



October 22-24, 2014  
Four Seasons Hotel  
Denver, CO



## Fall Compliance Conference Agenda—Day One

### Wednesday, October 22

1:00– 1:45 PM	<b>Special Welcome &amp; Orientation for New Members and First-Time Attendees</b> <i>Judy Lampley, EEAC Vice President of Membership &amp; Secretary</i> <i>Ed Sommers, EEAC Director of Training &amp; Education</i> <i>Matt Nusbaum, EEAC Senior Counsel</i>	Grand Ballroom A&B
Beginning at 1:00 PM	<b>Registration &amp; Networking Reception</b>	Grand Ballroom Foyer
1:00 PM 1:15 PM 1:30 PM 1:45 PM	<b>Making the Most of the Fall Compliance Conference: Installing &amp; Using the Event App</b> (Repeats every 15 minutes)	Grand Ballroom Foyer
2:00– 2:30 PM	<b>Welcome, Opening Remarks, Conference and Association Update</b> <i>Bob O'Hara, EEAC Chair</i> <i>Joe Lakis, EEAC President</i>	Grand Ballroom A&B
2:30– 3:30 PM	<b>General Session:</b> What the Obama Administration's Year of Action Means for Members  <i>Moderator: Bob O'Hara, EEAC Chair</i> <i>Mike Eastman, EEAC Vice President of Public Policy</i> <i>Danny Petrella, EEAC Vice President of Compliance Policy</i> <i>Rae Vann, EEAC Vice President &amp; General Counsel</i>	Grand Ballroom A&B

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**Questions About This EEAC Notice?**

EEAC Program Line: 202-629-5655 or [info@eeac.org](mailto:info@eeac.org)

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## Fall Compliance Conference Agenda—Day One (continued)

### Wednesday, October 22

3:45– 5:00 PM	<b>OFCCP Track:</b> OFCCP Regulatory and Policy Update  <i><b>Moderator:</b> Mike Dizer, Sr. Human Resources Manager, The Dow Chemical Company</i>  <i>Danny Petrella, EEAC Vice President of Compliance Policy</i>  <i>Bill Holmes, EEAC Senior Policy Fellow</i>  <i>Matt Nusbaum, EEAC Senior Counsel</i>	Grand Ballroom A
3:45– 5:00 PM	<b>Legal Practitioner Track:</b> Federal EEO and Wage/Hour Update  <i><b>Moderator:</b> Dana Baughns, Assistant General Counsel, Allegis Group, Inc.</i>  <i>Rae Vann, EEAC Vice President &amp; General Counsel</i>  <i>Mike Eastman, EEAC Vice President of Public Policy</i>	Aspen
3:45– 5:00 PM	<b>Organizational Risk Management Track:</b> Managing Systemic Risks in Staffing and Selection  <i><b>Introduction by:</b> Tom Russell, Director, Employee Relations, UnitedHealth Group</i>  <i>Nancy Tippins, Senior Vice President, CEB – SHL Talent Measurement Solutions</i>  <i>Ann Reesman, EEAC Senior Counsel</i>  <i>Chris Gokturk, EEAC Senior Advisor for Compliance Policy</i>	Grand Ballroom B
6:00– 7:30 PM	<b>Welcome Reception</b> Generously Sponsored by <b>Lockheed Martin</b>	Pool Terrace



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## Fall Compliance Conference Agenda—Day Two

### Thursday, October 23

8:00– 8:45 AM	<b>EEAC Communities Meetings</b> Generously Sponsored by <b>Colgate-Palmolive</b>  <i>Functional Affirmative Action Plan (FAAP) Community</i>  <i>ATS User Group Community (Taleo and BrassRing subgroups will meet separately following a general opening session)</i>	Cottonwood A  Cottonwood B
9:00– 9:15 AM	<b>General Session:</b> Day 2 Overview with Your Host, <i>Liz Mazzotta</i> Vice President, Human Resources, Mutual of Omaha Insurance Co. and EEAC Board Vice Chair	Grand Ballroom A&B
9:15– 10:30 AM	<b>General Session:</b> Year One Compliance: Implementing OFCCP's New Disability and Veteran AAP Requirements  <i>Moderator: Liz Mazzotta, Vice President, Human Resources, Mutual of Omaha Insurance Co. &amp; EEAC Vice Chair</i>  <i>Janet Anderson, Sr. Attorney, Employment Law Group, Cargill Incorporated</i>  <i>Lakeshia Highsmith, Director, HR Compliance, Marriott International, Inc.</i>  <i>Frank Picha, Affirmative Action Program Manager/Associate Relations, Sears HMC</i>  <i>Bari Evans, VP &amp; Manager, AA/EEO Compliance, Wells Fargo &amp; Company</i>	Grand Ballroom A&B

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## Fall Compliance Conference Agenda—Day Two (continued)

### Thursday, October 23

10:45 AM– 12:00 Noon	<p><b>General Session:</b> Managing an OFCCP Compliance Review: The Agency’s Perspective</p> <p><i>Moderator: Joe Lakis, EEAC President</i></p> <p><i>Carolyn Russell, Assistant District Director in the Denver District Office for the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP)</i></p> <p><i>Nicole Huggins, Denver District Director for the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP)</i></p> <p><i>Lauren Ackermann, Compliance Officer in the Denver District Office for the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP)</i></p>	Grand Ballroom A&B
12:30– 2:00 PM	<p><b>Networking Luncheon</b> Generously Sponsored by <b>PepsiCo, Mutual of Omaha</b> and <b>BAE Systems</b></p>	Cottonwood A&B
2:15– 3:45 PM	<p><b>OFCCP Track:</b> OFCCP Recordkeeping and Enforcement Update</p> <p><i>Moderator: Marian Monnig, Human Resources, Employee Experience, HNTB Corporation</i></p> <p><i>Danny Petrella, EEAC Vice President of Compliance Policy</i></p> <p><i>Matt Nusbaum, EEAC Senior Counsel</i></p> <p><i>Bill Holmes, EEAC Senior Policy Fellow</i></p>	Grand Ballroom A
2:15– 3:45 PM	<p><b>Legal Practitioner Track:</b> Employment Counsel Network Discussion</p> <p><i>Rae Vann, EEAC Vice President &amp; General Counsel</i></p> <p><i>Judy Lampley, EEAC Vice President of Membership &amp; Secretary</i></p> <p><i>Mike Eastman, EEAC Vice President of Public Policy</i></p>	Aspen

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## Fall Compliance Conference Agenda—Day Two (continued)

### Thursday, October 23

2:15– 3:45 PM	<b>Organizational Risk Management Track:</b> The Advantages and Risks of Employment Tests  <i>Nancy Tippins, Senior Vice President of CEB - SHL Talent Measurement Solutions</i> <i>Ann Reesman, EEAC Senior Counsel</i> <i>Chris Gokturk, EEAC Senior Advisor for Compliance Policy</i>	Grand Ballroom B
4:00– 5:00 PM	<b>OFCCP Track:</b> OFCCP Audit and Enforcement – Update and Trends  <i>Introduction by: Ed McFalls, AVP, HR &amp; Diversity, Burlington Northern Santa Fe</i> <i>Matt Nusbaum, EEAC Senior Counsel</i>	Grand Ballroom A
4:00– 5:00 PM	<b>Legal Practitioner Track:</b> State-Level Workplace Risks  <i>Moderator: Jana Ferguson, Senior Director, EEO &amp; Employment Law, PepsiCo, Inc.</i> <i>Rae Vann, EEAC Vice President &amp; General Counsel</i> <i>Judy Lampley, EEAC Vice President of Membership &amp; Secretary</i> <i>Mike Eastman, EEAC Vice President of Public Policy</i>	Aspen
4:00– 5:00 PM	<b>Organizational Risk Management Track:</b> Managing Systemic Risk in Compensation  <i>Moderator: Valerie Vickers, Head of Enterprise Affirmative Action, JPMorgan Chase &amp; Co.</i> <i>Danny Petrella, EEAC Vice President of Compliance Policy</i> <i>Ann Reesman, EEAC Senior Counsel</i> <i>Chris Gokturk, EEAC Senior Advisor for Compliance Policy</i>	Grand Ballroom B
5:30– 7:00 PM	<b>Networking Reception</b> Generously Sponsored by <b>Emerson</b>	Grand Ballroom Foyer
Beginning at 7:00 PM	<b>Networking Dinners (Optional)</b> <i>Advance, On-Site Registration Required</i>	Offsite



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## Annual Meeting Agenda—Day Three

### Friday, October 24

7:30– 8:45 AM	<p><b>“Asked and Answered” Breakfast Reception</b> Generously Sponsored by <b>Prudential</b> <i>Moderator: Joe Lakis, EEAC President</i> <i>Mike Eastman, EEAC Vice President of Public Policy</i> <i>Danny Petrella, EEAC Vice President of Compliance Policy</i> <i>Rae Vann, EEAC Vice President &amp; General Counsel</i></p>	Cottonwood A&B
9:00– 10:15 AM	<p><b>The Top Five Issues That Keep In-House Employment Lawyers Awake at Night</b> <i>Moderator: Rae Vann, EEAC Vice President &amp; General Counsel</i> <i>Manuel Cuevas-Trisán, Vice President, Labor &amp; Employment Law, Privacy &amp; Data Security and Head of Litigation</i> <i>Motorola Solutions, Inc.</i> <i>Dana Baughns, Assistant General Counsel, Allegis Group, Inc.</i> <i>Le Hammer, Senior Labor, Employment &amp; Compliance Counsel, Baker Hughes Inc.</i> <i>Rob Porcarelli, Managing Director, Corp. Counsel, Starbucks Coffee Company</i></p>	Grand Ballroom A&B
10:45– 11:50 AM	<p><b>Strategies for Compliance and Diversity Integration</b> <i>Moderator: Matt Nusbaum, EEAC Senior Counsel</i> <i>Joyce Ibardolasa, Director of Performance, Selection and Inclusion, Pacific Gas &amp; Electric Company</i> <i>Alicia Wallace, Director, EEO, WellPoint, Inc.</i> <i>Ed McFalls, AVP, HR &amp; Diversity, Burlington Northern Santa Fe</i> <i>Terry Owens, Director, Global HR Practices &amp; Compliance Management, Masco Corporation (formerly)</i></p>	Grand Ballroom A&B
11:50 AM– 12:00 Noon	<p><b>Closing Remarks, Looking Ahead, Adjournment</b> <i>Joe Lakis, EEAC President</i></p>	Grand Ballroom A&B



Wi-Fi for the EEAC Fall Compliance Conference is generously sponsored by **JPMorgan Chase & Co.** and **WellPoint**





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## Guide to Conference Sessions

### Day One—Wednesday, October 22

#### **Making the Most of the Annual Membership Meeting: Installing & Using the Conference App**

EEAC Fall Compliance Conference attendees are encouraged to receive handouts, schedule information and supplemental materials through the event's Guidebook mobile App, available on iOS, Android, BlackBerry, Windows Phone and Kindle Fire. Meeting evaluations will be submitted exclusively through the Guidebook App. Stop by for a refresher or for installation assistance.

#### **What the Obama Administration's Year of Action Means for Members**

EEAC's 2014 Fall Compliance Conference kicks off with a general session summarizing the significant workplace-related initiatives of President Obama's "Year of Action" program. **Moderated by EEAC Board Chair Bob O'Hara, a panel of EEAC staff experts** will update conference attendees on the latest status of all key year-of-action initiatives, highlight their likely impact to member company compliance, diversity, and workplace risk management programs, and point out where and when each of these initiatives will be analyzed in detail during the conference.

#### **OFCCP Track: OFCCP Regulatory and Policy Update**

In this first "deep-dive" track session focused on OFCCP compliance, **EEAC's Danny Petrella, Bill Holmes, and Matt Nusbaum** will identify and explain OFCCP's three major pending regulatory initiatives. Discussion topics will include: (1) OFCCP's proposed compensation data collection tool (the "Equal Pay Report"); (2) the agency's proposed "Pay Secrecy" regulations, which are intended to implement this year's Executive Orders establishing "talk-about-pay" protections; and (3) the nondiscrimination and affirmative action requirements in OFCCP's LGBT proposed regulations, which we expect will be released just before the conference. This session will also feature an opportunity for member Q&A and feedback on these proposals.

#### **Legal Practitioner Track: Federal EEO and Wage/Hour Update**

In this first track session geared toward in-house employment counsel responsible for managing workplace risk, **EEAC's Rae Vann and Mike Eastman** will review all major "year of action" initiatives underway at the EEOC as well as DOL's Wage and Hour Division. Topics discussed will include: (1) EEOC's intensifying systemic enforcement efforts; (2) revisions to WHD's overtime regulations and its plans for aggressively investigating employee misclassification; (3) EEOC's new pregnancy discrimination guidance; (4) the "Fair Pay and Safe Workplaces" Executive Order; and (5) WHD's rules implementing new federal contractor minimum wage requirements.

#### **Organizational Risk Management Track: Managing Systemic Risks in Staffing and Selection**

The legal, financial, and reputational consequences of engaging in – or even being *accused of* – systemic discrimination are significant, with perhaps the greatest risk arising in the context of high-volume staffing and selection decisions. In this first track session focused on organizational risk management, **EEAC's Ann Reesman and Chris Gokturk, joined by testing and selection expert Dr. Nancy Tippins,** will provide a comprehensive overview of the statistical, legal, and recordkeeping dimensions of systemic discrimination risks in recruitment and selection, and offer practical suggestions for mitigating those risks. Topics discussed will include: (1) the importance of job analyses; (2) the pros and cons of employment tests, and the importance of test validation; (3) how to conduct an effective self-audit of selection practice compliance; and (4) real-world examples of selection practices that caused, or mitigated, systemic risk.



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## Day Two—Thursday, October 23

### **Year One Compliance: Implementing OFCCP's New Disability and Veteran AAP Requirements**

Depending on where they are in their AAP cycle, EEAC members in October will be in the midst of preparing for, implementing, or completing the initial stages of their compliance programs under OFCCP's revised veteran and disability rules. In this plenary session, four EEAC member company representatives will share what they have already done, what they are doing now, and what they will be doing going forward to fully implement the new self-identification, data collection and analysis, recordkeeping, and good-faith effort requirements established by these rules. Panelists will share both their implementation successes and challenges, and offer practical suggestions for members to consider when developing and implementing their own compliance transition plans.

### **Managing an OFCCP Compliance Review: The Agency's Perspective**

Hear directly from a panel of OFCCP's compliance enforcement staff about the issues they look for, manage, and attempt to resolve during routine audits of federal contractors. Panelists will discuss the full range of real-world audit issues that EEAC members care about, including audit selection and scheduling, desk audit analyses and agency requests for additional information, onsite and telephone interviews with management and non-management personnel, recordkeeping and data collection, and the latest information on how OFCCP has begun auditing and enforcing compliance with its new veteran and disability AAP requirements.

### **OFCCP Track: OFCCP Recordkeeping and Enforcement Update**

In this second session focused on OFCCP compliance, **EEAC's Danny Petrella, Bill Holmes, and Matt Nusbaum** will examine OFCCP's recently approved scheduling letter and new **22-item** itemized listing, which will be used in all OFCCP compliance reviews beginning October 16. This session will also feature a discussion of the practical implications of the new "VETS-4212 Report" and an update on integrating OFCCP's mandatory "Voluntary Self-Identification of Disability" form into applicant tracking systems and human resources information systems.

### **Legal Practitioner Track: Employment Counsel Network Discussion**

In this confidential off-the-record setting, member company in-house counsel will discuss practical strategies for identifying, prioritizing, and mitigating workplace labor and employment risks.

### **Organizational Risk Management Track: The Advantages and Risks of Employment Tests**

OFCCP, EEOC, and private plaintiffs continue to aggressively pursue disparate impact and pattern and practice cases against well-intentioned employers using what they thought were well-designed employment tests. In this session, attendees will learn what they absolutely must know, and do, to help mitigate the significant systemic risks that arise whenever an employment test is improperly designed or used.

***Day Two Conference Session Descriptions Continue on Page Nine***





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## Day Two—Thursday, October 23 (continued)

### **OFCCP Track: OFCCP Audit and Enforcement – Update and Trends**

Using charts generated from DOL’s online enforcement database containing detailed information on dates, locations, industries, establishment sizes, and closure types for thousands of compliance reviews, this fast-paced session will highlight OFCCP audit trends and review recent OFCCP financial settlements, offering practical tips for EEAC members to avoid similar liability.

### **Legal Practitioner Track: State-Level Workplace Risks**

In this interactive panel discussion focused on the increasing complexities and risks of state-specific workplace compliance requirements, EEAC attorneys will highlight the most significant state-level developments in employment law, including pregnancy accommodations mandates, equal pay initiatives, medical marijuana laws, ban-the-box laws and paid sick leave provisions, among others.

### **Organizational Risk Management Track: Managing Systemic Risk in Compensation**

As federal regulators intensify their enforcement of equal pay requirements, EEAC members need to understand what they can do to minimize their exposure to systemic compensation risks. In this final track session focused on organizational risk management, EEAC staff attorneys and analysts will provide an overview of the statistical, legal, and recordkeeping dimensions of systemic pay discrimination risks, and provide practical tips for mitigating those risks.

## Day Three—Friday, October 24

### **“Asked and Answered” Breakfast Reception**

Wake up early for our Friday morning Q&A-style breakfast reception. The EEAC staff will mix-and-mingle in a semi-structured format answering your questions and serving up best practices and connections. Grab a plate, some coffee and mix it up with colleagues or just sit back and watch the conversation unfold.

### **The Top 5 Issues That Keep In-House Employment Lawyers Awake at Night**

Hear from a panel of EEAC member company in-house employment lawyers about the most significant workplace risks that keep them awake at night, and what they would like all of their internal HR clients to understand, and do, to help mitigate those risks.

### **Strategies for Compliance and Diversity Integration**

Many EEAC members have told us that aligning their compliance and diversity functions has been a challenge, to put it mildly. In this session, a panel of EEAC member company compliance and diversity leaders will talk about the challenges they faced when working to align the objectives of these functions, how they attempted to overcome them, and where they are today in the staffing, structure, and organizational alignment of their compliance and diversity programs.



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## A Special Thanks to Our Sponsors

