



# THE OFCCP INSTITUTE

## COMPLIANCE CONFERENCE AGENDA

NOVEMBER 9-10, 2016

Edelman  
Aon Building  
200 E. Randolph  
Chicago, IL 60601

DAY 1: 9:00 AM TO 5:00 PM

DAY 2: 9:00 AM TO 3:30 PM

### Day 1 - OFCCP (November 9)

This OFCCP advanced training session provides detailed updates on the latest settlements and judicial decisions, OFCCP's revised and pending regulations, new executive orders, guidance and enforcement updates.

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| 8:30 to 9:00   | Registration and Breakfast   |
| 9:00 to 9:30   | Panel—Predictions on President Clinton's (or Trump's) Impact on EEOC and OFCCP— <i>David Fortney of Fortney &amp; Scott and Mickey Silberman of Jackson Lewis moderated by David Cohen of DCI Consulting</i>   |
| 9:30 to 10:45  | Update on OFCCP Enforcement and Summary of Recent Final Regulations— <i>What has occurred and what to expect—David Cohen, David Fortney and Mickey Silberman</i> <ul style="list-style-type: none"><li>• Overview of OFCCP FY2016 enforcement results</li><li>• Sex Discrimination Rule</li><li>• Fair Pay and Safe Workplaces (“Blacklisting”)</li><li>• EEO-1 Component 2 Report</li><li>• Joint Employment Issues for Contractors</li></ul> |
| 10:45 to 11:00 | Morning Break  |

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- 11:00 to 11:30 Overview of OFCCP's New Sex Discrimination Rule—*Shafeeqa Watkins Giarratani of Norton Rose Fulbright and Christy Kiely of Hunton & Williams*
- Expanded definition of sex
  - Compensation discrimination
  - Included new leave and medical coverage for pregnancy and childbearing
  - Prohibited sex based stereotyping
  - Appended best practices
- 11:30 to 12:25 How to Comply with the new Fair Pay and Safe Workplaces Regulations—*David Fortney and Jon Geier of Paul Hastings*
- Reportable violations
  - Disclosure requirements
  - Labor Compliance Advisors and Labor Compliance Agreements
  - Responsibility determinations
  - Paycheck transparency requirements
  - Restrictions on arbitration agreements
- 12:25 to 1:25 Networking Break - Lunch provided
- 1:25 to 2:25 Implications and Takeaways from ARB's decision in *Bank of America case*—*David Cohen and Carter Younger of McGuire Woods*
- 4<sup>th</sup> Amendment implications
  - Data aggregation and statistical analyses
  - Practical Significance
  - Burden of proof in pattern or practice claims of discrimination
- 2:25 to 2:35 Afternoon Break
- 2:35 to 3:15 Adverse Impact Analysis and the Internet Applicant Rule—*David Cohen and Shafeeqa Watkins Giarratani*
- Conducting a statistical disparity analysis
  - UGESP highest selected rule
  - Practical significance and statistical power
  - Internet applicant rule
- 3:15 to 3:25 Afternoon Break
- 3:25 to 4:00 New EEO-1 Report and what it requires of federal contractors—*David Cohen and David Fortney*
- W-2 Box one compensation
  - Hours worked for exempt employees
  - How evaluate compensation for EEO-1 Report
  - Statistical analyses of EEO-1 pay data
- 4:00 to 5:00 Panel on Successful Compliance Audits: Strategies for Responding to Scheduling Letter—*David Fortney, Jon Geier, Shafeeqa Watkins Giarratani, Christy Kiely,*

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*and Mickey Silberman moderated by David Cohen*

- Responding to data request
- Identification of indicators
- Onsite investigations

5:00 to 6:30

Post-Meeting Networking Reception

## Day 2 – OFCCP Compensation (November 10)

Day 2 provides further advanced material with a full day of detailed discussions of the most significant compensation challenges facing federal contractors.

8:30 to 9:00	Breakfast
9:00 to 9:30	Panel: Setting Stage for Compensation Day— <i>Mickey Silberman and Gary Siniscalco of Orrick Herrington &amp; Sutcliffe</i> <ul style="list-style-type: none"><li>• EEO-1 Report</li><li>• State equal pay laws</li><li>• Shareholder wage gap analyses</li><li>• OFCCP focus on pay discrimination</li></ul>
9:30 to 10:30	Compensation Legal Issues Every Federal Contractor Needs to Understand-- <i>Mickey Silberman and Gary Siniscalco</i> <ul style="list-style-type: none"><li>• Legal framework of Title VII and EO 11246</li><li>• OFCCP Directive 307</li><li>• Steering cases</li><li>• Conducting privileged compensation audits</li></ul>
10:30 to 10:45	Morning Break
10:45 to 11:20	State equal pay laws and impact for federal contractors— <i>David Fortney and Gary Siniscalco</i> <ul style="list-style-type: none"><li>• Review of Maryland, California, NY and Massachusetts Pay Equity Laws</li></ul>
11:20 to 12:10	EEOC Commissioner Chai Feldblum
12:10 to 1:00	Networking Break – Lunch Provided
1:00 to 2:15	Data Issues Every Federal Contractor Needs to Understand— <i>David Cohen and Paul White of Resolution Economics Group moderated by Jon Geier</i> <ul style="list-style-type: none"><li>• Conducting pro-active pay analysis</li><li>• Item 19 strategies</li><li>• Getting through a compliance evaluation</li></ul>
2:15 to 3:00	Update from the Solicitor’s Office on OFCCP evaluations and enforcement matters— <i>Consuela Pinto, Deputy Associate Solicitor, DOL, SOL Division of Civil Rights and Labor-Management</i>
3:00 to 3:30	<i>Putting It All Together</i> – Conference Co-Chairs Provide thoughts on next actions
3:30	Adjourn – Safe Travels

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