

What Employers Can Expect During the 2025 Government Shutdown

Alert

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Much of the federal government is at a standstill after lawmakers were unable to reach a spending deal by midnight on Tuesday, September 30. The government shutdown has significant consequences for employers who do work for or with the federal government, and employers who rely on federal agencies to move pending litigation, charges, and investigations forward. Below is an overview of what employers can expect from labor and employment-related agencies at the onset of the shutdown based on agencies' most recent contingency plans.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

According to the Equal Employment Opportunity Commission's (EEOC) most recent [contingency plan](#), it will cease all nonessential functions during the shutdown. The agency will still accept and screen new discrimination charges through its online Public Portal to determine whether they must be processed (e.g., to preserve claimants' rights), but it will not investigate or mediate charges. Nor will it litigate matters pending in federal court, except for those denied a stay of proceedings. EEOC staff will also be unavailable to answer questions about pending cases or process FOIA requests.

The EEOC's Respondent Portal is still open and operational, meaning the agency will extend filing deadlines for position statements and other requests, as it has done during previous shutdowns. Employers with pending deadlines should ensure to preserve their rights via even a short submission in the Portal if possible.

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DEPARTMENT OF LABOR

According to the Department of Labor's (DOL) [contingency plan](#), the shutdown will pause work on much of the department's enforcement and regulatory responsibilities performed by it and its subagencies. Essential services will continue, such as the provision of benefits to workers under entitlement programs and support for state and federal unemployment programs. Agencies such as the Occupational Safety and Health Administration (OSHA) will continue conducting emergency enforcement activities, including investigating workplace fatalities and catastrophes. However, other agencies will shutter temporarily, including the Bureau of Labor Statistics, the Office of Administrative Law Judges, the Administrative Review Board, the Office of Foreign Labor Certification, and the Office of Federal Contract Compliance Programs.

NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board (NLRB) will also cease all nonessential operations during the shutdown, according to its latest [contingency plan](#) and corresponding [Notice of Procedures](#). This means it will pause processing of representation petitions and unfair labor practice charges, and it will postpone conducting representation elections. Pending administrative litigation and investigations will also be put on hold until the government reopens.

While the shutdown would also put the issuance of any new Board decisions on hold, [the Board has been without a quorum](#) to issue decisions since January 2025.

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

The government shutdown may delay employers' immigration filings and onboarding of new employees. U.S. Citizenship and Immigration Services (USCIS) is fee-funded, so most of its operations will not experience direct impacts. The agency will continue accepting petitions and applications for immigration benefits, immigration petitions, extension and change of status applications, adjustment of status applications, and citizenship applications. Local field offices are expected to remain open for interviews and scheduled appointments.

However, the shutdown will delay certain USCIS programs that receive appropriated funds. The E-Verify system is government-funded and will not be available to employers during the shutdown. Employers will not be able to access their E-Verify accounts to create cases, run reports, or enroll in E-Verify. That said, employers must continue to comply with all Form I-9 requirements. The Conrad 30 Waiver Program for J-1 Medical Doctors program is also government-funded and thus may experience interruptions or suspension.

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Finally, certain USCIS processes will be delayed because of the agency's reliance on the DOL's immigration-related functions. The DOL will not process Labor Condition Applications (LCAs), Prevailing Wage Determinations, or Permanent Labor Certifications. Employers may therefore be delayed in filing H-1B petitions with USCIS, for example, since a DOL-certified LCA must be included with the petition. After DOL operations are restored, we anticipate that USCIS will accept late H-1B petitions provided the primary reason for failing to file timely was the government shutdown.

CONCLUSION

The shutdown will undoubtedly raise other legal concerns for employers in addition to those raised by the shuttering of federal agencies. Government contractors may be forced to consider furloughing or laying off employees in light of stop work orders from the federal government. Employers with cases pending in federal court may face delays as a result of a potential reduction in the federal judiciary's operations. Stinson attorneys are monitoring developments and stand ready to help employers navigate the shutdown as it continues to evolve.

Carissa Hansen and Laura Reyes joined the firm as law clerks. Their Minnesota licenses are currently pending.

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