

2017



FALL
COMPLIANCE
CONFERENCE

OCTOBER 18-20 / NEW ORLEANS, LOUISIANA

PRELIMINARY AGENDA



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12:00 PM

REGISTRATION AND NETWORK RECEPTION

12:15 PM

FIRST-TIME ATTENDEE ORIENTATION

1:00 PM

WELCOME | PRESIDENT'S AND CHAIR'S ADDRESS

1:30 PM

REGULATORY, POLICY, AND ENFORCEMENT UPDATE

Our conference kicks off with a panel of EEAC's staff attorneys running down the latest developments affecting employer compliance, diversity, and risk management programs, including updates on agency leadership changes, EEOC's pending EEO-1 revisions, OFCCP's scheduling letter and audit management approach, DOL Wage and Hour Division enforcement priorities, NLRB policy changes, and much more.

3:15 PM

HOW CHANGES TO FEDERAL RACE/ETHNICITY CATEGORIES COULD IMPACT COMPLIANCE AND DIVERSITY PROGRAMS

The federal government is considering changes to the race and ethnicity classification system that serves as the framework for most compliance and diversity programs, including a new "Middle Eastern or North African" category and the return of the single-question format for tracking these data in one field. This session will examine the practical implications these changes might have to the systems, forms, and procedures employers use to support both their compliance and diversity initiatives.

4:00 PM

WHAT EMPLOYERS CAN LEARN FROM OFCCP'S BANNER YEAR OF SETTLEMENTS AND ENFORCEMENT

2017 has been a record year for OFCCP settlements and litigation, with more cases being filed, and more financial settlements being brokered, than any other similar period in recent memory. In this session, we'll discuss the key takeaways from these recent lawsuits and settlements, explain what got these employers in OFCCP's crosshairs, and point out specific suggestions for how our members can avoid becoming the next target of an OFCCP lawsuit or allegation of unlawful discrimination.

5:30 PM

WELCOME RECEPTION

7:30 AM

NETWORK MEETINGS

9:15 AM

BREAKOUT SESSIONS**CRASH COURSE: SELF-IDENTIFICATION RULES AND TALENT ACQUISITION COMPLIANCE**

Our first crash course of the day will examine the basic rules on applicant and employee self-identification, with a special focus on their impact to the talent acquisition process. From race, ethnicity, and gender to disability, veteran, and LGBT status, this session will explain the proper format, timing, and use of self-identification data for compliance, diversity, and risk management purposes, including a review of sample forms and templates for collecting these data.

FIVE IMPORTANT TIPS FOR EFFECTIVE WORKPLACE INVESTIGATIONS

Being able to “get to the bottom” of suspected or alleged workplace misconduct is one of the most important skills that HR compliance professionals and in-house employment lawyers need to have, as it’s always just a matter of time before a workplace investigation will be necessary. In this session, experienced experts will share their five most important tips for planning, executing, and concluding effective workplace investigations.

ROONEY, RICCI, AND RACE: HOW DIVERSITY CONSIDERATIONS CAN AND SHOULD BE USED IN EMPLOYMENT DECISIONS

Private-sector employers sometimes use the NFL’s “Rooney Rule” – which requires teams to interview minority candidates when filling certain positions – as a model for their own diversity and inclusion efforts. But considering race and gender when making employment decisions isn’t without its own risks, as the Supreme Court pointed out in *Ricci v. DeStefano*. This session will examine how employers can lawfully consider, and use, diversity-related demographics when designing and implementing their compliance and diversity programs.

10:45 AM

BREAKOUT SESSIONS**WHAT A GOOD OFCCP DESK AUDIT SUBMISSION LOOKS LIKE**

Starting an OFCCP audit off on the “right foot” can go a long way to ensuring a smooth and successful audit process. It also increases the likelihood the audit will close without any findings of noncompliance. This session will identify the hallmarks of a “good” desk audit submission, including a discussion of the specific statistical, narrative, and even format characteristics agency compliance officers look for when performing their initial desk audit review.

EXECUTING A DEFENSIBLE REDUCTION IN FORCE

Properly designing and executing a reduction in force can help reduce an employer’s exposure to liability for systemic race, sex, and age discrimination, for failing to provide adequate advance notice of employee layoffs, and for terminating an employee on job-protected leave when the RIF is implemented. This session will highlight the legal and practical considerations EEOC members should consider in planning and implementing a defensible RIF, covering each stage of a typical RIF process from preparation to implementation.

INNOVATIVE STRATEGIES FOR ENGAGING INDIVIDUALS WITH DISABILITIES

Forward-looking companies have leveraged innovative strategies to recruit, hire, and engage associates with disabilities, ensuring a culture of compliance that produces results of excellence. In this session, Joyce Bender – an international disability advocate and business executive – will discuss today’s trends in tools and activities that increase self-identification and produce business value. Learn about the critical success factors of early-career-focused talent programs; communication and training initiatives; digital accessibility innovation; and tracking, reporting and analytical tools.

12:00 PM

EMPLOYMENT POLICY UPDATE LUNCHEON

2:00 PM

BREAKOUT SESSIONS

STATE AND LOCAL PAY EQUITY DEVELOPMENTS

The states of California, New York, and Massachusetts are leading the way in making it easier for employees to challenge, and much more difficult for employers to defend, almost any pay difference that might be perceived as “unfair.” From prohibiting salary history inquiries to forcing disclosure of “pay gap” data, these requirements expose employers to greater legal and public relations risks. This session will cover the latest state and local pay equity developments and offer practical tips for minimizing the risks they present.

CRASH COURSE: WAGE AND HOUR COMPLIANCE

The federal Fair Labor Standards Act is a notoriously complicated law, and even the most seasoned compliance, risk management, and legal professional can get tripped up trying to apply its 80-year old provisions to the realities of today’s work environment. Our “crash course” on wage and hour compliance will identify and explain the top FLSA risks facing employers today, and offer useful tips on how to avoid becoming the target of a major FLSA investigation or lawsuit.

THE AFTERMATH OF STATISTICAL SIGNIFICANCE

Statistics are critically important to monitoring and enforcing compliance with workplace requirements, especially when systemic hiring and pay discrimination claims are involved. But the law tells us that statistics should inform these claims, not serve as the beginning, middle, and end of them. This session will offer practical suggestions for what employers can do – after the “math” is done – to resolve statistical indicators or to rebut the presumptions that problematic statistics create.

FOR ATTORNEYS ONLY

OFF THE RECORD: L&E COUNSEL FORUM

For in-house labor and employment attorneys only. Facilitated by EEAC General Counsel Rae Vann and attorneys from the Association’s Office of the General Counsel, this no-agenda, open-forum session provides labor and employment lawyers an opportunity to discuss the most pressing workplace compliance litigation and liability risks they’re facing, and to benchmark and exchange best practices in a confidential, “off-the-record” setting.



3:30 PM

BREAKOUT SESSIONS

GUARDING AGAINST FLSA "OFF-THE-CLOCK" LIABILITY

Under the Fair Labor Standards Act, nonexempt employees must be compensated whenever they are "suffered or permitted to work." But is checking email for 15 minutes on a mobile device "after hours" compensable time? What if it's over the weekend? Does it make any difference if the device wasn't provided by the employer? This session will examine these and other "off-the-clock" risks that all compliance professionals and in-house employment counsel should be aware of.

BEST PRACTICES FOR CENTRALLY MANAGING AND TRACKING LOCAL GOOD FAITH EFFORTS

For larger employers in particular, one of the more challenging aspects of managing compliance with OFCCP-enforced outreach and recruitment requirements is finding a way to centrally encourage – and keep track of – local good faith efforts. Using examples from our own members, this session will explore approaches that have proven effective in driving outreach and recruitment efforts by those who are closest to the hiring process – where they often do the most good.

CRASH COURSE: WORKPLACE IMMIGRATION COMPLIANCE

Whether you're new to the field of workplace compliance and risk management, or just need a refresher on the fundamentals, our crash course on workplace immigration compliance will explain the key requirements you need to know, including what employers can and cannot ask during the job application process, how this information can and cannot be used when making selection decisions, and even a quick rundown of the "alphabet soup" of work-related visas.

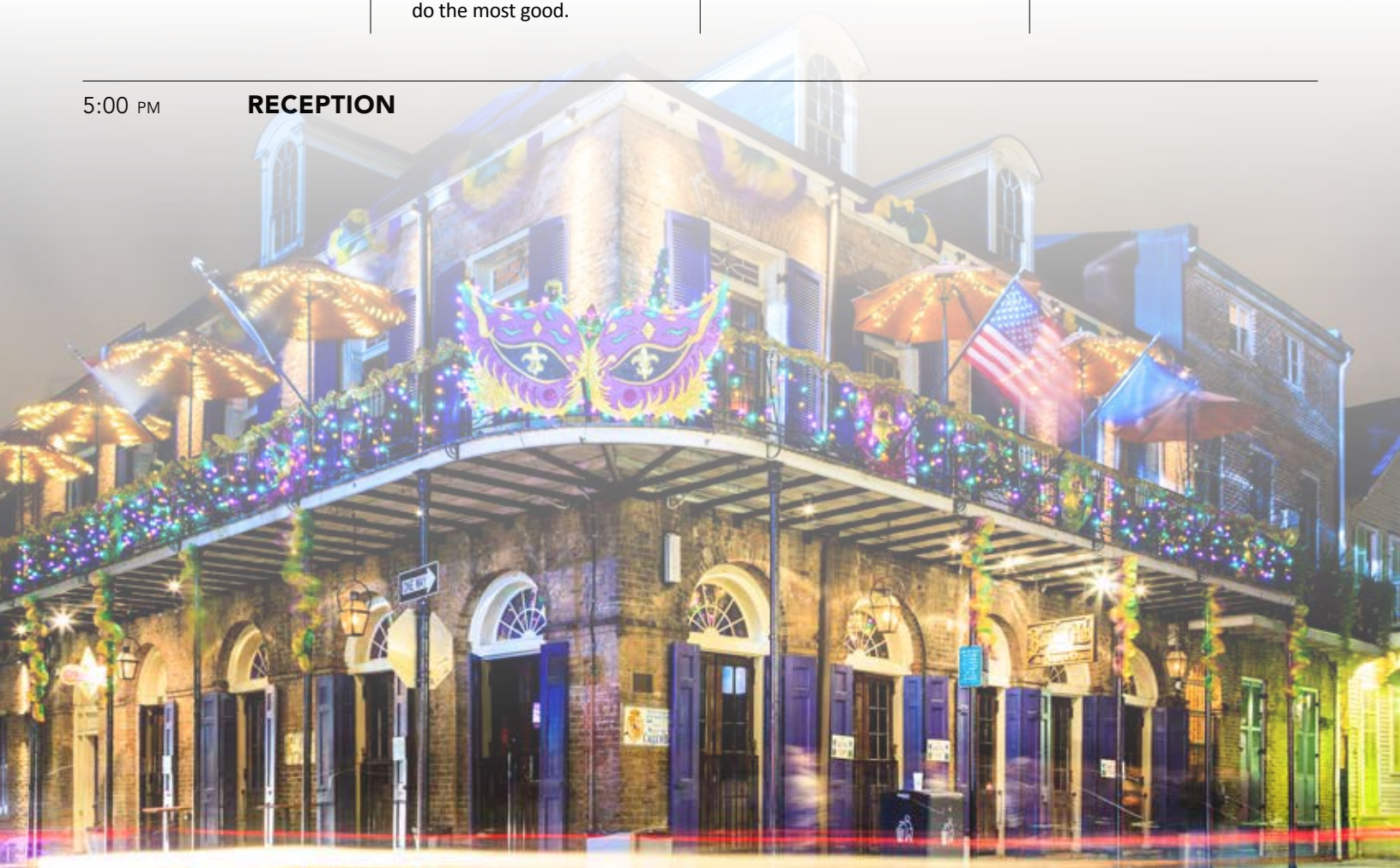
FOR ATTORNEYS ONLY

OFF THE RECORD: L&E COUNSEL FORUM

Part II of our no-agenda, open-forum session for labor and employment lawyers provides another 90 minutes of confidential, "off-the-record" discussion on today's most significant labor and employment requirements and risks.

5:00 PM

RECEPTION



8:00 AM

OPEN FORUM ON COMPLIANCE, DIVERSITY, AND WORKPLACE RISK MANAGEMENT

One of the most valuable benefits of being an EEAC member is the ability to contact us at any time for information, guidance, or “sounding-board” discussions on workplace compliance, diversity, and risk management issues. Our *MemberAssist* benefit takes on a personal touch in this open-forum breakfast, where members engage our staff and each other on the most pressing compliance, legal, and policy questions they’re facing.

10:30 AM

STRATEGIES FOR RESPONDING TO SHAREHOLDER PAY EQUITY INITIATIVES

Institutional shareholders have been mounting an intensifying campaign on pay equity, including efforts to force employers into disclosing information about their gender “pay gaps” and the specific steps being taken to address them. While there’s no one-size-fits-all approach for responding to these initiatives, our expert panel of member company representatives will share their thoughts and a few practical insights gained from their own experiences on how employers can manage them.

12:00 PM

CONFERENCE ADJOURNS**SPONSORS**

CONTINUING LEGAL EDUCATION

EEAC intends to apply for CLE credit in select jurisdictions for our 2017 Fall Compliance Conference. In addition, attorneys in attendance may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states.

CLE Financial Aid Policy— Illinois: EEAC may, at its discretion, waive the course fee for any attorney, member or non-member, who wishes to attend an Association program, but for whom the cost would be a financial hardship. Requests for tuition waivers along with an explanation of hardship must be received in writing at least seven days before the program via email at info@eeac.org. Requests for tuition waivers cannot be accepted at the door.

SHRM & HRCI CERTIFICATION

EEAC, an approved SHRM recertification provider and HRCI approved provider, intends to apply for recertification credit with each of these organizations for our 2017 Fall Compliance Conference.

REGISTRATION

The registration fee for EEAC's 2017 Fall Compliance Conference is:

DATE	FEE
Through September 18	\$899
September 19 and after	\$950

LODGING

The Roosevelt New Orleans
130 Roosevelt Way
New Orleans, LA 70112
therooseveltneworleans.com

EEAC's discounted group rate is \$299/night. Reserve online or by calling 504-648-1200.

SPONSORSHIP OPPORTUNITIES

Contact Samantha Wittie at swittie@eeac.org or 202-629-5633.

CANCELLATION POLICY

Full refunds for cancellations or credit toward 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 50 percent 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 employer 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 employer, credits to a future EEAC program will not be offered. Refunds for cancellations are processed after the program is completed.

QUESTIONS

Contact Samantha Wittie at swittie@eeac.org or 202-629-5633.