

Message

**Sent:** 9/29/2020 1:04:15 PM  
**To:** Boykin, Dinorah - OFCCP [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=97d40336bc4f46219b69ef42e1a487fd-Boykin, Din]; Benavides, Patricia G - OFCCP [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eca58a8f64774df09afe38756a8b28cf-Benavides,]  
**Subject:** FW: Tuesday Morning Press Releases/Daily News Clippings: September 29, 2020

Hi Dinorah and Patty. These are excellent articles on the new EO and other OFCCP related articles..

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**From:** Parker, Walter - OFCCP <Parker.Walter@dol.gov>  
**Sent:** Tuesday, September 29, 2020 9:42 AM  
**To:** zzOFCCP-NO-DPPD-ALL <zzOFCCP-NO-DPPD-ALL@dol.gov>  
**Subject:** FW: Tuesday Morning Press Releases/Daily News Clippings: September 29, 2020

Good afternoon,

Please see Today's Press Releases/Daily News Clippings below –

**Tuesday Morning Press Releases: September 29, 2020**

Date of Press Release	Company Name	Hyperlink to Release
September 28, 2020	Office of Federal Contract Compliance Programs	<a href="#">U.S. Department of Labor, Advocates for Individuals with Disabilities to Join Online to Encourage Employers to Build Disability Inclusive Workforces</a>
September 28, 2020	Office of Federal Contract Compliance Programs	<a href="#">U.S. Department of Labor Launches Hotline to Combat Race and Sex Stereotyping by Federal Contractors</a>

**Tuesday Morning News Clips: September 29, 2020**

Article #	Paper	Title
1	Ogletree Deakins	<a href="#">OFCCP Goes Live With Landing Pages for Its New Promotions and Accommodations Focused Reviews</a>
2	JDSUPRA	<a href="#">Trump Issues Executive Order 13950 to Combat Race and Sex Stereotyping Imposing New Requirements on Government Contractors</a>
3	JDSUPRA	<a href="#">OFCCP Week In Review: September 2020 #4</a>
4	The Drum	<a href="#">Legal expert unpacks what Trump's executive order on diversity training means for agencies</a>
5	Bloomberg Law	<a href="#">U.S. Contractors Can Now Easily Report 'Anti-American' Training</a>

**Article 1** (back to top) – [hyperlink to above](#)

Article Title: [OFCCP Goes Live With Landing Pages for Its New Promotions and Accommodations Focused Reviews](#)

News Source: Ogletree Deakins

Reporter's Name: Christopher J. Near, James A. Patton, Jr.

Date: September 28, 2020

# OFCCP Goes Live With Landing Pages for Its New Promotions and Accommodations Focused Reviews

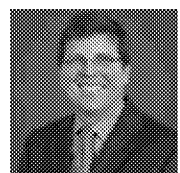
September 28, 2020



Share this Insight



**Christopher J. Near** Columbia **Author**



**James A. Patton, Jr.** Birmingham **Author**

The Office of Federal Contract Compliance Programs (OFCCP) recently announced that 2,250 supply and service contractor establishments would be scheduled for compliance reviews. OFCCP has identified 1,000 of these reviews as promotions and accommodations focused reviews (i.e., 500 promotions focused reviews and 500 accommodations focused reviews).

On September 23, 2020, OFCCP published separate landing pages providing information on the new focused reviews. The landing pages offer a limited variety of resources—with more to come—that will assist covered contractors in preparing for and responding to these reviews.

The Promotions Focused Reviews landing page begins with a discussion of studies examining “the existence of a ‘glass ceiling’ that keeps qualified individuals, such as women of color or people with disabilities, from rising to higher positions in their workplaces.” OFCCP intends to use these focused reviews to find and remedy

discriminatory promotion decisions by reviewing contractor promotion-related data, policies, and procedures, and ensuring that contractors are meeting their equal employment opportunity obligations. The landing page states that compliance officers will also use promotions focused reviews to review employee personnel files, interview managers and employees, and review hiring and compensation systems to determine if qualified applicants are being steered into lower-paid positions with limited mobility.

The landing page also provides links to OFCCP's [Focused Review Directive 2018-04](#), OFCCP's general focused review web page, [frequently asked questions \(FAQs\)](#), and OFCCP's web page offering Executive Order 11246 resources. The page states that a sample on-site review guide and a sample focused review report are both "coming soon."

In addition to launching the promotions focused reviews page, OFCCP also published its [Accommodations Focused Reviews landing page](#), which offers links to OFCCP's general focused review web page, FAQs, and the U.S. Equal Employment Opportunity Commission's web page on religious discrimination and accommodation. OFCCP will publish voluntary best practices, as well as a sample on-site review guide and focused review report, in the coming months.

The [FAQs for accommodations focused reviews](#) note that OFCCP is conducting the reviews to "bring attention to contractor nondiscrimination obligations in the areas of religion and disability." During a focused review, OFCCP will examine "a contractor's policies and procedures related solely to the provision of religious and disability accommodations" and conduct interviews with applicants, employees, and managers involved in the accommodation process. The FAQs also provide guidance on accommodation requests and when contractors may use an undue hardship defense.

Contractors identified on OFCCP's recent Corporate Scheduling Announcement List (CSAL) for promotions and/or accommodations focused reviews may want to review OFCCP's new materials to ensure compliance with all regulatory obligations, as well as prepare to receive and respond to scheduling letters once OFCCP begins issuing them.

**Article 2** ([back to top](#))

[Article Title: Trump Issues Executive Order 13950 to Combat Race and Sex Stereotyping Imposing New Requirements on Government Contractors](#)

News Source: JDSUPRA

Reporter's Name: John Foxx

Date: September 28, 2020

## Trump Issues Executive Order 13950 to Combat Race and Sex Stereotyping Imposing New Requirements on Government Contractors

[John Fox](#)  
[DirectEmployers Association](#)



“By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 101 et seq., and in order to promote economy and efficiency in Federal contracting, to promote unity in the Federal workforce, and to combat offensive and anti-American race and sex stereotyping and scapegoating, it is hereby ordered as follows: ...”.

With those opening words in a new 10 page “Executive Order on Combatting Race and Sex Stereotyping” (Executive Order 13950), President Trump ignited a firestorm of discussion last week on all sides of the issue concerning **the content** of diversity and inclusion training programs. DirectEmployers has not seen its Members react with such immediate and forceful opinions on any other OFCCP or EEO topic in the recent past...with both vocal proponents and detractors of the Order.

Also, for those overwhelmed by the developments of last week, please scroll to the bottom of this Blog to see what you and your company/institution must do now and some new and special resources to help DE Member Companies and non-Member companies meet the new requirements and obtain certification through DE’s newly established “*D&I Certification Task Force.*”

## What Did the Order Do/Not Do?

Executive Order 13950 did not ban or discourage D&I training:

“Executive departments and agencies (agencies), our Uniformed Services, Federal contractors, and Federal grant recipients should, of course, continue to foster environments devoid of hostility grounded in race, sex, and other federally protected characteristics. Training employees to create an inclusive workplace is appropriate and beneficial. The Federal Government is, and must always be, committed to the fair and equal treatment of all individuals before the law.” (p.3)

“Sec. 10. General Provisions. (a) This order does not prevent agencies, the United States Uniformed Services, or contractors from promoting racial, cultural, or ethnic diversity or inclusiveness, provided such efforts are consistent with the requirements of this order. (p. 9)

(b) Nothing in this order shall be construed to prohibit discussing, as part of a larger course of academic instruction, the divisive concepts listed in section 2(a) of this order in an objective manner and without endorsement.”

**Editor’s Note:** Section 2(a) of the Order is the definitions section which defines, among other things, “divisive concepts”. (p. 9)

The Order does, however:

1. seek to control and limit the content of D&I training federal contractors and subcontractors deliver;



- o The Order does not define either term or set contract financial value thresholds to exempt any federal contractors (although coming OFCCP Rules to implement this EO will undoubtedly do so). (pp. 5-6)
2. supply federal contracting officers with newly minted contract language and mandate use of the language in all new “Government contracts” (meaning OFCCP-covered contracts, but NOT contracts for Federal Financial Assistance (i.e. “grants”) signed 60 days AFTER September 22, 2020 = Sunday November 22, 2020). (page 5)

**Important Note:** EO 13950 does NOT retroactively amend existing federal Government contracts already signed before November 22, 2020. Said another way, existing federal Government contractors need to do NOTHING at this time...just when you sign a new contract or renew one on or after Sunday, November 22, 2020.

3. directs the heads of all federal agencies to require (what appears will likely be only certain selected) recipients of Federal Financial Assistance to make eight (8) certifications EO 13950 specifies about the content of any D&I training programs the grantees offer to or order employees to attend (p. 7; Section 5).
4. directs OFCCP to establish a “hotline” (no deadline set forth) and to investigate complaints that a “Federal contractor” (not just a “federal Government contractor”) is using programs in violation of EO 13950 and to take “appropriate enforcement action and provide remedial relief, as appropriate”. (p. 6; Section 4(b))
  1. **Note:** this means violative contractors could face debarments and OFCCP could seek financial payments from “Federal contractors” on behalf of victims of D&I training content in violation of EO 13950 and/or of Executive Order 11246.
  2. **Note:** EO 13950 is BROADER than Executive Order 11246, as amended, in three important respects:
    - EO 11246 applies only to “Government” contractors while EO 13950 applies some obligations to all “Federal contractors”; and
    - EO 13950 expands the obligations of federal contractors and all federal “Government contractors” beyond the obligations EO 11246 otherwise imposes, and
    - EO 13950 now directs OFCCP to keep in its complaint inventory and to investigate all Complaints arising under EO 13950 (thus not permitting OFCCP to refer these individual complaints over to the EEOC for potential investigation.)
  3. **Note:** Assuming OFCCP does not narrow the scope of its authority in implementing Rules OFCCP will now have to publish to implement EO 13950, OFCCP will now face the prospect of expanding its jurisdiction over ALL federal contractors for the purposes of EO 13950, and not just “Government contractors”.
1. direct OFCCP to “within” 30 days of September 22, 2020 (which DirectEmployers calculates to be on or before Thursday October 22) publish an information request in the *Federal Register* “seeking information from Federal contractors, Federal subcontractors, and employees of Federal contractors and subcontractors regarding the training, workshops, or similar programming provided to employees. The request for information should request copies of any training, workshop, or similar programming having to do with diversity and inclusion as well as information about the duration, frequency, and expense of such activities.” (pp. 6-7)

## What Motivated the Order?

EO 13950 identified the galvanizing events which gave rise to the Order, as follows:

“Instructors and materials teaching that men and members of certain races, as well as our most venerable institutions, are inherently sexist and racist are appearing in workplace diversity trainings across the country, even in components of the Federal Government and among Federal contractors.” (p.2)

With that introduction, the Order described D&I training materials at four federal agency and federal contractor locations which ignited President Trump’s Order:

1. “For example, the Department of the Treasury recently held a seminar that promoted arguments that “virtually all White people, regardless of how ‘woke’ they are, contribute to racism,” and that instructed small group leaders to encourage employees to avoid “narratives” that Americans should “be more color-blind” or “let people’s skills and personalities be what differentiates them.” (p. 2)
2. “Training materials from Argonne National Laboratories, a Federal entity, stated that racism “is interwoven into every fabric of America” and described statements like “color blindness” and the (sic) “meritocracy” as “actions of bias.” (p. 2)
3. “Materials from Sandia National Laboratories, also a Federal entity, for non-minority males stated that an emphasis on “rationality over emotionality” was a characteristic of “white male[s],” and asked those present to “acknowledge” their “privilege” to each other.” (p. 2)
4. “A Smithsonian Institution museum graphic recently claimed that concepts like “[o]bjective, rational linear thinking,” “[h]ard work” being “the key to success,” the “nuclear family,” and belief in a single god are not values that unite Americans of all races but are instead “aspects and assumptions of whiteness.” The museum also stated that “[f]acing your whiteness is hard and can result in feelings of guilt, sadness, confusion, defensiveness, or fear.” (p. 3)

In defense of the principle of merit in the workplace, the Order noted that:

“Our Federal civil service system is based on merit principles. These principles, codified at 5 U.S.C. 2301, call for all employees to “receive fair and equitable treatment in all aspects of personnel management without regard to” race or sex “and with proper regard for their . . . constitutional rights.” Instructing Federal employees that treating individuals on the basis of individual merit is racist or sexist directly undermines our Merit System Principles and impairs the efficiency of the Federal service. Similarly, our Uniformed Services should not teach our heroic men and women in uniform the lie that the country for which they are willing to die is fundamentally racist. Such teachings could directly threaten the cohesion and effectiveness of our Uniformed Services.” (p. 3)

A fundamental concept underpinning the Order is its view that the types of D&I trainings the Order calls out and prohibits going forward:

“...promote division and inefficiency when carried out by Federal contractors. The Federal Government has long prohibited Federal contractors from engaging in race or sex discrimination and required contractors to take affirmative action to ensure that such discrimination does not occur. The participation of contractors’ employees in training that promotes race or sex stereotyping or scapegoating similarly undermines efficiency in Federal contracting. Such requirements promote divisiveness in the workplace and distract from the pursuit of excellence and collaborative achievements in public administration.”

### **Here is the Policy the Order Set Down Affecting Government Contractors**

“Therefore, it shall be the policy of the United States not to promote race or sex stereotyping or scapegoating in the Federal workforce or in the Uniformed Services, and not to allow grant funds to be used for these purposes. In addition, Federal contractors will not be permitted to inculcate such views in their employees.” (p.4)

## Important New Definitions

1. "Divisive concepts" means the concepts that:
  1. one race or sex is inherently superior to another race or sex;
  2. the United States is fundamentally racist or sexist;
  3. an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
  4. an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex;
  5. members of one race or sex cannot and should not attempt to treat others without respect to race or sex;
  6. an individual's moral character is necessarily determined by his or her race or sex;
  7. an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
  8. any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or
  9. meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term "divisive concepts" also includes any other form of race or sex stereotyping or any other form of race or sex scapegoating." (p .4)
2. "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex. (p. 4)
3. "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex. It similarly encompasses any claim that, consciously or unconsciously, and by virtue of his or her race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others. (pp. 4-5)

## What "Government" Contractors Must Do Now

Important: please note the shift in language from "federal contractor" to now "Government contractor". (A "Government" contractor is a legally defined creature...i.e. the ones among all federal contractors over which OFCCP has jurisdiction. Note: OFCCP's Rules exempt thousands of federal contractors from its jurisdictional reach).

Section 4 of the Order prescribes "Do" and "Don't" requirements for federal contractors.

Section 5 of the Order prescribes "Do" and "Don't" requirements for federal grantees (applicable to many construction contractors and universities and colleges).

Section 6 of the Order prescribes requirements for federal agencies (not discussed here). Section 4(a) of EO 13950 is important because it imposes obligations beginning in 60 days (on and after Sunday November 22, 2020) which will attach to all new federal Government contracts BY OPERATION OF THE CONTRACT and not by operation of OFCCP Rules. So, this is the place to read about these new coming requirements for federal Government contractors. Accordingly, we quote this text verbatim from EO 13950: "Sec. 4. Requirements for Government Contractors. (a) Except in contracts exempted in the manner provided by section 204 of Executive Order 11246 of September 24, 1965 (Equal Employment Opportunity), as amended, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:

1. The contractor shall not use any workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating, including the concepts that (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term "race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex, and the term "race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex.
2. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under the Executive Order of September 22, 2020, entitled Combating Race and Sex Stereotyping, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
3. In the event of the contractor's noncompliance with the requirements of paragraphs (1), (2), and (4), or with any rules, regulations, or orders that may be promulgated in accordance with the Executive Order of September 22, 2020, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246, and such other sanctions may be imposed and remedies invoked as provided by any rules, regulations, or orders the Secretary of Labor has issued or adopted pursuant to Executive Order 11246, including subpart D of that order.
4. The contractor will include the provisions of paragraphs (1) through (4) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

**Note RE Timing:** EO 13950 is effective immediately (p. 9; Section 9), except that "the requirements of Section 4 of this order shall apply to contracts entered into 60 days after the date of this order." (Again, DirectEmployers calculates the date federal Government contracting officers will begin to insert the new language EO 13950 mandates in federal Government contracts over which OFCCP has jurisdiction to be on and after Sunday, November 22).

Section 5 of EO 13950 applies to "Federal Grants" (i.e. applicable to those companies and institutions which sign federal contracts for "Federal Financial Assistance"; i.e. "grants"). Section 5 reads verbatim as follows (without any editing):

"Sec. 5. Requirements for Federal Grants. The heads of all agencies shall review their respective grant programs and identify programs for which the agency may, as a condition of receiving such a grant, require the recipient to certify that it will not use Federal funds to promote the concepts that (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated

against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. Within 60 days of the date of this order, the heads of agencies shall each submit a report to the Director of the Office of Management and Budget (OMB) that lists all grant programs so identified.” (p. 7)

## **Special Note RE Timing of New Grant Restrictions Pursuant to EO 13950**

EO 13950 does not prescribe a date after which federal grantees will have to make the eight certifications Section 5 of EO 13950 prescribes. Rather, “within” 60 days from September 22, 2020 (i.e. on or before Sunday, November 22, 2020), EO 13950 requires all federal Executive Branch agencies to file a Report with OMB listing all grant programs for which the agency may, as a condition of receiving such a grant, require the recipient to make the eight certifications Section 5 of EO 13950 allows the federal Executive Branch agencies to require of grantees. Presumably, OMB would then issue further instructions to the federal Executive Branch agencies (perhaps in the new year 2021) as to how they may and must proceed as to contracts for federal grants.

## **What Contractors/Grantees Need to Do Now**

1. For those companies preparing to sign new, or to renew, federal Government contracts or federal Government subcontracts on or after Sunday November 22, you should carefully review the Section 4(a) and 4(b) requirements of EO 13950 and prepare to comply with them before you must sign the contract or contract renewal, if your company is not already compliant with EO 13950. Strategy Consideration: If potential compliance with Section 4(a) and 4(b) of EO 13950 is a “big lift” for your institution or company to determine, for whatever reason, you may wish to consider signing or renewing your federal Government contract BEFORE November 22. This strategy would either buy you needed time to investigate your D&I training program(s) for either (a) a full year when your contract will next thereafter come up for renewal, or (b) until your next contract comes up for renewal AFTER November 22, 2020 (for those of you working for companies signatory to more than one federal Government contract);
2. Federal Government Contractors/Subcontractors should also be on the lookout for OFCCP's Information Collection Request (“ICR”) OFCCP will publish between now and October 22, 2020 seeking information and copies of your D&I training materials. Compliance with the expected coming requests for copies of your D&I training materials and information about the frequency, size and cost of your programs will presumably be voluntary, you may wish to consider now whether you wish to participate. If so, you may want to start gathering the information and documents now depending on how large an effort that is within your organization. On the other hand, it would be equally prudent to wait for another, probably, three weeks, to see exactly what OFCCP's ICR will seek and whether it is mandated or in your discretion to supply to OFCCP either with or without corporate branding. A number of DE Member companies have reported that they are going to sit back, do nothing, let the dust settle a bit after a very strenuous week of discussion about EO 13950 and see where all this goes in the next three weeks.
3. For Federal Grantees, you have nothing to do at this time. However, we suggest you retrieve and review a copy of all program materials handed out at D&I training events to see whether your company or institution could certify your company's or institution's compliance with each of the eight certifications Section 5 of EO 13950 may eventually ask your company or institution to make. On the other hand, too, it would not violate any requirement within EO 13950 if you, too, just sat back, did nothing, let the dust

settle a bit after a very strenuous week of discussion about EO 13950 and see where all this goes in the next 60+ days as to federal grantees. Remember, you are on a different timeline from federal Government contractors and it is not clear that all federal grants will be subject to EO 13950 certification requirements. Also, if your company is BOTH a federal Government contractor AND a grant recipient, your company or institution will have to comply with both requirements: those for federal Government contractors and those for federal grantees.

## What to Do If You Are Lost or Drowning (Regis, I Want to Use My Lifeline!)

**Taapestry**, DirectEmployers Association's Affirmative Action Plan development and OFCCP advice group, has established a special "**D&I Certification Task Force**". Co-Chaired by Tony Perkins, VP in charge of Taapestry, and Jay J. Wang, Esq of Fox, Wang & Morgan P.C., DE's **D&I Certification Task Force** is now available to:

- provide compliance advice to companies to assist them to comply with Executive Order 13950,
- review existing corporate D&I training programs for compliance with EO 13950;
- supply D&I training programs compliant with EO 13950, and
- with Jay Wang's help, issue certifications of compliance with EO 13950 if you are in the market for a third-party certification of compliance.

You may contact Tony Perkins now at [tonyv@directemployers.org](mailto:tonyv@directemployers.org) or at (317) 874-9013.

**Article 3** ([back to top](#))

Article Title: OFCCP Week In Review: September 2020 #4

News Source: JDSUPRA

Reporter's Name: Candee Chambers, John Fox, Jennifer Polcer

Date: September 28, 2020

## OFCCP Week In Review: September 2020 #4

Candee Chambers, John Fox, Jennifer Polcer  
DirectEmployers Association



The DE OFCCP Week in Review (WIR) is a simple, fast and direct summary of relevant happenings in the OFCCP regulatory environment, authored by experts John C. Fox, Candee Chambers and Jennifer Polcer. In today's edition, they discuss:

- Submit Comments on Paid Leave Under FFCRA & CARES Act
- OFCCP Loses Oracle Case At Trial
- Trump Issues Executive Order 13950 to Combat Race and Sex Stereotyping, Imposing New Requirements on Government Contractors, plus a Bonus Deep Dive Blog Post
- Department of Labor Proposes New Independent Contractor Test Under the Fair Labor Standards Act
- USDOL Break-Out Sessions Now Available

- EEOC Now Fully Staffed With Republican Majority
- OFCCP Defines “Promotion”
- Top Organizations Identified to Oversee IRAPs
- VETS Apprenticeship Pilot Will Help Employers Achieve the VETS Medallion Award

## Monday, September 21, 2020: Submit Comments on Paid Leave Under FFCRA & CARES Act

The U.S. Department of Labor’s Wage and Hour Division (WHD) issued an **information collection request (ICR)** (2 pages) for the review and approval of regulations WHD previously published on April 6, 2020 to implement the Paid Leave under the Families First Coronavirus Response Act.

The Rule as to which WHD is now inviting comment is the one it first published as an emergency **“Temporary Rule”** dated April 6, 2020 and published at 85 *Federal Register* 19326-19357 (32 pages). (So, click on the words “Temporary Rule” in the prior sentence if you want to find the Rule as to which WHD is currently asking you to provide Comment. The Rule about which WHD is requesting Comment is NOT contained within the 2 page ICR WHD published in the *Federal Register* last Monday September 21. You have to go all the way back to the beginning of this journey to find the Rule now on deck for Comment).

WHD published its April 6 emergency Temporary Rule with no Notice or requested Comment from the public at the beginning of a frantic swirl of government activity as the pandemic suddenly fell upon the Nation. Accordingly, a week later, WHD then published a **Notice** dated April 14, 2020 which solicited comments on the extension of the Temporary Rule to “October, 2020.” So, that extension of the Temporary Rule that went into effect, is now almost exhausted and is coming up for further action.

### What’s On the Table?

WHD is now proposing to extend the Temporary Rule implementing the Paid Leave under the Families First Coronavirus Response Act **for three years** from the date the Office of Management and Budget authorizes the ICR it published last Monday.

Comments are due on or before October 21, 2020, on:

1. Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
2. if the information will be processed and used in a timely manner;
3. the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used;
4. ways to enhance the quality, utility, and clarity of the information collection; and
5. ways to minimize the burden of collecting information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

### Backstory

On March 18, 2020, President Trump signed into law the Families First Coronavirus Response Act (FFCRA)(see **WIR Families First Coronavirus Response Act Passed**), which created two new emergency paid leave requirements in response to the COVID-19 global pandemic. Division E of the FFCRA, “The Emergency Paid Sick Leave Act” (EPSLA), entitles certain employees to take up to two weeks of paid sick leave. Division C of the FFCRA, “The Emergency Family and Medical Leave Expansion Act” (EFMLEA), amended Title I of the Family and Medical Leave Act (FMLA), and permits certain employees to take up to

twelve weeks of expanded family and medical leave, ten of which are paid, for specified reasons related to COVID-19.

On March 27, 2020, (See our [Blog](#)) President Trump signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which amended specific provisions of the EPSLA and the provisions of the FMLA which the EFMLEA added.

## **Tuesday September 22, 2020: OFCCP Loses Oracle Case At Trial**

The case is [OFCCP v. Oracle, Case # 2017-OFC-00006](#).

USDOL Office of Administrative Law Judges (OALJ) Judge Richard M. Clark handed down a 280-page Recommended Decision and Order in a crushing defeat of OFCCP's ill-fated three-year odyssey to prove that Oracle allegedly engaged in:

1. intentional compensation discrimination (wage rate, salary, and total compensation) against female employees at its headquarters offices in Redwood City, California in the Product Development, Information Technology, and Support job functions or against Asian and African American employees in its Product Development job function; and
2. unlawful discrimination in assignment and job classification (i.e. "steering") against female employees at its headquarters offices in Redwood City, California in the Product Development, Information Technology, and Support job functions or against Asian and African American employees in its Product Development job function; and
3. a policy or practice at its headquarters facility relying on prior pay in salary setting and also allegedly having a policy or practice which had an "adverse impact" on women in the Product Development, Information Technology, and Support job functions and against Asian and African American employees in its Product Development job function.

This was a series of statistical cases none of which raised individual claims. As such, OFCCP's statistical cases then necessarily relied almost exclusively on its outside expert, Dr. Janice Madden. Judge Clark faulted her statistical analyses as to each of OFCCP's three claims.

As to the first claim (compensation), Judge Clark found:

"Dr. Madden's analysis is highly aggregated and not attuned to potentially important differences between groups within job functions. Dr. Madden's analysis does not similarly situate employees with respect to the work performed."

\* \* \* \*

"Dr. Madden's measures of experience and education are very rough estimates and poorly capture the sort of education and experience that matters for compensation at Oracle. Dr. Madden's analysis relies largely on assumption about aggregation and the view that it is unnecessary to control for variances between employees at a group level, but this assumes away the important question about potential explanations for the raw disparities and thus undermines the inferential power of the model."

As to the second claim (assignment and steering), Judge Clark found:



“Dr. Madden’s model is poorly constructed to draw inferences about potential steering since it does not attempt to study steering and does not account for the major factor influencing the job the employee holds. The statistical evidence that might support an inference to discrimination could not support an inference to the systemic discrimination alleged by OFCCP.”

As to the third claim (adverse impact in compensation), Judge Clark found:

“Oracle did not have a policy or practice at its headquarters facility during the relevant time period of relying on prior pay in salary setting and OFCCP did not show a disparate impact attributable to such a policy on female employees...or on Asian employees... .”

\* \* \* \*

“OFCCP’s disparate impact claim must be denied because it did not establish the relevant policy or practice or causation. In addition, the underlying disparities that would reflect the disparate impact are based on Dr. Madden’s analysis and given the deficiencies in these models, the record could not support this claim.”

Judge Clark ended his opinion with a simple order recommending that OFCCP’s Second Amended Complaint be dismissed with prejudice. NOTE: Administrative Law Judges like Judge Clark issue a “Recommended Decision and Order.” If neither party timely appeals, the recommended decision and Order automatically convert into a Final Decision and Final Order. If OFCCP appeals to the ARB (see below), the Recommended Decision and Order is held in suspense awaiting a Final Decision and Final Order from the ARB.

### **What’s Next?**

OFCCP may appeal to the court of last administrative resort within the USDOL known as the Administrative Review Board (“ARB”). OFCCP’s Rules give OFCCP 14 calendar days from the date of receipt of the Recommended Decision and Order to file what OFCCP’s Rules call “Exceptions” (i.e. an appeal) of the Recommended Decision and Order. Typically, the parties would graciously agree to extend the other side’s time to consider an appeal since 14 days is TYPICALLY preposterously short a period of time to consider an appeal of complex cases like OFCCP brings these days and which these 1990-era Rules NEVER envisioned. Given the rancor between both the parties and their lawyers in this case, however, it is most likely that OFCCP will need to file a Motion with the ARB to extend the time to determine whether OFCCP wishes to file an appeal, should it wish extra time to consider its next move.

On the other hand, this was a case which OFCCP should have never filed and it is very easy to discern that the trial record supports only a (very) low likelihood of success on appeal for OFCCP. Also, Judge Clark left OFCCP little to challenge in his Recommended Decision and Order. This is especially true since Judge Clark rested his opinion on utterly failed statistical models which OFCCP’s expert advanced but which failed to follow and analyze the pay and assignment systems Oracle used in fact. Judge Clark’s Recommended Decision and Order also catalogues an utter lack of proof of critical and necessary elements of proof necessary to prove up Title VII compensation and assignment claims. These findings also echo a pattern which has developed in the last several years at OFCCP that it simply does not follow Title VII case law in its audits or litigation cases despite now hollow claims to the contrary.

USDOL might nonetheless feign an appeal as leverage to help persuade Oracle to now voluntarily dismiss Oracle’s unrelated lawsuit against USDOL pending in the federal District Court in Washington D.C. That case challenges USDOL’s creation of the OALJ and the ARB as unlawful administrative law divisions unconstitutional in their creation because the Congress did not delegate legal authority to USDOL to create

them. OFCCP would surely have to now view it as a “win” at this point of this three-year saga if it did not appeal in exchange for Oracle’s agreement to voluntarily dismiss its lawsuit against USDOL in the federal District Court. Dismissal of that case, even if it is a long shot for Oracle to win, should be considered a valuable result worth achieving from OFCCP’s point of view because Oracle’s case raises OFCCP enterprise-threatening issues: i.e. no administrative law forum for any of OFCCP’s enforcement programs. As litigators and battle veterans are often wont to say: better to retreat now and live to fight another day.

## **Tuesday, September 22, 2020: Trump Issues Executive Order 13950 to Combat Race and Sex Stereotyping, Imposing New Requirements on Government Contractors**

“By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 101 et seq., and in order to promote economy and efficiency in Federal contracting, to promote unity in the Federal workforce, and to combat offensive and anti-American race and sex stereotyping and scapegoating, it is hereby ordered as follows:...”

With those opening words in a new 10 page “Executive Order on Combatting Race and Sex Stereotyping,” President Trump ignited a firestorm of discussion last week on all sides of the issue concerning **the content** of diversity and inclusion training in America. DirectEmployers has not seen its Members react with such immediate and forceful opinions on any other OFCCP or EEO topic...with both vocal proponents and detractors of the Order.

Also, for those overwhelmed by the developments of last week, please see our [full bonus feature blog post](#) on this controversial Order to see what you and your company/institution must do now and some new and special resources to help DE Member Companies and non-Member companies meet the new requirements and obtain certification through DE’s newly established “*D&I Certification Task Force.*”



## **Tuesday, September 22, 2020: Department of Labor Proposes New Independent Contractor Test Under the Fair Labor Standards Act**

The Wage Hour Division (“WHD”) of the U.S. Department of Labor published a [Notice of Proposed Rulemaking](#), proposing a new legal test to determine independent contractor status under the Fair Labor Standards Act (“FLSA”). Loosening the legal standards by which an individual qualifies as an “independent contractor,” as opposed to being an “employee” with rights under the FLSA, shrinks the reach of the FLSA’s

imposition of minimum wage and overtime protections that pertain only to employees. WHD's Rule, if enacted, would also give more workers the freedom not to provide their services as "employees."

### **The Proposed Rule's "Economic Reality" Test**

The FLSA long ago adopted a unique definition of the term "employee" to be applied to wage-hour issues known as the "economic reality" test. (This legal test is different from the "common law test" which OFCCP applies under its three statutes.) If a worker is in business for himself/herself rather than economically dependent on a business, s/he is an "independent contractor" and not an "employee" subject to the protections of the FLSA. Under its Proposed Rule, WHD would focus on two core factors to determine whether a worker was economically dependent on an employer and thus an "employee":

- the nature and degree of the worker's control over the work (whether a worker sets his or her own work schedule, chooses his or her own assignments, works with little or no supervision, and is able to work for others, including the businesses' competitors); and
- the worker's opportunity for profit or loss based on the worker's initiative or investment in resources (does a worker's opportunity to profit or suffer loss rest on the exercise of the worker's own managerial skill or business acumen, and the worker's management of investments in or capital expenditure on helpers, equipment, and materials).

If these two core factors are in conflict when determining independent contractor status, the WHD's Proposed Rule identifies three other factors analysts may then evaluate as additional considerations in any analysis of whether the worker is an "employee" subject to the FLSA:

1. the amount of skill required for the work (the greater the skill, knowledge, or ability to perform the services, the more likely the worker has autonomy in completing the assignment);
2. the degree of permanence of the working relationship between the worker and the potential employer (is the working relationship definite in duration or sporadic); and
3. whether the work is part of an integrated unit of production of the business (does the individual work in circumstances analogous to a production line; i.e. is the worker "a component of a potential employer's integrated production process, whether for goods or services" or is the worker working "closely by employees and perform[ing] identical or closely interrelated tasks").

### **Difference with Current "Economic Reality" Test**

The WHD's new proposed "economic reality" test thus greatly reduces the factors to consider to determine independent contractor status in comparison to the prior standard. Currently, the WHD determines independent contractor status using an "economic reality" test that considers seven factors (not two): (1) the extent to which the services rendered are an integral part of the principal's business; (2) the permanency of the relationship; (3) the amount of the alleged contractor's investment in facilities and equipment; (4) the nature and degree of control by the principal; (5) the alleged contractor's opportunities for profit and loss; (6) the amount of initiative, judgment, or foresight in open market competition with others required for the success of the claimed independent contractor; and (7) the degree of independent business organization and operation. See USDOL Fact Sheet #13: Employment Relationship Under the Fair Labor Standards Act (<https://www.dol.gov/agencies/whd/fact-sheets/13-flsa-employment-relationship>).

Thus, the Proposed Rule's test would make the current test's first and second factors a consideration only when there is conflict between the Proposed Rule's two core factors for analysis (related to the nature and degree of the worker's control and the worker's opportunity for profit or loss based on initiative or investment).

Furthermore, in a significant change, the Proposed Rule shifts the inquiry from the old test's requirement that one analyze the employer's control over **how the employee does the work**, to analyzing the **worker's control over their work**. In other words, rather than concern itself with what control the business imposes upon the worker, the Proposed Rule would concern itself with what control the worker has over his/her own work (altering the current test's fourth factor related to the employer's control). This change in focus would make it easier for employers to prove a worker's "autonomy."

## **No Time for Employers to Celebrate Yet**

Employers, however, should remain cautious and should temper their optimism. There are several potential "slips between lip and cup" which could operate to stop this proposal from ripening into an enforceable "Final" Rule.

First, the Proposed Rule is now subject to a 30-day Comment period before becoming Final. This Comment period meets the Administrative Procedure Act's minimum Comment period. However, federal agencies, by tradition, typically allow greater time for Public Comment on regulatory issues changing long-held regulatory interpretations of a federal statute. This is particularly true if, as here, the proposed change goes to core legal issues central to the statute's enforcement.

Second, should Joe Biden win in November before the Proposed Rule becomes final, employers can fully expect the new Administration's WHD to rescind the Proposed Rule or to seek to issue a new Rule if the Proposed Rule has ripened into a Final Rule before Inauguration Day (January 20, 2021).

Third, even if the Proposed Rule were to become a Final Rule, should the Democrats take control of the Senate and maintain their current majority status in the House of Representatives, Democrats would be able to undo the Final Rule pursuant to the Congressional Review Act. That 1996 Act, which sprang to life during the early years of The Trump Administration after lying dormant for over two decades, grants Congress the ability to issue a joint Congressional resolution of disapproval of regulatory Rules a federal agency has published in final form.

- [Notice of Proposed Rulemaking: Independent Contractor Status under the Fair Labor Standards Act](#)
- [USDOL's announcement](#)
- [Wage & Hour's landing Page on the NPRM](#)

## **Wednesday, September 23, 2020: USDOL Break-Out Sessions Now Available**

We reported last week, *USDOL Agencies Showcase Resources & Award Programs*.

The Agency reached out to DirectEmployers to let us know that over 5,200 people registered to join the summit! That said, the panel discussions and "sold out" breakout sessions are now available online.

### **Panel discussions:**

- [Voluntary Compliance Assistance and Rewards Programs](#)
- [Innovative and Modernized Compliance Assistance Tools](#)

### **Breakout Sessions:**

- ODEP: Compliance Tools for a Disability-Inclusive Workplace
- VETS: Uniformed Services Employment and Reemployment Rights Act
- OFCCP: VEVRRA Focused Reviews & Ombuds Service
- WHD: Modernized Compliance Assistance Tools

## **Wednesday, September 23, 2020: EEOC Now Fully Staffed With Republican Majority**

We were early on this story last Monday when the Senate suddenly switched it up, took a stutter-step and sent the nominations to Executive Session, setting the stage for confirmation votes the next day of a Republican and a Democrat, and of the remaining Republican two-days later.

With the confirmations of **Samuels** and **Lucas** on Tuesday, and **Sonderling** on Wednesday, the Equal Employment Opportunity Commission (EEOC) finally will have a complete roster of five Members. The Commission is structured to allow a sitting President to appoint three Commissioners of his own party. The Commission is now composed of the following three Republicans and two Democrats:

- **Janet Dhillon (R)**, Chair, term expires July 1, 2022
- **Andrea R. Lucas (R)**, for a five-year term expiring July 1, 2025. Lucas will take Commissioner Lipnic's seat, whose term expired on July 1, 2020. Lucas has practiced in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP in the firm's labor and employment group for almost a decade, a Group which current U.S. Secretary of Labor Eugene Scalia used to Chair before his nomination to head USDOL.
- **Keith E. Sonderling (R)**, for a term expiring July 1, 2024. Sonderling is currently the deputy administrator of the Wage and Hour Division of the U.S. Department of Labor.
- **Charlotte Burrows (D)**, whose second term will expire July 1, 2023.
- **Jocelyn Samuels (D)**, for a term expiring July 1, 2021. Samuels is the Executive Director at the Williams Institute at the University of California, Los Angeles School of Law.

### **A Note on Term Length**

While EEOC Members can be appointed to up to five-year terms, they rarely are because the President is often filling only the remaining portion of an unexpired term. You saw this with Chair Dhillon, and now see it again with Commissioner Sonderling (filling a term expiring in less than three years) and also with Ms. Samuels (filling a term with less than a year left until expiration). Ms. Lucas is filling a full five-year term since Commissioner Lipnic served out her entire term.

## **Wednesday, September 23, 2020: OFCCP Defines "Promotion"**

The Office of Federal Contract Compliance Programs (OFCCP) announced that in light of the upcoming Focused Reviews on Promotions and Accommodations (see our [WIR on the CSAL List](#)), the Agency, following suit with its efforts to provide more transparency and compliance assistance, has launched two new landing pages.

### **Promotion Focused Reviews**

This landing page provides the following resources:

- **Frequently Asked Questions** currently holds seven Q&As – including the highly anticipated question of – “How does OFCCP define a Promotion?” The answer...

*“OFCCP’s Federal Contract Compliance Manual (FCCM) defines promotion as “[a]ny personnel action resulting in, for example, the movement to a position affording higher pay, greater rank, change in job title, or increase in job grade; an increase in pay, requiring greater skill or responsibility; or the opportunity to attain such. A promotion may be either competitive or noncompetitive.” The definition of promotions as inclusive of advancement opportunities recognizes that promotion policies and/or procedures may effectively foster or hinder advancement and, as such, should be examined and corrected if discriminatory.”*

- **Focused Review Directive**
- **Focused Reviews**
- **Executive Order 11246 Resources**
- **Sample Focused Review Report (Coming Soon, says OFCCP)**
- **Sample On-Site Review Guide (Coming Soon, says OFCCP)**

### **Accommodation Focused Reviews**

It’s important to note that the Accommodation reviews will focus not only on accommodations for individuals with disabilities but also on religious accommodations. This landing page provides the following resources:

- **Frequently Asked Questions** currently holds nine Q&As
- **OFCCP Focused Reviews**
- **Equal Employment Opportunity Commission Religious Discrimination Guidance**
- **Best Practices (coming soon)**
- **Sample On-Site Review Guide (Coming Soon, says OFCCP)**

**Sample Focused Review Report (Coming Soon, says OFCCP)**

## **Wednesday, September 23, 2020: Top Organizations Identified to Oversee IRAPs**

USDOL announced an initial **18 organizations** to be Standards Recognition Entities (SREs).

**What is an SRE?** (Or, I’ll take Federal Acronyms for \$500, Alex!)

SREs are third party industry and workforce leaders that will evaluate and recognize high-quality Industry-Recognized Apprenticeship Programs (“IRAPs”) consistent with the Department’s standards. The 18 SREs are the first group of SREs to receive recognition under new regulations the Department published earlier this year (**see WIR Final Rule on Apprenticeships Standards**) to expand apprenticeship opportunities in industries where apprenticeships have been used less frequently than desired.

The recognition of these entities follows what USDOL described as a rigorous review within the Department to ensure that they have the capacity and quality-assurance procedures needed to monitor IRAPs. SREs can now begin to work with employers and other entities to establish, recognize, and monitor high-quality IRAPs that provide apprentices with industry-recognized credentials.

USDOL's SRE recognition are valid for five years.

## Thursday, September 24, 2020: VETS Apprenticeship Pilot Will Help Employers Achieve the VETS Medallion Award

USDOL's Veterans Employment and Training Service (VETS) announced that the Apprenticeship Pilot for transitioning service members (see [previous WIR](#)) can help employers meet the HIRE Vets Medallion Award criteria through the use of apprenticeship programs. Employers may take advantage of this pilot to start an apprenticeship program or connect an existing apprenticeship program with transitioning service members.

For this pilot, VETS has embedded 16 Apprenticeship Placement Counselors at eight military installations across the United States to work with transitioning service members and their spouses interested in exploring an apprenticeship as a post-separation career pathway. During the pilot, apprenticeship counselors will assist transitioning service members as they select, locate, and apply for apprenticeships across the nation.

If you have an apprenticeship program and would like to connect your program with this pilot, or if you would like to learn how you can develop an apprenticeship program that can attract, train, and retain veterans, email [VETSapprenticeship@dol.gov](mailto:VETSapprenticeship@dol.gov).

**Article 4** ([back to top](#))

[Article Title: Legal expert unpacks what Trump's executive order on diversity training means for agencies](#)

News Source: The Drum

Reporter's Name: Kenneth Hein

Date: September 29, 2020

## Legal expert unpacks what Trump's executive order on diversity training means for agencies

By Kenneth Hein-29 September 2020 10:00am



If President Trump is re-elected, the language of the executive order could get sterner

Agencies with federal contracts run a significant risk of financial penalties and being “debarred“ if they don’t comply with Trump’s new executive order, says government contract expert Liza Craig. She breaks down for us the true impact of the decree, and spells out what’s riding on the upcoming US elections.

“Stunned“ is one word agency execs have used to describe President Trump’s executive order forbidding “divisive” diversity training programs. And they should be, according to Liza Craig, a government contract expert within law firm Reed Smith’s global regulatory enforcement group.

Craig characterizes the executive order as “surprising” in how “amazingly sweeping” it is in nature. “Concerning”, given how much effort companies have put into diversity and inclusion training programs. And “challenging” for agencies that have government clients and want to comply.

So, what do agencies need to know?

- **The penalties for non-compliance are significant.** Not only can contracts be canceled or terminated, agencies can be debarred from working with the government. “It’s a very harsh sentencing,” says Craig. “It can have a very significant impact on a company and there can be financial penalties associated with it.”
- **There will be a hotline for people who feel agency training programs are in violation.** The Department of Labor has been directed, through the Office of Federal Contract Compliance Programs (OFCCP), to establish a hotline and investigate complaints, per the order.
- **The government will be requesting information about your programs.** By Oct 22, the director of OFCCP shall publish in the Federal Register a request for information regarding the training, workshops or similar programming provided to employees, per the order. “The OFCCP is going to be responsible for finding out whether or not agencies have violated the executive order,” says Craig. “We would hope there will be more guidance regarding the parameters and what is going to be acceptable. I would imagine this is going to be a moving target.”
- **Language about ‘white privilege’ should be redlined.** “You’re going to want to talk to your internal and external counsel about your existing training programs. The order has made it clear that certain words will be unacceptable. You will want to match your programs with that language and, where there is overlap, redline terms like ‘white privilege’.”
- **‘Unconscious bias’ conversations will likely cease.** “It’s probably safe to say that many of us, whether it’s race or not, have unconscious biases that we bring to the table. It’s certainly a powerful tool to talk about those and flush those out. This executive order would seem to suggest that that can no longer be so easily done.”
- **Getting out of a government contract is not easy.** “Either party can normally terminate a contract, but it’s much harder for a private contractor to terminate an agreement with the federal government. You’ve got an obligation to perform,” says Craig, who notes that many agreements are three to five years.



What will the impact of the elections likely be?

- **If Trump wins, the language could get sterner.** “We may see the tone of this order become more pervasive in terms of speech. We may get some very definitive guidance that makes it much more difficult to administer some of these training programs in the manner that we have seen them administered in the last year.”
- **If Biden wins, the order will likely go away quickly.** “I would think that, pretty early on, you would see executive orders like this rescinded.”
- **In the meantime, much more clarity is needed.** “It’s not clear to me whether or not teaching a class about inclusivity, and ways to minimize barriers between different races or ethnicities or genders speaking to one another in the workplace, will be deemed unacceptable. There are a lot of gray areas here because the executive order is so broad. This really is going to be challenging to navigate.”

To keep up with all our dedicated US coverage, sign up for the free daily briefing newsletter.

[Article 5 \(back to top\)](#)

Article Title: [U.S. Contractors Can Now Easily Report ‘Anti-American’ Training](#)

News Source: Bloomberg Law

Reporter’s Name: Paige Smith

Date: September 29, 2020

Daily Labor Report®



President Donald Trump walks toward the White House's South Lawn before boarding Marine One on Sept. 22, the day he signed Executive Order 13950.

Photographer: Sarah Silbiger/UPI/Bloomberg

## U.S. Contractors Can Now Easily Report ‘Anti-American’ Training

By [Paige Smith](#)

Sept. 29, 2020, 11:32 AM

[Listen](#)

- DOL creates phone number, email for complaints
- Action stems from recent Trump executive order

The Labor Department has established a means for employees of federal contractors to file complaints about “offensive and anti-American race and sex stereotyping and scapegoating,” an action that follows a recent executive order.

The DOL’s Office of Federal Contract Compliance Programs announced Monday the roll-out of telephone and email channels workers can use to report instances of “divisive” workforce training.

Executive Order 13950, which President Donald Trump signed Sept. 22, defines “divisive” training as that which implies the U.S. is “fundamentally racist or sexist,” or that an individual is “inherently racist, sexist, or oppressive, whether consciously or unconsciously,” among other definitions.

The order prompted immediate outcry from both employer representatives and worker advocates. Critics contend it could outlaw necessary unconscious-bias training for workers employed by federal contractors, and further burden the OFCCP, a subagency that enforces workplace civil rights laws among federal contractors and is already struggling to handle the current volume of complaints.

Federal contractors that don’t comply with the order could be blocked from pursuing future government contracts, and existing contracts could be terminated or suspended, according to Trump’s order.

“Many people are pushing a different vision of America that is grounded in hierarchies based on collective social and political identities rather than in the inherent and equal dignity of every person as an individual,” the order said. “They are designed to divide us and to prevent us from uniting as one people in pursuit of one common destiny for our great country.”

Chris Wilkinson, a senior counsel with Perkins Coie who represents employers in a variety of employment law and compliance matters, said federal contractors “have taken very thoughtful approaches to workplace training in light of the social justice movement.”

“This executive order muddies the waters, as what counts as ‘race or sex stereotyping’ is fairly ambiguous,” he added. “That works to increase the compliance burdens of contractors. Perhaps more importantly, contractors should not be blind to the potential for employee complaints.”

The American Association for Access, Equity and Diversity, an organization of equal opportunity, diversity, and affirmative action professionals, said the new hotline will inundate OFCCP with complaints that fly “in the face of the First Amendment.”

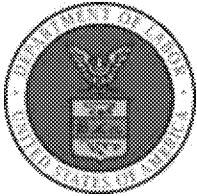
A separate civil rights watchdog, the U.S. Commission on Civil Rights, noted in a report last year that the OFCCP is has limited capabilities, and can only annually audit approximately 1% to 2% of federal contractors due to low staff numbers.

“Notwithstanding such exhortations of American liberty, the Order is the antithesis of liberty; it is a paean to authoritarianism clothed in the most aggressive assault on civil rights and free speech in recent history,” the organization said in a statement that followed Trump’s signing of the order.

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**From:** WHDNOCComm - WHD [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46D3708902A741E894F114AD9176665C-WHDNOCOMM -]  
**Sent:** 9/23/2020 6:16:00 AM  
**Subject:** DOL Daily Briefing (9-23-20)  
**Attachments:** DOL Daily Briefing (9-23-20).pdf; DOL Daily Briefing (9-23-20).mobi; DOL Daily Briefing (9-23-20).docx



# DOL DAILY BRIEFING

U.S. Department of Labor  
By TechMIS  
[www.TechMIS.com](http://www.TechMIS.com)

Mobile User Copy

**TO: U.S. Department of Labor & Staff**  
**DATE: Wednesday, September 23, 2020 6:00 AM ET**

## DOL News and Opinion

Labor Secretary: Clarity for 'gig workers' – Proposed rule simplifies definition for contractors, businesses (Fox Business)

U.S. Secretary of Labor Scalia highlights economic reopening in Cincinnati; visits Great Oaks (Highland County Press)

Eugene Scalia: Ginsburg, my father believed in 'debate, the exchange of ideas' (Fox Business)

## DOL News Releases

U.S. Department of Labor Proposes Rule to Clarify Employee and Independent Contractor Status Under the Fair Labor Standards Act

## Employment

Walmart, UPS and others are staffing up for an online shopping surge this holiday season (CNN)

7-Eleven stores hired more than 50K employees amid COVID-19 (WTVD-TV ABC 11 Durham)

Radial Announces Plans to Hire 25,000 Seasonal Workers Throughout North America (PRNewswire)

[MD] Now Hiring: Best Buy Holding Holiday Job Fairs In Baltimore Area (WJZ-TV CBS 13 Baltimore)

[TX] UPS plans to hire 3,600 seasonal workers in Houston (Houston Chronicle)

## Unemployment

Laid-Off Workers Cut Spending, Hunt for Jobs as Extra Unemployment Benefits Run Out (Wall Street Journal)

Funding for the extra \$300 unemployment benefit is nearing depletion — but it's lasting longer in some states (MarketWatch)

\$300 unemployment benefits end in at least 9 states as stimulus hopes fade (CNBC)

[As job cuts loom, airlines and their unions lobby hard for federal aid \(Los Angeles Times\)](#)

[Airlines mount a last stand \(Politico\)](#)

[Airline CEOs, union leaders implore Congress and the administration to avoid Oct. 1 furloughs \(The Hill\)](#)

[Airlines, Unions Mount Lobby Blitz for Aid Before Oct. 1 Layoffs \(Bloomberg\)](#)

[Delta Delays Pilot Furloughs for One Month \(MSN\)](#)

[Delta delays decision to furlough up to 2,000 pilots until Nov. 1, union says \(Fox Business\)](#)

[White House unveils a new relief bill strategy to avoid mass airline worker layoffs, schedule cuts \(USA Today\)](#)

[How The U.S. Unemployment Rate Is Calculated, And What It Really Means \(Huffington Post\)](#)

[Unemployment gap widens as overall rate falls \(Fox Business\)](#)

[Coronavirus pandemic has destroyed 1.4M franchise jobs, causing 'lasting' damage: industry group \(Fox Business\)](#)

[Brookfield Properties' retail arm is laying off 20% of its workforce, as pandemic hits malls \(CNBC\)](#)

[Ralph Lauren laying off thousands in pandemic slowdown \(The Hill\)](#)

[Ralph Lauren to lay off thousands as pandemic dulls luxury fashion \(Reuters\)](#)

[Housekeepers Still Bearing the Brunt of Pandemic Unemployment Low pay and lack of benefits hinder residential housekeepers from recovery \(Cleaning & Maintenance Management\)](#)

[651,000 Jobs Supported by U.S. Beer Industry to be Lost Due to COVID-19 Pandemic \(Morningstar\)](#)

[\[VT\] Vermont jobless rate shows steep decline, but the news is not all good \(VTDigger\)](#)

[\[PA\] New Pandemic Unemployment Assistance payments paused in Pennsylvania due to uptick in suspicious claims \(WITF-TV 33 Harrisburg\)](#)

[\[PA\] New wave of Pandemic Unemployment Assistance fraud \(Lower Bucks Times\)](#)

[\[MD\] Baltimore City schools will lay off 450 temporary workers and halt hiring \(Baltimore Sun\)](#)

[\[KY\] Kentucky wins quick federal approval for extra jobless aid \(San Francisco Chronicle\)](#)

[\[KS\] Kansas Department of Labor working to meet demand as many Kansans are still waiting for unemployment \(WIBW-TV CBS 13 Topeka\)](#)

[\[OK\] About 100,000 Oklahomans will see an additional \\$300 a week in unemployment benefits \(Tulsa World\)](#)

[\[CO\] Colorado announces mandatory furlough for state workers \(US News & World Report\)](#)

[\[CO\] Unemployed and nearly homeless, jobless Coloradans whose benefits are on hold are crying for help \(Colorado Sun\)](#)

[\[NM\] New Mexico now borrowing from feds to pay state unemployment benefits \(KRQE-TV CBS 13 Albuquerque\)](#)

[\[NV\] Continued claims for unemployment in Nevada fall for 5th straight week \(Northern Nevada Business Weekly\)](#)

[\[WA\] Washington Employment Security Department paid fraudulent claims on its own workers \(KING-TV NBC 5 Seattle\)](#)

[\[CA\] What to Know About the Unemployment System 'Reset' \(New York Times\)](#)

## **Apprenticeship**

[\[MI\] Ford Launches Fast Track Job Program at Michigan Central Station \(News Wheel\)](#)

[\[IL\] Real progress being made to increase diversity in union apprenticeship programs \(Chicago Sun-Times\)](#)

[\[TX\] International Training Institute Selects Interplay Learning to Elevate Its Online Training Technology for More Than 14,000 SMART Apprentices Using Virtual Reality \(Houston Chronicle\)](#)

[\[CA\] California Central Valley Congressman Josh Harder Introduces Bill to Provide College Credit for Apprenticeships \(Sierra Sun-Times\)](#)

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[The Highs And Lows Of The COVID-19 Pandemic For Working Parents, And The Implications For The Future Of Work \(Forbes\)](#)

[Buy Or Build? What Customized Tech Is Teaching Us About Talent \(Forbes\)](#)

[A New Contract with the Middle Class \(Brookings Institution\)](#)

[Federal Cybersecurity Jobs Unfilled, Presenting Opportunity \(Dice\)](#)

[Using AI to Improve Hiring Legally and Ethically \(HR Daily Advisor\)](#)

[Top Tips for Building a High-Performing Remote Workforce \(HR Daily Advisor\)](#)

[Why the US Manufacturing Failed to Stand Strong During the Pandemic \(Industry Tap\)](#)

[Who is the employee of the future, and how has COVID-19 changed them? \(Kronos\)](#)

[Is Re-Shoring the Answer to Our Manufacturing Woes? \(Morning Consult\)](#)

[Study: Industrial workers see pandemic placing family safety in conflict with financial security \(Plant Services\)](#)

[Three strategies to defend remote workers from cyberattacks \(SC Magazine\)](#)

[McDonald's says it's expanding its job preparation program for youths \(Chicago Business Journal\)](#)

[Startup recruits cash-strapped gig workers to help landlords evict tenants \(New York Post\)](#)

[\[FL\] Goodwill Manasota provides ESOL classes for its employees \(Tampa Bay News Wire\)](#)

[\[KY\] Bellarmine receives \\$1M grant to recruit diverse students to STEM fields \(Lane Report\)](#)

[\[AL\] Ivey creates Alabama STEM Council \(Alabama Daily News\)](#)

[\[AZ\] 'That was my identity': COVID-19 pandemic costing stadium workers their jobs \(Cronkite News\)](#)

[\[OR\] Soft-Catch Tech Wanted by Blueberry Growers \(Growing Produce\)](#)

[\[CA\] UC's Master Beekeeper program issues first certificate \(Indiana Prairie Farmer\)](#)

[\[CA\] Rebuilding The Small Business Economy: What It Will Take \(Forbes\)](#)

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[\[MA\] Lawmakers dump COVID-19 workers' comp bills into study \(Worcester Business Journal\)](#)

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[New Trump administration rule could make it harder for gig and contract workers to have rights as employees \(Washington Post\)](#)

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[\[PA\] Erie's Smugglers' Wharf settles wage suit with feds \(Erie Times-News\)](#)

[\[FL\] Hair Cattery Stylists Reach Deal Over Pre-Pandemic Closure Wages \(Bloomberg Law\)](#)

[\[AL\] Smoothie King employees in Mobile awarded COVID-19 back pay \(WPXI-TV NBC 15 Pensacola\)](#)

[\[OH\] City Council OKs employer penalties for 'wage theft,' and more tax breaks \(Columbus Dispatch\)](#)

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[Keep Workers Safe and Productive with Auto Landing Gear Deployment \(Modern WorkTruck Solutions\)](#)

[\[NC\] 2 contractors killed at Evergreen Packaging mill fire \(Asheville Citizen-Times\)](#)

[\[FL\] Landscape worker dies after falling into retention pond with equipment, deputies say \(WKMG-TV CBS 6 Orlando\)](#)

[\[MI\] I-94 closed in St. Clair Shores after road worker killed in hit-and-run; MSP investigating \(Detroit Free Press\)](#)

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[\[NC\] IBM on the defensive: 'Hundreds more' join class-action age discrimination lawsuit, says lawyer \(WRAL-TV NBC 5 Raleigh\)](#)  
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[\[NY\] De Blasio says early retirement incentives should be considered for NYC employees facing potential layoffs \(Fox News\)](#)  
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Editorial Note: This Brief represents summarized content - click on the hyperlink to access full-text articles for these news summaries.

## DOL News and Opinion

[Labor Secretary: Clarity for 'gig workers' – Proposed rule simplifies definition for contractors, businesses \(Fox Business\)](#)

(9/22/2020 8:30 AM, Eugene Scalia)

The Department of Labor on Tuesday published a proposed rule defining who's an "independent contractor." Part of what's notable about this proposed rule is simply that we're doing it. In the more than 80 years since enactment of the Fair Labor Standards Act, or FLSA, the Department has never adopted a rule defining the term for general industry.

The Supreme Court last spoke to the issue nearly 60 years ago; its most significant pronouncement came just after the Second World War. Since then, employers and workers looking for guidance have had to parse the sometimes-divergent decisions of the federal courts of appeals, and opinion letters the Labor Department issues occasionally without public notice or input. Our proposal seeks public comment and, once finalized, will state the Labor Department's view clearly for all to consult. As the sole authority short of the Supreme Court with responsibility for how this law is applied coast-to-coast, we thought it past time to codify a simple, clear approach that can be applied consistently nationwide.

Our proposal is important, too, because of the increased attention in recent years to independent contractors. The growth of the "gig" economy, in which cellphone apps provide a "platform" for connecting willing workers with interested customers, has provided new convenience and work opportunities for millions of Americans. But that economy and other developments are seen as subversive by those who believe that for most workers, being a company's employee—not an independent contractor—is the only proper aspiration.

That's the view behind a law California passed last year—AB-5—which requires companies to treat as employees a broad range of workers who previously would have been recognized as independent contractors. In response, some businesses stopped hiring Californians; Uber and Lyft announced they were suspending operations in the state, before a court-ordered stay gave them a reprieve from the law while they pursue appeals. As originally enacted AB-5 was so unworkable that the state Legislature felt compelled to riddle it with amendments, establishing dozens of job-specific exemptions.

Unlike AB-5, our rule doesn't propose radical changes in who's classified as an employee or independent contractor. Instead, our rule aims to simplify, clarify and harmonize principles the federal courts have espoused for decades when determining what workers are "employees" covered by the minimum wage and overtime pay requirements of the FLSA.

Make no mistake, harmonization is needed. Right now, when determining whether a worker's an independent contractor, some courts routinely consider the "importance" of the work she does to the company that hired her; other courts do not. And while courts agree that "investment" should be part of the analysis, some courts ask whether the worker will profit from the investment she makes in her work, whereas others (oddly) compare the dollar value of her investment to the total capital investment by the company. In two separate cases, a single federal appellate court reached different conclusions on the question of whether cable-slicers working for BellSouth contractors were employees or independent contractors.

Our proposed rule aims to clear away the cobwebs and inconsistencies that have grown up around this analysis since the Supreme Court's decisions more than half a century ago. To determine a worker's classification, we ask whether he is economically dependent for work on the putative employer, or instead whether he's in business for himself. To probe that difference, our proposed test focuses primarily on a worker's control over his work, and his opportunity for profit or loss resulting from his own initiative or

investment.

Once finalized, this rule will guide businesses, workers, the courts and our own Wage and Hour Division as we enforce the FLSA. We also hope the test will help states and policy-makers consider worker classification outside the FLSA context. And unlike AB-5, our rule doesn't aim to slant the analysis toward classifying independent contractors as employees. In part, that's because we recognize there are powerful reasons why some workers prefer to be independent, rather than accountable to a company as its employee.

Being in business for oneself draws on two of America's most deeply rooted traditions: freedom and entrepreneurialism. True independent contractors are their own boss. That appeals to countless Americans—the Bureau of Labor Statistics reports that 79% of independent contractors “overwhelmingly prefer their work arrangement to traditional jobs.”

As Labor secretary, I'm struck how often young people tell me they want to start their own business; I've yet to meet one who says, “I dream of being an FLSA-covered employee.” Freedom from the strictures of a nine-to-five can be especially welcome to parents, caregivers and others who need greater control over their schedule and workload. Of course, there are also benefits that come with being an employee covered by the FLSA and its minimum wage and overtime requirements. Some companies improperly claim their employees are independent contractors, to dodge responsibilities they owe under the law. Our Department will continue to bring enforcement actions against those businesses.

Our rule, once finalized, will hone our ability—and the public's—to distinguish employees from independent contractors in business for themselves. Unlike AB-5, though, our rule will respect the independence—the freedom and entrepreneurial opportunity—that come with being your own boss.

[U.S. Secretary of Labor Scalia highlights economic reopening in Cincinnati; visits Great Oaks \(Highland County Press\)](#)

(9/22/2020 3:00 PM, Staff Report)

U.S. Secretary of Labor Eugene Scalia traveled to Cincinnati last week to discuss economic recovery, workplace safety and the steps needed to develop a skilled, dynamic workforce. Secretary Scalia visited Consolidated Metals, where he met company leadership and employees and discussed the economic reopening.

Additionally, Secretary Scalia visited Great Oaks, which specializes in career and technical education for both high school students and adults. Over 30 career programs are available for high school students living in 36 area school districts. There, he participated in a roundtable discussion with local business leaders and educators regarding workforce development and economic growth. “It was great to be back in Ohio and see the progress being made in safely re-opening our economy,” Secretary Scalia said. “I was pleased to visit Consolidated Metals Products and learn about the steps they've taken to provide jobs and bring Americans back to work. I would also like to thank Great Oaks for hosting a valuable conversation on business growth, safe workplaces and equipping workers with the skills needed for good-paying, meaningful jobs.”

[Eugene Scalia: Ginsburg, my father believed in 'debate, the exchange of ideas' \(Fox Business\)](#)

(9/21/2020 1:50 PM, Staff)

Eugene Scalia, U.S. secretary of labor and son of Supreme Court Justice Antonin Scalia, remembers Ruth Bader Ginsburg's friendship with his father, and how the Supreme Court vacancy could impact markets and economy.

[Editorial note: View video at source link]

## **DOL News Releases**

## U.S. Department of Labor Proposes Rule to Clarify Employee and Independent Contractor Status Under the Fair Labor Standards Act

(9/22/2020 12:00 PM, WHD)

The U.S. Department of Labor today announced a proposed rule clarifying the definition of employee under the Fair Labor Standards Act (FLSA) as it relates to independent contractors. "The Department's proposal aims to bring clarity and consistency to the determination of who's an independent contractor under the Fair Labor Standards Act," said Secretary of Labor Eugene Scalia. "Once finalized, it will make it easier to identify employees covered by the Act, while respecting the decision other workers make to pursue the freedom and entrepreneurialism associated with being an independent contractor."

"The rule we proposed today continues our work to simplify the compliance landscape for businesses and to improve conditions for workers," said Wage and Hour Division Administrator Cheryl Stanton. "The Department believes that streamlining and clarifying the test to identify independent contractors will reduce worker misclassification, reduce litigation, increase efficiency, and increase job satisfaction and flexibility." The Department's proposed rule would:

Adopts an "economic reality" test to determine a worker's status as an FLSA employee or an independent contractor. The test considers whether a worker is in business for himself or herself (independent contractor) or is economically dependent on a putative employer for work (employee);

Identifies and explains two "core factors," specifically the nature and degree of the worker's control over the work, and the worker's opportunity for profit or loss based on initiative and/or investment. These factors help determine if a worker is economically dependent on someone else's business or is in business for himself or herself;

Identifies three other factors that may serve as additional guideposts in the analysis: the amount of skill required for the work; the degree of permanence of the working relationship between the worker and the potential employer; and whether the work is part of an integrated unit of production; and

Advises that the actual practice is more relevant than what may be contractually or theoretically possible in determining whether a worker is an employee or an independent contractor.

This Notice of Proposed Rulemaking (NPRM) is available for review and public comment for 30 days after it is published in the Federal Register. The Department encourages interested parties to submit comments on the proposed rule. Today's web posting offers the public more time to review the NPRM before the comment period begins.

## **Employment**

### Walmart, UPS and others are staffing up for an online shopping surge this holiday season (CNN)

(9/23/2020 12:01 AM, Nathaniel Meyersohn)

The upcoming holiday shopping stretch will look much different for retailers in a pandemic. Instead of preparing for door-busters on Black Friday and frenzied shopping in stores before Christmas, many retailers and shipping companies are beginning to staff up in anticipation of a flood of online delivery and curbside pickup orders. Walmart, which has already hired more than 500,000 workers in stores and across its supply chain since March to meet growing demand in the pandemic, said Wednesday that it will hire more than 20,000 seasonal workers in e-commerce fulfillment centers across the country "to prepare for an expected increase in online shopping." Walmart has stores every year that bring on seasonal associates, according to a spokesperson, but the last time Walmart hired a "large number of seasonal associates" was in 2015, when Walmart added 60,000 holiday workers for stores.

Other companies are also preparing for the online shopping rush by adding delivery, warehouse and

curbside pickup workers. FedEx said it will hire 70,000 workers, a 27% increase from last year, while UPS said it will hire 100,000 seasonal workers, the same as last year's holiday hires. Floral delivery retailer 1-800-Flowers.com will bring on 10,000 employees to deliver bouquets to customers, up 25% from last year, and Michaels, the arts and crafts store, will add 16,000 seasonal jobs. That's up around 6% from last year. Michaels said the jobs would help the chain, in particular, strengthen its buy online, pickup in store offering. The overall hiring forecast for this holiday season "remains uncertain," but "it is clear that the proportion of sales that are made online will reach record levels and that may cause a permanent change in the future of holiday hiring," Andy Challenger, senior vice president at outplacement firm Challenger, Gray & Christmas, said in an email.

#### 7-Eleven stores hired more than 50K employees amid COVID-19 (WTVD-TV ABC 11 Durham)

(9/22/2020 8:15 AM, Associated Press)

In March, 7-Eleven, Inc. made the call to employ 20,000 new store employees. Since then, the company estimates the organization and independent 7-Eleven franchise owners have hired more than twice that many, over 50,000. And they're recruiting 20,000 more to work in its 9,000+ U.S. stores to meet continued demand for 7-Eleven products and services amid the COVID-19 pandemic. Classified as an essential retailer, 7-Eleven kept its doors open all year long, adding enhanced cleaning procedures and extra safety protocols such as acrylic shields at checkout, floor distance markers, sanitizing stations and offering employees masks and gloves. Additionally, the company gives customers the opportunity to utilize disposable tissues and gloves as they shop for essential pantry items, their morning coffee or an indulgent afternoon snack to recharge.

Also during the COVID-19 pandemic, the world's largest convenience retail chain has scaled frictionless mobile checkout technology to new markets, expanded delivery from 400 to 1,300 cities, added in-store pick-up through its 7NOW delivery app and increased its U.S. store base by more than 300 stores this year. "I am constantly inspired by our 7-Eleven Heroes - franchisees and employees alike - who have stepped up to serve communities as we continue to navigate through the complexities of the COVID-19 pandemic," said 7-Eleven President and Chief Executive Officer Joe DePinto. "Hiring 20,000 more store employees allows us to continue to fulfill our mission to give customers what they want, when and where they want it, whether in stores or at home."

#### Radial Announces Plans to Hire 25,000 Seasonal Workers Throughout North America (PRNewswire)

(9/22/2020 8:00 AM, PRNewswire)

Radial, a bpost group company, the leader in omnichannel commerce technology and operations, today announced its plan to bring on more than 25,000 seasonal workers across North America to help support retailers' heightened fulfillment and customer care needs during the 2020 holiday season. Seasonal hires will leverage cutting-edge automation and technology to process online orders in fulfillment centers and address the key customer issues that drive sales and satisfaction working as agents with Radial's customer care centers. With 66% of shoppers planning to increase their online purchases during the 2020 holiday season, Radial is prepared to help retailers deliver during this crucial time of year while keeping employee safety at the forefront.

"In response to the COVID-19 pandemic, Radial has been proactive in identifying and implementing new technologies and processes to maintain the health and safety of every employee," said Eric Wohl, Chief Human Resources Officer and Senior Vice President. "We are deeply committed to evolving our work environment to keep our strong community values and people-first workplace intact, while ensuring every employee feels comfortable, safe and valued at their job."

#### [MD] Now Hiring: Best Buy Holding Holiday Job Fairs In Baltimore Area (WJZ-TV CBS 13 Baltimore)

(9/22/2020 1:38 PM, Staff Report)

Best Buy is hiring thousands of employees nationwide, including in Maryland, ahead of the 2020 holiday shopping season. The electronics retailer plans to hold holiday hiring fairs at its stores, including those in the Baltimore area, from noon to 7 p.m. on September 24 and 25 and October 3 and 4.

Among the jobs available locally are floor workers and warehouse positions. Earlier this month, Amazon said it plans to hire around 4,400 workers in the Baltimore area as it expands its local operations.

[TX] UPS plans to hire 3,600 seasonal workers in Houston (Houston Chronicle)

(9/22/2020 7:16 AM, Rebecca Carballo)

UPS expects to hire over 3,631 seasonal workers in the Houston area to support the anticipated increase in package volume over the holiday season, the company said. Nationally, UPS expects to hire more than 100,000 seasonal employees. The shipping company expects to see a package volumes rise from October through January 2021. Tractor-trailer and package car driver jobs start at \$21 per hour. Pay for package handlers start at \$14.50 per hour and \$14.50 for driver-helpers.

In the Houston area, UPS is hiring 67 drivers and seasonal drivers, 1,386 package handlers, 1,340 driver helpers, 818 personal vehicle drivers. It is possible the seasonal positions could turn into longer terms, said Charlene Thomas, the chief human resources officer. "We will hire over 100,000 people for UPS's traditional seasonal jobs, and anticipate a large number will move into permanent roles after the holidays," Thomas said. "At a time when millions of Americans are looking for work, these jobs are an opportunity to start a new career with UPS."

## Unemployment

Laid-Off Workers Cut Spending, Hunt for Jobs as Extra Unemployment Benefits Run Out (Wall Street Journal)

(9/22/2020 5:30 AM, Te-Ping Chen & Sarah Chaney)

When the coronavirus pandemic struck the U.S. in March, Caroline Mongillo lost her part-time job at a music venue and struggled to find new work in a labor market hampered by the health crisis. But like millions of other laid-off workers, she covered expenses with the \$600 a week in extra unemployment benefits provided by the federal government. Now those benefits have expired and been replaced by a short-term extension at half the rate. The 22-year-old Grand Rapids, Mich., resident has started shopping at the dollar store for household staples such as toilet paper and pasta, tried to abstain from small luxuries such as takeout food, and has spent half of her savings.

Ms. Mongillo, who graduated from college in June with a degree in communications and media, estimated she has applied for around 50 jobs in recent weeks, mostly in marketing and advertising. Nothing has yet come through. She said she relied on her old job — and more recently the extra unemployment benefits — to help pay for daily living expenses and \$900 in monthly rent on her apartment, which she shares with her boyfriend. "I don't have a plan, except to continue to apply for jobs," said Ms. Mongillo, who also is trying to generate some income selling sequined hats.

Funding for the extra \$300 unemployment benefit is nearing depletion — but it's lasting longer in some states (MarketWatch)

(9/22/2020 4:47 PM, Elisabeth Buchwald)

More than 20 states have started giving unemployed workers the \$300 a week benefit, but that could end before all states get funding for the guaranteed six weeks. Jobless Americans in more than 21 states are now receiving an extra \$300 a week in unemployment benefits under President Donald Trump's executive order. In some states, the payments will cover six weeks retroactive to Aug. 1, but for unemployed Americans in other states, that won't be in the case. Nine states - Alabama, Arizona, Massachusetts, Missouri, New Hampshire, New Mexico, Rhode Island, Texas and Utah - have finished making the \$300 payment to claimants for six weeks, as of Tuesday.

Thirty other states have been approved for six weeks' worth of funds and some are in the process of distributing it. Then there are states like Florida and Idaho, which have informed unemployment beneficiaries that they won't be receiving the enhanced benefit for six weeks. At least eight other states - Arkansas, California, Delaware, Kentucky, New Jersey, Vermont, Wisconsin and Wyoming - are waiting to be approved by the Federal Emergency Management Agency, which oversees the Lost Wage Assistance

program, for six weeks' worth of funds. With just 6%, or \$2.5 billion, of FEMA's \$44 billion chest remaining to make LWA payments to states, residents of those eight states may not receive the \$300 for the entire six weeks.

#### \$300 unemployment benefits end in at least 9 states as stimulus hopes fade (CNBC)

(9/22/2020 10:45 AM, Greg Iacurci)

States are starting to run out of funding for enhanced unemployment benefits, leaving millions of workers without additional aid as hopes for more stimulus dwindle. At least nine states — including Alabama, Arizona, Idaho, Massachusetts, Missouri, New Hampshire, Rhode Island, Texas and Utah — have finished paying a \$300 weekly unemployment subsidy to workers eligible for the money to date, according to state officials. Others, like North Carolina and Tennessee, are poised to finish disbursing the aid, made through the federal Lost Wages Assistance program, as soon as this week.

States received federal grants for up to six weeks of payments, for a total of \$1,800, which is available to individuals receiving unemployment benefits between the weeks ended Aug. 1 and Sept. 5.

#### As job cuts loom, airlines and their unions lobby hard for federal aid (Los Angeles Times)

(9/22/2020 9:48 PM, Staff)

Air carriers and their unions on Tuesday ratcheted up pleas for an extended COVID-19 aid package to forestall layoffs, but a sudden Supreme Court vacancy and partisan rancor are dimming the prospects. "At this point, it looks like everything is pretty much frozen," said former Sen. Byron Dorgan, who served on the committee overseeing transportation policy. "It doesn't look like anything is going to happen."

Weeks of lobbying, trips to the White House by airline executives and the prospect of massive job losses in states where incumbent Republican senators face tough reelection challenges — such as Georgia, Arizona and Colorado, all home to airline hubs — haven't resulted in movement. The frustration was evident at a press conference Tuesday outside the Capitol, held by a group of airline executives, union leaders and lawmakers from both parties.

#### Airlines mount a last stand (Politico)

(9/21/2020 3:15 PM, Theodoric Meyer)

Nick Calio, Airlines for America's president and chief executive, will hold a press conference on the Hill this afternoon with the chief executives of American Airlines, United Airlines and JetBlue Airways and the heads of unions representing pilots, flight attendants and other airline industry workers as part of a last-ditch effort to convince Congress to extend billions of dollars of coronavirus relief aid before it runs out on Oct. 1.

In an interview this morning, Calio said the airlines would shed tens of thousands of jobs without additional aid. "We can't afford to keep flying planes with two, three, eight, 15 people on them," he said. The problem: Airlines and their unions have been lobbying Congress for months with little to show for it. "It's a very strange situation," Calio said. "Everyone's for it but we can't seem to get it done." The airlines met with House Speaker Nancy Pelosi on Friday and have been in touch with Mark Meadows, the White House chief of staff, and Treasury Secretary Steven Mnuchin - but Congress remains as deadlocked as it has been for months. "We can't make the case any more than we already have," Calio said. "We're giving it a last try."

#### Airline CEOs, union leaders implore Congress and the administration to avoid Oct. 1 furloughs (The Hill)

(9/22/2020 6:15 PM, Alex Gangitano)

Airline CEOs and union leaders, joined by members of Congress, made a desperate plea at the Capitol on Tuesday for an extension of coronavirus relief. The group — including Nicholas Calio, head of the industry group Airlines for America; Doug Parker, CEO of American Airlines; Robin Hayes, CEO of JetBlue Airways; and Scott Kirby, CEO of United Airlines — stressed at a press conference the high stakes situation for airline workers and that time is running out.

A six-month extension of the Payroll Support Program (PSP), which was included in the CARES Act in late March, would allow other airlines to avoid upcoming Oct. 1 layoffs. Under the terms of that law, airlines are prohibited from firing or laying off any employees until Oct. 1. House Transportation and Infrastructure Chairman Peter DeFazio (D-Ore.) and Rep. Sam Graves (R-Mo.), the top Republican on the panel, were also at the press conference and called for action on the next coronavirus relief package.

#### Airlines, Unions Mount Lobby Blitz for Aid Before Oct. 1 Layoffs (Bloomberg)

(9/22/2020 10:12 AM, Alan Levin, Billy House & Keith Laing)

Air carriers and their unions on Tuesday ratcheted up pleas for an extended Covid-19 aid package to forestall layoffs, but a sudden Supreme Court vacancy and partisan rancor are dimming the prospects. "At this point, it looks like everything is pretty much frozen," said former Senator Byron Dorgan, who served on the committee overseeing transportation policy.

"It doesn't look like anything is going to happen." Weeks of lobbying, airline executives' trips to the White House and the prospects of massive job losses in states where incumbent Republican Senators face tough re-election challenges -- such as at airline hubs in Georgia, Arizona and Colorado -- haven't resulted in movement. A group of airline executives and union leaders, led by the trade group for large carriers, Airlines for America, plans to hold a news conference pressing for an aid package later Tuesday at the Capitol.

#### Delta Delays Pilot Furloughs for One Month (MSN)

(9/22/2020 3:46 PM, Lou Whiteman)

Delta Air Lines will delay a decision on whether to furlough pilots until at least Nov. 1, allowing time for the industry and its workers to lobby for additional government assistance. Airlines including Delta have been hit hard by the coronavirus pandemic, which has caused second-quarter revenue to fall 80% year over year. The industry has been aided by \$25 billion in payroll support secured in the CARES Act stimulus plan, in return for airlines doing no layoffs through Sept. 30.

With the deadline fast approaching, Delta and other airlines are making plans to trim their payrolls in October. The airline has been in discussions with its chapter of the Air Line Pilots Association concerning how to cut costs, and according to an ALPA update Tuesday, has agreed to hold off on cuts while Washington debates further payroll assistance to the industry. "This move will provide time as we continue to lobby for a clean extension of the CARES Act and the Payroll Support Program and resume our negotiations with Delta," ALPA told members. Delta has said that absent a deal with the union, it could eventually furlough up to 2,000 pilots. Other airlines have had more luck working with labor to find ways to avoid furloughs.

#### Delta delays decision to furlough up to 2,000 pilots until Nov. 1, union says (Fox Business)

(9/22/2020 1:26 PM, Megan Henney)

Delta Air Lines has delayed a decision to furlough close to 2,000 pilots until Nov. 1, the union representing its pilots said Tuesday. "This move will provide time as we continue to lobby for a clean extension of the CARES Act and the Payroll Support Program and resume our negotiations with Delta," the Delta chapter of the Air Lines Pilots Association said in a statement provided to FOX Business.

The air carrier had previously planned to lay off about 1,941 pilots in October unless it received additional federal funding from Congress as the travel industry struggles to rebound from the coronavirus pandemic. Under the terms of a \$25 billion bailout fund that was created earlier this year as part of the CARES Act, airlines are prohibited from cutting jobs or reducing workers' pay through Sept. 30. Delta received \$5.4 billion through the program. Delta said last week that it will avoid involuntary furloughs for most frontline employees, the result of thousands of employees who participated in voluntary leave programs and reduced work hours.

#### White House unveils a new relief bill strategy to avoid mass airline worker layoffs, schedule cuts (USA Today)



(9/22/2020 6:01 PM, Chris Woodyard)

The Trump administration indicated Tuesday that it would support separate funding measures to provide more financial relief for airlines, a move that could stave off layoffs of thousands of workers and drastic cuts to flight schedules. With talks for an overall additional stimulus deal stalled, Press Secretary Kayleigh McEnany encouraged House Speaker Nancy Pelosi, D-Calif., to send separate funding bills, including one for airlines.

Two Republican senators, Roger Wicker of Mississippi and Susan Collins of Maine, offered a \$28 billion package to the airline industry in a measure announced Monday, the Air Carrier Worker Support Extension Act. Without Pelosi's support on the House side its fate is uncertain. While employee unions are supportive, one economist issued a statement saying she doesn't think another relief package is a sound idea. Airlines should look to private markets, not the government, said Veronique de Rugy, a senior research fellow at the Mercatus Center at George Mason University.

#### How The U.S. Unemployment Rate Is Calculated, And What It Really Means (Huffington Post)

(9/22/2020 7:16 PM, Casey Bond)

Along with the gross domestic product and the inflation rate, the unemployment rate is considered one of the most important economic indicators. As we battle the coronavirus pandemic and a recession, that number is tossed around even more than usual. The nation's unemployment rate is one of the two key numbers reported every month by the Department of Labor, said Mark Hamrick, senior economic analyst at Bankrate.

The unemployment rate that most of us hear about is known as U-3. This represents the number of unemployed people as reported by states, divided by the number of people in the workforce, said Jane Oates, a former Labor Department official who now serves as president of the advocacy group WorkingNation. The Bureau of Labor Statistics reports this number on the first Friday of each month. Even though a single unemployment rate is often referenced, there are actually several different numbers in the monthly BLS report related to unemployment.

#### Unemployment gap widens as overall rate falls (Fox Business)

(9/22/2020 4:23 PM, Brittany De Lea)

While the U.S. economy shows signs of recovery following devastation wrought by the coronavirus pandemic, improvements do not appear to be equal across all demographics. The overall U.S. unemployment rate fell by 1.8 percentage points to 8.4% in August as the U.S. economy added 1.4 million jobs. The number of unemployed individuals fell by 2.8 million to 13.6 million. The unemployment rate has fallen faster for White workers than Black workers, leaving a widening gap.

According to data from the Federal Reserve Bank of St. Louis, the unemployment rate for white workers in August was 7.3% - lower than the national average - while the rate for black workers was 13%. In June, the gap between the two groups' unemployment rates hit the widest level in five years - at 5.3 percentage points. By August, that gap had widened to 5.7 percentage points. While a gap has traditionally existed between unemployment rates for the two groups, the Black unemployment rate was hovering near historic lows prior to the pandemic.

#### Coronavirus pandemic has destroyed 1.4M franchise jobs, causing 'lasting' damage: industry group (Fox Business)

(9/22/2020 2:48 PM, Evie Fordham)

The coronavirus pandemic wiped out an estimated 1.4 million franchise jobs through the end of August, causing "Lasting perennial damage" to the sector in the U.S., according to the International Franchise Association. Nearly 60% of the job losses were classified as temporary, although recent data shows many U.S. employers who thought they'd be able to rehire furloughed workers are now saying they cannot.

"This report shows that COVID-19 has caused a staggering amount of business closures and layoffs across franchise businesses," Robert Cresanti, International Franchise Association president and CEO,

said in a statement. "These are locally owned, community businesses like exercise studios, dry cleaners, restaurants, and bars. Additional broad-based and long-term Congressional action is desperately needed to stave off additional closures and layoffs, particularly for the hardest-hit businesses."

Brookfield Properties' retail arm is laying off 20% of its workforce, as pandemic hits malls (CNBC)

(9/22/2020 9:02 AM, Lauren Thomas)

One of the biggest retail real estate owners in the country, Brookfield Properties, is going through a major round of job cuts, CNBC has learned, as the coronavirus pandemic takes a toll on its business and new leasing activity at its malls dries up.

"While many companies were quick to implement furloughs and layoffs at the onset of the pandemic, we made the conscious decision to keep all our team employed while we gained a better understanding of its longer-term impact on our company," Jared Chupaila, CEO of Brookfield Properties' retail group, said this week in an email to employees, which was obtained by CNBC. However, he said, the mall owner has now decided to make cuts "to align with the future scale of our portfolio."

Chupaila said the reductions are going to affect roughly 20% of the company's workforce, across both its corporate headquarters and leasing agents in the field. Brookfield Properties' retail division employees about 2,000 people.

Ralph Lauren laying off thousands in pandemic slowdown (The Hill)

(9/22/2020 2:58 PM, Kaelan Deese)

Ralph Lauren announced it would lay off thousands of its global workforce by the end of the fiscal year as the company struggles during the coronavirus pandemic. Reuters reported that the luxury brand would cut 15 percent of its workforce as it aims to lower costs because of the impact the COVID-19 pandemic has had on global economies. The company did not detail how many or what types of jobs would be cut.

Ralph Lauren last reported a total workforce of around 24,900, meaning 3,700 employees' jobs could be on the line. "The changes happening in the world around us have accelerated the shifts we saw pre-COVID, and we are fast-tracking some of our plans to match them," Chief Executive Officer Patrice Louvet said in a statement.

Ralph Lauren to lay off thousands as pandemic dulls luxury fashion (Reuters)

(9/22/2020 10:18 AM, Staff)

Ralph Lauren Corp said on Tuesday it would cut 15% of its global workforce by the end of this fiscal year as the luxury retailer strives to lower costs and ride out the impact of COVID-19 on sales and shopping habits. The New York-based fashion house, which has 530 stores globally, said the changes would see it move more business online. The company did not say how many or what type of jobs could go, but based on its last reported total workforce of about 24,900 employees, the changes could impact more than 3,700 employees.

"The changes happening in the world around us have accelerated the shifts we saw pre-COVID, and we are fast-tracking some of our plans to match them," Chief Executive Officer Patrice Louvet said. The health crisis has hit demand for high-end handbags, apparel and accessories as more customers hold back on non-essential spending, forcing many companies to slow their expansion plans. It has also put the brakes on the industry's biggest ever merger, with France's LVMH trying to back out of its \$16 billion deal to acquire Tiffany & Co.

Housekeepers Still Bearing the Brunt of Pandemic Unemployment Low pay and lack of benefits hinder residential housekeepers from recovery (Cleaning & Maintenance Management)

(9/22/2020 5:44 AM, Staff)

As the pandemic will soon enter its eight month in the U.S. and unemployment numbers continue to look sobering, not everyone in the cleaning industry is employed. Perhaps the hardest hit group is residential cleaners/housekeepers, according to a feature article in The New York Times.

According to a survey by the National Domestic Workers Alliance, 72% of residential housekeepers reported they had lost all of their clients by the first week of April. While a minority were fortunate to have their employers continue to pay them while they remained home, others didn't hear anything from their customers who "ghosted" then instead of laying them off directly.

Although housekeepers began picking up work again in July, they have been working shorter hours compared to pre-pandemic and often for lower wages. Others have found themselves in dangerous situations. One housekeeper related how she was called back to a regular client's home to clean and, finding no one home, worked for several hours until a neighbor alerted her the family had COVID-19 and apparently wanted her to disinfect their home.

651,000 Jobs Supported by U.S. Beer Industry to be Lost Due to COVID-19 Pandemic (Morningstar)  
(9/22/2020 8:40 AM, Staff)

Today, the Beer Institute, the Brewers Association, the National Beer Wholesalers Association and the American Beverage Licensees released a report from a leading economic firm showing more than 651,000 jobs supported by the U.S. beer industry will be lost by the end of the year due to the COVID-19 pandemic. These job losses include more than 3,600 brewing jobs, 1,800 distributing jobs and 400,000 retail-related jobs. The report forecasts the COVID-19 pandemic will result in retail beer sales declining by more than \$22 billion.

"Although millions of Americans continue to enjoy beer responsibly every day, because of the COVID-19 pandemic, the beer industry has seen a dramatic decline both in sales and jobs that rely on our nation's most popular alcohol beverage," said Jim McGreevy, president and CEO of the Beer Institute. "We hope policymakers consider that our nation's brewers and beer importers are having to make difficult decisions to adjust for the impact of the COVID-19 pandemic. Members of Congress should pass legislation to ensure our nation's beer industry does not face a \$154 million annual tax increase next year, and state legislatures should not raise taxes on the beer industry to resolve budget shortfalls. These tax increases will only result in additional job losses for our nation's brewers and beer importers and the millions of American's whose livelihood depends on them."

[VT] Vermont jobless rate shows steep decline, but the news is not all good (VTDigger)  
(9/22/2020 5:01 PM, Art Woolf)

Vermont's unemployment rate fell from 8.3% in July to 4.8% in August, one of the biggest declines of any state. Vermont is one of a handful of states with an unemployment rate below 5.0% - the U.S. rate is 8.4%. Vermont's rate is now only a little more than two points higher than it was before the pandemic hit in March. Good news, no? No. If the unemployment rate fell because fewer people were unemployed, and therefore more were working, that would be good news.

The number of unemployed Vermonters did fall in August, by more than 13,000. The number of people who said they were working also fell, by 2,000. So the formerly unemployed Vermonters didn't get jobs. They gave up looking for work and left the labor force. Vermont's labor force, the sum of those working and actively looking for work, fell by 15,000 people and is now lower than it has been in 24 years. Whatever is going on in Vermont, it is different than in the U.S.

[PA] New Pandemic Unemployment Assistance payments paused in Pennsylvania due to uptick in suspicious claims (WITF-TV 33 Harrisburg)  
(9/22/2020 5:44 AM, Laura Benshoff)

Pennsylvania is suspending payments for new claims to the Pandemic Unemployment Assistance program, known by its acronym PUA, while the state deals with a spike in suspected fraudulent claims. PUA was created through the federal CARES Act and is easier to apply for than other forms of unemployment benefits. As a result, it has extended benefits to millions of non-traditional workers, such as temps and gig workers, but it's also been the target of fraud nationwide, with scammers often using the stolen identities of real people to apply.

On Thursday and Friday of last week, applications to Pennsylvania PUA rose dramatically and were mostly from out-of-state, both red flags, said Secretary of Labor and Industry Jerry Oleksiak during a briefing on Monday. New applications had settled to around 5,000 per day, but on those days they suddenly spiked to around 20,000 per day. "This is a national issue, it is not just a Pennsylvania issue. We are learning from other states what we need to do to combat this, and we're hoping the new steps we're taking can put an end to it," he said.

[PA] New wave of Pandemic Unemployment Assistance fraud (Lower Bucks Times)

(9/22/2020 3:27 PM, Staff)

The Pennsylvania Department of Labor & Industry announced that due to an alarming spike in suspicious applications for unemployment benefits through the Pandemic Unemployment Assistance program, additional anti-fraud and identity verification measures will be put in place. Payments for new applicants are being temporarily delayed and the department will provide more information as the enhancement continues.

There is no effect on people who have already opened a PUA claim. "We know the PUA program is a lifeline for many families, and we want these Pennsylvanians to be able to access support as quickly as possible during this time of hardship," said L&I Secretary Jerry Oleksiak. "However, we have a fiduciary responsibility to ensure taxpayer money is being spent appropriately. We are working to get additional anti-fraud measures put in place as quickly as possible so we can return our focus to serving Pennsylvanians in need instead of fighting scammers and thieves."

[MD] Baltimore City schools will lay off 450 temporary workers and halt hiring (Baltimore Sun)

(9/22/2020 3:29 PM, Liz Bowie)

Baltimore City Schools will lay off about 450 temporary employees and freeze hiring throughout the school system in an attempt to reduce a \$21 million budget gap for the current fiscal year. The temporary staff positions include many full-time employees in schools, including some teachers and teacher aides who help instruct classes. The layoffs will trim about \$3.7 million in spending by the end of the fiscal year on June 30.

Schools CEO Sonja Santelises said she is taking the steps now because of uncertainty about whether the federal government will provide more funding to help school districts during the coronavirus pandemic. While the \$21 million gap between expenditures and revenues for this year is not a large percentage of a \$1.1 billion budget, Santelises said, expenses could increase in the coming months as she tries to implement a model that brings students back a couple of days a week and maintains online instruction.

[KY] Kentucky wins quick federal approval for extra jobless aid (San Francisco Chronicle)

(9/22/2020 7:21 PM, Bruce Schreiner – Associated Press)

Kentucky won swift federal approval for another infusion of extra unemployment payments for many people who lost work during the COVID-19 outbreak, Gov. Andy Beshear said Tuesday. The go-ahead came one day after Beshear announced his administration requested the supplemental \$400 in weekly jobless benefits for an additional three weeks. It means qualified Kentuckians will receive higher benefits for the weeks of Aug. 22, Aug. 29 and Sept. 5, he said.

"It's a win for those that have been struggling to get those extra dollars in," the governor told reporters. "It's also a win for our state because it continues consumer confidence. We see the money cycle through our economy, especially retailers and others that have been struggling." Beshear also reported 824 more COVID-19 cases statewide and seven more virus-related deaths.

[KS] Kansas Department of Labor working to meet demand as many Kansans are still waiting for unemployment (WIBW-TV CBS 13 Topeka)

(9/22/2020 9:39 PM, Isaac French)

Months after Covid threw the state's unemployment system into turmoil, some are claiming they still

haven't received any form of payment. Shelly Mosley was laid off from her health care job in March. When employees were called back in June, her supervisor decided it was best for Mosley to not return because of her health conditions. "I am very worried about getting Covid because I've ended up in the hospital before with my stomach conditions as well as bronchitis so my unemployment stopped June first, I emailed the paperwork that next Monday."

After that, all Mosley could do was wait. "I gave them a little bit because I knew that paperwork is going to take some time and I waited till July 6th and I spoke with Denise with the unemployment and she informed me that they had not received any of my paperwork requested. On July 10th I spoke with a gentlemen, he was able to tell me that they did receive it and then I called time after time on July 16th, July 17th just to get an update and I hadn't heard anything back." Mosley finally did get a response and she found out she wasn't the only one experiencing problems. "On August 12th, I received an email that the appeal was received on July 21st and they were working on claims from June 18th, and a lot of people's claims, you know that two months they're behind in August."

[OK] About 100,000 Oklahomans will see an additional \$300 a week in unemployment benefits (Tulsa World)

(9/22/2020 6:00 PM, Barbara Hoberock)

The Oklahoma Employment Security Commission began processing an additional \$300 a week in federal unemployment benefits this week for those affected by COVID-19, said Shelley Zumwalt, executive director. The \$300 benefit, called Lost Wages Assistance, is on top of the regular state and federal benefits. The maximum without the extra \$300 is \$539 a week, she said.

"Our federal partners allowed the benefit from Aug. 1 through Sept. 5," she said. It is expected to affect about 100,000 people, she said. "To be eligible, you have to have received at least \$100 in benefits each week of any benefit type and you must be unemployed due to COVID-19," she said.

[CO] Colorado announces mandatory furlough for state workers (US News & World Report)

(9/22/2020 6:31 PM, Patty Nieberg - Associated Press)

Colorado Gov. Jared Polis announced mandatory furloughs of state workers due to pandemic-related budget cuts and warned Tuesday about a third wave of coronavirus outbreaks if the state's upward trend continues. The number of days are based on an employee's annual salary with exemptions for those necessary for the COVID-19 response, assisting Coloradans in finding jobs, and protecting public safety and roads, as well as workers earning \$50,000 a year or less. "The public sector, too, needs to tighten its belts to get through this," Polis said at a news conference.

Workers earning \$50,000 to \$70,000 will be furloughed for one day, \$70,000 to \$90,000 for two days, \$90,000 to \$140,000 for three days; and above \$140,000 for four days. In April, Polis announced nearly \$289 million in cuts to the budget for the fiscal year ending June 30 to offset declining revenue. The cuts affected numerous agencies and projects, but they didn't include layoffs or furloughs of state employees.

[CO] Unemployed and nearly homeless, jobless Coloradans whose benefits are on hold are crying for help (Colorado Sun)

(9/22/2020 7:05 AM, Tamara Chuang)

Jennifer Milton is one of the 7,800 Coloradans wondering what happened to her weekly unemployment check. She hasn't received a penny since July 21. The thing is, she just can't seem to get an answer. There's no evidence that her account was flagged as fraudulent and caught in the ongoing investigation by state and federal agents to stop claims based on stolen IDs. Milton, who shared her documents with The Colorado Sun, admits that she made mistakes filling out her forms but has fixed them. In March, she lost her dream job in sales at a CBD startup. She was sleeping in her car until a friend in Westminster let her crash at his place. "All my belongings were packed in my car and I had no place to put my stuff when my car was broken into and all my clothes were taken. Everything important to me, just gone overnight (including) a very valuable postage stamp collection," Milton said. "I've called unemployment every week with no results at all. ... This whole thing is quite frustrating."

There are countless Coloradans caught up in an unemployment system that was overwhelmed by the coronavirus pandemic. While more than 700,000 people have filed for unemployment since mid-March, at least 245,078 were still collecting unemployment as of Sept. 5. The fraud investigations kicked out more than 100,000 claims, but as of Friday, at least 7,800 were still on hold and waiting. The situation has become dire for many who are struggling to find work and pay rent while also trying to figure out why their unemployment claim is still on hold. In an email, Stuart Hamp said he sent numerous copies of his driver's license to get his identity verified, but there's been no change in his claim and he's received no benefits since filing June 7.

[NM] New Mexico now borrowing from feds to pay state unemployment benefits (KRQE-TV CBS 13 Albuquerque)

(9/22/2020 4:05 PM, Chris McKee)

More than six months into the COVID-19 pandemic, the state fund used to pay New Mexico's unemployment claims has been completely drained, forcing the state to borrow cash from the federal government to pay more than 90,000 jobless continued claims. The unprecedented situation has New Mexico lawmakers evaluating options with how to repay the first-time government loan which could affect future jobless benefits.

The update came from the state department overseeing unemployment benefits Tuesday during a New Mexico House committee hearing. The state's Department of Workforce Solutions has paid over \$2-billion in benefits since March 15. In July 2020, more than 150,000 New Mexicans were continued to receive unemployment benefits, compared to roughly 9,600 New Mexicans receiving benefits before the pandemic in March 2020. "We're spending more on Unemployment Insurance benefits than we're taking in," said Richard Anklam, executive director of the New Mexico Tax Research Institute.

[NV] Continued claims for unemployment in Nevada fall for 5th straight week (Northern Nevada Business Weekly)

(9/22/2020 10:10 AM, Staff)

Initial claims for unemployment benefits in Nevada rose slightly for the week ending Sept. 12, up 381 to 8,332. But continued claims decreased for the fifth straight week, according to updated statistics from the Nevada Department of Employment, Training and Rehabilitation. The 189,007 continued claims is the lowest that number has been since the week ending April 11.

That stats released Sept. 18 by Nevada DETR come two days after the department reported Nevada's August jobless rate and dipped to 13.2%, showing a slow economic recovery continuing for the Silver State. Meanwhile, according to the Sept. 18 stats that report solely on the week ending Sept. 12, the Pandemic Unemployment Assistance program that covers the self-employed and gig workers reported 10,318 initial claims. That is also a slight increase. And as with regular UI claims, the continued claims under PUA declined 11,004 to 94,736 in the week.

[WA] Washington Employment Security Department paid fraudulent claims on its own workers (KING-TV NBC 5 Seattle)

(9/22/2020 10:37 PM, Chris Ingalls)

The Washington Employment Security Department's fraud detection software was so weak in the early stages of the coronavirus pandemic, it couldn't even detect fraudulent claims filed in the stolen identities of the agency's own employees, a KING 5 investigation has confirmed. "How does our own agency not know that we're not unemployed? How did our own system not catch it?" said an exasperated employee who confirmed that Employment Security Department (ESD) workers had been the victims of widespread unemployment imposter fraud. The employee asked not to be identified because they were not authorized to speak on the matter.

KING 5 has repeatedly asked ESD whether its employees were targeted by fraudulent claims. Earlier in September, an ESD spokesperson confirmed that crime rings had filed claims in the stolen identities of

ESD employees. However, he would not say if the agency was actually duped by those claims and paid unemployment money to the fraudsters.

[CA] What to Know About the Unemployment System 'Reset' (New York Times)

(9/22/2020 8:38 AM, Jill Cowan)

Was the Saturday night announcement of a “reset” of California’s unemployment insurance system an attempt to obscure evidence of a catastrophic failure by a government agency that has been dogged by problems for months? Or was it an urgently needed measure that will ultimately help hundreds of thousands of Californians unemployed because of the pandemic to get their money faster? It depends on whom you ask.

According to The Sacramento Bee’s editorial board, the release of a 109-page report on the issues plaguing the state’s Employment Development Department on a Saturday night — coupled with the announcement that the department would not accept new unemployment claims for two weeks — appeared to be “a deliberate ploy to bury bad news.” CalMatters reported that the report was already late and it included some alarming statistics, like the state’s backlog of almost 1.6 million unresolved unemployment claims, which won’t be cleared until late January. And the backlog is growing by thousands each day.

## **Apprenticeship**

[MI] Ford Launches Fast Track Job Program at Michigan Central Station (News Wheel)

(9/22/2020 10:29 AM, Kyle Johnson)

One of Ford’s goals in acquiring Michigan Central Station is revitalizing a Detroit community and bringing in jobs and revenue. A new Fast Track Job Program announced this month pushes those aspects of the project forward, offering Detroit residents paid hands-on training and a role in the ongoing project. The Fast Track Job Program is a joint effort between Ford Motor Company and partners including Christman|Brinker, Detroit at Work, and the Michigan Building and Construction Trades Council. Twenty-five people will receive training and supervision in trades ranging from masonry and carpentry to electrical and iron work.

“In Michigan and across the country, we are seeing a shortage of skilled workers in the construction industry,” said Ronald D. Staley, executive director of historic preservation, Christman|Brinker. “We have at least a generation where a lot of younger people were pushed into college instead of the hands-on trades. The goal of this program is that participants will be sponsored for a full apprenticeship and go on to have a lifelong career in skilled trades.”

[IL] Real progress being made to increase diversity in union apprenticeship programs (Chicago Sun-Times)

(9/22/2020 3:44 PM, Elbert Walters III)

As a 21-year member of International Brotherhood of Electrical Workers Local 134 and an African-American, I was very proud to see that the hard work of my union brothers and sisters and all workers was celebrated on Labor Day. Labor Day pays tribute to the many contributions workers have made to the strength, prosperity and well-being of our country, and there are few places in the United States with a more vibrant labor history than Chicago. That’s why I was so disappointed that the Sun-Times, owned in part by local labor unions, chose to publish a story on Labor Day that failed to recognize local efforts made by labor to increase diversity among its ranks. The article uses statewide statistics to infer that no progress has been made in the Chicago area to increase opportunities for people of color to access apprenticeships and well-paying jobs in the trades. Citing statewide statistics fails to acknowledge the progress that many Chicago area unions have made in tackling this challenge head-on.

At IBEW Local 134, we’re proud of the fact that 41.1% of our electrical apprentices are people of color and of our tireless work to continue strengthening our diversity, equity and inclusion. Our entire industry, IBEW 134 and the Electrical Contractors’ Association of City of Chicago, has dedicated a tremendous amount of



time and resources devoted to outreach in underserved communities. We have instituted partnerships with high schools and community groups to share the knowledge of how to access our apprenticeship program. We have created hands-on programs inside of public and private high schools like Dunbar, Simeon, Prosser, Juarez and Leo to increase awareness of our trade. We also participate at church-sponsored events, adult-based job readiness programs and career fairs across the city's South and West sides.

[TX] International Training Institute Selects Interplay Learning to Elevate Its Online Training Technology for More Than 14,000 SMART Apprentices Using Virtual Reality (Houston Chronicle)

(9/22/2020 3:40 PM, Staff)

Interplay Learning, the leading provider of online training for skilled trades utilizing virtual reality and 3D simulations, announced today that it has partnered with the International Training Institute, to provide more powerful and faster hands-on training to more than 14,000 International Association of Sheet Metal Air, Rail and Transportation Workers apprentices. Interplay Learning's technology helps ITI tackle its daily challenge of training thousands of apprentices in HVAC and safety, quickly and efficiently.

A 2D and 3D testing module for the fire life safety damper is in development, and will be added to their available course catalog with other co-developed virtual reality content. "ITI is using Interplay Learning's technology to attract a new generation of professionals, change the way the workforce thinks about hands-on training and make learning faster and more powerful," said Michael Harris, Program Administrator at International Training Institute. Effectively and quickly assessing, hiring and training thousands of workers located nationwide has traditionally presented challenges. Interplay's scalable solution determines a tech's skills by providing a comprehensive, at-a-glance view into skill level, training progress and field readiness. Competency-based assessments and field-like troubleshooting simulations identify strengths and weaknesses, which lead to assignment of expert-led, on-demand courses in HVAC, electrical and plumbing to close skills gaps.

[CA] California Central Valley Congressman Josh Harder Introduces Bill to Provide College Credit for Apprenticeships (Sierra Sun-Times)

(9/22/2020 5:18 AM, Staff Report)

Representative Josh Harder (CA-10) on Monday introduced the Apprenticeships to College Act, which would expand a program allowing skilled workers to earn college credit for apprenticeships they've already completed. In California, most apprenticeships last one to five years, meaning although skilled professionals have already spent a substantial amount of time studying for their career, many are not eligible for college credit. "If you're a carpenter in Modesto and you want to go back to school to get a degree and start your own business, you've already spent years in a real-world classroom – that should count for college credit," said Rep. Harder. "We need to give people who want to continue their education a chance to do that without having to start from scratch and break the bank along the way. That's where my bill comes in."

"As President of the San Joaquin Building Trades, we believe Joint Labor/Management apprenticeship programs are "The other Four-year degree." As a Journeyperson and graduate of an apprentice program, you will continue your education throughout your career," said Michael Marks, President of The San Joaquin Building Trades. "We support legislation that will help apprentice graduates continue to succeed in their trade by allowing easier transferable college credit of our programs to colleges across the country." An existing partnership between the Department of Labor and Department of Education helps facilitate cooperation between apprenticeship programs, colleges, and employers to ensure apprenticeship programs count towards college credit. However, the program's reach is limited, and it is not established in federal law.

## **Labor**

New app creates jobs in a burgeoning field: Evictions (CBS News)



(9/22/2020 3:41 PM, Irina Ivanova)

For millions of Americans, the coronavirus's devastating economic impact has meant struggling to keep a roof over their head. But for one new "gig economy" app, the historic crash means something else: a business opportunity. The company behind the app, which is called Civvl, offers workers a chance to "Join the eviction crew," noting that many people are falling behind on their rent or mortgage. Users can also work as a process server, a job that involves serving a variety of legal papers to people.

"Work on your own schedule," Civvl says on its website, where users can apply for gigs in "property preservation" and "debris removal." In dozens of Craigslist ads posted in August and September, Civvl advertises earnings of "up to \$125 an hour" or \$2,800 a week. "Unemployment is at a record high and many cannot or simply are not paying rent and mortgages," reads a typical ad. Ads for Civvl appear on Craigslist boards in cities including Atlanta, Chicago, Las Vegas, Los Angeles, New York, St. Louis and San Francisco. "We are being contracted by frustrated property owners and banks to secure foreclosed residential properties. There is plenty of work due to the dismal economy."

[Editorial note: consult source link for video]

### The Highs And Lows Of The COVID-19 Pandemic For Working Parents, And The Implications For The Future Of Work (Forbes)

(9/22/2020 8:30 AM, Kristina Durante et al)

The COVID-19 pandemic radically changed both the corporate workplace and our home life overnight. For employees with the luxury of telecommuting, the initial phase of the pandemic had highs and lows. Working from home and the absence of a long commute provided the opportunity to be more productive than before.

However, for many, the "home" office was not a place of quiet isolation. It was a place where work and home life were no longer balanced, but in direct overlap. The significant increase in unpaid labor inside the home blurred the lines between paid and unpaid household labor. COVID-19 hit women particularly hard in terms of job losses, increased care responsibilities at home, and heavy representation among low-wage workers on the front lines.

### Buy Or Build? What Customized Tech Is Teaching Us About Talent (Forbes)

(9/22/2020 8:40 AM, Meighan Newhouse)

As companies focus more and more on digitization, automation, digital transformation and all the other "solutions," they are often putting the cart before the horse. They are looking for a panacea that will cure all that ails their organization, and they often look to the marketplace for a technology solution that fits the bill. What they soon find, and what you may have experienced yourself, is that there is no silver-bullet-solution for your organization. A company's needs are unique, even if its products, services, process breakdowns or personnel issues are not.

In my experience, technology implementations of large-scale solutions bring in some of what an organization needs and a lot of what it doesn't. This is the buy solution — going to the marketplace for a technology platform that delivers only some of what an organization needs or wants. There are some great off-the-shelf options on the market, but the advent of low-code development has also created the opportunity for companies to build and update custom platforms, often faster, cheaper and with the ability to integrate into the existing tech ecosystem.

### A New Contract with the Middle Class (Brookings Institution)

(9/22/2020 5:00 AM, Richard V. Reeves & Isabel V. Sawhill)

An aristocratic leisure class and a welfare-dependent underclass are equally unappealing to most Americans. This is why most people say they belong to the middle class. It is also why paid work is seen as so important. Americans — above all the newest among us, immigrants — want a society where everybody has the chance to "make something of themselves." Today, this contract is collapsing. Middle class families are working harder, with too little to show for it. Confidence in the prospects for the next

generation is low. Trust in our institutions, and even in each other, is declining. The gaps between us are widening. Populism, fueled in part by middle class discontent, is rising.

The COVID-19 pandemic has been like the flash of an X-ray, exposing the deep fractures in our society – not least by race, but also by social class and economic status. Well-educated professionals, secure in their jobs and safe in their homes, have been observers of the devastation all around them.

#### Federal Cybersecurity Jobs Unfilled, Presenting Opportunity (Dice)

(9/21/2020 7:42 AM, Staff)

While the cybersecurity skills gap in the private sector has been fairly well chronicled over the years, including a recent study published by the Enterprise Strategy Group and the Information Systems Security Association, the U.S. federal government is also struggling to recruit and maintain security talent at a time when threats from nation-state actors continue to grow. In fact, while the public sector currently employs around 52,000 cybersecurity professionals, another 31,000 positions remain open — meaning about one in three security jobs at the federal level are going unfulfilled, according to a whitepaper released this month by the Cyberspace Solarium Commission.

The Cyberspace Solarium Commission was created under the 2019 National Defense Authorization Act, and is currently co-chaired by Sen. Angus King (I-Maine), and Rep. Mike Gallagher (R-Wis). In March, the commission released a highly anticipated report that included 75 recommendations for revitalizing and revamping cybersecurity throughout the U.S., including election security improvements designed to protect the vote this November.

#### Using AI to Improve Hiring Legally and Ethically (HR Daily Advisor)

(9/22/2020 5:00 AM, Shiran Danoch, Gal Sagy, Aaron Crews & Matt Scherer)

Artificial intelligence (AI) and the ability to predict outcomes based on analysis of patterns are helping advance almost every area of human society, ranging from autonomous vehicles to predictive medicine. The business world derives great value from AI-driven tools and leverages data in almost every function.

Most interestingly, perhaps, is the recent proliferation of AI tools in the Human Resources field that address hiring, internal mobilization, promotion, and the possible effects deploying these technologies can have on the business overall. These tools can offer great value to HR professionals, as they aim to save time, lower recruiting costs, decrease manual labor, and collect vast amounts of data to inform decisions while helping avoid biases in human decision-making. Companies must comply with strict legal and ethical requirements, and it's incumbent upon HR leaders to understand how incorrectly deployed and designed AI tools can also be a liability.

#### Top Tips for Building a High-Performing Remote Workforce (HR Daily Advisor)

(9/22/2020 5:00 AM, Staff)

It started as a giant experiment, albeit one borne of necessity. When the coronavirus began sweeping the nation in March, companies had to act quickly and pivot to an entirely remote workplace. It was a new concept for most, given that until then, just 7% of employees across the nation regularly worked from home, according to a Pew Research Center report based on data from the Bureau of Labor Statistics.

All in all, the transition has been successful, with Mercer reporting that 83% of the nearly 800 U.S. companies interviewed in a recent survey are now considering making a flexible workplace a bigger part of their plans moving forward. But that same study also revealed some obstacles: Two-thirds of corporate leaders and managers believe managing a flexible workforce will be a challenge moving forward; more than half think maintaining the culture will be a challenge; and 42% expressed concern about applying consistent flexible work arrangements across their companies.

#### Why the US Manufacturing Failed to Stand Strong During the Pandemic (Industry Tap)

(9/22/2020 1:44 PM, Bill Toulas)

The COVID-19 pandemic has hit the United States hard, and one of the fields that succumbed to the

pressure was that of manufacturing. From virus testing kits and pharmaceuticals to personal protective equipment and medical supplies, the country's manufacturing output wasn't enough to provide these in the numbers required. That was even though the nation declared a national emergency, and even car manufacturers joined the effort to produce what was needed.

While one can argue on many potential factors for this failure, there are some pivotal elements that played a key role beyond doubt. The U.S. has been promoting liberal international trade and globalized manufacturing for decades now, so many American firms have taken significant portions of their production elsewhere. There is more focus on R&D rather than manufacturing stuff in the country. There was no central manufacturing plan or authority in place during the pandemic.

#### Who is the employee of the future, and how has COVID-19 changed them? (Kronos)

(9/22/2020 4:00 PM, Michael Puck)

If you're an HR leader who believes your people are your greatest asset – and by now thanks to all we've been through you probably should be – you're likely wondering how COVID-19 has changed their perspective on work. Have the wants, likes, and preferences of your employees changed? Or can you just continue with the same employee value proposition that you had before the pandemic? If adjustments are imperative, in which areas do you need to change? Should you even have to worry about all of this since there is clearly a surplus of available workforce in the market right now? To answer these questions, let's start with a story about ice cream.

Yes, you heard me right – ice cream will help us understand the changes going on in the workforce right now. According to the International Ice Cream Association, vanilla remains the most popular flavor with 28 percent of all votes. Vanilla ice cream has been around for over 200 years, but can you imagine an ice cream truck that is offering only vanilla ice cream? How about a supermarket that only carries vanilla ice cream? If you're thinking that would be ridiculous in most scenarios I would whole-heartedly agree. Consumer expectations have changed and today, the average grocery store in the US offers at least 58 different flavors, and in total there are more than 1,000 different flavors of ice cream available.

#### Is Re-Shoring the Answer to Our Manufacturing Woes? (Morning Consult)

(9/22/2020 5:00 AM, Keith B. Belton)

As the presidential race heats up, both candidates are targeting battleground states in the industrial Midwest. Both are talking about bringing back manufacturing jobs, which dropped by one-third since the turn of the century. And both emphasize re-shoring as the solution. Joe Biden wants to change the tax code to punish outsourcing and reward firms that bring jobs back to the United States. Donald Trump is threatening something similar and has already offered federal loans and contracts for re-shoring production of essential medicines.

Congress is also on board: Bipartisan legislation has been introduced to re-shore electronics, pharmaceuticals, and semiconductors. The idea of re-shoring isn't unique to the United States. The pandemic has revealed the fragility of global value chains, and calls for re-shoring can be heard around the world: in France, Germany, Australia, Japan, and South Korea.

Fortunately, more and better options arise from a focus on resilience — a manufacturing sector that can adjust in real time to supply chain disruptions — wherever they may occur — while minimizing any loss to consumers. The first is re-engineering. Supply chain risk is inherent in its design.

#### Study: Industrial workers see pandemic placing family safety in conflict with financial security (Plant Services)

(9/22/2020 1:14 PM, Staff)

WorkStep, the company helping large industrial employers, including 16 of the Fortune 500, source, screen, hire, and retain their frontline workforce, today releases "COVID-19 and Flight Risk in the Industrial Workforce." The data finds that the majority of industrial workers feel their safety and their family's financial security are in conflict through the pandemic.

"From the Industrial Revolution through the COVID-19 pandemic, the industrial workforce has been the backbone of the U.S. economy. These heroes make sure there is food on our plates, our packages arrive on time, and our buildings stand strong," said Dan Johnston, CEO and Co-founder of WorkStep. "Yet, while we call these workers essential, the industry has high and increasing turnover rates and ranks the lowest in overall workforce satisfaction. Ensuring that companies have the ability to find - and retain - skilled frontline workers is critical to the success and overall economic health and wealth of our country."

#### Three strategies to defend remote workers from cyberattacks (SC Magazine)

(9/22/2020 8:59 AM, Malcolm Murphy)

The COVID-19 pandemic has accelerated digital transformation with remote workers going from 20 percent to more than 80 percent of the employed population. In the wake of the shutdown, security attacks are on the rise as corporate networks expand from the headquarters to thousands of remote home locations.

1. Skills-training to improve enterprise cyber defenses. When managing a remote workforce, companies must deploy resources in a strategically sound manner, while causing as little disruption as possible.
2. Ditch the Band-Aid solutions. To prevent further strain on corporate networks and IT professionals, many quick-fix solutions such as VPNs are installed throughout businesses. Avoid these quick fixes because they can leave users vulnerable to threats on the wider internet and are a growing target for attacks themselves.
3. Secure the company from the network's core. A recent survey found that as companies go borderless, 59 percent use DDI, a set of core network services, to gain visibility and security controls that traditional security systems lost in third-party clouds.

#### McDonald's says it's expanding its job preparation program for youths (Chicago Business Journal)

(9/22/2020 10:13 AM, Ben Miller)

McDonald's Corp. said it's expanding its program that provides job preparation training for young people. The Chicago burger giant said it's extended its Passport to Success (PTS) Explorer digital curriculum to reach more young people by partnering with the International Youth Foundation (IYF).

In August 2018, McDonald's launched a massive training program for young people called "Youth Opportunity" that was aimed at assisting at least 2 million young people around the world by 2025 by providing pre-employment job readiness training, actual employment opportunities, and workplace development programs. The latest initiative seeks to expand that program by reaching an additional 100,000 young people by working with historically Black colleges and universities (HBCUs) and city partners to provide young people skills training and opportunities.

#### Startup recruits cash-strapped gig workers to help landlords evict tenants (New York Post)

(9/22/2020 11:43 AM, Nicolas Vega)

A startup is enlisting cash-strapped gig workers to help landlords evict tenants who can't make rent during the Covid-19 pandemic. Civvl has been posting Craigslist ads in cities across the country, including Denver, Los Angeles and Nashville, boasting pay as high as \$125 an hour to individuals willing to work as process servers and promising that "there is plenty of work due to the dismal economy."

"Unemployment is at a record high and many cannot or simply are not paying rent and mortgages," the posting, which was first spotted by Vice, reads. "We are being contracted by frustrated property owners and banks to secure foreclosed residential properties." The listing calls for workers who are a minimum of 18 years old, and brags that it provides a "true flexible schedule" and a "minimal background check." The average Civvl worker, the post says, completes six jobs a day.

#### [FL] Goodwill Manasota provides ESOL classes for its employees (Tampa Bay News Wire)

(9/22/2020 3:14 PM, Staff)

In an effort to help its employees to achieve work and life success, Goodwill Manasota is offering virtual ESOL classes each week for team members whose primary language is not English. These classes, which are taught by instructors provided by the Literacy Council of Sarasota, are provided while employees are on the clock, at no cost to them. Goodwill GoodPartner Coach Pamela Bavo reports that, this year, Goodwill Manasota employs 73 team members who do not speak English as their primary language.

She notes that many employees with limited English language proficiency come from diverse work histories - including engineers, pharmacists or veterinarians - who can't pursue those careers here because of the language barrier or because their credentials don't meet U.S. requirements. "We want to assist our non-English speakers in improving their language skills so that they can enroll in our training programs, get promotions at Goodwill and/or gain the skills and certifications they need to re-enter the industry they worked in before coming to the U.S.," Bavo said. Benefits Bavo has seen for participating team members include greater ease in navigating the workplace, bolstering teamwork, and strengthening the positive workplace culture as well as helping the employee to communicate with important figures in theirs and their children's lives.

[KY] Bellarmine receives \$1M grant to recruit diverse students to STEM fields (Lane Report)

(9/22/2020 10:44 AM, Jonathan Miller)

With a grant of nearly \$1 million from the National Science Foundation (NSF), Bellarmine University is creating a scholarship program to recruit low-income, high-achieving students into the STEM disciplines of computer engineering, computer science, mathematics and data science. The STEM Career Pathways Scholarship program will award annual scholarships of \$7,200 each to two groups of 11 low-income, academically talented students for four years—one beginning in fall 2021 and the second in fall 2022. When combined with other financial-aid sources, Bellarmine expects the scholarship will cover nearly all direct tuition costs for most of the 22 recipients.

The program will provide career-related experiential learning, through internships or research with industry partners in the community, and help all scholars attain STEM employment or enter a graduate program within six months of graduation.

[AL] Ivey creates Alabama STEM Council (Alabama Daily News)

(9/22/2020 6:41 AM, Caroline Beck)

Gov. Kay Ivey on Monday announced the creation of the Alabama STEM Council to improve science, technology, engineering and math-related education, career awareness and workforce development opportunities. The council, created through an executive order, has 46 members who will advise state leadership on ways to improve Alabama's education system in order to promote STEM careers and support current and future businesses.

"Alabama has continued to grow into an advanced manufacturing, aerospace engineering and cyber technology center of excellence and as a result, the demand for qualified labor in these sectors has skyrocketed," Ivey said in a statement. "The Alabama STEM Council will play a vital role in ensuring that our state's future leaders have the opportunity to learn STEM-based skills that will help them transition into successful career pathways upon graduation."

[AZ] 'That was my identity': COVID-19 pandemic costing stadium workers their jobs (Cronkite News)

(9/21/2020 5:00 PM, Ethan Greni)

In March, teams in the NBA and NHL were closing in on the playoffs, spring training was in full swing in Arizona's Cactus League and Florida's Grapefruit League. March Madness was about to unfold as college basketball teams competed in conference tournaments. Then it all came to a stunning, abrupt halt because of the COVID-19 pandemic. When Utah Jazz center Rudy Gobert tested positive for the virus, it set off a cascade through every level of sports. The NBA and NHL halted their seasons. The bats fell silent and players packed their bags at spring training venues. Conference basketball tournaments were

canceled – during halftime of a game in the case of the Big East Conference event. But athletes were not the only ones sidelined by the pandemic. Those who work at sports venues and depend on the games to make a living felt the sting, too. Maybe more.

When the world went into quarantine last spring, millions of people suddenly found themselves in unemployment lines. In April, the U.S. unemployment rate rose to 14.7%, the highest it's been since the Great Depression. Most of those who work at stadiums were in those lines. Tom Hardison, 38, who had worked nine years for the Levy food-service company primarily as a bartender and in catering at Talking Stick Resort Arena in Phoenix, was drawn to his profession through his love for sports. And then they were gone, along with his job.

[OR] Soft-Catch Tech Wanted by Blueberry Growers (Growing Produce)  
(9/22/2020 12:50 PM, Thomas Skernivitz)

Labor issues exacerbated by the COVID-19 pandemic may make for an unprecedented blueberry harvesting season. In turn, growers are increasingly contemplating the use of over-the-row machines to harvest their fresh market blueberries, according to researchers at Oregon State University. Such a switch from hand harvesting to machine harvesting will become more practical with advancements in blueberry harvesting and packing technology, according to Dr. Wei Yang.

The OSU Blueberry Extension Agent, who has been conducting research on machine harvesting for fresh market blueberries since 2015, says the industry is developing better harvester catch systems to minimize internal bruising damage and other challenges that have historically hindered the use of mechanized harvesters. Six companies, Yang says, currently manufacture commercial harvesters. "It's interesting to see this healthy competition," Yang says. "The main difference is how the picking mechanism is designed."

[CA] UC's Master Beekeeper program issues first certificate (Indiana Prairie Farmer)  
(9/22/2020 10:43 AM, Kathy Keatley Garvey)

Despite COVID-19 pandemic precautions and constraints, the California Master Beekeeper Program (CAMBP), headquartered at the University of California, Davis, has certified its first-ever Master Beekeeper: Amy Hustead of Grass Valley, a veteran beekeeper who also happens to be the first and only beekeeper in her family. Hustead, president of the Nevada County Beekeepers Association and a veterinary technician, recently passed the Master-level beekeeper certification process.

CAMBP, founded and co-directed by Extension apiculturist Elina Lastro Niño of the UC Davis Department of Entomology and Nematology, uses science-based information to educate stewards and ambassadors for honey bees and beekeeping. It offers three levels of certification (Apprentice, Journey and Master). Niño launched the first Apprentice class in 2016.

[CA] Rebuilding The Small Business Economy: What It Will Take (Forbes)  
(9/21/2020 8:00 PM, Michael Bernick)

The small business economy in California continues to deteriorate rapidly. Small business revenue in California was down 7.2% from January 2020 to early July. In the latest August data, revenue is now down more than 15.9%. The number of small businesses open in the state declined 9.7% from January to early July, by early August the drop had reached 24.7%. There are several strategies needed as part of the rebuilding process in the months. But they all rest on the same imperative: a reversal of the current politics of small business, which is proving destructive for small businesses and for the broader economy.

Let's start with some recent history. A few weeks ago, around 150 small business owners in San Francisco rallied at City Hall, calling for the opportunity to reopen. Since mid-July, the City has re-imposed strict economic lockdowns. "Unbelievably, they're watching as entire business sectors collapse," announced the owner of a fitness center.

## **Child Labor**

### NCC: Eliminate Forced Labor in Global Cotton and Textile Production (Cotton Grower)

(9/22/2020 10:02 AM, Jim Steadman)

The National Cotton Council (NCC) remains strongly opposed to use of any forced labor practices within the global production of cotton and all textiles. In a recent statement, NCC President/CEO Gary Adams said, "Unfortunately, these are not new questions facing the global textile supply chain, and we urge companies to implement the internal measures necessary to ensure that their supply chains do not include forced or child labor."

"It is also important to recognize that forced labor practices can occur throughout other product supply chains and not just within cotton fiber and textile production," he pointed out. "As a result, manmade fiber supply chains must be given the same level of scrutiny." Adams further noted that the complexity of global textile supply chains can make it very challenging to verify whether a specific textile or apparel product was made using forced labor at some point in the supply chain.

### The child labor alarm of COVID-19 (CGTN)

(9/22/2020 11:59 PM, Hamzah Rifaat Hussain)

On Monday, renowned Indian Nobel Peace Laureate Kailash Satyarthi, credited for rescuing thousands of children in India from the menace of slavery, servitude and trafficking, expressed concern that his efforts may go to waste in the current pandemic scenario. His assessment comes amid a global economic downturn which has put increasing pressure on poorer families faced with little option but to send their children to work amid surging global unemployment. According to UNICEF, in India alone, 10.1 million children are involved in servitude related activities with the numbers potentially swelling as India is now the second most-affected COVID-19 country in the world. As the need to address the pandemic and child labor becomes increasingly relevant to public policy discourse, China's experience of tackling both issues on its shores acts as a blueprint for other countries.

Prior to the implementation of policies is need for a joint, united, comprehensive, coordinated and tactical response to tackle the potency of the virus which has affected millions of people across the world including children. Through strong community engagement and a centralized leadership, China's efforts have been praised by the World Health Organization, allowing for much of the country to reopen its economy, a fact acknowledged by the Brookings Institute despite the presence of a few additional cases domestically. When child labor existed in China in the past decade, attempts were made to reduce the market share which allowed for the exploitation of children to fester. Such environments are governed by the principle of demand and supply where the high demand for child labor can be satiated with an uninterrupted supply chain.

### [AZ] From the fields to the classroom: Inside the lives of U.S. agriculture's youngest workers (NBC News)

(9/22/2020 8:00 AM, Didi Martinez, Gabe Gutierrez, Christine Romo & Nicole Suarez)

It's nearly 4 a.m. in this border town, where a group of day laborers wait under the fluorescent lights of a Chase bank parking lot to board several white school buses. Leslie Aguilar, 15, looks on as her sister, Jimena, 17, boards one of the buses heading to a farm several miles away. This is the first time the sisters are not traveling together and Leslie is concerned. "I don't know where she is going," she says. "I don't know who the people are, where they're taking her and all that." "I don't like to go like this because we usually go together."

The Aguilar sisters have been in the parking lot since 10 the night before, going from bus to bus looking for field work, a task that proves challenging this September morning. Arizona is in between crop seasons, creating a scramble among day laborers for fieldwork. Grown men and experienced workers were picked first that day. "They know that we come day to day to come look for a job," she says. "And they don't accept us. They wish they can, but they can't because they have rules they have to follow. Because some they just need boys."

## **Immigration**



### Employers, Visa Opponents Trade Blame for Seasonal Jobs Unfilled (Bloomberg Law)

(9/22/2020 3:47 PM, Genevieve Douglas)

Companies that employ seasonal guest workers on H-2B visas say they still can't find U.S. workers to do these jobs despite massive unemployment triggered by the coronavirus pandemic.

Speaking at a roundtable hosted by the Seasonal Employment Alliance, employers from the landscaping, masonry, and quarry industries recounted how their increased efforts to recruit U.S. workers have not produced the number of seasonal workers they need to keep their companies in business after the government paused the visa program.

### Congress Urged To Combat Human Trafficking Of Foreign Workers Through Data Transparency (Forbes)

(9/21/2020 8:00 PM, Chantal Da Silva)

A new report published on Tuesday is calling on Congress to use "data transparency" to help combat the trafficking of temporary foreign workers in the U.S. Titled *The Case for Transparency: Using Data to Combat Human Trafficking Under Temporary Foreign Worker Visas*, the report published by advocacy group Justice in Motion asserts that more could be done to prevent the exploitation of workers if data on how U.S. visas are being used were more accessible to attorneys, advocates and watchdog groups.

In a phone interview on Tuesday, Jeremy McLean, the policy and advocacy manager at Justice in Motion and lead author behind the report, said that in a pre-pandemic world, as many as 1.6 million migrant workers were coming to the U.S. on temporary worker visas each year, taking on jobs across a number of industries, including hospitality, agriculture and food production.

## **Working Women**

### Scientist Shares Brutally Honest Photo of What Life as a Working Mom Looks Like Right Now (CafeMom)

(9/21/2020 5:00 PM, Kaitlin Stanford)

American parents have been stretched to the max for months (regardless of whether they've had to pull double-duty as homeschoolers). But although the current health situation has challenged moms and dads in a hundred different ways, it's pushed working mothers in particular to the brink. No one knows that better than Gretchen Goldman, an environmental engineer who recently went viral for posting a brutally honest behind-the-scenes photo of what a day in the life of a working mom really looks like — pandemic-style.

Goldman has served as the research director of the Center for Science and Democracy at the Union for Concerned Scientists for the last 10 years, where she specializes in climate change and air pollution, according to Today. It's for this reason that CNN recently invited her on an episode of its Situation Room with Wolf Blitzer to discuss the National Oceanic Atmospheric Administration's newest leadership appointment.

## **Wages & Compensation**

### Surge in Wealth May Lead to Complacency on Economy (Wall Street Journal)

(9/21/2020 4:56 PM, Justin Lahart)

A record level of wealth and America's biggest economic downturn on record make strange bedfellows. But that's just what we saw last quarter. The Federal Reserve on Monday reported that the net worth of U.S. households increased by \$7.6 trillion, or 6.8%, in the second quarter from the first quarter, to \$119 trillion. That pushed it above the previous record, set in the fourth quarter. And now, with stocks at higher levels than they were at the end of the second quarter — and the value of real estate continuing to rise — household net worth is surely even higher.

The rebound in wealth stands in contrast with what happened to the economy in the second quarter, when gross domestic product registered its largest decline in more than 70 years of record-keeping. GDP will likely see a substantial rebound in the third quarter, but it still looks likely to remain below pre-Covid



levels. Federal Reserve projections suggest it won't fully recover until the latter half of next year. The differing paths of wealth and economic output underscore how the downturn has hurt poorer Americans while leaving many of their richer counterparts relatively unscathed. Only a bit more than half of U.S. families have stock market holdings of any kind, according to the Pew Research Center, including through pension plans and 401(k) accounts. Fewer than 1 in 5 families making less than \$35,000 a year hold any stocks, while nearly 9 in 10 families making \$100,000 do. For poorer and middle-class households that do own stocks, the amounts tend to be small.

#### Marriage linked to higher wages for some workers (Fox Business)

(9/22/2020 10:01 PM, Brittany De Lea)

While marriage has been shown to have a number of positive effects on the U.S. economy, it may also correlate with higher earnings among men. Research published by the St. Louis Federal Reserve showed that married men stand to out-earn their single counterparts by a sizable amount. Researchers looked specifically at employed people between ages 20 and 64 with at least a high school diploma, using data from 2016.

Wages among married men "Dominated" other groups, the study found. "Married men earn higher wages than single or married women, and married men earn higher wages than single men," researchers wrote. Married men experienced higher peak earnings than other groups - with peak earnings for white men at \$90,000 and peak earnings for black men at \$62,000, which are both above the average White men earned "Significantly more" money per hour, whereas other groups earned comparable wages. On the flip side, single black men and single black women earned the least - on average - across all groups.

#### US household wealth hits record despite coronavirus pandemic (Fox Business)

(9/22/2020 5:01 PM, Megan Henney)

Americans' household wealth hit a record high last quarter as the stock market continued to rebound from the coronavirus pandemic-induced drop earlier this year. According to new data released Monday by the Federal Reserve, American households' collective net worth climbed nearly 7% in the April-June quarter to \$119 trillion. That's up from \$111 trillion in the first quarter, when the pandemic triggered an unprecedented shutdown of the nation's economy, cratering the financial markets.

But the markets have staged a rapid recovery since late winter, when prices were dropping so quickly that automatic circuit breakers kicked in several times, forcing temporary trading halts. Since bottoming out on March 23, the S&P 500 has surged about 48%; the Dow Jones Industrial Average is up about 47% and the tech-heavy Nasdaq Composite has jumped about 60%. But other parts of the economy have been slower to recover. Government data released at the beginning of September shows the labor market is far from pre-coronavirus levels: Employers added 1.4 million jobs in August and the unemployment rate fell to 8.4%, but there are still 11.5 million more out-of-work Americans than there were in February.

[Editorial note: consult source link for video]

#### CEOs, make sure your employees aren't struggling to get by (CNN)

(9/22/2020 2:07 PM, Paul Tudor Jones & Dan Schulman)

Before the coronavirus crisis hit, JUST Capital's research found that 50% of workers at America's 1,000 largest public companies were not making enough to support a family of three, even with a spouse working part time. Today, the health risks encountered by low-paid frontline workers, combined with historic levels of unemployment, have further exposed the fragility of American capitalism and demonstrated why business leaders need to step up and do more to support workers and their families

If we don't take action now, we run the risk of further entrenched inequality on the other side of the pandemic. That is why we are asking America's CEOs to join us in assessing the financial security of their workforces and taking steps to ensure that none of their employees are struggling to get by. As we collectively determine how to not only weather this moment but also begin to build a better future, we

need to focus significant efforts on what more we can do to develop a resilient workforce. One place to start is to conduct an assessment of employees' financial security and health.

#### Gender pay gap remains stagnant (BizWomen)

(9/22/2020 9:33 AM, Caitlin Mullen)

Working women's earnings still lag behind men's, with recent Census Bureau data showing almost no progress on the gender pay gap from 2018 to 2019. For every dollar men made, the average full-time working woman earned just 82 cents. This has remained unchanged for three years, according to the National Women's Law Center. The U.S. Census Bureau's recent press release notes "the difference between the 2018-2019 percent changes in median earnings for men and women working full-time, year-round was not statistically significant."

Black women's pay gap shrank by one penny, going from 62 cents to 63 cents; Latinas also saw their pay gap narrow by one cent, from 54 cents to 55 cents, per CNBC. "At this moment of a pandemic and a recession, it's especially bitter news for these women who are shortchanged the most. One-third of Black women are essential workers who are keeping the country going, but the wage gap robs them of thousands of dollars each year," Emily Martin, vice president for education and workplace justice at the National Women's Law Center, said in a statement.

#### PayScale Empowers Businesses to Address Pay Equity in Partnership with the USC Race and Equity Center (PayScale)

(9/22/2020 8:55 AM, Amy Stewart)

PayScale, Inc. and the USC Race and Equity Center are partnering to help organizations achieve pay equity that goes beyond a one-time engagement and incorporates continuous monitoring and maintenance to keep pace with the business. Working together, both organizations will uniquely combine research, technology and advisory services to expand diversity, equity and inclusion into compensation. Beginning in October 2020, PayScale and the USC Race and Equity Center's Pay Equity Analysis and Advisory offering will be available for PayScale MarketPay customers to create a path to pay equity.

"We want to empower our customers to be critically conscious of gender and racial inequality and be proactive agents of change when it comes to pay equity," said Scott Torrey, CEO of PayScale. "PayScale's compensation technology enables organizations to monitor pay equity by using statistical models and advanced analytics to show whether and to what extent gender, race or other protected characteristics influence employees' compensation. Our partnership with the USC Race and Equity Center empowers our customers to confidently manage pay equity through access to strategic guidance, insight and ongoing support."

#### [PA] Another big Philadelphia law firm partially rescinds Covid-19 austerity measures (Philadelphia Business Journal)

(9/22/2020 2:31 PM, Jeff Blumenthal)

Duane Morris has become the latest local law firm to partially rescind some of the austerity measures implemented in the spring to mitigate the economic effects from the coronavirus pandemic. The 800-lawyer firm eliminated the 15% pay cuts for non-partner attorneys and exempt staff (earning \$100,000 or more annually) as of Sept. 1.

It still has not restored its 401(k) match. Equity partner distributions have been deferred and the firm reduced targeted year-end equity partner compensation by 25 percent and non-equity partner compensation by 20%. In a statement, Duane Morris said its goal is to restore all compensation shortfalls for attorneys and staff "as we move toward the end of this year."

## **Minimum Wage**

#### [CO] Aurora City Council rejects \$20-an-hour minimum-wage proposal (Denver Business Journal)

(9/22/2020 9:29 AM, Ed Sealover)

An effort to establish the highest minimum wage in Colorado died Monday at the Aurora City Council, as a majority of members expressed concerns about both the effect of a \$20 hourly floor wage on businesses and the cost of such a proposal to the cash-challenged city itself. It's likely the debate isn't over for good, as sponsoring councilwoman Alison Coombs said she is willing to negotiate with business leaders over a lower peak wage and one of the dissenting seven council members expressed concerns more with the process than the general idea. But for now, the council has pushed off a plan that local business organizations said seemed poor in its timing and that Mayor Mike Coffman, a former small-business owner, labeled as "just a job killer, there's no other way to put it."

Coombs' proposal would have made Aurora the second local government behind Denver, to take advantage of a 2019 law allowing cities and counties to raise their minimum wages over the state's current \$12 hourly rate, which is scheduled to rise to \$12.32 on Jan. 1. But it would have gone farther than the Mile High City's law that will hike that city's minimum wage to \$15.87 an hour beginning in 2022, raising the wage in increments of 5% to 10% a year for the next six years before it hit \$20 an hour in 2027. Coombs noted that many business leaders cited the current economic downturn as a particularly bad time to implement an increase to their operating costs. But she said the city's workers also have been hit particularly hard by the downturn and need help just affording the basics of life — something that can begin with a raise to \$12.60 next year for minimum-wage workers.

## Overtime

[\[NY\] New York wage board adds another hearing for Sept. 30 \(Indiana Prairie Farmer\)](#)

(9/23/2020 4:00 AM, Chris Torres)

Dairy farmer Kendra Lamb had a clear message when she spoke, virtually, to the New York Farm Laborers Wage Board in late August: Now's not the time to drop the state's overtime threshold. And farmers and the ag industry will have at least one more shot to have their voices heard during the Sept. 30 virtual meeting of the board at 6 p.m. This was not originally scheduled and was announced at the last board hearing in August. It will be the fifth meeting of the board this year and will be available to livestream online.

The three-person board, put together as a result of the New York Farmworkers Fair Labor Practices Act, is considering lowering the state's overtime threshold for farmworkers from 60 to 40 hours a week. The act, which became law in January, allows farmworkers to be paid overtime if they work more than 60 hours a week, grants farmworkers one day off a week or be paid overtime for working that day, and allows farmworkers to organize and form unions though they won't be able to strike. The law also grants farmworkers the right to worker's compensation and it established the Farm Laborers Wage Board that is meeting to further study the issue and possibly lower the 60-hour overtime threshold.

## Paid Leave

[Virus Paid Leave Expands Even as Democrat-Led Virginia Says 'No' \(Bloomberg\)](#)

(9/22/2020 2:11 PM, Chris Marr)

The pandemic has made for an active year in paid-leave policymaking but hardly the landslide victory that advocates of broader worker protections might have hoped. Within days of California enacting a broader virus-specific paid sick time mandate this month, a committee of the Democratic-majority Virginia Senate voted to sideline a bill that would have required employers to offer paid quarantine leave for workers who are sick or under medical orders to quarantine due to Covid-19.

Also this month, Philadelphia temporarily expanded its paid sick leave mandate to cover gig workers, and Oregon launched a \$30 million program offering state-funded payments to virus-affected workers who lack paid leave. In August, Washington Gov. Jay Inslee (D) ordered employers of food-production workers to offer virus-related paid sick leave to their workers. The Virginia bill's defeat was a frustrating loss for state Del. Elizabeth Guzman (D), who sponsored the bill and has sponsored paid sick leave legislation for

the past three regular legislative sessions. Her regular-session bill and a companion version in the Senate also failed to get final passage before the state's legislature adjourned in March, despite the newly Democratic majority in the Virginia House and Senate.

#### U.S. DOL Clarifies Paid Leave Requirements Under the Families First Coronavirus Response Act (Peru Gazette)

(9/22/2020 12:00 PM, Staff Report)

On Sept. 11, the U.S. Department of Labor's Wage and Hour Division issued revisions to the Families First Coronavirus Response Act regulations, which implement paid sick leave and expanded family and medical leave. FFCRA requires private-sector employers with fewer than 500 employees and certain public employers to provide covered employees emergency paid sick leave and expanded family and medical leave.

The revisions clarify workers' rights and employers' responsibilities under the FFCRA's paid leave provisions after an Aug. 3 decision from the U.S. District Court for the Southern District of New York nullified key sections of the regulations.

#### [CA] California Does It Again: Paid Sick Leave Expanded For COVID-19 (JD Supra)

(9/22/2020 12:48 PM, Paul Lynd & Jeffery Weston)

Governor Gavin Newsom signed Assembly Bill 1867 on September 9, 2020. It extends 80 hours of COVID-19 supplemental paid sick leave to employees not provided with paid sick leave under the federal Families First Coronavirus Response Act ("FFCRA"). AB 1867 also codifies Executive Order N-51-20, which Governor Newsom signed on April 16, 2020, providing supplemental paid sick leave to food sector workers.

According to a press release from Governor Newsom's office, AB 1867 "closes the gaps in paid sick days provided in federal law and the Governor's Executive Order by including employers with over 500 employees and public and private employers of first responders and health care employees who opted not to cover their employees under federal law." The new paid sick leave is in addition to paid sick leave that California law already required.

#### [CA] New Paid Sick Leave Requirements for California Employers (JD Supra)

(9/22/2020 3:48 PM, Dwight Armstrong & Nicholas Schuchert)

On September 9, 2020, Governor Newsom signed Assembly Bill 1867, which enacts new Labor Code §§ 248, 248.1, and 248.5, and provides supplemental paid sick leave benefits to certain employees who are not covered by the federal Families First Coronavirus Response Act (FFCRA). The FFCRA is the subject of a previous post and can be accessed here.

The new law is effective as of September 19, 2020, and will expire on December 31, 2020, or upon the expiration of any extension of the Emergency Paid Sick Leave Act established by the FFCRA. Unlike the FFCRA (which applies only to employers with fewer than 500 employees), the new California law requires employers with 500 or more employees nationwide to provide supplemental paid sick leave to qualifying employees for various reasons related to COVID-19. Smaller employers of emergency responders or health care providers are also covered.

## **Worker's Compensation**

#### [MA] Massachusetts lawmakers dump COVID-19 workers' compensation bills into study (MassLive)

(9/22/2020 9:49 AM, Colin A. Young)

Massachusetts businesses are in line to save on workers' compensation insurance over the next year while efforts in the Legislature to expand the ability of workers to tap into those benefits for COVID-19 care appear to have hit a dead end. Workers' compensation coverage for COVID-19 in Massachusetts is limited to situations in which "the hazard of contracting such diseases by an employee is inherent in the employment," the attorney general's office said, meaning health care workers like nurses are likely to be

covered.

As of late August, officials in at least 15 states had passed legislation, issued executive orders or enacted other administrative policy changes to directly address workers' compensation coverage of COVID-19, according to the National Conference of State Legislatures. In Massachusetts, the Joint Committee on Labor and Workforce Development this month put two workers' compensation bills -- H 4749 from New Bedford Rep. Chris Hendricks and H 4739 from Bedford's Rep. Ken Gordon and Cambridge Rep. David Rogers -- into a study order, effectively spelling the end of the line for those bills during this extended legislative session.

[MA] Lawmakers dump COVID-19 workers' comp bills into study (Worcester Business Journal)

(9/22/2020 10:25 AM, Staff)

Massachusetts businesses are in line to save on workers' compensation insurance over the next year while efforts in the Legislature to expand the ability of workers to tap into those benefits for COVID-19 care appear to have hit a dead end. Workers' compensation coverage for COVID-19 in Massachusetts is limited to situations in which "the hazard of contracting such diseases by an employee is inherent in the employment," the attorney general's office said, meaning health care workers like nurses are likely to be covered.

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[NJ] New law protects essential workers when they file workers' comp claims | Downey (Asbury Park Press)

(9/22/2020 8:56 AM, Joann Downey)

We will never be able to fully thank essential workers for the risk they take every day they go to work making sure the rest of us are safe, have access to health care and are able buy food at a supermarket to feed our families during the COVID-19 public health crisis. Those of us who are lucky enough to be able to work from home cannot fully appreciate the anxiety essential workers must feel as they leave for work wondering if today is the day they catch the coronavirus.

One way we are able to show our thanks is to make sure that these invaluable and selfless essential workers don't have to fight with insurance companies over a worker's compensation claim when they get sick. That's what the state Assembly and Senate have done in approving A-3999/S2380, which Gov. Phil Murphy signed into law on Sept. 14. The law supports essential workers by creating the presumption that coronavirus contracted by those whose jobs expose them to COVID-19 is work-related and fully compensable for the purpose of workers' compensation benefits and other employment benefits provided for work-related injuries and illnesses.

[IL] Comp act does not bar claims for biometric violations (Business Insurance)

(9/22/2020 5:00 AM, Angela Childers)

The exclusivity provisions of the Illinois Workers Compensation Act do not bar a worker's claims for statutory damages for violating her rights under a state biometric privacy law, an appellate court held Friday. In McDonald v. Symphony Bronzeville Park LLC, the Illinois Court of Appeals, Fifth District unanimously answered that a class of workers could proceed with their claims of violations of the Illinois Biometric Information Privacy Act and their request for statutory damages.

Marquita McDonald filed a class action against her employer, Symphony Bronzeville Park LLC, alleging that she was required to provide biometric information by scanning her fingerprint for the company's time

clock system. She charged that this requirement violated the Biometric Information Privacy Act by negligently collecting their biometric information without informing them in advance in writing of the purpose and length of time for which their fingerprints were being collected, stored and used; providing a publicly available retention schedule and guidelines for permanently destroying the biometric data; and obtaining a written release from employees prior to the collection of their fingerprints.

[CA] California Farm Worker Arraigned for Alleged Workers' Comp Fraud (Insurance Journal)  
(9/22/2020 2:00 PM, Staff Report)

Eduardo Medina Ruelas, 46, of Sanger, Calif., was arraigned this week on multiple counts of felony insurance fraud after allegedly defrauding his employer and RISICO Claims Management Co. to collect \$38,000 in workers' compensation insurance benefits and medical treatment he was not entitled to receive. An investigation by the California Department of Insurance reportedly revealed that while working at Pitman Family Farms, Ruelas was injured when he was struck by a forklift on June 13, 2017.

As a result of his injuries, Ruelas was placed on temporary disability and did not return to work. Ruelas continued with follow-up visits to the doctor, complaining of severe and widespread pain throughout his entire back and most of his body. When it was recommended that he return to work on light duty, Ruelas reportedly claimed to be unable to work due to the persistent and severe pain. Surveillance was conducted while Ruelas was off work collecting disability benefits. Ruelas was reportedly caught on video visiting a casino, shopping, watering his lawn, and transferring a large piano keyboard from the trunk of his vehicle into another vehicle. The surveillance footage showed Ruelas participating in activities that contradicted his claims of injury and inability to work.

## **Employee Misclassification**

Uber and Lyft Could Gain From U.S. Rule Defining Employment (New York Times)  
(9/22/2020 3:51 PM, Noam Scheiber)

The Labor Department on Tuesday announced a proposal that could deem millions of janitors, construction workers and gig workers to be contractors rather than employees, its most ambitious step toward blessing the business practices of companies like Uber and Lyft. Unlike employers, companies that rely on contractors don't have to pay a minimum wage, overtime or a share of Social Security taxes, or contribute to unemployment insurance and provide workers' compensation insurance.

The proposal is a so-called interpretive rule, not a regulation that has the force of law. It could have significant influence were it to be finalized. It would technically cover only laws that the Labor Department enforced, like the federal minimum wage and overtime rules. States and other federal agencies, like the Internal Revenue Service, would be free to make their own determinations, as California has done in a recently enacted law that effectively requires companies like Uber and Lyft to classify their workers as employees.

New Trump administration rule could make it harder for gig and contract workers to have rights as employees (Washington Post)

(9/22/2020 5:23 PM, Eli Rosenberg)

The Department of Labor released a rule proposal on Tuesday that could make it more difficult for those engaged with contract work to be classified as employees, in what labor advocates described as a potential blow to protections for workers. Labor advocates say the proposal would raise the threshold for contract workers, which includes gig workers, to be considered employees, a category that comes with significantly more protections.

The proposed rule is the first of a multistep process with potential consequences for millions of workers. Under the proposal, the Department of Labor - which has the power to investigate worker complaints about misclassification - said it would adopt a few guidelines to test whether workers should be considered employees or contractors. This test would assess whether a worker is truly in business for

themselves, like a contractor, or whether they are economically dependent on their employer, as an employee.

#### DOL Debuts Rule Easing Business Use of Independent Contractors (Bloomberg Law)

(9/22/2020 9:57 AM, Ben Penn)

Businesses will gain a simpler framework for classifying workers as independent contractors under a high-stakes regulatory proposal the Labor Department released, representing the Trump administration's response to blue-state efforts to expand the scope of employee status. The proposed regulation, unveiled Tuesday, provides a model for when businesses may legally classify workers as independent contractors rather than employees, who are covered by federal minimum wage and overtime law. The DOL is proposing a more employer-friendly interpretation of employee status under the Fair Labor Standards Act than it applied during the Obama administration.

The issue of worker classification has taken on greater significance amid the rise of the gig economy, where independent contractors are central to the business models of leading companies such as Uber Technologies Inc., Lyft Inc., and Instacart. The proposed rule adopts an "economic reality" test for determining which workers qualify as independent contractors. It explains that contractors must be in business for themselves, rather than being economically dependent on the possible employer for work. The rule explains the "inquiry into economic dependence is conducted through application of several factors, with no one factor being dispositive, and that actual practices are entitled to greater weight than what may be contractually or theoretically possible," according to the DOL's Wage and Hour Division rule. DOL proposes narrowing this test into five factors, less than the number used by various courts and previously used by DOL.

#### U.S. Labor Department could make it easier to treat workers as independent contractors (Reuters)

(9/22/2020 11:13 AM, Daniel Wiessner)

The U.S. Department of Labor on Tuesday said it would soon propose a rule that could make it easier to classify workers as independent contractors rather than employees, a major issue for the "gig economy" and other industries that use contractors to contain costs. During a phone call with reporters, senior department officials said the rule, if adopted, would provide courts with a "cleaner and easier-to-use process" than the complex multi-factor test currently applied in lawsuits alleging workers have been misclassified.

Independent contractors are not entitled to many of the legal protections afforded to employees, such as minimum wage and overtime pay. Employees can cost companies up to 40% more than contractors, according to several studies. The labor department will publish a formal proposal by next week, the officials said, and adopt a final rule by the end of the year. Under the proposal, a worker would be considered a company's employee if he or she is economically dependent on the company for work. But a worker who operates an independent business and has opportunities for profit or loss would be deemed an independent contractor.

#### Trucking Praises DOL Proposal Clarifying Status of Independent Contractors (American Trucking Associations)

(9/22/2020 4:00 PM, Sean McNally)

Today, the American Trucking Associations praised a proposed rule from the U.S. Department of Labor that would clarify the definition of employee under the Fair Labor Standards Act as it relates to independent contractors.

"Secretary Scalia understands that many Americans choose the independent contractor model — including hundreds of thousands of owner-operators in the trucking industry — because it expands their opportunities to earn and empowers them to choose the hours and routes that suit their individual needs and lifestyle," said ATA President and CEO Chris Spear. "This proposal is about giving working Americans the freedom to pick the occupation and flexibility they desire, and we thank Secretary Scalia for putting it forward."



### DOL Releases Proposed Regulation on Independent Contracting (Littler)

(9/22/2020 5:01 PM, Tammy D. McCutchen & Dane Steffenson)

On September 22, 2020, the U.S. Department of Labor (DOL) released a long-anticipated proposed rule addressing when a worker is an employee or independent contractor under the Fair Labor Standards Act (FLSA). In the Notice of Proposed Rulemaking (NPRM), expected to be published in the Federal Register later this week, the DOL retains its long-standing "economic reality" test. The ultimate inquiry of this multi-factor test is whether a worker is in business for themselves (and, therefore, is an independent contractor) or is economically dependent on a putative employer for work (and is deemed to be an employee).

Although this issue has been gaining in importance as more workers choose the flexibility and control that comes with independent contracting, the DOL has never before issued regulations on independent contracting. In a business editorial this morning, Secretary of Labor Eugene Scalia noted: "The Supreme Court last spoke to the issue nearly 60 years ago; its most significant pronouncement came just after the Second World War. Since then, employers and workers looking for guidance have had to parse the sometimes-divergent decisions of the federal courts of appeals, and opinion letters the Labor Department issues occasionally without public notice or input. . . . Unlike [California Assembly Bill 5], our rule doesn't propose radical changes in who's classified as an employee or independent contractor. Instead, our rule aims to simplify, clarify and harmonize principles the federal courts have espoused for decades when determining what workers are "employees" covered by the minimum wage and overtime pay requirements of the FLSA." Secretary Scalia spoke further about wanting to "clear away the cobwebs and inconsistencies" and hopes the proposed standards "will help states and policy-makers consider worker classification outside the FLSA context."

### DOL Clarifies Who Is an Independent Contractor in Proposed Rule (Society for Human Resource Management)

(9/22/2020 12:00 PM, Allen Smith)

The U.S. Department of Labor (DOL) issued a proposed rule Sept. 22 to clarify when a worker is an employee covered by the Fair Labor Standards Act (FLSA) or an independent contractor. Independent contractors, including many gig-economy workers, are not eligible for minimum wage, overtime and other benefits that employees must receive. The proposed rule adopts an "economic reality" test to determine a worker's status as an FLSA employee or independent contractor. "Businesses want clarity and specificity with respect to their engagement of independent workers. We are hopeful that this rule will help ensure that worker classifications are accurate, reflect today's modern workplace, and accommodate the needs of employers and workers alike," said Emily M. Dickens, Society for Human Resource Management (SHRM) corporate secretary, chief of staff and head of Government Affairs. "SHRM looks forward to commenting on the proposed rule."

There will be a 30-day comment period after the proposed rule's official publication in the Federal Register. The rule, if finalized as proposed, would make classifying workers as contractors easier, according to Rich Meneghello, an attorney with Fisher Phillips in Portland, Ore. But it would not overturn worker-friendly state independent-contractor laws, such as the one in California, he added.

### [MA] Massachusetts District Court Rejects Employee Classification for Franchisees (National Law Review)

(9/22/2020 12:51 PM, Lukas Moffett, Christopher M. Pardo & Amber M. Rogers)

On September 10, 2020, the United States District Court for the District of Massachusetts issued a Memorandum and Order granting summary judgment in favor of a franchisor in response to claims by a purported class of franchisees that they were not truly independent contractors, but employees of the franchisor.

The main issue addressed in the case was whether specific federal legal requirements that are imposed upon franchisors trump the general Massachusetts independent contractor classification statute. The federal court reasoned that applying the Massachusetts independent contractor classification statute to the franchise business model would render franchisors regulated by the Federal Trade Commission



("FTC") criminally liable under state law for employee misclassification simply by virtue of their compliance with the FTC's requirements.

In a dispute between a class of franchisees (the "Franchisees") and 7-Eleven, Inc. ("7-Eleven"), the Franchisees brought suit against 7-Eleven alleging that 7-Eleven misclassified its own Franchisees as independent contractors, instead of as employees. The Franchisees brought their claims under the Massachusetts Independent Contractor Law ("ICL"), arguing that 7-Eleven could not overcome the presumption of an employee/employer relationship established by the ICL.

## **Wage Violations**

[NY] Walgreens Shortchanged Retail Workers on Overtime Pay, Suit Says (Bloomberg Law)

(9/22/2020 3:03 PM, Kathleen Dailey)

Walgreens is facing allegations that it knowingly underpaid more than 100 retail workers by miscalculating their overtime rates, brought in a lawsuit filed in New York federal court.

The drugstore chain also failed to provide its hourly paid cashiers, customer service associates, and greeters with timely wages, accurate wage statements, and proper wage notices at hiring, according to the complaint filed Monday in the U.S. District Court for the Eastern District of New York. Levaughn Samuel, who worked at a Walgreens location in Brooklyn until Sept. 1, sued individually and on behalf of other nonexempt hourly workers under the Fair Labor Standards Act.

[NY] Glen Oaks Man Pleads Guilty To \$1.5M In Wage Theft: DA (MSN)

(9/22/2020 5:38 PM, Maya Kaufman)

A Glen Oaks businessman pleaded guilty to a labor law violation after prosecutors accused him of cheating workers out of more than \$1.5 million in wages. Jagdeep Deol, 36, and his company Laser Electrical Contracting secured millions of dollars worth of contracts to perform electrical work in New York City public schools, which comes with a requirement to pay workers the equivalent of union wages.

Instead, Deol paid 11 employees "Substantially less" than that from 2014 to 2018 and kept the remainder for himself, the Queens District Attorney's Office said in a news release Tuesday. Deol pleaded guilty to a violation of New York State's prevailing wage law - a misdemeanor - and a felony charge of failing to pay a prevailing wage on behalf of his company. Under the terms of the plea deal, Deol will be required to pay full restitution to his workers and reimburse the city for the \$160,000 cost of its investigation - or face jail time.

[PA] Erie's Smugglers' Wharf settles wage suit with feds (Erie Times-News)

(9/23/2020 4:15 AM, Ed Palattella)

An Erie bayfront restaurant is dishing out close to \$160,000 to settle a federal lawsuit over its pay practices. Smugglers' Wharf has agreed to the settlement to resolve claims that the restaurant underpaid nearly 40 servers by having them contribute to an improper tip pool for about four years, from June 2016 to March of this year, according to documents filed in U.S. District Court in Erie.

Smugglers' Wharf, at 3 State St., on Presque Isle Bay at Dobbins Landing, also agreed to pay a \$5,000 civil penalty to end the lawsuit, which the U.S. Department of Labor filed against the restaurant in August 2019. The total amount of the settlement is \$157,370.20 — \$78,685.10 to cover back wages and the same amount to cover damages. The Department of Labor will distribute the money to 38 people in various amounts, according to the agreement. The smallest gross payout, excluding any money withheld for taxes, is for \$50.35, according to the agreement. The largest gross payout is for \$23,211.04.

[FL] Hair Cuttery Stylists Reach Deal Over Pre-Pandemic Closure Wages (Bloomberg Law)

(9/22/2020 11:46 AM, Kathleen Dailey)

A group of Hair Cuttery stylists in Florida seeking unpaid wages for work performed before the chain's pandemic-related shutdowns and bankruptcy have settled their state-law claims against founder Dennis

Ratner, according to a notice filed in a federal court in Tampa.

The deal's terms aren't publicly available yet. Florin Gray Bouzas Owens LLC, which represents the stylists, and Berger Singerman LLP, which represents Ratner, didn't immediately respond to requests for more information. The notice, filed Monday, indicates the settlement agreement and motion for court approval will soon be submitted to Judge Charlene Edwards Honeywell.

[AL] Smoothie King employees in Mobile awarded COVID-19 back pay (WPMT-TV NBC 15 Pensacola)  
(9/22/2020 1:00 PM, Keith Lane)

The operator of a Smoothie King franchise in Mobile, Alabama, has paid \$918 in back wages to seven employees after wrongly denying them emergency paid sick leave. The seven employees took leave while some sought medical diagnosis for suspected coronavirus infection and others followed orders to self-quarantine due to coronavirus exposure at the workplace.

U.S. Department of Labor's Wage and Hour Division investigators found that Tricrown Inc. in Mobile, Alabama, violated Emergency Paid Sick Leave Act (EPSLA) provisions of the Families First Coronavirus Response Act (FFCRA) by denying the emergency paid sick leave. After WHD contacted Tricrown, the employer agreed to pay the back wages and comply with the FFCRA's requirements in the future.

[OH] City Council OKs employer penalties for 'wage theft,' and more tax breaks (Columbus Dispatch)  
(9/21/2020 10:13 PM, Mark Ferencik)

The Columbus City Council sent a message Monday to employers engaged in "wage theft" from employees -- such as not paying minimum or prevailing wages or overtime -- and awarded two more companies tax breaks. Under a bill adopted by the council, those employers will be ineligible for up to four years to receive any financial incentives the city provides, as well as city contracts, building permits, and commercial licenses or business permits. They won't be able to register with the city's vendor services portal, or to perform work at a development site covered by a financial incentive agreement. The ban also applies to companies misclassifying workers as independent contractors.

Councilman Rob Dorans, who sponsored the legislation, called it a "fair day's wage for a fair day's work." Dorans, who also is the chief legal counsel for the union-affiliated Affiliated Construction Trades of Ohio, said if employers fail to treat workers with dignity, they will not be able to do business with the city.

## **Worker Safety**

Senators Blast 'Feckless' OSHA Response to Meat Plants' Virus Outbreaks (Bloomberg)  
(9/22/2020 12:00 PM, Michael Hirtzer)

A speedier and more forceful response by U.S. officials could have prevented the large outbreaks of Covid-19 at meat plants that sickened thousands and killed dozens of workers, according to Senators Elizabeth Warren and Cory Booker. The senators decried the "feckless" response by the Occupational Safety and Health Administration, which earlier this month fined Smithfield Foods Inc. \$13,494 and JBS Foods \$15,615 for failing to protect workers, respectively, at a South Dakota pork plant and a Colorado beef plant.

The fines were too small and too late to force the companies to implement social distancing and slower production that could have reduced transmission of the virus, the senators wrote in a letter seen by Bloomberg seeking information from OSHA on its meat-plant inspections. "These workers did not have to get sick due to Smithfield's and JBS's disregard for workers' health," Warren and Booker wrote. "Your agency could have acted swiftly to require that these workplaces made changes."

Keep Workers Safe and Productive with Auto Landing Gear Deployment (Modern WorkTruck Solutions)  
(9/22/2020 12:12 PM, Seth Saunders)

The use of landing gear is ubiquitous throughout the commercial vehicle industry, and it's no different when it comes to vocational trailers. Construction, DOT, refuse, logging, mining, telecom, and utility fleets

use a variety of flatbed, lowboy, drop deck, and gooseneck trailers in the course of their work. Whenever operators detach these trailers from their tractors, they must hand crank the trailer's landing gear into the down position before decoupling. Conversely, each time an operator wishes to move a trailer, they must hand crank the same landing gear back into the up position.

The sheer repetitive motion of cranking landing gear mechanisms up and down can tax muscles, tendons, and joints, particularly in the case of aging drivers, and the fact remains that the median age of truck drivers continues to rise. The Bureau of Labor Statistics estimates that the average age of a commercial truck driver in the US is now 55, while, according to a driver shortage report by American Trucking Associations, the average age of an over-the-road truck driver is 46.

[NC] 2 contractors killed at Evergreen Packaging mill fire (Asheville Citizen-Times)  
(9/22/2020 3:29 PM, John Boyle)

An early morning fire at the Evergreen Packaging paper mill has left two contract workers dead, according to a press release from Evergreen. Mill manager Wally McDonald released a statement through Haywood County the afternoon of Sept. 21 saying the "fire has been extinguished and there is no further threat of it spreading or additional damage to infrastructure." The fire started at 5:15 a.m. in a tank that was under repair as part of a maintenance outage, and the local fire department came and quickly extinguished the blaze, McDonald said.

"It is with great sadness that we confirm two contractors involved in the tank repairs died as a result of the fire," McDonald said. "Their families have been notified and have our deepest sympathy and support during this very difficult time." McDonald said an investigation into the fire's cause has begun, and the mill is "cooperating fully with the local police, fire department, and regulatory agencies."

[FL] Landscape worker dies after falling into retention pond with equipment, deputies say (WKMG-TV CBS 6 Orlando)

(9/21/2020 5:00 PM, Gabriella Nunez)

A man has died Monday after falling in an Orange County retention pond with landscape equipment, deputies say. Deputies pulled him out of the pond near Stonebrook Boulevard and South Alafaya Trail around 2 p.m., after getting the call about a missing landscaper. The sheriff's office said crews also pulled out the landscape worker's equipment.

The man was rushed to a nearby hospital, where he was pronounced dead. The sheriff's office said there was no indication of any suspicious circumstances or foul play at this time but are still investigating the man's death.

[MI] I-94 closed in St. Clair Shores after road worker killed in hit-and-run; MSP investigating (Detroit Free Press)

(9/21/2020 10:24 PM, Sione Terranella)

Michigan State Police are investigating a hit-and-run accident after a vehicle struck and killed a road worker on I-94. The freeway was closed for the crash investigation as of 6 p.m., the Michigan Department of Transportation reported. According to officials, the car ran into the worker and fled the scene right after.

The victim is a 26-year-old man from Chesterfield, and Michigan State Police said they've received a number of tips about this incident. The accident occurred on Monday around 3 p.m. near 9 Mile Road in St. Clair Shores. Police said there's no available description of the vehicle, and the worker was near an orange road service car when it happened.

[MI] Nearly Half of COVID-19 Cases tied to Farm Outbreaks in this County (Government Technology)  
(9/22/2020 12:42 PM, Angie Jackson & Niraj Warikoo)

Seasonal workers who packed asparagus at a west Michigan farm initially chalked up their exhaustion, dizziness and headaches to the demands of working 13 hour-shifts seven days a week. But then some workers lost their sense of taste and smell and had a hard time breathing. By mid-June, it was clear that

Todd Greiner Farms in Hart was dealing with a major COVID-19 outbreak among its workforce.

At least 94 people tied to the farm tested positive, the largest farm outbreak in Oceana County, according to county health department emails obtained by the Documenting COVID-19 project at the Brown Institute for Media Innovation at Columbia University and provided to the Free Press. Health department spreadsheets tracked the diagnosis of 55 cases from Todd Greiner Farms from under two weeks in June, in which nearly all of the employees identified as Hispanic or Latino.

## Veteran

[NC] North Carolina veterans seek discharge status upgrades (Stars & Stripes)  
(9/22/2020 10:58 AM, Brian Gordon)

Upon his death, John wants an American flag draped over his casket and then handed to his children. Of all the veterans' benefits he has sought over the past five decades — tuition assistance, health care access, and disability benefits, it's this gesture of an official military funeral he most desires. John is 72 years old, Black and a Vietnam War veteran. He requested the USA Today Network only publicize his first name as he goes through a process familiar to many American veterans: a military discharge upgrade. Upon leaving the military, John was given a less-than-honorable discharge that restricted his access to veteran services, both monetary and symbolic.

Living in North Carolina's Piedmont region, John continues to fight to change his discharge status, one he feels was unfairly assigned during an era when racism, homophobia and a lack of understanding around post-traumatic stress disorder (PTSD) clouded many discharge decisions. "It's about restoring my honor," John said. "I want the flag for my son to see."

## Union

Pandemic Pitfalls for the Unwary: NLRA Rights for Non-Union Employees (JD Supra)  
(9/22/2020 11:18 AM, Bridget Blinn-Spears & William Floyd III)

North and South Carolina are the least unionized states in the nation, but employers in the Carolinas should not overlook the protection the National Labor Relations Act provides for their non-union work forces, especially during the COVID-19 pandemic.

The National Labor Relations Act ("NLRA" or the "Act") protects the rights of employees (non-supervisors) to engage in "concerted activity," which basically means acting together for their mutual aid or protection. The Act also provides protection for individual employees who engage in protected concerted activity when they are acting on the authority of other employees, bringing group complaints to their employer's attention, trying to induce group action, or seeking to prepare for group action. The NLRB interprets the Act's protection to prohibit employers from implementing policies that limit employees' ability to discuss their own pay or benefits.

[MA] MFA employees clear path to unionize (Boston Globe)  
(9/22/2020 2:13 PM, Malcolm Gay)

After more than a year of work, labor organizers working with employees at the Museum of Fine Arts filed a petition with the National Labor Relations Board earlier this month to hold a union election, a move that could potentially affect hundreds of administrative, technical, and curatorial employees at Boston's largest art museum. The petition, which organizers said has "overwhelming support" among eligible staffers, sets the stage for a vote on whether to join UAW Local 2110, potentially ushering in an era of collective bargaining at a time of deep economic anxiety following a recent round of layoffs and early retirements at the museum.

"The pandemic has exposed for workers in a lot of institutions that their employment is more precarious," said Maida Rosenstein, president of UAW Local 2110. "People need to have some collective voice to be able to deal with these issues." Rosenstein, whose union represents some 5,000 workers, said the vote

could take place in a matter of weeks, estimating the union could represent some 300 MFA employees. She added that the MFA is part of a recent wave of organizing efforts at cultural institutions across the country: Workers at the Philadelphia Museum of Art recently voted to unionize, and similar efforts are underway at the Carnegie Museums of Pittsburgh and the Milwaukee Art Museum.

[MD] NLRB Clarifies Protected Political Activity for Union Employees (CBIA)

(9/22/2020 9:00 AM, Staff Report)

Labor law does not protect a union employee fired for engaging in political activity that does not address the welfare of workers, according to the National Labor Relations Board. An NLRB attorney said a Maryland lawmaker was legally fired from his job with a labor union for advocating for legislation on police accountability and transparency because his efforts lacked “connection to any employment concern of any employee.”

Gabriel Acevero, a delegate in Maryland’s part-time legislature, claimed the United Food and Commercial Workers Local 1994 fired him as a union representative because he advocated for a bill limiting protections for police officers accused of misconduct. His advocacy included testifying in favor of the bill. But a letter from an NLRB advisory attorney said “the charge lacks merit and accordingly dismissal, rather than deferral, is appropriate absent withdrawal of the charge.”

[DC] Georgetown graduate workers’ union seeks arbitration over COVID-19 concerns, says university violated contract (Georgetown Voice)

(9/22/2020 12:40 AM, Darren Jian)

The Georgetown Alliance of Graduate Employees (GAGE) announced that it was pursuing arbitration with university administrators over bargaining disputes regarding COVID-19 protections for graduate workers on Sept. 18. The union stated that the university withdrew from all negotiations surrounding four GAGE demands: to guarantee remote work for all graduate workers regardless of location, provide paid sick leave for graduate workers who contract COVID-19, cover the cost of protective equipment and COVID-19 testing for graduate workers on campus, and protect the legal rights of graduate workers under the administration’s Community Compact.

Arbitration is a process through which workers and employers use a third-party arbitrator to resolve a dispute over the interpretation of a collective bargaining agreement, in this case, the union contract signed by GAGE and the administration in May after a year and a half of negotiations. In mid-July, GAGE entered impact bargaining meetings with the administration over its Fall 2020 reopening plan, a plan which many union members saw as inadequate when it came to protections for graduate workers and international students. “We demanded this impact bargaining because we thought it was important,” said GAGE organizer Jeremy Canfield (COL ’19, PHD ’26). “We demanded it because it is something in our contract that we have the right to do, and so the university administration refusing that demand is a violation of our contract.”

[NM] BernCo’s proposed CWA not best way to protect workers (Albuquerque Journal)

(9/22/2020 12:02 AM, Editorial)

As a taxpayer, do you want the crew that does the best job for the best price to build your infrastructure and get your hard-earned tax dollars? Or one that shells out money to a union? Of course the two are not mutually exclusive, but under the proposed Community Workforce Ordinance, co-sponsored by Commissioners Debbie O’Malley and Jim Collie and on the County Commission agenda tonight, the latter would be a requirement.

The ordinance would essentially require union participation in large county projects. And that would stifle competition and drive construction costs up as much as 18%, insist officials with the Associated Builders and Contractors New Mexico and Northern N.M. Independent Electrical Contractors. Under the proposal, contractors and subcontractors selected for county construction projects costing at least \$5 million and employing skilled workers in three or more crafts would have to execute a community workforce

agreement, also known as a project labor agreement, which dictates a certain amount of union worker participation.

[CA] Hollywood Labor Unions & Management Finalize Return-To-Work Agreement (Deadline Hollywood)  
(9/21/2020 2:21 PM, David Robb)

Hollywood's unions and management's AMPTP finally have an agreement to return to work in the coronavirus era. Union sources say the deal took much longer to reach than they would have liked or expected.

The agreement means that the studios, networks, major companies and independent producers alike are cleared to resume production. The unions previously had adopted protocols called "Safe Way Forward" on June 12, and the Industry-Wide Labor Management Safety Committee Task Force had issued return-to-work protocols on June 1. "The protocols pave the way for creative workers, who have been hard hit by the pandemic, to resume their crafts and livelihoods in workplaces redesigned around their health," the unions said in a joint statement. "Guiding principles include strictly enforced testing regimens and safety protocols, a zone-based system, and diligent use of personal protective equipment (PPE)."

[AK] Labor Arbitrator Sides With Union in Alaska Airlines Dispute (Bloomberg Law)  
(9/21/2020 4:59 PM, Ian Kullgren)

Alaska Airlines can't renege on a pre-pandemic agreement that prevents the company from laying off unionized workers in six cities, an arbitrator said.

The arbitrator, siding with the Aircraft Maintenance Fraternal Association Local 32, blocked the airline from furloughing technicians in Los Angeles, Seattle, San Diego, San Francisco, Portland, and New York until 2023 under an existing clause in the collective bargaining agreement. The agreement — reached less than two months before the coronavirus outbreak decimated U.S. airlines — features a no-layoff clause for all workers in the bargaining unit.

## **Disability**

Top Tips for Accommodating Disabilities in the Workplace (Wrike)  
(9/22/2020 9:00 AM, Maria Waida)

About 15% of the global population has a disability of some kind. Given how common both physical and mental disabilities are, accommodating disabilities in the workplace and creating an inclusive workplace culture is an absolute must. Here's what you need to know in order to plan for, learn, and train your workforce to be more diverse and inclusive.

The first step in planning for employees with disabilities in the workplace is to start planning an accessible workplace for everyone. This means addressing these needs and requirements without singling anyone out. Start by creating an inclusive set of company-wide workplace standards for health, safety, and daily operations that take into account both physical and mental disabilities.

[NJ] NJ families, advocates urge Murphy to reopen job programs for people with disabilities (NorthJersey)  
(9/22/2020 10:22 PM, Gene Myers)

Nearly 3,000 people with disabilities statewide, who were told to leave their jobs on March 17 as the coronavirus pandemic hit, are still waiting to go back to work, advocates said. The workers, their families and advocates have urged the governor to reopen employment programs for people with disabilities as soon as possible. They have been shut-in too long, and furthermore, not allowing them to return to work reeks of discrimination, they said.

Many of the individuals affected live in group homes throughout the state. Matthew Putts is CEO of Employment Horizons, a nonprofit that trains and places people with "Significant disabilities" in jobs like refurbishing returned cable and internet equipment, mailing and collating, and light manufacturing assembly. Agencies like his were told to shut down by the commissioner of labor no later than March 17,

he said, and they are still closed. Morris County Surrogate Heather Darling joined Assemblywoman BettyLou DeCroce and demanded Gov. Phil Murphy provide a definitive date when the state will reopen the programs.

[FL] Delays Stymie State Program For People With Disabilities (WLRN-FM 91.3 Miami)

(9/21/2020 4:49 PM, Christine Sexton)

A push by state lawmakers to encourage Floridians with intellectual and developmental disabilities to work has been stalled in Gov. Ron DeSantis' administration for more than a year --- and there's no clear indication when the program will get up and running. Agency for Health Care Administration Secretary Mary Mayhew assured top legislative leaders and the governor's office in a June 29 report that her agency was developing an outreach plan to promote what's known as the Working People with Disabilities Program and that it would take effect in July. But the program, initially passed by lawmakers in spring 2019, still isn't operational, according to people who have tried to use it.

Tampa resident Mayra "Paulina" Reyes works full time for the Hillsborough County Parks and Recreation Department and will graduate from Pasco-Hernando State College in seven months with a business degree. Eager to potentially earn more money after graduation, Reyes spent more than an hour on the phone last week calling the local Medicaid office asking to be enrolled in the program. "I took an hour lunch break and I literally had to ask my supervisor to give me an extra 20 to 30 minutes to try to get this done," Reyes, 31, told The News Service of Florida. "As soon as I mentioned the Working People with Disabilities Program, they would put me on hold and try to figure out what program I was referring to."

[AZ] Valley attorney: How employees' rights to telecommute are impacted by new government guidelines (Phoenix Business Journal)

(9/22/2020 12:00 PM, John Balitia)

The vast majority of employers in Arizona and elsewhere pivoted to remote work arrangements earlier this year when the Covid-19 pandemic forced worksite closures and prompted state and local governments to issue stay-at-home orders. As businesses reopen and direct employees to return to the workplace, what precedents have been set? Many employers effectively have proven that remote work models are more efficient and cost-effective than traditional ones. Are employers that made these adjustments successfully in an emergency now precluded from taking the position that they are not feasible on a permanent basis?

These questions invoke the Americans with Disabilities Act (ADA), which requires employers with 15 or more workers to accommodate disabled employees in performing their jobs. ADA accommodations must be reasonable and cannot create an undue hardship for the employer. Additionally, the ADA makes clear that an employer is not compelled to accept an employee's desired accommodation if the employer prefers an alternative that is just as effective. Employees with certain types of disabilities long have argued that telecommuting is a reasonable accommodation. Chronic sufferers and individuals with severe allergies, for example, may claim that it is essential for them to be at home or away from the workplace in order to manage their symptoms. If an employer opts for alternatives, such as isolating a worker from allergens or providing a place of reprieve to diffuse a migraine, these workers may perceive that they have been discriminated against unlawfully compared to others who are permitted to work from home because of their seniority, as a reward for good performance, or as a result of favoritism.

## **Law & Compliance**

Google is sued by an employee who wants to know if it can spy on him (Washington Post)

(9/22/2020 9:29 AM, Reed Albergetti)

Attorneys representing a Google employee suing the company want to know whether the search engine giant thinks it is allowed to view his digital communication, a case that has renewed questions about the extent of Google's power to surveil. According to a new motion filed in court by the employee's attorneys Monday, DeWayne Cassel, who's still employed by Google, gave up "Any reasonable expectation of privacy" on any "Google property" or anything used to conduct Google business when he signed his employment agreement with the company. Cassel filed a race discrimination lawsuit against the company



nearly three years ago.

Google has declined to answer questions from Cassel's attorneys, who asked earlier this year whether the company thinks it can still access his data according to the employment agreement. The attorneys also have asked Google whether the company's terms of service, which allow it to access user data to "Protect Google," would enable it to access the personal data of non-employees involved in the case, including the judge.

Trump Expands Ban On Racial Sensitivity Training To Federal Contractors (National Public Radio)  
(9/22/2020 8:51 PM, Staff)

President Trump on Tuesday said he had expanded a ban on racial sensitivity training to federal contractors. His administration had instructed federal agencies to end such training earlier this month Trump said on Twitter on Tuesday that he had expanded the ban on "Efforts to indoctrinate government employees with divisive and harmful sex and race-based ideologies" to contractors doing business with the federal government and those receiving grant funds.

"Americans should be taught to take PRIDE in our Great Country, and if you don't there's nothing in it for you!" he tweeted. Earlier this month, Trump announced efforts to promote "Patriotic education" and railed against students learning about systemic racism. He signed an executive order that requires contracts to now include a provision that says contractors with the federal government will not have "Workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating" or face the cancellation of contracts.

Federal Agency Asks DOL to Halt Transfer of Oracle Litigator (Bloomberg Law)  
(9/22/2020 3:57 PM, Ben Penn)

An independent federal agency has asked the Labor Department to temporarily halt reassignment of its chief West Coast litigator, who alleged in a whistleblower complaint that Secretary Eugene Scalia retaliated against her for opposing what she described as his attempt to intervene in a high-profile pay-bias case against Oracle Corp., according to a top House appropriator. The U.S. Office of Special Counsel requested a 90-day stay of Janet Herold's involuntary transfer to allow it to complete its investigation of her accusations against the labor secretary, Rep. Rosa DeLauro (D-Conn.), who chairs a House appropriations subcommittee with jurisdiction over DOL, said in a letter to Scalia on Monday.

Alexis Ronickher, an attorney for Herold, confirmed the agency's request, saying it shows "there is sufficient evidence of retaliation and discrimination in violation of the Whistleblower Protection Act." Herold is an Obama-era career appointee who serves as the department's Regional Solicitor for San Francisco and head of branch offices in Los Angeles and Seattle. She has been a leading force behind DOL's efforts to bring employment discrimination lawsuits against several Silicon Valley tech companies, including the pending litigation against Oracle.

The Coronavirus Is Causing More Employment Lawsuits (Forbes)  
(9/21/2020 3:43 PM, Tom Spiggle)

The coronavirus has affected almost all aspects of everyday life, and the workplace is no different. Whether it's the closure of non-essential businesses or changes in office policies, most workers are feeling the effects of the coronavirus in some way. When things are going well, issues at work are easier to ignore or deal with. When everyone is struggling, workplace problems can become amplified or exist when they otherwise wouldn't. The coronavirus is almost the perfect "workplace agitator" in that it's affecting practically everyone and not in a good way.

Almost everyone is scared or concerned, whether it's about losing their job, losing their business, losing their home, or losing their life. With all this uncertainty and added stress, there's been a significant increase in the number of employment lawsuits. There are a variety of potential lawsuits that can come up in the employment world. The coronavirus has affected these cases in two primary ways. First, it has served as the setting for a traditional employment lawsuit. Think about a generic case where an employee



claims they were fired because the employer retaliated against them for complaining about the employer's unlawful behavior.

OFCCP Seeks to Impose New Certification Requirement on Contractors (National Law Review)

(9/22/2020 1:00 PM, Jack Blum)

On September 14, 2020, the Office of Federal Contract Compliance Programs (OFCCP) requested approval from the Office of Management and Budget to require government contractors to certify on an annual basis that they are in compliance with their affirmative action program (AAP) obligations. Under OFCCP's proposal, federal contractors are required to certify on an annual basis that they have complied with applicable AAP requirements. The certification would be done through a new Affirmative Action Program Verification Interface online platform developed by OFCCP.

OFCCP's request for approval is not completely clear about how the agency intends to use this information, but it appears reasonable to expect an uptick in enforcement activity against contractors who fail to certify compliance with their AAP obligations. In one portion of the request, OFCCP notes that its new platform will allow OFCCP to "run a comprehensive and informative report identifying the AAP status of covered federal contractors." The request does not address whether a contractor will face additional consequences, such as for false claims, if it certifies its AAPs are in compliance but OFCCP later determines that certification was incorrect.

[CT] VA Connecticut Hiring Practices Under Investigation (Connecticut Watchdog)

(9/22/2020 3:34 PM, Peggy McCarthy)

The U.S. Office of Special Counsel is investigating allegations of illegal employment practices at VA Connecticut Healthcare System connected to the hiring of seven employees - some in top management positions - who are all former co-workers of the system's director. A separate complaint filed by a whistleblower to the Office of Inspector General of the U.S. Department of Veterans Affairs alleges "gross misconduct" in the hiring of staff from the Manchester VA Medical Center. It says that "all management positions were pre-selected." "VA Connecticut is in turmoil," wrote the whistleblower in an anonymous complaint filed in August and obtained by C-HIT. The complaints have put a spotlight on the management of Alfred A. Montoya Jr., who has been head of the West Haven VA for almost a year.

Montoya was brought in from the Manchester VA Medical Center after years of upheaval in the delivery of health care at the West Haven VA, where surgeries were outsourced to Yale New Haven Hospital after deficiencies were found in sterile procedures. Sandra Salmon, president of the American Federation of Government Employees Local 2138, filed the Special Counsel complaint. The charges contend that hiring people who worked in Manchester with Montoya denied VA Connecticut staff advancement opportunities. The Manchester VA is a low-tier outpatient facility with four offsite clinics.

[NY] LIRR Worker Battled Fires While On The Clock: MTA Inspector (MSN)

(9/22/2020 5:18 PM, Priscila Korb)

An Long Island Rail Road worker and volunteer fireman for the North Babylon Fire Department is accused of responding to calls for fires while on the job, according to the Office of the MTA Inspector General Carolyn Pokorny. The allegations state that LIRR car appearance maintainer Michael Elco conducted his volunteer fireman work 14 times between January 1, 2018, and September 30, 2019, during LIRR work hours, according to the MTA Inspector General.

The allegations state that LIRR car appearance maintainer Michael Elco conducted his volunteer fireman work 14 times between January 1, 2018, and September 30, 2019, during LIRR work hours or on days he was on regular paid sick leave or on leave under the Family and Medical Leave Act with the LIRR, according to Pokorny. Elco, who has volunteered for the fire department between 2005 and 2007 and again in 2009, denies these claims to Newsday. Elco, the captain of the fire department's Station 2, said he responded to fires on his own time, including during lunch breaks, since starting his job with the LIRR in 2015. "They're coming after me for helping my community out," Elco told Newsday. "I think the MTA should be embarrassed." Pokorny said every member of the fire department must respond to 20 calls a

month to remain in good standing and receive credit for responding to a call. Each member must also use a fingerprint scan to verify his or her presence, Pokorny said.

[NC] IBM on the defensive: 'Hundreds more' join class-action age discrimination lawsuit, says lawyer (WRAL-TV NBC 5 Raleigh)

(9/22/2020 1:31 PM, Chantal Allam)

Since last week's ruling by the US Equal Employment Opportunity Commission that backed up charges IBM had discriminated against older workers, the lawyer waging a class-action lawsuit against Big Blue has had "Hundreds of former IBM employees" contact her. "We're in the process of signing them up to join our collective action lawsuit or file for individual arbitration," well-known employment lawyer Shannon Liss-Riordan told WRAL TechWire by phone on Tuesday morning.

She is currently representing about 150 former IBM employees - and counting - who are claiming they lost their jobs because of age discrimination. IBM operates one of its largest corporate campuses in RTP and employs several thousand people across North Carolina. IBM laid off an unknown number of workers in North Carolina as it slashed the size of the state-wide workforce, including at its large campus in RTP. In a separate lawsuit, a New York federal judge ruled ex-employees alleging that IBM targeted older workers for layoffs must arbitrate their claims individually.

[CA] California Employers See Surge in Workplace Laws With New and Pending Legislation (The Recorder)

(9/21/2020 7:50 PM, Ben Ebbink)

The California legislature just concluded one of the most interesting sessions in the state's history. Not only did it itself shut down completely on two different occasions due to the ongoing COVID-19 pandemic, the last few days of session featured the entire Republican contingent of the Senate quarantined and debating and voting on legislation remotely via video feed. Bizarre to say the least.

## **Family and Medical Leave**

4 ways to simplify FMLA leave (BenefitsPro)

(9/22/2020 9:59 AM, Steven Lynch)

Before the COVID-19 pandemic, leave management was, put simply, more manageable. Today, overwhelmed human resources professionals navigating the pandemic are hard-pressed to find the time to accomplish administrative tasks, track furloughed employees, manage existing leaves of absence, create physically safe work environments, support employee well-being and much more. Because of these and many other pressures on their resources, HR professionals are frequently turning to their trusted broker representatives for help to keep up and find integrated solutions associated with the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), as well as any other short-term acts of leave-management legislation designed to aid businesses. FMLA — a valuable benefit that allocates a specific amount of time away from work and provides partial wage replacement up to a designated amount — is perhaps the best known of them all.

For small companies and organizations with fewer than 50 employees, leave management is often a do-it-yourself approach that consists of manually managing paperwork or using a smartphone app for scheduling. As companies grow, a scalable solution may include a combination internal/external approach, known as co-sourcing, according to the Society for Human Resource Management. Here are four reasons why outsourcing absence management to a third party is a good business decision:

1. Outsourcing FMLA may lower cost
2. Outsourcing FMLA offers legal savings
3. FMLA vendors provide neutrality
4. Your clients can put their focus on people, not product

## **Retirement**

### Here's what Trump's payroll tax plan may mean for the future of Social Security (CNBC)

(9/22/2020 8:38 AM, Lorie Konish)

The future of Social Security could be a big issue in the next presidential term, no matter which party wins the Oval Office in November. The program's funds, which already face depletion in the future, may run out sooner due to the economic effects of the coronavirus pandemic. Once that date is reached, benefit checks will be reduced. Some have taken President Donald Trump's temporary payroll tax deferral as a signal for a broader strategy he could implement if he is re-elected.

Trump set the payroll tax holiday with an executive order he signed in August. From Sept. 1 through Dec. 31, workers who make less than \$4,000 bi-weekly can take a break from paying the Social Security portion of their payroll taxes if their employers agree. Currently, that amounts to 6.2% of paychecks on wages up to \$137,700.

### The Department Of Labor Takes Much-Needed Steps Toward Ensuring Fiduciary Obligations (Forbes)

(9/22/2020 9:50 AM, Christopher Burnham)

The time to ensure that pension fund managers are bound by their fiduciary obligation to their beneficiaries and not by any other political motives is now. Prioritizing issues other than pure financial returns may be an acceptable strategy for individuals managing their own money or for corporate board rooms contemplating the future of their company, but for fiduciaries, prioritizing any kind of self-interest or ulterior motive over maximizing returns is a dereliction of duty.

Over the past several months, the Department of Labor has begun to take steps to curb this trend, releasing two new regulatory proposals seeking to re-affirm the responsibilities of pension fund fiduciaries. The first proposed rule examines tax-qualified retirement plans governed by ERISA in order to determine the extent to which Environmental, Social, and Governance (ESG) considerations factor into investment decisions. The question at hand is whether the plan managers, bound by fiduciary duty to their beneficiaries, are sacrificing investment returns or increasing risks to meet ESG goals unrelated to participant's bottom-line financial interests.

The Department of Labor should be applauded for taking these necessary steps toward clarifying and correcting guidance on the fiduciary obligations of pension fund managers. As Labor Secretary Scalia noted, these actions aim to "Remind plan providers that it is unlawful to sacrifice returns, or accept additional risk, through investments intended to promote a social or political end."

### Social Security for All (American Prospect)

(9/22/2020 5:00 AM, Mimi Abramovitz & Deepak Bhargava)

The economic crisis that accompanied the COVID pandemic pushed the safety net into the spotlight—and millions of Americans have found it threadbare. People seeking help for the first time are learning what poor and working-class people — mostly women and people of color — have long known: that in times of crisis, the net doesn't catch you when you fall. In this year's adaptation of the iconic soup and breadlines from the Great Depression, people all around the country arrive at church-run food pantries or line up in cars for food; 10,000 cars sat for hours at a San Antonio food bank in April.

[Editorial note: Listen to audio at source link]

### Employees who overpay for health insurance tend to under-save for retirement: TIAA (BenefitsPro)

(9/22/2020 6:55 AM, Kristen Beckman)

Employers have an opportunity to help employees avoid making common mistakes in health insurance and retirement savings choices, thereby improving employee well-being and maximizing their long-term financial stability, according to a new study by TIAA Institute. The TIAA analysis correlated two studies — one on mistakes employees make when choosing health insurance plans and another on retirement savings mistakes — to see if employees who make mistakes in one domain also make mistakes in the other. Understanding correlations in mistakes across domains can help employers create targeted interventions during open enrollment and educate employees about shifting spending in one area to a

better option in another area to their benefit, the study said.

The study of a large university's administrative data over four years found a large majority of those studied selected one of the two more expensive health insurance plans offered, even when lower costs are more likely in the cheapest plan. This is a common mistake that leads to employees overspending on health insurance by nearly \$1,700, the study said. The analysis used individual-level claims data and found that for more than 99.8 percent of its sample, the lower-coverage plan should be chosen because lower spending outcomes are more likely.

### 3 401(k) Moves That Can Protect Your Savings from a Market Crash (Motley Fool)

(9/22/2020 9:35 AM, Katie Brockman)

The stock market has always been subject to volatility, but this year has been a particularly wild ride. After closing out one of its worst quarters in history earlier this year, the market made a remarkable recovery and experienced record highs just a few months later. However, after experiencing a downturn over the last few weeks, there's a chance another crash could be looming. While nobody knows for sure whether a market crash is on the way or not, there are a few 401(k) moves that can help protect your savings.

1. Try to contribute enough to earn the full employer match - One of the keys to building a robust retirement fund is to save as consistently as possible -- even during market downturns.
2. Don't invest any money you might need in the near future - While it's smart to invest as much as you can during a market downturn, it's also important to avoid investing more than you can realistically afford.
3. Consider adjusting your asset allocation - Your asset allocation refers to how your investments are divided up within your portfolio. You likely have a mix of stocks and bonds, which affects how aggressive or conservative your portfolio is.

### The work-from-home surge may lead workers to buy retirement homes even before they retire

(McKnight's Senior Living)

(9/22/2020 12:00 AM, Amy Novotney)

COVID-19 has forced many Americans to work remotely — and some companies even have added an option for employees to work from home for the rest of their careers. For the senior housing industry, this may mean a jump in purchases from non-retirees, according to a CNBC article Monday. "We may begin to see a boost in people buying retirement homes before their retirement," Lawrence Yun, chief economist for the National Association of Realtors, told CNBC. To date, the evidence is anecdotal, Yun said, noting that housing demand has risen in vacation resort areas.

Either way, there's no doubt that the oldest baby boomers are changing the traditional notion of retirement. Of those who already have entered retirement, 38% have moved to a new home, according to the 20th annual Transamerica retirement survey, released this month. When choosing where to live, retirees' cited proximity to family and friends (61%), affordable cost of living (55%) and access to excellent healthcare and hospitals (46%), the survey found. Further, many boomers also are challenging the old formula of cookie-cutter retirement communities, as evidenced by the rise of customizable living arrangements. Sprawling housing developments in retirement havens such as Florida are becoming less desirable and, as people live longer, they want their retirement to reflect their lifestyle choices, finds another CNBC article Monday.

### Fiduciaries of Mutual of Omaha 401(k) Plan Agree to Pay \$6.7M to Settle Suit (Plan Adviser)

(9/22/2020 12:02 PM, Rebecca Moore)

Parties in a lawsuit accusing Mutual of Omaha Insurance Co. and its subsidiary United of Omaha of self-dealing in Mutual of Omaha's 401(k) plan have agreed to settle. The settlement agreement calls for a cash payment of \$6.7 million as compensation to a class of participants.

In a memorandum in support of the motion for preliminary approval of the settlement agreement,

attorneys say the \$6.7 million cash payment “represents a substantial recovery.” It adds that the settlement is “particularly beneficial to the class in light of the risks posed by continued litigation, including the possibility of the court ultimately finding no liability or the inability to prove damages.” The attorneys say that substantiating the plaintiffs’ claims regarding excessive administrative fees would have required detailed and expert examination of United of Omaha’s operations and financial records supporting the cost of those operations.

[NY] De Blasio says early retirement incentives should be considered for NYC employees facing potential layoffs (Fox News)

(9/22/2020 9:33 AM, Daniella Genovese)

New York City Mayor Bill de Blasio said Monday that early retirement incentives should be considered for city employees who are facing potential layoffs amid an ongoing budget crisis. De Blasio stressed during a press briefing that early retirement incentives, if offered, would only be a piece of the solution. “I think early retirement as a policy is something we have to put into play,” he said. “So definitely a piece of the solution, it’s not the whole solution, but early retirement will definitely be a piece of the solution.”

Since the beginning of the year, de Blasio has been working to find a way to combat the \$9 billion coronavirus-related revenue loss facing the nation’s biggest city. He has repeatedly stressed that he is doing so with little help from the federal government. In a move to try and offset losses, de Blasio even announced that his entire office, including him, will be furloughed for a week to help fight the city’s multibillion-dollar budget crisis.

[IL] A solution for Illinois’ state retirement crisis (Chicago Tribune)

(9/22/2020 7:11 PM, Ted Dabrowski & John Klingner)

Serious pension reform seems like a pipe dream today. Illinois’ political class is still clinging desperately to tax hikes, pension debt re-amortizations and the hope of a federal bailout to maintain the status quo. Any mention of reforms — in particular, an amendment to the constitution allowing for changes to the pension system — is met with immediate dismissal. But it’s only a matter of time before Illinois’ math no longer works and extreme financial circumstances make pension reform politically expedient.

Illinois’ finances have been declining for decades, and the pandemic has brought the state to the brink. Senate President Don Harmon’s \$42 billion bailout request to Congress, Illinois’ abandoned \$1.2 billion bond issuance and the state’s reliance on \$5 billion from the federal government to fill its budget hole are all proof that Illinois is running out of options. What Illinois needs is a road map to reform that’s readily available when the state’s finances finally break down. At Wirepoints, we’ve laid out a path for fixing Illinois’ biggest problem: pensions.

[CA] Newsletter: What you should know about the CalSavers retirement program (Los Angeles Times)

(9/22/2020 8:00 AM, Rachel Schnalzer)

“Nearly half of working Californians are on a trajectory to retire in economic hardship,” says Katie Selenski, executive director of CalSavers, which will offer potentially millions workers an automatic way to save for retirement.

CalSavers targets “workers in the private sector who don’t have access to a retirement plan at work,” Selenski says. As Margot Roosevelt reported last year, employers with five or more workers will eventually be required to sign onto CalSavers — and facilitate putting a cut of workers’ paychecks into Roth IRAs — if they don’t already offer their employees a way to save and invest for retirement. We’re approaching an important deadline for employers that don’t sponsor a retirement plan: Those with more than 100 employees must register with CalSavers by Sept. 30.

## **Trade**

Trump’s trade policy failed the workers he promised to help (MarketWatch)

(9/22/2020 2:53 PM, Rebecca Ray)

Donald Trump came to power promising to fix a trade system that has hurt U.S. workers and businesses for generations. He railed against trade deals, raised alarm about the trade deficit, and promised to bring back jobs. "You won't lose one plant, I promise you that," he told Michigan voters in 2016. Four years later, Michigan has actually lost three major auto plants.

The U.S. trade deficit has been higher every single year of Trump's presidency than it was when he took office. The process through which U.S. trade policy is made has long been vulnerable to special and corporate interests. U.S. trade policy is carried out by the U.S. Trade Representative, the negotiating arm of the executive branch, based on broad instructions from Congress and informed by a system of "Advisory committees." In theory, these committees should bring a wide array of voices and interests to inform the executive branch negotiators. Instead, they've become a club for corporate interests.

U.S.-China Trade War: Success Or Failure? The Optics From 5 Metrics (Forbes)

(9/23/2020 5:02 AM, Ken Roberts)

The United States is winning the China trade war. The United States is losing the China trade war. Here are five metrics to consider, and what they mean, as we round the homestretch into the Nov. 3 election pitting President Trump against former Vice President Biden.

Now well into its second year, there is no indication the trade war will end anytime soon, even if Biden wins election and certainly not if Trump wins reelection. Keep in mind that many of President Trump's positions on trade are those previously supported by the Democratic rather than Republican Party. Before I get to the metrics — total trade, total exports, total imports, trade deficit, balance of trade — it's worth noting that not all solutions rise up from statistics and data. This will also not take into account the impact on the Chinese economy, which has been measurable.

Trump or Biden will need to reset U.S. trade policy to stop China (Washington Times)

(9/22/2020 6:33 PM, Peter Morici)

The America First agenda has enjoyed mixed results. Tariffs brought China to the negotiating table but the Phase One Trade Deal does little more than set numerical targets for Chinese purchases. Chiding Europe has increased NATO defense spending, but we still don't have trade deal with the EU or UK. Emboldened by its successful handling of COVID-19, an impressive economic recovery and prospects of surpassing the US in GDP by the end of the decade, President Xi has doubled down on his refurbished version of 1930s-style authoritarian capitalism—pre-war Germany and Japan had state orchestrated private economies that supported devastating military buildups.

According to a U.S.-China Business Council survey, 13 percent of U.S. businesses in China were asked to transfer technology this year, up from 5 percent last year. Yet, the world is changing. The Europeans increasingly recognize China poses a primary threat to western democracies. Democratic nominee Joe Biden, who happily helped President Obama appease China for eight years, now acknowledges America needs to get tough with China.

## **National**

Mnuchin and Powell tell lawmakers the economy is improving. (New York Times)

(9/22/2020 10:56 AM, Jeanna Smialek)

Treasury Secretary Steven Mnuchin offered an upbeat view of the economic recovery on Tuesday, describing it during a congressional hearing as the fastest rebound from any crisis in American history. Yet Mr. Mnuchin acknowledged that more than half of the jobs that had been lost as a result of the pandemic had yet to be restored. His comments came in a joint appearance before the House Financial Services Committee with Jerome H. Powell, the chair of the Federal Reserve.

Both officials projected optimism about the economic recovery so far, but Mr. Powell made clear that many of those gains were predicated on strong fiscal support, including additional jobless benefits and

stimulus checks. That economic support has largely run out and lawmakers show little indication of being able to agree on another package despite the fact that millions of people remain out of work. Mr. Powell told Congress that the economy had made meaningful progress but that the outlook was uncertain and policymakers will need to do more.

[Editorial Note: Consult source link for full details.]

#### Powell, Mnuchin stress limits of emergency lending programs (The Hill)

(9/22/2020 2:16 PM, Sylvan Lane)

Federal Reserve Board Chair and Treasury Secretary told lawmakers Tuesday that the struggles faced by thousands of small businesses and some hard-hit sectors are beyond the scope of lending authorities. In Tuesday testimony before House lawmakers, Powell and Mnuchin asserted that the Fed and Treasury lack the legal or logistical abilities to expand certain emergency lending programs to a wider range of borrowers.

The Fed and Treasury are facing rising pressure from both Democrats and Republicans to broaden the scope of programs meant to help businesses and local governments secure enough cash to stay afloat and prevent layoffs until the economy recovers. Those programs are backed by \$454 billion allocated by Congress through the \$2.2 trillion March economic rescue bill, much of which has gone unused.

#### Treasury Secretary Mnuchin says the Trump administration still supports a stimulus package that includes direct payments (Business Insider)

(9/22/2020 2:22 PM, Joseph Zeballos-Roig)

Treasury Secretary Steven Mnuchin said on Tuesday the Trump administration still backs another stimulus package, one that includes direct payments. During a hearing with the House Financial Services Committee, Mnuchin testified along with Jerome Powell, the Federal Reserve chairman. Both said the economy was recovering, though risk remained of further damage because of the ongoing pandemic.

"The president and I remain committed to providing support for American workers and businesses," Mnuchin said at the hearing. "I believe a targeted package is still needed, and the administration is ready to reach a bipartisan agreement." He also said "The administration does support another stimulus payment," similar to the \$1,200 check that the government sent to over 150 million people in April and May. Powell said he believed "It is likely more fiscal support will be needed." He credited the CARES Act with playing a large part in stabilizing the economy with direct payments and boosted unemployment benefits.

#### CBO Downgrades Long-Term Projections of Economic Growth (Wall Street Journal)

(9/21/2020 4:35 PM, Kate Davidson)

The U.S. economy is likely to grow more slowly in coming decades and the public debt burden will increase more than previously forecast, due in large part to the coronavirus-induced recession, the Congressional Budget Office said Monday. The agency released new projections showing weaker growth and significantly more red ink over the next 30 years than it had previously forecast.

The agency now anticipates average annual GDP growth of 1.6% from 2020 to 2050, roughly a full quarter percentage point less than it expected in June 2019, the last time it released long-term economic projections and before the coronavirus pandemic swept across the U.S., triggering a deep recession. Growth averaged 2.5% from 1990 to 2019. Debt as a share of gross domestic product is forecast to hit 195% by 2050, 45 percentage points higher than the CBO projected in June 2019. The increase is due in large part to surging outlays to combat the pandemic, followed in later years by rising interest costs and higher spending on safety-net programs such as Social Security and Medicare.

#### Faster wage growth? A lighter debt burden? Is there anything faster productivity growth can't accomplish? (American Enterprise Institute)

(9/22/2020 3:05 PM, James Pethokoukis)

At some point, the post-pandemic economy will be here. Fast productivity growth - much faster than what we've seen over the past decade - would be a big help in generating fast wage growth. Fast productivity growth would also be a big help in dealing with the growing federal debt, which has exploded during the pandemic.

If labor productivity growth continues at the rate of 1.4 percent, GDP will grow to \$30.8 trillion by 2049, assuming there is no corresponding growth in work hours. However, if the U.S. economy could achieve 3.4 percent productivity growth per year, GDP would increase to \$40.4 trillion by 2039 and \$56.5 trillion by 2049. This added growth would generate an additional \$2.4 trillion per year in federal revenues in 2039 from increased worker incomes, business profits, and other forms of national income.

**{End of Report}**





# DOL DAILY BRIEFING

U.S. Department of Labor  
By TechMIS  
[www.TechMIS.com](http://www.TechMIS.com)

**TO: U.S. Department of Labor & Staff**  
**DATE: Wednesday, September 23, 2020 6:00 AM ET**

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## DOL News and Opinion

Labor Secretary: Clarity for 'gig workers' – Proposed rule simplifies definition for contractors, businesses (Fox Business)  
(9/22/2020 8:30 AM, Eugene Scalia)

The Department of Labor on Tuesday published a proposed rule defining who's an "independent contractor." Part of what's notable about this proposed rule is simply that we're doing it. In the more than 80 years since enactment of the Fair Labor Standards Act, or FLSA, the Department has never adopted a rule defining the term for general industry.

The Supreme Court last spoke to the issue nearly 60 years ago; its most significant pronouncement came just after the Second World War. Since then, employers and workers looking for guidance have had to parse the sometimes-divergent decisions of the federal courts of appeals, and opinion letters the Labor Department issues occasionally without public notice or input. Our proposal seeks public comment and, once finalized, will state the Labor Department's view clearly for all to consult. As the sole authority short of the Supreme Court with responsibility for how this law is applied coast-to-coast, we thought it past time to codify a simple, clear approach that can be applied consistently nationwide.

Our proposal is important, too, because of the increased attention in recent years to independent contractors. The growth of the "gig" economy, in which cellphone apps provide a "platform" for connecting willing workers with interested customers, has provided new convenience and work opportunities for millions of Americans. But that economy and other developments are seen as subversive by those who believe that for most workers, being a company's employee—not an independent contractor—is the only proper aspiration.

That's the view behind a law California passed last year—AB-5—which requires companies to treat as employees a broad range of workers who previously would have been recognized as independent contractors. In response, some businesses stopped hiring Californians; Uber and Lyft announced they were suspending operations in the state, before a court-ordered stay gave them a reprieve from the law while they pursue appeals. As originally enacted AB-5 was so unworkable that the state Legislature felt compelled to riddle it with amendments, establishing dozens of job-specific exemptions.

Unlike AB-5, our rule doesn't propose radical changes in who's classified as an employee or independent contractor. Instead, our rule aims to simplify, clarify and harmonize principles the federal courts have espoused for decades when determining what workers are "employees" covered by the minimum wage and overtime pay requirements of the FLSA.

Make no mistake, harmonization is needed. Right now, when determining whether a worker's an independent contractor, some courts routinely consider the "importance" of the work she does to the company that hired her; other courts do not. And while courts agree that "investment" should be part of the analysis, some courts ask whether the worker will profit from the investment she makes in her work, whereas others (oddly) compare the dollar value of her investment to the total capital investment by the company. In two separate cases, a single federal appellate court reached different conclusions on the question of whether cable-slicers working for BellSouth contractors were employees or independent contractors.

Our proposed rule aims to clear away the cobwebs and inconsistencies that have grown up

around this analysis since the Supreme Court's decisions more than half a century ago. To determine a worker's classification, we ask whether he is economically dependent for work on the putative employer, or instead whether he's in business for himself. To probe that difference, our proposed test focuses primarily on a worker's control over his work, and his opportunity for profit or loss resulting from his own initiative or investment.

Once finalized, this rule will guide businesses, workers, the courts and our own Wage and Hour Division as we enforce the FLSA. We also hope the test will help states and policy-makers consider worker classification outside the FLSA context. And unlike AB-5, our rule doesn't aim to slant the analysis toward classifying independent contractors as employees. In part, that's because we recognize there are powerful reasons why some workers prefer to be independent, rather than accountable to a company as its employee.

Being in business for oneself draws on two of America's most deeply rooted traditions: freedom and entrepreneurialism. True independent contractors are their own boss. That appeals to countless Americans—the Bureau of Labor Statistics reports that 79% of independent contractors “overwhelmingly prefer their work arrangement to traditional jobs.”

As Labor secretary, I'm struck how often young people tell me they want to start their own business; I've yet to meet one who says, “I dream of being an FLSA-covered employee.” Freedom from the strictures of a nine-to-five can be especially welcome to parents, caregivers and others who need greater control over their schedule and workload. Of course, there are also benefits that come with being an employee covered by the FLSA and its minimum wage and overtime requirements. Some companies improperly claim their employees are independent contractors, to dodge responsibilities they owe under the law. Our Department will continue to bring enforcement actions against those businesses.

Our rule, once finalized, will hone our ability—and the public's—to distinguish employees from independent contractors in business for themselves. Unlike AB-5, though, our rule will respect the independence—the freedom and entrepreneurial opportunity—that come with being your own boss.

#### U.S. Secretary of Labor Scalia highlights economic reopening in Cincinnati; visits Great Oaks (Highland County Press)

(9/22/2020 3:00 PM, Staff Report)

U.S. Secretary of Labor Eugene Scalia traveled to Cincinnati last week to discuss economic recovery, workplace safety and the steps needed to develop a skilled, dynamic workforce. Secretary Scalia visited Consolidated Metals, where he met company leadership and employees and discussed the economic reopening.

Additionally, Secretary Scalia visited Great Oaks, which specializes in career and technical education for both high school students and adults. Over 30 career programs are available for high school students living in 36 area school districts. There, he participated in a roundtable discussion with local business leaders and educators regarding workforce development and economic growth. “It was great to be back in Ohio and see the progress being made in safely re-opening our economy,” Secretary Scalia said. “I was pleased to visit Consolidated Metals Products and learn about the steps they've taken to provide jobs and bring Americans back to work. I would also like to thank Great Oaks for hosting a valuable conversation on business growth, safe workplaces and equipping workers with the skills



needed for good-paying, meaningful jobs.”

Eugene Scalia: Ginsburg, my father believed in ‘debate, the exchange of ideas’ (Fox Business)

(9/21/2020 1:50 PM, Staff)

Eugene Scalia, U.S. secretary of labor and son of Supreme Court Justice Antonin Scalia, remembers Ruth Bader Ginsburg’s friendship with his father, and how the Supreme Court vacancy could impact markets and economy.

[Editorial note: View video at source link]

## **DOL News Releases**

U.S. Department of Labor Proposes Rule to Clarify Employee and Independent Contractor Status Under the Fair Labor Standards Act

(9/22/2020 12:00 PM, WHD)

The U.S. Department of Labor today announced a proposed rule clarifying the definition of employee under the Fair Labor Standards Act (FLSA) as it relates to independent contractors. “The Department’s proposal aims to bring clarity and consistency to the determination of who’s an independent contractor under the Fair Labor Standards Act,” said Secretary of Labor Eugene Scalia. “Once finalized, it will make it easier to identify employees covered by the Act, while respecting the decision other workers make to pursue the freedom and entrepreneurialism associated with being an independent contractor.”

“The rule we proposed today continues our work to simplify the compliance landscape for businesses and to improve conditions for workers,” said Wage and Hour Division Administrator Cheryl Stanton. “The Department believes that streamlining and clarifying the test to identify independent contractors will reduce worker misclassification, reduce litigation, increase efficiency, and increase job satisfaction and flexibility.” The Department’s proposed rule would:

Adopts an “economic reality” test to determine a worker’s status as an FLSA employee or an independent contractor. The test considers whether a worker is in business for himself or herself (independent contractor) or is economically dependent on a putative employer for work (employee);

Identifies and explains two “core factors,” specifically the nature and degree of the worker’s control over the work, and the worker’s opportunity for profit or loss based on initiative and/or investment. These factors help determine if a worker is economically dependent on someone else’s business or is in business for himself or herself;

Identifies three other factors that may serve as additional guideposts in the analysis: the amount of skill required for the work; the degree of permanence of the working relationship between the worker and the potential employer; and whether the work is part of an integrated unit of production; and

Advises that the actual practice is more relevant than what may be contractually or theoretically possible in determining whether a worker is an employee or an

independent contractor.

This Notice of Proposed Rulemaking (NPRM) is available for review and public comment for 30 days after it is published in the Federal Register. The Department encourages interested parties to submit comments on the proposed rule. Today's web posting offers the public more time to review the NPRM before the comment period begins.

## Employment

Walmart, UPS and others are staffing up for an online shopping surge this holiday season (CNN)

(9/23/2020 12:01 AM, Nathaniel Meyersohn)

The upcoming holiday shopping stretch will look much different for retailers in a pandemic. Instead of preparing for door-busters on Black Friday and frenzied shopping in stores before Christmas, many retailers and shipping companies are beginning to staff up in anticipation of a flood of online delivery and curbside pickup orders. Walmart, which has already hired more than 500,000 workers in stores and across its supply chain since March to meet growing demand in the pandemic, said Wednesday that it will hire more than 20,000 seasonal workers in e-commerce fulfillment centers across the country "to prepare for an expected increase in online shopping." Walmart has stores every year that bring on seasonal associates, according to a spokesperson, but the last time Walmart hired a "large number of seasonal associates" was in 2015, when Walmart added 60,000 holiday workers for stores.

Other companies are also preparing for the online shopping rush by adding delivery, warehouse and curbside pickup workers. FedEx said it will hire 70,000 workers, a 27% increase from last year, while UPS said it will hire 100,000 seasonal workers, the same as last year's holiday hires. Floral delivery retailer 1-800-Flowers.com will bring on 10,000 employees to deliver bouquets to customers, up 25% from last year, and Michaels, the arts and crafts store, will add 16,000 seasonal jobs. That's up around 6% from last year. Michaels said the jobs would help the chain, in particular, strengthen its buy online, pickup in store offering. The overall hiring forecast for this holiday season "remains uncertain," but "it is clear that the proportion of sales that are made online will reach record levels and that may cause a permanent change in the future of holiday hiring," Andy Challenger, senior vice president at outplacement firm Challenger, Gray & Christmas, said in an email.

7-Eleven stores hired more than 50K employees amid COVID-19 (WTVD-TV ABC 11 Durham)

(9/22/2020 8:15 AM, Associated Press)

In March, 7-Eleven, Inc. made the call to employ 20,000 new store employees. Since then, the company estimates the organization and independent 7-Eleven franchise owners have hired more than twice that many, over 50,000. And they're recruiting 20,000 more to work in its 9,000+ U.S. stores to meet continued demand for 7-Eleven products and services amid the COVID-19 pandemic. Classified as an essential retailer, 7-Eleven kept its doors open all year long, adding enhanced cleaning procedures and extra safety protocols such as acrylic shields at checkout, floor distance markers, sanitizing stations and offering employees masks and gloves. Additionally, the company gives customers the opportunity to utilize disposable tissues and gloves as they shop for essential pantry items, their morning coffee or an indulgent afternoon snack to recharge.

Also during the COVID-19 pandemic, the world's largest convenience retail chain has scaled frictionless mobile checkout technology to new markets, expanded delivery from 400 to 1,300 cities, added in-store pick-up through its 7NOW delivery app and increased its U.S. store base by more than 300 stores this year. "I am constantly inspired by our 7-Eleven Heroes - franchisees and employees alike - who have stepped up to serve communities as we continue to navigate through the complexities of the COVID-19 pandemic," said 7-Eleven President and Chief Executive Officer Joe DePinto. "Hiring 20,000 more store employees allows us to continue to fulfill our mission to give customers what they want, when and where they want it, whether in stores or at home."

Radial Announces Plans to Hire 25,000 Seasonal Workers Throughout North America (PRNewswire)

(9/22/2020 8:00 AM, PRNewswire)

Radial, a bpost group company, the leader in omnichannel commerce technology and operations, today announced its plan to bring on more than 25,000 seasonal workers across North America to help support retailers' heightened fulfillment and customer care needs during the 2020 holiday season. Seasonal hires will leverage cutting-edge automation and technology to process online orders in fulfillment centers and address the key customer issues that drive sales and satisfaction working as agents with Radial's customer care centers. With 66% of shoppers planning to increase their online purchases during the 2020 holiday season, Radial is prepared to help retailers deliver during this crucial time of year while keeping employee safety at the forefront.

"In response to the COVID-19 pandemic, Radial has been proactive in identifying and implementing new technologies and processes to maintain the health and safety of every employee," said Eric Wohl, Chief Human Resources Officer and Senior Vice President. "We are deeply committed to evolving our work environment to keep our strong community values and people-first workplace intact, while ensuring every employee feels comfortable, safe and valued at their job."

[MD] Now Hiring: Best Buy Holding Holiday Job Fairs In Baltimore Area (WJZ-TV CBS 13 Baltimore)

(9/22/2020 1:38 PM, Staff Report)

Best Buy is hiring thousands of employees nationwide, including in Maryland, ahead of the 2020 holiday shopping season. The electronics retailer plans to hold holiday hiring fairs at its stores, including those in the Baltimore area, from noon to 7 p.m. on September 24 and 25 and October 3 and 4.

Among the jobs available locally are floor workers and warehouse positions. Earlier this month, Amazon said it plans to hire around 4,400 workers in the Baltimore area as it expands its local operations.

[TX] UPS plans to hire 3,600 seasonal workers in Houston (Houston Chronicle)

(9/22/2020 7:16 AM, Rebecca Carballo)

UPS expects to hire over 3,631 seasonal workers in the Houston area to support the anticipated increase in package volume over the holiday season, the company said. Nationally, UPS expects to hire more than 100,000 seasonal employees. The shipping company expects to see a package volumes rise from October through January 2021. Tractor-trailer and package car driver jobs start at \$21 per hour. Pay for package handlers start at \$14.50 per hour and \$14.50 for driver-helpers.

In the Houston area, UPS is hiring 67 drivers and seasonal drivers, 1,386 package handlers, 1,340 driver helpers, 818 personal vehicle drivers. It is possible the seasonal positions could turn into longer terms, said Charlene Thomas, the chief human resources officer. "We will hire over 100,000 people for UPS's traditional seasonal jobs, and anticipate a large number will move into permanent roles after the holidays," Thomas said. "At a time when millions of Americans are looking for work, these jobs are an opportunity to start a new career with UPS."

## Unemployment

### Laid-Off Workers Cut Spending, Hunt for Jobs as Extra Unemployment Benefits Run Out (Wall Street Journal)

(9/22/2020 5:30 AM, Te-Ping Chen & Sarah Chaney)

When the coronavirus pandemic struck the U.S. in March, Caroline Mongillo lost her part-time job at a music venue and struggled to find new work in a labor market hampered by the health crisis. But like millions of other laid-off workers, she covered expenses with the \$600 a week in extra unemployment benefits provided by the federal government. Now those benefits have expired and been replaced by a short-term extension at half the rate. The 22-year-old Grand Rapids, Mich., resident has started shopping at the dollar store for household staples such as toilet paper and pasta, tried to abstain from small luxuries such as takeout food, and has spent half of her savings.

Ms. Mongillo, who graduated from college in June with a degree in communications and media, estimated she has applied for around 50 jobs in recent weeks, mostly in marketing and advertising. Nothing has yet come through. She said she relied on her old job — and more recently the extra unemployment benefits — to help pay for daily living expenses and \$900 in monthly rent on her apartment, which she shares with her boyfriend. "I don't have a plan, except to continue to apply for jobs," said Ms. Mongillo, who also is trying to generate some income selling sequined hats.

### Funding for the extra \$300 unemployment benefit is nearing depletion — but it's lasting longer in some states (MarketWatch)

(9/22/2020 4:47 PM, Elisabeth Buchwald)

More than 20 states have started giving unemployed workers the \$300 a week benefit, but that could end before all states get funding for the guaranteed six weeks. Jobless Americans in more than 21 states are now receiving an extra \$300 a week in unemployment benefits under President Donald Trump's executive order. In some states, the payments will cover six weeks retroactive to Aug. 1, but for unemployed Americans in other states, that won't be the case. Nine states - Alabama, Arizona, Massachusetts, Missouri, New Hampshire, New Mexico, Rhode Island, Texas and Utah - have finished making the \$300 payment to claimants for six weeks, as of Tuesday.

Thirty other states have been approved for six weeks' worth of funds and some are in the process of distributing it. Then there are states like Florida and Idaho, which have informed unemployment beneficiaries that they won't be receiving the enhanced benefit for six weeks. At least eight other states - Arkansas, California, Delaware, Kentucky, New Jersey, Vermont, Wisconsin and Wyoming - are waiting to be approved by the Federal Emergency Management Agency, which oversees the Lost Wage Assistance program, for six weeks' worth of funds. With just 6%, or \$2.5 billion, of FEMA's \$44 billion chest remaining to make

LWA payments to states, residents of those eight states may not receive the \$300 for the entire six weeks.

\$300 unemployment benefits end in at least 9 states as stimulus hopes fade (CNBC)

(9/22/2020 10:45 AM, Greg Iacurci)

States are starting to run out of funding for enhanced unemployment benefits, leaving millions of workers without additional aid as hopes for more stimulus dwindle. At least nine states — including Alabama, Arizona, Idaho, Massachusetts, Missouri, New Hampshire, Rhode Island, Texas and Utah — have finished paying a \$300 weekly unemployment subsidy to workers eligible for the money to date, according to state officials. Others, like North Carolina and Tennessee, are poised to finish disbursing the aid, made through the federal Lost Wages Assistance program, as soon as this week.

States received federal grants for up to six weeks of payments, for a total of \$1,800, which is available to individuals receiving unemployment benefits between the weeks ended Aug. 1 and Sept. 5.

As job cuts loom, airlines and their unions lobby hard for federal aid (Los Angeles Times)

(9/22/2020 9:48 PM, Staff)

Air carriers and their unions on Tuesday ratcheted up pleas for an extended COVID-19 aid package to forestall layoffs, but a sudden Supreme Court vacancy and partisan rancor are dimming the prospects. "At this point, it looks like everything is pretty much frozen," said former Sen. Byron Dorgan, who served on the committee overseeing transportation policy. "It doesn't look like anything is going to happen."

Weeks of lobbying, trips to the White House by airline executives and the prospect of massive job losses in states where incumbent Republican senators face tough reelection challenges — such as Georgia, Arizona and Colorado, all home to airline hubs — haven't resulted in movement. The frustration was evident at a press conference Tuesday outside the Capitol, held by a group of airline executives, union leaders and lawmakers from both parties.

Airlines mount a last stand (Politico)

(9/21/2020 3:15 PM, Theodoric Meyer)

Nick Calio, Airlines for America's president and chief executive, will hold a press conference on the Hill this afternoon with the chief executives of American Airlines, United Airlines and JetBlue Airways and the heads of unions representing pilots, flight attendants and other airline industry workers as part of a last-ditch effort to convince Congress to extend billions of dollars of coronavirus relief aid before it runs out on Oct. 1.

In an interview this morning, Calio said the airlines would shed tens of thousands of jobs without additional aid. "We can't afford to keep flying planes with two, three, eight, 15 people on them," he said. The problem: Airlines and their unions have been lobbying Congress for months with little to show for it. "It's a very strange situation," Calio said. "Everyone's for it but we can't seem to get it done." The airlines met with House Speaker Nancy Pelosi on Friday and have been in touch with Mark Meadows, the White House chief of staff, and Treasury Secretary Steven Mnuchin - but Congress remains as deadlocked as it has been for months. "We can't make the case any more than we already have," Calio said. "We're giving it a last try."

Airline CEOs, union leaders implore Congress and the administration to avoid Oct. 1 furloughs (The Hill)

(9/22/2020 6:15 PM, Alex Gangitano)

Airline CEOs and union leaders, joined by members of Congress, made a desperate plea at the Capitol on Tuesday for an extension of coronavirus relief. The group – including Nicholas Calio, head of the industry group Airlines for America; Doug Parker, CEO of American Airlines; Robin Hayes, CEO of JetBlue Airways; and Scott Kirby, CEO of United Airlines – stressed at a press conference the high stakes situation for airline workers and that time is running out.

A six-month extension of the Payroll Support Program (PSP), which was included in the CARES Act in late March, would allow other airlines to avoid upcoming Oct. 1 layoffs. Under the terms of that law, airlines are prohibited from firing or laying off any employees until Oct. 1. House Transportation and Infrastructure Chairman Peter DeFazio (D-Ore.) and Rep. Sam Graves (R-Mo.), the top Republican on the panel, were also at the press conference and called for action on the next coronavirus relief package.

Airlines, Unions Mount Lobby Blitz for Aid Before Oct. 1 Layoffs (Bloomberg)

(9/22/2020 10:12 AM, Alan Levin, Billy House & Keith Laing)

Air carriers and their unions on Tuesday ratcheted up pleas for an extended Covid-19 aid package to forestall layoffs, but a sudden Supreme Court vacancy and partisan rancor are dimming the prospects. "At this point, it looks like everything is pretty much frozen," said former Senator Byron Dorgan, who served on the committee overseeing transportation policy.

"It doesn't look like anything is going to happen." Weeks of lobbying, airline executives' trips to the White House and the prospects of massive job losses in states where incumbent Republican Senators face tough re-election challenges -- such as at airline hubs in Georgia, Arizona and Colorado -- haven't resulted in movement. A group of airline executives and union leaders, led by the trade group for large carriers, Airlines for America, plans to hold a news conference pressing for an aid package later Tuesday at the Capitol.

Delta Delays Pilot Furloughs for One Month (MSN)

(9/22/2020 3:46 PM, Lou Whiteman)

Delta Air Lines will delay a decision on whether to furlough pilots until at least Nov. 1, allowing time for the industry and its workers to lobby for additional government assistance. Airlines including Delta have been hit hard by the coronavirus pandemic, which has caused second-quarter revenue to fall 80% year over year. The industry has been aided by \$25 billion in payroll support secured in the CARES Act stimulus plan, in return for airlines doing no layoffs through Sept. 30.

With the deadline fast approaching, Delta and other airlines are making plans to trim their payrolls in October. The airline has been in discussions with its chapter of the Air Line Pilots Association concerning how to cut costs, and according to an ALPA update Tuesday, has agreed to hold off on cuts while Washington debates further payroll assistance to the industry. "This move will provide time as we continue to lobby for a clean extension of the CARES Act and the Payroll Support Program and resume our negotiations with Delta," ALPA told members. Delta has said that absent a deal with the union, it could eventually furlough up to 2,000 pilots. Other airlines have had more luck working with labor to find

ways to avoid furloughs.

[Delta delays decision to furlough up to 2,000 pilots until Nov. 1, union says \(Fox Business\)](#)  
(9/22/2020 1:26 PM, Megan Henney)

Delta Air Lines has delayed a decision to furlough close to 2,000 pilots until Nov. 1, the union representing its pilots said Tuesday. "This move will provide time as we continue to lobby for a clean extension of the CARES Act and the Payroll Support Program and resume our negotiations with Delta," the Delta chapter of the Air Lines Pilots Association said in a statement provided to FOX Business.

The air carrier had previously planned to lay off about 1,941 pilots in October unless it received additional federal funding from Congress as the travel industry struggles to rebound from the coronavirus pandemic. Under the terms of a \$25 billion bailout fund that was created earlier this year as part of the CARES Act, airlines are prohibited from cutting jobs or reducing workers' pay through Sept. 30. Delta received \$5.4 billion through the program. Delta said last week that it will avoid involuntary furloughs for most frontline employees, the result of thousands of employees who participated in voluntary leave programs and reduced work hours.

[White House unveils a new relief bill strategy to avoid mass airline worker layoffs, schedule cuts \(USA Today\)](#)

(9/22/2020 6:01 PM, Chris Woodyard)

The Trump administration indicated Tuesday that it would support separate funding measures to provide more financial relief for airlines, a move that could stave off layoffs of thousands of workers and drastic cuts to flight schedules. With talks for an overall additional stimulus deal stalled, Press Secretary Kayleigh McEnany encouraged House Speaker Nancy Pelosi, D-Calif., to send separate funding bills, including one for airlines.

Two Republican senators, Roger Wicker of Mississippi and Susan Collins of Maine, offered a \$28 billion package to the airline industry in a measure announced Monday, the Air Carrier Worker Support Extension Act. Without Pelosi's support on the House side its fate is uncertain. While employee unions are supportive, one economist issued a statement saying she doesn't think another relief package is a sound idea. Airlines should look to private markets, not the government, said Veronique de Rugy, a senior research fellow at the Mercatus Center at George Mason University.

[How The U.S. Unemployment Rate Is Calculated, And What It Really Means \(Huffington Post\)](#)

(9/22/2020 7:16 PM, Casey Bond)

Along with the gross domestic product and the inflation rate, the unemployment rate is considered one of the most important economic indicators. As we battle the coronavirus pandemic and a recession, that number is tossed around even more than usual. The nation's unemployment rate is one of the two key numbers reported every month by the Department of Labor, said Mark Hamrick, senior economic analyst at Bankrate.

The unemployment rate that most of us hear about is known as U-3. This represents the number of unemployed people as reported by states, divided by the number of people in the workforce, said Jane Oates, a former Labor Department official who now serves as president of the advocacy group WorkingNation. The Bureau of Labor Statistics reports this number on the first Friday of each month. Even though a single unemployment rate is often

referenced, there are actually several different numbers in the monthly BLS report related to unemployment.

Unemployment gap widens as overall rate falls (Fox Business)

(9/22/2020 4:23 PM, Brittany De Lea)

While the U.S. economy shows signs of recovery following devastation wrought by the coronavirus pandemic, improvements do not appear to be equal across all demographics. The overall U.S. unemployment rate fell by 1.8 percentage points to 8.4% in August as the U.S. economy added 1.4 million jobs. The number of unemployed individuals fell by 2.8 million to 13.6 million. The unemployment rate has fallen faster for White workers than Black workers, leaving a widening gap.

According to data from the Federal Reserve Bank of St. Louis, the unemployment rate for white workers in August was 7.3% - lower than the national average - while the rate for black workers was 13%. In June, the gap between the two groups' unemployment rates hit the widest level in five years - at 5.3 percentage points. By August, that gap had widened to 5.7 percentage points. While a gap has traditionally existed between unemployment rates for the two groups, the Black unemployment rate was hovering near historic lows prior to the pandemic.

Coronavirus pandemic has destroyed 1.4M franchise jobs, causing 'lasting' damage: industry group (Fox Business)

(9/22/2020 2:48 PM, Evie Fordham)

The coronavirus pandemic wiped out an estimated 1.4 million franchise jobs through the end of August, causing "Lasting perennial damage" to the sector in the U.S., according to the International Franchise Association. Nearly 60% of the job losses were classified as temporary, although recent data shows many U.S. employers who thought they'd be able to rehire furloughed workers are now saying they cannot.

"This report shows that COVID-19 has caused a staggering amount of business closures and layoffs across franchise businesses," Robert Cresanti, International Franchise Association president and CEO, said in a statement. "These are locally owned, community businesses like exercise studios, dry cleaners, restaurants, and bars. Additional broad-based and long-term Congressional action is desperately needed to stave off additional closures and layoffs, particularly for the hardest-hit businesses."

Brookfield Properties' retail arm is laying off 20% of its workforce, as pandemic hits malls (CNBC)

(9/22/2020 9:02 AM, Lauren Thomas)

One of the biggest retail real estate owners in the country, Brookfield Properties, is going through a major round of job cuts, CNBC has learned, as the coronavirus pandemic takes a toll on its business and new leasing activity at its malls dries up.

"While many companies were quick to implement furloughs and layoffs at the onset of the pandemic, we made the conscious decision to keep all our team employed while we gained a better understanding of its longer-term impact on our company," Jared Chupaila, CEO of Brookfield Properties' retail group, said this week in an email to employees, which was obtained by CNBC. However, he said, the mall owner has now decided to make cuts "to align with the future scale of our portfolio."



Chupaila said the reductions are going to affect roughly 20% of the company's workforce, across both its corporate headquarters and leasing agents in the field. Brookfield Properties' retail division employees about 2,000 people.

Ralph Lauren laying off thousands in pandemic slowdown (The Hill)

(9/22/2020 2:58 PM, Kaelan Deese)

Ralph Lauren announced it would lay off thousands of its global workforce by the end of the fiscal year as the company struggles during the coronavirus pandemic. Reuters reported that the luxury brand would cut 15 percent of its workforce as it aims to lower costs because of the impact the COVID-19 pandemic has had on global economies. The company did not detail how many or what types of jobs would be cut.

Ralph Lauren last reported a total workforce of around 24,900, meaning 3,700 employees' jobs could be on the line. "The changes happening in the world around us have accelerated the shifts we saw pre-COVID, and we are fast-tracking some of our plans to match them," Chief Executive Officer Patrice Louvet said in a statement.

Ralph Lauren to lay off thousands as pandemic dulls luxury fashion (Reuters)

(9/22/2020 10:18 AM, Staff)

Ralph Lauren Corp said on Tuesday it would cut 15% of its global workforce by the end of this fiscal year as the luxury retailer strives to lower costs and ride out the impact of COVID-19 on sales and shopping habits. The New York-based fashion house, which has 530 stores globally, said the changes would see it move more business online. The company did not say how many or what type of jobs could go, but based on its last reported total workforce of about 24,900 employees, the changes could impact more than 3,700 employees.

"The changes happening in the world around us have accelerated the shifts we saw pre-COVID, and we are fast-tracking some of our plans to match them," Chief Executive Officer Patrice Louvet said. The health crisis has hit demand for high-end handbags, apparel and accessories as more customers hold back on non-essential spending, forcing many companies to slow their expansion plans. It has also put the brakes on the industry's biggest ever merger, with France's LVMH trying to back out of its \$16 billion deal to acquire Tiffany & Co.

Housekeepers Still Bearing the Brunt of Pandemic Unemployment Low pay and lack of benefits hinder residential housekeepers from recovery (Cleaning & Maintenance Management)

(9/22/2020 5:44 AM, Staff)

As the pandemic will soon enter its eight month in the U.S. and unemployment numbers continue to look sobering, not everyone in the cleaning industry is employed. Perhaps the hardest hit group is residential cleaners/housekeepers, according to a feature article in The New York Times.

According to a survey by the National Domestic Workers Alliance, 72% of residential housekeepers reported they had lost all of their clients by the first week of April. While a minority were fortunate to have their employers continue to pay them while they remained home, others didn't hear anything from their customers who "ghosted" then instead of laying them off directly.

Although housekeepers began picking up work again in July, they have been working shorter hours compared to pre-pandemic and often for lower wages. Others have found themselves in dangerous situations. One housekeeper related how she was called back to a regular client's home to clean and, finding no one home, worked for several hours until a neighbor alerted her the family had COVID-19 and apparently wanted her to disinfect their home.

651,000 Jobs Supported by U.S. Beer Industry to be Lost Due to COVID-19 Pandemic (Morningstar)

(9/22/2020 8:40 AM, Staff)

Today, the Beer Institute, the Brewers Association, the National Beer Wholesalers Association and the American Beverage Licensees released a report from a leading economic firm showing more than 651,000 jobs supported by the U.S. beer industry will be lost by the end of the year due to the COVID-19 pandemic. These job losses include more than 3,600 brewing jobs, 1,800 distributing jobs and 400,000 retail-related jobs. The report forecasts the COVID-19 pandemic will result in retail beer sales declining by more than \$22 billion.

"Although millions of Americans continue to enjoy beer responsibly every day, because of the COVID-19 pandemic, the beer industry has seen a dramatic decline both in sales and jobs that rely on our nation's most popular alcohol beverage," said Jim McGreevy, president and CEO of the Beer Institute. "We hope policymakers consider that our nation's brewers and beer importers are having to make difficult decisions to adjust for the impact of the COVID-19 pandemic. Members of Congress should pass legislation to ensure our nation's beer industry does not face a \$154 million annual tax increase next year, and state legislatures should not raise taxes on the beer industry to resolve budget shortfalls. These tax increases will only result in additional job losses for our nation's brewers and beer importers and the millions of American's whose livelihood depends on them."

[VT] Vermont jobless rate shows steep decline, but the news is not all good (VTDigger)

(9/22/2020 5:01 PM, Art Woolf)

Vermont's unemployment rate fell from 8.3% in July to 4.8% in August, one of the biggest declines of any state. Vermont is one of a handful of states with an unemployment rate below 5.0% - the U.S. rate is 8.4%. Vermont's rate is now only a little more than two points higher than it was before the pandemic hit in March. Good news, no? No. If the unemployment rate fell because fewer people were unemployed, and therefore more were working, that would be good news.

The number of unemployed Vermonters did fall in August, by more than 13,000. The number of people who said they were working also fell, by 2,000. So the formerly unemployed Vermonters didn't get jobs. They gave up looking for work and left the labor force. Vermont's labor force, the sum of those working and actively looking for work, fell by 15,000 people and is now lower than it has been in 24 years. Whatever is going on in Vermont, it is different than in the U.S.

[PA] New Pandemic Unemployment Assistance payments paused in Pennsylvania due to uptick in suspicious claims (WTF-TV 33 Harrisburg)

(9/22/2020 5:44 AM, Laura Benshoff)

Pennsylvania is suspending payments for new claims to the Pandemic Unemployment Assistance program, known by its acronym PUA, while the state deals with a spike in

suspected fraudulent claims. PUA was created through the federal CARES Act and is easier to apply for than other forms of unemployment benefits. As a result, it has extended benefits to millions of non-traditional workers, such as temps and gig workers, but it's also been the target of fraud nationwide, with scammers often using the stolen identities of real people to apply.

On Thursday and Friday of last week, applications to Pennsylvania PUA rose dramatically and were mostly from out-of-state, both red flags, said Secretary of Labor and Industry Jerry Oleksiak during a briefing on Monday. New applications had settled to around 5,000 per day, but on those days they suddenly spiked to around 20,000 per day. "This is a national issue, it is not just a Pennsylvania issue. We are learning from other states what we need to do to combat this, and we're hoping the new steps we're taking can put an end to it," he said.

[PA] New wave of Pandemic Unemployment Assistance fraud (Lower Bucks Times)  
(9/22/2020 3:27 PM, Staff)

The Pennsylvania Department of Labor & Industry announced that due to an alarming spike in suspicious applications for unemployment benefits through the Pandemic Unemployment Assistance program, additional anti-fraud and identity verification measures will be put in place. Payments for new applicants are being temporarily delayed and the department will provide more information as the enhancement continues.

There is no effect on people who have already opened a PUA claim. "We know the PUA program is a lifeline for many families, and we want these Pennsylvanians to be able to access support as quickly as possible during this time of hardship," said L&I Secretary Jerry Oleksiak. "However, we have a fiduciary responsibility to ensure taxpayer money is being spent appropriately. We are working to get additional anti-fraud measures put in place as quickly as possible so we can return our focus to serving Pennsylvanians in need instead of fighting scammers and thieves."

[MD] Baltimore City schools will lay off 450 temporary workers and halt hiring (Baltimore Sun)

(9/22/2020 3:29 PM, Liz Bowie)

Baltimore City Schools will lay off about 450 temporary employees and freeze hiring throughout the school system in an attempt to reduce a \$21 million budget gap for the current fiscal year. The temporary staff positions include many full-time employees in schools, including some teachers and teacher aides who help instruct classes. The layoffs will trim about \$3.7 million in spending by the end of the fiscal year on June 30.

Schools CEO Sonja Santelises said she is taking the steps now because of uncertainty about whether the federal government will provide more funding to help school districts during the coronavirus pandemic. While the \$21 million gap between expenditures and revenues for this year is not a large percentage of a \$1.1 billion budget, Santelises said, expenses could increase in the coming months as she tries to implement a model that brings students back a couple of days a week and maintains online instruction.

[KY] Kentucky wins quick federal approval for extra jobless aid (San Francisco Chronicle)  
(9/22/2020 7:21 PM, Bruce Schreiner – Associated Press)

Kentucky won swift federal approval for another infusion of extra unemployment payments for many people who lost work during the COVID-19 outbreak, Gov. Andy Beshear said

Tuesday. The go-ahead came one day after Beshear announced his administration requested the supplemental \$400 in weekly jobless benefits for an additional three weeks. It means qualified Kentuckians will receive higher benefits for the weeks of Aug. 22, Aug. 29 and Sept. 5, he said.

"It's a win for those that have been struggling to get those extra dollars in," the governor told reporters. "It's also a win for our state because it continues consumer confidence. We see the money cycle through our economy, especially retailers and others that have been struggling." Beshear also reported 824 more COVID-19 cases statewide and seven more virus-related deaths.

[KS] Kansas Department of Labor working to meet demand as many Kansans are still waiting for unemployment (WIBW-TV CBS 13 Topeka)

(9/22/2020 9:39 PM, Isaac French)

Months after Covid threw the state's unemployment system into turmoil, some are claiming they still haven't received any form of payment. Shelly Mosley was laid off from her health care job in March. When employees were called back in June, her supervisor decided it was best for Mosley to not return because of her health conditions. "I am very worried about getting Covid because I've ended up in the hospital before with my stomach conditions as well as bronchitis so my unemployment stopped June first, I emailed the paperwork that next Monday."

After that, all Mosley could do was wait. "I gave them a little bit because I knew that paperwork is going to take some time and I waited till July 6th and I spoke with Denise with the unemployment and she informed me that they had not received any of my paperwork requested. On July 10th I spoke with a gentlemen, he was able to tell me that they did receive it and then I called time after time on July 16th, July 17th just to get an update and I hadn't heard anything back." Mosley finally did get a response and she found out she wasn't the only one experiencing problems. "On August 12th, I received an email that the appeal was received on July 21st and they were working on claims from June 18th, and a lot of people's claims, you know that two months they're behind in August."

[OK] About 100,000 Oklahomans will see an additional \$300 a week in unemployment benefits (Tulsa World)

(9/22/2020 6:00 PM, Barbara Hoberock)

The Oklahoma Employment Security Commission began processing an additional \$300 a week in federal unemployment benefits this week for those affected by COVID-19, said Shelley Zumwalt, executive director. The \$300 benefit, called Lost Wages Assistance, is on top of the regular state and federal benefits. The maximum without the extra \$300 is \$539 a week, she said.

"Our federal partners allowed the benefit from Aug. 1 through Sept. 5," she said. It is expected to affect about 100,000 people, she said. "To be eligible, you have to have received at least \$100 in benefits each week of any benefit type and you must be unemployed due to COVID-19," she said.

[CO] Colorado announces mandatory furlough for state workers (US News & World Report)  
(9/22/2020 6:31 PM, Patty Nieberg - Associated Press)

Colorado Gov. Jared Polis announced mandatory furloughs of state workers due to pandemic-related budget cuts and warned Tuesday about a third wave of coronavirus

outbreaks if the state's upward trend continues. The number of days are based on an employee's annual salary with exemptions for those necessary for the COVID-19 response, assisting Coloradans in finding jobs, and protecting public safety and roads, as well as workers earning \$50,000 a year or less. "The public sector, too, needs to tighten its belts to get through this," Polis said at a news conference.

Workers earning \$50,000 to \$70,000 will be furloughed for one day, \$70,000 to \$90,000 for two days, \$90,000 to \$140,000 for three days; and above \$140,000 for four days. In April, Polis announced nearly \$289 million in cuts to the budget for the fiscal year ending June 30 to offset declining revenue. The cuts affected numerous agencies and projects, but they didn't include layoffs or furloughs of state employees.

[CO] Unemployed and nearly homeless, jobless Coloradans whose benefits are on hold are crying for help (Colorado Sun)

(9/22/2020 7:05 AM, Tamara Chuang)

Jennifer Milton is one of the 7,800 Coloradans wondering what happened to her weekly unemployment check. She hasn't received a penny since July 21. The thing is, she just can't seem to get an answer. There's no evidence that her account was flagged as fraudulent and caught in the ongoing investigation by state and federal agents to stop claims based on stolen IDs. Milton, who shared her documents with The Colorado Sun, admits that she made mistakes filling out her forms but has fixed them. In March, she lost her dream job in sales at a CBD startup. She was sleeping in her car until a friend in Westminster let her crash at his place. "All my belongings were packed in my car and I had no place to put my stuff when my car was broken into and all my clothes were taken. Everything important to me, just gone overnight (including) a very valuable postage stamp collection," Milton said. "I've called unemployment every week with no results at all. ... This whole thing is quite frustrating."

There are countless Coloradans caught up in an unemployment system that was overwhelmed by the coronavirus pandemic. While more than 700,000 people have filed for unemployment since mid-March, at least 245,078 were still collecting unemployment as of Sept. 5. The fraud investigations kicked out more than 100,000 claims, but as of Friday, at least 7,800 were still on hold and waiting. The situation has become dire for many who are struggling to find work and pay rent while also trying to figure out why their unemployment claim is still on hold. In an email, Stuart Hamp said he sent numerous copies of his driver's license to get his identity verified, but there's been no change in his claim and he's received no benefits since filing June 7.

[NM] New Mexico now borrowing from feds to pay state unemployment benefits (KRQE-TV CBS 13 Albuquerque)

(9/22/2020 4:05 PM, Chris McKee)

More than six months into the COVID-19 pandemic, the state fund used to pay New Mexico's unemployment claims has been completely drained, forcing the state to borrow cash from the federal government to pay more than 90,000 jobless continued claims. The unprecedented situation has New Mexico lawmakers evaluating options with how to repay the first-time government loan which could affect future jobless benefits.

The update came from the state department overseeing unemployment benefits Tuesday during a New Mexico House committee hearing. The state's Department of Workforce Solutions has paid over \$2-billion in benefits since March 15. In July 2020, more than

150,000 New Mexicans were continued to receive unemployment benefits, compared to roughly 9,600 New Mexicans receiving benefits before the pandemic in March 2020. "We're spending more on Unemployment Insurance benefits than we're taking in," said Richard Anklam, executive director of the New Mexico Tax Research Institute.

[NV] Continued claims for unemployment in Nevada fall for 5th straight week (Northern Nevada Business Weekly)

(9/22/2020 10:10 AM, Staff)

Initial claims for unemployment benefits in Nevada rose slightly for the week ending Sept. 12, up 381 to 8,332. But continued claims decreased for the fifth straight week, according to updated statistics from the Nevada Department of Employment, Training and Rehabilitation. The 189,007 continued claims is the lowest that number has been since the week ending April 11.

That stats released Sept. 18 by Nevada DETR come two days after the department reported Nevada's August jobless rate and dipped to 13.2%, showing a slow economic recovery continuing for the Silver State. Meanwhile, according to the Sept. 18 stats that report solely on the week ending Sept. 12, the Pandemic Unemployment Assistance program that covers the self-employed and gig workers reported 10,318 initial claims. That is also a slight increase. And as with regular UI claims, the continued claims under PUA declined 11,004 to 94,736 in the week.

[WA] Washington Employment Security Department paid fraudulent claims on its own workers (KING-TV NBC 5 Seattle)

(9/22/2020 10:37 PM, Chris Ingalls)

The Washington Employment Security Department's fraud detection software was so weak in the early stages of the coronavirus pandemic, it couldn't even detect fraudulent claims filed in the stolen identities of the agency's own employees, a KING 5 investigation has confirmed. "How does our own agency not know that we're not unemployed? How did our own system not catch it?" said an exasperated employee who confirmed that Employment Security Department (ESD) workers had been the victims of widespread unemployment imposter fraud. The employee asked not to be identified because they were not authorized to speak on the matter.

KING 5 has repeatedly asked ESD whether its employees were targeted by fraudulent claims. Earlier in September, an ESD spokesperson confirmed that crime rings had filed claims in the stolen identities of ESD employees. However, he would not say if the agency was actually duped by those claims and paid unemployment money to the fraudsters.

[CA] What to Know About the Unemployment System 'Reset' (New York Times)

(9/22/2020 8:38 AM, Jill Cowan)

Was the Saturday night announcement of a "reset" of California's unemployment insurance system an attempt to obscure evidence of a catastrophic failure by a government agency that has been dogged by problems for months? Or was it an urgently needed measure that will ultimately help hundreds of thousands of Californians unemployed because of the pandemic to get their money faster? It depends on whom you ask.

According to The Sacramento Bee's editorial board, the release of a 109-page report on the issues plaguing the state's Employment Development Department on a Saturday night — coupled with the announcement that the department would not accept new unemployment

claims for two weeks — appeared to be “a deliberate ploy to bury bad news.” CalMatters reported that the report was already late and it included some alarming statistics, like the state’s backlog of almost 1.6 million unresolved unemployment claims, which won’t be cleared until late January. And the backlog is growing by thousands each day.

## **Apprenticeship**

[MI] Ford Launches Fast Track Job Program at Michigan Central Station (News Wheel)  
(9/22/2020 10:29 AM, Kyle Johnson)

One of Ford’s goals in acquiring Michigan Central Station is revitalizing a Detroit community and bringing in jobs and revenue. A new Fast Track Job Program announced this month pushes those aspects of the project forward, offering Detroit residents paid hands-on training and a role in the ongoing project. The Fast Track Job Program is a joint effort between Ford Motor Company and partners including Christman|Brinker, Detroit at Work, and the Michigan Building and Construction Trades Council. Twenty-five people will receive training and supervision in trades ranging from masonry and carpentry to electrical and iron work.

“In Michigan and across the country, we are seeing a shortage of skilled workers in the construction industry,” said Ronald D. Staley, executive director of historic preservation, Christman|Brinker. “We have at least a generation where a lot of younger people were pushed into college instead of the hands-on trades. The goal of this program is that participants will be sponsored for a full apprenticeship and go on to have a lifelong career in skilled trades.”

[IL] Real progress being made to increase diversity in union apprenticeship programs  
(Chicago Sun-Times)

(9/22/2020 3:44 PM, Elbert Walters III)

As a 21-year member of International Brotherhood of Electrical Workers Local 134 and an African-American, I was very proud to see that the hard work of my union brothers and sisters and all workers was celebrated on Labor Day. Labor Day pays tribute to the many contributions workers have made to the strength, prosperity and well-being of our country, and there are few places in the United States with a more vibrant labor history than Chicago. That’s why I was so disappointed that the Sun-Times, owned in part by local labor unions, chose to publish a story on Labor Day that failed to recognize local efforts made by labor to increase diversity among its ranks. The article uses statewide statistics to infer that no progress has been made in the Chicago area to increase opportunities for people of color to access apprenticeships and well-paying jobs in the trades. Citing statewide statistics fails to acknowledge the progress that many Chicago area unions have made in tackling this challenge head-on.

At IBEW Local 134, we’re proud of the fact that 41.1% of our electrical apprentices are people of color and of our tireless work to continue strengthening our diversity, equity and inclusion. Our entire industry, IBEW 134 and the Electrical Contractors’ Association of City of Chicago, has dedicated a tremendous amount of time and resources devoted to outreach in underserved communities. We have instituted partnerships with high schools and community groups to share the knowledge of how to access our apprenticeship program. We have created hands-on programs inside of public and private high schools like Dunbar, Simeon, Prosser, Juarez and Leo to increase awareness of our trade. We also participate at church-sponsored events, adult-based job readiness programs and career fairs across the

city's South and West sides.

[TX] International Training Institute Selects Interplay Learning to Elevate Its Online Training Technology for More Than 14,000 SMART Apprentices Using Virtual Reality (Houston Chronicle)

(9/22/2020 3:40 PM, Staff)

Interplay Learning, the leading provider of online training for skilled trades utilizing virtual reality and 3D simulations, announced today that it has partnered with the International Training Institute, to provide more powerful and faster hands-on training to more than 14,000 International Association of Sheet Metal Air, Rail and Transportation Workers apprentices. Interplay Learning's technology helps ITI tackle its daily challenge of training thousands of apprentices in HVAC and safety, quickly and efficiently.

A 2D and 3D testing module for the fire life safety damper is in development, and will be added to their available course catalog with other co-developed virtual reality content. "ITI is using Interplay Learning's technology to attract a new generation of professionals, change the way the workforce thinks about hands-on training and make learning faster and more powerful," said Michael Harris, Program Administrator at International Training Institute. Effectively and quickly assessing, hiring and training thousands of workers located nationwide has traditionally presented challenges. Interplay's scalable solution determines a tech's skills by providing a comprehensive, at-a-glance view into skill level, training progress and field readiness. Competency-based assessments and field-like troubleshooting simulations identify strengths and weaknesses, which lead to assignment of expert-led, on-demand courses in HVAC, electrical and plumbing to close skills gaps.

[CA] California Central Valley Congressman Josh Harder Introduces Bill to Provide College Credit for Apprenticeships (Sierra Sun-Times)

(9/22/2020 5:18 AM, Staff Report)

Representative Josh Harder (CA-10) on Monday introduced the Apprenticeships to College Act, which would expand a program allowing skilled workers to earn college credit for apprenticeships they've already completed. In California, most apprenticeships last one to five years, meaning although skilled professionals have already spent a substantial amount of time studying for their career, many are not eligible for college credit. "If you're a carpenter in Modesto and you want to go back to school to get a degree and start your own business, you've already spent years in a real-world classroom – that should count for college credit," said Rep. Harder. "We need to give people who want to continue their education a chance to do that without having to start from scratch and break the bank along the way. That's where my bill comes in."

"As President of the San Joaquin Building Trades, we believe Joint Labor/Management apprenticeship programs are "The other Four-year degree." As a Journey person and graduate of an apprentice program, you will continue your education throughout your career," said Michael Marks, President of The San Joaquin Building Trades. "We support legislation that will help apprentice graduates continue to succeed in their trade by allowing easier transferable college credit of our programs to colleges across the country." An existing partnership between the Department of Labor and Department of Education helps facilitate cooperation between apprenticeship programs, colleges, and employers to ensure apprenticeship programs count towards college credit. However, the program's reach is limited, and it is not established in federal law.



## Labor

### New app creates jobs in a burgeoning field: Evictions (CBS News)

(9/22/2020 3:41 PM, Irina Ivanova)

For millions of Americans, the coronavirus's devastating economic impact has meant struggling to keep a roof over their head. But for one new "gig economy" app, the historic crash means something else: a business opportunity. The company behind the app, which is called Civvl, offers workers a chance to "Join the eviction crew," noting that many people are falling behind on their rent or mortgage. Users can also work as a process server, a job that involves serving a variety of legal papers to people.

"Work on your own schedule," Civvl says on its website, where users can apply for gigs in "property preservation" and "debris removal." In dozens of Craigslist ads posted in August and September, Civvl advertises earnings of "up to \$125 an hour" or \$2,800 a week. "Unemployment is at a record high and many cannot or simply are not paying rent and mortgages," reads a typical ad. Ads for Civvl appear on Craigslist boards in cities including Atlanta, Chicago, Las Vegas, Los Angeles, New York, St. Louis and San Francisco. "We are being contracted by frustrated property owners and banks to secure foreclosed residential properties. There is plenty of work due to the dismal economy."

[Editorial note: consult source link for video]

### The Highs And Lows Of The COVID-19 Pandemic For Working Parents, And The Implications For The Future Of Work (Forbes)

(9/22/2020 8:30 AM, Kristina Durante et al)

The COVID-19 pandemic radically changed both the corporate workplace and our home life overnight. For employees with the luxury of telecommuting, the initial phase of the pandemic had highs and lows. Working from home and the absence of a long commute provided the opportunity to be more productive than before.

However, for many, the "home" office was not a place of quiet isolation. It was a place where work and home life were no longer balanced, but in direct overlap. The significant increase in unpaid labor inside the home blurred the lines between paid and unpaid household labor. COVID-19 hit women particularly hard in terms of job losses, increased care responsibilities at home, and heavy representation among low-wage workers on the front lines.

### Buy Or Build? What Customized Tech Is Teaching Us About Talent (Forbes)

(9/22/2020 8:40 AM, Meighan Newhouse)

As companies focus more and more on digitization, automation, digital transformation and all the other "-tions," they are often putting the cart before the horse. They are looking for a panacea that will cure all that ails their organization, and they often look to the marketplace for a technology solution that fits the bill. What they soon find, and what you may have experienced yourself, is that there is no silver-bullet-solution for your organization. A company's needs are unique, even if its products, services, process breakdowns or personnel issues are not.

In my experience, technology implementations of large-scale solutions bring in some of what an organization needs and a lot of what it doesn't. This is the buy solution — going to the marketplace for a technology platform that delivers only some of what an organization

needs or wants. There are some great off-the-shelf options on the market, but the advent of low-code development has also created the opportunity for companies to build and update custom platforms, often faster, cheaper and with the ability to integrate into the existing tech ecosystem.

#### A New Contract with the Middle Class (Brookings Institution)

(9/22/2020 5:00 AM, Richard V. Reeves & Isabel V. Sawhill)

An aristocratic leisure class and a welfare-dependent underclass are equally unappealing to most Americans. This is why most people say they belong to the middle class. It is also why paid work is seen as so important. Americans – above all the newest among us, immigrants – want a society where everybody has the chance to “make something of themselves.”

Today, this contract is collapsing. Middle class families are working harder, with too little to show for it. Confidence in the prospects for the next generation is low. Trust in our institutions, and even in each other, is declining. The gaps between us are widening. Populism, fueled in part by middle class discontent, is rising.

The COVID-19 pandemic has been like the flash of an X-ray, exposing the deep fractures in our society – not least by race, but also by social class and economic status. Well-educated professionals, secure in their jobs and safe in their homes, have been observers of the devastation all around them.

#### Federal Cybersecurity Jobs Unfilled, Presenting Opportunity (Dice)

(9/21/2020 7:42 AM, Staff)

While the cybersecurity skills gap in the private sector has been fairly well chronicled over the years, including a recent study published by the Enterprise Strategy Group and the Information Systems Security Association, the U.S. federal government is also struggling to recruit and maintain security talent at a time when threats from nation-state actors continue to grow. In fact, while the public sector currently employs around 52,000 cybersecurity professionals, another 31,000 positions remain open — meaning about one in three security jobs at the federal level are going unfulfilled, according to a whitepaper released this month by the Cyberspace Solarium Commission.

The Cyberspace Solarium Commission was created under the 2019 National Defense Authorization Act, and is currently co-chaired by Sen. Angus King (I-Maine), and Rep. Mike Gallagher (R-Wis). In March, the commission released a highly anticipated report that included 75 recommendations for revitalizing and revamping cybersecurity throughout the U.S., including election security improvements designed to protect the vote this November.

#### Using AI to Improve Hiring Legally and Ethically (HR Daily Advisor)

(9/22/2020 5:00 AM, Shiran Danoch, Gal Sagy, Aaron Crews & Matt Scherer)

Artificial intelligence (AI) and the ability to predict outcomes based on analysis of patterns are helping advance almost every area of human society, ranging from autonomous vehicles to predictive medicine. The business world derives great value from AI-driven tools and leverages data in almost every function.

Most interestingly, perhaps, is the recent proliferation of AI tools in the Human Resources field that address hiring, internal mobilization, promotion, and the possible effects deploying these technologies can have on the business overall. These tools can offer great value to HR professionals, as they aim to save time, lower recruiting costs, decrease manual labor, and collect vast amounts of data to inform decisions while helping avoid biases in human

decision-making. Companies must comply with strict legal and ethical requirements, and it's incumbent upon HR leaders to understand how incorrectly deployed and designed AI tools can also be a liability.

#### Top Tips for Building a High-Performing Remote Workforce (HR Daily Advisor)

(9/22/2020 5:00 AM, Staff)

It started as a giant experiment, albeit one borne of necessity. When the coronavirus began sweeping the nation in March, companies had to act quickly and pivot to an entirely remote workplace. It was a new concept for most, given that until then, just 7% of employees across the nation regularly worked from home, according to a Pew Research Center report based on data from the Bureau of Labor Statistics.

All in all, the transition has been successful, with Mercer reporting that 83% of the nearly 800 U.S. companies interviewed in a recent survey are now considering making a flexible workplace a bigger part of their plans moving forward. But that same study also revealed some obstacles: Two-thirds of corporate leaders and managers believe managing a flexible workforce will be a challenge moving forward; more than half think maintaining the culture will be a challenge; and 42% expressed concern about applying consistent flexible work arrangements across their companies.

#### Why the US Manufacturing Failed to Stand Strong During the Pandemic (Industry Tap)

(9/22/2020 1:44 PM, Bill Toulas)

The COVID-19 pandemic has hit the United States hard, and one of the fields that succumbed to the pressure was that of manufacturing. From virus testing kits and pharmaceuticals to personal protective equipment and medical supplies, the country's manufacturing output wasn't enough to provide these in the numbers required. That was even though the nation declared a national emergency, and even car manufacturers joined the effort to produce what was needed.

While one can argue on many potential factors for this failure, there are some pivotal elements that played a key role beyond doubt. The U.S. has been promoting liberal international trade and globalized manufacturing for decades now, so many American firms have taken significant portions of their production elsewhere. There is more focus on R&D rather than manufacturing stuff in the country. There was no central manufacturing plan or authority in place during the pandemic.

#### Who is the employee of the future, and how has COVID-19 changed them? (Kronos)

(9/22/2020 4:00 PM, Michael Puck)

If you're an HR leader who believes your people are your greatest asset – and by now thanks to all we've been through you probably should be – you're likely wondering how COVID-19 has changed their perspective on work. Have the wants, likes, and preferences of your employees changed? Or can you just continue with the same employee value proposition that you had before the pandemic? If adjustments are imperative, in which areas do you need to change? Should you even have to worry about all of this since there is clearly a surplus of available workforce in the market right now? To answer these questions, let's start with a story about ice cream.

Yes, you heard me right – ice cream will help us understand the changes going on in the workforce right now. According to the International Ice Cream Association, vanilla remains the most popular flavor with 28 percent of all votes. Vanilla ice cream has been around for

over 200 years, but can you imagine an ice cream truck that is offering only vanilla ice cream? How about a supermarket that only carries vanilla ice cream? If you're thinking that would be ridiculous in most scenarios I would whole-heartedly agree. Consumer expectations have changed and today, the average grocery store in the US offers at least 58 different flavors, and in total there are more than 1,000 different flavors of ice cream available.

#### Is Re-Shoring the Answer to Our Manufacturing Woes? (Morning Consult)

(9/22/2020 5:00 AM, Keith B. Belton)

As the presidential race heats up, both candidates are targeting battleground states in the industrial Midwest. Both are talking about bringing back manufacturing jobs, which dropped by one-third since the turn of the century. And both emphasize re-shoring as the solution. Joe Biden wants to change the tax code to punish outsourcing and reward firms that bring jobs back to the United States. Donald Trump is threatening something similar and has already offered federal loans and contracts for re-shoring production of essential medicines.

Congress is also on board: Bipartisan legislation has been introduced to re-shore electronics, pharmaceuticals, and semiconductors. The idea of re-shoring isn't unique to the United States. The pandemic has revealed the fragility of global value chains, and calls for re-shoring can be heard around the world: in France, Germany, Australia, Japan, and South Korea.

Fortunately, more and better options arise from a focus on resilience — a manufacturing sector that can adjust in real time to supply chain disruptions — wherever they may occur — while minimizing any loss to consumers. The first is re-engineering. Supply chain risk is inherent in its design.

#### Study: Industrial workers see pandemic placing family safety in conflict with financial security (Plant Services)

(9/22/2020 1:14 PM, Staff)

WorkStep, the company helping large industrial employers, including 16 of the Fortune 500, source, screen, hire, and retain their frontline workforce, today releases "COVID-19 and Flight Risk in the Industrial Workforce." The data finds that the majority of industrial workers feel their safety and their family's financial security are in conflict through the pandemic.

"From the Industrial Revolution through the COVID-19 pandemic, the industrial workforce has been the backbone of the U.S. economy. These heroes make sure there is food on our plates, our packages arrive on time, and our buildings stand strong," said Dan Johnston, CEO and Co-founder of WorkStep. "Yet, while we call these workers essential, the industry has high and increasing turnover rates and ranks the lowest in overall workforce satisfaction. Ensuring that companies have the ability to find - and retain - skilled frontline workers is critical to the success and overall economic health and wealth of our country."

#### Three strategies to defend remote workers from cyberattacks (SC Magazine)

(9/22/2020 8:59 AM, Malcolm Murphy)

The COVID-19 pandemic has accelerated digital transformation with remote workers going from 20 percent to more than 80 percent of the employed population. In the wake of the shutdown, security attacks are on the rise as corporate networks expand from the headquarters to thousands of remote home locations.

1. Skills-training to improve enterprise cyber defenses. When managing a remote workforce, companies must deploy resources in a strategically sound manner, while causing as little disruption as possible.
2. Ditch the Band-Aid solutions. To prevent further strain on corporate networks and IT professionals, many quick-fix solutions such as VPNs are installed throughout businesses. Avoid these quick fixes because they can leave users vulnerable to threats on the wider internet and are a growing target for attacks themselves.
3. Secure the company from the network's core. A recent survey found that as companies go borderless, 59 percent use DDI, a set of core network services, to gain visibility and security controls that traditional security systems lost in third-party clouds.

McDonald's says it's expanding its job preparation program for youths (Chicago Business Journal)

(9/22/2020 10:13 AM, Ben Miller)

McDonald's Corp. said it's expanding its program that provides job preparation training for young people. The Chicago burger giant said it's extended its Passport to Success (PTS) Explorer digital curriculum to reach more young people by partnering with the International Youth Foundation (IYF).

In August 2018, McDonald's launched a massive training program for young people called "Youth Opportunity" that was aimed at assisting at least 2 million young people around the world by 2025 by providing pre-employment job readiness training, actual employment opportunities, and workplace development programs. The latest initiative seeks to expand that program by reaching an additional 100,000 young people by working with historically Black colleges and universities (HBCUs) and city partners to provide young people skills training and opportunities.

Startup recruits cash-strapped gig workers to help landlords evict tenants (New York Post)

(9/22/2020 11:43 AM, Nicolas Vega)

A startup is enlisting cash-strapped gig workers to help landlords evict tenants who can't make rent during the Covid-19 pandemic. Civvl has been posting Craigslist ads in cities across the country, including Denver, Los Angeles and Nashville, boasting pay as high as \$125 an hour to individuals willing to work as process servers and promising that "there is plenty of work due to the dismal economy."

"Unemployment is at a record high and many cannot or simply are not paying rent and mortgages," the posting, which was first spotted by Vice, reads. "We are being contracted by frustrated property owners and banks to secure foreclosed residential properties." The listing calls for workers who are a minimum of 18 years old, and brags that it provides a "true flexible schedule" and a "minimal background check." The average Civvl worker, the post says, completes six jobs a day.

[FL] Goodwill Manasota provides ESOL classes for its employees (Tampa Bay News Wire)

(9/22/2020 3:14 PM, Staff)

In an effort to help its employees to achieve work and life success, Goodwill Manasota is offering virtual ESOL classes each week for team members whose primary language is not English. These classes, which are taught by instructors provided by the Literacy Council of

Sarasota, are provided while employees are on the clock, at no cost to them. Goodwill GoodPartner Coach Pamela Bavo reports that, this year, Goodwill Manasota employs 73 team members who do not speak English as their primary language.

She notes that many employees with limited English language proficiency come from diverse work histories - including engineers, pharmacists or veterinarians - who can't pursue those careers here because of the language barrier or because their credentials don't meet U.S. requirements. "We want to assist our non-English speakers in improving their language skills so that they can enroll in our training programs, get promotions at Goodwill and/or gain the skills and certifications they need to re-enter the industry they worked in before coming to the U.S.," Bavo said. Benefits Bavo has seen for participating team members include greater ease in navigating the workplace, bolstering teamwork, and strengthening the positive workplace culture as well as helping the employee to communicate with important figures in theirs and their children's lives.

[KY] Bellarmine receives \$1M grant to recruit diverse students to STEM fields (Lane Report)  
(9/22/2020 10:44 AM, Jonathan Miller)

With a grant of nearly \$1 million from the National Science Foundation (NSF), Bellarmine University is creating a scholarship program to recruit low-income, high-achieving students into the STEM disciplines of computer engineering, computer science, mathematics and data science. The STEM Career Pathways Scholarship program will award annual scholarships of \$7,200 each to two groups of 11 low-income, academically talented students for four years—one beginning in fall 2021 and the second in fall 2022. When combined with other financial-aid sources, Bellarmine expects the scholarship will cover nearly all direct tuition costs for most of the 22 recipients.

The program will provide career-related experiential learning, through internships or research with industry partners in the community, and help all scholars attain STEM employment or enter a graduate program within six months of graduation.

[AL] Ivey creates Alabama STEM Council (Alabama Daily News)  
(9/22/2020 6:41 AM, Caroline Beck)

Gov. Kay Ivey on Monday announced the creation of the Alabama STEM Council to improve science, technology, engineering and math-related education, career awareness and workforce development opportunities. The council, created through an executive order, has 46 members who will advise state leadership on ways to improve Alabama's education system in order to promote STEM careers and support current and future businesses.

"Alabama has continued to grow into an advanced manufacturing, aerospace engineering and cyber technology center of excellence and as a result, the demand for qualified labor in these sectors has skyrocketed," Ivey said in a statement. "The Alabama STEM Council will play a vital role in ensuring that our state's future leaders have the opportunity to learn STEM-based skills that will help them transition into successful career pathways upon graduation."

[AZ] 'That was my identity': COVID-19 pandemic costing stadium workers their jobs  
(Cronkite News)

(9/21/2020 5:00 PM, Ethan Greni)

In March, teams in the NBA and NHL were closing in on the playoffs, spring training was in full swing in Arizona's Cactus League and Florida's Grapefruit League. March Madness was

about to unfold as college basketball teams competed in conference tournaments. Then it all came to a stunning, abrupt halt because of the COVID-19 pandemic. When Utah Jazz center Rudy Gobert tested positive for the virus, it set off a cascade through every level of sports. The NBA and NHL halted their seasons. The bats fell silent and players packed their bags at spring training venues. Conference basketball tournaments were canceled – during halftime of a game in the case of the Big East Conference event. But athletes were not the only ones sidelined by the pandemic. Those who work at sports venues and depend on the games to make a living felt the sting, too. Maybe more.

When the world went into quarantine last spring, millions of people suddenly found themselves in unemployment lines. In April, the U.S. unemployment rate rose to 14.7%, the highest it's been since the Great Depression. Most of those who work at stadiums were in those lines. Tom Hardison, 38, who had worked nine years for the Levy food-service company primarily as a bartender and in catering at Talking Stick Resort Arena in Phoenix, was drawn to his profession through his love for sports. And then they were gone, along with his job.

[OR] Soft-Catch Tech Wanted by Blueberry Growers (Growing Produce)

(9/22/2020 12:50 PM, Thomas Skernivitz)

Labor issues exacerbated by the COVID-19 pandemic may make for an unprecedented blueberry harvesting season. In turn, growers are increasingly contemplating the use of over-the-row machines to harvest their fresh market blueberries, according to researchers at Oregon State University. Such a switch from hand harvesting to machine harvesting will become more practical with advancements in blueberry harvesting and packing technology, according to Dr. Wei Yang.

The OSU Blueberry Extension Agent, who has been conducting research on machine harvesting for fresh market blueberries since 2015, says the industry is developing better harvester catch systems to minimize internal bruising damage and other challenges that have historically hindered the use of mechanized harvesters. Six companies, Yang says, currently manufacture commercial harvesters. "It's interesting to see this healthy competition," Yang says. "The main difference is how the picking mechanism is designed."

[CA] UC's Master Beekeeper program issues first certificate (Indiana Prairie Farmer)

(9/22/2020 10:43 AM, Kathy Keatley Garvey)

Despite COVID-19 pandemic precautions and constraints, the California Master Beekeeper Program (CAMBP), headquartered at the University of California, Davis, has certified its first-ever Master Beekeeper: Amy Husted of Grass Valley, a veteran beekeeper who also happens to be the first and only beekeeper in her family. Husted, president of the Nevada County Beekeepers Association and a veterinary technician, recently passed the Master-level beekeeper certification process.

CAMBP, founded and co-directed by Extension apiculturist Elina Lastro Niño of the UC Davis Department of Entomology and Nematology, uses science-based information to educate stewards and ambassadors for honey bees and beekeeping. It offers three levels of certification (Apprentice, Journey and Master). Niño launched the first Apprentice class in 2016.

[CA] Rebuilding The Small Business Economy: What It Will Take (Forbes)

(9/21/2020 8:00 PM, Michael Bernick)

The small business economy in California continues to deteriorate rapidly. Small business revenue in California was down 7.2% from January 2020 to early July. In the latest August data, revenue is now down more than 15.9%. The number of small businesses open in the state declined 9.7% from January to early July, by early August the drop had reached 24.7%. There are several strategies needed as part of the rebuilding process in the months. But they all rest on the same imperative: a reversal of the current politics of small business, which is proving destructive for small businesses and for the broader economy.

Let's start with some recent history. A few weeks ago, around 150 small business owners in San Francisco rallied at City Hall, calling for the opportunity to reopen. Since mid-July, the City has re-imposed strict economic lockdowns. "Unbelievably, they're watching as entire business sectors collapse," announced the owner of a fitness center.

## **Child Labor**

NCC: Eliminate Forced Labor in Global Cotton and Textile Production (Cotton Grower)

(9/22/2020 10:02 AM, Jim Steadman)

The National Cotton Council (NCC) remains strongly opposed to use of any forced labor practices within the global production of cotton and all textiles. In a recent statement, NCC President/CEO Gary Adams said, "Unfortunately, these are not new questions facing the global textile supply chain, and we urge companies to implement the internal measures necessary to ensure that their supply chains do not include forced or child labor.

"It is also important to recognize that forced labor practices can occur throughout other product supply chains and not just within cotton fiber and textile production," he pointed out. "As a result, manmade fiber supply chains must be given the same level of scrutiny." Adams further noted that the complexity of global textile supply chains can make it very challenging to verify whether a specific textile or apparel product was made using forced labor at some point in the supply chain.

The child labor alarm of COVID-19 (CGTN)

(9/22/2020 11:59 PM, Hamzah Rifaat Hussain)

On Monday, renowned Indian Nobel Peace Laureate Kailash Satyarthi, credited for rescuing thousands of children in India from the menace of slavery, servitude and trafficking, expressed concern that his efforts may go to waste in the current pandemic scenario. His assessment comes amid a global economic downturn which has put increasing pressure on poorer families faced with little option but to send their children to work amid surging global unemployment. According to UNICEF, in India alone, 10.1 million children are involved in servitude related activities with the numbers potentially swelling as India is now the second most-affected COVID-19 country in the world. As the need to address the pandemic and child labor becomes increasingly relevant to public policy discourse, China's experience of tackling both issues on its shores acts as a blueprint for other countries.

Prior to the implementation of policies is need for a joint, united, comprehensive, coordinated and tactical response to tackle the potency of the virus which has affected millions of people across the world including children. Through strong community engagement and a centralized leadership, China's efforts have been praised by the World Health Organization, allowing for much of the country to reopen its economy, a fact



acknowledged by the Brookings Institute despite the presence of a few additional cases domestically. When child labor existed in China in the past decade, attempts were made to reduce the market share which allowed for the exploitation of children to fester. Such environments are governed by the principle of demand and supply where the high demand for child labor can be satiated with an uninterrupted supply chain.

[AZ] From the fields to the classroom: Inside the lives of U.S. agriculture's youngest workers (NBC News)

(9/22/2020 8:00 AM, Didi Martinez, Gabe Gutierrez, Christine Romo & Nicole Suarez)

It's nearly 4 a.m. in this border town, where a group of day laborers wait under the fluorescent lights of a Chase bank parking lot to board several white school buses. Leslie Aguilar, 15, looks on as her sister, Jimena, 17, boards one of the buses heading to a farm several miles away. This is the first time the sisters are not traveling together and Leslie is concerned. "I don't know where she is going," she says. "I don't know who the people are, where they're taking her and all that." "I don't like to go like this because we usually go together."

The Aguilar sisters have been in the parking lot since 10 the night before, going from bus to bus looking for field work, a task that proves challenging this September morning. Arizona is in between crop seasons, creating a scramble among day laborers for fieldwork. Grown men and experienced workers were picked first that day. "They know that we come day to day to come look for a job," she says. "And they don't accept us. They wish they can, but they can't because they have rules they have to follow. Because some they just need boys."

## **Immigration**

Employers, Visa Opponents Trade Blame for Seasonal Jobs Unfilled (Bloomberg Law)

(9/22/2020 3:47 PM, Genevieve Douglas)

Companies that employ seasonal guest workers on H-2B visas say they still can't find U.S. workers to do these jobs despite massive unemployment triggered by the coronavirus pandemic.

Speaking at a roundtable hosted by the Seasonal Employment Alliance, employers from the landscaping, masonry, and quarry industries recounted how their increased efforts to recruit U.S. workers have not produced the number of seasonal workers they need to keep their companies in business after the government paused the visa program.

Congress Urged To Combat Human Trafficking Of Foreign Workers Through Data Transparency (Forbes)

(9/21/2020 8:00 PM, Chantal Da Silva)

A new report published on Tuesday is calling on Congress to use "data transparency" to help combat the trafficking of temporary foreign workers in the U.S. Titled *The Case for Transparency: Using Data to Combat Human Trafficking Under Temporary Foreign Worker Visas*, the report published by advocacy group Justice in Motion asserts that more could be done to prevent the exploitation of workers if data on how U.S. visas are being used were more accessible to attorneys, advocates and watchdog groups.

In a phone interview on Tuesday, Jeremy McLean, the policy and advocacy manager at Justice in Motion and lead author behind the report, said that in a pre-pandemic world, as many as 1.6 million migrant workers were coming to the U.S. on temporary worker visas

each year, taking on jobs across a number of industries, including hospitality, agriculture and food production.

## **Working Women**

[Scientist Shares Brutally Honest Photo of What Life as a Working Mom Looks Like Right Now \(CafeMom\)](#)

(9/21/2020 5:00 PM, Kaitlin Stanford)

American parents have been stretched to the max for months (regardless of whether they've had to pull double-duty as homeschoolers). But although the current health situation has challenged moms and dads in a hundred different ways, it's pushed working mothers in particular to the brink. No one knows that better than Gretchen Goldman, an environmental engineer who recently went viral for posting a brutally honest behind-the-scenes photo of what a day in the life of a working mom really looks like — pandemic-style.

Goldman has served as the research director of the Center for Science and Democracy at the Union for Concerned Scientists for the last 10 years, where she specializes in climate change and air pollution, according to Today. It's for this reason that CNN recently invited her on an episode of its Situation Room with Wolf Blitzer to discuss the National Oceanic Atmospheric Administration's newest leadership appointment.

## **Wages & Compensation**

[Surge in Wealth May Lead to Complacency on Economy \(Wall Street Journal\)](#)

(9/21/2020 4:56 PM, Justin Lahart)

A record level of wealth and America's biggest economic downturn on record make strange bedfellows. But that's just what we saw last quarter. The Federal Reserve on Monday reported that the net worth of U.S. households increased by \$7.6 trillion, or 6.8%, in the second quarter from the first quarter, to \$119 trillion. That pushed it above the previous record, set in the fourth quarter. And now, with stocks at higher levels than they were at the end of the second quarter — and the value of real estate continuing to rise — household net worth is surely even higher.

The rebound in wealth stands in contrast with what happened to the economy in the second quarter, when gross domestic product registered its largest decline in more than 70 years of record-keeping. GDP will likely see a substantial rebound in the third quarter, but it still looks likely to remain below pre-Covid levels. Federal Reserve projections suggest it won't fully recover until the latter half of next year. The differing paths of wealth and economic output underscore how the downturn has hurt poorer Americans while leaving many of their richer counterparts relatively unscathed. Only a bit more than half of U.S. families have stock market holdings of any kind, according to the Pew Research Center, including through pension plans and 401(k) accounts. Fewer than 1 in 5 families making less than \$35,000 a year hold any stocks, while nearly 9 in 10 families making \$100,000 do. For poorer and middle-class households that do own stocks, the amounts tend to be small.

[Marriage linked to higher wages for some workers \(Fox Business\)](#)

(9/22/2020 10:01 PM, Brittany De Lea)

While marriage has been shown to have a number of positive effects on the U.S. economy, it may also correlate with higher earnings among men. Research published by the St. Louis

Federal Reserve showed that married men stand to out-earn their single counterparts by a sizable amount. Researchers looked specifically at employed people between ages 20 and 64 with at least a high school diploma, using data from 2016.

Wages among married men "Dominated" other groups, the study found. "Married men earn higher wages than single or married women, and married men earn higher wages than single men," researchers wrote. Married men experienced higher peak earnings than other groups - with peak earnings for white men at \$90,000 and peak earnings for black men at \$62,000, which are both above the average White men earned "Significantly more" money per hour, whereas other groups earned comparable wages. On the flip side, single black men and single black women earned the least - on average - across all groups.

#### US household wealth hits record despite coronavirus pandemic (Fox Business)

(9/22/2020 5:01 PM, Megan Henney)

Americans' household wealth hit a record high last quarter as the stock market continued to rebound from the coronavirus pandemic-induced drop earlier this year. According to new data released Monday by the Federal Reserve, American households' collective net worth climbed nearly 7% in the April-June quarter to \$119 trillion. That's up from \$111 trillion in the first quarter, when the pandemic triggered an unprecedented shutdown of the nation's economy, cratering the financial markets.

But the markets have staged a rapid recovery since late winter, when prices were dropping so quickly that automatic circuit breakers kicked in several times, forcing temporary trading halts. Since bottoming out on March 23, the S&P 500 has surged about 48%; the Dow Jones Industrial Average is up about 47% and the tech-heavy Nasdaq Composite has jumped about 60%. But other parts of the economy have been slower to recover.

Government data released at the beginning of September shows the labor market is far from pre-coronavirus levels: Employers added 1.4 million jobs in August and the unemployment rate fell to 8.4%, but there are still 11.5 million more out-of-work Americans than there were in February.

[Editorial note: consult source link for video]

#### CEOs, make sure your employees aren't struggling to get by (CNN)

(9/22/2020 2:07 PM, Paul Tudor Jones & Dan Schulman)

Before the coronavirus crisis hit, JUST Capital's research found that 50% of workers at America's 1,000 largest public companies were not making enough to support a family of three, even with a spouse working part time. Today, the health risks encountered by low-paid frontline workers, combined with historic levels of unemployment, have further exposed the fragility of American capitalism and demonstrated why business leaders need to step up and do more to support workers and their families

If we don't take action now, we run the risk of further entrenched inequality on the other side of the pandemic. That is why we are asking America's CEOs to join us in assessing the financial security of their workforces and taking steps to ensure that none of their employees are struggling to get by. As we collectively determine how to not only weather this moment but also begin to build a better future, we need to focus significant efforts on what more we can do to develop a resilient workforce. One place to start is to conduct an assessment of employees' financial security and health.

Gender pay gap remains stagnant (BizWomen)

(9/22/2020 9:33 AM, Caitlin Mullen)

Working women's earnings still lag behind men's, with recent Census Bureau data showing almost no progress on the gender pay gap from 2018 to 2019. For every dollar men made, the average full-time working woman earned just 82 cents. This has remained unchanged for three years, according to the National Women's Law Center. The U.S. Census Bureau's recent press release notes "the difference between the 2018-2019 percent changes in median earnings for men and women working full-time, year-round was not statistically significant."

Black women's pay gap shrank by one penny, going from 62 cents to 63 cents; Latinas also saw their pay gap narrow by one cent, from 54 cents to 55 cents, per CNBC. "At this moment of a pandemic and a recession, it's especially bitter news for these women who are shortchanged the most. One-third of Black women are essential workers who are keeping the country going, but the wage gap robs them of thousands of dollars each year," Emily Martin, vice president for education and workplace justice at the National Women's Law Center, said in a statement.

PayScale Empowers Businesses to Address Pay Equity in Partnership with the USC Race and Equity Center (PayScale)

(9/22/2020 8:55 AM, Amy Stewart)

PayScale, Inc. and the USC Race and Equity Center are partnering to help organizations achieve pay equity that goes beyond a one-time engagement and incorporates continuous monitoring and maintenance to keep pace with the business. Working together, both organizations will uniquely combine research, technology and advisory services to expand diversity, equity and inclusion into compensation. Beginning in October 2020, PayScale and the USC Race and Equity Center's Pay Equity Analysis and Advisory offering will be available for PayScale MarketPay customers to create a path to pay equity.

"We want to empower our customers to be critically conscious of gender and racial inequality and be proactive agents of change when it comes to pay equity," said Scott Torrey, CEO of PayScale. "PayScale's compensation technology enables organizations to monitor pay equity by using statistical models and advanced analytics to show whether and to what extent gender, race or other protected characteristics influence employees' compensation. Our partnership with the USC Race and Equity Center empowers our customers to confidently manage pay equity through access to strategic guidance, insight and ongoing support."

[PA] Another big Philadelphia law firm partially rescinds Covid-19 austerity measures (Philadelphia Business Journal)

(9/22/2020 2:31 PM, Jeff Blumenthal)

Duane Morris has become the latest local law firm to partially rescind some of the austerity measures implemented in the spring to mitigate the economic effects from the coronavirus pandemic. The 800-lawyer firm eliminated the 15% pay cuts for non-partner attorneys and exempt staff (earning \$100,000 or more annually) as of Sept. 1.

It still has not restored its 401(k) match. Equity partner distributions have been deferred and the firm reduced targeted year-end equity partner compensation by 25 percent and non-equity partner compensation by 20%. In a statement, Duane Morris said its goal is to restore all compensation shortfalls for attorneys and staff "as we move toward the end of

this year.”

## Minimum Wage

[CO] Aurora City Council rejects \$20-an-hour minimum-wage proposal (Denver Business Journal)

(9/22/2020 9:29 AM, Ed Sealover)

An effort to establish the highest minimum wage in Colorado died Monday at the Aurora City Council, as a majority of members expressed concerns about both the effect of a \$20 hourly floor wage on businesses and the cost of such a proposal to the cash-challenged city itself. It's likely the debate isn't over for good, as sponsoring councilwoman Alison Coombs said she is willing to negotiate with business leaders over a lower peak wage and one of the dissenting seven council members expressed concerns more with the process than the general idea. But for now, the council has pushed off a plan that local business organizations said seemed poor in its timing and that Mayor Mike Coffman, a former small-business owner, labeled as “just a job killer, there's no other way to put it.”

Coombs' proposal would have made Aurora the second local government behind Denver, to take advantage of a 2019 law allowing cities and counties to raise their minimum wages over the state's current \$12 hourly rate, which is scheduled to rise to \$12.32 on Jan. 1. But it would have gone farther than the Mile High City's law that will hike that city's minimum wage to \$15.87 an hour beginning in 2022, raising the wage in increments of 5% to 10% a year for the next six years before it hit \$20 an hour in 2027. Coombs noted that many business leaders cited the current economic downturn as a particularly bad time to implement an increase to their operating costs. But she said the city's workers also have been hit particularly hard by the downturn and need help just affording the basics of life — something that can begin with a raise to \$12.60 next year for minimum-wage workers.

## Overtime

[NY] New York wage board adds another hearing for Sept. 30 (Indiana Prairie Farmer)

(9/23/2020 4:00 AM, Chris Torres)

Dairy farmer Kendra Lamb had a clear message when she spoke, virtually, to the New York Farm Laborers Wage Board in late August: Now's not the time to drop the state's overtime threshold. And farmers and the ag industry will have at least one more shot to have their voices heard during the Sept. 30 virtual meeting of the board at 6 p.m. This was not originally scheduled and was announced at the last board hearing in August. It will be the fifth meeting of the board this year and will be available to livestream online.

The three-person board, put together as a result of the New York Farmworkers Fair Labor Practices Act, is considering lowering the state's overtime threshold for farmworkers from 60 to 40 hours a week. The act, which became law in January, allows farmworkers to be paid overtime if they work more than 60 hours a week, grants farmworkers one day off a week or be paid overtime for working that day, and allows farmworkers to organize and form unions though they won't be able to strike. The law also grants farmworkers the right to worker's compensation and it established the Farm Laborers Wage Board that is meeting to further study the issue and possibly lower the 60-hour overtime threshold.

## **Paid Leave**

### Virus Paid Leave Expands Even as Democrat-Led Virginia Says 'No' (Bloomberg)

(9/22/2020 2:11 PM, Chris Marr)

The pandemic has made for an active year in paid-leave policymaking but hardly the landslide victory that advocates of broader worker protections might have hoped. Within days of California enacting a broader virus-specific paid sick time mandate this month, a committee of the Democratic-majority Virginia Senate voted to sideline a bill that would have required employers to offer paid quarantine leave for workers who are sick or under medical orders to quarantine due to Covid-19.

Also this month, Philadelphia temporarily expanded its paid sick leave mandate to cover gig workers, and Oregon launched a \$30 million program offering state-funded payments to virus-affected workers who lack paid leave. In August, Washington Gov. Jay Inslee (D) ordered employers of food-production workers to offer virus-related paid sick leave to their workers. The Virginia bill's defeat was a frustrating loss for state Del. Elizabeth Guzman (D), who sponsored the bill and has sponsored paid sick leave legislation for the past three regular legislative sessions. Her regular-session bill and a companion version in the Senate also failed to get final passage before the state's legislature adjourned in March, despite the newly Democratic majority in the Virginia House and Senate.

### U.S. DOL Clarifies Paid Leave Requirements Under the Families First Coronavirus Response Act (Peru Gazette)

(9/22/2020 12:00 PM, Staff Report)

On Sept. 11, the U.S. Department of Labor's Wage and Hour Division issued revisions to the Families First Coronavirus Response Act regulations, which implement paid sick leave and expanded family and medical leave. FFCRA requires private-sector employers with fewer than 500 employees and certain public employers to provide covered employees emergency paid sick leave and expanded family and medical leave.

The revisions clarify workers' rights and employers' responsibilities under the FFCRA's paid leave provisions after an Aug. 3 decision from the U.S. District Court for the Southern District of New York nullified key sections of the regulations.

### [CA] California Does It Again: Paid Sick Leave Expanded For COVID-19 (JD Supra)

(9/22/2020 12:48 PM, Paul Lynd & Jeffery Weston)

Governor Gavin Newsom signed Assembly Bill 1867 on September 9, 2020. It extends 80 hours of COVID-19 supplemental paid sick leave to employees not provided with paid sick leave under the federal Families First Coronavirus Response Act ("FFCRA"). AB 1867 also codifies Executive Order N-51-20, which Governor Newsom signed on April 16, 2020, providing supplemental paid sick leave to food sector workers.

According to a press release from Governor Newsom's office, AB 1867 "closes the gaps in paid sick days provided in federal law and the Governor's Executive Order by including employers with over 500 employees and public and private employers of first responders and health care employees who opted not to cover their employees under federal law." The new paid sick leave is in addition to paid sick leave that California law already required.

### [CA] New Paid Sick Leave Requirements for California Employers (JD Supra)

(9/22/2020 3:48 PM, Dwight Armstrong & Nicholas Schuchert)

On September 9, 2020, Governor Newsom signed Assembly Bill 1867, which enacts new Labor Code §§ 248, 248.1, and 248.5, and provides supplemental paid sick leave benefits to certain employees who are not covered by the federal Families First Coronavirus Response Act (FFCRA). The FFCRA is the subject of a previous post and can be accessed [here](#).

The new law is effective as of September 19, 2020, and will expire on December 31, 2020, or upon the expiration of any extension of the Emergency Paid Sick Leave Act established by the FFCRA. Unlike the FFCRA (which applies only to employers with fewer than 500 employees), the new California law requires employers with 500 or more employees nationwide to provide supplemental paid sick leave to qualifying employees for various reasons related to COVID-19. Smaller employers of emergency responders or health care providers are also covered.

## **Worker's Compensation**

[\[MA\] Massachusetts lawmakers dump COVID-19 workers' compensation bills into study \(MassLive\)](#)

(9/22/2020 9:49 AM, Colin A. Young)

Massachusetts businesses are in line to save on workers' compensation insurance over the next year while efforts in the Legislature to expand the ability of workers to tap into those benefits for COVID-19 care appear to have hit a dead end. Workers' compensation coverage for COVID-19 in Massachusetts is limited to situations in which "the hazard of contracting such diseases by an employee is inherent in the employment," the attorney general's office said, meaning health care workers like nurses are likely to be covered.

As of late August, officials in at least 15 states had passed legislation, issued executive orders or enacted other administrative policy changes to directly address workers' compensation coverage of COVID-19, according to the National Conference of State Legislatures. In Massachusetts, the Joint Committee on Labor and Workforce Development this month put two workers' compensation bills -- H 4749 from New Bedford Rep. Chris Hendricks and H 4739 from Bedford's Rep. Ken Gordon and Cambridge Rep. David Rogers -- into a study order, effectively spelling the end of the line for those bills during this extended legislative session.

[\[MA\] Lawmakers dump COVID-19 workers' comp bills into study \(Worcester Business Journal\)](#)

(9/22/2020 10:25 AM, Staff)

Massachusetts businesses are in line to save on workers' compensation insurance over the next year while efforts in the Legislature to expand the ability of workers to tap into those benefits for COVID-19 care appear to have hit a dead end. Workers' compensation coverage for COVID-19 in Massachusetts is limited to situations in which "the hazard of contracting such diseases by an employee is inherent in the employment," the attorney general's office said, meaning health care workers like nurses are likely to be covered.

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[NJ] New law protects essential workers when they file workers' comp claims | Downey (Asbury Park Press)

(9/22/2020 8:56 AM, Joann Downey)

We will never be able to fully thank essential workers for the risk they take every day they go to work making sure the rest of us are safe, have access to health care and are able buy food at a supermarket to feed our families during the COVID-19 public health crisis. Those of us who are lucky enough to be able to work from home cannot fully appreciate the anxiety essential workers must feel as they leave for work wondering if today is the day they catch the coronavirus.

One way we are able to show our thanks is to make sure that these invaluable and selfless essential workers don't have to fight with insurance companies over a worker's compensation claim when they get sick. That's what the state Assembly and Senate have done in approving A-3999/S2380, which Gov. Phil Murphy signed into law on Sept. 14. The law supports essential workers by creating the presumption that coronavirus contracted by those whose jobs expose them to COVID-19 is work-related and fully compensable for the purpose of workers' compensation benefits and other employment benefits provided for work-related injuries and illnesses.

[IL] Comp act does not bar claims for biometric violations (Business Insurance)

(9/22/2020 5:00 AM, Angela Childers)

The exclusivity provisions of the Illinois Workers Compensation Act do not bar a worker's claims for statutory damages for violating her rights under a state biometric privacy law, an appellate court held Friday. In McDonald v. Symphony Bronzeville Park LLC, the Illinois Court of Appeals, Fifth District unanimously answered that a class of workers could proceed with their claims of violations of the Illinois Biometric Information Privacy Act and their request for statutory damages.

Marquita McDonald filed a class action against her employer, Symphony Bronzeville Park LLC, alleging that she was required to provide biometric information by scanning her fingerprint for the company's time clock system. She charged that this requirement violated the Biometric Information Privacy Act by negligently collecting their biometric information without informing them in advance in writing of the purpose and length of time for which their fingerprints were being collected, stored and used; providing a publicly available retention schedule and guidelines for permanently destroying the biometric data; and obtaining a written release from employees prior to the collection of their fingerprints.

[CA] California Farm Worker Arraigned for Alleged Workers' Comp Fraud (Insurance Journal)

(9/22/2020 2:00 PM, Staff Report)

Eduardo Medina Ruelas, 46, of Sanger, Calif., was arraigned this week on multiple counts of felony insurance fraud after allegedly defrauding his employer and RISICO Claims Management Co. to collect \$38,000 in workers' compensation insurance benefits and medical treatment he was not entitled to receive. An investigation by the California Department of Insurance reportedly revealed that while working at Pitman Family Farms,



Ruelas was injured when he was struck by a forklift on June 13, 2017.

As a result of his injuries, Ruelas was placed on temporary disability and did not return to work. Ruelas continued with follow-up visits to the doctor, complaining of severe and widespread pain throughout his entire back and most of his body. When it was recommended that he return to work on light duty, Ruelas reportedly claimed to be unable to work due to the persistent and severe pain. Surveillance was conducted while Ruelas was off work collecting disability benefits. Ruelas was reportedly caught on video visiting a casino, shopping, watering his lawn, and transferring a large piano keyboard from the trunk of his vehicle into another vehicle. The surveillance footage showed Ruelas participating in activities that contradicted his claims of injury and inability to work.

## **Employee Misclassification**

[Uber and Lyft Could Gain From U.S. Rule Defining Employment \(New York Times\)](#)  
(9/22/2020 3:51 PM, Noam Scheiber)

The Labor Department on Tuesday announced a proposal that could deem millions of janitors, construction workers and gig workers to be contractors rather than employees, its most ambitious step toward blessing the business practices of companies like Uber and Lyft. Unlike employers, companies that rely on contractors don't have to pay a minimum wage, overtime or a share of Social Security taxes, or contribute to unemployment insurance and provide workers' compensation insurance.

The proposal is a so-called interpretive rule, not a regulation that has the force of law. It could have significant influence were it to be finalized. It would technically cover only laws that the Labor Department enforced, like the federal minimum wage and overtime rules. States and other federal agencies, like the Internal Revenue Service, would be free to make their own determinations, as California has done in a recently enacted law that effectively requires companies like Uber and Lyft to classify their workers as employees.

[New Trump administration rule could make it harder for gig and contract workers to have rights as employees \(Washington Post\)](#)  
(9/22/2020 5:23 PM, Eli Rosenberg)

The Department of Labor released a rule proposal on Tuesday that could make it more difficult for those engaged with contract work to be classified as employees, in what labor advocates described as a potential blow to protections for workers. Labor advocates say the proposal would raise the threshold for contract workers, which includes gig workers, to be considered employees, a category that comes with significantly more protections.

The proposed rule is the first of a multistep process with potential consequences for millions of workers. Under the proposal, the Department of Labor - which has the power to investigate worker complaints about misclassification - said it would adopt a few guidelines to test whether workers should be considered employees or contractors. This test would assess whether a worker is truly in business for themselves, like a contractor, or whether they are economically dependent on their employer, as an employee.

[DOL Debuts Rule Easing Business Use of Independent Contractors \(Bloomberg Law\)](#)  
(9/22/2020 9:57 AM, Ben Penn)

Businesses will gain a simpler framework for classifying workers as independent contractors under a high-stakes regulatory proposal the Labor Department released, representing the

Trump administration's response to blue-state efforts to expand the scope of employee status. The proposed regulation, unveiled Tuesday, provides a model for when businesses may legally classify workers as independent contractors rather than employees, who are covered by federal minimum wage and overtime law. The DOL is proposing a more employer-friendly interpretation of employee status under the Fair Labor Standards Act than it applied during the Obama administration.

The issue of worker classification has taken on greater significance amid the rise of the gig economy, where independent contractors are central to the business models of leading companies such as Uber Technologies Inc., Lyft Inc., and Instacart. The proposed rule adopts an "economic reality" test for determining which workers qualify as independent contractors. It explains that contractors must be in business for themselves, rather than being economically dependent on the possible employer for work. The rule explains the "inquiry into economic dependence is conducted through application of several factors, with no one factor being dispositive, and that actual practices are entitled to greater weight than what may be contractually or theoretically possible," according to the DOL's Wage and Hour Division rule. DOL proposes narrowing this test into five factors, less than the number used by various courts and previously used by DOL.

U.S. Labor Department could make it easier to treat workers as independent contractors (Reuters)

(9/22/2020 11:13 AM, Daniel Wiessner)

The U.S. Department of Labor on Tuesday said it would soon propose a rule that could make it easier to classify workers as independent contractors rather than employees, a major issue for the "gig economy" and other industries that use contractors to contain costs. During a phone call with reporters, senior department officials said the rule, if adopted, would provide courts with a "cleaner and easier-to-use process" than the complex multi-factor test currently applied in lawsuits alleging workers have been misclassified.

Independent contractors are not entitled to many of the legal protections afforded to employees, such as minimum wage and overtime pay. Employees can cost companies up to 40% more than contractors, according to several studies. The labor department will publish a formal proposal by next week, the officials said, and adopt a final rule by the end of the year. Under the proposal, a worker would be considered a company's employee if he or she is economically dependent on the company for work. But a worker who operates an independent business and has opportunities for profit or loss would be deemed an independent contractor.

Trucking Praises DOL Proposal Clarifying Status of Independent Contractors (American Trucking Associations)

(9/22/2020 4:00 PM, Sean McNally)

Today, the American Trucking Associations praised a proposed rule from the U.S. Department of Labor that would clarify the definition of employee under the Fair Labor Standards Act as it relates to independent contractors.

"Secretary Scalia understands that many Americans choose the independent contractor model — including hundreds of thousands of owner-operators in the trucking industry — because it expands their opportunities to earn and empowers them to choose the hours and routes that suit their individual needs and lifestyle," said ATA President and CEO Chris Spear. "This proposal is about giving working Americans the freedom to pick the occupation

and flexibility they desire, and we thank Secretary Scalia for putting it forward.”

#### DOL Releases Proposed Regulation on Independent Contracting (Littler)

(9/22/2020 5:01 PM, Tammy D. McCutchen & Dane Steffenson)

On September 22, 2020, the U.S. Department of Labor (DOL) released a long-anticipated proposed rule addressing when a worker is an employee or independent contractor under the Fair Labor Standards Act (FLSA). In the Notice of Proposed Rulemaking (NPRM), expected to be published in the Federal Register later this week, the DOL retains its long-standing “economic reality” test. The ultimate inquiry of this multi-factor test is whether a worker is in business for themselves (and, therefore, is an independent contractor) or is economically dependent on a putative employer for work (and is deemed to be an employee).

Although this issue has been gaining in importance as more workers choose the flexibility and control that comes with independent contracting, the DOL has never before issued regulations on independent contracting. In a business editorial this morning, Secretary of Labor Eugene Scalia noted: “The Supreme Court last spoke to the issue nearly 60 years ago; its most significant pronouncement came just after the Second World War. Since then, employers and workers looking for guidance have had to parse the sometimes-divergent decisions of the federal courts of appeals, and opinion letters the Labor Department issues occasionally without public notice or input. . . . Unlike [California Assembly Bill 5], our rule doesn’t propose radical changes in who’s classified as an employee or independent contractor. Instead, our rule aims to simplify, clarify and harmonize principles the federal courts have espoused for decades when determining what workers are “employees” covered by the minimum wage and overtime pay requirements of the FLSA.” Secretary Scalia spoke further about wanting to “clear away the cobwebs and inconsistencies” and hopes the proposed standards “will help states and policy-makers consider worker classification outside the FLSA context.”

#### DOL Clarifies Who Is an Independent Contractor in Proposed Rule (Society for Human Resource Management)

(9/22/2020 12:00 PM, Allen Smith)

The U.S. Department of Labor (DOL) issued a proposed rule Sept. 22 to clarify when a worker is an employee covered by the Fair Labor Standards Act (FLSA) or an independent contractor. Independent contractors, including many gig-economy workers, are not eligible for minimum wage, overtime and other benefits that employees must receive. The proposed rule adopts an “economic reality” test to determine a worker’s status as an FLSA employee or independent contractor. “Businesses want clarity and specificity with respect to their engagement of independent workers. We are hopeful that this rule will help ensure that worker classifications are accurate, reflect today’s modern workplace, and accommodate the needs of employers and workers alike,” said Emily M. Dickens, Society for Human Resource Management (SHRM) corporate secretary, chief of staff and head of Government Affairs. “SHRM looks forward to commenting on the proposed rule.”

There will be a 30-day comment period after the proposed rule’s official publication in the Federal Register. The rule, if finalized as proposed, would make classifying workers as contractors easier, according to Rich Meneghello, an attorney with Fisher Phillips in Portland, Ore. But it would not overturn worker-friendly state independent-contractor laws, such as the one in California, he added.

[MA] Massachusetts District Court Rejects Employee Classification for Franchisees (National Law Review)

(9/22/2020 12:51 PM, Lukas Moffett, Christopher M. Pardo & Amber M. Rogers)

On September 10, 2020, the United States District Court for the District of Massachusetts issued a Memorandum and Order granting summary judgment in favor of a franchisor in response to claims by a purported class of franchisees that they were not truly independent contractors, but employees of the franchisor.

The main issue addressed in the case was whether specific federal legal requirements that are imposed upon franchisors trump the general Massachusetts independent contractor classification statute. The federal court reasoned that applying the Massachusetts independent contractor classification statute to the franchise business model would render franchisors regulated by the Federal Trade Commission ("FTC") criminally liable under state law for employee misclassification simply by virtue of their compliance with the FTC's requirements.

In a dispute between a class of franchisees (the "Franchisees") and 7-Eleven, Inc. ("7-Eleven"), the Franchisees brought suit against 7-Eleven alleging that 7-Eleven misclassified its own Franchisees as independent contractors, instead of as employees. The Franchisees brought their claims under the Massachusetts Independent Contractor Law ("ICL"), arguing that 7-Eleven could not overcome the presumption of an employee/employer relationship established by the ICL.

## **Wage Violations**

[NY] Walgreens Shortchanged Retail Workers on Overtime Pay, Suit Says (Bloomberg Law)

(9/22/2020 3:03 PM, Kathleen Dailey)

Walgreens is facing allegations that it knowingly underpaid more than 100 retail workers by miscalculating their overtime rates, brought in a lawsuit filed in New York federal court.

The drugstore chain also failed to provide its hourly paid cashiers, customer service associates, and greeters with timely wages, accurate wage statements, and proper wage notices at hiring, according to the complaint filed Monday in the U.S. District Court for the Eastern District of New York. Levaughn Samuel, who worked at a Walgreens location in Brooklyn until Sept. 1, sued individually and on behalf of other nonexempt hourly workers under the Fair Labor Standards Act.

[NY] Glen Oaks Man Pleads Guilty To \$1.5M In Wage Theft: DA (MSN)

(9/22/2020 5:38 PM, Maya Kaufman)

A Glen Oaks businessman pleaded guilty to a labor law violation after prosecutors accused him of cheating workers out of more than \$1.5 million in wages. Jagdeep Deol, 36, and his company Laser Electrical Contracting secured millions of dollars worth of contracts to perform electrical work in New York City public schools, which comes with a requirement to pay workers the equivalent of union wages.

Instead, Deol paid 11 employees "Substantially less" than that from 2014 to 2018 and kept the remainder for himself, the Queens District Attorney's Office said in a news release Tuesday. Deol pleaded guilty to a violation of New York State's prevailing wage law - a misdemeanor - and a felony charge of failing to pay a prevailing wage on behalf of his

company. Under the terms of the plea deal, Deol will be required to pay full restitution to his workers and reimburse the city for the \$160,000 cost of its investigation - or face jail time.

[PA] Erie's Smugglers' Wharf settles wage suit with feds (Erie Times-News)

(9/23/2020 4:15 AM, Ed Palattella)

An Erie bayfront restaurant is dishing out close to \$160,000 to settle a federal lawsuit over its pay practices. Smugglers' Wharf has agreed to the settlement to resolve claims that the restaurant underpaid nearly 40 servers by having them contribute to an improper tip pool for about four years, from June 2016 to March of this year, according to documents filed in U.S. District Court in Erie.

Smugglers' Wharf, at 3 State St., on Presque Isle Bay at Dobbins Landing, also agreed to pay a \$5,000 civil penalty to end the lawsuit, which the U.S. Department of Labor filed against the restaurant in August 2019. The total amount of the settlement is \$157,370.20 — \$78,685.10 to cover back wages and the same amount to cover damages. The Department of Labor will distribute the money to 38 people in various amounts, according to the agreement. The smallest gross payout, excluding any money withheld for taxes, is for \$50.35, according to the agreement. The largest gross payout is for \$23,211.04.

[FL] Hair Cuttery Stylists Reach Deal Over Pre-Pandemic Closure Wages (Bloomberg Law)

(9/22/2020 11:46 AM, Kathleen Dailey)

A group of Hair Cuttery stylists in Florida seeking unpaid wages for work performed before the chain's pandemic-related shutdowns and bankruptcy have settled their state-law claims against founder Dennis Ratner, according to a notice filed in a federal court in Tampa.

The deal's terms aren't publicly available yet. Florin Gray Bouzas Owens LLC, which represents the stylists, and Berger Singerman LLP, which represents Ratner, didn't immediately respond to requests for more information. The notice, filed Monday, indicates the settlement agreement and motion for court approval will soon be submitted to Judge Charlene Edwards Honeywell.

[AL] Smoothie King employees in Mobile awarded COVID-19 back pay (WPMI-TV NBC 15 Pensacola)

(9/22/2020 1:00 PM, Keith Lane)

The operator of a Smoothie King franchise in Mobile, Alabama, has paid \$918 in back wages to seven employees after wrongly denying them emergency paid sick leave. The seven employees took leave while some sought medical diagnosis for suspected coronavirus infection and others followed orders to self-quarantine due to coronavirus exposure at the workplace.

U.S. Department of Labor's Wage and Hour Division investigators found that Tricrown Inc. in Mobile, Alabama, violated Emergency Paid Sick Leave Act (EPSLA) provisions of the Families First Coronavirus Response Act (FFCRA) by denying the emergency paid sick leave. After WHD contacted Tricrown, the employer agreed to pay the back wages and comply with the FFCRA's requirements in the future.

[OH] City Council OKs employer penalties for 'wage theft,' and more tax breaks (Columbus Dispatch)

(9/21/2020 10:13 PM, Mark Ferenchik)

The Columbus City Council sent a message Monday to employers engaged in "wage theft"

from employees -- such as not paying minimum or prevailing wages or overtime -- and awarded two more companies tax breaks. Under a bill adopted by the council, those employers will be ineligible for up to four years to receive any financial incentives the city provides, as well as city contracts, building permits, and commercial licenses or business permits. They won't be able to register with the city's vendor services portal, or to perform work at a development site covered by a financial incentive agreement. The ban also applies to companies misclassifying workers as independent contractors.

Councilman Rob Dorans, who sponsored the legislation, called it a "fair day's wage for a fair day's work." Dorans, who also is the chief legal counsel for the union-affiliated Affiliated Construction Trades of Ohio, said if employers fail to treat workers with dignity, they will not be able to do business with the city.

## **Worker Safety**

Senators Blast 'Feckless' OSHA Response to Meat Plants' Virus Outbreaks (Bloomberg)  
(9/22/2020 12:00 PM, Michael Hirtzer)

A speedier and more forceful response by U.S. officials could have prevented the large outbreaks of Covid-19 at meat plants that sickened thousands and killed dozens of workers, according to Senators Elizabeth Warren and Cory Booker. The senators decried the "feckless" response by the Occupational Safety and Health Administration, which earlier this month fined Smithfield Foods Inc. \$13,494 and JBS Foods \$15,615 for failing to protect workers, respectively, at a South Dakota pork plant and a Colorado beef plant.

The fines were too small and too late to force the companies to implement social distancing and slower production that could have reduced transmission of the virus, the senators wrote in a letter seen by Bloomberg seeking information from OSHA on its meat-plant inspections. "These workers did not have to get sick due to Smithfield's and JBS's disregard for workers' health," Warren and Booker wrote. "Your agency could have acted swiftly to require that these workplaces made changes."

Keep Workers Safe and Productive with Auto Landing Gear Deployment (Modern WorkTruck Solutions)

(9/22/2020 12:12 PM, Seth Saunders)

The use of landing gear is ubiquitous throughout the commercial vehicle industry, and it's no different when it comes to vocational trailers. Construction, DOT, refuse, logging, mining, telecom, and utility fleets use a variety of flatbed, lowboy, drop deck, and gooseneck trailers in the course of their work. Whenever operators detach these trailers from their tractors, they must hand crank the trailer's landing gear into the down position before decoupling. Conversely, each time an operator wishes to move a trailer, they must hand crank the same landing gear back into the up position.

The sheer repetitive motion of cranking landing gear mechanisms up and down can tax muscles, tendons, and joints, particularly in the case of aging drivers, and the fact remains that the median age of truck drivers continues to rise. The Bureau of Labor Statistics estimates that the average age of a commercial truck driver in the US is now 55, while, according to a driver shortage report by American Trucking Associations, the average age of an over-the-road truck driver is 46.

[NC] 2 contractors killed at Evergreen Packaging mill fire (Asheville Citizen-Times)

(9/22/2020 3:29 PM, John Boyle)

An early morning fire at the Evergreen Packaging paper mill has left two contract workers dead, according to a press release from Evergreen. Mill manager Wally McDonald released a statement through Haywood County the afternoon of Sept. 21 saying the "fire has been extinguished and there is no further threat of it spreading or additional damage to infrastructure." The fire started at 5:15 a.m. in a tank that was under repair as part of a maintenance outage, and the local fire department came and quickly extinguished the blaze, McDonald said.

"It is with great sadness that we confirm two contractors involved in the tank repairs died as a result of the fire," McDonald said. "Their families have been notified and have our deepest sympathy and support during this very difficult time." McDonald said an investigation into the fire's cause has begun, and the mill is "cooperating fully with the local police, fire department, and regulatory agencies."

[FL] Landscape worker dies after falling into retention pond with equipment, deputies say (WKMG-TV CBS 6 Orlando)

(9/21/2020 5:00 PM, Gabriella Nunez)

A man has died Monday after falling in an Orange County retention pond with landscape equipment, deputies say. Deputies pulled him out of the pond near Stonebrook Boulevard and South Alafaya Trail around 2 p.m., after getting the call about a missing landscaper. The sheriff's office said crews also pulled out the landscape worker's equipment.

The man was rushed to a nearby hospital, where he was pronounced dead. The sheriff's office said there was no indication of any suspicious circumstances or foul play at this time but are still investigating the man's death.

[MI] I-94 closed in St. Clair Shores after road worker killed in hit-and-run; MSP investigating (Detroit Free Press)

(9/21/2020 10:24 PM, Sione Terranella)

Michigan State Police are investigating a hit-and-run accident after a vehicle struck and killed a road worker on I-94. The freeway was closed for the crash investigation as of 6 p.m., the Michigan Department of Transportation reported. According to officials, the car ran into the worker and fled the scene right after.

The victim is a 26-year-old man from Chesterfield, and Michigan State Police said they've received a number of tips about this incident. The accident occurred on Monday around 3 p.m. near 9 Mile Road in St. Clair Shores. Police said there's no available description of the vehicle, and the worker was near an orange road service car when it happened.

[MI] Nearly Half of COVID-19 Cases tied to Farm Outbreaks in this County (Government Technology)

(9/22/2020 12:42 PM, Angie Jackson & Niraj Warikoo)

Seasonal workers who packed asparagus at a west Michigan farm initially chalked up their exhaustion, dizziness and headaches to the demands of working 13 hour-shifts seven days a week. But then some workers lost their sense of taste and smell and had a hard time breathing. By mid-June, it was clear that Todd Greiner Farms in Hart was dealing with a major COVID-19 outbreak among its workforce.

At least 94 people tied to the farm tested positive, the largest farm outbreak in Oceana

County, according to county health department emails obtained by the Documenting COVID-19 project at the Brown Institute for Media Innovation at Columbia University and provided to the Free Press. Health department spreadsheets tracked the diagnosis of 55 cases from Todd Greiner Farms from under two weeks in June, in which nearly all of the employees identified as Hispanic or Latino.

## **Veteran**

[NC] North Carolina veterans seek discharge status upgrades (Stars & Stripes)  
(9/22/2020 10:58 AM, Brian Gordon)

Upon his death, John wants an American flag draped over his casket and then handed to his children. Of all the veterans' benefits he has sought over the past five decades — tuition assistance, health care access, and disability benefits, it's this gesture of an official military funeral he most desires. John is 72 years old, Black and a Vietnam War veteran. He requested the USA Today Network only publicize his first name as he goes through a process familiar to many American veterans: a military discharge upgrade. Upon leaving the military, John was given a less-than-honorable discharge that restricted his access to veteran services, both monetary and symbolic.

Living in North Carolina's Piedmont region, John continues to fight to change his discharge status, one he feels was unfairly assigned during an era when racism, homophobia and a lack of understanding around post-traumatic stress disorder (PTSD) clouded many discharge decisions. "It's about restoring my honor," John said. "I want the flag for my son to see."

## **Union**

Pandemic Pitfalls for the Unwary: NLRA Rights for Non-Union Employees (JD Supra)  
(9/22/2020 11:18 AM, Bridget Blinn-Spears & William Floyd III)

North and South Carolina are the least unionized states in the nation, but employers in the Carolinas should not overlook the protection the National Labor Relations Act provides for their non-union work forces, especially during the COVID-19 pandemic.

The National Labor Relations Act ("NLRA" or the "Act") protects the rights of employees (non-supervisors) to engage in "concerted activity," which basically means acting together for their mutual aid or protection. The Act also provides protection for individual employees who engage in protected concerted activity when they are acting on the authority of other employees, bringing group complaints to their employer's attention, trying to induce group action, or seeking to prepare for group action. The NLRB interprets the Act's protection to prohibit employers from implementing policies that limit employees' ability to discuss their own pay or benefits.

[MA] MFA employees clear path to unionize (Boston Globe)  
(9/22/2020 2:13 PM, Malcolm Gay)

After more than a year of work, labor organizers working with employees at the Museum of Fine Arts filed a petition with the National Labor Relations Board earlier this month to hold a union election, a move that could potentially affect hundreds of administrative, technical, and curatorial employees at Boston's largest art museum. The petition, which organizers said has "overwhelming support" among eligible staffers, sets the stage for a vote on



whether to join UAW Local 2110, potentially ushering in an era of collective bargaining at a time of deep economic anxiety following a recent round of layoffs and early retirements at the museum.

“The pandemic has exposed for workers in a lot of institutions that their employment is more precarious,” said Maida Rosenstein, president of UAW Local 2110. “People need to have some collective voice to be able to deal with these issues.” Rosenstein, whose union represents some 5,000 workers, said the vote could take place in a matter of weeks, estimating the union could represent some 300 MFA employees. She added that the MFA is part of a recent wave of organizing efforts at cultural institutions across the country: Workers at the Philadelphia Museum of Art recently voted to unionize, and similar efforts are underway at the Carnegie Museums of Pittsburgh and the Milwaukee Art Museum.

[MD] NLRB Clarifies Protected Political Activity for Union Employees (CBIA)  
(9/22/2020 9:00 AM, Staff Report)

Labor law does not protect a union employee fired for engaging in political activity that does not address the welfare of workers, according to the National Labor Relations Board. An NLRB attorney said a Maryland lawmaker was legally fired from his job with a labor union for advocating for legislation on police accountability and transparency because his efforts lacked “connection to any employment concern of any employee.”

Gabriel Acevero, a delegate in Maryland’s part-time legislature, claimed the United Food and Commercial Workers Local 1994 fired him as a union representative because he advocated for a bill limiting protections for police officers accused of misconduct. His advocacy included testifying in favor of the bill. But a letter from an NLRB advisory attorney said “the charge lacks merit and accordingly dismissal, rather than deferral, is appropriate absent withdrawal of the charge.”

[DC] Georgetown graduate workers’ union seeks arbitration over COVID-19 concerns, says university violated contract (Georgetown Voice)  
(9/22/2020 12:40 AM, Darren Jian)

The Georgetown Alliance of Graduate Employees (GAGE) announced that it was pursuing arbitration with university administrators over bargaining disputes regarding COVID-19 protections for graduate workers on Sept. 18. The union stated that the university withdrew from all negotiations surrounding four GAGE demands: to guarantee remote work for all graduate workers regardless of location, provide paid sick leave for graduate workers who contract COVID-19, cover the cost of protective equipment and COVID-19 testing for graduate workers on campus, and protect the legal rights of graduate workers under the administration’s Community Compact.

Arbitration is a process through which workers and employers use a third-party arbitrator to resolve a dispute over the interpretation of a collective bargaining agreement, in this case, the union contract signed by GAGE and the administration in May after a year and a half of negotiations. In mid-July, GAGE entered impact bargaining meetings with the administration over its Fall 2020 reopening plan, a plan which many union members saw as inadequate when it came to protections for graduate workers and international students. “We demanded this impact bargaining because we thought it was important,” said GAGE organizer Jeremy Canfield (COL ‘19, PHD ‘26). “We demanded it because it is something in our contract that we have the right to do, and so the university administration refusing that

demand is a violation of our contract.”

[NM] BernCo’s proposed CWA not best way to protect workers (Albuquerque Journal)  
(9/22/2020 12:02 AM, Editorial)

As a taxpayer, do you want the crew that does the best job for the best price to build your infrastructure and get your hard-earned tax dollars? Or one that shells out money to a union? Of course the two are not mutually exclusive, but under the proposed Community Workforce Ordinance, co-sponsored by Commissioners Debbie O’Malley and Jim Collie and on the County Commission agenda tonight, the latter would be a requirement.

The ordinance would essentially require union participation in large county projects. And that would stifle competition and drive construction costs up as much as 18%, insist officials with the Associated Builders and Contractors New Mexico and Northern N.M. Independent Electrical Contractors. Under the proposal, contractors and subcontractors selected for county construction projects costing at least \$5 million and employing skilled workers in three or more crafts would have to execute a community workforce agreement, also known as a project labor agreement, which dictates a certain amount of union worker participation.

[CA] Hollywood Labor Unions & Management Finalize Return-To-Work Agreement  
(Deadline Hollywood)

(9/21/2020 2:21 PM, David Robb)

Hollywood’s unions and management’s AMPTP finally have an agreement to return to work in the coronavirus era. Union sources say the deal took much longer to reach than they would have liked or expected.

The agreement means that the studios, networks, major companies and independent producers alike are cleared to resume production. The unions previously had adopted protocols called “Safe Way Forward” on June 12, and the Industry-Wide Labor Management Safety Committee Task Force had issued return-to-work protocols on June 1. “The protocols pave the way for creative workers, who have been hard hit by the pandemic, to resume their crafts and livelihoods in workplaces redesigned around their health,” the unions said in a joint statement. “Guiding principles include strictly enforced testing regimens and safety protocols, a zone-based system, and diligent use of personal protective equipment (PPE).”

[AK] Labor Arbitrator Sides With Union in Alaska Airlines Dispute (Bloomberg Law)  
(9/21/2020 4:59 PM, Ian Kullgren)

Alaska Airlines can’t renege on a pre-pandemic agreement that prevents the company from laying off unionized workers in six cities, an arbitrator said.

The arbitrator, siding with the Aircraft Maintenance Fraternal Association Local 32, blocked the airline from furloughing technicians in Los Angeles, Seattle, San Diego, San Francisco, Portland, and New York until 2023 under an existing clause in the collective bargaining agreement. The agreement — reached less than two months before the coronavirus outbreak decimated U.S. airlines — features a no-layoff clause for all workers in the bargaining unit.

## **Disability**

Top Tips for Accommodating Disabilities in the Workplace (Wrike)

(9/22/2020 9:00 AM, Maria Waida)

About 15% of the global population has a disability of some kind. Given how common both physical and mental disabilities are, accommodating disabilities in the workplace and creating an inclusive workplace culture is an absolute must. Here's what you need to know in order to plan for, learn, and train your workforce to be more diverse and inclusive.

The first step in planning for employees with disabilities in the workplace is to start planning an accessible workplace for everyone. This means addressing these needs and requirements without singling anyone out. Start by creating an inclusive set of company-wide workplace standards for health, safety, and daily operations that take into account both physical and mental disabilities.

[NJ] NJ families, advocates urge Murphy to reopen job programs for people with disabilities (NorthJersey)

(9/22/2020 10:22 PM, Gene Myers)

Nearly 3,000 people with disabilities statewide, who were told to leave their jobs on March 17 as the coronavirus pandemic hit, are still waiting to go back to work, advocates said. The workers, their families and advocates have urged the governor to reopen employment programs for people with disabilities as soon as possible. They have been shut-in too long, and furthermore, not allowing them to return to work reeks of discrimination, they said.

Many of the individuals affected live in group homes throughout the state. Matthew Putts is CEO of Employment Horizons, a nonprofit that trains and places people with "Significant disabilities" in jobs like refurbishing returned cable and internet equipment, mailing and collating, and light manufacturing assembly. Agencies like his were told to shut down by the commissioner of labor no later than March 17, he said, and they are still closed. Morris County Surrogate Heather Darling joined Assemblywoman BettyLou DeCroce and demanded Gov. Phil Murphy provide a definitive date when the state will reopen the programs.

[FL] Delays Stymie State Program For People With Disabilities (WLRN-FM 91.3 Miami)

(9/21/2020 4:49 PM, Christine Sexton)

A push by state lawmakers to encourage Floridians with intellectual and developmental disabilities to work has been stalled in Gov. Ron DeSantis' administration for more than a year --- and there's no clear indication when the program will get up and running. Agency for Health Care Administration Secretary Mary Mayhew assured top legislative leaders and the governor's office in a June 29 report that her agency was developing an outreach plan to promote what's known as the Working People with Disabilities Program and that it would take effect in July. But the program, initially passed by lawmakers in spring 2019, still isn't operational, according to people who have tried to use it.

Tampa resident Mayra "Paulina" Reyes works full time for the Hillsborough County Parks and Recreation Department and will graduate from Pasco-Hernando State College in seven months with a business degree. Eager to potentially earn more money after graduation, Reyes spent more than an hour on the phone last week calling the local Medicaid office asking to be enrolled in the program. "I took an hour lunch break and I literally had to ask my supervisor to give me an extra 20 to 30 minutes to try to get this done," Reyes, 31, told The News Service of Florida. "As soon as I mentioned the Working People with Disabilities Program, they would put me on hold and try to figure out what program I was referring to."

[AZ] Valley attorney: How employees' rights to telecommute are impacted by new government guidelines (Phoenix Business Journal)

(9/22/2020 12:00 PM, John Balitia)

The vast majority of employers in Arizona and elsewhere pivoted to remote work arrangements earlier this year when the Covid-19 pandemic forced worksite closures and prompted state and local governments to issue stay-at-home orders. As businesses reopen and direct employees to return to the workplace, what precedents have been set? Many employers effectively have proven that remote work models are more efficient and cost-effective than traditional ones. Are employers that made these adjustments successfully in an emergency now precluded from taking the position that they are not feasible on a permanent basis?

These questions invoke the Americans with Disabilities Act (ADA), which requires employers with 15 or more workers to accommodate disabled employees in performing their jobs. ADA accommodations must be reasonable and cannot create an undue hardship for the employer. Additionally, the ADA makes clear that an employer is not compelled to accept an employee's desired accommodation if the employer prefers an alternative that is just as effective. Employees with certain types of disabilities long have argued that telecommuting is a reasonable accommodation. Chronic sufferers and individuals with severe allergies, for example, may claim that it is essential for them to be at home or away from the workplace in order to manage their symptoms. If an employer opts for alternatives, such as isolating a worker from allergens or providing a place of reprieve to diffuse a migraine, these workers may perceive that they have been discriminated against unlawfully compared to others who are permitted to work from home because of their seniority, as a reward for good performance, or as a result of favoritism.

## **Law & Compliance**

Google is sued by an employee who wants to know if it can spy on him (Washington Post)

(9/22/2020 9:29 AM, Reed Albergotti)

Attorneys representing a Google employee suing the company want to know whether the search engine giant thinks it is allowed to view his digital communication, a case that has renewed questions about the extent of Google's power to surveil. According to a new motion filed in court by the employee's attorneys Monday, DeWayne Cassel, who's still employed by Google, gave up "Any reasonable expectation of privacy" on any "Google property" or anything used to conduct Google business when he signed his employment agreement with the company. Cassel filed a race discrimination lawsuit against the company nearly three years ago.

Google has declined to answer questions from Cassel's attorneys, who asked earlier this year whether the company thinks it can still access his data according to the employment agreement. The attorneys also have asked Google whether the company's terms of service, which allow it to access user data to "Protect Google," would enable it to access the personal data of non-employees involved in the case, including the judge.

Trump Expands Ban On Racial Sensitivity Training To Federal Contractors (National Public Radio)

(9/22/2020 8:51 PM, Staff)

President Trump on Tuesday said he had expanded a ban on racial sensitivity training to federal contractors. His administration had instructed federal agencies to end such training

earlier this month Trump said on Twitter on Tuesday that he had expanded the ban on "Efforts to indoctrinate government employees with divisive and harmful sex and race-based ideologies" to contractors doing business with the federal government and those receiving grant funds.

"Americans should be taught to take PRIDE in our Great Country, and if you don't there's nothing in it for you!" he tweeted. Earlier this month, Trump announced efforts to promote "Patriotic education" and railed against students learning about systemic racism. He signed an executive order that requires contracts to now include a provision that says contractors with the federal government will not have "Workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating" or face the cancellation of contracts.

Federal Agency Asks DOL to Halt Transfer of Oracle Litigator (Bloomberg Law)  
(9/22/2020 3:57 PM, Ben Penn)

An independent federal agency has asked the Labor Department to temporarily halt reassignment of its chief West Coast litigator, who alleged in a whistleblower complaint that Secretary Eugene Scalia retaliated against her for opposing what she described as his attempt to intervene in a high-profile pay-bias case against Oracle Corp., according to a top House appropriator. The U.S. Office of Special Counsel requested a 90-day stay of Janet Herold's involuntary transfer to allow it to complete its investigation of her accusations against the labor secretary, Rep. Rosa DeLauro (D-Conn.), who chairs a House appropriations subcommittee with jurisdiction over DOL, said in a letter to Scalia on Monday.

Alexis Ronickher, an attorney for Herold, confirmed the agency's request, saying it shows "there is sufficient evidence of retaliation and discrimination in violation of the Whistleblower Protection Act." Herold is an Obama-era career appointee who serves as the department's Regional Solicitor for San Francisco and head of branch offices in Los Angeles and Seattle. She has been a leading force behind DOL's efforts to bring employment discrimination lawsuits against several Silicon Valley tech companies, including the pending litigation against Oracle.

The Coronavirus Is Causing More Employment Lawsuits (Forbes)  
(9/21/2020 3:43 PM, Tom Spiggle)

The coronavirus has affected almost all aspects of everyday life, and the workplace is no different. Whether it's the closure of non-essential businesses or changes in office policies, most workers are feeling the effects of the coronavirus in some way. When things are going well, issues at work are easier to ignore or deal with. When everyone is struggling, workplace problems can become amplified or exist when they otherwise wouldn't. The coronavirus is almost the perfect "workplace agitator" in that it's affecting practically everyone and not in a good way.

Almost everyone is scared or concerned, whether it's about losing their job, losing their business, losing their home, or losing their life. With all this uncertainty and added stress, there's been a significant increase in the number of employment lawsuits. There are a variety of potential lawsuits that can come up in the employment world. The coronavirus has affected these cases in two primary ways. First, it has served as the setting for a traditional employment lawsuit. Think about a generic case where an employee claims they were fired because the employer retaliated against them for complaining about the employer's

unlawful behavior.

OFCCP Seeks to Impose New Certification Requirement on Contractors (National Law Review)

(9/22/2020 1:00 PM, Jack Blum)

On September 14, 2020, the Office of Federal Contract Compliance Programs (OFCCP) requested approval from the Office of Management and Budget to require government contractors to certify on an annual basis that they are in compliance with their affirmative action program (AAP) obligations. Under OFCCP's proposal, federal contractors are required to certify on an annual basis that they have complied with applicable AAP requirements. The certification would be done through a new Affirmative Action Program Verification Interface online platform developed by OFCCP.

OFCCP's request for approval is not completely clear about how the agency intends to use this information, but it appears reasonable to expect an uptick in enforcement activity against contractors who fail to certify compliance with their AAP obligations. In one portion of the request, OFCCP notes that its new platform will allow OFCCP to "run a comprehensive and informative report identifying the AAP status of covered federal contractors." The request does not address whether a contractor will face additional consequences, such as for false claims, if it certifies its AAPs are in compliance but OFCCP later determines that certification was incorrect.

[CT] VA Connecticut Hiring Practices Under Investigation (Connecticut Watchdog)

(9/22/2020 3:34 PM, Peggy McCarthy)

The U.S. Office of Special Counsel is investigating allegations of illegal employment practices at VA Connecticut Healthcare System connected to the hiring of seven employees - some in top management positions - who are all former co-workers of the system's director. A separate complaint filed by a whistleblower to the Office of Inspector General of the U.S. Department of Veterans Affairs alleges "gross misconduct" in the hiring of staff from the Manchester VA Medical Center. It says that "all management positions were pre-selected." "VA Connecticut is in turmoil," wrote the whistleblower in an anonymous complaint filed in August and obtained by C-HIT. The complaints have put a spotlight on the management of Alfred A. Montoya Jr., who has been head of the West Haven VA for almost a year.

Montoya was brought in from the Manchester VA Medical Center after years of upheaval in the delivery of health care at the West Haven VA, where surgeries were outsourced to Yale New Haven Hospital after deficiencies were found in sterile procedures. Sandra Salmon, president of the American Federation of Government Employees Local 2138, filed the Special Counsel complaint. The charges contend that hiring people who worked in Manchester with Montoya denied VA Connecticut staff advancement opportunities. The Manchester VA is a low-tier outpatient facility with four offsite clinics.

[NY] LIRR Worker Battled Fires While On The Clock: MTA Inspector (MSN)

(9/22/2020 5:18 PM, Priscila Korb)

An Long Island Rail Road worker and volunteer fireman for the North Babylon Fire Department is accused of responding to calls for fires while on the job, according to the Office of the MTA Inspector General Carolyn Pokorny. The allegations state that LIRR car appearance maintainer Michael Elco conducted his volunteer fireman work 14 times between January 1, 2018, and September 30, 2019, during LIRR work hours, according to

the MTA Inspector General.

The allegations state that LIRR car appearance maintainer Michael Elco conducted his volunteer fireman work 14 times between January 1, 2018, and September 30, 2019, during LIRR work hours or on days he was on regular paid sick leave or on leave under the Family and Medical Leave Act with the LIRR, according to Pokorny. Elco, who has volunteered for the fire department between 2005 and 2007 and again in 2009, denies these claims to Newsday. Elco, the captain of the fire department's Station 2, said he responded to fires on his own time, including during lunch breaks, since starting his job with the LIRR in 2015. "They're coming after me for helping my community out," Elco told Newsday. "I think the MTA should be embarrassed." Pokorny said every member of the fire department must respond to 20 calls a month to remain in good standing and receive credit for responding to a call. Each member must also use a fingerprint scan to verify his or her presence, Pokorny said.

[NC] IBM on the defensive: 'Hundreds more' join class-action age discrimination lawsuit, says lawyer (WRAL-TV NBC 5 Raleigh)

(9/22/2020 1:31 PM, Chantal Allam)

Since last week's ruling by the US Equal Employment Opportunity Commission that backed up charges IBM had discriminated against older workers, the lawyer waging a class-action lawsuit against Big Blue has had "Hundreds of former IBM employees" contact her. "We're in the process of signing them up to join our collective action lawsuit or file for individual arbitration," well-known employment lawyer Shannon Liss-Riordan told WRAL TechWire by phone on Tuesday morning.

She is currently representing about 150 former IBM employees - and counting - who are claiming they lost their jobs because of age discrimination. IBM operates one of its largest corporate campuses in RTP and employs several thousand people across North Carolina. IBM laid off an unknown number of workers in North Carolina as it slashed the size of the state-wide workforce, including at its large campus in RTP. In a separate lawsuit, a New York federal judge ruled ex-employees alleging that IBM targeted older workers for layoffs must arbitrate their claims individually.

[CA] California Employers See Surge in Workplace Laws With New and Pending Legislation (The Recorder)

(9/21/2020 7:50 PM, Ben Ebbink)

The California legislature just concluded one of the most interesting sessions in the state's history. Not only did it itself shut down completely on two different occasions due to the ongoing COVID-19 pandemic, the last few days of session featured the entire Republican contingent of the Senate quarantined and debating and voting on legislation remotely via video feed. Bizarre to say the least.

## **Family and Medical Leave**

4 ways to simplify FMLA leave (BenefitsPro)

(9/22/2020 9:59 AM, Steven Lynch)

Before the COVID-19 pandemic, leave management was, put simply, more manageable. Today, overwhelmed human resources professionals navigating the pandemic are hard-pressed to find the time to accomplish administrative tasks, track furloughed employees, manage existing leaves of absence, create physically safe work environments, support

employee well-being and much more. Because of these and many other pressures on their resources, HR professionals are frequently turning to their trusted broker representatives for help to keep up and find integrated solutions associated with the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), as well as any other short-term acts of leave-management legislation designed to aid businesses. FMLA — a valuable benefit that allocates a specific amount of time away from work and provides partial wage replacement up to a designated amount — is perhaps the best known of them all.

For small companies and organizations with fewer than 50 employees, leave management is often a do-it-yourself approach that consists of manually managing paperwork or using a smartphone app for scheduling. As companies grow, a scalable solution may include a combination internal/external approach, known as co-sourcing, according to the Society for Human Resource Management. Here are four reasons why outsourcing absence management to a third party is a good business decision:

1. Outsourcing FMLA may lower cost
2. Outsourcing FMLA offers legal savings
3. FMLA vendors provide neutrality
4. Your clients can put their focus on people, not product

## Retirement

[Here's what Trump's payroll tax plan may mean for the future of Social Security \(CNBC\)](#)  
(9/22/2020 8:38 AM, Lorie Konish)

The future of Social Security could be a big issue in the next presidential term, no matter which party wins the Oval Office in November. The program's funds, which already face depletion in the future, may run out sooner due to the economic effects of the coronavirus pandemic. Once that date is reached, benefit checks will be reduced. Some have taken President Donald Trump's temporary payroll tax deferral as a signal for a broader strategy he could implement if he is re-elected.

Trump set the payroll tax holiday with an executive order he signed in August. From Sept. 1 through Dec. 31, workers who make less than \$4,000 bi-weekly can take a break from paying the Social Security portion of their payroll taxes if their employers agree. Currently, that amounts to 6.2% of paychecks on wages up to \$137,700.

[The Department Of Labor Takes Much-Needed Steps Toward Ensuring Fiduciary Obligations \(Forbes\)](#)

(9/22/2020 9:50 AM, Christopher Burnham)

The time to ensure that pension fund managers are bound by their fiduciary obligation to their beneficiaries and not by any other political motives is now. Prioritizing issues other than pure financial returns may be an acceptable strategy for individuals managing their own money or for corporate board rooms contemplating the future of their company, but for fiduciaries, prioritizing any kind of self-interest or ulterior motive over maximizing returns is a dereliction of duty.

Over the past several months, the Department of Labor has begun to take steps to curb this trend, releasing two new regulatory proposals seeking to re-affirm the responsibilities of pension fund fiduciaries. The first proposed rule examines tax-qualified retirement plans governed by ERISA in order to determine the extent to which Environmental, Social, and



Governance (ESG) considerations factor into investment decisions. The question at hand is whether the plan managers, bound by fiduciary duty to their beneficiaries, are sacrificing investment returns or increasing risks to meet ESG goals unrelated to participant's bottom-line financial interests.

The Department of Labor should be applauded for taking these necessary steps toward clarifying and correcting guidance on the fiduciary obligations of pension fund managers. As Labor Secretary Scalia noted, these actions aim to "Remind plan providers that it is unlawful to sacrifice returns, or accept additional risk, through investments intended to promote a social or political end."

#### Social Security for All (American Prospect)

(9/22/2020 5:00 AM, Mimi Abramovitz & Deepak Bhargava)

The economic crisis that accompanied the COVID pandemic pushed the safety net into the spotlight—and millions of Americans have found it threadbare. People seeking help for the first time are learning what poor and working-class people — mostly women and people of color — have long known: that in times of crisis, the net doesn't catch you when you fall. In this year's adaptation of the iconic soup and breadlines from the Great Depression, people all around the country arrive at church-run food pantries or line up in cars for food; 10,000 cars sat for hours at a San Antonio food bank in April.

[Editorial note: Listen to audio at source link]

#### Employees who overpay for health insurance tend to under-save for retirement: TIAA (BenefitsPro)

(9/22/2020 6:55 AM, Kristen Beckman)

Employers have an opportunity to help employees avoid making common mistakes in health insurance and retirement savings choices, thereby improving employee well-being and maximizing their long-term financial stability, according to a new study by TIAA Institute. The TIAA analysis correlated two studies — one on mistakes employees make when choosing health insurance plans and another on retirement savings mistakes — to see if employees who make mistakes in one domain also make mistakes in the other. Understanding correlations in mistakes across domains can help employers create targeted interventions during open enrollment and educate employees about shifting spending in one area to a better option in another area to their benefit, the study said.

The study of a large university's administrative data over four years found a large majority of those studied selected one of the two more expensive health insurance plans offered, even when lower costs are more likely in the cheapest plan. This is a common mistake that leads to employees overspending on health insurance by nearly \$1,700, the study said. The analysis used individual-level claims data and found that for more than 99.8 percent of its sample, the lower-coverage plan should be chosen because lower spending outcomes are more likely.

#### 3 401(k) Moves That Can Protect Your Savings from a Market Crash (Motley Fool)

(9/22/2020 9:35 AM, Katie Brockman)

The stock market has always been subject to volatility, but this year has been a particularly wild ride. After closing out one of its worst quarters in history earlier this year, the market made a remarkable recovery and experienced record highs just a few months later. However, after experiencing a downturn over the last few weeks, there's a chance another

crash could be looming. While nobody knows for sure whether a market crash is on the way or not, there are a few 401(k) moves that can help protect your savings.

1. Try to contribute enough to earn the full employer match - One of the keys to building a robust retirement fund is to save as consistently as possible -- even during market downturns.
2. Don't invest any money you might need in the near future - While it's smart to invest as much as you can during a market downturn, it's also important to avoid investing more than you can realistically afford.
3. Consider adjusting your asset allocation - Your asset allocation refers to how your investments are divided up within your portfolio. You likely have a mix of stocks and bonds, which affects how aggressive or conservative your portfolio is.

The work-from-home surge may lead workers to buy retirement homes even before they retire (McKnight's Senior Living)

(9/22/2020 12:00 AM, Amy Novotney)

COVID-19 has forced many Americans to work remotely — and some companies even have added an option for employees to work from home for the rest of their careers. For the senior housing industry, this may mean a jump in purchases from non-retirees, according to a CNBC article Monday. “We may begin to see a boost in people buying retirement homes before their retirement,” Lawrence Yun, chief economist for the National Association of Realtors, told CNBC. To date, the evidence is anecdotal, Yun said, noting that housing demand has risen in vacation resort areas.

Either way, there's no doubt that the oldest baby boomers are changing the traditional notion of retirement. Of those who already have entered retirement, 38% have moved to a new home, according to the 20th annual Transamerica retirement survey, released this month. When choosing where to live, retirees' cited proximity to family and friends (61%), affordable cost of living (55%) and access to excellent healthcare and hospitals (46%), the survey found. Further, many boomers also are challenging the old formula of cookie-cutter retirement communities, as evidenced by the rise of customizable living arrangements. Sprawling housing developments in retirement havens such as Florida are becoming less desirable and, as people live longer, they want their retirement to reflect their lifestyle choices, finds another CNBC article Monday.

Fiduciaries of Mutual of Omaha 401(k) Plan Agree to Pay \$6.7M to Settle Suit (Plan Adviser)

(9/22/2020 12:02 PM, Rebecca Moore)

Parties in a lawsuit accusing Mutual of Omaha Insurance Co. and its subsidiary United of Omaha of self-dealing in Mutual of Omaha's 401(k) plan have agreed to settle. The settlement agreement calls for a cash payment of \$6.7 million as compensation to a class of participants.

In a memorandum in support of the motion for preliminary approval of the settlement agreement, attorneys say the \$6.7 million cash payment “represents a substantial recovery.” It adds that the settlement is “particularly beneficial to the class in light of the risks posed by continued litigation, including the possibility of the court ultimately finding no liability or the inability to prove damages.” The attorneys say that substantiating the

plaintiffs' claims regarding excessive administrative fees would have required detailed and expert examination of United of Omaha's operations and financial records supporting the cost of those operations.

[NY] De Blasio says early retirement incentives should be considered for NYC employees facing potential layoffs (Fox News)

(9/22/2020 9:33 AM, Daniella Genovese)

New York City Mayor Bill de Blasio said Monday that early retirement incentives should be considered for city employees who are facing potential layoffs amid an ongoing budget crisis. De Blasio stressed during a press briefing that early retirement incentives, if offered, would only be a piece of the solution. "I think early retirement as a policy is something we have to put into play," he said. "So definitely a piece of the solution, it's not the whole solution, but early retirement will definitely be a piece of the solution."

Since the beginning of the year, de Blasio has been working to find a way to combat the \$9 billion coronavirus-related revenue loss facing the nation's biggest city. He has repeatedly stressed that he is doing so with little help from the federal government. In a move to try and offset losses, de Blasio even announced that his entire office, including him, will be furloughed for a week to help fight the city's multibillion-dollar budget crisis.

[IL] A solution for Illinois' state retirement crisis (Chicago Tribune)

(9/22/2020 7:11 PM, Ted Dabrowski & John Klingner)

Serious pension reform seems like a pipe dream today. Illinois' political class is still clinging desperately to tax hikes, pension debt re-amortizations and the hope of a federal bailout to maintain the status quo. Any mention of reforms — in particular, an amendment to the constitution allowing for changes to the pension system — is met with immediate dismissal. But it's only a matter of time before Illinois' math no longer works and extreme financial circumstances make pension reform politically expedient.

Illinois' finances have been declining for decades, and the pandemic has brought the state to the brink. Senate President Don Harmon's \$42 billion bailout request to Congress, Illinois' abandoned \$1.2 billion bond issuance and the state's reliance on \$5 billion from the federal government to fill its budget hole are all proof that Illinois is running out of options. What Illinois needs is a road map to reform that's readily available when the state's finances finally break down. At Wirepoints, we've laid out a path for fixing Illinois' biggest problem: pensions.

[CA] Newsletter: What you should know about the CalSavers retirement program (Los Angeles Times)

(9/22/2020 8:00 AM, Rachel Schnalzer)

"Nearly half of working Californians are on a trajectory to retire in economic hardship," says Katie Selenski, executive director of CalSavers, which will offer potentially millions workers an automatic way to save for retirement.

CalSavers targets "workers in the private sector who don't have access to a retirement plan at work," Selenski says. As Margot Roosevelt reported last year, employers with five or more workers will eventually be required to sign onto CalSavers — and facilitate putting a cut of workers' paychecks into Roth IRAs — if they don't already offer their employees a way to save and invest for retirement. We're approaching an important deadline for employers that don't sponsor a retirement plan: Those with more than 100 employees must

register with CalSavers by Sept. 30.

## Trade

### Trump's trade policy failed the workers he promised to help (MarketWatch)

(9/22/2020 2:53 PM, Rebecca Ray)

Donald Trump came to power promising to fix a trade system that has hurt U.S. workers and businesses for generations. He railed against trade deals, raised alarm about the trade deficit, and promised to bring back jobs. "You won't lose one plant, I promise you that," he told Michigan voters in 2016. Four years later, Michigan has actually lost three major auto plants.

The U.S. trade deficit has been higher every single year of Trump's presidency than it was when he took office. The process through which U.S. trade policy is made has long been vulnerable to special and corporate interests. U.S. trade policy is carried out by the U.S. Trade Representative, the negotiating arm of the executive branch, based on broad instructions from Congress and informed by a system of "Advisory committees." In theory, these committees should bring a wide array of voices and interests to inform the executive branch negotiators. Instead, they've become a club for corporate interests.

### U.S.-China Trade War: Success Or Failure? The Optics From 5 Metrics (Forbes)

(9/23/2020 5:02 AM, Ken Roberts)

The United States is winning the China trade war. The United States is losing the China trade war. Here are five metrics to consider, and what they mean, as we round the homestretch into the Nov. 3 election pitting President Trump against former Vice President Biden.

Now well into its second year, there is no indication the trade war will end anytime soon, even if Biden wins election and certainly not if Trump wins reelection. Keep in mind that many of President Trump's positions on trade are those previously supported by the Democratic rather than Republican Party. Before I get to the metrics — total trade, total exports, total imports, trade deficit, balance of trade — it's worth noting that not all solutions rise up from statistics and data. This will also not take into account the impact on the Chinese economy, which has been measurable.

### Trump or Biden will need to reset U.S. trade policy to stop China (Washington Times)

(9/22/2020 6:33 PM, Peter Morici)

The America First agenda has enjoyed mixed results. Tariffs brought China to the negotiating table but the Phase One Trade Deal does little more than set numerical targets for Chinese purchases. Chiding Europe has increased NATO defense spending, but we still don't have trade deal with the EU or UK. Emboldened by its successful handling of COVID-19, an impressive economic recovery and prospects of surpassing the US in GDP by the end of the decade, President Xi has doubled down on his refurbished version of 1930s-style authoritarian capitalism—pre-war Germany and Japan had state orchestrated private economies that supported devastating military buildups.

According to a U.S.-China Business Council survey, 13 percent of U.S. businesses in China were asked to transfer technology this year, up from 5 percent last year. Yet, the world is changing. The Europeans increasingly recognize China poses a primary threat to western democracies. Democratic nominee Joe Biden, who happily helped President Obama

appease China for eight years, now acknowledges America needs to get tough with China.

## National

Mnuchin and Powell tell lawmakers the economy is improving. (New York Times)

(9/22/2020 10:56 AM, Jeanna Smialek)

Treasury Secretary Steven Mnuchin offered an upbeat view of the economic recovery on Tuesday, describing it during a congressional hearing as the fastest rebound from any crisis in American history. Yet Mr. Mnuchin acknowledged that more than half of the jobs that had been lost as a result of the pandemic had yet to be restored. His comments came in a joint appearance before the House Financial Services Committee with Jerome H. Powell, the chair of the Federal Reserve.

Both officials projected optimism about the economic recovery so far, but Mr. Powell made clear that many of those gains were predicated on strong fiscal support, including additional jobless benefits and stimulus checks. That economic support has largely run out and lawmakers show little indication of being able to agree on another package despite the fact that millions of people remain out of work. Mr. Powell told Congress that the economy had made meaningful progress but that the outlook was uncertain and policymakers will need to do more.

[Editorial Note: Consult source link for full details.]

Powell, Mnuchin stress limits of emergency lending programs (The Hill)

(9/22/2020 2:16 PM, Sylvan Lane)

Federal Reserve Board Chair and Treasury Secretary told lawmakers Tuesday that the struggles faced by thousands of small businesses and some hard-hit sectors are beyond the scope of lending authorities. In Tuesday testimony before House lawmakers, Powell and Mnuchin asserted that the Fed and Treasury lack the legal or logistical abilities to expand certain emergency lending programs to a wider range of borrowers.

The Fed and Treasury are facing rising pressure from both Democrats and Republicans to broaden the scope of programs meant to help businesses and local governments secure enough cash to stay afloat and prevent layoffs until the economy recovers. Those programs are backed by \$454 billion allocated by Congress through the \$2.2 trillion March economic rescue bill, much of which has gone unused.

Treasury Secretary Mnuchin says the Trump administration still supports a stimulus package that includes direct payments (Business Insider)

(9/22/2020 2:22 PM, Joseph Zeballos-Roig)

Treasury Secretary Steven Mnuchin said on Tuesday the Trump administration still backs another stimulus package, one that includes direct payments. During a hearing with the House Financial Services Committee, Mnuchin testified along with Jerome Powell, the Federal Reserve chairman. Both said the economy was recovering, though risk remained of further damage because of the ongoing pandemic.

"The president and I remain committed to providing support for American workers and businesses," Mnuchin said at the hearing. "I believe a targeted package is still needed, and the administration is ready to reach a bipartisan agreement." He also said "The administration does support another stimulus payment," similar to the \$1,200 check that the

government sent to over 150 million people in April and May. Powell said he believed "It is likely more fiscal support will be needed." He credited the CARES Act with playing a large part in stabilizing the economy with direct payments and boosted unemployment benefits.

CBO Downgrades Long-Term Projections of Economic Growth (Wall Street Journal)  
(9/21/2020 4:35 PM, Kate Davidson)

The U.S. economy is likely to grow more slowly in coming decades and the public debt burden will increase more than previously forecast, due in large part to the coronavirus-induced recession, the Congressional Budget Office said Monday. The agency released new projections showing weaker growth and significantly more red ink over the next 30 years than it had previously forecast.

The agency now anticipates average annual GDP growth of 1.6% from 2020 to 2050, roughly a full quarter percentage point less than it expected in June 2019, the last time it released long-term economic projections and before the coronavirus pandemic swept across the U.S., triggering a deep recession. Growth averaged 2.5% from 1990 to 2019. Debt as a share of gross domestic product is forecast to hit 195% by 2050, 45 percentage points higher than the CBO projected in June 2019. The increase is due in large part to surging outlays to combat the pandemic, followed in later years by rising interest costs and higher spending on safety-net programs such as Social Security and Medicare.

Faster wage growth? A lighter debt burden? Is there anything faster productivity growth can't accomplish? (American Enterprise Institute)

(9/22/2020 3:05 PM, James Pethokoukis)

At some point, the post-pandemic economy will be here. Fast productivity growth - much faster than what we've seen over the past decade - would be a big help in generating fast wage growth. Fast productivity growth would also be a big help in dealing with the growing federal debt, which has exploded during the pandemic.

If labor productivity growth continues at the rate of 1.4 percent, GDP will grow to \$30.8 trillion by 2049, assuming there is no corresponding growth in work hours. However, if the U.S. economy could achieve 3.4 percent productivity growth per year, GDP would increase to \$40.4 trillion by 2039 and \$56.5 trillion by 2049. This added growth would generate an additional \$2.4 trillion per year in federal revenues in 2039 from increased worker incomes, business profits, and other forms of national income.

**{End of Report}**

Message

**From:** Lujan, Theresa - OFCCP [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9EDFF4C13BC3429F939D457747BB2E89-LUJAN, THER]  
**Sent:** 9/23/2020 11:43:59 AM  
**To:** Williams, Tina T - OFCCP [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=de1ca1bb58004746a50104bd40a50623-Williams, T]; Seely, Christopher - OFCCP [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6b2b2010aaf743ceb373a758390001a1-Seely, Chri]  
**Subject:** RE: Wednesday Morning Press Releases/Daily News Clippings: September 23, 2020

In the article, "Federal Contractors Ordered to End 'Divisive' Diversity Training" the order instructs the DOL's Office of Federal Contract Compliance Programs to establish a hotline and investigate complaints against contractors. It also calls on the OFCCP to request information from contractors regarding diversity training and workshops provided to their employees through a Federal Register notice within 30 days.

Will this be part of our current help desk responsibilities? If you, we will need to set up training for the help desk staff and go over this Order.

Theresa

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**From:** Parker, Walter - OFCCP [b(6)]@dol.gov>  
**Sent:** Wednesday, September 23, 2020 8:30 AM  
**To:** zzOFCCP-NO-DPPD-ALL <zzOFCCP-NO-DPPD-ALL@dol.gov>  
**Subject:** FW: Wednesday Morning Press Releases/Daily News Clippings: September 23, 2020

Good morning,

Please see Today's Press Releases/Daily News Clippings below –

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**Wednesday Morning Press Releases: September 23, 2020- None to Report**

Date of Press Release	Company Name	Hyperlink to Release

**Wednesday Morning News Clips: September 23, 2020**

Article #	Paper	Title
1	Cicion PR Newswire	Oracle Wins Litigation Against OFCCP
2	WGBH News	<a href="#">Trump Expands Ban On Racial Sensitivity Training To Federal Contractors</a>
3	Bloomberg Law	<a href="#">Independent Contractor Rule Would Give Employers Potent Weapon</a>
4	Bloomberg Law	<a href="#">Oracle Defeats Labor Department's \$400 Million Pay Bias Claims</a>

**Article 1** ([back to top](#)) – [hyperlink to above](#)

Article Title: [Oracle Wins Litigation Against OFCCP](#)

News Source: Cision PR Newswire

Reporter's Name: NA

Date: September 22, 2020

# Oracle Wins Litigation Against OFCCP

COURT FOUND NO EVIDENCE OF DISCRIMINATION



NEWS PROVIDED BY

Oracle

Sep 22, 2020, 20:44 ET

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REDWOOD SHORES, Calif., Sept. 22, 2020 /PRNewswire/ -- Oracle announced today that the Department of Labor Administration Law Judge ruled across the board in Oracle's favor and found no evidence whatsoever of discrimination at Oracle.

"After four years of litigation, we are grateful for Judge Clark's ruling. In a more than 200-page decision, Judge Clark found no evidence of discrimination. We have been subject to years of harassment by Department of Labor employees with no evidence of discrimination whatsoever," said Dorian Daley, Oracle's General Counsel. Daley continued, "This case never should have been brought in the first place."

Among Judge Clark's findings:

- Oracle did not engage in intentional compensation discrimination (wage-rate, salary, or total compensation) at its headquarters facility during the relevant time period against female employees in the Product Development, Information Technology, and Support job functions; or against Asian and African American employees in the Product Development job function.
- Oracle did not have a policy or practice at its headquarters facility during the relevant time period of relying on prior pay in salary setting and OFCCP did not show a disparate impact attributable to such a policy on female employees in the Product Development, Information Technology, and Support job functions; or on Asian and African American employees in the Product Development job function.
- Oracle did not engage in assignment, job classification, or steering discrimination at its headquarters facility during the relevant time period against female employees in the Product Development, Information Technology, and Support job functions; or against Asian and African American employees in the Product Development job function.

"Oracle is run with equality and opportunity for all of our employees," said Joyce Westerdahl, Oracle's EVP for Human Resources.



"At Oracle we have 135,000 employees who work every day to help our customers succeed. The Department of Labor complaint bore no resemblance to the Oracle I know," said Safra Catz, Oracle's Chief Executive Officer.

#### About Oracle

The Oracle Cloud offers a complete suite of integrated applications for Sales, Service, Marketing, Human Resources, Finance, Supply Chain and Manufacturing, plus Highly Automated and Secure Generation 2 Infrastructure featuring the Oracle Autonomous Database. For more information about Oracle (NYSE: [ORCL](#)), please visit us at [www.oracle.com](http://www.oracle.com).

#### [Article 2 \(back to top\)](#)

Article Title: [Trump Expands Ban On Racial Sensitivity Training To Federal Contractors](#)

News Source: WGBH News

Reporter's Name: NPR Staff

Date: September 22, 2020

## Trump Expands Ban On Racial Sensitivity Training To Federal Contractors

President Trump, pictured on the South Lawn of the White House on Tuesday, signed an executive order on certain training about race for federal contractors, expanding an earlier ban on federal employees.

*Drew Angerer / Getty Images*

By NPR Staff

September 22, 2020

President Trump on Tuesday said he had expanded a ban on racial sensitivity training to federal contractors.

His administration had instructed federal agencies to end such training [earlier this month](#).

Trump [said on Twitter on Tuesday](#) that he had expanded the ban on "efforts to indoctrinate government employees with divisive and harmful sex and race-based ideologies" to contractors doing business with the federal government and those receiving grant funds.

"Americans should be taught to take PRIDE in our Great Country, and if you don't there's nothing in it for you!" he tweeted.

Earlier this month, Trump [announced efforts to promote "patriotic education"](#) and railed against students learning about systemic racism.

He signed an executive order that requires contracts to now include a provision that says contractors with the federal government will not have "workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating" or face the cancellation of contracts.

"Instructors and materials teaching that men and members of certain races, as well as our most venerable institutions, are inherently sexist and racist are appearing in workplace diversity trainings across the country, even in components of the Federal Government and among Federal contractors," the order says.

The trainings cited include references to white privilege and systemic racism.

After the instructions were sent to government agencies earlier this month, M.E. Hart, an attorney who has run hundreds of diversity training sessions for businesses and the federal government, told The Washington Post: "If we are going to live up to this nation's promise — 'we hold these truths to be self-evident, that all men are created equal' — we have to see each other as human beings, and we have to do whatever it takes, including taking whatever classes make that possible. These classes have been very powerful in allowing people to do that, and we need them more than ever. There's danger here."

Read the text of the order below.

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## COMBATING RACE AND SEX STEREOTYPING

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 101 et seq., and in order to promote economy and efficiency in Federal contracting, to promote unity in the Federal workforce, and to combat offensive and anti-American race and sex stereotyping and scapegoating, it is hereby ordered as follows:

Section 1. Purpose. From the battlefield of Gettysburg to the bus boycott in Montgomery and the Selma-to-Montgomery marches, heroic Americans have valiantly risked their lives to ensure that their children would grow up in a Nation living out its creed, expressed in the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal." It was this belief in the inherent equality of every individual that inspired the Founding generation to risk their lives, their fortunes, and their sacred honor to establish a new Nation, unique among the countries of the world. President Abraham Lincoln understood that this belief is "the electric cord" that "links the hearts of patriotic and liberty-loving" people, no matter their race or country of

origin. It is the belief that inspired the heroic black soldiers of the 54th Massachusetts Infantry Regiment to defend that same Union at great cost in the Civil War. And it is what inspired Dr. Martin Luther King, Jr., to dream that his children would one day "not be judged by the color of their skin but by the content of their character."

Thanks to the courage and sacrifice of our forebears, America has made significant progress toward realization of our national creed, particularly in the 57 years since Dr. King shared his dream with the country.

Today, however, many people are pushing a different vision of America that is grounded in hierarchies based on collective social and political identities rather than in the inherent and equal dignity of every person as an individual. This ideology is rooted in the pernicious and false belief that America is an irredeemably racist and sexist country; that some people, simply on account of their race or sex, are oppressors; and that racial and sexual identities are more important than our common status as human beings and Americans.

This destructive ideology is grounded in misrepresentations of our country's history and its role in the world. Although presented as new and revolutionary, they resurrect the discredited notions of the nineteenth century's apologists for slavery who, like President Lincoln's rival Stephen A. Douglas, maintained that our government "was made on the white basis" "by white men, for the benefit of white men." Our Founding documents rejected these racialized views of America, which were soundly defeated on the blood-stained battlefields of the Civil War. Yet they are now being repackaged and sold as cutting-edge insights. They are designed to divide us and to prevent us from uniting as one people in pursuit of one common destiny for our great country.

Unfortunately, this malign ideology is now migrating from the fringes of American society and threatens to infect core institutions of our country. Instructors and materials teaching that men and members of certain races, as well as our most venerable institutions, are inherently sexist and racist are appearing in workplace diversity trainings across the country, even in components of the Federal Government and among Federal contractors. For example, the Department of the Treasury recently held a seminar that promoted arguments that "virtually all White people, regardless of how 'woke' they are, contribute to racism," and that instructed small group leaders to encourage employees to avoid "narratives" that Americans should "be more color-blind" or "let people's skills and personalities be what differentiates them."

Training materials from Argonne National Laboratories, a Federal entity, stated that racism "is interwoven into every fabric of America" and described statements like "color blindness" and the "meritocracy" as "actions of bias."

Materials from Sandia National Laboratories, also a Federal entity, for non-minority males stated that an emphasis on "rationality over emotionality" was a characteristic of "white male[s]," and asked those present to "acknowledge" their "privilege" to each other.

A Smithsonian Institution museum graphic recently claimed that concepts like "[o]bjective, rational linear thinking," "[h]ard work" being "the key to success," the "nuclear family," and belief in a single god are not values that unite Americans of all races but are instead "aspects and assumptions of whiteness." The museum also stated that "[f]acing your whiteness is hard and can result in feelings of guilt, sadness, confusion, defensiveness, or fear."

All of this is contrary to the fundamental premises underpinning our Republic: that all individuals are created equal and should be allowed an equal opportunity under the law to pursue happiness and prosper based on individual merit.

Executive departments and agencies (agencies), our Uniformed Services, Federal contractors, and Federal grant recipients should, of course, continue to foster environments devoid of hostility grounded in race, sex, and other federally protected characteristics. Training employees to create an inclusive workplace is appropriate and beneficial. The Federal Government is, and must always be, committed to the fair and equal treatment of all individuals before the law.

But training like that discussed above perpetuates racial stereotypes and division and can use subtle coercive pressure to ensure conformity of viewpoint. Such ideas may be fashionable in the academy, but they have no place in programs and activities supported by Federal taxpayer dollars. Research also suggests that blame-focused diversity training reinforces biases and decreases opportunities for minorities.

Our Federal civil service system is based on merit principles. These principles, codified at 5 U.S.C. 2301, call for all employees to "receive fair and equitable treatment in all aspects of personnel management without regard to" race or sex "and with proper regard for their . . . constitutional rights." Instructing Federal employees that treating individuals on the basis of individual merit is racist or sexist directly undermines our Merit System Principles and impairs the efficiency of the Federal service. Similarly, our Uniformed Services should not teach

our heroic men and women in uniform the lie that the country for which they are willing to die is fundamentally racist. Such teachings could directly threaten the cohesion and effectiveness of our Uniformed Services.

Such activities also promote division and inefficiency when carried out by Federal contractors. The Federal Government has long prohibited Federal contractors from engaging in race or sex discrimination and required contractors to take affirmative action to ensure that such discrimination does not occur. The participation of contractors' employees in training that promotes race or sex stereotyping or scapegoating similarly undermines efficiency in Federal contracting. Such requirements promote divisiveness in the workplace and distract from the pursuit of excellence and collaborative achievements in public administration.

Therefore, it shall be the policy of the United States not to promote race or sex stereotyping or scapegoating in the Federal workforce or in the Uniformed Services, and not to allow grant funds to be used for these purposes. In addition, Federal contractors will not be permitted to inculcate such views in their employees.

Sec. 2. Definitions. For the purposes of this order, the phrase:

(a) "Divisive concepts" means the concepts that (1) one race or sex is inherently superior to another race or sex; (2) the United States is fundamentally racist or sexist; (3) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (4) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (5) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (6) an individual's moral character is necessarily determined by his or her race or sex; (7) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (8) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (9) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term "divisive concepts" also includes any other form of race or sex stereotyping or any other form of race or sex scapegoating.

(b) "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex.

(c) "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex. It similarly encompasses any claim that, consciously or unconsciously, and by

virtue of his or her race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.

(d) "Senior political appointee" means an individual appointed by the President, or a non-career member of the Senior Executive Service (or agency-equivalent system).

Sec. 3. Requirements for the United States Uniformed Services. The United States Uniformed Services, including the United States Armed Forces, shall not teach, instruct, or train any member of the United States Uniformed Services, whether serving on active duty, serving on reserve duty, attending a military service academy, or attending courses conducted by a military department pursuant to a Reserve Officer Corps Training program, to believe any of the divisive concepts set forth in section 2(a) of this order. No member of the United States Uniformed Services shall face any penalty or discrimination on account of his or her refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to these concepts.

Sec. 4. Requirements for Government Contractors. (a) Except in contracts exempted in the manner provided by section 204 of Executive Order 11246 of September 24, 1965 (Equal Employment Opportunity), as amended, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:

1. The contractor shall not use any workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating, including the concepts that (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term "race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his

or her race or sex, and the term "race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex.

2. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under the Executive Order of September 22, 2020, entitled Combating Race and Sex Stereotyping, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

3. In the event of the contractor's noncompliance with the requirements of paragraphs (1), (2), and (4), or with any rules, regulations, or orders that may be promulgated in accordance with the Executive Order of September 22, 2020, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246, and such other sanctions may be imposed and remedies invoked as provided by any rules, regulations, or orders the Secretary of Labor has issued or adopted pursuant to Executive Order 11246, including subpart D of that order.

4. The contractor will include the provisions of paragraphs (1) through (4) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

(b) The Department of Labor is directed, through the Office of Federal Contract Compliance Programs (OFCCP), to establish a hotline and investigate complaints received under both this order as well as Executive Order 11246 alleging that a Federal contractor is utilizing such training programs in violation of the contractor's obligations under those orders. The Department shall take appropriate enforcement action and provide remedial relief, as appropriate.

(c) Within 30 days of the date of this order, the Director of OFCCP shall publish in the Federal Register a request for information seeking information from Federal contractors, Federal subcontractors, and employees of Federal contractors and subcontractors regarding the training, workshops, or similar programming provided to

employees. The request for information should request copies of any training, workshop, or similar programming having to do with diversity and inclusion as well as information about the duration, frequency, and expense of such activities.

Sec. 5. Requirements for Federal Grants. The heads of all agencies shall review their respective grant programs and identify programs for which the agency may, as a condition of receiving such a grant, require the recipient to certify that it will not use Federal funds to promote the concepts that (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. Within 60 days of the date of this order, the heads of agencies shall each submit a report to the Director of the Office of Management and Budget (OMB) that lists all grant programs so identified.

Sec. 6. Requirements for Agencies. (a) The fair and equal treatment of individuals is an inviolable principle that must be maintained in the Federal workplace. Agencies should continue all training that will foster a workplace that is respectful of all employees. Accordingly:

(i) The head of each agency shall use his or her authority under 5 U.S.C. 301, 302, and 4103 to ensure that the agency, agency employees while on duty status, and any contractors hired by the agency to provide training, workshops, forums, or similar programming (for purposes of this section, "training") to agency employees do not teach, advocate, act upon, or promote in any training to agency employees any of the divisive concepts listed in section 2(a) of this order. Agencies may consult with the Office of Personnel Management (OPM), pursuant to 5 U.S.C. 4116, in carrying out this provision; and

(ii) Agency diversity and inclusion efforts shall, first and foremost, encourage agency employees not to judge each other by their color, race, ethnicity, sex, or any other characteristic protected by Federal law.

(b) The Director of OPM shall propose regulations providing that agency officials with supervisory authority over a supervisor or an employee with responsibility for promoting diversity and inclusion, if such supervisor or employee either authorizes or approves training that promotes the divisive concepts set forth in section 2(a) of



this order, shall take appropriate steps to pursue a performance-based adverse action proceeding against such supervisor or employee under chapter 43 or 75 of title 5, United States Code.

(c) Each agency head shall:

(i) issue an order incorporating the requirements of this order into agency operations, including by making compliance with this order a provision in all agency contracts for diversity training;

(ii) request that the agency inspector general thoroughly review and assess by the end of the calendar year, and not less than annually thereafter, agency compliance with the requirements of this order in the form of a report submitted to OMB; and

(iii) assign at least one senior political appointee responsibility for ensuring compliance with the requirements of this order.

Sec. 7. OMB and OPM Review of Agency Training. (a) Consistent with OPM's authority under 5 U.S.C. 4115-4118, all training programs for agency employees relating to diversity or inclusion shall, before being used, be reviewed by OPM for compliance with the requirements of section 6 of this order.

(b) If a contractor provides a training for agency employees relating to diversity or inclusion that teaches, advocates, or promotes the divisive concepts set forth in section 2(a) of this order, and such action is in violation of the applicable contract, the agency that contracted for such training shall evaluate whether to pursue debarment of that contractor, consistent with applicable law and regulations, and in consultation with the Interagency Suspension and Debarment Committee.

(c) Within 90 days of the date of this order, each agency shall report to OMB all spending in Fiscal Year 2020 on Federal employee training programs relating to diversity or inclusion, whether conducted internally or by contractors. Such report shall, in addition to providing aggregate totals, delineate awards to each individual contractor.

(d) The Directors of OMB and OPM may jointly issue guidance and directives pertaining to agency obligations under, and ensuring compliance with, this order.

Sec. 8. Title VII Guidance. The Attorney General should continue to assess the extent to which workplace training that teaches the divisive concepts set forth in section 2(a) of this order may contribute to a hostile work

environment and give rise to potential liability under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq. If appropriate, the Attorney General and the Equal Employment Opportunity Commission shall issue publicly available guidance to assist employers in better promoting diversity and inclusive workplaces consistent with Title VII.

Sec. 9. Effective Date. This order is effective immediately, except that the requirements of section 4 of this order shall apply to contracts entered into 60 days after the date of this order.

Sec. 10. General Provisions. (a) This order does not prevent agencies, the United States Uniformed Services, or contractors from promoting racial, cultural, or ethnic diversity or inclusiveness, provided such efforts are consistent with the requirements of this order.

(b) Nothing in this order shall be construed to prohibit discussing, as part of a larger course of academic instruction, the divisive concepts listed in section 2(a) of this order in an objective manner and without endorsement.

(c) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

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

(i) the authority granted by law to an executive department, 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.

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

(f) 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.

**Article 3** ([back to top](#))

Article Title: Independent Contractor Rule Would Give Employers Potent Weapon

News Source: Bloomberg Law

Reporter's Name: Ben Penn

Date: September 23, 2020

[Daily Labor Report](#)@



# Independent Contractor Rule Would Give Employers Potent Weapon

By [Ben Penn](#)

Sept. 23, 2020, 8:21 AM

- DOL proposal sets simpler independent contractor test
- If finalized, murky litigation turns in businesses favor

A new proposal clarifying independent contractor status must first survive numerous legal, political, and calendar hurdles, but if successful the Trump administration would be handing businesses a pivotal advantage in quashing worker lawsuits.

The U.S. Labor Department unveiled the highly anticipated proposed rule [Tuesday](#), adopting a shorter, simpler test for when employers may legally classify workers as independent contractors rather than employees who are covered by federal minimum wage and overtime law.

Attorneys predict the rule, while subject to reversal if Joe Biden wins the presidency and not necessarily owed deference by judges, would deliver companies a persuasive tool to fend off expensive class actions accusing them of misclassifying workers as independent contractors.

“Frankly, I think this area is very confusing for courts. There are so many factors and so much case law and the case law has come out so divergently,” said [Shannon Liss-Riordan](#), who’s built a prominent nationwide practice

representing workers for gig economy employers such as Uber Technologies Inc. and Lyft Inc. in high-profile classification battles.

“I do worry that there are judges out there who will rely on this” DOL rule “because it is a recent statement that purports to put together the law in one neat package,” she said.

Reactions split along predictable lines, with business groups and Republicans praising DOL’s effort to provide long-sought clarity and Democrats and worker advocates blasting it as a corporate giveaway. But both plaintiff and management counsel were aligned in expressing skepticism over whether the rule will actually come to fruition, despite administration aspirations to fast-track the rule to completion by year’s end.

“There are a variety of roadblocks that could impede the proposed rule from becoming final—legal, political, and otherwise related to the fact we’re in an election year,” said [Brett Bartlett](#), who co-leads the national wage-hour practice group at management-side Seyfarth Shaw. “I’m asking our clients to reserve their excitement until we see where the road takes us.”

### Control Flipped

If it does take effect, the rule would consider five factors to determine whether a worker is economically dependent on an employer, and therefore an employee—not a contractor. DOL would give greatest weight to two core factors: the nature and degree of the employer’s control over the work and the worker’s opportunity for profit or loss based on personal initiative or investment.

They’re complemented by three additional “guideposts,” which would be useful in the analysis when the initial two core factors are conflicting. Those three criteria are the amount of skill required in the work, the degree of permanence in the work relationship, and whether the work is part of an integrated unit of production.

By focusing the inquiry of worker status on a worker’s control over their work, the department has significantly departed from its previous more expansive interpretation of employee status under the Fair Labor Standards Act, said [Juno Turner](#), litigation director at the nonprofit law firm Towards Justice.

“Control has always been an important part of that test, but it’s the employer’s control over how the employee does that work. And the department is proposing to flip it so that it’s about the control the employee has over their work,” said Turner, who represents workers in FLSA misclassification claims. “That’s a really important distinction because it’s really easy for an employer to claim for example, in the gig economy, ‘They can choose their hours of work, they can choose their days of work.’”

### Big Annual Savings

The proposal from DOL’s Wage and Hour Division must now go through a 30-day public comment period, setting up a tight window for the agency to review feedback, craft an updated final rule, get White House approval, release the regulation, and allow lead time for it to take effect before Inauguration Day on Jan. 20.

If Democratic nominee Biden defeats the Republican President Donald Trump, he could rescind any rule that hasn’t taken effect. Or if the Senate and House are Democratic majority, they could utilize the Congressional Review Act to invalidate it.

But that’s a challenge the agency’s political brass is ready to take up. A senior DOL official, speaking on a media call Tuesday, said, “We look forward to finalizing this rule before the end of this year.”

Despite the uncertainty, wage-hour lawyers are weighing the potential impact this rule would have on future liability for overtime and minimum wage lawsuits under the Fair Labor Standards Act.

The proposal’s economic analysis gives employers reason for excitement, forecasting the regulation would lead to nearly \$481 million in overall savings per year—the vast majority of that total benefiting employers from reduced litigation costs and more certainty when making classification decisions.

That's not even including potential transfers in wages from workers to businesses when an unpredictable number of employees are reclassified as independent contractors, a possibility the agency declined to put a price tag on in the proposal.

"What the proposed rule does is simplify the rule but in a way that effectively presumes workers are NOT employees," said [Catherine Fisk](#), an employment law professor at the University of California at Berkeley, in an email. "That means companies can predictably know that they can treat their workers as contractors and not comply with wage/hour law, and know they also will be able to prevail on an early summary judgment motion if they are sued."

Management attorneys don't see the wave of worker misclassification lawsuits, particularly in the gig economy, disappearing any time soon. But they agreed that the added simplicity from DOL could give their clients a decisive advantage in the courtroom.

"I think it'll be a powerful weapon for employers, and for employers who properly structured their relationships with individuals consistent with the rule," said [Lee Schreter](#), who co-chairs the wage-hour practice at Littler Mendelson.

More specifically, businesses may have an improved pathway to avoid the expenses of drawn-out, fact-intensive misclassification lawsuits by defeating claims at an earlier stage.

"If you can establish that there's no dispute of facts," summary judgment victory for employers will be more likely as a result of DOL's rule, said [Salvador Simao](#), who chairs the wage-hour practice at management firm FordHarrison. "If employers have good contracts with their contractors, delineating the duties that are being performed, then yeah, it will be much easier to get summary judgment at that point."

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**Article 4** ([back to top](#))

Article Title: [Oracle Defeats Labor Department's \\$400 Million Pay Bias Claims](#)

News Source: Bloomberg Law

Reporter's Name: Paige Smith

Date: September 22, 2020

[Daily Labor Report](#)



Signage on a building at the Oracle Corp. headquarters campus in Redwood City, Calif.  
Photographer: Michael Short/Bloomberg via Getty Images

# Oracle Defeats Labor Department's \$400 Million Pay Bias Claims

By [Paige Smith](#)

Sept. 22, 2020, 10:10 PM

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Oracle America Inc. didn't systemically discriminate against women and minorities in pay, a Labor Department administrative law judge ruled in a case that likely will have repercussions on the agency's efforts to combat compensation bias in the tech sector.

Administrative Law Judge Richard M. Clark's [recommended decision and order](#) Tuesday concludes, for now, years of contentious litigation between the Labor Department and Oracle. The DOL's Office of Federal Contract Compliance Programs audited the Redwood City, Calif.-based technology company in 2014 and sued it in 2017, alleging that Oracle owed women and minorities \$400 million in unpaid wages.

The OFCCP routinely and randomly audits federal contractors for compliance with equal employment opportunity and anti-discrimination obligations. Labor Department attorneys said Oracle holds at least [\\$100 million](#) in federal contracts annually.

OFCCP can appeal the judge's decision to the DOL's Administrative Review Board.

The case is [OFCCP v. Oracle Am., Inc.](#), Dep't of Labor A.L.J., No. 2017-OFC-00006, recommended decision & order 9/22/20.

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[Article 5](#) ([back to top](#))

[Article Title: Federal Contractors Ordered to End 'Divisive' Diversity Training](#)

[News Source: Bloomberg Law](#)

[Reporter's Name: Louis C. LaBrecque](#)

[Date: September 23, 2020](#)

[Daily Labor Report®](#)



President Donald Trump.

Photographer: Drew Angerer/Getty Images

# Federal Contractors Ordered to End ‘Divisive’ Diversity Training

By [Louis C. LaBrecque](#)

Sept. 23, 2020, 10:11 AM

[Listen](#)

- DOL told to set up hotline for contractor employees
- Bars use of training for feds, military, and contractors

Companies that do business with the federal government are barred from conducting diversity training that includes “divisive concepts” such as the idea that the U.S. is inherently sexist or racist, or that individuals may be “inherently racist, sexist, or oppressive, whether consciously or unconsciously,” under an executive order from President Donald Trump.

The [order](#), issued Tuesday, also applies to federal agency workforces and military personnel. It comes more than two weeks after the White House Office of Management and Budget issued a [memo](#) condemning [racial sensitivity training](#) that involves discussion of topics like White privilege and critical race theory as “counter to the fundamental beliefs for which our Nation has stood since its inception.”

Federal contracts with companies that violate the order may be terminated or suspended, and the contractor may be barred from further business with the U.S. government, the order says. Other sanctions also may be imposed on federal contractors by the Labor Department, it says.

The order instructs the DOL’s Office of Federal Contract Compliance Programs to establish a hotline and investigate complaints against contractors. It also calls on the OFCCP to request information from contractors regarding diversity training and workshops provided to their employees through a Federal Register notice within 30 days.

“The request for information should request copies of any training, workshop, or similar programming having to do with diversity and inclusion as well as information about the duration, frequency, and expense of such activities,” it says.

Federal agencies will have more difficulty opposing some workplace race bias lawsuits if they roll back anti-racism training, lawyers and law professors previously told Bloomberg Law.

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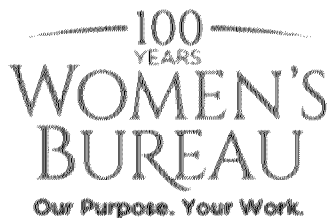
**From:** Gean, Lissette - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=BBB9A13178C24AADB6B7613F2F9041F3-GEAN, LISSE>  
**To:** Leen, Craig - OFCCP  
**Sent:** 9/23/2020 3:24:18 PM  
**Subject:** RE: Executive Order

FYI, Matt was in the original meeting invitation.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Wednesday, September 23, 2020 3:09 PM  
**To:** Mimnaugh Matthew F - OFCCP <Mimnaugh.Matthew.F@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: Executive Order

Hi Matt. Certainly you can attend the CRLM meeting (which is why I copied you). The work on this will largely be done by OSEC in conjunction with Tina and me. There is unlikely to be a Directive or subregulatory guidance at this time. If you'd like to assist, it would be very helpful for me if you could do research on Title VII and EO 11246, along with cases on race or sex stereotyping and scapegoating in employment. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Mimnaugh Matthew F - OFCCP <Mimnaugh.Matthew.F@dol.gov>  
**Sent:** Tuesday, September 22, 2020 11:56 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Subject:** Re: Executive Order

Craig,  
Is there any chance I could be included in the meeting with CRLM? If there needs to be additional sub regulatory guidance issued following the RFI, such as a Directive, it may be helpful for the Policy Advisor to be in the meeting.

Matt

Sent from my iPhone

On Sep 22, 2020, at 9:20 PM, Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov> wrote:

Thank you - looking forward to it. Bob

Sent from my iPhone

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<https://www.whitehouse.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/>

Thanks,  
Craig

Craig E. Leen  
OFCCP Director

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Sent from my iPhone

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Thanks,  
Craig

Craig E. Leen  
OFCCP Director

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**From:** Mimnaugh Matthew F - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=CC2FB9589F364481A8C0395C315DF87F-MATTHEW F.>  
**To:** Leen, Craig - OFCCP  
**Sent:** 9/23/2020 4:26:20 PM  
**Subject:** RE: Executive Order

Thanks Craig. I'll begin researching, but if there are any further projects you need I should be happy to be of use.

(b) 5

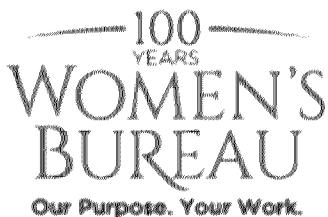
I will begin research on race and sex stereotyping in the context of Title VII and EO 11246. If there is anything further that I can do to be of use to the agency in terms of substantive assignments, I should relish the opportunity to contribute.

Best,  
Matt

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Wednesday, September 23, 2020 3:09 PM  
**To:** Mimnaugh Matthew F - OFCCP <Mimnaugh.Matthew.F@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <Patricia.J.Davidson@dol.gov>; Gean, Lissette - OFCCP <Lissette.Gean@dol.gov>; Williams, Tina T - OFCCP <Tina.T.Williams@dol.gov>  
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Craig E. Leen  
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Thanks,  
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Thanks,  
Craig

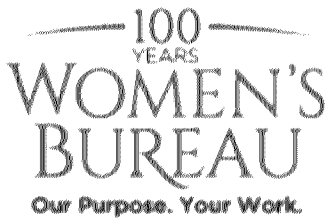
Craig E. Leen  
OFCCP Director

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**From:** Leen, Craig - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=5FFD4A5B3CC74F49A5D2BF4C747416D4-LEEN, CRAIG>  
**To:** Mimnaugh Matthew F - OFCCP  
**CC:** Gaglione, Robert J - OFCCP; Davidson, Patricia J - OFCCP; Williams, Tina T - OFCCP; Bickerstaffe, Keir - SOL  
**Sent:** 9/29/2020 5:22:11 PM  
**Subject:** RE: Executive Order

Thanks Matt. I am copying OFCCP Policy. Please continue to conduct research. Also, please look at the OFCCP website as well as websites from other federal civil rights enforcement agencies (such as HHS). I'm most interested in reviewing guidance relating to prohibitions on race and sex stereotyping and scapegoating, along with examples of what is prohibited, as that may help us in formulating our guidance. Bob or Tina, if there are any areas you'd like Matt to research, please let us know. Also, as for any case law, please also coordinate with Keir. Thanks, Craig

Craig E. Leen  
OFCCP Director



**From:** Mimnaugh Matthew F - OFCCP <Mimnaugh.Matthew.F@dol.gov>  
**Sent:** Tuesday, September 29, 2020 5:15 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Subject:** RE: Executive Order

Craig,

**(b) 5**

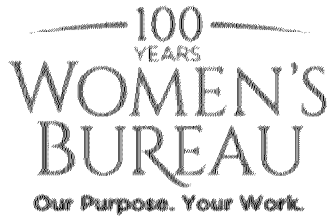
Regards,  
Matt

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Wednesday, September 23, 2020 3:09 PM  
**To:** Mimnaugh Matthew F - OFCCP <Mimnaugh.Matthew.F@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <Davidson.Patricia.J@dol.gov>; Williams, Tina T - OFCCP <Williams.Tina.T@dol.gov>; Gean, Lissette - OFCCP <Lissette.Gean@dol.gov>  
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OFCCP Director



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Sent from my iPhone

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Craig

Craig E. Leen  
OFCCP Director

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Thanks,  
Craig

Craig E. Leen  
OFCCP Director

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**From:** Seely, Christopher - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=6B2B2010AAF743CEB373A758390001A1-SEELY, CHRI>  
**To:** Bickerstaffe, Keir - SOL [REDACTED]@dol.gov  
**CC:** Williams, Tina T- OFCC [REDACTED]@dol.gov; Dankowitz, Beverly - SOL [REDACTED]@dol.gov  
**Sent:** 9/23/2020 4:52:20 PM  
**Subject:** RID FORM for the Executive Order on Combating Race and Sex Stereotyping

Seely, Christopher - OFCCP has shared a OneDrive for Business file with you. To view it, click the link below.

[REDACTED]  
**b(5)**

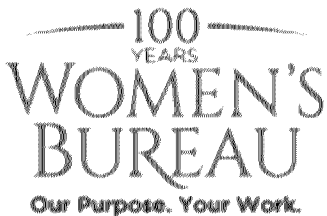
Hi Keir,

I wanted to provide this before the call. Attached is the RID form with the abstract for the FRN required by the new EO. I've also never done an RFI before – has CRLM? One question we have is whether the EO is calling for an RFI or an ICR or something different?

I don't think the EO said anything about amending our regulations, and it also doesn't appear to amend EO 11246. It seems like we would typically amend 41 CFR 60-1.4, but the EO was fairly specific about what the FRN should request and it did not mention the EO clause or amending EO 11246, so I'm not certain.

Chris Seely  
Acting Deputy Director  
Division of Policy and Program Development  
Office of Federal Contract Compliance Programs  
U.S. Department of Labor

202- [REDACTED] (mobile)  
Pronouns: he/him/his



---

**From:** Seely, Christopher - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=6B2B2010AAF743CEB373A758390001A1-SEELY, CHRI>  
**To:** Williams, Tina T- OFCCP [b(6)]@dol.gov  
**Sent:** 9/23/2020 7:19:37 PM  
**Subject:** Help Desk - Scapegoating/Stereotyping EO

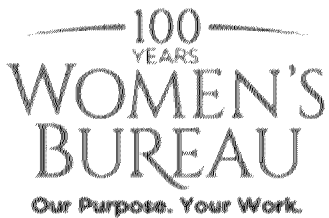
Tina –

Theresa and I talked. She is going to send me scripts for the outgoing voicemail recording and live help desk calls tomorrow morning.

Thanks,

Chris Seely  
Acting Deputy Director  
Division of Policy and Program Development  
Office of Federal Contract Compliance Programs  
U.S. Department of Labor

202- [b(6)] (mobile)  
Pronouns: he/him/his



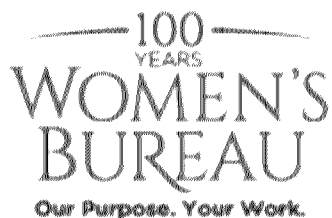
---

**From:**  
**To:** Williams, Tina T - OFCCP; Seely, Christopher - OFCCP  
**CC:** Gaglione, Robert J - OFCCP; Davidson, Patricia J - OFCCP; Gean, Lissette - OFCCP  
**Sent:** 9/28/2020 10:55:20 AM  
**Subject:** FAQs for new EO

OSEC would like to get a couple of the FAQs uploaded today:

(b) 5

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) (b)(6) (Phone)  
(202) 693-1304 (Fax)



---

**From:**  
**To:** Squitieri, Chad C - OSEC; Leen, Craig - OFCCP; Seely, Christopher - OFCCP  
**CC:** Gaglione, Robert J - OFCCP; Davidson, Patricia J - OFCCP; Gean, Lissette - OFCCP; Dankowitz, Beverly - SOL; Bickerstaffe, Keir - SOL; Taylor, Timothy J - SOL  
**Sent:** 9/28/2020 12:31:34 PM  
**Subject:** RE: FAQs for new EO

Chad – we will have the 1-2 FAQs today. When do you need the other FAQs?

**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP [b(6)]@dol.gov>; Seely, Christopher - OFCCP [b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP [b(6)]@dol.gov>; Dankowitz, Beverly - SOL <Beverly.Dankowitz@dol.gov>; Bickerstaffe, Keir - SOL [b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

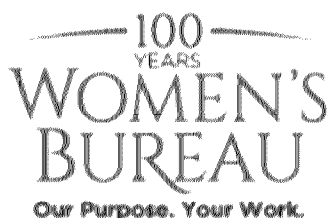
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP [b(6)]@dol.gov>; Seely, Christopher - OFCCP [b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP [b(6)]@dol.gov>; Squitieri, Chad C - OSEC <Chad.C.Squitieri@dol.gov>; Dankowitz, Beverly - SOL <Beverly.Dankowitz@dol.gov>; Bickerstaffe, Keir - SOL <Keir.Bickerstaffe@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM

DOL008000

To: Williams, Tina T - OFCCP; **(b)(6)** @dol.gov; Seely, Christopher - OFCCP

**(b)(6)**

@dol.gov

Cc: Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

**(b)(6)**

@dol.gov

; Gean, Lissette - OFCCP

**(b)(6)**

@dol.gov

; Squitieri, Chad C - OSEC  
<squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

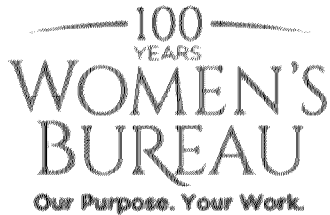
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) **(b)(6)** (Phone)  
(202) 693-1304 (Fax)



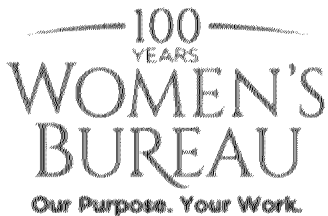
**From:**  
**To:** Leen, Craig - OFCCP; Bickerstaffe, Keir - SOL  
**CC:** Dankowitz, Beverly - SOL; Davidson, Patricia J - OFCCP; Gean, Lissette - OFCCP  
**Sent:** 9/28/2020 1:50:20 PM  
**Subject:** RE: FAQs for new EO  
**Attachments:** Executive Order Combating Race and Sex Stereotyping Frequently Asked Questions (KB).docx

We've already sent them and just received their edits.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210

Office: (202) **b(6)** | Fax: (202) 693-5319 | **b(6)** [dol.gov](mailto:dol.gov)

Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Williams, Tina T - OFCCP

**b(6)** <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Seely, Christopher - OFCCP **b(6)** <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP

**b(6)** <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP **b(6)** <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Dankowitz, Beverly - SOL <[Dankowitz.Beverly@dol.gov](mailto:Dankowitz.Beverly@dol.gov)>; Bickerstaffe, Keir - SOL **b(6)** <[Bickerstaffe.Keir@dol.gov](mailto:Bickerstaffe.Keir@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

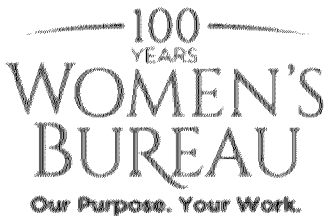
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

**(b) 5**

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



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Seely, Christopher - OFCCP **b(6)** <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP

**b(6)** <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP **b(6)** <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Dankowitz, Beverly - SOL <[Dankowitz.Beverly@dol.gov](mailto:Dankowitz.Beverly@dol.gov)>; Bickerstaffe, Keir - SOL **b(6)** <[Bickerstaffe.Keir@dol.gov](mailto:Bickerstaffe.Keir@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Subject:** RE: FAQs for new EO

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Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 11:08 AM

**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP

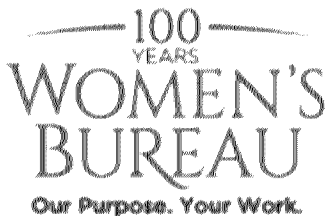
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

<b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Squitieri, Chad C - OSEC <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

<b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

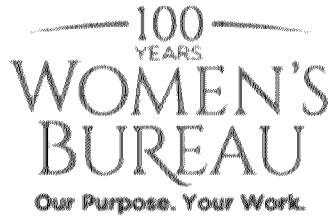
**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig



Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) **b(6)** (Phone)  
(202) 693-1304 (Fax)



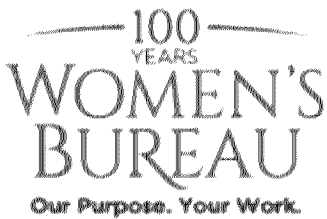
**From:**  
**To:** Squitieri, Chad C - OSEC  
**CC:** Kilberg, Andrew G - OSEC; Swearingen, Brett A - OSEC; Taylor, Timothy J - SOL; Rose, Sharon A - SOL  
**Sent:** 9/28/2020 2:00:47 PM  
**Subject:** FW: FAQs for new EO  
**Attachments:** Executive Order Combating Race and Sex Stereotyping Frequently Asked Questions (KB).docx; RE: EO 13950 FAQs

Please see attached and below. I support the proposed FAQs, but believe that FAQ 4 is too narrow as to what violates EO 11246, and is not consistent with my interpretation as Director. I would propose the following instead:

Craig's proposed FAQ 4:

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <(b) 6 >  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <(b) 6 @dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <(b) 6 @dol.gov>; Davidson, Patricia J - OFCCP <(b) 6 @dol.gov>; Gean, Lissette - OFCCP <(b) 6 @dol.gov>  
**Subject:** RE: FAQs for new EO

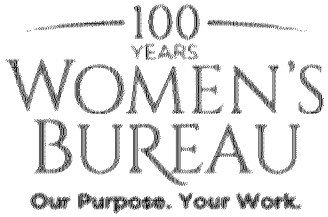
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**Cc:** Dankowitz, Beverly - SOL <(b) 6 @dol.gov>; Davidson, Patricia J - OFCCP <(b) 6 @dol.gov>; Gean, Lissette - OFCCP <(b) 6 @dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen

OFCCP Director



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Subject: RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [redacted] | Fax: (202) 693-5319 [redacted]@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

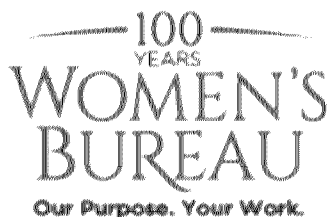
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Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

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Craig

Craig E. Leen  
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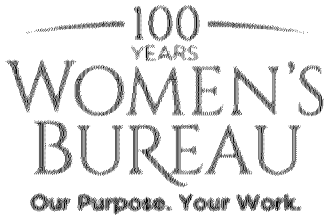
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<[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP  
<[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Squitieri, Chad C - OSEC  
<[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL  
<[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

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Craig E. Leen  
OFCCP Director



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[b(6)]@dol.gov

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[b(6)]@dol.gov; Gean, Lissette - OFCCP [b(6)]@dol.gov; Squitieri, Chad C - OSEC

<squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

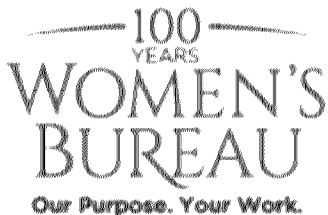
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(b) 5

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Thanks,  
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Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) 693- [b(6)] (Phone)  
(202) 693-1304 (Fax)



DOL008011

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**From:** Bickerstaffe, Keir - SOL </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=76946342408840629D14D5B8C536A764-BICKERSTAFF>  
**To:** Seely, Christopher - OFCCP  
**CC:** Williams, Tina T - OFCCP  
**Sent:** 9/28/2020 1:46:27 PM  
**Subject:** RE: EO 13950 FAQs  
**Attachments:** Executive Order Combating Race and Sex Stereotyping Frequently Asked Questions (KB).docx

My edits and comments attached.

Keir Bickerstaffe  
Counsel for Interpretation and Advice, SOL-CRLM  
(202) b(6)

**From:** Seely, Christopher - O b(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 1:46:27 PM  
**To:** Bickerstaffe, Keir - SOL <b(6)>  
**Cc:** Williams, Tina T - OFCCP b(6)@dol.gov>  
**Subject:** FW: EO 13950 FAQs  
**Importance:** High

Hi Keir –

Will you please take a quick look? We have to get back to the larger group by 2.

Thanks,

Chris Seely  
202- b(6)

**From:** Seely, Christopher - OFCCP  
**Sent:** Monday, September 28, 2020 9:03 AM  
**To:** Williams, Tina T - OFCCP b(6)  
**Subject:** EO 13950 FAQs  
**Importance:** High

Tina,

Attached are the first set of FAQs for Executive Order 13950, for review. We borrowed heavily from the EO and from the emails Craig sent with the FAQs either he or OSEC wrote.

Keir is at lunch until 1 p.m. and Craig said he wants something by 2 p.m. I don't want to sit on them until Keir gets back, in case you want to move them.

I'm taking my lunch now too.

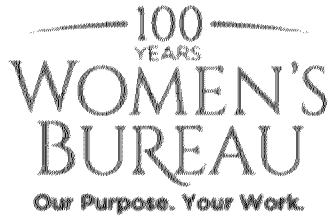
Thanks,

Chris Seely  
Acting Deputy Director  
Division of Policy and Program Development  
Office of Federal Contract Compliance Programs

U.S. Department of Labor

202 **b(6)** (mobile)

Pronouns: he/him/his



---

**From:**  
**To:** Leen, Craig - OFCCP  
**CC:** Davidson, Patricia J - OFCCP; Seely, Christopher - OFCCP; Gean, Lissette - OFCCP  
**Sent:** 9/28/2020 4:16:51 PM  
**Subject:** RE: FAQs for new EO

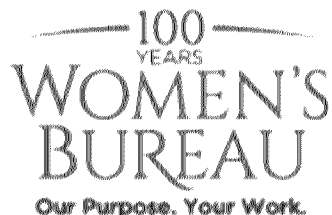
Craig,

FYI, the contractor is logging off at and Policy will not be able to post the FAQs; unless, OPA after that unless OPA gets involved and they post them directly.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

It is our pleasure. We are on standby to post once we edit consistent with your feedback.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>

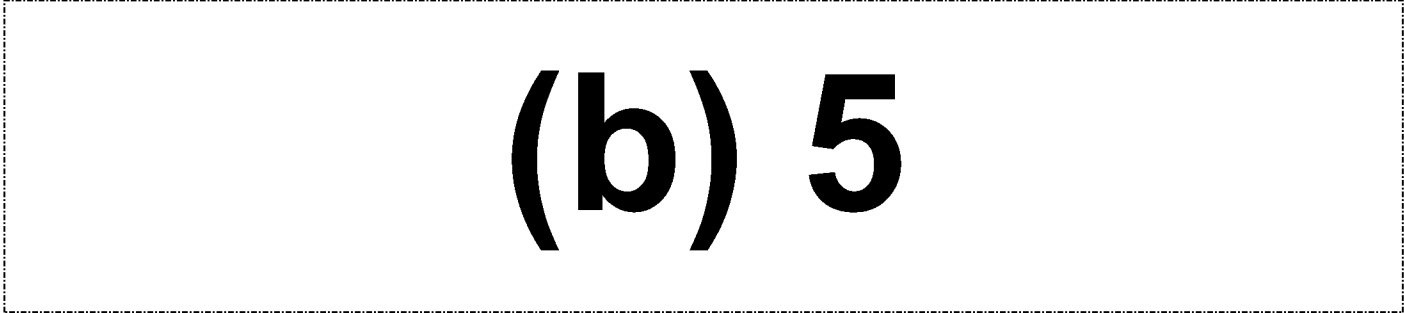


**Subject:** FW: FAQs for new EO

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:



Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



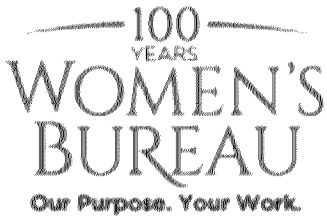
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**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>  
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Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
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Pronouns: he/him/it/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

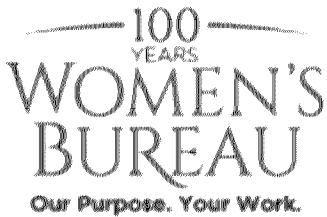
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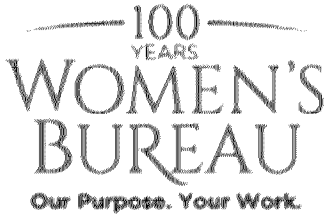
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OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP [b(6)]@dol.gov; Seely, Christopher - OFCCP [b(6)]@dol.gov

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

[b(6)]@dol.gov; Gean, Lissette - OFCCP [b(6)]@dol.gov; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

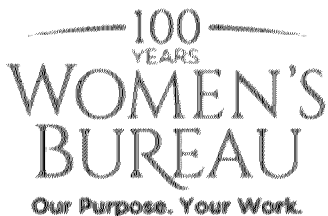
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(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(6)] (Phone)  
(202) 693-1304 (Fax)



DOL008022

**From:** Williams, Tina T - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DE1CA1BB58004746A50104BD40A50623-WILLIAMS, T>  
**To:** Seely, Christopher - OFCCP  
**Sent:** 9/28/2020 11:07:35 AM  
**Subject:** RE: FAQs for new EO

Try not to change the language where possible. They wrote this and they like it.

**From:** Seely, Christopher - OFCCP <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 11:01 AM  
**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

I'll handle drafting, now.

Chris Seely

202-[REDACTED]

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 7:58 AM  
**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Seely, Christopher - OFCCP <[REDACTED]>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
**Importance:** High

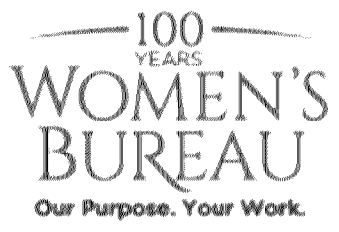
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**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [REDACTED] (Phone)  
(202) 693-1304 (Fax)



---

**From:** Swirsky, Stephanie - ASP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0C6029E716614EE78E163CBCC8E5E250-SWIRSKY, ST>  
**To:** Davidson, Patricia J - OFCCP  
**Sent:** 10/7/2020 10:01:23 AM  
**Subject:** FW: FAQs for new EO  
**Attachments:** DOL-OFCCP EO 13950 FAQs Final.docx

FYI...

Stephanie Swirsky  
Deputy Assistant Secretary for Policy  
U.S. Department of Labor  
202-**b(6)** (direct)  
202-**b(6)** (mobile)  
[Swirsky.Stephanie@dol.gov](mailto:Swirsky.Stephanie@dol.gov)

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Wednesday, October 7, 2020 9:50 AM  
**To:** Swirsky, Stephanie - ASP <Swirsky.Stephanie@dol.gov>  
**Subject:** Fwd: FAQs for new EO

Fyi

Jonathan Wolfson  
T: 202-**b(6)**  
M: 202-**b(6)**

Sent from my iPhone

Begin forwarded message:

**From:** "Wolfson, Jonathan A - ASP" <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Date:** October 6, 2020 at 7:42:00 PM EDT  
**To:** "Leen, Craig - OFCCP" <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>, "Mondl, Rachel E - OSEC" <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Cc:** "Squitieri, Chad C - OSEC" <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>, "Kilberg, Andrew G - OSEC" <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject: RE: FAQs for new EO**

Please use this version which contains 2 additional nits from the EOP review that had not made it into the prior version.

Thanks everyone

Jw

**From:** Leen, Craig - OFCCP

## Executive Order 13950 - Combating Race and Sex Stereotyping Frequently Asked Questions

On September 22, 2020, President Trump issued Executive Order 13950, “Combating Race and Sex Stereotyping.” The Executive Order sets forth the policy of the United States “not to promote race or sex stereotyping or scapegoating” and prohibits federal contractors from inculcating such views in their employees in workplace diversity and inclusion trainings.

1. When does Executive Order 13950 become effective?

The executive order became effective immediately when signed on September 22, 2020, but the requirements for federal contractors and subcontractors will apply to contracts entered into 60 days after the date of the executive order—November 21, 2020. Even so, OFCCP may investigate claims of sex and race stereotyping pursuant to its existing authority under Executive Order 11246, which requires contractors and subcontractors to treat employees without regard to their race or sex, among other protected bases, and requires contractors to take affirmative action to ensure such discrimination does not occur.

2. What constitutes “race or sex stereotyping” under Executive Order 13950?

As defined in Executive Order 13950, race or sex stereotyping means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to an entire race or sex, or to individuals because of their race or sex.

3. What constitutes “race or sex scapegoating” under Executive Order 13950?

Race or sex scapegoating means assigning fault, blame, or bias to a race or sex, or to members of a race or sex, because of their race or sex. It encompasses any claim that, consciously or unconsciously, and by virtue of their race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.

4. Is such stereotyping and scapegoating unlawful in a training program?

Yes. Executive Order 13950 prohibits contractors from using any workplace training “that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating” and provides several examples of specific concepts that would be prohibited in such training programs. OFCCP also notes that race or sex stereotyping or scapegoating in a training program, or employment generally, may also violate the affirmative and nondiscrimination obligations of Executive Order 11246.

5. What are examples of race or sex stereotyping or scapegoating?



Race or sex stereotyping or scapegoating includes the concepts that

- one race or sex is inherently superior to another race or sex;
- an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex;
- members of one race or sex cannot and should not attempt to treat others without respect to race or sex;
- an individual's moral character is necessarily determined by his or her race or sex;
- an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or
- meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.

6. Does Executive Order 13950 prohibit unconscious bias or implicit bias training?

Unconscious or implicit bias training is prohibited to the extent it teaches or implies that an individual, by virtue of his or her race, sex, and/or national origin, is racist, sexist, oppressive, or biased, whether consciously or unconsciously.

Training is not prohibited if it is designed to inform workers, or foster discussion, about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different, which could influence a worker's conduct or speech and be perceived by others as offensive.

7. How can I file a complaint alleging unlawful training programs?

Any individual or group may file a complaint via the [new hotline](#) for reporting race and sex stereotyping and scapegoating. The hotline receives complaints via telephone at (202) 343-2008 and via e-mail at [OFCCPCComplaintHotline@dol.gov](mailto:OFCCPCComplaintHotline@dol.gov). Third parties may also file a complaint on behalf of an individual or a group. Complaints that are received under Executive Order 11246 will be investigated following the agency's normal complaint procedures, including the completion of a complaint form available on OFCCP's website at [www.dol.gov/agencies/ofccp/contact/file-complaint](http://www.dol.gov/agencies/ofccp/contact/file-complaint). The agency can also provide a copy of the complaint form by e-mail or regular mail.

8. What will happen with complaints received by the hotline?

Complaints received under the authority of Executive Order 11246 will be investigated immediately, following the agency's standard procedures. Once Executive Order 13950 becomes effective in federal contracts, OFCCP will begin enforcing it. Contractors found in violation may have their contracts canceled, terminated, or suspended in whole or in

part. The contractor may also be declared ineligible for further Government contracts in accordance with the procedures authorized in Executive Order 11246.

9. When will the Department of Labor publish the Request for Information mandated by Executive Order 13950?

The Department of Labor is currently drafting the Request for Information to meet the October 22, 2020 deadline set by Executive Order 13950. The Request for Information will seek information from federal contractors, federal subcontractors, and employees of federal contractors and subcontractors regarding their training, workshops, or similar programming provided to employees that may be in violation of Executive Orders 11246 or 13950.

**From:** Squitieri, Chad C - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=80ED763B75B846FF8B842B19BD2B9156-SQUITIERI.>  
**To:** Leen, Craig - OFCCP; Williams, Tina T - OFCCP; Seely, Christopher - OFCCP  
**CC:** Gaglione, Robert J - OFCCP; Davidson, Patricia J - OFCCP; Gean, Lissette - OFCCP; Dankowitz, Beverly - SOL; Bickerstaffe, Keir - SOL; Taylor, Timothy J - SOL  
**Sent:** 9/28/2020 12:34:23 PM  
**Subject:** RE: FAQs for new EO

Thanks Craig, actually all 3 of those would be helpful additions to upload today. If drafting any one of the three will hold off on publishing today though, let's just pick the ones that can be uploaded quickly. Thanks.

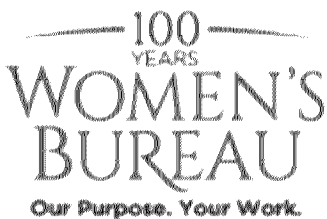
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Sent:** Monday, September 28, 2020 12:19 PM

DOL008029

To: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP [b(6)]@dol.gov>; Seely, Christopher - OFCCP [b(6)]@dol.gov>  
Cc: Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP [b(6)]@dol.gov>; Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Bickerstaffe, Keir - SOL [b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

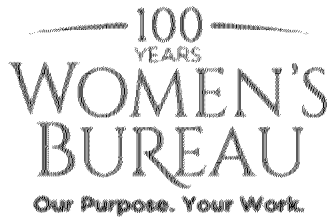
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Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP [b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]>; Gean, Lissette - OFCCP [b(6)]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL [b(6)]>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



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**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP [b(6)]@dol.gov>; Seely, Christopher - OFCCP [b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP [b(6)]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
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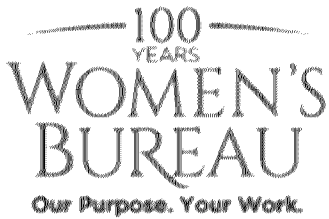
[b(6) 5]

(b) 5

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Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) **b(6)** (Phone)  
(202) 693-1304 (Fax)



---

**From:** Seely, Christopher - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=6B2B2010AAF743CEB373A758390001A1-SEELY, CHRI>  
**To:** Williams, Tina T - OFCCP  
**Sent:** 9/28/2020 1:09:31 PM  
**Subject:** RE: FAQs for new EO

Ok

Chris Seely

202 [b(6)]

**From:** Williams, Tina T - OFCCP [b(6)] <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 10:09 AM  
**To:** Seely, Christopher - OFCCP [b(6)] <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Yes, send to Keir, but don't send to OPA.

**From:** Seely, Christopher - OFCCP [b(6)] <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 12:59 PM  
**To:** Williams, Tina T - OFCCP [b(6)] <[b(6)]@dol.gov>  
**Subject:** Re: FAQs for new EO

Do you want me to send the FAQs to Keir. Please let me know what you want me to do.

I'd send them all, so that we put out a decent product. But if they just want random questions dropped out day by day I guess we can do that too.

Chris

On Sep 28, 2020, at 12:35 PM, Williams, Tina T - OFCCP [b(6)] <[b(6)]@dol.gov> wrote:

Chad – absolutely, we will have the 1-2 FAQs today. When do you need the other FAQs? Thanks. Tina

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP [b(6)] <[b(6)]@dol.gov>; Seely, Christopher - OFCCP [b(6)] <[b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP [b(6)] <[b(6)]@dol.gov>; Gean, Lissette - OFCCP [b(6)] <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL [b(6)] <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL [b(6)] <[b(6)]@dol.gov>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

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**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP [b(6)]@dol.gov>; Seely, Christopher - OFCCP [b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]>; Gean, Lissette - OFCCP [b(6)]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

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Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP [b(6)]@dol.gov>; Seely, Christopher - OFCCP [b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
**Importance:** High

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(b) 5

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Thanks,  
Craig

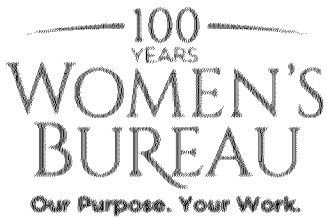
Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(6)] (Phone)  
(202) 693-1304 (Fax)

<image001.png>

**From:** Leen, Craig - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=5FFD4A5B3CC74F49A5D2BF4C747416D4-LEEN, CRAIG>  
**To:** Williams, Tina T - OFCCP  
**CC:** Davidson, Patricia J - OFCCP; Gean, Lissette - OFCCP  
**Sent:** 9/28/2020 1:47:08 PM  
**Subject:** RE: FAQs for new EO

If you've already sent them, please forward what was sent. Thanks.

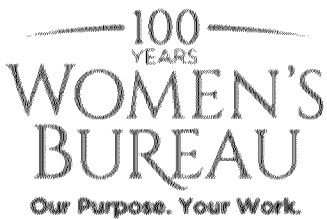
Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>



**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210

Office: (202) (b)(6) | Fax: (202) 693-5319 (b)(6) @dol.gov

Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP

(b)(6) @dol.gov>; Seely, Christopher - OFCCP <(b)(6) @dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

(b)(6) @dol.gov>; Gean, Lissette - OFCCP (b)(6) @dol.gov>; Dankowitz, Beverly - SOL  
(b)(6) @dol.gov>; Bickerstaffe, Keir - SOL (b)(6) @dol.gov>; Taylor, Timothy J - SOL

<Taylor.Timothy.J@dol.gov>

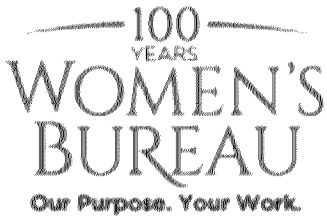
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Craig E. Leen  
OFCCP Director



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**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Seely, Christopher - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[Davidson.Patricia@dol.gov](mailto:Davidson.Patricia@dol.gov)>; Gean, Lissette - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Dankowitz, Beverly - SOL <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

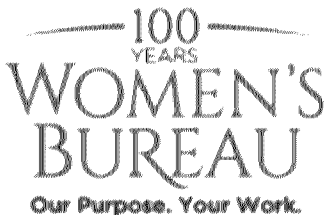
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
 Chad

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**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
 OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Seely, Christopher - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP

**b(6)**

@dol.gov>; Gean, Lissette - OFCCP

**b(6)**

dol.gov>; Squitieri, Chad C - OSEC

<squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

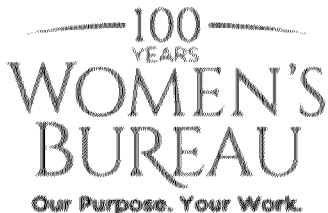
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**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

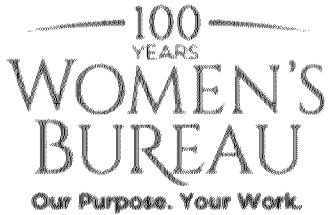
Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) **b(6)** (Phone)  
(202) 693-1304 (Fax)



**From:** Leen, Craig - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=5FFD4A5B3CC74F49A5D2BF4C747416D4-LEEN, CRAIG>  
**To:** Squitieri, Chad C - OSEC  
**Sent:** 9/28/2020 1:36:27 PM  
**Subject:** FW: FAQs for new EO

I just tried calling. Please see below and call me to discuss when you have a moment.

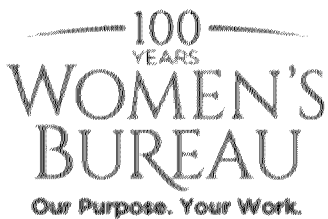
Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 1:27 PM  
**To:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Cc:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please prepare FAQ 2 as we've been directed by 2pm consistent with what I stated below. When we send to OSEC and SOL FO, we'll let Tim know that he needs to confer with Keir on FAQ 2 and that CRLM has not cleared that one. Thanks, Craig

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 1:23 PM  
**To:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Cc:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Thanks Keir. I suggest you discuss with Tim. [REDACTED]

(b) 5

(b) 5

(b) 5

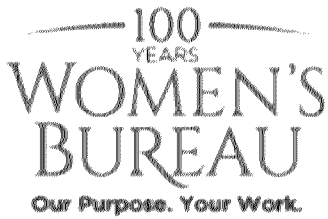
It may be that we will need to publish more on that if you think our current regs or guidance does not make that point clearly, but it

is clear to me that this is DOL's and SOL's view.

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Bickerstaffe, Keir - SOL (b)(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <(b)(6)@dol.gov>; Dankowitz, Beverly - SOL (b)(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) (b)(6) | Fax: (202) 693-5319 (b)(6)@dol.gov  
Pronouns: he/him/his

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**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <(b)(6)@dol.gov>; Seely, Christopher - OFCCP <(b)(6)@dol.gov>  
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**Subject:** RE: FAQs for new EO

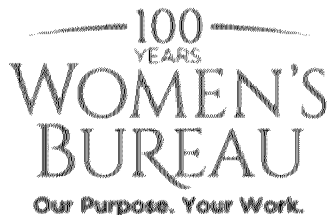
Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



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Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

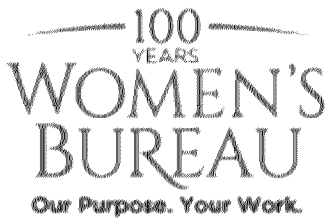
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Best,  
Chad

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**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP <[b(6)]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

<[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

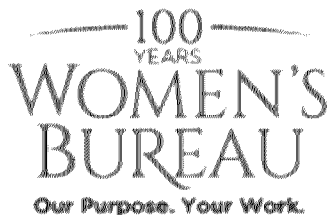
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(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
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Washington, DC 20210  
(202) [b(6)] (Phone)  
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**To:** Bickerstaffe, Keir - SOL  
**CC:** Williams, Tina T - OFCCP; Dankowitz, Beverly - SOL; Davidson, Patricia J - OFCCP; Gean, Lissette - OFCCP  
**Sent:** 9/28/2020 2:13:04 PM  
**Subject:** RE: FAQs for new EO

Keir, I know you have, and I'm grateful. You always provide me your best legal analysis which I hold in high regard. I would have liked us to have more time as well, but I understand the time sensitivity as we are getting inquiries.

I have a broad view of what EO 11246 prohibits in this area and am willing to bear legal risk as long as SOL FO signs off on it. I just sent the language to OSEC/SOL FO with thanks for Policy and CRLM handling this so efficiently and proficiently. I approved all of the FAQs, except for FAQ 4. For FAQ 4, I gave them your language and my proposed alternative (I put "may violate" instead of "violates" in my proposed version based on your concerns):

Craig's proposed FAQ 4:

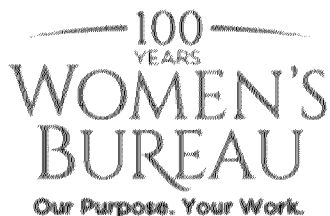
(b) 5

I asked Tim to reach out to CRLM to discuss FAQ 4.

Thanks for all your help.

Craig

Craig E. Leen  
OFCCP Director



**From:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 2:03 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO



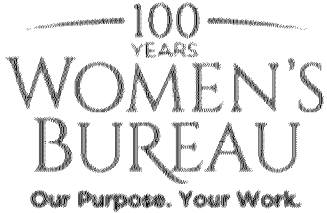
I have provided you my best legal analysis, in the exceedingly short time allotted. (b) 5 and ideally I would have more than 30 minutes or so to opine on such an issue. Obviously I recognize that such a decision will ultimately be made by leadership.

Keir Bickerstaffe  
Counsel for Interpretation and Advice, SOL-CRLM  
(202) (b) 6

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:23 PM  
**To:** Bickerstaffe, Keir - SOL <(b) 6@dol.gov>  
**Cc:** Williams, Tina T - OFCCP <(b) 6@dol.gov>; Dankowitz, Beverly - SOL  
**Subject:** RE: FAQs for new EO

Thanks Keir. I suggest you discuss with Tim (b) 5  
(b) 5  
(b) 5 It may be that we will need to publish more on that if you think our current regs or guidance does not make that point clearly, but it is clear to me that this is DOL's and SOL's view. (b) 5  
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Craig E. Leen  
OFCCP Director



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**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <(b) 6@dol.gov>; Dankowitz, Beverly - SOL <(b) 6@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) (b) 6 | Fax: (202) 693-5319 | (b) 6@dol.gov

Pronouns: he/him/his

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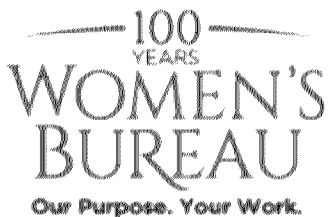
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Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
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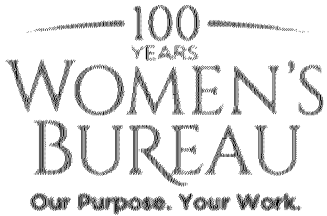
to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

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Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

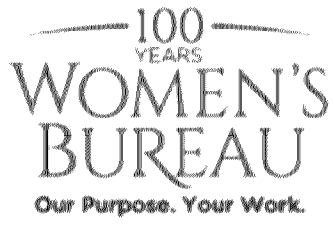
Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Room C3325

Washington, DC 20210

(202) **b(6)** (Phone)

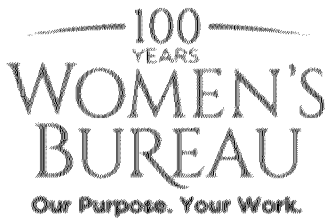
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**Sent:** 9/28/2020 1:23:44 PM  
**Subject:** RE: FAQs for new EO

Of course, we will seek both.

Craig E. Leen  
OFCCP Director



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**Subject:** RE: FAQs for new EO

When the FAQs are ready, they will need to be cleared by SOLFO and OSEC before they are posted.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
<b(6)>

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**Sent:** Monday, September 28, 2020 12:50 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

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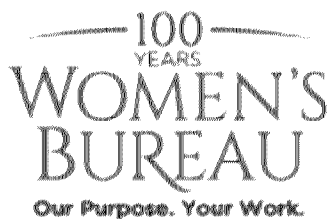
**b(6)** @dol.gov>; Gean, Lissette - OFCCP **b(6)** @dol.gov>; Dankowitz, Beverly - SOL

<Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

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Craig E. Leen  
OFCCP Director



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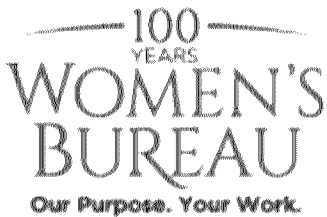
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**Subject:** RE: FAQs for new EO

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Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP

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**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

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**Subject:** FAQs for new EO

**Importance:** High

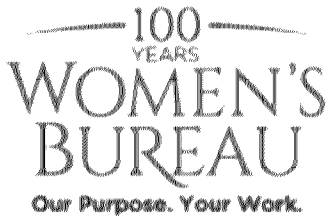
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(b) 5

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Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) **b(6)** (Phone)  
(202) 693-1304 (Fax)

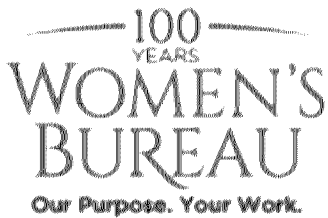




**From:** Leen, Craig - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=5FFD4A5B3CC74F49A5D2BF4C747416D4-LEEN, CRAIG>  
**To:** Williams, Tina T - OFCCP  
**CC:** Davidson, Patricia J - OFCCP; Gean, Lissette - OFCCP  
**Sent:** 9/28/2020 1:51:16 PM  
**Subject:** FW: FAQs for new EO

I've spoken with Chad/OSEC and he wants me to proceed as I've indicated. Please draft the FAQs as I've requested. If CRLM proposes alternative language, please provide that in addition as an alternative version. Please send me the four FAQs by 2:30pm. If you are going to have difficulty meeting the OSEC deadline for a particular FAQ, please let me know which one. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Sent:** Monday, September 28, 2020 1:19 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
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**Subject:** RE: FAQs for new EO

When the FAQs are ready, they will need to be cleared by SOLFO and OSEC before they are posted.

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor

b(6)

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

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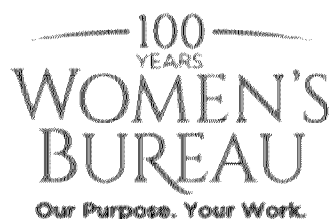
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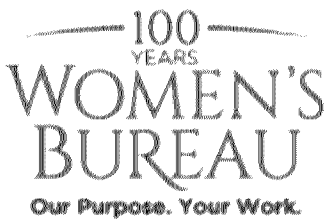
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Craig E. Leen  
OFCCP Director



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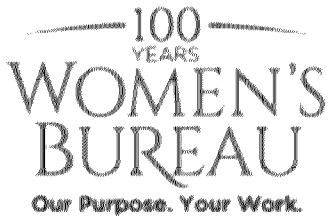
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Washington, DC 20210  
(202) [b(6)] (Phone)  
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**To:** Bickerstaffe, Keir - SOL  
**Sent:** 9/28/2020 3:30:13 PM  
**Subject:** RE: FAQs for new EO

Absolutely not, you are just fine. As a matter of fact, I didn't worry about it at all. It was the truth – given a request to turn this around in an hour or so is not reasonable!

**From:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 3:30:13 PM  
**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina,

I just wanted to add – and I hope you know this – that my somewhat terse email to Craig was not meant as any sort of criticism of you or OFCCP career staff, and that if such emails place you in a difficult position, please let me know and I will be mindful of that going forward.

Keir Bickerstaffe  
Counsel for Interpretation and Advice, SOL-CRLM  
(202) [REDACTED]

**From:** Bickerstaffe, Keir - SOL  
**Sent:** Monday, September 28, 2020 2:03 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>  
**Cc:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

I have provided you my best legal analysis, in the exceedingly short time allotted. [REDACTED] and ideally I would have more than 30 minutes or so to opine on such an issue. Obviously I recognize that such a decision will ultimately be made by leadership.

Keir Bickerstaffe  
Counsel for Interpretation and Advice, SOL-CRLM  
(202) [REDACTED]

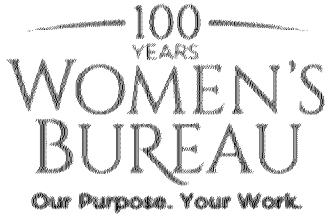
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:23 PM  
**To:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
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**Subject:** RE: FAQs for new EO

Thanks Keir. I suggest you discuss with Tim. [REDACTED] It may be that we

will need to publish more on that if you think our current regs or guidance does not make that point clearly, but it is clear to me that this is DOL's and SOL's view. (b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Bickerstaffe, Keir - SOL (b) 6 @dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina.T - OFCCP (b) 6 @dol.gov>; Dankowitz, Beverly - SOL (b) 6 @dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) (b) 6 | Fax: (202) 693-5319 | (b) 6 @dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

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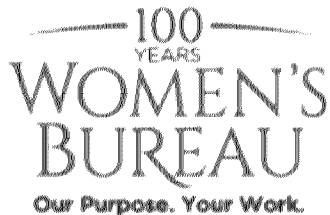
Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



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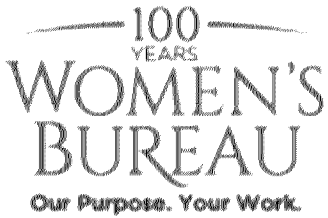
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[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

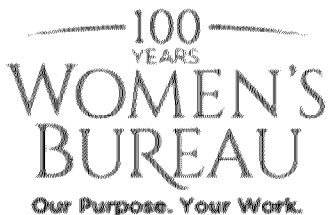
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(6)] (Phone)  
(202) 693-1304 (Fax)

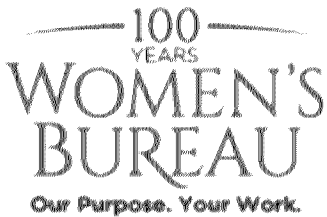




**From:** Leen, Craig - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=5FFD4A5B3CC74F49A5D2BF4C747416D4-LEEN, CRAIG>  
**To:** Williams, Tina T - OFCCP; Bickerstaffe, Keir - SOL  
**CC:** Dankowitz, Beverly - SOL; Davidson, Patricia J - OFCCP; Gean, Lissette - OFCCP  
**Sent:** 9/28/2020 2:14:21 PM  
**Subject:** RE: FAQs for new EO

Thanks everyone. Great work with a short timeframe. It is much appreciated.

Craig E. Leen  
OFCCP Director



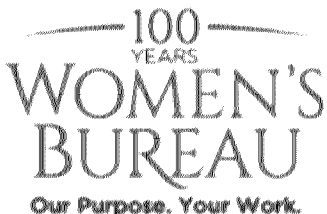
**From:** Williams, Tina T - OFCCP [b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 2:01 PM [b(6)]@dol.gov>  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL [b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP [b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Okay, we will remain on standby about posting the FAQs that are approved.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:56 PM [b(6)]@dol.gov>  
**To:** Williams, Tina T - OFCCP [b(6)]@dol.gov>; Bickerstaffe, Keir - SOL [b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP [b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Thanks. I will send to OSEC and SOL FO. I will provide alternative language for FAQ 4 though, as I believe it is too restrictive in what it claims violates EO 11246. I will send both versions to Tim.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP [b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM [b(6)]@dol.gov>  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL [b(6)]@dol.gov>

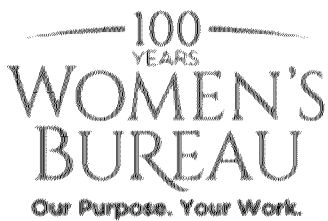
Cc: Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP [b(6)]@dol.gov>; Bickerstaffe, Keir - SOL [b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL [b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL [b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [b(6)] | Fax: (202) 693-5319 | [b(6)]@dol.gov  
Pronouns: he/him/his

This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP

**b(6)** <[redacted]@dol.gov>; Seely, Christopher - OFCCP <[redacted]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

**b(6)** <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

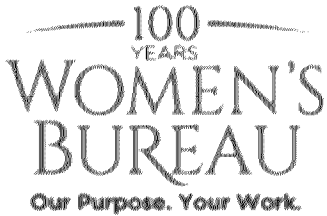
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

**(b) 5**

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Sent:** Monday, September 28, 2020 12:19 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP <[redacted]@dol.gov>;

Seely, Christopher - OFCCP <[redacted]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

**b(6)** <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

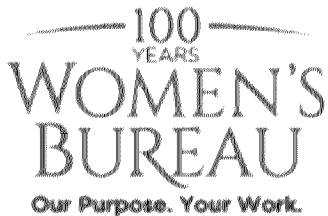
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
**Importance:** High

OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

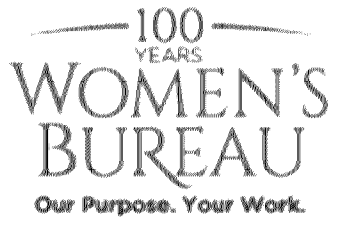
(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210

(202) **b(6)** (Phone)  
(202) 693-1304 (Fax)



**From:** Seely, Christopher - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=6B2B2010AAF743CEB373A758390001A1-SEELY, CHRI>  
**To:** Carson, Sarah J - OFCCP; Cummings, Cody - OFCCP; Good, Tina - OFCCP; Hall, Drew A - OFCCP; Lucas, Reginald T - OFCCP; Regan, Jaime L - OFCCP; Smith, Dina - OFCCP; Todd, Valerie - OFCCP  
**Sent:** 9/28/2020 2:33:59 PM  
**Subject:** FW: FAQs for new EO  
**Importance:** High  
**Attachments:** Executive Order Combating Race and Sex Stereotyping Frequently Asked Questions (KB).docx; RE: EO 13950 FAQs

Chris Seely

202- (b)(6)

**From:** Williams, Tina T - OFCCP (b)(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 11:09 AM  
**To:** Seely, Christopher - OFCCP (b)(6)@dol.gov>; Bickerstaffe, Keir - SOL (b)(6)@dol.gov>; Dankowitz, Beverly - SOL (b)(6)@dol.gov>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

FYI

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP (b)(6)@dol.gov>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

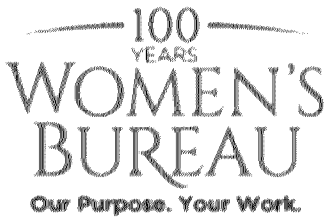
Craig's proposed FAQ 4:

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



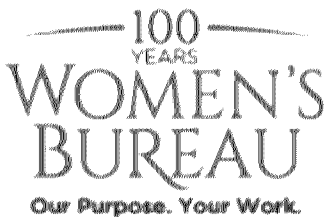
**From:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gear, Lissette - OFCCP <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Davidson, Patricia J - OFCCP <Davidson.Patricia@dol.gov>; Gear, Lissette - OFCCP <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) (b)(6) | Fax: (202) 693-5319 | (b)(6)@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP

(b)(6)@dol.gov; Seely, Christopher - OFCCP <(b)(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

(b)(6)@dol.gov; Gean, Lissette - OFCCP <(b)(6)@dol.gov>; Dankowitz, Beverly - SOL <(b)(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

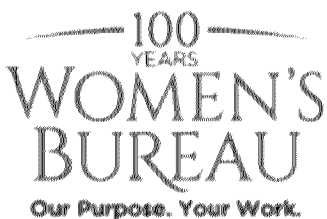
**Subject:** RE: FAQs for new EO

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(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director





**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>;  
Seely, Christopher - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP  
<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Dankowitz, Beverly - SOL  
<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Bickerstaffe, Keir - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Taylor, Timothy J - SOL  
<[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

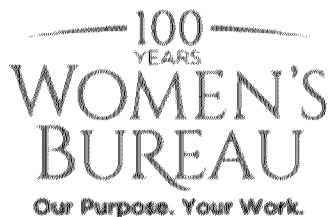
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**To:** Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Seely, Christopher - OFCCP  
<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP  
<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Squitieri, Chad C - OSEC  
<[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Bickerstaffe, Keir - SOL  
<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Seely, Christopher - OFCCP  
<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP  
<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Squitieri, Chad C - OSEC  
<[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** FAQs for new EO  
**Importance:** High

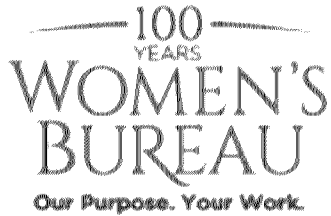
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) **b(6)** Phone)  
(202) 693-1304 (Fax)



---

**From:** Bickerstaffe, Keir - SOL </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=76946342408840629D14D5B8C536A764-BICKERSTAFF>  
**To:** Seely, Christopher - OFCCP  
**CC:** Williams, Tina T - OFCCP  
**Sent:** 9/28/2020 1:46:27 PM  
**Subject:** RE: EO 13950 FAQs  
**Attachments:** Executive Order Combating Race and Sex Stereotyping Frequently Asked Questions (KB).docx

My edits and comments attached.

Keir Bickerstaffe  
Counsel for Interpretation and Advice, SOL-CRLM

(202-**b(6)**)

**From:** Seely, Christopher - OFCCP <(b(6))@dol.gov>  
**Sent:** Monday, September 28, 2020 1:12 PM  
**To:** Bickerstaffe, Keir - SOL <(b(6))@dol.gov>  
**Cc:** Williams, Tina T - OFCCP <(b(6))@dol.gov>  
**Subject:** FW: EO 13950 FAQs  
**Importance:** High

Hi Keir –

Will you please take a quick look? We have to get back to the larger group by 2.

Thanks,

Chris Seely

202-**b(6)**

**From:** Seely, Christopher - OFCCP  
**Sent:** Monday, September 28, 2020 9:03 AM  
**To:** Williams, Tina T - OFCCP <(b(6))@dol.gov> <(b(6))@dol.gov>  
**Subject:** EO 13950 FAQs  
**Importance:** High

Tina,

Attached are the first set of FAQs for Executive Order 13950, for review. We borrowed heavily from the EO and from the emails Craig sent with the FAQs either he or OSEC wrote.

Keir is at lunch until 1 p.m. and Craig said he wants something by 2 p.m. I don't want to sit on them until Keir gets back, in case you want to move them.

I'm taking my lunch now too.

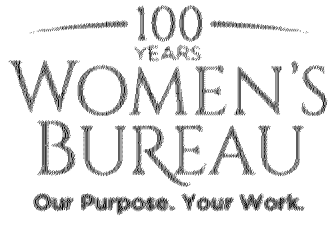
Thanks,

Chris Seely  
Acting Deputy Director  
Division of Policy and Program Development  
Office of Federal Contract Compliance Programs

U.S. Department of Labor

**b(6)** (mobile)

Pronouns: he/him/his



---

**From:** Taylor, Timothy J - SOL </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=363C0A5D85CA453EB4D8A2A62A9C286F-TAYLOR, TIM>  
**To:** Leen, Craig - OFCCP; Kilberg, Andrew G - OSEC; Squitieri, Chad C - OSEC  
**CC:** Swearingen, Brett A - OSEC; Rose, Sharon A - SOL; Williams, Tina T - OFCCP  
**Sent:** 9/28/2020 2:16:18 PM  
**Subject:** RE: FAQs for new EO

Great work. Thanks everyone.

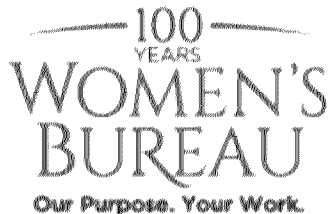
**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 2 [b(6)] m. 202 [b(6)]

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP [b(6)]@dol.gov  
**Subject:** RE: FAQs for new EO

It is our pleasure. We are on standby to post once we edit consistent with your feedback.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP [b(6)]@dol.gov  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

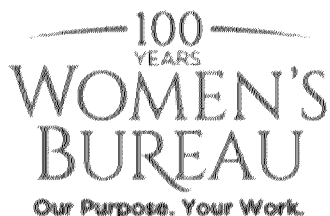
Craig's proposed FAQ 4:

**(b) 5**

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

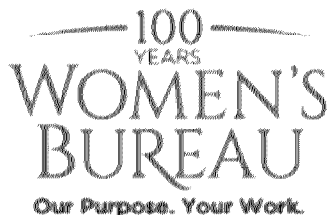
Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [b(6)] | Fax: (202) 693-5319 | [b(6)]@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP <[b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

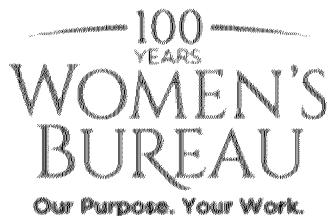
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>

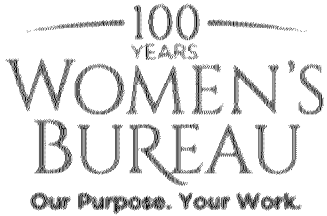


<[b(6)] gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP

<[b(6)]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

<[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

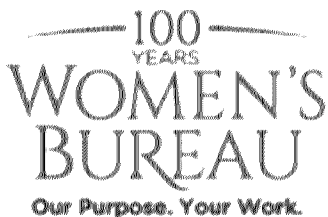
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(6)] (Phone)  
(202) 693-1304 (Fax)



---

**From:** Seely, Christopher - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=6B2B2010AAF743CEB373A758390001A1-SEELY, CHRI>  
**To:** Williams, Tina T - OFCCP  
**Sent:** 9/28/2020 2:03:01 PM  
**Subject:** RE: FAQs for new EO

Oh, ok, I see. Thanks! I am planning to sign out at 3:15 p.m. Eastern.

Chris Seely

202- [b(6)]

**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 11:01 AM  
**To:** Seely, Christopher - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Yeah, I sent them to Craig and this was his response. It appears he's handling from here.

**From:** Seely, Christopher - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 2:00 PM  
**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

I just sent the FAQs to you.

Chris Seely

202- [b(6)]

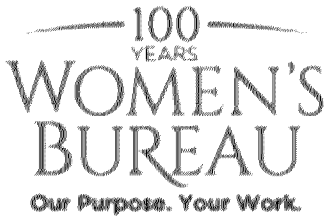
**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Seely, Christopher - OFCCP <[b(6)]@dol.gov>  
**Subject:** FW: FAQs for new EO

Here you go. Don't review anything else and let them do it.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:56 PM  
**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Thanks. I will send to OSEC and SOL FO. I will provide alternative language for FAQ 4 though, as I believe it is too restrictive in what it claims violates EO 11246. I will send both versions to Tim.

Craig E. Leen  
OFCCP Director



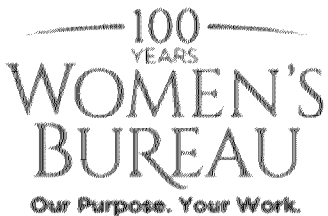
**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
 OFCCP Director



**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

[b(6) 5]

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210

Office: (202) (b)(6) | Fax: (202) 693-5319 | (b)(6) @dol.gov

Pronouns: he/him/his

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**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP

(b)(6) @dol.gov; Seely, Christopher - OFCCP <(b)(6) @dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

(b)(6) @dol.gov; Gean, Lissette - OFCCP <(b)(6) @dol.gov>; Dankowitz, Beverly - SOL  
(b)(6) @dol.gov; Bickerstaffe, Keir - SOL <(b)(6) @dol.gov>; Taylor, Timothy J - SOL  
<Taylor.Timothy.J@dol.gov>

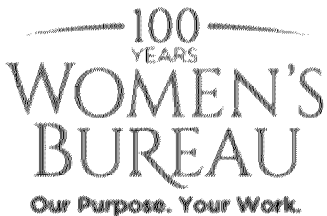
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Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



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**Sent:** Monday, September 28, 2020 12:19 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP (b)(6) @dol.gov;

Seely, Christopher - OFCCP <(b)(6) @dol.gov>

DOL008082

Cc: Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

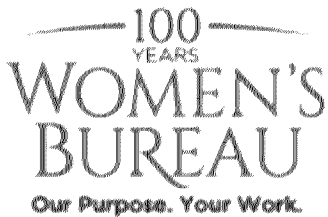
Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Seely, Christopher - OFCCP <[redacted]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Seely, Christopher - OFCCP <[redacted]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
**Importance:** High

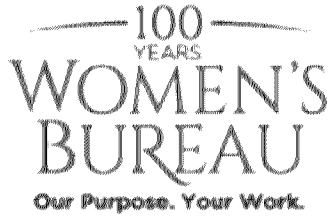
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(6)] (Phone)  
(202) 693-1304 (Fax)

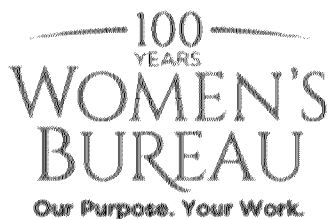


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**From:** Leen, Craig - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=5FFD4A5B3CC74F49A5D2BF4C747416D4-LEEN, CRAIG>  
**To:** Mondl, Rachel E - OSEC; Kilberg, Andrew G - OSEC; Swearingen, Brett A - OSEC; Squitieri, Chad C - OSEC; Taylor, Timothy J - SOL  
**Sent:** 9/28/2020 4:27:56 PM  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see below. We need to send the FAQs by 5pm to have our contractors post. Otherwise, we will need OSEC to reach out to OCIO directly to post after 5pm.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 4:22 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO  
**Importance:** High

Craig,

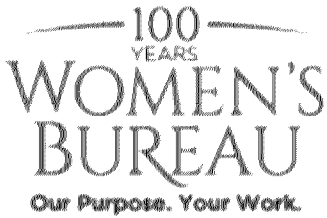
FYI, the contractors who are responsible for posting are logging off at 5 today. If we receive edits/approval after 5 then OSEC will need to expedite the request to Ed McCarthy (OCIO) to publish them to the OFCCP website.

Tina

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

It is our pleasure. We are on standby to post once we edit consistent with your feedback.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
20[redacted]

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
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**Subject:** FW: FAQs for new EO  
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Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:

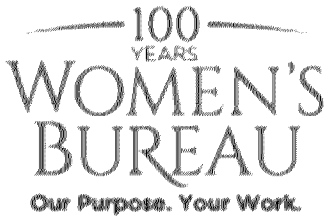
[redacted] (b) 5 [redacted]

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director





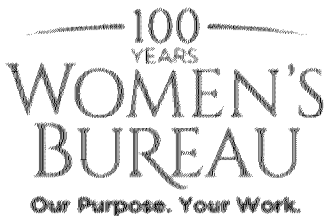
**From:** Williams, Tina T - OFCCP [b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:03 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL [b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP [b(6)]@dol.gov>  
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**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP [b(6)]@dol.gov>  
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Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
 OFCCP Director



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**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>  
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**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP [b(6)]@dol.gov>; Dankowitz, Beverly - SOL [b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

[b(6) 5]

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) (b)(6) | Fax: (202) 693-5319 | (b)(6)@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

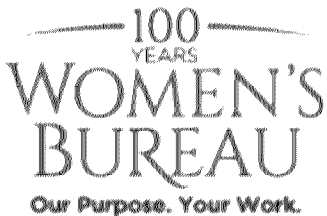
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <(b)(6)@dol.gov>; Seely, Christopher - OFCCP <(b)(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <(b)(6)@dol.gov>; Gean, Lissette - OFCCP <(b)(6)@dol.gov>; Dankowitz, Beverly - SOL <(b)(6)@dol.gov>; Bickerstaffe, Keir - SOL <(b)(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
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Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



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Cc: Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

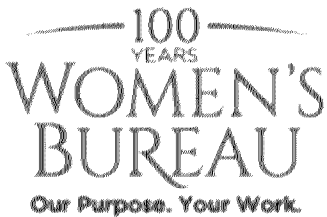
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Best,  
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**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
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**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
**Importance:** High

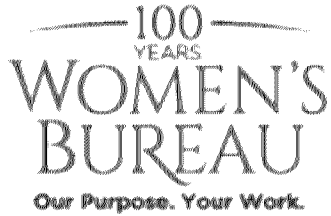
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) **b(6)** (Phone)  
(202) 693-1304 (Fax)

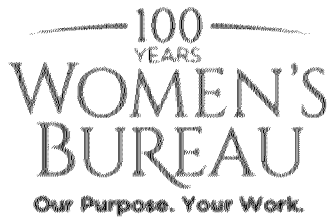


---

**From:** Leen, Craig - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=5FFD4A5B3CC74F49A5D2BF4C747416D4-LEEN, CRAIG>  
**To:** Williams, Tina T - OFCCP  
**CC:** Davidson, Patricia J - OFCCP; Seely, Christopher - OFCCP; Gean, Lissette - OFCCP  
**Sent:** 9/28/2020 5:04:37 PM  
**Subject:** RE: FAQs for new EO

Rachel is still reviewing them. I'll inform OCIO that we may need their assistance to post.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 4:22 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Seely, Christopher - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO  
**Importance:** High

Craig,

FYI, the contractors who are responsible for posting are logging off at 5 today. If we receive edits/approval after 5 then OSEC will need to expedite the request to Ed McCarthy (OCIO) to publish them to the OFCCP website.

Tina

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
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Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b\(6\)](mailto:b(6)@dol.gov)

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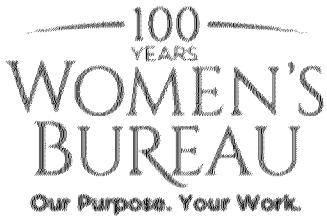
Craig's proposed FAQ 4:

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Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
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Craig E. Leen  
OFCCP Director



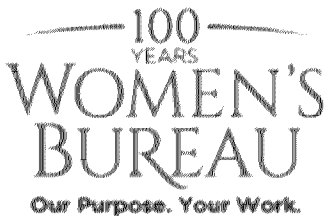
**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
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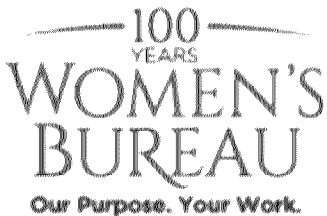
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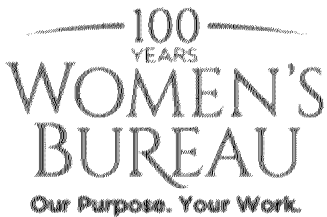
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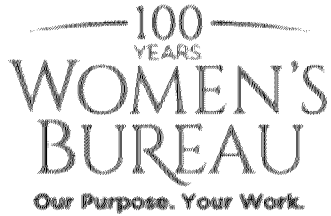
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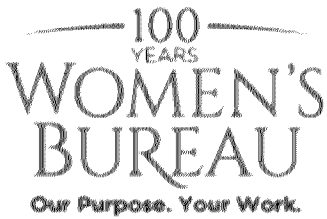
Craig E. Leen  
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(202) **b(6)** Phone)  
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**To:** Williams, Tina T - OFCCP; Seely, Christopher - OFCCP  
**CC:** Davidson, Patricia J - OFCCP; Gean, Lissette - OFCCP  
**Sent:** 9/28/2020 6:27:24 PM  
**Subject:** RE: FAQs for new EO

Very much appreciated. Have a good evening as well.

Craig E. Leen  
OFCCP Director



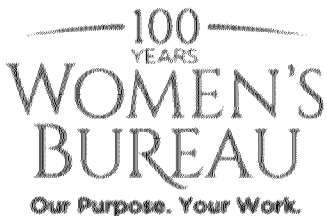
**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 6:17 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
**Cc:** Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Okay, we will remain on standby. Good night!

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**Sent:** Monday, September 28, 2020 6:12 PM  
**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
**Cc:** Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Thanks for your great work today. The FAQs are being reviewed by OIRA so will likely go up tomorrow instead.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 4:22 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

Cc: Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>

**Subject:** RE: FAQs for new EO

**Importance:** High

Craig,

FYI, the contractors who are responsible for posting are logging off at 5 today. If we receive edits/approval after 5 then OSEC will need to expedite the request to Ed McCarthy (OCIO) to publish them to the OFCCP website.

Tina

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 2:15 PM

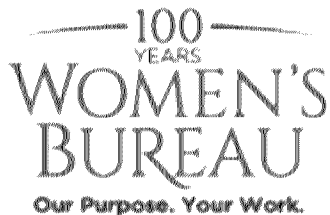
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Cc:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <[b(6)]@dol.gov>

**Subject:** RE: FAQs for new EO

It is our pleasure. We are on standby to post once we edit consistent with your feedback.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 2:12 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Cc:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <[b(6)]@dol.gov>

**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202.693.6018

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 2:06 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Cc:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <[b(6)]@dol.gov>

**Subject:** FW: FAQs for new EO

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

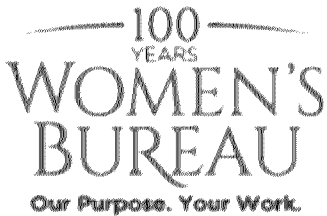
Craig's proposed FAQ 4:

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



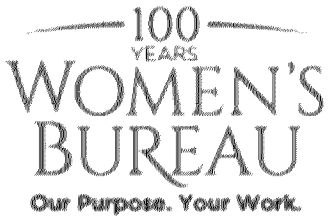
**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP [b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL [b(6)]>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we’re sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL [b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP [b(6)]@dol.gov>; Dankowitz, Beverly - SOL [b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [b(6)] | Fax: (202) 693-5319 | [b(6)]@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

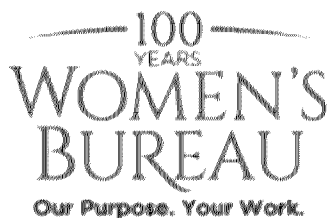
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP [b(6)]@dol.gov>; Seely, Christopher - OFCCP [b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP [b(6)]@dol.gov>; Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Bickerstaffe, Keir - SOL [b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

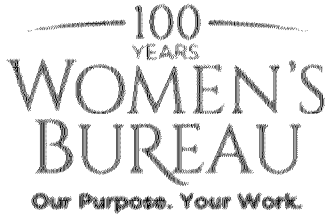
Best,  
Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen

OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <(b)(6)@dol.gov>; Seely, Christopher - OFCCP

<(b)(6)>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

(b)(6)@dol.gov>; Gean, Lissette - OFCCP <(b)(6)@dol.gov>; Squitieri, Chad C - OSEC

<squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

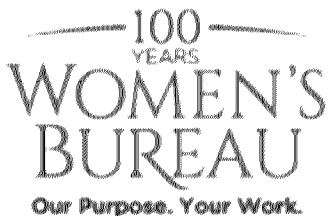
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) (b)(6) Phone)  
(202) 693-1304 (Fax)



DOL008102



**From:** Kilberg, Andrew G - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=285BFB7C58734E858F9CBD77C1BCF3C7-KILBERG, AN>  
**To:** Leen, Craig - OFCCP; Swearingen, Brett A - OSEC; Taylor, Timothy J - SOL; Mondl, Rachel E - OSEC; Rose, Sharon A - SOL; Squitieri, Chad C - OSEC  
**Sent:** 9/28/2020 3:47:26 PM  
**Subject:** RE: FAQs for new EO

And it's also handled in the first sentence of the next paragraph

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 (b) 6

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 3:45 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** RE: FAQs for new EO

The scenario is that we have received a complaint

(b) 5

(b) 5

I would leave that one the way it is.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 (b) 6

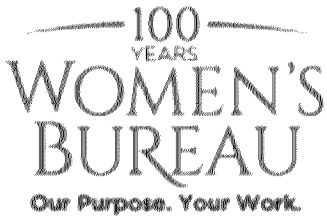
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 3:43 PM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** RE: FAQs for new EO

It is a little complex

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that

(b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor  
o. 202. [REDACTED]

(b)(6)

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202) b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:01 PM

**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;

Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;

Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Sent:** Monday, September 28, 2020 2:59 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC

<[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC

<[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 2:58 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;

Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC

<[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC

<[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C -

OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202) b(6)

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 2:37 PM

DOL008105

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202. [REDACTED] **b(6)**

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link: [REDACTED] **b(5)**

Folder link: [REDACTED] **b(5)**

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [REDACTED] **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 **(b)(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:15 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

**(b)(5)**

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:12 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL

<[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP

<**(b) 6**>

**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

**(b) 6**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 2:06 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC

<[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL

<[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <**(b)(6)**@[pl.gov](mailto:pl.gov)>

**Subject:** FW: FAQs for new EO

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:

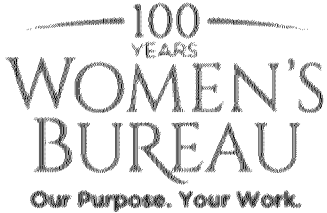
**(b) 5**

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



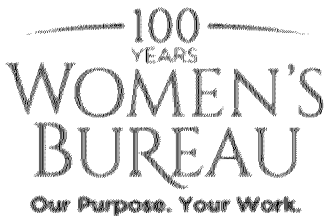
**From:** Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM

To: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

Cc: Williams, Tina T - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL  
b(6)@dol.gov

Subject: RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) b(6) Fax: (202) 693-5319 | b(6)@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP  
b(6)@dol.gov; Seely, Christopher - OFCCP <b(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP  
b(6)@dol.gov; Gean, Lissette - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL  
b(6)@dol.gov; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL  
<Taylor.Timothy.J@dol.gov>

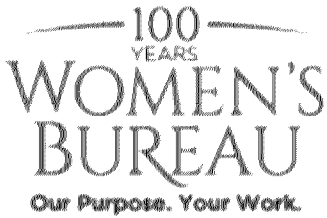
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Seely, Christopher - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Gean, Lissette - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Dankowitz, Beverly - SOL <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

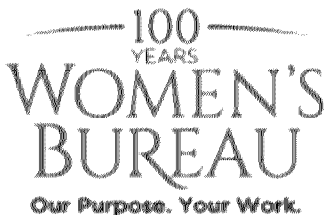
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
 Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Seely, Christopher - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Gean, Lissette - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
 OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Seely, Christopher - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Gean, Lissette - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Squitieri, Chad C - OSEC <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>



<squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

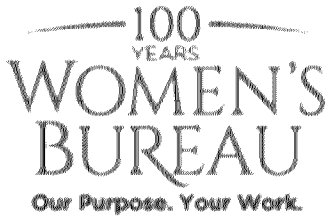
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) **b(6)** (Phone)  
(202) 693-1304 (Fax)



Document referenced by the SharePoint link, withheld as (b)(5) exemption

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**From:** Kilberg, Andrew G - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=285BFB7C58734E858F9CBD77C1BCF3C7-KILBERG, AN>  
**To:** Leen, Craig - OFCCP  
**CC:** Taylor, Timothy J - SOL; Swearingen, Brett A - OSEC; Mondl, Rachel E - OSEC; Rose, Sharon A - SOL; Squitieri, Chad C - OSEC  
**Sent:** 9/28/2020 4:27:21 PM  
**Subject:** Re: FAQs for new EO  
**Attachments:** image001.png

The FAQs are still undergoing OSEC review.

Sent from my iPhone

On Sep 28, 2020, at 4:26 PM, Leen, Craig - OFCCP <Leen.Craig@dol.gov> wrote:

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Sent:** Monday, September 28, 2020 4:24 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 4:05 PM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

Andrew G. I. Kilberg  
Counselor to the Secretary  
U.S. Department of Labor  
202: b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:56 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC  
**Sent:** Monday, September 28, 2020 3:55 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 3:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following.

(b) 5

(b) 5

(b) 5 That's how we typically proceed and I believe it is a good model here as well.

Craig E. Leen  
OFCCP Director  
<[image001.png](#)>

**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 3:43 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

It is a little complex. (b) 5

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that.

(b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor  
o. 202. b(6)

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**

Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:43 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**

Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:37 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

o. 202. [REDACTED] **b(6)**

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**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:23 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

File link:

[REDACTED] **b(5)**

**b(5)**

Folder link:

[REDACTED] **b(5)**

**b(5)**

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202. [REDACTED] **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:19 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:18 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**

Counselor to the Secretary

DOL008117

U.S. Department of Labor

202: [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:15 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

[b(5)]

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:12 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL

<[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP

<[b(6)]>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202: [b(6)]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 2:06 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[b(6)]>

**Subject:** FW: FAQs for new EO

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:

[b(5)]

DOL008118



Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210

Office: **b(6)** | Fax: (202) 693-5319 | **b(6)**@dol.gov

Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP

**b(6)**@dol.gov>; Seely, Christopher - OFCCP **b(6)**@dol.gov>

**cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

**b(6)**@dol.gov>; Gean, Lissette - OFCCP <**b(6)**@dol.gov>; Dankowitz, Beverly - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

**(b) 5**

Thanks,  
Craig

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Sent:** Monday, September 28, 2020 12:19 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP **b(6)**@dol.gov>;

Seely, Christopher - OFCCP **b(6)**@dol.gov>

**cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

**b(6)**@dol.gov>; Gean, Lissette - OFCCP <**b(6)**@dol.gov>; Dankowitz, Beverly - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2

additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <(b)(6)@dol.gov>; Seely, Christopher - OFCCP <(b)(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <(b)(6)@dol.gov>; Gean, Lissette - OFCCP <(b)(6)@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <(b)(6)@dol.gov>; Bickerstaffe, Keir - SOL <(b)(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <(b)(6)@dol.gov>; Seely, Christopher - OFCCP <(b)(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <(b)(6)@dol.gov>; Gean, Lissette - OFCCP <(b)(6)@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
**Importance:** High

OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) (b)(6) (Phone)  
(202) 693-1304 (Fax)

<image001.png>



---

**From:** Kilberg, Andrew G - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=285BFB7C58734E858F9CBD77C1BCF3C7-KILBERG, AN>  
**To:** Leen, Craig - OFCCP; Squitieri, Chad C - OSEC; Taylor, Timothy J - SOL; Swearingen, Brett A - OSEC; Mondl, Rachel E - OSEC; Rose, Sharon A - SOL  
**Sent:** 9/28/2020 5:30:20 PM  
**Subject:** RE: FAQs for new EO  
**Attachments:** FAQs - USE THIS ONE.docx

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 b(6)

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 b(6)

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

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---

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

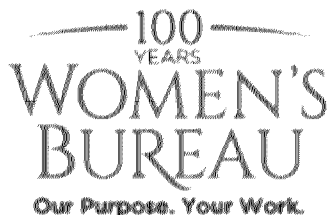
**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:28 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:27 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:24 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

DOL008124

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP

<[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC

<[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC

<[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202.

(b) 6

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:56 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;

Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>;

Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC

**Sent:** Monday, September 28, 2020 3:55 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl,

Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri,

Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 3:51 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL

<[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL

<[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC

<[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following.

(b) 5

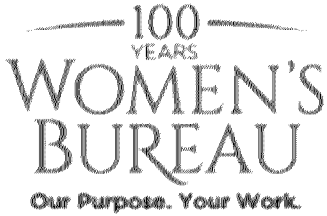
(b) 5

(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here as well.

Craig E. Leen  
OFCCP Director



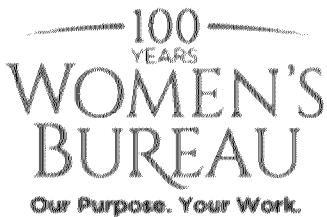
**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 3:43 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

It is a little complex

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

DOL008126



Craig would disagree with that

(b) 5

(b) 5

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

o. 202

(b) 6

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:27 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 3:03 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202

(b) 6

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:01 PM

**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Sent:** Monday, September 28, 2020 2:59 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Subject:** RE: FAQs for new EO

DOL008127

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:43 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) [REDACTED] b(6)

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:37 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202 [REDACTED] b(6)

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link:

b(5)

b(5)

Folder link:

b(5)

b(5)

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

b(5)

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202: [b(6)]

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP [b(6)]@dol.gov>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

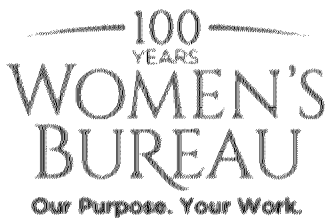
Craig's proposed FAQ 4:

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



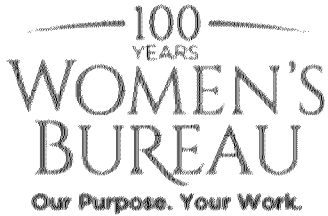
**From:** Williams, Tina T - OFCCP [b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL [b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP [b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Cc:** Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Cc:** Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig,

**(b) 5**

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [\[REDACTED\]](tel:[REDACTED]) | Fax: (202) 693-5319 | [\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

Sent: Monday, September 28, 2020 12:32 PM

To: Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Williams, Tina T - OFCCP

<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Seely, Christopher - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

Cc: Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP

<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Dankowitz, Beverly - SOL  
<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Bickerstaffe, Keir - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Taylor, Timothy J - SOL  
<[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

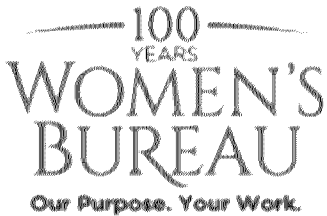
Subject: RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



From: Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

Sent: Monday, September 28, 2020 12:19 PM

To: Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>;

Seely, Christopher - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

Cc: Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP

<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Dankowitz, Beverly - SOL  
<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Bickerstaffe, Keir - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Taylor, Timothy J - SOL  
<[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

Subject: RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

From: Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

DOL008132

Sent: Monday, September 28, 2020 11:08 AM

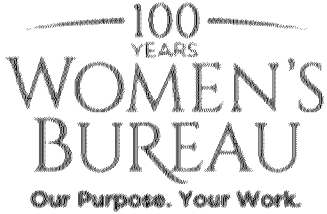
To: Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Seely, Christopher - OFCCP <[REDACTED]@dol.gov>

Cc: Gaglione, Robert J. - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

Subject: RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



From: Leen, Craig - OFCCP

Sent: Monday, September 28, 2020 10:58 AM

To: Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Seely, Christopher - OFCCP <[REDACTED]@dol.gov>

Cc: Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

Subject: FAQs for new EO

Importance: High

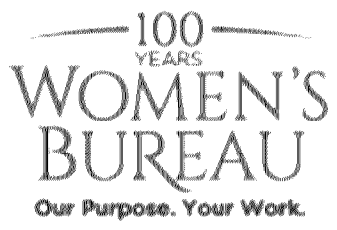
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [REDACTED] (Phone)  
(202) 693-1304 (Fax)



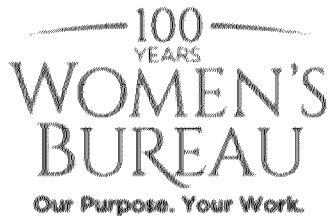


---

**From:** Leen, Craig - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=5FFD4A5B3CC74F49A5D2BF4C747416D4-LEEN, CRAIG>  
**To:** Kilberg, Andrew G - OSEC; Squitieri, Chad C - OSEC; Taylor, Timothy J - SOL; Swearingen, Brett A - OSEC; Mondl, Rachel E - OSEC; Rose, Sharon A - SOL  
**Sent:** 9/28/2020 5:38:56 PM  
**Subject:** RE: FAQs for new EO  
**Attachments:** FAQs - Craig's edits.docx

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [b(6)]

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [b(6)]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

Get [Outlook for iOS](#)

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**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202

**(b)(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:28 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

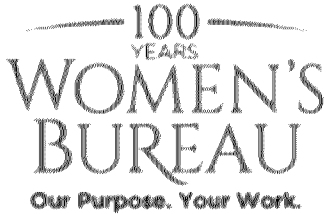
**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:27 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC

<Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Sent:** Monday, September 28, 2020 4:24 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202: **b(6)**

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Monday, September 28, 2020 3:56 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC

**Sent:** Monday, September 28, 2020 3:55 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl,

DOL008140

Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs: (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 3:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following:

(b) 5

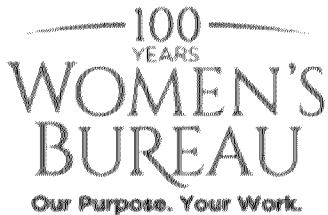
(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here

as well.

Craig E. Leen  
OFCCP Director



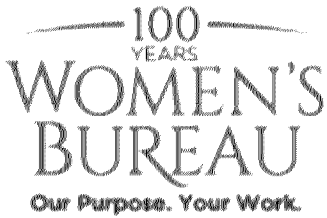
**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 3:43 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

It is a little complex:

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>;  
Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;  
Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC  
<[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC  
<[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that: (b) 5  
(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor  
o. 202.6 b(6)

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>;  
Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;  
Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL  
<[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL  
<[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202) **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:01 PM

**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;

Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;

Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Sent:** Monday, September 28, 2020 2:59 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC

<[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC

<[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 2:58 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;

Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC

<[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC

<[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C -

OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202) **b(6)**

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

DOL008143

**Sent:** Monday, September 28, 2020 2:37 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

o. 202 **b(6)**

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:23 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

File link:

**b(5)**

**b(5)**

Folder link:

**b(5)**

**b(5)**

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202 **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:19 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:18 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

DOL008144

Andrew G. I. Kilberg  
Counselor to the Secretary  
U.S. Department of Labor  
202-**(b)(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

**(b)(5)**

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

Andrew G. I. Kilberg  
Counselor to the Secretary  
U.S. Department of Labor  
202-**(b)(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:

**(b) 5**

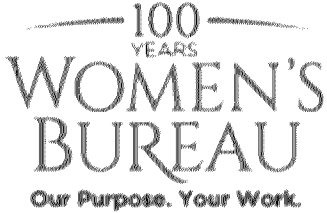


(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



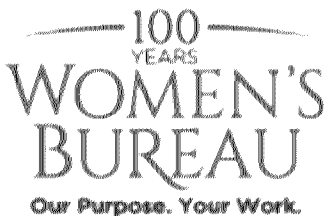
**From:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>

**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL  
b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) b(6) | Fax: (202) 693-5319 | b(6)@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

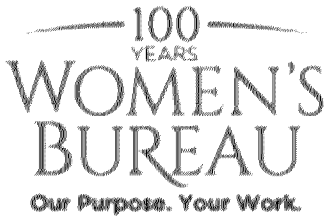
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP  
b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP  
<b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL  
<b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL  
<Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Seely, Christopher - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Dankowitz, Beverly - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Bickerstaffe, Keir - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

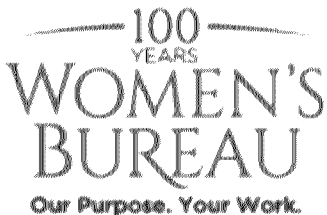
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
 Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Seely, Christopher - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Bickerstaffe, Keir - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
 OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Seely, Christopher - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP

<[b(6)]@dol.gov>

; Gean, Lissette - OFCCP

<[b(6)]@dol.gov>

; Squitieri, Chad C - OSEC

<squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

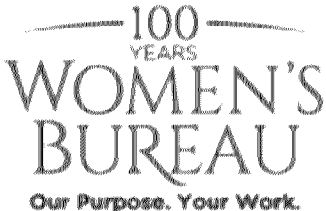
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(5)] (Phone)  
(202) 693-1304 (Fax)



**From:** Kilberg, Andrew G - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=285BFB7C58734E858F9CBD77C1BCF3C7-KILBERG, AN>  
**To:** Leen, Craig - OFCCP; Swearingen, Brett A - OSEC; Squitieri, Chad C - OSEC; Taylor, Timothy J - SOL; Mondl, Rachel E - OSEC; Rose, Sharon A - SOL  
**CC:** Wolfson, Jonathan A - ASP  
**Sent:** 9/28/2020 6:36:10 PM  
**Subject:** RE: FAQs for new EO  
**Attachments:** EO FAQs - OSEC cleared 09.28.docx

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>  
**Sent:** Monday, September 28, 2020 5:58 PM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

How about this?

**(b) 5**

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:53 PM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC

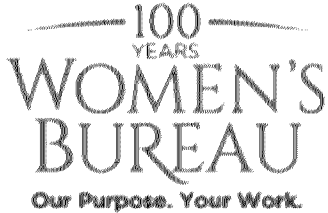
<Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:51 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

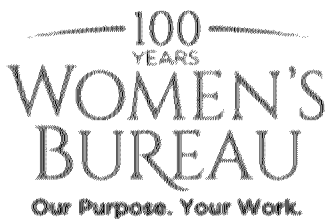
**Subject:** RE: FAQs for new EO

I'm concerned that

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Monday, September 28, 2020 5:46 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

I'm fine with the edits but prefer

(b) 5

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

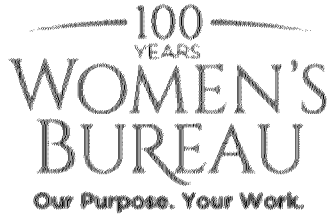
**Sent:** Monday, September 28, 2020 5:39 PM

DOL008154

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

2021 **b(6)**

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

2021 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

Get Outlook for iOS

---

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:28 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

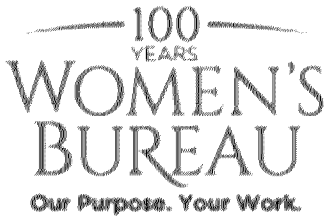
**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:27 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director

DOL008156





**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:24 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:05 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
20: **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:56 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC  
**Sent:** Monday, September 28, 2020 3:55 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 3:51 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL

<Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL

<Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following.

(b) 5

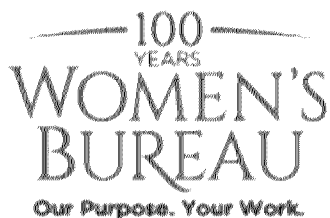
(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here

as well.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 3:43 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL

<Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL

<Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

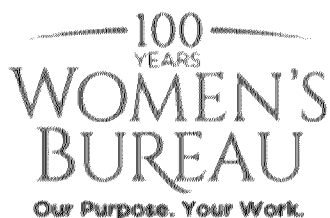
**Subject:** RE: FAQs for new EO

It is a little complex.

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Monday, September 28, 2020 3:37 PM

DOL008158

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that

(b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor  
o. 202. **b(6)**

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

Rachel E. Mondl  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:01 PM

**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Sent:** Monday, September 28, 2020 2:59 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 2:58 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(b) 6

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 2:37 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

(b) 6

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DOL008160

Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link:

b(5)

b(5)

Folder link:

b(5)

b(5)

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202  
b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

DOL008161

I put it up on SharePoint for review / editing:

**b(5)**

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[b\(6\)dol.gov](mailto:b(6)dol.gov)>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202: **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[b\(6\)dol.gov](mailto:b(6)dol.gov)>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

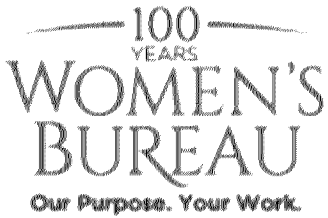
Craig's proposed FAQ 4:

**(b) 5**

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



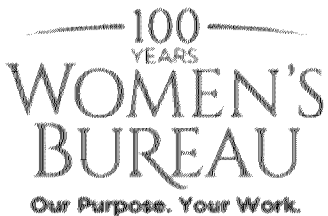
**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
 OFCCP Director



**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:47 PM  
**To:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

[b(5)]

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210

Office: (202) (b(6)) | Fax: (202) 693-5319 | (b(6))@dol.gov

Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP

(b(6))@dol.gov>; Seely, Christopher - OFCCP (b(6))>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

(b(6))@dol.gov>; Gean, Lissette - OFCCP (b(6))@dol.gov>; Dankowitz, Beverly - SOL (b(6))@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

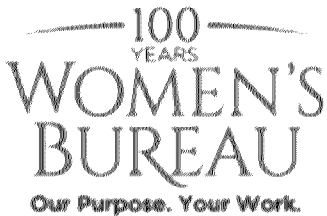
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Sent:** Monday, September 28, 2020 12:19 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP <(b(6))@dol.gov>; Seely, Christopher - OFCCP (b(6))@dol.gov>



Cc: Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020, 11:08 AM

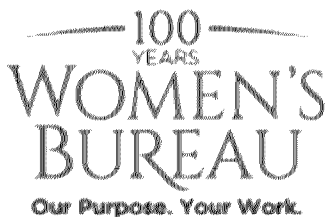
**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Seely, Christopher - OFCCP <[redacted]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020, 10:58 AM

**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Seely, Christopher - OFCCP <[redacted]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

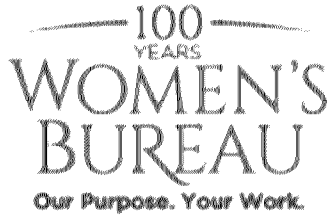
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) 693-**b(6)** (Phone)  
(202) 693-**b(6)** (Fax)



---

**From:** Kilberg, Andrew G - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=285BFB7C58734E858F9CBD77C1BCF3C7-KILBERG, AN>  
**To:** Wolfson, Jonathan A - ASP; Leen, Craig - OFCCP; Swearingen, Brett A - OSEC; Squitieri, Chad C - OSEC; Taylor, Timothy J - SOL; Mondl, Rachel E - OSEC; Rose, Sharon A - SOL  
**Sent:** 9/28/2020 7:02:35 PM  
**Subject:** RE: FAQs for new EO  
**Attachments:** EO FAQs - OSEC cleared 09.28 v2.docx

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Monday, September 28, 2020 6:59 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 6:36 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Cc:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

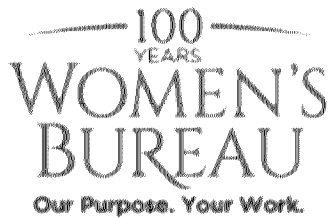
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 5:58 PM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

How about this?

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:53 PM

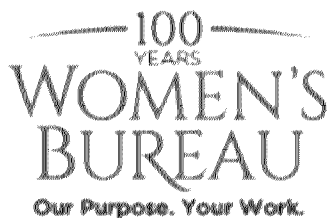
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:51 PM

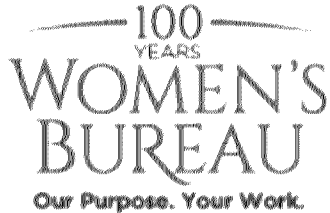
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

DOL008168

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:46 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

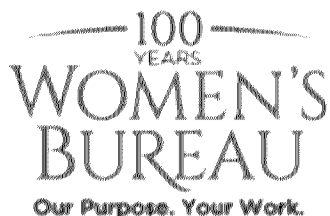
I'm fine with the edits but prefer

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:39 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202: **b(6)**

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202: **b(6)**

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

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---

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202: **b(6)**

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL

<Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 4:28 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 4:27 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 4:24 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. (b)(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:56 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC  
**Sent:** Monday, September 28, 2020 3:55 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. (b) 5

(b) 5

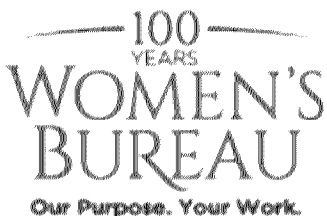
**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 3:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following. (b) 5

(b) 5

(b) 5 That's how we typically proceed and I believe it is a good model here as well.

Craig E. Leen  
OFCCP Director





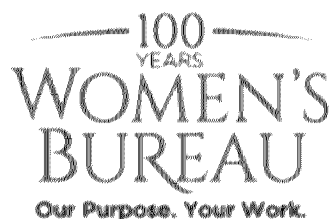
**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 3:43 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

It is a little complex.

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that.

(b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor

o. 2021

(b) 6

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>;

Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;  
Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **b(6)**

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:37 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202 **b(6)**

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link: **b(5)**

Folder link: **b(5)**

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>;

Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:18 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202. **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:15 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

**b(5)**

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:12 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[Williams.Tina.T@dol.gov](mailto:Williams.Tina.T@dol.gov)>

**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202. **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 2:06 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[Williams.Tina.T@dol.gov](mailto:Williams.Tina.T@dol.gov)>

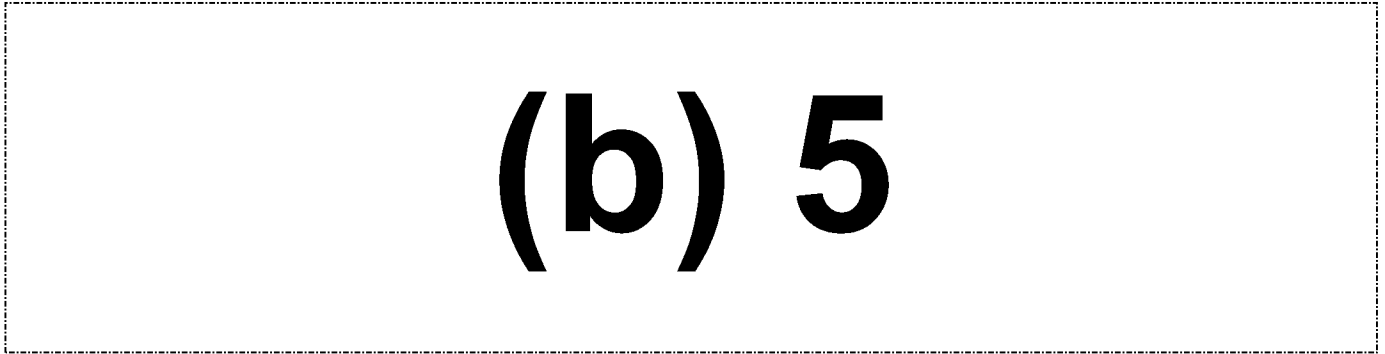
**Subject:** FW: FAQs for new EO

**b(6)**

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

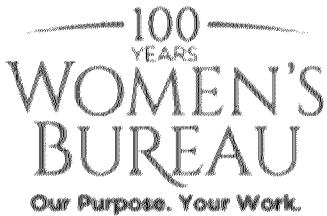
Craig's proposed FAQ 4:



Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



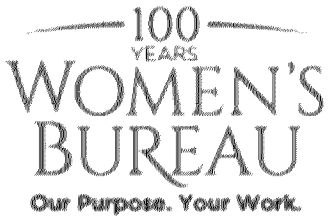
**From:** Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we’re sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [b(6)] | Fax: (202) 693-5319 | [b(6)]@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

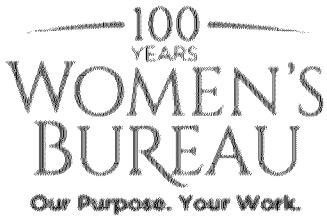
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP <[b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

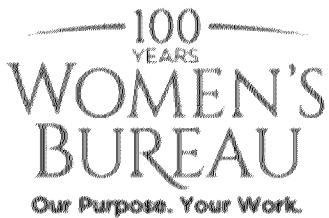
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP <[b(6)]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

<[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

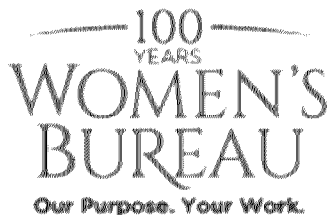
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(6)] (Phone)  
(202) 693-1304 (Fax)





---

**From:** Wolfson, Jonathan A - ASP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=C933D3C8E9624D7092E25B4A2B47F4CF-WOLFSON, JO>  
**To:** Kilberg, Andrew G - OSEC; Leen, Craig - OFCCP; Swearingen, Brett A - OSEC; Squitieri, Chad C - OSEC; Taylor, Timothy J - SOL; Mondl, Rachel E - OSEC; Rose, Sharon A - SOL  
**Sent:** 9/28/2020 7:04:34 PM  
**Subject:** RE: FAQs for new EO

Perfect. We will get this version cleared. Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 7:03 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
2024 b(6)

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Monday, September 28, 2020 6:59 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 6:36 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Cc:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

DOL008181

Andrew G. I. Kilberg  
Counselor to the Secretary  
U.S. Department of Labor

202 **b(6)**

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 5:58 PM

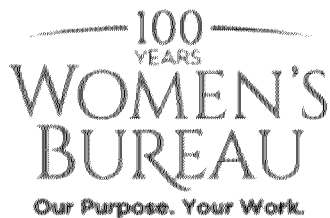
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

How about this?

**(b) 5**

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:53 PM

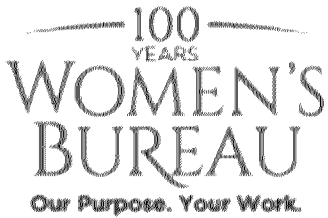
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

**(b) 5**

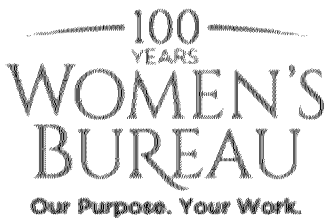
Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:46 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

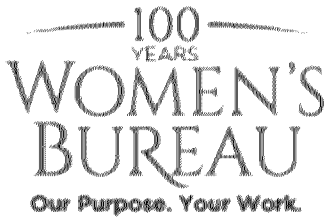
I'm fine with the edits but prefer

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:39 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202

**b(6)**

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202

**b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

Get [Outlook for iOS](#)

---

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor,

Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202: b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

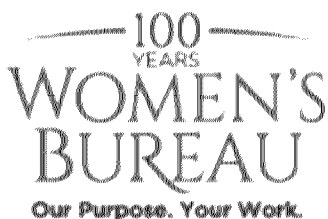
**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:28 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:27 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

DOL008185

**Sent:** Monday, September 28, 2020 4:24 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202. (b) 5

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:56 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC

**Sent:** Monday, September 28, 2020 3:55 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 3:51 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following.

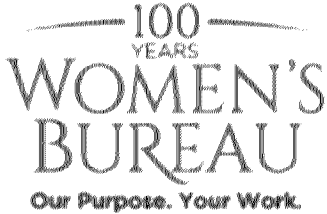
(b) 5

(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here as well.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 3:43 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

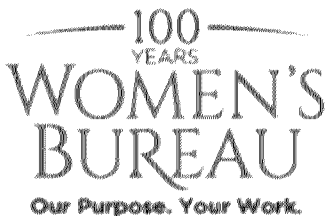
**Subject:** RE: FAQs for new EO

It is a little complex

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:37 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

DOL008187

**Sent:** Monday, September 28, 2020 3:35 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

Craig would disagree with that

(b) 5

(b) 5

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

o. 202

(b)(6)

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:27 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 3:03 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202

(b)(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:01 PM

**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

DOL008188



**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:43 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:37 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202 b(6)

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link:  
b(5)

b(5)

Folder link:  
b(5)

b(5)

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

b(5)

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

Cc: Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

Subject: RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 2:06 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

**Subject:** FW: FAQs for new EO

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

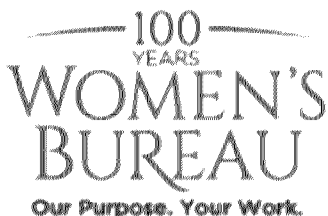
Craig's proposed FAQ 4:

**(b) 5**

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Sent:** Monday, September 28, 2020 1:53 PM

DOL008191

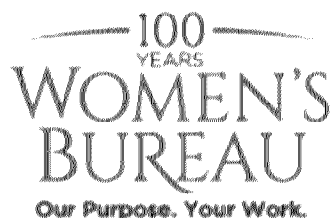
To: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>  
Cc: Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>  
Subject: RE: FAQs for new EO

Here you go.

From: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Sent: Monday, September 28, 2020 1:46 PM  
To: Williams, Tina T - OFCCP <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>  
Cc: Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>  
Subject: RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



From: Williams, Tina T - OFCCP <b(6)@dol.gov>  
Sent: Monday, September 28, 2020 1:10 PM  
To: Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Cc: Dankowitz, Beverly - SOL <b(6)@dol.gov>  
Subject: RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

From: Bickerstaffe, Keir - SOL <b(6)@dol.gov>  
Sent: Monday, September 28, 2020 1:04 PM  
To: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Cc: Williams, Tina T - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>  
Subject: RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) b(6) | Fax: (202) 693-5319 b(6)@dol.gov  
Pronouns: he/him/his

This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.

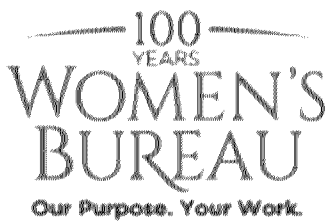
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

**(b) 5**

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

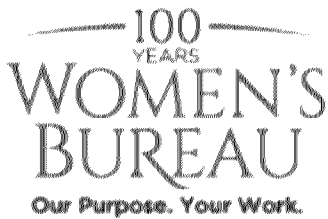
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Seely, Christopher - OFCCP <[REDACTED]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Seely, Christopher - OFCCP <[REDACTED]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
**Importance:** High

OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

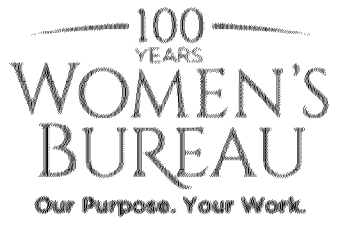
**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210

(202) **b(6)** (Phone)  
(202) 693-1304 (Fax)



---

**From:** Squitieri, Chad C - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=80ED763B75B846FF8B842B19BD2B9156-SQUITIERI,>  
**To:** Wolfson, Jonathan A - ASP; Kilberg, Andrew G - OSEC; Leen, Craig - OFCCP; Swearingen, Brett A - OSEC; Taylor, Timothy J - SOL; Mondl, Rachel E - OSEC; Rose, Sharon A - SOL  
**Sent:** 9/29/2020 4:37:53 PM  
**Subject:** RE: FAQs for new EO  
**Attachments:** EO FAQs - OSEC cleared 09.28 --- EOP comments 9.29.20 440pm.docx

Comment in the attached, thanks.

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Tuesday, September 29, 2020 4:35 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 7:03 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Monday, September 28, 2020 6:59 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO



This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:36 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

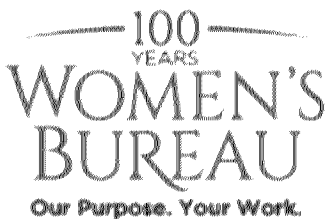
**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **(b)(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:58 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

How about this?

**(b) 5**

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

DOL008197

**Sent:** Monday, September 28, 2020 5:53 PM

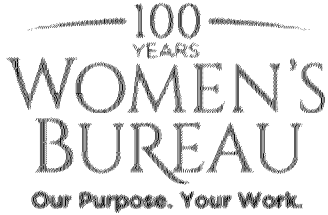
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

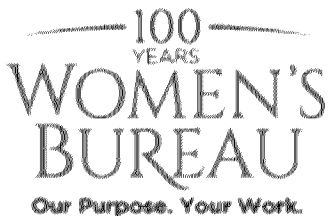
**Sent:** Monday, September 28, 2020 5:51 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 5:46 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm fine with the edits but prefer

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:39 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;

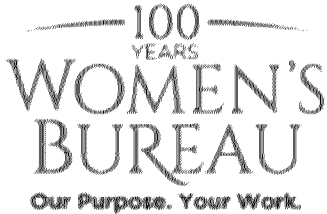
Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>;

Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 5:30 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor,

Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl,

Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Kilberg, Andrew G - OSEC

**Sent:** Monday, September 28, 2020 5:02 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy

J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E -

OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:00 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;

Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>;

Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

[Get Outlook for iOS](#)

---

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:34:11 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202. b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 4:29 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 4:28 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 4:27 PM

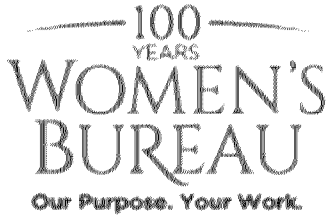
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen

DOL008200



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:24 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:05 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs. (b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 (b) 6

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:56 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC  
**Sent:** Monday, September 28, 2020 3:55 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. (b) 5

(b) 5

**From:** Leen, Craig - OFCCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 3:51 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following.

(b) 5

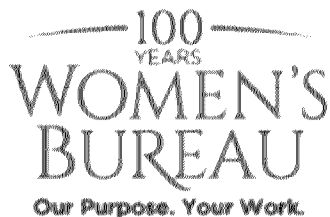
(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here

as well.

Craig E. Leen  
OFCCCP Director



**From:** Leen, Craig - OFCCCP

**Sent:** Monday, September 28, 2020 3:43 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

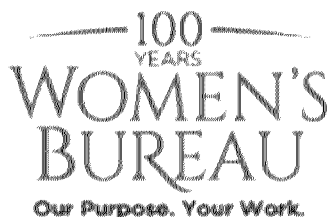
**Subject:** RE: FAQs for new EO

It is a little complex.

(b) 5

(b) 5

Craig E. Leen  
OFCCCP Director



**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Monday, September 28, 2020 3:37 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 3:35 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

Craig would disagree with that. (b) 5

(b) 5

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

o. 202 (b) 6

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:27 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 3:03 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202) (b) 6

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:43 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:37 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202: b(6)



This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link:

b(5)

b(5)

Folder link:

b(5)

b(5)

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

DOL008205

I put it up on SharePoint for review / editing:

**b(5)**

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[\(b\)6@dol.gov](mailto:(b)6@dol.gov)>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202-**b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[\(b\)6@dol.gov](mailto:(b)6@dol.gov)>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

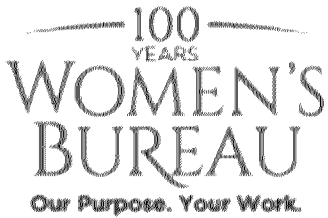
Craig's proposed FAQ 4:

**(b) 5**

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



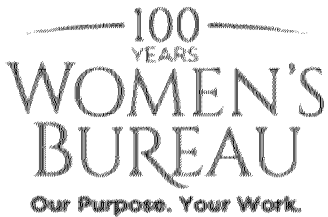
**From:** Williams, Tina T - OFCCP <Williams.Tina.T@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL [b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP [b(6)]@dol.gov>; Bickerstaffe, Keir - SOL [b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
 OFCCP Director



**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL [b(6)]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL [b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

[b(6) 5]

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) (b)(6) Fax: (202) 693-5319 | (b)(6) @dol.gov  
Pronouns: he/him/his

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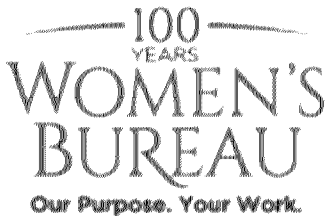
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP (b)(6) @dol.gov; Seely, Christopher - OFCCP <(b)(6) @dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP (b)(6) @dol.gov; Gean, Lissette - OFCCP <(b)(6) @dol.gov>; Dankowitz, Beverly - SOL <(b)(6) @dol.gov>; Bickerstaffe, Keir - SOL <(b)(6) @dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP (b)(6) @dol.gov; Seely, Christopher - OFCCP (b)(6) @dol.gov

Cc: Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

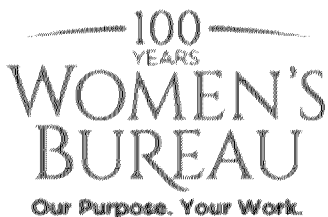
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Seely, Christopher - OFCCP <[redacted]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Seely, Christopher - OFCCP <[redacted]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
**Importance:** High

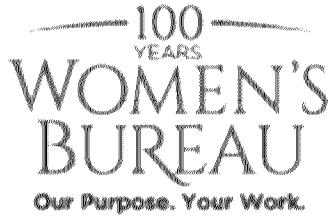
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(6)] (Phone)  
(202) 693-1304 (Fax)



---

**From:** Taylor, Timothy J - SOL </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=363C0A5D85CA453EB4D8A2A62A9C286F-TAYLOR, TIM>  
**To:** Leen, Craig - OFCCP; Wolfson, Jonathan A - ASP; Kilberg, Andrew G - OSEC; Swearingen, Brett A - OSEC; Squitieri, Chad C - OSEC; Mondl, Rachel E - OSEC; Rose, Sharon A - SOL  
**Sent:** 9/29/2020 4:46:38 PM  
**Subject:** RE: FAQs for new EO

Fine here.

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

o. 203

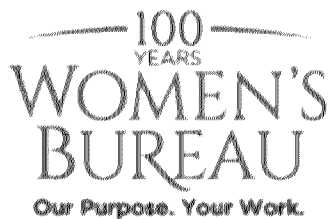
b(6)

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Tuesday, September 29, 2020 4:39 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Tuesday, September 29, 2020 4:35 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

DOL008214

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 7:03 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202.693.6018

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:59 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:36 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202-b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:58 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

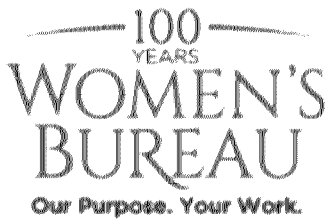
DOL008215



How about this?

(b) 5

Craig E. Leen  
OFCCP Director

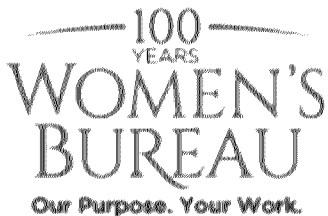


**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:53 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

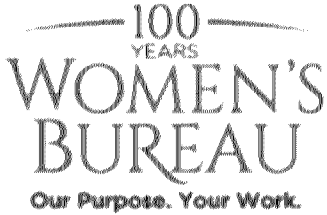
Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:46 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

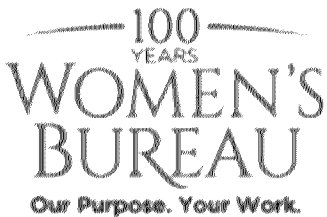
I'm fine with the edits but prefer

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:39 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

DOL008217

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

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---

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 4:28 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

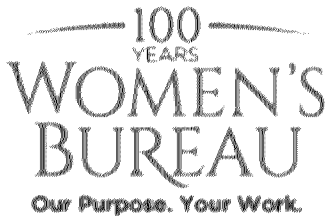
**Sent:** Monday, September 28, 2020 4:27 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 4:24 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

(b) 5

Andrew G. I. Kilberg  
Counselor to the Secretary  
U.S. Department of Labor  
202: **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:56 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC  
**Sent:** Monday, September 28, 2020 3:55 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs **(b) 5**

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 3:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following:

**(b) 5**

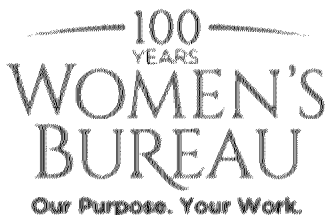
(b) 5

**(b) 5**

That's how we typically proceed and I believe it is a good model here

as well.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

DOL008220

**Sent:** Monday, September 28, 2020 3:43 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

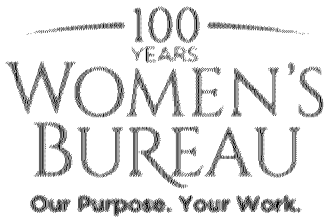
**Subject:** RE: FAQs for new EO

It is a little complex

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:37 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 3:35 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

Craig would disagree with that

(b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor  
o. 202. [REDACTED]

b(6)

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:27 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

DOL008221

**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:43 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC

DOL008222

<[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **b(6)**

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:37 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202) **b(6)**

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link: **b(5)**

Folder link: **b(5)**

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202) **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO



Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202-**b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

**b(5)**

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[Tina.T.Williams@dol.gov](mailto:Tina.T.Williams@dol.gov)>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202-**b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[Tina.T.Williams@dol.gov](mailto:Tina.T.Williams@dol.gov)>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

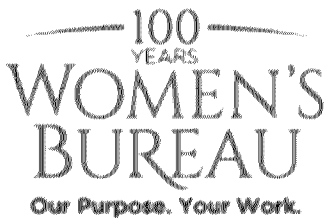
Craig's proposed FAQ 4:

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



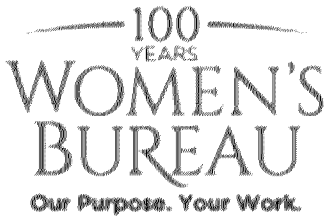
**From:** Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:55 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP [b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL [b(6)]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL [b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we’re sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL [b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP [b(6)]@dol.gov>; Dankowitz, Beverly - SOL [b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
 U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
 Office: (202) [b(6)] | Fax: (202) 693-5319 [b(6)]@dol.gov  
 Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

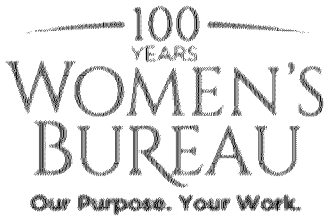
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP [b(6)]@dol.gov>; Seely, Christopher - OFCCP [b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP [b(6)]@dol.gov>; Gean, Lissette - OFCCP [b(6)]@dol.gov>; Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Bickerstaffe, Keir - SOL [b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

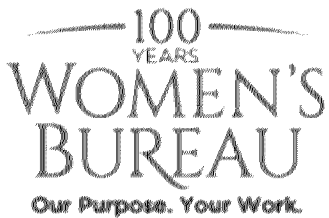
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP; [b(6)]@dol.gov; Seely, Christopher - OFCCP  
<[b(6)]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP  
[b(6)]@dol.gov; Gean, Lissette - OFCCP [b(6)]@dol.gov; Squitieri, Chad C - OSEC  
<squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

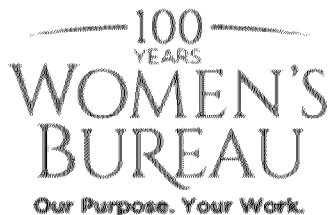
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(6)] (Phone)  
(202) 693-1304 (Fax)



---

**From:** Wolfson, Jonathan A - ASP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=C933D3C8E9624D7092E25B4A2B47F4CF-WOLFSON, JO>  
**To:** Mondl, Rachel E - OSEC; Kilberg, Andrew G - OSEC; Leen, Craig - OFCCP; Swearingen, Brett A - OSEC; Squitieri, Chad C - OSEC; Taylor, Timothy J - SOL; Rose, Sharon A - SOL  
**Sent:** 9/29/2020 5:17:50 PM  
**Subject:** RE: FAQs for new EO

I assume yes, but will confirm.

**From:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>  
**Sent:** Tuesday, September 29, 2020 5:17 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Jon, did Denzel receive this?

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Tuesday, September 29, 2020 4:54 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Tuesday, September 29, 2020 4:49 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Tuesday, September 29, 2020 4:46 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

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**From:** Leen, Craig - OFCCP

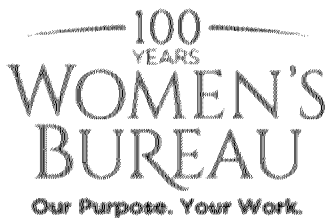
**Sent:** Tuesday, September 29, 2020 4:39:22 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, September 29, 2020 4:35 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 7:03 PM

DOL008230

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:59 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:36 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:58 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

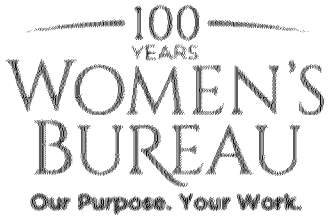
How about this?

(b) 5



(b) 5

Craig E. Leen  
OFCCP Director

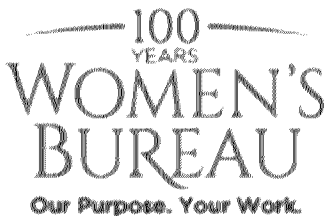


**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:53 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

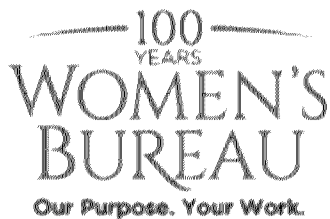
Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:46 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

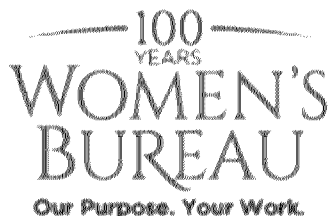
I'm fine with the edits but prefer

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:39 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary

U.S. Department of Labor

202 **b(6)**

**From:** Kilberg, Andrew G - OSEC

**Sent:** Monday, September 28, 2020 5:02 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:00 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

Get [Outlook for iOS](#)

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**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:34:11 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 4:29 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

DOL008234

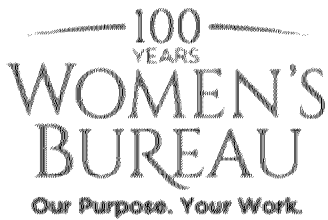
**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:28 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:27 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:24 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:05 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

DOL008235

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:56 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

**(b) 5**

**From:** Swearingen, Brett A - OSEC  
**Sent:** Monday, September 28, 2020 3:55 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. **(b) 5**

**(b) 5**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 3:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following:

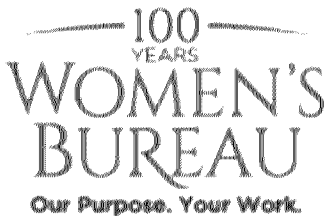
**(b) 5**

**(b) 5**

**(b) 5**

That's how we typically proceed and I believe it is a good model here as well.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 3:43 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

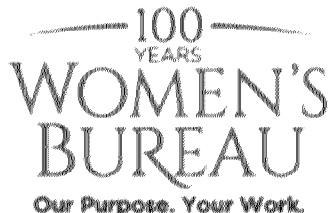
**Subject:** RE: FAQs for new EO

It is a little complex.

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:37 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 3:35 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

Craig would disagree with that.

(b) 5

(b) 5

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

o. 202.

(b) 6

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:27 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:43 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

DOL008238

I'm looking now.

**Rachel E. Mondl**

Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) [b(6)]

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:37 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**

Deputy Solicitor  
U.S. Department of Labor  
o. 202. [b(6)]

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**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link:

[b(5)]

[b(5)]

Folder link:

[b(5)]

[b(5)]

**Andrew G. I. Kilberg**

Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM



To: Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC

<[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

Cc: Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>;

Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

Subject: RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202 **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:15 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC

<[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

**b(5)**

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:12 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL

<[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP

<[b\(6\)dol.gov](mailto:b(6)dol.gov)>

**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202. **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 2:06 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC

<[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL

<[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

**Subject:** FW: FAQs for new EO

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

DOL008240

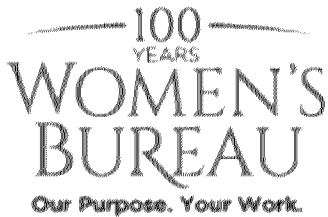
Craig's proposed FAQ 4:

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



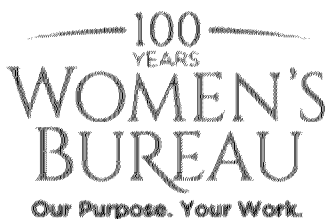
**From:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 11:10 PM  
**To:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we’re sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [REDACTED] | Fax: (202) 693-5319 | [REDACTED]@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

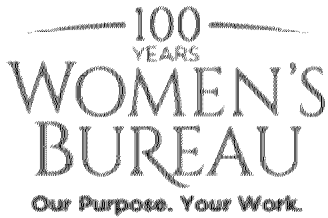
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Seely, Christopher - OFCCP <[REDACTED]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>; Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

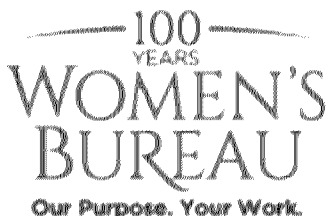
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Seely, Christopher - OFCCP

<[REDACTED]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

<[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>; Squitieri, Chad C - OSEC

<squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

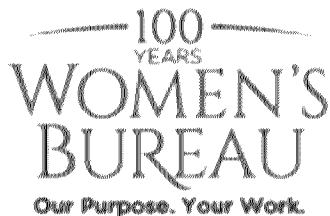
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [REDACTED] (Phone)  
(202) 693-1304 (Fax)

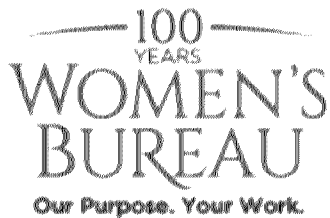


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**From:** Leen, Craig - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=5FFD4A5B3CC74F49A5D2BF4C747416D4-LEEN, CRAIG>  
**To:** Wolfson, Jonathan A - ASP; Swearingen, Brett A - OSEC; Kilberg, Andrew G - OSEC; Squitieri, Chad C - OSEC; Taylor, Timothy J - SOL; Mondl, Rachel E - OSEC; Rose, Sharon A - SOL  
**Sent:** 9/30/2020 12:12:19 PM  
**Subject:** RE: FAQs for new EO

Do you think we will be able to post them today? It would be helpful to get them up soon if possible for a number of reasons. I can discuss if you'd like.

Craig E. Leen  
OFCCP Director



**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Wednesday, September 30, 2020 9:19 AM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>  
**Sent:** Tuesday, September 29, 2020 5:49 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Tuesday, September 29, 2020 4:54 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

DOL008245

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:49 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Tuesday, September 29, 2020 4:46 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

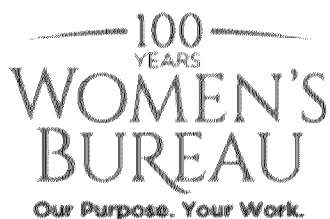
Get [Outlook for iOS](#)

---

**From:** Leen, Craig - OFCCP  
**Sent:** Tuesday, September 29, 2020 4:39:22 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, September 29, 2020 4:35 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 7:03 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202 b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Monday, September 28, 2020 6:59 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 6:36 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>



**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:58 PM

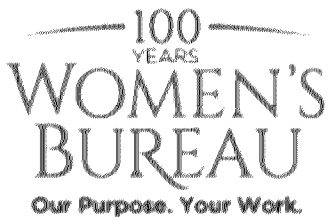
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

How about this?

**(b) 5**

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:53 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

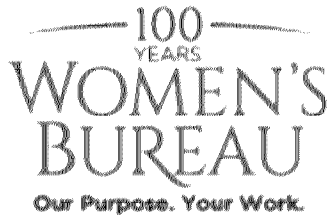
Perhaps we could just not include the first two words and instead start with:

**(b) 5**

Craig E. Leen

DOL008248

OFCCP Director



**From:** Leen, Craig - OFCCP

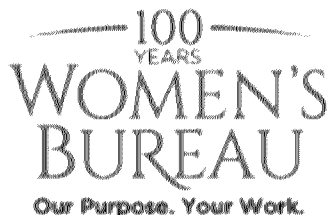
**Sent:** Monday, September 28, 2020 5:51 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 5:46 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm fine with the edits but prefer: (b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:39 PM

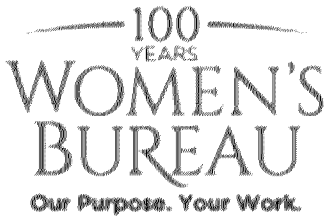
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director

DOL008249



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [b(6)]

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [b(6)]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

Get [Outlook for iOS](#)

---

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

DOL008250

**Sent:** Monday, September 28, 2020 4:34:11 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202. [b(6)]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 4:29 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 4:28 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

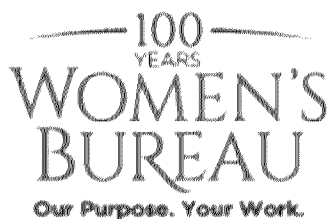
**Sent:** Monday, September 28, 2020 4:27 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



DOL008251

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:24 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:05 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:56 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC  
**Sent:** Monday, September 28, 2020 3:55 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced... If we're going to proceed this way... I think we should add more detail to the FAQs. (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 3:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following:

(b) 5

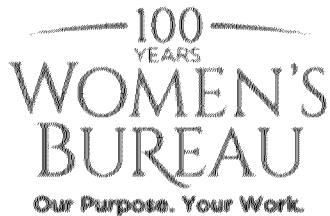
(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here

as well.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 3:43 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

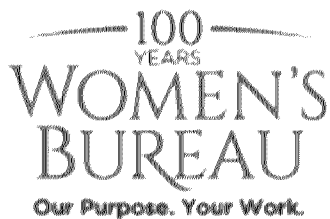
**Subject:** RE: FAQs for new EO

It is a little complex:

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:37 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

DOL008253

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that

(b) 5

(b) 5

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202. (b)(6)

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) (b)(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:43 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:37 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202. b(6)

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**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>;



Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

File link:

b(5)

b(5)

Folder link:

b(5)

b(5)

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202 [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:19 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:18 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202 [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:15 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

b(5)

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

DOL008256

**Sent:** Monday, September 28, 2020 2:12 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202 [b\(6\)@dol.gov](mailto:b(6)@dol.gov)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 2:06 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

**Subject:** FW: FAQs for new EO

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

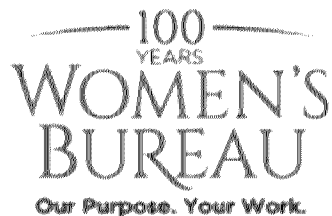
Craig's proposed FAQ 4:

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

DOL008257

**Sent:** Monday, September 28, 2020 1:53 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>

**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 1:46 PM

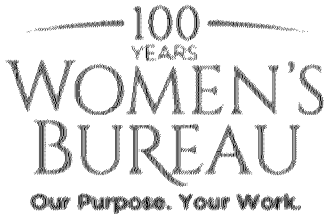
**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>

**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>

**Sent:** Monday, September 28, 2020 1:10 PM

**To:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>

**Sent:** Monday, September 28, 2020 1:04 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Cc:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Craig,

**(b) 5**

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) b(6) | Fax: (202) 693-5319 | b(6)@dol.gov

Pronouns: he/him/his

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**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

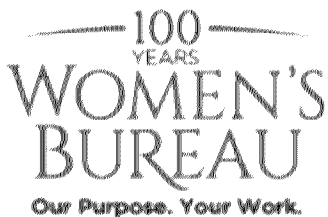
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Sent:** Monday, September 28, 2020 12:19 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1

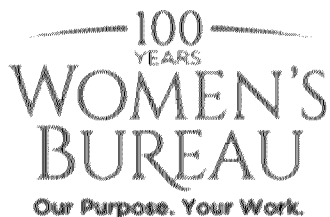
to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Seely, Christopher - OFCCP <[REDACTED]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Seely, Christopher - OFCCP <[REDACTED]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
**Importance:** High

OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

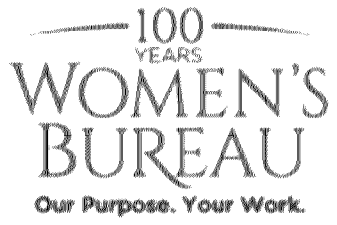
Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Room C3325

DOL008260

Washington, DC 20210

(202) 6[REDACTED] (Phone)

(202) 693-1304 (Fax)



---

**From:** Wolfson, Jonathan A - ASP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=C933D3C8E9624D7092E25B4A2B47F4CF-WOLFSON, JO>  
**To:** Swearingen, Brett A - OSEC; Kilberg, Andrew G - OSEC; Leen, Craig - OFCCP; Squitieri, Chad C - OSEC; Taylor, Timothy J - SOL; Mondl, Rachel E - OSEC; Rose, Sharon A - SOL  
**Sent:** 9/30/2020 1:48:53 PM  
**Subject:** RE: FAQs for new EO  
**Attachments:** DOL-OFCCP EO 13950 FAQs - OMB comments 9.30 at 1200pm.docx

OMB General Counsel just sent us the attached edits. Denzel said she'd have Russ' comments by the end of the day.

Jw

**From:** Wolfson, Jonathan A - ASP  
**Sent:** Wednesday, September 30, 2020 9:19 AM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>  
**Sent:** Tuesday, September 29, 2020 5:49 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Tuesday, September 29, 2020 4:54 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>

DOL008262

**Sent:** Tuesday, September 29, 2020 4:49 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Tuesday, September 29, 2020 4:46 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

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**From:** Leen, Craig - OFCCP

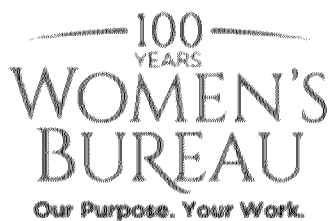
**Sent:** Tuesday, September 29, 2020 4:39:22 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, September 29, 2020 4:35 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

All,

DOL008263



Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 7:03 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:59 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:36 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:58 PM

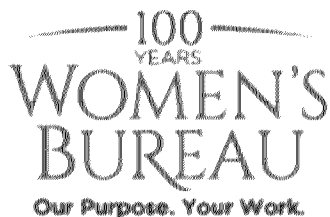
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

How about this?

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:53 PM

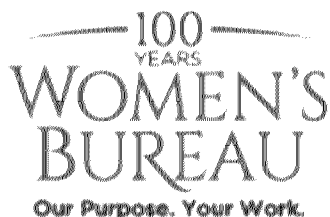
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:51 PM

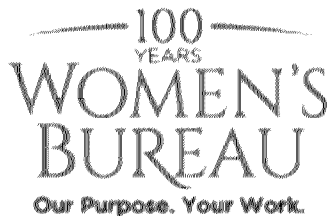
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC

<Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Monday, September 28, 2020 5:46 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

I'm fine with the edits but prefer

(b) 5

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

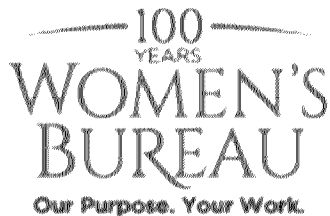
**Sent:** Monday, September 28, 2020 5:39 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 5:30 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202-b(6)

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202-b(6)

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

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---

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202-b(6)

DOL008267

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 4:29 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 4:28 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

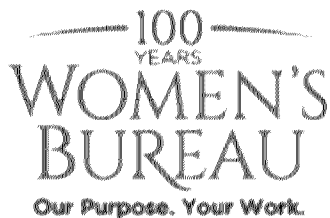
**Sent:** Monday, September 28, 2020 4:27 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 4:24 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC

<[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs. (b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202: (b)(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:56 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC

**Sent:** Monday, September 28, 2020 3:55 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 3:51 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

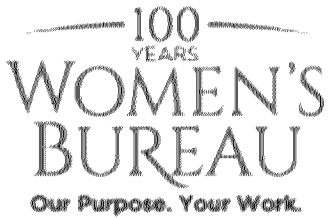
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following. (b) 5

(b) 5

(b) 5 That's how we typically proceed and I believe it is a good model here as well.

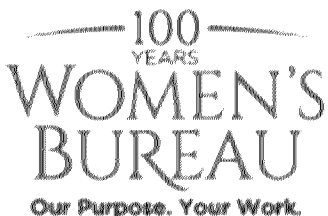
Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 3:43 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

It is a little complex. (b) 5  
(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that. (b) 5  
(b) 5

Timothy Taylor

Deputy Solicitor  
U.S. Department of Labor

o. 2024 **(b)(6)**

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

**(b) 5**

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **(b)(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;

DOL008271



Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

Cc: Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

Subject: RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202) **b(6)**

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 2:37 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

o. 202. **b(6)**

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**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:23 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

File link:

**b(5)**

**b(5)**

Folder link:

**b(5)**

**b(5)**

**Andrew G. I. Kilberg**

Counselor to the Secretary

DOL008272

U.S. Department of Labor

202. [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:19 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:18 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202. [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:15 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

[b(5)]

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:12 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>

**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202. [b(6)]

DOL008273

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

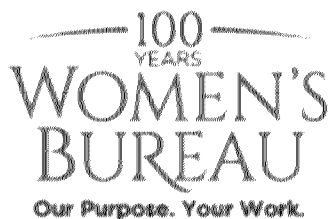
Craig's proposed FAQ 4:

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

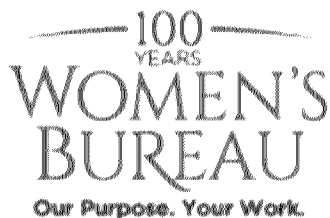
Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Davidson, Patricia J - OFCCP

**b(6)** <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

**(b) 5**

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [redacted] | Fax: (202) 693-5319 | [redacted]@dol.gov  
Pronouns: he/him/his

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**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <[redacted]@dol.gov>; Seely, Christopher - OFCCP <[redacted]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <[redacted]@dol.gov>

<Taylor.Timothy.J@dol.gov>

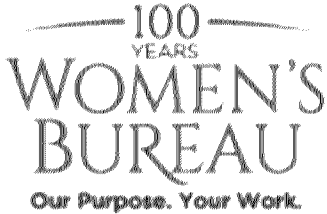
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 12:19 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <(b)(6)@dol.gov>;

Seely, Christopher - OFCCP <(b)(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP

<(b)(6)@dol.gov>; Gean, Lissette - OFCCP <(b)(6)@dol.gov>; Dankowitz, Beverly - SOL <(b)(6)@dol.gov>; Bickerstaffe, Keir - SOL <(b)(6)@dol.gov>; Taylor, Timothy J - SOL

<[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 11:08 AM

**To:** Williams, Tina T - OFCCP <(b)(6)@dol.gov>; Seely, Christopher - OFCCP

<(b)(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP

<[Davidson.Patricia@dol.gov](mailto:Davidson.Patricia@dol.gov)>; Gean, Lissette - OFCCP <(b)(6)@dol.gov>; Squitieri, Chad C - OSEC

<[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <(b)(6)@dol.gov>; Bickerstaffe, Keir - SOL

DOL008276

<[b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP

<[b(6)]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

<[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

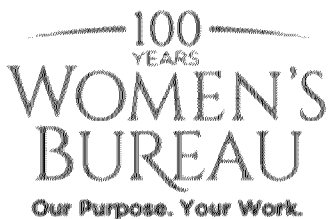
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(6)] (Phone)  
(202) 693-1304 (Fax)



DOL008277

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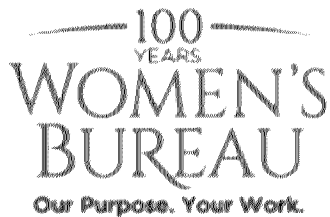
**From:** Swearingen, Brett A - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=446467C1ACD144B4BDDD78130ECD530D-SWEARINGEN,>  
**To:** Leen, Craig - OFCCP  
**Sent:** 10/1/2020 12:41:46 PM  
**Subject:** RE: FAQs for new EO

I haven't heard anything, fwiw.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Thursday, October 1, 2020 11:48 AM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Just checking on the status of this. Do you think we will be able to post today? Thanks.

Craig E. Leen  
OFCCP Director



**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Wednesday, September 30, 2020 1:49 PM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

OMB General Counsel just sent us the attached edits. Denzel said she'd have Russ' comments by the end of the day.

Jw

**From:** Wolfson, Jonathan A - ASP  
**Sent:** Wednesday, September 30, 2020 9:19 AM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

DOL008281

Jw

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 5:49 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:54 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:49 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Tuesday, September 29, 2020 4:46 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

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**From:** Leen, Craig - OFCCP  
**Sent:** Tuesday, September 29, 2020 4:39:22 PM

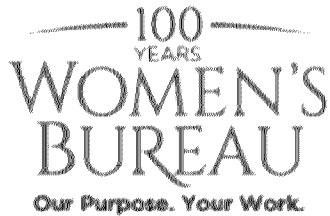
DOL008282



**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:35 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 7:03 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:59 PM

DOL008283

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:36 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202

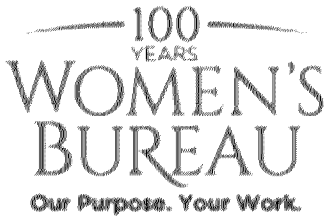
**(b)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:58 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

How about this?

**(b) 5**

Craig E. Leen  
OFCCP Director

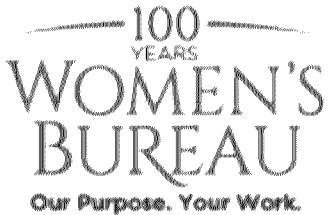


**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:53 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

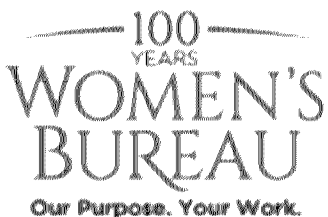
Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:46 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

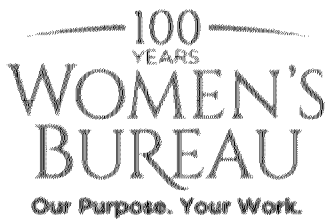
I'm fine with the edits but prefer

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:39 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 (b)(6)

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202-b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

[Get Outlook for iOS](#)

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**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202-b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:28 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

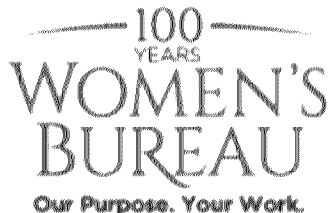
**Sent:** Monday, September 28, 2020 4:27 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 4:24 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202. (b)(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:56 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC

**Sent:** Monday, September 28, 2020 3:55 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 3:51 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following (b) 5

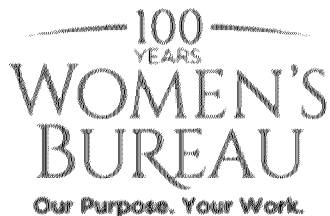
(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here

as well.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 3:43 PM

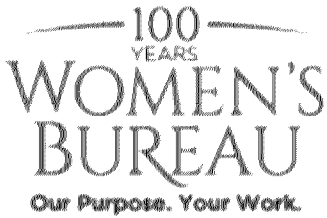
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

It is a little complex (b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>;  
Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;  
Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC  
<[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC  
<[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that

(b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor  
o. 2021

(b) 6

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>;  
Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;  
Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL  
<[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL  
<[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>



**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**

Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:01 PM

**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Sent:** Monday, September 28, 2020 2:59 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 2:58 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**

Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 2:37 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202. [REDACTED] **b(6)**

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link: [REDACTED] **b(5)**

Folder link: [REDACTED] **b(5)**

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [REDACTED] **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202: [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

[b(5)]

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202: [b(6)]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:

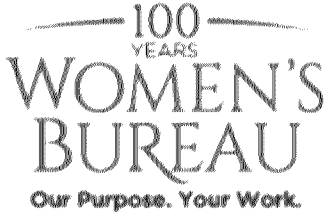
[b(5)]

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



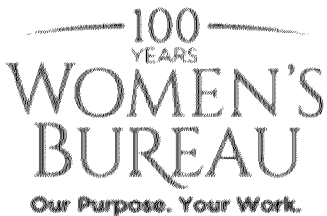
**From:** Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM

To: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Cc: Williams, Tina T - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>  
Subject: RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) b(6) | Fax: (202) 693-5319 | b(6)@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Seely, Christopher - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Gean, Lissette - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Dankowitz, Beverly - SOL <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

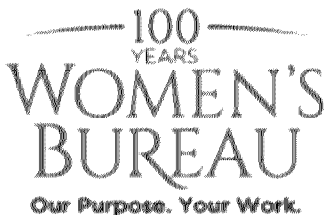
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Seely, Christopher - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Gean, Lissette - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Seely, Christopher - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Gean, Lissette - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>; Squitieri, Chad C - OSEC <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>

<squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

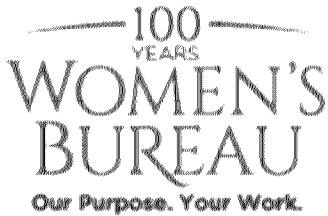
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) **b(6)** Phone)  
(202) 693-1304 (Fax)



---

**From:** Kilberg, Andrew G - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=285BFB7C58734E858F9CBD77C1BCF3C7-KILBERG, AN>  
**To:** Mondl, Rachel E - OSEC; Wolfson, Jonathan A - ASP  
**CC:** Squitieri, Chad C - OSEC; Leen, Craig - OFCCP  
**Sent:** 10/6/2020 6:59:27 PM  
**Subject:** RE: FAQs for new EO  
**Attachments:** EO FAQs - OSEC cleared 09.28 --- EOP comments 9.29.20 4pm.docx

I'm not sure if the EOP comments were also included with OMB's comments. I don't have a record of receiving anything further from ASP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202: b(6)

**From:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>  
**Sent:** Tuesday, October 6, 2020 6:56 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** FW: FAQs for new EO

Jon, can ASP assist in cleaning up the FAQs for posting? We also need to change the unconscious bias question to the following:

**6. Does Executive Order 13950 prohibit unconscious bias or implicit bias training?**

Unconscious or implicit bias training is prohibited to the extent it teaches or implies that an individual, by virtue of his or her race, sex, and/or national origin, is racist, sexist, oppressive, or biased, whether consciously or unconsciously.

Training is not prohibited if it is designed to inform workers, or foster discussion, about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different, which could influence a worker's conduct or speech and be perceived by others as offensive.

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Wednesday, September 30, 2020 1:49 PM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

OMB General Counsel just sent us the attached edits. Denzel said she'd have Russ' comments by the end of the day.

Jw

**From:** Wolfson, Jonathan A - ASP  
**Sent:** Wednesday, September 30, 2020 9:19 AM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC



<Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>  
**Sent:** Tuesday, September 29, 2020 5:49 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Tuesday, September 29, 2020 4:54 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Tuesday, September 29, 2020 4:49 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Tuesday, September 29, 2020 4:46 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

Get [Outlook for iOS](#)

---

**From:** Leen, Craig - OFCCP

**Sent:** Tuesday, September 29, 2020 4:39:22 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC

<[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC

<[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC

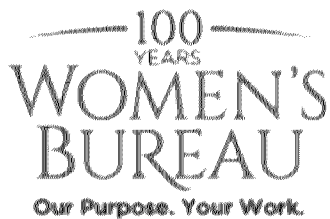
<[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen

OFCCP Director



**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, September 29, 2020 4:35 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>;

Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;

Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose,

Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 7:03 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>;

Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;

Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose,

Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

DOL008300

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 **b(6)**

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:59 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:36 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

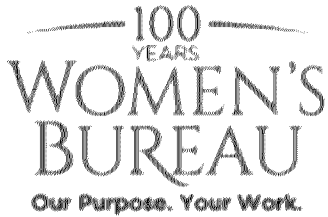
202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:58 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

How about this?

**(b) 5**

Craig E. Leen  
OFCCP Director

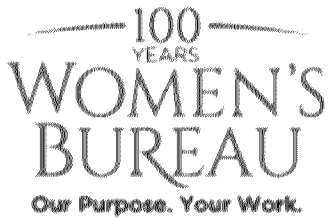


**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:53 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

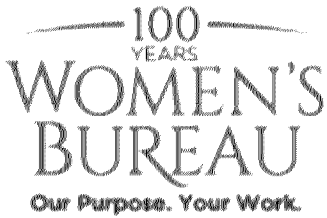
Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:46 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

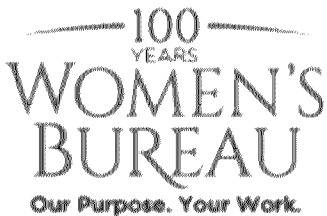
I'm fine with the edits but prefer:

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:39 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202

(b)(6)

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

[Get Outlook for iOS](#)

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**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Sent:** Monday, September 28, 2020 4:28 PM

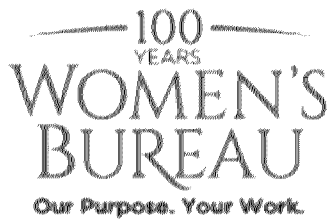
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:27 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:24 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:05 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202: **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:56 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC  
**Sent:** Monday, September 28, 2020 3:55 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. (b) 5

(b) 5

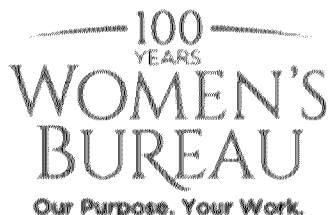
**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 3:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following. (b) 5

(b) 5

(b) 5 That's how we typically proceed and I believe it is a good model here as well.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 3:43 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

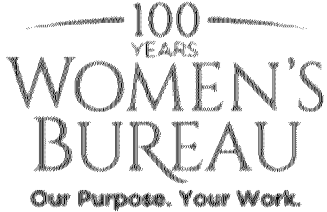


It is a little complex.

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that.

(b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor

o. 20 [b(6)]

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:43 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) [b(6)]

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:37 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202 [b(6)]

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link: [b(5)]

Folder link: [b(5)]

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [REDACTED]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

[REDACTED]

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [REDACTED]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

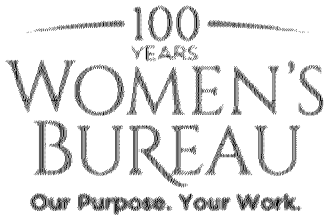
Craig's proposed FAQ 4:

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



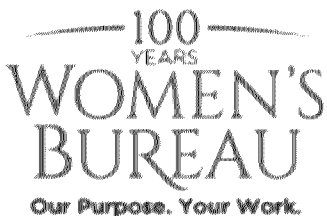
**From:** Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM

To: Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Cc: Dankowitz, Beverly - SOL <[redacted]@dol.gov>  
Subject: RE: FAQs for new EO

Keir – we’re sending you the draft FAQs for review.

From: Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
Sent: Monday, September 28, 2020 1:04 PM  
To: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Cc: Williams, Tina T - OFCCP <[redacted]@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>  
Subject: RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [redacted] | Fax: (202) 693-5319 | [redacted]@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

From: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Sent: Monday, September 28, 2020 12:32 PM  
To: Squitieri, Chad C. - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <[redacted]@dol.gov>; Seely, Christopher - OFCCP <[redacted]@dol.gov>  
Cc: Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
Subject: RE: FAQs for new EO

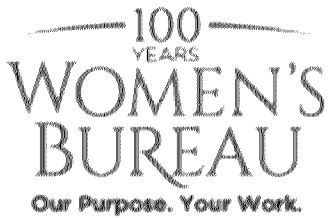
Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,

Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>;  
Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP  
<[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Dankowitz, Beverly - SOL  
<[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL  
<[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

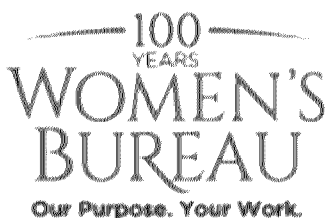
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP  
<[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP  
<[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Squitieri, Chad C - OSEC  
<[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL  
<[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM

DOL008313

To: Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP  
<[b(6)]@dol.gov>  
Cc: Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP  
<[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Squitieri, Chad C - OSEC  
<squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
**Importance:** High

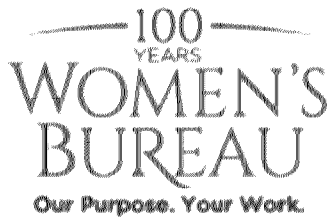
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(6)] (Phone)  
(202) 693-1304 (Fax)





---

**From:** Wolfson, Jonathan A - ASP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=C933D3C8E9624D7092E25B4A2B47F4CF-WOLFSON, JO>  
**To:** Mondl, Rachel E - OSEC  
**CC:** Squitieri, Chad C - OSEC; Leen, Craig - OFCCP; Kilberg, Andrew G - OSEC  
**Sent:** 10/6/2020 7:37:20 PM  
**Subject:** RE: FAQs for new EO  
**Attachments:** DOL-OFCCP EO 13950 FAQs Final.docx

Here it is. Is there anyone else you would like me to share it with to confirm it goes on the website in the morning?

Jw

**From:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>  
**Sent:** Tuesday, October 6, 2020 6:56 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** FW: FAQs for new EO

Jon, can ASP assist in cleaning up the FAQs for posting? We also need to change the unconscious bias question to the following:

**6. Does Executive Order 13950 prohibit unconscious bias or implicit bias training?**

Unconscious or implicit bias training is prohibited to the extent it teaches or implies that an individual, by virtue of his or her race, sex, and/or national origin, is racist, sexist, oppressive, or biased, whether consciously or unconsciously.

Training is not prohibited if it is designed to inform workers, or foster discussion, about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different, which could influence a worker's conduct or speech and be perceived by others as offensive.

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Wednesday, September 30, 2020 1:49 PM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

OMB General Counsel just sent us the attached edits. Denzel said she'd have Russ' comments by the end of the day.

Jw

**From:** Wolfson, Jonathan A - ASP  
**Sent:** Wednesday, September 30, 2020 9:19 AM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 5:49 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:54 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:49 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

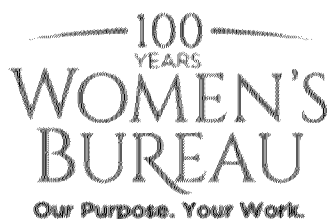
**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Tuesday, September 29, 2020 4:46 PM  
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**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

**From:** Leen, Craig - OFCCP  
**Sent:** Tuesday, September 29, 2020 4:39:22 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:35 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 7:03 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

**b(6)**

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Monday, September 28, 2020 6:59 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 6:36 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:58 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

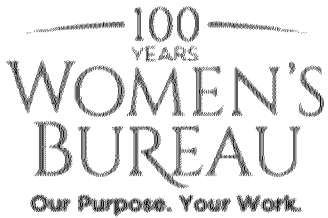
**Subject:** RE: FAQs for new EO

How about this?

**(b) 5**

Craig E. Leen  
OFCCP Director

DOL008321

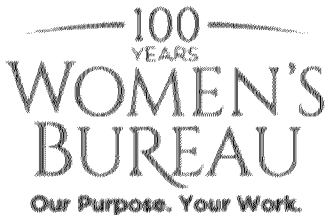


**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:53 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

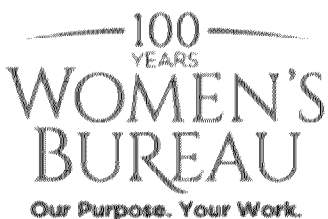
Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:46 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

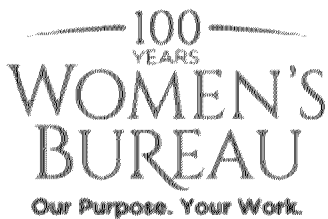
I'm fine with the edits but prefer

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:39 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202

(b)(6)

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

Get [Outlook for iOS](#)

---

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:28 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

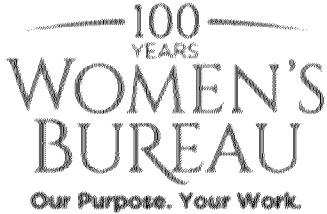
**Sent:** Monday, September 28, 2020 4:27 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 4:24 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 (b) 6

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:56 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

(b) 5



**From:** Swearingen, Brett A - OSEC

**Sent:** Monday, September 28, 2020 3:55 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 3:51 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following. (b) 5

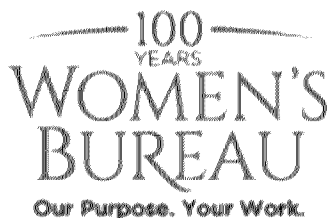
(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here

as well.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 3:43 PM

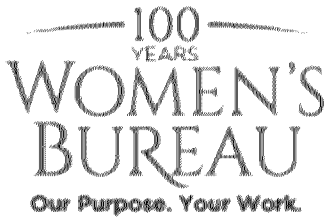
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

It is a little complex. (b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that [redacted] (b) 5  
[redacted] (b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor  
o. 202 [redacted] (b) 6

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

[redacted] (b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202) **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:01 PM

**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;

Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;

Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Sent:** Monday, September 28, 2020 2:59 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC

<[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC

<[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 2:58 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;

Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC

<[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC

<[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C -

OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202) **b(6)**

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 2:37 PM

DOL008328

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202 [REDACTED] **b(6)**

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link: [REDACTED] **b(5)**

Folder link: [REDACTED] **b(5)**

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [REDACTED] **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

[b(5)]

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [b(6)]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:

(b) 5

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



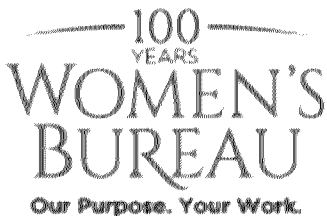
**From:** Williams, Tina T - OFCCP <(b)(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <(b)(6)@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <(b)(6)@dol.gov>; Davidson, Patricia J - OFCCP <(b)(6)@dol.gov>; Gean, Lissette - OFCCP <(b)(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <(b)(6)@dol.gov>; Bickerstaffe, Keir - SOL <(b)(6)@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <(b)(6)@dol.gov>; Davidson, Patricia J - OFCCP <(b)(6)@dol.gov>; Gean, Lissette - OFCCP <(b)(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <(b)(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <(b)(6)@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SO <(b)(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <(b) 6 >

**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) b(6) | Fax: (202) 693-5319 | b(6)@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

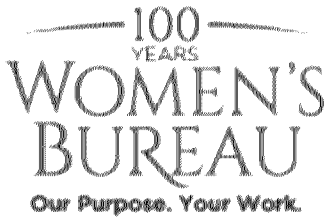
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Seely, Christopher - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Dankowitz, Beverly - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Bickerstaffe, Keir - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

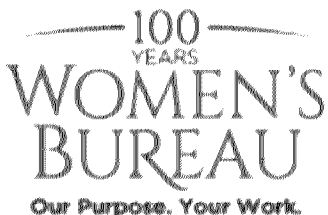
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Seely, Christopher - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Bickerstaffe, Keir - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Seely, Christopher - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Squitieri, Chad C - OSEC <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>



<squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

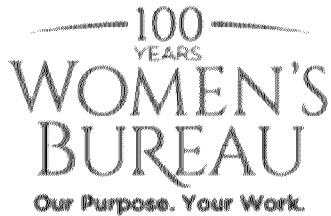
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) **b(6)** (Phone)  
(202) 693-1304 (Fax)



---

**From:** Mondl, Rachel E - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7D7773F42E1545E886E760B3CB4B19FB-MONDL, RACH>  
**To:** Wolfson, Jonathan A - ASP  
**CC:** Squitieri, Chad C - OSEC; Leen, Craig - OFCCP; Kilberg, Andrew G - OSEC  
**Sent:** 10/6/2020 7:51:43 PM  
**Subject:** Re: FAQs for new EO

Thanks. I don't think so.

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---

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Tuesday, October 6, 2020 7:37:20 PM  
**To:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>  
**Cc:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** RE: FAQs for new EO

Here it is. Is there anyone else you would like me to share it with to confirm it goes on the website in the morning?

Jw

**From:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>  
**Sent:** Tuesday, October 6, 2020 6:56 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** FW: FAQs for new EO

Jon, can ASP assist in cleaning up the FAQs for posting? We also need to change the unconscious bias question to the following:

**6. Does Executive Order 13950 prohibit unconscious bias or implicit bias training?**

Unconscious or implicit bias training is prohibited to the extent it teaches or implies that an individual, by virtue of his or her race, sex, and/or national origin, is racist, sexist, oppressive, or biased, whether consciously or unconsciously.

Training is not prohibited if it is designed to inform workers, or foster discussion, about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different, which could influence a worker's conduct or speech and be perceived by others as offensive.

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Wednesday, September 30, 2020 1:49 PM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

OMB General Counsel just sent us the attached edits. Denzel said she'd have Russ' comments by the end of the day.

DOL008335

Jw

**From:** Wolfson, Jonathan A - ASP  
**Sent:** Wednesday, September 30, 2020 9:19 AM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 5:49 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:54 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:49 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

DOL008336

**Sent:** Tuesday, September 29, 2020 4:46 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC

<[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

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---

**From:** Leen, Craig - OFCCP

**Sent:** Tuesday, September 29, 2020 4:39:22 PM

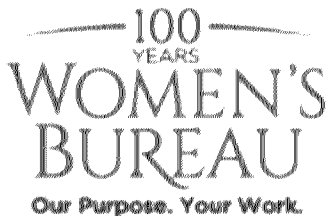
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC

<[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, September 29, 2020 4:35 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>;

Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;

Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose,

Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 7:03 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>;

Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;

Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose,

DOL008337

Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Monday, September 28, 2020 6:59 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 6:36 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:58 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

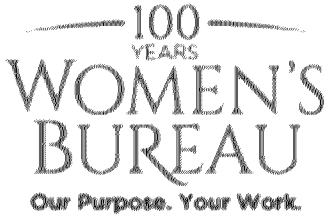
How about this?

**(b) 5**

DOL008338

(b) 5

Craig E. Leen  
OFCCP Director

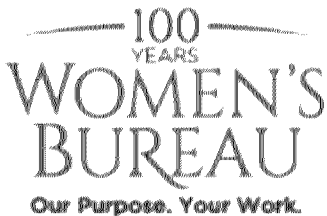


**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:53 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

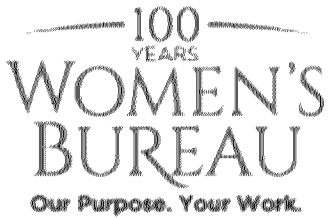
Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:46 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

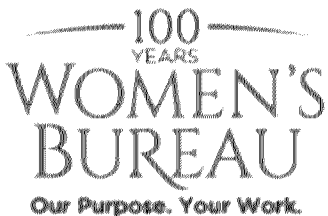
I'm fine with the edits but prefer

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:39 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 (b) 6

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. b(6)

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

[Get Outlook for iOS](#)

---

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. b(6)

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Sent:** Monday, September 28, 2020 4:28 PM



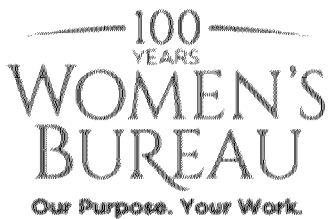
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:27 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:24 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:05 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:56 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC  
**Sent:** Monday, September 28, 2020 3:55 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 3:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following:

(b) 5

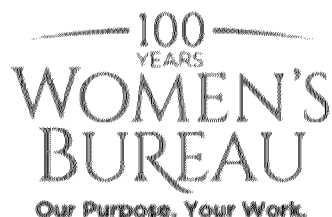
(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here

as well.

Craig E. Leen  
OFCCP Director



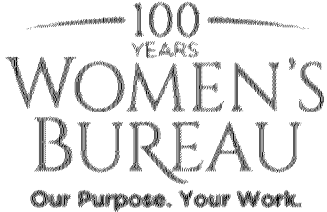
**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 3:43 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

It is a little complex.

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:37 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 3:35 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

Craig would disagree with that.

(b) 5

(b) 5

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

o. 202

(b) 6

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:27 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:43 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) [b(6)]

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:37 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 20 [b(6)]

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link: [b(5)]

Folder link: [b(5)]

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [REDACTED]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

[REDACTED]

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. [REDACTED]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

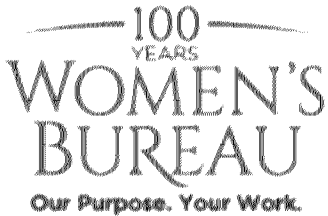
Craig's proposed FAQ 4:

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



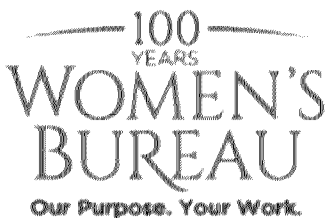
**From:** Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gear, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gear, Lissette - OFCCP <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM

To: Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Cc: Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
Subject: RE: FAQs for new EO

Keir – we’re sending you the draft FAQs for review.

From: Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
Sent: Monday, September 28, 2020 1:04 PM  
To: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Cc: Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
Subject: RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [b(6)] Fax: (202) 693-5319 | [b(6)]@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

From: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Sent: Monday, September 28, 2020 12:32 PM  
To: Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP <[b(6)]@dol.gov>  
Cc: Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
Subject: RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

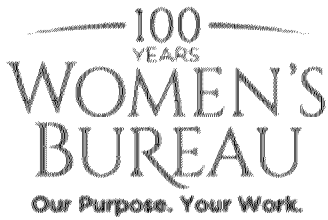
(b) 5

Thanks,



Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

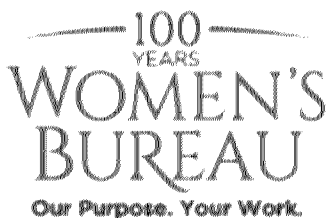
Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM

DOL008350

To: Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP  
<[b(6)]@dol.gov>  
Cc: Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP  
<[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Squitieri, Chad C - OSEC  
<squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
**Importance:** High

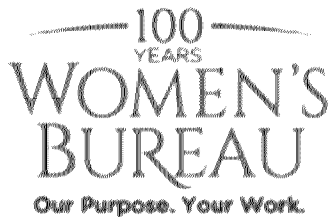
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(6)] (Phone)  
(202) 693-1304 (Fax)



---

**From:** Wolfson, Jonathan A - ASP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=C933D3C8E9624D7092E25B4A2B47F4CF-WOLFSON, JO>  
**To:** Leen, Craig - OFCCP; Mondl, Rachel E - OSEC  
**CC:** Squitieri, Chad C - OSEC; Kilberg, Andrew G - OSEC  
**Sent:** 10/6/2020 7:42:08 PM  
**Subject:** RE: FAQs for new EO  
**Attachments:** DOL-OFCCP EO 13950 FAQs Final.docx

Please use this version which contains 2 additional nits from the EOP review that had not made it into the prior version.

Thanks everyone

Jw

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Tuesday, October 6, 2020 7:41 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>  
**Cc:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** RE: FAQs for new EO

Once you receive confirmation from OIRA, please let me know and I'll have OFCCP Policy post.

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Tuesday, October 06, 2020 7:37 PM  
**To:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>  
**Cc:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** RE: FAQs for new EO

Here it is. Is there anyone else you would like me to share it with to confirm it goes on the website in the morning?

Jw

**From:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>  
**Sent:** Tuesday, October 6, 2020 6:56 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** FW: FAQs for new EO

Jon, can ASP assist in cleaning up the FAQs for posting? We also need to change the unconscious bias question to the following:

**6. Does Executive Order 13950 prohibit unconscious bias or implicit bias training?**

Unconscious or implicit bias training is prohibited to the extent it teaches or implies that an individual, by virtue of his or her race, sex, and/or national origin, is racist, sexist, oppressive, or biased, whether consciously or unconsciously.

Training is not prohibited if it is designed to inform workers, or foster discussion, about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different, which could influence a worker's conduct or speech and be perceived by others as offensive.

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Wednesday, September 30, 2020 1:49 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

OMB General Counsel just sent us the attached edits. Denzel said she'd have Russ' comments by the end of the day.

Jw

**From:** Wolfson, Jonathan A - ASP  
**Sent:** Wednesday, September 30, 2020 9:19 AM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 5:49 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:54 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:49 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>;

DOL008353

Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Tuesday, September 29, 2020 4:46 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

Get Outlook for iOS

---

**From:** Leen, Craig - OFCCP

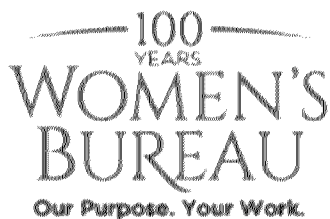
**Sent:** Tuesday, September 29, 2020 4:39:22 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, September 29, 2020 4:35 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

DOL008354

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 7:03 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 **b(6)**

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:59 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:36 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:58 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL

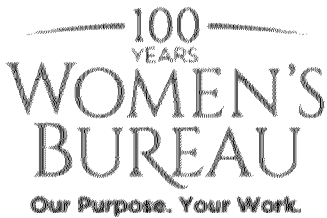
<Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL  
<Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

How about this?

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:53 PM

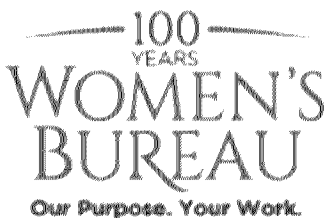
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC  
<Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL  
<Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL  
<Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:51 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC  
<Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL  
<Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL

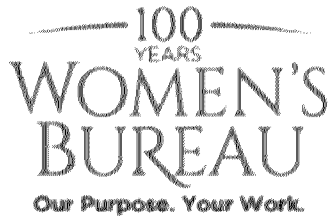
DOL008356

<Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Monday, September 28, 2020 5:46 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

I'm fine with the edits but prefer:

(b) 5

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

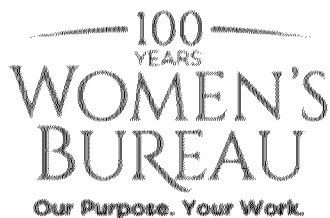
**Sent:** Monday, September 28, 2020 5:39 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 5:30 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

DOL008357



Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

Get [Outlook for iOS](#)

---

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;

DOL008358

Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 4:28 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;

Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 4:27 PM

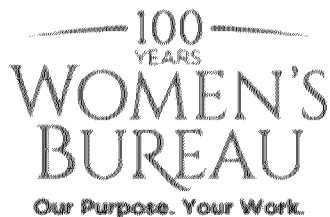
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC

<[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 4:24 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC

<[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP

<[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202: **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:56 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC  
**Sent:** Monday, September 28, 2020 3:55 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 3:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following.

(b) 5

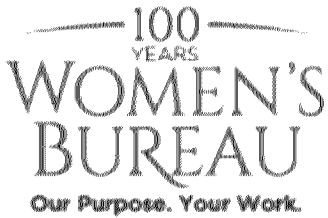
(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here

as well.

Craig E. Leen  
OFCCP Director

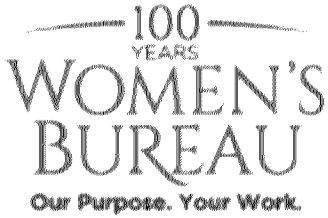


**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 3:43 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

It is a little complex (b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that (b) 5

(b) 5

Timothy Taylor

Deputy Solicitor  
U.S. Department of Labor

o. 202. b(6)

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;

DOL008362

Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

Cc: Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

Subject: RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202) **b(6)**

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 2:37 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

o. 202. **b(6)**

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**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:23 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

File link:

**b(5)**

**b(5)**

Folder link:

**b(5)**

**b(5)**

**Andrew G. I. Kilberg**

Counselor to the Secretary

DOL008363

U.S. Department of Labor

202: [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:19 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:18 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202: [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:15 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

[b(5)]

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:12 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[\[b\(6\)\]@dol.gov](mailto:[b(6)]@dol.gov)>

**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

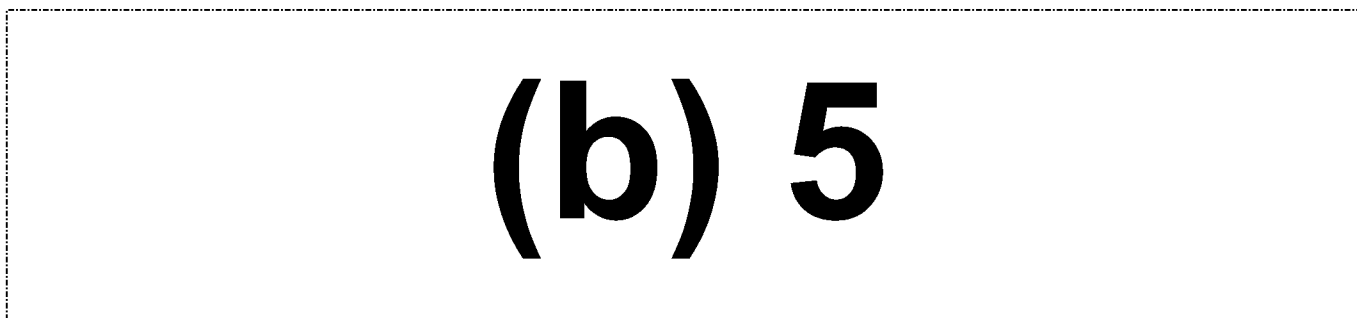
202: [b(6)]

DOL008364

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Cc:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

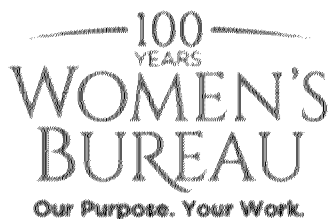
Craig's proposed FAQ 4:



Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>

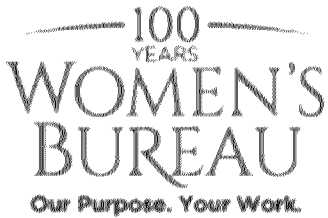


b(6) @dol.gov>; Gean, Lissette - OFCCP <b(6) @dol.gov>

Subject: RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



From: Williams, Tina T - OFCCP <b(6) @dol.gov>  
Sent: Monday, September 28, 2020 1:10 PM  
To: Bickerstaffe, Keir - SOL <b(6) @dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Cc: Dankowitz, Beverly - SOL <b(6) @dol.gov>  
Subject: RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

From: Bickerstaffe, Keir - SOL <b(6) @dol.gov>  
Sent: Monday, September 28, 2020 1:04 PM  
To: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Cc: Williams, Tina T - OFCCP <b(6) @dol.gov>; Dankowitz, Beverly - SOL <b(6) @dol.gov>  
Subject: RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) b(6) | Fax: (202) 693-5319 | b(6) @dol.gov  
Pronouns: he/him/his

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From: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
Sent: Monday, September 28, 2020 12:32 PM  
To: Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <b(6) @dol.gov>; Seely, Christopher - OFCCP <b(6) @dol.gov>  
Cc: Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6) @dol.gov>; Gean, Lissette - OFCCP <b(6) @dol.gov>; Dankowitz, Beverly - SOL <b(6) @dol.gov>; Bickerstaffe, Keir - SOL <b(6) @dol.gov>; Taylor, Timothy J - SOL

<Taylor.Timothy.J@dol.gov>

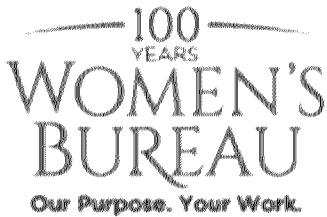
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 12:19 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>;

Seely, Christopher - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP

<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Dankowitz, Beverly - SOL

<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Bickerstaffe, Keir - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Taylor, Timothy J - SOL

<[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 11:08 AM

**To:** Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Seely, Christopher - OFCCP

<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP

<[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Gean, Lissette - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Squitieri, Chad C - OSEC

<[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>; Bickerstaffe, Keir - SOL

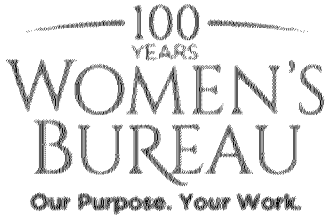
DOL008367

<[b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP

<[b(6)]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

<[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Squitieri, Chad C - OSEC  
<squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

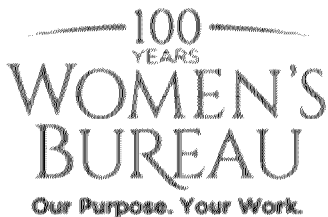
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [b(6)] (Phone)  
(202) 693-1304 (Fax)



---

**From:** Leen, Craig - OFCCP </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=5FFD4A5B3CC74F49A5D2BF4C747416D4-LEEN, CRAIG>  
**To:** Mondl, Rachel E - OSEC; Swearingen, Brett A - OSEC; Wolfson, Jonathan A - ASP; Kilberg, Andrew G - OSEC; Squitieri, Chad C - OSEC; Taylor, Timothy J - SOL; Rose, Sharon A - SOL  
**Sent:** 10/1/2020 6:29:16 PM  
**Subject:** RE: FAQs for new EO

Fully understood, thanks Rachel.

**From:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>  
**Sent:** Thursday, October 01, 2020 6:28 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

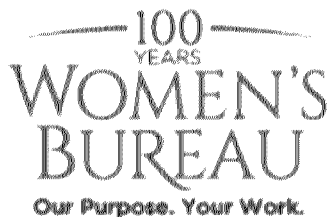
This is being discussed at a principal to principal level, so we should leave it at that. Everyone should be assured that I will advise when we can move forward.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Thursday, October 1, 2020 6:16 PM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

It would be really great to get these up as I can tell there is a lot of uncertainty in the stakeholder community. These FAQs will be very well received. Would it be possible for me to reach out to Russ? I know him from our joint confirmation hearing. Best, Craig

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>  
**Sent:** Thursday, October 01, 2020 5:58 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP

DOL008369

<[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Any word from Russ?

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Thursday, October 1, 2020 12:50 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Still waiting for the green light from OMB.

Jw

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

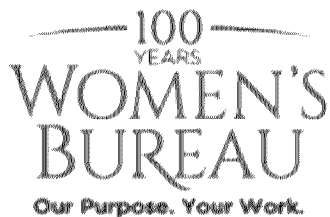
**Sent:** Thursday, October 1, 2020 11:48 AM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Just checking on the status of this. Do you think we will be able to post today? Thanks.

Craig E. Leen  
OFCCP Director



**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Wednesday, September 30, 2020 1:49 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

OMB General Counsel just sent us the attached edits. Denzel said she'd have Russ' comments by the end of the day.

Jw

**From:** Wolfson, Jonathan A - ASP

**Sent:** Wednesday, September 30, 2020 9:19 AM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC

DOL008370

<Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Tuesday, September 29, 2020 5:49 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Tuesday, September 29, 2020 4:54 PM

**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202 (b)(6)

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>

**Sent:** Tuesday, September 29, 2020 4:49 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Tuesday, September 29, 2020 4:46 PM

**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

DOL008371

**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

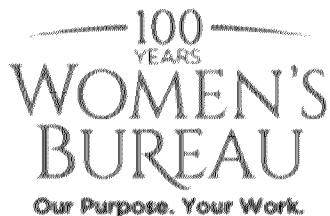
Get [Outlook for iOS](#)

---

**From:** Leen, Craig - OFCCP  
**Sent:** Tuesday, September 29, 2020 4:39:22 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:35 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 7:03 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached

DOL008372

version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:59 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:36 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:58 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

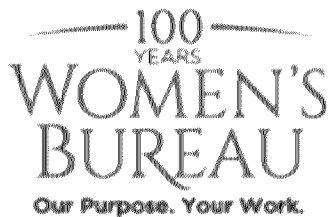
How about this?

**(b) 5**



(b) 5

Craig E. Leen  
OFCCP Director

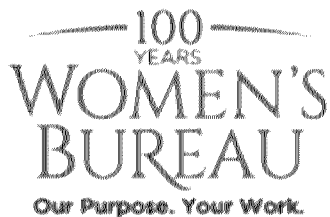


**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:53 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

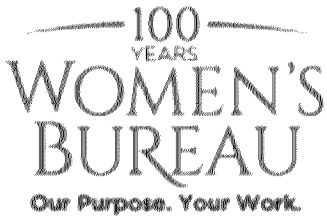
Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:46 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

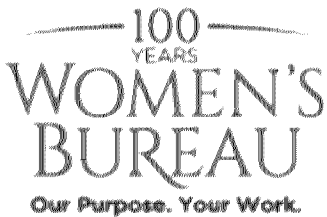
I'm fine with the edits but prefer:

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:39 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

DOL008375

202 **b(6)**

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

Get [Outlook for iOS](#)

---

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

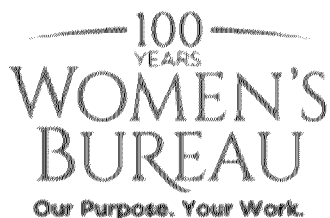
**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:28 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:27 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director



**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:24 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:05 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

Andrew G. I. Kilberg  
Counselor to the Secretary

202 **(b)(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:56 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

**(b) 5**

**From:** Swearingen, Brett A - OSEC  
**Sent:** Monday, September 28, 2020 3:55 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. **(b) 5**

**(b) 5**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 3:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following:

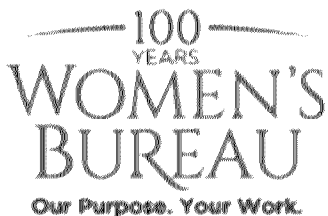
**(b) 5**

**(b) 5**

**(b) 5**

That's how we typically proceed and I believe it is a good model here as well.

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 3:43 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC

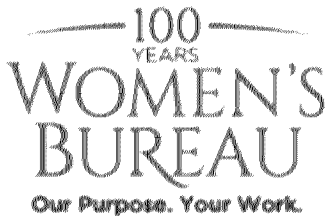
<Kilberg.Andrew.G@dol.gov>  
**Subject:** RE: FAQs for new EO

It is a little complex.

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that.

(b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor  
o. 202. [REDACTED] b(6)

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

DOL008379

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:43 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

DOL008380

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) [b(6)]

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:37 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202 [b(6)]

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:23 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

File link: [b(5)]

Folder link: [b(5)]

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.



**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

[b(5)]

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[Tina.T.Williams@dol.gov](mailto:Tina.T.Williams@dol.gov)>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 2:06 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[Tina.T.Williams@dol.gov](mailto:Tina.T.Williams@dol.gov)>  
**Subject:** FW: FAQs for new EO  
**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed

FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

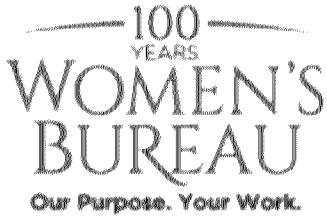
Craig's proposed FAQ 4:

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



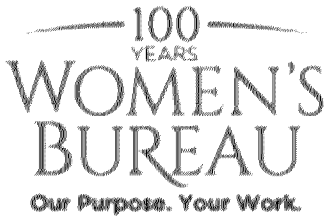
**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Williams, Tina T - OFCCP <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we’re sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[redacted]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [redacted] Fax: (202) 693-5319 | [redacted]@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

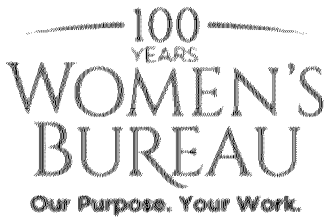
**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C. - OSEC <squtieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <[redacted]@dol.gov>; Seely, Christopher - OFCCP <[redacted]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

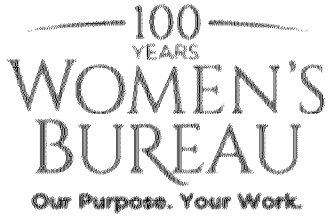
Best,  
Chad

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Seely, Christopher - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>  
**Cc:** Gaglione, Robert J - OFCCP <[Gaglione.Robert.J@dol.gov](mailto:Gaglione.Robert.J@dol.gov)>; Davidson, Patricia J - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Gean, Lissette - OFCCP <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Dankowitz, Beverly - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Bickerstaffe, Keir - SOL <[\[REDACTED\]@dol.gov](mailto:[REDACTED]@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen

OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

<b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

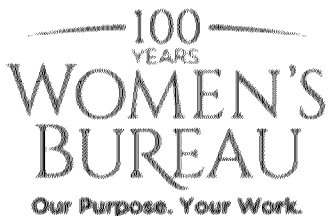
OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC, 20210  
(202) **b(6)** Phone)  
(202) 693-1304 (Fax)



DOL008386

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**From:** Kilberg, Andrew G - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=285BFB7C58734E858F9CBD77C1BCF3C7-KILBERG, AN>  
**To:** Leen, Craig - OFCCP; Wolfson, Jonathan A - ASP  
**CC:** Mondl, Rachel E - OSEC; Squitieri, Chad C - OSEC  
**Sent:** 10/7/2020 9:14:54 AM  
**Subject:** RE: FAQs for new EO  
**Attachments:** DOL-OFCCP EO 13950 FAQs Final.docx

In case you need it, this is the file

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

2  
b(6)

**From:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>  
**Sent:** Wednesday, October 7, 2020 9:14 AM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** Re: FAQs for new EO

Will do. Giving instructions to post now. Thanks!

Sent from my iPhone

On Oct 7, 2020, at 9:13 AM, Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov> wrote:

This is cleared to post! Please use the second version I circulated yesterday evening.

Thanks everyone

Jw

Jonathan Wolfson

T: 202  
M: 202  
b(6)

Sent from my iPhone

On Oct 6, 2020, at 7:40 PM, Leen, Craig - OFCCP <Leen.Craig@dol.gov> wrote:

Once you receive confirmation from OIRA, please let me know and I'll have OFCCP Policy post.

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Tuesday, October 06, 2020 7:37 PM  
**To:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>

DOL008387

**Cc:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Here it is. Is there anyone else you would like me to share it with to confirm it goes on the website in the morning?

Jw

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Tuesday, October 6, 2020 6:56 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Cc:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** FW: FAQs for new EO

Jon, can ASP assist in cleaning up the FAQs for posting? We also need to change the unconscious bias question to the following:

**6. Does Executive Order 13950 prohibit unconscious bias or implicit bias training?**

Unconscious or implicit bias training is prohibited to the extent it teaches or implies that an individual, by virtue of his or her race, sex, and/or national origin, is racist, sexist, oppressive, or biased, whether consciously or unconsciously.

Training is not prohibited if it is designed to inform workers, or foster discussion, about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different, which could influence a worker's conduct or speech and be perceived by others as offensive.

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Wednesday, September 30, 2020 1:49 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

OMB General Counsel just sent us the attached edits. Denzel said she'd have Russ' comments by the end of the day.

Jw

**From:** Wolfson, Jonathan A - ASP  
**Sent:** Wednesday, September 30, 2020 9:19 AM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 5:49 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Tuesday, September 29, 2020 4:54 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 (b) 6

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Sent:** Tuesday, September 29, 2020 4:49 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Tuesday, September 29, 2020 4:46 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

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**From:** Leen, Craig - OFCCP  
**Sent:** Tuesday, September 29, 2020 4:39:22 PM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>



**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:35 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 7:03 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:59 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

DOL008390

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:36 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:58 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

How about this?

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:53 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

Craig E. Leen

OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:46 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm fine with the edits but prefer

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:39 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:30 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. b(6)

**From:** Kilberg, Andrew G - OSEC  
**Sent:** Monday, September 28, 2020 5:02 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:00 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

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---

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:34:11 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:29 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:28 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 4:27 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:24 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:05 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

Andrew G. I. Kilberg  
Counselor to the Secretary  
U.S. Department of Labor  
202: **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

DOL008394

**Sent:** Monday, September 28, 2020 3:56 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC

**Sent:** Monday, September 28, 2020 3:55 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs: (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 3:51 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following:

(b) 5

(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here as well.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 3:43 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

It is a little complex:

(b) 5

(b) 5

Craig E. Leen

DOL008395

OFCCP Director  
<image001.png>

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that (b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor  
o. 2021 (b)(6)

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

Rachel E. Mondl  
Chief of Staff

DOL008396

Office of the Secretary  
U.S. Department of Labor  
(202) **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:58 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:43 PM  
**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **b(6)**

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:37 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done.

DOL008397



Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor

o. 202

b(6)

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:23 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

File link:

b(5)

b(5)

Folder link:

b(5)

b(5)

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202. b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:19 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:18 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202. b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

DOL008398

**Sent:** Monday, September 28, 2020 2:15 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

**b(5)**

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:12 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[tina.williams@dol.gov](mailto:tina.williams@dol.gov)>

**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

2021 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 2:06 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[tina.williams@dol.gov](mailto:tina.williams@dol.gov)>

**Subject:** FW: FAQs for new EO

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:

**(b) 5**

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

DOL008399

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:53 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 1:46 PM  
**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [b(6)] Fax: (202) 693-5319 | [b(6)]@dol.gov

Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP

<(b) 6>; Seely, Christopher - OFCCP <(b) 6@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

(b) 6@dol.gov>; Gean, Lissette - OFCCP <(b) 6@dol.gov>; Dankowitz, Beverly - SOL <(b) 6@dol.gov>; Bickerstaffe, Keir - SOL <(b) 6@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Sent:** Monday, September 28, 2020 12:19 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP <(b) 6@dol.gov>;

Seely, Christopher - OFCCP <(b) 6@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP

(b) 6@dol.gov>; Gean, Lissette - OFCCP <(b) 6@dol.gov>; Dankowitz, Beverly - SOL <(b) 6@dol.gov>; Bickerstaffe, Keir - SOL <(b) 6@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 11:08 AM

DOL008401

**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP <[b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP <[b(6)]@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO  
**Importance:** High

OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) 6[ b(6) ] (Phone)  
(202) 693-1304 (Fax)

<image001.png>

**To:** Wolfson, Jonathan A - ASP[Wolfson.Jonathan.A@dol.gov]  
**Cc:** Mondl, Rachel E - OSEC[Mondl.Rachel.E@dol.gov]; Squitieri, Chad C - OSEC[squitieri.chad.c@dol.gov]; Kilberg, Andrew G - OSEC[Kilberg.Andrew.G@dol.gov]; Swearingen, Brett A - OSEC[swearingen.brett.a@dol.gov]; Taylor, Timothy J - SDO[Taylor.Timothy.J@dol.gov]; Kilmartin, Alison M - OASP[Kilmartin.Alison.M@dol.gov]  
**From:** Leen, Craig - OFCCP  
**Sent:** Wed 10/7/2020 10:17:06 AM  
**Subject:** RE: FAQs for new EO

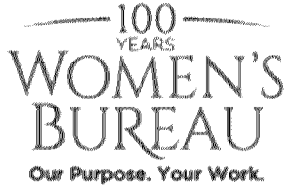
They are posted:

<https://www.dol.gov/agencies/ofccp/faqs>

<https://www.dol.gov/agencies/ofccp/faqs/executive-order-13950>

Thanks everyone,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Wednesday, October 07, 2020 9:14 AM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** Re: FAQs for new EO

Will do. Giving instructions to post now. Thanks!

Sent from my iPhone

On Oct 7, 2020, at 9:13 AM, Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov> wrote:

This is cleared to post! Please use the second version I circulated yesterday evening.

Thanks everyone

Jw

Jonathan Wolfson

(b) 6

Sent from my iPhone

On Oct 6, 2020, at 7:40 PM, Leen, Craig - OFCCP <Leen.Craig@dol.gov> wrote:

Once you receive confirmation from OIRA, please let me know and I'll have OFCCP Policy post.

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, October 06, 2020 7:37 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Cc:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

Here it is. Is there anyone else you would like me to share it with to confirm it goes on the website in the morning?

Jw

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Tuesday, October 6, 2020 6:56 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Cc:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** FW: FAQs for new EO

Jon, can ASP assist in cleaning up the FAQs for posting? We also need to change the unconscious bias question to the following:

**6. Does Executive Order 13950 prohibit unconscious bias or implicit bias training?**

Unconscious or implicit bias training is prohibited to the extent it teaches or implies that an individual, by virtue of his or her race, sex, and/or national origin, is racist, sexist, oppressive, or biased, whether consciously or unconsciously.

Training is not prohibited if it is designed to inform workers, or foster discussion, about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different, which could influence a worker's conduct or speech and be perceived by others as offensive.

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Wednesday, September 30, 2020 1:49 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

OMB General Counsel just sent us the attached edits. Denzel said she'd have Russ' comments by the end of the day.

Jw

**From:** Wolfson, Jonathan A - ASP

**Sent:** Wednesday, September 30, 2020 9:19 AM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Tuesday, September 29, 2020 5:49 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Tuesday, September 29, 2020 4:54 PM

**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

(b)(6)

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>

**Sent:** Tuesday, September 29, 2020 4:49 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Tuesday, September 29, 2020 4:46 PM

**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

Get Outlook for iOS

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**From:** Leen, Craig - OFCCP

**Sent:** Tuesday, September 29, 2020 4:39:22 PM

**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO



I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, September 29, 2020 4:35 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 7:03 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

**b(6)**

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Monday, September 28, 2020 6:59 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 6:36 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC

<scuitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC  
<Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Cc:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>

**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

**b(6)**

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 5:58 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <scuitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

How about this?

**(b) 5**

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:53 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <scuitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

**(b) 5**

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:51 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <scuitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 5:46 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm fine with the edits but prefer (b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:39 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 5:30 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

b(6)

**From:** Kilberg, Andrew G - OSEC

**Sent:** Monday, September 28, 2020 5:02 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

20: **b(6)**

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 5:00 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

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---

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 4:34:11 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

20: **b(6)**

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 4:29 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Sent:** Monday, September 28, 2020 4:28 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 4:27 PM

**To:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL

<Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Sent:** Monday, September 28, 2020 4:24 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs. (b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
20 (b) 6

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Monday, September 28, 2020 3:56 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC

**Sent:** Monday, September 28, 2020 3:55 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs that (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 3:51 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC

<squtieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

Subject: RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following

(b) 5

(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here as well.

Craig E. Leen  
OFCCP Director  
<image001.png>

From: Leen, Craig - OFCCP

Sent: Monday, September 28, 2020 3:43 PM

To: Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squtieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

Subject: RE: FAQs for new EO

It is a little complex

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

From: Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

Sent: Monday, September 28, 2020 3:37 PM

To: Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squtieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

Cc: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

Subject: RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

From: Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

Sent: Monday, September 28, 2020 3:35 PM

To: Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squtieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

Subject: RE: FAQs for new EO

Craig would disagree with that:

(b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor  
o. 202

(b) 6

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:27 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 3:03 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor

(b) 6

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:01 PM

**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Sent:** Monday, September 28, 2020 2:59 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 2:58 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **b(6)**

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 2:37 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202 **b(6)**

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**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:23 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

File link:

**b(5)**

Folder link:

**b(5)**

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:19 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO



Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:18 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U. S. Department of Labor  
202: [b(6)]

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:15 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

[b(5)]

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:12 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP [b(6)] <[Williams.Tina.T@dol.gov](mailto:Williams.Tina.T@dol.gov)>

**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202: [b(6)]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 2:06 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP [b(6)] <[Williams.Tina.T@dol.gov](mailto:Williams.Tina.T@dol.gov)>

**Subject:** FW: FAQs for new EO

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>

**Sent:** Monday, September 28, 2020 1:53 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>

**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 1:46 PM

**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>

**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>

**Sent:** Monday, September 28, 2020 1:10 PM

**To:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>

**Sent:** Monday, September 28, 2020 1:04 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Cc:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Craig,

(b) 5

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) (b)(6) | Fax: (202) 693-5319 | (b)(6)@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <(b)(6)@dol.gov>; Seely, Christopher - OFCCP <(b)(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <(b)(6)@dol.gov>; Gean, Lissette - OFCCP <(b)(6)@dol.gov>; Dankowitz, Beverly - SOL <(b)(6)@dol.gov>; Bickerstaffe, Keir - SOL <(b)(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

• (b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Sent:** Monday, September 28, 2020 12:19 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP <(b)(6)@dol.gov>; Seely, Christopher - OFCCP <(b)(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <(b)(6)@dol.gov>; Gean, Lissette - OFCCP <(b)(6)@dol.gov>; Dankowitz, Beverly - SOL <(b)(6)@dol.gov>; Bickerstaffe, Keir - SOL <(b)(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 11:08 AM

**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette -

<b(6)@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL

<b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL

<Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette -

OFCCP <b(6)@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

(b) 5

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) (b(6)) Phone)  
(202) 693-1304 (Fax)

<image001.png>

DOL008417

**To:** Leen, Craig - OFCCP[Leen.Craig@DOL.gov]; Wolfson, Jonathan A - ASP[Wolfson.Jonathan.A@dol.gov]  
**Cc:** Mondl, Rachel E - OSEC[Mondl.Rachel.E@dol.gov]; Squitieri, Chad C - OSEC[squitieri.chad.c@dol.gov]; Kilberg, Andrew G - OSEC[Kilberg.Andrew.G@dol.gov]; Taylor, Timothy J - SOL[Taylor.Timothy.J@dol.gov]; Kilmartin, Alison M - OASP[Kilmartin.Alison.M@dol.gov]  
**From:** Swearingen, Brett A - OSEC  
**Sent:** Wed 10/7/2020 10:24:06 AM  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Wednesday, October 7, 2020 11:17 AM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilmartin, Alison M - OASP <Kilmartin.Alison.M@dol.gov>  
**Subject:** RE: FAQs for new EO

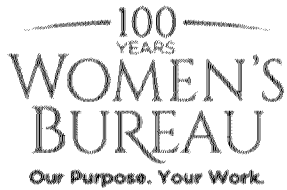
They are posted:

<https://www.dol.gov/agencies/ofccp/faqs>

<https://www.dol.gov/agencies/ofccp/faqs/executive-order-13950>

Thanks everyone,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Wednesday, October 07, 2020 9:14 AM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** Re: FAQs for new EO

Will do. Giving instructions to post now. Thanks!

Sent from my iPhone

On Oct 7, 2020, at 9:13 AM, Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov> wrote:

This is cleared to post! Please use the second version I circulated yesterday evening.

Thanks everyone

Jw

Jonathan Wolfson

T: 202-  
M: 202- **b(6)**

Sent from my iPhone

On Oct 6, 2020, at 7:40 PM, Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)> wrote:

Once you receive confirmation from OIRA, please let me know and I'll have OFCCP Policy post.

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, October 06, 2020 7:37 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Cc:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

Here it is. Is there anyone else you would like me to share it with to confirm it goes on the website in the morning?

Jw

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Tuesday, October 6, 2020 6:56 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Cc:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** FW: FAQs for new EO

Jon, can ASP assist in cleaning up the FAQs for posting? We also need to change the unconscious bias question to the following:

**6. Does Executive Order 13950 prohibit unconscious bias or implicit bias training?**

Unconscious or implicit bias training is prohibited to the extent it teaches or implies that an individual, by virtue of his or her race, sex, and/or national origin, is racist, sexist, oppressive, or biased, whether consciously or unconsciously.

Training is not prohibited if it is designed to inform workers, or foster discussion, about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different, which could influence a worker's conduct or speech and be perceived by others as offensive.

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Wednesday, September 30, 2020 1:49 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

OMB General Counsel just sent us the attached edits. Denzel said she'd have Russ' comments by the end of the day.

Jw

DOL008419

**From:** Wolfson, Jonathan A - ASP

**Sent:** Wednesday, September 30, 2020 9:19 AM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Tuesday, September 29, 2020 5:49 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Tuesday, September 29, 2020 4:54 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 (b)(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, September 29, 2020 4:49 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Tuesday, September 29, 2020 4:46 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL

<Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL  
<Rose.Sharon.A@dol.gov>

**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

Get Outlook for iOS

---

**From:** Leen, Craig - OFCCP

**Sent:** Tuesday, September 29, 2020 4:39:22 PM

**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>

**Sent:** Tuesday, September 29, 2020 4:35 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 7:03 PM

**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202

**b(6)**

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>



**Sent:** Monday, September 28, 2020 6:59 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 6:36 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:58 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

How about this?

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:53 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:51 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 5:46 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm fine with the edits but prefer: (b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:39 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 5:30 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Craig:

DOL008423

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202.6

b(6)

**From:** Kilberg, Andrew G - OSEC

**Sent:** Monday, September 28, 2020 5:02 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202.

b(6)

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 5:00 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

Get Outlook for iOS

---

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 4:34:11 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202.

b(6)

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 4:29 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 4:28 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 4:27 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 4:24 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs. (b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

20 (b) 6

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:56 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC

**Sent:** Monday, September 28, 2020 3:55 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs that (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 3:51 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following (b) 5

(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here as well.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 3:43 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

It is a little complex (b) 5

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Monday, September 28, 2020 3:37 PM

**To:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Cc:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Sent:** Monday, September 28, 2020 3:35 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

Craig would disagree with that:

(b) 5

(b) 5

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

o. 203

(b)(6)

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**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Monday, September 28, 2020 3:27 PM

**To:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>

**Sent:** Monday, September 28, 2020 3:03 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202)

(b)(6)

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Monday, September 28, 2020 3:01 PM

**To:** Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

DOL008427

**Sent:** Monday, September 28, 2020 2:59 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 2:58 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) b(6)

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 2:37 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202 b(6)

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:23 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

File link:

b(5)

Folder link:

b(5)

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:19 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:18 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:15 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

b(5)

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:12 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[b\(6\)@dol.gov](mailto:b(6)@dol.gov)>

**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

DOL008429



**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 2:06 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

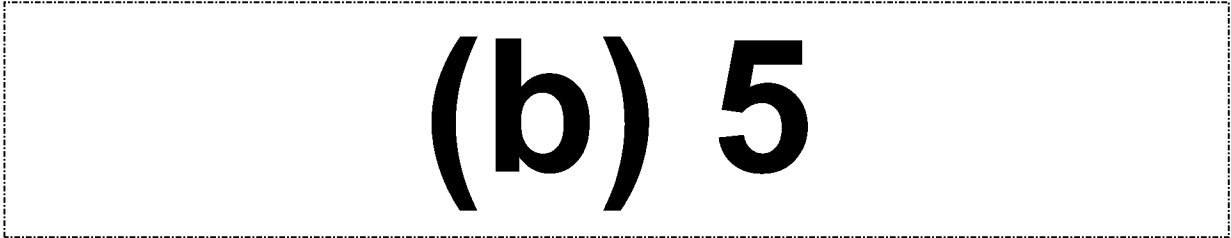
**Cc:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>

**Subject:** FW: FAQs for new EO

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:



Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>

**Sent:** Monday, September 28, 2020 1:53 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>

**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 1:46 PM

**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>

**Cc:** Dankowitz, Beverly - OFCCP <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>

**Sent:** Monday, September 28, 2020 1:10 PM

**To:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Keir – we’re sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>

**Sent:** Monday, September 28, 2020 1:04 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Cc:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division

U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210

Office: (202) b(6) | Fax: (202) 693-5319 | b(6)@dol.gov

Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - O <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen

OFCCP Director  
<image001.png>

**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Sent:** Monday, September 28, 2020 12:19 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 11:08 AM

**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

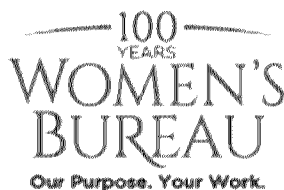
Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [REDACTED] (Phone)  
(202) 693-1304 (Fax)

<image001.png>

**To:** Kilberg, Andrew G - OSEC[Kilberg.Andrew.G@dol.gov]; Swearingen, Brett A - OSEC[swearingen.brett.a@dol.gov]; Wolfson, Jonathan A - ASP[Wolfson.Jonathan.A@dol.gov]  
**Cc:** Mondl, Rachel E - OSEC[Mondl.Rachel.E@dol.gov]; Squitieri, Chad C - OSEC[squitieri.chad.c@dol.gov]; Taylor, Timothy J - SOL[Taylor.Timothy.J@dol.gov]; Kilmartin, Alison M - OASP[Kilmartin.Alison.M@dol.gov]  
**From:** Leen, Craig - OFCCP  
**Sent:** Wed 10/7/2020 10:29:04 AM  
**Subject:** RE: FAQs for new EO

They've already been posted. I would keep them as written. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Wednesday, October 07, 2020 11:25 AM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilmartin, Alison M - OASP <Kilmartin.Alison.M@dol.gov>  
**Subject:** RE: FAQs for new EO

These have been fully cleared. I would not touch them.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 (b)(6)

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>  
**Sent:** Wednesday, October 7, 2020 11:24 AM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilmartin, Alison M - OASP <Kilmartin.Alison.M@dol.gov>  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Wednesday, October 7, 2020 11:17 AM  
**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilmartin, Alison M - OASP <Kilmartin.Alison.M@dol.gov>  
**Subject:** RE: FAQs for new EO

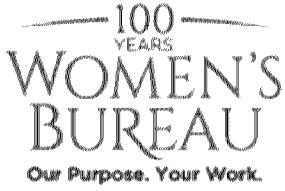
They are posted:

<https://www.dol.gov/agencies/ofccp/faqs>

<https://www.dol.gov/agencies/ofccp/faqs/executive-order-13950>

Thanks everyone,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP

**Sent:** Wednesday, October 07, 2020 9:14 AM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Cc:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** Re: FAQs for new EO

Will do. Giving instructions to post now. Thanks!

Sent from my iPhone

On Oct 7, 2020, at 9:13 AM, Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)> wrote:

This is cleared to post! Please use the second version I circulated yesterday evening.

Thanks everyone

Jw

Jonathan Wolfson

T: 202-

M: 202-

**b(6)**

Sent from my iPhone

On Oct 6, 2020, at 7:40 PM, Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)> wrote:

Once you receive confirmation from OIRA, please let me know and I'll have OFCCP Policy post.

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, October 06, 2020 7:37 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Cc:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

Here it is. Is there anyone else you would like me to share it with to confirm it goes on the website in the morning?

DOL008435

Jw

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Tuesday, October 6, 2020 6:56 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Cc:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** FW: FAQs for new EO

Jon, can ASP assist in cleaning up the FAQs for posting? We also need to change the unconscious bias question to the following:

**6. Does Executive Order 13950 prohibit unconscious bias or implicit bias training?**

Unconscious or implicit bias training is prohibited to the extent it teaches or implies that an individual, by virtue of his or her race, sex, and/or national origin, is racist, sexist, oppressive, or biased, whether consciously or unconsciously.

Training is not prohibited if it is designed to inform workers, or foster discussion, about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different, which could influence a worker's conduct or speech and be perceived by others as offensive.

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Wednesday, September 30, 2020 1:49 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

OMB General Counsel just sent us the attached edits. Denzel said she'd have Russ' comments by the end of the day.

Jw

**From:** Wolfson, Jonathan A - ASP

**Sent:** Wednesday, September 30, 2020 9:19 AM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Tuesday, September 29, 2020 5:49 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Tuesday, September 29, 2020 4:54 PM

**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>

**Sent:** Tuesday, September 29, 2020 4:49 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Tuesday, September 29, 2020 4:46 PM

**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

[Get Outlook for iOS](#)

---

**From:** Leen, Craig - OFCCP

**Sent:** Tuesday, September 29, 2020 4:39:22 PM

**To:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>

**Sent:** Tuesday, September 29, 2020 4:35 PM



**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 7:03 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Monday, September 28, 2020 6:59 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 6:36 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**

Counselor to the Secretary  
U.S. Department of Labor  
202

**b(6)**

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 5:58 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

How about this?

**(b) 5**

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:53 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

**(b) 5**

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:51 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

**(b) 5**

Craig E. Leen

OFCCP Director  
<image001.png>

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 5:46 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm fine with the edits but prefer [REDACTED] (b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:39 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 5:30 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [REDACTED] (b)(6)

**From:** Kilberg, Andrew G - OSEC

**Sent:** Monday, September 28, 2020 5:02 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [REDACTED] (b)(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:00 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

[Get Outlook for iOS](#)

---

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:34:11 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

2  
b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 4:29 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 4:28 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 4:27 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director  
<[image001.png](#)>

**From:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Sent:** Monday, September 28, 2020 4:24 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202 (b) 5

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Monday, September 28, 2020 3:56 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC

**Sent:** Monday, September 28, 2020 3:55 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs that

(b) 5

(b) 5

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 3:51 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following:

(b) 5

(b) 5

(b) 5

(b) 5

That's how we typically proceed and I believe it is a good

model here as well.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 3:43 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

It is a little complex:

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:37 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 3:35 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

Craig would disagree with that:

(b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor  
o. 202. (b)(6)

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:27 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

(b) 5

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 3:03 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:01 PM

**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Sent:** Monday, September 28, 2020 2:59 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 2:58 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) [b(6)]

**From:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Sent:** Monday, September 28, 2020 2:37 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Cc:** Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>

**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202 [b(6)]

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 2:23 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Cc:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>

**Subject:** RE: FAQs for new EO

File link:

[b(5)]

Folder link:

[b(5)]

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 [b(6)]

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

**Sent:** Monday, September 28, 2020 2:19 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Cc:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>

**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 2:18 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Cc:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>

**Subject:** RE: FAQs for new EO



OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. b(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:15 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

b(5)

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:12 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <b(6)>

**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 2:06 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <b(6)>

**Subject:** FW: FAQs for new EO

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:

(b) 5

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>

**Sent:** Monday, September 28, 2020 1:53 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>

**Cc:** Dankowitz, Beverly - OFCCP <[REDACTED]@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>

**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 1:46 PM

**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>

**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>

**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>

**Sent:** Monday, September 28, 2020 1:10 PM

**To:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Cc:** Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>

**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>

**Sent:** Monday, September 28, 2020 1:04 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Cc:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>

**Subject:** RE: FAQs for new EO

Craig,

**(b) 5**

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

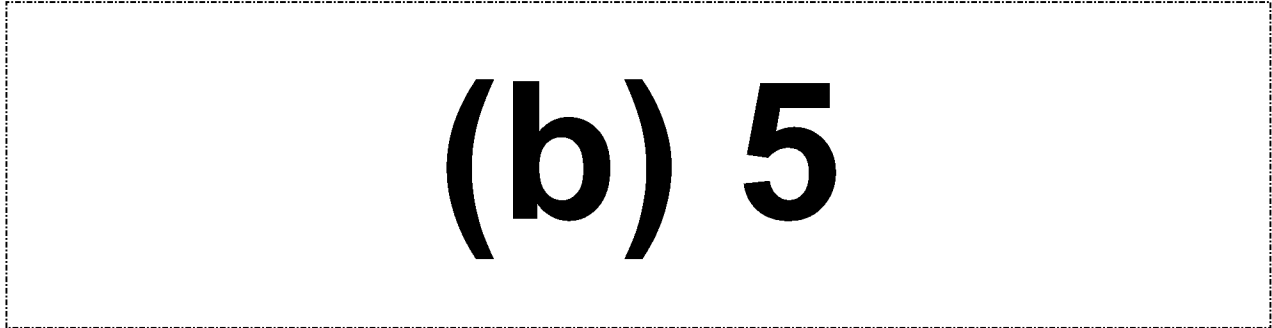
**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP <[b(6)]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <Gean.Lissette@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):



Thanks,  
Craig

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Sent:** Monday, September 28, 2020 12:19 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP <[b(6)]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>; Dankowitz, Beverly - SOL <[b(6)]@dol.gov>; Bickerstaffe, Keir - SOL <[b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 11:08 AM

**To:** Williams, Tina T - OFCCP <[b(6)]@dol.gov>; Seely, Christopher - OFCCP <[b(6)]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[b(6)]@dol.gov>; Gean, Lissette - OFCCP <[b(6)]@dol.gov>

b(6) <[redacted]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <[redacted]@dol.gov>; Bickerstaffe, Keir - SOL <[redacted]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <[redacted]@dol.gov>; Seely, Christopher - OFCCP <[redacted]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[redacted]@dol.gov>; Gean, Lissette - OFCCP <[redacted]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

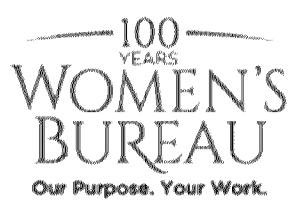
Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [redacted] (Phone)  
(202) 693-1304 (Fax)

<image001.png>

**To:** Swearingen, Brett A - OSEC[swearingen.brett.a@dol.gov]; Kilberg, Andrew G - OSEC[Kilberg.Andrew.G@dol.gov]; Wolfson, Jonathan A - ASP[Wolfson.Jonathan.A@dol.gov]  
**Cc:** Mondl, Rachel E - OSEC[Mondl.Rachel.E@dol.gov]; Squitieri, Chad C - OSEC[squitieri.chad.c@dol.gov]; Taylor, Timothy J - SOL[Taylor.Timothy.J@dol.gov]; Kilmartin, Alison M - OASP[Kilmartin.Alison.M@dol.gov]  
**From:** Leen, Craig - OFCCP  
**Sent:** Wed 10/7/2020 10:30:53 AM  
**Subject:** RE: FAQs for new EO

The word inherently is included in FAQs No. 3 and 5. OFCCP will refer to those FAQs if this question comes up. I agree that it is unlikely to come up though. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>  
**Sent:** Wednesday, October 07, 2020 11:28 AM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilmartin, Alison M - OASP <Kilmartin.Alison.M@dol.gov>  
**Subject:** RE: FAQs for new EO

Okay. If we get further questions from contractors on this point (unlikely?) I would recommend making the language fully consistent with the EO.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Wednesday, October 7, 2020 11:25 AM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilmartin, Alison M - OASP <Kilmartin.Alison.M@dol.gov>  
**Subject:** RE: FAQs for new EO

These have been fully cleared. I would not touch them.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

20. **(b)(6)**

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>  
**Sent:** Wednesday, October 7, 2020 11:24 AM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilmartin, Alison M - OASP <Kilmartin.Alison.M@dol.gov>  
**Subject:** RE: FAQs for new EO

**(b) 5**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Wednesday, October 7, 2020 11:17 AM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Cc:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilmartin, Alison M - OASP <[Kilmartin.Alison.M@dol.gov](mailto:Kilmartin.Alison.M@dol.gov)>  
**Subject:** RE: FAQs for new EO

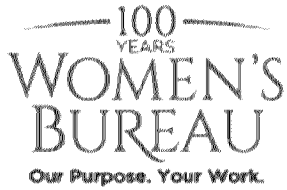
They are posted:

<https://www.dol.gov/agencies/ofccp/faqs>

<https://www.dol.gov/agencies/ofccp/faqs/executive-order-13950>

Thanks everyone,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Wednesday, October 07, 2020 9:14 AM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Cc:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** Re: FAQs for new EO

Will do. Giving instructions to post now. Thanks!

Sent from my iPhone

On Oct 7, 2020, at 9:13 AM, Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)> wrote:

This is cleared to post! Please use the second version I circulated yesterday evening.

Thanks everyone

Jw

Jonathan Wolfson

T: 202

M: 202

**b(6)**

Sent from my iPhone

On Oct 6, 2020, at 7:40 PM, Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)> wrote:

Once you receive confirmation from OIRA, please let me know and I'll have OFCCP Policy post.

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, October 06, 2020 7:37 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Cc:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

Here it is. Is there anyone else you would like me to share it with to confirm it goes on the website in the morning?

Jw

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Tuesday, October 6, 2020 6:56 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Cc:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** FW: FAQs for new EO

Jon, can ASP assist in cleaning up the FAQs for posting? We also need to change the unconscious bias question to the following:

**6. Does Executive Order 13950 prohibit unconscious bias or implicit bias training?**

Unconscious or implicit bias training is prohibited to the extent it teaches or implies that an individual, by virtue of his or her race, sex, and/or national origin, is racist, sexist, oppressive, or biased, whether consciously or unconsciously.

Training is not prohibited if it is designed to inform workers, or foster discussion, about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different, which could influence a worker's conduct or speech and be perceived by others as offensive.

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Wednesday, September 30, 2020 1:49 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

OMB General Counsel just sent us the attached edits. Denzel said she'd have Russ' comments by the end of the day.

Jw

**From:** Wolfson, Jonathan A - ASP

**Sent:** Wednesday, September 30, 2020 9:19 AM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we're good to go. We don't have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Tuesday, September 29, 2020 5:49 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Tuesday, September 29, 2020 4:54 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, September 29, 2020 4:49 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Tuesday, September 29, 2020 4:46 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

Get Outlook for iOS

---

**From:** Leen, Craig - OFCCP

**Sent:** Tuesday, September 29, 2020 4:39:22 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>



**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, September 29, 2020 4:35 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 7:03 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202. b(6)

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Monday, September 28, 2020 6:59 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

DOL008454

**Sent:** Monday, September 28, 2020 6:36 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Cc:** Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>

**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 5:58 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

How about this?

**(b) 5**

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:53 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

**(b) 5**

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 5:51 PM

**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C -

OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 5:46 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm fine with the edits but prefer (b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 5:39 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 5:30 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 (b)(6)

**From:** Kilberg, Andrew G - OSEC

**Sent:** Monday, September 28, 2020 5:02 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC

DOL008456

<Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
2025 [b(6)]

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 5:00 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

Get Outlook for iOS

---

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 4:34:11 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
2025 [b(6)]

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 4:29 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Sent:** Monday, September 28, 2020 4:28 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 4:27 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 4:24 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:05 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs.

(b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 (b)(6)

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:56 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC

**Sent:** Monday, September 28, 2020 3:55 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs that (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 3:51 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following

(b) 5

(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here as well.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 3:43 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

It is a little complex

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:37 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Cc:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 3:35 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

Craig would disagree with that

(b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:27 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

**(b) 5**

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 3:03 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **(b)(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 3:01 PM

**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Sent:** Monday, September 28, 2020 2:59 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 2:58 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **b(6)**

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 2:37 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**  
Deputy Solicitor  
U.S. Department of Labor  
o. 202 **b(6)**

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:23 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

File link:

**b(5)**

Folder link:

**b(5)**

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Sent:** Monday, September 28, 2020 2:19 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>



Cc: Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>

Subject: RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

From: Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

Sent: Monday, September 28, 2020 2:18 PM

To: Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

Cc: Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>

Subject: RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

Andrew G. I. Kilberg  
Counselor to the Secretary  
U.S. Department of Labor

b(6)

From: Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>

Sent: Monday, September 28, 2020 2:15 PM

To: Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

Cc: Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

Subject: RE: FAQs for new EO

I put it up on SharePoint for review / editing:

b(5)

From: Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

Sent: Monday, September 28, 2020 2:12 PM

To: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

Cc: Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP

Subject: RE: FAQs for new EO

b(6)

Thanks, Craig and Tina! We will review ASAP.

Andrew G. I. Kilberg  
Counselor to the Secretary  
U.S. Department of Labor

b(6)<sup>8</sup>

From: Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

Sent: Monday, September 28, 2020 2:06 PM

To: Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

Cc: Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP

b(6) @dol.gov

Subject: FW: FAQs for new EO

Importance: High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO

11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:

**(b) 5**

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>

**Sent:** Monday, September 28, 2020 1:53 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>

**Cc:** Dankowitz, Beverly - OFCCP <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 1:46 PM

**To:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>

**Cc:** Dankowitz, Beverly - OFCCP <b(6)@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>

**Sent:** Monday, September 28, 2020 1:10 PM

**To:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Keir – we're sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>

**Sent:** Monday, September 28, 2020 1:04 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Cc:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>

**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) [b(6)] Fax: (202) 693-5319 | [b(6)]@dol.gov  
Pronouns: he/him/his

*This message may contain information that is privileged and exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this email in error, please notify the sender immediately.*

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 12:32 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP [b(6)]@dol.gov>; Seely, Christopher - OFCCP [b(6)]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Pat [b(6)]@dol.gov>; Gean, Lissette - [b(6)]@dol.gov>; Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Sent:** Monday, September 28, 2020 12:19 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP [b(6)]@dol.gov>; Seely, Christopher - OFCCP [b(6)]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Pat [b(6)]@dol.gov>; Gean, Lissette - [b(6)]@dol.gov>; Dankowitz, Beverly - SOL [b(6)]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 11:08 AM

**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Seely, Christopher - OFCCP <[REDACTED]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL <[REDACTED]@dol.gov>; Bickerstaffe, Keir - SOL <[REDACTED]@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>

**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP

**Sent:** Monday, September 28, 2020 10:58 AM

**To:** Williams, Tina T - OFCCP <[REDACTED]@dol.gov>; Seely, Christopher - OFCCP <[REDACTED]@dol.gov>

**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <[REDACTED]@dol.gov>; Gean, Lissette - OFCCP <[REDACTED]@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Subject:** FAQs for new EO

**Importance:** High

OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) [REDACTED] Phone  
(202) 693-1304 (Fax)

<image001.png>

---

**From:** Swearingen, Brett A - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=446467C1ACD144B4BDDD78130ECD530D-SWEARINGEN,>  
**To:** Leen, Craig - OFCCP; Kilberg, Andrew G - OSEC; Wolfson, Jonathan A - ASP  
**CC:** Mondl, Rachel E - OSEC; Squitieri, Chad C - OSEC; Taylor, Timothy J - SOL; Kilmartin, Alison M - OASP  
**Sent:** 10/7/2020 11:57:16 AM  
**Subject:** Re: FAQs for new EO

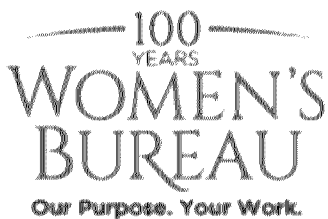
Sounds good!

---

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Wednesday, October 7, 2020 11:30:52 AM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilmartin, Alison M - OASP <Kilmartin.Alison.M@dol.gov>  
**Subject:** RE: FAQs for new EO

The word inherently is included in FAQs No. 3 and 5. OFCCP will refer to those FAQs if this question comes up. I agree that it is unlikely to come up though. Thanks.

Craig E. Leen  
OFCCP Director



**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>  
**Sent:** Wednesday, October 07, 2020 11:28 AM  
**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilmartin, Alison M - OASP <Kilmartin.Alison.M@dol.gov>  
**Subject:** RE: FAQs for new EO

Okay. If we get further questions from contractors on this point (unlikely?) I would recommend making the language fully consistent with the EO.

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Sent:** Wednesday, October 7, 2020 11:25 AM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>  
**Cc:** Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Kilmartin, Alison M - OASP <Kilmartin.Alison.M@dol.gov>  
**Subject:** RE: FAQs for new EO

These have been fully cleared. I would not touch them.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Wednesday, October 7, 2020 11:24 AM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Cc:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;  
Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>;  
Kilmartin, Alison M - OASP <[Kilmartin.Alison.M@dol.gov](mailto:Kilmartin.Alison.M@dol.gov)>  
**Subject:** RE: FAQs for new EO

**(b) 5**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Wednesday, October 7, 2020 11:17 AM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Cc:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;  
Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>;  
Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilmartin, Alison M - OASP <[Kilmartin.Alison.M@dol.gov](mailto:Kilmartin.Alison.M@dol.gov)>  
**Subject:** RE: FAQs for new EO

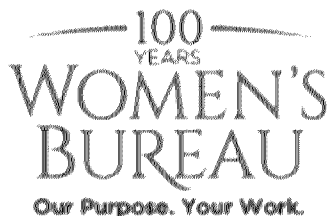
They are posted:

<https://www.dol.gov/agencies/ofccp/faqs>

<https://www.dol.gov/agencies/ofccp/faqs/executive-order-13950>

Thanks everyone,  
Craig

Craig E. Leen  
OFCCP Director



**From:** Leen, Craig - OFCCP  
**Sent:** Wednesday, October 07, 2020 9:14 AM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Cc:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>;

Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** Re: FAQs for new EO

Will do. Giving instructions to post now. Thanks!

Sent from my iPhone

On Oct 7, 2020, at 9:13 AM, Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)> wrote:

This is cleared to post! Please use the second version I circulated yesterday evening.

Thanks everyone

Jw

Jonathan Wolfson

T: 202

M: 202

**b(6)**

Sent from my iPhone

On Oct 6, 2020, at 7:40 PM, Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)> wrote:

Once you receive confirmation from OIRA, please let me know and I'll have OFCCP Policy post.

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Sent:** Tuesday, October 06, 2020 7:37 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Cc:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** RE: FAQs for new EO

Here it is. Is there anyone else you would like me to share it with to confirm it goes on the website in the morning?

Jw

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Tuesday, October 6, 2020 6:56 PM

**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>

**Cc:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Subject:** FW: FAQs for new EO

Jon, can ASP assist in cleaning up the FAQs for posting? We also need to change the unconscious bias question to the following:

**6. Does Executive Order 13950 prohibit unconscious bias or implicit bias training?**

Unconscious or implicit bias training is prohibited to the extent it teaches or implies that an individual, by virtue of his or her race, sex, and/or national origin, is racist, sexist, oppressive, or biased, whether consciously or unconsciously.

Training is not prohibited if it is designed to inform workers, or foster discussion, about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different, which could influence a worker’s conduct or speech and be perceived by others as offensive.

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Wednesday, September 30, 2020 1:49 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

OMB General Counsel just sent us the attached edits. Denzel said she’d have Russ’ comments by the end of the day.

Jw

**From:** Wolfson, Jonathan A - ASP  
**Sent:** Wednesday, September 30, 2020 9:19 AM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

OPM just let us know they have no comments. Once we get the green light from Denzel/Russ, we’re good to go. We don’t have to share our passback with OIRA, so we can take/leave the edits as we need to.

Jw

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 5:49 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

The (b) 5 addition to FAQ 6 seems unnecessary, but seems like DPC feels strongly about including it.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:54 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

- (1) We need to ensure that OMB leadership is ok with the FAQs.
- (2) Do we have any way of knowing whether all the edits on FAQ 6 came from DPC?

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202-b(6)



**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:49 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'd bet it will be tomorrow morning. I'd love to get it up today, but don't anticipate that we will have all of the comments back and have clearance today.

Jw

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Tuesday, September 29, 2020 4:46 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** Re: FAQs for new EO

Do you think it's possible we could post this evening if we hear back from OMB soon?

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**From:** Leen, Craig - OFCCP  
**Sent:** Tuesday, September 29, 2020 4:39:22 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I support all of these edits. I also think FAQ 6 as edited will be more helpful in meeting the Secretary and my goal to allow unconscious bias training where it is not discriminatory based on race or sex. Thanks.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Tuesday, September 29, 2020 4:35 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

All,

Here are the minor edits from the OIRA review. Let me know if anyone would be opposed to accepting the proposed edits.

We're still waiting on OPM, but don't anticipate anything significant from them.

Thanks

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 7:03 PM  
**To:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Apologies. The version that I downloaded from Sharepoint had been changed from what Rachel had cleared. The attached version is the correct version.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 **b(6)**

**From:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:59 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

This looks good – we will get this to OIRA.

Thanks everyone

Jw

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 6:36 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Cc:** Wolfson, Jonathan A - ASP <[Wolfson.Jonathan.A@dol.gov](mailto:Wolfson.Jonathan.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Rachel has cleared the attached draft. Realizing we haven't had ASP looped in. Jonathan, can you send the attached FAQs re: last week's EO to OIRA? DPC told us that these need to go through OIRA.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 **b(6)**

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 5:58 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

DOL008471

**Subject:** RE: FAQs for new EO

How about this?

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:53 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

Perhaps we could just not include the first two words and instead start with:

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 5:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 5:46 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>  
**Subject:** RE: FAQs for new EO

I'm fine with the edits but prefer

(b) 5

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 5:39 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

I proposed edits to FAQs 1 and 6. My edits are in purple. These are approved for OFCCP.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>

**Sent:** Monday, September 28, 2020 5:30 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

Craig:

It turns out we're going to have to send these FAQs through OIRA.

Can you review our edits? I've attached a local copy. This

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202 (b)(6)

**From:** Kilberg, Andrew G - OSEC

**Sent:** Monday, September 28, 2020 5:02 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>

**Subject:** RE: FAQs for new EO

You can tell them that we might want to post them this evening.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

(b) 6

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 5:00 PM

**To:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>;

Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** Re: FAQs for new EO

Understood. I'll let OFCCP Policy know. Do you want me to reach out to OCIO to let them know we'll want to get these posted this evening?

[Get Outlook for iOS](#)

---

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 4:34:11 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Got it.

FYI, FAQs have been updated on Sharepoint. It is unlikely they will be finally cleared by Rachel by 5pm.

**Andrew G. I. Kilberg**

Counselor to the Secretary

U.S. Department of Labor

202-b(6)

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 4:29 PM

**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Understood. I'll need OSEC's help to get posted if after 5pm though.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Sent:** Monday, September 28, 2020 4:28 PM

**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

Once Rachel gives the final go ahead

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>

**Sent:** Monday, September 28, 2020 4:27 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Subject:** RE: FAQs for new EO

Agreed. Let's proceed to post if everyone agrees.

Craig E. Leen

DOL008474

OFCCP Director  
<image001.png>

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:24 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

Agree.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 4:05 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Subject:** RE: FAQs for new EO

I think this is biting off too much for the initial FAQs. (b) 5

(b) 5

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor  
202 (b) 6

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:56 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

(b) 5

**From:** Swearingen, Brett A - OSEC  
**Sent:** Monday, September 28, 2020 3:55 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@dol.gov](mailto:Leen.Craig@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

This is pretty nuanced. If we're going to proceed this way, I think we should add more detail to the FAQs. (b) 5

(b) 5

**From:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>  
**Sent:** Monday, September 28, 2020 3:51 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Kilberg, Andrew G - OSEC

<Kilberg.Andrew.G@dol.gov>  
**Subject:** RE: FAQs for new EO

As to the interplay between the RFI and the hotline, I'd suggest the following.

(b) 5

(b) 5

(b) 5

That's how we typically proceed and I believe it is a good model here as well.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 3:43 PM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** RE: FAQs for new EO

It is a little complex.

(b) 5

(b) 5

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Cc:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Subject:** RE: FAQs for new EO

I'm looping in Craig, because that's not my understanding.

**From:** Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Sent:** Monday, September 28, 2020 3:35 PM  
**To:** Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Mondl, Rachel E - OSEC <Mondl.Rachel.E@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig would disagree with that.

(b) 5

(b) 5

Timothy Taylor  
Deputy Solicitor  
U.S. Department of Labor

o. 2021 **(b)(6)**

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**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:27 PM  
**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm done as well, and added a few edits. Most significantly, I added the following sentence for #8:

**(b) 5**

Are we comfortable stating this?

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:03 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I made a couple edits but done. Please do not post until I give the all clear, though.

**Rachel E. Mondl**  
Chief of Staff  
Office of the Secretary  
U.S. Department of Labor  
(202) **(b)(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 3:01 PM  
**To:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'll be done soon.

**From:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Subject:** RE: FAQs for new EO

I'm out too.

**From:** Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>



**Sent:** Monday, September 28, 2020 2:58 PM

**To:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm out of the document (made slight edits in Sharepoint)

**From:** Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Sent:** Monday, September 28, 2020 2:43 PM

**To:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm looking now.

**Rachel E. Mondl**

Chief of Staff

Office of the Secretary

U.S. Department of Labor

(202) b(6)

**From:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>

**Sent:** Monday, September 28, 2020 2:37 PM

**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

I'm done.

**Timothy Taylor**

Deputy Solicitor

U.S. Department of Labor

o. 202 b(6)

This message may contain information that is privileged or otherwise exempt from disclosure. Do not disclose this information without consulting the Office of the Solicitor. If you think you have received this email in error, please notify the sender immediately.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>

**Sent:** Monday, September 28, 2020 2:23 PM

**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>

**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>

**Subject:** RE: FAQs for new EO

File link:

b(5)

**b(5)**

Folder link:

b(5)

**b(5)**

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202. **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:19 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

Sounds good. Just upload your local doc to SharePoint though.

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:18 PM  
**To:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Mondl, Rachel E - OSEC <[Mondl.Rachel.E@dol.gov](mailto:Mondl.Rachel.E@dol.gov)>  
**Subject:** RE: FAQs for new EO

OK—I already have edits going in a local doc. So I will circulate that soon.

Also adding Rachel to keep her in the loop.

**Andrew G. I. Kilberg**  
Counselor to the Secretary  
U.S. Department of Labor

202. **b(6)**

**From:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:15 PM  
**To:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>  
**Subject:** RE: FAQs for new EO

I put it up on SharePoint for review / editing:

**b(5)**

**From:** Kilberg, Andrew G - OSEC <[Kilberg.Andrew.G@dol.gov](mailto:Kilberg.Andrew.G@dol.gov)>  
**Sent:** Monday, September 28, 2020 2:12 PM  
**To:** Leen, Craig - OFCCP <[Leen.Craig@DOL.gov](mailto:Leen.Craig@DOL.gov)>; Squitieri, Chad C - OSEC <[squitieri.chad.c@dol.gov](mailto:squitieri.chad.c@dol.gov)>  
**Cc:** Swearingen, Brett A - OSEC <[swearingen.brett.a@dol.gov](mailto:swearingen.brett.a@dol.gov)>; Taylor, Timothy J - SOL <[Taylor.Timothy.J@dol.gov](mailto:Taylor.Timothy.J@dol.gov)>; Rose, Sharon A - SOL <[Rose.Sharon.A@dol.gov](mailto:Rose.Sharon.A@dol.gov)>; Williams, Tina T - OFCCP <[Williams.Tina.T@dol.gov](mailto:Williams.Tina.T@dol.gov)>  
**Subject:** RE: FAQs for new EO

Thanks, Craig and Tina! We will review ASAP.

**Andrew G. I. Kilberg**  
Counselor to the Secretary

U.S. Department of Labor

202. **b(6)**

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 2:06 PM

**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>

**Cc:** Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Swearingen, Brett A - OSEC <swearingen.brett.a@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>; Rose, Sharon A - SOL <Rose.Sharon.A@dol.gov>; Williams, Tina T - OFCCP **b(6)** @dol.gov>

**Subject:** FW: FAQs for new EO

**Importance:** High

Please see attached and below, which have been reviewed by OFCCP Policy and CRLM (with their comments included). I'm copying Tina and thanking Policy and CRLM for doing such efficient and proficient work. I approve the proposed FAQs, subject to OSEC and SOL FO approval, with one caveat. I believe that proposed FAQ #4 is too narrow as to what violates EO 11246, and is not consistent with my broader interpretation as Director. CRLM has proposed the language in the attachment. I would propose the following instead:

Craig's proposed FAQ 4:

**(b) 5**

Tim, you should discuss FAQ 4 with CRLM.

Thanks,  
Craig

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <**b(6)** @dol.gov>

**Sent:** Monday, September 28, 2020 1:53 PM

**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Bickerstaffe, Keir - SOL <**b(6)** @dol.gov>

**Cc:** Dankowitz, Beverly - SOL <**b(6)** @dol.gov>; Davidson, Patricia J - OFCCP

**b(6)** @dol.gov>; Gean, Lissette - OFCCP <**b(6)** @dol.gov>

**Subject:** RE: FAQs for new EO

Here you go.

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>

**Sent:** Monday, September 28, 2020 1:46 PM

**To:** Williams, Tina T - OFCCP **b(6)** @dol.gov>; Bickerstaffe, Keir - SOL **b(6)** @dol.gov>

**Cc:** Dankowitz, Beverly - SOL **b(6)** @dol.gov>; Davidson, Patricia J - OFCCP

**b(6)** @dol.gov>; Gean, Lissette - OFCCP **b(6)** @dol.gov>

**Subject:** RE: FAQs for new EO

Please copy me when you send them and on CRLM's response. Thanks.

DOL008480

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Williams, Tina T - OFCCP <b(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 1:10 PM  
**To:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Dankowitz, Beverly - SOL <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Keir – we’re sending you the draft FAQs for review.

**From:** Bickerstaffe, Keir - SOL <b(6)@dol.gov>  
**Sent:** Monday, September 28, 2020 1:04 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Cc:** Williams, Tina T - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>  
**Subject:** RE: FAQs for new EO

Craig,

(b) 5

**KEIR S. BICKERSTAFFE**

Counsel for Interpretation and Advice | Office of the Solicitor | Civil Rights and Labor-Management Division  
U.S. Department of Labor | 200 Constitution Avenue, NW | Suite N-2474 | Washington, DC 20210  
Office: (202) b(6) | Fax: (202) 693-5319 | b(6)@dol.gov  
Pronouns: he/him/his

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**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 12:32 PM  
**To:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>; Williams, Tina T - OFCCP <b(6)@dol.gov>; Seely, Christopher - OFCCP <b(6)@dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP <b(6)@dol.gov>; Gean, Lissette - OFCCP <b(6)@dol.gov>; Dankowitz, Beverly - SOL <b(6)@dol.gov>; Bickerstaffe, Keir - SOL <b(6)@dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina, please proceed as Chad has indicated. Please keep the unconscious bias FAQ broad and simple consistent with the FAQ I sent earlier. Also, here were the other FAQs I requested last week (copying Chad in case he has comments):

(b) 5

(b) 5

Thanks,  
Craig

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Squitieri, Chad C - OSEC <squitieri.chad.c@dol.gov>  
**Sent:** Monday, September 28, 2020 12:19 PM  
**To:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>; Williams, Tina T - OFCCP (b)(6) @dol.gov>;  
Seely, Christopher - OFCCP (b)(6) @dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP  
(b)(6) @dol.gov>; Gean, Lissette - OFCCP (b)(6) @dol.gov>; Dankowitz, Beverly - SOL  
(b)(6) @dol.gov>; Bickerstaffe, Keir - SOL (b)(6) @dol.gov>; Taylor, Timothy J - SOL  
<Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Tina: Please circulate the unconscious/implicit bias FAQs as soon as possible.

Also, we would like to upload at least 1 to 2 other FAQs today (i.e., upload a total of 3-4 FAQs today). So if OFCCP could please, after circulating the 1-2 unconscious/implicit bias questions, start working on those 1 to 2 additional FAQs, that would be appreciated. Thank you.

Best,  
Chad

**From:** Leen, Craig - OFCCP <Leen.Craig@DOL.gov>  
**Sent:** Monday, September 28, 2020 11:08 AM  
**To:** Williams, Tina T - OFCCP <(b)(6) @dol.gov>; Seely, Christopher - OFCCP  
(b)(6) @dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP  
(b)(6) @dol.gov>; Gean, Lissette - OFCCP (b)(6) @dol.gov>; Squitieri, Chad C - OSEC  
<squitieri.chad.c@dol.gov>; Dankowitz, Beverly - SOL (b)(6) @dol.gov>; Bickerstaffe, Keir - SOL  
(b)(6) @dol.gov>; Taylor, Timothy J - SOL <Taylor.Timothy.J@dol.gov>  
**Subject:** RE: FAQs for new EO

Copying Tim and CRLM as well because of the time sensitivity.

Craig E. Leen  
OFCCP Director  
<image001.png>

**From:** Leen, Craig - OFCCP  
**Sent:** Monday, September 28, 2020 10:58 AM  
**To:** Williams, Tina T - OFCCP (b)(6) @dol.gov>; Seely, Christopher - OFCCP  
(b)(6) @dol.gov>  
**Cc:** Gaglione, Robert J - OFCCP <Gaglione.Robert.J@dol.gov>; Davidson, Patricia J - OFCCP  
(b)(6) @dol.gov>; Gean, Lissette - OFCCP (b)(6) @dol.gov>; Squitieri, Chad C - OSEC  
<squitieri.chad.c@dol.gov>  
**Subject:** FAQs for new EO

**Importance:** High

OSEC would like to get the FAQs up on the new EO soon, and at least ones on unconscious or implicit bias up today. Here's an example of one.

**(b) 5**

Please draft one or two FAQs along this line today and have them to me and Chad by 2pm.

Thanks,  
Craig

Craig E. Leen  
Director, Office of Federal Contract Compliance Programs  
**U.S. Department of Labor**  
200 Constitution Avenue, NW  
Room C3325  
Washington, DC 20210  
(202) **b(6)** Phone)  
(202) 693-1304 (Fax)

<image001.png>