



FACT SHEET HOW TO REPORT AN ACQUISITION, SPINOFF, OR MERGER (i.e., ASM)

NOTICE

Employers (i.e., filers) should read the newly updated [2022 EEO-1 Component 1 Instruction Booklet](#) prior to and in conjunction with using the below “fact sheet.” Filers must ensure they are complying with the EEOC’s substantive filing requirements detailed in the Instruction Booklet and should not refer solely to this “fact sheet” to complete their required 2022 EEO-1 Component 1 filing. The 2022 EEO-1 Component 1 Instruction Booklet may be accessed at the following link on the EEOC’s dedicated EEO-1 Component 1 website (www.eeocdata.org/eeo1): https://www.eeocdata.org/pdfs/2022_EEO_1_Component_1_Instruction_Booklet.pdf.

If an employer has experienced an acquisition, spinoff, or merger since the last EEO-1 Component 1 reporting cycle, **the employer must utilize the “Report Acquisition, Spinoff, or Merger” module in the EEO-1 Component 1 Online Filing System (OFS) to report any changes to the EEOC.** The module will provide filers detailed guidance on how to accurately report such changes within the OFS. The OFS may be accessed on the EEOC’s dedicated EEO-1 Component 1 website at www.eeocdata.org/eeo1.

In addition, answers are provided below to a series of frequently asked questions (FAQs) regarding the filing responsibilities of employers that experienced an acquisition, spinoff, or merger since the last EEO-1 Component 1 reporting cycle.

As a general matter, when a company completes an acquisition, spinoff, or merger and does not have access to all or part of the required 2022 EEO-1 Component 1 data for an acquired, spun off, or former company, employers must note this in the “Certification Comments” within the OFS. Employers should preface any such comments with the phrase “Additional ASM Information:”. Following this phrase, an employer must provide a statement identifying the company (companies) and/or establishments for which the employer does not have data as well as an explanation detailing why such data are not accessible for reporting purposes.

Filing Responsibilities of New Companies Created as the Result of a Merger

If a company/employer merged with another company/employer to create a new company/employer, certain filing obligations apply depending on when the merger was completed.



Merger Completed *before or during the Fourth Quarter* (i.e., October 1 through December 31) of the Reporting Year (i.e., 2022)

If the merger was completed *before or during* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2022) and the new company otherwise meets the filing eligibility requirements, the new company is responsible for submitting 2022 EEO-1 Component 1 data under a new “OFS Company ID” provided by the EEOC through the *EEO-1 Component 1 Online Filing System* (OFS).

Merger Completed *after the Fourth Quarter* (i.e., October 1 through December 31) of the Reporting Year (i.e., 2022)

If the merger was completed *after* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2022) and the new company otherwise meets the filing eligibility requirements *and has access* to 2022 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year for one or more of the companies that merged, the new company is responsible for submitting 2022 EEO-1 Component 1 data under a new “OFS Company ID” provided by the EEOC through the *EEO-1 Component 1 Online Filing System* (OFS).

If the newly created company is eligible to file *and does not have access* to 2022 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year for one or more of the companies that merged, the newly created company should note this in the “Certification Comments” within the OFS.

Filing Responsibilities of Companies which Acquired Another Company

If a company/employer acquired another company/employer, certain filing obligations apply depending on when the acquisition was completed.

Acquisition Completed *before or during the Fourth Quarter* (i.e., October 1 through December 31) of the Reporting Year (i.e., 2022)

If the acquisition was completed *before or during* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2022) and the acquiring company otherwise meets the filing eligibility requirements, the acquiring company is responsible for submitting 2022 EEO-1 Component 1 data for itself and the newly acquired company.

Acquisition Completed *after the Fourth Quarter* (i.e., October 1 through December 31) of the Reporting Year (i.e., 2022)

If the acquisition was completed *after* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2022) and the acquiring company otherwise meets the filing eligibility requirements *and has access* to 2022 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year for the acquired company, the acquiring company is responsible for submitting 2022 EEO-1 Component 1 data for itself and the newly acquired company.



If the acquiring company is eligible to file *and does not have access* to 2022 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year for the acquired company, the acquiring company should note this in the “Certification Comments” within the OFS.

Filing Responsibilities of Companies which Completed a Spinoff

If a company/employer was spun off from another company/employer (e.g., a parent company), certain filing obligations apply depending on when the spinoff was completed.

Spinoff Completed *before or during the Fourth Quarter* (i.e., October 1 through December 31) of the Reporting Year (i.e., 2022)

If the spinoff was completed *before or during* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2022) and the spun off company otherwise meets the filing eligibility requirements, the spun off company is responsible for submitting 2022 EEO-1 Component 1 data for itself under its own “OFS Company ID.”

Spinoff Completed *after the Fourth Quarter* (i.e., October 1 through December 31) of the Reporting Year (i.e., 2022)

If the spinoff was completed *after* the fourth quarter (i.e., October 1 through December 31) of the reporting year (i.e., 2022) and the spun off company otherwise meets the filing eligibility requirements *and has access* to its 2022 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year, the spun off company is responsible for submitting 2022 EEO-1 Component 1 data for itself under its own “OFS Company ID.”

If the spun off company is eligible to file *and does not have access* to its 2022 EEO-1 Component 1 data for a workforce snapshot period from the fourth quarter of the reporting year, the spun off company should note this in the “Certification Comments” within the OFS.

EEOC 2022 EEO-1 Component 1 Data Collection

All updates about the 2022 EEO-1 Component 1 data collection, including the updated **2022 EEO-1 Component 1 Instruction Booklet** and the updated **2022 EEO-1 Component 1 Data File Upload Specifications**, are available on the EEOC’s dedicated EEO-1 Component 1 website at www.eeocdata.org/eeo1.

To further assist filers, the EEOC provides supplementary resource materials (e.g., user’s guide; frequently asked questions (FAQs); fact sheets; mini help desk guides; video tutorials) at the opening of each data collection. Access by registered *EEO-1 Component 1 Online Filing System* (OFS) account holders to these supplementary resource materials is available through the EEOC’s dedicated EEO-1 Component 1 data collection website at www.eeocdata.org/eeo1.



The deadline to file the 2022 EEO-1 Component 1 report is **Tuesday, December 5, 2023** (i.e., “Published Due Date”). Following the **Tuesday, December 5, 2023** “Published Due Date” deadline, the EEOC will enter the “Failure to File” phase. All employers who have *not submitted and certified* their mandatory 2022 EEO-1 Component 1 report(s) by the **Tuesday, December 5, 2023** “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 Tuesday, January 9, 2024* (i.e., “Failure to File” deadline). After the **Tuesday, January 9, 2024** “Failure to File” deadline passes, *no* additional 2022 EEO-1 Component 1 report(s) will be accepted, and eligible employers will be *out of compliance* with their mandatory 2022 EEO-1 Component 1 filing obligations.

The EEO-1 Component 1 report is a mandatory annual data collection that requires all private sector employers with 100 or more employees, and federal contractors with 50 or more employees meeting certain criteria, to submit workforce demographic data, including data by job category and sex and race or ethnicity, to the EEOC. The authorities under which EEO-1 Component 1 data are collected include: Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, *et seq.*, and Sections 1602.7-1602.14, Chapter XIV, Title 29 of the Code of Federal Regulations (CFR); Exec. Order No. 11246, 30 FR 12319 (Sept. 24, 1965) and 40 CFR 60-1.7(a).