

The Work Week

Bassford Remele Employment Practice Group



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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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2025-2026 SCOTUS Docket – Employment Law Preview

[Daniel R. Olson](#)

The United States Supreme Court kicks off the 2025/2026 term today following an abnormally busy summer. Despite its annual summer recess, the Court has been incredibly active the past few months, handing down multiple decisions favoring the Trump administration on the President's emergency motions—what is commonly referred to as the “shadow” docket. This includes the Court permitting: (1) the [mass firing](#) of federal employees; (2) the Department of Homeland Security (“DHS”) to [revoke the parole status of noncitizens](#); and (3) DHS broad discretion to [deport noncitizens to third-party countries](#). Each of these decisions impacted employers across the country.

The significance of the shadow docket has usurped the prominence of the Court's more-traditional docket, so it is difficult to project which cases will have the most impact on employers for the upcoming term. However, two related cases dealing with presidential authority under the constitution will surely reverberate throughout the American workforce.

Trump v. Lisa D. Cook deals with President Trump's request to immediately fire Lisa Cook, the Governor of the Federal Reserve. This summer, the district court issued a preliminary injunction preventing Cook's firing while the case proceeds. The judge concluded that Cook was likely to win her case, as the Federal Reserve Act requires the president to have “cause” for removal, and the allegations concerned conduct before she took office. The Court of Appeals for the D.C. Circuit denied the Trump administration's emergency appeal, setting the stage for the Supreme Court.

Similarly, the Supreme Court will also hear *Trump v. Rebecca Kelly Slaughter*. The *Slaughter* case concerns the President's power to remove federal agency officials, such as the Federal Trade Commission ("FTC"), without cause. President Trump fired two democratic FTC commissioners back in March, stating that their continued service was inconsistent with his administration's priorities. The district court ruled in favor of the FTC commissioners, holding that presidents cannot remove FTC commissioners except for specific causes, such as "inefficiency, neglect of duty, or malfeasance in office." Slaughter was reinstated as a result, and the D.C. Circuit denied President Trump's request for a stay.

Cook and *Slaughter* will help define the executive branch's ability to control personnel decisions in administrative agencies. As we covered in a [prior edition of The Work Week](#), the President's shake-up of the National Labor Relations Board upon returning to office had definite and significant implications for employers. The same holds true for the Department of Labor and the Equal Employment Opportunity Commission. The Supreme Court's decisions in *Cook* and *Slaughter* will determine whether presidents can remove officials from these important agencies at will, which would further politicize these offices.

At Bassford Remele, we regularly monitor important changes in case law and legislation and advise our clients on the same. We'll provide updates when both *Cook* and *Slaughter* are decided, including the ramifications for employers thereafter.

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