

OMB Indefinitely Stays EEOC's Pay Data Reporting Requirement

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Effective August 29, 2017, employers no longer need to worry about reporting employee pay data and hours to the Equal Opportunity Employment Commission (EEOC), at least for the foreseeable future. The Office of Management and Budget (OMB) issued an immediate and indefinite stay and review of the new reporting requirements implemented by the Revised EEO-1 form, which had imposed a burdensome obligation on employers to collect and categorize data regarding the pay and hours worked for each of their employees by March 2018. The OMB based its stay of the pay data reporting requirements on the EEOC's failure to seek public comment on the proposed "data file specifications" the EEOC sought to impose on employers reporting this new data. According to the OMB, the federal regulations require the EEOC to submit additional information on these "data file specifications" to the OMB for review, so until such time as that review is complete, the pay data reporting requirements will be on hold. Employers should note that the OMB's stay of the pay data reporting requirements will not alter the EEOC's enforcement efforts under the previously approved EEO-1 form. Under the previously approved EEO-1 form, employers with over 100 employees and federal contractors with over 50 employees must still report certain information on race, ethnicity, and gender by occupational category in 2017 to the EEOC by March 31, 2018.

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