

CLIENT ALERT

EEOC Announces it will Require both 2017 and 2018 W-2 Data By September 30, 2019 . . . But the Saga Continues

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The government took two significant steps on Friday regarding the battle over the EEO-1 pay data. Most notably, in response to Judge Tanya Chutkan's recent ruling, the EEOC issued a Rule requiring employers with 100 or more employees and federal contractors with 50 or more employees to file "Component 2" W-2 earnings data for calendar year 2017 by September 30, 2019. This requirement is in addition to the mandate that such employers submit "Component 2" W-2 data for calendar year 2018 by that same date. The EEOC stated that it believes its portal will be open to receive such filings by mid-July 2019. On the same day, the Department of Justice filed a notice of appeal of Judge Chutkan's ruling, so the fight over the EEO-1 pay data requirements will continue. However, the appeal *does not* stay Judge Chutkan's ruling, so employers should prepare to file both 2017 and 2018 data by September 30th and should stay tuned, as this saga continues.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

Kris D. Meade

Partner – Washington, D.C.
Phone: +1 202.624.2854
Email: kmeade@crowell.com

Rebecca L. Springer

Partner – Washington, D.C.
Phone: +1 202.624.2569
Email: rspringer@crowell.com