

## **2026 EEO Compliance Checklist**

This checklist is a companion piece to our January 2026 webinar, [Your EEO Compliance Playbook for 2026](#), which provided timely insights and practical guidance for employers navigating this complex environment. While this checklist includes key EEO compliance items for employers to consider, it is not a comprehensive list of all EEO obligations.

### **General Risk Mitigation**

- Monitor social media and public scrutiny of employment practices.
- Ensure consistency between written policies and actual practices.
- Document all employment decisions and the factors considered.

### **EEO Compliance & Federal Enforcement**

- Review all EEO policies for alignment with current federal priorities.
- Monitor updates from the DOJ, EEOC, and DOL regarding enforcement trends.
- Prepare for potential audits and whistleblower complaints.
- Ensure compliance with existing federal civil rights laws, including disparate impact and proxy theories. Remember, the law under Title VII, the ADA and the ADEA was not changed by recent executive orders.

### **State & Local Law Compliance**

- Track state and local expansions in EEO, pay equity, and transparency laws.
- Review and update policies to comply with state-specific requirements.
- Coordinate with procurement to monitor state contract obligations.

### **OFCCP & Federal Contractor EEO Obligations**

- Maintain affirmative action plans for individuals with disabilities and protected veterans.
- Monitor the status of OFCCP funding and new EO 14173 contract certification requirements.
- Prepare for potential OFCCP audits and complaint investigations.

### **Policy & Training Updates**

- Regularly review and update DEI, nondiscrimination, and religious accommodation policies and practices.
- Train managers and employees on all compliance requirements.
- Document all training and policy dissemination.

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### **Pay Equity & Transparency**

- Conduct regular pay equity audits (covering all demographics).
- Benchmark compensation against market data and refresh pay ranges as needed.
- Track and comply with state salary range posting requirements.
- Prepare for state and local pay data reporting (e.g., CA, IL, MA, NYC).
- Document and remediate pay disparities thoughtfully and lawfully.

### **Artificial Intelligence (AI) in HR**

- Inventory all HR systems and tools for AI features.
- Monitor for state and federal AI compliance requirements.
- Conduct bias audits on AI-driven selection procedures.
- Ensure AI tools are job-related and validated.
- Train HR and managers on responsible AI use.

### **Immigration & Visa Compliance**

- Review visa sponsorship and immigration compliance processes.
- Review practices for Anti-American bias, such as job postings that prefer workers with a specific visa status or harassment based on national origin.

### **Recordkeeping & Data Management**

- Continue to collect and monitor demographic data for compliance.
- Limit access to sensitive demographic data; do not use in employment decisions.
- Track merit-based variables used in hiring and promotion decisions.
- Review and update data retention and access policies.

**Need help navigating these changes? Contact Berkshire for expert support in workforce analytics, pay equity and reporting, compliance, and litigation consulting.**