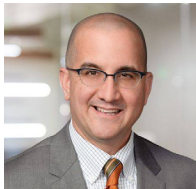


A Whirlwind Start: Employers' Recap of First 21 Days of the Trump Administration

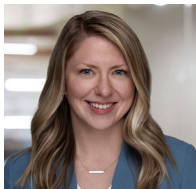
A Practical Guidance® Article by Benjamin M. Ebbink, Rick Grimaldi, and Lauren Laing, Fisher & Phillips LLP



Benjamin M. Ebbink
Fisher & Phillips LLP



Rick Grimaldi
Fisher & Phillips LLP



Lauren Laing
Fisher & Phillips LLP

President Donald Trump is just 21 days into his second term in office, but you might already be struggling to keep up with the number of changes and policy shifts coming from the new administration. While new presidents are typically judged based on their actions in their first 100 days, Trump's whirlwind first three weeks warrant taking a pause to make sure you're caught up on all the changes impacting key workplace issues. Major policy shifts have already affected immigration, DEI programs, equal employment opportunity, labor relations, and artificial intelligence. Here's your 21-day recap:

Immigration

- What happened? President Trump [took swift immigration action](#), signing 10 executive orders relating to immigration policy on day one. Among other things, those orders [declared a national emergency at the U.S.-Mexico border](#), [reinstated the "remain in Mexico" policy and terminated the asylum-related mobile app](#), and [designated Mexican criminal cartels as terrorist organizations](#). Another one ended automatic birthright citizenship for children of undocumented immigrants, but this order has been blocked nationwide by federal judges in [Washington and Maryland](#) while legal challenges play out in court.
- Anything else? The Trump administration has begun carrying out its plans for mass deportations, which could have impacts on multiple key industries. U.S. Immigration and Customs Enforcement (ICE) has started conducting widescale enforcement activities, including workplace raids. You can [click here](#) get caught up on other recent immigration actions already impacting employers. And K-12 schools should be prepared for [ICE activity on campus](#) and check out our [school-focused Immigration Enforcement FAQs](#).
- What should you do? Ramp up your I-9 compliance efforts, consider using the E-Verify system, and establish a rapid response plan. Take these [five steps to prepare for anticipated enforcement activities](#). If you are subject to a DHS raid, contact our new [Employers' Rapid Response Team](#) at (877) 483-7781 or DHSRaid@fisherphillips.com. Work with your immigration counsel to keep up with continuing policy shifts, develop proactive compliance strategies, and consider ways to support any impacted employees.

Affirmative Action and Diversity, Equity, and Inclusion (DEI)

- What Happened? This [January 21 executive order](#) not only [dismantled key affirmative action and DEI standards for federal contractors](#) but also [directed federal agencies to combat “illegal” corporate DEI programs](#) (and you can click [here](#) to read how the order impacts DEI activities in K-12 schools). Days later, the Department of Labor [announced it was ceasing all pending investigations and enforcement activity](#) under the now-rescinded Executive Order 11246, which had required federal contractors to meet certain race and gender affirmative action obligations since the 1960s. A lawsuit filed February 3 [alleges that Trump’s anti-DEI efforts are unconstitutional](#).
- What should federal contractors do? Stay tuned for more information from the Office of Federal Contract Compliance Programs (OFCCP), track legal challenges to the administration’s actions, and reach out to your attorney to develop a game plan to comply with evolving requirements. You also must continue to participate in other required compliance filings (as applicable), such as EEO-1 and VETS-4212, and state pay data reporting.
- What should employers in the private sector do? Review or assess your hiring, training, and promotion practices in light of these new federal anti-DEI initiatives.

“Gender Ideology” and the Equal Employment Opportunity Commission

- What happened? Within hours of taking office, Trump [signed a sweeping executive order](#) requiring the federal government to recognize only two biological sexes (male and female, as determined at conception) and removing the concept of “gender identity” from federal anti-discrimination laws – a stance that seemingly runs counter to the [Supreme Court’s Bostock ruling](#) on Title VII’s definition of “sex.” The order also calls for reversals of any policies that allowed gender-identity-based access to single-sex spaces (like bathrooms), and rescinds many Biden-era actions, including [2024 EEOC workplace harassment guidance](#) that expanded protections for pregnant and LGBTQ+ workers. And you can click [here](#) to read about how the “gender ideology” order impacts K-12 schools.

- Anything else? Trump took the unprecedented step of [firing two Democrat members of the EEOC on January 27](#), enabling him to quickly install a majority of Republican commissioners rather than having to wait until their normal terms expire over the next two years.
- What’s next? We expect Trump to appoint at least one EEOC replacement member so that the agency can begin taking action that align with his plans. You can expect to see DEI programs on the chopping block, a rescission of the [2024 Pregnant Workers Fairness Act rules](#), expanded rights for religious workers, restricted approaches to gender identity and worker bathroom access, stronger “reverse discrimination” principles, and overall reduced EEOC enforcement and outreach. But you can also expect uncertainty due to the likely litigation over the two EEOC Commissioner firings and the potential for a court to strike down any steps taken by the agency in the interim.

Labor Relations

- What happened? In a series of swift and game-changing moves, President Trump [summarily dismissed two key figures at the National Labor Relations Board](#) (NLRB). While the General Counsel Jennifer Abruzzo’s dismissal was widely anticipated, the precedent firing of Board Member Gwynne Wilcox raises significant procedural and policy questions for the federal labor agency in the short term and beyond. President Trump also just [appointed William Cowen](#) as NLRB Acting General Counsel on February 3.
- What’s next? We expect that in the coming weeks and months Trump will appoint and the Senate will approve at least one more NLRB Member, [though Wilcox has already launched a legal challenge to her termination](#). As the Board takes shape, we also expect a big shift away from its recent pro-labor stance. We expect the Board to expand employer authority over employee activities while limiting the scope of federal labor law to exclude gig workers and independent contractors. Here’s everything you need to know about the [current state of the NLRB and your best practices moving forward](#).

Artificial Intelligence

- What happened? The White House [enacted a sweeping shift in AI policy](#) by rescinding President Biden’s executive order on artificial intelligence and announcing a massive private-sector-led AI infrastructure investment. The moves signal a sharp departure from the prior administration’s regulatory approach, replacing AI oversight with a focus on economic growth and national

competitiveness. President Trump also [appointed David Sacks as the new “AI & Crypto Czar.”](#) Sacks—a Big Tech veteran, Silicon Valley insider, and vocal advocate for deregulation—will likely oversee a seismic transformation in how AI will be regulated and integrated across industries.

- What’s next? Employers and AI industry leaders must now deal with an evolving landscape where AI regulation is loosened and investment in AI development is skyrocketing. The emphasis will be on innovation and industry collaboration, and for employers, this means a flurry of new workplace AI tools that you’ll need to track and integrate. But you should also note that we’re starting to see a patchwork of various state and local laws regulating the use of AI in the workplace. [Click here](#) to review all of the laws, regulations, guidance documents, and court action that impact employers and their use of AI.

Conclusion

President Trump’s second term kicked off at a rapid pace, and we expect to see a lot more to come during his first 100 days and beyond. We will continue to monitor developments related to all aspects of workplace law, so make sure you are subscribed to [Fisher Phillips’ Insight System](#) to get the most up-to-date information and visit our [New Administration Resource Center for Employers](#) to review all our thought leadership and practical resources. If you have questions, contact your Fisher Phillips attorney.

Related Content

Resource Kits

- [Trump Transition Resource Kit](#)
- [Immigrant \(Permanent\) Visa Resource Kit](#)
- [Immigration Compliance Resource Kit](#)
- [Workplace Diversity, LGBTQ, and Racial and Social Justice Resource Kit](#)
- [Generative Artificial Intelligence \(AI\) Resource Kit](#)

Benjamin M. Ebbink, Partner, Fisher & Phillips LLP

Benjamin M. Ebbink is a partner in the Sacramento and Washington D.C. offices, Co-Chair of the Government Relations Practice Group and Chair of the Staffing Industry Group.

With over two decades of experience in the intersection between labor and employment law and public policy, he focuses on legislation and regulations enacted at the federal, state and local levels. Benjamin assists employers with navigating evolving legislative and regulatory landscapes in a variety of areas.

Benjamin is a trusted advisor to the PEO and staffing industries, having worked on nuanced legal and regulatory issues affecting these industries for over two decades. In addition, he handles strategic initiatives aimed to provide top-shelf service to the unique needs of the firm's staffing clients. Benjamin is a frequent speaker on panels and conferences focused on issues that matter to both the PEO and staffing industries.

He is also a member of the firm's Artificial Intelligence Team, where he monitors the rapidly-developing regulation of artificial intelligence at the federal, state and local level.

For nearly 15 years, Benjamin served as Chief Consultant to the California Assembly Committee on Labor and Employment where he was the primary policy advisor on labor and employment matters for the California State Assembly. He played a key role in virtually every major labor and employment issue to come before the Legislature during his tenure, and personally drafted hundreds of legislative proposals. During his service in the Legislature, Benjamin earned a reputation for his integrity, his ability to work with diverse stakeholders on all sides, and his skill as a problem-solver.

His legislative experience and deep connections in the stakeholder community allow him to provide services to clients that have legislative or regulatory issues that benefit from his unparalleled experience and strategic guidance. Benjamin is also a registered legislative advocate and represents clients on labor and employment matters before Congress and legislatures in California and in other states.

Benjamin began his legal career as an associate with a regional law firm focusing on traditional labor law, bankruptcy law and ERISA. He received his J.D. in 2000 and his B.A. in 1997 from the University of California, Davis. He lives in Roseville, California with his wife and eight children.

Rick Grimaldi, Partner, Fisher & Phillips LLP

As an experienced and accomplished labor lawyer, Rick Grimaldi also draws on a diverse background in government relations, and the media to help businesses become both more successful organizations and better employers.

As a member of the firm's Labor Relations Practice Group and co-chair of the firm's Government Relations and Crisis Communications and Strategy practice groups, he partners with clients to achieve labor and employment related goals by combining sound, practical, strategic advice with an understanding that business decisions are never made in a vacuum. He has been involved in a number of high-profile matters of significance to his clients.

Rick is also a sought-after speaker who travels the country helping companies and organizations understand the ever-changing work environment, various employment issues, and how to blend diverse employee populations for maximum effectiveness. He has long been on the front lines of advocating before state and local legislative bodies to develop beneficial laws and policies and on working with clients to navigate potentially damaging situations while maintaining positive reputations. This, combined with his years practicing labor law, makes him uniquely qualified to assist companies as they face an ever changing and challenging legal and policy landscape.

Having spent his career defending the interests of businesses around the world in labor relations matters, Rick is ideally suited to help clients maintain good positive relationships with their employees. He is particularly skilled at helping to foresee and avert troublesome situations, negotiating collective bargaining agreements, and representing employers' interests during union campaigns. He has achieved positive results defending businesses in major discrimination litigation, union campaigns, collective bargaining and arbitrations. Just as importantly, his ability to devise creative solutions around key provisions such as leave programs and performance management has sparked successful outcomes that have improved productivity and saved clients significant sums of money.

Rick also employs his experience serving the citizens of Pennsylvania as Deputy General Counsel to Governor Tom Ridge and Chief Counsel of the Pennsylvania Department of Labor and Industry and his lengthy tenure in the media to advocate for clients in front of government agencies, legislative and regulatory bodies, as the co-chair of the Fisher Phillips Government Relations Group, as well as working with them to prepare for and navigate crisis situations that may arise from government investigations, workplace injuries, litigation, or labor strife.

Lauren Laing, Legal Content Counsel, Fisher & Phillips LLP

Lauren combines her legal and writing backgrounds to create cutting-edge content for the firm's publications. She writes and edits workplace law articles that help employers navigate this complex and ever-changing landscape.

Lauren previously worked for a global law firm as an associate attorney in the firm's national employee benefits and executive compensation group. Passionate about content, she shifted her career path to work as a freelance writer producing thought leadership pieces for law firms and legal practitioners. Most recently, Lauren served as a content specialist for a California-focused provider of legal research and continuing legal education.

Lauren earned her Juris Doctorate from the University of Pittsburgh School of Law. While in law school, she served as an Executive Editor of the University of Pittsburgh Law Review.

This document from Practical Guidance®, a comprehensive resource providing insight from leading practitioners, is reproduced with the permission of LexisNexis®. Practical Guidance includes coverage of the topics critical to practicing attorneys. For more information or to sign up for a free trial, visit [lexisnexis.com/practical-guidance](https://www.lexisnexis.com/practical-guidance). Reproduction of this material, in any form, is specifically prohibited without written consent from LexisNexis.