



# Electronic Alert

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## **Judge Sets September 30, 2019 Deadline for Employers to Submit EEO-1 Compensation Reports**

By Josh Goldberg

If you are an employer who has to file an EEO-1, then you have a new deadline by which you must report wage data pursuant to a recently revived 2016 EEOC regulation. Yesterday, a judge ordered that employers must submit their 2018 compensation report as part of the EEO-1 no later than September 30, 2019. Nothing in this order changes the May 31 deadline for employers to provide the information that the EEO-1 traditionally collects.

As you may recall in our March E-Alert, in 2016, the EEOC added a new requirement for employers to submit compensation reports organized by race, sex, and ethnicity to be able to carefully evaluate pay equity. On August 27, 2017, the Office of Management and Budget (“OMB”) retracted its approval of the EEOC’s regulation and stopped its enforcement. Subsequently, pay equity advocates sought to overturn the OMB’s decision to stay the new compensation reporting requirement and the National Women’s Law Center filed suit in the U.S. District Court for the District of Columbia. On March 4, 2019, the pay equity advocates succeeded and the judge revived the 2016 EEOC regulations, but it was initially unclear whether employers needed to scramble to meet a May 31, 2019 deadline. Thankfully, employers now have certainty and some breathing room to prepare their compensation reports.

Note, only certain employers must file an EEO-1 and report workforce demographic information. If you have 100 or more employees, or are a federal contractor or first tier subcontractor with 50 or more employees and a contract of \$50,000, you have to file the EEO-1. Additionally, if you have an affiliation with another company or operate as a single enterprise where the enterprise employs 100 or more individuals, you have to file an EEO-1. Check out the EEOC’s website (or call your favorite attorney) to confirm whether you do or don’t have to file an EEO-1.

For questions on EEO-1 surveys or compensation reporting requirements, contact Josh Goldberg at goldberg@barran.com or (503) 276-2107.