Articles + Publications | April 3, 2025

Labor + Employment Workforce Watch – April 2025

WRITTEN BY

Hanna Norvell | Aaron S. Nava | Paul G. Nason | Jeffrey M. McPhaul | Amanda M. Cummings | Kathleen Grossman | Cesar Escalante | Brian Dierzé | Lani Blake | Lori A. Basilico | Jina Davidovich | Tracey E. Diamond | Yane Park McKenzie | Seth T. Ford | Emily E. Schifter | Mark Payne

Labor + Employment Workforce Watch is a guide to the employment law developments most likely to impact your business. The Troutman Pepper Locke Labor + Employment Team represents employers in the most sensitive workplace matters, enabling our clients to concentrate on their core business operations. Our team is adept at handling and managing labor and employment issues on national, international, and local levels. Recognized as a leading law firm by *Chambers USA*, our attorneys provide comprehensive advice on every type of employment issue a company may encounter, at every stage of the employment life cycle.

In This Issue:

NAVIGATING DEI IN A SHIFTING LEGAL LANDSCAPE

By Tracey E. Diamond and Emily E. Schifter

Workplace diversity, equity, and inclusion (DEI) programs face more scrutiny than ever in light of President Trump's recent executive orders regarding DEI policies and programs across the public and private sectors, recent Supreme Court decisions, Equal Employment Opportunity Commission guidance on DEI initiatives, and the rise of "reverse" discrimination claims. Here are some key takeaways from the current legal landscape and what employers should be thinking about regarding their DEI programs.

Read More

KEY IMMIGRATION CHANGES UNDER PRESIDENT TRUMP 2.0

By Yane Park McKenzie

Since day one in the Oval Office, President Trump has made sweeping immigration policy changes with a focus on tightening the U.S. borders and deporting undocumented migrants. While these changes undoubtedly affect individuals the most, they also impact U.S. businesses. Here are the top three areas of change impacting employers.

Read More

NEW LEADERS, NEW FOCUS: NAVIGATING EEOC UPDATES

©2026 Troutman Pepper Locke

By Jeffrey M. McPhaul and Amanda McCloskey

Since taking office, President Trump has issued a flurry of terminations and appointments at different administrative agencies, including the Equal Employment Opportunity Commission (EEOC).

As many expected, President Trump quickly appointed Commissioner Andrea Lucas as the Acting Chair of the EEOC. However, President Trump then fired two Democratic members of the EEOC, Commissioners Charlotte A. Burrows and Jocelyn Samuels. These terminations left the EEOC without a three-member majority (or "quorum"). As a result, the EEOC is limited in its ability to implement significant, immediate change, such as issuing, modifying, or revoking formal legal guidance.

Read More

2025 NLRB FORECAST: WHAT EMPLOYERS SHOULD EXPECT UNDER PRESIDENT TRUMP'S ADMINISTRATION

By Paul G. Nason and Aaron S. Nava

On January 27, 2025 — seven days after he was sworn in — President Trump fired Gwynne Wilcox, a Democratic member, and former Chair of, the National Labor Relations Board ("NLRB" or the "Board"). Although Wilcox's term was not set to expire until August 27, 2028, President Trump became the first U.S. president to terminate a sitting member of the Board. The next day, January 28, the NLRB announced that President Trump also terminated Jennifer Abruzzo, President Biden's General Counsel of the NLRB ("GC Abruzzo"). President Biden had terminated GC Abruzzo's predecessor, Peter Robb, in January of 2021. On February 3, 2025, President Trump appointed William B. Cowen as Acting General Counsel of the NLRB ("Acting GC Cowen").

Read More

FEELING COMPETITIVE: THE REASONABLENESS OF FORFEITURE-FOR-COMPETITION PROVISIONS

By Lori A. Basilico and Jina Davidovich

In 2024, employers rushed to track the twists and turns of the Federal Trade Commission's (FTC) noncompete ban, which attempted to limit the enforceability of agreements that restrict employees from working for a competitor following employment. Though the FTC's ban has since fizzled out, the commotion around noncompetes also led to conversations about "forfeiture-for-competition" clauses — a similar, but distinct type of agreement.

Read More

LABOR AND EMPLOYMENT DEVELOPMENTS IN CALIFORNIA IN 2025

By Brian Dierzé

California often finds itself at the forefront of labor and employment law, with changes affecting employers each

year. This year is no different. In 2025, employers can expect a variety of impactful changes to the legislative scheme in California, including five noteworthy labor and employment developments that California employers should be ready for, plus Private Attorneys General Act (PAGA) reforms that provide opportunities for employers to reduce their exposure to penalties for alleged Labor Code violations.

Read More

WORKPLACE INVESTIGATIONS – ONE SIZE DOES NOT FIT ALL

By Cesar Escalante

Over the last few years, employers have faced new and expanded obligations under state and federal employment laws relating to prohibition of discrimination, harassment, and retaliation in the workplace. These changes stem from agency regulations and opinions, such as the Equal Employment Opportunity Commission's (EEOC) shift on workplace guidance for sexual harassment, newly enacted state laws, including the expansion of protected classes, and changes to judicial review of employment claims (*e.g.*, case law relaxing the harm standard for discrimination).

Read More

RELATED INDUSTRIES + PRACTICES

- Employee Benefits + Executive Compensation
- Immigration
- Labor + Employment