

UPDATE: Employers Must Provide 2017 and 2018 Pay Data to EEOC by September 30, 2019

Written by Jonathan A. Keselenko, Christopher Feudo, Leah Rizkallah

May 9, 2019

As mentioned in our most recent alert on the recently revived EEOC pay data rule (available [here](#)), the EEOC has been considering whether, in addition to collecting pay data for 2018 under its new pay data collection rule, to collect pay data for 2017 or for 2019. This week, the EEOC chose to collect 2017 data. That means that employers with 100 or more employees now must submit **both** 2017 and 2018 pay data to the EEOC by September 30, 2019. The EEOC is expected to provide guidance on its collection of 2017 and 2018 data in the coming weeks and begin this collection in mid-July 2019.

Also, on May 3, 2019, the Department of Justice appealed the district court's order reinstating the pay data reporting requirement. Although the appeal does not stay the enforcement of the rule, further court action impacting the rule could come prior to the September 30, 2019 submission deadline. We will continue to keep clients updated on any further developments on this matter.

RELATED PRACTICES

- [Labor & Employment](#)
- [Wage & Hour](#)

This communication is intended for general information purposes and as a service to clients and friends of Foley Hoag LLP. This communication should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship.

United States Treasury Regulations require us to disclose the following: Any tax advice included in this document was not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Attorney advertising. Prior results do not guarantee a similar outcome. © 2017 Foley Hoag LLP. All rights reserved.