

What's Dinkin Thinkin'?

Court Issues Ruling to Reinstate EEOC's Collection of Pay Data as Part of EEO-1 Report Filing

On March 4, 2019, the U.S. District for the District of Columbia issued a ruling (Civil Action No. 17-cv-2458 (TSC)) reinstating the EEOC's collection of pay data as part of the EEO-1 Report filing. The revised EEO-1 form provided that employers with 100 or more employees to report W-2 wage information and total hours worked for all employees by race, ethnicity, and sex within 12 proposed pay bands.

The pay data collection requirement was originally slated to go into effect on March 31, 2018, until the OMB decided to eliminate the pay data collection portions of the revised EEO-1 Report. That decision prompted a lawsuit by the National Women's Law Center and the Labor Counsel for Latin American Advancement against the OMB and the EEOC.

In its decision, the Court concluded that the OMB's action staying the EEOC's pay data collection tool was effectively improper, and so the court reinstated the requirement. Even though it is anticipated that the decision will be appealed, in the short-term, the current EEO-1 Report filing deadline is May 31, 2019 and the filing did not envision the collection of pay data. It would appear reasonable to expect the EEOC to issue a statement about the ruling and provide guidance regarding the implementation date of the pay data collection component of the EEO-1 Report. It is highly unlikely that employers would be required to provide the required pay data during the May 31st reporting cycle – but stay tuned for more information on this subject.

[Please share your thoughts!](#)

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