



Monthly Member Roundtable  
Top Takeaways  
November 10, 2020

The Institute is committed to keeping our members informed regarding cutting-edge developments. Below are the top highlights from Tuesday's November 10<sup>th</sup> member roundtable with Co-Chairs David Fortney and Mickey Silberman and Institute Strategic Advisor Laura Mitchell.

Please share these key takeaways with your internal leaders. The replay of the November Roundtable is located [here](#). Members will need their login for full access.

### **Highlights**

- 1. U.S. Presidential Election.** Co-Chair David Fortney discussed what to expect during Lame Duck and Biden Administration.
  - During the Lame Duck Congress is expected to focus on COVID-19 relief and extending the continuing resolution set to expire on December 11, 2020. OFCCP's budget will remain the same under another continuing resolution; Director Leen will learn whether he will be confirmed as IG for OPM and OFCCP will finalize its religious freedom regulations.
  - The new Biden Administration expects gridlock with a Republican Senate and Democratic House. Like his predecessors, he is likely to use his executive power to pursue his agenda which will put the focus on federal contractors.
- 2. New Supply & Service Technical Assistance Guide.** Co-Chair Mickey Silberman discussed the new [TAG](#) reminding members that it is a sub regulatory guidance and is not legally binding. Contractors should pay special attention to Appendices O and P which outline OFCCP's approach to adverse impact.
- 3. Final Rule Published: Nondiscrimination Obligations - Procedures to Resolve Potential Employment Discrimination.** Institute Strategic Advisor Laura Mitchell provided an update on the [Final Rule](#) which provides transparency and certainty on the issuance of a NOV or PDN.
- 4. MOU with EEOC/OFCCP/DOJ.** Co-Chair David Fortney outlined the updated [MOU](#) signed by OFCCP, EEOC and DOJ on November 3, 2020. The MOU provides that when a charge is filed with the EEOC against a federal contractor, it will be deemed to be a dually filed charge with OFCCP. In addition, both agencies will have to "consult" with DOJ when they consider pursuing litigation under a novel or precedential theory.

**Save the Date** and [Register](#) for our final Member Roundtable and Year End Review of What to Expect in 2021 on December 15, 2020.