

# EEO-1 Pay Data Deadline Reinstated

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All private employers with a workforce of 100 or more who are subject to Title VII must now submit 2017 and 2018 pay data to the Equal Employment Opportunity Commission by September 30. The reinstatement results from a March 4 ruling by Washington, D.C., District Court Judge Tanya Chutkan in *National Women's Law Center v. Office of Management and Budget*, Civ A. No. 17-cv-2458 (D.D.C.). Importantly, the "Component 2" pay data report is not limited to employers who are federal contractors. With the reinstatement of the revised EEO-1 report, subject employers now have two 2019 compliance deadlines: May 31 for the traditional EEO-1 report, including race/ethnicity and gender reporting in each of the 10 occupational categories, and September 30 for the wage and hour/pay data report. In addition to the information required by the traditional EEO-1 Report, the Component 2 report adds a reporting requirement of total annual hours worked for those same employees in each pay band and snapshot pay data within those 12 defined pay bands. The EEOC is prohibited by statute from publishing the employment data derived from the EEO-1 reports prior to the institution of any Title VII proceeding, other than as non-employer-specific aggregate data. As for the timing and logistics of the Component 2 report, the Commission released the following statement:

*The EEOC expects to begin collecting EEO-1 Component 2 data for calendar years 2017 and 2018 in mid-July, 2019, and will notify filers of the precise date the survey will open as soon as it is available. On May 3, 2019, the Department of Justice filed a Notice of Appeal in *National Women's Law Center*. The filing of this Notice of Appeal does not stay the district court orders or alter EEO-1 filers' obligations to submit Component 2 data. EEO-1 filers should begin preparing to submit Component 2 data as described above.<sup>1</sup>*

While employers should begin collecting pay data for their employees for a pay period of their choice between October 1 and December 31 of each of the required years, they should likewise wait until the EEOC releases its July guidance for specific logistical details. Given the constant state of flux surrounding the collection and reporting requirements, it is advisable for employers to wait until closer to the September deadline before making any filings. Before filing, employers should also take care to review the data collected and search for any potential disparities that need correcting. Any such review should be performed under attorney client privilege.

***Click here to view this article in its entirety, including timelines of EEO-1 Component 2 History.***

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<sup>1</sup><https://www.eeoc.gov/>

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