

EMPLOYERS REQUIRED TO SUBMIT EEO-1 PAY DATA FOR CALENDAR YEARS 2017, 2018 BY SEPT. 30, 2019

The Equal Employment Opportunity Commission (EEOC) announced May 2 that it will now require private sector employers with 100+ employees and covered federal government contractors to submit two years' worth of EEO-1 Component 2 pay data, for calendar years 2017 and 2018, no later than Sept. 30, 2019. Although the EEOC announced last month that Component 2 pay data would need to be submitted by Sept. 30, the agency did not indicate at that time that employers would need to submit two years' worth of data. Employers that were already scrambling to collect and organize 2018 pay data for reporting will now have to double their efforts to meet the EEOC's deadline.

The EEOC's decision was made in response to a recent decision in *National Women's Law Center, et al., v. Office of Management and Budget, et al.*, Civil Action No. 17-cv-2458 (D.D.C.), in which the court provided the EEOC with the option of collecting 2017 and 2018 pay data by the Sept. 30 deadline, or collecting 2018 pay data by Sept. 30 and collecting 2019 pay data during the 2020 reporting period. The EEOC announced that it expects to begin collecting EEO-1 Component 2 pay data for calendar years 2017 and 2018 in mid-July 2019. The required Component 2 pay data includes employees' W-2 earnings and hours worked in 12 pay bands for the 10 EEO-1 job categories.

The EEOC announced its decision on its website at www.eeoc.gov. Armstrong Teasdale will continue to monitor these developments and publish additional alerts as further guidance is issued.

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