

GOOD NEWS: OMB SUSPENDS EEO-1 PAY DATA REPORTING REQUIREMENT

By: Karen L. Piper, Member, Workplace Law Practice Group

On August 29, 2017, the Office of Management and Budget (“OMB”) notified the Equal Employment Opportunity Commission (“EEOC”) that it was suspending indefinitely the requirement that employers and federal contractors include compensation data in their next EEO-1 Reports.

The EEOC has long required employers with 100 or more employees and federal contractors with 50 or more employees to file annual reports about their workforce by race, ethnicity and gender in each of 10 occupational categories. On September 29, 2016, the EEOC issued a revised EEO-1

Report form which would have required employers to add compensation data in 12 pay bands in each occupational category, along with a summary of hours worked to their reports.

Employers expressed concern about the new requirement. They expected that compiling pay data would be time-consuming and expensive. They also were concerned about the confidentiality of their compensation data. On August 29, based on its authority under the Paperwork Reduction Act, the OMB suspended the requirement while it reviews the effectiveness of the collection of compensation data.

EEOC’s Acting Chair Victoria Lipnic announced the OMB’s plans. She also explained that the collection of

compensation data was designed to assist the EEOC in enforcing equal pay laws. Despite the change, Ms. Lipnic reiterated the EEOC's commitment to enforcing equal pay laws.

The OMB's suspension of the collection of pay data did not change the date for submission of EEO-1 Reports. No report is required in 2017. EEO-1 Reports

without compensation data must be filed by March 31, 2018, based on a snapshot of the employer's workforce on a payroll date between October 1 and December 31, 2017.

Any employer with questions about the EEO-1 reporting requirements should contact a member of Bodman's Workplace Law Group.



About the Author. *Karen L. Piper represents and counsels employers on employment law issues. She has conducted a number of employment investigations and training seminars for a variety of clients and has also successfully defended numerous discrimination and wrongful discharge cases at the administrative, trial, and appellate levels. Karen is a frequent speaker and writer for national and local industry associations.*

Bodman's Workplace Law Practice Group:

Maureen Rouse-Ayoub

Co-chair, Workplace Law

313.392.1058

mrouse-ayoub@bodmanlaw.com

Aaron D. Graves

Co-chair, Workplace Law

313.392.1075

agraves@bodmanlaw.com

Steven J. Fishman

248.743.6070

sfishman@bodmanlaw.com

John D. Gardiner

616.205.3123

jgardiner@bodmanlaw.com

Christopher P. Mazzoli

248.743.6066

cmazzoli@bodmanlaw.com

Karen L. Piper

248.743.6025

kpiper@bodmanlaw.com

Rhonda H. Armstrong

248.743.6048

rarmstrong@bodmanlaw.com

John C. Cashen

248.743.6077

jcashen@bodmanlaw.com

Jason E. LaBelle

313.393.7578

jlabelle@bodmanlaw.com

Danielle C. Lester

248.743.6078

dlester@bodmanlaw.com

Charles M. Russman

248.743.6039

crussman@bodmanlaw.com

Donald H. Scharg

248.743.6024

dscharg@bodmanlaw.com

David B. Walters

248.743.6052

dwalters@bodmanlaw.com