

NEWS & INSIGHTS

How Federal Appointments Could Affect Employment Law

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Two recent confirmations by the U.S. Senate could significantly reshape how the Department of Labor and the Equal Employment Opportunity Commission interpret and enforce federal workplace laws. With new leadership, employers could see shifts in regulatory priorities, compliance guidance, and enforcement strategy.

The Senate last week confirmed President Donald Trump's two appointments – Andrew Rogers as the administrator of the U.S. Department of Labor Wage and Hour Division, and Brittany Panuccio as a member of the U.S. Equal Employment Opportunity Commission.

EEOC

Panuccio's appointment likely will have more immediate effects, as the five-member EEOC had been operating with just two commission members since January. That left the group without a quorum, preventing the commission from performing some of its most essential duties (the commission hasn't published an official guidance letter since January, for instance). For any governing body, a majority of elected or appointed members must be present at publicly advertised meetings to vote on action items including the EEOC's formal rulemaking. With only two of the five commission members available since January, the commission could not take any votes to move items forward.

The commission is now a Republican majority with Panuccio the latest commission member to join EEOC Acting Chair Andrea Lucas. That makes it likely the group could revisit some of the commission's past decisions reached during the Biden administration, and which the Trump administration has highlighted for potential reconsideration. That includes policies involving reverse discrimination, religious protections, gender identity in the workplace, and Diversity, Equity, and Inclusion programs.

For example, Lucas was particularly vocal in her opposition to the EEOC's implementation of the Pregnant Workers Fairness Act in 2024 because she said it went further than protecting only pregnant women. She specifically cited the commission's interpretation of the phrase "pregnancy, childbirth, or related medical conditions," which she believed could extend to "a myriad of conditions ranging from infertility to menstruation to hormone issues to menopause." You can [read her full opinion here](#).

Any changes the new EEOC might make, however, are currently on hold. The [commission is closed](#) due to the current government shutdown.

DOL Wage and Hour Division

In the second appointment to fill a vacancy, Andrew Rogers has been named the administrator of the U.S. Department of Labor's Wage and Hour Division to oversee the enforcement of labor protections through the Federal Labor Standards Act, including the federal minimum wage, overtime pay, prevailing wage, and more.

In September, the Trump administration released its Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions, which outlines plans and goals for federal agencies. For the Wage and Hour Division, the administration listed items such as the independent contractor classification, joint employer status, and increasing the minimum wage for federal contractors as important items it would focus on. The DOL has already announced [it will rescind the 2024 IC Rule for independent contractor classification](#) and revisit its requirements.

The attorneys in the Saxton & Stump Labor and Employment Group will be keeping a close eye on both departments following these critical leadership changes and will post updates when available. To understand how these leadership changes could affect your compliance obligations or workplace policies, [please contact me](#) or any of the attorneys in our group.

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