

Employers Must Provide Pay Data to the EEOC By September 30th

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On April 25, 2019, the United States District Court for the District of Columbia imposed a deadline for compliance with its March 2019 ruling that all employers with 100 or more employees must provide pay data to the Equal Employment Opportunity Commission in conjunction with their required annual EEO-1 reports. Yesterday's ruling, which also applies to federal contractors with 50 or more employees, would require affected employers to provide their 2018 data to the EEOC by September 30th, and provide a second year dataset to be determined by the EEOC. The EEOC has until May 3rd to announce whether employers will also be required to provide pay data for 2017, or whether it will opt to collect 2019 data in the future.

The data to be included in the revised report includes information on the wages and hours worked by employees broken down by job category, pay band, race, ethnicity, and gender.

The court's ruling comes after the National Women's Law Center and the Labor Council for Latin American Advancement successfully challenged the Trump administration's decision to roll back the pay data component in 2017. The pay data component of EEO-1 reporting was originally adopted by the Obama administration.

The EEOC had indicated that it would use private contractors to handle the volumes of additional data required to be collected by September 30, 2019.

The EEOC must update its website to provide employers with additional detail needed to comply with this ruling. While there is a chance that the order could be appealed or stayed, businesses should begin compiling the required pay data in advance of the deadline, and conduct a thorough review of the data prior to disclosure to identify and investigate any discrepancies.

For more information on this topic, please contact a member of the firm's [Labor & Employment Practice Group](#).

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