

Employers Who File EEO-1 Reports Must Provide Pay Data to EEOC by September 30

by Aaron Goldstein

The EEOC has long required employers with more than 100 employees or employers that are federal contractors with 50 or more employees to submit an EEO-1 report every year. The EEO-1 is a compliance survey that requires company employment data to be categorized by race or ethnicity, gender, and job category.

On April 25, 2019, the U.S. District Court for the District of Columbia ruled that employers covered by EEO-1 reporting requirements must submit their pay data information to the EEOC by September 30, 2019.

The court ruled that two years of employers' pay data will be required. It has given the EEOC a deadline of May 3, 2019 to decide whether, in addition to 2018 pay data, 2017 pay data will be required by September 30, or 2019 pay data will be required by March 31, 2020. With regard to 2018 pay data, the EEOC is expected to provide more specific reporting requirements by April 29, 2019. Component 1 information still must be submitted by May 31.

In 2016, the Obama administration proposed adding the new pay data component, which was part of an effort to quantify pay disparities among races and sexes. The Office of Management and Budget approved the proposal at that time. See our 2016 alert [here](#).

However, the Trump Administration rolled back the rule, citing the Paperwork Reduction Act, which directs federal agencies not to overload businesses with paperwork. Various groups sued, and in March 2019, U.S. District Court Judge Tanya S. Chutkan reinstated the pay data collection requirement. On April 25, 2019, Judge Chutkan confirmed that the deadline for employers to provide pay data information is September 30, 2019.

Employers should be aware of this new reporting requirement and refer to the EEOC website for more updated information in the next few weeks. Because it is still unclear what the EEOC will do with the information, it is also a good opportunity for employers to reevaluate their pay practices and address any pay discrepancies in their reported data.

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