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Proposed New Employer Data Reporting to Combat Pay Disparities

The U.S. Equal Employment Opportunity Commission (EEOC) has recently proposed expanding its employment data collection efforts to include employee wage and hour information. Currently, the EEOC requires federal contractors and employers of 100 or more employees to submit a compliance survey entitled the “EEO-1 Report,” which contains a company’s employment data categorized by race/ethnicity, gender, and job category. The EEOC uses this data to support civil rights enforcement and to analyze employment patterns, such as the representation of women and minority workers within companies, industries, and regions.

Beginning in 2017, in addition to the information currently included in the EEO-1 Report, filers with 100 or more employees would be required to provide data on employees’ W-2 earnings and hours worked. Federal contractors employing 50 to 99 employees would not be required to submit the additional wage and hour data. Additionally, all filers will be required to submit their reports electronically.

The proposed changes will collect data that may be used to assess complaints of discrimination, focus investigations, and identify employers with existing pay disparities that might warrant further government examination. The EEOC anticipates that the process of reporting pay data may encourage employers to take action through self-monitoring and voluntary compliance if they uncover pay inequities.

The proposed changes have been published by the [Federal Register](#), and the public comment period runs until April 1, 2016.

With increased focus on pay equality under both California and federal law, we encourage our clients to review their compensation packages for employees, comparing those who perform substantially similar jobs, and to make adjustments as needed. For advice or to answer questions, please contact anyone in our [Employment Law Group](#):

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