

**Labor & Employment Alert
April 2019**

**Federal Judge Reinstates EEO-1 Pay Data Collection Reporting
Requirements**

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The Equal Employment Opportunity Commission (“EEOC”) announced in 2016 that it would begin collecting summary employee pay data from large employers starting in March 2018. The EEOC initiated this reporting requirement in order to assist in investigations of pay discrimination. The data was to be collected through a revised version of the annual Employer Information Report, known as the EEO-1. In 2017, before the new data reporting requirements took effect, the Office of Management and Budget (“OMB”) initiated a review of the EEOC’s decision to collect pay data and halted implementation of the new requirement.

In a case filed in the United States District Court for the District of Columbia, the National Women’s Law Center challenged the stay of the new EEO-1 form and collection of summary pay data. In a decision filed on March 4, 2019, the Court lifted the OMB’s stay of the data collection requirement. The court determined that OMB failed to demonstrate good cause for implementing the stay and found that the decision to do so was arbitrary and capricious. This decision reinstates the requirement for large employers to report summary pay data through the EEO-1 reporting process.

The EEOC released the EEO-1 for reporting of 2018 information on March 18, 2019 but did not include in the form any summary employee pay data requirements. The current due date for the 2018 EEO-1 reporting is Friday, May 31, 2019. It is not yet clear if summary pay data will be required for 2018, or if the requirement will be postponed to the 2019 EEO-1 report. The EEOC may also decide to further delay the reporting deadline to accommodate collection of summary data information.

Further updates will be sent regarding pay data collection reporting requirements as more information becomes available.

*This Alert was drafted by Sarah Spatafore and Rachel Mills.
If you have any questions about this issue, please contact Attorney Spatafore
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