title VII (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

used by the EEOC to investigate charges of employment discrimination against public elementary and secondary school systems and districts and to publish periodic reports on workforce demographics.⁷

INSTRUCTIONS

1. LEGAL BASIS

All public elementary and secondary school systems and districts meeting the eligibility requirements detailed below have a mandatory legal obligation to submit and certify the biennial EEO-5 Report containing required workforce demographic data to the EEOC.⁸ The instructions for submitting and certifying such reports, including the types of data requested and relevant deadlines, are provided here in the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] *EEO-5 Instruction Booklet (Instruction Booklet)*.⁹

2. WHO MUST FILE

Pursuant to 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, all public elementary and secondary school systems and districts with 100 or more employees have a mandatory legal obligation to submit and certify biennial EEO-5 Report containing required workforce demographic data to the EEOC.¹⁰ Public elementary and secondary school systems and districts located within the 50 United States and the District of Columbia as well as in the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and the U.S. Possessions of American Samoa, Guam, Northern Mariana Islands, and Wake Island are eligible to file the EEO-5 Report.

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-5 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-5 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 Any reports the EEOC publishes based on EEO-5 data include only aggregated data that protect the confidentiality of each employer's information, as well as the privacy of each employee's personal information.

⁸ The authorities under which EEO-5 data are collected include Section 709(c) of Title VII and Sections 1602.41-1602.45, Chapter XIV, Title 29 of the Code of Federal Regulations (CFR).

⁹ To further assist filers, the EEOC provides supplementary resource materials (e.g., user's guide; frequently asked questions (FAQs); fact sheet) at the opening of each data collection. Access by registered *EEO-5 Online Filing System (OFS)* account holders choosing to use these supplementary resource materials is available through the dedicated EEO-5 data collection website at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

¹⁰ A school system or district that receives an EEO-5 filing notice from the EEOC but believes it is not required to file must access the *EEO-5 Online Filing System (OFS)* to complete the embedded eligibility screener. If the screener confirms eligibility, the school system or district must follow the prompts to submit and certify the required workforce demographic data. If the eligibility screener indicates the school system or district is ineligible to file, the school system or district must certify that it is ineligible in the *OFS*. Failure to certify ineligibility through the *OFS* will result in future EEO-5 filing notices being sent to the school system or district by the EEOC. Additionally, a school system or district that receives an EEO-5 filing notice from the EEOC but has ceased operations must also access the *EEO-5 Online Filing System (OFS)* to complete the eligibility screener. If the eligibility screener indicates the school system or district is ineligible to file, the school system or district must certify that is ineligible and has ceased operations in the *OFS*. Similarly, failure to certify ineligibility through the *OFS* will result in future EEO-5 filing notices being sent to the school system or district by the EEOC.

Please note the EEOC does not collect workforce demographic data from *private employers, local unions, and state and local governments* through the EEO-5 data collection. Demographic data for these entities are collected through other EEO data collections administered by the EEOC.¹¹ These data collections include the EEO-1 Component 1 Employer Information Report, EEO-3 Local Union Report, and the EEO-4 State and Local Government Report. Please also 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.¹²

2.1 PUBLIC ELEMENTARY AND SECONDARY SCHOOL SYSTEMS AND DISTRICTS¹³

A public elementary or secondary school system or district that is subject to Title VII and that has 100 or more employees employed during the pay period that includes October 1st of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC])¹⁴ has a mandatory legal obligation to submit and certify a biennial EEO-5 Report containing required workforce demographic data to the EEOC.

3. WHEN TO FILE

The [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 data collection is scheduled to open on [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC]. **The deadline to file the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report is [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC].** The final opening and deadline dates will be posted on the EEOC’s dedicated website for its EEO-5 data collection at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] and on the EEOC’s public website at www.eeoc.gov/data/eeo-data-collections. Filers are strongly advised to visit [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] for the latest updates regarding the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 data collection, including any updates regarding the deadline to submit and certify reports.

Once data collection closes for a particular reporting cycle, school systems and districts are not able to correct and/or update any workforce demographic data reported during that data

¹¹ If you are one of these entities but have received an EEO-5 filing notice from the EEOC, please contact the EEO-5 Filer Support Team via the online *Message Center* at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

¹² See <https://nces.ed.gov/ipeds/>.

¹³ Appendix C provides the definition of a “school system or district” for purposes of filing the EEO-5 report.

¹⁴ Workforce demographic data (i.e., employee data by activity assignment classification, sex, and race or ethnicity) submitted by an eligible school system or district must include all Full-Time Staff and Part-Time Staff who were employed during the pay period that includes October 1st (i.e., “workforce snapshot period”) of the reporting year (i.e., [SPECIFIC REPORTING YEAR TO WILL BE INSERTED BY EEOC]). It must also include all Full-Time New Hires who are on the payroll for the first time between July 1st and September 30th of the reporting year (i.e., [SPECIFIC REPORTING YEAR TO WILL BE INSERTED BY EEOC]). Please refer to the section of the Instruction Booklet entitled “Workforce Snapshot Period” for additional information.

collection. Further, a school system or district that fails to submit a required EEO-5 Report during any reporting cycle(s) is not permitted to submit any such reports during subsequent reporting cycle(s). For example, an eligible school system or district that failed to submit a [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report is not permitted to submit that report during the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 data collection cycle.

4. HOW TO FILE

4.1 OVERVIEW

The EEOC requires electronic submission of the EEO-5 Report through a web-based data collection application (i.e., portal) referred to as the *EEO-5 Online Filing System (OFS)*. The *OFS* is accessible at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

All individuals responsible for filing a school system or district's report will be required to have an individual user account associated with their email address to access the *OFS*. To create a new account, visit [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] and select "Create an Account." New account holders for schools and districts that have filed in prior data collections can link their individual user account to the school system or district's record using the school system or district's "Registration ID"¹⁵ and "PIN," which will be sent to them via postal mail prior to the opening of data collection. Account holders for school systems or districts that have never filed before can register a new school system or district by selecting "Add School System or District" on the "My School System or District List" screen. Returning *OFS* account holders can log in using their existing username (i.e., email address) and password. 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. Account holders **must** submit the school system or district's workforce demographic data electronically in the *OFS* through either (1) manual data entry¹⁶ or (2) data file upload.¹⁷ The school system or district's certifying official must then certify the EEO-5 Report in the *OFS*.

The EEOC will only accept EEO-5 reports submitted and certified through the agency's *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-5 filing obligation.

¹⁵ The EEOC Registration ID is normally the school system or district's NCES District ID. This ID previously had been called the "OE Number" in the EEO-5 data collection.

¹⁶ 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-5 Online Filing System (OFS)*.

¹⁷ The "data file upload" option requires uploading a data file using the EEOC's [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] *EEO-5 Data File Upload Specifications* which may be found online at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

As a part of the EEO-5 filing process, individuals responsible for filing a school system or district's EEO-5 Report will complete the following steps.

1. Log in to the *OFS*, either with an existing user account or by creating a new one. See the section entitled "Accessing the *OFS*" for more details.
2. If necessary, add a new or existing school system or district to your account. See the section entitled "Adding an Existing or New School System of District to an Account" for more details.
3. Select a school system or district from the "*My School System or District List*" screen.
4. Confirm the contacts associated with your school system or district. See the section entitled "Adding or Changing a School System or District's Contact(s) or Associated Account(s)" for more details.
5. Confirm information about your school system or district and answer eligibility screener question. See the section entitled "Correcting School System or District's Information in the *OFS*" for more details.
6. If eligible, report your school system or district's workforce demographic data. See the section entitled "Reporting Employee Workforce Demographic Data" for more details.
7. Review your uncertified EEO-5 Report for accuracy. See the section entitled "Review of the EEO-5 Report" for more details.
8. Certify your EEO-5 Report. See the section entitled "Official Certification of Submission" for more details.
9. Save or print a copy of your certified EEO-5 Report. See the section entitled "Saving/Printing a Copy of Submitted/Certified EEO-5 Report" for more details.

The [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] *EEO-5 User's Guide (User's Guide)*, which will be available beginning on [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC] (i.e., the opening of the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 data collection), has additional helpful technical information on how to file an EEO-5 Report within the *OFS* for use by filers if they choose. The supplementary technical User's Guide can be accessed by selecting "Resources" on the "*My School System or District List*" screen within the *OFS* or by clicking the folder icon on the top of the screen.

4.1.1 Saving Entries within the *OFS*

As an account holder advances from one screen to another, the *EEO-5 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."

4.1.2 Finishing Required Filing Steps in the *OFS*

As account holders complete each step of the process on the “School System or District Dashboard” screen, each step will change from “Go →” to “Complete.” After the “Report [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Data (Manual Entry or Data File Upload)” is shown as “Complete,” the “Review [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report” and the “Certify [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report” steps will show the “Go →” button. While optional, school systems and districts should consider reviewing their report for accuracy by selecting “Review [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report.” Once accuracy is confirmed, select “Certify EEO-5 Report” to complete the certification process. Account holders will then proceed to a screen to enter certification comments (optional), “Certifying Official” contact information, and certify the EEO-5 Report. All contacts linked to the school system or district account will receive an email indicating that the EEO-5 Report was certified.

4.2 ACCESSING THE *OFS*

All individuals responsible for filing a school system or district’s EEO-5 Report will be required to have an individual user account associated with their email address to access the *EEO-5 Online Filing System (OFS)*. Account holders **must** submit the school system or district’s workforce demographic data electronically in the *OFS*¹⁸ through either (1) manual data entry¹⁹ or (2) data file upload.²⁰ The school system or district’s certifying official must then certify the EEO-5 Report in the *OFS*.

4.2.1 School System or Districts Filing for the First Time

A new *OFS* user account can be created by visiting [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] and selecting “Create an Account.” 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.

4.2.2 Existing Account Holders for School System or Districts which have Previously Filed

Returning *EEO-5 Online Filing System (OFS)* account holders who created their account during or after the 2020 EEO-5 data collection may log in to the *OFS* by visiting [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] and entering their email address and password. Returning account holders may be prompted to reset their password before proceeding.²¹ Account holders who do not know their password should select “Forgot Password.”

¹⁸ The EEOC will only accept EEO-5 reports 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, flash drive). The EEOC will consider filers submitting reports outside of the *OFS* to be non-compliant for purposes of their mandatory EEO-5 filing obligation.

¹⁹ The “manual data entry” option requires directly entering workforce demographic data into the *OFS*.

²⁰ The “data file upload” option requires uploading a data file that follows EEOC’s *EEO-5 Data File Upload Specifications*, accessed on the EEOC’s dedicated EEO-5 website at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

²¹ Please note that account holders are required to reset their password every 90 days.

4.2.3 New Account Holders for School Systems and Districts which have Previously Filed
Individuals who are newly responsible for filing an EEO-5 Report for their school systems and districts which have previously filed will be required to create an individual user account associated with their email address to access the *EEO-5 Online Filing System (OFS)*. This can be done by visiting [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] 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 a school system or district by selecting “Add School System or District” on the “*My School System or District List*” screen and entering the “Registration ID” and “PIN” provided on the school system or district filing notifications sent via U.S. postal mail and email prior to the opening of the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 data collection.

If an account holder does not have the “Registration ID” and “PIN,” they should obtain this information from their school system or district’s certifying official and enter it into the *OFS*. If the account holder does not have access to the “Registration ID” and “PIN,” they should proceed in the *OFS* to answer a series of additional prompts. If the school system or district has previously filed an EEO-5 Report, the account holder will be taken to a “Change of Contact” form in the *OFS*.²² Account holders will be asked to provide the following details in the “Change of Contact” form:

- First Name, Last Name, Title, Phone Number, and Email Address of the person requesting the change of contact
- School System or District Name
- Registration ID (if known)
- First Name, Last Name, Title, Phone Number, and Email Address of the new school system or district contact
- A verification letter in PDF format on the school system or district’s letterhead from an authorized school system or district representative approving this change (e.g., Superintendent, Chief Education Officer, Chief Executive Officer, Head Administrative Official)

4.3 ADDING AN EXISTING OR NEW SCHOOL SYSTEM OR DISTRICT TO AN ACCOUNT

After successfully logging in to the *EEO-5 Online Filing System (OFS)*, account holders may use the instructions provided in this section to (1) add an existing school system or district to their account, or (2) register a new school system or district. If after following the process outlined below, the school system or district is not listed on the “*My School System or District List*” screen, please contact the Filer Support Team via the online *EEO-5 Message Center*.²³

²² Please note that a “Change of Contact” request must be reviewed by the EEO-5 Filer Support Team and may take up to 5–7 business days to be approved.

²³ After creating an account, users can communicate with the Filer Support Team via the online *EEO-5 Message Center* at

4.3.1 Add an Existing EEO-5 School System or District to Your Account

Account holders may add an existing school system or district to their account by selecting “Add School System or District” on the “*My School System or District List*” screen. When adding an existing EEO-5 school system or district, account holders will follow a series of prompts to: (1) enter the school system or district’s “Registration ID” and “PIN” if they are known, or (2) be taken to a “Change of Contact” form to request access to the school system or district’s profile in the *EEO-5 Online Filing System (OFS)*.²⁴

4.3.2 Adding a New School System or District to Your Account

Account holders may add a new school system or district to their account by selecting “Add School System or District” on the “*My School System or District List*” screen. When adding a new school system or district, account holders will follow a series of prompts to determine a school system or district’s eligibility to file. If eligibility is determined, account holders will be asked to provide the: (1) school system or district’s name and (2) school system or district’s address.

During the new school system or district registration process, account holders will be provided with a “Registration ID” and “PIN.” The “Registration ID” and “PIN” can be shared with other OFS account holders to link their “Individual User Account” with the school system or district profile.

4.4 ADDING OR CHANGING A SCHOOL SYSTEM OR DISTRICT’S CONTACT(S) OR ASSOCIATED ACCOUNT(S)²⁵

As a part of the EEO-5 filing process, filers will review the contacts and accounts associated with the school system or district.

4.4.1 Contacts

Contacts are individual representatives of the school system or district with responsibility for filing and/or certifying the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report. They receive critical communications regarding the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report. If there are multiple contacts, one must be selected as the “Primary Contact.”

4.4.2 Accounts²⁶

[LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] and access supplementary helpful resources, if needed.

²⁴ See the section entitled “New Account Holders for School Systems and Districts which have Previously Filed” for more information about the Change of Contact process.

²⁵ Please note that a school system or district may have more than one contact in the OFS. The EEOC strongly encourages school systems and districts to include more than one contact to ensure the school system or district receives critical notifications about the EEO-5 data collection.

²⁶ If an individual needs to link their *EEO-5 Online Filing System (OFS)* account to a school system or district, they should follow the instructions in the section entitled “Adding an Existing or New School System or District to an Account.”

Individuals listed under Accounts have associated their *EEO-5 Online Filing System (OFS)* account with the school system or district. Individuals added under Accounts will receive instructions and the information needed to associate the school system or district with their account (i.e., the “Registration ID” and “PIN” for this school system or district). Please note that contacts must also be listed in the Accounts section to have access to the school system or district within the *OFS*.

To add a new account, select “Add Account” and fill out the required information. Upon completion, the added individual will receive instructions on how to create an account within the *OFS* if they do not already have one, as well as the “Registration ID” and “PIN” associated with the school system or district. This will provide the user with access to maintain and update the school system or district record.

To unlink an account from the school system or district record, select “Unlink” beside the account holder’s First Name. This will revoke the user’s access to the school system or district record in the *OFS*.

4.5 CORRECTING SCHOOL SYSTEM OR DISTRICT INFORMATION IN THE OFS²⁷

Most school system or district information can be edited in the *EEO-5 Online Filing System (OFS)*. “Registration ID” is the only exception – this cannot be edited by account holders. To update school system or district information, log in to the *OFS*, and select a school system or district from the “My School System or District List” screen. On the “School System or District Dashboard” screen, select the “Confirm School System or District Details” step. Follow the prompts within this step to confirm or update the school system or district information.

4.6 REPORTING EMPLOYEE WORKFORCE DEMOGRAPHIC DATA

The school system or district must submit its workforce demographic data by:

- Manually entering the data into the *EEO-5 Online Filing System (OFS)*, or
- Uploading a data file using the approved [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Data File Upload template.²⁸

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 three sections: (1) Full-Time Staff, (2) Part-Time Staff, and (3) Full-Time New Hires.²⁹ The workforce data reported for Full-Time Staff

²⁷ Please note that once data collection closes for a particular reporting cycle, school systems and districts are not able to retroactively correct and/or update any workforce demographic data reported during that cycle.

²⁸ The “data file upload” option requires uploading a data file that follows EEOC’s EEO-5 Data File Upload Specifications, accessed on the EEOC’s dedicated EEO-5 website at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

²⁹ See “Appendix C” for definitions of Full-Time Staff, Part-Time Staff, and Full-Time New Hires.

and Part-Time Staff *must reflect the pay period that includes October 1st of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]).* The EEO-5 Report separately captures Full-Time New Hires who are on the payroll for the first time between July 1st and September 30th of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]). Please note that these Full-Time New Hires must also be included (i.e., counted) in the Full-Time Staff section if they were on the payroll for the pay period that includes October 1st of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]).

4.6.1 Reporting by Race or Ethnicity

Voluntary self-identification by employees is the preferred method of identifying the race and/or or ethnicity information required for the EEO-5 Report.

The basic principles for race and ethnicity self-identification for purposes of the EEO-5 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 (school systems and districts may adapt this language) to solicit self-identification:

“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.”

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.

Definitions of the race and ethnicity categories used by the EEOC for purposes of EEO-5 reporting are found below in Appendix B of the *Instruction Booklet*. Instructions for assigning employees into these categories are also provided in Appendix B.³⁰

³⁰ Please note that race and ethnicity designations, as used by the EEOC for the EEO-5 report, do not denote scientific definitions of anthropological origins. In addition, such designations do not control who is protected by Title VII’s prohibitions against employment discrimination based on race or national origin.

4.6.2 Reporting by Sex

The EEO-5 data collection currently provides only binary options (i.e., male or female) for reporting employee counts by sex, activity assignment classification, 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), activity assignment classification and race or ethnicity in the “comments” of the appropriate section of the *OFS* (i.e., “Full-Time Staff,” “Part-Time Staff,” “Full-Time New Hires”). Employers that voluntarily choose to report non-binary employees in the “Comments” of the appropriate section of the *OFS* (i.e., “Full-Time Staff,” “Part-Time Staff,” “Full-Time New Hires”) should not assign such employees to the male or female categories or any other categories (i.e., activity assignment classification and race or ethnicity) within the report.

For employers that *voluntarily* choose to provide demographic data for their non-binary employees, they may do so in the “comments” of the appropriate section of the *OFS* (i.e., “Full-Time Staff,” “Part-Time Staff,” “Full-Time New Hires”).³¹ Please follow the instructions in the above section of the *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” of the appropriate section of the *OFS* (i.e., “Full-Time Staff,” “Part-Time Staff,” “Full-Time New Hires”) with the phrase “Additional Non-Binary Employee Data.” For example:

“Additional Non-Binary Employee Data: 1 non-binary employee in activity assignment classification Principals; Race/Ethnicity: White (Not Hispanic or Latino). 3 non-binary employees in activity assignment classification Guidance; 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).”³²

4.6.3 Reporting by Activity Assignment Classification

³¹ For example, a school system or district that has a total of 500 full-time employees and is voluntarily reporting 2 of those employees as non-binary in “Section F: Full-Time Staff Comments” should show an employee count of 498 full-time employees in “Section E: Workforce Demographic Data – Full-Time Staff” (i.e., less the 2 non-binary employees reported in the Section F). Also, please note that the voluntary reporting of non-binary employees does *not* impact the employee threshold for EEO-5 reporting purposes. For example, if a school system or district has a total of 100 full-time and part-time employees, of which 2 are voluntarily reported as non-binary in the comments, the school system or district is still required to file even though the total number of employees on the school system or district’s full-time and part-time “Workforce Demographic Data” would reflect only 98 employees.

³² Please note that filers voluntarily choosing to provide such data through the data file upload option *must* ensure that any comments submitted do not contain any commas. See “Field [SPECIFIC FIELD TO BE INSERTED BY EEOC]” in the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] Data File Upload Specifications.

The activity assignment classifications used by the EEOC for purposes of EEO-5 reporting are found below in Appendix A. Each activity assignment classification includes a brief description of the skills and training required for occupations in that classification. The examples provided are illustrative and not intended to be exhaustive of all job titles in an activity assignment classification. These activity assignment classifications are primarily based on the average skill level, knowledge, and responsibility involved in each occupation within the activity assignment classification. School systems and districts should select the classification that best reflects the job function performed by each employee.

Filers should report employees having multiple activity assignment classifications, such as teacher-counselor or similar combinations, in the activity assignment classification in which they spend at least 51 percent of the time. If the employee spends exactly 50 percent of the time in each of two activity assignment classifications, report the employee in the more critical classification. If the time is distributed among more than two activity assignment classifications, report the employee as full-time in the classification in which the employee spends the major portion of their time or in the more critical classification if the time is evenly distributed.

4.6.4 Manual Data Entry

Once a school system or district gathers the counts for each combination of activity assignment classification, sex, and race or ethnicity for Full-Time Staff, Part-Time Staff, and Full-Time New Hires, it can enter the data manually into the data grid using this option.

4.6.5 Data File Upload

This method is recommended if your Human Resources Information or Payroll Software can generate a file in the correct format. Please review the EEOC's [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] *EEO-5 Data File Upload Specifications*, available under the "Resources" screen within the *EEO-5 Online Filing System (OFS)*, before uploading a file.

4.6.6 Workforce Snapshot Period

Workforce demographic data (i.e., employee data by activity assignment classification, sex, and race or ethnicity) must include all Full-Time Staff **and** Part-Time Staff who were employed during the pay period that includes October 1st of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]). The EEO-5 Report separately captures Full-Time New Hires who are on the payroll for the first time between July 1st and September 30th of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]). These Full-Time New Hires must also be included (i.e., counted) in the Full-Time Staff section if they were on the payroll for the pay period that includes October 1st of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]).

For each part of Section E (i.e., Workforce Demographic Data), employees must be counted

by sex and race or ethnicity within the specified activity assignment classification.³³ Each employee must be counted in **only one** of the activity assignment classification, sex, and race or ethnicity classifications.

If a Full-Time (or Part-Time) employee was employed during the pay period that includes October 1st of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]), then the school system or district **must** include the employee in its Full-Time (or Part-Time) reporting even if the employee resigned or was terminated during or after this pay period. If the Full-Time (or Part-Time) employee was employed **at any time** during this pay period, then the employee must be reported. A school system or district is not required to report Full-Time (or Part-Time) employees who were **not** employed at any time during the pay period that includes October 1st of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]).

If a Full-Time New Hire was on the payroll for the first time between July 1st and September 30th of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]), then the school system or district **must** include the employee in its Full-Time New Hire reporting even if the employee resigned or was terminated during or after this period. If the Full-Time New Hire was on the payroll **at any time** during this period, then the employee must be reported. A school system or district is not required to report employees who were **not** a Full-Time New Hire for the first time between July 1st and September 30th of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]).

4.7 REVIEW OF THE EEO-5 REPORT

As a part of the EEO-5 filing process, filers can download and preview an *uncertified* EEO-5 Report prior to certification. This step is optional but **strongly encouraged**. If any changes to the EEO-5 Report are necessary prior to certification, filers can return to the applicable step above to do so.

4.8 OFFICIAL CERTIFICATION OF SUBMISSION

Once a school system or district's report has been completed, the name and contact information for the school system or district's "Certifying Official" and the school system or district's "Primary Point of Contact (POC) for EEO-5 Reporting" (i.e., "Primary POC") for receiving communications from the EEOC regarding the report must be provided in the *OFS*.³⁴ 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

³³ See *Appendix A* below for descriptions of the activity assignment classifications.

³⁴ School systems and districts are permitted to have the same individual serve as both the "Certifying Official" and the "Primary Point of Contact (POC) for EEO-5 Reporting" (i.e., "Primary POC") for the school system or district's "Official Certification of Submission." However, the individual serving as the "Certifying Official" **must** be an official (i.e., employee) of the school system or district.

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.”

Please note that if a school system or district fails to complete the **final** step to certify its EEO-5 Report within the *EEO-5 Online Filing System (OFS)*, the status of the school system or district’s filing will be considered “incomplete” by the EEOC.³⁵ Any school system or district 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 school system or district certify its submission in order to complete the required filing.

4.9 SAVING/PRINTING A COPY OF SUBMITTED/CERTIFIED EEO-5 REPORT

After certification, the “School System or District Dashboard” screen will display “Thank you for completing the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report.” Account holders may save and/or print a PDF copy of their submitted and certified EEO-5 Report by selecting “↓ Report” on this screen.

If you have completed the certification step prior to the end of the data collection period and find an error in your EEO-5 Report, select “Decertify” and make the required edits. After correcting errors, you **must** repeat the steps outlined above to recertify the EEO-5 Report.³⁶ Any school system or district 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 school system or district certify its submission in order to complete the required filing.

4.9.1 Accessing Prior Year Filed Reports

Historic EEO-5 Reports will be available in the *EEO-5 Online Filing System (OFS)* for all reports filed beginning with the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 data collection.³⁷ Select the school system or district in the “My School System or District List” screen to access the “School System or District Dashboard,” and click on “Historic EEO-5 Reports” to download any available report from prior years.

5. OFS REQUIRED FILING INFORMATION

As part of the EEO-5 filing process, in addition to submitting workforce demographic data if required to do so, a school system or district is required to provide certain identifying

³⁵ Please note that even if the school system or district has submitted data for its required report, the filing will not be considered complete by the EEOC until the school system or district certifies its submission in the *EEO-5 Online Filing System (OFS)*.

³⁶ Even if the school system or district has submitted data for its required report, the filing will not be considered complete by the EEOC until the school system or district re-certifies its submission in the *EEO-5 Online Filing System (OFS)*.

³⁷ Report availability is dependent on the school system or district’s filing history.

information about the school system or district within the *EEO-5 Online Filing System (OFS)*. The school system or district must also complete a set of questions to determine whether it meets the eligibility requirements to submit EEO-5 workforce demographic data.

The information provided by a school system or district in the sections and sub-sections discussed below will be included in the final, certified, downloadable EEO-5 Report generated by the *OFS*.³⁸ Please note that all school systems and districts may preview and review uncertified PDF versions of their reports prior to the school system or district's official certification of submission to the EEOC.

5.1 SECTION A: SCHOOL SYSTEM OR DISTRICT IDENTIFICATION

This section contains identifying information about the school system or district, including the school system or district's name, address, and "Registration ID." The "Registration ID" is a unique, seven-character *EEO-5 Online Filing System (OFS)* identification number associated with each school system or district. It is assigned by the EEOC.

5.2 SECTION B: SCHOOL SYSTEM OR DISTRICT FILING ELIGIBILITY

As part of the EEO-5 filing process, school systems and districts must answer an eligibility question within the *EEO-5 Online Filing System (OFS)* to determine if they are legally required to submit workforce demographic data to the EEOC.³⁹ A school system or district must complete the entire EEO-5 Report if it answers "Yes" to the following eligibility question:

"For the pay period that includes October 1st of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]), did your school system or district have 100 or more employees? This includes both full-time and part-time employees."

If the school system or district answers "No" to this question, it is still **required** to submit a

³⁸ Appendix D of the Instruction Booklet contains a "sample" of an EEO-5 report generated by the EEOC's *EEO-5 Online Filing System (OFS)*. Filers are *not* permitted to submit EEO-5 workforce demographic data using this sample. The EEOC requires electronic submission of EEO-5 reports through the *OFS*, the agency's web-based data collection application (i.e., portal). The *OFS* is accessible at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR]. The EEOC will only accept an EEO-5 report 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-5 filing obligation.

³⁹ The specific eligibility requirements for filing are discussed in detail in the above section of the Instruction Booklet entitled "WHO MUST FILE." Please note that a school system or district that receives an EEO-5 filing notice from the EEOC but believes it is not required to file must access the *EEO-5 Online Filing System (OFS)* to complete the embedded eligibility screener. If the screener confirms eligibility, the school system or district must follow the prompts to submit and certify the required workforce demographic data. If the eligibility screener indicates the school system or district is ineligible to file, the school system or district must certify that it is ineligible in the *OFS*. Failure to certify ineligibility through the *OFS* will result in future EEO-5 filing notices being sent to the school system or district by the EEOC. Additionally, a school system or district that receives an EEO-5 filing notice from the EEOC but has ceased operations must also access the *EEO-5 Online Filing System (OFS)* to complete the eligibility screener. If the eligibility screener indicates the school system or district is ineligible to file, the school system or district must certify that it is ineligible and has ceased operations in the *OFS*. Similarly, failure to certify ineligibility through the *OFS* will result in future EEO-5 filing notices being sent to the school system or district by the EEOC.

[SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report certifying its ineligibility.

5.3 SECTION C: SCHOOL SYSTEM OR DISTRICT INFORMATION ON OCTOBER 1

As a part of the EEO-5 filing process, the school system or district must enter general statistics about the reporting school system or district, including:

- Total Number of Schools Operated on October 1
- Total Number of Annexes Operated on October 1
- Total Enrollment on October 1

5.4 SECTION D: WORKFORCE SNAPSHOT PERIOD (FULL-TIME AND PART-TIME STAFF)

This section captures the start date and end date for the selected pay period that includes October 1st of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]) that is used for reporting Full-Time Workforce Demographic Data in Section E and Part-Time Workforce Demographic Data in Section G.

5.5 SECTIONS E – J: WORKFORCE DEMOGRAPHIC DATA

This section contains the school system or district's workforce demographic data (i.e., employee data by activity assignment classification, sex, and race or ethnicity).^{40,41} 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 workforce demographic data for all personnel employed by the school system or district for: (1) Full-Time Staff, (2) Part-Time Staff, and (3) Full-Time New Hires.

5.5.1 Data to Be Reported

5.5.1.1 Section E: Workforce Demographic Data – Full-Time Staff⁴²

The *Full-Time Staff* section must include workforce demographic data for all full-time employees employed *during the pay period that includes October 1st of the reporting year* (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]), except for certain elected and appointed officials. These are the staff members who work for the school system or

⁴⁰ As discussed in the above section entitled "REPORTING BY SEX," the EEO-5 data collection currently provides only binary options (i.e., male or female) for reporting employee counts by sex, activity assignment classification, and race or ethnicity. However, school systems and districts 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), activity assignment classification and race or ethnicity in the "Comments" of the appropriate section of the *OFS* (i.e., "Full-Time Staff," "Part-Time Staff," "Full-Time New Hires"). School systems and districts that voluntarily choose to report non-binary employees in the "Comments" of the appropriate section of the *OFS* (i.e., "Full-Time Staff," "Part-Time Staff," "Full-Time New Hires") should not assign such employees to the male or female categories or any other categories (i.e., activity assignment classification and race or ethnicity) within the report. For additional information on the voluntary reporting of non-binary employees, please refer to the above section entitled "REPORTING BY SEX."

⁴¹ See Appendix C for the definition of "Employee."

⁴² See Appendix C for more details on the definition of "Full-Time Staff."

district for the whole day every day (excluding temporary and substitute employees). If an employee is employed on a full-time basis by the school system or district but assigned to one or more schools on a part-time basis in each, that employee must be reported as a full-time employee in this section.

5.5.1.2 Section F: Full-Time Staff Comments

After entering workforce demographic data for Full-Time Staff, filers may include optional comments, explanations, or other pertinent information regarding the data provided.

5.5.1.3 Section G: Workforce Demographic Data – Part-Time Staff

The *Part-Time Staff* section must include workforce demographic data for all part-time employees employed *during the pay period that includes October 1st of the reporting year* (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]) who are usually engaged for less than the regular full-time work week, except for certain elected and appointed officials.⁴³ Do not include temporary or substitute employees. If an employee is employed on a full-time basis by the school system or district but assigned to one or more schools on a part-time basis in each, that employee must be reported as a full-time employee.

5.5.1.4 Section H: Part-Time Staff Comments

After entering workforce demographic data for Part-Time Staff, filers may include optional comments, explanations, or other pertinent information regarding the data provided.

5.5.1.5 Section I: Workforce Demographic Data – Full-Time New Hires (July 1 Through September 30)

The *Full-Time New Hires* section must include workforce demographic data for all full-time new hires who are on the payroll for the first time between July 1 and September 30 of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]), except for certain elected and appointed officials.⁴⁴ Specifically, Full-Time New Hires refers to employees who were hired for the first time or after a break in service for full-time employment by the school system or district.

Do not report as a Full-Time New Hire an employee who has been on sabbatical or any other type of leave that is not considered a break in service. Additionally, employees with a change in activity assignment classification or a promotion should not be reported as Full-Time New Hires. Please note that these Full-Time New Hires must also be included (i.e., counted) in the Full-Time Staff section if they meet the requirements of that section and are on the payroll for the pay period that includes October 1st of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]).

⁴³ See Appendix C for more details on the definition of “Part-Time Staff.”

⁴⁴ See Appendix C for more details on the definition of “Full-Time New Hires.”

5.5.1.6 Section J: Full-Time New Hire Comments

After entering workforce demographic data for Full-Time New Hires, filers may include optional comments, explanations, or other pertinent information regarding the data provided.

5.6 SECTION K: OFFICIAL CERTIFICATION OF SUBMISSION

This section will appear in the PDF version of the school system or district's EEO-5 Report generated by the *EEO-5 Online Filing System (OFS)*.

Please note that if a school system or district fails to complete the **final** step to certify its EEO-5 Report within the *OFS*, the status of the school system or district's filing will be considered "incomplete" by the EEOC.⁴⁵ Any school system or district 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 school system or district certify its submission in order to complete the required filing. This section contains the following information:

5.6.1 Certification Comments (optional)⁴⁶

A school system or district may provide the EEOC with any final comments regarding its submission in this section. Any comments provided will be populated in this section. If no comments are submitted, "No Certification Comments Provided" will be populated in this section.

5.6.2 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,

⁴⁵ Please note that even if the school system or district has submitted data for its required report, the filing will not be considered complete by the EEOC until the school system or district certifies its submission in the *EEO-5 Online Filing System (OFS)*.

⁴⁶ As discussed in the above section of the Instruction Booklet entitled "REPORTING BY SEX," the EEO-5 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, school systems and districts 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), activity assignment classification and race or ethnicity in the "Comments" of the appropriate section of the *OFS* (i.e., "Full-Time Staff," "Part-Time Staff," "Full-Time New Hires"). School systems and districts that voluntarily choose to report non-binary employees in the "Comments" of the appropriate section of the *OFS* (i.e., "Full-Time Staff," "Part-Time Staff," "Full-Time New Hires") should not assign such employees to the male or female categories or any other categories (i.e., activity assignment classification and race or ethnicity) within the report. For additional information on the voluntary reporting of non-binary employees, please refer to the above section of the Instruction Booklet entitled "REPORTING BY SEX."

Title 18, Section 1001.”

5.6.3 Date of Certification

The *EEO-5 Online Filing System (OFS)* will automatically generate the month, day, year, and time (e.g., [DATE WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR] 9:00 AM) that the submission was certified by the school system or district in the OFS.

5.6.4 School System or District Certifying Official

The individual serving as the “Certifying Official” **must** be an official (i.e., employee) of the school system or district.

This 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

5.6.5 Primary Point of Contact (POC) for EEO-5 Reporting

In addition to a “Certifying Official,” a school system or district must also provide a “Primary Point of Contact (POC) for EEO-5 Reporting” (i.e., “Primary POC”) for receiving communications from the EEOC regarding the report. A school system or district may choose the same individual to serve as both its “Certifying Official” and “Primary Point of Contact (POC) for EEO-5 Reporting” (i.e., “Primary POC”). Alternatively, a school system or district may provide a different individual to be its “Primary Point of Contact (POC) for EEO-5 Reporting” (i.e., “Primary POC”). However, the “Certifying Official” **must** be an official (i.e., employee) of the school system or district.

6. FAILURE TO FILE

The deadline to file the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report is **11:00 pm ET (i.e., Eastern Time) on [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC]** (i.e., “Published Due Date”).

Following the **Tuesday, [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC]** “Published Due Date” deadline, the EEOC will enter the “Failure to File” phase. All school systems and districts who have **not submitted and certified** their mandatory [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report by the **[SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC]** “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 [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC]** (i.e., “Failure to File” deadline).

After the **Tuesday, [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC]** “Failure to File” deadline passes, **no** additional [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 reports will be accepted, and eligible school systems and districts will be **out of compliance** with their mandatory [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 filing obligations. Pursuant to EEOC regulation 29 CFR 1602.43, any school system or district “failing or refusing” to file report EEO-5 when required to do so may be compelled to file by order of a U.S. district court, upon application of the Commission or the Attorney General.⁴⁷

7. APPLICATION FOR UNDUE HARDSHIP EXEMPTION⁴⁸

The EEOC’s EEO-5 regulation at 29 CFR Part 1602 Subpart M. § 1602.41 requires eligible public elementary and secondary school systems and districts to file “...in conformity with the directions set forth in the form and accompanying instructions.” Pursuant to 29 CFR § 1602.44, if a school system or district claims that the preparation or filing of the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report would create undue hardship, the school system or district may apply to the Commission for an exemption by submitting a written exemption application pursuant to the directions contained herein.⁴⁹

The school system or district must demonstrate how the preparation or filing of the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 Report would create undue hardship in the written exemption application.⁵⁰ Please note that while an application is pending, the applicant (i.e., school system or district) must continue to collect and prepare the data required for the report in case the exemption request is denied.

All exemption applications **must** be submitted in writing and sent to the following mailing address:

U.S. Equal Employment Opportunity Commission (EEOC)
Attention: Office of Enterprise Data and Analytics (OEDA)
131 M Street NE
Washington, DC 20507

⁴⁷ See 29 CFR § 1602.44.

⁴⁸ 29 CFR § 1602.41 requires eligible public elementary and secondary school systems and districts to file “in conformity with the directions set forth in the form and accompanying instructions.” For purposes of the [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 data collection, the instructions for submitting an exemption application are provided in this section of the Instruction Booklet.

⁴⁹ Please note that a Notice of Proposed Rulemaking (NPRM) was published in the Federal Register on October 11, 2024, in which the EEOC proposes to amend its regulations regarding recordkeeping and reporting requirements. See <https://www.federalregister.gov/documents/2024/10/11/2024-23327/recordkeeping-and-reporting-requirements-under-title-vii-the-ada-gina-and-the-pwfa>. Specifically, the NPRM proposes to delegate authority for making determinations on hardship exemption applications, to set forth the procedure for applying for exemptions, and to provide a non-exhaustive list of criteria for considering exemption applications.

⁵⁰ Please note that an application for an undue hardship exemption is for consideration of an exemption from filing a school system or district’s mandatory EEO-5 report. It is **not** an application for an extension of either the “Published Due Date” deadline or the final “Failure to File” deadline.

Exemption applications must be postmarked on or before the following date: [SPECIFIC DATE FOR EACH COLLECTION CYCLE WILL BE INSERTED BY EEOC]. Only exemption applications submitted according to the above instructions will be accepted for consideration.⁵¹ Filers are not permitted to submit an exemption application via email or through the *EEO-5 Online Filing System (OFS)*. Additionally, any exemption applications postmarked **after** the above date will not be considered.

8. CONFIDENTIALITY

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 specific school system or district or reveal any individual employee's personal information.

With respect to other federal agencies with a legitimate law enforcement purpose, the EEOC gives access to information collected under Title VII only if the agencies agree in writing to comply with the confidentiality provisions of Title VII. In addition, section 709(d) of Title VII (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-5 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-5 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.

9. BURDEN ESTIMATE

Comments regarding the burden associated with the collection of [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC] EEO-5 data under the Paperwork Reduction Act (PRA),⁵² including suggestions for reducing burden, may be submitted at any time to either the EEOC or the Office of Management and Budget (OMB) at the following mailing addresses:

U.S. Equal Employment Opportunity Commission (EEOC)
Attention: Office of Enterprise Data and Analytics (OEDA)

⁵¹ Please note that applications submitted to EEOC field offices or other offices within EEOC headquarters will **not** be considered.

⁵² The full text of the OMB regulations on the PRA may be found at 5 CFR Part 1320.

**131 M Street NE
Washington, DC 20507**

OR

**Paperwork Reduction Act (3046-0003
Office of Management and Budget
Washington, DC 20503**

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APPENDIX A: ACTIVITY ASSIGNMENT CLASSIFICATIONS

A.1 DESCRIPTION OF ACTIVITY ASSIGNMENT CLASSIFICATIONS

The activity assignment classifications are listed below. Any examples shown below are illustrative and not intended to be exhaustive of all titles in an activity assignment classification.

A.2 FULL-TIME STAFF

Officials, Administrators, Managers (1): These are occupations requiring administrative personnel who set broad policies (not elected or appointed officials), exercise overall responsibility for the execution of these policies, or direct individual departments or special phases of the school system or district operations. Include in this category: superintendent of schools; deputy, associate, and assistant superintendent of schools; school business officials; directors and administrators of district-wide programs; and other professional administrative staff. *DO NOT include principals, assistant principals, or supervisors of instruction.* Non-professional supervisors of service workers, skilled crafts, and laborers should be reported (i.e., counted) in their corresponding categories.

Principals (2): Staff members performing the assigned activities of the administrative head of their respective schools (not school systems or districts) to whom has been delegated responsibility for the coordination and direction of the activities of the school.

Assistant Principals, Teaching (3): Staff members who in addition to assisting the head of a school (normally the principal) in performing the activities of directing and managing schools are also engaged in instructing pupils in courses in classroom situations.

Assistant Principals, Non-Teaching (4): Staff members who perform only the professional activities of assisting the head of a school (normally the principal) in directing and managing a school.

Elementary (5), Secondary (6), and Other (7) Classroom Teachers: Staff members assigned the professional activities of instructing pupils in courses in classroom situations for which daily pupil attendance figures for the school system are kept. Include in this category music, band, physical education, home economics teachers, etc. as classroom teachers if they teach full-time at a school campus. Report classroom teachers separately for elementary, secondary, and other. Use the local school system's definition of elementary and secondary. If a teacher has responsibility at both the elementary and secondary levels, report the teacher at one level only. *DO NOT report the teacher at both the elementary and secondary levels.* "Other Classroom Teachers" applies to full-time classroom teachers who teach ungraded classes and who have not been reported in the elementary or secondary classroom teacher categories.

Guidance (8): Staff members who are responsible for advising pupils with regard to their abilities and aptitudes, educational and occupational opportunities, personal and social adjustments, etc.

Psychological (9): Include only the following individuals: psychologists, psychometrics, psychiatrists, and psychological/social workers who are engaged in providing psychological-evaluative services to pupils for placement purposes regardless of the amount of time spent in this activity. All other professionals engaged in the placement of pupils should be reported in their most pertinent category, such as Officials/Administrators/Managers, Guidance, Other Professional Staff, etc.

Librarians/Audiovisual Staff (10): Librarians include staff members responsible for organizing and managing school libraries. Audiovisual personnel include staff members responsible for preparing, caring for, and making available to instructional programs the equipment, materials, scripts, and other aids which assist teaching and learning through special appeal to the senses of sight and hearing (e.g., a director of audiovisual services, scriptwriter, etc.)

Consultants and Supervisors of Instruction (11): Staff members performing activities of leadership, guidance, and expertise in the field of specialization for the purpose of improving the performance of teachers and other instructional staff members.

Other Professional Staff (12): Staff members performing some instructional or related function on a full-time basis who cannot be properly classified for reporting in other professional assignments, such as non-classroom teachers who may be: (a) teaching homebound students, (b) teaching through correspondence, (c) teaching through radio or television from a studio, (d) providing instruction for exceptional pupils released from regular classes for short periods of time, and/or (e) instructing pupils in non-course (co-curricular) activities. Include persons engaged in psychotherapy and other mental health services such as psychiatrists or psychologists who are not reported in the psychological activity assignment (see "Psychological (9)" above). Also include professional non-instructional staff (not officials/administrators, etc.), such as physicians, dentists, speech therapists, school social workers, community workers, attendance officers, attorneys, architects, engineers, registered professional nurses, and other professional non-instructional personnel.

Teacher Aides (13): Staff members performing assigned activities which are not classified as professional educational, but who assist a staff member in performing professional-educational teaching assignments. Include all personnel working with students on a regularly scheduled basis: (a) under the direct supervision of a classroom teacher, or (b) under the direct supervision of a staff member performing professional-educational-teaching assignments. In other words, aides who participate on a regularly scheduled basis in the formal education effort directed toward the student and/or whose impressions of student educational progress or needs may contribute to the formal

authorized educational evaluation of students should be classified as Teacher Aides.

Teacher Aide Examples:

Librarian aide

- A librarian aide who functions to fulfill particular educational needs of specific students on a regularly scheduled basis should be counted as a Teacher Aide.
- A librarian aide who functions essentially as a clerical or physical aide to the librarians and whose contact with particular students is casual or irregular should be counted in the Librarian and Audiovisual activity assignment classification.

Playground aide

- A playground aide who has been advised by the professional staff of the particular educational needs of specific children and who regularly directs efforts toward meeting these needs should be counted as a Teacher Aide.
- A playground aide whose prime function is custodial should be counted in the “Service Workers” activity assignment classification.

Technicians (14): Occupations requiring a combination of knowledge and manual skill which can be obtained through about two years of post-high school education, such as is offered in many technical institutes and junior colleges, or through equivalent, on-the-job training. Includes: computer programmers and operators; film inspectors; projectionists; graphic artists; drafters; engineering aides; non-teaching-related mathematical aides; licensed, practical, or vocational nurses; dietitians; photographers; radio operators; scientific assistants; technical illustrators; technicians (medical, dental, electronic, physical sciences); and similar occupations which cannot be properly classified in other activity assignment classifications.

Administrative Support Workers (15): Occupations requiring skills and training in all clerical-type work, including activities such as preparing, transcribing, systematizing, or preserving written communications, and reports, and/or operating such mechanical equipment as bookkeeping machines, typewriters, and tabulating machines. Include bookkeepers, messengers, office machine operators, clerk typists, stenographers, statistical clerks, payroll clerks, and kindred workers.

Service Workers (16): Staff members performing a service for which there are no formal qualifications, including paraprofessionals and nonsupervisory personnel in cafeteria or transportation work. Include also custodial workers or others with the responsibility for cleaning the buildings of school plants or supporting service facilities; maintenance and operating such equipment as heating and ventilating systems; preserving the security of school property; and keeping the school plant safe for occupancy and use. Such activities may include cleaning, sweeping, disinfecting, heating, lighting, moving furniture, keeping school entrances appropriately locked or unlocked, keeping such facilities as fire escapes and panic bars in working order, and guard duties.

Skilled Crafts (17): Occupations in which workers perform jobs that require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, and kindred workers.

Laborers and Helpers (18): Staff members who perform manual labor not classified in another activity assignment classification. Include garage laborers, car washers and greasers, gardeners and groundskeepers, and/or activities such as lifting, digging, mixing, loading, and pulling operations.

A.3 PART-TIME STAFF

Professional Instructional (20): Include all *part-time staff* using the definitions in the following activity assignment classifications (see section A.2 above): Principals (2); Assistant Principals, Teaching (3); Assistant Principals, Non-Teaching (4); Elementary Classroom Teachers (5); Secondary Classroom Teachers (6); Other Classroom Teachers (7); Guidance (8); Psychological (9); Librarians/Audiovisual Staff (10); Consultants and Supervisors of Instruction (11); and Other Professional Staff (12).

All Other (21): Include all *part-time staff* in using the definitions in the following activity assignment classifications (see section A.2 above): Officials, Administrators, Managers (1); Teacher Aides (13); Technicians (14); Administrative Support Workers (15); Service Workers (16); Skilled Crafts (17); and Laborers and Helpers (18).

A.4 FULL-TIME NEW HIRES

Officials, Administrators, Managers (23): Include all *full-time new hires* using the definitions in the following activity assignment classification (see section A.2 above): Officials, Administrators, Managers (1).

Principals/Assistant Principals (24): Include all *full-time new hires* using the definitions in the following activity assignment classifications (see section A.2 above): Principals (2); Assistant Principals, Teaching (3); and Assistant Principals, Non-Teaching (4).

Classroom Teachers (25): Include all *full-time new hires* using the definitions in the following activity assignment classifications (see section A.2 above): Elementary Classroom Teachers (5); Secondary Classroom Teachers (6); and Other Classroom Teachers (7).

Other Professional Staff (26): Include all *full-time new hires* using the definitions in the following activity assignment classifications (see section A.2 above): Guidance (8);

Psychological (9); Librarians/ Audiovisual Staff (10); Consultants and Supervisors of Instruction (11); and Other Professional Staff (12).

Nonprofessional Staff (27): Include all full-time new hires using the definitions in the following activity assignment classifications (see section A.2 above): Teacher Aides (13); Technicians (14); Administrative Support Workers (15); Service Workers (16); Skilled Crafts (17); and Laborers and Helpers (18).

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APPENDIX B: RACE AND ETHNICITY CATEGORIES

B.1 DEFINITIONS OF RACE AND ETHNICITY CATEGORIES⁵³

B.1.1 Hispanic or Latino

A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

B.1.2 White

A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

B.1.3 Black or African American

A person having origins in any of the black racial groups of Africa.

B.1.4 Native Hawaiian or Other Pacific Islander

A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

B.1.5 Asian

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.

B.1.6 American Indian or Alaska Native

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.

B.1.7 Two or More Races

All persons who identify with more than one of the above five races (White, Black or African American, Native Hawaiian or Other Pacific Islander, Asian, American Indian or Alaska Native). For the purposes of this group, identifying as Hispanic or Latino and only one of the listed 5 race groups does NOT qualify.

⁵³ Please note that on March 28, 2024, OMB published revisions, the first since 1997, to its Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.” See <https://spd15revision.gov/>. The revisions include, for example, using a single combined race and ethnicity question and adding Middle Eastern or North African (MENA) as a new minimum reporting category. Federal agencies, including the EEOC, are required to bring their data collections into compliance with these standards by March 28, 2029. Because the EEOC’s current EEO-5 PRA clearance expires January 31, 2025, the agency is not proposing updates to its collection of race and ethnicity data under this Notice in order to provide filers with sufficient notice of the revised standards and to give the EEOC sufficient time to implement the revisions across its EEO collections.

B.2 INSTRUCTIONS FOR ASSIGNING EMPLOYEES INTO THE RACE/ETHNICITY CATEGORIES

B.2.1 Hispanic or Latino

Include all employees who answer “YES” to the question, “Are you Hispanic or Latino?” in the appropriate category for both males and females as indicated.

B.2.2 White (Not Hispanic or Latino)

Include all employees who identify as White and no other race, and who did not answer “YES” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

B.2.3 Black or African American (Not Hispanic or Latino)

Include all employees who identify as Black or African American and no other race, and who did not answer “YES” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

B.2.4 Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)

Include all employees who identify as Native Hawaiian or Other Pacific Islander and no other race, and who did not answer “YES” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

B.2.5 Asian (Not Hispanic or Latino)

Include all employees who identify as Asian and no other race, and who did not answer “YES” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

B.2.6 American Indian or Alaska Native (Not Hispanic or Latino)

Include all employees who identify as American Indian or Alaska Native and no other race, and who did not answer “YES” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

B.2.7 Two or More Races (Not Hispanic or Latino)

Include all employees who identify with more than one of the above five races, and who did not answer “YES” to the question “Are you Hispanic or Latino?” for both males and females as indicated in the appropriate category.

APPENDIX C: DEFINITIONS

“Account Holder” refers to an individual who has access to the *EEO-5 Online Filing System (OFS)* via a user account associated with their email address.

“Certifying Official” refers to the official (i.e., employee) designated by a school system or district to certify the school system or district’s EEO-5 Report submission to the EEOC. The “Certifying Official” will certify to the following 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.” The individual serving as the “Certifying Official” **must** be an official (i.e., employee) of the school system or district.

“Commission” refers to the U.S. Equal Employment Opportunity Commission (EEOC).

“EEO-5 Online Filing System (OFS)” refers to the web-based application (i.e., portal) used to electronically collect EEO-5 data by the EEOC.

“Employee” refers to a person employed by a school system or district. This term shall not include any person elected to public office in a State or political subdivision of a State by the qualified voters thereof, or any person appointed by such officer to be on such officer’s personal staff, or an appointee at the policy-making level, or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. However, this exemption shall not include employees subject to the civil service laws of a State government, government agency, or political subdivision.

“Enrollment” refers to the total number of students registered in a given school unit at a given time, generally in the fall of a year.

“Full-Time New Hires” refer to persons who were hired for the first time or after a break in service for full-time employment by the particular school system or district and who appear on the payroll for the first time between July 1st and September 30th of the reporting year. This term does not include an employee who has been on sabbatical or any other type of leave that is not considered a break in service. Additionally, employees with a change in activity assignment classification or a promotion should not be reported as Full-Time New Hires.

“Full-Time Staff” refer to persons employed on a full-time basis during the pay period that includes October 1st of the reporting year. These are the staff members who work for the school system or district for the whole day every day (excluding temporary and substitute employees). If an employee is employed on a full-time basis by the school system or district

but assigned to one or more schools on a part-time basis in each, that employee must be reported as a Full-Time Staff in this section.

“My School System or District List” refers to a section in the *EEO-5 Online Filing System (OFS)* that lists the school system or district associated with a user account.

“New Account Holders” refers to account holders created as part of the current reporting year’s collection.

“OEDA (Office of Enterprise Data and Analytics)” refers to the office within the EEOC which administers the agency’s EEO data collections, including the EEO-5.

“OFS” is an abbreviated reference to the *“EEO-5 Online Filing System (OFS).”*

“Part-Time Staff” refer to persons employed during the pay period that includes October 1st of the reporting year who are usually engaged for less than the regular full-time work week. Do not include temporary or substitute employees. If an employee is employed on a full-time basis by the school system or district but assigned to one or more schools on a part-time basis in each, that employee is not Part-Time Staff; instead, they must be counted as Full-Time Staff.

“Point of Contact” refers to an individual designated by the school system or district to receive communications from the EEOC. The EEOC strongly encourages school systems and districts to include more than one individual as a point of contact to ensure the school systems and districts receives critical notifications.

“Primary Point of Contact (POC) for EEO-5 Reporting” refers to the individual designated within the *EEO-5 Online Filing System (OFS)* as the “Primary Point of Contact (POC) for EEO-5 Reporting” (i.e., “Primary POC”) for receiving communications from the EEOC regarding the report. In addition to a “Certifying Official,” school systems and districts must provide a “Primary POC.” School systems and districts may choose the same individual to serve as both the school system or district’s “Certifying Official” and the “Primary POC.” Alternatively, a school system or district may provide a different individual to be its “Primary POC.” However, the “Certifying Official” **must** be an employee of the school system or district.

“Registration ID” refers to a unique, alphanumeric, seven-character identifier that corresponds to a school system or district in the *EEO-5 Online Filing System (OFS)*.

“Returning Users” refers to EEO-5 account holders who had a user account during a previous reporting year (i.e., cycle).

“School” refers to a division of the school system or district consisting of a group of pupils in one or more grade groups organized as a unit with one or more teachers to give instruction of a defined type and housed in a school plant of one or more buildings.

“School System or District” refers to the political jurisdiction, or a dependent agency of a political jurisdiction charged with the responsibility for the operation of elementary and/or secondary schools within given geographic boundaries.

“School System or District Dashboard” refers to a page in the *EEO-5 Online Filing System (OFS)* that displays a particular school system or district’s details, shows the various actions and milestones required to complete the EEO-5 Report, and makes reports from previous reporting years available.

“Workforce Snapshot Period” refers to the pay period that includes October 1st of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]). Workforce demographic data (i.e., employee data by activity assignment classification, sex, and race or ethnicity) must include all Full-Time Staff **and** Part-Time Staff who were employed during the Workforce Snapshot Period of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]). Full-Time New Hires who are separately captured on the EEO-1 (see definition of Full-Time New Hires, above) must also be included (i.e., counted) in the Full-Time Staff section if they were on the payroll for the pay period that includes October 1st of the reporting year (i.e., [SPECIFIC REPORTING YEAR WILL BE INSERTED BY EEOC]).

Employees must be counted by sex and race or ethnicity within the specified activity assignment classifications. Each employee must be counted in **only one** of the activity assignment classification, sex, race, and ethnicity classifications. If an employee was employed during the selected workforce snapshot period, then the school system or district **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. A school system or district is not required to report employees who were **not** employed at any time during the selected workforce snapshot period.

APPENDIX D: SAMPLE EEO-5 REPORT

NOTICE:

SAMPLE EEO-5 Report

This is a “sample” EEO-5 Report generated by the EEOC’s *EEO-5 Online Filing System (OFS)*. Filers are **not** permitted to submit EEO-5 workforce demographic data using this sample. The EEOC requires electronic submission of an EEO-5 Report through the *OFS*, the agency’s web-based data collection application (i.e., portal). The *OFS* is accessible at [LINK WILL BE INSERTED BY EEOC FOR EACH DATA COLLECTION YEAR].

The EEOC will only accept EEO-5 Reports 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-5 filing obligation.

DRAFT FOR OMB REVIEW

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 20YY ELEMENTARY-SECONDARY STAFF INFORMATION REPORT (EEO-5) Public Elementary and Secondary School Systems and Districts										EEOC Form 168A Revised: MM/20YY OMB Control Number: 3046-0003 Expiration: MM/DD/20YY					
SECTION A: SCHOOL SYSTEM OR DISTRICT IDENTIFICATION															
REGISTRATION ID [REGISTRATION ID]					NAME OF SCHOOL SYSTEM OR DISTRICT [NAME OF SCHOOL SYSTEM OR DISTRICT]										
STREET ADDRESS [Address 1] [Address 2]			CITY [City]			STATE [State]			ZIP CODE [ZIP]						
SECTION B: SCHOOL SYSTEM OR DISTRICT FILING ELIGIBILITY															
<input type="checkbox"/> YES (Eligible to File)		<input type="checkbox"/> No (Consolidated)		<input type="checkbox"/> No (Closed)		<input type="checkbox"/> No (Other): [REASON_OTH]									
SECTION C: SCHOOL SYSTEM OR DISTRICT INFORMATION ON OCTOBER 1															
TOTAL NUMBER OF SCHOOLS OPERATED [SCHOOL_TOT]				TOTAL NUMBER OF ANNEXES OPERATED [ANNEX_TOT]				TOTAL ENROLLMENT [ENROLL_TOT]							
SECTION D: WORKFORCE SNAPSHOT PERIOD (FULL-TIME AND PART-TIME STAFF)															
START DATE [WSP_START_DATE]					END DATE [WSP_END_DATE]										
SECTION E: WORKFORCE DEMOGRAPHIC DATA - FULL-TIME STAFF															
Activity Assignment Classification	Hispanic or Latino		Not Hispanic or Latino											Row Total	
	Male	Female	Male						Female						
			White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaska Native	Two or More Races	White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaska Native		Two or More Races
1. Officials, Administrators, Managers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2. Principals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3. Assistant Principals (Teaching)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4. Assistant Principals (Non-Teaching)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5. Elementary Classroom Teachers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6. Secondary Classroom Teachers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7. Other Classroom Teachers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8. Guidance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9. Psychological	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10. Librarians/ Audiovisual Staff	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11. Consultants and Supervisors of Instruction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12. Other Professional Staff	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13. Teacher Aides	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14. Technicians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15. Administrative Support Workers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16. Service Workers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17. Skilled Crafts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18. Laborers and Helpers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
19. TOTAL (1 - 18)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SECTION F: FULL-TIME STAFF COMMENTS (optional)															
[COMMENTS_FT]															

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION										EEOC Form 168A					
20YY ELEMENTARY-SECONDARY STAFF INFORMATION REPORT (EEO-5)										Revised: MM/20YY					
Public Elementary and Secondary School Systems and Districts										OMB Control Number: 3046-0003					
REGISTRATION ID										NAME OF SCHOOL SYSTEM OR DISTRICT					
[REGISTRATION ID]										[NAME OF SCHOOL SYSTEM OR DISTRICT]					
SECTION G: WORKFORCE DEMOGRAPHIC DATA – PART-TIME STAFF															
Activity Assignment Classification	Hispanic or Latino		Not Hispanic or Latino										Row Total		
	Male	Female	Male						Female						
			White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaska Native	Two or More Races	White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander		American Indian or Alaska Native	Two or More Races
20. Professional Instructional	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21. All Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
22. TOTAL (20 – 21)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SECTION H: PART-TIME STAFF COMMENTS (optional)															
[COMMENTS_PT]															
SECTION I: WORKFORCE DEMOGRAPHIC DATA – FULL-TIME NEW HIRES (JULY 1 THROUGH SEPTEMBER 30)															
Activity Assignment Classification	Hispanic or Latino		Not Hispanic or Latino										Row Total		
	Male	Female	Male						Female						
			White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaska Native	Two or More Races	White	Black or African American	Asian	Native Hawaiian or Other Pacific Islander		American Indian or Alaska Native	Two or More Races
23. Officials, Administrators, Managers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
24. Principals/Assistant Principals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
25. Classroom Teachers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
26. Other Professional Staff	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
27. Nonprofessional Staff	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
28. TOTAL (23 – 27)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SECTION J: FULL-TIME NEW HIRES COMMENTS (optional)															
[COMMENTS_FTNH]															

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 20YY ELEMENTARY-SECONDARY STAFF INFORMATION REPORT (EEO-5) <i>Public Elementary and Secondary School Systems and Districts</i>		EEOC Form 168A Revised: MM/20YY OMB Control Number: 3046-0003 Expiration: MM/DD/20YY
REGISTRATION ID [REGISTRATION ID]	NAME OF SCHOOL SYSTEM OR DISTRICT [NAME OF SCHOOL SYSTEM OR DISTRICT]	
SECTION K: OFFICIAL CERTIFICATION OF SUBMISSION		
CERTIFICATION COMMENTS (optional) [CERT_COMM]		
CERTIFICATION STATEMENT 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. Knowingly and willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001		
DATE OF CERTIFICATION [CERT_DATE]		
SCHOOL SYSTEM OR DISTRICT CERTIFYING OFFICIAL		
NAME [CERT_OFF_NAME]	TITLE [CERT_OFF_TITLE]	
EMAIL [CERT_OFF_EMAIL]	TELEPHONE NUMBER [CERT_OFF_TEL]	
PRIMARY POINT OF CONTACT (POC) FOR EEO-5 REPORTING		
NAME [POC_NAME]	TITLE [POC_TITLE]	
EMAIL [POC_EMAIL]	TELEPHONE NUMBER [POC_TEL]	