



# CWC 2018 **POLICY** CONFERENCE

MARCH 7-9, 2018 | WASHINGTON, D.C.

## AGENDA



CENTER FOR  
**WORKPLACE**  
COMPLIANCE

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**11:00 AM REGISTRATION AND NETWORK RECEPTION**

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**12:15 PM FIRST-TIME ATTENDEE ORIENTATION**

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**1:00 PM WELCOME | PRESIDENT'S AND CHAIR'S ADDRESS**  
**Joe Lakis** CWC PRESIDENT  
**Valerie Vickers** EXECUTIVE DIRECTOR OF ENTERPRISE AFFIRMATIVE ACTION, JPMORGAN CHASE

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**1:15 PM DOL'S REGULATION OF THE U.S. WORKPLACE**  
 The U.S. Department of Labor plays one of the most important roles in developing and enforcing the rules governing the employer-employee relationship. In this keynote presentation, former DOL official Tammy McCutchen will share her perspective on the Trump Administration's DOL policy and enforcement priorities, with a focus on the laws enforced by DOL's Wage and Hour Division and how new priorities are likely to impact our members' workplace compliance obligations.  
**Tammy D. McCutchen** PRINCIPAL, LITTLER MENDELSON P.C., FORMER DOL ADMINISTRATOR, WAGE AND HOUR DIVISION

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**2:00 PM NLRB REBOOT: WHAT TO EXPECT UNDER A REPUBLICAN ADMINISTRATION**  
 The National Labor Relations Board was especially aggressive during the Obama Administration in expanding its jurisdiction beyond the traditional role of resolving labor-management disputes, including targeting a wide variety of commonsense employer policies and practices that have little direct relationship to federal labor law. This presentation will explore recent precedent-changing NLRB decisions covering employer policies, work rules, and the joint-employer doctrine, as well as additional actions we can expect under the first Republican-controlled NLRB in more than ten years.

**Brian E. Hayes** SHAREHOLDER, OGLETREE DEAKINS FORMER MEMBER, NATIONAL LABOR RELATIONS BOARD

**2:45 PM THE REGULATION OF THE U.S. WORKPLACE: EEOC'S PERSPECTIVE**  
 As the nation's chief workplace civil rights enforcement agency, the U.S. Equal Employment Opportunity Commission plays a key role in shaping the fair employment efforts of most large employers, including every CWC member. In this keynote presentation, EEOC Acting Chair Victoria A. Lipnic will discuss some of the agency's long- and short-term strategic enforcement priorities and how they are likely to impact our members in the areas of pay equity, EEO-1 reporting, wellness, systemic discrimination, and data collection.

**Victoria A. Lipnic** ACTING CHAIR, EEOC

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**3:30 PM BREAK**

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**3:45 PM THE REGULATION OF THE U.S. WORKPLACE: OFCCP'S PERSPECTIVE**  
 During this keynote presentation, OFCCP Director Ondray Harris will share his goals for the agency and provide CWC members with the first preview of how employer interactions with OFCCP might change under his leadership. He'll also discuss OFCCP's new operational and policy priorities, including new initiatives related to workforce development, compliance assistance, federal contractor recognition programs, and more.  
**Ondray T. Harris** DIRECTOR, OFCCP

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**4:30 PM CWC'S "DAILY DEBRIEF"**  
 Our staff experts review, analyze, and provide some fun color commentary on the major legal, regulatory, policy, and enforcement issues discussed throughout the day. These new, daily "debrief" sessions give conference attendees a chance to ask questions and explore the practical implications behind existing and anticipated workplace policy requirements in an off-the-record, members-only setting.

**CWC Staff**

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**5:30 PM WELCOME RECEPTION**

**7:00 AM BREAKFAST****7:30 AM NETWORK MEETINGS**

Meet with fellow members to discuss real-world compliance challenges and solutions in a confidential, off-the-record setting.

✓ **TALENT ACQUISITION AND APPLICANT TRACKING SYSTEMS**

Are you getting the most out of your applicant tracking systems and procedures? Have other CWC members been down the same road with the same ATS and learned a thing or two that can save you time and money? Join this discussion to learn about peer-driven best practices and get answers to ATS challenges from fellow CWC members.

**Chris Gokturk** CWC SENIOR ADVISOR,  
COMPLIANCE POLICY

**Danny Petrella** CWC SENIOR COUNSEL

✓ **FUNCTIONAL AFFIRMATIVE ACTION PROGRAMS**

Are you currently managing one or more functional AAPs? Or thinking about asking OFCCP to approve a functional plan structure? Participate in this private discussion with fellow CWC members who have experienced both the successes and challenges of developing, implementing, and defending functional AAPs.

**Lance Gibbons** CWC ASSISTANT GENERAL COUNSEL

**Matt Nusbaum** CWC SENIOR COUNSEL

✓ **COMPLIANCE AND DIVERSITY BEST PRACTICES**

Is there a workplace compliance or diversity policy or practice you'd like to kick around with your peers? Are you in the process of evaluating - or implementing - a new human resources information system such as Workday, Oracle, SAP, or PeopleSoft? Engage with fellow CWC members in this open-forum discussion around workplace compliance and diversity best practices.

**John Annand** CWC COUNSEL

**Michelle Sumner** CWC COUNSEL

**Joe Vele** CWC COUNSEL

**8:30 AM WORKPLACE LEGISLATIVE PRIORITIES: A VIEW FROM CAPITOL HILL**

In this special session, two leading Members of Congress will deliver keynote presentations on different aspects of the employment policy agenda on Capitol Hill.

Representative Bradley Byrne will discuss the Workforce Protections Subcommittee's workplace legislative priorities, including oversight of the Department of Labor and Equal Employment Opportunity Commission and targeted legislation to reverse controversial Obama Administration initiatives and to implement important reforms.

Representative Mimi Walters will discuss her efforts to craft legislation that would incentivize employers to offer meaningful workplace flexibility and paid leave programs without imposing a one-size-fits-all solution.

**U.S. Rep. Bradley Byrne (R-AL)** CHAIRMAN OF THE HOUSE EDUCATION AND WORKFORCE COMMITTEE'S SUBCOMMITTEE ON WORKFORCE PROTECTIONS

**U.S. Rep. Mimi Walters (R-CA)** SPONSOR OF THE WORKFLEX IN THE 21ST CENTURY ACT

**9:30 AM REGULATORY POLICY IN THE TRUMP ADMINISTRATION**

One of President Trump's first priorities upon assuming office one year ago was to embark on a concerted effort to scale back federal regulation and reform the regulatory state. But even as this deregulatory agenda begins to take shape, CWC members continue to grapple with a litany of workplace regulatory requirements - many of which are not likely to go away any time soon. In this plenary session, Jeff Harris, a key member of the Trump Administration's regulatory affairs team, will update members on the significant policy changes that are already affecting how workplace regulators do business and provide his insights into how the Administration is likely to approach regulating in the future.

**Jeffrey Harris** ASSOCIATE ADMINISTRATOR,  
OFFICE OF INFORMATION AND REGULATORY AFFAIRS -  
OFFICE OF MANAGEMENT AND BUDGET

**10:15 AM ASSOCIATION BUSINESS MEETING: DIRECTOR ELECTIONS**

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10:30 AM **BREAK**

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10:45 AM **DOL WAGE AND HOUR UPDATE**

DOL's Wage and Hour Division enforces some of the nation's most important workplace compliance standards, including federal minimum wage, overtime, and family leave laws. In this plenary session, WHD's Deputy Administrator Bryan Jarrett and Senior Policy Advisor Keith Sonderling will discuss how the Trump Administration has already begun changing wage and hour policy, and offer their insights into WHD's near-term and longer-term policy and enforcement priorities.

**Bryan Jarrett** DEPUTY ADMINISTRATOR, WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

**Keith Sonderling** SENIOR POLICY ADVISOR, WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

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12:00 PM **NETWORKING LUNCH AND ASSOCIATION BUSINESS MEETING: DIRECTOR AND OFFICER ELECTIONS**

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1:30 PM **BREAK**

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2:00 PM **BREAKOUT SESSIONS**

✓ **#1 - SHAREHOLDER INITIATIVES: A NEW CAMPAIGN FOR PAY EQUITY**

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, this session will explore potential responses to these requests as well as proactive - and practical - steps that employers can take.

**Lance Gibbons** CWC ASSISTANT GENERAL COUNSEL

**Joe Lakis** CWC PRESIDENT

✓ **#2 - DIVERSITY IN THE TECH INDUSTRY**

While the technology industry has made great strides in diversity over the last ten years, a recent report by the United States Government Accountability Office (GAO) highlights the challenges that still exist. This session will explore the highlights of GAO's report, including the roles that both EEOC and OFCCP play in ensuring that tech industry companies comply with their nondiscrimination and affirmative action requirements, as well as GAO's recommendations for addressing a host of diversity-related issues.

**Matt Nusbaum** CWC SENIOR COUNSEL

**Danny Petrella** CWC SENIOR COUNSEL

✓ **#3 - WORKPLACE IMMIGRATION ENFORCEMENT**

The Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) agency employs a three-part workplace immigration strategy: compliance; enforcement; and outreach. The enforcement component has received significant attention lately with the arrest of both employers alleged to have knowingly hired undocumented workers and workers alleged to have violated work authorization laws. This presentation will review the increased enforcement activities and trends of ICE as well as other immigration-related worksite compliance, enforcement, and outreach changes we can expect during the Trump Administration.

**Mike Bracken** CWC SENIOR COUNSEL

**Michelle Sumner** CWC COUNSEL

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3:00 PM **BREAK**

3:15 PM

**OFCCP'S LITIGATION AND ENFORCEMENT AGENDA**

In the weeks leading up to President Trump's inauguration, the U.S. Department of Labor's Office of the Solicitor filed ten separate administrative enforcement actions against federal contractors on behalf of DOL's Office of Federal Contract Compliance Programs, an unprecedented level of activity that exceeded the total number of OFCCP-related lawsuits in any given fiscal year during the Obama Administration, except for one. In this general session, a DOL attorney from the Solicitor's Office will brief attendees on OFCCP's current litigation agenda, share his perspectives on recent key OFCCP settlements, and offer his suggestions on best practices federal contractors can employ to help avoid common compliance issues and make audits run more smoothly.

**Keir Bickerstaffe** COUNSEL FOR INTERPRETATION AND ADVICE, U.S. DEPARTMENT OF LABOR - CIVIL RIGHTS AND LABOR MANAGEMENT DIVISION

4:00 PM

**2018 SUPREME COURT UPDATE**

SCOTUSblog publisher and advocate Tom Goldstein rounds out the day's general sessions with his lively and always popular take on the U.S. Supreme Court. Tom will offer his predictions on how the Court will rule on two issues of particular interest to employers involving (1) the legality of arbitration class waiver provisions and (2) the degree of deference owed to federal workplace regulators, including the DOL and EEOC. He'll also offer his thoughts on how the High Court's decisions in these cases might affect employer compliance and risk mitigation efforts, and share insights into what other significant cases may be in the Court's pipeline.

**Tom Goldstein** PARTNER, GOLDSTEIN & RUSSELL, P.C.  
PUBLISHER, SCOTUSBLOG

4:45 PM

**CWC'S "DAILY DEBRIEF"**

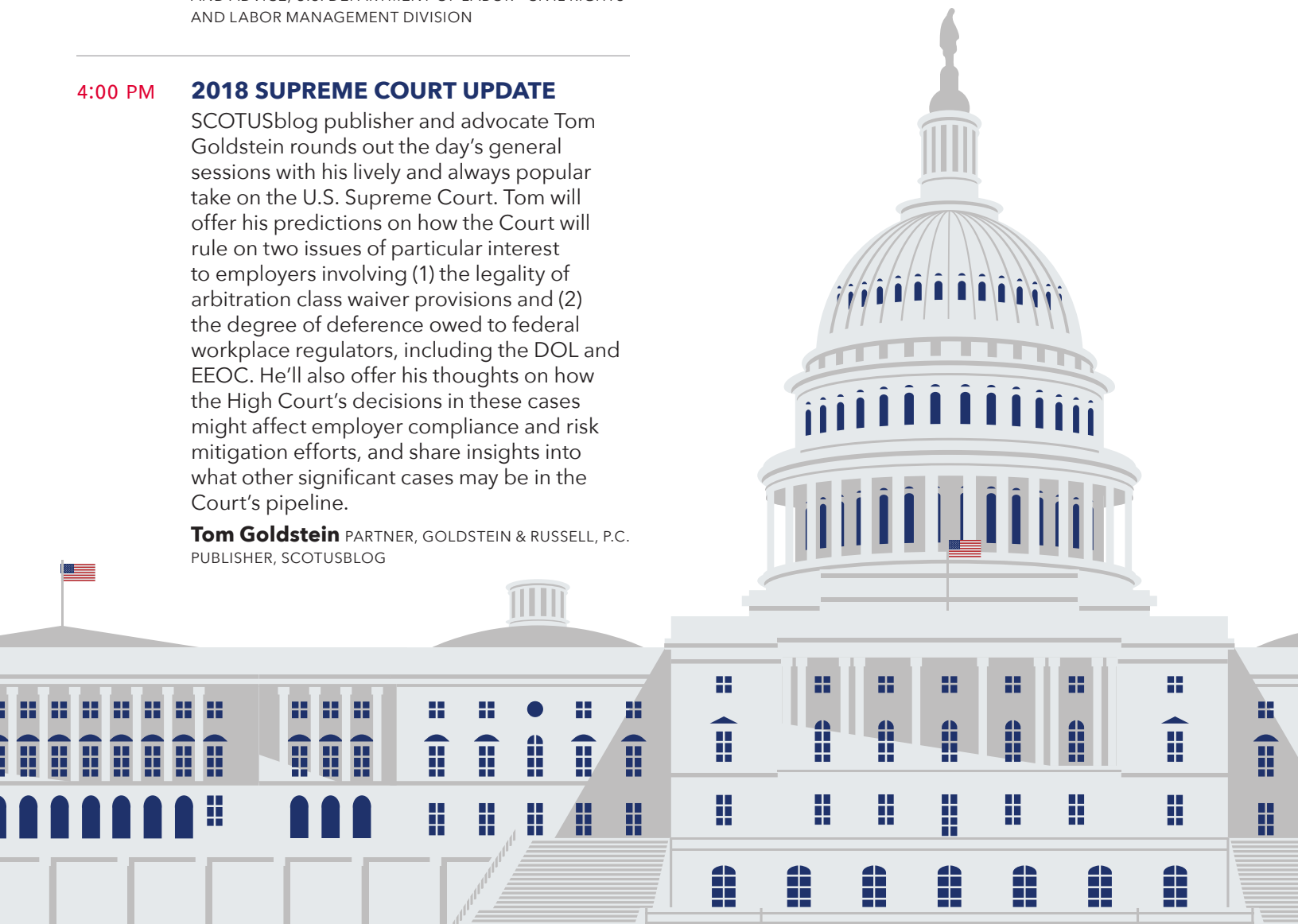
Our staff experts review, analyze, and provide some fun color commentary on the major legal, regulatory, policy, and enforcement issues discussed throughout the day. These new, daily "debrief" sessions give conference attendees a chance to ask questions and explore the practical implications behind existing and anticipated workplace policy requirements in an off-the-record, members-only setting.

**CWC Staff**

6:15 PM

**NETWORK DINNERS**

8:00 PM

**EVENING RECEPTION**

**8:00 AM "OUR TAKE"**

You've heard from the regulators, pundits, and policymakers ... now hear from your staff about what it all means! This breakfast session combines the features of our traditional Staff Update with the informal and interactive format of our *MemberAssist* Live! Breakfast, where CWC staff discuss and answer your questions on workplace compliance, risk management, and diversity and inclusion in a confidential, members-only setting.

**CWC Staff**

**9:30 AM BREAK****10:00 AM ENFORCING WORKPLACE ANTI-HARASSMENT LAWS IN THE #METOO AGE**

Against the backdrop of widening sexual harassment and abuse scandals affecting employers across industries and regions, EEOC Acting Chair Victoria A. Lipnic will update conference attendees on the Commission's intensifying efforts to prevent, identify, and remedy this stubborn workplace compliance problem. Building on her experience as co-chair of the EEOC's Select Task Force on the Study of Harassment in the Workplace, she'll share her thoughts on specific steps employers can take immediately to prevent and address sexual harassment, minimize harassment-related liability and risk, and foster a welcoming and inclusive work environment for all.

**Victoria A. Lipnic** ACTING CHAIR, EEOC

**11:00 AM COMPANY PANEL: PRACTICAL STRATEGIES FOR PREVENTING WORKPLACE HARASSMENT**

Our final session of the conference features a distinguished panel of CWC member representatives who will explain how they are addressing the challenges - and opportunities - presented by the renewed national dialogue on sexual harassment and misconduct. The panelists will share their tips, strategies, and lessons learned for minimizing workplace harassment and maximizing proactive prevention efforts.

**Michele Conte** AMERISOURCEBERGEN

**Denise Fields** FINRA

**Tyrone Redden** KAISER PERMANENTE

**Dan Whitfield** EXXONMOBIL

**12:00 PM CLOSING REMARKS**

**Joe Lakis** CWC PRESIDENT

**12:15 PM CONFERENCE ADJOURNS****SPONSORS**

JPMORGAN CHASE & CO.



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### CONTINUING LEGAL EDUCATION

CWC intends to apply for CLE credit in select jurisdictions for our 2018 Policy 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: CWC 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@cw.org](mailto:info@cw.org). Requests for tuition waivers cannot be accepted at the door.

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### SHRM & HRCI CERTIFICATION

CWC, an approved SHRM recertification provider and HRCI approved provider, intends to apply for recertification credit with each of these organizations for our 2018 Policy Conference.

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### REGISTRATION

The registration fee for CWC's 2018 Policy Conference is:

**\$950**

\*Group Discounts Available

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### LODGING

Marriott Marquis, Washington, DC  
901 Massachusetts Ave NW  
Washington, DC 20001

<https://aws.passkey.com/gt/213863372?gtid=ffd3fc89a618e6ad6ce7bb13fadcf4e1>

CWC's discounted group rate of \$355/night is available through February 21. Reserve online or by calling 888-236-2427.

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### SPONSORSHIP OPPORTUNITIES

Contact Samantha Wittie at [swittie@cw.org](mailto:swittie@cw.org) or 202-629-5633.

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### CANCELLATION POLICY

Full refunds for cancellations or credit toward another CWC program will be made if a written request is received by CWC more than 30 calendar days before the date of the program for which you are registered. A 50 percent refund or credit toward another CWC program will be made if a written request is received by CWC between 15 and 30 calendar days before the date of the program. Attendees who cancel fewer than 15 calendar days prior to the event are not eligible for a refund, but are encouraged to notify CWC 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 CWC 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 CWC program will not be offered. Refunds for cancellations are processed after the program is completed.

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### QUESTIONS?

Contact Samantha Wittie at [swittie@cw.org](mailto:swittie@cw.org) or 202-629-5633.