

EEOC Posts Resources for Submission of EEO-1 Pay Data, Despite DOJ Appeal

As discussed in our [earlier update](#), the EEO-1 pay data reporting requirements that were previously stayed by the Trump administration have been revived, and the EEOC has advised employers that the deadline for filing will be September 30, 2019. As reporting pay data has never previously been required, employers were left unsure of how to proceed with the complicated process of collecting, reviewing and submitting this information.

On July 11, the EEOC posted resources for employers that provide valuable clarity on how to prepare and file Component 2 data. The resources include a sample data collection form, instruction booklet, user's guide and fact sheet of important deadlines, reminders and definitions. The EEOC has also provided a list of frequently asked questions that answers questions about job categories, selecting a workforce snapshot period and measuring compensation. Login information for the filing system was distributed to employers on July 15.

While these resources will certainly be helpful as filers navigate this new requirement, they also indicate that the EEOC is sticking firm on its September 30, 2019, reporting deadline. Filers, however, will be keeping an eye on a pivotal appeal pending over this submission. On May 3, 2019, the U.S. Department of Justice (DOJ) filed an appeal of the U.S. District Court for the District of Columbia opinion that vacated the prior stay. *See Nat'l Women's Law Ctr. v. Office of Mgmt. & Budget*, 358 F. Supp. 3d 66 (D.D.C. 2019). While the EEOC has made it clear that the DOJ's notice of appeal, without more, does not halt the data collection, it is possible that the court of appeals may reverse Judge Tanya S. Chutkan's opinion and reinstate the Trump administration's stay on pay data collection.

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