

Anticipated Change in Focus for DOL's Office of Federal Contract Compliance Programs

By Stephanie Olivera Mittica

Under the new Biden Administration and the leadership of newly-appointed Director Jenny Yang, employers should expect to see a refocus on hiring and pay equity enforcement by the Department of Labor's Office of Federal Contract Compliance Programs ("OFCCP") similar to what was seen during the Obama Administration.

As anticipated, the new administration recently selected Jenny Yang, whom previously served on the Equal Employment Opportunity Commission ("EEOC") as a Commissioner and Chair during the Obama Administration, as Director of the OFCCP. Based on Director Yang's history with the EEOC, employers can expect that her priorities will likely include pay equity and sexual orientation and gender identity rights. It is also yet to be seen whether Director Yang will seek to collect pay data from federal contractors - an initiative that Director Yang spearheaded during her time with the EEOC.

The OFCCP is tasked with enforcing federal anti-discrimination laws and affirmative action obligations for federal contractors. Under the Trump Administration, the OFCCP, albeit nearly eliminated entirely, was best known for its role in enforcing President Trump's controversial policies prohibiting training programs on religious rights and diversity. It is expected that under the Biden Administration, the OFCCP will be used as an arm of White House to address high priority items identified by President Biden, including race and gender pay equity issues in the workplace.

Federal contractors should also be prepared for the OFCCP to return its attention to enforcement and lawsuits, rather than the compliance-based approach taken by the Trump Administration. Regardless of what direction the OFCCP takes, employers should anticipate and be aware that significant changes are on the horizon.

Roetzel will continue to monitor developments in this area. For more information and insight on this matter, please contact one of the listed Roetzel attorneys.

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