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Subject: 3 Tips For Dealing With New OFCCP Sex Bias Regs

PUBLIC POLICY

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Wednesday, June 15, 2016

TOP NEWS

[DOL Targets Gender Bias With Contractor Discrimination Regs](#)

The U.S. Department of Labor on Tuesday issued a final rule to revise sex discrimination guidelines for federal contractors that have remained largely unchanged since 1970, clarifying provisions related to compensation, pregnancy and harassment.

[FCC Victorious As DC Circ. Upholds Net Neutrality](#)

The D.C. Circuit upheld the Federal Communications Commission's net neutrality rules Tuesday in a widely anticipated decision that capped off months of post-oral argument uncertainty and saw the agency successfully defend its decision to alter internet regulation.

[Attorneys React To FCC's Net Neutrality Win](#)

The D.C. Circuit ruled Tuesday the Federal Communications Commission had the authority to regulate broadband internet under the Communications Act. Here, attorneys tell Law360 why the decision is significant.

[Sens. Unveil New Bill Aimed To Help Generic Drug Flow](#)

A bipartisan group of U.S. senators introduced legislation Tuesday that would deter brand-name drug manufacturers from preventing the entry of lower-priced generic drugs onto the market by providing generic-drug companies an avenue for legal relief in the federal courts.

[States' Challenge To Reg A+ Rules Rejected By DC Circ.](#)

The D.C. Circuit shot down a challenge Tuesday brought by the states of Montana and Massachusetts against U.S. Securities and Exchange Commission rules that expanded criteria to participate in Regulation A offerings, ruling the agency's rules are permitted by the Securities Act and are not arbitrary or capricious.

ANALYSIS

[3 Tips For Dealing With New OFCCP Sex Bias Regs](#)

The Office of Federal Contract Compliance Programs on Tuesday updated its sex discrimination guidelines for federal contractors for the first time in 45

LAW FIRMS

Addleshaw Goddard
Akin Gump
Alston & Bird
Anderson Kill
Arent Fox
Baker & McKenzie
Baker Botts
Boies Schiller
Bracewell LLP
Brown Rudnick
Buchanan Ingersoll
Cadwalader Wickersham
Cahill Gordon
Cleary Gottlieb
Clifford Chance
Cooley
Covington & Burling
Cravath Swaine
DLA Piper
Davis Polk
Davis Wright Tremaine
Day Pitney
Debevoise & Plimpton
Dechert
Desmarais LLP
Diamond McCarthy
Donoghue Barrett
Drinker Biddle
Duane Morris
Earthjustice

years, offering clarification on issues such as pregnancy bias and sex stereotyping that affect women and gender nonconforming employees. Here, management-side attorneys offer strategies for employers to prepare for the new rule.

Net Neutrality Win Is Vindication For Wheeler's FCC

The Federal Communications Commission's comprehensive win at the D.C. Circuit on its open internet rules took many in the telecom world by surprise Tuesday in its blanket endorsement of the agency, and experts say the ruling may embolden the FCC to press ahead with other controversial plans.

NJ AG Turnover Renews Fears Christie Will Keep 'Acting'

New Jersey Gov. Chris Christie's nomination of Acting Attorney General Robert Lougy for a judgeship has put a new spotlight on Christie's filling of the attorney general position on an acting basis, raising concerns that the state will again have its top law enforcement official operate without traditional protections for the AG office's independence.

Transportation Legislation To Watch: Midyear Report

With about a month left before Congress takes its summer recess, transportation attorneys are keeping a close eye on still-pending legislation seeking to reauthorize the Federal Aviation Administration, as well as water and ports infrastructure and pipeline safety programs. Here, Law360 examines the transportation-related legislation that attorneys will be watching for the rest of 2016.

BANKING & SECURITIES

SEC To Let Cos. Embed Machine-Readable Data In Reports

The U.S. Securities and Exchange Commission said Monday it will allow public reporting companies to voluntarily file structured financial statement data in a machine-readable format known as Inline XBRL, saying the measure will modernize disclosures and improve transparency.

CFTC Clarifies Data Reporting Rules For Cleared Swaps

The U.S. Commodity Futures Trading Commission on Tuesday finalized amendments to existing swaps reporting requirements that the agency hopes will streamline data collection by clarifying which counterparties are obligated to report what data, and to whom, when a swap clears.

Senate Dems Blast SEC Chair Over Political Spending Rules

Democratic members of the Senate Banking Committee on Tuesday were harshly critical of U.S. Securities and Exchange Commission Chair Mary Jo White and her agency's lack of action on political spending disclosure and other initiatives, with some saying they're "disappointed" in White's leadership.

Lack Of Oversight Dogs DOJ Prosecution Deals, Report Says

The U.S. Department of Justice's reliance on deferred prosecution and nonprosecution agreements for corporations has drawn fire for the lack of individual charges and a perception that companies get off easy, but a new report says those tools also suffer from a harmful lack of judicial oversight.

ENERGY & ENVIRONMENTAL

Pipeline Safety Reauthorization Bill Heads To Obama

Fenwick & West

Fragomen Del Rey

Freshfields

Fried Frank

Gibson Dunn

Goldstein & Russell

Goodwin Procter

Greenberg Gross

Gunderson Dettmer

Harris Moure

Herbert Smith Freehills

Hogan Lovells

Holland & Knight

Holwell Shuster

Hueston Hennigan

Hughes Hubbard

Hunton & Williams

Irell & Manella

Jackson Lewis

Jenner & Block

K&L Gates

Keker & Van Nest

King & Spalding

Kirkland & Ellis

Kramer Levin

Latham & Watkins

Littler Mendelson

Locke Lord

Mayer Brown

McDermott Will

McKool Smith

Milbank Tweed

Morrison & Foerster

Munger Tolles

Native American Rights Fund

Nixon Peabody

O'Melveny & Myers

Ogletree Deakins

Orrick Herrington

Paul Hastings

Paul Weiss

Perkins Coie

Post & Schell

Proskauer Rose

Quinn Emanuel

Riker Danzig

The U.S. Senate advanced legislation Monday reauthorizing the U.S. Department of Transportation's pipeline safety program through 2019 and calling for the agency to prioritize rule-making and close the gaps on certain safety standards, sending the bill to President Barack Obama's desk.

EPA Moves To Strip 'Emergency' Defense For Polluters

The Environmental Protection Agency on Tuesday proposed removing provisions that allow sources of pollutants to blame their noncompliance with emissions standards on unforeseen emergencies in civil suits.

EPA Must Craft Texas Air Pollution Plan, Judge Says

A D.C. federal court Tuesday ordered the U.S. Environmental Protection Agency to create, under the Clean Air Act, a "good neighbor" federal implementation plan for Texas for meeting national standards on particulate matter.

Ore. Clean Fuel Regs Unconstitutional, 9th Circ. Told

Fuel industry groups urged the Ninth Circuit Monday to nix Oregon's low-carbon fuel standards, saying the state and its allies haven't shown that the regulations don't unconstitutionally discriminate against out-of-state fuels and that the appeals court's decision upholding California's low-carbon fuels standard isn't applicable.

HEALTH & LIFE SCIENCES

Feds Peddling 'Fiction' On Medicare Appeals, Hospitals Say

Federal regulators are forecasting that unrealistic reductions will be made on a backlog of Medicare billing appeals in order to avoid court-ordered remedies, the American Hospital Association told a D.C. federal judge on Monday.

TRANSPORTATION & INFRASTRUCTURE

FRA To Take Time Considering Proposed Train Crew Rule

The Federal Railroad Administration said Tuesday that it will take more time to mull its proposal requiring all trains to have a two-person operating crew, as the agency continues to weigh concerns from rail carriers, industry groups, workers and the public about the regulation's impact.

EMPLOYMENT

EEOC Issues New Docs On Equal Pay, Pregnancy Bias

The Equal Employment Opportunity Commission issued new fact sheets addressing equal pay for women and pregnancy discrimination Tuesday in conjunction with the agency's participation in the White House United State of Women Summit.

DOL Gives Strong Review Of TAA Program

The U.S. Department of Labor offered a mostly positive assessment of its Trade Adjustment Assistance program on Monday, reporting that nearly three-quarters of workers displaced by foreign trade during fiscal year 2015 were able to use the program to find new work within three months.

COMPETITION

Ropes & Gray
Schnader Harrison
Schulte Roth
Shearman & Sterling
Sheppard Mullin
Shulman Rogers
Sidley Austin
Simpson Thacher
Skadden
Squire Patton Boggs
Stephoe & Johnson LLP
Sullivan & Cromwell
Susman Godfrey
Vinson & Elkins
Wachtell Lipton
Weil Gotshal
White & Case
Wilentz Goldman
Wilkinson Barker
Williams & Connolly
Willkie Farr
WilmerHale
Wilson Sonsini
Winston & Strawn
Yetter Coleman
von Briesen

COMPANIES

AAR Corporation
AARP Inc.
AT&T Inc.
AXA SA
Amazon.com Inc.
America Fujikura Ltd.
American Bar Association
American Cable Association
American Federation of Labor and Congress of Industrial Organizations
American Hospital Association
American Trucking Associations Inc.
Associated Press
BTI Consulting Group Inc.
Boston Consulting Group
CTIA
CenturyLink Inc.

China Touts Market, Competition Reform To Boost Economy

China's State Council pushed Tuesday for more open markets and competition reform to help jump-start the nation's economy.

PRIVACY & CONSUMER PROTECTION

House GOP Touts Economic Plan But Dems Scoff

House Republicans on Tuesday unveiled new elements of their proposal to boost the economy by scrapping "needless" regulations, ending big bank bailouts and cracking down on lawsuit abuse, a plan that House Democrats blasted as good for big business but bad for working Americans.

DHS Says Final Cybersecurity Info-Sharing Guide Imminent

The U.S. Department of Homeland Security on Tuesday announced the imminent release of its final guidance for implementing the recently passed Cybersecurity Information Sharing Act, a bill intended to encourage sharing of information on cyberthreats between industry and the federal government.

Anti-Abortion Group Founder's Misdemeanor Charge Dropped

A Texas state judge on Monday dismissed a misdemeanor charge against the founder of an anti-abortion group, finding that the indictment was flawed, a decision that prosecutors won't appeal, leaving only a felony charge on the table, media reports say.

PRODUCT LIABILITY

FDA Issues Final Rule Allowing Symbols On Device Labels

The U.S. Food and Drug Administration on Tuesday released its final rule allowing medical device manufacturers to use symbols, without accompanying text, on labels, permitting greater freedom to companies to decide what symbols are acceptable than the agency had initially proposed.

GOVERNMENT CONTRACTS

Senate Passes \$602B Defense Bill In Face Of Veto Threat

The Senate passed the \$602 billion defense budget and policy bill on Tuesday, setting up reconciliation with the House bill and a possible showdown with the White House over measures that undermine administration initiatives.

Senate Gets Started On \$56B Justice-Science-Commerce Bill

The Senate voted to start consideration of the \$56 billion appropriations bill for the Justice and Commerce departments, along with a slew of other scientific and research agencies Tuesday, teeing up a weeklong debate on the must-pass funding bill.

House Passes Bill To Ax IRS Nonprofit Donor Disclosures

The U.S. House of Representatives passed a measure Tuesday that would prohibit the Internal Revenue Service from requiring that certain nonprofits disclose their donors, amid White House opposition and Democrats' concerns the bill would allow more "dark money" into politics.

GAO Says Coast Guard Needs To Improve Asset Allocation

The U.S. Government Accountability Office said Tuesday that the U.S. Coast Guard needs to improve the allocation of its aircraft, vessels and workforce to

Chevron Corporation

Deloitte Touche

Dow Chemical Co.

E. I. du Pont de Nemours and Company (DuPont)

Environmental Defense Fund Inc

Facebook

Fannie Mae

FedEx Corporation

Federalist Society

Freddie Mac

Frontier Communications Corporation

General Motors

Generic Pharmaceutical Association Inc.

Google Inc.

HSBC Holdings PLC

Hudson Insurance Group

International Business Machines Corporation

Lehman Brothers Holdings Inc.

Level 3 Communications Inc.

Lockheed Martin

London Stock Exchange Group PLC

Lone Pine Resources Inc.

McKinsey & Company

Metro-Goldwyn-Mayer Studios II

Microsoft Corporation

Murphy Oil Corporation

National Cable & Telecommunications Association

National Milk Producers Federation

National Railroad Passenger Corporation

Natural Resources Defense Council

Netflix Inc.

Pacific Rim Mining Corp

Planned Parenthood Federation

Sierra Club

Sodexo Inc.

Sprint Nextel Corporation

State Farm

Telecommunications Industry Association

better meet its strategic goals, while also noting the agency is working on an acquisition plan that should help alleviate the issue.

INTERNATIONAL TRADE

TPP Unfairly Tips Balance Toward Foreign Investors: Study

The Trans-Pacific Partnership would give foreign investors special rights to protect their assets that are unlike those existing under international law for foreign nationals, domestic investors or citizens "even in the most extreme situations of mistreatment," according to a report released Tuesday by a Canadian think tank.

GOP Lawmaker Urges Vigorous Oversight Of TPP Food Rules

House Ways and Means Trade Subcommittee Chairman Dave Reichert welcomed the Trans-Pacific Partnership's liberalization of agriculture trade Tuesday, but stressed that the deal must be carefully implemented and monitored to ensure that U.S. partners hold firm to their commitments.

TAX

Jailed Ex-Rep. Asks For Electronic Monitoring Ahead Of Trial

After nearly two months in jail awaiting trial on misdemeanor tax charges, former U.S. Rep. Mel Reynolds asked an Illinois federal court Tuesday to allow him to move to a private home where he can be on electronic monitoring instead.

EU Official Sees Progress On Deal To Curb Tax Avoidance

European finance ministers could reach a hard-fought agreement for new anti-tax avoidance laws on Friday at their last meeting before the summer break, according to a top European Union financial official.

IMMIGRATION

House OKs Bill To Give O Visa Results To Advisory Orgs.

The U.S. House of Representatives on Monday passed the O-VISA Act, which would allow labor groups to get the results of visa petitions on which they had provided advisory opinions, with one of the bill's co-sponsors praising the measure as a transparency booster.

Feds Urge Judge To Dismiss Immigrant Bond Row

The federal government has asked a California federal court to throw out a potential class action that challenges the government's policy of using cash bonds for immigrants, arguing the lawsuit is an impermissible end-run around administrative procedures.

NATIVE AMERICAN

NY Tribe Again Asks Justices To Rule On Historic Land Claims

The Shinnecock Indian Nation has again urged the U.S. Supreme Court to consider the tribe's bid to reclaim its former lands in the state of New York, arguing that the Second Circuit in a series of rulings has gone well beyond high court precedent to completely block such claims at the start of litigation.

NJ's Immunity Sinks Tribe's Recognition Suit, AG Argues

New Jersey's attorney general continued to press a federal court Monday to

The Boeing Company

Twitter Inc.

United Launch Alliance LLC

United Parcel Service Inc.

United States Telecom Association

Verizon Communications

Volkswagen

Washington Post Co.

Zeughauser Group LLC

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Citizenship and Immigration Services

Bureau of Land Management

California Environmental Protection Agency

Centers for Disease Control and Prevention

Commodity Futures Trading Commission

Consumer Financial Protection Bureau

Equal Employment Opportunity Commission

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp

Federal Election Commission

Federal Railroad Administration

Federal Reserve System

Federal Trade Commission

Federal Transit Administration

Food and Drug Administration

Government Accountability Office

Immigration and Customs Enforcement

Internal Revenue Service

International Monetary Fund

Maritime Administration

NAFTA

National Aeronautics and Space Administration

National Credit Union

nix a suit in which the Nanticoke Lenape Tribal Nation claims state regulators wrongfully repudiated the tribe's state recognition status, maintaining that the dispute is barred by constitutional immunity.

TELECOMMUNICATIONS

Ex-FTC Head Rallies With GOP Against FCC Privacy Plan

An ex-Federal Trade Commission chief representing an internet trade group called the Federal Communications Commission's proposal to restrict broadband providers' consumer data use unnecessary Tuesday, agreeing with House Republicans that such providers can access only a fraction of the personal data other internet firms collect.

FCC Targeted In House GOP's Regulatory Reform Plan

House Republicans on Tuesday unveiled the latest installment of their "A Better Way" agenda, which includes proposed reforms to block the Federal Communications Commission from "second-guessing" American business decisions, the same day the agency saw a victory for its net neutrality rules.

CenturyLink Latest To Challenge FCC Data Service Tariff Rule

The Federal Communications Commission's recent order finding certain business data service tariffs to be unlawful — part of the agency's move to resolve alleged competition issues in the market — got another challenge on Friday when CenturyLink sought to intervene in a D.C. Circuit fight against the order.

WHITE COLLAR

Blame Flies As Fattah Associates Make Last Pitch To Jury

Rep. Chaka Fattah, D-Pa., and a pair of cooperating witnesses who worked on his ill-fated Philadelphia mayoral campaign were blamed during closing arguments Tuesday for the fraud and conspiracy charges facing a group of co-defendants on trial alongside the embattled congressman.

EXPERT ANALYSIS

It's Time For Congress To Reel In The USDA Catfish Rule

There is no sound policy rationale — scientific or otherwise — to explain the need for the U.S. Department of Agriculture's recently finalized catfish inspection rule and it is time for Congress to repeal this wasteful and (likely) unlawful program, say Michael Dunn and Chelsea Fernandez Gold at Steptoe & Johnson LLP.

SEC Opens New Frontier For Online Private Financing

With its regulation crowdfunding guidelines, the U.S. Securities and Exchange Commission curtails an otherwise extraordinarily broad spectrum of investors and offerings. Still, the potential magnitude of this private financing option should not be underestimated, due to the central role of social media and the internet in facilitating these investments, says Kirsten Hart of Arent Fox LLP.

Short-Term Lenders Face Costly Path To Compliance

Although a recent Consumer Financial Protection Bureau proposal has been characterized as the "payday loan rule," it is sweeping in terms of the products covered and the limitations it would impose on the short-term consumer lending industry. Given the complexity of the proposed rule, compliance

Administration

National Security Council

New Jersey Legislature

Office of Federal Contract

Compliance Programs

Oneida Indian Nation

Onondaga Nation

Oregon Department of Justice

Permanent Court of Arbitration

Pipeline and Hazardous Material

Safety Administration

Securities and Exchange
Commission

Shinnecock Indian Nation

Stockbridge-Munsee Community

U.S. Air Force

U.S. Army

U.S. Coast Guard

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and
Human Services

U.S. Department of Homeland
Security

U.S. Department of Housing and
Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Treasury

U.S. Environmental Protection
Agency

U.S. General Services
Administration

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

management systems will be costly and difficult to create, say attorneys with Morrison & Foerster LLP.

NY's Evolving Acceptance Of Policyholder Bad Faith Claims

New York courts and the Legislature have recently taken up the issue of whether policyholders should be able to seek extracontractual damages when denied full and prompt payment of their claims — which is a crucial means of leveling the playing field between policyholders and the insurance industry, say Peter Halprin and Bruce Strong at Anderson Kill PC.

6 Factors Every Law Firm's Gender Diversity Initiative Needs

It's no secret that law firms are generally thought of as having one of the lowest commitments to diversity among industry groups. But that perception is juxtaposed against the fact that many have gender diversity initiatives. So why is there so little progress? The answer is complex, but bridging the disconnect lies in ensuring that certain elements of a gender diversity and inclusion initiative are firmly in place, says Robyn Pollack of Trellis Consulting LLC.

LEGAL INDUSTRY

4 Things No Lawyer Wants To Hear From A Client

Attorneys need to keep their clients happy to survive and thrive in the legal industry, but some habits and behaviors can instantly turn clients off and elicit the types of comments that make all lawyers cringe. Here, experts share four of the top utterances that attorneys never want to hear.

13 Profitable Firms That Haven't Shown Associate Pay Hikes

Thirteen of the 50 most profitable law firms in the U.S. have yet to follow the lead of Cravath Swaine & Moore and reveal associate pay raises. Here, find out which firms are rolling in dough, and yet are resisting sharing the love with associates.

15 More Law Firms Dole Out Associate Raises

Fifteen more law firms have announced associate pay raises since the close of business on Monday, following the lead of Cravath Swaine & Moore LLP, which set a new benchmark for associate salaries last week.

Trump Says Federalist Society Will Pick His Judges For Him

Donald Trump gave some insight into his judicial selection process on Monday, suggesting to a conservative news outlet that all of his judges will be selected by the conservative/libertarian Federalist Society.

More Legal Tech Means Less Lawyers, Report Says

Corporate legal work and technology are two peas in a rapidly evolving pod, according to business strategy firm Boston Consulting Group, which is urging law firms to adopt work advancements that will create less of a need for junior associates and support staff.

UK Firm Income Rises As Mergers Change The Landscape

Fee income is up 6 percent across the U.K.'s 100 largest law firms despite a decline in the amount of billable hours per fee earner at some of the country's largest firms, a Tuesday report said.

Howrey Trustee Diamond McCarthy Seeks \$8M Fee Approval

Diamond McCarthy LLP sought final approval Monday from a New York

bankruptcy judge for more than \$8.3 million in fees and expenses related to its years-long work winding down Howrey LLP, which closed in 2011 after years of declining profits and partner defections.

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