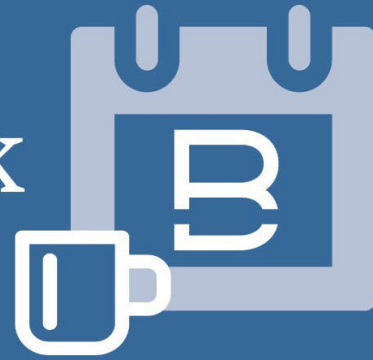


The Work Week

Bassford Remele Employment Practice Group



May 18, 2026

Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

[Bassford Remele Labor & Employment Practice Group](#)

EEO Reporting Days May Be Numbered – But You’re Not Off the Hook Yet

[Cassandra M. Jacobsen](#)

On May 14, 2026, the Equal Employment Opportunity Commission submitted a [proposed rule](#) to the Office of Information and Regulatory Affairs (OIRA) that would fundamentally reshape—or more accurately, eliminate—decades of federal employment data reporting requirements. The proposal seeks to rescind the EEO-1, EEO-2, EEO-3, EEO-4, and EEO-5 forms, along with broader reporting obligations tied to Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), and the Pregnancy Workers Fairness Act (PWFA).

What the Proposed Rule Would Do

The EEO-1 report has been a cornerstone of federal employment compliance for decades, requiring private employers with 100 or more employees to submit annual workforce demographic data broken down by job category, race, ethnicity, and sex. Labor unions, state and local governments and school systems are also required to file similar reports via EEO-2 through EEO-5 forms. These forms have been instrumental tools used by the EEOC to identify employment patterns, enforce civil rights statutes, and detect potential discrimination.

If finalized, the rescission rule would eliminate these mandatory reporting requirements entirely, effectively dismantling the federal government's primary mechanism for collecting and analyzing workforce diversity data across the United States. This would represent a significant policy reversal from the regulatory posture of the previous several years, during which the EEOC actually expanded and refined EEO-1 reporting requirements.

Recent Changes to EEO Reporting

This proposed change follows the EEOC's 2025 elimination of employers' ability to voluntarily report employees identifying as nonbinary, requiring binary sex reporting (male or female) only. While companies may continue to track broader gender identity internally for diversity initiatives, federal reporting now requires this binary classification.

Filing windows have become increasingly compressed in recent years. The 2024 collection window opened in May 2025 and closed in late June—a notably tight timeline that the EEOC attributed to efforts to identify cost savings.

What Employers Should Do Now

No action is required at this time. The proposal remains in the regulatory review stage at OIRA and has not yet been published in the Federal Register for public comment. The normal rulemaking process requires Federal Register publication, a public comment period, and subsequent EEOC review of comments before a final rule is issued. This process typically takes months, if not longer.

In the meantime, employers must continue to meet all current EEO reporting obligations as if nothing has changed. Those required to file EEO-1 reports should continue monitoring the EEOC's website for announcement of the 2025 data collection timeline and maintain compliance with existing reporting requirements. They should also continue monitoring industry resources, and watch for Federal Register notices once the proposed rule is published to allow adequate time for meaningful planning if and when final rules are adopted.

The Bassford Remele Labor and Employment Group closely monitors activity at the Equal Employment Opportunity Commission to help advise employers of changes to federal employment laws. Please reach out if you need any assistance.

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