

Revised EEO-1 Pay Reporting Requirements Suspended Until Further Review

On August 29, 2017, the Office of Management and Budget (OMB) suspended the implementation of the new EEO-1 form, pending a review of the effectiveness of those aspects of the EEO-1 form that were revised on September 29, 2016. The revisions to the EEO-1 form, which were scheduled to take effect in March 2018, included:

- A modification of the “snapshot” data collection period for reporting to October 1 through December 31;
- A requirement that employers who have a reporting obligation (employers with 100 or more employees and federal contractors with 50 or more employees) submit detailed information on compensation and hours worked; and
- A change in the EEO-1 filing deadline for 2017 to March 31, 2018.

In the [memorandum](#) issued by OMB's Office of Information and Regulatory Affairs (OIRA) to the Acting Chair of the Equal Employment Opportunity Commission (EEOC) regarding the suspension of the new wage data reporting requirements, OIRA stated that it was “initiating a review and immediate stay of the effectiveness of the new aspects of the EEO-1 form.” OIRA provided three reasons for its decision:

1. After OMB approved the revised EEO-1 form in September of 2016, the EEOC released data file specifications for employers to use when submitting EEO-1 data, which were not contained in the Federal Register notices as part of the public comment process or outlined in the supporting statement for the collection of information, so the public was denied an opportunity to comment on the method of data submission to the EEOC;
2. The EEOC's estimates of the burden the new form would place on employers did not account for the use of the newly released data file specifications, which may have changed the initial burden estimates; and
3. Some aspects of the revised collection of information are contrary to the standards of the Paperwork Reduction Act, lack practical utility, are unnecessarily burdensome, and do not adequately address privacy and confidentiality issues.

In response to OIRA's memorandum, the EEOC [announced](#) that employers should plan to file the earlier approved version of the EEO-1 form, without the compensation and hours worked data, by the filing date of March 31, 2018. Employers should still use the new “snapshot” period of October 1 through December 31, 2017, for the submission of the 2017 EEO-1 form.

If you have any questions about this Information Memo, please contact [Alyssa N. Campbell](#), any of the [attorneys](#) in our [Labor and Employment Law Practice](#), or the attorney in the firm with whom you are regularly in contact.

