

# BREAKING: Judge Lifts Stay On EEO-1 Pay Data Submission Requirement

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**Quick Hit:** A federal judge has issued an order lifting the [stay](#) issued by the Office of Management and Budget (“OMB”) that halted implementation of the EEOC’s revised EEO-1 form that would have added compensation data to the annual EEO-1 survey submission (the “Revised EEO-1”). In so ruling, the judge ordered “that the previous approval of the revised EEO-1 form shall be in effect.”

**Key Takeaway:** The Obama-era Revised EEO-1 was decried by most employers as a futile, but onerous paperwork exercise. Indeed, OMB’s August 2017 decision to stay implementation of the Revised EEO-1 was based in part on its conclusion that “some aspects of the revised collection of information lack practical utility, are unnecessarily burdensome, and do not adequately address privacy and confidentiality issues.”

The Court’s decision raises numerous and time-sensitive questions for employers. The EEOC is set to open its EEO-1 survey platform for submissions on March 2019, and employers must submit their EEO-1 data by May 31, 2019. But the portal is not set up to accept the compensation data called for in the Revised EEO-1. As such, in the wake of the court’s decisions, there is uncertainty about what the decision means practically for employers getting ready to submit their EEO-1 data.

This is a developing story. We expect in the coming days to learn more about whether the government will appeal the ruling and what EEOC expects employers to do with respect to the 2019 EEO-1 survey. We will update our readers as we learn of new developments.

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