

EEOC	<i>DIRECTIVES TRANSMITTAL</i>	Number 600.001
		Date June 4, 2026

SUBJECT: RESCISSION OF *STRATEGIC ENFORCEMENT PLAN FISCAL YEARS 2024 – 2028 (SEP)* and REPLACEMENT THEREOF WITH *NATIONAL ENFORCEMENT PLAN FISCAL YEARS 2025 – 2029 (NEP)*

PURPOSE: This notice rescinds the document referenced above (*Strategic Enforcement Plan Fiscal Years 2024 – 2028*) and replaces it with the attached document (*National Enforcement Plan Fiscal Years 2025 – 2029*)

ORIGINATOR: Office of the Chair

EFFECTIVE DATE: UPON RECEIPT

Andrea R. Lucas
Chair

June 4, 2026

Date

National Enforcement Plan (FY2025 – FY2029)

The United States Equal Employment Opportunity Commission (EEOC) was created by Congress 60 years ago with a straightforward and critical mission: preventing and remedying discrimination in our nation’s workplaces.¹ This mission went to the heart of foundational beliefs and promises of our nation: that *all* Americans inherently were created equal; that *all* citizens were entitled to equal treatment under law and therefore should have equality of opportunity in every sector of our society, including the workplace; and that *all* Americans had the right to be treated in the workplace as individuals, not members of a particular race or group, individuals who were judged only by the content of their character, skills, and abilities, rather than by the color of their skin or by their sex.

The purpose of the EEOC’s National Enforcement Plan (NEP)² is to focus and coordinate the agency’s work over a multiple fiscal year (FY) period to have a sustained impact in advancing equal employment opportunity. The National Enforcement Plan helps guide the EEOC’s work through all of the agency’s activities, including outreach, public education, technical assistance, enforcement, and litigation.

I. Global Principles

The National Enforcement Plan incorporates the following principles, which have guided its development and will govern its implementation.

A. Prevention, Voluntary Resolution, and Litigation: The Commission is committed to an enforcement plan that encompasses a three-pronged approach to eliminate discrimination in the workplace: (1) prevention through education and outreach; (2) the voluntary resolution of disputes, including through Alternative Dispute Resolution, pre-determination settlements, and conciliation agreements; and (3) strong and even-handed enforcement via the Commission’s litigation program.

B. Using Constrained Resources for Strategic Impact: Consistent with decades of agency practice and prior agency enforcement plans, the Commission recognizes that given the volume of charges and charge inquiries it receives annually (on average, respectively over 80,000

¹ The EEOC enforces Title VII of the Civil Rights Act of 1964 (Title VII); the Equal Pay Act of 1963 (EPA); the Age Discrimination in Employment Act of 1967 (ADEA); Section 501 of the Rehabilitation Act of 1973 and Titles I and V of the Americans with Disabilities Act of 1990 (ADA); Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA); and the Pregnant Workers Fairness Act (PWFA).

² As discussed later, the NEP replaces the agency’s current Strategic Enforcement Plan (SEP). The NEP, like the SEP before it, is a separate document from the agency’s Strategic Plan. The Government Performance and Results Act (GPRA) Modernization Act of 2010 requires the EEOC to develop and post a Strategic Plan on its public website every four fiscal years. The Strategic Plan explains the agency’s mission, operations, and processes for achieving general and long-term goals and objectives and approaches it will take to monitor its progress. In contrast, the NEP sets forth subject matter priorities to guide all aspects of the EEOC’s work to prevent and remedy unlawful employment discrimination.

charges and 250,000 charge inquiries) and the agency's budget and staffing constraints, it is not feasible for the Commission to devote the same amount of resources to each charge. As a result, the agency must continue to be strategic about the matters it prioritizes to maximize the agency's impact, exercising the agency's inherent prosecutorial discretion in its work as a law enforcement agency. The National Enforcement Plan identifies and focuses the agency's attention and resources on specific substantive categories of enforcement priorities.

- C. Nationwide Enforcement Model:** To ensure the efficient and effective use of the Commission's constrained resources and maximize the impact of the agency's work, it is imperative that the agency function as a national law enforcement agency. The Commission, as led by the Chair in her management of agency staff and the administrative operations of the agency, expects and requires collaboration, coordination, and communication among agency staff in the Commission's various program offices (particularly the Office of Field Programs and the Office of General Counsel); between agency headquarters and the various EEOC offices in the field; and among the agency's various district offices. Where appropriate based on district workload, skill sets, or other relevant factors, respective EEOC headquarters leadership will deploy nationwide staffing in systemic or other priority investigations or cases. This may include assigning a priority matter to multiple EEOC districts or to select personnel in certain districts; reassigning matters from the originating district which received the matter to another district; or assigning EEOC headquarter personnel to bolster field staffing a matter.
- D. Executive Branch Agency and Administration Priorities:** The Commission reaffirms that it is an executive branch agency, as recognized by EEOC leadership and the U.S. Department of Justice's Office of Legal Counsel since the 1970s. As an executive branch agency, the Commission will use its discretion in its deployment of its enforcement authority to advance the Administration's policy objectives and comply with relevant Executive Orders.
- E. Prioritization of Disparate Treatment Liability:** While the Commission acknowledges Congress amended Title VII in 1991 to address disparate impact liability, the Commission concludes that allegations of intentional discrimination (disparate treatment) by an employer inherently are more egregious forms of discrimination than unintentional disparities between groups of employees which arise from an employer's neutral policies or practices (disparate impact). As a result, in light of the Commission's limited resources, and pursuant to Executive Order 14281, *Restoring Equality of Opportunity and Meritocracy*, the EEOC will prioritize disparate treatment theories of liability (including pattern-or-practice liability) in its enforcement of the statutes and regulations within the agency's jurisdiction; will eliminate the use of disparate impact liability theories in investigations "to the maximum degree possible," consistent with EO 14281; and will not commence, develop, or continue to pursue litigation advancing disparate impact claims.
- F. Individualized Assessment of Matters:** Determination of whether an investigation or case should be prioritized under the National Enforcement Plan will be based both on the issue raised and an assessment that the strength of the investigation or case supports the decision to prioritize the matter.
- G. Broad Enforcement of Laws in EEOC's Jurisdiction:** The substantive categories of priorities enumerated below are intended to guide the agency in prioritizing which

investigations and cases to pursue. However, the Commission's enforcement activities will not be limited exclusively to the enumerated priority areas; the categories do not limit the agency from prioritizing any particular investigation or cases; and the substantive categories below are not listed in a particular order of importance.

H. Collaborating with Other Federal Agencies: The EEOC is the government's lead agency on equal employment opportunity. However, the Department of Justice, the Department of Labor, the Department of Education, and other federal agencies also play important roles in civil rights enforcement. The Commission will continue to collaborate with our sister agencies to further our mission.

I. Collaborating with State and Local Agencies: The Commission shall continue to collaborate with Fair Employment Practices Agencies (FEPAs), state attorneys general, and other state and local governmental entities to further the enforcement of the civil rights laws within the Commission's jurisdiction. Such collaboration may include workload-sharing arrangements, memoranda of understanding, coordinated investigations and litigation, information sharing, training, and other cooperative enforcement efforts consistent with applicable law.

II. Substantive Categories of Priorities

The Commission has identified several categories of substantive priorities, each of which will apply, as appropriate, to investigation, conciliation, and litigation, as well as the EEOC's amicus curiae and intervention representation. The following areas are National Enforcement Plan priorities for the Commission:

- A. Matters involving potential violations of anti-discrimination employment laws, whether on an individual, class, or systemic basis, including Commissioner charges, that raise issues under the NEP and present a substantial likelihood of broader enforcement significance beyond the parties to the dispute.
 - 1. Cases involving repeated or overt discrimination, including facially discriminatory policies, practices, and programs. Depending on the specific facts, examples may include but are not limited to:
 - a. Job advertisements that, on account of a protected characteristic, exclude or discourage certain individuals from applying, or encourage certain individuals to apply, including, but not limited to, based on race (e.g., black, Hispanic, Asian, white, male, female, or "diverse candidates" or other terms that are, or functionally operate, as race-based) or national origin (e.g., "guest worker visa holders" or "PERM applicants");
 - b. Staffing agencies, including fellowship or other similar programs, that act as a staffing agency, that exclude individuals from employment on account of a protected characteristic;
 - c. Channeling, steering, or segregating individuals into specific jobs or job duties based on protected characteristics;

- d. Company-wide policies or practices that run afoul of antidiscrimination employment laws such as mass denials of accommodations; and
 - e. Systemic harassment.
2. Matters involving intentional discrimination arising from challenging broad-based employment policies, programs, or practices that result in intentional discrimination against employees or applicants for employment, such as cases alleging patterns of discrimination in hiring, lay-offs, job mobility, fringe benefits and/or pay. This may include, but is not limited to, policies, programs, or practices that preference guest worker visa holders or PERM applicants or those policies, programs, or practices labeled or framed as “diversity, equity, and inclusion” (DEI) or similar euphemisms, often adopted by large corporations, prominent universities, and other elite institutions. Depending on the specific facts, examples of such policies, programs, or practices may include but are not limited to:
- a. Covered entities utilizing race- or sex-based quotas, including practices labeled “aspirational goals” that are proxies for quotas or otherwise encourage or incentivize race- and sex-based decision making, in any employment action, including interviewing; hiring; staffing a particular project/client teams; layoffs; and promotions;
 - b. Limiting access to on-the-job training; internships; fellowships; mentorship; sponsorship; pre-apprenticeship or apprenticeship programs; temp-to-hire positions; other job training or advancement opportunities; employer-sponsored groups or events; bonuses; fringe benefits; perks; and other terms, conditions, or privileges of employment; and
 - c. Requiring, permitting, or incentivizing the use of race and/or sex in employment decisions and actions (including, but not limited to, interviewing, hiring, promoting, demoting, or terminating). Such policies, programs, and practices may include but are not limited to diverse slate policies; diverse hiring panel policies; policies that require candidates to submit diversity statements; employee race or sex data shared with managers, the public, or other non-HR personnel or legal representatives; rubrics or other candidate evaluation methods that consider protected characteristics; and executive and other employee compensation or bonuses tied to employee race- or sex-based demographic goals or other diversity goals.
- B. Cases having the potential of promoting the development of law supporting the antidiscrimination purposes of the statutes enforced by the Commission.
1. Claims involving the application or scope of recent Supreme Court precedent or presenting unresolved issues of statutory interpretation under one or more of the statutes enforced by the Commission. In particular:
 - a. The analysis under Title VII of certain DEI practices, programs, and policies following *Ames v. Ohio Department of Youth Services*, *Muldrow v. St. Louis*, and *Students for Fair Admissions*;

- b. The analysis of voluntary affirmative action programs pursuant to *United Steelworkers v. Weber* and *Johnson v. Santa Clara County Transportation Agency* following *Ames v. Ohio Department of Youth Services*, *Muldrow v. St. Louis*, *Students for Fair Admissions*, and other recent relevant Supreme Court precedent;
 - c. The application of the “some harm” standard adopted in *Muldrow v. St. Louis*;
 - d. Employers’ obligation under Title VII to reasonably accommodate religious practices under *Groff v. DeJoy*;
 - e. Clarifying the scope of *Bostock v. Clayton County* with respect to (i) employees’ right to single-sex intimate spaces; (ii) employers’ right to provide the same; (iii) employees’ and employers’ right to express the binary nature of sex; and (iv) to employees’ right to religious accommodations for sincerely held religious beliefs; and
 - f. The scope of liability under the Pregnant Workers Fairness Act.
2. Cases involving legal issues where there is a conflict in the federal circuit courts on an NEP priority issue or in which the Commission is seeking Supreme Court resolution of such issue.
- C. Cases protecting vulnerable workers, including teenage workers, persons with limited literacy or education, individuals employed in low wage jobs, survivors of sexual assault, and workers with developmental or intellectual disabilities.
- D. Cases involving the integrity or effectiveness of the Commission’s enforcement process, particularly the investigation and conciliation of charges, including:
- 1. Cases involving allegations of retaliation against persons for participating in Commission proceedings or opposing unlawful employment discrimination, particularly cases where the scope of the statutory protection against retaliation is at issue;
 - 2. Cases where a Respondent defense is rooted in a challenge to Commission policy documents, such as guidelines, regulations, or policy guidance;
 - 3. Cases protecting Commission access to information, including subpoena enforcement proceedings and proceedings to preserve or prevent the loss or destruction of evidence;
 - 4. Cases involving allegations of a material breach of an agreement settling an earlier proceeding to which the Commission was a party; and
 - 5. Cases involving alleged violations of the Commission’s recordkeeping and reporting requirements where there is reason to believe that there may be another violation of statutes enforced by the Commission.

- E. For amicus purposes, in addition to the issues in the above subsections, cases where the agency can clarify the constitutional and statutory limitations regarding liability under the statutes it enforces in matters involving religious organizations and religious employers.
- F. Each EEOC component should ensure evenhanded enforcement of the civil rights laws enforced by the agency, mindful that as public servants, EEOC staff are working on behalf of all American workers protected by these laws.

III. Chair Priorities

The following ongoing Chair Priorities complement, and are applications of, the substantive categories of priorities listed in Section II:

- A. Remediating DEI-related race and sex discrimination;³
- B. Protecting American workers from anti-American national origin discrimination;⁴
- C. Defending women’s rights to single-sex spaces at work and workers’ rights to express the binary nature of sex;⁵ and
- D. Protecting workers’ religious liberty rights to receive religious accommodations and be free from religious discrimination, harassment, and related retaliation.⁶

IV. Implementation

- A. With the adoption of this National Enforcement Plan, the Commission hereby withdraws the Strategic Enforcement Plan, as well as any District Complement Plans or other local enforcement plans or priorities.
- B. The NEP is effective the day of approval by the Commission and will remain in effect until superseded, modified, or withdrawn by vote of a majority of members of the Commission.
- C. The NEP is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

³ See NEP § II A(1)(a)-(c); A(2); B(1)(a)-(c); *see also* 2024-2028 SEP C(1); C(3).

⁴ See NEP § II A(1)(a) and (c); A(2); *see also* 2024-2028 SEP 2024-2028 C(1); C(3).

⁵ See NEP § II A(1)(e); B(1)(c)-(e); B(2); C; E; *see also* SEP 2024-2028 C(1); C(3); C(6).

⁶ See NEP §II A(1)(d)&(e); B(1)(c)-(f); B(2); *see also* SEP 2024-2028 C(3); C(6).