



40th Anniversary

2016 Annual Meeting and Policy Conference

March 16 – 18, 2016
Washington, DC • JW Marriott
www.eeac.org/amm

Featuring General Session Presentations By:

- SCOTUSBlog Publisher **Tom Goldstein**
- NLRB General Counsel **Richard Griffin**
- EEOC Chair **Jenny Yang** and
OFCCP Director **Patricia Shiu**
- EEOC Commissioner **Victoria Lipnic**

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Final Agenda

Wednesday, March 16, 2016

1:00 p.m. Registration & Networking
Reception

1:15 p.m. New Attendee Orientation

**2:00 p.m. Welcome, Opening Remarks and
EEAC Staff Update**

Robert J. O'Hara, EEAC Chair,
United Technologies Corporation
Joseph S. Lakis, Jr., EEAC President

**2:30 p.m. What EEOC's Proposed EEO-1
Revisions Will Mean for EEAC
Members**

Joseph S. Lakis, Jr., EEAC President
(moderator)
Matt A. D. Nusbaum, EEAC Senior Counsel
and Director of OFCCP Compliance Policy
William F. Holmes, EEAC Senior Policy Fellow
Chris Gokturk, EEAC Senior Advisor,
Compliance Policy

In what could be the Obama Administration's most significant effort to address the perceived pay gap, the U.S. Equal Employment Opportunity Commission has just proposed major changes to the annual EEO-1 report that would require all employers with 100 or more employees to report their establishment-level race/ethnicity and gender headcount data by 12 "compensation bands" within each EEO-1 job category. If finalized as proposed, the new EEO-1 form will require employers to change the way they retrieve, tabulate, and report demographic data to the federal government. In this opening plenary session, EEAC staff experts will explain exactly what the new proposed EEO-1 form will require both now and in 2017, when the proposed revisions are scheduled to take full effect.



3:30 p.m. EEAC Staff Update

Rae T. Vann, EEAC Vice President and
General Counsel

Michael J. Eastman, EEAC Vice President
Public Policy

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

Lance E. Gibbons, EEAC Senior Counsel

John R. Annand, EEAC Counsel

EEAC's staff update will feature a panel of our own subject matter experts covering all of the major legal, regulatory, policy, and enforcement issues affecting the practice of workplace compliance, and providing practical, real-world guidance for managing workplace risk.

**4:45 p.m. General Session: 2016 Supreme
Court Term Update**

Tom Goldstein, Publisher, SCOTUSBlog

Back by popular demand is renowned U.S. Supreme Court advocate Tom Goldstein, who will round out the first day of the Annual Meeting with a substantive, practical and fascinating look at the High Court's current docket of labor and employment cases. In addition to co-founding and serving as Publisher of SCOTUSblog – a Peabody Award-winning weblog devoted to comprehensive coverage of the Supreme Court – Tom is one of the nation's most experienced Supreme Court practitioners, having argued before the Court over three dozen times.

6:00 p.m. Welcome Reception

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Thursday, March 17, 2016

7:45 a.m. EEAC Communities Meetings
Best Practices Community
Functional Affirmative Action Plan
Community (FAAP)
Applicant Tracking System (ATS) User Group
Communities: Taleo and Kenexa BrassRing

8:45 a.m. Day 2 Overview

9:00 a.m. **General Session: National Labor
Relations Board Policy and
Enforcement Update**

Richard F. Griffin, Jr., General Counsel,
National Labor Relations Board

The National Labor Relations Board has been increasing its oversight of workplace policies and practices outside of the traditional union-management environment. This session will explore the Board's treatment of workplace policies such as arbitration agreements, policies ensuring the confidentiality of workplace investigations, and employment-at-will policies, among others.

SHRM & HRCI Certification

EEAC, an approved SHRM Recertification Provider and HRCI Approved Provider, intends to apply for recertification credit for the 2016 Annual Membership Meeting and Policy Conference with each of these organizations.



10:00 a.m. **General Session: EEOC's and
OFCCP's 2016 Policy and
Enforcement Update — Part I**

Jenny Yang, Chair, Equal Employment
Opportunity Commission

Patricia Shiu, Director, Office of Federal
Contract Compliance Programs (OFCCP),
U.S. Department of Labor

This keynote presentation features a first-of-its-kind joint presentation by EEOC Chair Jenny Yang and OFCCP Director Patricia Shiu. Ms. Yang and Ms. Shiu will discuss the just-announced proposed revisions to the EEO-1 form—a proposal that now includes parts of an earlier OFCCP plan to collect compensation data from many employers. They also will update meeting attendees on their collaborative work and efforts to administer and enforce federal nondiscrimination and affirmative action requirements.

11:00 a.m. **General Session: EEOC's 2016
Policy and Enforcement Update
— Part II**

Victoria Lipnic, Commissioner, Equal
Employment Opportunity Commission

Our second EEOC keynote presentation by EEOC Commissioner Vicki Lipnic will feature the perspectives of one of the commission's Republican members, who will share her views on some of the more challenging regulatory and policy issues in front of the commission. Ms. Lipnic also will discuss the ongoing work of the EEOC's Select Task Force on the Study of Harassment in the Workplace, which she co-chairs, and provide attendees with some insights into what the practical outcomes of the Task Force's work might be.

12:00 p.m. **Association Business Meeting:
Director and Officer Elections**

12:30 p.m. Networking Luncheon

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Thursday, March 17, 2016 (cont'd)

**2:30 p.m. Breakout Session I:
The Intensifying Regulation of
the U.S. Workplace**

Michael J. Eastman, EEAC Vice President
Public Policy

Lance E. Gibbons, EEAC Senior Counsel

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

Over the past seven years, the OFCCP has pursued one of the most aggressive regulatory, policy, and enforcement agendas in the agency's history culminating in new disability and veteran regulations, an expanded scheduling letter, and the collection of more and more detailed information and data. Just as compliance with these new requirements has begun to take shape, the last two years have resulted in a raft of new executive orders addressing "pay equity," LGBT nondiscrimination, minimum wage, "fair pay and safe workplaces" (blacklisting) and more. In this session, EEAC Staff will review where we have come, where we are now, and where we are headed in the future in terms of federal contractor regulatory obligations.

**4:15 p.m. A Review of (and Lessons
Learned From) OFCCP's Recent
Settlements and Enforcement
Actions**

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

John R. Annand, EEAC Counsel

Joseph R. Vele, EEAC Counsel

2015 was a strange year for OFCCP enforcement. The agency completed the lowest number of audits ever during Director Patricia Shiu's administration. In the past two years, the agency has found fewer violations, as a percentage of all audits, than at any time since 2008. Contractors have not seen Corporate Scheduling Announcement Letters (CSALs) since the fall of 2014. At the same time, OFCCP has pushed to publicize itself to employees like never before with the new Class Member Locator online tool and a host of colorful new posters and outreach materials. In this session, EEAC Staff will take a look at the effects, if any, on OFCCP settlements, where the agency finds "success," and how.



**2:30 p.m. Breakout Session II:
EEAC's McDowell Legal Forum**

Rae T. Vann, EEAC Vice President and
General Counsel (moderator)

John R. Annand, EEAC Counsel

Michael J. Eastman, EEAC Vice President
Public Policy

Lance E. Gibbons, EEAC Senior Counsel

John Schmelzer, Acting Program Manager,
Office of Field Programs, EEOC

Martin Ebel, Director, Field Management
Programs, Office of Field Programs, EEOC

This session, moderated by Rae Vann, will give member company in-house employment counsel an invaluable opportunity to meet, as well as to benchmark and exchange best practices with one another on employment law developments in a confidential, "off-the-record" setting.

5:30 p.m. Networking Reception

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**7:00 p.m. Networking Dinners – Offsite
(Advance Registration Required
at Member Services Desk)**

Continuing Legal Education (CLE)

EEAC intends to apply for CLE credit from select jurisdictions for our 2016 Annual Membership Meeting and Policy Conference. In addition, attorneys in attendance may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. [For Illinois CLE details, click here.](#)

Friday, March 18, 2016

7:30 a.m. MemberAssist Live! Breakfast Reception

9:00 a.m. General Session: The Emphasis on Equal Pay: A Review of Federal and State-Level Developments Affecting Pay Discrimination Risks

Rae T. Vann, EEAC Vice President and General Counsel

Lance E. Gibbons, EEAC Senior Counsel

Chris Gokturk, EEAC Senior Advisor, Compliance Policy

Joseph R. Vele, EEAC Counsel

The risk of liability for individual and systemic pay discrimination remains very real for EEAC members, as federal and state enforcement agencies take new – and sometimes unconventional – approaches to analyzing and investigating employer compliance with pay discrimination requirements. In this plenary session, a panel of EEAC experts will lay out recent federal and state-level changes that affect the risk calculus for pay discrimination claims – including the high-profile amendments to the equal pay laws of California and New York – and offer practical suggestions for EEAC members to more effectively identify and mitigate their pay discrimination risks.

10:15 a.m. Checkout Break

10:45 a.m. Understanding and Managing Workplace Risk Under the Fair Labor Standards Act (FLSA)

Robert J. O'Hara, EEAC Chair, United Technologies Corporation (moderator)

Jillian D. Laughna, Associate, Wiley Rein LLP

John R. Annand, EEAC Counsel

2015 was another record year for individual lawsuits, class or “collective” actions, and U.S. Department of Labor investigations under the federal Fair Labor Standards Act (FLSA). From minimum wage, rest time, and overtime claims, to allegations that employers are intentionally “misclassifying” workers as independent contractors, EEAC members face a real and significant challenge ensuring that their organizations remain fully compliant with the FLSA’s complex regulations and tests. During this plenary session, a panel of attorneys will identify and explain the most significant workplace risks under this nearly 80-year old law, including DOL’s increased focus on worker misclassification, tests and guidance on classifying workers as independent contractors or employees, and the proposed revisions to the FLSA “white collar” exemption.

11:45 a.m. Closing Remarks & Adjournment



Attendee Registration

To register: <http://www.eeac.org/amm>

Register by:

Registration Fee:

February 15 – March 18	\$950
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EEAC's 2016 Annual Meeting and Policy Conference is open only to EEAC members. For information about membership in EEAC, please contact Samantha Wittie (202-629-5633, swittie@eeac.org)

Cancellation policy: Full refunds for cancellations or credit towards another EEAC program will be made if a written request is received by EEAC more than 30 calendar days before the date of the program for which you are registered. A fifty percent (50%) refund or credit toward another EEAC program will be made if a written request is received by EEAC between 15 and 30 calendar days before the date of the program. Participants who cancel fewer than 15 calendar days prior to the event are not eligible for a refund, but are encouraged to notify EEAC for event planning purposes. Registered attendees may transfer their registration to another person from the same member company at no cost at any time in advance of the meeting, when requested in writing.

Failure to notify EEAC of a cancellation before the deadlines described above will result in no portion of the registration fee being refunded. With the exception of transfers for the same event to another person from the same member company, as described above, credits to a future EEAC program will not be offered.

Refunds for cancellations are processed after the program's date of completion.

Attendee Lodging

JW Marriott Hotel
1331 Pennsylvania Avenue NW
Washington, DC 20004
1-800-393-2503

Attendees must make their own reservations at the EEAC special rate of \$379/night, which expires February 15, 2016. Attendees will be charged a room deposit immediately, equivalent to their first night of reserved lodging. Reserve your lodging by calling the number above or [click here to reserve online](#).

Reservations made after the lodging deadline are subject to prevailing room rates and availability.

Sponsorship Opportunities

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

