

EEOC's Collection of Pay Data Delayed

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On Tuesday, August 29, 2017, the White House Office of Management and Budget (OMB) initiated a review of the EEOC's pay data collection rule. As a result, the EEOC's collection of pay data, which was to have begun on March 31, 2018, has been stayed indefinitely.

The EEOC adopted the pay data collection rule in September 2016. Under the rule, employers with 100 or more employees would be required to report employee pay data to the EEOC annually on updated Employer Information Report forms (EEO-1s), with the first filing of the new forms scheduled for March 31, 2018. (The firm's previous alerts on the rule can be found [here](#).) Since the 2016 presidential election, Republican lawmakers and business groups have advocated for repeal of the rule. OMB will now review the rule for compliance with the Paperwork Reduction Act, but also will address concerns about the costs of compliance for employers, the utility of the information to be collected, and confidentiality.

Employers will still be required to file the first part of the EEO-1, which collects information about the race, sex and ethnicity of an employer's workforce by job category. However, it is highly unlikely that the pay data collection provided for by the EEOC rule will survive in its current form after OMB's review.

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