

# Trump Administration Suspends Rule to Require Employers to Report Payroll Data to Government

by Jack Sullivan

The Trump Administration has suspended 2016 regulations that would have required larger employers and federal contractors to report payroll data to the federal government along with the demographic data that they now must submit.

While the suspension for now is temporary, the administration also ordered a full review of the payroll-data regulations that could result in the regulations being rewritten or revoked outright.

The suspension applies only to the new rules that addressed pay data. It does not affect the long-standing rules requiring private employers with 100 employees or more and most federal contractors with 50 or more employees to submit information about employees' race and gender. That information must still be reported on the version of the Employer Information Report ("EEO-1") Form used in 2016 and earlier. **The deadline for 2017 reports is March 31, 2018.**

**Background:** In January 2016, the Equal Employment Opportunity Commission ("EEOC") released an Obama Administration plan to add payroll-earnings data to the demographic information that employers and contractors had previously report on the Employer Information Report ("EEO-1") Form. The EEOC also adopted a new EEO-1 Form to allow employers to gather and submit the data. The goal was to identify and address instances in which men and women and persons of different races and ethnicities earn different wages for the same work.

**What happened:** On August 29, 2017, the Office of Management and Budget ("OMB") informed the EEOC that it will review the effectiveness of the pay-data collection plan and was immediately suspending the implementation of the 2016 plan until the review was completed. Among other things, the OMB said it was concerned that the 2016 plan would be unnecessarily burdensome on employers and raised privacy concerns.

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