CLIENT ALERTS & INSIGHTS

President Donald Trump Issues Slew of Executive Orders During First Week in Office

JANUARY 31, 2025

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Shortly after being sworn in as the 47thPresident of the United States, Donald Trump signed more Executive Orders on his first day in office than any other president in history. The wide-ranging Orders effectuate many of the President's campaign promises and lay the foundation for the Trump Administration's vision of America moving forward.

Eliminating Affirmative Action Programs

On January 20, 2025, President Trump signed into effect the Executive Order "Ending Illegal Discrimination and Restoring Merit-Based Opportunity", which furthers the Trump Administration's "individual initiative, excellence, and hard work" policy, designed to end all "discriminatory and illegal" Diversity, Equity, and Inclusion ("DEI") practices at the federal level. This Order revoked a number of prior Executive Orders regarding DEI, including Executive Order 11246, which established the regulatory framework of the Office of Federal Contractor Compliance Program's ("OFCCP") Affirmative Action Program ("AAP"), designed to prohibit federal contractors from discriminating on the basis of race, color, religion, sex, sexual orientation, gender identity, and national origin. The AAP required federal contractors to create and provide to the federal government compliance reports containing data reflecting their affirmative action efforts.

Executive Order 11246 is now revoked in its entirety, eliminating AAP requirements. The new Executive Order further orders the OFCCP to immediately cease (1) promoting "diversity"; (2) holding federal contractors and subcontractors responsible for taking "affirmative action"; and (3) allowing or encouraging federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion or national origin.

The Executive Order further mandates that the head of all agencies coordinate with the Director of the Office of Management and Budget ("OMB") to prepare a report and accompanying proposed strategic enforcement plan identifying key sectors of concern within each agency's jurisdiction; the most egregious and discriminatory DEI practitioners in each sector of concern; and identify specific measures to deter DEI programs or principles that constitute illegal discrimination or preference. The plan must identify up to nine potential civil compliance investigations of publicly traded corporations, large non-profit corporations or associations, certain foundations whose assets reach a monetary threshold, state and local bar and medical associations, and institutions of higher education with endowments of over $1,000,000,000.

The OFCCP acknowledged the revocation of Executive Order 11246 and advised of its compliance. However, the OFCCP noted that requirements under Section 503 of the Rehabilitation Act and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), both enforced by the OFCCP, are

statutory and remain in effect. However, federal contractors are no longer required to maintain Affirmative Action Programs and the OFCCP will no longer conduct compliance audits.

Ending DEI Programs and Preferencing

Another new Executive Order, titled "Ending Radical and Wasteful Government DEI Programs and Preferencing", ends what the Administration characterizes as illegal discrimination within the Federal Government. The Order directly addresses Executive Order 13985 signed by former President Joseph Biden, which ordered nearly all federal agencies and entities to submit "Equity Action Plans" detailing the ways the respective agencies and entities have acted to further DEI efforts. President Trump's Executive Order calls for the immediate end of this practice, and requires the Director of the OMB and the Director of the Office of Personnel Management ("OPM") to coordinate efforts to ensure the termination of all DEI mandates, policies, programs, preferences, and activities in the Federal Government and orders each department, agency, or commission head to terminate all DEI and "environmental justice" offices, positions, equity plans, equity actions, initiatives, or programs, equity related grants or contracts, and all DEI performance requirements for employees, contractors, and grantees within 60 days of the Order.

Return to In-Person Work

Finally, the President issued a brief memorandum directing heads of departments and agencies in the executive branch to take all necessary steps, as soon as practicable, to terminate remote work arrangements and require employees to return to work in-person on a full-time basis, subject to necessary exceptions.

Takeaway:

The Administration's campaign regarding Affirmative Action and DEI initiatives will have direct and indirect impacts on the private sector. For example, the President's directive that the Director of OMB identify nine potential civil compliance investigations of large corporations and other entities reflect the President's willingness to target high-profile institutions to make examples out of the most egregious offenders in order to curtail DEI efforts nationwide. Moreover, the President's return to work policy for federal employees lays the groundwork for private sector employers to begin requiring their workforce to return to the office after years of remote work policies. Overall, it is clear that the Trump Administration is exercising its executive authority to not only drastically change federal policy, but also exert influence and shape policy in the private sector.

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