

WIMBERLY, LAWSON, STECKEL,
SCHNEIDER & STINE, P.C.
Attorneys At Law
3400 Peachtree Rd., Suite 400
Atlanta, GA 30326-1107

ALERT

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**WORKPLACE INVESTIGATIONS LARGELY SHUT DOWN,
BUT COURTS REMAIN OPEN DURING SHUTDOWN FOR NOW**

Investigations into labor and employment matters will largely cease as the Department of Labor (DOL), the National Labor Relations Board (NLRB) and the Equal Employment Opportunity Commission (EEOC) have very limited operations during the funding freeze. Neither unfair labor practices charges at the NLRB nor discrimination charges at the EEOC will be processed, and the same applies to union representation cases. At the Occupational Safety and Health Administration (OSHA), all non-essential enforcement efforts will be suspended, but about a quarter of the staff members will be retained to continue operations on enforcement activities deemed emergencies. OSHA will also continue enforcement activities on open cases as needed to meet its six-month statutory deadline to issue citations. It does appear that the EEOC during the shutdown will continue to accept discrimination charges but will not investigate them. For the DOL, it appears that certain critical matters such as the investigation of child-labor violations will continue.

The situation in the federal court system is somewhat different, as they operate from separate funds that are enough to pay staff at least until October 17. When the funds run out, it is likely that the federal court system will address only those cases that must constitutionally be required to move forward. In the federal system, each court will determine its own resources needed to support core work.

**UPDATE OF WORK AUTHORIZATION IMMIGRATION
STATUS AS OF OCTOBER 8, 2025**

On Friday, October 3, 2025, the Supreme Court allowed the termination of 2023 TPS Venezuela designation (A12 or C19) to take immediate effect. However, 2023 TPS Venezuela beneficiaries who received an Employment Authorization Document on or before February 5, 2025, with a 'Card Expires' date of October 2, 2026, will maintain work authorization until October 2, 2026.

Separately, Secretary Noem published her notice to terminate the 2021 TPS Venezuela designation (A12 or C19), which is effective on Nov. 7, 2025, at 11:59 p.m. See Termination of the 2021 Designation of Venezuela for Temporary Protected Status, 90 Fed. Reg. 43225 (Sept. 8, 2025).

We are hearing from clients that the government shutdown is affecting E-Verify access. E-Verify is operational again and all new hires need to be processed by October 14, 2025. Employers should determine whether they have any Venezuelan workers with TPS status and when work authorization for those workers expired or will expire.

If, or when, an employee with TPS status has lost, or loses, TPS status, the employer should give the employee the opportunity to demonstrate other work authorization. If the employee cannot demonstrate other work authorization, termination of employment is the appropriate course of action.

For those employers with Haitians who have TPS status, employment authorization will expire February 3, 2026.

For those employers who had workers with parole status (C11) under one of the Cuban, Haitian, Nicaraguan or Venezuelan categorical parole programs, those workers cannot rely on the EADs showing parole status. Such workers must present some other form of work authorization.

Questions? Need more information? Call Jim Wimberly or Jim Hughes at 404-365-0900.

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