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Breaking News: Revised EEO-1 “Component 2” Stayed Effective Immediately; Component 1 Still in Effect

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Seyfarth Synopsis: Today, the Office of Information and Regulatory Affairs (“OIRA”), a division of the Office of Management and Budget (“OMB”), announced that it has suspended “Component 2” of the revised EEO-1 Report. “Component 2” was the portion of the revised EEO-1 Report which would have required employers with over 100 employees to submit W-2 pay and FLSA hours worked information.

What Does OIRA’s Announcement Mean for the Revised EEO-1 Report?

Early last year, the Equal Employment Opportunity Commission (“EEOC”) began advancing a [proposal](#) to require employers to submit pay data in connection with their annual EEO-1 filings. Since that announcement, Seyfarth Shaw has offered [testimony](#) and submitted [comments](#) on the revised EEO-1 Report outlining the employer community’s significant concerns, with the burden, benefit, and confidentiality of the proposed changes. Last Fall, OMB [approved](#) the EEOC’s proposal to revise the EEO-1 Report.

In early 2017, the U.S. Chamber of Commerce submitted a request for a review of the initial burden estimate and today’s announcement from OIRA suspending the implementation of “Component 2” suggests that the call for further review did not fall upon deaf ears.

OIRA’s action does not completely rescind the revised EEO-1 Report, but it does relieve employers of their obligation to file “Component 2” by the March 31, 2018 deadline. At this time, much remains unknown about how this action affects the filing deadlines and obligations of employers. We will provide more information as soon as it becomes available.

Until further information is known regarding the ultimate fate of “Component 2”, we recommend that employers stop costly efforts to comply with the new pay and hours worked requirements. However, because pay information continues to be of significant interest to the EEOC and OFCCP, employers should continue to take proactive measures to ensure that their pay practices are applied without regard to gender or any protected status.

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