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EEOC Not Yet Requiring Pay Data with EEO-1 Submissions, But Uncertainty Remains

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On March 4, 2019 the U.S. District Court for the District of Columbia issued a ruling that immediately reinstated the EEO-1 pay data reporting requirement. The government has not yet appealed or sought to stay the ruling, leaving employers unclear about their EEO-1 reports, which are due by May 31, 2019.

On March 18, 2019 the EEOC issued a [statement](#) that it would only require the submission of Component 1 data regarding the demographics of employer workforces. Regarding Component 2 pay and hours data addressed in the Court's ruling, the EEOC has stated only that it "is working diligently on next steps in the wake of the court's order" and "will provide further information as soon as possible."

After the EEOC issued its statement, the National Women's Law Center and Labor Council for Latin American Advancement, the plaintiffs in the case challenging the withdrawal of approval for the collection of Component 2 data, filed a motion with the Court asserting that the EEOC's statement was not compliant with the March 4, 2019 decision and requesting an emergency hearing. The Court requested further briefing from the parties, which must be filed by April 8, 2019.

Accordingly, the EEOC is not requiring the submission of Component 2 data for now, but we await further guidance from the Court. With EEO-1 submissions due by May 31, 2019, we will continue to follow these developments closely.

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