

# Employer Action Checklist

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The EEOC is currently operating a two-track system. While the “Four Pillars” dictate the agency's public narrative, the ADA continues to drive the sheer volume of its litigation docket. Employer strategies should be prioritized accordingly:

- Audit ADA Accommodation Requests: With disability claims making up 40% of new filings, ensure that the interactive process is documented in writing for every request to prevent systemic liability.
- Review DEI Language: Re-evaluate diversity and inclusion policies to ensure they do not cross the line into the “unlawful” territory currently being targeted by the Commission’s “four pillars.”
- Verify “Human in the Loop” for AI Hiring: If utilizing automated tools for sorting applications, ensure there is a clear human audit trail. You can outsource the labor to an algorithm, but you can never outsource the liability.
- Conduct and Document Manager Training: Frontline supervisors are often the source of claims. Ensure regular training so managers understand the law and the company's policies—and know where to turn before a mishap occurs.
- Centralize Policy Oversight: Because the EEOC has centralized its litigation voting at the Commissioner level, employers should similarly centralize their response to charges to ensure consistency across the organization.