

EEOC Releases Proposed Rule to Collect Pay Data from Employers

By Paul Patten

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On the anniversary of President Barack Obama signing the Lilly Ledbetter Fair Pay Act, the Equal Employment Opportunity Commission has announced proposed changes to its EEO-1 report, requiring employers to submit employee W-2 earnings and hours worked. All employers with at least 100 employees would be required to comply. EEOC and the Office of Federal Contract Compliance Programs (OFCCP) would jointly have access to the pay data for enforcement purposes.

Available are advance copies of the [proposed rule](#) and the [proposed pay reporting form](#).

While the Obama Administration's January 29 statement announcing the proposal focused mainly on the gender "pay gap" as the basis for the new requirements, the proposed changes will mandate submission of pay data broken down by race/ethnicity, in addition to gender.

For the past few years, at the President's direction, EEOC and OFCCP have sought to develop a reporting tool that would require employers to submit pay data on employees nationwide so the agencies can target investigations to address the gender "pay gap." This proposal is the culmination of that effort.

The proposed rule will be published on February 1 and interested parties will have 60 days to submit comments.

Jackson Lewis is reviewing the proposal, and we will publish a detailed analysis soon.

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