

January 12, 2026

By Electronic Mail

Andrea Lucas
Chair
U.S. Equal Employment Opportunity Commission
131 M Street, N.E.
Washington, D.C. 20507

Dear Chair Lucas:

We write to express our strong opposition to the Equal Employment Opportunity Commission's (EEOC) proposed "rescission of commission voting procedures," which it plans to consider at its upcoming meeting on January 14. The voting procedures currently in place help facilitate transparency and adequate opportunity for consideration for all commissioners prior to a vote. Rescinding these procedures would inappropriately consolidate power and discretion in the hands of the Chair, eroding the integrity of this bipartisan commission and paving the way for drastic changes to civil rights enforcement to occur behind closed doors without substantive opportunity for deliberation.

The voting procedures at issue formalized longstanding agency practice, including important rights held by all commissioners. These procedures codified document circulation timelines, which ensured that all commissioners had reasonable opportunity to review proposals—including regulations, guidance, and litigation recommendations—before a vote. The procedures also included the right of any commissioner to schedule a public meeting before a commission vote could take place, which provides the only opportunity for the full commission to deliberate on proposals and ensures greater transparency for the public with respect to the agency's actions. While the procedures were codified in January 2025, they reflect longstanding agency practices that have consistently been honored by all commissioners.

Congress designed the EEOC as a bipartisan, multi-member commission, and attempted to protect it from being captured by the executive; these voting procedures helped actualize that vision. This effort to rescind the commission's voting procedures is a power grab that appears intended to further politicize the agency. By consolidating power in the Chair and removing opportunities for dissent and transparency, these changes would undermine the integrity of the Commission itself, and make Commission votes nothing but a performative rubber stamp to impose the political agenda of whatever administration is in power. We are deeply concerned that rescinding these voting procedures will allow the commission to move forward with significant actions to undermine anti-discrimination enforcement—including rescinding the workplace harassment guidance, rolling back guidance and regulations prohibiting unjustified discriminatory effects (disparate impact discrimination), and more—without adequate opportunity for commission deliberation and public scrutiny. Workers count on the EEOC to uphold their civil rights, and these changes will further erode trust in the Commission and harm all workers, particularly Black workers and other workers of color, women workers, LGBTQI+ workers, and workers with disabilities.

We strongly urge you to preserve the existing voting procedures to ensure commission decisions are made with adequate opportunity for review, deliberation, and transparency. With any questions, please reach out to Josh Boxerman, National Employment Law Project (jboxerman@nelp.org), Katie Sandson, National Women's Law Center (Ksandson@nwlc.org), and Sharita Gruberg, National Partnership for Women & Families (sgruberg@nationalpartnership.org).

Sincerely,

National Women's Law Center

National Employment Law Project

National Partnership for Women & Families

AFL-CIO

American Association of University Women (AAUW)

American Civil Liberties Union

Americans United for Separation of Church and State

Center for Law and Social Policy (CLASP)

Central Missouri Women in Trades

Chicago Women in Trades

Coalition on Human Needs

Equal Rights Advocates

Institute for Women's Policy Research

Jobs with Justice

Justice for Migrant Women

Legal Defense Fund (LDF)

Legal Momentum, The Women's Legal Defense and Education Fund

National Action Network

National Disability Rights Network (NDRN)

National Employment Lawyers Association

National Institute for Workers' Rights

National Organization for Women

National Urban League

PowHer New York

The Sikh Coalition

Women Employed

Workplace Fairness

Workplace Justice Project (New Orleans, LA)

Cc:

Brittany Panuccio, Commissioner, U.S. Equal Employment Opportunity Commission

Kalpana Kotagal, Commissioner, U.S. Equal Employment Opportunity Commission