As our nation rebuilds our labor market and our economy, the Department of Labor (DOL) is working not just to rebuild what existed before, but to build a strong, equitable, and sustainable economy that works for everyone. Currently, a remarkable group of AAPI attorneys are serving in leadership roles of DOL. This panel will provide attendees with a rare opportunity to hear directly from Asian American leaders of the DOL about the priorities of the Biden Administration for the U.S. Department of Labor. The panel will address how the DOL is working to better meet the needs of Asian American, Native Hawaiian and Pacific Islander workers and other underserved populations. The panel will also explore the people behind the policies, and provide inspiration for lawyers and students who seek to have careers in public service.

**Moderator:**
Arlene R. Yang, Principal, Meyers Nave

**Speakers:**
Seema Nanda, Solicitor of Labor, U.S. Department of Labor
Julie A. Su, Deputy Secretary of Labor, U.S. Department of Labor
Jenny R. Yang, Director, U.S. Department of Labor, Office of Federal Contract Compliance Programs
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TIMED AGENDA

1. Introduction (10 minutes)

2. Priorities for the Biden Administration Within the U.S. Department of Labor (20 minutes)

3. Asian Americans and the U.S. Department of Labor (15 minutes)

4. Personal Issues (15 minutes)

5. Q&A (10 minutes)
SPEAKER BIOGRAPHIES

SEEMA NANDA

Seema Nanda served in leadership roles at the U.S Department of Labor in the Obama - Biden Administration, including Chief of Staff, Deputy Solicitor, and Deputy Chief of Staff and Senior Advisor to the Secretary. Before that, Nanda led the now-named Office of Immigrant and Employee Rights Section of the U.S. Justice Department’s Civil Rights Division and worked at the National Labor Relations Board and as an associate in private practice. Nanda has also served as CEO of the Democratic National Committee and as COO and Executive Vice President at the Leadership Conference on Civil and Human Rights. Nanda was also a fellow at Harvard Law School's Labor and Worklife Program. She graduated from Brown University and from Boston College Law School.

JULIE SU

Julie Su was appointed by President Biden to serve as the deputy secretary of labor and confirmed by the Senate on July 13, 2021. The deputy secretary serves as the de-facto chief operating officer for the department, overseeing its workforce, managing its budget and executing the priorities of the secretary of labor.

Prior to joining the U.S. Department of Labor, Deputy Secretary Su served as the secretary for the California Labor and Workforce Development Agency. The LWDA enforces workplace laws, combats wage theft, ensures health and safety on the job, connects Californians to quality jobs and career pathways, and administers unemployment insurance, workers compensation and paid family leave.

Su is a nationally recognized expert on workers' rights and civil rights who has dedicated her distinguished legal career to advancing justice on behalf of poor and disenfranchised communities and is a past recipient of a MacArthur Foundation "genius" grant.

As California labor commissioner from 2011 through 2018, Su enforced the state's labor laws to ensure a fair and just workplace for both employees and employers. A report on her tenure released in May 2013 found that her leadership resulted in a renaissance in enforcement activity and record-setting results. In 2014, she launched the first "Wage Theft Is a Crime" multimedia, multilingual statewide campaign to reach out to low-wage workers and their employers to help them understand their rights and feel safe speaking up about labor law abuses.

Prior to her appointment as California labor commissioner, Deputy Secretary Su was the litigation director at Asian Americans Advancing Justice-Los Angeles, the nation's largest non-profit civil rights organization devoted to issues affecting the Asian American community. Su is known for pioneering a multi-strategy approach that combines successful impact litigation with multiracial organizing, community education, policy reform, coalition building and media work.

Frequently named to top-lawyer lists such as the Daily Journal's "Top 75 Women Litigators" in California and California Lawyer's "Super Lawyers," she was the first labor commissioner to be included among the Daily Journal's "Top 75 Labor and Employment Lawyers." She has also been named one of the 50 most noteworthy women alumni of Harvard Law School and one of the 100 most influential people in Los Angeles in Los Angeles Magazine.

Su has taught at UCLA Law School and Northeastern Law School. She is a graduate of Stanford University and Harvard Law School and began her career with a Skadden Fellowship. Su speaks Mandarin and Spanish.
JENNY YANG

Jenny R. Yang joined the OFCCP as its Director on January 20, 2021. In the Obama-Biden Administration, from 2013-2018, she served as Chair, Vice-Chair, and Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC), after unanimous Senate confirmation. She led efforts to tackle systemic discrimination, including enhancing the EEOC's annual data collection to include employer reporting of pay data and initiated the Select Task Force on the Study of Harassment in the Workplace. She led comprehensive investments in agency-wide technology, launching new digital systems to expand access to the public.

After her service on the EEOC, as a Senior Fellow at the Urban Institute, Ms. Yang worked to revitalize anti-discrimination laws to better protect workers as structural and technological changes transform work. In addition, as a strategic partner with Working IDEAL, Ms. Yang assisted employers in preventing harassment and promoting equality of opportunity in hiring, pay and promotion through the design of employment practices. Prior to joining the EEOC, Ms. Yang spent a decade representing workers in complex nationwide employment discrimination class actions and wage and hour collective actions as a partner at Cohen Milstein. Before that, she served as a Senior Trial Attorney with the U.S. Department of Justice, Civil Rights Division, Employment Litigation Section. She began her career at the National Employment Law Project as a fellow advocating for the workplace rights of garment workers. After law school, she clerked for the late Judge Edmund V. Ludwig, of the United States District Court for the Eastern District of Pennsylvania. She is a graduate of Cornell University and New York University School of Law, where she was a Root-Tilden Public Interest Scholar.

ARLENE YANG

Arlene Yang is a Principal in the Labor and Employment Practice Group. She focuses her practice on employment counseling and litigation.

Arlene advises companies on employment law issues, including wage and hour matters, leave issues, reasonable accommodations for disabilities, and employment policies. She conducts workplace investigations, provides strategic advice to human resources managers, and represents employers with unionized workforce. She also specializes in litigation in state and federal court and proceedings before administrative agencies. Arlene is an experienced presenter on current employment laws and issues relating to implicit bias, discrimination, and harassment.

Prior to joining Meyers Nave, Arlene was a Partner and the Chief Practice Officer at an employment law boutique in San Diego that served local corporations and Fortune 50 companies headquartered throughout the U.S. She developed expertise in labor and employment litigation and counseling as an attorney at the U.S. Department of Homeland Security – both at the Transportation Security Administration (TSA) and at U.S. Customs and Border Protection. Arlene advocated for TSA in administrative litigation before the U.S. Equal Employment Opportunity Commission and the Merit Systems Protection Board.

Arlene also served as a litigator at the United States Department of Justice (Attorney General's Honors Program) and at an international law firm headquartered in New York City. After law school Arlene clerked for the Honorable Daniel H. Huyett, 3rd in the United States District Court for the Eastern District of Pennsylvania.
Language Resources at the U.S. Department of Labor

- Wage and Hour Division: https://www.dol.gov/agencies/whd/publications-by-language


- Occupational Safety and Health Administration: https://www.osha.gov/publications/bylanguage

Executive Order on Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) individuals and communities are irrefutable sources of our Nation’s strength. These communities have molded the American experience, and the achievements of AA and NHPI communities make the United States stronger and more vibrant. The richness of America’s multicultural democracy is strengthened by the diversity of AA and NHPI communities and the many cultures and languages of AA and NHPI individuals in the United States.

Asian American, Native Hawaiian, and Pacific Islander communities together constitute the fastest growing ethnic group in the United States and make rich contributions to our society, our economy, and our culture. Yet for far too long, systemic barriers to equity, justice, and opportunity put the American dream out of reach of many AA and NHPI communities. Many AA and NHPI individuals face persistent disparities in socioeconomic, health, and educational outcomes. Linguistic isolation and lack of access to language-assistance services continue to lock many AA and NHPI individuals out of opportunity. Too often Federal data collection practices fail to measure, reflect, and disaggregate the diversity of AA and NHPI experiences. These practices contribute to often painful and enduring stereotypes about Asian Americans as a “model minority” and obscure disparities within AA and NHPI communities.

Our Nation has also seen again that anti-Asian bias, xenophobia, racism, and nativism have deep roots in our Nation. Tragic acts of anti-Asian violence have increased during the COVID-19 pandemic, casting a shadow of fear and grief over many AA and NHPI communities, in particular East Asian communities. Long before this pandemic, AA and NHPI communities in the United States — including South Asian and Southeast Asian communities — have faced persistent xenophobia, religious discrimination, racism, and violence. The Federal Government must provide the moral leadership, policies, and programs to address and end
anti-Asian violence and discrimination, and advance inclusion and belonging for all AA and NHPI communities.

At the same time, many AA and NHPI communities, and in particular Native Hawaiian and Pacific Islander communities, have also been disproportionately burdened by the COVID-19 public health crisis. Evidence suggests that Native Hawaiians and Pacific Islanders are three times more likely to contract COVID-19 compared to white people and nearly twice as likely to die from the disease. On top of these health inequities, many AA and NHPI families and small businesses have faced devastating economic losses during this crisis, which must be addressed.

As I directed in Executive Order 13985 of January 20, 2021 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government), the entire Federal Government must advance equity and racial justice for underserved communities, which include AA and NHPI communities. As I established in the Presidential Memorandum of January 26, 2021 (Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States), it is the policy of my Administration to address and confront racism, xenophobia, and intolerance. The purpose of this order is to build on those policies by establishing the President’s Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders and the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders. Both will work to advance equity, justice, and opportunity for AA and NHPI communities in the United States.

Sec. 2. President’s Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders.

(a) There is established in the Department of Health and Human Services the President’s Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders (Commission).

(b) The Commission shall be led by two Co-Chairs, one of whom shall be the Secretary of Health and Human Services, the other of whom shall be the head of an executive department or agency (agency) designated by the President. The Commission shall provide advice to the President, in close coordination with the Deputy Assistant to the President and Asian American, Native Hawaiian, and Pacific Islander Senior Liaison, on:

(i) the development, monitoring, and coordination of executive branch efforts to advance equity, justice, and opportunity for AA and NHPI communities in the United States, including efforts to close gaps in health, socioeconomic, employment, and educational outcomes;
(ii) policies to address and end anti-Asian bias, xenophobia, racism, and nativism, and opportunities for the executive branch to advance inclusion, belonging, and public awareness of the diversity and accomplishments of AA and NHPI people, cultures, and histories;

(iii) policies, programs, and initiatives to prevent, report, respond to, and track anti-Asian hate crimes and hate incidents;

(iv) ways in which the Federal Government can build on the capacity and contributions of AA and NHPI communities through equitable Federal funding, grantmaking, and employment opportunities;

(v) policies and practices to improve research and equitable data disaggregation regarding AA and NHPI communities;

(vi) policies and practices to improve language access services to ensure AA and NHPI communities can access Federal programs and services; and

(vii) strategies to increase public- and private-sector collaboration, and community involvement in improving the safety and socioeconomic, health, educational, occupational, and environmental well-being of AA and NHPI communities.

(c) The Commission shall consist of 25 members appointed by the President. The Commission shall include members who:

(i) have a history of advancing equity, justice, and opportunity for AA and NHPI communities;

(ii) represent diverse sectors, including education, commerce, business, health, human services, housing, the environment, the arts, agriculture, labor and employment, transportation, justice, veterans affairs, economic and community development, immigration, law, and national security;

(iii) are from organizations or associations representing one or more of the diverse AA and NHPI communities;

(iv) have personal or professional experience addressing intersectional barriers faced by AA and NHPI communities, such as discrimination or lack of access to opportunity based on country of origin, immigration status, disability, age, or sex, including based on sexual orientation and gender identity; or

(v) have such other experience as the President deems appropriate.
(d) The Secretary of Health and Human Services shall designate an Executive Director of the Commission (Executive Director). The Executive Director shall report to the Secretary of Health and Human Services, in coordination with the other Co-Chair of the Commission and the Deputy Assistant to the President and Asian American, Native Hawaiian, and Pacific Islander Senior Liaison.

(i) The Department of Health and Human Services shall provide funding and administrative support for the Commission to the extent permitted by law and within existing appropriations, and may, as necessary and appropriate under section 1535 of title 31, United States Code, enter into one or more agreements to obtain goods or services from one or more agencies in support of the Commission.

(ii) The heads of other agencies shall assist and provide information to the Commission, consistent with applicable law, as may be necessary to carry out its functions. Each agency shall bear its own expenses of assisting the Commission.

(iii) Members of the Commission shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707). Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the “Act”), may apply to the administration of the Commission, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Secretary of Health and Human Services, in accordance with the guidelines issued by the Administrator of General Services.

(e) The Commission shall terminate 2 years from the date of this order, unless sooner renewed by the President.

Sec. 3. White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders.

(a) There is established the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (Initiative), a Federal interagency working group. The Initiative shall be led by two Co-Chairs, one of whom shall be the Secretary of Health and Human Services, the other of whom shall be the head of an agency designated by the President. The Executive Director of the Commission established in section 2(d) of this order shall also serve as the Executive Director of the Initiative, reporting to the Secretary of Health and Human Services, in coordination with the other Co-Chair of the Initiative and the Deputy Assistant to the President and Asian American, Native Hawaiian, and Pacific Islander Senior Liaison.

(b) The Initiative shall advance equity, justice, and opportunity for AA and NHPI communities by coordinating Federal interagency policymaking and program development
efforts to eliminate barriers to equity, justice, and opportunity faced by AA and NHPI communities, including by advancing policies, programs, and initiatives. In developing and implementing such policies, programs, and initiatives, the Co-Chairs of the Initiative and the Executive Director shall coordinate closely with the Deputy Assistant to the President and Asian American, Native Hawaiian, and Pacific Islander Senior Liaison. To support implementation of a whole-of-government approach to equity and racial justice, as established in Executive Order 13985, the Assistant to the President for Domestic Policy and the Director of the Office of Management and Budget shall coordinate closely with the Co-Chairs of the Initiative and the Executive Director to ensure that the needs and voices of AA and NHPI communities are considered in the efforts of my Administration to advance equity and civil rights.

In particular, the Initiative shall advance efforts to:

(i) identify and eliminate any existing institutional policies or barriers within Federal programs and services that may disadvantage or burden AA and NHPI communities;

(ii) improve safety, access to justice, and violence prevention for AA and NHPI communities, including by preventing, reporting, addressing, and better tracking acts of hate and bias (such as acts of hate and bias at the intersection of gender-based violence);

(iii) promote inclusion and belonging for AA and NHPI communities, including by expanding public education and knowledge of AA and NHPI people and their diverse cultures, languages, and histories;

(iv) expand the collection and use of disaggregated data at the Federal, State and local level on AA and NHPI communities, and facilitate improved research on policy and program outcomes for AA and NHPI communities, in coordination with the Interagency Working Group on Equitable Data established by Executive Order 13985;

(v) end language access and other barriers faced by AA and NHPI communities in accessing government benefits and services;

(vi) improve health outcomes, eliminate health disparities, and expand access to quality, affordable, and culturally competent medical and mental healthcare services for AA and NHPI individuals and communities;

(vii) end disparities in educational outcomes for AA and NHPI youth and students of all ages, and address barriers to learning, including bullying, harassment, and other forms of discrimination at school;
(viii) address the concentration of poverty facing many AA and NHPI communities, including by identifying and addressing disparities in access to safe, affordable housing and homeownership;

(ix) expand economic opportunity for AA and NHPI families, including by advancing opportunities for AA and NHPI entrepreneurs and small businesses, supporting access to jobs and workforce training for AA and NHPI communities, promoting AA and NHPI participation and success in the private sector, ensuring workplaces are free from race and national origin harassment and other forms of employment discrimination, and ensuring AA and NHPI communities can access consumer and finance protections;

(x) increase opportunities for civic engagement, such as electoral participation, within AA and NHPI communities;

(xi) improve the equitable allocation of Federal resources, including through Federal funds, contracts, grants, and awards, to AA and NHPI communities and AA and NHPI-serving organizations;

(xii) support AA and NHPI communities in responding to and recovering from national or regional crises and public health emergencies, including the COVID-19 pandemic and related economic crisis;

(xiii) secure climate and environmental justice for AA and NHPI communities who are particularly impacted by the climate crisis and are overburdened by environmental degradation; and

(xiv) identify ways to foster the recruitment, career and leadership development, retention, advancement, and participation of AA and NHPI public servants at all levels of the Federal workforce.

(c) In addition to the Co-Chairs, the Initiative shall consist of senior officials from the following agencies and offices, designated by the heads thereof:

(i) the Office of the Vice President;

(ii) the Department of State;

(iii) the Department of the Treasury;

(iv) the Department of Defense;
(v) the Department of Justice;
(vi) the Department of the Interior;
(vii) the Department of Agriculture;
(viii) the Department of Commerce;
(ix) the Department of Labor;
(x) the Department of Health and Human Services;
(xi) the Department of Housing and Urban Development;
(xii) the Department of Energy;
(xiii) the Department of Education;
(xiv) the Department of Veterans Affairs;
(xv) the Department of Homeland Security;
(xvi) the Environmental Protection Agency;
(xvii) the Office of Management and Budget;
(xviii) the Office of the United States Trade Representative;
(xix) the Small Business Administration;
(xx) the Office of Science and Technology Policy;
(xxi) the National Security Council;
(xxii) the National Economic Council;
(xxiii) the Domestic Policy Council;
(xxiv) the Gender Policy Council;
(xxv) the Council on Environmental Quality;
(xxvi) the White House Office of Cabinet Affairs;
(xxvii) the White House Office of Intergovernmental Affairs;

(xxviii) the White House Office of Public Engagement;

(xxix) the White House Office of Presidential Personnel;

(xxx) the Social Security Administration;

(xxxi) the General Services Administration;

(xxxii) the United States Agency for International Development;

(xxxiii) the Office of Personnel Management;

(xxxiv) the Equal Employment Opportunity Commission; and

(xxxv) other agencies and offices as the President may, from time to time, designate.

At the direction of the Co-Chairs, the Initiative may establish subgroups consisting exclusively of Initiative members or their designees, as appropriate. To the extent permitted by law, members of the Initiative, or their designees, shall devote the time, skill, and resources necessary and adequate to carry out the functions of the Initiative. Each agency and office shall bear its own expenses for participating in the Initiative.

(d) The Department of Health and Human Services shall provide funding and administrative support for the Initiative to the extent permitted by law and within existing appropriations, and may, as necessary and appropriate under section 1535 of title 31, United States Code, enter into one or more agreements to obtain goods or services from one or more agencies in support of the Initiative.

(e) Each agency in the Initiative shall prepare a plan (agency plan) outlining measurable actions the agency is considering or will take to advance equity, justice, and opportunity for AA and NHPI communities, including plans to implement the policy goals outlined in subsection (b) of this section. Agencies shall report their plans to the Co-Chairs of the Initiative and the Executive Director on a frequency established by the Executive Director. In developing such plans, officials participating in the Initiative shall seek opportunities to engage with employee affinity groups or Federal networks representing AA and NHPI public servants.

(i) Each such agency shall assess and report to the Co-Chairs of the Initiative and the Executive Director on its progress in implementing its respective agency plan on a regular basis as established by the Co-Chairs of the Initiative and the Executive Director.
(ii) On an annual basis, the Co-Chairs of the Initiative shall develop and submit to the President a report outlining a Government-wide interagency plan to advance equity, justice, and opportunity for AA and NHPI communities, and progress made in implementing the policy goals outlined in subsection (b) of this section.

(f) The Initiative shall coordinate with and support the existing regional network of Federal officials who facilitate improved communication, engagement, and coordination between the Federal Government and AA and NHPI communities throughout the United States (Regional Network). Agencies identified as participants in the Initiative shall seek opportunities, consistent with applicable law and available resources, to provide support and resources to the Regional Network through each agency’s respective regional offices. The Executive Director shall coordinate the efforts of the Regional Network, and may establish regular reporting and information-sharing activities between the Regional Network and the Initiative.

Sec. 4. General Provisions.

(a) This order supersedes Executive Order 13125 of June 7, 1999 (Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs); Executive Order 13339 of May 13, 2004 (Increasing Economic Opportunity and Business Participation of Asian Americans and Pacific Islanders); Executive Order 13515 of October 14, 2009 (Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs); and Executive Order 13872 of May 13, 2019 (Economic Empowerment of Asian Americans and Pacific Islanders).

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) For purposes of this order, references to executive departments and agencies shall not include the agencies described in section 3502(5) of title 44, United States Code. Independent regulatory agencies are strongly encouraged to comply with the provisions of this order.

(e) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its
departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,

May 28, 2021.
By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 1104, 3301, and 3302 of title 5, United States Code, and in order to strengthen the Federal workforce by promoting diversity, equity, inclusion, and accessibility, it is hereby ordered as follows:

Section 1. Policy. On my first day in office, I signed Executive Order 13985 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government), which established that affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government. To further advance equity within the Federal Government, this order establishes that it is the policy of my Administration to cultivate a workforce that draws from the full diversity of the Nation.

As the Nation’s largest employer, the Federal Government must be a model for diversity, equity, inclusion, and accessibility, where all employees are treated with dignity and respect. Accordingly, the Federal Government must strengthen its ability to recruit, hire, develop, promote, and retain our Nation’s talent and remove barriers to equal opportunity. It must also provide resources and opportunities to strengthen and advance diversity, equity, inclusion, and accessibility across the Federal Government. The Federal Government should have a workforce that reflects the diversity of the American people. A growing body of evidence demonstrates that diverse, equitable, inclusive, and accessible workplaces yield higher-performing organizations.

Federal merit system principles include that the Federal Government’s recruitment policies should “endeavor to achieve a work force from all segments of society” and that “[a]ll employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management” (5 U.S.C. 2301(b)(1), (2)). As set forth in Executive Order 13583 of August 18, 2011 (Establishing a Coordinated Government-Wide Initiative to Promote Diversity and Inclusion in the Federal Workforce), the Presidential Memorandum of October 5, 2016 (Promoting Diversity and Inclusion in the National Security Workforce),
Executive Order 13988 of January 20, 2021 (Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation), the National Security Memorandum of February 4, 2021 (Revitalizing America’s Foreign Policy and National Security Workforce, Institutions, and Partnerships), and Executive Order 14020 of March 8, 2021 (Establishment of the White House Gender Policy Council), the Federal Government is at its best when drawing upon all parts of society, our greatest accomplishments are achieved when diverse perspectives are brought to bear to overcome our greatest challenges, and all persons should receive equal treatment under the law. This order reaffirms support for, and builds upon, the procedures established by Executive Orders 13583, 13988, and 14020, the Presidential Memorandum on Promoting Diversity and Inclusion in the National Security Workforce, and the National Security Memorandum on Revitalizing America’s Foreign Policy and National Security Workforce, Institutions, and Partnerships. This order establishes that diversity, equity, inclusion, and accessibility are priorities for my Administration and benefit the entire Federal Government and the Nation, and establishes additional procedures to advance these priorities across the Federal workforce.

Sec. 2. Definitions. For purposes of this order, in the context of the Federal workforce:

(a) The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, who have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. In the context of the Federal workforce, this term includes individuals who belong to communities of color, such as Black and African American, Hispanic and Latino, Native American, Alaska Native and Indigenous, Asian American, Native Hawaiian and Pacific Islander, Middle Eastern, and North African persons. It also includes individuals who belong to communities that face discrimination based on sex, sexual orientation, and gender identity (including lesbian, gay, bisexual, transgender, queer, gender non-conforming, and non-binary (LGBTQ+) persons); persons who face discrimination based on pregnancy or pregnancy-related conditions; parents; and caregivers. It also includes individuals who belong to communities that face discrimination based on their religion or disability; first-generation professionals or first-generation college students; individuals with limited English proficiency; immigrants; individuals who belong to communities that may face employment barriers based on older age or former incarceration; persons who live in rural areas; veterans and military spouses; and persons otherwise adversely affected by persistent poverty, discrimination, or inequality. Individuals may belong to more than one underserved community and face intersecting barriers.

(b) The term “diversity” means the practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities.

(c) The term “equity” means the consistent and systematic fair, just, and impartial
treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.

(d) The term “inclusion” means the recognition, appreciation, and use of the talents and skills of employees of all backgrounds.

(e) The term “accessibility” means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them. Accessibility includes the provision of accommodations and modifications to ensure equal access to employment and participation in activities for people with disabilities, the reduction or elimination of physical and attitudinal barriers to equitable opportunities, a commitment to ensuring that people with disabilities can independently access every outward-facing and internal activity or electronic space, and the pursuit of best practices such as universal design.

(f) The term “agency” means any authority of the United States that is an “agency” under 44 U.S.C. 3502(1), other than one considered to be an independent regulatory agency, as defined in 44 U.S.C. 3502(5).

Sec. 3. Government-Wide Diversity, Equity, Inclusion, and Accessibility Initiative and Strategic Plan. The Director of the Office of Personnel Management (OPM) and the Deputy Director for Management of the Office of Management and Budget (OMB) — in coordination with the Chair of the Equal Employment Opportunity Commission (EEOC) and in consultation with the Secretary of Labor, the Director of the Office of Science and Technology Policy, the Assistant to the President for National Security Affairs, the Assistant to the President for Domestic Policy (APDP), the Director of the National Economic Council, and the Co-Chairs of the Gender Policy Council — shall:

(a) reestablish a coordinated Government-wide initiative to promote diversity and inclusion in the Federal workforce, expand its scope to specifically include equity and accessibility, and coordinate its implementation with the provisions of Executive Order 13985 and the National Security Memorandum on Revitalizing America’s Foreign Policy and National Security Workforce, Institutions, and Partnerships;

(b) develop and issue a Government-wide Diversity, Equity, Inclusion, and Accessibility Strategic Plan (Government-wide DEIA Plan) within 150 days of the date of this order that updates the Government-wide plan required by section 2(b)(i) of Executive Order 13583. The Government-wide DEIA Plan shall be updated as appropriate and at a minimum every 4 years. The Government-wide DEIA Plan shall:

(i) define standards of success for diversity, equity, inclusion, and accessibility efforts based on leading policies and practices in the public and private sectors;

(ii) consistent with merit system principles, identify strategies to advance diversity, equity, inclusion, and accessibility, and eliminate, where applicable, barriers to equity, in Federal workforce functions, including: recruitment; hiring; background investigation;
promotion; retention; performance evaluations and awards; professional development programs; mentoring programs or sponsorship initiatives; internship, fellowship, and apprenticeship programs; employee resource group and affinity group programs; temporary employee details and assignments; pay and compensation policies; benefits, including health benefits, retirement benefits, and employee services and work-life programs; disciplinary or adverse actions; reasonable accommodations for employees and applicants with disabilities; workplace policies to prevent gender-based violence (including domestic violence, stalking, and sexual violence); reasonable accommodations for employees who are members of religious minorities; and training, learning, and onboarding programs;

(iii) include a comprehensive framework to address workplace harassment, including sexual harassment, which clearly defines the term “harassment”; outlines policies and practices to prevent, report, respond to, and investigate harassment; promotes mechanisms for employees to report misconduct; encourages bystander intervention; and addresses training, education, and monitoring to create a culture that does not tolerate harassment or other forms of discrimination or retaliation; and

(iv) promote a data-driven approach to increase transparency and accountability, which would build upon, as appropriate, the EEOC’s Management Directive 715 reporting process;

(c) establish an updated system for agencies to report regularly on progress in implementing Agency DEIA Strategic Plans (as described in section 4(b) of this order) and in meeting the objectives of this order. New reporting requirements should be aligned with ongoing reporting established by Executive Order 13985 and the National Security Memorandum on Revitalizing America’s Foreign Policy and National Security Workforce, Institutions, and Partnerships. Agency reports on actions taken to meet the objectives of this order shall include measurement of improvements, analysis of the effectiveness of agency programs, and descriptions of lessons learned. The Director of OPM and the Deputy Director for Management of OMB shall support agencies in developing workforce policies and practices designed to advance diversity, equity, inclusion, and accessibility throughout agencies by, for example, providing updated guidance and technical assistance to ensure that agencies consistently improve, evaluate, and learn from their workforce practices;

(d) pursue opportunities to consolidate implementation efforts and reporting requirements related to advancing diversity, equity, inclusion, and accessibility established through related or overlapping statutory mandates, Presidential directives, and regulatory requirements; and

(e) support, coordinate, and encourage agency efforts to conduct research, evaluation, and other evidence-building activities to identify leading practices, and other promising practices, for broadening participation and opportunities for advancement in Federal employment, and to assess and promote the benefits of diversity, equity, inclusion, and accessibility for Federal performance and operations and barriers to achieving these goals. Agencies should use the capabilities of their evaluation officers and chief statistical officers and requirements under the
Foundations for Evidence-Based Policymaking Act of 2018, Public Law 115-435, to advance this goal.

Sec. 4. Responsibilities of Executive Departments and Agencies. The head of each agency shall make advancing diversity, equity, inclusion, and accessibility a priority component of the agency’s management agenda and agency strategic planning. The head of each agency shall implement the Government-wide DEIA Plan prepared pursuant to section 3 of this order and such other related guidance as issued from time to time by the Director of OPM or the Deputy Director for Management of OMB. In addition, the head of each agency shall:

(a) within 100 days of the date of this order, submit to the APDP, the Director of OPM, and the Deputy Director for Management of OMB a preliminary assessment of the current state of diversity, equity, inclusion, and accessibility in the agency’s human resources practices and workforce composition. In conducting such assessment, the head of each agency should:
   (i) assess whether agency recruitment, hiring, promotion, retention, professional development, performance evaluations, pay and compensation policies, reasonable accommodations access, and training policies and practices are equitable;
   (ii) take an evidence-based and data-driven approach to determine whether and to what extent agency practices result in inequitable employment outcomes, and whether agency actions may help to overcome systemic societal and organizational barriers;
   (iii) assess the status and effects of existing diversity, equity, inclusion, and accessibility initiatives or programs, and review the amount of institutional resources available to support human resources activities that advance the objectives outlined in section 1 of this order; and
   (iv) identify areas where evidence is lacking and propose opportunities to build evidence to advance diversity, equity, inclusion, and accessibility and address those gaps identified;

(b) within 120 days of the issuance of the Government-wide DEIA Plan, and annually thereafter, develop and submit to the APDP, the Director of OPM, and the Deputy Director for Management of OMB an Agency Diversity, Equity, Inclusion, and Accessibility Strategic Plan (Agency DEIA Strategic Plan), as described by section 3(b) of Executive Order 13583 and as modified by this order. Agency DEIA Strategic Plans should identify actions to advance diversity, equity, inclusion, and accessibility in the workforce and remove any potential barriers to diversity, equity, inclusion, and accessibility in the workforce identified in the assessments described in subsection (a) of this section. Agency DEIA Strategic Plans should also include quarterly goals and actions to advance diversity, equity, inclusion, and accessibility initiatives in the agency workforce and in the agency’s workplace culture;

(c) on an annual basis, report to the President on the status of the agency’s efforts to advance diversity, equity, inclusion, and accessibility within the agency, and the agency’s success in implementing the Agency DEIA Strategic Plan. Consistent with guidance issued as part of the Government-wide DEIA Plan, the agency head shall also make available to the general public information on efforts to advance diversity, equity, inclusion, and accessibility in
the agency’s workforce;

(d) oversee, and provide resources and staffing to support, the implementation of the Agency DEIA Strategic Plan;

(e) enhance diversity, equity, inclusion, and accessibility within the agency, in collaboration with the agency’s senior officials and consistent with applicable law and merit system principles;

(f) seek opportunities to establish a position of chief diversity officer or diversity and inclusion officer (as distinct from an equal employment opportunity officer), with sufficient seniority to coordinate efforts to promote diversity, equity, inclusion, and accessibility within the agency;

(g) strongly consider for employment, to the extent permitted by applicable law, qualified applicants of any background who have advanced diversity, equity, inclusion, and accessibility in the workplace; and

(h) in coordination with OMB, seek opportunities to ensure alignment across various organizational performance planning requirements and efforts by integrating the Agency DEIA Strategic Plan and diversity, equity, inclusion, and accessibility goals into broader agency strategic planning efforts described in 5 U.S.C. 306 and the agency performance planning described in 31 U.S.C. 1115.

Sec. 5. Data Collection.

(a) The head of each agency shall take a data-driven approach to advancing policies that promote diversity, equity, inclusion, and accessibility within the agency’s workforce, while protecting the privacy of employees and safeguarding all personally identifiable information and protected health information.

(b) Using Federal standards governing the collection, use, and analysis of demographic data (such as OMB Directive No. 15 (Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity) and OMB Memorandum M-14-06 (Guidance for Providing and Using Administrative Data for Statistical Purposes)), the head of each agency shall measure demographic representation and trends related to diversity in the agency’s overall workforce composition, senior workforce composition, employment applications, hiring decisions, promotions, pay and compensation, professional development programs, and attrition rates.

(c) The Director of OPM, the Chair of the EEOC, and the Deputy Director for Management of OMB shall review existing guidance, regulations, policies, and practices (for purposes of this section, “guidance”) that govern agency collection of demographic data about Federal employees, and consider issuing, modifying, or revoking such guidance in order to expand the collection of such voluntarily self-reported data and more effectively measure the representation of underserved communities in the Federal workforce. In revisiting or issuing any such guidance, the Director of OPM, the Chair of the EEOC, and the Deputy Director for Management of OMB shall take steps to promote the protection of privacy and to safeguard
personally identifiable information; facilitate intersectional analysis; and reduce duplicative reporting requirements. In considering whether to revisit or issue such guidance, the Director of OPM, the Chair of the EEOC, and the Deputy Director for Management of OMB shall consult with the Chief Statistician of the United States, the Chair of the Chief Data Officers Council, and the Co-Chairs of the Interagency Working Group on Equitable Data established in section 9 of Executive Order 13985.

(d) The head of each agency shall implement any such revised guidance issued pursuant to subsection (c) of this section to expand the collection of voluntarily self-reported demographic data. The head of each agency shall also take steps to ensure that data collection and analysis practices allow for the capture or presence of multiple attributes and identities to ensure an intersectional analysis.

(e) The head of each agency shall collect and analyze voluntarily self-reported demographic data regarding the membership of advisory committees, commissions, and boards in a manner consistent with applicable law, including privacy and confidentiality protections, and with statistical standards where applicable. For agencies that have external advisory committees, commissions, or boards to which agencies appoint members, agency heads shall pursue opportunities to increase diversity, equity, inclusion, and accessibility on such committees, commissions, and boards.

Sec. 6. Promoting Paid Internships.

(a) The Director of OPM and the Deputy Director for Management of OMB shall issue guidance to agencies and the Executive Office of the President with respect to internships and similar programs within the Federal Government, including guidance on how to:

(i) increase the availability of paid internships, fellowships, and apprenticeships, and reduce the practice of hiring interns, fellows, and apprentices who are unpaid;

(ii) ensure that internships, fellowships, and apprenticeships serve as a supplement to, and not a substitute for, the competitive hiring process;

(iii) ensure that internships, fellowships, and apprenticeships serve to develop individuals’ talent, knowledge, and skills for careers in government service;

(iv) improve outreach to and recruitment of individuals from underserved communities for internship, fellowship, and apprenticeship programs; and

(v) ensure all interns, fellows, and apprentices with disabilities, including applicants and candidates, have a process for requesting and obtaining reasonable accommodations to support their work in the Federal Government, without regard to whether such individuals are covered by the Rehabilitation Act of 1973, Public Law 93-112.

(b) The head of each agency shall, as part of the annual reporting process described in section 4(c) of this order, measure and report on the agency’s progress with respect to the matters described in subsection (a) of this section.
Sec. 7. Partnerships and Recruitment.

(a) The Director of the Office of Science and Technology Policy (OSTP), the Director of OPM, and the Deputy Director for Management of OMB, in consultation with the Chair of the EEOC, shall coordinate a Government-wide initiative to strengthen partnerships (Partnerships Initiative) to facilitate recruitment for Federal employment opportunities of individuals who are members of underserved communities. To carry out the Partnerships Initiative, the Director of OSTP, the Director of OPM, and the Deputy Director for Management of OMB shall take steps to increase diversity in the Federal employment pipeline by supporting and guiding agencies in building or strengthening partnerships with Historically Black Colleges and Universities, including Historically Black Graduate Institutions; Hispanic-Serving Institutions; Tribal Colleges and Universities; Native American-serving, nontribal institutions; Asian American and Pacific Islander-serving institutions; Tribally controlled colleges and universities; Alaska Native-serving and Native Hawaiian-serving institutions; Predominantly Black Institutions; women’s colleges and universities; State vocational rehabilitation agencies that serve individuals with disabilities; disability services offices at institutions of higher education; organizations dedicated to serving veterans; public and non-profit private universities serving a high percentage of economically disadvantaged students or first-generation college or graduate students; community colleges and technical schools; and community-based organizations that are dedicated to serving and working with underserved communities, including return-to-work programs, programs that provide training and support for older adults seeking employment, programs serving formerly incarcerated individuals, centers for independent living, disability rights organizations, and organizations dedicated to serving LGBTQ+ individuals.

(b) The head of each agency shall work with the Director of OSTP, the Director of OPM, and the Deputy Director for Management of OMB to make employment, internship, fellowship, and apprenticeship opportunities available through the Partnerships Initiative, and shall take steps to enhance recruitment efforts through the Partnerships Initiative, as part of the agency’s overall recruitment efforts. The head of each agency shall, as part of the reporting processes described in sections 3(c) and 4(c) of this order, measure and report on the agency’s progress on carrying out this subsection.

Sec. 8. Professional Development and Advancement.

(a) The Director of OPM, in consultation with the Deputy Director for Management of OMB, shall issue detailed guidance to agencies for tracking demographic data relating to participation in leadership and professional development programs and development opportunities offered or sponsored by agencies and the rate of the placement of participating employees into senior positions in agencies, in a manner consistent with privacy and confidentiality protections and statistical limitations.

(b) The head of each agency shall implement the guidance issued pursuant to subsection (a)
of this section, and shall use demographic data relating to participation in professional
development programs to identify ways to improve outreach and recruitment for professional
development programs offered or sponsored by the agency, consistent with merit system
principles. The head of each agency shall also address any barriers to access to or
participation in such programs faced by members of underserved communities.

Sec. 9. Training and Learning.
   (a) The head of each agency shall take steps to implement or increase the availability and
use of diversity, equity, inclusion, and accessibility training programs for employees, managers,
and leadership. Such training programs should enable Federal employees, managers, and
leaders to have knowledge of systemic and institutional racism and bias against underserved
communities, be supported in building skillsets to promote respectful and inclusive
workplaces and eliminate workplace harassment, have knowledge of agency accessibility
practices, and have increased understanding of implicit and unconscious bias.
   (b) The Director of OPM and the Chair of the EEOC shall issue guidance and serve as a
resource and repository for best practices for agencies to develop or enhance existing diversity,
equity, inclusion, and accessibility training programs.

Sec. 10. Advancing Equity for Employees with Disabilities.
   (a) As established in Executive Order 13548 of July 26, 2010 (Increasing Federal
Employment of Individuals with Disabilities), the Federal Government must become a model
for the employment of individuals with disabilities. Because a workforce that includes people
with disabilities is a stronger and more effective workforce, agencies must provide an
equitable, accessible, and inclusive environment for employees with disabilities. In order for
Federal employees and applicants with disabilities to be assessed on their merits, accessible
information technologies must be provided and, where needed, reasonable accommodations
must be available that will allow qualified individuals with disabilities to perform the essential
functions of their positions and access advancement opportunities. To that end, the relevant
agencies shall take the actions set forth in this section.
   (b) The Secretary of Labor, the Director of OPM, the Chair of the EEOC, the Deputy
Director for Management of OMB, and the Executive Director of the Architectural and
Transportation Barriers Compliance Board (Access Board), in consultation with the
Administrator of General Services, as appropriate, shall coordinate with agencies to:
      (i) support the Federal Government’s effort to provide people with disabilities equal
employment opportunities and take affirmative actions within the Federal Government to
ensure that agencies fully comply with applicable laws, including sections 501, 504, and 508 of
the Rehabilitation Act of 1973, as amended (29 U.S.C. 791, 794, 794d);
      (ii) assess current practices in using Schedule A hiring authority to employ people with
disabilities in the Federal Government, and evaluate opportunities to enhance equity in
employment opportunities and financial security for employees with disabilities through different practices or guidance on the use of Schedule A hiring authority; and

(iii) ensure that:

(A) applicants and employees with disabilities have access to information about and understand their rights regarding disability self-identification;

(B) applicants and employees with disabilities have access to information about Schedule A hiring authority for individuals with disabilities;

(C) applicants and employees with disabilities have access to information about, understand their rights to, and may easily request reasonable accommodations, workplace personal assistance services, and accessible information and communication technology;

(D) the process of responding to reasonable accommodation requests is timely and efficient;

(E) the processes and procedures for appealing the denial of a reasonable accommodation request are timely and efficient; and

(F) all information and communication technology and products developed, procured, maintained, or used by Federal agencies are accessible and usable by employees with disabilities consistent with all standards and technical requirements of the Rehabilitation Act of 1973.

(c) To ensure that all Federal office buildings and workplaces are accessible to employees with disabilities, the Administrator of General Services, the Director of OPM, the Deputy Director for Management of OMB, and the Executive Director of the Access Board shall work with Federal agencies to ensure that Federal buildings and leased facilities comply with the accessibility standards of the Architectural Barriers Act of 1968, Public Law 90-480, and related standards.

(d) Beyond existing duties to comply with the Architectural Barriers Act of 1968 and related standards, the head of each agency shall maximize the accessibility of the physical environment of the agency’s workplaces, consistent with applicable law and the availability of appropriations, so as to reduce the need for reasonable accommodations, and provide periodic notice to all employees that complaints concerning accessibility barriers in Federal buildings can be filed with the Access Board.

(e) The Secretary of Defense and the Secretary of Labor shall review the use of the Workforce Recruitment Program (WRP) for college students and recent graduates with disabilities and take steps, as appropriate and consistent with applicable law, to expand the WRP. The Secretaries shall submit a report to the APDP describing any steps taken pursuant to this subsection and providing recommendations for any Presidential, administrative, or congressional actions to further expand and strengthen the program and expand job opportunities.

Sec. 11. Advancing Equity for LGBTQ+ Employees.

(a) As established in Executive Order 13988, it is the policy of my Administration to prevent
and combat discrimination on the basis of gender identity or sexual orientation. Each Federal employee should be able to openly express their sexual orientation, gender identity, and gender expression, and have these identities affirmed and respected, without fear of discrimination, retribution, or disadvantage. To that end, the relevant agencies shall take the actions set forth in this section.

(b) The head of each agency shall, in coordination with the Director of OPM, ensure that existing employee support services equitably serve LGBTQ+ employees, including, as appropriate, through the provision of supportive services for transgender and gender non-conforming and non-binary employees who wish to legally, medically, or socially transition.

(c) To ensure that LGBTQ+ employees (including their beneficiaries and their eligible dependents), as well as LGBTQ+ beneficiaries and LGBTQ+ eligible dependents of all Federal employees, have equitable access to healthcare and health insurance coverage:

(i) the Director of OPM shall take actions to promote equitable healthcare coverage and services for enrolled LGBTQ+ employees (including their beneficiaries and their eligible dependents), LGBTQ+ beneficiaries, and LGBTQ+ eligible dependents, including coverage of comprehensive gender-affirming care, through the Federal Employees Health Benefits Program; and

(ii) the Secretary of Defense shall take actions to promote equitable healthcare coverage and services for LGBTQ+ members of the uniformed services (including their beneficiaries and their eligible dependents), LGBTQ+ beneficiaries, and LGBTQ+ eligible dependents, including coverage of comprehensive gender-affirming care, through the Military Health System.

(d) To ensure that LGBTQ+ employees (including their beneficiaries and their eligible dependents), LGBTQ+ beneficiaries, and LGBTQ+ eligible dependents have equitable access to all other insurance coverage and employee benefits, the head of each agency shall, in coordination with the Director of OPM, ensure that the Federal Government equitably provides insurance coverage options and employee benefits for LGBTQ+ employees (including their beneficiaries and their eligible dependents), LGBTQ+ beneficiaries, and LGBTQ+ eligible dependents, including long-term care insurance, sick leave, and life insurance. This includes ensuring that Federal benefits, programs, and services recognize the diversity of family structures.

(e) To ensure that all Federal employees have their respective gender identities accurately reflected and identified in the workplace:

(i) the head of each agency shall, in coordination with the Director of OPM, take steps to foster an inclusive environment where all employees’ gender identities are respected, such as by including, where applicable, non-binary gender marker and pronoun options in Federal hiring, employment, and benefits enrollment forms;

(ii) the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, shall update, as appropriate and in consultation with any other relevant agencies, any relevant Federal employee identification standards to ensure that
Federal systems for issuing employee identity credentials account for the needs of transgender and gender non-conforming and non-binary employees. The Secretary, in coordination with any other relevant agencies, shall take steps to reduce any unnecessary administrative burden for transgender and gender non-conforming and non-binary employees to update their names, photographs, gender markers, and pronouns on federally issued employee identity credentials, where applicable; and

(iii) the head of each agency shall, in consultation with the Director of OPM, update Federal employee identification standards to include non-binary gender markers where gender markers are required in employee systems and profiles, and shall take steps to reduce any unnecessary administrative burden for transgender and gender non-conforming and non-binary employees to update their gender markers and pronouns in employee systems and profiles, where applicable.

(f) To support all Federal employees in accessing workplace facilities aligned with their gender identities, the head of each agency shall explore opportunities to expand the availability of gender non-binary facilities and restrooms in federally owned and leased workplaces.

(g) The Director of National Intelligence, in consultation with the Director of OPM and the heads of agencies, shall take steps to mitigate any barriers in security clearance and background investigation processes for LGBTQ+ employees and applicants, in particular transgender and gender non-conforming and non-binary employees and applicants.

(h) The Director of OPM shall review and update, if necessary, OPM's 2017 Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace.

Sec. 12. Pay Equity. Many workers continue to face racial and gender pay gaps, and pay inequity disproportionately affects women of color. Accordingly:

(a) The Director of OPM shall review Government-wide regulations and guidance and, as appropriate and consistent with applicable law, in order to address any pay inequities and advance equal pay, consider whether to:

(i) work with agencies to review, and revise if necessary, job classification and compensation practices; and

(ii) prohibit agencies from seeking or relying on an applicant’s salary history during the hiring process to set pay or when setting pay for a current employee, unless salary history is raised without prompting by the applicant or employee.

(b) The head of each agency that administers a pay system other than one established under title 5 of the United States Code shall review the agency’s regulations and guidance and, as appropriate and consistent with applicable law, revise compensation practices in order to address any pay inequities and advance equal pay. Agencies should report to OPM any revisions to compensation practices made to implement this direction.

(c) The Director of OPM shall submit a report to the President describing any changes to
Government-wide and agency-specific compensation practices recommended and adopted pursuant to this order.

Sec. 13. Expanding Employment Opportunities for Formerly Incarcerated Individuals. To support equal opportunity for formerly incarcerated individuals who have served their terms of incarceration and to support their ability to fully reintegrate into society and make meaningful contributions to our Nation, the Director of OPM shall evaluate the existence of any barriers that formerly incarcerated individuals face in accessing Federal employment opportunities and any effect of those barriers on the civil service. As appropriate, the Director of OPM shall also evaluate possible actions to expand Federal employment opportunities for formerly incarcerated individuals, including the establishment of a new hiring authority, and shall submit a report to the President containing the results of OPM’s evaluation within 120 days of the date of this order.

Sec. 14. Delegation of Authority. The Director of OPM is hereby delegated the authority of the President under sections 3301 and 3302 of title 5, United States Code, for purposes of carrying out the Director’s responsibilities under this order.

Sec. 15. General Provisions.
(a) Nothing in this order shall be construed to impair or otherwise affect:
   (i) authority granted by law to an executive department or agency, or the head thereof; or
   (ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
(c) Independent agencies are strongly encouraged to comply with the provisions of this order.
(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,
June 25, 2021.
By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Policy. Equal opportunity is the bedrock of American democracy, and our diversity is one of our country’s greatest strengths. But for too many, the American Dream remains out of reach. Entrenched disparities in our laws and public policies, and in our public and private institutions, have often denied that equal opportunity to individuals and communities. Our country faces converging economic, health, and climate crises that have exposed and exacerbated inequities, while a historic movement for justice has highlighted the unbearable human costs of systemic racism. Our Nation deserves an ambitious whole-of-government equity agenda that matches the scale of the opportunities and challenges that we face.

It is therefore the policy of my Administration that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government. Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.

By advancing equity across the Federal Government, we can create opportunities for the improvement of communities that have been historically underserved, which benefits everyone. For example, an analysis shows that closing racial gaps in wages, housing credit, lending opportunities, and access to higher education would amount to an additional $5 trillion in gross domestic product in the American economy over the next 5 years. The Federal Government’s goal in advancing equity is to provide everyone with the opportunity to reach their full potential. Consistent with these aims, each agency must assess whether, and to what
extent, its programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups. Such assessments will better equip agencies to develop policies and programs that deliver resources and benefits equitably to all.

**Sec. 2. Definitions.** For purposes of this order: (a) The term “equity” means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

(b) The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity.”

**Sec. 3. Role of the Domestic Policy Council.** The role of the White House Domestic Policy Council (DPC) is to coordinate the formulation and implementation of my Administration’s domestic policy objectives. Consistent with this role, the DPC will coordinate efforts to embed equity principles, policies, and approaches across the Federal Government. This will include efforts to remove systemic barriers to and provide equal access to opportunities and benefits, identify communities the Federal Government has underserved, and develop policies designed to advance equity for those communities. The DPC-led interagency process will ensure that these efforts are made in coordination with the directors of the National Security Council and the National Economic Council.

**Sec. 4. Identifying Methods to Assess Equity.** (a) The Director of the Office of Management and Budget (OMB) shall, in partnership with the heads of agencies, study methods for assessing whether agency policies and actions create or exacerbate barriers to full and equal participation by all eligible individuals. The study should aim to identify the best methods, consistent with applicable law, to assist agencies in assessing equity with respect to race, ethnicity, religion, income, geography, gender identity, sexual orientation, and disability.

(b) As part of this study, the Director of OMB shall consider whether to recommend that agencies employ pilot programs to test model assessment tools and assist agencies in doing so.

(c) Within 6 months of the date of this order, the Director of OMB shall deliver a report to the President describing the best practices identified by the study and, as appropriate, recommending approaches to expand use of those methods across the Federal Government.
Sec. 5. Conducting an Equity Assessment in Federal Agencies. The head of each agency, or designee, shall, in consultation with the Director of OMB, select certain of the agency’s programs and policies for a review that will assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities available pursuant to those policies and programs. The head of each agency, or designee, shall conduct such review and within 200 days of the date of this order provide a report to the Assistant to the President for Domestic Policy (APDP) reflecting findings on the following:

(a) Potential barriers that underserved communities and individuals may face to enrollment in and access to benefits and services in Federal programs;

(b) Potential barriers that underserved communities and individuals may face in taking advantage of agency procurement and contracting opportunities;

(c) Whether new policies, regulations, or guidance documents may be necessary to advance equity in agency actions and programs; and

(d) The operational status and level of institutional resources available to offices or divisions within the agency that are responsible for advancing civil rights or whose mandates specifically include serving underrepresented or disadvantaged communities.

Sec. 6. Allocating Federal Resources to Advance Fairness and Opportunity. The Federal Government should, consistent with applicable law, allocate resources to address the historic failure to invest sufficiently, justly, and equally in underserved communities, as well as individuals from those communities. To this end:

(a) The Director of OMB shall identify opportunities to promote equity in the budget that the President submits to the Congress.

(b) The Director of OMB shall, in coordination with the heads of agencies, study strategies, consistent with applicable law, for allocating Federal resources in a manner that increases investment in underserved communities, as well as individuals from those communities. The Director of OMB shall report the findings of this study to the President.

Sec. 7. Promoting Equitable Delivery of Government Benefits and Equitable Opportunities. Government programs are designed to serve all eligible individuals. And Government contracting and procurement opportunities should be available on an equal basis to all eligible providers of goods and services. To meet these objectives and to enhance compliance with existing civil rights laws:
(a) Within 1 year of the date of this order, the head of each agency shall consult with the APDP and the Director of OMB to produce a plan for addressing:

(i) any barriers to full and equal participation in programs identified pursuant to section 5(a) of this order; and

(ii) any barriers to full and equal participation in agency procurement and contracting opportunities identified pursuant to section 5(b) of this order.

(b) The Administrator of the U.S. Digital Service, the United States Chief Technology Officer, the Chief Information Officer of the United States, and the heads of other agencies, or their designees, shall take necessary actions, consistent with applicable law, to support agencies in developing such plans.

Sec. 8. Engagement with Members of Underserved Communities. In carrying out this order, agencies shall consult with members of communities that have been historically underrepresented in the Federal Government and underserved by, or subject to discrimination in, Federal policies and programs. The head of each agency shall evaluate opportunities, consistent with applicable law, to increase coordination, communication, and engagement with community-based organizations and civil rights organizations.

Sec. 9. Establishing an Equitable Data Working Group. Many Federal datasets are not disaggregated by race, ethnicity, gender, disability, income, veteran status, or other key demographic variables. This lack of data has cascading effects and impedes efforts to measure and advance equity. A first step to promoting equity in Government action is to gather the data necessary to inform that effort.

(a) Establishment. There is hereby established an Interagency Working Group on Equitable Data (Data Working Group).

(b) Membership.

(i) The Chief Statistician of the United States and the United States Chief Technology Officer shall serve as Co-Chairs of the Data Working Group and coordinate its work. The Data Working Group shall include representatives of agencies as determined by the Co-Chairs to be necessary to complete the work of the Data Working Group, but at a minimum shall include the following officials, or their designees:

(A) the Director of OMB;

(B) the Secretary of Commerce, through the Director of the U.S. Census Bureau;
(C) the Chair of the Council of Economic Advisers;

(D) the Chief Information Officer of the United States;

(E) the Secretary of the Treasury, through the Assistant Secretary of the Treasury for Tax Policy;

(F) the Chief Data Scientist of the United States; and

(G) the Administrator of the U.S. Digital Service.

(ii) The DPC shall work closely with the Co-Chairs of the Data Working Group and assist in the Data Working Group’s interagency coordination functions.

(iii) The Data Working Group shall consult with agencies to facilitate the sharing of information and best practices, consistent with applicable law.

(c) Functions. The Data Working Group shall:

(i) through consultation with agencies, study and provide recommendations to the APDP identifying inadequacies in existing Federal data collection programs, policies, and infrastructure across agencies, and strategies for addressing any deficiencies identified; and

(ii) support agencies in implementing actions, consistent with applicable law and privacy interests, that expand and refine the data available to the Federal Government to measure equity and capture the diversity of the American people.

(d) OMB shall provide administrative support for the Data Working Group, consistent with applicable law.

Sec. 10. Revocation. (a) Executive Order 13950 of September 22, 2020 (Combating Race and Sex Stereotyping), is hereby revoked.

(b) The heads of agencies covered by Executive Order 13950 shall review and identify proposed and existing agency actions related to or arising from Executive Order 13950. The head of each agency shall, within 60 days of the date of this order, consider suspending, revising, or rescinding any such actions, including all agency actions to terminate or restrict contracts or grants pursuant to Executive Order 13950, as appropriate and consistent with applicable law.
(c) Executive Order 13958 of November 2, 2020 (Establishing the President’s Advisory 1776 Commission), is hereby revoked.

**Sec. 11. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) Independent agencies are strongly encouraged to comply with the provisions of this order.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,
January 20, 2021.
Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws Action Plan Update

Modification of 2011 DOL DHS Deconfliction MOU to include NLRB and EEOC

May 2016

On November 20, 2014, the federal government announced the formation of the Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws (https://www.eeoc.gov/interagency-working-group-consistent-enforcement-federal-labor-employment-and-immigration-laws-0) (Interagency Working Group or Group), comprised of the Department of Labor (DOL), Department of Homeland Security (DHS), Department of Justice (DOJ), Equal Employment Opportunity Commission (EEOC) and the National Labor Relations Board (NLRB). This Interagency Working Group continues to build upon the existing relationships between the member departments and agencies and agreements such as the Revised Memorandum of Understanding between the Department of Homeland Security and Labor Concerning Enforcement Activities at Worksites.
The Group agreed to identify procedures to ensure that the respective civil authorities of its members do not conflict, and explore the development of agreements or other procedures as appropriate. In December 2015, in furtherance of the Group's work, DHS/Immigration and Customs Enforcement (ICE), DOL, EEOC, and the NLRB announced they had launched a pilot to identify and prevent instances in which ICE and the employment and labor enforcement agencies have conflicting enforcement actions in order to help ensure that individuals who cooperate with investigations can do so without fear of retaliation and that the effective enforcement of employment, labor, and immigration laws cannot be thwarted or manipulated. The parties to the pilot agreed to evaluate its effectiveness on an ongoing basis, to make changes as necessary in consultation with one another, and to maintain the confidentiality of all information shared to effectuate this pilot.

**Addendum to the 2011 MOU**

Based on the success of the pilot, and in furtherance of their work to avoid enforcement conflicts, DHS/ICE, DOL, EEOC, and the NLRB have entered into an Addendum to the 2011 DOL and DHS Revised Memorandum of Understanding between the Departments of Homeland Security and Labor Concerning Enforcement Activities at Worksites.

The Addendum modifies the 2011 MOU between DHS and DOL by setting forth the ways in which the EEOC and NLRB will also work together with DOL and DHS/ICE (the original parties to the MOU) to ensure that the civil worksite enforcement activities of the EEOC and the NLRB do not conflict with DHS/ICE's worksite enforcement activities. The Addendum, for instance, provides that:

- The EEOC and the NLRB agree to the same commitments and exchanges as agreed to by DOL toward ICE, and ICE agrees to the same commitments and exchanges toward the EEOC and the NLRB as under the coordination and deconfliction provisions of the 2011 MOU; and,
- The Addendum maintains appropriate limitations on disclosure of information shared to implement the MOU and the Addendum.
Celebrating Asian American, Native Hawaiian / Pacific Islander Month

U.S. DOL Office of Federal Contract Compliance Programs sent this bulletin at 05/14/2021 03:25 PM EDT

During Asian American, Native Hawaiian / Pacific Islander (AANHPI) Heritage Month, OFCCP celebrates the contributions made by AANHPIs to our nation’s culture and history. OFCCP recommits our efforts to advancing equity for all AANHPI workers. In his Presidential Proclamation marking AANHPI Heritage Month, President Biden stated:

From laying railroad tracks, tilling fields, and starting businesses, to caring for our loved ones and honorably serving our Nation in uniform, AANHPI communities are deeply rooted in the history of the United States. . . In spite of the strength shown and successes achieved, the American dream remains out of reach for far too many AANHPI families. AANHPI communities face systemic barriers to economic justice, health equity, educational attainment, and personal safety. These challenges are compounded by stark gaps in Federal data, which too often fails to reflect the diversity of AANHPI communities and the particular barriers that Native Hawaiian, Pacific Islander, Southeast Asian, and South Asian communities in the United States continue to face.

The President's words are a reminder of the contributions AANHPIs have made to this nation, as well as the challenges the community continues to face. In the past year, AANHPI communities have experienced increased incidents of hate crimes, bias and racial scapegoating. Anti-Asian racism is not new. Throughout history, from the Chinese Exclusion Act to the Japanese internment camps to post-9/11 hate crimes against South Asians, AANHPI communities have experienced discrimination and inequity, often stemming from xenophobia.

Issues impacting low-income AANHPI communities in particular are often not well understood because of the inaccurate perception that AANHPIs are uniformly well educated and of high income. AANHPI communities are incredibly diverse in terms of socioeconomic status as well as national origin, language and religious affiliation. While some Asian American subgroups have high levels of education and income, more than 2 million AANHPIs live in poverty.

The COVID-19 pandemic has exacerbated economic insecurity for many AANHPI communities. AANHPI women are overrepresented in service industries such as restaurants, hotels, and retail – industries that have seen significant job losses during the pandemic. Even before the pandemic, AANHPI workers, including AANHPI women, faced job segregation, unequal pay and systemic barriers in hiring and promotions. A 2015 Equal Employment Opportunity Commission report found that in the technology sector, which hires a high percentage of Asian American workers, Asian Americans are underrepresented in upper management. A 2016 article found that in
comparing people with similar educational backgrounds, Asians Americans with advanced degrees actually earn 5% less compared with whites.

OFCCP has a longstanding mission to protect workers and enforce the contractual promise of equal opportunity and affirmative action by federal contractors and subcontractors.

Since 2019, OFCCP has recovered more than $7,599,821 million for over 3,367 AANHPI workers who OFCCP found to have experienced workplace discrimination. Notable resolutions achieved by OFCCP on behalf of AANHPI workers including the following:

- On May 5, 2021, OFCCP entered into a conciliation agreement with Conduent Incorporated ("Conduent," formerly Xerox Commercial Solutions) to resolve allegations of hiring discrimination. Conduent agreed to pay $395,000 to 1,503 Black, 106 Asian, and 15 Hawaiian or Pacific Islander applicants who applied for Customer Care Assistant positions and were not hired. Under the agreement, Conduent also agreed to extend 132 job offers to interested applicants.

- On February 1, 2021, OFCCP announced a conciliation agreement with Google requiring the company to pay $3,835,032 to resolve pay disparities which included 1,219 Asian applicants who were not hired for software engineering positions. The conciliation agreement required that Google provide job opportunities to 51 female and 17 Asian applicants for software engineering positions.

- On January 11, 2021, OFCCP announced that Lockheed Martin Corp. has agreed to pay $700,000 in back wages and interest to 616 affected Asian, African American and Hispanic applicants not hired for five different engineering positions. The agreement covered 268 Asian class members in Software Engineer Associate and Member Engineering Staff positions.

Over the past half-century, OFCCP has helped define and defend equal opportunity in the American workplace. OFCCP is committed to better understanding and addressing the barriers facing AANHPI workers, and to ensure federal contractors and subcontractors advance equality and opportunity for all.

Learn More about Our Mission
News Release

US DEPARTMENT OF LABOR REACHES AGREEMENT WITH CONDUENT INC. TO RESOLVE ALLEGED HIRING DISCRIMINATION AT OKLAHOMA FACILITY

Company to pay $395K to 1,624 Black, Asian, Native Hawaiian and Pacific Islander applicants

YUKON, OK – The U.S. Department of Labor has entered into a conciliation agreement with Conduent Inc. to resolve alleged systemic hiring discrimination against Black, Asian, Native Hawaiian and Pacific Islander applicants for customer care assistant positions at its Yukon facility.

In the agreement, Conduent agrees to pay $395,000 in back wages and interest to 1,624 applicants. The company will also take steps to ensure its personnel practices, including recordkeeping and internal auditing procedures, meet legal requirements.

A routine compliance evaluation by the department’s Office of Federal Contract Compliance Programs found that actions by the business process services company – which operated as Xerox Commercial Solutions formerly – allegedly discriminated against applicants from March 25, 2013, through March 24, 2015, in violation of Executive Order 11246, which prohibits federal contractors from discriminating in employment based on race, color or national origin.

“Together, the U.S. Department of Labor and Conduent will ensure the company will take measures to comply with federal hiring and equal employment opportunity laws,” said Office of Federal Contract Compliance Programs Regional Director Melissa Speer in Dallas. “Fair and equal consideration should be given to all applicants regardless of their race or ethnicity.”

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News Release

GOOGLE LLC, US DEPARTMENT OF LABOR SETTLEMENT RESOLVES ALLEGED PAY, HIRING DISCRIMINATION AT CALIFORNIA, WASHINGTON STATE LOCATIONS

Tech company will pay more than $3.8M to more than 5K employees, applicants

SAN FRANCISCO – The U.S. Department of Labor has reached a settlement with Google LLC to resolve allegations of systemic compensation and hiring discrimination at the company’s California and Washington State facilities and will pay over $3.8 million to more than 5,500 current employees and job applicants.

During a routine compliance evaluation, the department’s Office of Federal Contract Compliance Programs identified pay disparities affecting female employees in software engineering positions at its facilities in Mountain View, and in Seattle and Kirkland, Washington. The agency also identified hiring rate differences that disadvantaged female and Asian applicants for software engineering positions at Google’s locations in San Francisco and Sunnyvale, and in Kirkland.

Under the terms of the early resolution conciliation agreement, Google agreed to the following:

- To pay $3,835,052 to resolve OFCCP’s allegations, namely $1,353,052 in back pay and interest to 2,565 female employees in engineering positions subject to pay discrimination; and $1,232,000 in back pay and interest to 1,757 female and 1,219 Asian applicants for software engineering positions not hired.
- Allocate a cash reserve of least $1,250,000 in pay-equity adjustments for the next 5 years for U.S. employees in engineering positions at Google’s Mountain View, Kirkland, Seattle and New York establishments, locations that house approximately 50 percent of Google’s engineering employees nationwide. Google has provided job opportunities to 51 female and 17 Asian applicants for software engineering positions.

Google agreed to enhance future compliance proactively and review its current policies, procedures and practices related to hiring, compensation; conduct analyses; and take corrective action to ensure non-discrimination.

“Pay discrimination remains a systemic problem. Employers must conduct regular pay equity audits to ensure that their compensation systems promote equal opportunity,” said Office of Federal Contract Compliance Programs Director Jenny R. Yang.

“The U.S. Department of Labor acknowledges Google’s willingness to engage in settlement discussions and reach an early resolution,” said Office of Federal Contract Compliance Programs Regional Director Jane Suhr, in San Francisco. “The technology industry continues to be one of the region’s largest and fastest growing employers. Regardless of how complex or the size of the workforce, we remain committed to enforcing equal opportunity laws to ensure non-discrimination and equity in the workforce.”

Learn more about OFCCP and the laws it enforces.

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Release Number: 21-111-SAN
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News Release

LOCKHEED MARTIN CORP. AGREES TO PAY $700,000 TO RESOLVE ALLEGED HIRING DISCRIMINATION FOLLOWING U.S. DEPARTMENT OF LABOR INVESTIGATION

BETHESDA, MD – The U.S. Department of Labor and Lockheed Martin Corp.'s RMS Engineering & Technology Unit have entered into an Early Resolution Conciliation Agreement to resolve allegations of hiring discrimination found by the Department's Office of Federal Contract Compliance Programs (OFCCP). While not admitting liability in the investigation, Lockheed Martin Corp. entered into an Early Resolution Conciliation Agreement and agreed to enhance future compliance proactively.

While denying OFCCP's allegations, Lockheed Martin Corp. has agreed to pay $700,000 in back wages and interest to 616 affected Asian, African American and Hispanic applicants not hired for five different engineering positions. The federal contractor also agreed to hire 34 of the affected applicants.

The OFCCP compliance evaluation determined that from Jan. 1, 2017 through June 30, 2018, the employer discriminated against Asian, African American and Hispanic applicants for software engineer associate, systems engineer staff, member engineering staff, software engineer and systems engineer positions at several locations within the RMS Engineering & Technology Unit. OFCCP found the company's action violated Executive Order 11246, which prohibits race-based discrimination in hiring by federal contractors.

“The Office of Federal Contract Compliance Programs' Early Resolution Procedures enable federal contractors and the Department to work together to address and resolve issues of non-compliance efficiently,” said Office of Federal Contract Compliance Programs Director Craig E. Leen. “These procedures help ensure prompt and broader relief for America's workforce by allowing contractors to proactively correct violations and ensure future companywide compliance.”

“This agreement will prevent systemic hiring discrimination practices from recurring at Lockheed Martin's RMS Engineering & Technology Unit. Companies that accept federal contracts must monitor their hiring processes to ensure applicants are not rejected based on unlawful practices,” said Office of Federal Contract Compliance Programs Regional Director Michele Hodge, in Philadelphia, Pennsylvania.

In 2018, OFCCP launched an effort to resolve supply and service compliance evaluations at the earliest stage possible with corporate-wide compliance and issued a directive establishing Early Resolution Procedures. These procedures allow OFCCP and contractors with multiple establishments to cooperatively implement corporate-wide compliance with OFCCP’s regulatory requirements and efficiently resolve issues.

OFCCP enforces Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans’ Readjustment Assistance Act of 1974. These laws, as amended, make it illegal for contractors and subcontractors doing business with the federal government to discriminate in employment based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran. In addition, contractors and subcontractors are prohibited from discriminating against applicants or employees because they have inquired about, discussed, or disclosed their compensation or that of others, subject to certain limitations, and may not retaliate against applicants or employees for engaging in protected activities. These laws also require that federal contractors provide equal employment opportunity through affirmative action. For more information, please call OFCCP’s toll-free helpline at 800-397-6251 or visit http://www.dol.gov/ofccp/.

OFCCP launched the Class Member Locator (CML) to identify applicants and/or workers who have been impacted by OFCCP’s compliance evaluations and complaint investigations and who may be entitled to a portion of monetary relief and/or consideration for job placement. If you think you may be a class member, who applied between Jan. 1, 2017 through June 30, 2018, please visit our website at http://www.dol.gov/ofccp/CML/index.htm, where you can also find information about other recent OFCCP settlements.
BLUE CROSS AND BLUE SHIELD OF SOUTH CAROLINA ENTERS AGREEMENT WITH US DEPARTMENT OF LABOR TO RESOLVE ALLEGED HIRING DISCRIMINATION

Federal contractor to pay $226K to 117 student program applicants

COLUMBIA, SC – The U.S. Department of Labor’s Office of Federal Contract Compliance Programs and Blue Cross and Blue Shield of South Carolina have entered into a conciliation agreement to resolve allegations that the company systemically discriminated against 117 Black, Hispanic, Asian and multi-racial applicants for a student entry-level training program at its Columbia headquarters.

A routine federal compliance investigation found that – from Sept. 1, 2015 to Aug. 31, 2016 – Blue Cross and Blue Shield of South Carolina failed to comply with Executive Order 11246 that prohibits race discrimination by federal contractors.

Blue Cross and Blue Shield of South Carolina has agreed to pay $226,484 in back wages, interest and benefits to the affected applicants. The company will also make five job offers to original applicants as positions become available, ensure that its selection processes are free from discrimination and provide training to managers and all staff involved in the student program’s hiring process.

“Federal contractors must ensure that their employment policies and practices provide equal employment opportunity regardless of race,” said Office of Federal Contract Compliance Programs Midwest Regional Director Carmen Navarro in Chicago. “The U.S. Department of Labor will hold federal contractors accountable when they fail to provide equal employment opportunities to all.”

If you think you may be a class member employed by Blue Cross Blue Shield of South Carolina, use OFCCP’s Class Member Locator to learn more about this and other settlements. Learn more about OFCCP, or call 800-397-6251.


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US DEPARTMENT OF LABOR REACHES VOLUNTARY CONCILIATION AGREEMENT WITH HAWAII TO IMPROVE LANGUAGE ACCESS TO UNEMPLOYMENT INSURANCE

WASHINGTON – The U.S. Department of Labor and the Hawaii Department of Labor and Industrial Relations have entered into a voluntary conciliation agreement to ensure those with limited English proficiency and eligible non-U.S. citizens seeking to file claims for unemployment insurance benefits have better access to services.

The agreement follows an investigation by the federal department’s Civil Rights Center into complaints that the state’s UI program was failing to make its services fully available to those two groups. During the investigation, the state labor department offered to work with CRC to resolve the complaints amicably.

“This agreement symbolizes how federal and state governments can work together to improve access to government services for limited English proficient communities and others protected by civil rights law, particularly during these difficult times,” said Civil Rights Center Director Naomi Barry-Perez. “We appreciate Hawaii’s commitment to non-discrimination and its willingness to address these allegations affirmatively and cooperatively.”

To provide better access to LEP claimants and eligible non-U.S. citizens, DLIR has, among other actions, agreed to:

- Reinstate non-electronic methods of filing UI claims and appeals.
- Ensure vital information is provided in select non-English languages as required by law.
- Provide interpretation and translation services to individuals with limited English proficiency upon request or where otherwise required by law.
- Ensure that its claims-filing system captures all the information needed to establish whether non-U.S. citizen applicants are eligible to receive UI benefits.
- Train staff on the state’s citizenship- and limited English proficiency-related obligations under the laws enforced by the Civil Rights Center.
- Periodically review the language assistance services provided by its offices to ensure that those services are timely, accurate and effective.

CRC enforces nondiscrimination laws that apply to the nation’s unemployment insurance program, as well as to other recipients of financial assistance from the U.S. Department of Labor and, in some circumstances, from other federal departments and agencies. For more information about the center, visit the Civil Rights Center’s website or call 202-693-6500 (voice) or 800-877-8339 (relay).