

LEGAL UPDATE
THE TRUMP ADMINISTRATION: WHAT'S HAPPENED AND WHAT'S TO COME
ALEXIS EICHELBERGER

I. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

- New Republican commissioner Andrea Lucas.
- Order to recognize only two sexes when enforcing anti-discrimination laws.
- ANTICIPATED animosity toward DE&I initiatives from within agency.
- ANTICIPATED rollbacks or revisions to Pregnant Workers Fairness Act (PWFA) regulations.
- ANTICIPATED broadened protections for religious freedom.

II. DIVERSITY, EQUITY AND INCLUSION

- Eliminating federal contractors' affirmative action obligations relating to women and minorities.
- Dismantling government DE&I programs.
- Risk of increased scrutiny of DE&I initiatives for all employers.

III. NATIONAL LABOR RELATIONS BOARD (NLRB)

- New Republican chairperson Marvin Kaplan.
- Trump may appoint two new Board members, cement Republican majority long-term.
- ANTICIPATED undoing many pro-Union decisions issued by Board during Biden Administration.

IV. IMMIGRATION

- Stricter vetting and screening of immigrant and non-immigrant visa holders.
- Enforcement crackdowns – possibility, legality of ICE entering businesses.
- Effects on, risks to employers.

V. STATE LAW

*Examples of states introducing/enacting laws similar to those promoted by the Trump Administration at the federal level.

- Ohio: Senate Bill 1, aiming to ban DE&I initiatives in universities.
- Several Republican-led states: creating “Divisions of Government Efficiency (DOGE)” or similar agencies, commissions at state level.
- Expressing support, intend to cooperate with immigration crackdowns.

VI. WHAT ELSE WE EXPECT

- We likely will see:
 - More employer-friendly standard for classifying independent contractors.
 - Continued anti-DE&I policies, particularly aimed toward LGBTQ individuals.
- We likely won't see:
 - Federal minimum wage increase
 - Additional raise to salary threshold for FLSA-exempt workers.
 - New OSHA rules on heat-related safety
 - National paid leave
- What's still unclear:
 - The Affordable Care Act
 - Taxation of tips, overtime.