

White House Issues Regulatory Freeze Pending Review of New or Pending Regulations

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On January 20, 2017, White House Chief of Staff, Reince Priebus, issued a *Memorandum for the Heads of Executive Departments and Agencies* at the direction of President Donald Trump, instructing federal agencies to freeze all pending regulations, a move that includes a number of significant labor and employment initiatives pursued under the Obama administration.

The memorandum instructs agencies to hold off sending new regulations to the Office of Management and Budget (OMB) and to postpone, for at least 60 days, all regulations that have been published, but not yet taken effect. The memorandum further suggests that agencies “consider potentially proposing further notice-and-comment rulemaking” for any regulations where the effective date has been delayed, in order to review questions of fact, law, or policy.

As a practical matter for employers, the freeze covers a number of the more controversial rules already on hold through legal injunctions, including the Department of Labor’s (DOL) “white collar” overtime exemption rule, the DOL’s “persuader” rule, and the federal contractor disclosure rule. (For more information see *Judge Issues Nationwide Injunction in DOL Overtime*; *Federal District Court Blocks Persuader Rule*; and *District Court Judge Blocks Fair Pay and Safe Workplaces Final Rule*). The regulatory freeze may also potentially impact the Equal Employment Opportunity Commission’s new pay data disclosure requirements set to go into effect in March 2018. (See *EEOC Approves Revised EEO-1 Form – Requiring Employers to Annually Disclose Employee Pay Data*). For now, these regulations are under review by the new administration and further action is pending.

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