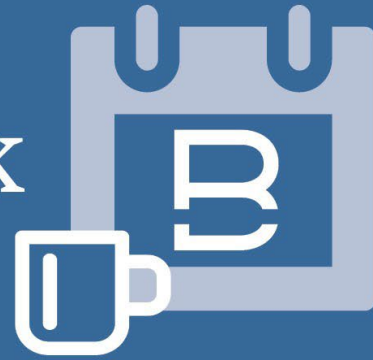


The Work Week

Bassford Remele Employment Practice Group



February 3, 2025

Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday morning, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

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President Trump Upends Federal Employment and Labor Protections

[Michael J. Pfau](#)

Trump Fires EEOC and Labor Board Officials and Renders the NLRB Short of a Quorum

The new Presidential administration continues to shake U.S. employment law like a snow globe. In a significant move affecting federal labor agencies, President Trump has dismissed key officials from both the Equal Employment Opportunity Commission (“EEOC”) and the National Labor Relations Board (“NLRB”), [as we anticipated](#). On January 27, 2025, Trump terminated Democratic commissioners Charlotte Burrows and Jocelyn Samuels from the EEOC, as well as NLRB member Gwynne Wilcox and General Counsel Jennifer Abruzzo.

These actions raise concerns about the operational capacities of these agencies. The removal of Burrows and Samuels leaves the EEOC with only two commissioners, potentially hindering its ability to enforce workplace civil-rights laws effectively. As but one example, due to existing vacancies, Wilcox’s ouster leaves the NLRB with just two members, short of the quorum it needs to adjudicate even routine cases, which effectively shuts down the NLRB’s operations.

Critics argue that these firings undermine the independence of federal labor agencies and could disrupt the enforcement of labor laws designed to protect workers’ rights. Former NLRB officials have expressed concern that these actions may erode the rule of law and compromise the agencies’ ability to function autonomously.

The terminations have also sparked legal debates regarding the extent of presidential authority over independent federal agencies. Both Wilcox and Abruzzo have indicated plans to challenge their dismissals, asserting that their removals were unlawful and violated established precedents intended to protect the

autonomy of such agencies. Any such challenge will face an uphill battle, however, since several federal courts upheld President Biden’s removal of NLRB officials following his inauguration in January 2021.

Labor Secretary Halts Anti-Discrimination Enforcement

In another recent development, Acting Labor Secretary Vincent Micone, appointed by President Donald Trump, has ordered the Department of Labor (“DOL”) to "immediately cease and desist" enforcing anti-discrimination laws and affirmative action initiatives among government contractors.

This move follows President Trump's revocation of Executive Order 11246, a mandate established in 1965, that prohibited federal contractors from engaging in employment discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin. The order also required contractors to implement affirmative-action programs to promote equal-employment opportunities.

The Office of Federal Contract Compliance Programs (“OFCCP”), a division within the DOL, has historically been responsible for auditing contractors' employment practices to ensure compliance with equal-employment-opportunity regulations. These audits have sometimes led to significant settlements when violations were identified. With the cessation of these enforcement activities, there is growing concern among civil rights advocates about the potential rollback of decades of progress in promoting workplace diversity and combating discrimination.

This directive is part of a broader initiative by the Trump administration to undo federal diversity, equity, and inclusion programs. The rescission of Executive Order 11246 removes the obligation for federal contractors to establish affirmative action programs aimed at increasing workplace diversity. While protections against employment discrimination remain under Title VII of the Civil Rights Act of 1964, the absence of affirmative action requirements may result in fewer proactive measures to address inequities in hiring and employment practices.

The long-term implications of halting these enforcement activities remain uncertain, but many fear it could lead to a significant erosion of workplace protections for marginalized groups. As the situation develops, it will be crucial to monitor how these policy changes impact federal contractors and the broader labor market.

The Bassford Remele Employment Group can guide employers through the ever-shifting landscape of federal employment and labor law, regulations, and enforcement under the Trump administration. Please reach out with any questions.

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