

Administration Halts New EEO-1 Pay Data Requirements

By Jessica Summers

Summary: The Office of Management and Budget (OMB) has stayed the Equal Employment Opportunity Commission's (EEOC) new pay data reporting requirements pending OMB's review. This means that the prior version of the EEO-1, that employers are familiar with from last year's filing, will remain in effect for the 2017 filing year.

As we previously reported, shortly before the end of the Obama Administration, the EEOC made the controversial decision to modify the EEO-1 form and require employers with more than 100 employees to provide summary pay data by race, gender and ethnicity. Previously, the EEO-1 only collected data about employees' race, gender, ethnicity and job categories. In light of the new pay data requirements, the deadline for the 2017 EEO-1 was extended by six months to March 31, 2018.

With the change of Administration and the EEOC short two Commissioners, there was uncertainty as to whether the new reporting requirements would be pulled or changed before the March 31 filing deadline. **Any doubt was resolved last night when the EEOC announced that OMB has initiated a review of the new pay data requirements and that the new requirements will be indefinitely stayed pending that review.**

As the result of the stay, while the the March 31, 2018 filing deadline will remain in effect, covered employers will only be required to report data about employees' race, gender, ethnicity and job categories – using the same version of the EEO-1 that they have in prior years. Covered employers are those with 100 or more employees (or that are owned by or corporately affiliated with another company and the entire enterprise has over 100 employees), or those that have 50 or more employees AND have prime contracts or first-tier subcontracts with the federal government that exceed \$50,000.