

# SNIFFEN & SPELLMAN, P.A.

---

## LABOR AND EMPLOYMENT LAW ALERT Special Alert – January 21, 2025

### **Federal Government Ordered to Only Recognize Biological Sex**

One of the orders signed by President Trump, directed all federal agencies to recognize biological sex as opposed to gender identity. This executive action included direction to the Attorney General and Secretary of Labor to issue directives related to the Civil Rights Act of 1964 related to “ensure the freedom to express the binary nature of sex and the right to single-sex spaces in workplaces and federally funded entities,” as well as prioritize enforcement of these policies. Notably, the Civil Rights Act of 1964 covers schools, grant recipients, workplaces, and other entities that receive federal funding or are contracted with federal agencies, the effects of this order will likely be far reaching if it is implemented in full.

While undoubtedly more will be published regarding the specific enforcement mechanisms that this order is designed to create, it appears that the primary purpose of this order is directed at workplaces that have single sex bathrooms, specifically requiring workplaces with such facilities to designate entry requirements based on biological sex rather than gender identity. Given the Supreme Court’s opinion in the *Bostock v. Clayton County* line of cases, we anticipate that this order will be challenged in the near future.

To read more, please refer [here](#).

### **Removal of Federal Diversity Programs**

In another executive order, the federal government will be eliminating all Diversity, Equity and Inclusion (DEI) positions, and the President has requested a list of all contractors who supplied DEI related materials to the federal government and grant recipients who have received funding for DEI related initiatives. Based on the text of the executive order, it is anticipated that these contracts will be cut and the grant funding for programs related to DEI initiatives ended.

To read more, please refer [here](#).

### **Immigration and Border Security**

President Trump has declared a national emergency at the US. Border with Mexico, and is directing the military to step in along with directing the construction of physical barriers, and increased border monitoring. In addition, President Trump has declared an end to birth-right citizenship in situations where neither parent is a U.S. citizen with a permanent legal status. By appearance, this applies to the children of H-1B visa recipients. We anticipate additional challenges to this executive order given the long history of birthright citizenship in the United States.

To read more, please refer [here](#).

### **Work-Based Visas**

On a whole the executive orders issued on January 20th did not directly address what changes are coming to visas, aside from various limitations placed on asylum seekers. That stated, the executive orders did include a general directive to enhance the background screening process for visa seekers, which will undoubtedly modify the timelines for visa applications and approval in the coming years.

To read more, please refer [here](#).

*Our firm will be monitoring all executive orders for the foreseeable future to ensure that we are up to date on any changes to employment and education law. If you have specific questions, please contact Mitchell Herring with our offices at 850-205-1996.*

### **Past Issues of the Labor and Employment Law Alert Available on Website**

You may view past issues of the Labor and Employment Law Alert on the Firm's website: [www.sniffenlaw.com](http://www.sniffenlaw.com). After entering the Firm's website, click on the "Publications" page. Our Firm also highlights various articles of interest on our official Twitter feed, @Sniffenlaw.