

The Sky Is Not Falling: The Latest on the EEOC's Possible Pay Data Component to the EEO-1 Report

April 4, 2019

By [Kiosha H. Dickey](#)



On April 3, 2019, the Equal Employment Opportunity Commission (EEOC) submitted a memorandum to the judge in *National Women's Law Center, et al. v. Office of Management Budget, et al.*, who had requested that the EEOC inform the court of the agency's plans to collect pay data in the EEO-1 report.



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The EEOC's April 3, 2019 submission to the court did not change the current filing requirement of Component 1 data by May 31, 2019, and did not create any obligation to submit Component 2 (pay and hours worked) data to the EEOC. The judge has not yet ruled on this issue.

The EEOC's April 3 submission outlined the agency's plan, as requested by the court, to collect Component 2 (pay and hours worked) data. The EEOC's proposed plan highlights the agency's inability to modify its current process in order to collect pay data and the need to hire a data and analytics contractor to perform the collection at a cost exceeding \$3 million. In addition, the EEOC's chief data officer warned of serious risk that the expedited data collection process may yield poor quality data. On April 4, 2019, the acting chair of the EEOC stated publically at an American Bar Association conference that the current EEO-1 reporting requirement is *only* Component 1 data, which is due by May 31, 2019. Until the EEOC officially announces anything to the contrary, employers are still required to continue to move ahead on their 2018 EEO-1 filing of only Component 1 data by May 31.

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