

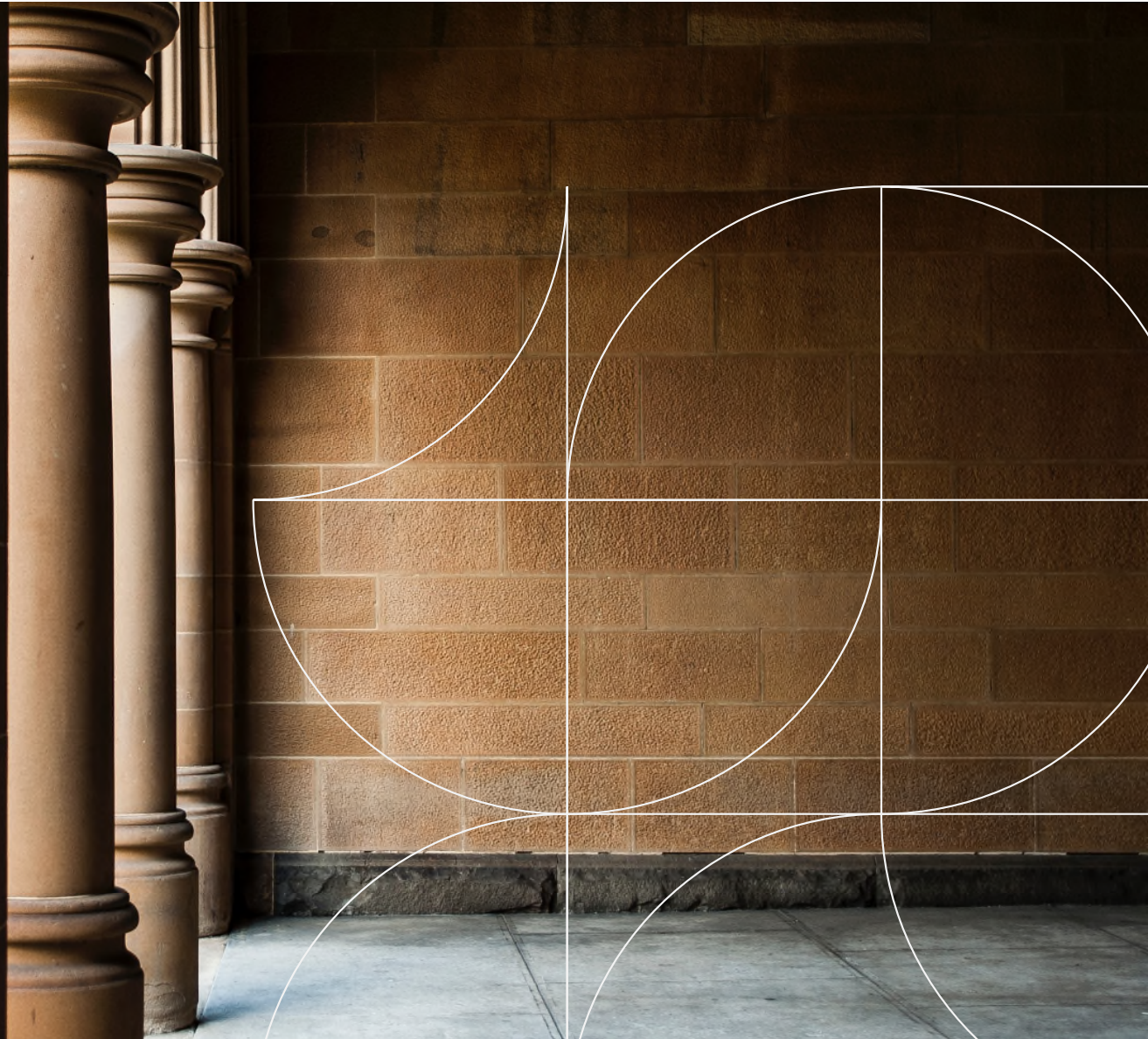


# Developments In EEOC Enforcement in FY 2024

February 2025

**Seyfarth Shaw LLP**

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# Speakers

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 James-Nasiri

# What We Will Cover

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- 01** The EEOC's Lineup
- 02** EEOC Charge Data By The Numbers
- 03** EEOC Litigation By The Numbers
- 04** EEOC Resolution Analysis
- 05** EEOC Strategic Enforcement Priorities
- 06** EEOC Litigation – Emerging Issues
- 07** Things To Come In 2025

## The EEOC's Lineup

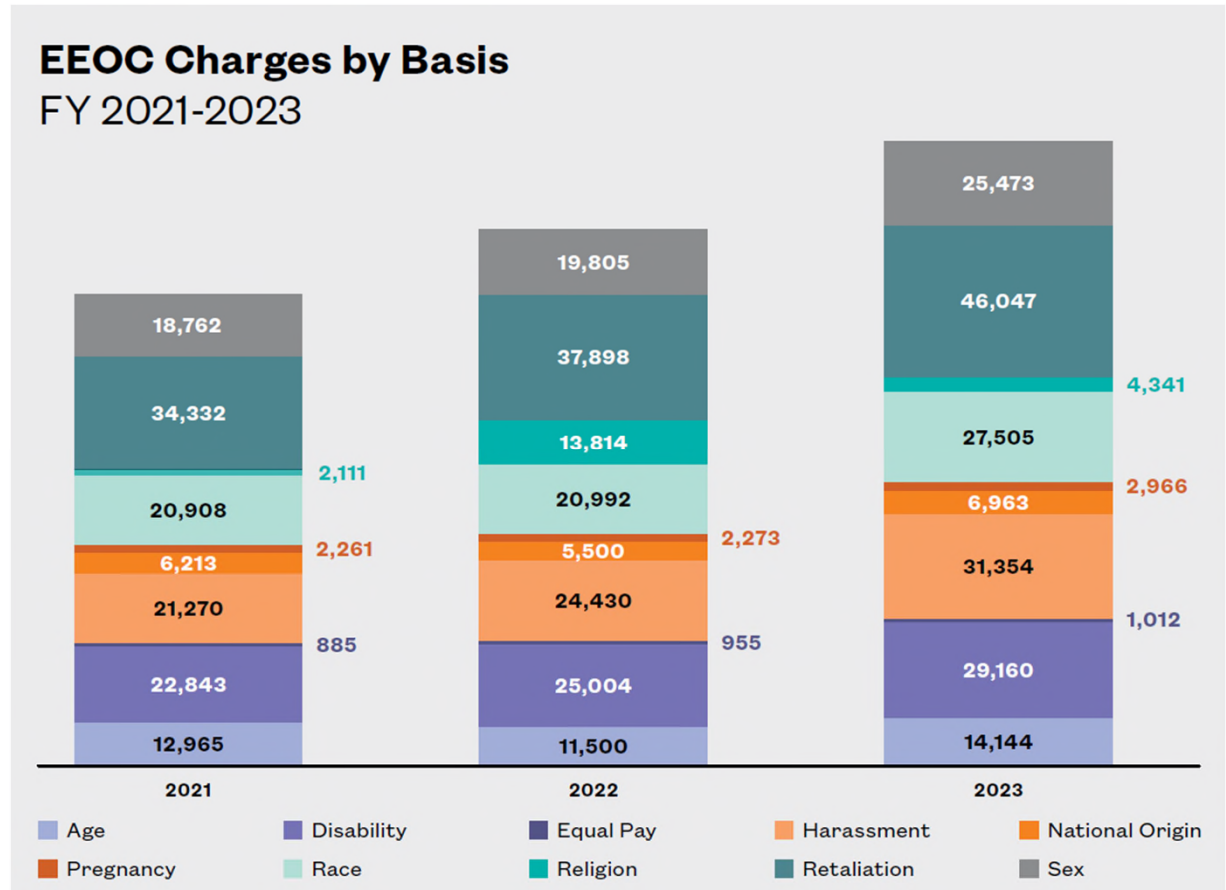
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- Why does it matter?
  - The Commissioners' new and expanded role
- Current Commissioners and their backgrounds
  - *Three vacancies? No quorum*
  - *Andrea Lucas – Currently the only remaining Republican Commissioner, appointed acting Chair.*

# EEOC Charge Data By The Numbers

- Charge data demonstrates *how American workers* feel they are being treated by their employers
- **Retaliation** is consistently the most common allegation in EEOC charges
- FY 2023 saw a major drop in religious discrimination charges

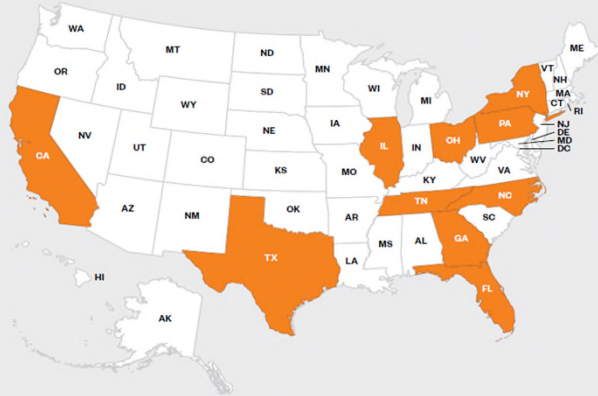


# EEOC Charge Data By The Numbers

## Top 10 States in EEOC Charges Received FY 2023

### CHARGES RECEIVED BY STATE

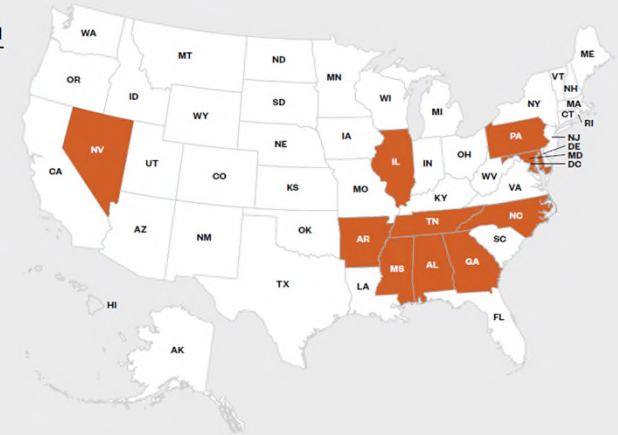
- Texas: 8,221
- Florida: 6,289
- Georgia: 5,738
- California: 5,143
- Pennsylvania: 4,749
- Illinois: 4,627
- New York: 4,011
- North Carolina: 3,791
- Tennessee: 2,786
- Ohio: 2,665



## Top 10 States in EEOC Charges Received Relative to State Population FY 2023

### CHARGES RECEIVED PER 10,000 POPULATION

- Georgia: 5.20
- Arkansas: 4.53
- Tennessee: 3.91
- Mississippi: 3.90
- Nevada: 3.85
- Illinois: 3.67
- Pennsylvania: 3.66
- Alabama: 3.60
- North Carolina: 3.50
- Maryland: 3.38



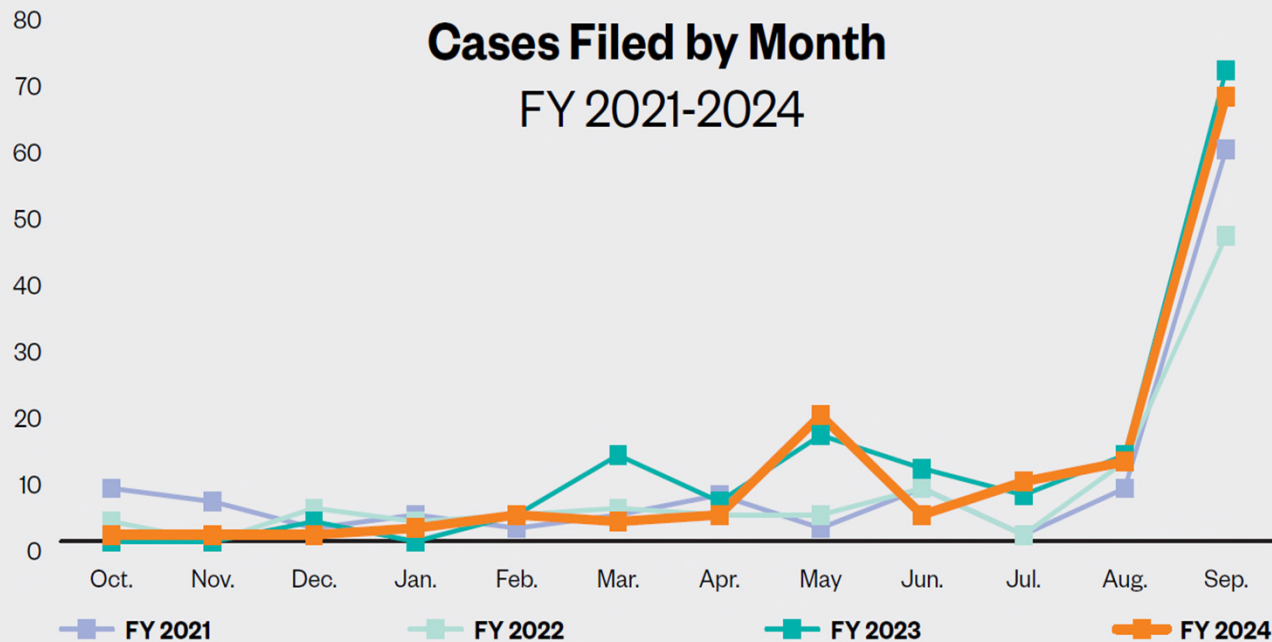
2024 state population data courtesy  
of [census.gov](https://www.census.gov).

*Compare overall charge data*

*vs.*

*Charge data adjusted per capita*

# EEOC Litigation By The Numbers

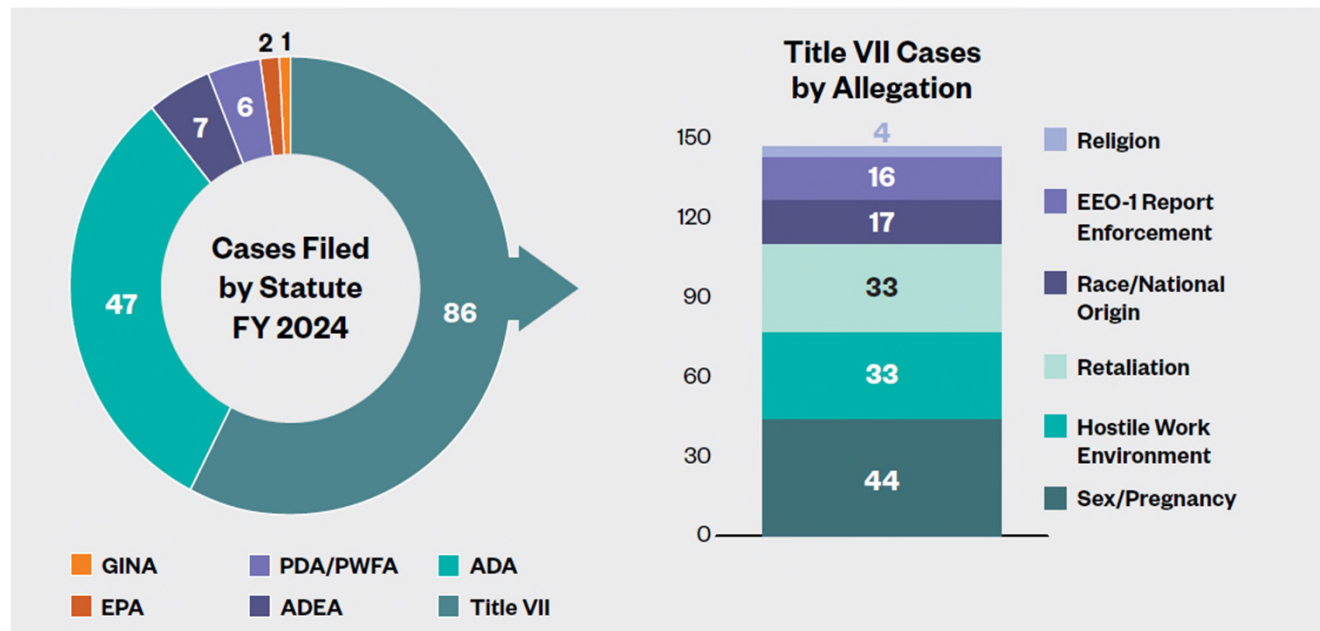


- Overall merit filing numbers by month
  - Slight drop in filings in FY 2024 compared to FY 2023
- **September** is always a busy time for the EEOC (end of its FY)



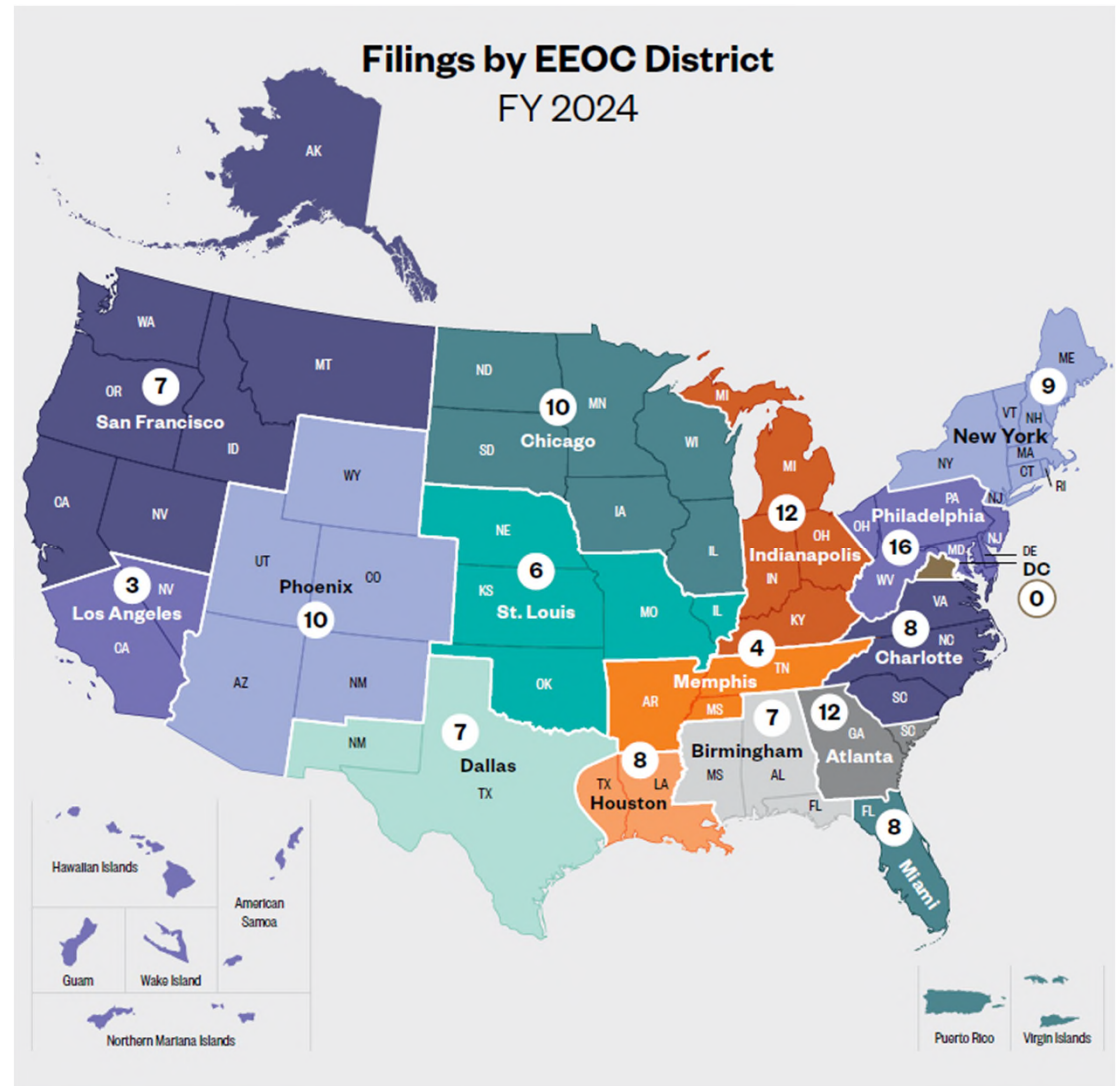
# EEOC Litigation By The Numbers

- Breakdown of claims
- **Title VII** is always the most commonly cited statute, followed by the **ADA**
  - Notable **PDA/PWFA** increase, with the introduction of the PWFA in 2023.
  - EEO-1 Report Enforcement in increase.



# EEOC Litigation By The Numbers

- **Philadelphia Office** led the way, with 16 filings, although, this is down from 22 filings in FY 2023.
- The **Atlanta** and **Indianapolis Offices** showed uptick
- The **Los Angeles Office** saw a significant decrease with only 3 filings this year. Down from 10 in FY 2023.



# EEOC Resolution Analysis

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- The EEOC must **conciliate** (attempt settlement) after finding reasonable cause that a violation has occurred before filing suit.
- If an employer engaged in litigation with the EEOC makes a strategic decision to settle, the EEOC will offer its terms of settlement in a **consent decree**.
  - The terms of a settlement with the EEOC may also be set out in a more traditional **settlement agreement**.
- The EEOC will occasionally obtain a **trial judgment**, in which case it will likely seek to enforce every injunctive relief provision in the consent decree without revision or limitation.

# EEOC Strategic Enforcement Priorities – New SEP for FY 2024-2028

1

**Eliminating Barriers In Recruitment and Hiring:** The EEOC will focus on recruitment and hiring practices and policies that discriminate on any basis unlawful under the statutes EEOC enforces, including sex, race, national origin, color, religion, age, and disability.

2

**Protecting Vulnerable Workers:** The EEOC will focus on harassment, retaliation, job segregation, labor trafficking, discriminatory pay, disparate working conditions, and other policies and practices that impact particularly vulnerable workers and persons from underserved communities.

3

**Addressing Selected Emerging And Developing Issues:** The EEOC will continue to prioritize issues that may be emerging or developing, including issues that involve new or developing legal concepts or topics that are difficult or complex.

4

**Advancing Equal Pay For All Workers:** The EEOC will continue to focus on combatting pay discrimination in all its forms—on the basis of sex under the Equal Pay Act and Title VII, on other protected bases covered by federal anti-discrimination laws, including race, national origin, disability, and age, and at the intersection of protected bases.

5

**Preserving Access to the Legal System:** The EEOC will focus on policies and practices that limit substantive rights, discourage or prohibit individuals from exercising their rights under employment discrimination statutes, or impede the EEOC's investigative or enforcement efforts.

6

**Preventing and Remedying Systemic Harassment:** The EEOC will continue to focus on combatting systemic harassment in all forms and on all bases—including sexual harassment and harassment based on race, disability, age, national origin, religion, color, sex (including pregnancy, gender identity, and sexual orientation) or a combination or intersection of any of these. A claim by an individual or small group may fall within this priority if it is related to a widespread pattern or practice of harassment.

# EEOC Litigation – Emerging Issues

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- **Pregnancy** accommodations and PWFA guidelines.
- **Emerging issues: Continued ADA focus** – *mental health related conditions & FY 24 hearing impairment focus.*
- **Use of technology (?)**
  - **Use of artificial intelligence discrimination in hiring** – *“algorithmic” discrimination*
  - **Wearable Technologies** – *New EEOC Fact Sheet addressing advancing technologies*



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### You will need:

1. **Title:** 2025 EEOC Enforcement Developments and Trends
2. **Date Viewed:** February 6, 2025
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State-specific CLE credit information can be found in the form.

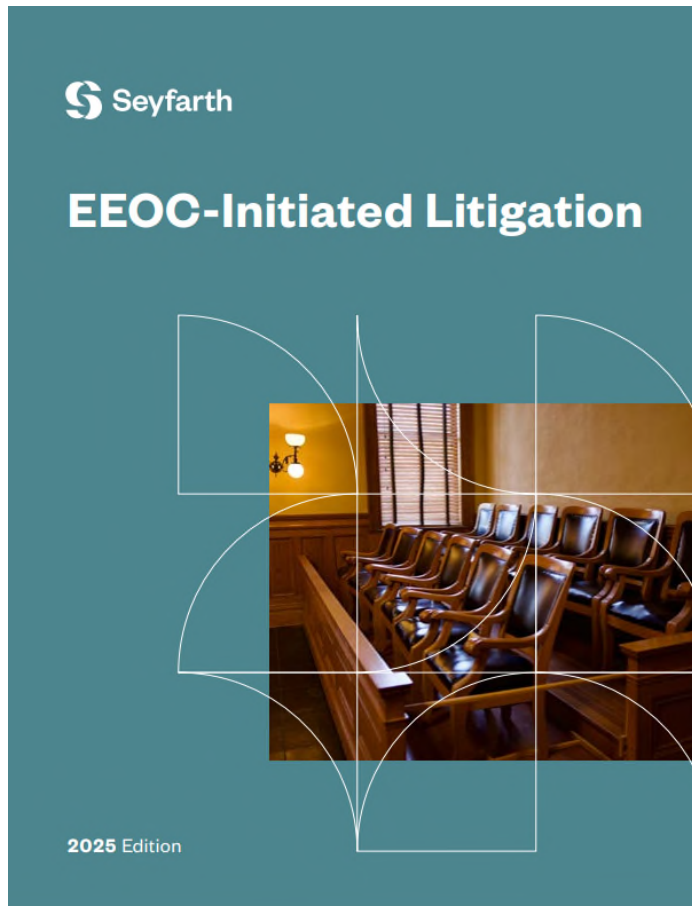
# Things To Come In 2025

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- Expected litigation focus for the remainder of FY 2025
- Best practices to stay off EEOC's radar



# About The Book



- Analyzes new lawsuits filed and other enforcement activities initiated in the EEOC's most recent fiscal year
- Analyzes recent court decisions impacting substantive and procedural developments in EEOC-initiated litigation
- Distributed to thousands of companies, corporate counsel, and journalists



**thank  
you**

**contact information**

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## **Agenda**

### **Developments in EEOC Enforcement in FY 2024**

Thursday, February 6, 2025

9:00 am – 10:00 am PT / 11:00 am – 12:00 pm CT / 12:00 pm – 1:00 pm ET

Speakers: Chris DeGross, Andy Scroggins, James Nasiri, Samatha L. Brooks

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- I.** EEOC's Lineup – 5 minutes
- II.** EEOC Charge Data By the Numbers – 10 minutes
- III.** EEOC Litigation By the Numbers - 10 minutes
- IV.** EEOC Resolution Analysis – 5 minutes
- V.** EEOC Strategic Enforcement Priorities – 15 minutes
- VI.** EEOC Litigation and Emerging Issues – 10 minutes
- VII.** Things to Come in 2025 – 5 minutes