

CLIENT ALERT

Some Clarity at Last – Employers Must Submit EEO-1 Pay Data by September 30

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After weeks of uncertainty following a D.C. District Court decision that the EEOC must reinstate the EEO-1 compensation data collection requirements put on hold by the Trump administration, the Court has now accepted the EEOC's proposal regarding the timing for the data collection, confirming that all covered employers must submit the pay data by September 30. The Court also ordered the EEOC to collect a second year of data, but left it to the Agency whether it will require employers to submit 2019 data (in 2020), or require employers to go back in their records and submit data based on a payroll date from 2017. The Court ordered the EEOC to make that decision by May 3, 2019.

The data submission requires employers to submit W-2 wage information and hours-worked information for all employees by race and gender within each EEO-1 Category and 12 government-defined wage bands. If they have not already done so, all covered employers should now begin to gather the required compensation and hours data in preparation for the September 30 deadline. We anticipate that the EEOC will issue further guidance regarding the submission requirements in the coming weeks, so stayed tuned for further information.

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

Rebecca L. Springer

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

Kris D. Meade

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

Ira M. Saxe

Partner – New York
Phone: +1 212.895.4230
Email: isaxe@crowell.com