



EEOC-Initiated Litigation



2026 Edition



Dear Clients and Friends,

Seyfarth Shaw is once again pleased to provide you with the latest edition of our annual analysis of trends and developments in Equal Employment Opportunity Commission litigation, **EEOC-Initiated Litigation: 2026 Edition**. This desk reference compiles, analyzes, and categorizes the major case filings and decisions involving the EEOC in 2025 and recaps the major policy and political changes we observed in the past year. The changes of the past year are the most dramatic we have witnessed in our years of following the EEOC, and we have included our observations and predictions for 2026 throughout this reference. Our goal is to guide our readers through all aspects of EEOC-initiated action, and to empower corporate counsel, human resources professionals, and operations teams to make sound and informed legal and business decisions. We hope that you find this report useful.

And there is so much to explore. The second Trump administration began with a major leadership shake-up. Commissioner Andrea Lucas was elevated to the role of Acting Chair (and eventually Chair); Democratic appointees Charlotte Burrows and Jocelyn Samuels were terminated from their Commissioner positions; and General Counsel Karla Gilbride was also terminated. As a result, the agency lacked the quorum needed to exercise many of its powers until late in the calendar year when a new Commissioner was confirmed. Before the quorum was restored, Chair Lucas used the power of the bully pulpit to announce new directions in line with the administration's priorities and modified administrative procedures to affect how charges are handled. The EEOC also was impacted by budget changes and the lengthy federal government shutdown. What these developments mean for employers will be discussed in detail herein.

Part I of this reference introduces the key players in the EEOC, and how their unique views on employment and societal issues will shape real-world application of EEO statutes. **Part II** is an in-depth review of the EEOC's evolving strategic priorities. This includes a fascinating overview of the agency's changed perspective on charges related to DEI policies, gender identity, American national origin discrimination, and religious discrimination and accommodation, among a host of other topics. Back by popular demand, **Part III** includes a detailed profile of each EEOC District. Practitioners who work with and litigate against the EEOC quickly appreciate that each District has a unique personality and often differing substantive focus areas. It is all about location, location, location. **Part IV** paints the EEOC by the numbers: an empirical analysis of how the EEOC actually targeted employment issues in 2025, and how those trends will translate to activity in 2026. **Part V** is a deeper dive into how the EEOC has addressed particular industries, identifying which sectors tend to land in the EEOC's crosshairs most often, why, and for which issues. **Part VI** explores the various ways EEOC actions are resolved, from confidential conciliation to Court-ordered Consent Decrees. Finally, **Part VII** provides related guidance concerning how the EEOC leverages the media at various stages in a case.

A special thanks to the team of talented lawyers and professionals who made this publication possible with tireless efforts throughout the year. This book is meant to be the start of a conversation, and we are standing by to address any further questions or issues our readers wish to share.




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PART I: Agency Composition

A. Equal Employment Opportunity Commission Composition and Background

In FY 2025, the EEOC entered a period of sweeping change that reshaped its priorities and approach. Following the inauguration of President Donald Trump for his second term, the new administration took a series of swift actions that had a significant impact on EEOC leadership and enforcement. First, President Trump elevated Commissioner Andrea R. Lucas to Acting Chair, a standard exercise of executive prerogative. Next, he terminated EEOC General Counsel Karla Gilbride, following precedent set by President Biden, who had terminated the previous EEOC General Counsel, a Trump nominee, shortly after taking office.

Then in an action without precedent, President Trump fired two Democratic Commissioners, Charlotte Burrows and Jocelyn Samuels. Under Title VII of the Civil Rights Act of 1964, which created the EEOC, Commissioners serve for fixed five-year terms, and there is no provision to remove a Commissioner “for cause.” The unprecedented firings ended a Democratic majority that was poised to continue until at least mid-2026 and left the Commission with only two members—Acting Chair Lucas and Democratic Commissioner Kalpana Kotagal.

With only two Commissioners for most of 2025, the EEOC lacked a quorum, limiting its authority to act in furtherance of its statutory duties and to pursue the priorities set by the Trump Administration and Acting Chair Lucas. For example, without a quorum, the Acting Chair may revoke or revise technical assistance documents¹ issued under the authority of prior Chairs, but cannot rescind formal guidance previously issued with majority approval from a validly constituted quorum of Commissioners, such as the EEOC’s Enforcement Guidance on Harassment in the Workplace² or Pregnant Workers Fairness Act (PWFA) rules.³

Similarly, during 2025 litigation was curtailed without a quorum but not halted. The rules in place throughout 2025 required the Commission itself to authorize the initiation of certain new lawsuits, while the EEOC General Counsel was responsible for “conducting” EEOC litigation. Since the termination of General Counsel Gilbride, the EEOC’s General Counsel role has been filled on a temporary basis pursuant to the Federal Vacancies Reform Act. Regular litigation and investigations are conducted by EEOC career staff, who continue the day-to-day activity of the agency unless and until further action is taken.

Under a delegation of litigation authority adopted in January 2021 and in effect until January 2026, some categories of litigation required approval by a majority of Commissioners while others were left to the discretion of the General Counsel.⁴ Under this framework, Commissioners were required to vote to approve the following categories of litigation: recommendations for the Commission to file an amicus brief; cases alleging systemic discrimination or “pattern-or-practice” discrimination; cases requiring major expenditure of agency resources; cases taking positions contrary to Circuit precedent; and cases presenting novel or unsettled legal issues likely to generate public controversy. All other litigation could be brought by the General Counsel without prior approval.

The absence of a quorum for most of 2025 is reflected in the EEOC’s litigation: just 93 lawsuits were filed in FY 2025 (a record low), and the vast majority of them (about 75%) were filed on behalf of just one individual and without seeking to change the law.

¹ U.S. Equal Employment Opportunity Commission, *EEOC Guidance*, <https://www.eeoc.gov/eeoc-guidance>.

² U.S. Equal Employment Opportunity Commission, *Enforcement Guidance on Harassment in the Workplace*, <https://web.archive.org/web/20260120031142/https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace>. This guidance was revoked on January 22, 2026, after a quorum was restored. U.S. Equal Employment Opportunity Commission, (Jan. 23, 2026), <https://www.eeoc.gov/newsroom/eeoc-commission-votes-rescind-2024-harassment-guidance>.

³ 29 CFR 1636, <https://www.ecfr.gov/current/title-29/subtitle-B/chapter-XIV/part-1636>.

⁴ U.S. Equal Employment Opportunity Commission, *Resolution Concerning the Commission’s Authority to Commence or Intervene in Litigation and the Commission’s Interest in Information Concerning Appeals* (Jan. 13, 2021), <https://www.eeoc.gov/resolution-concerning-commissions-authority-commence-or-intervene-litigation-and-commissions-0>. On January 22, 2026, the Commission approved a new resolution that changed the delegation authority. U.S. Equal Employment Opportunity Commission, *Resolution Concerning the Commission’s Authority to Commence or Intervene in Litigation and the Commission’s Interest in Information Concerning Appeals* (Jan. 22, 2026), <https://www.eeoc.gov/resolution-concerning-commissions-authority-commence-or-intervene-litigation>.

The composition of the EEOC has changed in ways that are expected to reverberate through 2026. On July 31, 2025, the Senate confirmed then-Acting Chair Lucas to an additional term as Commissioner through July 1, 2030. On November 6, 2025, Lucas was designated Chair. Lucas has repeatedly articulated her continued alignment with the Trump Administration's priorities. On October 7, 2025, the Senate confirmed Brittany Panuccio as the third Commissioner of the EEOC, restoring the EEOC's quorum and establishing a Republican majority. On November 19, 2025, President Trump submitted to the Senate his nominee for General Counsel at the EEOC, naming M. Carter Crow, a management-side lawyer currently working as the Global Head of Employment and Labor for law firm Norton Rose Fulbright. With these personnel changes, we can expect to see the EEOC's rule-making, investigation, and litigation priorities to stay centered around the Trump administration's stated goals, which include ending DEI practices, favoring workers of American national origin, prioritizing accommodation of religious beliefs and opposing harassment based on religion, and particularly antisemitism, and defending a binary view of sex and related rights.

Indeed, some noteworthy changes already have begun. On January 14, 2026, in its first public meeting of the Commission after the quorum was restored, Chair Lucas and Commissioner Panuccio voted to rescind voting procedures enacted in the final weeks of the Biden Administration, giving the Chair sole authority to set the agenda and dates for public meetings and to decide what issues will be voted on without a public meeting. On January 22, 2026, the Commission met again. During this meeting, the litigation delegation rules were changed by a 2-1 vote. Under the new rules, approval by a majority of Commissioners is required for substantially all litigation. The Commission also voted to rescind the 2024 Enforcement Guidance on Harassment in the Workplace, with the document removed from the agency's website before the end of the day.

B. EEOC Recent Staffing Challenges and Budgetary Constraints

Title VII confers on the EEOC's Chair the sole responsibility "for the administrative operations of the Commission."⁵ The Chair is responsible for hiring members of the career Senior Executive Service, and evaluating and managing the EEOC's cadre of Senior Executives. In other words, the Chair is directly responsible for hiring and evaluating the performance of the 15 District Directors across the country, as well as other Senior Executives in the agency. Moreover, the Chair's responsibility for the "administrative operations" of the EEOC includes the ability, exercised through the EEOC's Chief Operating Officer, to allocate the EEOC's budget to its various programs and operational efforts. While the Commission as a whole must vote on certain appropriations, the Chair has broad authority in making adjustments—both large and small—to how the Commission spends its money.

Chair Lucas and her staff are responsible for advocating before Congress for changes to the EEOC's budget, and the Chair is also responsible for deciding exactly how the EEOC spends additional money appropriated by Congress. During the early years of the Biden Administration, the EEOC sought and received significant budget increases, which it invested in hiring front-line enforcement and litigation personnel. In more recent years, budget pressures have left the EEOC with less to work with.

In FY 2023, the EEOC received \$455 million in funding. For the following year, the EEOC sought a 5.7% increase, but Congress declined the request and held the EEOC's budget at the previous year's amount. This put the EEOC in a bind, as President Biden had earlier issued an executive order that granted federal employees a 5.2% pay raise, and pay and benefits already were the agency's largest expense (74% of the EEOC's budget). The mandated pay increase still had to be covered despite that the agency budget allocation remained flat, leading Chair Burrows to implement multiple fiscal austerity measures, including reduced hiring and cuts to various programs like reduced travel and training, and narrowly avoiding a furlough.

The fiscal constraints continued into FY 2025. The EEOC again requested a budget increase, this time to \$488 million, and Congress once again declined the request and held the EEOC's budget at the same level as FY 2023.

⁵ See 42 U.S.C. § 2000e-4

Under Chair Lucas, this trend changed, though perhaps not in the way expected. For FY 2026, the Commission actually scaled back its budget request to \$435 million. This reduced number signals that the Commission will look to slash programs and headcount under President Trump's second administration and new EEOC leadership.

C. EEOC Profiles



Andrea R. Lucas
(Chair, Republican)

Andrea R. Lucas joined the EEOC as Commissioner in 2020 and was designated Acting Chair by President Trump on December 20, 2025. She was re-nominated for another term and confirmed by the Senate on July 31, 2025 for a term expiring July 1, 2030. On November 6, 2025, she was designated Chair of the EEOC. Prior to her appointment to the EEOC, Chair Lucas practiced management-side employment law at a large Washington, D.C. law firm. She continues to garner media coverage for her cautionary advice to employers regarding their diversity, equity, and inclusion (DEI) programs. She is also known for emphasizing issues relating to religious discrimination, accommodation, and inclusion; accommodations for pregnancy, childbirth, and related medical conditions; and disability accommodation.



Kalpana Kotagal
(Commissioner, Democrat)

Kalpana Kotagal joined the EEOC on August 9, 2023, and her term expires July 1, 2027. Before joining the Commission, she was in private practice, focusing on litigating worker-side civil rights issues. She is a co-author of the "Inclusion Rider" – a voluntary agreement between actors, filmmakers and studios aimed at advancing equal opportunity in the film industry both behind the camera and in front of it.



Brittany Bull Panuccio
(Commissioner, Republican)

Brittany Bull Panuccio joined the EEOC as Commissioner on October 27, 2025, and her term expires July 1, 2029. Before joining the EEOC, she served in various roles within the federal government, including Assistant U.S. Attorney for the U.S. District Court for the Southern District of Florida. During the first Trump Administration, Commissioner Panuccio served as Attorney Advisor to the Assistant Secretary for Civil Rights in the U.S. Department of Education, followed by Special Counselor in the Office of the General Counsel. Further, Commissioner Panuccio detailed to the U.S. Department of Justice to assist with the confirmation of U.S. Supreme Court Justice Brett Kavanaugh, and clerked for the Honorable Neomi Rao of the U.S. Court of Appeals for the D.C. Circuit and Hon. Don R. Willett of the U.S. Court of Appeals for the Fifth Circuit. Commissioner Panuccio also worked in private practice, focusing on Title VII, NLRA, FLSA, and defamation/contract matters.



M. Carter Crow
(Nominee for General Counsel)

M. Carter Crow was nominated on November 19, 2025, for the position of EEOC General Counsel. At the time of publication, he has not yet been confirmed by the Senate. Crow obtained his law degree from University of Oklahoma College of Law in 1991 and entered private practice with Norton Rose Fulbright. Since 2022, he has served as the firm's global head of the labor and employment practice.

Note: On 4/27/26 the Trump administration withdrew its nomination of Mr. Crow.



Sharon Rose
(Chief Operating Officer)

Sharon Rose became COO for the agency on July 8, 2025. Previously, she served as senior counsel to the Office of the Solicitor at the Department of Labor and advised the Office of the Secretary and its agencies on a variety of regulatory, enforcement, and litigation matters. Before working in government service, Sharon Rose co-founded a boutique litigation firm, focusing on government enforcement and employment discrimination litigation. She also practiced in the Washington and Singapore offices of an international law firm.



Shannon Royce
(Chief of Staff)

Shannon Royce began her role as Chief of Staff for the EEOC in April 2025. Previously, she served as Director of the Center for Faith and Opportunity Initiatives within the U.S. Department of Health and Human Services during the first Trump administration. In that role, she led the Department's efforts to build and support partnerships with faith-based and community organizations. She also served in executive leadership in several non-profit organizations and in legislative and legal roles to two U.S. Senators.



Amanda Smith
(Director of OCLA)

Amanda Smith was appointed Director of the Office of Communications and Legislative Affairs (OCLA) in June 2025. She previously served as a senior advisor to the Republican National Committee and Communications Director at the U.S. Department of Health and Human Services during the first Trump Administration, and worked in communications roles for two members of the U.S. House of Representatives. Most recently, Andrea Smith co-led government affairs communications at Lockheed Martin.

PART II: EEOC's Enforcement Priorities

The following section outlines the foundational EEOC documents that answer two fundamental agency questions: what are the EEOC's strategic priorities, and how will the EEOC effectuate those priorities? The EEOC is clear that, at least for now, it operates under a plan that addresses six key areas. The EEOC lacked the quorum needed to change these documents in FY 2025. However, as discussed further, how these priorities are interpreted, and the vigor of enforcement efforts has changed significantly.

1 Eliminating Barriers In Recruitment and Hiring

4 Advancing Equal Pay for All Workers

2 Protecting Vulnerable Workers and Persons from Underserved Communities

5 Preserving Access to the Legal System

3 Addressing Selected Emerging and Developing Issues

6 Preventing and Remedying Systemic Harassment

A. EEOC's FY 2026 Cornerstone Documents

1. Background

The EEOC identifies its enforcement priorities in its Strategic Enforcement Plan ("SEP"). Along with the SEP, the EEOC also outlines its enforcement strategies through its Strategic Plan.⁶ Despite the similarity in their titles, these plan documents serve two distinct purposes. The SEP lays out the Commission's specific priorities by highlighting certain areas of law or groups of workers that it will aim to address over the next four years. The Strategic Plan describes *how* the EEOC will achieve its strategic mission, including executing on the priorities contained in the SEP. In the words of the EEOC, the Strategic Plan "establishes a framework for achieving the EEOC's mission to 'prevent and remedy unlawful employment discrimination and advance equal employment opportunity for all.'"

The EEOC unveiled its first SEP more than a decade ago in December 2012, stating that the plan "established substantive area priorities and set forth strategies to integrate all components of EEOC's private, public, and federal sector enforcement to have a sustainable impact in advancing equal opportunity and freedom from discrimination in the workplace." According to the EEOC "the purpose of the [SEP] is to focus and coordinate the EEOC's programs to have a sustainable impact in reducing and deterring discriminatory practices in the workplace." The Commission's six major enforcement priorities have remained relatively consistent across multiple iterations of the SEP. But the EEOC can and has changed how it interprets those priorities over the life of those documents. Moreover, the SEP does not fully constrain the agency in terms of what it actually enforces. The EEOC is not legally bound to strictly enforce the priorities set forth in its SEP, and the EEOC can still pursue cases that it deems important outside of these priorities. These realities have often led to shifts in how the EEOC approaches litigation and the topics and issues it chooses to enforce in the federal courts.

⁶ See Christopher DeGroff, James Nasiri, and Rachel See, *EEOC Adopts 2022-2026 Strategic Plan With an Emphasis on Large-Scale Litigation, Improving Internal EEOC Processes*, Workplace Class Action Blog (Aug. 23, 2023), <https://www.workplaceclassaction.com/2023/08/eec-adopts-2022-2026-strategic-plan-with-an-emphasis-on-large-scale-litigation-improving-internal-eec-processes/>.

The EEOC released its current SEP on September 21, 2023, when the agency was still under Democratic leadership, to cover fiscal years 2024-2028.⁷ It may only be revised or withdrawn by a majority vote of the Commission operating with a quorum, a fact that is pointedly highlighted at the top the webpage that hosts the information since soon after the Trump administration began.⁸ While the document has not been formally changed, how the enforcement priorities are construed has changed in notable ways. Moreover, now that the EEOC's quorum has been restored under the Republican leadership of Chair Lucas, the agency is positioned to formally modify the 2024-2028 SEP, and likely will do so to reflect the new GOP majority's strategic priorities. Indeed, when the current SEP was issued, then-Commissioner Lucas voted against it.⁹ She further made a point to note as Acting Chair that she could not unilaterally remove or modify documents such as the SEP based on her authority in that capacity.¹⁰ The new quorum may change the existing SEP's focus areas in significant ways to align with the actual enforcement trends, such as by shifting away from protecting certain groups such as immigrant workers and toward addressing alleged employment practices that favor non-American workers over American workers, potentially resulting in an updated version of the document that looks quite different than it does today.

2. Particular FY 2026 Strategic Enforcement Priorities

The EEOC's current SEP is focused on six different strategic enforcement priorities: (1) eliminating barriers in recruitment and hiring; (2) protecting vulnerable workers from underserved communities; (3) addressing selected emerging and developing issues; (4) advancing equal pay for all workers; (5) preserving access to the legal system; and (6) preventing and remedying systemic harassment. Importantly, these priorities are not mutually exclusive. The interpretation of those priorities has changed under the Trump administration, sometimes in dramatic fashion.

Eliminating Barriers In Recruitment and Hiring. The first strategic enforcement priority is eliminating barriers in recruitment and hiring. The EEOC's focus within this priority has been to address recruiting and hiring practices that "discriminate on any basis unlawful under the statutes EEOC enforces, including sex, race, national origin, color, religion, age, and disability." The EEOC has spent a considerable amount of its enforcement budget litigating issues that it sees as barriers to recruitment and hiring. In recent years, there have been a number of judicial decisions involving the EEOC's attempts to combat discrimination, including the use of pre-employment screening tests.

The FY 2024-2028 SEP added far more detail about the types of hiring practices and policies to be scrutinized. For example, prior SEPs described the EEOC's intention to prevent steering members of protected groups into specific (often less desirable) jobs. The FY 2024-2028 SEP goes further to explain that the EEOC also will be examining whether employers are segregating workers in jobs, or by job duties, based on membership in a protected group. Other areas of focus include examining practices that may limit access to work opportunities, such as advertising jobs in a manner that excludes or discourages some protected groups from applying, or denying training, internships, or apprenticeships; scrutinizing whether employers are denying opportunities to move from temporary to permanent roles, including when permanent positions are available; and investigating whether adverse impact results from the use of technology, AI, and machine learning used in job advertisements, recruiting, and hiring decisions.

The EEOC has, historically, focused on recruiting and hiring in part because private plaintiffs' counsel have been unwilling to champion large scale hiring cases due to cost and challenges identifying potential victims. In particular, the EEOC has scrutinized recruiting and hiring processes to determine whether

⁷ U.S. Equal Employment Opportunity Commission, *Press Release: EEOC Releases Strategic Enforcement Plan* (Sept. 21, 2023), <https://www.eeoc.gov/newsroom/eeoc-releases-strategic-enforcement-plan>.

⁸ U.S. Equal Employment Opportunity Commission, *Strategic Enforcement Plan Fiscal Years 2024 – 2028*, <https://www.eeoc.gov/strategic-enforcement-plan-fiscal-years-2024-2028> ("This Strategic Enforcement Plan was approved by the Commission on September 18, 2023, by a 3-2 vote. Modification requires a vote of the Commission."),

⁹ U.S. Equal Employment Opportunity Commission, *Press Release: Removing Gender Ideology and Restoring the EEOC's Role of Protecting Women in the Workplace* (Jan. 28, 2025), [eeoc.gov/newsroom/removing-gender-ideology-and-restoring-eeocs-role-protecting-women-workplace](https://www.eeoc.gov/newsroom/removing-gender-ideology-and-restoring-eeocs-role-protecting-women-workplace).

¹⁰ *Id.*

they are carried out in a way that may result in discrimination against certain groups of individuals, often pursuant to a disparate impact theory of liability. This approach changed with the signing of Executive Order 14281, which directs all federal agencies to deprioritize enforcement of claims predicated on a disparate impact theory of liability. Indeed, the Executive Order declares, “It is the policy of the United States to eliminate the use of disparate-impact liability in all contexts to the maximum degree possible,” in a dramatic shift away from a key theory the EEOC relied on historically to attack recruiting and hiring issues.¹¹ In a May 20, 2025 press release, Chair Lucas stated that the EEOC will not pursue investigations or litigation that challenge neutral practices that have unequal outcomes based on protected characteristics pursuant to EO 14281.¹² This removes a significant tool from the EEOC’s arsenal.

The EEOC has also in the SEP called out “continued underrepresentation” of women and workers of color in certain industries, naming construction and manufacturing, high tech, STEM, and finance in particular, and indicated its intent to monitor those benefiting from substantial federal investment. This approach by the agency also is likely to end, as it disclaims the notion that discrimination can be determined by looking at group outcomes.

Protecting Vulnerable Workers from Underserved Communities. The second strategic enforcement priority is aimed at combatting policies and practices that impact “particularly vulnerable workers.” For purposes of the SEP, the EEOC has traditionally viewed “vulnerable workers” as those who may be unaware of their rights under equal employment opportunity laws, or reluctant or unable to exercise those rights. The EEOC’s FY 2024-2028 SEP, in a change from prior versions of the SEP, called out 11 different categories of vulnerable workers:

- immigrant and migrant workers;
- individuals employed in low wage jobs and/or their first jobs, including teenage workers;
- individuals with arrest or conviction records;
- LGBTQI+ individuals;
- Native Americans/Alaska Natives;
- older workers;
- people with developmental or intellectual disabilities;
- people with mental health related disabilities;
- persons with limited literacy or English proficiency;
- temporary workers; and
- survivors of gender-based violence.

Importantly, under the Trump administration, there has been a shift away from some of these categories, with the most notable examples being LGBTQI+ individuals and immigrant and migrant workers. For example, the EEOC withdrew from pending litigation it had filed on behalf of individuals with claims based on gender identity, a topic that is discussed in more detail in Section A.9. Likewise, announcements and enforcement actions over the past year have instead decried discrimination against those of U.S. national origin where employers are said to favor foreign workers. Notably, on December 17, 2025, Chair Lucas posted a video on social media sites stating that white males who have experienced discrimination at work based on their race or sex “may have a claim to recover money under federal civil rights laws” and inviting them to contact the agency “as soon as possible.”¹³ These changes are discussed in more detail in Section C.

¹¹ Exec. Order No. 14281, *Restoring Equality of Opportunity and Meritocracy*, 90 FR 17537 (2025).

¹² Message from EEOC Acting Chair Lucas about Opening of 2024 EEO-1 Component Data Collection, (May 20, 2025), <https://content.govdelivery.com/accounts/USEEOC/bulletins/3e1407f>.

¹³ EEOC Chair Andrea Lucas (X, Dec. 17, 2025), x.com/andrealucaseeoc/status/2001439099907961012?s=46; (LinkedIn, Dec. 17, 2025), [https://www.linkedin.com/posts/andrea-lucas-a5b27513_eeoc-eeo-dei-activity-7407229146071793664-xjBF?utm_source=share&utm_medium=member_desktop&rcm=ACoAAAF-8VABEzz0MbGPNDOfxustjLgniQTy4BE](https://www.linkedin.com/posts/andrea-lucas-a5b27513_eeoc-eeo-dei-activity-7407229146071793664-xjBF?utm_source=share&utm_medium=member_desktop&rcm=ACoAAAF-8VABEzz0MbGPNDOfxustjLgniQTy4BE;);

Addressing Selected Emerging and Developing Issues. The third strategic priority addresses selected emerging and developing issues. As the name implies, the EEOC may adapt its focus within this priority on a year-to-year basis in accordance with developing case law and societal movements. Thus, this strategic priority is something of a “wild card.”

As a government agency, the EEOC is responsible for monitoring trends and developments in the law, workplace practices, and labor force demographics. Not surprisingly, the emerging issues identified by the agency have evolved over time. For example, the 2017 SEP identified five emerging and developing issues as strategic priorities: (1) qualification standards and inflexible leave policies that discriminate against individuals with disabilities; (2) accommodating pregnancy-related limitations under the Americans with Disabilities Amendments Act and Pregnancy Discrimination Act; (3) protecting lesbian, gay, bisexual, and transgender (LGBTQI+) individuals from discrimination based on sex; (4) clarifying the employment relationship and the application of workplace civil rights protections in light of the increasing complexity of employment relationships and structures; and (5) addressing discriminatory practices against those who are Muslim or Sikh, or persons of Arab, Middle Eastern or South Asian descent, as well as persons perceived to be members of these groups, arising from backlash against them from tragic events in the United States and abroad.

The FY 2024-2028 SEP moved away from some of the earlier categories and introduces some new emerging issues. For example, few issues had attracted as much of the EEOC’s attention in recent years as its campaign to have LGBTQI+ discrimination recognized as a prohibited form of discrimination under Title VII. That issue was answered by the U.S. Supreme Court in 2020 in the landmark decision of *Bostock v. Clayton County Georgia*, which held that Title VII prohibits discrimination against gay or transgender employees as a form of sex discrimination. Following that decision, the EEOC moved the issue off its list of emerging and developing issues, apparently believing it to have been fully embraced in the EEO universe. However, while that might have been the case then, the EEOC under now-Chair Lucas has reversed course on these matters, including removing its interpretations applying *Bostock* to LGBTQ workers from its website.

The SEP’s focus on protecting pregnant workers remains as an emerging issue. In FY 2025, the EEOC filed numerous lawsuits asserting pregnancy-related violations. This emphasis on pregnancy-related issues aligns with public statements by Chair Lucas, who has placed an emphasis on enforcing protections in this area. It is important to note, however, that the Commission under Chair Lucas’s leadership has narrowed the scope of pregnancy-related claims it is pursuing, focusing on claims regarding pregnancy and childbirth rather than broader aspects of the female reproductive system. The EEOC’s actions in advancing this goal are addressed in more detail in Section B. Likewise, the SEP maintains its focus on “backlash” discrimination, premised on the idea that discrimination against some groups can arise as a backlash in response to local, national, or global events. The EEOC identifies in the SEP some groups in particular, including Jews; Muslims; racial or ethnic groups; and LGBTQI+ individuals, but also notes that the groups at issue, and the practices they are subjected to, can be enforcement under this element of the SEP has largely been focused on combatting antisemitism. This is discussed in Section D.

The final topic under this priority is “technology-related employment discrimination,” with the EEOC’s stated interest to be in employment decisions based on algorithmic decision-making, as well as automated recruitment, selection, production, and performance management tools. The EEOC has instead deprioritized this issue over the past year, even removing earlier guidance documents on the topic from its website.

Advancing Equal Pay for All Workers. The fourth strategic priority is advancing enforcement of pay discrimination laws, including the Equal Pay Act and Title VII. We cover the key focus areas relative to this strategic priority in Part II(E).

In the past, the EEOC's primary focus has been combating discrimination in pay based on sex. The FY 2024-2028 SEP revises this priority to make clearer that it intends to focus on pay discrimination based on any protected category.

The SEP departs from prior versions in two other notable ways. First, it includes a statement indicating that the EEOC will not depend on charges from members of the public, but will use its authority to initiate directed investigations and Commissioner's charges in order to facilitate enforcement. Second, the EEOC states its intent to challenge practices that it perceives may impede equal pay, or contribute to pay disparities, including secrecy policies, discouraging or prohibiting workers from sharing pay information, and "reliance on past salary history or applicants' salary expectations to set pay."

The partnership between the EEOC and the Department of Labor that was announced in 2023, provides the agency an additional source for information that could fuel investigations in this area. We cover the Memorandum of Understanding setting forth this partnership in Part II(A)(3).

That said, the focus on equal pay appears at this time to be in name only, as enforcement actions are uncommon. In FY 2025, the EEOC did not file any complaints alleging violations of the Equal Pay Act.

Preserving Access to the Legal System. The fifth strategic priority is preserving access to the legal system, and it is largely unchanged from the prior version on this topic. The focus within this priority is on policies or practices that discourage or prohibit individuals from exercising their rights, including any policies that deter or prohibit filing charges with the EEOC or cooperating freely in EEOC investigations, as well as, according to the EEOC, "overly broad waivers, releases, non-disclosure agreements, or non-disparagement agreements," failure to maintain applicant and employee data, and retaliatory practices that dissuade employees from exercising their rights. This objective has historically been reflected in the EEOC's aggressive assertion of retaliation claims against employers allegedly obstructing employees' efforts to participate in EEOC proceedings or otherwise oppose discrimination. The EEOC's Enforcement Guidance on Retaliation states that retaliation occurs when an employer takes a materially adverse action because an individual has engaged, or may engage, in protected activity that is in furtherance of Title VII, the Age Discrimination in Employment Act, the Americans with Disabilities Act, Section 501 of the Rehabilitation Act, the Equal Pay Act, or Title II of the Genetic Information Nondiscrimination Act. Retaliation claims premised on EEO-related activity are comprised of three elements: (1) protected activity through "participation" in an EEO process or "opposition" to discrimination; (2) materially adverse action taken by the employer; and (3) the requisite level of causal connection between the protected activity and the materially adverse action.

Of the 93 cases that were filed by the EEOC in FY 2025, 33 cases – or roughly 35% – involved retaliation allegations, signaling the EEOC's continued interest in pursuing such claims and in turn, the interests of employees' ability to pursue their rights under the anti-discrimination laws.

In the past year, the EEOC has added a new course of action consistent with this section of the SEP: publishing guidance documents advising the public of their right to file certain types of charges. For example, in March 2025 the EEOC released a one page document titled "What To Do If You Experience Discrimination Related to DEI at Work," explaining what may constitute DEI-related discrimination, who can be affected, and how to contact the EEOC to report such a claim.¹⁴ In November 2025, the EEOC released another one-page document titled "Discrimination Against American Workers Is Against The Law," explaining different forms of potential discrimination against American workers and how to file a charge in the event of a violation.¹⁵ These topics are discussed further in Section C.2.

¹⁴ <https://www.eeoc.gov/what-do-if-you-experience-discrimination-related-dei-work>.

¹⁵ <https://www.eeoc.gov/discrimination-against-american-workers-against-law>.

Preventing and Remedying Systemic Harassment. The sixth strategic priority is preventing and remedying systemic harassment, both in-person and online. This priority is directed at harassment, including sexual harassment and harassment based on sex, race, disability, age, national origin, religion, and color. This strategic priority will continue to focus on systemic cases. The EEOC views harassment as an ongoing and serious issue in the U.S. workplace. The EEOC has had ample opportunity to shape the law of sexual harassment through its litigation activities. Those cases often hinge on two issues: whether the alleged actions rise to the level of unlawful harassment, and whether an employer can be held liable for harassment perpetrated by employees. In FY 2025, there was a total of 28 cases involving harassment claims and 24 of those cases alleged sexual harassment. Additional information on this strategic priority and related case filings appears in Part II(G).

Of note, the FY 2024-2028 SEP expressly calls out harassment based on pregnancy, gender identity, and sexual orientation. As noted above, while protections for pregnant workers has remained a priority under this administration, issues related to gender identity and sexual orientation have been de-prioritized and in some instances abandoned entirely.

Continued Reliance on Systemic Investigations and Litigation to Advance Strategic Goals. In the FY 2024-2028 SEP, the “Commission once again reaffirms its commitment to the agency’s systemic program.” The EEOC traditionally looks to its SEP priorities to decide what types of systemic investigations and cases to pursue. As discussed above, however, the EEOC’s actual enforcement trends under the new administration have veered far from what is in the current written document, which itself is due for an overhaul now that the EEOC has a quorum. While FY 2025 was a quiet year in terms of EEOC litigation, a close analysis of the EEOC’s strategic litigation decisions can help employers identify key compliance areas going forward. For instance, although the EEOC under the Trump administration is unlikely to pursue LGBTQI+-related litigation, the Commission remains focused on vigorously enforcing pregnancy and disability discrimination laws in the workplace. Lawsuits over workplace DEI programs are likely to be another priority.

3. EEOC and Wage Hour Division Memorandum of Understanding

On September 13, 2023, the EEOC and the Department of Labor Wage Hour Division (WHD) entered into a Memorandum of Understanding (MOU) enabling information sharing, joint investigations, training, and outreach.¹⁶ The MOU empowers the agencies’ field staff to coordinate efforts on both individual matters and larger investigations.¹⁷

The MOU’s information-sharing and other contemplated coordinated activity provisions cover a broad range of activities, touching on all aspects of EEOC and WHD jurisdiction. For example, the MOU explicitly describes that each agency will make complaint referrals to the other, that the two will share complaint or investigative files, EEO-1 reports and FLSA records, and “statistical analyses or summaries,” and that the agencies “will explore ways to efficiently facilitate” the data sharing.

Information sharing under the MOU is not limited to just top-level agency officials in Washington, DC; leadership from each agency’s District (or Regional) offices may request information without the need to first obtain approval from HQ in Washington, DC. Importantly, the EEOC District Directors and Regional Attorneys may also designate other EEOC employees to make the request. This means that front-line EEOC staff involved in enforcement and litigation can quickly assess a wide range of information held by WHD. It is also noteworthy that the MOU allows any EEOC Commissioner to directly request information from WHD, without first channeling the request through EEOC career staff. This is significant because it enables EEOC Commissioners from different political parties than the Chair to obtain information directly from WHD.

¹⁶ U.S. Equal Employment Opportunity Commission Memorandum of Understanding Between the U.S. Department of Labor, Wage and Hour Division and the U.S. Equal Employment Opportunity Commission, <https://www.eeoc.gov/memorandum-understanding-between-us-department-labor-wage-and-hour-division-and-us-equal-employment>.

¹⁷ See Rachel See, Christopher DeGroff, and Andrew Scroggins, *EEOC and DOL Join Forces – What the Alliance Means for Employers*, Workplace Class Action Blog (Sept. 18, 2023), <https://www.workplaceclassaction.com/2023/09/eeoc-and-dol-join-forces-what-the-alliance-means-for-employers/>.

Significantly, the MOU specifically contemplates that the EEOC can share employer EEO-1 reports with the WHD. This is notable because Title VII prohibits the EEOC from disclosing EEO report data to the public, but the MOU does not bind the WHD in the same way. Instead, the WHD agrees to “observe” Title VII’s confidentiality requirements.

Employers can continue to expect the MOU to result in amplified information sharing between the EEOC and WHD when it comes to individual charges and investigations. (The MOU contains a high-level framework for coordinated investigations involving the same employer.) The potential for data sharing to fuel broader systemic investigations should remain at the forefront of employers’ minds. The ability to gather additional data through this partnership with the WHD adds a powerful tool to the EEOC’s investigative powers.

4. Impact of *Loper Bright*

In its 2023-2024 term, the U.S. Supreme Court brought an end to 40 years of deference to administrative agencies when it overturned *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 468 U.S. 837 (1984).^{18, 19} In *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244, 2273 (2024), the Court held that “[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority” rather than allowing the agency to fill statutory gaps, judging that courts, not agencies, are best situated to interpret ambiguous statutory provisions, even in areas of agency expertise.

In the wake of the Court’s decision, regulated entities have brought new challenges to longstanding rules that are premised on statutory ambiguity. Under *Loper Bright*, courts have significantly more leeway to interpret statutes contrary to an agency’s interpretations, and courts can use this to cabin agency authority.

However, while the Court’s decision was a marked change in how courts may review administrative agencies’ exercise of their power going forward, all agency rules that were enforceable before *Loper Bright* remained enforceable. Indeed, the Court observed that all decisions relying on *Chevron* to uphold an agency’s action (1) remained good law and (2) were not subject to overruling simply because they relied on *Chevron*. The result is that, practically, nothing changes for people or entities subject to such pre-existing administrative authority unless or until a new challenge is lodged and decided. For example, in *Kramer v. Bessent*, the U.S. District Court for the Eastern District of New York noted that prior cases interpreting the Americans with Disabilities Act (ADA) in light of the EEOC’s regulations remained binding post-*Loper Bright* because *Loper Bright* was not meant to “call into question prior cases” deferring to agency interpretations of statutes.²⁰

Further, *Loper Bright* did not mark the end of the administrative state. Most notably, the decision appeared to endorse the Court’s ruling in *Skidmore v. Swift & Co.*, 323 U.S. 134 (1944), under which courts grant a modicum of deference to an agency’s statutory interpretation to the extent that it has the power to persuade in light of the agency’s thoroughness, its consistency over time, and the soundness of its reasoning.

Additionally, *Loper Bright* did little to call into question Congress’s ability to expressly delegate authority to agencies to promulgate regulations and relevant definitions, such as the delegations to the EEOC under the ADA, the Age Discrimination in Employment Act (ADEA), and the Genetic Information Nondiscrimination Act (GINA), as well as the recently passed Pregnant Workers Fairness Act (PWFA) and the Providing Urgent Maternal Protections for Nursing Mothers (“PUMP”) Act. Given this, when Congress has directly authorized an agency to exercise discretion about the meaning of a statute, *Loper Bright* suggests that there is less space for courts to disagree with that interpretation.

¹⁸ See Rachel See, Jules A. Levenson, and Michael D. Berkheimer, *The Chevron Doctrine is Dead. Long Live the Administrative State* (June 28, 2024), <https://www.seyfarth.com/news-insights/chevron-is-dead-long-live-the-administrative-state.html>.

¹⁹ All case-related information in this Report is strictly derived from court dockets and other publicly-available sources.

²⁰ *Kramer v. Bessent*, No. 2:21-cv-3295 (NJ) (ST), 2025 WL 2576482, at *19 n.19 (E.D.N.Y. Sept. 4, 2025) (quoting *Loper Bright*, 144 S. Ct. at 2273).

For example, in *Sutherland v. Peterson's Oil Service, Inc.*, the U.S. Court of Appeals for the First Circuit noted the EEOC's authority to issue regulations implementing the definitions of disability under the ADA as a quintessential example of Congress "expressly delegat[ing] to an agency the authority to give meaning to a particular statutory term," as the Court had explained in *Loper Bright*.²¹

Elsewhere, the end of *Chevron* deference should not affect the way that federal courts are likely to view the EEOC's Title VII guidance, as that guidance has only received *Skidmore* deference, and not *Chevron* deference, since the Court's ruling in *General Electric Co. v. Gilbert*, 429 U.S. 125 (1976). For example, in *Bivens v. Zep, Inc.*, the U.S. Court of Appeals for the Sixth Circuit held that for an employee to hold her employer liable for non-employee harassment under Title VII, she must show that the employer intended for the harassment to occur.²² The court noted that its holding departed from the EEOC's reading of Title VII, which deemed negligence enough to hold an employer directly liable for workplace harassment committed by a non-employee.²³ The court explained that the EEOC's interpretative authority over Title VII has limited reach, with the agency authorized to issue only procedural regulations setting forth the steps for pursuing a claim under Title VII, not substantive ones interpreting the statutory rights of parties.²⁴ Relying on *Loper Bright*, the court continued that even if the EEOC had express authority to interpret Title VII's substantive provisions, courts would still be obliged to independently interpret the statute.²⁵ Finally, citing *Skidmore* as well as *Loper Bright*, the court noted that its respect for the EEOC's interpretation of Title VII extended only so far as the court found that reading persuasive, which it did not in the case at bar.²⁶

5. Recent EEOC Guidance on Vision and Hearing

On January 24, 2023, the EEOC published guidance²⁷ regarding hearing disabilities in the workplace. The guidance contained a series of question-and-answer documents addressing how the ADA applies to job applicants and employees with hearing disabilities. In particular, the document explained: when an employee may ask an applicant or employee questions about a hearing condition and how it should treat voluntary disclosures; what types of reasonable accommodations applicants or employees with hearing disabilities may need; how an employer should handle safety concerns about applicants and employees with hearing disabilities; and how an employer can ensure that no employee is harassed because of a hearing disability.

In a similar vein, on July 26, 2023, the EEOC published updated guidance regarding individuals with vision disabilities in the workplace.²⁸ This technical assistance document explained how the ADA applies to job applicants and employees with disabilities. The document outlined when, according to the EEOC, an employer may ask an applicant or employee questions about their vision, how an employer should treat voluntary disclosure about visual disabilities, and what types of reasonable accommodations those with visual disabilities may need in the workplace. The document also highlighted new technologies for reasonable accommodations, and described how using artificial intelligence and algorithms to make employment decisions can impact individuals with visual disabilities. Finally, the guidance also addressed how an employer should handle safety concerns about applicants and employees with visual disabilities, and methods to prevent harassment and retaliation.

²¹ *Sutherland v. Peterson's Oil Serv., Inc.*, 126 F.4th 728, 738 n.5 (1st Cir. 2025) (quoting *Loper Bright Enters.*, 144 S. Ct. at 2263 (cleaned up)).

²² *Bivens v. Zep, Inc.*, 147 F.4th 635, 645-46 (6th Cir. 2025).

²³ *Id.* at 645.

²⁴ *Id.* at 646.

²⁵ *Id.*

²⁶ *Id.* at 645-46.

²⁷ U.S. Equal Employment Opportunity Commission, Hearing Disabilities in the Workplace and the Americans with Disabilities Act (Jan. 24, 2023), <https://www.eeoc.gov/laws/guidance/hearing-disabilities-workplace-and-americans-disabilities-act>

²⁸ U.S. Equal Employment Opportunity Commission, Press Release: Updated EEOC Resources About the ADA and Individuals with Visual Disabilities at Work (July 26, 2023), <https://www.eeoc.gov/newsroom/updated-eeoc-resource-about-ada-and-individuals-visual-disabilities-work#:~:text=%E2%80%9CP%20reasonable%20accommodations%20is%20an,the%20resources%20needed%20to%20succeed>.

Reflective of its emphasis on protecting employees under the ADA, the Commission filed 34 cases under the Americans with Disabilities Act during FY 2025.²⁹ Focusing on hearing or vision-impaired workers, the Commission brought suit on behalf of an employee, for instance, who was fired after she developed cortical blindness and had to use Job Access with Speech (“JAWS”), a screen reader application, to navigate computer desktops and websites. Instead of permitting the employee to use JAWS or providing other reasonable accommodations, the employer kept her on an unpaid, involuntary leave for almost four years and then fired her after failing to facilitate her return to work.³⁰ In another case, an employer was alleged to have violated the ADA by failing to provide employees who are blind or have other visual impairments with accommodations that would allow them to independently access their employee benefits information and trainings. According to the EEOC, reasonable accommodations, including the implementation of technological fixes such as JAWS scripting, or requiring that third-party vendors provide accessible benefits portals, would have effectively accommodated these employees by making the portals and trainings accessible to them.³¹

The EEOC’s message: employers must provide reasonable accommodations to disabled applicants and employees, not only during the interview process, but throughout the entire employment relationship and with respect to all aspects of the employment relationship. The EEOC’s increased scrutiny on these issues is likely to continue and employers should recognize that the EEOC will target decisions it believes are based on stereotypes.

6. Focus Area: Hearing Impairment Issues in Recruiting and Hiring

Relatedly, while the EEOC’s disability-related lawsuits have concerned a broad range of disabilities, the Commission prioritized hearing-related disabilities in recent years. Specifically since publishing its guidance regarding hearing disabilities in the workplace in January 2023, the Commission filed nine cases on behalf of hearing impaired employees in FY 2023 and seven in FY 2024.³²

In FY 2025, the Commission only filed two cases on behalf of individuals with hearing impairments, consistent with its decrease in overall filings. Like the cases filed in FYs 2023 and 2024, however, the cases filed by the EEOC in FY 2025 related to hiring and recruiting. For example, a staffing company in one case allegedly stopped recruiting an applicant after the recruiter learned the candidate was “hard of hearing” and required an accommodation for an interview.³³ In another case, the employer allegedly refused to hire deaf individuals for a driver position, despite the ready availability of technological accommodations and, in some instances, their previous experience as drivers for other companies.³⁴

Once again, these cases signal the EEOC’s message that it expects employers (and employment agencies) to engage in the interactive process with applicants and employees, including during the interview process, and ensure decisions regarding hiring and recruiting are not made based on stereotypes.

7. Staffing Company Issues

In the FY 2024-2028 SEP, staffing relationships are no longer an “emerging and developing” issue, as they were in the previous SEP. Instead, the EEOC has expanded its efforts related to “vulnerable and underserved workers”—those “who may be unaware of their rights under [EEO] laws, may be reluctant or unable to exercise their legally protected rights, or have historically been underserved by federal

²⁹ See Christopher J. DeGroff, Andrew L. Scroggins, Samantha L. Brooks, and James P. Nasiri, *Frozen Pipeline: Examining the EEOC’s Quietest Year in a Decade*, Workplace Class Action Blog (Sept. 30, 2025), <https://www.workplaceclassaction.com/2025/09/frozen-pipeline-examining-the-eeocs-quietest-year-in-a-decade/>.

³⁰ *EEOC v. American Airlines, Inc.*, 4:25-cv-01056 (N.D. Tex. Sept. 29, 2025).

³¹ *EEOC v. Pearson Education, Inc.*, No. 2:25-cv-12214 (D.N.J. June 27, 2025).

³² See Christopher J. DeGroff, Andrew L. Scroggins, James P. Nasiri, and Samantha L. Brooks, *EEOC Case Filings Plummet: A Look at the EEOC’s Surprisingly Sluggish FY 2024* (Sept. 30, 2024), <https://www.seyfarth.com/news-insights/eec-case-filings-plummet-a-look-at-the-eeocs-surprisingly-sluggish-fy-2024.html>.

³³ *EEOC v. Digital Intelligence Systems, LLC*, No. 4:25-cv-04589 (S.D. Tex. Sept. 25, 2025).

³⁴ *EEOC v. Alto Experience, Inc.*, 1:24-cv-2208 (E.D. Va. Dec. 6, 2024).

employment discrimination protections”—which the EEOC treats as including “temporary workers.”³⁵ Accordingly, one of the EEOC’s priorities is “eliminating barriers in recruitments and hiring” in areas relevant to staffing, including the following:

- limiting employees to temporary work when qualified for available permanent positions;
- limiting access to temp-to-hire positions or other job training or advancement opportunities;
- channeling, steering, or segregating individuals into specific jobs or job duties by protected group;
- use of automated systems to target job advertisements, recruit applicants, or make or assist in hiring decisions where such systems intentionally exclude or adversely impact protected groups;
- job advertisements that exclude or discourage certain demographic groups from applying;
- restrictive application processes or systems, including online systems that are difficult for individuals with disabilities or other protected groups to access; and
- screening tools or requirements that disproportionately impact workers based on protected status, including those using AI/automated systems, pre-employment tests, and background checks.

In FY 2025, the EEOC filed several suits related to temporary work arrangements, sometimes against a staffing agency and sometimes also against the businesses that engage staffing agencies for temporary labor. In one such case, a staffing agency allegedly failed to hire females or refer them for employment. According to the EEOC, one of the agency’s clients requested male laborers only for their facility, and the agency complied with the client’s request.³⁶ In another case, a staffing agency and a business at which the agency placed temporary employees discharged individuals because of their pregnancies.³⁷

8. Amicus Briefs and Other Noteworthy Filings

In many years, the EEOC spends significant resources filing amicus briefs, particularly in courts of appeals, to advance and shape the law. Before filing, an amicus brief first must be approved by a majority of Commissioners, but as described elsewhere in this book the EEOC lacked a quorum of Commissioners for most of the prior year. As a consequence, the EEOC approved and filed Amicus Briefs in only 15 cases during FY 2025. The filings were made almost exclusively in federal appellate courts, and in one instance with the United States Supreme Court.

Though the filings were approved before the change in administration, they nonetheless provide insights into the enforcement priorities of the current leadership. As a Commissioner, Lucas voted against filing briefs that involved issues related to gender identity or expression, consistent with her assertions that sex is binary and immutable. These included cases that involved a gay woman alleging religiously motivated sex discrimination, a gender-nonconforming lesbian challenging a mandatory arbitration agreement, and a transgender woman alleging sex discrimination over denial of health coverage for gender-affirming surgery. On the other hand, Lucas joined the other Commissioners to approve amicus briefs in all other sex-based discrimination claims. Lucas also was aligned with the other Commissioners that majority-group discrimination claims should not be subject to stricter evidentiary standards than those applied in minority-group discrimination claims.

The following is a summary of the EEOC’s Amicus Brief filings in FY 2025. Now that the EEOC’s quorum has been restored following the U.S. Senate’s confirmation of Brittany Panuccio’s nomination on October 7, 2025, and with a 2-1 Republican majority, we anticipate amicus group filings to increase.

³⁵ See U.S. Equal Employment Opportunity Commission Strategic Enforcement Plan FY 2024-2028, [Strategic Enforcement Plan Fiscal Years 2024-2028 | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](https://www.eeoc.gov/strategic-enforcement-plan-fiscal-years-2024-2028).

³⁶ *EEOC v. WorkSmart Staffing, LLC*, 4:25-cv-01659 (N.D. Ala. Sept. 29, 2025).

³⁷ *EEOC v. TEG Staffing, Inc. et al.*, No. 2:25-cv-09314 (C.D. Cal. Sept. 29, 2025).

Huber v. Westar Foods, Inc., No. 23-1087 (8th Circuit)

Unanimously Approved by the Commissioners.

The EEOC argued that an employer acts “on the basis of disability” in violation of the ADA when its decision to discipline is based on assumptions or judgments about the nature, extent, or impact of the employee’s disability, rather than on an individualized assessment of the employee’s actual capabilities. Additionally, the EEOC took the position that an employer’s “honest belief” that an employee violated its policy does not automatically shield it from liability under the ADA.

Smith v. P.A.M. Transport, Inc., No. 24-5549 (6th Circuit)

Unanimously Approved by the Commissioners.

Two African American truck drivers alleged that they were subjected to the repeated use of the slur “monkey ass” by their supervisors; were provided fewer trainings, given less time off, assigned less desirable job duties; and denied fair pay. The EEOC filed an Amicus Brief arguing that the lower court erred in granting summary judgment in favor of the employer because a reasonable jury could find that supervisors repeatedly calling the Plaintiffs “monkey ass” both constituted race-based harassment and was sufficiently severe or pervasive to alter the terms or conditions of their employment. The EEOC took the position that a discrete employment-related action, including unfavorable work assignments, can contribute to a hostile work environment. Additionally, the EEOC argued that the district court erred in requiring the Plaintiffs to identify comparators who were “non-African American” rather than “white,” arguing that “Black” and “White” may unquestionably be used as racial categories in litigating Title VII discrimination and harassment claims.

Doe v. Saber Healthcare Group, No. 24-2106 (3rd Circuit)

Approved by: Commissioners Burrows, Kotagal, Samuels; Disapproved by: Commissioner Lucas.

A gender nonconforming lesbian woman of color worked as a nursing assistant at a facility where she alleged she was subjected to reduced work hours, physical assault by a resident, and dismissive or hostile responses from staff when she reported the mistreatment. She claimed she was effectively terminated when her employer stopped scheduling her for shifts after she raised concerns about her treatment. The EEOC advocated for affirming the district court’s decision that the Plaintiff’s claims constituted a “sexual harassment dispute” under the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act (EFASASHA), thereby invalidating a mandatory arbitration agreement that would have required the complaint to be heard by an arbitrator rather than in court.

Pratt v. Wisconsin Aluminum Foundry, No 24-1901 (7th Circuit)

Unanimously Approved by the Commissioners.

An HR manager allegedly was terminated after reporting multiple instances of inappropriate and discriminatory behavior, including racist and sexist remarks by senior leaders. The EEOC argued that the lower court applied an incorrect legal standard by holding HR professionals to a higher bar and by mischaracterizing what constitutes protected opposition to a hostile work environment. The EEOC took the position that managers and human resources employees are subject to the same standard for assessing protected activity as other employees. The EEOC argued that the district court applied an overly strict and incorrect standard for hostile work environment claims by requiring harassment to be both severe and pervasive, demanding intent to harass, and failing to recognize that employees can oppose harassment before it becomes fully actionable under Title VII.

Hartson v. Compwest Insurance Co., No. 24-1651 (6th Circuit)

Unanimously Approved by the Commissioners.

An employee requested a medical exemption from the company's mandatory COVID-19 vaccine policy due to severe allergic reactions to antibiotics and vaccines, supported by a physician's note warning of serious disability or death. The employee claimed that the company denied her an exemption without further inquiry and terminated her employment when she did not comply with the vaccination deadline. The EEOC advocated for reversal of the district court's dismissal arguing that plaintiffs do not need to allege detailed facts about how their impairment affects major life activities, and that a plausible claim of disability suffices.

Smith v. City of Union, OH Police Dep't, No. 24-3489 (6th Circuit)

Unanimously Approved by the Commissioners.

A police officer was first terminated and then reinstated by an arbitrator, but the employer allegedly delayed his return by requiring a psychological fitness-for-duty exam. During the delay, younger officers were promoted or rehired. The Plaintiff alleged retaliation for filing an age discrimination complaint. The EEOC filed an Amicus Brief arguing that the lower court erred in granting summary judgment in favor of the Defendant. The EEOC took the position that forcing an employee to undergo a psychological fitness-for-duty examination may constitute a materially adverse action. It additionally argued that the lower court applied a stricter "would dissuade" standard instead of the correct "could well dissuade" or "might dissuade" standard required for retaliation claims.

McMahon v. World Vision, Inc., No. 24-3259 (9th Circuit)

Approved by: Commissioners Burrows, Kotagal, Samuels; Disapproved by: Commissioner Lucas.

The employer offered the Plaintiff a job but allegedly rescinded it after learning she was in a same-sex marriage, citing its religious standards of conduct requiring employees to adhere to "Biblically based behavior." The EEOC advocated for affirming the district court's ruling in favor of the Plaintiff arguing that Defendant is not exempt under Title VII's religious organization exemption, noting that no federal appellate court in the country permits religiously motivated sex discrimination. It further argued that the Plaintiff's sex is not a bona fide occupational qualification for the customer service role to which she applied.

Lange v. Houston County, GA, No. 22-13626-U (11th Circuit)

Approved by: Commissioners Burrows, Kotagal, Samuels; Disapproved by: Commissioner Lucas.

A transgender woman and longtime sheriff's deputy claimed she was denied insurance coverage for medically necessary gender-affirming surgery due to exclusions in the county's health plan. The district court highlighted that the same procedures would be covered for other medical reasons (e.g., cancer treatment), but not for gender dysphoria. In a joint Amicus Brief with the Department of Justice, the EEOC urged that the lower court's ruling be affirmed, arguing that the plan's denial of care solely for gender transition purposes is facially discriminatory on the basis of sex.

***Blaine v. Mystere Living & Healthcare, Inc.*, No. 24-3121 (10th Circuit)**

Unanimously Approved by the Commissioners.

An occupational therapy assistant was terminated eleven days before her stated resignation date although she was paid through the full notice period. The employee alleged she was retaliated against under Title VII after reporting repeated sexual harassment by a coworker. The EEOC advocated for the reversal of the district court's decision in favor of the employer by arguing that the district court mistakenly used the stricter "significant change in employment status" standard—applicable to discrimination claims—instead of the proper "materially adverse" standard that the Supreme Court set out in *Burlington N. & Santa Fe Ry. Co. v. White*, 548 U.S. 53 (2006), which asks whether the employer's action might have dissuaded a reasonable worker from making or supporting a discrimination complaint.

***Key v. Hyundai Motor Manufacturing Alabama, LLC*, No. 24-11126 (11th Circuit)**

Approved by: Commissioners Burrows, Kotagal, Samuels; Disapproved by: Commissioner Lucas.

An African American woman hired to work at a plant alleged that she was removed from her position after being told her dreadlocks violated a grooming policy and after disclosing her pregnancy. She filed discrimination and retaliation claims, but the district court dismissed most of them. The EEOC took the position that the lower court improperly granted summary judgment. In its Amicus Brief, the EEOC argued that the Plaintiff plausibly alleged that banning dreadlocks disproportionately affects Black individuals, to support a disparate impact claim. It also argued that the Plaintiff provided sufficient evidence suggesting the dreadlocks ban was racially motivated, to support a disparate treatment claim.

***Khatabi v. Car Auto Holdings LLC*, No. 24-12573 (11th Circuit)**

Unanimously Approved by the Commissioners.

After the Plaintiff sued for constructive discharge and won, the employer invoked Title VII's statutory damages cap. The EEOC in its Amicus Brief argued that the Eleventh Circuit should reverse the remittitur because the employer waived that affirmative defense by failing to assert it in its answer or pretrial stipulation.

***Smith v. General Motors LLC*, No. 24-10841 (5th Circuit)**

Unanimously Approved by the Commissioners.

A forklift driver claimed that she suffered a head injury in August 2020 and was placed on long-term work restrictions, but that the employer repeatedly assigned her tasks outside those restrictions and ultimately terminated her employment in March 2022. The district court dismissed her ADA claims. The EEOC filed an Amicus Brief arguing that the district court relied on a definition of "substantially limited" to assess the Plaintiff's disability allegations that the ADAAA expressly abrogated.

Ames v. Ohio Dep’t of Youth Servs., No. 23-1039 (U.S. Supreme Court)

Unanimously Approved by the Commissioners.

A heterosexual woman alleged she was denied a promotion and later demoted because of her sexual orientation, in violation of Title VII. The district court and Sixth Circuit rejected her claim, holding that majority-group plaintiffs must show “background circumstances” suggesting the employer discriminates against the majority, in addition to the usual *prima facie* elements under the framework set forth in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973). The EEOC filed an Amicus Brief urging the Supreme Court to reaffirm that all Title VII plaintiffs—majority or minority—are entitled to the same evidentiary rules and to eliminate the “background circumstances” requirement.

Arnold v. United Air Lines, No. 24-2179 (7th Circuit)

Unanimously Approved by the Commissioners.

A 26-year employee alleged age discrimination and retaliation after being removed from a high-profile project and placed on a performance improvement plan (PIP) following her complaint about losing the project to a younger colleague. The district court granted summary judgment for the employer, finding these actions were not “adverse employment actions” and that the Plaintiff failed to show discriminatory or retaliatory intent. The EEOC filed an Amicus Brief arguing that the lower court erred by ignoring *Muldrow v. City of St. Louis*, 601 U.S. 346 (2024), which lowered the threshold to “some harm” for discrimination claims, making both the project removal and PIP potentially actionable. The EEOC further argued that although *Muldrow* was a Title VII case, its holding is equally applicable to the ADEA’s anti-discrimination provision based on the statutes’ common language.

Mustafa v. Ford Motor Co., No. 24-1763 (6th Circuit)

Unanimously Approved by the Commissioners.

A Middle Eastern Muslim employee claimed that he began receiving negative reviews after being transferred to a new team despite praise from previous managers and other managers for temporary projects. After filing an internal complaint of discrimination, he allegedly was falsely accused of timecard fraud and given another poor review despite meeting all deliverables. Following a six month medical leave, he was terminated. The EEOC filed an Amicus Brief arguing that the lower court erred in dismissing the Plaintiff’s retaliation claim because a false misconduct accusation in tandem with a negative performance review supported an inference of retaliatory motive.

9. EEOC Stepping Down from Several Lawsuits

An Executive Order titled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” published on January 20, 2025, stated that sex is a binary concept limited to “biologically male” and “biologically female.”³⁸ On January 29, 2025, the Office of Personnel Management (OPM) directed all federal employees to take prompt actions to end all agency programs that use taxpayer money to “promote or reflect gender ideology” as defined in the Executive Order. In response, the EEOC withdrew seven lawsuits it had initiated accusing businesses of discriminating against transgender or nonbinary employees.

In *EEOC v. Sis-Bro Inc.*, a transgender employee alleged that a coworker exposed his genitals to her and touched her breasts, addressed her by her birth-name, and repeatedly criticized her for receiving gender affirming care. After the EEOC withdrew its representation, the employee was represented by Justicia Laboral LLC. This case was later settled in September 2025.³⁹

In *EEOC v. Harmony Hospitality LLC*, a gay nonbinary male employee alleged that Harmony Hospitality LLC discriminated against him by firing him hours after co-owners learned of his gender identity. After the EEOC withdrew its representation, the employee was represented by private counsel. The case was dismissed in July 2025 after a stipulation of dismissal was filed by the parties.⁴⁰

In *EEOC v. Reggio's Pizza Inc.*, a transgender employee alleged that she was “outed” by her manager, called a homophobic slur by coworkers, and fired when she complained. After the EEOC withdrew its representation, the former employee filed a sealed motion for leave to proceed under a pseudonym. The case is currently ongoing.⁴¹

In *EEOC v. Boxwood Hotels LLC et al.*, a transgender housekeeper alleged that they were fired after complaining that a supervisor repeatedly misgendered the employee and made anti-transgender statements, referring to the housekeeper as a “transformer” and “it.” After the EEOC withdrew its representation, the employee has been represented by Gender Equality Law Center. The case is currently ongoing.⁴²

In *EEOC v. Lush Handmade Cosmetics LLC et al.*, three transgender employees alleged that a manager sexually harassed them with offensive physical and verbal sexual conduct. After the EEOC withdrew its representation, the employees retained private counsel. This case was referred to mediation and is currently ongoing.⁴³

In *EEOC v. Starboard Group Inc. et al.*, three transgender plaintiffs alleged that they were subject to pervasive sexual harassment, including that one supervisor demanded to know if one employee had a penis. After the EEOC withdrew its representation, the employees have been represented by private counsel. The case is currently ongoing.⁴⁴

In *Lucas v. Brik Enterprises Inc. et al.*, the employer allegedly fired one transgender male employee—who claimed to have been repeatedly misgendered and harassed—and three co-workers who reported the alleged harassment and urged corrective action. The EEOC initially represented all four former employees, while the transgender employee also intervened in the litigation with private counsel. After the EEOC

³⁸ Exec. Order No. 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, 90 FR 8615 (2025).

³⁹ *EEOC v. Sis-Bro Inc.*, No. 3:24-cv-00968 (S.D. Ill.).

⁴⁰ *EEOC v. Harmony Hospitality LLC*, No. 1:24-cv-00357 (M.D. Ala.).

⁴¹ *EEOC v. Reggio's Pizza Inc.*, No. 1:24-cv-08910 (N.D. Ill.).

⁴² *EEOC v. Boxwood Hotels LLC et al.*, No. 1:24-cv-00902 (W.D.N.Y.).

⁴³ *EEOC v. Lush Handmade Cosmetics LLC et al.*, No. 5:24-cv-06859 (N.D. Cal.).

⁴⁴ *EEOC v. Starboard Group Inc. et al.*, No. 3:24-cv-02260 (S.D. Ill.).

withdrew its representation, two of the employees who reported the harassment were represented by the ACLU Fund of Michigan. The case was dismissed in August 2025 after a stipulation of dismissal was filed by the parties.⁴⁵

10. Changes within the Federal Sector

On May 15, 2025, then Acting Chair Andrea Lucas announced key changes via two memoranda. The first, titled “Ending Unauthorized Monetary Sanctions Against Federal Agencies,” reversed a two-decade-long practice by announcing that the EEOC will no longer impose monetary sanctions (e.g., attorney’s fees or costs) on federal agencies for noncompliance with EEOC administrative orders.⁴⁶ This is in line with the advice of the Department of Justice’s Office of Legal Counsel (OLC), which states that monetary sanctions against federal agencies violate principles of sovereign immunity since such sanctions require an explicit statutory waiver. The memorandum referenced *Loper Bright* to highlight two points. First, it is the courts, not the agencies, which define legal boundaries. And second, the OLC’s opinion is consistent with the federal courts’ established jurisprudence on sovereign immunity. In lieu of monetary penalties, the EEOC will use non-monetary remedies such as: resolving issues in favor of the opposing party, drawing adverse evidentiary inferences, excluding evidence, and other tailored procedural actions. The memo also implies that this new stance could serve as a possible cost-cutting measure for the federal government, saying that using enforcement tools other than monetary sanctions “will further the EEOC’s mission of eliminating unlawful discrimination while responsibly stewarding the funds entrusted to the federal government by Congress.”

The second memo, titled “Restoring and Protecting the Presumption of Innocence in the EEO Complaint Process,” endorsed the Department of Defense’s decision to stop holding promotions in abeyance solely because an employee is the subject of a pending EEO complaint.⁴⁷ In this memo, Lucas emphasized that the neutrality of the EEO process must exist for both the complainant and the accused, and that there can be no presumption of guilt against those accused of discrimination without a substantive finding of misconduct based on credible evidence.

⁴⁵ *Lucas v. Brik Enterprises Inc. et al.*, No. 2:24-cv-12817 (E.D. Mich.).

⁴⁶ U.S. Equal Employment Opportunity Commission Memorandum from EEOC Acting Chair Andrea Lucas on Ending Unauthorized Monetary Sanctions Against Federal Agencies, https://www.eeoc.gov/sites/default/files/2025-05/EEOC_Memo_-_Ending_Unauthorized_Monetary_Sanctions_Against_Federal_Agencies.pdf.

⁴⁷ U.S. Equal Employment Opportunity Commission Memorandum from EEOC Acting Chair Andrea Lucas on Restoring and Protecting the Presumption of Innocence in the EEO Complaint Process, https://www.eeoc.gov/sites/default/files/2025-05/EEOC_Memo_-_Restoring_and_Protecting_the_Presumption_of_Innocence_in_the_EEO_Complaint_Process.pdf.

B. EEOC Focus on Pregnancy Discrimination

The EEOC's Strategic Enforcement Plan includes a focus on protecting workers affected by pregnancy, childbirth, or related medical conditions, including under the Pregnancy Discrimination Act (PDA) and the Pregnant Workers Fairness Act (PWFA), as well as pregnancy-related disabilities under the Americans with Disabilities Act (ADA).⁴⁸ The agency has continued to focus on such claims under the Trump administration, though with a less expansive interpretation of who is covered by such laws.

1. The Legal Framework

The PDA is an amendment to Title VII of the Civil Rights Act of 1964, which makes discrimination based on pregnancy, childbirth, or related medical conditions a form of unlawful sex discrimination. Under the PDA, employers must treat women affected by pregnancy or related conditions the same as other employees similar in their ability or inability to work, in all aspects of employment, including hiring, pay, promotions, training, and benefits. An employer cannot refuse to hire, fire, or take adverse action against a woman because she is pregnant, was pregnant, or might become pregnant, nor can decisions be based on stereotypes or customer preferences. Further, under the PDA, pregnant employees must be allowed to work as long as they can perform their job, and if temporarily disabled due to pregnancy, they must receive the same leave and job protections as other temporarily disabled employees. The PDA also prohibits singling out pregnancy-related conditions for special procedures and ensures equal treatment in medical clearance, leave policies, and return-to-work rules.

The PWFA requires employers to provide reasonable accommodations for an applicant's or employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would cause undue hardship. In general, a "reasonable accommodation" means a change to the work environment or how work is normally done, such as modified schedules, additional breaks, or temporary reassignment. Employers must engage in an interactive process with the employee to identify appropriate accommodations and cannot automatically deny requests or enforce rigid policies. Finally, the definition of "undue hardship" under the PWFA is the same as under the ADA and Title VII.

2. Pregnancy-Related Lawsuits

The number of EEOC lawsuits alleging pregnancy-related claims has significantly increased. In FY 2025 the EEOC filed 10 lawsuits under the Pregnancy Discrimination Act and/or the Pregnant Workers' Fairness Act – five in September 2025 alone, discussed below. This emphasis on pregnancy-related issues aligns with public statements by Chair Lucas, who has placed an emphasis on enforcing protections in this areas. Notably, Lucas has rejected the broader interpretation offered in the Final Rule implementing the PWFA. In her view, the rule "fundamentally erred in conflating pregnancy and childbirth accommodation with accommodation of the female sex, that is, female biology and reproduction."⁴⁹ Removing or revising the rule requires a vote by the Commission, which Lucas has stated she will seek.

In *EEOC v. Comforts of Home Holdings LLC, Inver Grove Heights WP LLC d/b/a White Pine Senior Living, Inver Grove Heights WP II LLC*, No. 0:25-cv-00059, filed in the District of Minnesota on January 7, 2025, the EEOC alleged the employer discriminated against a pregnant employee by subjecting her to workplace harassment, discriminatory discharge, and retaliation, on the basis of pregnancy. In April 2025, the parties filed a Joint Motion to Approve a Consent Decree. On May 13, 2025, the Court granted the Motion and entered the Consent Decree.

⁴⁸ See U.S. Equal Employment Opportunity Commission Strategic Enforcement Plan FY 2024-2028, [Strategic Enforcement Plan Fiscal Years 2024-2028](https://www.eeoc.gov/strategy/strategic-enforcement-plan-fiscal-years-2024-2028) | U.S. Equal Employment Opportunity Commission (eeoc.gov).

⁴⁹ See Position of Acting Chair Lucas Regarding the Commission's Final Regulations Implementing the Pregnant Workers Fairness Act, <https://www.eeoc.gov/wysk/position-acting-chair-lucas-regarding-commissions-final-regulations-implementing-pregnant-workers-fairness-act>

In *EEOC v. Support Center For Child Advocates*, No. 2:25-cv-00310, filed in the Eastern District of Pennsylvania on January 17, 2025, the EEOC alleges that the employer denied an employee's request—necessitated by her high-risk pregnancy during the COVID-19 pandemic—to be exempted from the employer's policy requiring in-office attendance three days per week, while providing the same accommodation to a non-pregnant employee, which resulted in the employee's constructive discharge. On October 16, 2025, after the parties' third motion for entry of a Consent Decree was denied, the parties filed a Stipulation of Dismissal and Settlement Agreement, and the Court dismissed the lawsuit with prejudice. (This case is also noteworthy for the fact that it resolved with a Stipulation of Dismissal and Settlement Agreement; not a Consent Decree.)

In *EEOC v. QSR Pita USA, Inc., Bubbamax, LLC, Paul Duerre, et al.*, No. 4:25-cv-04109, filed in the District of South Dakota on June 23, 2025, the EEOC alleges the employer discriminated against its employee due to pregnancy and a related disability and denied reasonable accommodation, which ultimately lead to her termination. This case is in the early stages of litigation.

In *EEOC v. PT Administrative Services LLC*, No. 1:25-cv-03615, filed in the Eastern District of New York on June 30, 2025, the EEOC alleges that the employer unlawfully discriminated against its employee by denying reasonable accommodations related to childbirth and lactation, firing her shortly after giving birth for requesting support, and refusing to rehire her despite her willingness to return without accommodations. This case is in the early stages of litigation.

In *EEOC v. Smithfield Fresh Meats Corp.*, No. 7:25-cv-1410, filed in the Eastern District of North Carolina on August 19, 2025, the EEOC alleges that the employer refused to accommodate an employee's pregnancy-related limitations, forced her to take leave unnecessarily, and discharged her. This case is in the early stages of litigation.

In *EEOC v. Roland Park SNF Operations, LLC, et al.*, No. 1:25-cv-02986, filed in the District of Maryland on September 10, 2025, the EEOC alleges a certified nursing assistant told her employer she was temporarily restricted by her doctor from lifting patients due to risks in her pregnancy. In response, the employer, which maintained a policy of reserving light or modified duty for workers with on-the-job injuries only, refused to provide a reasonable accommodation for the employee as required by federal law. Instead, the company terminated her, telling her to reapply for a position after her pregnancy. This case is in the early stages of litigation.

In *EEOC v. Smoke BBQ LLC*, No. 1:25-cv-00278, filed in the Southern District of Mississippi, on September 15, 2025, the EEOC alleges that in November 2023, shortly after a server started working at the restaurant, the server told her colleagues about her pregnancy. The next day, after the server's manager heard about her pregnancy, the server was fired. This case is in the early stages of litigation.

In *EEOC v. Blue Island SLF, LLC*, No. 1:25-cv-11111, filed in the Northern District of Illinois on September 15, 2025, the EEOC alleges the employer, an assisted living facility in Blue Island, Illinois, terminated a pregnant employee after she disclosed her pregnancy and related lifting restriction. This case is in the early stages of litigation.

In *EEOC v. iPro Dental Laboratory, Inc.*, No. 0:25-cv-61904, filed in the Southern District of Florida on September 23, 2025, the EEOC alleges that iPro Dental hired a woman in January 2023, describing her as "perfect," for the position of office assistant at its Fort Lauderdale location. The company fired her just days later after learning she was pregnant. Prior to her termination, the new employee had not been disciplined for her work performance. This case is in the early stages of litigation.

3. Subpoena Enforcement Action

In FY 2025, the EEOC also filed its first PWFA subpoena enforcement action. In *EEOC v. R&L Carriers Shared Services, LLC*, No. No. 1:25-cv-00528, filed in the Northern District of Illinois on January 16, 2025, the EEOC filed suit to enforce a subpoena the agency issued as part of an investigation into an alleged violation of the Pregnant Workers Fairness Act. The EEOC alleged that that employer discriminated against the employee based on her sex, failed to reasonably accommodate her pregnancy-related restrictions, and placed the employee on involuntary unpaid leave. Under the subpoena, EEOC sought to collect information on employees who worked at the same location as the employee in question and on other drivers in Illinois, Wisconsin, Minnesota, Iowa, South Dakota and North Dakota who requested accommodations for pregnancy-related restrictions. After the EEOC filed the subpoena enforcement action, the employer withdrew the objections to the subpoena and agreed to voluntarily produce the requested information. The EEOC moved to voluntarily dismiss the lawsuit on March 7, 2025.

As noted above, the EEOC's enforcement of pregnancy-related issues increased in FY 2025. The Commission remains focused on vigorously enforcing pregnancy discrimination laws in the workplace. Employer's should ensure they have thorough pregnancy-related discrimination and accommodations policies, including a strong practice for documenting the interactive process under the PWFA

C. Changing Enforcement Priorities To Protect Workers Against Discrimination

The EEOC enforces Title VII of the Civil Rights Act of 1964 and its prohibition on discrimination in the workplace based on protected characteristics such as sex and race. Historically, these enforcement efforts focused on protecting minority populations that possessed or were perceived to have immutable characteristics and targeted for discrimination in the workplace as a result.

Under the leadership of Chair Lucas, the EEOC has altered this enforcement framework by targeting employers for discrimination for maintaining and supporting Diversity, Equity and Inclusion (DEI)-related programs that on their face were intended to support minority populations. Now, the EEOC may take enforcement action against an employer initiative, policy, program, or practice if it unlawfully involves taking an employment action motivated—in whole or in part—by race, sex, or another protected characteristic. Indeed, as of January 2026, the landing page for EEOC.gov opens with a large banner stating “DEI Discrimination: What To Do If You Experience It,” with a prominent link to “Learn More” about DEI-related discrimination that takes the reader to the aforementioned EEOC fact sheet “What to Do if you Experience Discrimination Related to DEI at Work.”⁵⁰

To assist employers with this change, the EEOC provided technical assistance clarifying its position regarding certain specific DEI practices such as having diverse interview slates that may require minimum representation of candidates from specific demographic groups in their interview pools, such as the National Football League's Rooney Rule requiring teams to interview at least one minority candidate for a head coach position. Another practice highlighted by the EEOC as possible unlawful DEI-related discrimination are Employee Resource Groups or employee affinity groups that may limit membership to certain protected groups.

In early 2025, a number of the country's largest law firms became the first well-publicized target of the EEOC's reworked enforcement with respect to DEI-related discrimination. Soon after President Trump issued Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,”⁵¹ then-Acting Chair Lucas sent letters to 20 law firms to request information about their DEI-related employment practices and later proclaimed, “The EEOC is prepared to root out discrimination anywhere it may rear its head, including in our nation's elite law firms.”

What is clear is that the Lucas-led EEOC rejects the concept of reverse discrimination; there is “only discrimination.”

⁵⁰ <https://www.eeoc.gov/what-do-if-you-experience-discrimination-related-dei-work>

⁵¹ Exec. Order 13985, *Advancing Racial Equity and Support for Underserved Communities through the Federal Government*, 90 FR 7009 (2025).

1. Ames Decision

On June 5, 2025, the U.S. Supreme Court issued a unanimous decision in *Ames v. Ohio Department of Youth Services*, in which the Court held that “majority-group” plaintiffs are not subject to a heightened burden when alleging discrimination. In *Ames*, the Court struck down the Sixth Circuit’s “background circumstances” requirement and reaffirming that Title VII’s protections apply equally to all individuals regardless of “majority” or “minority” status. The case arose after the heterosexual plaintiff claimed she was passed over for promotion and later demoted in favor of two openly gay candidates. Lower courts applied a heightened prima facie standard and granted summary judgment against the plaintiff, but the Supreme Court reversed, holding that the McDonnell Douglas framework applies uniformly to all Title VII plaintiffs. Justice Jackson’s opinion emphasized the statute’s group-neutral language, while a concurrence by Justice Thomas, joined by Justice Gorsuch, warned that corporate diversity programs and DEI initiatives can constitute actionable discrimination if they disadvantage “majority-group” employees.

Following the decision, then-EEOC Acting Chair Lucas issued a statement celebrating the ruling as restoring evenhanded application of Title VII. Lucas underscored that the EEOC has long maintained a neutral, group-blind enforcement posture and signaled that the decision removes any perceived shield for employers implementing DEI programs that result in race- or sex-based decision-making. The EEOC filed an amicus brief in *Ames* and, earlier in 2025, issued joint guidance with the Department of Justice on unlawful DEI practices, following information requests sent to major law firms.

Looking ahead to 2026, employers should anticipate increased EEOC scrutiny of DEI-driven employment practices, particularly those that create quotas or preferential treatment, as well as heightened enforcement around religious accommodation disputes involving pronoun usage, observance, and attire. With the agency poised to pursue systemic investigations, employers should proactively review diversity programs for race and sex neutral language, document legitimate business justifications for inclusion efforts, and strengthen religious accommodation protocols. The *Ames* decision signals a new era of enforcement where DEI initiatives will face rigorous examination under Title VII’s group-neutral mandate, and employers that fail to adapt may face significant litigation risk.

2. National Origin Discrimination To Protect American Workers

Historically, the EEOC’s enforcement priorities focused on protecting vulnerable populations, such as immigrant workers from discrimination. These efforts reflected a longstanding commitment to addressing barriers faced by minority groups in the workplace.

In a notable policy shift, the EEOC, under Chair Lucas, announced a new emphasis on unlawful employment practices that favor non-American workers over American workers.⁵² This change aims to address national origin discrimination and anti-American bias.

Recent enforcement actions illustrate the agency’s current priority to target practices that disadvantage American workers. In FY 2025, the agency filed only two national origin discrimination lawsuits, and both actions involved allegations of discrimination against American workers. In contrast, the EEOC filed five national origin cases in FY 2024, none of which addressed anti-American bias.

This year, the EEOC secured a \$1.4 million settlement with LeoPalace Guam Corporation after allegations that American nationals received less favorable wages and benefits compared to Japanese employees in similar roles.⁵³ In the other national origin discrimination case, the EEOC asserted claims

⁵² See EEOC Press Release, *EEOC Acting Chair Vows to Protect American Workers from Anti-American Bias*, <https://www.eeoc.gov/newsroom/eeoc-acting-chair-vows-protect-american-workers-anti-american-bias>

⁵³ See EEOC Press Release, *LeoPalace Resort to Pay Over \$1.4 Million in EEOC National Origin Discrimination Lawsuit*, <https://www.eeoc.gov/newsroom/leopalace-resort-pay-over-14-million-eeoc-national-origin-discrimination-lawsuit>

of discrimination on behalf of Black, American workers, alleging that the employer gave preference in assignments and pay to non-Black, non-American workers authorized to work under H-2A (agricultural work) visas.⁵⁴ These actions demonstrate the EEOC's policy shift.

To further this initiative, the EEOC published a fact sheet titled "Discrimination Against American Workers Is Against the Law" and updated its national origin discrimination resources.⁵⁵ The guidance highlights high-risk practices such as job postings stating "H-1B preferred," disparate treatment in hiring or compensation, and retaliation against individuals opposing such discrimination. Importantly, the EEOC warns that employers cannot justify these practices based on client preferences, cost considerations, or assumptions about work ethic.

This shift in enforcement priorities will likely see implications for employers in industries with historically large immigrant workforces such as agriculture, construction, healthcare, hospitality, and food service.

D. Religious Discrimination

Under the leadership of Chair Andrea Lucas, the EEOC has made the elimination of religious discrimination a priority. The agency has taken a firm position against antisemitism and what it calls "Anti-Christian Bias", focusing on the treatment of Jews and Christian across the nation. The EEOC has also taken steps to ensure that employers follow the heightened Groff standard when evaluating accommodation requests, taking action against employers who have not shown they would face substantially increased costs.

In its August 22, 2025 publication "200 Days of EEOC Action to Protect Religious Freedom at Work"⁵⁶, the EEOC "reaffirmed its commitment to enforcing **Title VII of the Civil Rights Act of 1964**, which prohibits workplace discrimination based on religion" and highlighted the following enforcement actions as examples of the agency's work in this area.

- **COVID-19 Vaccine Mandates:** The EEOC focused enforcement on employers for not providing religious accommodations to pandemic era vaccine mandates. These efforts resulted in obtaining **over \$55 million on behalf of workers**, including a **\$1 million settlement with Mercyhealth** and conciliations with major employers such as Mayo Clinic and Silver Cross Hospital. Remedies included reinstatement offers and mandatory Title VII training for HR personnel.
- **Broader Religious Accommodation Cases:** The Commission reached settlements of claims involving Sabbath observance, religious dress, and prayer practices. Notable settlements include **\$850,000 with The Venetian Resort** for denial of religious accommodations and retaliation against employees of various faiths as well as injunctive relief; **\$61,000 with The Teeth Doctors** for terminating an employee over a request to wear a scrub skirt for religious reasons; and **\$217,500 with Logic Staffing** for failure to hire a Muslim applicant who had asked for an accommodation to attend Friday prayer. EEOC litigation has increasingly targeted retaliatory practices and discriminatory terminations linked to faith-based requests.

Chair Lucas has prioritized enforcement against higher education institutions – in particular on the campuses of universities and colleges – for compliance, investigations, and litigation to address concerns of religious bias and harassment.

⁵⁴ See EEOC Press Release, *Seward and Son to Pay \$150,000 in EEOC Race and National Origin Discrimination Lawsuit*, <https://www.eeoc.gov/newsroom/seward-and-son-pay-150000-eeoc-race-and-national-origin-discrimination-lawsuit>

⁵⁵ See EEOC Fact Sheet, *Discrimination Against American Workers Is Against the Law*, <https://www.eeoc.gov/discrimination-against-american-workers-against-law>

⁵⁶ <https://www.eeoc.gov/newsroom/200-days-eeoc-action-protect-religious-freedom-work>

- **Combating Antisemitism in Higher Education:** Consistent with Chair Lucas’s March 2025 promise “to hold accountable universities and colleges which have created a hostile-work environment for their Jewish employees”⁵⁷, the EEOC obtained a **\$21 million settlement with Columbia University** after claiming harassment based on religion and national origin. The agency continues to prioritize accountability for universities regarding antisemitism and religious bias.
- **Federal Workforce Protections:** EEOC issued decisions reinforcing religious rights for federal employees and participates in the **Task Force to Eradicate Anti-Christian Bias**, established under Executive Order 14202.

Chair Lucas also emphasized the agency’s goal of restoring “evenhanded enforcement” of Title VII, ensuring employees are not forced to choose between their faith and their livelihood. These actions reflect a broader strategy by the EEOC to uphold religious liberty and combat discrimination in both private and public sectors.

In keeping with the EEOC’s stated goals, the agency has taken the following enforcement actions in 2025:

- **EEOC v. Crystal Ridge Ski Area, LLC d/b/a The Rock Snowpark, Case No. 25-cv-940 (E.D. Wis.).**⁵⁸

On July 2, 2025, the EEOC filed a lawsuit alleging that The Rock Snowpark, a winter sports and events venue in Franklin, Wisconsin, violated **Title VII of the Civil Rights Act of 1964** by terminating a lift operations manager because of his religion. According to the complaint, the employee, a Christian, regularly posted Bible verses and faith-based messages on his personal social media account. These posts did not reference the workplace or coworkers. After his supervisor instructed him to refrain from posting such content, the employee stated he could continue sharing scripture. Three days later, he was fired for posting another Bible verse.

The EEOC contends that the discharge constituted unlawful religious discrimination. The agency filed suit in the U.S. District Court for the Eastern District of Wisconsin after attempting conciliation. The EEOC seeks monetary damages and injunctive relief to prevent future discrimination.

- **EEOC v. FCA US, LLC, Case No. 25-cv-11675 (E.D. Mich.).**⁵⁹ On July 7, 2025, the EEOC filed a lawsuit alleging that FCA US, LLC, an international automobile manufacturer, violated **Title VII of the Civil Rights Act** of 1964 by refusing to accommodate an employee’s religious observance and then terminating him. According to the complaint, FCA initially allowed the employee, who is Jewish, to avoid working on the Sabbath. Two months later, FCA instituted mandatory Saturday work, conflicting with his religious beliefs. Instead of engaging in an interactive process, FCA disciplined the employee for attendance violations when he did not work on the Sabbath.

The employee complained about discrimination, but FCA continued issuing violations. Three months later, FCA denied his request for two unpaid days off to observe Passover. When the employee chose to observe Passover rather than work, FCA disciplined him again and ultimately fired him. The EEOC alleges this conduct constitutes unlawful religious discrimination and retaliation.

The EEOC filed suit in the U.S. District Court for the Eastern District of Michigan after unsuccessful conciliation efforts. The agency seeks monetary damages and injunctive relief to prevent future violations.

⁵⁷ <https://www.eeoc.gov/newsroom/eeoc-acting-chair-promises-hold-accountable-universities-and-colleges-antisemitism-campus>

⁵⁸ <https://www.eeoc.gov/newsroom/eeoc-sues-rock-snowpark-religious-discrimination>

⁵⁹ <https://www.eeoc.gov/newsroom/eeoc-charges-fca-firing-worker-practicing-his-faith>

- ***EEOC v. UT-Battelle, LLC, Case No. 3:25-cv-00371 (E.D. Tenn.)***:⁶⁰ On October 29, 2025, UT-Battelle, the contractor operating Oak Ridge National Laboratory, agreed to pay \$28.75 million to settle an EEOC lawsuit alleging violations of **Title VII of the Civil Rights Act of 1964** related to COVID-19 vaccine mandates. The EEOC claimed that UT-Battelle failed to provide religious accommodations to employees who objected to the vaccine on religious grounds and placed them on unpaid leave, ultimately terminating many.

The settlement, one of the largest in EEOC history for religious discrimination, provides monetary relief to affected employees and requires UT-Battelle to implement policy changes, including enhanced accommodation procedures and training for managers and HR staff. The consent decree also mandates reporting to the EEOC to ensure compliance.

- ***EEOC v. P.F. Chang's China Bistro, Inc., Case No. 2:25-cv-01487 (D. Ariz.)***:⁶¹ On August 14, 2025, the EEOC announced that P.F. Chang's agreed to pay **\$80,000** and provide injunctive relief to settle a lawsuit alleging religious discrimination under **Title VII of the Civil Rights Act of 1964**. The EEOC claimed that a server at the company's Scottsdale, Arizona location was terminated after refusing to participate in a Buddhist chanting ritual during a pre-shift meeting, citing her Christian faith.

According to the EEOC, the employee informed management that the practice conflicted with her religious beliefs, but was told participation was mandatory. When she declined, she was removed from the schedule and later discharged. In addition to monetary relief, the consent decree requires P.F. Chang's to revise its policies, provide training on religious accommodation, and report compliance to the EEOC.

- ***EEOC v. Buffalo Wild Wings, Case No. 2:25-cv-01592 (D. Ariz.)***:⁶² On September 18, 2025, the EEOC announced that Buffalo Wild Wings agreed to pay **\$47,500** and implement injunctive relief to settle a lawsuit alleging religious discrimination under **Title VII of the Civil Rights Act of 1964**. The EEOC claimed that a server at the company's Mesa, Arizona location was terminated after refusing to participate in a Buddhist chanting ritual during a pre-shift meeting, citing her Christian faith.

According to the EEOC, the employee informed management that the practice conflicted with her religious beliefs, but was told participation was mandatory. When she declined, she was removed from the schedule and later discharged. Under the consent decree, Buffalo Wild Wings will revise its policies, provide training on religious accommodation, and report compliance to the EEOC.

- ***EEOC v. Logic Staffing, LLC, Case No. 2:24-cv-01487 (W.D. Wash.)***:⁶³ On August 20, 2025, the EEOC announced that Logic Staffing agreed to pay **\$217,500** and provide injunctive relief to settle a lawsuit alleging religious discrimination and retaliation under **Title VII of the Civil Rights Act of 1964**. The EEOC claimed that Logic Staffing refused to accommodate an employee's religious objection to receiving a COVID-19 vaccine and terminated her after she requested an exemption.

According to the EEOC, the employee, who worked as a recruiter, informed the company that vaccination conflicted with her sincerely held religious beliefs. Rather than engaging in an interactive process, Logic Staffing denied the request and discharged her. The consent decree requires the company to revise its policies, train managers on religious accommodation, and report compliance to the EEOC.

⁶⁰ <https://www.eeoc.gov/newsroom/ut-battelle-pay-over-28-million-settle-eeoc-covid-19-vaccine-mandate-related-religious>

⁶¹ <https://www.eeoc.gov/newsroom/pf-changs-pay-80000-religious-discrimination>

⁶² <https://www.eeoc.gov/newsroom/buffalo-wild-wings-pay-47500-eeoc-religious-discrimination-lawsuit>

⁶³ <https://www.eeoc.gov/newsroom/logic-staffing-pay-217500-eeoc-religious-discrimination-retaliation-lawsuit>

- ***EEOC v. Mercyhealth, Case No. 3:24-cv-50345 (N.D. Ill.)***:⁶⁴ On July 31, 2025, the EEOC announced that Mercyhealth agreed to pay **\$1,000,000** and provide injunctive relief to settle a lawsuit alleging religious discrimination under **Title VII of the Civil Rights Act of 1964**. The EEOC claimed that Mercyhealth failed to accommodate employees' religious objections to its COVID-19 vaccine mandate and terminated those who refused vaccination based on sincerely held beliefs.

According to the EEOC, Mercyhealth did not engage in an interactive process and instead enforced a blanket policy denying exemptions. The consent decree requires Mercyhealth to revise its accommodation procedures, train managers and HR staff on Title VII compliance, and submit biannual reports to the EEOC for three years.

- ***EEOC v. Mayo Clinic, Case No. 0:25-cv-01987 (D. Minn.)***:⁶⁵ On October 8, 2025, the EEOC filed a lawsuit alleging that Mayo Clinic violated **Title VII of the Civil Rights Act of 1964** by failing to accommodate employees' religious objections to its COVID-19 vaccine mandate and terminating those who refused vaccination based on sincerely held beliefs.

According to the EEOC, Mayo Clinic enforced a blanket policy denying religious exemptions and did not engage in an interactive process with affected employees. The suit seeks monetary damages and injunctive relief, including policy changes and training to ensure compliance with Title VII's accommodation requirements.

E. EEOC Focus on Equal Pay Protections

The EEOC is the federal government's most powerful agency for the enforcement of federal anti-discrimination laws in the workplace. Authorized by Congress to wield broad investigative and subpoena powers for the prevention and remediation of unlawful employment practices, the EEOC's enforcement mechanisms cover a range of activities, from individual and systemic claims investigations, conciliation, litigation and monitoring compliance, to serving as an agent for effecting broader policy change in employment sectors throughout the country. Each iteration of the EEOC's Strategic Enforcement Plan has included a focus on advancing equal pay for all workers.⁶⁶

The number of EEOC lawsuits alleging equal pay violations has dropped significantly in recent years. This has led to a decline in legal decisions relating to equal pay issues, at least those involving the EEOC as a party. Indeed, the EEOC filed only two Equal Pay Act ("EPA") cases in federal court in 2024, and zero such cases in 2025.

While the recent Trump EEOC has not focused on EPA claims thus far, it has sought to enforce pay discrimination claims under Title VII. For example, in *EEOC v. Seward and Son Planting Company*, 4:25-cv-155, the EEOC alleged that the defendant violated Title VII by subjecting a class of employees to disparate treatment in their pay and terms and conditions of employment on the basis of their race (black) and national origin (United States of America). On November 25, 2025, the EEOC announced that Seward and Son would pay \$150,000 and implement policy changes by way of a three-year consent decree to settle those claims.⁶⁷ In another recent matter, *EEOC v. TKO Construction Services*, No. 23-cv-3010 JRT TNL, the defendant agreed to pay \$300,000 to settle race and sex discrimination claims under Title VII, including claims that female and black employees received less pay than male and white employees.⁶⁸

⁶⁴ <https://www.eeoc.gov/newsroom/mercyhealth-pay-over-1-million-settle-eeoc-covid-19-vaccine-mandate-related-religious>

⁶⁵ <https://www.eeoc.gov/newsroom/eeoc-sues-mayo-clinic-religious-discrimination>

⁶⁶ See U.S. Equal Employment Opportunity Commission Strategic Enforcement Plan FY 2024-2028, [Strategic Enforcement Plan Fiscal Years 2024-2028 | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#).

⁶⁷ See <https://www.eeoc.gov/newsroom/seward-and-son-pay-150000-eeoc-race-and-national-origin-discrimination-lawsuit>

⁶⁸ See <https://www.eeoc.gov/newsroom/tko-construction-services-pay-300000-settle-eeoc-sex-race-and-age-discrimination-lawsuit>

As noted above, the EEOC's enforcement of equal pay issues has dwindled in recent years, and has been close to non-existent this year. However, employers should be mindful of potential EEOC-driven litigation in this area, particularly if DEI metrics were a factor in compensation decisions, and, where appropriate, conduct a privileged audit of their pay practices to prevent potential liability.

F. Preventing Discrimination In Recruiting and Hiring

Over the past decade, the EEOC has spent a considerable amount of its enforcement budget litigating issues that it sees as barriers to recruitment and hiring. Much of its enforcement activity has historically focused on combating hiring practices that could result in age discrimination. But recent years have evidenced a broadening of that focus to claims ranging from sex discrimination, race discrimination, and disability discrimination. Central to many of these enforcement efforts was the EEOC's reliance on disparate impact liability, a theory that allowed the agency to challenge ostensibly neutral hiring practices—such as pre-employment screening tests and technology-based selection tools—resulting in statistically unequal outcomes for certain groups of individuals. Until recently, the disparate impact theory proved to be a powerful enforcement tool, enabling the EEOC to pursue large, systemic cases involving company-wide recruiting and hiring practices.

In 2026, employers should expect a retrenchment of the EEOC's strategic efforts to develop and file litigation alleging discrimination in recruitment and hiring in light of Executive Order 14281, which directs all federal agencies to deprioritize enforcement of claims predicated on a disparate impact theory of liability.⁶⁹ In a May 20, 2025 press release, EEOC Chair Andrea Lucas stated that the EEOC will not pursue investigations or litigation that challenge neutral practices that have unequal outcomes based on protected characteristics on account of the executive order.⁷⁰ Chair Lucas's statements reflect a clear and deliberate abandonment of disparate impact as a viable enforcement theory in the recruitment and hiring context.

The EEOC's retreat from disparate impact claims is likely to materially affect both the size and scope of future hiring- and recruitment- related enforcement actions. Without the ability to rely primarily on statistical disparities, the agency faces increased difficulties in investigating and challenging facially-neutral technology-based and algorithmic decision-making processes in recruiting and hiring. Employers should expect the EEOC to narrow and shift its strategic efforts towards litigation involving recruiting and hiring practices that contain an indicia of intentional discrimination—presented as pattern or practice claims—rather than litigation involving recruiting and hiring practices that have a disparate impact on a particular group.

1. Artificial Intelligence and Technology in Recruiting and Hiring

Use of artificial intelligence has entered the mainstream, and the application of these tools in the workplace has become increasingly common. Employers now routinely use artificial intelligence to streamline hiring and recruiting.

Prior versions of the SEP announced the EEOC's focus on recruitment and hiring practices and policies that might give rise to discrimination against members of racial, ethnic, and religious groups, as well as women, older workers, and those with disabilities. In the current SEP, the EEOC added far more detail about the types of hiring practices and policies that it intends to scrutinize, and specifically noted that it is interested in employers' use of artificial intelligence and automated systems in that regard. The Commission has emphasized its intent to investigate whether members of a protected group might be harmed by automated systems used to target job advertisements to particular populations, recruit workers, or aid in hiring decisions.

⁶⁹ Exec. Order No. 14281, *Restoring Equality of Opportunity and Meritocracy*, 90 FR 17537 (2025).

⁷⁰ Message from EEOC Acting Chair Lucas about Opening of 2024 EEO-1 Component Data Collection, (May 20, 2025), <https://content.govdelivery.com/accounts/USEEOC/bulletins/3e1407f>.

Specifically, in the SEP, the EEOC has committed to focusing on the use of technology, AI, and machine learning in job advertisements, recruiting, and hiring decisions. The SEP emphasizes an employer's use of all technology (not just "automated systems") in hiring and recruitment as an area strategic focus. However, as a practical matter, Executive Order 14281 creates difficulties in investigating and mitigating against technology usage that unintentionally results in unlawful discrimination. The Executive Order directs the EEOC to take all "appropriate action" to eliminate disparate impact claims from its enforcement regime.⁷¹ This includes dismissing litigation, withdrawing amicus briefs, ending investigations, and modifying or halting conciliation agreements and consent decrees that advance disparate impact theories. Common tech-based hiring tools, such as algorithmic screen and coding tests, deploy facially neutral policies that appear objective but can contain data points that disproportionately exclude certain groups – thus making those deployments unlawful. Yet, the EEOC cannot pursue these claims and comply with the executive order.

To that end, Chair Lucas explicitly stated that the EEOC will "fully and robustly comply" with the executive order.⁷² Following its pronouncement, the EEOC removed from its website several technical assistance documents and fact sheets that discuss AI compliance with various federal civil rights statutes. For example, the EEOC removed a May 2023 technical assistance document that discussed AI compliance under Title VII and encouraged employers to assess AI tools for adverse impact on protected categories, irrespective of intent. The EEOC also removed a May 2022 technical assistance document issued to ensure that AI tools did not violate the ADA. Similarly, the EEOC withdrew a December 2024 fact sheet discussing wearable technology in the workplace. The EEOC has also eliminated the roles of many in-house statisticians and labor economists, both of which are critical in developing and litigating claims of unintentional discrimination resulting from the use of AI and technology in hiring and recruiting decisions.

In addition, on September 15, 2025, the EEOC issued a memorandum directing EEOC field offices to administratively close all investigations of charges alleging disparate impact discrimination by September 30, 2025. Pursuant to that memorandum, the EEOC closed its investigation of charges alleging a disparate impact theory, only and issued a right to sue letter on those charges. On October 20, 2025, a private plaintiff sued the EEOC for closing the investigation of her charge pursuant to that memorandum. In *Cross v. EEOC*, a former Amazon delivery driver filed a Title VII and ADEA disparate-impact charge alleging Amazon's strict delivery quotas effectively denied bathroom breaks, which disproportionately affected female workers. The EEOC dismissed the plaintiff's charge pursuant to the September 15, 2025 memorandum. The plaintiff sued the EEOC under the Administrative Procedure Act, arguing the closure policy is arbitrary, capricious, and contrary to law because Title VII and the ADEA require investigative and conciliatory processes for such claims. Although the lawsuit is in its infancy, it is unlikely that a single-plaintiff case will alter the EEOC's enforcement priorities – particularly when those priorities are mandated by an executive order. However, the *Cross* case highlights how EO 14281 and the EEOC's corresponding enforcement priorities will affect discrimination litigation involving technology in hiring and recruiting.

While the EEOC has, historically, focused on recruiting and hiring, the EEOC's shift away from disparate impact claims creates an opportunity for private litigants to challenge the plethora of electronic tools available to assist employers to find talent in challenging labor markets. However, it is unclear whether the private plaintiff's bar will fill the void resulting from the EEOC's absence. In the past, private plaintiffs counsel have been unwilling to champion large scale hiring cases due to cost and challenges identifying potential "victims." Without agency support, private litigants will be forced to shoulder the burden of costly factual investigations and data assessments to prepare claims for litigation.

⁷¹ Exec. Order No. 14281, *Restoring Equality of Opportunity and Meritocracy*, 90 FR 17537 (2025).

⁷² Message from EEOC Acting Chair Lucas about Opening of 2024 EEO-1 Component Data Collection, (May 20, 2025), <https://content.govdelivery.com/accounts/USEEOC/bulletins/3e1407f>.

Even prior to Executive Order 14281, the EEOC had not initiated litigation of its own to challenge an employer's use of artificial intelligence in the workplace. However, the EEOC did step into the fray by filing an amicus brief in support of claims by a private plaintiff in *Mobley v. Workday*.⁷³ In *Mobley*, the plaintiff alleges that Workday engaged in a pattern or practice of discriminatory job screening that disproportionately disqualifies African-Americans, individuals over 40, and individuals with disabilities from securing employment in violation of Title VII, Section 1981, the ADEA, the ADA, and California state law. Specifically, plaintiff alleges that Workday's AI and algorithms are more likely to deny job applicants who are African-American, over 40, and have a disability, and plaintiff asserted that Workday acted as an employment agency, or, in the alternative, as an indirect employer or agent of the employer. Mobley seeks class certification.

The district court granted Workday's motion to dismiss Mobley's original complaint but granted the plaintiff leave to amend his complaint. Workday again moved to dismiss. On this second round of briefing, the EEOC submitted an amicus brief taking a novel position in support of Mobley's class-action theory that an AI vendor could be directly liable under Title VII, the ADA, or the ADEA for employment discrimination caused by the use of the vendor's AI. Among other things, the EEOC argued that by actively making automated decisions to reject or advance candidates before referring them to employers, Workday functions as an employment agency under the law. In its amicus submission, the EEOC drew an analogy to IRS rules stating that tax preparation software can be considered a tax preparer if the software does more than just provide "mere mechanical assistance." So too with algorithmic tools that go beyond that threshold in the employment context, according to the EEOC.

The district court subsequently issued a split decision that allowed the plaintiff's agency theory to proceed, as supported by the EEOC in its amicus brief.⁷⁴ The Court's opinion emphasized the importance of the "agency" theory in addressing potential enforcement gaps in our anti-discrimination laws. In this regard, the Court illustrated the potential gaps with a hypothetical scenario: a software vendor intentionally creates a tool that automatically screens out applicants from historically black colleges and universities, unbeknownst to the employers using the software. Without the agency theory, the Court opined, no party could be held liable for this intentional discrimination. By construing federal anti-discrimination laws broadly and adapting traditional legal concepts to the evolving relationship between AI service providers and employers, the Court's decision was based, in part, on the desire to avoid potential loopholes in liability. By allowing the plaintiff's agency theory to proceed, as supported by the EEOC in its amicus brief, the ruling opens the door for a significant expansion of liability for AI vendors in the hiring process, with potential far-reaching implications for both AI service providers and for employers using those tools.

The district court recently granted plaintiff's request to conditionally certify a collective action based on age. In its decision to conditionally certify the collective, the court gave more weight to what the plaintiff claims that Workday products do than the evidence Workday presented to establish what its products do, in fact. The plaintiff claims that Workday products make "recommendations" about whether or not a candidate should be hired. For the court, that was enough to overcome Workday's explanations that its customers are responsible for setting hiring criteria and making decisions about their applicants.

The court includes brief discussion of the specific AI tools at issue, including Candidate Skills Match ("CSM"), Hired Score, Fetch, and Spotlight; however, for a majority of the opinion, the court refers generally to Workday's "AI recommendation system," without defining the term or discussing the

⁷³ See Rachel See, Annette Tyman, and Samantha Brooks, *EEOC Argues Vendors Using Artificial Intelligence Tools Are Subject to Title VII, the ADA and ADEA Under Novel Theories in Workday Litigation*, Workplace Class Action Blog (Apr. 29, 2024), <https://www.seyfarth.com/news-insights/legal-update-eeoc-argues-vendors-using-artificial-intelligence-tools-are-subject-to-title-vii-the-ada-and-adea-under-novel-theories-in-workday-litigation.html>.

⁷⁴ See Rachel See and Annette Tyman, *Mobley v. Workday: Court Holds AI Service Providers Could Be Directly Liable for Employment Discrimination Under "Agent" Theory*, Workplace Class Action Blog (Jul. 19, 2024), <https://www.seyfarth.com/news-insights/mobley-v-workday-court-holds-ai-service-providers-could-be-directly-liable-for-employment-discrimination-under-agent-theory.html>.

actual features of the purportedly problematic AI tools. The case is moving into the discovery phase, which will provide Workday with an opportunity to flesh out the mechanisms of its AI tools and establish that the companies deploying Workday control the deployment and use of the AI tools, not Workday.

The district court has also outlined the process to be followed to provide notice to members of the putative collective. Plaintiffs intend to disseminate notice via Facebook, Instagram, LinkedIn, Google Search & Display, and X. The court did not entertain Defendants' objections to this approach in its tentative ruling. However, plaintiffs' approach could draw large amounts of negative attention to Workday's AI tools and increase skepticism around the use of AI tools in the hiring process, generally.

Employers, HR vendors and service providers, and AI developers should take note because even though the allegations in the amended complaint may not reflect the reality of how most employers are using AI in hiring, the court's decision to conditionally certify the collective is likely to embolden plaintiffs to pursue similar claims.

Against this backdrop, employers should be mindful that any charge of intentional discrimination filed with the EEOC that mentions the use of artificial intelligence – or any other technology in hiring – will not only qualify for priority handling, but is also likely to receive additional scrutiny from EEOC management. Conversely, employers need not worry about the EEOC advancing disparate impact claims that mention the use of technology in hiring. However, the EEOC's shift in enforcement priorities does not insulate employers from disparate impact claims brought by private plaintiffs. Employers should also be mindful of state and local employment laws that recognize disparate impact liability.

2. Other Technology in Hiring and the Path Ahead on AI

Importantly, the EEOC signaled that it is focusing on *all* uses of technology in recruitment and hiring, not just artificial intelligence. In August 2023, the EEOC entered into a settlement agreement with iTutorGroup, which many media reports and commenters characterized as the EEOC's "first ever" case involving artificial intelligence discrimination in hiring.

However, according to the EEOC's complaint, the underlying hiring technology simply asked job applicants for their date of birth and was configured to automatically reject female applicants aged 55 or older and male applicants aged 60 or older. To be clear, automatically rejecting older job applicants, when their birthdates are already known, does not require any sort of artificial intelligence or machine learning.⁷⁵

That said, it is entirely fair to say that the EEOC's iTutorGroup complaint and settlement, as well as the way the commission has characterized the lawsuit and settlement, squarely falls within the broader scope of the EEOC's greater scrutiny of all sorts of technology in hiring, even technology that does not involve artificial intelligence. The EEOC's commitment to enforcement in the area of AI and other technology in hiring serves as a strong reminder that employers should be prepared to defend their use of technology in hiring, whether or not it might fall into any particular legal definition of "artificial intelligence."

In response to EEOC charges alleging that the use of AI or other technology is discriminatory, employers should be prepared to explain to EEOC investigators what AI or other technology they have been using in hiring or sourcing processes, and produce evidence that their processes are free of unlawful disparate impact against protected groups. Also, if employers have not already had conversations with their AI vendors or in-house developers about the likelihood of scrutiny of these processes in enforcement actions or litigation, in certain circumstance it could be an opportune time to take a deeper look at how technology is being used in their own organization. In addition to conducting documented bias audits, companies should ensure its training reminds employees that technology usage must comply with federal and state

⁷⁵ <https://www.seyfarth.com/news-insights/eeocs-settlement-challenging-simple-algorithm-provides-warning-for-employers-using-artificial-intelligence.html>

civil rights law. It may also be wise to document AI usage internally to stave off accusations of intentional discrimination and monitor AI usage for disparate impact, which remains a litigation risk from the private plaintiffs' bar.

3. Job Advertisements

The EEOC's SEP accentuates the risks associated with unlawfully targeted job advertisements, or advertisements that otherwise deter people from specific protected groups from applying. Key concerns include advertisements shown exclusively to certain age groups, genders, or racial demographics, and the use of platforms that filter or prioritize candidates based on protected traits. Employers are held accountable for discriminatory outcomes, even when utilizing third-party platforms or automated systems, with liability potentially arising from the use of biased algorithms or targeting tools. This focus includes both intentional exclusion and unintentional disparate impact. Although, the trend under the Trump Administration has been to move away from advancing a disparate impact theory.

The EEOC's emphasis in the SEP also includes job advertisements posted in traditional media that might contain discriminatory language, as well as issues involving algorithmic targeting of job advertisements. Additionally, there is a focus on restrictive application processes or systems that are inaccessible or more challenging for individuals with disabilities or other protected groups.

4. Job Segregation or Steering Based on Protected Characteristics

Job segregation and steering issues have been a consistent focus in the SEP since 2017 and remain a priority in the 2024 – 2028 SEP. Charges and litigation in this category could involve practices such as steering women away from certain positions, channeling workers onto certain shifts, or assigning workers to certain positions based on a protected class. However, as with other hiring categories in the SEP, there is also a technology angle, with the EEOC expressing potential heightened interest in charges involving technology that applies—with or without AI—allegedly discriminatory steering or segregation, such as by suggesting jobs for which an applicant or employee is well-matched.

In September 2024, the EEOC filed a lawsuit in federal court against Mile Hi Foods and its related companies, alleging sex, race, and national origin discrimination in hiring. The complaint claims that since at least 2015, Mile Hi Foods has discriminated against applicants who are female, Black, or of Afghan heritage. The EEOC is currently in litigation and seeks to identify class members who may have been subjected to unlawful discrimination in hiring.⁷⁶

In September 2024, the EEOC sued a regional restaurant chain, alleging that it had a policy or practice of intentionally failing to hire male applicants for front-of-house positions because of their sex.⁷⁷ According to the EEOC's complaint, the policy or practice impacted hiring and resulted in segregation by sex in 19 restaurant locations.

The EEOC also resolved several complaints involving allegations of segregation in 2024. In April 2024, the EEOC announced that it had settled a complaint that drivers were assigned different routes, given heavier dock work, and segregated based on race.⁷⁸ In August 2024, the EEOC announced that it had settled a complaint that included allegations the employer had segregated jobs based on sex.⁷⁹ In September 2024, the EEOC announced that it had reached a settlement to end litigation alleging that an employer had used multiple secret phrases and techniques when requesting temporary employees

⁷⁶ See *EEOC v. Mile Hi Foods Co., et al.*, Case No. 1:24-cv-02703-KAS (Sept. 30, 2024).

⁷⁷ See U.S. Equal Employment Opportunity Commission, *Kickback Jack's Sued by EEOC for Failing to Hire Males for Front-of-House Positions* (Sept. 25, 2024), <https://www.eeoc.gov/newsroom/kickback-jacks-sued-eeoc-failing-hire-males-front-house-positions>.

⁷⁸ See U.S. Equal Employment Opportunity Commission, *DHL to Pay \$8.7 Million in EEOC Race Discrimination Lawsuit* (Apr. 25, 2024), <https://www.eeoc.gov/newsroom/dhl-pay-87-million-eeoc-race-discrimination-lawsuit>.

⁷⁹ See U.S. Equal Employment Opportunity Commission, *Radiant Services to Pay \$1.1 Million in EEOC Hiring Discrimination Lawsuit* (Aug. 7, 2024), <https://www.eeoc.gov/newsroom/radiant-services-pay-11-million-eeoc-hiring-discrimination-lawsuit>.

from a staffing agency, including requesting Spanish-speaking employees to fill roles that did not require such language skills, and segregated employees by race and generally provided Hispanic workers better pay, working conditions, and financial opportunities than Black workers.⁸⁰

Although, the EEOC reached a ten-year low in filings for merit lawsuits October 2024 to September 2025 fiscal year, the EEOC is pursuing majority group or reverse discrimination claims. In February 2025, the EEOC filed a lawsuit against Leo Palace Resort, a hotel in Guam, alleging that the resort engaged in discriminatory practices by providing employees of non-Japanese origin with less favorable wages, benefits, and other terms of employment compared to their Japanese counterparts.⁸¹ The EEOC announced that it had settled the complaint.⁸² In September 2025, the EEOC sued Seward and Son Planting Company, an agricultural employer, alleging that the employer discriminated by engaging in job segregation by favoring non-Black, non-American H-2A visa holders over Black, American farmworkers.⁸³ The case settled shortly after the EEOC filed the action.⁸⁴

5. Focus Area: Shifts in Enforcement for Underrepresented Groups

While the SEP remains in place for now, the focus on protections for the expanded definition of “vulnerable groups” has shifted.⁸⁵ The EEOC announced that it is returning to its “mission of protecting women from sexual harassment and sex-based discrimination in the workplace by rolling back the Biden administration’s gender identity agenda.” Although, the EEOC may be shifting its priorities on enforcement, the Supreme Court decision extending prohibitions on sex discrimination and harassment to lesbian, gay, and trans individuals remains.⁸⁶

The current SEP highlight the underrepresentation of women and workers of color in certain industries such as construction, manufacturing, finance, and high-tech/STEM. In line with the SEP, on September 11, 2024, the EEOC issued a report entitled High Tech, Low Inclusion: Diversity in the High Tech Workforce and Sector 2014-2022, which analyzes “demographic disparities for workers in 56 science, technology, engineering, and mathematics (STEM) occupations and the industries employing them.”⁸⁷ Although the EEOC’s press release announcing the report remains publicly available, the report itself has since been removed from the EEOC’s website. In this press release, the EEOC stated, “Given its findings, the report recommends that high tech companies proactively examine barriers limiting employment for women, older workers, Black workers, and Hispanic workers.” However, to be more in line with the Trump Administration’s priorities, the EEOC has clarified that affirmative Diversity, Equity, and Inclusion efforts may be unlawful.⁸⁸ The EEOC provides examples such as, limiting membership in workplace groups to certain protected groups. Employers should allow employees of all backgrounds to have equal access to these workplace groups.

The EEOC also clarified that minority group or reverse discrimination is not allowed even if the employer can demonstrate a “business necessity.”⁸⁹ However, employers may still raise a bona fide occupational qualification as an affirmative defense to excuse hiring or classifying an individual based

⁸⁰ See U.S. Equal Employment Opportunity Commission, *Aaron Thomas Company to Pay \$450,000 to Settle EEOC Race Discrimination Lawsuit* (Sept. 27, 2024), <https://www.eeoc.gov/newsroom/aaron-thomas-company-pay-450000-settle-eeoc-race-discrimination-lawsuit>.

⁸¹ See *EEOC v. Leoplace Guam Corp.*, No. 1:25-cv-4 (D. Guam)

⁸² See U.S. Equal Employment Opportunity Commission, *LeoPalace Resort to Pay Over \$1.4 Million in EEOC National Origin Discrimination Lawsuit*, <https://www.eeoc.gov/newsroom/leopalace-resort-pay-over-14-million-eeoc-national-origin-discrimination-lawsuit>.

⁸³ See *EEOC v. Seward and Son Planting Co.*, No. 4:25-cv-155 (N.D. Miss Sept. 29, 2025)

⁸⁴ See Vin Gurrieri, *EEOC, Miss. Farm Strike Deal To End Bias Suit*, LAW 360, <https://www.law360.com/employment-authority/articles/2394362>.

⁸⁵ The expanded definition includes: immigrant and migrant workers and workers on temporary visas; people with developmental or intellectual disabilities; workers with mental health related disabilities; individuals with arrest or conviction records; LGBTQI+ individuals; temporary workers; older workers; individuals employed in low wage jobs, including teenage workers employed in such jobs; survivors of gender-based violence; Native Americans/Alaska Natives; and persons with limited literacy or English proficiency.

⁸⁶ *Bostock v. Clayton Cnty.*, 590 U.S. 644 (2020).

⁸⁷ Christopher Kelleher, Andrew Scroggins and Christopher DeGroff, *EEOC Puts High Tech Employers on High Alert Regarding Discrimination* (Sept. 11, 2024), <https://www.workplaceclassaction.com/2024/09/eeoc-puts-high-tech-employers-on-high-alert-regarding-discrimination/>.

⁸⁸ U.S. Equal Employment Opportunity Commission, *What You Should Know About DEI-Related Discrimination at Work*, https://www.eeoc.gov/wysk/what-you-should-know-about-dei-related-discrimination-work#_ednref30.

⁸⁹ See *id.*

on religion, sex, or national origin, and does not include race and color.⁹⁰ When bringing these minority group discrimination claims, the EEOC will not be held to a heightened evidentiary burden and will be assessed under the same evidentiary standard as all other claimants.⁹¹

G. Preventing Harassment In The Workplace

The prevention of systemic workplace harassment has been one of the EEOC's national enforcement priorities since 2013. In April 2024, the EEOC published its Enforcement Guidance on Harassment ("Enforcement Guidance").⁹² The Enforcement Guidance was meant to replace several earlier EEOC guidance documents, aiming to define what constitutes harassment, examine when a basis for employer liability exists, and offer suggestions for preventative practices.⁹³ According to the Enforcement Guidance, the EEOC will find harassing conduct to be unlawful if the conduct is based on an individual's race, color, national origin, religion, age, disability, or an individual or family member's genetic test or family medical history.⁹⁴ Further, the Enforcement Guidance specifically sets forth the EEOC's position that as a protected basis "sex" includes, but is not limited to, pregnancy, childbirth, or related medical conditions.⁹⁵ Moreover, the EEOC announced that it will even entertain harassment claims based on (1) "perceived" membership in a protected class (even if the perception is incorrect),⁹⁶ (2) for "associational harassment," where an employee who is a member of a protected class claims harassment based on his/her association with individuals who do not share their protected characteristics;⁹⁷ (3) where the alleged harassment was not directed at the employee;⁹⁸ and (4) in instances where the alleged harassment occurred outside of the workplace.⁹⁹

The Enforcement Guidance is the EEOC's first published guidance document in over two decades. While parts of the 2024 guidance are largely noncontroversial (for example, it is widely understood that epithets based on a protected class can serve as the basis for a harassment claim), the Enforcement Guidance treads some new ground. Some of the key new additions include:

⁹⁰ See *id.*

⁹¹ *Ames v. Ohio Dep't of Youth Servs.*, 605 U.S. 303 (2025)

⁹² Office of Legal Counsel, U.S. Equal Employment Opportunity Commission, *Enforcement Guidance on Harassment in the Workplace*, (Apr. 29, 2024), https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace#_ftn215

⁹³ See *id.*

⁹⁴ *Id.* At 9-21.

⁹⁵ *Id.*; see *Walsh v. Nat'l Computer Sys., Inc.*, 332 F.3d 1150, 1160 (8th Cir. 2003)(upholding jury verdict finding the plaintiff was subjected to a hostile work environment based on pregnancy where the plaintiff's supervisor made numerous derogatory comments about her pregnancy and required the plaintiff to provide advance notice and documentation of doctor's appointments, even though the plaintiff's coworkers were not required to provide such information for appointments); 42 U.S.C. § 2000e(k) ("The terms of 'because of sex' or 'on the basis of sex' include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions . . ."); *Bostock v. Clayton Cnty.*, 140 S. Ct. 1731, 1747 (2020); *Sch. Of the Ozarks, Inc. v. Biden*, 41 F.4th 992, 995 (8th Cir. 2022)(“Bostock held that the statute's prohibition on employment discrimination 'because of sex' encompasses discrimination on the basis of sexual orientation and gender identity.”)

⁹⁶ See, e.g., *Jones v. UPS Ground Freight*, 683 F.3d 1283, 1299 (11th Cir. 2012)(“[A] harasser's use of epithets associated with a different ethnic or racial minority than the plaintiff will not necessarily shield an employer from liability for a hostile work environment.”); *EEOC v. WC&M Enters., Inc.*, 496 F.3d 393, 401-02 (5th Cir. 2007) (concluding that the EEOC presented sufficient evidence to support its national origin harassment claim where coworkers repeatedly referred to an employee of Indian descent as “Taliban” or “Arab” and stated that “[t]his is America . . . not the Islamic country where you came from,” even though the harassing comments did not accurately describe the employee's actual country of origin.)

⁹⁷ See e.g., *Frith v. Whole Foods Mkt., Inc.*, 38 F.4th 263 (1st Cir. 2022)(concluding that claims alleging discrimination based on interracial association “are fundamentally consistent with *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020)] and Title VII's plain language prohibiting action 'because of such individual ['] plaintiff's race”). *Barrett v. Whirlpool Corp.*, 556 F.3d 502, 512 (6th Cir. 2009) (holding that white employees could allege claim of racial harassment based on their friendship with and advocacy on behalf of African American coworkers).

⁹⁸ See e.g., *Ellis v. Houston*, 742 F.3d 307, 320-21 (8th Cir. 2014) (concluding that the District Court erred in evaluating plaintiffs' section 1981 and section 1983 claims of racial harassment by examining in isolation harassment personally experienced by each plaintiff, rather than also considering conduct directed at others, where every plaintiff did not hear every remark, but each plaintiff became aware of all of the conduct).

⁹⁹ U.S. Equal Employment Opportunity Commission, *Enforcement Guidance on Unlawful Harassment in the Workplace*, see *supra* note 1, at 57.

1. Pregnancy, Childbirth, or Related Medical Conditions

Sex based harassment based on pregnancy, childbirth, or related medical conditions “can include issues such as lactation; using or not using contraception; or deciding to have, or not to have, an abortion, if that harassment is linked to a targeted individual’s sex.”¹⁰⁰ Examples provided include: (1) Scrutinizing a pregnant woman’s bathroom usage; (2) Interfering with and making inappropriate comments about a woman’s use of a lactation room; and (3) Complaints about pregnant women always getting “special perks.”¹⁰¹

2. Harassment in Virtual Work Environments

As with conduct within a physical work environment, conduct within a virtual work environment can contribute to a hostile work environment. This can include, for instance:

Sexist comments made during a video meeting; (2) Racist imagery that is visible in an employee’s workspace while the employee participates in a video meeting; and (3) Sexual comments made during a video meeting about a bed being near an employee in the video image.¹⁰²

3. Scope of Hostile Work Environment Claims

Conduct that can affect the terms and conditions of employment, even though it **does not occur** in a work related context, includes electronic communications using private phones, computers, or social media accounts, *if it impacts the workplace*.¹⁰³

Given the proliferation of digital technology, it is increasingly likely that the non-consensual distribution of real or computer generated intimate images using social media can contribute to a hostile work environment, if it impacts the workplace.¹⁰⁴

However, following President Trump’s inauguration in January 2025, the EEOC worked swiftly to undermine the changes made by the Biden administration and included in the 2024 guidance. For example, one of the first executive orders signed by President Trump was Executive Order 14168, or more commonly known as “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.”¹⁰⁵ This order directs federal agencies to enforce laws governing sex-based rights and to remove all statements, policies, forms, and communications promoting gender ideology.¹⁰⁶ Further, the EEOC removed online guidance resources pertaining to LGBTQ workers protections, including the removal of several pages of resources relating to the Supreme Court’s landmark decision in *Bostock v. Clayton County*.¹⁰⁷ While the removal of these materials does not change *Bostock*’s holding that Title VII covers sexual orientation and gender identity, such actions signaled that the EEOC’s pursuits under the Trump administration would be vastly different than that under President Biden.

Further, in May 2025, a Texas federal judge vacated key portions of the EEOC’s April 2024 workplace harassment guidance, ruling that provisions addressing gender identity—such as restroom access, dress codes, and pronoun usage—exceeded the agency’s statutory authority under Title VII.¹⁰⁸ The decision, stemming from a challenge by Texas and the Heritage Foundation, aligns with broader efforts to limit gender identity protections and leaves employers navigating a patchwork of obligations under *Bostock v. Clayton County* and state or local laws.

¹⁰⁰ U.S. Equal Employment Opportunity Commission, *Enforcement Guidance on Unlawful Harassment in the Workplace*, see supra note 1, at 15.

¹⁰¹ *Id.* at 16.

¹⁰² U.S. Equal Employment Opportunity Commission, *Enforcement Guidance on Harassment in the Workplace*, at 53.

¹⁰³ *Id.* at 54.

¹⁰⁴ *Id.* at 55.

¹⁰⁵ See U.S. Equal Employment Opportunity Commission, *Removing Gender Ideology and Restoring the EEOC’s Role of Protecting Women in the Workplace* (January 28, 2025), <https://www.eeoc.gov/newsroom/removing-gender-ideology-and-restoring-eeocs-role-protecting-women-workplace>.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ See U.S. Equal Employment Opportunity Commission, *Federal Court Vacates Portions of EEOC Harassment Guidance*, (May 20, 2025), <https://www.eeoc.gov/newsroom/federal-court-vacates-portions-eeoc-harassment-guidance>.

Finally, in November 2025, the EEOC regained a quorum with a Republican majority. With a quorum restored, the Commission may now pursue significant policy changes such as rescinding the Biden-era guidance and regulations.¹⁰⁹

Under the Biden-era Enforcement Guidance, discrimination based on sexual orientation or gender identity includes physical assault, “outing,” or other harassing conduct toward individuals because they “do not present in a manner that would stereotypically be associated with that person’s sex.”¹¹⁰ Harassing behavior under this covered basis includes the repeated and intentional use of a name or pronoun inconsistent with the individual’s known gender identity (misgendering), or the denial of access to a bathroom or other sex-segregated facility consistent with the individual’s gender identity.¹¹¹ Though the guidance was in place throughout 2025, the EEOC largely pulled back from enforcing such issues. At its second meeting of 2026, with a quorum restored, the Commission voted 2-1 to rescind the 2024 Enforcement Guidance on Harassment in the Workplace. In a press release announcing the decision, Chair Lucas noted that “[r]escinding this guidance does not give employers license to engage in unlawful harassment,” and “Federal employment laws against discrimination, harassment, and retaliation, and Supreme Court precedent interpreting those laws, remain firmly in place.”¹¹²

Democratic Commissioner Kalpana Kotagal warned that broader changes may target regulations regarding EEO-1 data collection, guidance regarding affirmative action and disparate impact, and rescission of the agency’s strategic enforcement plan for fiscal years 2024-2028. The restored quorum also allows the EEOC to bring large-scale systemic litigation, and the majority’s stated priorities are likely the types of cases EEOC will pursue. Employers are urged to stay proactive as the commission enters a period of aggressive regulatory and litigation activity.¹¹³

H. EEOC’s Emphasis on Combatting Systemic Discrimination

Systemic discrimination refers to biases that are “built into systems, originating in the way work is organized” and “refers to structures that shape the work environment or employment prospects differently for different types or workers.”¹¹⁴ The EEOC defines systemic cases as “pattern or practice, policy and/or class cases where the discrimination has a broad impact on an industry, profession, company or geographic location.”¹¹⁵ Since 2006, the EEOC has made “the identification, investigation, and litigation of systemic discrimination cases (i.e. pattern or practice, policy, and/or class cases where the alleged discrimination has a broad impact on an industry, profession, company, or geographic area) a top priority.”¹¹⁶ The EEOC’s lack of quorum in FY 2025 significantly limited its ability to bring large scale systemic discrimination lawsuits, as such claims require a Commission quorum vote. Indeed, the EEOC filed just five systemic lawsuits in FY 2025—a steep decline from prior years. They include:

EEOC v. DHL Supply Chain (USA), Case No. 2:25-cv-02055 (W.D. Tenn. 2025): In a Title VII action, the EEOC alleges since at least October 2021, the defendant subjected a class of female employees working at its Tennessee facilities to unlawful employment practices, including ongoing unwelcomed sexual harassment that resulted in a sexually hostile work environment.

¹⁰⁹ Kalpana Kotagal Warns EEOC GOP Majority Will Move Quickly on Harassment Guidance, *Law360 Employment Authority* (Nov. 14, 2025), <https://www.law360.com/employment-authority/discrimination/articles/2410827>.

¹¹⁰ *Id.* at 17.

¹¹¹ *Id.*

¹¹² U.S. Equal Employment Opportunity Commissions, *EEOC Commission Votes to Rescind 2024 Harassment Guidance* (January 23, 2026), <https://www.eeoc.gov/newsroom/eeoc-commission-votes-rescind-2024-harassment-guidance>.

¹¹³ *Id.*

¹¹⁴ *Systemic Enforcement at the EEOC*, <https://www.eeoc.gov/systemic-enforcement-eeoc>

¹¹⁵ *Systemic Enforcement at the EEOC*, <https://www.eeoc.gov/systemic-enforcement-eeoc>

¹¹⁶ *EEOC Strategic Plan 2022-2026*, <https://www.eeoc.gov/eeoc-strategic-plan-2022-2026>

EEOC v. NASG Realty, LLC d/b/a North American Stamping Group, Case No. 3:25-cv-00066 (M.D. Tenn. 2025): The EEOC sued the defendant under Title VII alleging since at least 2018, it engaged in a pattern or practice of discrimination by failing to hire and promote females to higher-paying production roles that have traditionally been held by men and by subjecting female employees to a sexually hostile work environment.

EEOC v. Allegiance Health Management, Inc. et al., Case No. 2:25-cv-00069 (W.D. La. 2025): The EEOC brought this action against the defendants pursuant to the ADA. Specifically, the EEOC claims from about 2018 until March 2021, at some or all healthcare facilities operated by Allegiance Health, defendants subjected a class of individuals to disability-related inquiries before an offer of employment had been made. The EEOC further claims since at least 2018, at some or all of defendants' healthcare facilities, defendants subjected a class of individuals to disability-related inquiries after hiring, and required some or all employees working at Byrd Regional Hospital to complete a questionnaire on an ongoing basis that contains disability-related inquiries. Finally, the EEOC alleges since at least 2017, defendants have maintained an inflexible leave policy that does not provide for reasonable accommodation of qualified individuals with disabilities and causes the termination of their employment.

EEOC v. Bellsouth Telecommunications, LLC d/b/a AT&T, Case No. 2:25-cv-00137 (E.D. La. 2025): The EEOC alleges that, since at least September 1, 2025, AT&T has engaged in unlawful employment practices in violation of the ADA by utilizing standards, criteria, and methods of administration that have the effect of disability discrimination and by using qualification standards, employment tests, and other selection criteria that screen out individuals with disabilities.

EEOC v. TCI of Alabama, LLC, Case No. 4:25-cv-00089 (N.D. Ala.): In a Title VII action, the EEOC alleges since at least August 1, 2020, the defendant has intentionally failed to recruit and has denied employment to a class of female individuals available to accept laborer positions at its Pell City, Alabama plant because of their sex, which constitutes a pattern or practice of sex-based recruitment and hiring discrimination.

In light of the Senate's October 7, 2025 confirmation of Brittany Panuccio as the EEOC's third commissioner—restoring the EEOC's quorum—employers can expect an uptick in large-scale, high-impact, and high-profile investigations and cases in FY 2026 that address the issues identified as administration priorities.

PART III: District Office Profiles

While the EEOC is a national enforcement body, the Commission's 15 District Offices often take different approaches to their respective litigation and settlement activity. To that end, Part III provides an overview of key developments from each District Office in FY 2025. Each summary begins with a District Profile, which outlines key players and litigation statistics. These statistics include: 1) the number of lawsuits filed in FY 2025, followed by the district's rank among other offices; 2) the average time period between the issuance of a determination letter and the subsequent failure to conciliate notice; 3) the average time period between the failure to conciliate notice and the EEOC's complaint; and 4) the average time period between the issuance of a determination letter and the EEOC's complaint. Finally, the District breakdowns also contain summaries of notable lawsuits and settlements attributable to each office in FY 2025.

EEOC Atlanta District Office

DISTRICT PROFILE

Director: **Darrell Graham**

Regional Attorney: **Marcus G. Keegan**

Merit Cases Filed in FY 2025: **7**

Average Days Between Determination
Letter & Failure to Conciliate: **100**

Average Days Between Failure to
Conciliate & Complaint: **188**

Average Days Between Determination
Letter & Complaint: **289**



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KEY CASES FILED IN FY 2025

EEOC v. Sam's East, Inc. and Walmart Inc., Case No. 1:25-CV-0222 (N.D. Ga.) As described by the EEOC, the defendant company allegedly terminated a disabled employee because of her disability. The EEOC alleges that the aggrieved employee was a longtime Sam's Club employee who sought to return to her associate position at its Douglasville, Georgia store in June 2022 following a medical leave of absence after an automobile accident. The accident left her with post-concussion syndrome, upper back pain, muscle spasms and chronic lower back pain. The employee sought minor, temporary adjustments to her duties as a reasonable accommodation for her disabilities. Shortly after returning to work and successfully performing one shift, the employee was informed by her supervisor that she could not work with restrictions and would instead need to take another leave of absence until she could work without any restrictions. As instructed, the employee sought additional leave, providing Sam's Club with a date by which she would be capable of working without restriction. Sam's Club then denied the employee's requested leave and fired her. The store's general manager told her Sam's Club would not accommodate her injuries because they occurred outside of work in violation of the Americans with Disabilities Act.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Waste Industries U.S.A., LLC, et. al., Case No. 1:23-CV-04293 JPB JEM (N.D. Ga.) In its suit, the EEOC claims that since 2016, Waste Industries denied qualified female applicants truck driver positions at multiple company locations throughout Georgia. According to the lawsuit, during the application and interview process, female applicants were subjected to derogatory comments about their feminine appearance based on sex-based stereotypes and were asked sexist questions about their ability to do the job, such as, “Why would you want to do a man’s job?” Despite being fully qualified for the positions, female applicants were denied truck driver positions in favor of less qualified male applicants, the EEOC said, in violation of Title VII. Resolving the suit, the company agreed to provide \$3.1 million to be distributed to a class of women who applied for and were unlawfully denied truck driver positions based on their sex. Additionally, Waste Industries agreed to develop hiring, recruitment and outreach plans to increase the pool of qualified female driver applicants; train employees on Title VII’s prohibition against gender discrimination in hiring; maintain certain anti-discrimination policies; post an employee notice; and allow the EEOC to monitor complaints of sex discrimination.

EEOC v. Sureste Property Group, et. al., Case No. 1:24-CV-01769 (N.D. Ga.) According to the EEOC’s suit, Sureste violated federal law when it fired its first and only Black project development manager because of his race. The project development manager performed well, despite being assigned more work than his white counterparts, but the company terminated him less than a year after his hire, claiming first that he was “lazy” and not a good fit for the company’s “culture.” Later, the company claimed that his role had been eliminated, but less than a month after firing him, Sureste promoted a significantly less-qualified white employee to the same position. To resolve the suit, Sureste will pay \$75,000 and will distribute anti-harassment and anti-retaliation policies, post a notice in the workplace informing employees of the settlement, and provide specialized training to all supervisors, managers, and employees. Sureste will also provide the EEOC with periodic reports regarding complaints of race discrimination during the decree’s three-year term.

EEOC Birmingham District Office

DISTRICT PROFILE

Director: **Bradley A. Anderson**

Regional Attorney: **Marsha Rucker**

Merit Cases Filed in FY 2025: **7**

Average Days Between Determination Letter & Failure to Conciliate: **78**

Average Days Between Failure to Conciliate & Complaint: **112**

Average Days Between Determination Letter & Complaint: **188**



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KEY CASES FILED IN FY 2025

EEOC v. Smoke BBQ LLC d/b/a Cosmos, Civil Case No. 1:25-cv-00278-TBM-RPM (S.D. Miss.) The EEOC brought suit on behalf of an employee alleging that in November of 2023, the server told her colleagues about her pregnancy shortly after she started working at the restaurant. The next day, after Cosmos managers heard about her pregnancy, she was fired, in violation of Title VII.

EEOC v. Coca-Cola Bottling Company United, Case No. 2:25-cv-02032 (E.D. La) According to the EEOC, the employee, who worked as a delivery driver for CCBCU in Lafayette, Louisiana, was diagnosed with renal disease requiring dialysis. After he asked for a change in his work schedule to accommodate his dialysis, CCBCU determined he could not work a different schedule as an accommodation and told the employee to apply and compete for other jobs in the company aligned with his medical restrictions. The employee identified and applied for a job with a schedule allowing him to continue dialysis while working full time. However, even though he was qualified for the position, CCBCU refused to place him into the position, and then terminated him in August 2022, in violation of the Americans with Disabilities Act.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Security Engineers, Inc., Case No. 2:23-cv-01213-AMM (N.D. Ala.) The EEOC filed suit alleging that Security Engineers engaged in sex discrimination throughout Alabama when the company denied security officer jobs and assignments to a class of women, beginning in at least 2017. The EEOC's court filings referred to discriminatory directives in the Security Engineers human resources database that said: "DO NOT schedule a female for this post" and "Post is MALE ONLY!" The EEOC also alleged that Security Engineers personnel admitted to some women applicants that they would not be selected for security positions or assignments because of sex. The EEOC's complaint alleged that Security Engineers maintained a pattern or practice of sex discrimination for several years, denying women security officer opportunities despite their experience in security, law enforcement or the military, in violation of Title VII. To resolve the suit, Security will pay \$1.6 million that will be distributed by the EEOC to a class of women who were denied security officer employment opportunities. The three-year decree also prohibits Security Engineers from discriminating based on sex, including prohibiting the company from complying with discriminatory client requests. The settlement further requires that Security Engineers delete all directives not to select, assign or hire women because of sex, and it provides for training, monitoring and reporting. According to the consent decree, hiring decisions for security officer jobs at Security Engineers shall not be based on sex, regardless of site or work location.

P.F. Chang's. According to the EEOC's charge investigation, during the interview process in August 2024 with the P.F. Chang's location in Birmingham, the applicant requested Sundays off because of his religious beliefs. The EEOC's investigation concluded he was not hired because of the accommodation request.

Following the EEOC's investigation, the parties engaged in the EEOC's pre-litigation conciliation process, resulting in a settlement requiring P.F. Chang's to provide back pay, compensatory and punitive damages, and revise written policies and procedures about religious accommodations. The restaurant also agreed to require training for its Birmingham employees, supervisors, managers, and human resources personnel on equal employment opportunity rights and responsibilities, with an emphasis on religious accommodations. In addition, the employer agreed to post a notice regarding the resolution of this matter and the laws enforced by the EEOC.

EEOC Charlotte District Office

DISTRICT PROFILE

Director: **Betsy Rader**

Regional Attorney: **Melinda Dugas**

Merit Cases Filed in FY 2025: **6**

Average Days Between Determination
Letter & Failure to Conciliate: **91**

Average Days Between Failure to
Conciliate & Complaint: **156**

Average Days Between Determination
Letter & Complaint: **270**



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KEY CASES FILED IN FY 2025

EEOC v. Gator Strong, LLC and Gator Strong NC, LLC, Case No. 7:25-cv-01267-M (E.D.N.C.)

According to the EEOC's lawsuit, the former chief operating officer (COO) of Gator Strong, LLC subjected the office manager to a campaign of sexual harassment, including repeatedly making sexual comments to her and humiliating her in front of her colleagues because of her sex. The harassment escalated over time, leading to the COO presenting the office manager with an inappropriate written proposition. The COO repeatedly attempted to talk about the proposition; after she refused to discuss it multiple times, the COO fired her. The lawsuit also alleged that Gator Strong NC, LLC has successor liability for the unlawful conduct.

EEOC v. Smithfield Fresh Meats Corp., Case No. 7:25-cv-01410-M, (E.D.N.C.) The EEOC filed suit alleging the employee informed Smithfield of her pregnancy shortly after she was hired. After the employee was involved in a workplace accident, she began having pregnancy-related complications that required medical attention. Her physician imposed certain restrictions on her, including a lifting restriction. The employee told Smithfield of the restrictions and requested a reasonable accommodation. Smithfield, which operates the largest pork processing facility in the world, told the employee that Smithfield does not provide accommodations for pregnancy. Smithfield then required the employee to take unpaid leave and, approximately two weeks later, fired her, in violation of the Pregnancy Workers Fairness Act and Title VII.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Hooters of America, LLC, Civil Action No.: 1:23-cv-00722 (M.D.N.C.) The EEOC filed suit on behalf of a former employee asserting a Hooters located in Greensboro, North Carolina, laid off approximately 43 employees in response to the COVID-19 pandemic. Included in the layoffs were a class of employees who were Black and/or had dark skin tone and worked as "Hooters Girls." When Hooters began recalling employees to return to work in May of 2020, Hooters recalled primarily white employees and those with lighter skin tones. The lawsuit also alleged that Hooters Girls with dark skin tones experienced racial hostility and observed preferential treatment of white employees while employed at the restaurant, in violation of Title VII. To resolve the matter, Hooters agreed to provide \$250,000 in damages to the affected employees and be subject to a three-year decree, which applies to stores covering four locations in North Carolina, which prohibits Hooters from making layoff, or recall and rehire decisions after a layoff, based on race or color in the future. The decree further prohibits Hooters from making these decisions using standards that allow for subjective determinations based on race or color.

Hooters is also required to conduct annual trainings, post a notice of employee rights, submit compliance reports to the EEOC and reassure the public that Hooters is an equal opportunity employer through a post on its Instagram feed.

Mid Atlantic Dairy Queen. The employer agreed to enter into two agreements to resolve two charges brought against it. The agreements resolve charges where the EEOC's investigation found reasonable cause to believe the company violated federal anti-discrimination law by allowing two former employees who worked at the company's Granby Street location in Norfolk and the Landstown location in Virginia Beach to sexually harass multiple female workers from approximately July 2022 to February 2023, including some who were teenagers at the time. The harassers repeatedly made inappropriate sexual comments and engaged in unwelcome physical contact. The investigation found that Mid Atlantic Dairy Queen knew or should have known of the harassment and failed to take corrective action or remedial measures. To resolve these matters, Mid Atlantic Dairy Queen, LLC agreed to provide monetary relief totaling \$100,000 for two employees who filed charges as well as \$45,000 for a group of five other female employees who experienced a sexually hostile work environment. The agreements also require the company to establish or update all written policies and procedures prohibiting discrimination on the basis of sex, prohibiting harassment and prohibiting retaliation for complaining about, reporting, or otherwise opposing such discrimination. In addition, the employer agreed to conduct sexual harassment prevention training for leadership and employees, to be monitored for compliance for three years, and to post a workplace notice regarding the resolution of these matters and the laws enforced by the EEOC.

EEOC Chicago District Office

DISTRICT PROFILE

Director: **Amrith Kaur Aakre**

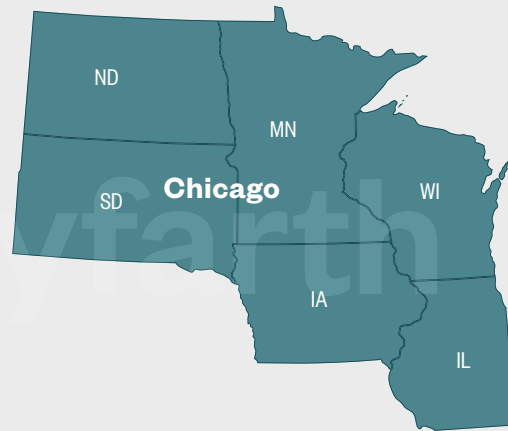
Regional Attorney: **Gregory M. Gochanour**

Merit Cases Filed in FY 2025: **11**

Average Days Between Determination Letter & Failure to Conciliate: **94**

Average Days Between Failure to Conciliate & Complaint: **111**

Average Days Between Determination Letter & Complaint: **206**



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KEY CASES FILED IN FY 2025

EEOC v. Mayo Clinic, Case No. 0:25-cv-03066 (D. Minn.) Per the EEOC, the hospital violated Title VII based on its refusal to grant a security's guards religious accommodation request related to its mandatory COVID-19 vaccination policy. The security guard explained the basis of his religious beliefs, and offered to receive tests for COVID-19 and to wear a mask in place of abiding by the employer's policy. Rather than accommodate him, the EEOC contends that the security guard was threatened with termination of employment, forcing him to receive the vaccine in contravention of his religious beliefs and in an effort to save his employment.

EEOC v. Walmart Inc., Case No. 2:25-cv-1480 (E.D. Wis.) According to the EEOC's lawsuit, in November and December 2021, supervisors harassed two employees with intellectual disabilities who worked as cart pushers, calling them "stupid" and "slow." One employee noted that his supervisor called him a "retard" before shutting the door on him and sending him home prematurely. After the store manager would not address his supervisor's conduct, the employee quit, citing the hostile work environment. The lawsuit further alleged that the employer denied one of the employee's request for a reasonable accommodation—a job coach—and refused to speak with job coaches assisting the employee at no cost to it. The EEOC also purports that store managers and human resources representatives did not allow the job coaches inside the facility and repeatedly refused to discuss the employee's schedule, training needs, need for breaks, or harassment complaints.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Sunnybrook Edu. Ass'n, IEA-NEA, Case No. 1:23-cv-2804 (N.D. Ill.) To resolve a lawsuit claiming that the union, representing teachers and educational support staff, violated Title VII's prohibition of race discrimination, the union agreed to pay \$110,000 and institute injunctive relief. According to the EEOC's lawsuit, a black custodian was denied a promotion on the basis of his race after the union interfered with the school's efforts to promote the custodian based on concerns that the promotion violated the collective bargaining agreement. However, the EEOC alleges that in similar instances involving non-black employees, the union did not interfere and, in some instances, actively bargained to obtain the non-black employees the promotions.

EEOC Dallas District Office

DISTRICT PROFILE

Director: **Travis Nicholson**

Regional Attorney: **Ronald Phillips (Acting)**

Merit Cases Filed in FY 2025: **3**

Average Days Between Determination
Letter & Failure to Conciliate: **35**

Average Days Between Failure to
Conciliate & Complaint: **37**

Average Days Between Determination
Letter & Complaint: **95**



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KEY CASES FILED IN FY 2025

EEOC v. St. Vincent De Paul Rehab. Serv. Of Texas Inc. D/B/A Peak Performers, Case No. 1:25-cv-1551 (W.D. Tex.) According to the EEOC, following a suicide attempt resulting from mental health conditions, an executive assistant with a disability requested approximately four to six weeks of unpaid leave to receive outpatient medical treatment. Executives with the employer were aware of the executive assistant's request for time off due to mental health-related disabilities, but denied her request and summarily terminated her employment in April 2024. Ultimately, the executive assistant completed her treatment and would have been able to return to her job within three weeks had the employer provided the requested accommodation.

EEOC v. Castle Hills Master Association Inc, et al., Case No. 4:24-cv-871 (E.D. Tex.) Based on the EEOC's lawsuit, a pregnant resident coordinator was diagnosed with placenta previa, a condition the causes physical symptoms results in a high-risk pregnancy. Following her diagnosis, she notified the defendants about her condition and that she would require a cesarean section. However, approximately a month before her due date, she was hospitalized due to complications related to her condition, for which her doctor ordered she remain on bed rest until she gave birth. The employee notified her supervisor of her hospitalization and need for leave, but while she was still hospitalized, she was notified that her employment was terminated. Allegedly, the employee was also told that the defendants would not accommodate her because they do not provide leave outside of that covered under its short-term disability plan or the Family Medical Leave Act.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Heart of Texas Goodwill Indus., Inc., Case No. 6:24-cv-00498 (W.D. Tex.) The employer agreed to pay \$75,000 to resolve claims that it refused to consider a deaf applicant for a production team member position. The EEOC's complaint further alleged that the manager informed the applicant she was ineligible for the role because she could not speak or hear, which were essential functions of the position. Despite the applicant asking the manager whether she could potentially be accommodated, including through the use of cellphones, the manager purportedly informed told her that she would talk to the employer's human resources department. Despite this, no one followed up with the applicant and she was not hired for the role, despite working in an identical role at Goodwill before applying to the employer.

EEOC v. The Results Cos., LLC, Case No. 7:24-cv-00128 (N.D. Tex.) The employer agreed to pay \$250,000 to settle a disability discrimination lawsuit filed by the EEOC stemming from its actions in relation to an employee who is blind. The employee, who was hired as a telephonic customer service representative requested to use screen reader software—which converts text and other information into synthesized speech—as a reasonable accommodation so that she could review written material on her computer screen. Despite the employee’s request, the employer did not take reasonable steps to facilitate the use of screen reader software, refused the employee’s suggestion of contacting individuals to provide technical assistance, and ultimately terminated her employment. Per the parties’ two-year consent decree, the employer must also provide internal training regarding its obligations under the Americans with Disabilities Act and implement a plan for processing future accommodation requests.

EEOC Houston District Office

DISTRICT PROFILE

Director: **Rayford O. Irvin**

Regional Attorney: **Rudy L. Sustaita**

Merit Cases Filed in FY 2025: **8**

Average Days Between Determination Letter & Failure to Conciliate: **58**

Average Days Between Failure to Conciliate & Complaint: **530**

Average Days Between Determination Letter & Complaint: **608**



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KEY CASES FILED IN FY 2025

EEOC v. Minden Seafood LLC, Dorcheat Seafood LLC, Case No. 5:25-cv-300 (E.D. La.) The EEOC filed a lawsuit against the employer, Minden Seafood, LLC, alleging that the employer violated Title VII by subjecting female employees to a sexually hostile work environment created by male coworkers and supervisors. The complaint asserts that the harassment included repeated unwelcome sexual comments and advances. However, when employees complained about the conduct, the employer allegedly failed to take remedial action and instead retaliated against those who opposed the harassment, including by terminating their employment.

EEOC v. Digital Intelligence Systems LLC, Case No. 4:25-cv-4589 (S.D. Tex.) Based on the EEOC’s complaint, the EEOC claims that the employer violated the Americans with Disabilities Act after a recruiter pursued a qualified potential candidate for an accounting analyst position for its client. Yet, upon learning that the candidate was “hard of hearing” and would require an accommodation for the interview, the recruiting efforts abruptly stopped. The recruiter also stopped responding to any of the candidates inquiries, including a question about whether he was being discriminated against due to his disabilities.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. X-Treme Tech Servs., LLC, Case No. 24-1829 (E.D. La.) After filing suit on behalf of an administrative assistant based on the employee's supervisors alleged repeated and persistent unwelcome sexual advances which culminated in her termination for rebuking the advances, the employer agreed to pay \$52,500 and provide other equitable relief. Under the parties' five-year consent decree, the employee must review and revise its harassment policies, train its employees and managers on sexual harassment, Title VII, and employee complaints, as well as submit policy modifications to the EEOC.

EEOC v. HSS Security, LLC, Case No. 4:24-cv-03663 (S.D. Tex.) The EEOC filed suit, alleging that despite initially offering a female applicant a security supervisor role, the employer rescinded the offer and refused to hire her based on her sex. According to the EEOC, the female applicant's offer was rescinded after a lunch with two male security managers where she assured them of her skills, abilities, and experience. Yet, the position was rescinded and offered to two male applicants, neither of which possessed qualifications or experience equal or superior to the female applicant's. To resolve the matter, the employer agreed to pay \$35,000, train its hiring managers, recruiters, and human resources personnel annually, revise its policies, and report to the EEOC all complaints of discrimination in hiring the company receives over a three year period.

EEOC Indianapolis District Office

DISTRICT PROFILE

Director: **Richard Burgamy (Acting)**

Regional Attorney: **Kenneth Bird**

Merit Cases Filed in FY 2025: **8**

Average Days Between Determination Letter & Failure to Conciliate: **98**

Average Days Between Failure to Conciliate & Complaint: **172**

Average Days Between Determination Letter & Complaint: **271**



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KEY CASES FILED IN FY 2025

EEOC v. Bossman Tacos, LLC, Case No. 2:25-cv-00316 (N.D. Ind.) The EEOC filed suit against the employer, alleging a long-standing pattern of sexual harassment by male kitchen staff against female servers. According to the complaint, since at least November 2021, male cooks, including the head chef, engaged in egregious misconduct including trapping women in restrooms and walk-in refrigerators to make unwanted sexual advances, groping female employees' hips, backs, and buttocks, exposing themselves, and making lewd sexual jokes and propositions. Several victims reported their experiences to management, complaints the EEOC alleges were dismissed based on one owner's purported comment that the behavior was typical male conduct, ultimately resulting in some employees feeling compelled to resign their employment.

EEOC v. Tower Auto. Operations I LLC, Case No. 2:25-cv-12926 (E.D. Mich.) According to the lawsuit, an employee, who had over 30 years' experience in automotive manufacturing, joined the manufacturer's apprenticeship program in 2018 as the only female apprentice. She performed successfully, despite enduring sex and disability discrimination and the company's purported perception of her as a liability,

due to her sporadic use of a cane necessitated by her disability. In March 2020, the employer laid off its workers due to the pandemic; however, after the layoff, the company allowed only men to resume their apprenticeships. While it recalled the female employee, it refused allow her to re-enter the apprenticeship program, denying her a higher wage and opportunities for overtime. Furthermore, according to the EEOC, the company likewise allowed three younger men to enter the program in 2022 as new apprentices. Though the company ultimately reinstated her as an apprentice in 2025, it also paid her at a lower apprentice rate.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Navitas Sys., LLC, Case No. 2:24-cv-12478 (E.D. Mich.). The employer agreed to pay \$95,000 and provide non-monetary relief to resolve a disability discrimination lawsuit alleging violations of the Americans with Disabilities Act. According to the EEOC, the employer maintained a policy requiring employees returning from medical leave to be “restriction-free.” When a divisional controller sought to return to work after a serious arm injury with limited use of one arm, the company refused his request for accommodation and terminated his employment rather than engaging in the interactive process required under the ADA. To resolve the lawsuit, the parties entered into a three-year consent decree. The employer agreed to pay \$95,000 to the former employee and implement injunctive relief. This will include rescinding its “100% restriction-free” return-to-work policy, adopting ADA-compliant procedures, and providing annual ADA training for managers, supervisors, and human resources personnel. In addition, the employer must submit annual reports to the EEOC detailing accommodation requests, their outcomes, and instances of employees returning from medical leave.

EEOC v. The Phoenix Ctr., Case No. 1:23-cv-592 (S.D. Ohio). The EEOC filed suit against a mental health and substance-abuse recovery facility alleging multiple violations of the Americans with Disabilities Act. According to the complaint, the employer refused to hire a qualified applicant for a case manager position at one of its locations after learning she suffered from chronic migraines that required medication. Additionally, the employer terminated another employee due to her history of alcohol dependence. The EEOC further alleged that the employer subjected at least fifteen applicants to impermissible medical inquiries, asking questions and conducting medical examinations before extending conditional job offers in contravention of the ADA. To resolve the suit, the parties entered into a five-year consent decree incorporating both monetary and equitable relief. The employer will pay a total of \$65,610 to the aggrieved individuals. Beyond financial compensation, the decree requires the employer to provide ADA training to its executives, directors, managers, and HR personnel. It will also post workplace notices informing employees of their rights under the ADA.

EEOC Los Angeles District Office

DISTRICT PROFILE

Director: **Christine Park-Gonzalez**

Regional Attorney: **Anna Y. Park**

Merit Cases Filed in FY 2025: **4**

Average Days Between Determination Letter & Failure to Conciliate: **214**

Average Days Between Failure to Conciliate & Complaint: **699**

Average Days Between Determination Letter & Complaint: **913**



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KEY CASES FILED IN FY 2025

***EEOC v. Vallarta Food Enterprises, Inc., et al.*, 2:25-mc-00058 (C.D. Cal.)** According to the EEOC, it has filed an action to enforce a subpoena issued during its investigation into alleged discriminatory hiring practices. The EEOC initiated the investigation based on Commissioner charges alleging that Vallarta systematically failed or refused to recruit, hire, or promote non-Hispanic individuals because of their race and national origin, including white, Black, and Asian applicants in violation of Title VII. To determine whether discrimination occurred, the EEOC issued a subpoena seeking applicant and employee demographic data, hiring process materials, job descriptions, and complaints related to race or national origin. The agency also requested contact information for applicants and employees to facilitate interviews. According to the EEOC, Vallarta has refused to comply with the subpoena, prompting the agency to seek judicial enforcement.

***EEOC v. Paia Inn, LLC et al, Inc.* 1:25-cv-00199 (D. Haw.)** According to the EEOC's lawsuit, since at least 2015, Paia Inn's owner regularly preyed on a class of female employees, including some teenagers, and subjected them to sexual harassment. The harassment included repeated, frequent and offensive touching, along with sexual advances and comments. The owner demanded massages while he was naked, propositioned female employees for sexual encounters and inappropriately touched female employees, the EEOC said. In addition, the owner frequently commented on the female employees' looks and bodies in front of male friends who patronized the hotel, and he insisted on hiring attractive female applicants after requiring their photos as part of the application process. The owner immediately fired an employee who stood up for other female employees to stop the sexual harassment, while other employees who complained about the sexual harassment were terminated or forced to quit their jobs, the suit alleged.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Goodsell/Wilkins, Inc., Case No. 8:22-cv-01765 (C.D. Cal.) The Commission alleged that the Orange County-based construction company violated Title VII by subjecting a class of male Hispanic or Latino workers to harassment based on supervisors, leads, and coworkers using racial slurs such and sexually explicit threats intended to pressure employees to work faster. The EEOC further claimed that the company failed to act on harassment complaints and retaliated against workers who complained by terminating them or denying further work opportunities. To resolve the matter, the employer agreed to pay \$730,000 in monetary relief through a claims process and implement anti-harassment,

anti-discrimination, and anti-retaliation training for all employees. Moreover, the employer agreed to institute policy updates to ensure compliance, improve its reporting mechanisms, and provide periodic reporting to the EEOC regarding complaints of discrimination, harassment, and retaliation.

EEOC v. Elaine's Pet Resorts, et al, Case No. 1:23-cv-01422-JLT-EPG (E.D. Cal.) The Commission alleged that the employer, which operated facilities in Fresno and Madera, CA, violated the ADA by failing to hire or terminating applicants and employees who tested positive on post-offer drug screens, even when the results were due to lawfully prescribed medications. The agency contended that the employer failed to engage in the interactive process or provide reasonable accommodations. The parties resolved the litigation through a three-year consent decree that includes both monetary and injunctive relief. Specifically, the employer agreed to pay \$35,000 and implement ADA policy revisions to ensure proper handling of reasonable accommodation requests. The decree also requires the appointment of an external EEO monitor and mandatory training for managers and staff on reasonable accommodation obligations.

EEOC Memphis District Office

DISTRICT PROFILE

Director: **Delner Franklin-Thomas**

Regional Attorney: **Faye Williams**

Merit Cases Filed in FY 2025: **3**

Average Days Between Determination Letter & Failure to Conciliate: **36**

Average Days Between Failure to Conciliate & Complaint: **572**

Average Days Between Determination Letter & Complaint: **608**



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KEY CASES FILED IN FY 2025

EEOC v. NASG Realty, LLC, Case No. 3:25-cv-00066 (M.D. Tenn.) The EEOC filed a lawsuit against NASG Realty, LLC alleging violations of Title VII of the Civil Rights Act of 1964. The EEOC claims that NASG engaged in a pattern or practice of sex discrimination by systematically failing to hire and promote women into certain production positions traditionally dominated by men. In addition to these discriminatory hiring and promotion practices, the EEOC asserts that NASG subjected female employees to a sexually hostile work environment. According to the allegations, women at NASG experienced offensive remarks, dismissive and demeaning treatment, and even physical misconduct based on their sex. Despite multiple reports of this behavior to human resources, the company allegedly failed to take appropriate corrective action, allowing the hostility and anti-female animus to persist.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Simply Slims, L.L.C., Case No. 6:23-cv-06090 (W.D. Ark.) The EEOC brought claims against Slim Chickens alleging violations of Title VII of the Civil Rights Act of 1964. According to the EEOC, the company failed to prevent and address sexual harassment at an Arkansas location. The allegations centered on a shift manager who repeatedly harassed teenage and young female employees. Despite receiving two complaints about this behavior by April 2022, the employer did not take effective action, allowing the harassment to continue. By July 2022, four additional young female workers reported similar misconduct by the same manager, creating a hostile work environment. Ultimately, the parties reached a

settlement through a two-year consent decree. Under the terms of the decree, the employer agreed to pay \$300,000 in monetary relief. In addition, the company committed to corrective measures such as: revising and distributing its sexual harassment policy to all employees and providing mandatory sexual harassment training for a two-year period.

EEOC v. Prestigious Placement, Inc. and Prosero, Inc., Case No. 2:23-cv-02568, (W.D. Tenn.)

According to the EEOC, a male lead employed by Prosero subjected female employees—who had been placed at a Memphis warehouse by Prestigious Placement—to unwelcome sexual comments. When two of these employees reported the harassment to supervisors, their complaints were ignored. Subsequently, Prosero terminated the employees, citing performance issues, an act the EEOC maintains was retaliatory. After initially filing suit, the parties agreed to reached agreement on a two-year consent decree under which the companies agreed to pay \$215,000 in damages to three former female employees and implement significant corrective measures, including: revising and distributing anti-harassment and anti-retaliation policies, posting a workplace notice about the settlement, and providing specialized training to all supervisors, managers, and employees. Additionally, the companies must submit periodic reports to the EEOC detailing any future complaints of sexual harassment or retaliation, including the allegations and the companies' responses.

EEOC Miami District Office

DISTRICT PROFILE

Director: **Evangeline Hawthorne**

Regional Attorney: **Kristen M. Foslid**

Merit Cases Filed in FY 2025: **6**

Average Days Between Determination Letter & Failure to Conciliate: **71**

Average Days Between Failure to Conciliate & Complaint: **167**

Average Days Between Determination Letter & Complaint: **167**



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KEY CASES FILED IN FY 2025

EEOC v. Cemex Constructional Materials Florida LLC, Case No. 8:25-cv-1454 (M.D. Fla.) The EEOC filed suit against alleging that the employer failed to provide a reasonable religious accommodation to a mixture truck driver who is an Apostolic Christian. The employee requested to wear a close-fitting skirt over her work pants in accordance with her religious beliefs. Although the company maintained a policy against loose-fitting clothing, the skirts worn by the employee were close-fitting and complied with safety requirements. Despite this, the employer refused the accommodation request. When the employee continued wearing the skirt, she was terminated.

EEOC v. Fluent Servicing, LLC, Case No. 8:25-cv-02522 (M.D. Fla.) According to the EEOC, the Tampa-based medical marijuana treatment center violated the Americans with Disabilities Act after it failed to provide a reasonable accommodation and then terminated an employee with a disability. The employee experienced a seizure at work and subsequently called out sick for several days. Fluent instructed the employee to obtain a doctor's note before returning to work. The employee complied and provided the requested note, which not only cleared her to return but also included a specific request for a reasonable

accommodation related to her medical condition. As alleged by the EEOC, instead of engaging in the required interactive process to discuss and implement accommodations, the employer terminated her employment.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Elon Prop. Mgmt. Co., LLC, Case No. 8:24-CV-02939-MSS-LSG (M.D. Fla.) The EEOC reached a settlement with a residential property management company following allegations of disability discrimination and retaliation in violation of the Americans with Disabilities Act. The EEOC alleged that the employer retaliated against a district manager who had taken a medical leave of absence by placing her on a performance improvement plan immediately upon her return and penalizing her for a decline in occupancy rates that occurred while she was on leave. Additionally, the EEOC charged that the employer maintained policies that screened out employees with disabilities by requiring a full-duty release note and a physician-signed copy of the employee's job description before allowing a return from medical leave. These practices effectively barred employees who needed accommodations from returning to work, which the EEOC stated was unlawful under the ADA. The case resolved through a three-year consent decree under which the employer agreed to pay \$200,000 in monetary relief to multiple former employees. The employer also agreed to revise and redistribute its ADA and leave policies, provide specialized ADA training to all employees, and post notices informing employees of their rights under the ADA.

EEOC v. Enterprise Leasing Co. of Florida, LLC, Case No. 0:23-61744 (S.D. Fla.) The EEOC reached settlement following allegations of systemic age discrimination in violation of the Age Discrimination in Employment Act. The EEOC alleged that, beginning in at least 2019, the employer consistently refused to hire applicants aged 40 and older for its management trainee positions. Although roughly 15% of applicants for these roles were in the protected age group, they accounted for less than 3% of hires. Pre the EEOC, its investigation revealed that more than 125 witnesses reported being asked their age or graduation year during interviews, told that most candidates were "fresh out of college," or otherwise discouraged from applying based on age. The matter was resolved through a three-year consent decree under which the employer agreed to pay \$1.8 million in monetary relief to affected applicants and ensure ADEA compliance, providing annual age discrimination training to all relevant personnel, posting notices about employees' rights under the ADEA, and conducting mandatory investigations of all age discrimination complaints. Additionally, the employer must establish bi-annual reporting requirements, implement an applicant tracking system to monitor hiring practices, and maintain a publicly accessible Ethics Hotline for reporting discrimination concerns.

EEOC New York District Office

DISTRICT PROFILE

Director: **Arlean Nieto**

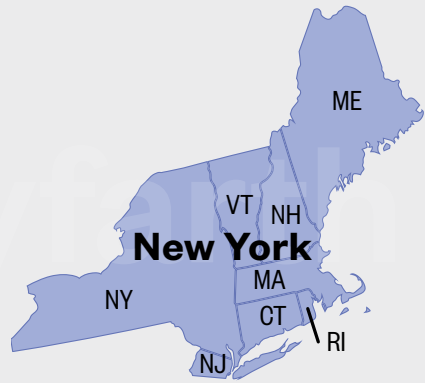
Regional Attorney: **Kimberly Cruz**

Merit Cases Filed in FY 2025: **6**

Average Days Between Determination Letter & Failure to Conciliate: **73**

Average Days Between Failure to Conciliate & Complaint: **60**

Average Days Between Determination Letter & Complaint: **199**



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KEY CASES FILED IN FY 2025

EEOC v. PT Admin. Servs. LLC, Case No. 1:25-cv- 03615 (E.D.N.Y.) The EEOC brought suit against PT Administrative Services LLC, alleging violations of the Pregnant Workers Fairness Act. According to the EEOC, the company unlawfully terminated a patient services coordinator at its Brooklyn Heights location shortly after she gave birth. The employee had requested reasonable accommodations to recover physically from childbirth and to facilitate lactation, including leave or a modified schedule. Per the EEOC, rather than engage in the interactive process, the employer allegedly refused and immediately fired her because of her request.

EEOC v. Pearson Educ., Inc., Case No. 2:25-cv-12214 (D.N.J.) The EEOC alleged that lawsuit the educational publishing and services company, violated the Americans with Disabilities Act after the employer failed to provide employees who are blind or otherwise visually impaired with equal access to essential employment-related information. This included information such as benefits, leave details, performance data, and required trainings. The company contracted with third-party vendors to provide online platforms for these functions; however, the platforms were inaccessible to employees relying on screen-reading software due to technical deficiencies. Despite being aware of these accessibility issues, the employer purportedly did not provide reasonable accommodations to ensure equal access to the terms, conditions, and privileges of employment.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. KTG Hosp., LLC, Case No. 1:24-cv-07376 (S.D.N.Y.) The EEOC reached a settlement with a fine dining restaurant based on allegations of sexual harassment in violation of Title VII of the Civil Rights Act. According to the EEOC, a female pastry cook was subjected to repeated sexual overtures, verbal abuse, and unwanted physical contact by kitchen staff and managers. The EEOC further alleged that managers witnessed the harassment and failed to intervene, instead contributing to the hostile work environment by watching pornography with male kitchen staff and making lewd sexual jokes and comments. The matter was resolved through a consent decree requiring the employer to pay monetary relief and institute compliance measures. These measures include: creating and disseminating anti-discrimination policies, establishing meaningful complaint procedures, training all employees on sex discrimination and harassment prevention, and retaining an external human resources vendor to review complaints and ensure compliance with revised policies.

EEOC v. TNNY Hotel, LLC, et al., Case No. 1:24-cv-6487 (S.D.N.Y.) The EEOC and a Manhattan hotel reached a settlement agreement following allegations of disability discrimination in violation of the Americans with Disabilities Act. Per the EEOC, the hotel refused to accommodate a host who provided a medical note stating that her knee condition limited her standing or walking to 30 minutes at a time. The employee requested to use a stool while stationed at the host stand performing clerical work and checking in guests. She was otherwise able to perform all essential functions of her job, including walking guests to their destinations. The hotel denied this accommodation and terminated her employment. Based on the terms of the parties' consent decree, the hotel agreed to pay \$100,000 in monetary relief, update its employee handbook, train managers and employees on ADA compliance, and regularly report to the EEOC accommodation requests and disability discrimination complaints. The decree also prohibits denying accommodations based on image or guest-preference concerns.

EEOC Philadelphia District Office

DISTRICT PROFILE

Director: **Jamie Williamson**

Regional Attorney: **Debra Lawrence**

Merit Cases Filed in FY 2025: **8**

Average Days Between Determination Letter & Failure to Conciliate: **52**

Average Days Between Failure to Conciliate & Complaint: **129**

Average Days Between Determination Letter & Complaint: **181**



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KEY CASES FILED IN FY 2025

EEOC v. SSN Hotel Mgmt., LLC et al., Case No. 1:25-cv-01491 (M.D. Pa.) The EEOC initiated a lawsuit against the hotel, claiming it violated Title VII after finding reasonable cause to believe that race discrimination and retaliation had occurred at one of its Pennsylvania locations. In August 2024, the EEOC resolved the matter through a conciliation agreement requiring the hotel operator to make timely monthly payments to the complainant and implement other remedial measures. However, the EEOC alleges that the employer repeatedly failed to comply with the agreement, including by failing to make the required monetary payments. After issuing warnings of non-compliance, the EEOC filed suit in federal court to enforce the terms of the agreement. The lawsuit seeks to compel future compliance, obtain relief for past and ongoing violations, and recover costs associated with bringing the enforcement action.

EEOC v. Trustees of the Univ. of Pa., Case No. 2:25-cv-06502 (E.D. Pa.) The EEOC filed a subpoena enforcement action in an effort to compel the university to comply with a subpoena issued during its investigation into allegations that the university permitted antisemitic harassment to persist and escalate across its Philadelphia campus, creating a hostile work environment for Jewish faculty and staff in violation of Title VII. The EEOC's investigation stems from a Commissioner's charge filed in December 2023 by then-Commissioner Andrea Lucas, alleging that the university failed to address complaints of antisemitic harassment and neglected to take prompt and effective measures to stop the misconduct. Instead, the harassment allegedly intensified, impacting faculty and staff throughout the institution. To advance its investigation, the EEOC issued a subpoena requesting identification and contact information for potential witnesses and victims of religious-based harassment. The university refused to provide this information, prompting the EEOC's enforcement action.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. AccentCare, Case No. 2:25-cv-00310 (E.D. Pa.) The EEOC reached a settlement with a Texas-based home healthcare services company following allegations of sex-based pay discrimination and retaliation in violation of Title VII and the Equal Pay Act. According to the EEOC, female licensed practical nurses at one of the employer's Pennsylvania locations were paid less than a male colleague performing equal work, despite having superior qualifications. When one of the female nurses repeatedly complained about the pay disparity and requested a raise, the employer allegedly retaliated by terminating her employment. The case was resolved through a two-year consent decree under which the employer agreed to pay \$26,000 in monetary relief as well as implement non-monetary measures. Such measures include providing training on the EPA and Title VII for personnel involved in compensation decisions at the relevant office, posting notices informing employees of their rights under federal law, and reporting any complaints of sex-based pay discrimination to the EEOC.

EEOC Phoenix District Office

DISTRICT PROFILE

Director: **Melinda Caraballo**

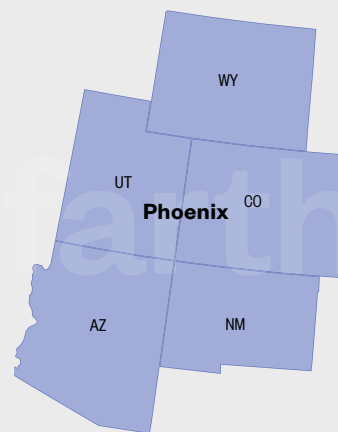
Regional Attorney: **Mary Jo O'Neill**

Merit Cases Filed in FY 2025: **7**

Average Days Between Determination Letter & Failure to Conciliate: **94**

Average Days Between Failure to Conciliate & Complaint: **124**

Average Days Between Determination Letter & Complaint: **254**



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KEY CASES FILED IN FY 2025

EEOC v. Grifols USA, LLC, et al., Case No. 1:25-cv-3066 (D. Colo.) According to the EEOC's complaint, a registered nurse applied for a position at a plasma donation center in Pueblo, Colorado in March 2022. The nurse's conditional offer of employment was rescinded in April after she requested a reasonable accommodation related to her alcohol and substance use disorders. The nurse had successfully completed a drug rehabilitation program approximately eight months prior and was actively participating in a monitoring program administered by Colorado's Peer Assistance Services, Inc. for healthcare professionals. The EEOC claims that her accommodation request was denied, and her offer of employment revoked, citing internal policies prohibiting the employment of nurses with license restrictions and requiring submission of treatment program reports. The EEOC asserts that these restrictions did not impair the nurse's ability to perform essential job functions and that the reporting obligation would have required only 10 to 15 minutes to complete.

EEOC v. South Valley Care Ctr. LLC, Case No. 1:25-cv-569 (D.N.M.) The EEOC brought suit against a long-term nursing care facility in Albuquerque, New Mexico, alleging violations of the Age Discrimination in Employment Act and Title VII. According to the EEOC's complaint, older employees working in the laundry department were subjected to harassment and discriminatory treatment by their supervisor. The supervisor allegedly made derogatory comments such as, "[y]ou are too old now, you cannot get another job," and "[y]ou should be ashamed of yourself for getting pregnant at 40 years old." The EEOC further alleged that older workers were treated less favorably than younger employees, including being denied the

same number of breaks and not receiving preferred work schedules. When these employees complained about age and national origin discrimination, the facility allegedly failed to address their concerns and retaliated by terminating at least two workers.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Black Diamond Blade Co., 2:25-cv-00242 (D. Ariz.) The EEOC alleged violations of the Americans with Disabilities Act after a welder with diabetes requested a reasonable accommodation in the form of periodic snack breaks to manage his blood sugar levels. The EEOC asserted that the company denied the employee's accommodation request and retaliated against him after he complained of discrimination, culminating in the termination of his employment. The case was resolved through a two-year consent decree that provides \$150,000 in monetary relief to the affected employee. In addition to financial compensation, the decree requires the company to revise its ADA policies, provide mandatory training for all employees and managers on disability discrimination and retaliation, and report compliance efforts to the EEOC. The employer must also ensure prompt and thorough investigation of any future disability-related complaints.

EEOC v. Bell Road Tire and Auto LLC, The EEOC resolved a disability discrimination matter after it found reasonable cause to believe the company violated the Americans with Disabilities Act by enforcing a "100% return-to-work" policy, failing to engage in the interactive process for reasonable accommodation, and retaliating against the charging party. According to the EEOC, its investigation also determined that the employer failed to maintain the employee's medical records separately from their personnel file, in violation of ADA recordkeeping requirements. As described by the EEOC, these practices undermined the employee's rights under federal law and reflected systemic compliance failures. The matter was resolved through a conciliation agreement requiring the employer to pay \$64,500 in monetary relief, appoint an ADA coordinator, update and distribute written ADA policies, and provide enhanced EEO training for supervisors and HR personnel, as well as provide certain regular reporting to the EEOC.

EEOC San Francisco District Office

DISTRICT PROFILE

Director: **Christopher Green**

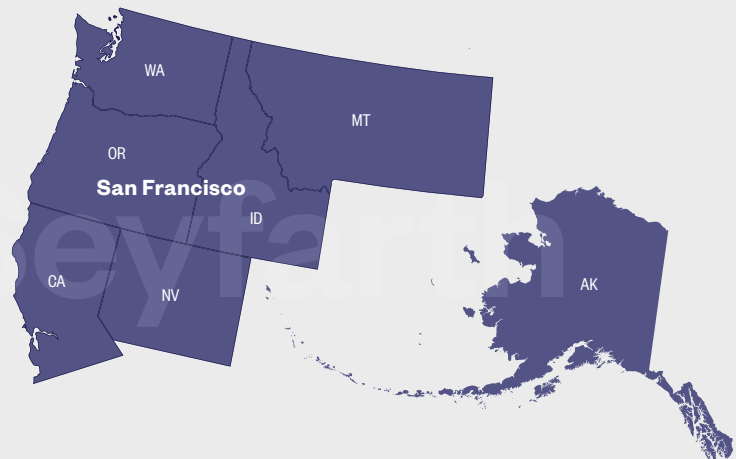
Regional Attorney: **Roberta Steele**

Merit Cases Filed in FY 2025: **3**

Average Days Between Determination Letter & Failure to Conciliate: **32**

Average Days Between Failure to Conciliate & Complaint: **168**

Average Days Between Determination Letter & Complaint: **238**



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KEY CASES FILED IN FY 2025

EEOC v. Barnes & Noble Coll. Booksellers LLC, Case No. 3:25-cv-8142 (N.D. Cal.) According to the EEOC's complaint, an employee working as a cashier and bookseller at a California store went into pre-term labor in February 2021 and was later diagnosed with postpartum depression. The employee requested unpaid leave beyond the 90-day maximum allowed under the company's leave policy as a

reasonable accommodation. Rather than engaging in the interactive process, the company purportedly encouraged the employee to resign and terminated her employment in April 2021 in violation of the Americans with Disabilities Act.

EEOC v. Walmart Inc., Case No. 4:25-cv-5484 (N.D. Cal.) The EEOC asserted violations of the Americans with Disabilities Act based on the employer's treatment of a longtime associate who, after working successfully for nine years, took an approved leave of absence due to a disability. When she sought to return to work, the employee requested reinstatement to her prior position or reassignment to an available role as a reasonable accommodation. The EEOC alleges that the employer refused these requests and instead placed the employee on unpaid leave, despite her demonstrated ability to perform essential job functions during the company's "Temporary Alternative Duty" program. The complaint asserts that Walmart had open positions for which the employee was qualified but failed to consider reassignment or engage in the interactive process required under the ADA. The EEOC contends that Walmart's rigid leave policy, which capped leave at 90 days, operated as an inflexible barrier to accommodation and resulted in the employee losing income and employment opportunities.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Boart Longyear The EEOC resolved a race discrimination matter against a global drilling services provider headquartered. During its investigation, the EEOC found reasonable cause to believe that a Black employee was subjected to racial harassment by supervisors and coworkers during his employment from November 2021 to October 2022. According to the EEOC, the harassment included repeated derogatory comments that conveyed the message that the employee "was not good enough," creating a hostile work environment in violation of Title VII. The parties reached a pre-litigation settlement through the EEOC's conciliation process. Under the agreement, the employer will pay \$177,500 in monetary relief to the affected employee and implement injunctive measures. These include updating and redistributing its U.S. employee handbook, conducting additional anti-harassment training for all employees, managers, and HR personnel in Northern Nevada, posting notices of employee rights under federal law, tracking all racial harassment complaints, and reporting compliance efforts to the EEOC for two years.

EEOC St. Louis District Office

DISTRICT PROFILE

Director: **David Davis**

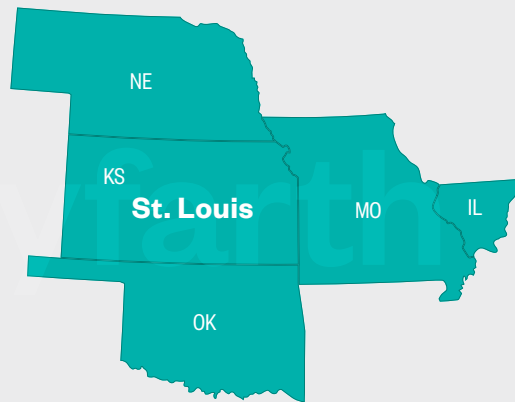
Regional Attorney: **Andrea Baran**

Merit Cases Filed in FY 2025: **5**

Average Days Between Determination Letter & Failure to Conciliate: **109**

Average Days Between Failure to Conciliate & Complaint: **187**

Average Days Between Determination Letter & Complaint: **353**



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KEY CASES FILED IN FY 2025

EEOC v. Yellowhouse Machinery Co., Case No. 6:25-cv-344 (E.D. Okla.) The EEOC alleged violations of the Americans with Disabilities Act concerning an employee who suffers from chronic migraines triggered by prolonged exposure to bright light. For nearly three years, the company accommodated her condition by allowing her to work under dimmed overhead lighting, enabling her to perform her job duties successfully and without issue. However, in May 2024, the store manager abruptly replaced the existing lighting with bright LED bulbs. The employee immediately experienced severe migraine symptoms and submitted a doctor's note explaining her medical need for dimmer lighting. Despite this medical documentation and repeated accommodation requests, the employer refused to restore the prior lighting or provide any effective alternative. Instead, the company offered only to move her desk a few feet—a measure that did not alleviate her symptoms. Unable to work under the new lighting conditions and denied a reasonable accommodation, the employee was ultimately forced to resign.

EEOC v. Miller's Grill Inc., Case No. 4:25-cv-907 (E.D. Mo.) The EEOC filed a lawsuit against a Washington, Missouri restaurant alleging violations of Title VII. According to the EEOC, the restaurant's owner subjected a female manager to repeated sexual harassment and retaliated against her when she refused his advances. The EEOC claims that the owner made crude sexual comments, asked the employee for sex, and engaged in unwanted physical contact, including grabbing her waist, touching her buttocks, and brushing against her body. He also commented on her breasts, speculated publicly that she had undergone cosmetic surgery, and stated he wanted to "smack that ass." Actions that purportedly occurred often after the owner had been drinking. When the employee ignored the behavior and began seeking other employment, the owner allegedly retaliated by demoting her from a management position, reducing her hours, failing to pay her at the proper rate, and ultimately ceasing to schedule her for work.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Landmark Dodge, Inc. and Landmark South, Inc., Case No. 4:22-cv-00614 (W.D. Mo.) To resolve claims involving sex discrimination and retaliation based on the employers alleged maintenance of a sex-based hiring policy that excluded women from sales positions and men from office roles, the employers agreed to pay \$275,000 and abide by compliance obligations. These obligations include revising its hiring policies to eliminate sex-based restrictions and ensure equal employment opportunities for all applicants. The company is also required to provide comprehensive training to managers, supervisors, and human resources personnel on Title VII's prohibitions against discrimination and retaliation.

The company must likewise maintain detailed records of all applicants and hires and submit periodic compliance reports to the EEOC, including data on hiring practices and any complaints of discrimination or retaliation.

EEOC Washington, DC District Office

DISTRICT PROFILE

Director: **Mindy Weinstein**

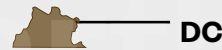
Regional Attorney: **Debra Lawrence**

Merit Cases Filed in FY 2025: **1**

Average Days Between Determination Letter & Failure to Conciliate: **53**

Average Days Between Failure to Conciliate & Complaint: **70**

Average Days Between Determination Letter & Complaint: **120**



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KEY CASES FILED IN FY 2025

EEOC v. D.C. Water & Sewer Auth, Case No. 1:25 cv 03189 (D.D.C.) The EEOC brought the suit alleging age-based discrimination after the Water Authority allegedly terminated high performing and experienced older employees in the department with no history of discipline. Despite their strong performance, the EEOC contends that after their terminations, the employees were replaced by colleagues substantially younger and less qualified, indicating, to the EEOC, a pattern of age-based decision making. This was especially so, according to the EEOC, as the Water Authority failed to follow its own progressive discipline policy prior to effectuating the terminations, which would ordinarily require notice of alleged deficiencies and an opportunity to correct them.

KEY SETTLEMENTS SECURED IN FY 2025

EEOC v. Equinox Holdings, Inc., Case No. 1:24 cv 03597 (D.D.C.) The EEOC filed a lawsuit alleging the employer unlawfully discriminated against a female job applicant on the bases of disability and sex. According to the EEOC's complaint, the discriminatory conduct occurred during the employer's hiring process for a front desk associate position. The applicant was a woman with endometriosis, a chronic aother fitness companies. Though acknowledging that her qualifications were strong, after progressing to the second round of interviews, the applicant requested that her interview be rescheduled by a few days because she was experiencing painful menstrual cramps associated with her condition. The EEOC characterized this request as a disability related request for flexibility, implicating the employer's obligations under the ADA to consider reasonable accommodation. Rather than grant the request or otherwise engage in the interactive process, the employer rejected the applicant outright, with one interviewer stating that the applicant was passed over based on concerns of future absence due to her monthly cycle. The parties resolved the case through a two year consent decree in which the employer agreed to pay \$48,000 in monetary relief. In addition to monetary relief, the employer agreed to implement and maintain anti discrimination policies consistent with the ADA and Title VII, including a procedure for applicants and employees to request reasonable accommodations.

EEOC v. Westminster Ingleside King Farm Presbyterian Ret. Cmtys., Inc., Case No. 8:24-cv-02811 (D. Md.) The EEOC investigated allegations regarding the failure to promote a high-performing Black manager who, despite her performance, was purportedly denied an executive-level position due to her race. The EEOC further alleged that after the employee complained internally about what she believed to be racially discriminatory treatment and subsequently filed a discrimination charge, her employment was terminated. The Commission contended that the refusal to promote constituted race discrimination and that the termination constituted retaliation for engaging in protected activity, in violation of Title VII.

The matter was resolved through a consent decree that imposed monetary and injunctive relief. Under the terms of the settlement, the employer agreed to pay \$85,000 in monetary relief to the complainant. In addition to the financial component, the decree prohibits the employer from engaging in future race discrimination or retaliation and requires it to: implement enhanced non discrimination and non retaliation policies; to provide notices to employees informing them of their rights under federal anti discrimination law; and to conduct advanced training for its human resources personnel and management officials.

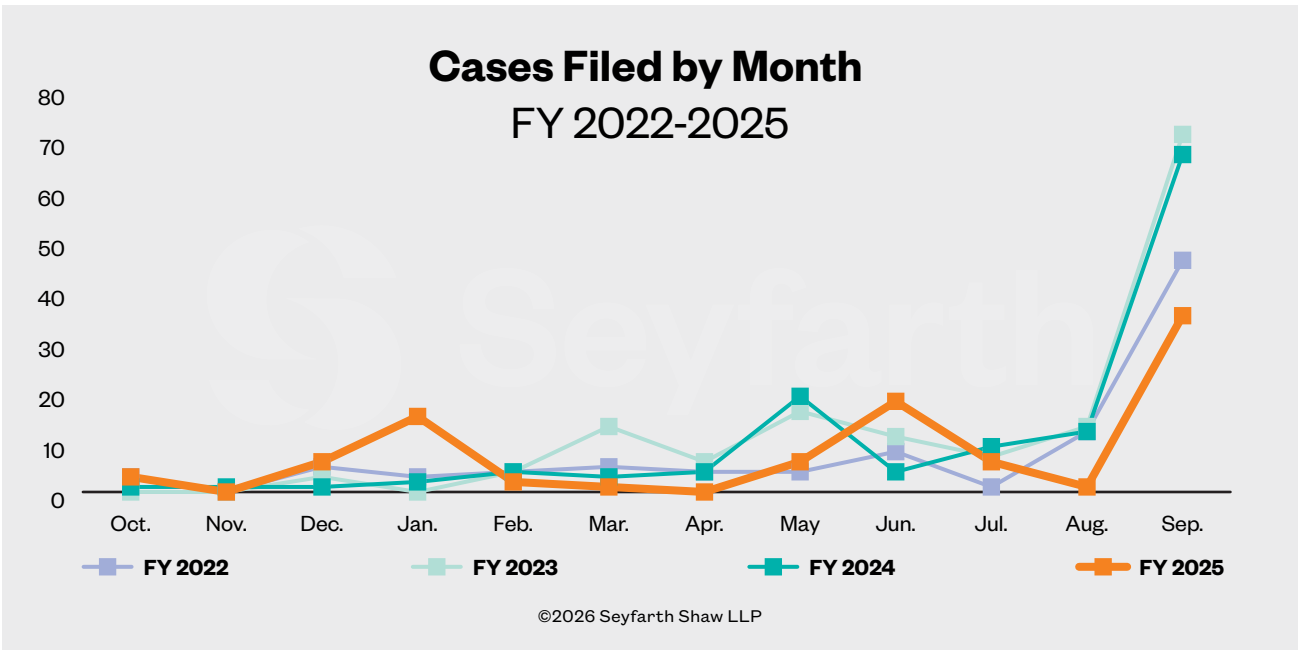
PART IV: By The Numbers: EEOC Data Analysis

A. Trends in EEOC Federal Court Filings in FY 2025

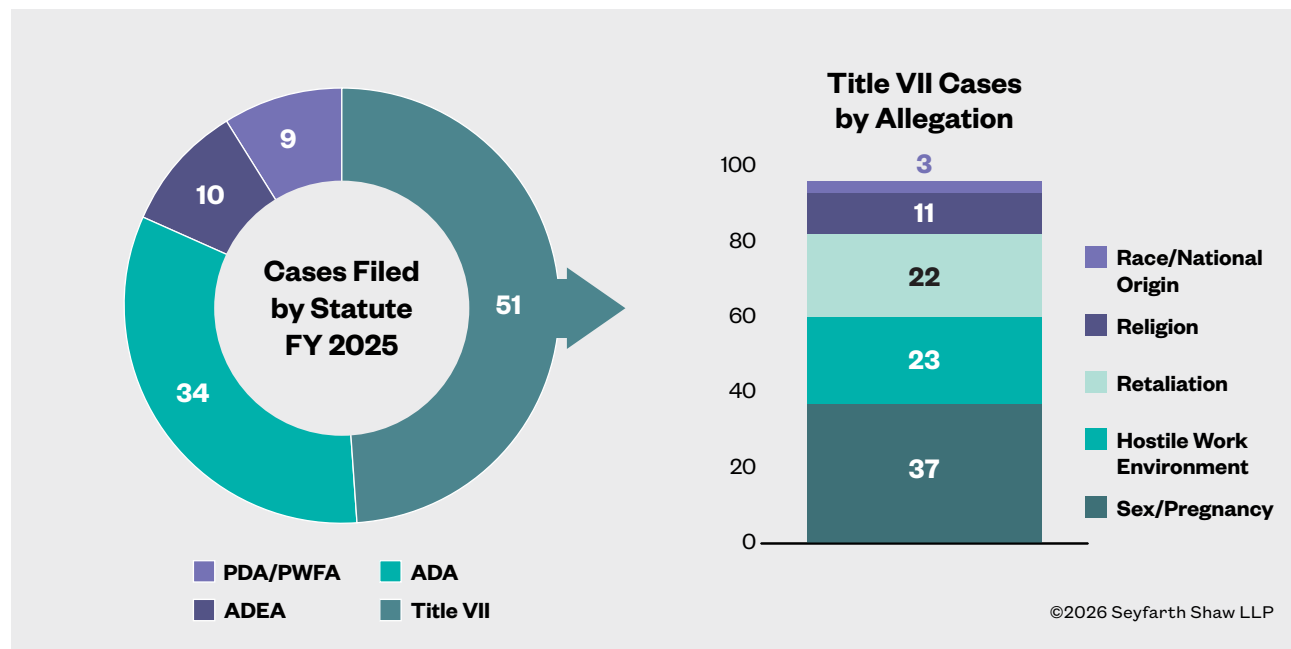
Each fiscal year we analyze the types of lawsuits the EEOC files, in terms of the statutes and theories of discrimination alleged, as well as when and where the cases were filed. The bottom line for FY 2025 is that we saw a historic downturn in litigation activity, as the EEOC filed merit 93 lawsuits this fiscal year, compared to its 111 filings in FY 2024. In previous administrations, the EEOC's litigation arm was extraordinarily active, filing as many as 300 merit lawsuits in a given year. These high levels of EEOC filing activity dropped significantly under the first Trump Administration, and this trend continued through the start of the COVID-19 pandemic. For instance, we previously reported totals of 94 merit filings in FY 2020, 111 filings in FY 2021, and 94 filing in FY 2022. By FY 2023, however, the EEOC had installed a Democratic majority, as well as securing a sizable budget increase from Congress leading it to file 144 merit lawsuits that year.

With this background in mind, the EEOC's FY 2025 started obscured by questions surrounding an upcoming presidential election and how it would shape the direction of EEOC enforcement. Following the election, President Trump took a series of swift actions, some unprecedented, that had a significant impact on EEOC leadership and enforcement.

Which leads us to the most recent fiscal year from October 2024 through September 2025. The EEOC filed just 93 merit lawsuits in FY 2025. This represents not only a ten-year low, but also one of the lowest numbers of total filings lodged by the Commission in the past three decades. To put this number into context, in FY 2023, the EEOC filed 71 lawsuits in September alone. While there are still meaningful takeaways from the EEOC's areas of focus in FY 2025, the bottom line is that EEOC litigation activity has now remained at historically low levels for the second consecutive year.



With respect to the *types* of claims asserted, the graphs below show the number of lawsuits filed according to the statute under which they were filed (Title VII, Americans With Disabilities Act, Pregnancy Discrimination Act, Equal Pay Act, and Age Discrimination in Employment Act, etc.) and, for Title VII cases, the theory of discrimination alleged. This analysis can often reveal how the EEOC is shifting its strategic priorities.



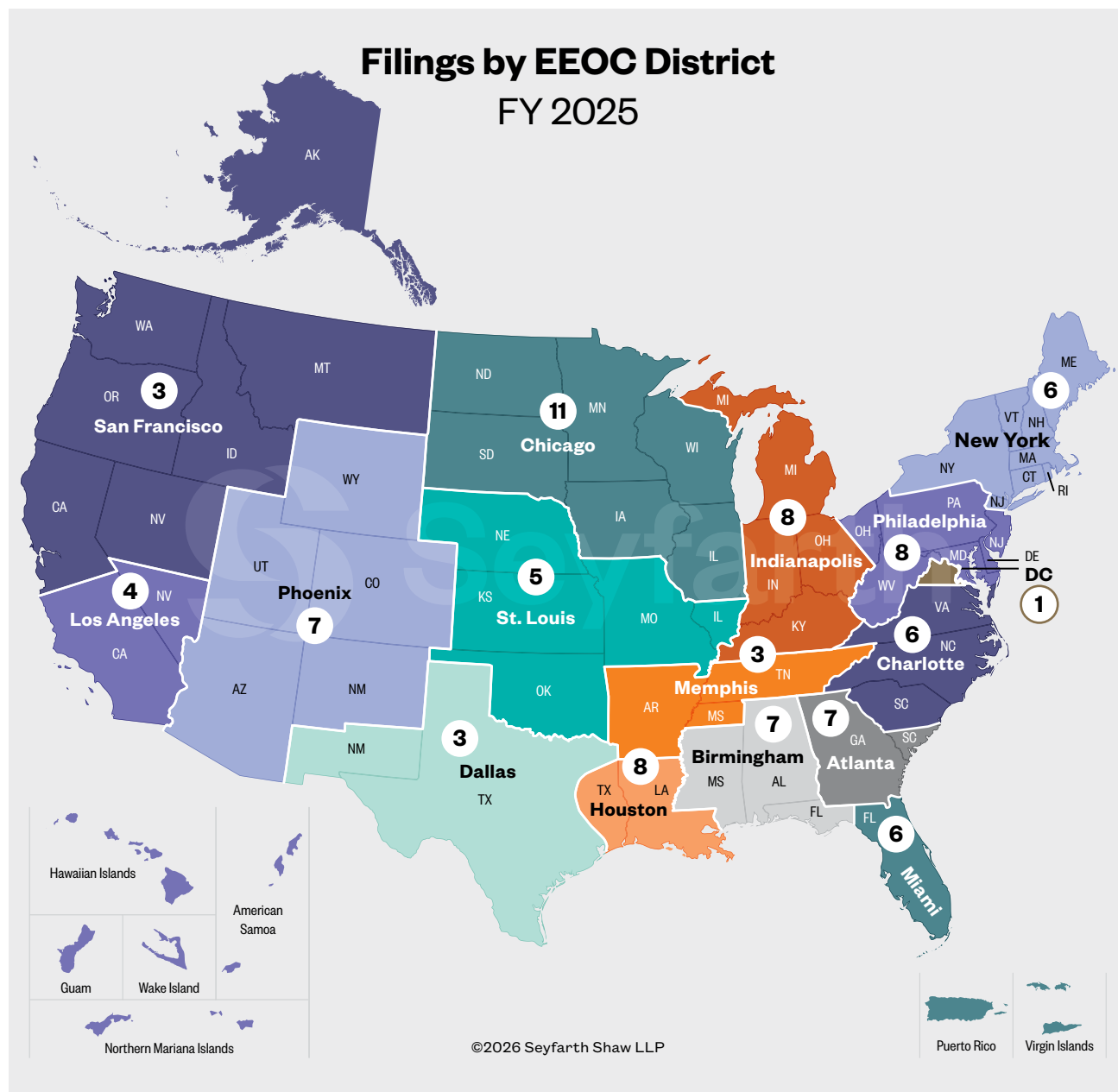
At the end of every EEOC fiscal year, the Seyfarth team analyzes each EEOC filing to identify key trends. Despite the overall decrease in lawsuits (93 filings in FY 2025, as compared with 111 filings in FY 2024), when considered on a percentage basis, the distribution of cases filed by statute remained roughly consistent compared to the last few years. Title VII cases once again made up the majority of cases filed, accounting for 55% of all filings (on par with the 68% in FY 2024, 63% in FY 2023, and 65% in FY 2022). ADA cases also made up a significant percentage of the EEOC's filings, totaling 36% in FY 2025, generally aligning with prior levels of 37% in FY 2024, 34% in FY 2023, and 29% in FY 2022.

In terms of pure filings, however, ADA lawsuits remain in an upward trend. After filing just 27 ADA cases in FY 2022, the Commission has since filed 47 such cases in FY 2024 and 34 cases in FY 2025. While the most recent figure reflects a slight dip, this still represents growth compared to earlier years and highlights the EEOC's continued focus on initiating litigation on behalf of workers with disabilities. The Commission also filed nine lawsuits under the Age Discrimination in Employment Act in FY 2025, compared to seven in FY 2024 and 13 in FY 2023. Additionally, while Equal Pay Act claims are typically not a common target for EEOC lawsuits, the EEOC did not file any EPA claims in FY 2025.

The ADEA is typically the third-most commonly cited statute in EEOC lawsuits, but in FY 2025, the ADEA was overtaken by filings asserting pregnancy-related violations. In FY 2025, the EEOC filed 11 lawsuits under the Pregnancy Discrimination Act and/or the newly enacted Pregnant Workers' Fairness Act. When considering claims asserted on the basis of either sex or pregnancy, the EEOC filed a whopping 37 cases alleging such claims. This emphasis on sex and pregnancy-related issues aligns with public statements by Acting Chair Lucas, who has placed an emphasis on enforcing protections in both of these areas.

One of the most noticeable shifts in FY 2025 is the resurgence of the Chicago District Office, which reclaimed the top spot with 11 merit lawsuit filings after trailing in recent years. Houston and Indianapolis followed closely with 8 filings each, as both of these District Offices have remained active across the last few fiscal years. Meanwhile, Phoenix, Birmingham, Atlanta, and Philadelphia each posted 7 filings, signaling a strong presence across the East and Southeast regions. In contrast, historically high-volume offices on the West

Coast (Los Angeles and San Francisco) remained quiet, posting only 4, and 3 filings, respectively. This sustained decline in West Coast activity, now spanning several fiscal years, stands in sharp contrast to the Obama-era EEOC, when these offices routinely filed dozens of lawsuits annually. The geographic shift highlights a continuing trend: East, Southeast and Midwest offices are driving enforcement, while the West Coast remains comparatively subdued.



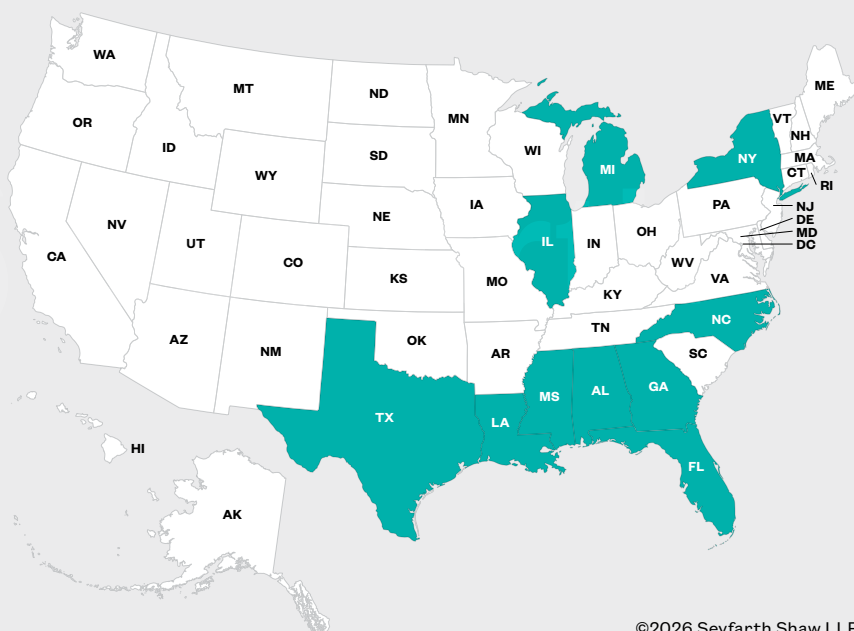
The state-by-state breakdown of FY 2025 EEOC merit lawsuit filings reveals notable geographic patterns that go beyond population size. Georgia leads the nation with 7 filings, followed closely by Louisiana, Florida, Illinois, and Michigan, each with 6 filings. Texas and North Carolina round out the next tier with 5 filings apiece, while traditionally high-population states like New York and California posted only 4 and 3 filings, respectively. Perhaps most striking is the strong showing from states with smaller populations. Mississippi (4 filings) and Alabama (3 filings) outpaced or matched larger states such as California, New York, and Pennsylvania.

Along these lines, California—which is the most populated U.S. state with approximately 39.5 million residents—accounted for 5% of all EEOC charges filed in FY 2024 (the most recent period for which this data is available), whereas Texas—home to approximately 31.3 million residents—accounted for 10% of all charges filed. Despite these high charge volumes, both states saw relatively few merit lawsuits in the last fiscal year. Indeed, Texas saw just five merit lawsuits in FY 2025, and California saw only three. Other highly-populated states that similarly did not see a high number of merit lawsuits in FY 2025 include Arizona, Massachusetts, and Washington, which all saw just one filing. Despite being home to the notoriously active Philadelphia District Office, Pennsylvania also recorded just one merit lawsuit in FY 2025.

Top 10 States in EEOC Filings Received FY 2024

FILINGS RECEIVED BY STATE

- Georgia: 7
- Florida: 6
- Illinois: 6
- Louisiana: 6
- Michigan: 6
- North Carolina: 5
- Texas: 5
- Mississippi: 4
- New York: 4
- Alabama: 3



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B. EEOC Charge Data Analysis

In addition to the EEOC’s annual merit filings, a thorough examination of EEOC charge statistics offers valuable insights into the current status of the employment discrimination space. While merit filings highlight the Commission’s priorities, the charge data from the EEOC reflects the perceptions of American workers regarding their treatment in the workplace.

Because filing an administrative charge with the EEOC is a prerequisite to filing a lawsuit under federal antidiscrimination law, employees throughout the country regularly file between 60,000-80,000 EEOC charges per year. Following FY 2017—when the EEOC received 84,254 charges—overall charges steadily declined through FY 2021, when the Commission received a 10-year low of just 61,331 charges. FY 2022 reflected the start of a return to prior levels of EEOC activity with 73,485 charges, and that trend has continued over the last few fiscal years.

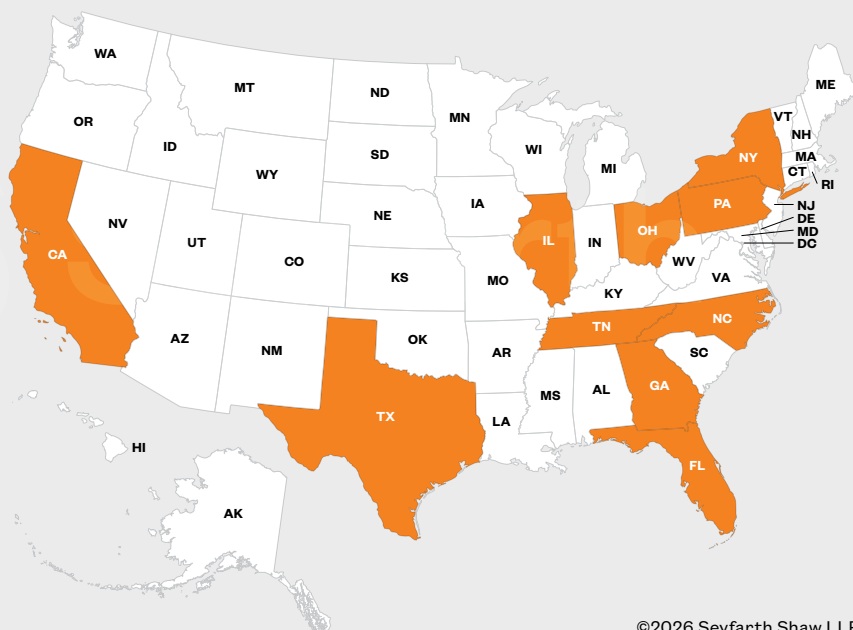
To that end, the Commission received 81,055 charges in FY 2023, and 88,531 charges in FY 2024. EEOC charges have therefore increased at an annual rate of about 9% since FY 2022. Despite the notable decline in merit filings, the EEOC’s charge data suggests that workers are increasingly filing more discrimination, retaliation, and harassment claims over the past few years.

With respect to where these charges are being filed, there are certain geographic “hot spots” in which employees consistently file the most EEOC charges. These states are highlighted by the map graphic below. In FY 2024, the most recent year for which this data is available, Texas again outpaced the rest of the country by nearly 3,000 charges. Following Texas, which saw 9,328 charges filed in FY 2024, Florida (6,611), Georgia (6,119), Illinois (5,277), and California (5,099) rounded out the top five most popular filing locations.

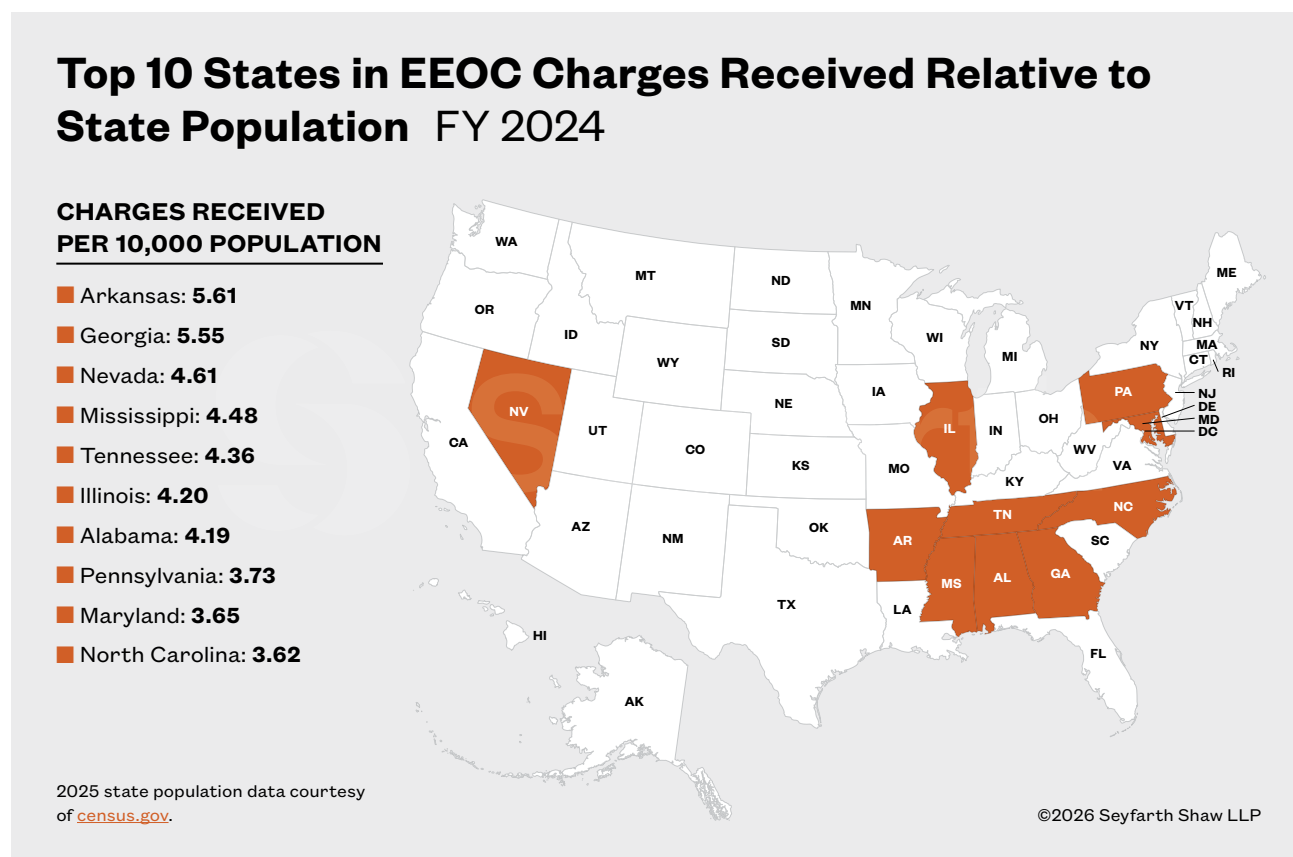
Top 10 States in EEOC Charges Received FY 2024

CHARGES RECEIVED BY STATE

- Texas: **9,328**
- Florida: **6,611**
- Georgia: **6,119**
- Illinois: **5,277**
- California: **5,099**
- Pennsylvania: **4,835**
- New York: **4,105**
- North Carolina: **3,922**
- Tennessee: **3,107**
- Ohio: **2,991**

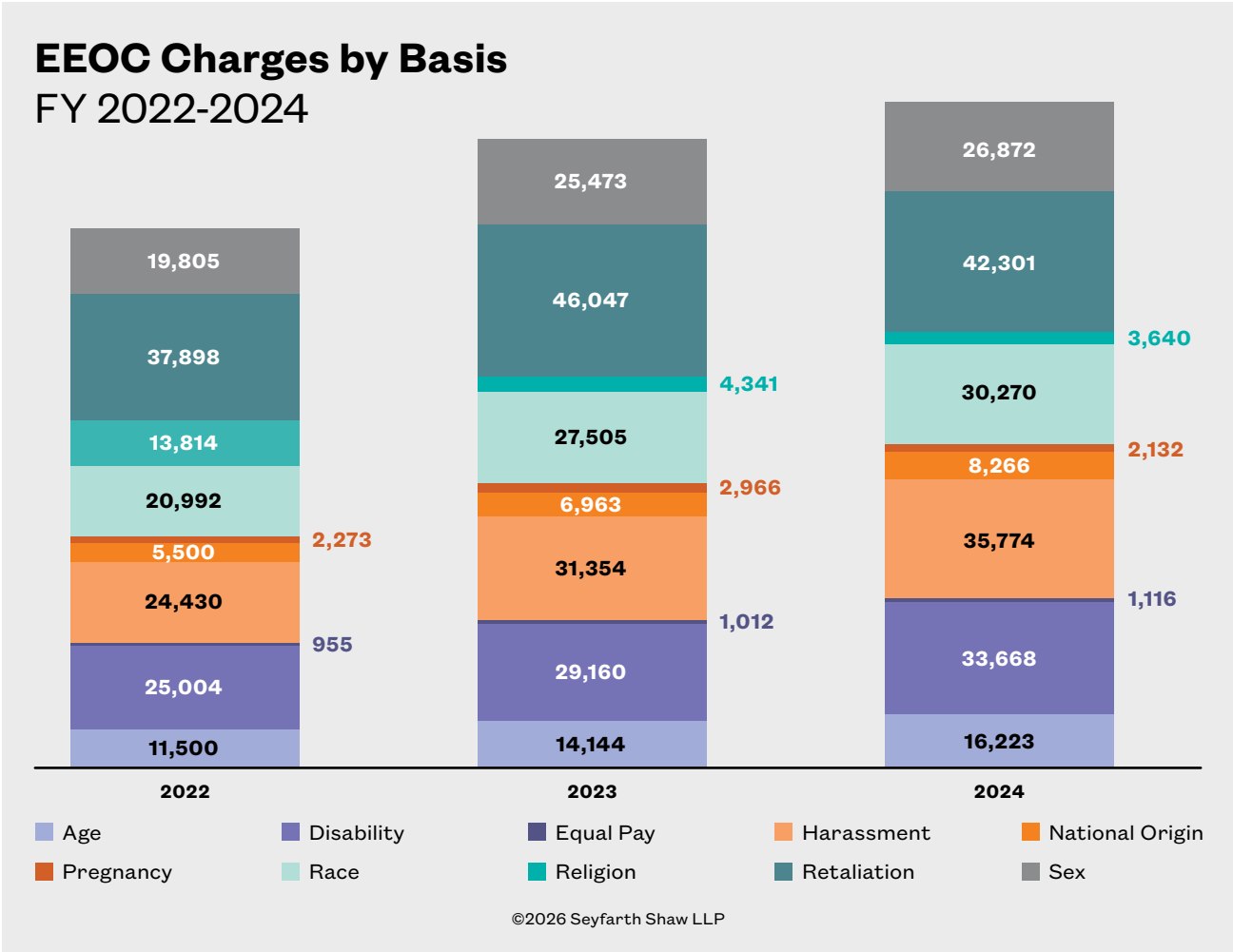


However, when adjusted for state population, the Southeast region of the country once again stands out in terms of EEOC charge filings per capita. As demonstrated by the map graphic below, in FY 2024, Arkansas led the way with nearly six EEOC charges filed for every 10,000 people living in the state. Other notable states in this per-capita category include Georgia (5.5 charges per 10,000 residents), Nevada (4.5), Mississippi (4.5), and Tennessee (4.3).



In terms of the types of charges filed with the EEOC, retaliation is consistently the most common allegation, outpacing the next most popular category (typically disability discrimination or harassment) by at least 10,000 charges per year. In FY 2024, retaliation claims outpaced the next category by about 7,000 charges. In line with that trend, retaliation claims accounted for approximately 48% of all charges filed in FY 2024. Despite the continued prevalence of retaliation claims, the EEOC did report a substantial decrease in charges alleging retaliation in FY 2024, as retaliation claims were asserted in fewer than 50% of total charges for the first time since FY 2017. The next most popular charge types in FY 2024 after retaliation were harassment, disability discrimination, and race discrimination.

The bar graph below represents the types of charges filed with the EEOC between fiscal years 2022-2024. As this graph demonstrates, the amount of disability, age, and race-based discrimination charges have steadily increased the past three years. Harassment charges are another category that has continued to rise in recent years, with employees filing a whopping 35,774 charges alleging workplace harassment in FY 2024. This figure represents not only a 12% year-over-year increase, but also the highest number of harassment charges received by the Commission since it began publishing harassment charge data in FY 2010. Indeed, the total number of harassment charges in FY 2024 surpassed the amount of such charges the EEOC received during the height of the “Me Too” Movement. This aligns with the EEOC’s persistent focus on combatting workplace harassment, which is exemplified through its extensive Enforcement Guidance on Harassment in the Workplace.¹¹⁷



However, one type of charge that, once again, saw a notable decline in FY 2024 was religious discrimination. In FY 2022 American workers filed more religious-based EEOC charges than ever before, lodging 13,814 such charges. This took a sharp decline to only 4,341 charges in FY 2023, and continued to drop in FY 2024, where workers filed only 3,640 charges alleging religious discrimination. This decrease is likely a result of the easing of COVID-19 vaccine requirements by the government and employers. The religious based charges filed in FY 2024 now resemble those observed prior to FY 2022.

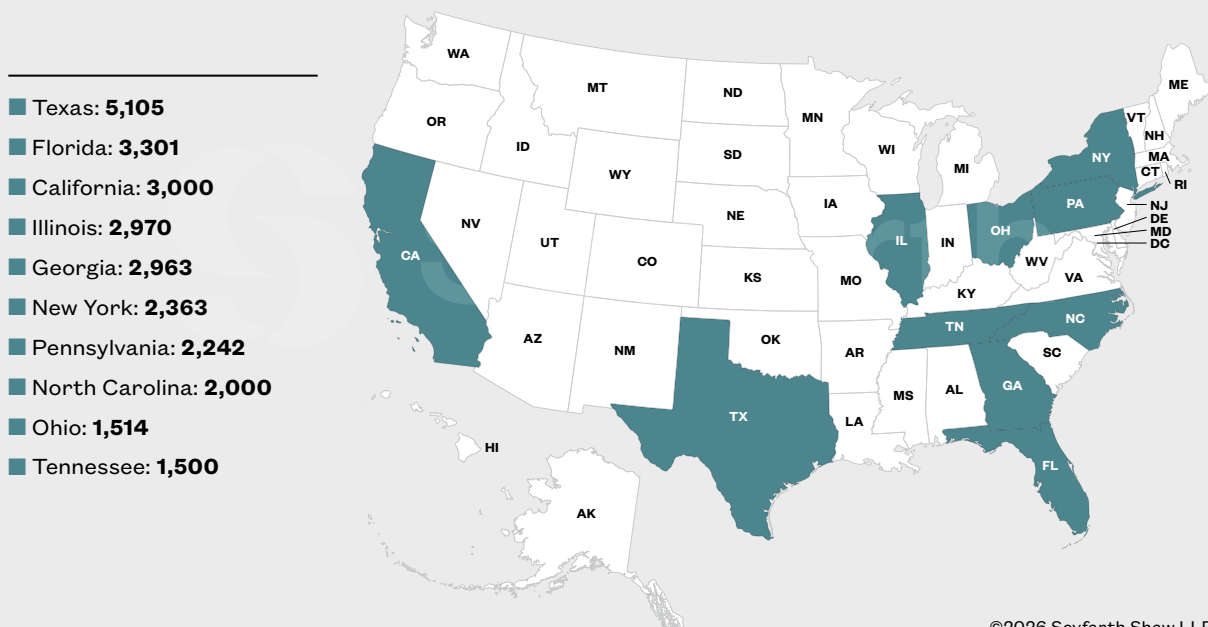
¹¹⁷ https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace#_Toc164808022.

While religious discrimination claims have not been as prevalent at the EEOC over the last few fiscal years, other categories have emerged as priorities for American workers. For instance, disability-related charges have increased year-over-year beginning in FY 2022, and the EEOC has continued to file a substantial amount of ADA lawsuits during this time. Age discrimination is another claim that is often asserted in EEOC charges, with the amount of age bias charges similarly increasing every fiscal year since FY 2022. The Commission's litigation activity is in line with this trend, as the EEOC has filed between seven and 13 ADEA lawsuits per fiscal year during this time period.

Additionally, EEOC charge data demonstrates that race, color, and national origin-based claims are increasingly common allegations made by employees. All three of these categories have seen year-over-year increases since FY 2022, with race discrimination claims notably spiking by nearly 6% over the last few fiscal years. Race discrimination claims alone accounted for over 34% of total charges in FY 2024, with national origin and color discrimination claims accounting for 9.3% and 7.5% of total charges, respectively. It is interesting to note, however, that despite this persistent increase in race, color, and national origin-based charges, the EEOC filed only three lawsuits alleging discrimination on these bases in FY 2025. This is compared to 14 such lawsuits in FY 2024, 27 in FY 2023, and 17 in FY 2022.

The map below demonstrates both the top 10 states in terms of race, national origin, and color-based charge filings in FY 2024. Texas led the way with 5,105 such charge filings in FY 2024, followed by Florida (3,301), California (3,000), and Illinois (2,970). Despite these states receiving the most race, national origin, and color-based charges in FY 2024, the only jurisdictions in which the EEOC filed lawsuits asserting discrimination on these grounds were Mississippi, Washington, and Guam.

Race, Color, and National Origin Discrimination: Top States by Charges Received FY 2024

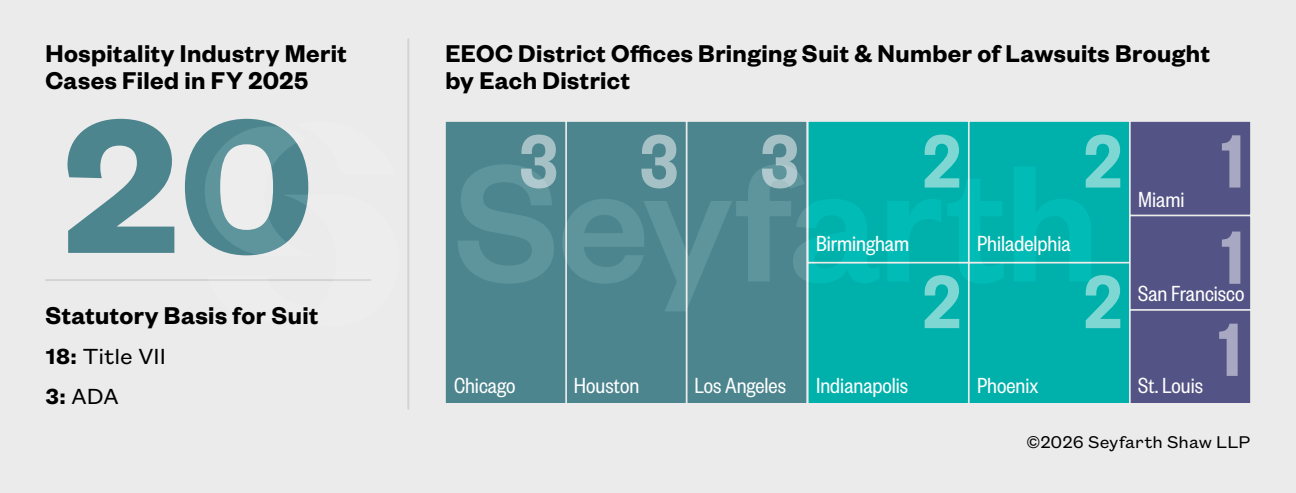


PART V: Industry Focus

As described in Part II in its SEP, the EEOC identifies particular industries on which it intends to focus its enforcement activity. And as described in Part III, the EEOC’s District Offices approach litigation and settlement activity in their own idiosyncratic ways.

Part V provides an overview of industries hit repeatedly by EEOC-initiated litigation in FY 2025, the number and bases of the complaints, which District Offices were mostly likely to bring those cases, and summaries of notable lawsuits filed.

A. Hospitality



The vast majority of cases brought by the EEOC against companies in the hospitality sector in 2025 alleged discrimination in violation of Title VII (albeit on many different protected characteristics). In contrast from FY 2024, where the EEOC brought multiple cases focused on gender identity, the EEOC only brought only one case based on gender identity in 2025. Most of the cases allege stereotypical sexual or racial harassment, a few cases address disability discrimination, including pregnancy and related conditions, and religious discrimination, and one case alleged a failure to comply with a conciliation agreement.

KEY CASES FILED IN FY 2025

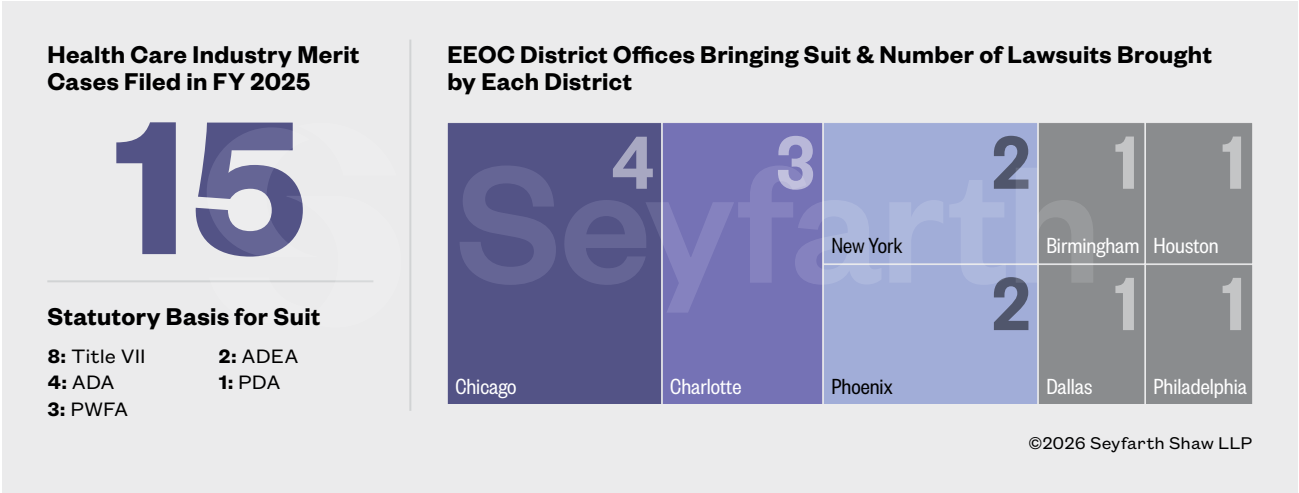
EEOC v. Starboard Group, Inc., Starboard With Cheese LLC, Case No. 3:24-cv-2260 (S.D. Ill.). According to the complaint, the company subjected a class of transgender employees to pervasive sexual harassment, including subjecting the employees to repeated misgendering, graphic sexual comments, unequal bathroom access, and degrading conduct based on their gender identify. The company also allegedly terminated one employee and reduced hours for others after they raised concerns about the harassment and refused to update company records to reflect legal name changes. The EEOC brought claims under Title VII for discrimination based on gender identity and retaliation.

EEOC v. Smoke BBQ LLC, Case No. 1:25-cv-00278-TBM-RPM (S.D. Miss.). The EEOC filed suit against restaurant Smoke BBQ LLC, alleging that a female employee told her coworkers about pregnancy shortly after she started working at the restaurant and was then fired one day later after managers learned of her pregnancy in violation of Title VII.

EEOC v. Venetian Las Vegas Gaming, LLC, Case No. 2:25-cv-1148 (D. Nev.). The lawsuit alleged that since 2016, the company discriminated against a class of employees based on religion in violation of Title VII. The company allegedly failed to grant reasonable accommodations for the employees’ religious beliefs and retaliated against them by subjecting them to adverse employment actions like discipline, suspension, and/or discharge.

EEOC v. Crystal Ridge Ski Area LLC d/b/a The Rock Snowpark, 2:25-cv-940 (E.D. Wis.). The EEOC filed suit against the company, alleging the company fired a Christian employee due to his religion. The employee frequently posted religious content on his private social media pages, including quotes and Bible verses, but the posts were not directed at his co-workers and the company never received complaints from customers or other employees, according to the complaint. A manager expressed concerns to the employee that his posts were anti-LGBTQ+ and asked that he stop posting to social media. Three days later, the employee posted a Bible verse on social media and was terminated that day, allegedly because of the social media post. The EEOC brings Title VII claims.

B. Healthcare



In 2025, the EEOC signaled a greater focus on the healthcare sector, bringing suits against 14 different companies. The primary areas of attention were age discrimination, religious discrimination, sex discrimination, and disability discrimination. Notably, three suits were filed under the PWFA for pregnancy discrimination.

KEY CASES FILED IN FY 2025

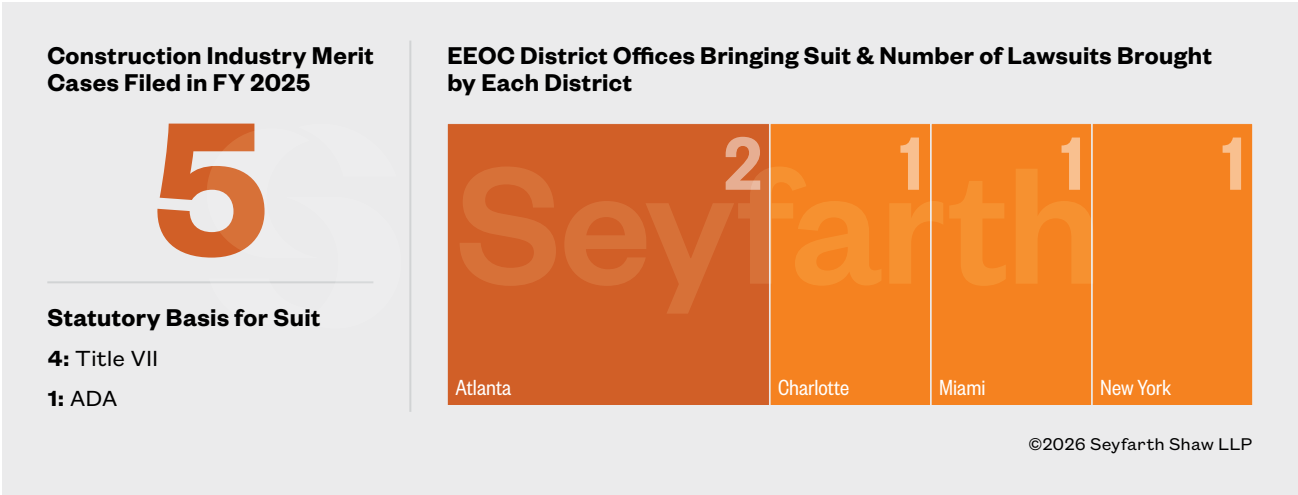
EEOC v. PT Administrative Services LLC, Case No. 1:25-cv-3615 (E.D.N.Y.). According to the complaint, a patient services coordinator gave birth and asked the company, a physical therapy chain, for reasonable accommodations to allow her to recover from childbirth and facilitate lactation. The company allegedly refused to grant accommodations and immediately fired the employee, in violation of the PWFA.

EEOC v. Roland Park SNF Operations, LLC, et al., Case No. 1:25-cv-02986 (D. Md.). The EEOC brought suit against the company on behalf of a certified nursing assistant. The certified nursing assistant informed the company she had a temporary restriction from lifting patients due to risks during her pregnancy. Because the company maintained a policy reserving light or modified duty for workers who suffered on-the-job injuries, the company allegedly refused to provide a reasonable accommodation, terminated the employee, and encouraged her to reapply for a position after her pregnancy. The EEOC brings claims under the PWFA and Title VII.

EEOC v. Mayo Clinic, Case No. 0:25-cv-3066 (D. Minn.). The EEOC filed suit against the Mayo Clinic, alleging that it refused to grant a security guard’s request for a religious accommodation because his religious beliefs made him opposed to getting the COVID-19 vaccine. The lawsuit claims that the company instead threatened to fire the employee, so the *employee submitted to the vaccine policy to avoid being fired. The lawsuit brings Title VII claims.*

EEOC v. South Valley Care Center LLC, Case No. 1:25-cv-569 (D.N.M.). The EEOC brought suit against the company, a long-term nursing care facility, alleging it harassed, discriminated, and retaliated against older employees. The employees claim their supervisor made harassing comments based on age and were treated less favorably than younger workers, including receiving fewer breaks and non-preferred work schedules. When the older workers complained about the discrimination, they claim the company failed to address their complaints and fired at least two workers. The lawsuit brings Title VII and ADEA claims.

C. Construction



This year, the EEOC filed several lawsuits against construction companies on a range of grounds. Due to the small number of filed cases alleging substantive violations, there is no discernable area of focus from these complaints. One trend that continues to be evident is the EEOC is very willing to sue on facts that indicate discrimination specific to an individual as opposed to a class-based suit, as all construction cases filed by the EEOC were on behalf of individuals.

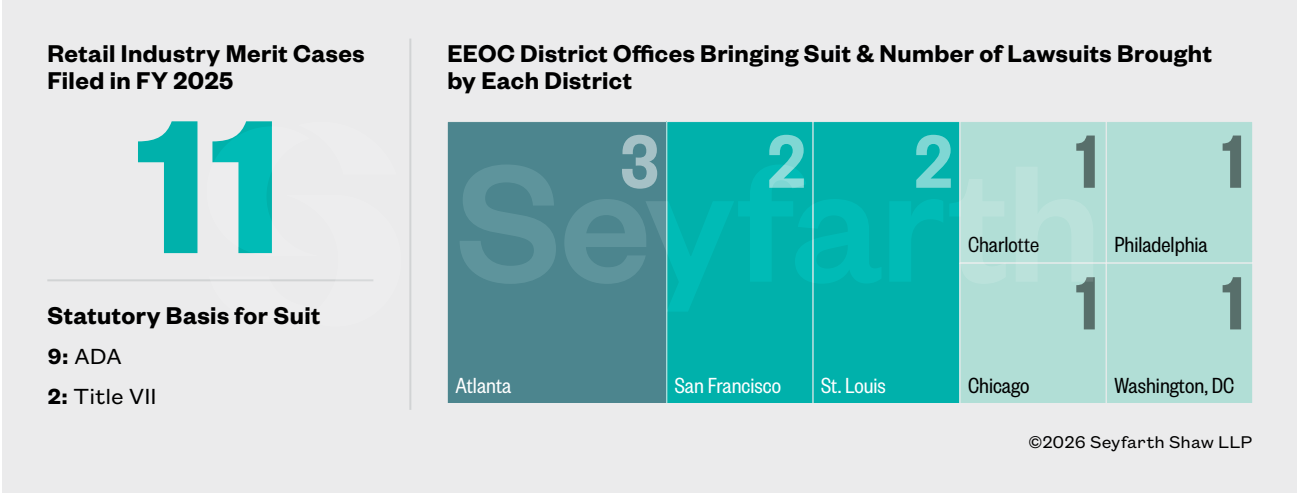
KEY CASES FILED IN FY 2025

EEOC v. A.W. Farrell & Son Inc., Jameson Roofing Company Inc., Northwestern Roofing Co. Inc., Case No. 1:25cv953 (W.D.N.Y.). The EEOC filed suit on behalf of a roofer, who alleged that his supervisor subjected him to months of unwelcome comments and incidents of physical contact on the job, including an assault severe enough to require medical attention. When the roofer reported the harassment, the company failed to address it appropriately and instead suggested the roofer give his harassing supervisor “another chance.” The roofer then resigned. The EEOC alleges violations of Title VII based on sex.

EEOC v. Cemex Constructional Materials Florida LLC, Case No. 8:25cv1454 (M.D. Fla.). The EEOC filed suit on behalf of a female concrete mixer truck driver, who alleged the company failed to accommodate her request to wear a close-fitting skirt over her pants as required by her religion as an Apostolic Christian. The company allegedly denied her religious accommodation request due to the company’s policy against employees wearing loose-fitting clothing on the job. The employee continued to wear a close-fitting skirt over her uniform, believing it complied with company policy, which eventually led to the employee’s termination. The EEOC alleges violations of Title VII based on religion.

EEOC v. Action Insulation Co., Case No. 4:25cv152 (S.D. Ga.). The EEOC filed suit on behalf of a female office manager, alleging that the owner subjected the female office manager to unwelcome sexual harassment, including unwanted sexual comments and jokes, showing her lewd photographs, and touching her in an unwanted manner. The office manager complained to the company, but the company failed to take action to prevent further harassment. After a physical assault, the office manager resigned. The EEOC alleges violations of Title VII based on sex.

D. Retail



The EEOC filed a number of lawsuits against retail companies in 2025, with an emphasis on disability-based discrimination and failures to accommodate under the ADA. The EEOC also filed several lawsuits alleging religious discrimination under Title VII and age discrimination under the ADEA.

KEY CASES FILED IN FY 2025

EEOC v. Walmart Inc., 2:25-cv-1480 (E.D. Wis.). The EEOC filed suit on behalf of two employees with intellectual disabilities who worked at cart pushers. The lawsuit alleges that supervisors subjected the employees to a hostile work environment based on their disabilities, calling them ableist slurs. One employee quit after the store manager allegedly refused to address the supervisor’s harassing conduct. The other employee alleged the company refused to grant the employee a reasonable accommodation of a job coach, asserting store managers and HR representatives refused to allow the job coaches into the facility and repeatedly refused to discuss the employee’s schedule, training needs, need for breaks, and harassment experience. The EEOC alleges violations of the ADA.

EEOC v. Barnes & Noble College Booksellers LLC, Case No. 3:25-cv-8142 (N.D. Cal.). The EEOC filed suit on behalf of a female employee, who requested unpaid leave beyond the 90-day maximum permitted under the company’s leave policy following a pre-term labor and postpartum depression diagnosis. The EEOC alleges that the employee was encouraged to resign and ultimately was fired. The lawsuit alleges disability discrimination and failure to accommodate under the ADA.

E. Technology

Technology Industry Merit Cases Filed in FY 2025

1

Statutory Basis for Suit

1: Title VII

EEOC District Offices Bringing Suit & Number of Lawsuits Brought by Each District



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In 2024, the EEOC issued a report focusing on claimed demographic disparities in the technology industry. That report, issued on September 11, 2024 and entitled *High Tech, Low Inclusion: Diversity in the High Tech Workforce and Sector 2014-2022*, focused on the “high tech workforce”, which the EEOC defined as workers in 56 science, technology, engineering, and mathematics (STEM) occupations, regardless where they were employed, as well as the “high tech sector”, which the EEOC defined as industries where at least 20% of the workforce holds STEM occupations -- a threshold that includes many employers who might not consider themselves a “high tech” company.

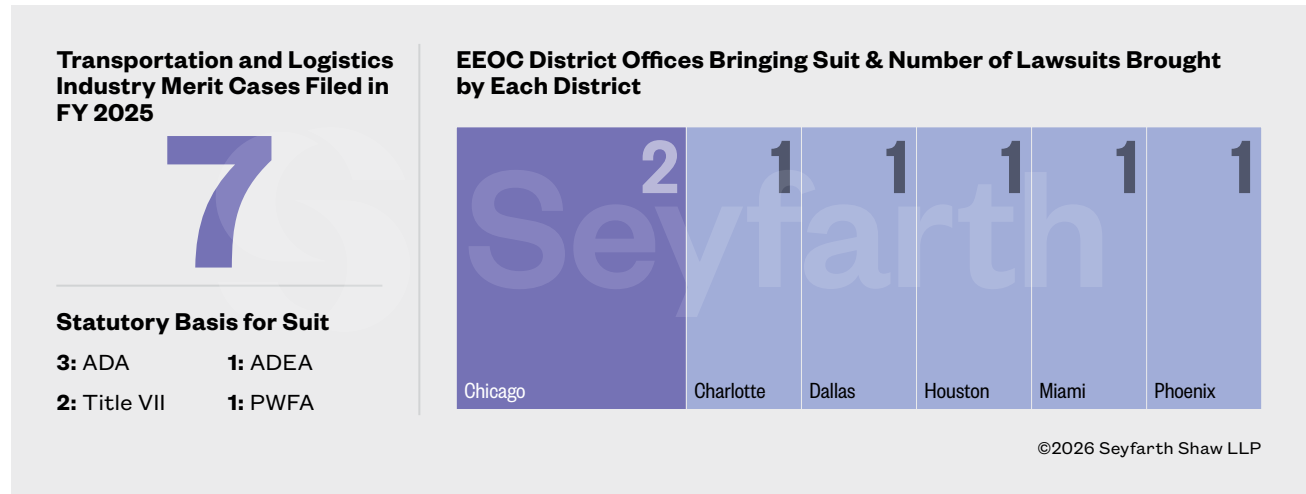
Under the leadership of Acting Chair Lucas, this report has been removed from the EEOC newsroom. This is consistent with the agency’s general retrenchment from the diversity and inclusion initiatives of the Biden-era EEOC as well as the agency’s recent prioritization of religious discrimination, as compared to the Biden-era focus on racial discrimination.

This retrenchment can be seen by the almost complete lack of enforcement actions taken against companies in this sector.

KEY CASES FILED IN FY 2025

EEOC v. X-Treme Tech Services, LLC, Case No. 24-1829 (E.D. La.). The EEOC filed suit on behalf of a female administrative assistant who was repeatedly subjected to unwelcome sexual advances by her supervisor, including sexually explicit messages, inappropriate touching, and propositions for sex. After she resisted these advances, the supervisor became critical of her work, and she was fired. The EEOC alleged violations of Title VII for sexual harassment and retaliation. The case was resolved through a five-year consent decree requiring X-Treme Tech to pay \$52,500 and implement policy revisions and training.

F. Transportation & Logistics



In 2025, the EEOC filed several lawsuits against Transportation and Logistics companies on various grounds. The EEOC focused on disability discrimination, as in prior years, though some filings have emphasized the agency’s new focus on religious discrimination and ensuring employers follow the higher burdens for denying religious accommodation requests under the *Groff* test.

KEY CASES FILED IN FY 2025

EEOC v. DHL Supply Chain USA, Case No. 3:25-cv-01987 (N.D. Tex.). On November 13, 2025, the EEOC filed a lawsuit alleging that DHL Supply Chain USA violated **Title VII of the Civil Rights Act of 1964** by subjecting female employees to sexual harassment and retaliating against those who complained. According to the EEOC, a male supervisor at DHL’s Dallas-area facility repeatedly made unwelcome sexual comments and advances toward female workers. When employees reported the harassment, DHL allegedly failed to take corrective action and instead retaliated by reducing their hours and terminating some complainants. The EEOC claims this conduct constitutes unlawful harassment and retaliation.

EEOC v. Alliance Ground International, LLC, Case No. 1:24-cv-05678 (N.D. Ill.). On November 13, 2025, the EEOC announced that Alliance Ground International agreed to pay **\$70,000** and provide injunctive relief to settle a lawsuit alleging disability discrimination under the **Americans with Disabilities Act (ADA)**. The EEOC claimed that the company refused to hire an applicant for a cargo agent position because of his disability, despite his qualifications and ability to perform the essential job functions with reasonable accommodation.

Under the consent decree, Alliance Ground International will revise its hiring policies, provide ADA training to managers and HR staff, and report compliance to the EEOC for monitoring.

EEOC v. Gamer Logistics, LLC, Case No. 4:25-cv-01234 (S.D. Tex.). On November 13, 2025, the EEOC filed a lawsuit alleging that Gamer Logistics violated the **Age Discrimination in Employment Act (ADEA)** by refusing to hire a qualified applicant because of his age. According to the EEOC, the applicant, who was in his 50s, applied for a dispatcher position and met all qualifications. The company allegedly told him it was seeking “younger” candidates and hired substantially younger individuals instead.

The EEOC claims this conduct constitutes unlawful age discrimination. The suit seeks back pay, liquidated damages, and injunctive relief, including policy changes and training to ensure compliance with the ADEA.

EEOC v. R&L Carriers Shared Services, LLC, Case No. 1:25-cv-00528 (N.D. Ill.). On April 8, 2025, the EEOC filed its first subpoena enforcement action under the **Pregnant Workers Fairness Act (PWFA)** in the U.S. District Court for the Northern District of Illinois. The EEOC sued R&L Carriers Shared Services, LLC, a freight transportation and logistics company, after it refused to comply with a subpoena issued during an investigation into a charge of sex and pregnancy discrimination.

The underlying charge alleges that R&L Carriers discriminated against a female truck driver by failing to accommodate pregnancy-related restrictions and placing her on involuntary unpaid leave. The EEOC's subpoena seeks information including employee lists and accommodation requests from multiple states to determine whether the company violated the PWFA.

The PWFA, effective June 27, 2023, requires employers to provide reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions unless doing so would cause undue hardship. The EEOC's enforcement action seeks a court order compelling R&L Carriers to produce the requested information.

EEOC v. CEMEX Construction Materials Florida, LLC, Case No. 8:25-cv-01987 (M.D. Fla.). On November 13, 2025, the EEOC filed a lawsuit alleging that CEMEX Construction Materials Florida violated **Title VII of the Civil Rights Act of 1964** by failing to accommodate an employee's religious beliefs and terminating him. According to the EEOC, the employee, a Christian, requested not to work on Sundays to attend church services. CEMEX initially accommodated the request but later scheduled him for Sunday shifts. When the employee declined to work on Sundays due to his religious observance, CEMEX discharged him.

The EEOC claims this conduct constitutes unlawful religious discrimination. The suit seeks monetary damages and injunctive relief, including policy changes and training to ensure compliance with Title VII's accommodation requirements.

EEOC v. Virginia International Terminals, LLC, Case No. 2:24-cv-00487 (E.D. Va.). On November 6, 2025, the EEOC announced that Virginia International Terminals agreed to pay **\$20,000** and provide injunctive relief to settle a lawsuit alleging disability discrimination under the **Americans with Disabilities Act (ADA)**. The EEOC claimed that the company refused to hire an applicant because of his disability and failed to consider reasonable accommodations that would have allowed him to perform the job.

The consent decree requires Virginia International Terminals to revise its hiring policies, train managers on ADA compliance, and report to the EEOC to ensure adherence.

EEOC v. Western Distributing Co., Case No. 1:24-cv-02187 (D. Colo.). On November 12, 2025, the EEOC announced that Western Distributing agreed to pay **\$919,000** and provide injunctive relief to settle a lawsuit alleging disability discrimination under the **Americans with Disabilities Act (ADA)**. The EEOC claimed that the company refused to accommodate and then terminated a long-term employee after he disclosed that he had a disability and requested reasonable accommodations.

According to the EEOC, the employee had successfully performed his job for years and sought minor adjustments to continue working. Instead of engaging in an interactive process, Western Distributing discharged him. The consent decree requires the company to revise its policies, train managers on ADA compliance, and report to the EEOC to ensure adherence.

PART VI: EEOC Case Resolution

All EEOC matters eventually come to an end. How a matter ends will dramatically impact an employer's future interaction with the EEOC. As with most civil litigation, most matters are settled, but as we describe below, there is significant meaning to *when* resolution is achieved.

A. Resolution Through Conciliation

Congress originally conceived that the EEOC would remedy discrimination in a non-adversarial manner by conducting neutral investigations and reaching agreements with the employer to voluntarily correct any discriminatory practices. Congress settled on a framework that “preferred” cooperation and voluntary compliance over litigation, rather than simply affording victims a cause of action for damages like other statutes provide. *Mach Mining, LLC v. EEOC*, 575 U.S. 480, 486 (2015) (citation omitted). As the Supreme Court has explained, Title VII was designed to encourage “. . . ‘voluntary compliance’ and ending discrimination far more quickly than could litigation proceeding at its often ponderous pace.” *Ford Motor Co. v. EEOC*, 458 U.S. 219, 228 (1982).

This notice of voluntary compliance through conciliation remains. When the EEOC issues a letter of determination, it must then invite the employer to explore the potential for a negotiated, pre-suit resolution. As the Supreme Court has described in *Mach Mining*, the EEOC must demonstrate that it has satisfied its statutory duty of “conference, conciliation, and persuasion” before filing suit.

For employers, there are often benefits to resolving a matter through conciliation rather than proceeding to litigation. The most notable is the opportunity to avoid having the EEOC go public with its allegations. The EEOC is prohibited by law from sharing information about charges that it settles through conciliation unless an employer agrees to publicize the resolution. In contrast, the EEOC frequently publicizes its litigation matters through press releases, briefs and evidence will be posted to the court's docket, and litigation can only be resolved through Consent Decrees, which are public.

Employers often complain that it is common for the EEOC to approach conciliation in a one-sided manner. Investigators in the EEOC's District Offices frequently refuse to explain the bases for their findings, decline to consider additional argument from employers, and remain vague about the relief they are seeking in order to resolve the charge. This lack of transparency can frustrate employers, who often feel that they lack information at the conciliation stage to meaningfully evaluate risk and make decisions about settlement.

There have been attempts to change this state of affairs. At the close of FY 2020, we reported that new EEOC leadership had been pushing to make substantive changes to how the EEOC approaches its litigation and enforcement programs.¹¹⁸ On July 7, 2020, the EEOC officially announced a new pilot program intended to improve conciliation procedures at the Commission.¹¹⁹ The program was built “on a renewed commitment for full communication between the EEOC and the parties, which has been the agency's expectation for many years.”¹²⁰ On October 8, 2020, the EEOC, in a Notice of Proposed Rulemaking, acknowledged that, historically, it had elected not to adopt detailed regulations relative to its conciliation efforts based on its belief that

¹¹⁸ See Christopher DeGroff, Matthew J. Gagnon, and Alex S. Oxyer, *EEOC Update: The Commission Releases Its FY 2020 Litigation Performance Report Card*, Workplace Class Action Blog (Jan. 20, 2021), <https://www.workplaceclassaction.com/2021/01/eec-update-the-commission-releases-its-fy-2020-litigation-performance-report-card/>; see also Christopher DeGroff, Matthew J. Gagnon, and Alex S. Oxyer, *EEOC Update: The Commission Issues New Litigation Delegation And Amicus Curiae Procedures*, Workplace Class Action Blog (Jan. 14, 2021), <https://www.workplaceclassaction.com/2021/01/eec-update-the-commission-issues-new-litigation-delegation-and-amicus-curiae-procedures/>.

¹¹⁹ Press Release, U.S. Equal Employment Opportunity Commission, *EEOC Announces Pilot Programs to Increase Voluntary Resolutions* (July 7, 2020), www.eeoc.gov/newsroom/eec-announces-pilot-programs-increase-voluntary-resolutions.

¹²⁰ *Id.*

retaining flexibility over the conciliation process would “more effectively accomplish its goal of preventing and remediating employment discrimination.”¹²¹ The notice also acknowledged that the EEOC’s conciliation efforts had not been terribly successful at resolving charges.¹²²

In an effort to improve the effectiveness of the conciliation process, the notice included proposed amendments meant to establish “basic information disclosure requirements that will make it more likely that employers have a better understanding of the EEOC’s position in conciliation and, thus, make it more likely that the conciliation will be successful.”¹²³ The changes proposed by the EEOC were seen by many as a welcome attempt to address this issue, and the Republican-led Commission adopted the Final Rule in January 2021, just before the new Biden administration was sworn in.

The new rule went into effect on February 16, 2021, but while it was lauded by employers, it did not survive long. Congress exercised its authority under the Congressional Review Act to overturn executive branch regulations within 60 legislative days of when they were issued.¹²⁴ Before June 2021 ended, both¹²⁵ houses¹²⁶ of Congress passed resolutions to rescind the rule, which the White House signed into law.¹²⁷

The detailed conciliation requirements adopted during the Trump administration were in effect only briefly, but they reflected an effort to increase transparency and structure in the process—an approach that could be reintroduced under Chair Lucas. In the meantime, while the EEOC has not reinstated those formal requirements, we are seeing more announcements of agreements reached through conciliation, suggesting that the agency may be informally emphasizing resolution efforts even without the regulatory mandate.

Short of any explicit requirements for the EEOC to follow, employers must be diligent and sometimes creative about drawing the EEOC into meaningful and productive settlement discussions. For employers, a longer conciliation process generally is better, as it suggests that the EEOC is more engaged in a give-and-take process about how to resolve the dispute without resorting to litigation. In contrast, a short conciliation suggests that one or both parties are unwilling to bend their positions to negotiate a mutually acceptable outcome.

Conciliation agreements that the EEOC accepts commonly include requirements such as posting a notice of non-discrimination; reviewing and revising policies; providing training; and submitting reports to the EEOC for a period of time. Employers can negotiate the specific terms, though, such as the content of any notice, or where it is posted; which employees must complete the training; the contents and frequency of submission of any reports; or the duration of the agreement. The EEOC may also ask the employer whether they will agree to make the settlement public via a press release. Experienced counsel may be able to save an employer significant sums of money not just through the economic relief, but by understanding how to agree on points important to the EEOC while ensuring that programmatic relief does not needlessly burden the employer.

Timing and Statistics in Conciliation. The EEOC does not report detailed statistics about its process and timelines for moving an investigation from determination, to conciliation, to litigation. However, following the Supreme Court’s *Mach Mining* decision, the EEOC began to include information in its complaints about how the process played out in each particular case. Seyfarth collects and analyzes that information annually, and as a result we are able to describe how long it takes for the EEOC to move from step to step, as well as the relative pace of the EEOC District Offices.

¹²¹ Update of Commission’s Conciliation Procedures, 85 Fed. Reg. 64079 (proposed Oct. 9, 2020) (to be codified at 29 C.F.R. pt. 1601 and 1626).

¹²² *Id.* Over the last several years, the EEOC’s conciliation efforts resolved less than half of the charges where a reasonable cause finding was made. Specifically, between fiscal years 2016 and 2019, only 41.23% of the EEOC’s conciliations with employers were successful.

¹²³ *Id.*

¹²⁴ See Congressional Review Act, 5 U.S.C. § 801.

¹²⁵ S.J. Res., 117th Cong. (2021).

¹²⁶ H.R.J. 33, 117th Cong. (2021).

¹²⁷ Remarks on Signing Legislation Regarding Methane Pollution, Predatory Lending, and Employment Discrimination, Daily Comp. Pres. Doc. DCPD-202100551 (June 30, 2021).

Duration of Conciliation. If you are an employer that has responded to a charge and just received a letter of determination, how long can you expect the EEOC to engage in conciliation? According to our analysis, the median time spent in conciliation is 53 days. For most employers, the EEOC will declare that conciliation has failed in three months or less. In some instances, however, conciliation has lasted for years.

As described above, a longer conciliation process is likely to benefit employers, because it generally reflects that both sides are trying to reach an agreement. Employers are more likely to spend longer in conciliation when dealing with the EEOC's District Offices in Los Angeles, St. Louis, Atlanta, Indianapolis, Phoenix and Chicago. Conciliation moves faster in the EEOC's District Offices in San Francisco, Dallas, Memphis, Philadelphia, and Washington DC.

Time from the Failure of Conciliation to Filing a Complaint. The common assumption among employers is that it is a race to the courthouse once the EEOC deems conciliation failed, but our analysis suggests otherwise. Only about 5.7% of complaints are filed within the first month, and the median time from the notice of conciliation failure to filing of a complaint is nearly five times that: 147 days.

The quickest to file are the EEOC District Offices in Dallas, New York, Washington DC, Chicago, and Birmingham. The EEOC moves most slowly in its District Offices in Los Angeles, , Memphis, Houston, Atlanta and St. Louis.

Time from Determination to Litigation. Taking both of these together, how much time can an employer expect to pass from determination to the start of litigation? Our analysis found that employers can expect to have an average of 10 months (shortest time 2 months) before the complaint is filed, and that timeline is not uncommon. The median time from determination to complaint is 245 days.

Charges move most quickly to court in the EEOC's District Offices in Dallas, Washington DC, Miami, and Philadelphia. The EEOC moves most slowly in its District Offices in Houston, Los Angeles, Memphis, St. Louis and Atlanta.



B. Consent Decrees

1. General Description of a Consent Decree

If conciliation fails and the EEOC chooses to file a federal court complaint, the *only* way a matter can be mutually resolved (at least according to the EEOC) is a Consent Decree. A Consent Decree is a legally binding agreement, negotiated between the EEOC and the employer defendant, and ordered by the presiding Court. The proposed Decree and the Order entering the Decree are filed in open court and are a matter of public record. Critically, a Consent Decree cannot be confidential. The public nature of the settlement of an EEOC-initiated case is one of the biggest differences between an agency action and private litigation, and can be a source of surprise and frustration for employer defendants, where confidentiality is typically an essential term of any settlement.

Adding to the concern is the EEOC's standard procedure of issuing a press release at the conclusion of a lawsuit. With rare exceptions, soon after a Consent Decree is entered, the EEOC issues a press release on its website at [eeoc.gov](https://www.eeoc.gov). The press release is ordinarily composed of 1) a recitation of the allegations in the complaint, 2) a summary of the terms of the Decree (both monetary and non-monetary), 3) one or more quotes by the District leadership/attorneys emphasizing the importance of complying with civil rights statutes, and 4) a discussion of how individuals can contact the EEOC if they feel they are victims of discrimination or retaliation. The EEOC takes the uniform position that employers cannot be part of the press release process, and will flatly reject demands to preview and/or edit the press release. Naturally, an employer may issue its own counter-press release, but that carries with it certain risks of compounding the exposure of the Decree. EEOC press releases and media issues are described in Part VII, below.

2. Common Provisions of a Consent Decree

Consent Decrees can differ significantly based on a host of factors, including the claims alleged, the size and nature of the employer, the strategic importance of the issue litigated, and the scope of alleged victims impacted by the employer's action or policy. Decrees can also differ significantly depending on the EEOC District bringing the action, and can even differ by the EEOC lawyer negotiating the settlement. There are, however, certain features common to most Decrees:

- **Injunctive “Follow-the-Law” Provision:** A term appearing in virtually any Decree is a requirement that the employer not violate the particular statute at issue in the case for the term of the Decree. While this may seem like an innocuous provision, it technically creates a new cause of action against the employer for any alleged violation of statute during the term of the Decree. For example, if an employee feels they were a victim of discrimination during the Decree, and the EEOC believes that claim is substantiated, not only could the employee file an individual action under the particular statute, but the EEOC could also claim the employer defendant violated the Decree as well, and pursue a separate enforcement action. The impact of these provisions can be so great that certain Courts have, in very rare circumstances, refused to enter a Decree unless the provision is removed. *Fla. Ass'n of Rehab. Facilities v. Fla. Dep't of Health & Rehab. Servs.*, 225 F.3d 1208, 1223 (11th Cir. 2000) (citing *Meyer v. Brown & Root Constr. Co.*, 661 F.2d 369, 373 (5th Cir. 1981) (“An injunction must be framed so that those enjoined know exactly what conduct the court has prohibited and what steps they must take to conform their conduct to the law.”); see, e.g., *Burton v. City of Belle Glade*, 178 F.3d 1175, 1200 (11th Cir. 1999) (invalidating an injunction which prohibited a municipality from discriminating on the basis of race in its annexation decisions because it “would do no more than instruct the City to ‘obey the law’...”); *Payne v. Travenol Laboratories, Inc.*, 565 F.2d 895, 897 (5th Cir. 1978) (invalidating injunction that prohibited defendant from violating Title VII in its employment decisions).
- **Scope and Duration of the Decree:** Consent Decrees necessarily include provisions outlining the organizational and/or geographical scope to which it applies, and how long the Decree will remain in effect. The scope can range from as small as a particular department in a single facility to a coast-to-coast scope if the alleged offending policy or practice was nationwide. The length of Decrees typically range from as short as one year to as long as five years (and, in some rare instances, even longer). The most typical Decree length demanded by the EEOC is three years.
- **Monetary Relief:** The Decree will include the details of any monetary settlement, both for individual claimants and for class relief where applicable. The monetary relief section of a Decree can be as simple as outlining where and how checks will be sent, to pages of complicated instructions as to how a class settlement will be funded, managed, and issued to a large group of alleged victims. In some instances, employers and the EEOC engage a settlement administrator to assist in the monetary relief distribution process (at the employer's expense).
- **Modification of Internal Practices and Procedures:** The EEOC typically requires employers to ensure their internal processes, policies and procedures comply with the law. In an employment discrimination case, these changes generally impact recruitment, promotion, compensation,

training, and other human resources policies. A diverse assortment of institutional changes may be required by the EEOC. In some cases, the EEOC will demand changes to an employer's policies that go beyond what is necessarily required by law.

- **Mandatory Anti-Discrimination Training:** Most Decrees also include mandatory EEO training programs. The programs most often consist of diversity, racial/gender sensitivity, and non-harassment training. Training of senior executives and management is nearly always required, but an employer also may be directed to train nearly all of its employees. The scope and cost of such training can be substantial.
- **Reporting and Monitoring:** Virtually all Decrees have some ongoing reporting and monitoring requirements. At a minimum, an employer ordinarily will be required to notify the EEOC when it has complied with certain provisions (e.g., a report on when payment was issued, when training has been conducted, the timing of policy revisions, etc.). The reporting provisions, however, can be far more invasive, requiring employers to update the EEOC on any similar internal claims of discrimination and how they were resolved, providing applicant flow and hiring data in a recruiting case, and detailed reports of any discipline that has been administered if discipline was at issue in the underlying case. The Decree often includes a commitment that the employer will retain and produce documents concerning Decree compliance, will make employees available for interviews, and could even allow the EEOC to access the employers' work sites.
- **Posting:** In almost all cases, the employer is required to post a notice visible to all employees that the EEOC brought a lawsuit, that it was resolved via a Consent Decree, explaining that the employer is forbidden from violating certain EEO laws, and providing contact information for the EEOC.

There are, of course, other more "exotic" forms of relief found in Decrees, including set hiring efforts, public statements by company leadership encouraging diversity, letters of apology to alleged victims, the hiring of outside experts to guide policy review, the formation of new internal organizations and positions to ensure Decree compliance, and so on. All terms of a Consent Decree are subject to negotiation, and employers are not compelled to agree to any provision. As will be discussed below, the terms the EEOC demands in settlement are often far broader than injunctive relief that is typically ordered by a District Court even when the EEOC is successful at trial.

NOTABLE FY 2025 RESOLUTIONS THROUGH CONSENT DECREES

EEOC v. Heart of Texas Goodwill Industries, Inc., Case No. 6:24-cv-00498 (W.D. Tex.) A Texas-based non-profit retailer resolved the EEOC's lawsuit under the Americans with Disabilities Act (ADA) by agreeing to pay \$75,000 to settle disability discrimination claims. The employer allegedly refused to consider an applicant who was deaf for a position at its Killeen store and failed to follow up on the applicant's request for accommodation to use a cellphone to communicate. In addition to monetary damages, the company signed a three-year Consent Decree that required it to distribute an ADA policy and provide ADA training to employees with human resources responsibilities or involved in recruitment and/or training. The decree also required the employer to hearing-impaired employees an opportunity to specify a preferred method of communication during the application process.

EEOC v. Leoplace Guam Corporation dba Leoplace Resort, Case No.: 1:25-cv-00004 (Guam) A large hotel and resort on the U.S. territory of Guam agreed to pay \$1.4 million to non-Japanese employees in Guam who were allegedly provided less favorable wages and benefits than their Japanese counterparts. In resolving this national origin discrimination action, the employer also agreed to comprehensive injunctive relief remedies, including hiring an external equal employment opportunity monitor to oversee compliance, training and review of policies and procedures, as well as overseeing the reinstatement of former employees who were interested in returning to work for LeoPalace. The Consent Decree has a term of three years.

EEOC v Goodsell/Wilkins, Inc., Case No. 8:22-cv-01765 (C.D. Cal.) A construction company in Orange County, California agreed to pay \$730,000 and provide extensive injunctive relief to resolve a race/national origin harassment action brought under Title VII. The EEOC alleged that the employer's supervisors, leads and coworkers subjected a class of male Latino workers to severe or pervasive harassment based on their race or national origin. Further, the EEOC alleged the employer did not take prompt and effective action despite receiving complaints and also terminated employees who did complain. For a period of four years, the court required that the employer change its employment practices to prevent discrimination, harassment and retaliation, including providing substantial training to its managers, supervisors, leads and human resource employees.

EEOC v. Trebor USA Corp. et al., Case No. 0:24-cv-61817 (S.D. Fla.) A trio of companies agreed to resolve an EEOC lawsuit alleging race and national origin discrimination claims on behalf of Black and Latino employees who were allegedly subjected to racial slurs. The EEOC contended the companies knew of the ongoing harassment but fired a complaining employee anyway. On top of the \$215,000 damages figure, the court affirmed a three-year Consent Decree that required the companies to make changes to its employment opportunity policies and provide training to all of its employees.

EEOC v. Waller's Trucking Company, Inc., Case No. 1:24-cv-00197 (D. Wyo.) A family-owned trucking company agreed to pay \$124,000 to settle a sexual harassment lawsuit brought on behalf of two female employees who claimed to have been harassed for several years by the company's owner. The employer allegedly made sexually explicit comments to female employees in front of their coworkers and over the radio, and he grabbed female employees without their permission. The two female employees resigned after the employer failed to take action to stop the owner's misconduct despite their complaints. Under the five-year consent decree, the owner had to issue a letter of apology to the two female employees, revise and disseminate its anti-harassment and anti-retaliation policies as well as provide specialized training to supervisors and employees.

C. EEOC Settlement Agreements

The vast majority of matters resolved by the EEOC are memorialized in a Consent Decree or Conciliation Agreement. But another settlement instrument is gaining popularity: EEOC "Settlement Agreements." An EEOC Settlement Agreement, as the name suggests, is a two party agreement between the agency and an employer to resolve any government-initiated claims. The EEOC typically offers a Settlement Agreement at some point during the investigation, but before it has made any merits conclusions. In other words, it seeks to settle a case before a Determination is issued and the "conciliation" phase begins.

There are a couple of reasons why the EEOC seeks this sort of resolution instrument. In some cases, the EEOC wishes to resolve the matter, but the Charging Party will not cooperate in the negotiations and wishes to move forward with their claims in federal court. A two-party Settlement Agreement allows the EEOC to obtain a certain level of non-monetary relief to address any concerns it has with the employer's policies or practices, and allows it to nevertheless issue a right to sue to the Charging Party. In other instances, the EEOC is fully aware that it intends to issue a right to sue, but a Settlement Agreement gives the agency a "nothing ventured, nothing gained" opportunity to obtain a Commission "win." Anecdotal reports from the field suggest that some Districts seek a Settlement Agreement in virtually all cases.

EEOC Settlement Agreements are typically short (two to three pages) with much more limited non-monetary terms than one sees in either a Conciliation Agreement or Consent Decree. Some employers are willing to accept these non-monetary provisions, as it guarantees that the EEOC will extract itself from any future litigation on the matter. This peace of mind is a priority for some would-be defendants, even if the risk that the EEOC would actually move forward in litigation is remote.

One important note if entering into an EEOC Settlement Agreement: because these are resolutions occurring **before** conciliation (i.e., before a Determination issues), they are not covered by the strict conciliation confidentiality rules mentioned above. Employers entering into these Agreements can and should insist on confidentiality provisions, which in practice are routinely accepted by the EEOC.

EEOC Settlement Agreements were once a somewhat exotic resolution vehicle. No longer. Employers across the country have seen increasing efforts by the EEOC to obtain quick and easy “wins” for lower-stakes cases. In some instances, employers may wish to consider the reassurance an Agreement provides that it has closed the book on EEOC involvement in a particular matter.

D. Trial Judgment

Although EEOC trial victories are widely publicized by the agency, they are, in reality, quite rare. This, not necessarily because of the merits of any given action, but because the EEOC tries very few cases to verdict. As with the broader universe of employment law actions, the uncertainty of trial often drives the parties to pre-trial resolution. Indeed, according to Lex Machina’s 2023 Employment Litigation Report (the most recent report available), only 1.3% of all employment cases are actually tried to verdict.¹²⁸

Monetary relief awarded by juries vary widely, depending on the number of claimants, the nature of the action, and the type of position at issue. Some of these trial verdicts are highlighted in Part III. The monetary relief in an EEOC-initiated action is no different than what a private litigant could be awarded in individual action, with the important exception that the EEOC cannot be awarded attorneys’ fees as a prevailing litigant.

A more important distinction is non-monetary relief. Although non-monetary/injunctive relief can theoretically be sought in private litigation, few private litigants seek relief beyond backpay, front pay and compensatory, punitive and/or liquidated damages (depending on the statute at issue). The EEOC, on the other hand, routinely seeks non-monetary relief after a trial victory. The District Court Judge, and not a jury, awards any non-monetary relief. The injunctive relief demanded by the EEOC often mirrors the elements sought in Consent Decrees (see above).

A District Court considers a variety of factors when deciding what injunctive relief is proper after an EEOC trial win. To determine whether a post-trial award warrants the imposition of injunctive relief, courts primarily consider “whether the facts indicate a danger of future violations” of unlawful employment practices. *E.E.O.C. v. Wal-Mart Stores, Inc.*, 187 F.3d 1241, 1250 (10th Cir. 1999) If an employer intentionally engages in a practice whereby a “danger of future violations” exists, a court may find it necessary to grant injunctive relief. *Id.* The danger of recurrent violations must be “something more than a mere possibility, which serves to keep the case alive.” *United States v. W.T. Grant Co.*, 345 U.S. 629, 633 (1953). But injunctive relief is not appropriate “when there is no proof of a pattern or practice of discrimination. *E.E.O.C. v. RadioShack Corp.*, No. 10-CV-02365-LTB-BNB, 2012 WL 6090283, at *6 (D. Colo. Dec. 6, 2012). A District Court in Colorado did not grant injunctive relief where there was “no reason to believe that the single unlawful act ‘will likely occur again.’” *Id.* Indeed, as one court noted, a finding that an employer “discriminated against one individual on the basis of disability” was not “standing alone, sufficient to warrant mandating the entire Department of Commerce post an anti-discrimination notice.” *Id.*

Although the EEOC often seeks wide-ranging injunctive relief, Seyfarth’s survey of post-trial injunctive relief awards demonstrates that District Courts simply do not tend to award the breadth and depth of relief demanded by the Commission. In fact, in the past 10 years, most grants of injunctive relief after an EEOC trial victory consisted of a general prohibition on future discrimination, and training or policy modifications, if warranted. The majority of the injunctive relief imposed by the courts have been limited to two or three year period. Courts imposed an injunction period of more than three years in only a few cases, and these five year periods were not unexpected given the large compensatory or punitive damages involved.

¹²⁸ Lex Machina did not publish the Employment Litigation Report in 2024 or 2025.

EEOC v. Drivers Management, LLC and Werner Enterprises, Inc., Case No. 8:18-cv-00462 (D. Neb.).¹²⁹

On November 6, 2025, the U.S. Court of Appeals for the Eighth Circuit affirmed a trial victory for the EEOC in a disability discrimination case under the **Americans with Disabilities Act (ADA)**. The case involved a deaf applicant who was denied employment as a truck driver by Werner Enterprises and its affiliate, Drivers Management.

The EEOC alleged that the applicant was fully qualified for the position, having obtained a commercial driver's license and an exemption from federal physical qualification standards for interstate drivers. The defendants argued that the applicant lacked prior trucking experience and could not safely complete their training program.

A jury previously awarded **\$36 million in punitive damages**, which exceeded the statutory cap. The district court reduced the award to **\$300,000 in punitive damages** and approximately **\$36,000 in back pay**, and it ordered the defendants to submit biannual compliance reports to the EEOC for three years. The Eighth Circuit upheld the judgment.

EEOC v. Addington Place of St. Petersburg, Case No. 8:23-cv-01987 (M.D. Fla.).¹³⁰ On November 4, 2025, a federal jury awarded **\$405,083** to the EEOC in a disability discrimination lawsuit under the **Americans with Disabilities Act (ADA)** against Addington Place of St. Petersburg, a senior living facility. The EEOC alleged that the facility terminated a long-term employee after she disclosed that she had been diagnosed with multiple sclerosis and requested reasonable accommodations.

According to the EEOC, the employee had performed her job successfully for years and sought minor adjustments to continue working. Instead of engaging in an interactive process, the employer discharged her. The jury verdict included back pay, compensatory damages, and punitive damages. The case underscores employers' obligations to provide reasonable accommodations and avoid discriminatory terminations based on disability.

EEOC v. SkyWest Airlines, Inc., Case No. 3:23-cv-02499 (N.D. Tex.).¹³¹ On November 4, 2025, a federal trial court in Dallas upheld a jury verdict awarding **\$300,000 in damages** against SkyWest Airlines for disability discrimination under the **Americans with Disabilities Act (ADA)**. The EEOC alleged that SkyWest failed to accommodate a flight attendant with a disability and terminated her employment after she requested reasonable accommodations.

The jury found that SkyWest's conduct violated the ADA and awarded the statutory maximum in compensatory and punitive damages. The court denied SkyWest's post-trial motions, affirming the verdict and emphasizing employers' obligations to engage in an interactive process and provide accommodations unless doing so would cause undue hardship.

¹²⁹ <https://www.eeoc.gov/newsroom/appellate-court-affirms-eeoc-disability-trial-victory>

¹³⁰ <https://www.eeoc.gov/newsroom/eeoc-wins-405083-jury-verdict-against-st-petersburg-senior-living-facility>

¹³¹ <https://www.eeoc.gov/newsroom/dallas-trial-court-upholds-maximum-damages-award-300000-against-skywest-airlines-inc-eeoc>

PART VII: Media and Publicity Elements of an EEOC Case

Preceding sections touched on the EEOC's public statements concerning case resolution, but given the brand and reputation impact these cases may carry for employers, a specific word on the issue is warranted. The EEOC has become quite savvy in leveraging the press as a pulpit for publicizing its agenda, especially in litigation. An employer need only visit the EEOC's website to understand the role of media statements in the Commission's enforcement process.¹³²

This section discusses what employers can expect from these releases, including typical language, elements, and timing.

EEOC's Publicity Philosophy. The EEOC has acknowledged that press coverage is part of its deterrent message and mission. Notably, in sources as early as the Commission's 2006 Systemic Task Force report, the EEOC has announced that the "EEOC engage[s] in high impact litigation and publicity efforts that change the workforce status of affected groups and/or improve employment policies, practices, or procedures in affected workplaces."¹³³ (See *also* opening statement of Sen. Alexander regarding the Commission's apparent strategy, in filing certain lawsuits, to "achieve a maximum amount of publicity."¹³⁴)

The EEOC's litigation media statement is one of the tools in the Commission's toolbox that it wields with an aim to achieve its strategic enforcement goals. This has been particularly true under the current administration.

Typical Media Statements During The Course Of EEOC Initiated Litigation. In the life of a lawsuit initiated by the EEOC, there will ordinarily be two media statements. The first will be published when the suit is filed, and the second if the case is resolved. Although all media statements published upon filing of a suit will have roughly the same cadence and tone, those published upon resolution can vary greatly. Depending on the posture of the case, whether the case theories align with the EEOC's strategic goals, and even how the EEOC views the employer, media statements can vary dramatically.

Initial Media Statement. A media statement issued at the outset of the litigation tends to have a stern tone, regarding the alleged actions of the employer. The statement will lead off with a general assertion of the legal claims lodged against the employer, including the statute at issue. For example, the statement may declare that a female employee suffered through a hostile work environment at the hands of her supervisor, in violation of Title VII. The statement will then go on to recite the key allegations of discrimination, harassment, or retaliation proffered in the complaint. These allegations are often delivered as fact, not issues that will be proven – or not – during the litigation. Often times the statements will also describe the employer, perhaps sharing a website, states of operation, and a brief description of the work done by the business. Finally, the applicable District Director and/or one of the trial attorneys for the matter will offer a quote in the nature of a sound bite concerning the allegations, which will emphasize the Commission policy underlying its prosecution of the lawsuit. Notably, these statements include entirely unproven allegations, many of which are often later proven inaccurate or outright false (and never with an EEOC retraction or modification of the press release). It is not surprising that many employers who have been the subject of the EEOC's media statements have deemed the Commission's tactics to be unfair and designed to apply extra-judicial pressure to settle litigation.

Media Statement Upon Resolution. When a suit is resolved, typically through an agreed upon Consent Decree (but occasionally after confidential conciliation or a rare trial win), the EEOC will publish yet another media statement. The tone and content of this statement, however, can vary from extremely aggressive

¹³² U.S. Equal Employment Opportunity Commission, *EEOC Newsroom*, <https://www.eeoc.gov/newsroom/search>.

¹³³ U.S. Equal Employment Opportunity Commission, *SYSTEMIC TASK FORCE REPORT To the Chair of the Equal Employment Opportunity Commission* (Mar. 2006), <https://www.eeoc.gov/systemic-task-force-report-chair-equal-employment-opportunity-commission>.

¹³⁴ U.S. Government Publishing Office, *Transcript from Senate Hearing 114-165, Examining the Equal Employment Opportunity Commission, Focusing on Examining EEOC's Enforcement and Litigation Programs* (May 19, 2015), <https://www.govinfo.gov/content/pkg/CHRG-114shrg94782/html/CHRG-114shrg94782.htm>.

to fairly measured, and can even verge on “friendly.” The direction taken by the EEOC in this statement has historically depended largely on the resources devoted to the litigation, how contentious the litigation was, as well as whether the claims and allegations at issue align with the Commission’s strategic goals. The Commission used to publish its process in the Regional Attorney’s manual, but that document has been rescinded and replaced by a document titled “Dissemination of Information to the Public about EEOC Cases in Litigation.”¹³⁵ In years past, before the resolution of “significant litigation” a Regional Attorney was required to advise the Office of the General Counsel. The Commission defines “significant” to mean a lawsuit “expected to involve significant monetary or injunctive relief”; “a favorable jury verdict or court decision”; or resolution which “is likely to receive national or significant local attention due to the notoriety of the defendant, ongoing media interest in the lawsuit and/or issues involved, or other factors that may have spurred significant media scrutiny.” Whether or not the litigation was deemed “significant” played a role in the tone of the media release as well. The current protocol released on May 21, 2024, does not indicate the internal process for deeming certain cases significant, or what role the Office of the General Counsel plays in press releases. The policy simply states that “it is EEOC policy to issue a press release each time the EEOC files a case in court, resolves a lawsuit, or experiences other significant litigation developments.” The EEOC also indicates that it takes individuals’ privacy concerns into account, and will not release an individual’s name or personal identifying characteristics in a press release without express consent.

Historically, the more resources expended, and the more closely aligned the claims are with the Commission’s strategic goals, the more likely the EEOC will publish an aggressive media statement. The hallmarks of such a statement will be not only the recitation of the most salacious of the allegations (often those that remain contested but offered as fact), but also a detailed description of the monetary and programmatic relief obtained in the Consent Decree. For example, in a recent matter involving a Texas crane service provider, the EEOC’s media statement set forth that “four black employees were subjected to a hostile work environment by their co-workers and supervisors, including frequent use of racial slurs, open display of nooses and other white supremacist symbols, along with being subjected to derogatory terms, including the n-word, by employees and managers.”¹³⁶ Despite their complaints, the company failed to take action to stop the harassment. The press release also stated that a white employee who witnessed the racial harassment also reported it to company managers and to human resources, but the company failed to act diligently to correct the harassment. Instead, the company reduced the white employee’s work hours in retaliation for his complaints and failed to stop mistreatment from his white coworkers, which forced him to quit his job. The statement went on to detail the programmatic relief, followed by harsh admonishments from an EEOC Trial Attorney and EEOC Dallas District Director, specifically:

“It has been more 60 years since the passage of Title VII of the Civil Rights Act of 1964, yet racial harassment, such as the use of racial epithets and the display of white supremacist symbols, continues to be a recurring problem in the American workplace,” said Brian Hawthorne, EEOC trial attorney. “Employers must act forcefully to protect their workers from such behavior, both to comply with Title VII and to ensure every employee is treated with dignity and respect.”

EEOC Dallas District Director Travis Nicholson said, “Under federal law, employers must exercise reasonable care to prevent and promptly stop any racially harassing behavior in the workplace. Corrective measures taken in response to racial harassment, such as disciplinary actions and remedial training, must be calculated to deter any further harassment and must be tailored to the specific circumstances and conduct at issue.”

¹³⁵ U.S. Equal Employment Opportunity Commission, Dissemination of Information to the Public about Cases in Litigation, <https://www.eeoc.gov/regional-attorneys-manual/c-dissemination-information-public-about-cases-litigation>.

¹³⁶ Press Release, U.S. Equal Employment Opportunity Commission, *TNT Crane & Rigging to Pay \$525,000 in EEOC Racial Harassment and Retaliation Suit* (Aug. 1, 2025), <https://www.eeoc.gov/newsroom/tnt-crane-rigging-pay-525000-eeoc-racial-harassment-and-retaliation-suit>.

Moving down the spectrum, the Commission may take a more measured tone where the litigation is less protracted and the claims are not necessarily consistent with its strategic goals. For instance, in a Title VII sexual harassment case settled by the EEOC concerning an employer's alleged failure to address ongoing sexual harassment by a coworker, along with denial of promotion due to sex, the media statement provided few details concerning the claims brought.¹³⁷

And on occasion, it will even border on "friendly" – including a statement of appreciation to the employer for its cooperation in resolving the litigation. In the same suit, the district director of the EEOC's Los Angeles district was quoted as saying:

"We commend UPS for choosing to resolve this charge for the affected class member and for putting in place measures that will benefit employees throughout the Santa Barbara UPS service center," said Christine Park-Gonzalez, district director of the EEOC's Los Angeles District. "Harassment has an insidious effect in a workplace, negatively impacting an employer's workflow, and, ultimately, its bottom line. Addressing it early on has a positive impact on not only staff morale, but the business as a whole."¹³⁸

A Word on Conciliation-Related Press Releases. Historically, the EEOC has issued media statements primarily for lawsuits, as conciliation is intended to be a confidential process. Indeed, one of the chief reasons for employers to engage in pre-suit conciliation is the carrot of confidential resolution. Interestingly, however, we have seen a trend of the EEOC issuing presumably agreed-upon media statements for matters settled in conciliation. Accordingly, the employer has a degree of leverage in negotiating these publications. As one might imagine, conciliation media statements are, thus, more positive in tone.¹³⁹ Further, on occasion, the employer may also make a statement, which at minimum disclaims any liability – something rarely, if ever, allowed in a litigation media statement.

However, the EEOC will issue media statements on the conciliation process where it alleges that an employer failed to comply with the terms of a conciliation agreement. For example, on August 14, 2025, the EEOC released a press statement claiming that a hotel management company violated federal law when it repeatedly refused to comply with the terms of a conciliation agreement in a race and retaliation discrimination case.¹⁴⁰ The EEOC alleged that the company failed to make the required monthly monetary payments to the complainant in a timely manner as agreed upon by the terms of their conciliation agreement. In its press release, an EEOC Trial Attorney was quoted stating, "The relief required by conciliation agreements is critical to EEOC's mission to correct and remedy unlawful employment practices, and the agency will not hesitate to enforce the employer's legal obligations under such agreements. The employer who initially avoids litigation by entering into a conciliation agreement only invites it by failing to then comply with its terms."

Anatomy of a Media Statement. Regardless of the tone, EEOC media statements are consistent in their basic elements and structure.

First, there will be a **headline** crafted to be eye-catching. In prior years, these headlines tended to be punchier, such as "Paramount Mailing Company Punished Female Employees for Complaining About Abuse, Federal Agency Charges."¹⁴¹ More recently, headlines have tended to be short and to the point, though they are still designed to draw a reader's attention, such as, "EEOC Sues Mayo Clinic for Religious Discrimination."¹⁴²

¹³⁷ Press Release, U.S. Equal Employment Opportunity Commission, *United Parcel Service Settles EEOC Sexual Harassment Charge* (May 15, 2025), <https://www.eeoc.gov/newsroom/united-parcel-service-settles-eeoc-sexual-harassment-charge>.

¹³⁸ *Id.*

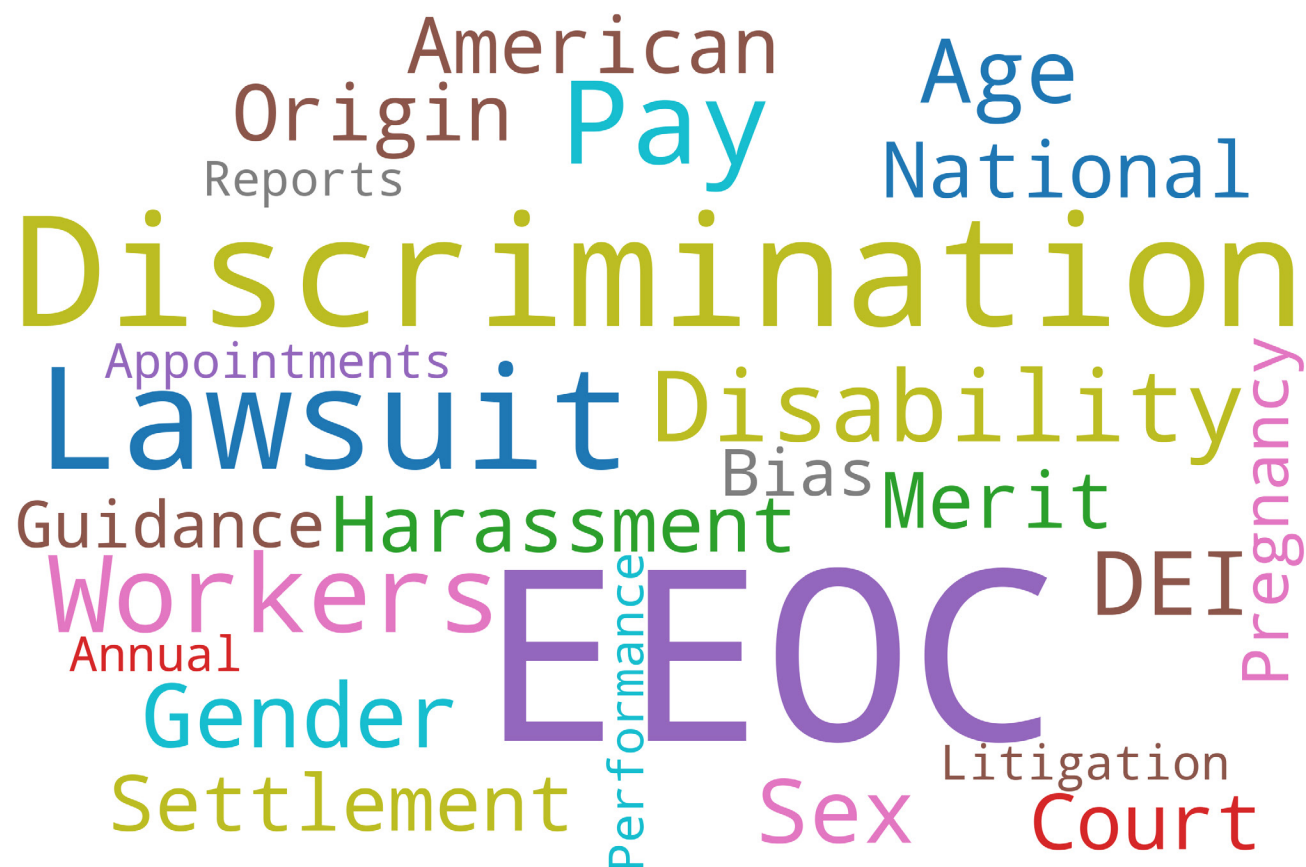
¹³⁹ See, e.g., Press Release, U.S. Equal Employment Opportunity Commission, *Kwik Trip Inc. to Pay \$35,000 in EEOC Disability Discrimination Charge* (Aug. 20, 2025), <https://www.eeoc.gov/newsroom/kwik-trip-inc-pay-35000-eeoc-disability-discrimination-charge>.

¹⁴⁰ Press Release, U.S. Equal Employment Opportunity Commission, *EEOC Sues American Inn Operator for Breaching Conciliation Agreement* (Aug. 14, 2025), <https://www.eeoc.gov/newsroom/eeoc-sues-american-inn-operator-breaching-conciliation-agreement/>.

¹⁴¹ Press Release, U.S. Equal Employment Opportunity Commission, *EEOC Sues Sierra Creative Systems / Addressers for Sexual Harassment and Retaliation* (June 13, 2018), <https://www.eeoc.gov/newsroom/eeoc-sues-sierra-creative-systems-addressers-sexual-harassment-and-retaliation>.

¹⁴² Press Release, U.S. Equal Employment Opportunity Commission, *EEOC sues Mayo Clinic for Religious Discrimination* (July 31, 2025), <https://www.eeoc.gov/newsroom/eeoc-sues-mayo-clinic-religious-discrimination>.

Below is a word cloud, highlighting the most common words and phrases employed by the EEOC in its 2025 headlines. Not surprisingly, in the current environment, “Disability,” “Discrimination” and “Sues” play prominently.



Second, the media statement will include a **statement of claims**, describing the complained of discrimination, harassment, and/or retaliation, including factual and legal allegations. The more aggressive press releases will set forth the most sensational and detailed allegations, whereas the measured versions may state the allegations in more bland terms, which can sometimes be so vague that it is difficult to divine what the claims were based upon in the first place.

Third, the Commission will include **quotes** from the relevant District Director and possibly a Regional Attorney involved in the litigation. The tone of the EEOC’s quotes can vary greatly, depending on, among other things, the importance of the issue to the Commission’s strategic goals, the duration of the litigation, and resources expended. Excluding conciliation media statements, on very rare occasions, the EEOC may allow a quote from the employer on the resolution of the lawsuit. Although it is unlikely the Commission will agree to such a statement, if the litigation and settlement proceed amicably, it is certainly worth attempting to negotiate the point.

Finally, the media statement will conclude with a **statement of the EEOC’s mission** (e.g. “The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination”). Media statements that make note of the SEP are more likely to be among the more aggressive.

Media Statements Signal Things to Come. While shifts in focus naturally accompany changes in administration, one constant remains: through its press releases, the EEOC newsroom reliably and effectively communicates the agency’s strategic agenda for the near term. During FY 2025, the EEOC has conveyed a wide spectrum of priorities—ranging from initiatives aimed at reaching workers least

likely to seek the agency's assistance to cautionary guidance on unlawful DEI programs.¹⁴³ In a May 2025 press release, the EEOC outlined its priorities under current Chair Andrea Lucas, emphasizing a vigorous campaign against workplace discrimination and harassment. The agency highlighted efforts to address DEI-related race and sex discrimination, religious bias—including antisemitism and anti-Christian bias—and national origin discrimination. Over the first 120 days of the second Trump administration, the EEOC has focused on mobilizing resources with federal partners like the DOJ to enforce civil rights laws in employment.¹⁴⁴ The press releases also serve as a showcase for the agency's achievements in addressing discriminatory conduct within the employment sector. For instance, the same press release details a comprehensive list of actions the agency has taken in alignment with President Trump's executive directives and policy priorities.¹⁴⁵

The tone of the press release addressing unlawful DEI programs closely mirrors the EEOC Chair's declaration: "Under my leadership, the EEOC is committed to dismantling identity politics that have plagued our employment civil rights laws, by dispelling the notion that only the 'right sort of' plaintiff is protected by Title VII."¹⁴⁶ The press release emphasizes that regardless of an employer's well-intended DEI initiatives, the Commission firmly opposes any employment action predicated on protected characteristics. To further support compliance and enforcement, the press release provides a direct link to a technical assistance resource, guiding individuals through the proper procedures for filing complaints related to unlawful DEI practices.

In addition, the EEOC has taken a more assertive step this year by launching a whistleblower program. As part of its ongoing effort to curb unlawful DEI practices, the Commission issued a press release announcing that it had sent letters to 20 law firms requesting detailed information about their DEI-related employment policies.¹⁴⁷ The release—stern and unmistakably cautionary in tone—not only unveiled the whistleblower initiative, encouraging individuals to anonymously report practices that may violate EEOC guidance, but also publicly named the firms involved, signaling strong pressure for compliance and reinforcing the agency's commitment to rigorous enforcement.

The EEOC has utilized press releases to underscore Chair Lucas' commitment to addressing anti-American national origin discrimination. In her statement, she emphasized: "Many employers maintain policies and practices that favor illegal aliens, migrant workers, and visa holders—or other legal immigrants—over American workers, in direct violation of federal employment laws prohibiting national origin discrimination. Cracking down on this unlawful practice will realign employer incentives, reduce demand for illegal labor, and curb exploitation of the United States' legal immigration system."¹⁴⁸ The press release further references

¹⁴³ See, e.g., Press Release, U.S. Equal Employment Opportunity Commission, *REACH Initiative Reports on Engagement with Underserved Communities* (Oct. 17, 2024), <https://www.eeoc.gov/newsroom/reach-initiative-reports-engagement-underserved-communities>; Press Release, U.S. Equal Employment Opportunity Commission, *EEOC and Justice Department Warn Against Unlawful DEI-Related Discrimination* (Mar. 9, 2025), <https://www.eeoc.gov/newsroom/eeoc-and-justice-department-warn-against-unlawful-dei-related-discrimination>.

¹⁴⁴ Press Release, U.S. Equal Employment Opportunity Commission, *EEOC Delivers Historic Results for American Workers in First 120 Days* (May 22, 2025), <https://www.eeoc.gov/newsroom/eeoc-delivers-historic-results-american-workers-first-120-days>.

¹⁴⁵ *Id.*

¹⁴⁶ U.S. Equal Employment Opportunity Commission, *Statement from EEOC Acting Chair Andrea Lucas Celebrating the Supreme Court's Unanimous Ruling in Ames Restoring Evenhanded Application of Title VII*, <https://www.eeoc.gov/wysk/statement-eeoc-acting-chair-andrea-lucas-celebrating-supreme-courts-unanimous-ruling-ames#:~:text=Under%20my%20leadership%2C%20the%20EEOC,is%20protected%20by%20Title%20VII./>.

¹⁴⁷ Letter from Andrea Lucas, Acting Chair, EEOC, to Perkins Coie LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Cooley LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Reed Smith LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to A&O Shearman (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Debevoise & Plimpton LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Freshfields Bruckhaus Deringer LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Goodwin Procter LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Hogan Lovells LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Kirkland & Ellis LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Latham and Watkins LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to McDermott Will & Emery (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Milbank LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Morgan, Lewis & Bockius LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Morrison and Foerster LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Ropes & Gray LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Sidley Austin LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Simpson Thatcher & Bartlett LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to Skadden, Arps, Slate, Meagher & Flom LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to White & Case LLP (Mar. 17, 2025); Letter from Andrea Lucas, Acting Chair, EEOC, to WilmerHale; https://www.eeoc.gov/sites/default/files/2025-03/Law_Firm_Letters_-_03.17.2025.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.

¹⁴⁸ Press Release, U.S. Equal Employment Opportunity Commission, *EEOC Acting Chair Vows to Protect American Workers from Anti-American Bias* (Feb. 19, 2025), <https://www.eeoc.gov/newsroom/eeoc-acting-chair-vows-protect-american-workers-anti-american-bias>.

a documented track record of findings that reveal patterns of anti-American bias, signaling that the EEOC intends to actively investigate and prosecute allegations of this nature. This focus on combating “illegal immigration” closely mirrors the current administration’s broader stance on immigration policy.

Although the EEOC—while operating without a quorum—lacked authority to rescind or revise guidance documents, it strategically used press releases to acknowledge prior guidance now in conflict with a federal court ruling. For instance, on May 15, 2025, a Texas federal court struck down portions of the EEOC’s 2024 harassment guidance that broadened the definition of “sex,” declaring those sections unlawful and vacating them nationwide.¹⁴⁹ Through its press release, the agency both informed employers of the updated legal landscape and clarified the limits of its own authority in the absence of a quorum. The press release also underscored Lucas’s position, noting her outspoken opposition to aspects of the EEOC’s harassment guidance that interpret Title VII as covering situations such as denying access to sex-segregated facilities aligned with an individual’s gender identity, or repeatedly and deliberately using names or pronouns inconsistent with that identity.

In another press release, the agency explicitly affirmed its commitment to defending “the biological and binary reality of sex and related rights, including women’s access to single-sex spaces in the workplace.”¹⁵⁰ It also detailed concrete steps taken to align with this priority: removing the agency’s pronoun application, discontinuing the use of the “X” gender marker during discrimination charge intake, eliminating materials promoting gender ideology from internal and external platforms, and withdrawing lawsuits alleging discrimination based on gender identity. The concise and direct nature of these announcements underscores that the EEOC’s actions are being carried out pursuant to executive orders and reflect the administration’s previously stated priorities.

Last year, the EEOC published a comprehensive summary of its Fiscal Year 2024 litigation activity, offering valuable insight into the agency’s commitments and objectives.¹⁵¹ The report detailed which statutes were most frequently litigated, the number of systemic cases addressing patterns or practices of discrimination, and the EEOC’s strategic emphasis on geographic diversity in filing suits. This year, however, no comparable report has been issued yet—likely reflecting a significant decline in activity while the agency lacked a quorum for much of FY 2025.

Emerging Issues With Media Exposure. As the Commission media strategy has evolved, it has made continued efforts to increase its audience and distribution of these statements for maximum effect. The EEOC has also been known to conduct press conferences announcing a new suit¹⁵² or trumpeting an EEOC victory.¹⁵³ But now the EEOC also publishes many of its media statements on social media, such as Twitter. It has also taken to issuing relevant media statements in multiple languages depending upon the employees and employer at issue.¹⁵⁴ For as long as the EEOC places a priority on publicity, it will no doubt continue to search for new ways to increase their audience.

¹⁴⁹ Press Release, U.S. Equal Employment Opportunity Commission, *Federal Court Vacates Portions of EEOC Harassment Guidance* (May 20, 2025), <https://www.eeoc.gov/newsroom/federal-court-vacates-portions-eeoc-harassment-guidance>.

¹⁵⁰ Press Release, U.S. Equal Employment Opportunity Commission, *Removing Gender Ideology and Restoring the EEOC’s Role of Protecting Women in the Workplace* (Jan. 28, 2025), <https://www.eeoc.gov/newsroom/removing-gender-ideology-and-restoring-eeocs-role-protecting-women-workplace>.

¹⁵¹ Press Release, U.S. Equal Employment Opportunity Commission, *Fiscal Year 2024 EEOC Litigation Focuses on Emerging Issues and Underserved, Vulnerable Populations* (Oct. 9, 2024), <https://www.eeoc.gov/newsroom/fiscal-year-2024-eeoc-litigation-focuses-emerging-issues-and-underserved-vulnerable>.

¹⁵² See, e.g., Press Release, U.S. Equal Employment Opportunity Commission, *EEOC TO ANNOUNCE FILING OF DISABILITY LAWSUIT* (May 22, 1996), <https://www.eeoc.gov/newsroom/eeoc-announce-filing-disability-lawsuit>.

¹⁵³ See, e.g., Press Release, U.S. Equal Employment Opportunity Commission, *ABM Industries Settlement Press Conference*, <https://www.eeoc.gov/abm-industries-settlement-press-conference>.

¹⁵⁴ See, e.g., Press Release, U.S. Equal Employment Opportunity Commission, *GE Oil & Gas Pagará \$5,300 Por Desacato En Citación De La EEOC En El Cumplimiento De Acción* (Feb. 19, 2015), <https://www.eeoc.gov/newsroom/ge-oil-gas-pagara-5300-por-desacato-en-citacion-de-la-eeoc-en-el-cumplimiento-de-accion>; Press Release, U.S. Equal Employment Opportunity Commission, *Wal-Mart Pagará \$150,000 Para Resolver Demanda Por Discriminación a Base De Edad Y La Discapacidad Por la EEOC* (Feb. 19, 2015), <https://www.eeoc.gov/newsroom/wal-mart-pagara-150000-para-resolver-demanda-por-discriminacion-base-de-edad-y-la>; Press Release, U.S. Equal Employment Opportunity Commission, *EZEFLow USA, Inc. Pagará \$65,000 Para Resolver Demanda por Discriminación A Base De Discapacidad Por La EEOC* (Jan. 9, 2015), <https://www.eeoc.gov/newsroom/eze-flow-usa-inc-pagara-65000-para-resolver-demanda-por-discriminacion-base-de-discapacidad>.

Practical Considerations for Employers. For employers who find themselves involved in an EEOC enforcement action, it is important not to lose sight of the Commission's use of its media statement as both carrot and stick. The EEOC places considerable value on shining a spotlight on its enforcement efforts, especially those which advance its strategic goals. While it is unlikely that the EEOC will allow the employer too much say in the issued statement, when negotiating resolution with the EEOC, where possible, employers should use the Commission's goal of publicity as a possible bargaining chip to achieve the best possible outcome for the inevitable media statement. Moreover, by understanding the Commission's strategic goals, employers will gain a greater awareness of what tone and tenor the EEOC's statement will take upon resolution, and can prepare accordingly.

SEYFARTH'S COMPLEX LITIGATION RESOURCES

Seyfarth takes pride in keeping our clients informed about current developments in a way that is pertinent to their businesses. We believe it is our responsibility to provide expeditious, high-quality products and services that meet our clients' practical needs. Since 2013, Seyfarth's Complex Discrimination Litigation practice group has published an annual report on trends in EEOC litigation. We have also created Charge Tracker, a proprietary value-add tool that collects and tracks all of an employer's EEOC charge data. It is a free service that we provide to help clients identify and mitigate litigation risks. Through Charge Tracker, our team collects company EEOC data, which we can distill into an annual report-out on trends and warning areas. If you are interested in learning more about Charge Tracker, please contact [Christopher DeGroff](#) or [Andrew Scroggins](#).

Additionally, when it comes to defending employers in wage and hour collective and class actions, we literally wrote the book on the subject. Our treatise, *Wage & Hour Collective and Class Litigation* is recognized as the definitive resource on this subject and is commonly used by lawyers, academicians, and judges in researching the many complex and evolving procedural and substantive defense issues that may ultimately determine case outcomes. We have also published other authoritative resources, such as the FLSA Handbook as well as guides to wage and hour laws in California, Illinois, and Massachusetts.

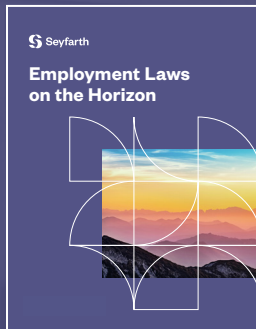
Together with our blogs (www.employerlaborrelations.com, www.environmentalsafetyupdate.com, www.laborandemploymentlawcounsel.com, www.wagehourlitigation.com, and www.workplaceclassaction.com), legal updates, and webinars, these treatises establish us as the most reliable management thought leaders in this area. Most importantly, we put our thought leadership to good use in our approach to the defense of these cases for our clients. To learn more about our capabilities in this space, please visit our website at www.seyfarth.com.

We sincerely hope this book serves as a valuable reference for you, our clients and friends, and we look forward to delivering up-to-the-minute updates to you throughout the year.

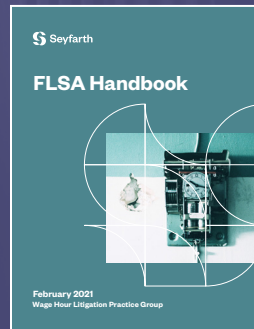
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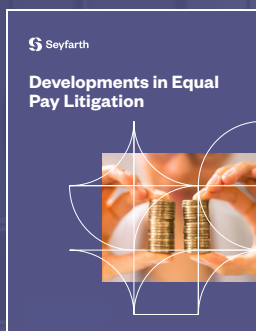
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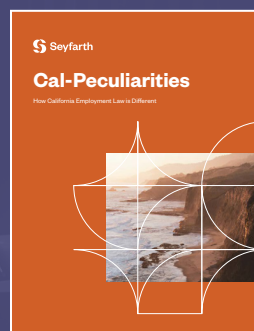
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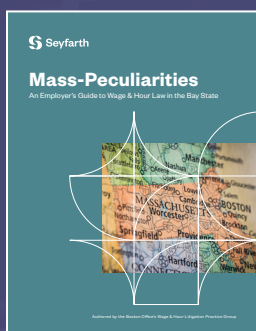
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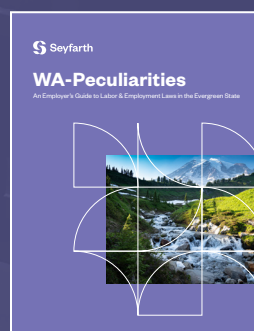
Cal-Pecs



Mass Pecs



Washington Pecs





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