

2025 Hot HR Topics

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THOMPSON

COE



Diversity

- All the ways in which people differ
 - Characteristics and experiences– both seen and unseen
 - Race, sex, gender, age, sexual orientation, disability, veteran status, socioeconomic status, marital status, familial status, religious beliefs, and more

EQUALITY vs EQUITY



EQUITY

- Fair treatment, access, opportunity, and advancement for all people
 - Eliminating systematic barrier and privileges



INCLUSION

- Actions taken to understand, embrace, and leverage the unique identities and perspectives of all individuals so all feel welcomed, valued, and supported

Trump Executive Order Changes: Restoring Equality of Opportunity and Meritocracy (April 23, 2025)

Essentially eliminated enforcement
of disparate impact liability

AG is going to determine whether
federal authorities preempt state
laws that impose disparate impact
liability

AG and chair of the EEOC will issue
guidance on how to promote equal
access to employment regardless of
whether an applicant has a college
education



What is DEI Discrimination?

- Employers are struggling to comply with Trump's DEI changes
- EEOC will investigate claims of discrimination based on DEI policies
- EEOC considers employee affinity groups limiting membership to protected groups "unlawful segregation"
- Can also happen when workers are separated into groups based on protected characteristics for trainings even if the training is the same.
- Employers can't take employment actions because of an interest in promoting diversity.
- An employee's opposition to DEI training can be considered protected activity.
- Hostile work environment?



Big Questions

In an increasingly diverse workforce and generational interest in grouping based on affinity, how to balance federal hostility to DEI with desires of many employees to have affinity groups?

Where is the line? What is allowed/not allowed? What can we call affinity groups without inviting scrutiny/lawsuits?

How long will this last?

What are the consequences to our business overall for acting or not acting on this?

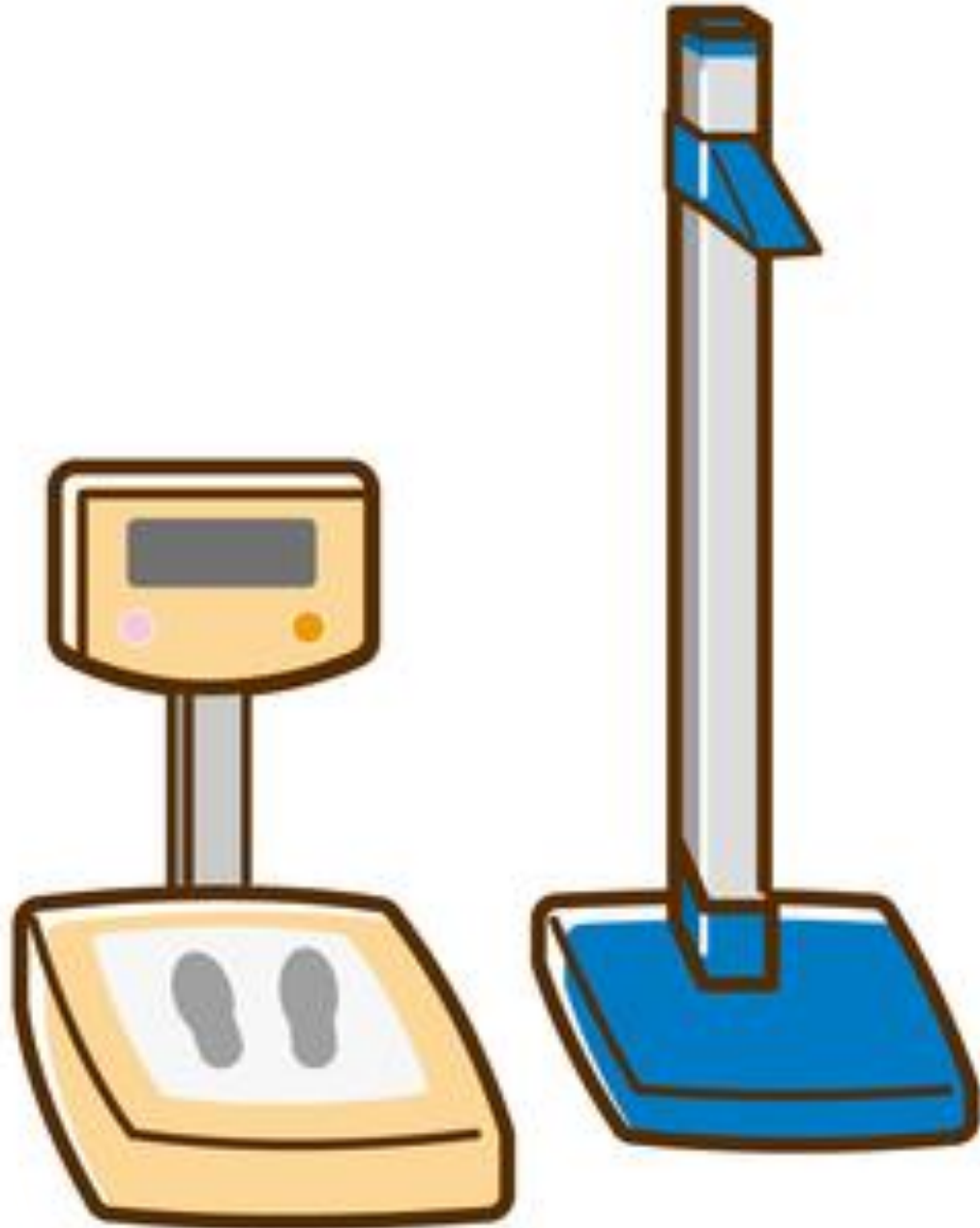
Tips –

- **Know your customers. Know your employees.**
- **Know your business, culture, and mission.**
- **Measure against current hostility to DEI.**
- **Consider rebranding to focus on Inclusion.**



Changes in Discrimination Law

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- **Reverse discrimination changes**
 - Plaintiffs who are part of a majority group do not have a heightened evidentiary standard for Title VII claims according to SCOTUS
 - The EEOC in an FAQ said there is no such thing as reverse discrimination
 - **Height and Weight Are Protected??**
 - In Minneapolis, employers cannot discriminate on the basis of justice-impacted status, housing status, height and weight
 - This is the law in other cities like New York City, San Francisco, Madison, Wisconsin and Urbana, Illinois
 - Also banned in Michigan





IMMIGRATION

Policy:

Arrest and Detain; Try to Deport

1. Current court backlog – 3.7M cases pending in immigration court system...

2. New Funding in Big Beautiful Act - \$170.7B

3. ICE Raids under Trump

- Current detention – 59,000
 - 71% in 2025 have no criminal record
 - 29% have criminal convictions
 - 25% have pending criminal charges
 - 47% immigration violators
- Arrests at about 30,000/month
- Alternatives to Detention (ATD) – Approx 183,000
- Deportations – 11,000 – 18,000 /month
- No longer prioritizing convicted criminals
- Prioritizing cities that are racially diverse with Democrat mayors
- Involving Multiple Federal Agencies

Breakdown of Big Beautiful Act Immigration Enforcement Spending

Spending Category	Funding Amount
Construction and maintenance of border wall, CBP checkpoints, and CBP facilities	\$51.6 billion
Border Patrol agents and vehicles, and Federal Law Enforcement Training Center improvements.	\$7.8 billion
Border technology and vetting	\$6.2 billion
Operation Stonegarden (funding to state and local law enforcement agencies to support border enforcement)	\$450 million
Border processing, including for unaccompanied children, Remain in Mexico, and expedited removal	\$2.1 billion
Prosecutions of noncitizens, compensating local governments for incarcerating noncitizens, combatting drug trafficking, immigration judges	\$3.3 billion
Detention capacity expansion	\$45 billion
Enforcement and removal, including hiring ICE agents, transportation costs, and detaining families	\$29.9 billion
State immigration and border enforcement cost-reimbursement funds	\$13.5 billion
DHS cost-reimbursement fund for border enforcement	\$10.0 billion
DOD support for immigration and border enforcement	\$1.0 billion
Total	\$170.7 billion

Other Immigration Changes

H-1B Visa Fee

- \$100,000 fee for all initial H-1B visa applications
- Abolish the lottery system in favor of a preferential allocation based on proposed salaries

Canceling Temporary Protected Status one Country at a Time

Venezuelans – Vacated 2021 & 2023 Designations

- Supreme Court allowed to move forward with 2023 removal. Affects approx. 350,000 people
- 2021 Designations have until November 7, 2025. Affects approx. 250,000 people

El Salvador

- 180,000 expected expiration September 9, 2026

Ukraine

- 50,000 expected expiration October 19, 2026

Haiti – Vacated

- 200,000 expected expiration August 3, 2025

Honduras - Vacated

- 55,000 expected expiration September 8, 2025
- Nicaragua, Myanmar, Afghanistan, Yemen, Cameroon, Sudan, Ethiopia, Somalia, South Sudan, Nepal, South Sudan, Nepal, Burma, Cameroon, Yemen
- Government decides 60-days before expiration whether to extend





AI & HR



States & AI

- **Federal** – No rules. States can do what they want.
- **New York** –
 - Mandatory bias audits for automated employment decision tools (AEDTs)
- **Colorado** –
 - Must assess high-risk AI systems for bias for hiring, firing, promotions
- **Illinois** –
 - Prohibits use of AI tools that result in discrimination against protected classes in hiring



Best Practices

- Look at your MSA with your hiring software provider. Negotiate indemnification for algorithmic bias/discrimination that results in legal liability.
- Take all steps to ensure software does not have ability to demonstrate bias based on protected status in hiring.
- Perform periodic audits to ensure no disparate impact to applicants based on protected status.
- Check state laws to ensure you don't have to disclose use of AI in HR

THANK YOU

PLEASE FEEL FREE TO CONTACT US WITH ANY QUESTIONS OR FEEDBACK!



WEBSITES

[HTTPS://WWW.THOMPSONCOE.COM/RESOURCES/MYHRGENIUS/](https://www.thompsoncoe.com/resources/myhrgenius/)



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