EEOC Opens Portal for 2018 EEO-1 Reporting, But Pay Data Reporting on Hold... For Now

Tuesday, March 19, 2019

The EEOC has reported that the online portal for filing EEO-1 employment data is open and issued the following statement regarding the pay data reporting requirement:

As it announced on February 1, the EEOC is opening its EEO-1 online portal to receive 2018 EEO-1 Component 1 data starting March 18, 2019, and ending May 31, 2019. . . .

The EEOC is working diligently on next steps in the wake of the court’s order in National Women’s Law Center, et al., v. Office of Management and Budget, et al., Civil Action No. 17-cv-2458 (TSC), which vacated the OMB stay on collection of Component 2 EEO-1 pay data. The EEOC will provide further information as soon as possible.

The portal for submission of the 2018 EEO-1 Component 1 data is linked here.

As we reported on March 5, 2019, a U.S. District Court recently held that the government improperly stayed implementation of the EEOC’s pay data collection tool, and the court immediately reinstated the EEO-1 pay data reporting requirement. Since then, there have been many questions about the impact of this ruling, including whether the EEOC would require submission of the pay data by the current deadline of May 31, 2019 or extend the deadline.

The EEOC’s statement provides little guidance as to what steps the agency may take in response to the court ruling.

If pay data reporting is required, it would impact:

1. Federal contractors and first-tier subcontractors with 50 or more employees and a single contract of $50,000 or more;
2. Financial institutions with FDIC or NCUA insurance; or that serve as a depository of federal funds in any amount or that are issuing and paying agents for U.S. Savings Bonds and Savings Notes; and have 50 or more employees; and
3. Employers subject to Title VII that have 100 or more employees, regardless of federal contractor status.

We expect additional guidance shortly from the EEOC and OMB regarding the pay data reporting requirement.

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