

## EEOC Revises Proposed Rule on Pay Data Collection

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On July 13, 2016, the Equal Employment Opportunity Commission (EEOC) announced revisions to its proposed pay data collection rule, which would require employers with 100 or more employees to annually report employee pay data on an updated Employer Information Report (EEO-1). (Our alert on the EEOC's initial proposal can be found [here](#).) The changes relate to the timing of the reports, but do not address more significant concerns employers and other groups have voiced about the proposed rule.

In response to objections made during the public comment period earlier this year, the EEOC now proposes:

- Moving the first filing deadline for the new EEO-1 from September 30, 2017 to March 31, 2018, thereby giving employers six additional months to prepare for the new reporting requirement and allowing employers to use calculations of W-2 data they already make for tax purposes for EEO-1 reporting.
- Allowing the employer to choose a pay period during the fourth quarter of the year to count its employees for EEO-1 reporting purposes, so that W-2 data reported will more likely capture changes in compensation that occur during the year.

However, the EEOC rejected calls for broader changes to the proposed rule, including increasing the employer size requirement that triggers the reporting obligation.

The revised rule is subject to a thirty-day comment period, which runs until August 15, 2016. However, it is unlikely that the EEOC will make further changes to the proposed rule given that the EEOC considered and dismissed other challenges to the rule raised during the first comment period.

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