

Ray Of Hope Peeks Through A Mound Of Proposed EEOC Data Requirements: Senators Fight To Nix EEOC Plan

August 25, 2016 | [EEOC, Currents - Employment Law](#)



Anthony K. Glenn
Associate

The way things are going at the EEOC, the next time it requires additional information on the annual EEO-1 report, it will want to know what kind of underwear each employee wears broken down by race, sex and national origin. OK, that's an exaggeration, but many employers probably wouldn't be surprised. In January, the EEOC proposed a rule requiring larger employers to report pay and hours worked data, in addition to standard demographic data. The new information is intended to give government agencies "insight into pay disparities" and "strengthen federal efforts to combat discrimination." While the EEOC has done its best to make this new requirement sound as simple as possible, employers are not fooled. But there is a small ray of hope. Last week, three Republican senators, Lamar Alexander of Tennessee, Pat Roberts of Kansas and Johnny Isakson of Georgia, [wrote an open letter](#) to the Office of Management and Budget (OMB) imploring it to put the kibosh on the EEOC's proposal. The senators cited "significant concerns" about the massive increase in paperwork and effort on the part of employers with little to no corresponding utility on the part of the EEOC. According to the senators, the proposal would increase data collection *twentyfold* from its current level. It goes without saying that employers would face a corresponding increase in their payrolls to comply with such a regulation. If OMB doesn't take the senators up on their suggestion or otherwise decide to change course, employers should mark March 31, 2018, on their calendars. That is the date by which they will be required to submit the estimated twentyfold increase in data to the EEOC. Thereafter, submission of such data will be an annual requirement. Although the EEOC may not be asking for information on employees' undergarments, it has clearly signaled its intent to know much more. Employers should keep an eye on developments, because if the EEOC's proposal becomes law, employers will have to plan accordingly and begin compiling data early.

RELATED PRACTICE AREAS

EEO Compliance
Labor and Employment

RELATED TOPICS

Discrimination
EEO1
EEOC
Office of Management and Budget