

**NWX-DOL ESA OFCCP**

**Moderator: Brenda Stewart**

**March 25, 2015**

**1:00 pm CT**

Coordinator: Welcome and thank you for standing by. At this time all participants will be in a listen-only mode for the duration of today's conference. Today's call is being recorded. If you have any objections, you may disconnect at this time. And now I would like to turn the meeting over to your host for today, Mrs. Brenda Stewart. Thank you and you may begin.

Brenda Stewart: Thank you Laura and welcome everyone. Again, I am Brenda Stewart and I'll be your moderator for today's event. We're glad to have you join us for the Coming Into Compliance with Sexual Orientation and Gender Identity Requirements webinar. And some of you may have joined us back in December when we did a general overview of Executive Order 13672. But today's webinar will go into a little bit more detail about compliance evaluation, definitions, and complaint processing.

Before we begin, I wanted to go over a few housekeeping items. In addition to our presenter, we do have a subject matter expert that will be participating, Adam Pulver, from our Solicitor's Office and he'll be responding to questions along with our presenters at the conclusion of the presentation. So you can start at any time to submit your questions through the WebEx chat function

and you'll find that box in the lower right hand corner of your screen and they'll get to as many questions as possible but we won't be able to get to all of them today.

Those questions that we can't get to will be reviewed and used as appropriate for publication as frequently asked questions on OFCCP's Web site. You'll also notice that there is closed captioning available in the bottom right hand side of your screen. Just click on the media viewer and also at the lower left of your screen you'll see an icon that will allow you to expand your viewing area if you'd like to do that.

Finally if you're having any difficulties with WebEx you can still participate by dialing in to the telephone line and listening to the audio and that number is 1-800-857-5744, passcode 2729733, and that information has already been posted in the chat box along with a streaming link, if you'd like to use that to listen to the audio through your computer.

I'd now like to introduce our presenters for this section. Our speakers today are Patrick Patterson and Keir Bickerstaffe. Patrick was appointment to service deputy director of OFCCP in October 2014. In that capacity he advises the agency on legal and policy matters as well as enforcement and training opportunities.

Before coming to the Department of Labor, Mr. Patterson worked with the U.S. Equal Employment Opportunity Commission where he served as senior council to former chair, Jacqueline Berrien from 2010 to 2014. At EEOC, Mr. Patterson provided legal and policy advice to facilitate the development of regulations, guidance, technical assistance and recommendations for litigation and the amicus brief.

Prior to joining EEOC he litigated many employment discrimination class actions and other civil rights in public interest cases in various parts of the country.

Keir Bickerstaffe is the council for interpretation and advice in the Office of the Solicitors Civil Rights and Labor Management Division. He's been with SOL for over six years and during that time has worked on and help draft a number of OFCCP regulations, including the recent revisions to VEVRAA and Section 503, the pending compensation disclosure rulemaking as well as the sexual orientation and gender identity rule we're discussing today.

Prior to his tenure with SOL, Keir worked in private practice at a civil rights litigation firm representing workers in employment discrimination matters. We welcome our presenters and I'll turn the slides over to Patrick.

Patrick Patterson: Thank you, Brenda.

The director of the Department of Labor's Office of Federal Contract Compliance Programs, Patricia Shiu, was unable to be with us today but she's asked me to greet and welcome you on her behalf.

On July 21st 2014 the president signed Executive Order 13672, which extends workplace protections to employees in the federal contracting workplace on the bases of sexual orientation and gender identity. This Executive Order amended Order 11246 and directed the secretary of labor to prepare regulations implementing the new protections.

The Department of Labor published its Final Rule on December 9 2014, changing OFCCP's regulations so that they prohibit discrimination based on and require treatment of applicants and employees without regard to sexual

orientation or gender identity. As a result, for the first time since 1974, the protections enforced by OFCCP are about to expand to new classes of workers.

Beginning with the rule's effective date on April 8th of this year, every covered federal contract that is entered into or modified on or after that date will include a provision prohibiting employment discrimination because of sexual orientation and gender identity as well as the existing prohibited bases of race, color, sex, religion, national origin, disability, and status as a protected veteran.

As Director Shiu has said many times, "This is not just the right thing to do, it's the smart thing to do." None of us can perform our best work if we fear for our livelihood and economic security. Ensuring fairness is the best way to attract and retain good workers to increase productivity and to make sure that we leave no talent on the table. America is strongest when we field the full team. The rule we will discuss today represents a big step forward in our ability to field that team.

In our presentation today, we'll discuss what contractors should expect to change during an OFCCP compliance evaluation as well as what will not change. We will also share our working definitions of sexual orientation and gender identity, which are subject to change with the development of the law in this area.

Since our initial webinar and outreach following publication of the rule, we have also been gathering questions from our stakeholders in the business community, faith groups, LGBT advocates, workers and civil rights organizations, and other governmental agencies. We post the answers on OFCCP's Web site as soon as we have reached final policy decisions.

During this presentation we'll address some of the issues that have been raised frequently. Finally, we will review our complaint policy and the resources available to contractors to make their work environment inclusive and welcoming for lesbian, gay, bisexual and transgender applicants and employees. Go to the next slide. Thank you.

As most of you know, OFCCP enforces Executive Order 11246, Section 503 of the Rehabilitation Act, and the Vietnam Era Veterans Readjustment Assistance Act, also known as VEVRAA. Executive Order 11246 prohibits federal contractors and federally assisted construction contractors and subcontractors who do over \$10,000 in government business in one year from discriminating in employment on the basis of race, color, religion, sex, or national origin and now also on the basis of sexual orientation or gender identity.

The Executive Order also requires government contractors to take affirmative action to insure that equal opportunity is provided in all aspects of their employment. Since the Final Rule was published in December, OFCCP has been actively soliciting input from stakeholders and working on ways to implement the changes to help guide the public and contractors about the practical effects of this new rule.

Our goal at OFCCP is to enable contractors to comply with these regulations through clear guidance and compliance assistance when needed. As the slide indicates, this Final Rule will apply to all contracts, subcontracts, and federally assisted construction contracts and subcontracts, in excess of \$10,000 that are entered into or modified on or after April 8th. The full text of the Final Rule can be found in the Federal Register and it will be incorporated into the next publication of the code of federal regulations.

On this slide we've listed every section of OFCCP's regulations that will be modified by the Final Rule. In each of these sections, wherever the protected bases appear, the words sexual orientation and gender identity will be incorporated by the Final Rule and will be added to the text that's already there in the past. No other changes have been made to OFCCP's regulations as a result of Executive Order 13672.

On the following slides we'll explain some of the practical implications of these revisions for contractors. First, the equal opportunity clause in federal contracts will change to include sexual orientation and gender identity as protected bases. Prime contractors will need to insure that sexual orientation and gender identity are also listed in the protected bases for their subcontracts and purchase orders that are awarded on or after the effective date of the Final Rule, if you use language for this purpose that lists all of the protected bases.

In addition your job advertisement tag line may change. If your tag line lists all of the protected bases - for example it lists race, color, sex, disability and veteran status - then you will need to include sexual orientation and gender identity in that tag line as well. However, at a minimum OFCCP will accept the phrase equal opportunity employer as job advertisement tag lines but that minimum would also need to include veterans and individuals with disabilities when the contractor is subject to Section 503 and VEVRAA as well as Executive Order 11246.

Also, OFCCP's current policy is that the abbreviation LGBT should not be used to replace sexual orientation and gender identity in job advertisement tag lines because it does not accurately reflect that people of all sexual orientations and gender identities are protected by the Final Rule. The

protected bases will also be added to the EEO is the Law Poster at some point in the near future. This poster is a joint venture with EEOC.

OFCCP is finalizing a supplement to update the poster for contractors to use in the interim while the actual EEO is the Law Poster is updated. Until that supplementary poster is complete, contractors may continue to use the current poster. We will put the supplement on OFCCP's Web site when it is available.

Contractors that have employees who will be working abroad have always been required to inform OFCCP and the Department of State if the employee or prospective employee is unable to obtain a visa and the contractor thinks it may be because of the employee's race, color, religion, sex, or national origin.

Under the Final Rule sexual orientation and gender identity are added to this list. Therefore if a covered contractor is unable to obtain a visa for an employee and thinks it is because of the employee's sexual orientation or gender identity, the contractor must report that to the Department of State and OFCCP. Specific instructions on how to report this issue will be provided on our Web site.

Now to emphasize a few things that have not changed. We have discussed some technical requirements under which covered contractors must comply with the overarching requirement that they not discriminate based on sexual orientation or gender identity. Under the Final Rule however contractors will not need to include sexual orientation or gender identity in their written affirmative action programs.

Beyond the technical requirements listed on the previous slide, the provisions in the affirmative action part of the regulations will not substantially change as a result of the Final Rule. For instance, the revisions to 60-2.16 and 60-4.3

state that contractors cannot use their attempts to meet goals for minorities or females to justify discrimination on another prohibited basis. Therefore contractors cannot use their efforts to meet goals to justify discrimination against someone on the basis of race, color, religion, sex, or national origin, or under the Final Rule on the basis of sexual orientation or gender identity.

However contractors are not required to set placement or employment goals for applicants or employees who identify as lesbian, gay, bisexual or transgender.

Additionally self-identification by applicants or employees is not required under the Final Rule. OFCCP understands that some contractors, as a best practice, collect such information on a voluntary basis. OFCCP encourages contractors who have such data collection practices to continue them. Such data can provide valuable information about the workforce and allow contractors to further their equal opportunity efforts.

Note that OFCCP may request that data if it is relevant to a compliance evaluation or a specific matter under investigation. When contractors elect to collect this information as a best practice, they should do it through a voluntary invitation to self-identify. On a related note, employers may not ask transgender applicants or employees to prove their gender, identity or sex and they may not ask them for any documentation they do not request from other employees under similar circumstances.

Also under the Final Rule, contractors do not have any mandatory training requirements. Finally the Final Rule does not change the 11246 religious exemption, which will be discussed in greater detail later in the presentation.

Now we'll turn to what contractors can expect during a compliance evaluation. When a compliance evaluation involves a contract entered into or modified on or after April 8th, OFCCP will evaluate whether the contractor may be discriminating against the applicants or employees because of their sexual orientation or gender identity. Some of the items compliance officers will be looking at occur in different phases of the compliance evaluation.

As always, at the very beginning of an evaluation the contractor will receive a scheduling letter. Nothing at this stage will change. Contractors will need to submit all requested data as soon as possible within 30 days. Next, during the desk audit phase, contractors can expect that compliance officers may request copies of any subcontracts or purchase order to verify that the equal opportunity clause requirements for this rule are met.

Compliance officers may also search online to ensure that the job advertisement tag line requirements discussed earlier are met. Compliance officers will be looking at the contract and the job advertisements with the inclusion of the new protected bases. During the onsite phase, compliance officers will verify necessary language in equal opportunity clauses in job advertisement tag lines if they have not already done so during the desk audit phase.

Additionally compliance officers will check to ensure that the EEO is the Law Poster and supplement, when the supplement is released, is posted and will interview employees to ensure that contractors are not discriminating against applicants or employees based on their sexual orientation or gender identity.

Compliance officers may also interview rejected applicants or former employees, where necessary. The Final Rule will not change the off-site analysis phase of a compliance evaluation for the contractor, except that

OFCCP will now also be analyzing the contractor's compliance to ensure it is not discriminating based on sexual orientation or gender identity.

Now I will turn the presentation over to Keir Bickerstaffe from the Office of the Solicitor.

Keir Bickerstaffe: Thank you Patrick. This next slide has a couple of relevant definitions related to this rule although these definitions may change as statutory, regulatory and case law develop. OFCCP right now defines the term gender identity as one's own internal sense of one's own gender. It may or may not correspond to the sex assigned to a person at birth and it may or may not be made visible to others.

OFCCP defines sexual orientation as an individual's physical, romantic, and/or emotional attraction to people of the same and or opposite gender. Examples of sexual orientations include straight (or heterosexual), lesbian, gay, and bisexual. OFCCP will continue to monitor legal developments regarding the use of these terms and we will provide further guidance on these terms on its Web site if any such legal developments require change. Next slide, please.

So this slide presents a question we have received about same sex couples who are married in a state that recognizes same sex marriage but reside or work in a state where their marriage may not be recognized by state law. And as you can see from the slide, if contractors provide certain benefits to employees in opposite sex marriages, they're required to provide the same benefits to employees in same sex marriages.

OFCCP, consistent with a position taken by other DOL agencies, considers spouses to be married if their marriage was entered into in a U.S. state or

territory that recognizes that marriage, if entered into outside the United States, is valid in the place where entered into and could have been entered into in at least one U.S. state or territory. In short, OFCCP follows the place of celebration rule.

Contractors are not required to treat same sex couples in civil unions or domestic partnerships the same as married couples, provided the treatment is not based on discriminatory animus. However, if a contractor provides benefits to opposite sex couples and civil unions or domestic partnerships, it must provide the same benefits to same sex couples in those same relationships. Next slide, please.

Now, as Patrick mentioned earlier, the Final Rule did not change the Executive Order 11246 religious exemption. Under Section 204C of Executive Order 11246 and the corresponding regulation which is at 41 CFR 60-50.1(a), the Executive Order does not apply to a government contractor or subcontractor that is a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of the organization's activities.

This exemption applies only to contractors or subcontractors whose purpose and character are primarily religious. This exemption allows religious organizations to hire only members of their own faith. The exemption does not allow religious organizations to discriminate employment on the bases of race, color, sex, sexual orientation, gender identity, or national origin.

Also, the Supreme Court has recognized that the first amendment requires a ministerial exception from employment discrimination laws, which prohibits the government from interfering with the ability of a religious entity to make

employment decisions about its ministers, a category that includes but is not limited to clergy. In determining whether the ministerial exception applies to an employer's decision in a particular case under executive order 11246, OFCCP, as guided by Supreme Court precedent, makes an assessment of all the facts and circumstances of employment.

This includes but is not limited to the functions performed by the employee, the job title given to and used by the employee, and the amount of time the employee spends on particular activities. With that, I'll turn the presentation back over to Patrick.

Patrick Patterson: Thank you Keir. You now have the slide on the complaint process and part of OFCCP's implementation is preparing to accept and investigate complaints based on sexual orientation and gender identity. OFCCP will accept individual and class complaints alleging discrimination based expressly on sexual orientation or gender identity, including complaints alleging transgender status discrimination, and we will determine how to proceed with such complaints on a case-by-case basis.

We will continue to coordinate and share information related to these complaints with the EEOC, including referral to EEOC or joint investigation with EEOC in appropriate cases. OFCCP will also continue to accept and investigate complaints filed during the course of compliance evaluations. Finally, complaints alleging sexual orientation or gender identity discrimination against companies that are not under OFCCP's jurisdiction will be referred to EEOC.

Discrimination can reveal itself in many ways, including but not limited to, harassment, or hiring, promotion, compensation, or termination decisions. It is OFCCP's job to serve as a neutral fact finder when a complaint is filed

alleging discrimination and then to make a determination of whether discrimination has occurred and that role will continue under the Final Rule. Next slide, please.

Following the initial announcement of the Final Rule in December in several stakeholder meetings, we updated OFCCP's Web site to address a number of requests we received. In response to those requests OFCCP has identified several resources and made them available on the webpage shown on this slide, which provides resources for federal contractors on issues relating to sexual orientation and gender identity.

You can get to this page by way of a link on our Web site at [www.dol.gov/ofccp/lgbt.html](http://www.dol.gov/ofccp/lgbt.html). And don't worry if you were not able to write all of that down as I said it because you'll see it at the end of the presentation on the final slide.

That address that I just gave you will be listed on that slide. The list of resources on the webpage will be expanded over time but currently it includes nearly 20 sources for online training, reports, toolkits and resource guides that can assist employers with creating inclusive environments for LGBT employees.

It also includes reports that provide businesses with information on the positive links between LGBT supportive policies and beneficial business outcomes, as well as resource guides and worksheets that provide a list of best practices for interacting with LGBT individuals in the workplace.

Those resources also include business strategies for gathering information related to the needs and experiences of transgender people and other gender minorities, and reports rating U.S. companies on their policies and practices

relating to LGBT employees that also can provide businesses with information about best practices.

While we encourage you to use these resources, please note that such use alone will not ensure compliance with OFCCP's regulations. Go to the next slide, please.

We also heard from stakeholders that technical assistance and guidance from OFCCP would be useful. We use a frequently asked questions webpage as one of several ways we can meet this need. The page shown on this slide is also accessible by way of the address I just gave you that, as I said, will be listed at the end of the presentation.

Frequently asked questions or FAQ's are generated by stakeholders during meetings and other forms of public engagement as well as through ongoing thinking within OFCCP about how to provide contractors technical assistance and support.

Our FAQ's are updated on an ongoing basis and stakeholders in our stakeholder database or list serve can be notified of these updates via email. Brenda will tell you at the end of the presentation how to subscribe to those updates.

We are currently in the process of discussing and analyzing many questions related to healthcare coverage for transgender employees. On that particular topic we are coordinating with the Department of Justice, the Office of Personnel Management and the Department of Health and Human Services as this topic and its related questions have government wide implications. And the next slide, please.

Finally OFCCP issues guidance to federal contractors and our compliance officers in the form of published directives that are posted on the OFCCP Webs site. As new public directives concerning sexual orientation and gender identity are issued, they will be posted on the website as well. I will now turn it back over to our moderator, Brenda Stewart.

Brenda Stewart: Thank you Patrick and this will begin the question and answer portion of today's webinar, which has many questions that have come in through the chat and we'll begin to address those. And I'll start with asking some of the questions as our presenters get ready to answer them.

First, we'll start with, "Can you provide an example of an acceptable tag line? If under Section 503 and VEVRAA we specifically have to mention veterans and people with disabilities, do we retain the option to simply say equal opportunity employer?"

Keir Bickerstaffe: This is Keir. Thank you for the question. We've actually gotten this question a lot so hopefully we can provide some further guidance here.

Now first of all we should note that OFCCP will be providing some example language in the FAQ's on this topic and we'll be posting that shortly so you should definitely be on the lookout there but I'll try to answer the question verbally right now.

So as an overview if you in your tag line right now include a list of the bases protected by Executive Order 11246 - that's race, sex, national origin, religion - if you include those bases in your tag line, you must also include now sexual orientation and gender identity. You're free to list the bases in any order. There's no order that's prescribed. But for Executive 11246, purposes if you

simply state “equal opportunity employer”, that’s fine. That satisfies Executive Order 11246.

Now, if you’re also subject to Section 503 and VEVRAA in addition to that equal opportunity employer language, you would then need to accompany it with language about people with disabilities and veterans. So hopefully that makes it a little bit clearer and again we’ll be providing some further guidance on this topic on our FAQ’s very shortly.

Brenda Stewart: Okay. Also what about sample language for the EO clause that’s to be included in subcontracts and purchase orders?

Keir Bickerstaffe: So, the actual Executive Order, the actual equal opportunity clause, is set out in the regulations in the actual text of the regulations. If you were to go to 41 CFR 60-1.4, that actually sets out the text of the EO clause so you can find it there. But also as a reminder, in some contracts, the regulations allow you to either use the full text of the language or incorporate it by reference. And this is - this is not new. This is the way that it’s always been done. The point just being here that if you’re going to include the full text of EO clause, it needs to be updated to include sexual orientation and gender identity where those - where those terms now occur in the clause.

Brenda Stewart: Thank you for that answer. We have another question. Contractors are required to begin complying with the new rule once they enter into or modify a qualifying contract or subcontract.

Man: I have to answer another question.

Brenda Stewart: I'm so sorry. "If your prime contract [I'm reading part of the answer]if your prime contract doesn't expire until 2017, do we have to update the tagline of the new subcontracts before 2017?"

Patrick Patterson: This is Patrick. As we said before, the effective date of the new rule is April 8th so contractors are required to begin complying with the rule once they enter into or modify a qualifying contract or a subcontract on or after that date. Even if you have no prime contracts after entering into or modified on or after that date, if you have a subcontract that is entered into or modified on or after April 8th then you would need to comply.

If you do not have a contract or a subcontract that fits this description, you are not required by the new rules to update your tagline but you are certainly free to revise, and OFCCP would encourage that you revise your tag line, before that occurs.

Brenda Stewart: Okay. Looking at the AAP's - affirmative action programs - are they required to update the affirmative action programs or internal EEO statements and policies to include sexual orientation and gender identity?

Patrick Patterson: The answer to that is no. The Final Rule does not require contractors to update their affirmative action programs, policies, statements or handbooks to reflect the changes regarding sexual orientation and gender identity. But we do think it's a best practice for contractors to include in their AAP's policy statements and handbooks that applicants and employees will be treated without regard to sexual orientation and gender identity. It certainly wouldn't hurt to include that but it's not required.

Brenda Stewart: Okay well what about the self-identification invitations? Do they have to be updated?

Patrick Patterson: No, those do not need to be updated either. There are no data collection requirements relating to sexual orientation or gender identity and there are no requirements to invite individuals to self-identify their sexual orientation or gender identity. But as I said before, some contractors do invite employees or applicants to self-identify and they're allowed to do so and we encourage that they do so as long as they do not use that information to discriminate.

Brenda Stewart: Okay. And still with providing information on updates, what about the EEO-1 report? Do they need to be updated to report on sexual orientation and gender identity information?

Patrick Patterson: Yes and the answer here is really the same. Because there is no data collection requirement on sexual orientation and gender identity, there's no way to report that. There's no requirement to report that on the EEO-1 reports so the short answer is no.

Brenda Stewart: Okay. The EEO is the Law Poster, certainly that's been revised. When is that to be made available and from where can they get it?

Patrick Patterson: Well, it hasn't been revised yet, Brenda. It's in the course of being revised and as I said in the presentation, it's a joint venture between OFCCP and EEOC and the fact is that EEOC is in charge of publishing and disseminating updated versions of the poster. So once we know when an updated poster will be issued, we will share that information with contractors. In the interim we are finalizing the supplement - it'll be a supplement or an insert - that contractors can use along with the current poster to reflect the regulatory changes and until a new poster is developed, that supplement will have to do.

Brenda Stewart: Okay. Will that supplement be available in Spanish and will it be available prior to the effective date and how will people know when it's available?

Patrick Patterson: Well I'm pretty sure it will not be available before the effective date but it will be available in Spanish and we're hoping that it will be available shortly after the effective date. Contractors who enter into new or modified contracts or subcontracts on or after April 8th may and should continue to use the existing poster without the supplement until the supplement is released. And if you are on OFCCP's email list, you will receive notification when the supplement is available and the supplement will be published on our website.

Brenda Stewart: Okay. Now if an employee wishes to add their same sex spouse to their benefits and they're married in another state, can the employer request a copy of their marriage license?

(Patrick Patterson): So this is kind of an "it depends" question. The employers can only require employees to produce a marriage license or some other proof of marriage if it's their practice to do so for all employees, you know, in opposite sex marriages as well as same sex marriages in the same circumstances.

Employers can ask employees though if they were married in a state that recognizes their marriage as that question is legally relevant and it's in keeping with the place of celebration rules that the Department of Labor follows that we talked about earlier in the presentation.

Brenda Stewart: Okay. We have a question asking about the main dates of annual training. Will it be - will it remain annual or will it be periodic which may or may not be annual? What's the preference? What's the requirement?

Patrick Patterson: Well the easiest way to answer that is probably to say that the final rule did not change anything in the regulations other than adding sexual orientation and gender identity as protected categories. There is no requirement in the rule or in the regulations generally for annual or periodic training under Executive Order 11246 although there are training requirements under Section 503 in VEVRAA.

But OFCCP encourages contractors to train their employees on issues relating to sexual orientation and gender identity discrimination in the workplace and for resources to assist you in developing that training, I would refer you again to that resources webpage that I described earlier.

Brenda Stewart: Okay. One person already has state nondiscrimination laws in New Mexico relevant to sexual orientation and gender identity and wants to know how Executive Order 13672 will be different.

Patrick Patterson: Okay. Well I think that, you know, first of all I'm not barred in New Mexico so I don't want to opine on New Mexico law but, you know, generally speaking, you know, while there are unique features to each state's nondiscrimination laws, the general principal that employers cannot discriminate against any employer applicant on the basis of his or her sexual orientation or gender identity is by and large the same under state and municipal antidiscrimination laws as it is under the Executive Order.

The one difference is that the rule here also requires contractors to take some affirmative steps to insure equal treatment that may not be required by state laws and this includes a lot of the things we've been talking about today like putting the updated equal opportunity clause in your subcontracts and purchase orders, revising tag lines and advertisements and solicitations and posting the revised EEO is the Law Poster or the supplement once that's

ready. So those are the additional things that you might have to do under the rule that the state laws might not require.

Brenda Stewart: Okay and I think we have one final question. Will OFCCP accept complaints of disparate impact discrimination on the basis of sexual orientation and gender identity?

Patrick Patterson: The short answer is yes. OFCCP will accept complaints of sexual orientation and gender identity discrimination that allege basically neutral practices or policies that have the effect of discriminating on the basis of sexual orientation or gender identity just as the same as they will investigate claims that might fall under a disparate treatment scenario as well.

So but in investigating such complaints, OFCCP, again, will not expect contractors to have any data on the sexual orientation or gender identity of their employees as that's, you know, explicitly not required by the rule.

Brenda Stewart: Okay. We'll go to our contact information slide. That's all of the questions that we've been able to get to today but please remember that if we did not answer your questions or if you have additional questions, there's contact information on the slide where you can submit your question to the OFCCP public email box as well as the helpdesk line and we're still going to be looking at questions that we weren't able to get to today to make sure that we develop some resources on our frequently asked questions and other information that may be relevant to the questions that you've submitted.

But I want to remind you that you can always subscribe to receive those email updates. So whenever anything is posted on our website such as additional FAQ's, such as additional resources, getting notice about upcoming webinars like today, as well as seeing when the EEO Law Poster is updated or the

supplement is posted. If you subscribe to receive those email updates, you'll be able to get a notification of when those kinds of things happen.

You'll also see where we have the [www.dol.gov/ofccp/lgbt.html](http://www.dol.gov/ofccp/lgbt.html) and Patrick went over that in one of his earlier slides where we have many resources for federal contractors regarding gender identity and sexual orientation. And you also see the link for the OFCCP list serve where you can subscribe to receive those email updates.

Well that will conclude our webinar for today. I want to thank everyone for participating and a special thanks for our presenters - Patrick and Keir and the rest of our webinar team. Please stay tuned for a notice of upcoming webinars and we thank you for participating today. Enjoy the rest of your day.

Coordinator: Thank you very much. This concludes today's conference call. All participants may disconnect at this time.

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