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As The DOL Turns

As we noted in January, the Trump administration has wasted no time in revamping the Department of Labor to suit its political taste. Last week, the nominees for the Secretary of Labor, Lori Chavez-DeRemer, and Deputy Secretary of Labor, Keith Sonderling, were confirmed by the Senate. Before that, not only did Trump fire the top lawyers at both the NLRB and the EEOC, but the President also sacked Democratic EEOC Commissioners and NLRB Board Members, leaving both agencies without a quorum necessary to propose rulemaking or issue decisions. Without a quorum, the official priorities of both agencies remain uncertain. However, a few hints are emerging:

At the EEOC:

- The new Chair announced that the Commission would focus on individual rights and individual cases of discrimination and would not pursue systemic cases: which target broader claims of discrimination against groups.
- The EEOC also has recently withdrawn from several lawsuits alleging discrimination based on sexual orientation or gender identity and signaled that it may no longer process claims under Title VII related to these issues.
- The Chair has long been a critic of the expansive interpretation of the Pregnant Workers Fairness Act and has called for a revision of the regulations to limit its application. The Commission will need a quorum before this process could begin.
- On the flip side, we expect the Commission to prioritize claims of religious discrimination and claims of race and sex discrimination which are allegedly motivated by DEI initiatives.
- There are also rumblings that the EEOC may revise or altogether eliminate the EEO-1 race and sex data reporting requirements by the end of the year.

Over at the National Labor Relations Board, the developing trends are a little more surprising. [As we initially reported](#), the new Secretary of Labor, a former Democratic Congresswoman, was previously a sponsor of the PRO-Act, which would make union organizing and collective bargaining easier. Missouri Republican Senator Josh Hawley is now actively trying to build Republican support for a similar bill which would speed union elections, require quick first contract negotiations, boost penalties for labor law violations, and ban captive audience meetings. Although the legislation's future is by no means certain, this surprising coalition of Republican support makes it a credible possibility. It would be major win for unions.

If you have any questions or would like additional information, please contact Al Vreeland at 205-323-9266 or avreeland@lehrmiddlebrooks.com.