

EMPLOYMENT SERVICES ALERT

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Alex Acosta Nominated for Secretary of Labor Position After Withdrawal of Andrew Puzder From Consideration

By ***Karen D. Adinolfi, Partner***

Secretary of Labor Nominee Andrew Puzder withdrew his name from consideration on February 15, 2017, capping weeks of speculation, as well as significant criticism from several different sectors related to his company's treatment of its employees, his positions on the minimum wage, overtime regulations, and immigration, and revelations about his personal life, including the hiring of an undocumented housekeeper. Mr. Puzder had never undergone a confirmation hearing, as that procedure had been postponed multiple times.

President Trump nominated Alex Acosta in Mr. Puzder's place on February 16, 2017. Mr. Acosta is a former U.S. Attorney for the Southern District of Florida and a former member of the National Labor Relations Board and U.S. Department of Justice's Civil Rights Division under President George W. Bush. Mr. Acosta also served as Dean of the Florida International University School of Law. He would be the first Hispanic-American member of President Trump's cabinet.

It does not appear that Mr. Acosta, who appears to have primarily public sector and academic experience, has the issues that plagued Mr. Puzder's nomination. He has been confirmed by the Senate on three prior occasions.

While his specific views on key labor issues are largely unknown, it is believed that Mr. Acosta would be amenable to President's Trump initiatives to lessen the regulatory burden on businesses, although his experience on the U.S. Department of Justice's Civil Rights Division, his reputation as a proponent of diversity, and his public service record of enforcing federal law, also will allow him to bring a perspective to the position that Mr. Puzder lacked.

The nomination has garnered the praise of the management-side attorneys as well as the tentative support of several large unions. A schedule of confirmation hearings has not yet been issued.

Roetzel will keep you posted on developments that occur with respect to this significant issue. If you have any questions in the meantime, do not hesitate to contact any of the listed attorneys.

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