



Practical, Hands-On Guidance for Compliance Practitioners: **EEAC Fall Compliance Conference**

October 14-16, 2015 · Hilton Palacio del Rio · San Antonio, Texas

1:00 PM PRE-GAME

La Corona

First Time Attendee Orientation

Attendees participating in their first Fall Compliance Conference (or perhaps their first in a while), are invited to join EEAC Senior Counsel and Director of OFCCP Compliance Policy Matt Nusbaum for a short, informative preview of the conference and how to maximize the value of your trip. Also, attendees will receive valuable tips for using the conference's Guidebook mobile app.

3:15 PM GENERAL SESSION

El Mirador

Lessons Learned and Best Practices for Disability Self-Identification [Details on Page 6](#)

Moderator: Matt Nusbaum, EEAC Senior Counsel and Director of OFCCP Compliance Policy

Sara Oliver-Carter, Vice President of Diversity and Inclusion, Highmark Inc.

Marianne Thompson, HR Compliance Specialist, Fluor Corporation

WEDNESDAY 10.14

1-2 PM MAIN EVENT

El Mirador Foyer

Registration & Networking Reception

2 PM KICKOFF

El Mirador

EEAC President and Board Chair Welcome

Highlights and Results of EEAC's 2015 Member Company Census

Bob O'Hara, EEAC Chair

Joe Lakis, EEAC President

4:15 PM GENERAL SESSION

El Mirador

Best-in-Class Strategies for Identifying and Minimizing Harassment Risks in a 21st Century Workforce [Details on Page 6](#)

Moderator: Rae Vann, EEAC General Counsel

Sahar Aziz, Associate Professor, Texas A&M School of Law

6 PM POST-GAME

La Vista

Welcome Reception

Continuing Legal Education (CLE)

EEAC intends to apply for CLE credit for our Fall Compliance Conference from the following jurisdictions: Texas, Georgia, Illinois, Minnesota, Nebraska, Pennsylvania, and Washington state. In addition, attorneys in attendance may be eligible to receive CLE credit through reciprocity (e.g., AR, CA, CO, FL, HI, MT, NJ & ND) or attorney self-submission in other states. For Illinois CLE details [click here](#).

8 AM COMMUNITIES

2nd Floor Meeting Rooms

EEAC Communities Meetings: All Are Welcome

Best Practices Community: Want to know what your peers are facing and doing in the workplace to confront ongoing compliance challenges? Join fellow members in a lively, early morning discussion over coffee to discuss current best practices in a face-to-face setting. **Meeting in La Reina**

FAAP Network: The FAAP Community provides an opportunity for information sharing among those companies that have, and those that are considering, Functional Affirmative Action Plans. **Meeting in La Duquesa**

ATS/Taleo Users Group: Join the conversation with other members and current users of Taleo, Kenexa BrassRing, and other ATS platforms. (Taleo and BrassRing subgroups will meet separately following a general opening session) **Meeting in La Princesa**

9 AM KICKOFF

El Mirador

Day 2 Overview with Your Host Liz Mazzotta

Senior Vice President and Chief Human Resources Officer, Mutual of Omaha Insurance Co. and EEAC Board Vice Chair

THURSDAY 10.15

Conference Tracks At-a-Glance

Track I: OFCCP Compliance Practitioner

Track II: Employment Counsel Network

Track III: Diversity and Inclusion

Track IV: Workplace Compliance
Fundamentals

9:30 AM TRACK I

El Mirador East

Defending an OFCCP Allegation of Systemic Pay Discrimination

Details on Page 6

*Matt Nusbaum, EEAC Senior Counsel and
Director of OFCCP Compliance Policy*

*Chris Gokturk, EEAC Senior Advisor,
Compliance Policy*

Christina English, EEAC Staff Economist

Lance Gibbons, EEAC Senior Counsel

Ready to Register?

<http://www.eeac.org/fcc>

Registration Fee \$925

Lodging Information

Hilton Palacio del Rio

Mention EEAC Group Rate of
\$209/night

1-800-HILTONS (800-445-8667)

EEAC Room Block Ended Sept. 29, 2015
Limited Availability at Market Prices

Event Sponsorship

Sponsorships at various levels are available. Contact Christine LeMieux, Manager of Operations, at 202-629-5605 or clemieux@eeac.org.

THURSDAY

continued **10.15**

9:30 AM TRACK II

La Vista ABC

Current Issues in Federal LGBT Anti-Discrimination Law—Are Congress, the Courts, and the Agencies All on the Same Page?

[Details on Page 6](#)

Rae Vann, EEAC General Counsel

Mike Eastman, EEAC Vice President, Public Policy

9:30 AM TRACK III

El Mirador West

Diversity and the Compliance Nexus

[Details on Page 6](#)

Jeanette Kilo-Smith, Vice President of Global Diversity and Inclusion, Walgreen Co.

9:30 AM TRACK IV

La Vista DEF

Defining Workplace Compliance

[Details on Page 7](#)

Joe Lakis, EEAC President

Amy Beth Leasure, EEAC Senior Counsel

11:00 AM TRACK I

El Mirador East

Defending an OFCCP Allegation of Systemic Hiring Discrimination

[Details on Page 7](#)

Bill Holmes, EEAC Senior Policy Fellow

Chris Gokturk, EEAC Senior Advisor, Compliance Policy

John Annand, EEAC Counsel

Joe Vele, EEAC Counsel

11:00 AM TRACK II

La Vista ABC

Caution Ahead! Examining DOL's New Misclassification Guidance and Proposed Rule on Overtime Expansion

[Details on Page 7](#)

Mike Eastman, EEAC Vice President, Public Policy

11:00 AM TRACK III

El Mirador West

Diversity Metrics in Practice

[Details on Page 7](#)

Steve Bucherati, Managing Partner of Bucherati & Hildebrand, LLC

11:00 AM TRACK IV

La Vista DEF

Harassment and Retaliation Fundamentals

[Details on Page 7](#)

Rae Vann, EEAC General Counsel

12:30 PM LUNCHEON

Salon del Rey B & C

Networking Luncheon Featuring a Public Policy Update from Mike Eastman, EEAC Vice President, Public Policy



2:15 PM TRACK I

El Mirador East

A Guide to Compliance Due Diligence for Acquisitions

[Details on Page 7](#)

Matt Nusbaum, EEAC Senior Counsel and Director of OFCCP Compliance Policy

Joe Lakis, EEAC President

John Annand, EEAC Counsel

Joe Vele, EEAC Counsel

2:15 PM TRACK II

La Vista ABC

EEAC's Employment Counsel Network's McDowell Legal Forum

[Details on Page 8](#)

Rae Vann, EEAC General Counsel

Amy Beth Leasure, EEAC Senior Counsel

Lance Gibbons, EEAC Senior Counsel

2:15 PM TRACK III

El Mirador West

Building an LGBTQ/A Inclusive Workplace

[Details on Page 8](#)

Sara Oliver-Carter, Vice President of Diversity and Inclusion, Highmark Inc.

James Fawcett, SVP Medicaid Markets, Highmark Inc.

Phyllis Rupert, Diversity Consultant, Highmark Inc.

2:15 PM TRACK IV

La Vista DEF

Federal Agency Enforcement

[Details on Page 8](#)

Mike Eastman, EEAC Vice President, Public Policy

Bill Holmes, EEAC Senior Policy Fellow

4:00 PM TRACK I

El Mirador East

Disability Utilization and Veteran Benchmark Analyses

[Details on Page 9](#)

Matt Nusbaum, EEAC Senior Counsel and Director of OFCCP Compliance Policy

Bill Holmes, EEAC Senior Policy Fellow

Joe Vele, EEAC Counsel

THURSDAY 10.15 continued

4:00 PM TRACK II

La Vista ABC

EEAC's Employment Counsel Network's McDowell Legal Forum (Note: Continues from Prior Session)

[Details on Page 8](#)

Rae Vann, EEAC General Counsel

Amy Beth Leasure, EEAC Senior Counsel

John Annand, EEAC Counsel

4:00 PM TRACK III

El Mirador West

Diversity & Inclusion: Member Company Perspective [Details on Page 9](#)

Joyce Ibardolasa, Director, Performance and Inclusion, PG&E

Derek Sumimoto, Manager, Affirmative Action Programs, Kaiser Permanente

Joe Lakis, EEAC President

Mike Eastman, EEAC Vice President, Public Policy

4:00 PM TRACK IV

La Vista DEF

Your Responsibilities for Ensuring Compliance [Details on Page 9](#)

Lance Gibbons, EEAC Senior Counsel

5:30 PM POST-GAME

Terrace Garden (Rain Location: Stetson)

Networking Reception

7 PM POST-GAME

Terrace Garden (Rain Location: Stetson)

Networking Dinners (Optional) Advance, On-Site Registration Required

FRIDAY 10.16

7:30 AM BREAKFAST RECEPTION

La Vista

MemberAssist Live! Breakfast Reception

Moderator: Joe Lakis, EEAC President

A premier EEAC member benefit on display! Members call us every day with pressing compliance, case law, statistical, and policy questions. Join the EEAC staff for an informal breakfast and bring your questions for the discussion—we will be ready to answer them.

9:00 AM GENERAL SESSION

El Mirador

Assessing Effectiveness of Disability and Veterans Outreach Efforts

Moderator: Matt Nusbaum, EEAC Senior Counsel and Director of OFCCP Compliance Policy

Teresa Salinas, EEO/AA Specialist, Cerner Corporation

When disability utilization goals and/or veteran hiring benchmarks are not met, OFCCP is likely to expect contractors to increase their disability and veteran outreach and recruiting efforts. Unfortunately, disability and veteran outreach and recruiting resources can be in short supply. Hear from a panel of EEAC members and staff on creative ways your company can develop “action-oriented” programs to not only satisfy OFCCP compliance officers, but might actually lead to increased disability and veteran employment

10:45 AM GENERAL SESSION

El Mirador

Enterprise-Wide Self-Critical Analyses of Compensation

Moderator: Chris Gokturk, EEAC Senior Advisor, Compliance Policy

*Christina English, EEAC Staff Economist
Marian Monnig, Diversity and Compliance Director, HNTB Corporation*

As much as OFCCP might prefer it, a full, top-down, inside-out analysis of your organization’s pay practices is likely impractical and unnecessary under the law. So what should your company be doing? A panel of EEAC members and staff will discuss the advantages of various approaches to enterprise-wide self-critical compensation analyses including types of analyses, scope, who should be involved, and what to do with your results.

11:45 AM GENERAL SESSION

El Mirador

Closing Remarks, Looking Ahead, Adjournment

Joe Lakis, EEAC President



Guide to Conference Sessions



for **WEDNESDAY** **10.14**

3:15 PM GENERAL SESSION

El Mirador

Lessons Learned and Best Practices for Disability Self-ID

Under OFCCP's revised Section 503 disability regulations, the agency believes it now has a quantitative way to measure the sufficiency of contractors' affirmative action efforts for individuals with disabilities—the disability utilization analysis. Unfortunately, your company's "numbers" are dependent on voluntary self-identification in what is still a particularly sensitive issue for the vast majority of your workforce. Listen to a panel of EEAC members discuss how their organizations are changing attitudes and encouraging employees to not only fill out OFCCP's dreaded Form CC-305, but shed their fears and check "Yes."

4:15 PM GENERAL SESSION

El Mirador

Best-in-Class Strategies for Identifying and Minimizing Harassment Risks in a 21st Century Workforce

Workplace harassment continues to be an area of potentially significant compliance risk for employers, and the EEOC has stepped up efforts to educate the public, identify meaningful prevention strategies, and focus enforcement efforts on workplace environments and cultures that seemingly are more prone to harassing conduct. This session moderated by EEAC's General Counsel Rae Vann will feature a panel of experts, including Sahar Aziz, Associate Professor at the Texas A&M School of Law, who have been working with employers—as well as the EEOC—to devise and implement lasting solutions to this ever-present challenge to EEO compliance efforts.

for **THURSDAY** **10.15**

9:30 AM TRACK I

El Mirador East

Defending an OFCCP Allegation of Systemic Pay Discrimination

In this first session, EEAC staff experts will discuss strategies for investigating statistical disparities in pay and defending against an OFCCP allegation of systemic pay discrimination including identifying "pay analysis groups," factors that influence pay, determining appropriate statistical models and how to use them.

9:30 AM TRACK II

La Vista ABC

Current Issues in Federal LGBT Anti-Discrimination Law—Are Congress, the Courts, and the Agencies All on the Same Page?

Despite its best efforts, Congress has yet to enact comprehensive federal legislation barring workplace discrimination on the basis of Lesbian, Gay, Bisexual and Transgender (LGBT) status. Nevertheless, the EEOC has now taken the position that sexual orientation and transgender status discrimination equates to illegal sex discrimination under Title VII. This session will explore emerging trends in federal LGBT bias law and offer tips and strategies for managing workplace issues and enforcement activity in this space.

9:30 AM TRACK III

El Mirador West

Diversity and the Compliance Nexus

Jeanette Kilo-Smith, Vice President of Global Diversity and Inclusion for Walgreen Co. will explore the "intersection" of diversity and compliance and how these disciplines can be "mutually beneficial" by contributing to diverse and inclusive organizations. The session will discuss how the connections between diversity and compliance can be significant and how to better understand their substantial potential benefits.



for **THURSDAY** **10.15** continued

9:30 AM TRACK IV

La Vista DEF

Defining Workplace Compliance

In this first session of the track, participants gain foundational knowledge of EEO and affirmative action laws—including Title VII of the Civil Rights Act of 1964 and Executive Order 11246—utilizing “real world” examples and scenarios designed to identify potential pitfalls to workplace compliance.

11:00 AM TRACK I

El Mirador East

Defending an OFCCP Allegation of Systemic Hiring Discrimination

Following up on the first session, EEAC staff experts will continue the discussion of investigating statistical disparities, this time in the context of hiring, including what the standard “first cut” analyses do and don’t tell you, how to get “under the hood,” of your own data to track down the source of significant statistical disparities, and defend against OFCCP allegations of systemic hiring discrimination.

11:00 AM TRACK II

La Vista ABC

Caution Ahead! Examining DOL’s New Misclassification Guidance and Proposed Rule on Overtime Expansion

The U.S. Department of Labor recently published guidance on when, if ever, an employee properly may be considered an “independent contractor” exempt from coverage under the Fair Labor Standards Act (FLSA), and also has proposed significant revisions to the FLSA’s overtime eligibility rules. This session will explore what the Administration’s major policy shift in these areas means for companies’ efforts to comply with employee classification and overtime requirements, as well as strategies to minimize the risk of employment litigation.

11:00 AM TRACK III

El Mirador West

Diversity Metrics in Practice

Facilitated by Steve Bucherati, Managing Partner of Bucherati & Hildebrand, LLC, and former Global Chief Diversity Officer for The Coca-Cola Company, this session will present a perspective on how to develop, track and present meaningful and impactful metrics that will support your company’s marketplace and workplace D&I efforts. The session will also seek to engage the audience in a discussion on each aspect of the work and how to bring it to life in a compelling fashion for senior executives.

11:00 AM TRACK IV

La Vista DEF

Harassment and Retaliation Fundamentals

This session will address the basics of workplace harassment and retaliation. Real-world scenarios will provide participants with a basic, practical understanding of potential prohibited conduct, including examples of conduct triggering protection and the steps that must be taken to promote a harassment- and retaliation-free workplace. Participants also will receive one-page “Action Checklists” to guide their efforts back in the office to prevent, identify, and address harassment and retaliation.

2:15 PM TRACK I

El Mirador East

A Guide to Compliance Due Diligence for Acquisitions

When companies acquire new entities, compliance professionals are not always the first to know and often have to play “catch-up” when these new entities are brought on-line. Hear from EEAC experts on the information you should be gathering and questions you should be asking to assess the compliance readiness of new acquisitions and how to sort out who is responsible for what when OFCCP comes knocking.



for **THURSDAY** **10.15** continued

2:15 PM TRACK II

La Vista ABC

EEAC's Employment Counsel Network's McDowell Legal Forum (continues for following session at 4 PM)

This session will feature a discussion of breaking legal developments of most interest to in-house employment attorneys and HR professionals involved in defending their companies against EEO charges and lawsuits, including:

- (1) the storm of federal employment-related regulatory activity impacting workplace risk management, such as the proposed "blacklisting" regulations; and
- (2) the National Labor Relations Board's increasing encroachment into non-union related workplace issues.

In addition, the McDowell Legal Forum will provide attendees with a valuable opportunity to benchmark and exchange best practices with one another on practical issues in a confidential, "off-the-record" setting.

2:15 PM TRACK III

El Mirador West

Building an LGBTQ/A Inclusive Workplace

This session, facilitated by Highmark's Sara Oliver-Carter, Vice President of Diversity and Inclusion and Phyllis Rupert, Diversity Consultant with a guest appearance from senior business leader James Fawcett, SVP Medicaid Markets, will focus on strategies and initiatives for creating organizational readiness and a culture of inclusion for the Lesbian, Gay, Bisexual, Transgender and Queer/Questioning and Ally community (LGBTQ/A).

Also, this session will focus on the tools to build a more LGBTQ/A inclusive workplace by using a "behaviors vs. beliefs" approach, and attendees will learn about the diversity strategies used by an employer to gain executive sponsorship and build awareness about the LGBTQ/A community within the organization. Attendees will understand the business case for LGBTQ/A inclusion in the workplace, learn tips on engaging senior leaders in the initiative garnering executive support, gain information on educating their workforce about the LGBTQ/A community and build an Ally program to further drive the inclusion of the LGBTQ/A community within the organization for business success.

2:15 PM TRACK IV

La Vista DEF

Federal Agency Enforcement

Anyone who makes employment decisions should have a basic understanding of the function of the federal agencies charged with enforcing EEO and affirmative action laws and regulations. In this session, EEAC experts will explain the role of the Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance Programs (OFCCP) in enforcing these laws and regulations, and how the administrative enforcement process touches HR compliance and risk management efforts.

Guide to Conference Sessions



for **THURSDAY**
10.15 continued

4:00 PM TRACK I

El Mirador East

Disability Utilization and Veteran Benchmark Analyses

EEAC staff experts will discuss what we know so far about OFCCP's expectations regarding the new disability utilization analysis requirement and the implicit veteran hiring benchmark analysis "requirement," including what information reports should and should not include, and expected "next steps" when disability utilization goals and/or veteran benchmarks are not met.

4:00 PM TRACK III

El Mirador West

Diversity & Inclusion: Member Company Perspective

EEAC Board Member and Director, Performance and Inclusion for PG&E, Joyce Ibardolasa will lead a panel of EEAC member representatives discussing current diversity practices that work well, those that were attempted and failed to meet expectations, and new concepts under development.

4:00 PM TRACK IV

La Vista DEF

Your Responsibilities for Ensuring Compliance

Compliance is a shared responsibility in every organization. Legal counsel, compliance officers, human resources, and management play a role in ensuring compliance with nondiscrimination laws. This session concludes the track with a discussion of EEO responsibilities for all HR and compliance professionals, managers, and supervisors, and everyday actions they can take to ensure workplace compliance.

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