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# EEOC Quorum Restored: What Changes

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The EEOC regained a quorum on October 7, 2025, when Brittany Panuccio was confirmed by the Senate, restoring three sitting Commissioners: Acting Chair Andrea Lucas, Kalpana Kotagal, and Brittany Panuccio. With three members seated, the Commission can again take actions that legally require Commission votes.

## Brief History

- **January 28, 2025:** The EEOC lost its quorum after Commissioners Charlotte A. Burrows and Jocelyn Samuels were removed, leaving only two of five seats filled.
- **January–October 2025** (no-quorum period): Field operations continued (charge intake, investigations, mediations, subpoenas, conciliations), but actions requiring Commission votes were largely paused.
- **October 7, 2025:** Quorum restored with Brittany Panuccio's confirmation.

## How Voting Works

With three Commissioners now seated, the EEOC can finally take up business that requires formal votes. Three members make a quorum, and actions pass by majority. In practice, that means two of the three Commissioners can approve items, whether that's green-lighting a systemic lawsuit, adopting or rescinding guidance, or updating the Strategic Enforcement Plan. Recusals can complicate headcounts on specific matters, but as long as three are in office, the Commission can operate, and a two-vote majority carries the day.

## What the Commission Does and Why It Matters

Commissioners choose which big cases the EEOC will bring, what guidance investigators and courts will rely on, and which priorities get elevated nationwide. When the Commission speaks, through votes on litigation, guidance, or the enforcement plan, field offices follow. A functioning quorum is difference between idling and actually moving policy.

## What the EEOC Could Not Do Without a Quorum

For more than eight months, investigation work continued, as charges were filed and probed, mediations and conciliations occurred, and subpoenas issued, but the Commission couldn't touch anything that required a vote (e.g. no new or rescinded guidance). The result was a holding pattern on the most consequential levers of policy and enforcement.

## What the EEOC Can Do Now

Now that the quorum is back, those levers are live again. Expect the Commission to revisit items that stacked up during the pause and to move quickly on priorities that align with the current majority.

- **Significant litigation can advance.** Systemic and pattern-or-practice matters that require Commission approval can be authorized with two votes, clearing the way for larger, higher-impact filings.
- **Guidance can be updated or withdrawn.** Technical assistance and policy statements, on harassment, DEI-related practices, religious accommodation, AI in HR, and more, can be issued or revised, tightening the interpretive framework investigators bring to cases.
- **Policy and rulemaking steps can proceed.** Where Commission approval intersects with data and reporting with standards under laws like the PWFA, the Commission can now align, adjust, or initiate changes.
- **Priorities can be reset.** By refreshing the Strategic Enforcement Plan, the Commission signals where scrutiny will intensify, steering resources toward the themes the majority sees as most urgent.

## Practical Takeaways

We expect faster movement at the policy level and a clearer line of sight into where the Commission intends to push next. With a quorum restored, agendas can advance without delay and signals will be easier to read. For employers, the takeaway is practical: two votes can now launch big cases, rewrite or rescind guidance, and redirect enforcement attention, shaping priorities in real time and raising the stakes for compliance and risk planning.