

# What Employers Can Expect Under the Second Trump Administration

## Labor & Employment Law Update

By Kevin Kleine and Jeffrey Risch on December 26, 2024

Now that dust has settled from the November 2024 election, here's what employers should reasonably expect under the incoming Trump administration with a republican controlled Congress and a U.S. Supreme Court that is generally right-leaning.

### Impact on Federal Laws and Regulations

As with any new administration, employers can expect that President-Elect Trump will move in a completely different direction and appoint new leadership to run federal agencies. Federal agencies will have different priorities and agendas under the Trump administration than what we experienced under the Biden administration.

Trump has even talked publicly of eliminating and restructuring certain federal agencies altogether. Confirmation efforts are already underway to appoint new leadership to run key federal agencies overseeing various workplace laws and regulations.

As with the first Trump administration, we expect administrative agencies publishing guidance and policies that de-emphasize enforcement actions and de-escalate assessing penalties following workplace investigations and audits. The focus will likely be on loosening government control of the workplace, while highlighting compliance requirements on existing wage and hour, safety, and EEO laws.

There was not much in the form of new legislation passed under the Biden administration and we do not anticipate there will be much new federal legislation enacted during the next four years—particularly in light of razor thin majorities in the House and Senate. The primary focus will be on reversing the Biden administration's administrative agenda and related priorities at the NLRB, EEOC, DOL, and OSHA.

## Impact on State Laws and Regulations

No matter the agenda of the incoming Trump administration, any changes in the direction of the federal government or in federal law will not affect state law and the efforts of democratically controlled blue states (and even large cities) to regulate employers. The trend towards ongoing workplace regulation in certain areas of the country will not only continue, but will likely intensify.

There has been a tremendous amount of new workplace regulation in certain states and major cities in recent years. For example, increases in local and state minimum wage rates and paid leave laws, including paid family leave and paid sick leave, have become the norm in states like California, Colorado, Illinois, New Jersey, New York, Massachusetts, Minnesota, Oregon, Washington, and Vermont, to name a few. Pay transparency initiatives and other laws intended to have government oversee all facets of employee relations and personnel management have exponentially grown in recent years. The next four years could usher in (and, we think *will* usher in) an even larger wave of workplace laws and regulations in certain states and major metropolitan areas throughout the U.S. through local and state governance. As a result, employers should be mindful of and continue to closely follow what's developing in their own backyard.

What  
Employers  
Can Expect  
Under the  
Second  
Trump  
Administra-  
tion