EEOC Regains Quorum and Signals Major Policy Shifts Ahead

October 15, 2025
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On October 7, 2025, the United States Senate confirmed President Trump's nomination of Brittany Panuccio as the third commissioner of the Equal Employment Opportunity Commission (EEOC). Her confirmation restores the commission's quorum for the first time since early 2025 and gives the agency the power to issue, amend, or rescind regulations and guidance, and to take formal policy action under all major civil rights statutes.

Since January, Acting Chair Andrea Lucas has led the EEOC without a quorum, which prevented the agency from adopting or revising rules and limited its ability to pursue systemic litigation or other actions requiring a majority vote. With Commissioner Panuccio joining Lucas and Commissioner Kalpana Kotagal, the EEOC now holds a two-to-one Republican majority. The agency is positioned to act quickly in reshaping key regulations and enforcement priorities consistent with the administration's civil rights enforcement agenda.

Acting Chair Lucas has stated that the EEOC will focus on restoring "evenhanded enforcement of employment civil rights laws for all Americans." She has identified several priorities, including addressing what she describes as race- and sex-based discrimination linked to diversity, equity, and inclusion initiatives, expanding protections for religious liberty, reinforcing sex-based rights rooted in biological distinctions, and increasing enforcement in areas involving national origin and religious discrimination.

The Pregnant Workers Fairness Act Will Likely Be the First Target

The Pregnant Workers Fairness Act (PWFA) Final Rule, issued in 2024 under a Democratic majority, is expected to be the first regulatory area the commission revisits. Lucas has long expressed concern that the Final Rule improperly expands the phrase "pregnancy, childbirth, or related medical conditions" to include conditions such as menstruation, infertility, abortion, and menopause. She has argued that these conditions are tied to female biology and not to a specific pregnancy or childbirth, and therefore fall outside the statute's scope.

When the Final Rule was approved in April 2024, Lucas voted against it and issued a statement explaining her opposition. She stated that the regulation "fundamentally errs in conflating pregnancy and childbirth accommodation with accommodation of the female sex." She also warned that the rule's structure makes it difficult to sever the portions she viewed as unlawful from those she considered reasonable.

In May 2025, the U.S. District Court for the Western District of Louisiana agreed in part, vacating the section of the Final Rule that interpreted the PWFA as requiring accommodations for elective abortions. The court ordered the EEOC to revise the rule, but the agency was unable to do so without a quorum. Now that a quorum has been restored, the EEOC is well-positioned to

issue a revised version that reflects both the court's order and Lucas's interpretation of the statute.

Until the revised rule is published, the current PWFA Final Rule remains in effect except for the vacated abortion provision. Employers should therefore continue to comply with existing requirements while preparing for potential revisions that may narrow the definition of "related medical conditions" and reduce the range of circumstances requiring accommodation.

Anticipated Shifts in Other Enforcement Priorities

The EEOC is expected to move quickly in several additional areas.

The first is diversity, equity, and inclusion initiatives. The agency has already emphasized that Title VII does not recognize any "diversity" or "equity" justification for making employment decisions based on protected characteristics. Employers should expect additional technical assistance and enforcement activity aimed at programs that take race, sex, or other protected traits into account in hiring, promotion, compensation, or participation in mentorship and employee resource programs.

The second is religious accommodation. Following the Supreme Court's decision in *Groff v. DeJoy*, which heightened the standard employers must meet to show that a religious accommodation would create an undue hardship, the EEOC is expected to take an expansive approach favoring employees. Lucas has a long record of supporting religious liberty initiatives and is likely to prioritize this area in future enforcement actions.

The third involves LGBTQ protections. The EEOC may reconsider its interpretation of *Bostock v. Clayton County* and revisit its 2024 harassment guidance, which included examples related to pronoun usage and access to facilities consistent with gender identity. The agency has already removed certain gender identity resources from its website, suggesting that further revisions are imminent.

Finally, the restoration of a quorum means that the EEOC can again authorize systemic or "pattern or practice" litigation and file amicus briefs in significant appellate cases. While reports indicate that the commission has deprioritized cases based on disparate impact theory, employers should remember that private plaintiffs and state enforcement agencies can still pursue such claims under Title VII and related laws.

What Employers Should Do Now

Employers should continue to comply with the current PWFA Final Rule, but monitor developments closely as the EEOC prepares revisions. They should review their diversity and inclusion programs to confirm that participation criteria and selection practices are neutral and compliant with Title VII. Religious accommodation policies should be updated to reflect the stricter standard established in *Groff v. DeJoy*, and harassment and equal opportunity training materials should be reviewed for consistency with potential upcoming changes to EEOC guidance.

The restoration of a quorum marks a turning point for the EEOC. With full authority restored and a clear policy direction under Acting Chair Lucas, the agency is likely to move swiftly to revise the PWFA regulations, issue new guidance on DEI and religious rights, and revisit prior positions on gender identity and sexual orientation. Employers should expect significant regulatory activity in the coming months and prepare to adapt their workplace policies and practices accordingly.