

Susan Gross Sholinsky, Peter Stein Cited in "A Prolonged Shutdown Could Delay EEO-1 Reporting"

HR Dive

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Susan Gross Sholinsky and **Peter M. Stein**, Members of the Firm in the Employment, Labor & Workforce Management practice, in the firm's New York and Stamford offices, respectively, were cited in *HR Dive*, in "A Prolonged Shutdown Could Delay EEO-1 Reporting," by Ryan Golden.

Following is an excerpt:

EEO-1 reporting has been a fixture of employment law for more than 50 years, but recent events have put a political spotlight on the relatively routine process. During the Obama administration, EEOC added compensation information reporting requirements to the EEO-1. The component, touted by supporters as a way to combat pay discrimination, was later blocked in 2017 by the Trump administration, which ordered a review and an immediate stay of the pay data collection aspect on EEO-1 forms.

Employee groups sued over the decision to abandon pay data reporting, but the 2018 process continued unabated. This doesn't preclude the possibility EEOC might revisit the issue, however, particularly since Janet Dhillon, President Donald Trump's nominee-in-waiting for Chair of the commission, promised to rework and replace pay data reporting requirements on the EEO-1 in a timely manner during a 2017 confirmation hearing.

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Experts have previously advised HR departments that it may be a good idea to collect pay data as part of EEO-1 reporting regardless of what is mandated by EEOC. Having the info, according to attorneys at Epstein Becker Green, can set employers up to perform a larger pay audit. But employers must exercise caution; the information is sensitive and is not considered privileged, meaning it may be considered discoverable in the event the employer is sued.

Related reading:

HR Dive, “Hack Your EEO-1 report: A Guide to Employee Data Reporting,” by Kate Tornone.



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