

Management Alert



Breaking News: EEOC to Submit Timeline for Pay Data Collection On April 3

By Annette Tyman and Michael Childers

Seyfarth Synopsis: On March 19, the Court set a schedule to allow the EEOC to submit a timeline for employers to comply with the District Court's prior ruling which reinstated the collection of pay data in connection with the Revised EEO-1 Report.

How Did We Get Here?

As we previously [reported](#), the U.S. District Court for the District of Columbia issued a ruling on March 4 reinstating the Revised EEO-1 Report which had been stayed by the Office of Management and Budget ("OMB") since the Fall of 2017. Yesterday, the Equal Employment Opportunity Commission ("EEOC") opened the EEO-1 Survey Portal and issued the following statement:

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. Instructions for filing are available [here](#).

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.

In response to this statement, the National Women's Law Center ("NWLC") filed a [request](#) for a status conference with the Court which was held today to "discuss Defendants' compliance with the Court's Memorandum Opinion and Order." The result of the status conference was to allow the EEOC to provide a timeline to the Court on or before April 3, by which employers would provide pay data described on the Revised EEO-1 Report. Plaintiffs then have an opportunity to respond to the EEOC's timeline by April 8.

What Does this Mean for Employers?

As we emphasized on yesterday's [webinar](#), the situation with the collection of pay data under the Revised EEO-1 Report is evolving very quickly. From the Court's rulings it appears that the Court wants to move rapidly to institute the vastly expanded recordkeeping requirements contained in the Revised EEO-1. It is unclear whether those obligations would apply to this filing cycle or the next filing cycle, given that the [final notice](#) to employers filed in the Federal Register recognized the need for an 18 month period during which time employers would prepare for the collection of the new data described in Component 2.

Seyfarth has had a long involvement in developments relating to the Revised EEO-1 to collect pay information. We will monitor this case on an ongoing basis and provide key updates as they arise. In the meantime, if you have questions, please contact a member of Seyfarth's Organizational Strategy & Analytics Team or your Seyfarth relationship partner.

We also invite you to join Seyfarth's Pay Equity Group on Equal Pay Day, April 2, 2019, for a joint presentation of Seyfarth's Pay Equity and Complex Discrimination Litigation Groups, as we share our updated Annual 50-State Survey and Trends and Developments in Pay Equity Litigation reports. You can [register here](#) for this Webinar.

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