THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
MARK D. LEVINE

August 24, 2026

Via Federal eRulemaking Portal (www.regulations.gov)

Raymond Windmiller
Executive Officer
Executive Secretariat
U.S. Equal Employment Opportunity Commission
131 M St. N.E.
Washington, D.C., 20507

**RE: Removal of Reporting Requirements, Posted by the Equal Employment Opportunity Commission on July 23, 2026;
Docket ID. No.: EEOC-2026-0034-001
RIN 3046-AB37**

Dear Executive Officer Windmiller:

I write as the Comptroller of the City of New York ("Comptroller") to voice my strong opposition to the Equal Employment Opportunity Commission's proposed rescission of EEO reporting requirements under 29 C.F.R. Part 1602. In my capacity as the Comptroller, I serve as investment adviser, custodian, and a trustee for the five New York City Pension Funds, which safeguard the retirement security of 700,000 active and retired workers, including teachers, firefighters, police officers, nurses, and sanitation workers. My comments focus on the importance of preserving mandatory EEO-1 reporting, which many companies have voluntarily chosen to disclose publicly, precisely because of the value it has to the investment community.

My office's Corporate Governance and Responsible Investment group uses EEO-1 Reports to analyze variations in the racial/ethnic and gender composition of a company's workforce across multiple years, and to benchmark that company's workforce demographics to its peers. The data contained in EEO-1 Reports allows us to better perform a holistic assessment of the risks and opportunities presented by a company's human capital management program.

The Importance of Standardized, Consistent, Comparable Workforce Demographic Data

The EEO-1 Report breaks down a company's U.S. workforce by race, ethnicity and gender according to 10 employment categories, including senior management, defined to incorporate individuals within two reporting levels of the CEO.

Instead of company-specific methodologies, definitions, and data sets – published whenever a company decides to disclose this information, institutional investors appreciate that the EEO-1 Report, when voluntarily disclosed by a company, provides annual, consistent, comparable and useful information to benchmark a company to its peers.

As a result, investor advisors, as well as investors at large, are better able to assess workforce demographic data such as:

- Standardized, quantitative, and reliable data in categories as defined by the EEOC, that is comparable across companies and industries, allowing for the assessment and comparison of workforce demographics at portfolio companies;
- Specific data on senior management composition; and
- Particularized data that allows for meaningful, year-over-year comparisons.

Furthermore, companies' voluntary disclosure of their EEO-1 Reports is a cost-effective means for them to make public their workforce composition because they are already collecting and submitting the data to the EEOC.

Since July 2020, my office has actively and successfully engaged with many of the country's largest companies to secure their commitment to voluntarily disclose their EEO-1 Reports. As a result of this work, voluntary disclosure quickly became a leading market practice. As of January 27, 2025, more than 80% of S&P 500 companies and over 50% of Russell 1000 companies were voluntarily disclosing their EEO-1 Reports. This marked a dramatic shift from 2018, when fewer than 1% of companies disclosed the report—progress driven in large part by my office's sustained efforts.

Voluntary disclosure of EEO-1 Reports reached its peak when almost all S&P 100 companies and nearly 400 S&P 500 companies were making these reports public; however, some companies have since backtracked. Our reference to this widespread uptake reflects that former peak. Eliminating mandatory reporting will deprive the investment community of information they have come to rely on in evaluating the potential risks and opportunities presented by a company's human capital management program.

A peer-reviewed 2024 study, titled "Impact of Diversity and Inclusion on Firm Performance: Moderating Role of Institutional Ownership," analyzed 8,089 firm-year observations from globally listed firms using ordinary least squares regression. The study found that companies with higher diversity and inclusion scores tend to perform better.

More specifically, the researchers concluded: “In a dynamic business environment that demands creative solutions to emerging challenges, the importance of a diverse and inclusive workforce, one possessing a range of skills, experiential knowledge, and cultural perspectives, is undeniable in efforts to enhance firm performance… Addressing diversity and inclusion issues also enhances a company’s reputation in the business world.” [1]

Without mandatory EEO-1 reporting, regulators, investors and academics would lose access to the country’s most comprehensive and standardized source of workforce demographic information – cutting off the empirical foundation needed for evidence-based policymaking and for understanding human capital management risks and opportunities.

Irrational Cost-Benefit Analysis by the EEOC

The EEOC states that the proposal will result in cost savings for the agency of approximately $3.89 million annually. In the context of the EEOC’s overall budget, which is over $430 million, these cost savings are negligible. More important for the EEOC’s bottom line is this: how does the EEOC plan to identify, investigate, conciliate or litigate discrimination claims going forward without the requirement for employers to maintain and to report consistent, comparable workforce data? ***In rescinding the requirement for reporting, the EEOC would likely face increasing expenses****,* as the agency would have to employ costly legal processes to require employers to produce the data.

As recently as April of 2026, the EEOC touted the recovery of a total of $660 million for employees who faced discrimination, with the headline: “EEOC Highlights Record-Breaking Results in Agency Reports.” This amount is billed as the “third highest total monetary recovery in recent history,” of which $528 million was collected *through its pre-litigation enforcement process,* “the highest such recovery in the agency’s 60-year history.”[2]

In doing the math, the EEOC appears to be proposing that the savings of less than 1% of their total budget may be more important than the ability to generate record-breaking monetary recoveries – while paving the way for increasing investigatory costs.

This makes no sense. As the EEOC’s releases state: “The EEOC is the sole federal agency authorized to investigate and litigate against businesses and other private sector employers for violations of federal laws prohibiting employment discrimination.” How can the EEOC efficiently perform this purpose by removing a data source directly relevant to its functioning?

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[1] Rubel Saha, Md Nurul Kabir, Syed Asif Hossain & Sheikh Mohammad Rabby, 2024. “Impact of Diversity and Inclusion on Firm Performance: Moderating Role of Institutional Ownership,” Journal of Risk Management; available at Impact of Diversity and Inclusion on Firm Performance: Moderating Role of Institutional Ownership

[2] Press Release, dated 04/06/2026; “EEOC Highlights Record-Breaking Results in Agency Reports”; available at EEOC Highlights Record-Breaking Results in Agency Reports | U.S. Equal Employment Opportunity Commission

I urge the EEOC to more thoroughly analyze the tradeoff that it would be imposing on itself if it moves forward with its proposed rulemaking.

Potential Improvements of the EEO-1 Report

My office's Corporate Governance and Responsible Investment group has a long history of engagement with many companies on the usefulness of the current reporting structure. Companies often remarked that some of the EEO-1 job categories were outdated (such as "Craft Workers"), or that some categories were overly broad ("Laborers and Helpers.") Our response to such feedback has been to suggest that those companies should provide their feedback directly to the EEOC so that any changes can be made systematically, and not as a one-off for each company, which would negate the comparability and consistency of the report. We believe that the EEO-1 Report could be improved, and as a result, be more impactful to both companies and investors by re-visiting the job categories that are currently included in the report. But we do not believe that the wholesale elimination of EEO reporting would serve that function.

For these reasons, I urge the EEOC to preserve mandatory EEO-1 reporting. Eliminating or weakening this requirement would curtail data collection, harm investors, impede research into the organizational benefits of workforce demographic data and harm the ability of the EEOC in the recovery of monies. Instead, we urge the EEOC to improve certain aspects of the EEO-1 Report so that it continues to be relevant to both institutional investors and companies.

I appreciate the opportunity to comment and welcome continued dialogue.

Sincerely,

Mark D. Levine
Comptroller, City of New York