



[The Institute for Workplace Equality \(The Institute\)](#) is the thought leader in equal opportunity and affirmative action matters. The Institute's leadership role and expertise have been recognized by the Equal Employment Opportunity Commission (EEOC) and the Department of Labor (DOL), both of which requested that The Institute provide input on the regulatory reform process instituted under previous administrations. The following are highlights of The Institute's accomplishments and advocacy efforts.

## 2020 Accomplishments

### January

- The Institute sent OFCCP a [Letter of Comment](#) from The Institute, HR Policy Association, and LocalJobNetwork in response to [OFCCP's NPRM on Nondiscrimination Obligations of Federal Contractors and Subcontractors: Procedures to Resolve Potential Employment Discrimination](#).
- The Institute launched the [Pay Equity Index](#), a comprehensive index to evaluate pay equity.

### March

- The Institute sent OFCCP a Request for:
  - An [Opinion Letter](#) on Adverse Impact Calculations for Small Sample Sizes; and
  - A [Memorandum of Understanding](#) with The Institute.
- In reaction to COVID-19, The Institute created a [Resource Page](#) open to all Employers.
- The Institute sent a [Request](#) to OFCCP for Clarification on Data Protocols during Remote Work to which Director Leen [responded](#) on March 24, 2020.

### May

- The Institute presented: [Special Series – Reopening the Workplace Concerning COVID-19](#) regulations and guidelines for which Co-Chairs, Leaders and Faculty recorded 18 virtual sessions.

### June

- The Institute reviewed **MOU** with OFCCP committing to various exchanges including an annual meeting between the two parties.
- **The Institute held a Three –Part Series on Diversity and Inclusion** virtually exploring effective ways to leverage affirmative action plan data and analyses to support the company's diversity and inclusion efforts. The series was broadcasted three times due to its popularity.

### July

- The Institute held a call with the OFCCP National Office in July to discuss the **OFCCP FAQs on Gender Identity and AAP Reporting** which discusses how federal contractors should handle employees identifying as non-binary and to explain why it is confusing to contractors.

### August

- The Institute sent letter to OFCCP re: [Violations in Mphasis Conciliation Agreement](#).
- The OFCCP signed [MOU](#) with The Institute which formalized relationship continues into the next calendar year



- **Institute Leaders and faculty** were general session speakers and panelists for the virtual NILG conference in July and August.
- **The Institute held a New** Advisory Board Quarterly Call for Members Only featuring [Next for Autism](#). Cintas Partner video [here](#). Institute Member video [here](#).

#### September

- The Institute provided a Video Chat: [Institute Member Only Washington Insiders Update](#)

#### October

- [Special Briefing](#) for Institute Members on Executive Order 13950: Combating Race & Sex Stereotyping.
- [Statement](#) by The Institute for Workplace Equality Supporting **Affirmative Action and Diversity & Inclusion**
- The Institute signed a [Joint Letter](#) to President Donald J. Trump along with 161 for-profit business and nonprofit organizations, including the U.S. Chamber of Commerce, on behalf of their thousands of members, in Opposition to Executive Order 13950: Combating Race and Sex Stereotyping.
- **Virtual Town Hall** on EO13950 with Trade Associations – U.S. Chamber of Commerce, HR Policy Association, Business Software Alliance, BCG Institute for Workforce Development, OFCCP Director Craig Leen and the public.

#### November

- The Institute in conjunction with Circa (formerly LocalJobNetwork) [submitted](#) comments on **OFCCP's Proposal to Implement the Affirmative Action Program Verification Interface**.
- The Institute's Advisory Board Quarterly Call for Members Only featured Northrop Grumman Corporation leaders of [IMPACT](#) to highlight Veterans in the workforce and the partnership with the **Department of Defense**. Member video [here](#).

#### December

- The Institute submitted a request to the OFCCP asking that the agency to provide [Clarification on Using Employer Compensation Groupings](#)
- The Institute on behalf of its membership, had submitted a [White Paper to the incoming Trump Administration](#) in January 2017 in response to the new administration's request. The White Paper recommended, moving from Active Case Management to Active Case Enforcement, rescinding EEO-1 Component 2 pay data collection and applying lawful Title VII criteria, rescinding Directive 307, and restoring EVE and other contractor award programs. Reviewing the recommendations now at the end of the Trump Administration, The Institute is pleased to announce that nearly all its recommendations have been adopted by OFCCP during the Trump Administration. The Institute is planning to develop a White Paper for the incoming Biden/Harris Administration which will be submitted prior to the inauguration.
- In December, The Institute had multiple meetings with **Director Craig Leen and the OFCCP National Leadership** to answer questions surrounding current issues and regulations.

#### Partner News:

- 10/8/20 – **David Cohen** – The Wall Street Journal: [Numerical Diversity Hiring Targets Attract Government Scrutiny](#)



- 10/16/20 – Nita Beecher; Mickey Silberman – Law360: [DOL Probes Won't Chill Employers' Efforts To Diversify](#)
- 10/22/20 – The Institute – Bloomberg Law: ['White Fragility' Training Banned by Trump Order, Official Says](#)
- 10/29/20 – David Cohen; Chris Wilkinson – Washington Post: [Trump's crackdown on training about white privilege draws broad opposition](#)
- 10/30/20 – Laura Mitchell; Mickey Silberman – Bloomberg Business: [Trump Rule Leads Contractors to Cut Diversity, Bias Training](#)

#### The Institute hosted conferences and webinars in 2020:

- In-Person and Virtual Conferences included:
  - **February 20** – Higher Education Symposium; Co-Hosted by The University of Miami
  - **February 26** – Higher Education Symposium; Co-Hosted by The University of California Los Angeles
  - **September 30 & October 1 - 2020 Virtual Pay Equity Symposium** co-hosted by **HR Policy Association** with **Natasha Lamb** from Arjuna Capital as our keynote speaker
  - **October** – 2020 Fundamentals of **Affirmative Action Plans: AAP Basics 101 Training** – Virtual Four-Part Series
- Webinars providing timely updates on the most recent developments:
  - **January** – Rebroadcast of Year-end from December 2019
  - **February** – AI in the Workplace
  - **June** – Focused Reviews: Onsite Prep and Other Best Practices
  - **October** – Annual Enforcement Updates
  - **November** – Higher Education EEO Requirements and a Review of the New TAG
- Member Library Resources
  - [Microlearning: Take 5 Videos](#)
  - **January** – Effective Internal Investigations
- Annual Activities
  - Monthly [Roundtable Meetings](#) and Key Meeting Takeaways
  - Monthly [Newsletters](#)
  - Quarterly Advisory Board Meetings

### 2019 Accomplishments

#### March

- OFCCP Director Leen attended The Institute's first ever Higher Education Symposium at Georgetown University in Washington D.C. He solicited feedback from higher education community and surveys from The Institute on how the agency was doing.
  - During the Higher Education Symposium, Institute Leaders were asked to provide input on the OFCCP Academic Higher Education Technical Assistance Guidelines (TAGs).



#### April

- The Institute signed the [Amicus Brief](#) filed by the U.S. Chamber of Commerce, Society for Human Resource Management (SHRM) and other employer groups with the D.C. Circuit Court of Appeals supporting the reversal of the federal district court decision reinstating Component 2 of the EEO-1 Report.

#### May

- Prior to the Annual Summit, the Advisory Board of The Institute met with OFCCP Director Leen and his senior staff at the National Office in Washington, D.C.
  - At The Institute's Annual Summit in Falls Church, Virginia, Director Leen gave the keynote while OFCCP Acting Director of Enforcement Bob LaJuenesse participated as a guest speaker.
  - EEOC's Chief Data Officer Dr. Chris Haffer was also a guest speaker at the Annual Summit.
- The Institute Co-Chairs developed working teams with The Institute's Faculty and Staff to respond on behalf of members to proposed changes to OFCCP's Service and Supply Scheduling Letter and Itemized Listing, Compliance Check Letter and Section 503 Focused Review Scheduling Letter, as well as to proposed new VEVRRA Focused Review, and Construction Compliance Check Scheduling Letters.

#### June

- The Institute submitted three Letters of Comment on behalf of The Institute members to OFCCP covering scheduling letter proposals.
  - [The first letter](#) commented on the proposed Construction Compliance Check Scheduling Letter.
  - [The second letter](#) commented on the proposed Service and Supply Scheduling and Compliance Check letters.
  - [The third letter](#) commented on the changes to the Section 503 Focused Review Scheduling and the new VEVRRA Focused Review Scheduling Letters.

#### July

- In response to the request from Dr. Haffer at the May Annual Summit, The Institute provided EEOC with questions from members as well as feedback and assistance on the agency's roll-out of EEO-1 Component 2.
- The Institute [submitted](#) its letter of comment to OMB on OFCCP proposed changes to its scheduling letters.
- 2019 ILG National Conference in Milwaukee, WI – Co-Chairs, Faculty and Contributors presented on various topics in workshops throughout the week. Co-Chairs David Cohen and Mickey Silberman both presented at plenary sessions.

#### September

- The Institute [submitted](#) its letter of comment on OFCCP's regulatory proposal to add expansive new definitions to its current religious exemption, requesting additional guidance to federal contractors prior to issuing the new definitions.

#### The Institute hosted conferences and webinars in 2019:

- In Person Conferences Included:
  - **March 27** – Higher Education Symposium; Washington, D.C.
  - **April 30** – Fundamentals of AAPs; Washington, D.C.



- **May 1-2** – Annual Summit; Falls Church, V.A.
- **November 13-14** – Fall Compliance Conference; Phoenix, A.Z.
- Webinars providing timely updates on the most recent developments:
  - **January** – Rebroadcast 2018 Year-End Review and What to Expect in 2019
  - **February** – (Part 3) Sexual Harassment: The post-#MeToo Era for Employers
  - **April** – International Pay Equity
  - **September** – ATS Pitfalls and Disposition Code Strategies
  - **October** – Annual Enforcement Update
  - **December** – Year-end review and What to Expect in 2020
- Member Library Resources – [Microlearning: Take 5 Videos](#)
  - Item 19 and Pay Analysis Group Strategies
  - Defining Terms related to the Pay Gap
  - \*Higher Education Focus\* Strategically Developing your AAP
  - Promotions: How do we define? How do we analyze?
  - Independent Contractor Status

## 2018 Accomplishments

### March

- At The Institute’s March Compliance Conference in San Francisco, the then-newly appointed OFCCP Director Ondray Harris presented with then Senior Advisor Leen attending.
  - The EEOC Regional Attorney participated as well to discuss EEOC’s #MeToo response.

### May

- The Institute’s Advisory Board held its second in-person meeting.
- The Institute held its Annual Summit in Washington, D.C. with OFCCP Director Harris as the Keynote Speaker.

### July

- 2018 ILG National Conference in Anaheim, CA – Co-Chairs, Faculty and Contributors presented on various topics in workshops throughout the week. Co-Chairs David Fortney and Mickey Silberman presented at plenary sessions.

### August

- The Institute submitted a [second letter](#) to Acting OFCCP Director Leen requesting guidance specific to Directive 2018-03 addressing religious liberty.

### October

- The Institute held its Fall Compliance Conference in Denver, C.O. with Acting OFCCP Director Leen as the Keynote Speaker and with OFCCP SWARM Regional Director Melissa Speers participating.



## December

- The Institute Advisory Board held its first conference call with OFCCP Director Leen and his senior management in 2018. In response to the meeting, The Institute surveyed members and other federal contractors on issues with OFCCP.
- Nita Beecher attended shareholder meeting on behalf of The Institute with EEOC's new CIO Dr. Chris Haffer and staff on data analytics.

## The Institute hosted conferences and webinars in 2018:

- In Person Conferences Included:
  - **March 20** – ½ Day #MeToo Program: San Francisco, C.A.
  - **March 21-22** – Compliance Conference: San Francisco, C.A.
  - **May 1** - Fundamentals of AAPs: Washington, D.C.
  - **May 2-3** – Annual Summit: Washington, D.C.
  - **October 24-25** – Fall Compliance Conference: Denver, C.O.
- Webinars providing timely updates on the most recent developments:
  - **January** – Rebroadcast 2017 Year-End Review and What to Expect in 2018
  - **January** – Pay Equity and State Pay Law Updates
  - **January** – Sexual Harassment: What Employers Need to Know about the #MeToo Movement
  - **February** – The Expanding Law of Paid Leaves
  - **March** – Effectively Maintaining Privilege When Conducting an Internal Audit of Pay Practices or Personnel Actions
  - **April** – UK Gender Pay Gap Disclosures: Lessons Learned and Next Steps
  - **May** – The Gig Economy: The Increasing Use of Contingent or Temporary Workers and What It Means for OFCCP Compliance
  - **June** – The Interaction of Diversity Metrics and Affirmative Action Plans
  - **July** – Update on LGBTQ Laws and Litigation - Best Practices for Employers
  - **September** – Pay Equity and State Pay Law Updates
  - **September** – Directive 2018-05: The Good, The Bad, And The Ugly
  - **November** – Annual Enforcement Update
  - **December** – Year-end review and What to Expect in 2019
- Member Library Resources – [Microlearning: Take 5 Videos](#)
  - Things to consider when deciding on Functional AAPs and Establishment-based AAPs
  - Who is the “OFCCP” and what do they enforce?
  - Proactive Pay Analysis – How do I group my employees?
  - High level things to expect during an OFCCP onsite audit
  - The importance of Privilege when conducting a variety of analysis
  - Best practices for training Hiring Managers on Affirmative Action



## 2017 Accomplishments

### January

- A [White Paper](#) providing key policy recommendations on OFCCP reforms was provided to the Trump transition team.

### May

- An important [response](#) was provided to The Office of Management and Budget (OMB) and Department of Labor (DOL) objecting to the proposed merger of OFCCP and EEOC.
  - Acting OFCCP Director Tom Dowd [responded](#) and confirmed that The Institute's response and concerns were being considered.
- The OFCCP Institute's name [changed](#) to The Institute for Workplace Equality to more accurately reflect the scope of The Institute's expanded services and focus.

### June

- The Institute [submitted](#) a letter to DOL seeking clarification on the filing of the 2017 and 2018 VETS 4212 Reports.
  - Acting head of VETS, Deputy Assistant Secretary for Operations Sam Shellenberger, [responded](#) in July with important clarifications.

### July

- 2017 ILG National Conference in San Antonio, TX – Co-Chairs, Faculty and Contributors presented on various topics in workshops throughout the week.

### August

- The Institute provided additional recommendations to DOL Regulatory Reform Office.

### October

- The Institute [sent a letter](#) to OFCCP Acting Director Tom Dowd on Federal Contractor's Nondiscrimination Obligations with respect to LGBT discrimination and religious accommodation in light of Attorney General Sessions' memoranda.
  - In December, the OFCCP indicated that its response will be delayed to allow the new Director to review.

### November

- [Acting OFCCP Director Dowd](#) spoke at The Institute's November Compliance Conference.

### December

- The Institute submitted comments to DOL on the Labor Department's strategic plan and submitted The Institute's [White Paper](#) to newly named OFCCP Director Ondray T. Harris.



The Institute also hosted conferences and webinars in 2017:

- In-person conferences included:
  - **March 23** - Pay Equity Symposium: Menlo Park, C.A.
  - **May 9** – Fundamentals of AAPs: Washington, D.C.
  - **May 10-11** – Annual Summit: Falls Church, V.A.
  - **November 15-16** – Fall Compliance Conference: Atlanta, G.A.
- Five webinars providing timely updates on the most recent developments:
  - **February** – What the Trump Presidency means to Federal Contractors
  - **April** – What is the latest on Fair Pay/Equal Pay for federal contractors and other employers?
  - **June** – Hot Topics so far in 2017
  - **October** – Annual Enforcement Webinar
  - **December** – Co-Chairs Year-end review and what to expect in 2018

The Institute is committed to addressing the needs of its members to ensure they have the most current information in addressing a growing range of workplace compliance matters. The Institute’s approach is, and will continue to be, to ensure that our members’ interests are fully presented in the development and implementation of proposed regulatory and policy initiatives.

For more information on The Institute for Workplace Equality, contact our Director, Barbara Kelly at [barbara.kelly@theinstitute4workplaceequality.org](mailto:barbara.kelly@theinstitute4workplaceequality.org) or visit us at [The Institute for Workplace Equality](http://TheInstituteforWorkplaceEquality.org) and follow [The Institute](#) on Twitter and [Facebook](#).