

EEOC Compliance Update: Employers Must Now Also Submit 2017 EEO-1 Component 2 Data by September 30

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The U.S. Equal Employment Opportunity Commission (EEOC) has updated [last week's statement, described here](#), to confirm that in addition to 2018 "Component 2" pay data, it will now also be seeking data for calendar year 2017 by the September 30 deadline.

While EEO-1 compliance for 2019 appears to be a moving target, employers should plan to heed the EEOC's statement and prepare to comply with the September 30 deadline for Component 2 data for both 2017 and 2018.

The EEOC's full updated [notice](#) states:

Notice of Immediate Reinstatement of Revised EEO-1: Pay Data Collection for Calendar Years 2017 and 2018

EEO-1 filers should begin preparing to submit Component 2 data for calendar year 2017, in addition to data for calendar year 2018, by September 30, 2019, in light of the court's recent decision in *National Women's Law Center, et al., v. Office of Management and Budget, et al.*, Civil Action No. 17-cv-2458 (D.D.C.). The EEOC expects to begin collecting EEO-1 Component 2 data for calendar years 2017 and 2018 in mid-July, 2019, and will notify filers of the precise date the survey will open as soon as it is available.

On May 3, 2019, the Department of Justice filed a Notice of Appeal in *National Women's Law Center*. The filing of this Notice of Appeal does not stay the district court orders or alter EEO-1 filers' obligations to submit Component 2 data. EEO-1 filers should begin preparing to submit Component 2 data as described above.

Filers should continue to use the currently open EEO-1 portal to submit Component 1 data from 2018 by May 31, 2019.

As referenced in the statement, the U.S. Department of Justice has filed a Notice of Appeal from the D.C. District Court's orders that revived the EEO-1 "Component 2" requirement and established these deadlines. The EEOC states that this filing does not impact employers' obligations to submit Component 2 data, however, and that employers should begin preparing to submit Component 2

data in accordance with this schedule.

The EEOC has also filed its first required status report in the D.C. District Court on steps taken to further the collection of EEO-1 Component 2 data. According to the EEOC, it has awarded the Component 2 data collection contract to a third party and will be working with that entity to implement the contract. The agency is currently on track to open Component 2 data collection for calendar years 2017 and 2018 on July 15, 2019.

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