

FYI[®] Alert

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EEO-1 pay data collection ends

A federal judge has ruled that the EEOC's collection of EEO-1 Component 2 pay data for 2017 and 2018 is complete, allowing the reporting portal to close. The EEOC is in the process of seeking OMB approval to continue collecting the EEO-1 Component 1 demographic data for 2019 and beyond, but it has not yet indicated when the next collection period would open.

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Background

Federal regulations require private employers with 100 or more employees — and certain federal contractors and first-tier subcontractors with at least 50 employees — to submit the Employer Information Report EEO-1 to the U.S. Equal Employment Opportunity Commission's (EEOC's) EEO-1 Joint Reporting Committee annually. The filing contains demographic data of employees by job category, ethnicity, race, and sex (Component 1 data).

In 2016, the EEOC revised the EEO-1 to add the collection of summary pay data (Component 2), but the Office of Management and Budget (OMB) stayed the collection of Component 2 — not Component 1 — data before it began. (See our [September 29, 2017 FYI](#).) A federal judge later ordered the EEOC to reinstate the revised EEO-1 and collect pay data for both 2017 and 2018 until the percentage of filers that submitted Component 2 reports equaled or exceeded the mean percentage of filers in each of the last four EEO-1 reporting cycles. (See our [March 6](#) and [April 5, 2019](#) issues of *FYI Alert*.)

On July 15, 2019, the EEOC opened a web-based portal for the expanded data collection. In October, it asked the court to deem the collection complete after more than 81% of eligible filers submitted Component 2 reports for calendar years 2017 and 2018. The court declined and ordered the EEOC to keep the reporting portal open until further notice. (See our [November 15, 2019 FYI](#).)

Pay data collection complete

A February 7, 2020 joint status report advised the court that 89.2% of eligible filers had submitted Component 2 data — 2017 data from 88.8% of filers and 2018 data from 89.6% of filers. On February 10, U.S. District Judge Tanya Chutkan ordered that the EEO-1 Component 2 pay data collection is complete, allowing the pay data reporting portal to close.

Buck comment. In a September 12, 2019 Federal Register [Notice of Information Collection](#), the EEOC indicated its intention to continue collecting Component 1 data for 2019, 2020, and 2021 and to discontinue the collection of Component 2 pay data. Applicable forms for that information collection will have to be approved by OMB before the 2019 EEO-1 survey can begin.

In closing

Although the EEOC is in the process of seeking OMB approval to continue collecting EEO-1 Component 1 data, it has not yet indicated when the next collection period would open.

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