

Implementation of EEOC's Revised Employer Information Report (EEO-1 Form) on Hold

AUGUST 31, 2017

On August 29, 2017, the Office of Management and Budget (OMB) initiated an immediate stay of the pay data collection requirements contained within the Equal Employment Opportunity Commission's (EEOC) revised Employer Information Report (EEO-1 Form). As a result of this action, covered employers may continue to utilize the same EEO-1 Form they utilized last year. The deadline for submission of the EEO-1 Form will be March 31, 2018.

As we previously reported, the OMB approved the EEOC's revised EEO-1 Form on September 29, 2016. See our prior briefings [EEOC Approves Revised EEO-1 Form – Requiring Employers to Annually Disclose Employee Pay Data](#) and [EEOC Publishes Revised Proposed Rule Requiring Disclosure of Compensation Data](#). The revised EEO-1 Form would have required private employers with 100 or more workers (and federal contractors with 50 or more workers) to submit pay data for their employees by the new filing deadline of March 31, 2018 (which remains in place following the OMB's action).

In its memorandum to the EEOC announcing the action, the OMB explained that since the OMB's approval of the EEO-1 Form on September 29, 2016, the EEOC has released data file specifications for employers to use in submitting EEO-1 data that were not provided to the public for comment and were not included in the EEOC's initial estimate of the burden the revised EEO-1 Form would place on employers. More critically, the OMB stated that the EEOC's collection of pay data lacks practical utility, is unnecessarily burdensome, and does not adequately address privacy and confidentiality issues. The OMB directed the EEOC to publish a formal notice in the Federal Register announcing the stay and confirming that covered employers may use the previously approved EEO-1 Form to meet their reporting obligations for the 2017 fiscal year.

In response to the OMB's memorandum, Victoria Lipnic, Acting Chair of the EEOC, issued a statement advising employers that, as a result of the stay, they may continue to utilize the previously approved EEO-1 Form. Ms. Lipnic also reiterated the EEOC's commitment to pay equity and stated that the EEOC would evaluate the OMB's order and the EEOC's options going forward.

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