

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL WOMEN'S LAW CENTER, et)	
al.)	
)	
Plaintiffs,)	
)	Civil Action No. 17-2458 (TSC)
v.)	
)	
OFFICE OF MANAGEMENT AND)	
BUDGET, et al. ¹)	
)	
Defendants.)	

**DEFENDANT EEOC'S REPORT OF STEPS TO IMPLEMENT
THE EEO-1 COMPONENT 2 DATA COLLECTION:
SUBMITTED MAY 3, 2019**

On April 25, 2019, the Court ordered Defendant Equal Employment Opportunity Commission (EEOC) to provide a status report outlining the steps taken since March 4, 2019, in furtherance of the collection of EEO-1 Component 2 data and those expected to be taken in the next three weeks. *See* ECF No. 71 at 2 and n. 1. In response to the April 25 Order, Defendant EEOC submits the following report to Plaintiffs and the court.

Activities Since March 4, 2019

In early March, 2019, EEOC staff in the Office of Enterprise Data and Analytics (OEDA) began gathering information on the feasibility, timing, and cost of the immediate collection of Component 2 data. This included consultation among agency personnel, as well as informal conversations with potential contractors to discuss the work needed to accomplish the data collection. In concert with the EEOC Office of the Chief Financial Officer (OCFO) and in consultation with the Office of the Acting Chair (OCH) and the Office of Legal Counsel (OLC),

¹ Pursuant to Rule 25(d), Paul Ray, in his official capacity as Acting Administrator of the Office of Information and Regulatory Affairs (“OIRA”), is substituted for Neomi Rao, in her former official capacity as Administrator of OIRA.

OEDA developed timelines and budget estimates for the collection of Component 2 data, with a priority being the procurement of a contractor to perform the work.

EEOC staff in OEDA and OCFO, in consultation with the EEOC's leadership, its Office of Information Technology (OIT), and OLC attorneys, prepared a Performance Work Statement describing the needs of the agency to accomplish the collection of Component 2 data by September 30, 2019; drafted a limited-source justification demonstrating why noncompetitive ordering procedures were necessary; drafted technical evaluation criteria; and developed the independent Government cost estimate for a contract to collect EEO-1 Component 2 data for calendar year 2018. The EEOC then issued a Request for Quotation for the Component 2 collection and reviewed and evaluated the quotation proposal of NORC at the University of Chicago. The contract to collect Component 2 data for calendar year 2018 by September 30, 2019, was awarded to NORC on May 1, 2019. After the contract was awarded, OEDA and OCFO began preparations to execute a modification to that contract to include collection of 2017 Component 2 data as well.

Additionally, as directed by this Court in its April 25 Order, the EEOC posted two statements on its website, www.eeoc.gov, on April 29, 2019, and May 2, 2019. The first announced the reinstatement of the revised EEO-1, including the collection of Component 2 data, and advised employers of their obligation to submit Component 2 data for calendar year 2018 by September 30, 2019. The second stated that employers should plan to submit 2017 Component 2 data by September 30, 2019, along with the 2018 data. Similar notices were published in the Federal Register; the first was published on May 1, 2019, and the second was published today (May 3, 2019).

The EEOC today is also posting a statement on its website informing EEO-1 filers that the notice of appeal filed today has no effect on the requirement that they submit 2017 and 2018 EEO-1 Component 2 data by September 30, 2019.

Activities Anticipated from May 4, 2019 – May 24, 2019

During the next three weeks the EEOC is planning to work with NORC to draft and execute a modification to the contract to include the collection of 2017 Component 2 data from employers by September 30, 2019, including preparing a Performance Work Statement and developing an independent Government cost estimate.

The EEOC also plans to work with NORC to implement the contract to collect Component 2 data. As part of that implementation, the EEOC and NORC plan to participate in a kick off meeting. In close consultation with the EEOC, NORC will begin to develop a Project Management

Plan that will include detailed planning for executing the contract. The EEOC will provide clarification as needed in response to questions raised by NORC regarding the draft work plan at an in-person meeting with NORC and will review NORC's draft Project Management Plan. The EEOC plans to begin scheduling bi-weekly meetings with the NORC team, in addition to frequent ongoing communications, and expects to participate in the first of these meetings in the next three weeks.

In the next three weeks, the EEOC plans to oversee preparation and planning for the launch of the NORC email and phone helpdesk to assist filers with questions and concerns about the collection of Component 2 data for 2017 and 2018. The EEOC anticipates that the helpdesk will launch sometime in the next three weeks.

Finally, in the next three weeks, the EEOC plans to assist NORC in drafting Component 2 data training materials for data collection contractor staff, and to begin review of the draft training materials.

Status: The EEOC is currently on track to open the Component 2 data collections for calendar years 2017 and 2018 from July 15, 2019 through September 30, 2019.

Commission Updates

Further, the Government would like to update the Court as to the operations of the Commission more generally. Yesterday, the Majority Leader filed cloture on the nomination of Janet Dhillon to be a Member of the Commission, and a vote on her confirmation may occur as early as next week. If the nominee is confirmed, we will notify the Court.