

Expanded EEO-1 Reporting Now on Hold

Yesterday, the Office of Management and Budget issued an immediate stay of the pay and hours worked reporting requirements in the EEO-1 form that was revised last year. While OMB reviews these requirements, the previously approved EEO-1 form will remain in effect and businesses should use it to satisfy their annual reporting obligation. Employers should file their reports for fiscal year 2017 by March 31, 2018.

Background

Last year, the EEOC proposed new EEO-1 reporting requirements for employers with 100 or more employees, and federal contractors with 50 or more employees. On September 29, 2016, the EEOC announced that it had finalized a revised EEO-1 report that added summary pay and total hours worked data to the demographic data that already had to be disclosed on the annual filing. The agency confirmed that the expanded data collection would start with the 2017 reporting cycle, with the first filing deadline for the new 2017 EEO-1 report on March 31, 2018. (See our [October 6, 2016 For Your Information.](#))

OMB Decision

On August 29, the Office of Management and Budget (OMB) initiated a review and immediately suspended the collection of pay and hours worked data in the EEO-1 form that was revised last year. In a [memorandum](#) to the Acting EEOC Chair Victoria Lipnic, the Administrator of OMB's Office of Information Regulatory Affairs (OIRA) indicated that OMB believes the collection of this data is "contrary" to the standards of the Paperwork Reduction Act. It cites concerns that some aspects of the collection "lack practical utility, are unnecessarily burdensome, and do not adequately address privacy and confidentiality issues."



The OIRA memorandum confirms that the EEOC may continue to use its previously approved EEO-1 form to collect race, ethnicity and gender data during the review and stay. However, it will have to submit a new information collection package for the EEO-1 for OMB review. Finally, OMB directs the agency to publish a notice in the

Federal Register announcing the stay and confirming that businesses may use the previously approved form to comply with their 2017 reporting obligations.

In a subsequent [statement](#), Acting Chair Lipnic advised employers that the previously approved EEO-1 Report (also known as Component 1 of the Revised EEO-1 Report) should be submitted by March 31, 2018. She also indicated that the EEOC will review OMB's order and consider its options.

In Closing

While OMB has put new pay data reporting on hold, it has not eliminated the EEO-1 filing requirement. Employers should plan to file their 2017 EEO-1 report in March 2018.

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