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# Federal Worker EEO Process Eyed for Major Overhaul in Trump Plan

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The Trump administration plans to dramatically reduce discrimination complaint processing options for federal workers, according to two people familiar with the proposal.

The plan from the White House's Office of Management and Budget and the Equal Employment Opportunity Commission would eliminate key steps — namely, an initial complaint counseling process and the right for federal workers to request a hearing before an EEOC judge, the people confirmed, speaking anonymously to prevent retaliation.

The overhaul was presented to staffers from across federal agencies during a closed-door briefing at EEOC headquarters in Washington on July 27, they said. The changes appear to be part of a broader effort to destabilize the federal workforce, which is still reeling from personnel policy shakeups and widespread layoffs.

Currently, federal workers who believe they experienced discrimination must follow **a multi-step process** that typically includes working first with an EEO counselor within their agency and potentially participating in alternative dispute resolution.

If the dispute remains unresolved, the federal worker can submit a formal complaint to their agency's EEO office, which will investigate, resulting in either a hearing before an EEOC administrative judge or a final agency decision on whether discrimination occurred.

The people familiar said the new proposal would have all investigations end in a final agency decision — with the EEOC's Office of Federal Sector, formerly known as the Office of Federal Operations, holding the power to decide whether to grant an administrative judge hearing. Workers may still file a federal court complaint after the administrative process is complete.

The plan would also get rid of class complaints, the processing of which was allegedly **suspended by the EEOC** late last year. The suspension directive drew a lawsuit earlier this week from the American

Federation of Government Employees, which represents about 800,000 federal workers.

A notice of proposed rulemaking is expected to be published in the Federal Register in September, one of the people familiar with the plan said.

An EEOC spokesperson declined on Friday to discuss the specifics of the proposal, but said any proposed rulemaking approved and published following a majority vote of the commission will explain the agency's rationale for altering the complaint process for federal workers.

"Consistent with the APA, the Commission would carefully consider all comments submitted through the public comment process before taking any final action," the EEOC spokesperson said, referring to the Administrative Procedure Act.

Spokespeople for the White House and OMB didn't immediately respond to requests for comment. A spokeswoman for the Office of Personnel Management, the Trump administration's top HR office, declined to comment.

## Potential Consequences

Since the start of President Donald Trump's second term in office, the administration has targeted the federal workforce. The administration has invalidated **collective bargaining** rights for two-thirds of workers, **stripped** watchdog agencies of their leadership, and **eliminated** removal protections for many civil servants. In September, the administration began downsizing the number of EEO offices across the federal government.

Attorneys who handle federal workers' discrimination cases said the changes could hurt the clients they represent by pushing them out of the administrative process and into the courtroom.

The federal court process is more costly, often demanding lengthy discovery that drives up legal fees, they said. Some cases last years, requiring complainants to find new jobs to survive.

"It would just fundamentally change the way this process has worked for decades," said Shannon Leary, a partner at Gilbert Employment Law P.C. who focuses on gender discrimination. "We'll have lost the ability to tell clients 'you'll get a fair shot here and you won't have to take out a second mortgage on your house."

"These are small civil rights cases," she added, "and a lot of these clients can't pay."

The plan would shift the complaint process from the EEOC to the agencies where the alleged discrimination occurred.

"This is the fox guarding the chicken coop kind of problem where you're asking your employer to find that it discriminated against you," said Joseph Sellers, founder and partner at plaintiff's firm Cohen Milstein Sellers & Toll LLP.

The EEOC process can save tens of thousands of dollars for the complainant and the taxpayers, said **Ariel Solomon**, a Washington-based attorney who specializes in whistleblower retaliation cases. For example, a recent case that cost $90,000 before the EEOC had a comparable case that ran upwards of $500,000 in federal court, she said.

The inflated costs in court diminish the odds of reaching a settlement, Solomon said.
"If they're asking for less, it's more attractive to the other side," she said. "It's astronomically more cost-effective."

The EEOC backlog for federal-sector hearings is expected to balloon to 8,500 in the 2027 fiscal year, from 5,600 in 2023, according to a **budget estimate submitted to Congress** in March. The proposal could simply shift the burden to the courts, said Eric Pines, a Houston-based attorney who represents federal workers.

"The positive is, it could be that just the good cases will end up going to hearing," Pines said. "But in the climate we're in now, it could also be that — just like most final agency decisions go against the employees — it could be a way of saying 'you'll never get a hearing again.'"