



TOP TAKEAWAYS

June 2026 Member Roundtable Meeting

The Institute is committed to keeping our members informed regarding cutting-edge developments. Below are the top highlights from the June Member Roundtable Meeting led by Institute Leaders Nita Beecher, David Fortney, and Mickey Silberman, and Institute Faculty member Annette Tyman.

Please share these key takeaways with your internal leaders. Watch the replay of the June 2026 Roundtable Meeting [here](#). Members will need to log in for full access.

Highlights

- **DOJ Opinion Ruling EEOC Guidance Violates Constitution.** Institute Faculty Member Annette Tyman outlined the new [DOJ OLC opinion](#) which declared EEOC's guidance on disparate impact to be unconstitutional, saying the EEOC's 1978 UGESP and the 1979 Voluntary AAP guidance violated equal protection clause. To avoid unconstitutional impact, the opinion says business necessity only requires employers to demonstrate the practice is rational, convenient or helpful to serving a valid business purpose as employment practices are presumptively job related and only irrational or arbitrary practices with no plausible job relatedness can create liability. Plaintiffs must prove the specific employment practice caused the disparate impact and that there is an alternative practice that causes less disparate impact and be equally effective for serving the employer's valid business purpose.
- **EEOC National Enforcement Plan.** Nita Beecher stated that EEOC revoked the Biden Strategic Enforcement Plan with a new [National Enforcement Plan](#) on June 4. With Chair's position that EEOC is an Executive Agency and subject to the Administration's priorities, the new priorities are not surprising including focus on intentional discrimination, DEI programs, litigation to clarify recent Supreme Court cases, religious liberty and "evenhanded" enforcement for all groups. These priorities are reflected in the FY2027 EEOC Budget to increase resources for large scale systemic pattern and practice litigation.
- **Status of EEO-1 Report.** Mickey Silberman noted that OMB has [approved](#) EEOC's proposal to eliminate its EEO data reports. The proposal has not been published but it should be subject to the APA's requirement of notice and comment before becoming final. Meanwhile, Colorado has already passed a law which would require corporations to continue to supply it with EEO-1 Reports with more states expected to do likewise.
- **Institute Comments on FAR 2026-0076.** Nita Beecher noted that The Institute will submit comments on the FAR ICR even though it is unclear what is being sought from federal contractors.
- **State AI Updates.** Annette Tyman provided an update on the latest state AI laws.
- **Proposed OMB Regulations on Federal Grants.** Nita Beecher stated that OMB has [proposed](#) a substantial revision to the regulations for federal grants including adding specific requirements from Trump Administration's Executive Orders including anti-DEI, biological sex and disparate impact as well as requiring grantees to join E-Verify.

➡ **Next Member Roundtable Meeting: July 21 at 2pm EST.** Please click [here](#) for the zoom information.

➡ **Webinars are always complimentary for Institute members.** Registration information is located [here](#).