FEDERAL Employment Law Insider

An update on new federal law and regulation affecting your workplace

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EMPLOYMENT LAW

Supreme Court update: What's ahead for labor and employment law?

by Sean D. Lee
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On October 1, 2018, the U.S. Supreme Court began its 2018–19 term. Last term featured a number of blockbuster labor and employment cases, with the high court weighing in on a wide range of topics, including the enforceability of arbitration agreements (Epic Systems Corp. v. Lewis), the overtime exemption for service advisers at auto dealerships (Encino Motorcars, LLC v. Navarro), and the ability of labor unions to collect fees from nonunion members (Janus v. AFSCME).

This term, the Court is slated to decide four cases involving labor and employment law. One of the cases requires the justices to examine whether the Age Discrimination in Employment Act of 1967 (ADEA) applies to a governmental employer with a small workforce. The other three cases address various aspects of arbitration.

ADEA's applicability to small public employers

The Supreme Court heard oral arguments in *Mount Lemmon Fire District v. Guido* on October 1. The question presented in *Mount Lemmon* is whether the ADEA—the federal antidiscrimination law that protects older workers—applies to state and local employers that have fewer than 20 employees.

Because of the ambiguous wording of certain definitions in the ADEA, the federal courts of appeals have reached different conclusions in cases involving that question. The Supreme Court will need to resolve the split among the circuits.

Reach of FAA, classwide arbitration also on tap

On October 3, the Supreme Court heard arguments in *New Prime Inc. v. Oliveira,* the first of the three cases dealing with questions of arbitration under the Federal Arbitration Act (FAA), the 1925 statute that strengthens the enforceability of arbitration agreements and often preempts conflicting state laws. In *New Prime,* the rather technical question before the Court is whether the FAA applies to interstate transportation workers who are classified as independent contractors rather than employees. In addition, *New Prime* asks whether an arbitrator or a judge should decide the applicability of the FAA.

The justices will hear arguments on the other two arbitration cases at the end of October. In *Lamps Plus Inc. v. Varela,* the Court will decide whether an arbitration agreement that is silent on classwide arbitration can be understood to forbid class arbitration. And in *Henry Schein Inc. v. Archer and White Sales Inc.*, the Court

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will consider whether courts may refuse to enforce an arbitration clause under the FAA if the question of arbitrability is "wholly groundless."

Bottom line

During a term, the Supreme Court alternates between "sittings," when the justices hear arguments and deliver opinions, and "recesses," during which they write opinions and conduct other business. Sittings and recesses alternate in approximately two-week intervals.

The cases covered in this article arguably are not as high-profile as the cases that were decided in the previous term. However, the Court may still accept additional cases for review before its term ends in June or July 2019.

It remains to be seen how the addition of Associate Justice Brett Kavanaugh as the ninth member of the Court will affect its decision making on labor and employment matters. The Court may be more likely to accept significant cases now that it has a full complement of justices.

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IMMIGRATION

Immigration continues to be a major focus for Trump administration two years in

by Sara Nasseri
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As Donald Trump closes out his second year as president, it's undeniable that immigration continues to be a front-and-center issue for his administration. When the president issued his "Buy American, Hire American" Executive Order on April 18, 2017, one of the main points was to institute reforms to ensure that H-1B visas are awarded to the most skilled or highest-paid beneficiaries. To keep that focus, the administration has proposed several policies that are expected to be enacted in the coming months.

Restricting the availability of visas

First, a proposal expected in January 2019 from U.S. Citizenship and Immigration Services (USCIS) and the U.S. Department of Homeland Security (DHS) would refine the meaning of "specialty occupation" to "focus on obtaining the best and the brightest foreign nationals via the H-1B program." The ultimate intent of the proposal is to limit the use of H-1B visas. The agencies also plan to revise the definition of "employment" and "employer-employee relationship" to "better protect U.S. workers and wages."

Another proposed rule would rework the annual H-1B lottery, which USCIS has run for the past several years. The rule would essentially limit the number of petitions a single employer can put into the lottery and give preference to employers that aren't dependent on H-1B visas. Under the rule, an electronic registration program subject to numerical limitations for the H-1B nonimmigrant classification would be established. The rule is intended to allow USCIS to manage the intake and lottery process for H-1B petitions more efficiently because the demand for H-1B specialty occupation workers has often exceeded the numerical limitation.

There's also a proposal to rescind an Obama-era regulation that provides work permits to the spouses of H-1B workers who are waiting for green cards. The 2015 rule extended eligibility for employment authorization to certain dependent spouses of H-1B nonimmigrants seeking employment.

Immigration-related proposals in fall regulatory agenda

The recently published fall 2018 regulatory agenda also suggests the administration is pursuing ambitious new immigration regulations, including proposals to:

- Seek public input on the EB-5 immigrant investor program;
- Streamline the process for immigrants seeking green cards from within the United States;
- Overhaul USCIS's process for determining whether asylum seekers have a "credible fear" of returning to their home countries; and
- Change the way employers recruit U.S. workers before seeking H-2B seasonal guest workers.

These proposals illustrate that employers can expect more DHS regulations on top of the many administrative changes, with a new focus on asylum seekers and immigrant investors.

Bottom line

It's clear that the Trump administration is attempting to overhaul the immigration system administratively, with a special focus on H-1B visas. Only time will tell how the proposed regulations will play out or what their effects will be for employers in the future. For now, employers need to be on alert and continue to expect major changes in immigration policy.

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AFFIRMATIVE ACTION

Trump administration confronts affirmative action

by Burton J. Fishman
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As a lawsuit brought on behalf of Asian-American students challenging the admissions policies at Harvard University attracts international interest, equal attention should be given to the U.S. Department of Justice's (DOJ) broader challenge to the last vestiges of affirmative action in college admissions nationally. The DOJ's actions may have ramifications throughout society.

Since its embryonic and ambitious days in the 1960s, affirmative action has continued to be one of the most controversial social policies in the country. Originally conceived as a means of "righting historical wrongs"—lifting the burdens of slavery, Jim Crow, and de jure and de facto discrimination against black Americans—affirmative action quickly engendered a highly politicized debate over the government's role in the "just" distribution of benefits. Over time, as court decisions and voter initiatives narrowed the areas in which any efforts at affirmative action could be enforced, access to higher education became the focus of the debate. The Trump administration now has its opportunity to join the fray.

In July 2018, the DOJ and the U.S. Department of Education (DOE) jointly announced the withdrawal of seven Obama administration guidance statements issued between 2011 and 2016. Each of the guidances embraced a broad interpretation of the underlying laws and U.S. Supreme Court rulings, as summarized in their initial statements: "the compelling interest that postsecondary institutions have in obtaining the benefits that flow from achieving a diverse student body."

In withdrawing the guidances, Attorney General (AG) Jeff Sessions said the action was meant to restore the rule of law by "rescinding federal guidance documents that were issued improperly or that were simply inconsistent with current law." That pronouncement was more an opening salvo in a political battle than a legal argument. The Supreme Court has repeatedly held that race-conscious admissions are permissible when schools also take into account other factors in an applicant's background. The difficult issue is, how much "race-consciousness" is too much?

Although the AG's statement left no doubt about the administration's profound skepticism toward affirmative action in education, it added more ambiguity to one of the most ambiguous aspects of American law and life, without clarifying the government's legal position. The case against Harvard provided the DOJ an opportunity to be quite clear: Harvard's admissions officers manipulate the racial makeup of incoming classes to the detriment of Asian Americans, making race a decisive factor, despite court rulings that have found "racial balancing" unconstitutional.

The case is complicated and filled with ironies. Harvard rejects 95 percent of *all* applicants, regardless of their race or ethnicity, and its applicants are among the most talented and entitled people in the world. Many of the last generation of Asian-American Harvard alumni applaud the role of affirmative action and deeply disagree with the pending lawsuit. Others resent the idea of "using" one racial minority to attack the principle of racial inclusion for other racial minorities. Still others note that "Asian American" is a misnomer because Asians in America are a hugely diverse population, with roots stretching from Sri Lanka to Seoul. Nearly all of that population is not represented in the case, which almost exclusively involves Chinese-American applicants. And finally, most research indicates that the ultimate beneficiaries of "race-blind" admissions will be affluent white kids.

Nonetheless, the DOJ has made it clear that it has no intention of stopping with Harvard. In late September 2018, the department announced it was opening an investigation into Yale's admissions policies affecting Asian Americans, and it is likely the DOJ will file a supporting brief in an individual case brought against the University of North Carolina. Pundits believe the government's efforts will lead to a U.S. Supreme Court ruling that will likely alter the role of affirmative action in education and elsewhere.

At the root of Harvard's defense is the assertion that there are "benefits that flow from achieving a diverse student body." That's an assertion most businesses strongly agree with. Diverse workforces seem to produce successful balance sheets. A diverse student body may also create a successful college. But is "diversity" a supportable constitutional principle? The justices are likely to decide.

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INSIDE THE EEOC

EEOC is laser-focused on workplace harassment issues

by Consuela A. Pinto
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The Equal Employment Opportunity Commission's (EEOC) Strategic Enforcement Plan (SEP) for fiscal years (FY) 2017-21 included six focus areas. Combating harassment in the workplace was number six. Shortly after the SEP was released, the Weinstein scandal hit and the #MeToo movement was born. The EEOC jumped into action.

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FEDERAL CONTRACTOR CORNER

OFCCP issues two new recognition proposals for comment

by H. Juanita M. Beecher
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On October 5, 2018, the Office of Federal Contract Compliance Programs (OFCCP) published in the *Federal Register* a proposal to recognize contractors that go "above and beyond" for individuals with disabilities. The new Excellence in Disability Inclusion Award "will highlight successful practices and strategies of contractors that have expanded and improved recruitment, hiring, retention, and promotion opportunities for individuals with disabilities." The proposal states that the OFCCP, along with the U.S. Department of Labor's (DOL) Office of Disability Employment Policy (ODEP), will consider four threshold criteria for eligibility, and there will be seven required elements for nominations. Contractors that receive the award will get a two-year moratorium from agency audits. Comments on the proposal are due by December 4.

The second proposal, published in the *Federal Register* on October 19, would recognize best practices in affirmative action and nondiscrimination by contractors that go "above and beyond" to promote "fair treatment" at work. The Leadership in Equal Access and Diversity (LEAD) Award, which is being proposed in conjunction with the DOL's Women's Bureau, would reward successful contractors with a three-year moratorium from agency audits. Comments are due on December 18. The first awards are expected to be presented in fiscal year (FY) 2019.

Two OFCCP proposals included in fall regulatory agenda

The OFCCP has two regulatory proposals in the Trump administration's fall regulatory agenda. In the first, the agency is proposing "limiting and otherwise altering the obligations of TRICARE and other healthcare providers" from being subjected to compliance audits. TRICARE healthcare facilities have been exempt from OFCCP audits since 2014. The agency proposes to issue a notice of proposed rulemaking (NPRM) on TRICARE coverage in June 2019.

The second proposal would update the OFCCP's rules on religious exemptions. Currently, the agency allows religious corporations, associations, educational institutions, or societies to favor workers and applicants of a particular religion in employment decisions and bars the government from interfering with a religious organization's employment decisions affecting its ministers. The religious directive issued by the OFCCP in August cited the federal Religious Freedom Restoration Act (RFRA), which allows a business to avoid claims of discrimination based on the owner's religious beliefs and requires enforcement entities to explain why they are rejecting a business's religion-based defense in a discrimination case. The agency expects to issue an NPRM in December 2018.

The impact the religious exemption might have on transgender employees' rights will be closely watched, especially in light of the recent report that the Trump administration is considering defining transgender individuals out of Title IX's protection.

OFCCP closes FY 2018 with a flurry of settlements

The OFCCP recently published eight final settlements online on its Freedom of Information Act (FOIA) page. The settlements, which amounted to more than $1.5 million collected by the agency, included resolution of the following cases:

- **Penske** will pay $300,000 to 100 female IT workers it allegedly underpaid compared to men.
- **Hillshire Brands** will pay $350,000 to at least 200 workers it allegedly discriminated against when filling sanitation positions. The discrimination was based on employees' sex, race, and national origin.
- **MVM, Inc.,** will pay up to $250,000 to as many as 20 African-born security guards it allegedly improperly terminated on the basis of their national origin.
- **Johns Hopkins Wilmer Eye Institute** will pay $119,000 to 242 black applicants who were denied patient access specialist positions and $56,000 to 46 black applicants who were denied ophthalmic technician assistant positions.
- **Powell Electric** will pay $275,000 to female and non-Hispanic applicants who were denied assembler positions.
- **SP Plus Corp.** will pay $52,000 to about 40 women who applied for but weren't offered valet attendant positions.

- **U.S. Security Associates** will pay $275,000 to a few hundred security officer applicants it allegedly discriminated against on the basis of their national origin and sex.
- **SAIC** will reconsider seven male applicants for engineer technician positions and pay a $3,000 signing bonus to each applicant it decides to hire.

PFG to pay $599,989 to settle hiring discrimination allegations

Performance Food Group (PFG) has agreed to pay $599,989 in back wages after compliance evaluations by the OFCCP uncovered systematic hiring discrimination violations at four facilities in Florence, South Carolina; Hickory, North Carolina; Batesville, Mississippi; and Lebanon, Tennessee.

The OFCCP alleged that beginning in 2015, PFG discriminated against 565 female applicants in the hiring and selection process for selector positions at the four warehouses. Additionally, the OFCCP alleged PFG discriminated against 755 African-American applicants in the hiring and selection process for selector positions in Florence, South Carolina. The agency also cited the company for record-keeping violations in Miami, Florida, and found that it failed to make good-faith efforts to recruit women for selector positions in Miami and Hickory, North Carolina.

PFG has agreed to pay the rejected applicants back wages and interest and extend job offers to 64 of the affected class members. To ensure future compliance, the company is obligated to evaluate and revise its hiring and selection policies, develop job-related qualification standards and a selection process for selector positions, and examine and improve its personnel procedures and efforts to recruit qualified females and minorities.

OFCCP issues exemptions from AAP requirements

Because of the devastation of Hurricane Michael, the OFCCP has issued a temporary exemption from certain federal contracting requirements. For a period of three months, from October 11, 2018, through January 11, 2019, subject to possible extension, companies that receive new federal contracts to provide relief to those affected by Hurricane Michael will be exempt from having to develop written affirmative action plans (AAPs) as required by Executive Order 11246, the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), and Section 503 of the Rehabilitation Act of 1973, as amended.

The OFCCP has also issued a temporary exemption from certain federal contracting requirements because of the devastation caused by Hurricane Florence. For a period of three months, from September 17, 2018, through December 17, 2018, subject to possible extension, companies with new federal contracts that involve Hurricane Florence relief efforts will be exempt from having to develop written AAPs as required by Executive Order 11246, VEVRAA, and Section 503.

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On October 4, 2018, the EEOC issued "What You Should Know: EEOC Leads the Way in Preventing Workplace Harassment," a preliminary report outlining its efforts to combat harassment in the workplace. Here are some of the key highlights of the agency's enforcement efforts in FY 2018.

Charges and enforcement numbers are on the rise

More than 30 percent of the charges filed with the EEOC alleged some form of harassment, including, in order of frequency, harassment based on sex, race, disability, age, national origin, and religion. Sexual harassment charges increased by more than 12 percent from the previous year. Reasonable cause findings associated with harassment charges increased to nearly 1,200 in FY 2018, up from 970 in FY 2017.

The EEOC filed 66 lawsuits alleging unlawful harassment, a 50 percent increase from the year before. Forty-one of those cases involved allegations of sexual harassment. The EEOC recovered nearly $70 million for victims of sexual harassment in FY 2018, up from $47.5 million in FY 2017.

EEOC's stepped-up outreach

During FY 2018, the EEOC conducted more than 1,000 outreach events highlighting the pervasiveness of harassment in the workplace. In October 2017, the agency launched "respectful workplaces" training focusing on how to create an environment in which employees feel comfortable. EEOC staff have trained more than 9,000 employees and supervisors.

On June 11, 2018, the EEOC reconvened the 2015 Select Task Force on the Study of Harassment in the Workplace for a public meeting titled "Transforming #MeToo into Harassment-Free Workplaces."

Creating a respectful and harassment-free workplace

If we've learned anything from the #MeToo movement and the EEOC's stepped-up focus on harassment in the workplace, it's that a standard antiharassment policy and annual online training aren't enough. Employers that want to prevent harassment need to focus on their workplace culture. Here are some things to consider:

- Realize that the tone at the top is critical. Company leadership must communicate the organization's expectations and the penalties for misconduct and make clear that the rules apply to everyone, from the CEO to the interns.
- Create an environment that encourages employees to raise concerns early rather than waiting until the conduct escalates. Provide multiple avenues for reporting.
- Follow through on complaints. Not every complaint requires a comprehensive investigation. But even the most minor complaint warrants at least a discussion. Major issues always start with a "minor" event. Ensure your HR department is equipped to handle complaints efficiently, confidentially, and appropriately.
- Conduct annual climate surveys. These anonymous surveys can provide a wealth of useful information about the company's culture and employees' perception of their leaders and HR's ability to effectively respond to their concerns.
- Enhance traditional harassment prevention training with tips for how bystanders can intervene when they observe inappropriate conduct, and add elements of workplace civility to your annual harassment training. A respectful and civil workplace is a harassment-free workplace.

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PAY EQUITY CORNER

Employer asks SCOTUS to review 9th Circuit's ruling in EPA case

by Sara Nasseri
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In the wake of the U.S. 9th Circuit Court of Appeals' decision in *Rizo v. Yovino,* the Society for Human Resource Management (SHRM) partnered with the U.S. Chamber of Commerce to file a friend-of-the-court brief in support of the employer's petition for *writ of certiorari* (request for review) to the U.S. Supreme Court on October 4. At issue in the case is whether a person's past salary is a "factor other than sex" as defined by the Equal Pay Act (EPA).

The 9th Circuit unanimously held in *Rizo* that any "factor other than sex" is limited to legitimate job-related factors such as a prospective employee's experience, educational background, ability, or past job performance. As such, allowing an employer to justify a wage differential between men and women on the basis of their salary history is wholly inconsistent with the provisions of the EPA. However, the court left open the possibility that past salary could play a role in individual salary negotiations.

Yovino filed a petition for *writ of certiorari* with the Supreme Court on August 30. A number of key employer advocates, including SHRM, have expressed their support for Supreme Court review to bring some clarification to the significant question of whether employers can rely on salary history when setting workers' wages. The case for Supreme Court review is strengthened by the fact that there is a deep circuit split over the legality of employers' reliance on past salary. A decision from the Court would result in a uniform policy for employers across the nation.

We expect the Court to issue a decision on Yovino's petition for review by the end of this year.

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<u>*REGULATIONS*</u>

Trump administration issues its 2018 regulatory agenda: What does it mean for employers?

by H. Juanita M. Beecher
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On October 17, 2018, the Trump administration published its fall regulatory agenda. According to the agenda's introduction, federal agencies have saved $23 billion in net regulatory costs in fiscal year (FY) 2018 and are projected to save an additional $18 billion in regulatory costs in FY 2019. An important note in the introduction states that the administration's commitment to the rule of law includes "restoring the proper use of guidance documents," which means that although agencies can use guidance to clarify existing legal obligations, any imposition of new regulatory obligations must be undertaken through notice and comment.

Here's a look at the regulations proposed for the U.S. Department of Labor (DOL), the Equal Employment Opportunity Commission (EEOC), and the National Labor Relations

Board (NLRB) for FY 2019. A discussion of the immigration proposals contained in the fall regulatory agenda can be found in "Immigration continues to be a major focus for Trump administration two years in" on pg. 2 of this issue.

DOL

OFCCP. As we report in this month's "Federal Contractor Corner" on pg. 4, the Office of Federal Contract Compliance Programs (OFCCP) is planning to issue updated regulations limiting and otherwise altering the obligations of TRICARE healthcare providers and clarifying protections for organizations that make religion-based employment decisions.

OLMS. The Office of Labor-Management Standards (OLMS) plans to issue a notice of proposed rulemaking (NPRM) in December that will require intermediate bodies subordinate to a national or international labor organization to report under the Labor-Management Reporting and Disclosure Act (LMRDA). The agency will also reestablish Form T-1, which requires union trusts to file annual spending reports beginning in December 2018.

OSHA. The Occupational Safety and Health Administration (OSHA) isn't proposing any new rulemaking but is finalizing rules it previously announced, including revisions to the requirements for the injury and illness information employers must report each year and revisions to the construction crane operator certification requirements and beryllium exposure rules. The reporting requirements and the beryllium exposure rules are expected in June 2019, while the crane operator rule is currently being reviewed by the Office of Management and Budget (OMB).

WHD. The Wage and Hour Division (WHD) will finally issue an NPRM "to determine the appropriate salary level for [overtime] exemption of executive, administrative and professional employees." The NPRM is expected to be issued by March 2019. One business group has already announced that it is going to contest whether the DOL has the statutory authority to use salary levels to determine employees' exemption status. The same issue is before the 5th Circuit in the appeal of the case that vacated the Obama overtime rule.

The WHD will also propose in an NPRM in December 2018 that the contours of the joint-employment relationship be clarified. Stating that it believes the current regulatory language is outdated, the WHD wants to "provide clarity to the regulated community and thereby enhance compliance."

Finally, the WHD plans to issue regulations on tip sharing that align with Congress' recently enacted amendments to the Fair Labor Standards Act (FLSA) addressing employers' use of tips.

EEOC

The EEOC is required by the Americans with Disabilities Act (ADA) and the Genetic Information Nondiscrimination Act (GINA) to issue implementing regulations for both laws. In 2011, the agency issued regulations on the scope of incentives employers can provide to employees who participate in wellness programs. A federal district court ordered the EEOC to issue revised regulations to "address the interaction between Title I of the ADA and wellness programs." The delayed NPRM for those revised regulations will be issued in June 2019.

NLRB

The NLRB has already issued an NPRM to establish the standard for determining joint-employer status under the National Labor Relations Act (NLRA). The public comment period for the NPRM closes on November 13, 2018.

What is not in the regulatory agenda

The following proposals were not included in the fall regulatory agenda:

- Revisions to the EEOC's harassment guidance are not mentioned.
- Although the NLRB issued a request for information on a proposal to update union election rules, it didn't include a proposal on changing the Obama administration's rules on "quickie" union elections.

Takeaways

According to the fall regulatory agenda, employers will finally get to see how the Trump administration plans to revise the FLSA's white-collar overtime rules and define joint employment.

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FEDERAL CONTRACTORS

OFCCP's acting director focuses on transparency in new directives

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On October 3, 2018, the acting director of the Office of Federal Contract Compliance Programs (OFCCP), Craig Leen, spoke to a group of federal contractors, opening with the theme that all of the new OFCCP directives are part of the push for transparency. Leen believes that contractors

and OFCCP compliance officers need to know what to expect during compliance audits. Like Secretary of Labor Alexander Acosta, whom he has known for many years, Leen wants the OFCCP to follow the rule of law.

Since Leen became acting director, the OFCCP has issued eight new directives addressing:

(1) TRICARE subcontractor enforcement activities (Directive 2018-02);

(2) Religious exemptions from Executive Order 11246 § 204(c) (Directive 2018-03);

(3) Focused reviews (Directive 2018-04);

(4) Analysis of contractor compensation practices during a compliance evaluation (Directive 2018-05);

(5) Contractor recognition programs (Directive 2018-06);

(6) Affirmative action plan (AAP) verification initiative (Directive 2018-07);

(7) Transparency in OFCCP compliance activities (Directive 2018-08); and

(8) OFCCP Ombud Service (Directive 2018-09).

During his presentation, Leen shared the following insights:

- In response to criticism of the OFCCP's release of the list of contractors that received corporate scheduling announcement letters, he indicated that the list was published because that has been the information most frequently requested from the agency under the Freedom of Information Act (FOIA).
- Consistent with the Town Hall Action Plan and the Government Accountability Office (GAO) report, the agency is working to enhance its help desk and will be issuing opinion letters to contractors. The acting director wants to consider how to provide a "safe harbor" to contractors that follow help desk or opinion letter advice.
- Addressing what the OFCCP meant in its compensation directive when it stated it needed stronger statistics in the absence of anecdotal evidence, he indicated that he was thinking about a larger statistical result, perhaps three standard deviations.
- He reinforced the compensation directive's statement that if a contractor submits pay analysis groupings (PAGs), the OFCCP will accept the contractor's PAGs if they are reasonable and have statistical power.
- The new religious directive is focused on protecting religious organizations covered by Executive Order 11246, not on individuals' personal religious beliefs. The agency will be looking at contractors' religious accommodation requests during focused reviews.
- He indicated that he wants federal contractors to provide input on all the OFCCP directives as well as the three proposals the agency has published in the *Federal Register*—addressing changes to functional AAPs (FAAPs), the Excellence in Disability Inclusion Award, and the Leadership in Equal Access and Diversity Award (LEAD).

The conclusion federal contractors should draw from Leen's comments is that he wants to clarify what the agency expects from contractors so they know what's necessary to be in compliance.

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