

OMB Immediately Stays Revised EEO-1 Form, Including Pay Data Collection

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In a move that affects every U.S. business with 100 or more employees (and federal contractors with 50 or more employees), the federal Office of Management and Budget (OMB) has leveraged the Paperwork Reduction Act (PRA) to direct the EEOC to immediately stay the effectiveness of the EEO-1 form issued Sept. 29, 2016, that included new data requests for wages and hours worked. For fiscal year 2017, businesses will use the previously approved EEO-1 form to comply with reporting obligations that track race/ethnicity and gender. Referencing the PRA regulations, [the OMB concluded](#) that the relevant circumstances related to the collection of data had changed and that the burden estimates originally provided by the EEOC were materially in error. Specifically, OMB cited the EEOC's issuance of data file specifications that were not contained in the original Federal Register notice and that denied the public an opportunity to comment on the method of data submission to the EEOC. Additionally, the EEOC's burden estimates did not account for the use of the particular data file specifications. The OMB went a step further and found good cause to stay the revised EEO-1 form based on its concern 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 OMB noted that this decision to stay was made in consultation with the EEOC.

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