

EEOC Says It Will Not Renew Pay Data Collection after September Submissions

Labor & Employment Law Update

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As employers scramble to meet the September 30, 2019 deadline to submit pay data for years 2017 and 2018, they can find some relief in knowing that the EEOC recently stated that it does not intend to collect pay data for 2019 or after at this time. According to the EEOC's Notice of Information Collection, the EEOC will only request approval from the Office of Management and Budget (OMB) to renew its collection of Component 1 data (demographic data), but will not seek approval to continue collection of Component 2 data (pay data and hours worked data).

Since previously requesting approval from the OMB to collect pay data for 2017 and 2018, the EEOC has created the Office of Enterprise Data and Analytics, which developed a more accurate way to calculate the burden on employers when it comes to complying with EEO-1 filing requirements. The EEOC then concluded that it had previously underestimated the burden on employers in submitting pay data and hours worked data. Without knowing the true utility of the pay data collection, the EEOC has opined that the collection's effectiveness in fighting pay discrimination is "far outweighed" by the burden that the collection imposes on employers.

This announcement does not affect the deadline to submit 2017 and 2018 pay data by September 30. It also does not affect employers' continuing obligation to submit Component 1 demographic information, as the EEOC has made clear it intends to request approval to continue collecting this subset of data collection. The future of EEOC's pay data collection is uncertain. For now, we know that the EEOC is not currently seeking to continue pay data collection. But, the agency did mention that if it ever decided to pursue data collection in the future, it would do so using the notice and comment rulemaking and public hearing process pursuant to Title VII. We will keep you posted