



Labor & Employment @lert

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OFCCP to Cease Compliance Audits Under Revoked Executive Order 11246

Key Notes:

- The Acting Secretary of Labor has instructed OFCCP to permanently end investigation and enforcement activities under the revoked Executive Order 11246 and close all open audits and investigations.
- OFCCP is also directed to temporarily suspend compliance activities under Section 503 and VEVRAA, even though those two laws were unaffected by the revocation of Executive Order 11246.

As a follow-up to President Trump's [recent revocation of Executive Order 11246](#), the Acting Secretary of Labor has directed all Department of Labor personnel to cease enforcement activities under the revoked order. In a [Secretary's Order](#) issued on January 24, 2025, Acting Secretary Vincent N. Micone, III, instructed the DOL to "immediately cease and desist all investigative and enforcement activity" under Executive Order 11246. This includes "all pending cases, conciliation agreements, investigations, complaints, and any other enforce-related or investigative activity."

The Order states that the DOL "no longer has any authority" under Executive Order 11246 and specifically applies to personnel within the Office of Federal Contract Compliance Programs (OFCCP), as well as administrative law judges and officials within the Office of Administrative Law Judges (OALJ) and Administrative Review Board (ARB). OALJ and ARB are part of the DOL's internal administrative hearing framework responsible for adjudicating OFCCP enforcement proceedings against federal contractors.

The Secretary's Order halts all open or pending OFCCP compliance audits, investigations and enforcement proceedings under Executive Order 11246. It also appears to terminate any open conciliation agreements between federal contractors and the OFCCP for alleged violations of the revoked executive order, effectively releasing impacted contractors from obligations under those agreements.

However, the Secretary's Order does not permanently cease investigative or enforcement activity under Section 503 of the Rehabilitation Act of 1973 or the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA). These laws address contractors' separate affirmative action obligations for individuals with disabilities and protected veterans and, [as confirmed by OFCCP](#), remain unaffected by the revocation of Executive Order 11246. Acting Secretary Micone has, however, instructed the OFCCP to temporarily hold any investigations or reviews under Section 503 and VEVRAA "in abeyance pending further guidance."

The Secretary's Order directs OFCCP to notify affected contractors by January 31, 2025, that Executive Order 11246 portions of "impacted open reviews or investigations" have been closed and that the separate components involving Section 503 and VEVRAA compliance are being held in abeyance. Contractors with open compliance audits can expect formal notice of these developments from OFCCP compliance staff this week.

While OFCCP is halting all enforcement activity for now, contractors should remain mindful of their ongoing obligations under Section 503 and VEVRAA, as these

requirements are unaffected by the Secretary's Order or the revocation of Executive Order 11246.

We continue to monitor the full impact of Executive Order 11246's revocation and provide updates on further developments or guidance from the White House or OFCCP.

FOR MORE INFORMATION

For more information, please contact:

Matthew R. Kissling

216.566.5586

Matthew.Kissling@ThompsonHine.com

Francis E. (Chip) Purcell, Jr.

202.263.4118

Chip.Purcell@ThompsonHine.com

or any member of our [Labor & Employment](#) group.

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