

## EEO-1 Pay Data is Now Due By September 30

by Dennis J. Merley - Tuesday, May 07, 2019



Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
2.05	13069.77	14018.78	1544.89	12703.21	12823.01	13166.73	213.05	12041.58
5.57	926.81	1232.48	1046.6	1152.52	1200.09	2180.86	2100	1938.81
1.88	2960.29	3408.58	440.21	3400	2894.12	3779.39	320.32	3003.2
2.52	340.83	440.52	440.75	440.9	443.92	603	774.39	695.84
4.23	8653.85	8323.28	128.70	5744.81	4854.12	6468.39	3663.6	6098.4
82.9	1875.85	1889.25	78.12	1514.77	1830.85	2388.69	165.45	2480.94
1.67	911.7	860.27	17.35	979.59	847.94	3067.62	1163.01	1107.32
7.43	482.48	591	5.33	515.79	558.06	645.75	949	589.88
1.35	419.47	380.98	38.7	403.78	402.73	829.7	387.56	313.85
59.8	57.72	80.8	4.7	87.88	91.96	78.7	85.28	88.88
1.08	1.24	0.99	17.66	1.38	1.7	1.3	1.3	0.71
3.79	1	0.75	1.74	3.70	3.5	0	2.9	
1.74	196.92	313.82	1.54	121.81	119.84	730.8	794.06	736.56
3.24	173.81	308.4	12.23	101.81	119.84	119.71	119.41	121.46
0.2	0.2	14.44	0	30.7	0.39	0	0	1.47
1.85	30.8	18.85	23.4	88.35	28.35	46.7	28.85	
18.9	20.33	15.4	15.82	39.29	38.95	44.92	88.48	
198			1.98	8.82	1.72	85.5	238.59	205.46

Employers who file EEO-1 Reports now must disclose pay data by September 30, 2019.

In our post entitled [Will Employers Have to Begin Reporting Pay Data to EEOC?](#), we recounted how the Office of Management and Budget had (OMB) imposed a stay on the Obama administration's plan to require employers to submit pay and hours data as part of the EEO-1 Report. The National Women's Law Center, among others, filed a lawsuit challenging OMB's decision and D.C. District Court Judge Tanya S. Chutkan ruled that the stay was must be lifted.

The Department of Justice has appealed Judge Chutkan's ruling but the lifting of the stay on the requirement to submit pay data remains in effect. In other words, the data must be submitted.

### What has to be submitted

That then left the questions of what data had to be submitted and when. We now have the answers:

- Employers must collect the pay and hours data for calendar years 2017 and 2018.
- The deadline for submitting the data is September 30, 2019.

The EEOC plans to open their portal to retrieve the information electronically sometime in July of this year.

### What Employers Should Do Now

First, start figuring out how to collect all of the requested data and what obstacles you might have to overcome if it is not readily attainable.

Once you have the data, see if any disparities leap out at you. If so, consider how you might remedy those disparities. Even if you cannot do so by September 30, the fact that you have a plan in place and are implementing it should help avoid citation by the EEOC.

Do your best to comply with the September 30, 2019, but recognize that many employers will be unable to do so and the EEOC is expected to be pretty forgiving on this first go-around.

Watch for a decision on the DOJ's appeal.

## **Bottom Line**

If you have not already done so, put in place an HR system that will track this data effectively from now on. It appears that this requirement is here to stay.

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220 South 6th St, Suite 2200, Minneapolis, Minnesota 55402 612-339-6321 | 800-989-6321