



Monday, July 31

2:00 PM – 7:00 PM	Registration/Hospitality Desk
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Tuesday, August 1 – PRE-CONFERENCE

6:30 AM – 7:00 PM	Registration/Hospitality Desk
6:30 AM – 8:30 AM	Continental Breakfast (pre-conference attendees)
8:30 AM – 10:00 AM	BREAKOUT SESSION 1
Workshop 1	<p>Part 1 of 4: AAP - History, Laws & First Data Steps <i>Nick Paul, Kairos Services, Inc.; Bill Osterndorf, DCI Consulting Group, Inc.</i></p> <p>First up, brief review of federal affirmative action laws and required AAP contents. Next, attendees will learn about the self-ID process and forms required for pre- and post- offer surveys as well as how to use data to evaluate outreach and for required recordkeeping. Common issues and challenges associated with pulling your data will be reviewed. Participants will learn how to assess the integrity of HRIS and ATS data and how to reconcile data.</p>
Workshop 2	<p>Innovative and Legal Considerations for Voluntary Self-Identification <i>Scott Kelly and Nonnie Shivers, Ogletree Deakins</i></p> <p>Does your organization struggle with responses to voluntary self-identification efforts? Society is changing. Younger generations are adding to number of “Do Not Wish to Disclose” responses which complicate effective compliance and DEIA initiatives. Has your organization grappled with providing an inclusive experience and environment and being limited by the current categories that are used for AAP and EEO-1 compliance purposes? In this session we discuss the legal and practical implications of an effective voluntary self-identification program. Join us to learn how to weigh the benefits of inclusive practices versus legal risks.</p>
Workshop 3	<p>The Internet Applicant Rule and Beyond: Data Refinement Strategies <i>Christopher Patrick and Michelle Duncan, Jackson Lewis P.C.</i></p> <p>This session will move beyond the four corners of the Internet Applicant Rule and explore topics such as ensuring proper applicant pool definition, treatment of rehires, internal applicants and selections (e.g. promotions/transfers), exploration of alternative statistical methodologies, and the like. The robust and interactive discussion of data refining concepts will empower attendees to engage in new ways of thinking about using data in hiring discrimination investigations and proactive, self-critical analysis. Participants will learn:</p> <ul style="list-style-type: none"> • How OFCCP investigates hiring discrimination • Advanced application of the Internet Applicant Rule • Strategic approaches beyond the Internet Applicant Rule to refine applicant and hires data in an OFCCP audit
Workshop 4	<p>Panel: How the Supreme Court’s Decision Affects AA in Admissions and Beyond <i>Marilynn Schuyler, Fisher Phillips LLP; Vern Granger, University of Connecticut; Christopher Metzler, National Urban League; Inderdeep Chatrath, Center for Workplace Compliance</i></p> <p>The Supreme Court decisions in the cases challenging affirmative action in admissions at Harvard and the University of North Carolina will be analyzed in this session. What now? What’s next? And what does this mean for federal contractors? These questions will be addressed in this interactive session. We will provide an opportunity for participants to share perspectives on the future of affirmative action, and strategies for maintaining (and expanding) diversity regardless of the outcome.</p>
Workshop 5	<p>New Independent Contractor Rule and OFCCP Compliance <i>Michael Bracken and Danny Petrella, Employment Advisory Services, Inc. (EASI)</i></p> <p>The U.S. Department of Labor is expected to finalize its updated independent contractor rule sometime in 2023, which will likely make it harder for employers to label workers as independent contractors, resulting in millions of workers gaining employee status. Such a change will have significant ripple effects throughout the workplace compliance landscape, including OFCCP reporting, recordkeeping, monitoring, and other regulatory requirements. In this session, we’ll discuss the impact of a new independent contractor rule on OFCCP and other employee-related compliance obligations.</p>
10:00 AM – 10:30 AM	Break

10:30 AM – 12:00 PM	BREAKOUT SESSION 2
Workshop 1	<p>Part 2 of 4: AAP Reports: Metrics & Analytics <i>Nick Paul, Kairos Services, Inc.; Matt Nusbaum, Biddle Consulting Group</i></p> <p>Learn to map job titles to census codes, identify feeder pools, assign weights and determine labor areas. If results don’t look reasonable, what are the options? This workshop covers the impact of job group creation on goals, disparities and compensation. Instructions are provided to help you perform analysis on under-utilization, data collection, outreach, comparing applicant data to external availability and identification of trends. How to use AAP metrics for your Diversity & Inclusion initiatives will also be reviewed.</p>



Workshop 2	<p>Identifying Roadblocks to Diversity in Your Hiring Process <i>Leann Walsh and Kathleen Parker, K&L Gates LLP</i></p> <p>We will share this information through an interactive discussion regarding identifying roadblocks to diversity in the hiring process. Potential roadblocks include: (1) non-diverse candidate pool, (2) accessibility issues, (3) implicit bias, (4) structure of the hiring process (e.g., interviewing model, lack of diversity of interviewers and hiring committee, lack of clarity regarding how to identify a successful candidate). We will include questions for the audience, hypotheticals, and real-world examples. This is important because conference attendees are encountering these roadblocks when they attempt to make DEIA progress at their businesses.</p>
Workshop 3	<p>Compensation 101: What Total Rewards Experts Wish Affirmative Action Experts Knew <i>Tony Magaro, Southwest Research Institute; Christine Hendrickson and Nancy Romanyshyn, Syndio; Adam Swanlund, Elevance Health</i></p> <p>What do you do when your employees are suddenly comp experts because of the pay transparency laws? What works? What doesn't? What do total rewards experts wish that affirmative action and compliance experts knew about how compensation is designed, set, and managed. In this session you will learn:</p> <ul style="list-style-type: none"> • What compensation experts do all day? • The magic of career frameworks • How to market benchmarking roles without violating the Antitrust laws. • The ins and outs of pay structures. <p>You will leave with a compensation 101 structure, a list of key terms, and answers to all of your total rewards questions.</p>
Workshop 4	<p>New Frontiers in State Affirmative Action Reporting <i>Bill Osterndorf, DCI Consulting Group, Inc.</i></p> <p>Affirmative action reporting requirements for state governments are a serious issue for employers. While most of the focus regarding states is on pay reporting, affirmative action reporting is often just as burdensome. In this session, we will learn:</p> <ul style="list-style-type: none"> • Why submitting federal affirmative action plans is the wrong answer for complying with state requirements • What sanctions states can use for non-compliance, including monetary penalties • How to interact with state governments that make burdensome requests
Workshop 5	<p>Interconnected - Examining Intersectionality in Harassment and Discrimination <i>Sheila Willis, Fisher Phillips LLP; Travis Nicholson, EEOC</i></p> <p>This presentation will include an overview on the concept of intersectionality, identify aspects of harassment and discrimination statistics related to intersectionality, and explore unique intersectionality trends and information, with a special emphasis exploring issues related to how women who are persons of color and LGBTQIA+ individuals who are also persons of color are impacted in the workplace in areas such as discrimination and pay equity.</p>
12:00 PM – 1:00 PM	Lunch (Pre-Conference Attendees Only) and Break

1:00 PM – 2:30 PM	BREAKOUT SESSION 3
Workshop 1	<p>Part 3 of 4: Drilling Into Data <i>Will Waymel, Kairos Services, Inc.</i></p> <p>Selection disparities are identified. Now what? This workshop provides practical steps when indicators are identified in the Impact Ratio Analysis Reports. In addition to learning how to examine the underlying data to ensure results can be trusted for a step analysis, participants will learn the effect of dispositions on applicant data and how OFCCP conducts disparity analyses and calculates backpay. This session will include selection disparities in hiring, promotions and terminations.</p>
Workshop 2	<p>How to Talk about Workplace Equity with All Stakeholders <i>Maria Colacurcio and Christine Hendrickson, Syndio</i></p> <p>This session is for leaders facing the pressures of increased transparency around workplace equity, for companies that are already (or soon will be) required by law to post salary ranges or report on pay data, for companies fielding intensifying questions from employees about pay, and for forward-thinking leaders who see the opportunity to harness transparency for a competitive edge, but need the right tools to proceed. Join us for strategic advice, real-world examples, and a glimpse into what's coming and help you make sense of your options so you can take control of your story, build trust, and seize that first-mover advantage in the form of higher retention and employee devotion.</p>
Workshop 3	<p>AI in HR: Its Potential and How to Avoid Adverse Impact Claims <i>Valentin Estevez and Catherine Massey, Charles River Associates</i></p> <p>Are you overwhelmed by what Artificial Intelligence (AI) is? AI tools promise to streamline HR processes, from candidate review and hiring through promotion and termination decisions. Our session provides an accessible introduction to AI and discusses its applications in HR decisions for contractors. Attendees will learn 1) the basics of AI, 2) how AI is being integrated into HR decisions, and 3) best practices to meet DEI objectives while avoiding adverse impact claims.</p>



Workshop 4	<p>Transforming Organizational Practices through Civil Rights Audits <i>Nita Beecher, Fortney Scott LLC; Keli Wilson, DCI Consulting Group, Inc.</i></p> <p>Shareholders, advocacy groups, and society are demanding more accountability through Environmental, Social, and Governance (ESG) reporting. Implementing civil rights audits is critical to identify racial equity and systemic barriers. This session will help participants to:</p> <ul style="list-style-type: none"> • Understand shareholder pressures and regulatory changes around human capital disclosures • Learn a multidisciplinary framework for conducting and reporting a civil rights audit • Learn the organizational and employee benefits to having a diverse workforce • Know the legal exposure and risk mitigation associated with transparency in ESG reporting
Workshop 5	<p>OFCCP Is Evolving – So Must Audit Preparation <i>Chris Chrisbens, Silberman Law, PC; Zach Olsen, DCI Consulting Group, Inc.</i></p> <p>OFCCP has recently made some high stakes moves in how it will evaluate future contractor compliance. Under Director Yang, the agency has recruited several labor economists, statisticians, and IO psychologists to its staff, and sought additional information at the desk audit stage. In this interactive session, attendees will receive a thorough review of OFCCP’s enforcement objectives, learn how to conduct a wholistic evaluation of a contractor’s selection and compensation analytics, and understand the cost/benefit considerations when weighing whether proactive work may be needed in anticipation of follow-up requests for information from OFCCP.</p>
2:30 PM – 3:00 PM	Break

3:00 PM – 4:30 PM	BREAKOUT SESSION 4
Workshop 1	<p>Part 4 of 4: What you Need to Know about Compensation & Audits <i>Christopher Durham, Duane Morris LLP</i></p> <p>Federal Contractors are compelled to annually assess compensation practices. How do you start? Attendees will learn the practical side of compensation analytics and ways to identify and deal with disparities. We will then discuss OFCCP audits. Learn what happens after your AAP is submitted and how to deal with potential adverse findings. Understanding the steps in an audit, anticipating requests, and learning how to respond to the agency will promote your success.</p>
Workshop 2	<p>Audit Trends in a Transforming OFCCP Landscape <i>Beth Ronnenburg, Berkshire Associates; Rick Holt, Resolution Economics; Guy Brenner, Proskauer Rose LLP</i></p> <p>Over the last year, OFCCP has presented a dizzying array of newly released or pending initiatives, directives, and regulations – all of which have vital implications for federal contractors. In this session, attendees can expect to learn about 1) recent OFCCP audit trends based on real-life experience; 2) future changes anticipated to come from OFCCP; and 3) what changes contractors need to make to be prepared for this new compliance environment.</p>
Workshop 3	OFCCP TBD
3:00 PM – 4:30 PM	BREAKOUT SESSION 4-cont’d
Workshop 4	<p>Blasting Off Barriers: Stellar Disability Inclusion <i>Vincenzo Piscopo, United Spinal Association; C. Timothy Branner, Raytheon Technologies</i></p> <p>Join a corporate disability champion and a disability non-profit leader for a workshop that will energize your DEI goals regarding the disability community. Participatory workplace scenarios will examine the value proposition and the barriers for talent with disabilities to thrive, approaches to disability inclusion, equity, and universal design that benefit business objectives and how to foster a more inclusive corporate culture. Attendees will be offered resources including a disability etiquette publication to share with their colleagues, and options to explore further disability consultation and expertise.</p>
Workshop 5	<p>Ethical Considerations with OFCCP <i>Lauren Hicks and Leigh Nason, Ogletree Deakins</i></p> <p>Have you experienced a challenging interaction with OFCCP? This presentation discusses best practices for working with OFCCP in an ethical and professional manner, and avoiding OFCCP claims of denial of access, retaliation, or interference. We discuss working with OFCCP productively and minimizing risks of unethical behavior. Examples include ethical considerations in the contractor portal, audit data requests - particularly compensation - and disagreements with OFCCP. Contractors will learn techniques to manage the OFCCP relationship.</p>
4:30 PM – 5:00 PM	<p>First Time Attendees Briefing – Getting the Most from the Conference <i>Beverly Freeman, AAP Consultants LLC; Lori Stewart, Oshkosh Corporation</i></p> <p>Welcome to your first NILG Conference! Hear from seasoned attendees on how to navigate the conference and make the most of your experience. Learn how to pick your sessions, network, make new friends and more to keep you coming back year after year.</p>
4:30 PM – 5:00 PM	<p>How to Build Your ILG <i>Alicia Turner Roberson and Beth Ronnenburg, NILG Board Members</i></p>
5:00 PM – 6:00 PM	OFCCP Meeting with ILG Chairs (Invitation Only)
5:00 PM – 7:00 PM	Exhibitor’s Reception



Wednesday, August 2 – DAY 1 REGULAR CONFERENCE

6:30 AM – 7:00 PM	Registration/Hospitality Desk
6:30 AM – 8:00 AM	Breakfast/Exhibits
8:00 AM – 8:15 AM	Opening Ceremony
8:15 AM – 8:30 AM	NILG Presentation – State of the NILG and Lois Baumerich Award <i>Tony Kaylin (NILG Chair)</i>
8:30 AM – 9:15 AM	OFCCP Agency Updates <i>Jenny Yang, Director of the OFCCP</i>
9:15 AM – 10:30 AM	HR Executive Panel <i>Kristi Cappelletti-Matthews, VSP Vision; Bobby Wilkinson, Charles Schwab; Jan Harrington, Corewell Spectrum Health; Piyush Sarode, Bayer; Moderator – Ivy Latimer, CVS Health</i>
10:30 AM – 11:00 AM	Break/Exhibits

11:00 AM – 12:15 PM	BREAKOUT SESSION 1
Workshop 1	Statistical and Practical Fit – Identifying the Appropriate Approach to Compliance <i>David Garber and Bob LaJeunesse, OFCCP; Jeff Lupardo, DOL; Consuela Pinto, Ford Harrison; Moderator: Paul McGovern, Praxis Consulting</i> Recognizing that there is no one size fits all approach, the multi-disciplinary expert panel will discuss how legal requirements and factors such as the contractors’ resources, pay system, and reasons for performing pay analysis help define what type of review is appropriate. The panel will address: <ul style="list-style-type: none"> • What can contractors expect from OFCCP’s analysis of your compensation system? • What Title VII principles apply to compensation analyses? • How can OFCCP and Contractors work within statistical and legal frameworks?
	Ensuring EEO in Promotions: Former Agency Leaders Speak <i>Craig Leen, K&L Gates LLP; Cari Dominguez, Dominguez & Associates</i> How can we break glass ceilings and build pathways to mobility for all? Cari will draw on her experience championing the Glass Ceiling Initiative while at the OFCCP. Craig will draw on his experience developing the promotions focused review program at the OFCCP, and his work in the private sector developing DEIA programs. Participants will learn: <ul style="list-style-type: none"> • Legal obligations and standards for promotions • Indicators of glass ceilings and underpromotion • Developing the pathways of the mobility ladder from front line workers to management • Removing bias and true evaluation of skills • Importance of organizational culture reviews in promotions • Best practices to address glass ceilings and achieve promotion equity
	Panel: Recommendations from an Artificial Intelligence Technical Advisory Committee <i>Eric Dunleavy, DCI Consulting Group, Inc.; Michelle Duncan, Jackson Lewis P.C.; Rich Tonowski, EEOC; Vicki Lipnic, Resolution Economics; Frida Polli, Harver</i> Artificial intelligence (AI) use in employment decision making is a critical and developing area in the EEO community, and it is imperative that we stay current on tools, use, risk, and research. Toward that end, the Institute for Workplace Equality (IWE) organized a Technical Advisory Committee (TAC) chaired by Victoria Lipnic that brought together experts from a variety of disciplines to discuss this complex and nuanced topic and publish recommendations related to AI use in employment. This unique panel of TAC members will describe the TAC process and deliverables, review key findings and recommendations, and provide audience members with practical strategies to evaluate AI tools, their use, and potential EEO benefits and consequences.
	Emerging EEO Trends <i>Cara Crotty, Constangy, Brooks, Smith & Prophete LLP</i> This session will review significant developments in EEO and DEI over the past year. We will provide an update on legal decisions from the Supreme Court, Courts of Appeals, and federal and state courts. A review of salient legislative updates will also be discussed. If there is a case with particularly attention-getting facts or allegations, novel application of the law, or a new law with broad implications, we discuss for potential application to your workplace.
	OFCCP Audits – New Challenges & New Strategies for Success <i>Mickey Silberman and Krystal Welland, Silberman Law, PC</i> OFCCP audits are taking longer, going slower, and requiring more of your time/effort/resources to close. That’s about to change, and not for the better, with OFCCP’s new, more burdensome, scheduling letter requirements. But with all that, there are effective ways to shorten your OFCCP audits. Learn the top 10 ways to shift from “working hard” to “working smart” on audit prep and audit defense. In this session, participants will learn how to: <ul style="list-style-type: none"> • In pre-submission audit preparation, how to shift from “work hard” to “work smart”. • What are the top 10 ways to get your AAP “audit-ready”? • Post-submission, how do we work with OFCCP to narrow and clarify their requests, and answer them effectively to move your audit to closure.



12:15 PM – 12:30 PM	Break
12:30 PM – 2:00 PM	Lunch and Networking

2:00 PM – 3:15 PM	BREAKOUT SESSION 2
Workshop 1	<p>Update on Contemporary OFCCP Enforcement: A View from 2022 Settlement Data <i>David Cohen, DCI Consulting Group, Inc.</i></p> <p>In a typical year OFCCP conducts around 4,000 compliance evaluations that result in tens of millions of dollars in back pay and benefits for tens of thousands of American workers. However, these summary data describe only a small part of the agency's overall enforcement picture. This is the 13th year Mr. Cohen has taken a data driven approach to understanding OFCCP enforcement activity, and as such trends over time are beginning to emerge. This presentation will detail the results of FY2022 data and trends over time.</p>
Workshop 2	<p>National Academy of Science Has Spoken—What Does That Mean for Employers? <i>Nita Beecher, Fortney Scott LLC</i></p> <p>Employers subject to EEOC's EEO-1 Report can expect a revised pay data collection to determine whether women or minorities are being underpaid relative to whites and males. Participants will learn:</p> <ul style="list-style-type: none"> • NAS Panel conclusions on the quality of EEO-1 Component 2 and recommendations for future collections; • What are the likely timeline and requirements of EEOC's proposed pay data collection; • How employers should use pay data collection requirements to assess their trends; and • Recommendations for next steps
Workshop 3	<p>Practical Tips for Navigating OFCCP Audit Requests <i>Andrew Turnbull and Sade Tidwell, Morrison & Foerster</i></p> <p>With new OFCCP directives signaling less transparency and more aggressive audits, contractors need to understand how to appropriately respond to OFCCP's requests for information (RFIs). Failure to do so can result in longer, more expensive audits and potential unnecessary adverse findings or enforcement proceedings. Attendees will learn about: (1) the legal authority and limitations for OFCCP RFIs; (2) common OFCCP RFIs; and (3) practical tips for mitigating risk and burden when responding to RFIs.</p>
Workshop 4	<p>Artificial Intelligence in the Human Resources Department: Legal Risks <i>Daniel Butler, Hunton Andrews Kurth LLP</i></p> <p>Artificial intelligence is creeping into many facets of human life. The human resources department is no exception. Numerous AI tools are marketed to human resource professionals with the promise of a more diverse and productive workforce. AI can be beneficial, but undisciplined implementation can lead to discriminatory outcomes. Participants will learn how to:</p> <ul style="list-style-type: none"> • Understand the scope of available artificial intelligence tools in the workplace; • Recognize that the use of an artificial intelligence tool can have unintended discriminatory consequences; • Prevent discriminatory outcomes when utilizing artificial intelligence for human resource functions.
Workshop 5	<p>Responding to Demands for Accountability in DEI <i>Laura Mitchell and Lisa Marsh, Jackson Lewis P.C.</i></p> <p>DEI and ESG policies are no longer just a "nice to have" or a bullet point on a checklist - they are a business imperative. When handled expertly, ESG is a metric that a company can use to its advantage to help grow and improve its businesses. In this session attendees will learn (1) why employers should be proactive to understand how ESG developments affect their business, (2) how to engage the proper internal stakeholders to develop a strategy for addressing and (3) considerations for undertaking enterprise-wide audits and assessments.</p>
Workshop 6	<p>All Grown Up: Internet Applicant Rule Turns 18 <i>Fred Melkey, Emerson; Judy Julius, EEO Consulting, LLC</i></p> <p>Hiring cases continue to dominate OFCCP financial settlements. As the Internet Applicant rule enters adulthood, this session will review the history, current state, and future of wrangling applicant data into meaningful analyses. Objectives for participants include:</p> <ul style="list-style-type: none"> • Gaining a practical understanding of the OFCCP regulations related to hiring process recordkeeping and monitoring • Discovering techniques for collecting, sanitizing, and analyzing applicant data • Learning approaches for compliance with the ever-changing recruiting and selection technologies and practices
3:15 PM – 3:45 PM	Break/Exhibits

3:45 PM – 5:00 PM	BREAKOUT SESSION 3
Workshop 1	<p>Moving Beyond Reactive Reasonable Accommodations to a Proactive Workplace <i>Daniel Duff and Patricia Pryor, Jackson Lewis P.C.</i></p> <p>Covered federal contractors are required to provide reasonable accommodations to qualified employees to assist them in performing the essential functions of their jobs. Often employers take a purely reactive approach to reasonable accommodations, offering little in the way of assistance to employees unless the employee specifically asks for an accommodation. This interactive program will explore how workplace wellness programs can transform this "we'll cross that bridge if we get there" environment by offering opportunities for employees to confidentially seek assistance through effectively structured wellness programs.</p>



Workshop 2	<p>Changes Ahead for Race and Ethnicity Classification <i>Mike Eastman, Center for Workplace Compliance</i></p> <p>The federal standards for collecting race and ethnicity standards have been largely unchanged for decades. But an ongoing White House review could significantly change how employers collect and report demographic data. After attending this session, attendees will be able to: (1) identify the most significant potential revisions; (2) understand the process by which proposed revisions will be considered and implemented; and (3) assess the impact of potential revisions on employer EEO/AA/DEI Programs.</p>
Workshop 3	<p>Navigating the OFCCP, State and Local Pay Equity Landscape <i>Christopher Durham, Duane Morris LLP; Meredith Gregston, Hunton Andrews Kurth LLP</i></p> <p>Now perhaps more than ever, federal contractors and employers of all stripes are grappling with an increased focus on pay equity, and it is transforming employer approaches to compensation. Not only are federal contractors dealing with a ramped-up focus on pay equity and technical compensation compliance by OFCCP, in just the past few years states and localities from sea to shining sea have enacted new laws impacting various aspects of employers' compensation practices. In this session, participants will learn about compensation analysis requirements applicable to contractors and strategies for compliance, OFCCP enforcement priorities and approaches to compensation, and the myriad pay equity-related laws and requirements enacted – and coming down the pike – at the state and local level.</p>
Workshop 4	<p>Activating Actionable AAPs – Tips and Techniques <i>Lynn Clements, Berkshire Associates; Frank Torres, M&T Bank</i></p> <p>As OFCCP focuses on how contractors identify problem areas and create action-orientated plans, now is the time to re-evaluate how you put the action in your AAP. You will learn how to (1) conduct a compliance self-audit; (2) develop action steps to address problem areas and (3) manage the entire process - from strategically keeping the data you need to making placement goals meaningful for your recruiters to reporting results to leadership.</p>
Workshop 5	<p>Creating a Compliant & Competitive Military-Connected Community Talent Program <i>Kevin Fitzpatrick, PepsiCo; Rob Arndt, Buffer Springs</i></p> <p>In this session, PepsiCo and BufferSprings will conduct an actionable workshop on how to build a scalable veteran and military spouse program that is built to last. Attendees can expect to walk away with real-world insights on recruiting, engaging, and retaining the right members from the military-connected community that will make your workforce not only compliant but competitive. If you hire vets, you don't want to miss this workshop.</p>
5:00 PM – 6:00 PM	EEOC Meeting with ILG Chairs (Invitation Only)
5:00 PM – 7:00 PM	Exhibitor's Reception

Thursday, August 3 – DAY 2 REGULAR CONFERENCE

7:00 AM – 5:00 PM	Registration/Hospitality Desk
7:00 AM – 8:00 AM	<p>Breakfast with Your OFCCP Regional Director/Exhibits <i>Diana Sen, Northeast; Melissa Speer, SWARM; Carmen Navarro, Midwest; Jane Suhr, Pacific; Aida Collins, Southeast; Samuel Maiden, Mid-Atlantic</i></p>
8:00 AM – 8:15 AM	Welcome
8:15 AM – 9:00 AM	EEOC Updates
9:00 AM – 9:30 AM	Break/Exhibits

9:30 AM – 10:45 AM	BREAKOUT SESSION 1
Workshop 1	<p>Disability Inclusion and Self-ID: Employer Messaging Strategies <i>Susanne Bruyère, Cornell University; Kevin Fitzpatrick, PepsiCo; Ornella Castman, Bayer; Moderator: Alicia Wallace, Eli Lilly and Company</i></p> <p>Recruiting candidates with disabilities is a critical component of ensuring a diverse workforce and assisting federal contractors in meeting affirmative hiring goals. However, if organizations are not using disability-inclusive messaging in job descriptions and on career webpages, they may not be able to attract the talent they seek. Presenters will share findings from several studies exploring how employers use disability-inclusive messaging on career webpages, and how that messaging influences jobseekers with disabilities applications and self-identification.</p>
Workshop 2	<p>Termination Traps - Top 10 Employer Mistakes and How to Avoid Them <i>Meredith Gregston, Hunton Andrews Kurth LLP; Rachel McInerney, Labcorp</i></p> <p>This interactive session will discuss the top 10 frequent "termination traps" that can create legal risk for employers when terminating employees – and how to avoid them. The session will include a discussion of common termination pitfalls in the lead up to and execution of a termination decision, as well as best practices for documentation, progressive discipline, and communications relating to termination that will assist employers in reducing risk. Presenters will engage the audience to work through real-life examples of "terminations gone wrong" and discuss strategies that could have been used to reduce the risk associated with the terminations. Attendees will leave the session armed with key takeaways that they can implement at their companies to limit the ever-present risks associated with termination.</p>



Workshop 3	<p>Strategies for Documenting Annual Affirmative Action Initiatives <i>Joshua Roffman and Alissa Horvitz, Roffman Horvitz, PLC</i></p> <p>As OFCCP places increased emphasis on documentation, many employers are struggling to understand what that documentation looks like. For example, OFCCP expects employers to develop action-oriented programs based on the results of the data analyses in the women and minorities AAP; review personnel process, assess outreach effectiveness, and engage in external and internal dissemination pursuant to the veteran and disability regulations; and conduct an internal audit under all three sets of regulations. This session will address (1) what that follow-through looks like; (2) what records the employer should generate; and (3) which records might be best created at the advice of counsel to preserve attorney client privilege.</p>
Workshop 4	<p>Using AI in Hiring; Understanding Compliance <i>Angela Hood, ThisWay Global; Ryan Hagemann, IBM</i></p> <p>The AI Bias Law is the first of its kind and has the potential to set a rudimentary foundation for what's to come. Some experts beg to differ, while others believe it doesn't hold enough weight. As of right now, there aren't any formally enforced regulations or laws to govern companies and employers using artificial intelligence in HR. Without clearly defined guidelines to fall back on, the possibility of AI bias in HR technology increases. It may not be in the midst of perfection, but it is the first to ensure transparency. Let's delve into what the AI Bias Law is and what it means for the future of AI in Human Resources.</p>
Workshop 5	<p>OFCCP Updates – Policy, CRLM and Operations <i>Tina Williams, Nakisha Pugh, Beverly Dankowitz and Harvey Fort, OFCCP</i></p>
Workshop 6	<p>Beyond Census Tables: Strategies for Advanced AAP Analyses <i>Ye Zhang, Resolution Economics; Scott Pechaitis, Jackson Lewis P.C.</i></p> <p>This presentation illustrates the compliance and statistical issues in using alternative data sources such as IPEDs and NSF data for contractors' utilization and hiring analyses. Through a series of interactive examples and case studies, the audience will learn (1) the situations when availability estimates derived from alternative sources will improve utilization and hiring analysis, (2) the factors to consider when deciding which alternative data to use, and (3) compliance and statistical issues in implementing alternative data sources in your analysis.</p>
10:45 AM – 11:15 AM	Break/Exhibits

11:15 AM – 12:30 PM	BREAKOUT SESSION 2
Workshop 1	<p>What the Harvard and UNC Decisions Mean for Employers <i>David Fortney and Leslie Silverman, Fortney Scott LLC</i></p> <p>The Supreme Court's rulings on the use of affirmative action in college admissions in the Harvard and UNC cases also could have major ramifications for DEI&A and ESG programs. This presentation will discuss the implications of these rulings on workplace diversity programs and will provide participants with:</p> <ul style="list-style-type: none"> • Background on both cases; • Clear explanations of the rulings; and • Practical understandings of what the rulings mean for employer's DEI&A and ESG programs, and affirmative action efforts.
Workshop 2	<p>Panel: Artificial Intelligence: Compliance and Implementation <i>Lauren Hicks, Ogletree Deakins; Teresa Salinas, Labcorp; Daniel Kuang, Biddle Consulting Group</i></p> <p>Artificial intelligence is embedded in business ecosystems, and it is nearly impossible for to avoid. OFCCP added a new Item-19 in the proposed scheduling letter and is putting contractors on notice: AI and algorithmic methods in recruitment and selection will receive increased enforcement focus. This session will remind contractors of the pervasiveness of these technologies and provide practical considerations and strategies to manage legal risk exposure and remain compliant with Title VII and Uniform Guidelines.</p>
Workshop 3	<p>Conducting Trauma Informed Workplace Investigations <i>Lesley Marlin, Financial Industry Regulatory Authority</i></p> <p>The world we live in contains trauma, which means that trauma survivors are present in every workplace. Research shows that trauma affects the brain, impacting perception and memory. In order to conduct effective workplace investigations, investigators need to recognize the signs of trauma and then understand how it affects those involved in a workplace investigation. This session will provide workplace investigators with tools and strategies so they can conduct trauma-informed investigations.</p>
Workshop 4	<p>Advanced Metrics for Measuring TA Diversity and Compliance <i>Joe Lakis, NT Lakis, LLP</i></p> <p>Standard adverse impact analyses of applicant and hire data can tell you only so much about how TA decisions influence compliance, DEI, and risk. This session moves beyond these routine analyses by examining some of the sophisticated ways employers can measure the compliance- and diversity-related outcomes of their recruitment and selection practices, including what data to analyze, how to analyze it, and what to do with the results to drive meaningful compliance and DEI goals.</p>
Workshop 5	<p>Test Validation Essentials for Compliance Professionals <i>Clinton Kelly, ioPredict</i></p> <p>This presentation will provide an overview of the basics of test validation. We'll (1) define what a test is according to the Uniform Guidelines, (2) explain the different types of test validation, (3) describe the relationship between adverse impact and validation, and (4) review the most common test types used in the hiring process. Participants will leave with sufficient knowledge to be an informed consumer and/or decision maker when it comes to employment testing decisions.</p>



Workshop 6	<p>Diverse Slate Policies: Tackling the Models and Risks of the NFL “Rooney Rule” in Hiring <i>Brian Barger, McGuire Woods LLP</i></p> <p>Despite good intentions, the application of NFL “Rooney Rule”-style diverse slate policies as an affirmative action best practice for executive hiring can create various legal risks depending on how such interview protocols are structured and operated. This presentation will provide an overview of key Title VII, EO 11246, and other compliance issues created by corporate diverse slate programs – and suggested policies / practices to control liability exposure.</p>
12:30 PM – 12:45 PM	Break/Exhibits
12:45 PM – 1:45 PM	Lunch/NILG 2024 National Conference
1:45 PM – 2:45 PM	Keynote – Lisa Sun, Founder & CEO, GRAVITAS
2:45 PM – 3:15 PM	Break/Exhibitor Prize Drawings

3:15 PM – 4:30 PM	BREAKOUT SESSION 3
Workshop 1	<p>Inclusive Practices for Veterans, Military Members, and Military Spouses <i>Julia Mendez Achee and Alexis Davis, Biddle Consulting Group</i></p> <p>Under VEVRAA and USERRA, organizations are required to take affirmative action in attracting protected veterans and ensure harassment and discrimination does not occur for veterans, military members, and their spouses. During this session, you will:</p> <ul style="list-style-type: none"> • Hear about workplace challenges faced by military members and spouses • Discuss steps an organization can implement to build an inclusive environment for veterans, reservists, guard members, and military spouses. • Learn ways to successfully recruit this demographic
Workshop 2	<p>Ringfencing – Shielding Non-Contractor Corporate Affiliates from OFCCP Coverage <i>Andrew Turnbull and Sade Tidwell, Morrison & Foerster</i></p> <p>Many companies seek business with the federal government but want to avoid OFCCP jurisdiction over their corporate affiliates. With OFCCP now getting details about corporate families through the Contractor Portal, contractors need good ringfencing to avoid OFCCP seeking coverage of their non-contractor corporate affiliates. Attendees will learn about the legal framework for single entity and subcontractor status, common ways corporate affiliates become covered, and practical tips for establishing strong ringfencing to avoid coverage.</p>
Workshop 3	<p>The Rise of Unionization: What Employers Need to Know <i>Amber Rogers, Hunton Andrews Kurth LLP</i></p> <p>This presentation will discuss the rise in unionization efforts from coast to coast and cover trends in unionization, key labor board decisions and its effects on employers. The presentation will also discuss strategies employers can take to limit unionization efforts. Attendees will leave with an understanding of (1) key issues facing employers in the rise of union organizations; (2) recent labor decisions and how they affect federal contractors; and (3) strategies for employers in handling union organization.</p>
Workshop 4	<p>Lessons Learned from the Global Artificial Intelligence Framework <i>Annette Tyman, Seyfarth Shaw LLP; Mike Childers, Amazon</i></p> <p>Government regulators have been intensely focused on the use of AI technology in employment, and employers are now faced with a level of skepticism never experienced before. In this session, we will examine the regulations and guidance around the globe including, insights from the European Union, Canada and Brazil to explore the potential contours of a US regulatory framework. We will also explore the key strategies employers can use when developing and implementing advanced technologies.</p>
Workshop 5	<p>Remediation Best Practices with Statistically Significant Differences <i>Valentin Estevez and Catherine Massey, Charles River Associates</i></p> <p>Acting on the results of a pay equity audit can be challenging and remediation of a potential pay difference should be done carefully. After this session, attendees will know 1) how to interpret the results of a pay equity audit, 2) steps to take before remediation is considered (including a deeper dive into what is driving the results, whether data issues are the source of the unexplained disparities, or whether there are legitimate and documentable reasons that resolve the issue), 3) different approaches to remediation, and 4) common pitfalls to avoid during the remediation process.</p>
Workshop 6	<p>How Affirmative Action Can Drive ESG Scorecards <i>Danny Petrella, Center for Workplace Compliance; Frank DeLosReyes, Merck & Co., Inc.</i></p> <p>ESG programs are evolving, and compliance practitioners must evolve their skillset in kind. Organizations looking to “grade” their ESG efforts must first evaluate the qualitative programs that enable progress and incentivize behavior that drives success. By the end of this session participants will be able to:</p> <ul style="list-style-type: none"> • Identify the building blocks of a successful ESG program; • Evaluate human capital data that help drive ESG success; and • Establish key safeguards needed to ensure ESG responsibility.



Friday, August 4 – DAY 3 REGULAR CONFERENCE

7:30 AM – 12:00 PM	Registration/Hospitality Desk
7:30 AM – 8:45 AM	Breakfast
8:45 AM – 9:45 AM	OFCCP Regional Director Panel <i>Diana Sen, Northeast; Melissa Speer, SWARM; Carmen Navarro, Midwest; Jane Suhr, Pacific; Aida Collins, Southeast; Samuel Maiden, Mid-Atlantic; Moderator: Vicki Pearson, NILG Board</i>
9:45 AM – 10:15 AM	Break
10:15 AM – 11:00 AM	U.S. Department of Labor Office of Disability Employment Policy (ODEP) <i>Assistant Secretary Taryn Williams</i>
11:00 AM – 12:00 PM	NILG Advisory Council Discussion <i>Panel-TBD; Moderators: Meredith Gregston and Tony Kaylin, NILG Board Members</i>
12:00 PM – 12:15 PM	Close of Conference <i>2023 Conference Chairs</i>