



**Update
2009**

INTERNET APPLICANTS

SYSTEMIC DISCRIMINATION

COMPENSATION ANALYSIS

Preparing for OFCCP* Compliance Audits and Crafting Effective Affirmative Action Plans

**Designed to accommodate varying levels of participation.
The flexible schedule allows you to attend 1, 1 $\frac{1}{2}$, or 2 $\frac{1}{2}$ days.**

 **ERS**Group
A SOURCECORP™ COMPANY

*Office of Federal Contract Compliance Programs



Seminar
Schedule

Preparing for OFCCP Compliance Audits and Crafting Effective Affirmative Action Plans

April 1-3, 2009
Orlando, FL

Unique and practical training presented by AAP professionals, attorneys and economists. Up-to-the-minute information on OFCCP activity, including Internet applicants, “systemic discrimination,” and compensation analysis.



Tallahassee, FL
4901 Tower Court
Tallahassee, FL 32303

Emeryville, CA
2000 Powell Street, Suite 500
Emeryville, CA 94608

Washington, D.C.
2100 M Street, NW, Suite 810
Washington, DC 20037

Los Angeles, CA
707 Wilshire Boulevard, Suite 5400
Los Angeles, CA 90017

For more information, visit us on the web at www.ersgroup.com

ABOUT THIS SEMINAR

“As an attorney, I have attended many seminars needed for continuing education purposes, and yours was the best by far.”

— Dionne Chouest, Esq.,
Edison Chouest Offshore,
Galliano, LA

“The seminar has been very helpful. I feel with some review of the materials I will be able to ‘get my arms around’ the AAP process.”

— Christine Simon,
HR Generalist, Clearwater
Research Inc.,
Boise, ID

■ What's Unique

Dynamic changes in Affirmative Action Plan (AAP) regulations and increased Office of Federal Contract Compliance Programs (OFCCP) activity make the development and implementation of accurate AAPs and internal audits a necessity for today's federal contractor.

Our goal is to enable you to prepare meaningful AAPs that accurately reflect your organization's employment practices and goals. Our experts also walk you through the fundamentals of compensation and adverse impact analyses that respond to the most current OFCCP regulations.

We help you avoid potential pitfalls and liability by arming you with the latest information and practical applications gleaned from our experience preparing AAPs, performing compensation studies, and representing federal contractors in court and in OFCCP audits and reviews.

■ The Program

Session 1, Day 1 Preparing for OFCCP Compliance Audits

Seminar presenters provide you with “insider information” about OFCCP audits and investigations, including compensation and adverse impact analyses, to allow you to frame proper responses. You will learn:

- What impact OFCCP's Internet applicant definition and related recordkeeping obligations have on conducting a job search and data collection, maintenance and reporting.
- What methods of compensation and adverse impact analysis are currently used by the OFCCP, and what appropriate statistical and financial responses your organization can use.
- What are the possible outcomes of a review or audit using systemic discrimination analysis—sanctions, use of conciliation agreements, negotiated settlements, etc.

Session 2, Days 2 and 3

Crafting Effective Affirmative Action Plans

You will be provided with the knowledge and tools to enable you to identify, collect and use relevant data and information accurately and intelligently to prepare an AAP from beginning to end and to provide your organization with useful human resource assessments. You will learn:

- What internal human resource data to maintain, and how to find and select external data that best reflects the availability of protected classes for your company's jobs.
- What the implications are of the revised EEO-1 report requirement, (including OFCCP use of updated race data).
- How to develop meaningful job groups and avoid the impact that inappropriate job groups may have on required statistical analyses (including a hands-on practice session).
- How to construct accurate and realistic availability analyses (including a hands-on practice session).
- How to interpret the numerical results of Affirmative Action Program analyses (through analysis of the previous year's AAP).

■ Who Should Attend

Affirmative Action, Equal Employment Opportunity, Human Resource, and Compensation Professionals, as well as attorneys involved in affirmative action planning and OFCCP audits for non-construction federal contractors.

■ HR Accreditation and Continuing Legal Education

The seminar has been approved by numerous states' continuing legal education accreditation organizations. Contact us for a complete list of states or to request application to a specific state.



■ The Sponsors

ERS Group is uniquely positioned to teach this course, having worked in the areas of employment discrimination litigation, compliance review consultation, and affirmative action planning for over 30 years. Our employment litigation and expert witness activities provide us with additional, first-hand experience with emerging trends, as well as the scrutiny of AAPs and related employment practices in court and in OFCCP audits.

“Without a doubt, the best HR class I've ever taken.”

— Brian Wilson,
Assistant Director of HR and
Training, EBSCO Industries,
Birmingham, AL

“Excellent documentation. The handouts are excellent and the practice exercises have been very helpful.”

— Jenny Iacovazzi,
Senior HR Analyst/EEO
Officer, Lynx,
Orlando, FL

“Fantastic program! Wonderful materials to take back to the office.”

— Tami Manard,
Assistant Director of HR,
Tybrin Corporation,
Ft. Walton Beach, FL



SEMINAR PRESENTERS



George T. Desloge

Mr. Desloge is a Principal of ERS Group and Director of Affirmative Action Consulting. He has a master's degree in public administration and has worked with affirmative action issues since joining ERS Group in 1981. He has made presentations on affirmative action planning at ERS Group seminars, the American Association for Affirmative Action (AAAA), the National Association of Public Sector Equal Opportunity Officers (NAPSEO), and the Jacksonville Industry Liaison Group (JILG). Mr. Desloge works closely with clients in providing affirmative action services to meet their specific needs, and often assists in the preparation for compliance reviews. He has overseen the preparation of AAPs for companies ranging in size from 50 to 30,000 employees. Mr. Desloge is a member of the Society for Human Resource Management (SHRM), AAAA, and NILG.

Dr. Paul F. White

Dr. White is a Director and manages the Washington, D.C. Office of ERS Group. Since 1993, he has specialized in the economic and statistical analysis of wage and hour issues and employment practices such as compensation, hiring, promotions, and terminations. He has extensive experience with large class action cases, single plaintiff cases, and also conducts analyses of economic losses. Dr. White has testified numerous times on behalf of plaintiffs and defendants, and has worked on a variety of projects involving such legal and regulatory matters as Title VII, the Age Discrimination in Employment Act, the Fair Labor Standards Act, and OFCCP audits of federal contractors. He has served as the case manager or testifying expert witness in cases such as *Dukes, et al., v. Wal-Mart*, and *Lewis, et al., v. City of Chicago*. Dr. White has published in the *Journal of Forensic Economics* and the *Journal of Applied Business Research*, and he has taught graduate courses at Florida State University.

Dr. Carrie M. Amidon

Dr. Amidon is a Research Economist in the Tallahassee office of ERS Group. Since 1999, she has specialized in economic and statistical analyses for employment matters involving allegations of race, gender, ethnicity, religion, and age discrimination in hiring, promotion, termination, and compensation. Additionally, she has conducted analyses related to Fair Labor Standards Act compliance. Dr. Amidon has provided testimony in an OFCCP investigation, and has analyzed issues of hiring and compensation for numerous other OFCCP investigations. Prior to joining ERS Group, Dr. Amidon was the managing editor of the *Illinois Statistical Abstract*. She has also published articles in the *Illinois Business Review*. Dr. Amidon has a Ph.D. in economics from the University of Illinois, Urbana-Champaign, and undergraduate degrees in mathematics and economics from Alma College.

Patricia M. Sauer

Ms. Sauer is the Deputy Director of Affirmative Action Consulting and has worked as a research professional at ERS Group for over 20 years. She has worked in the affirmative action area for 11 of those years. She has a bachelor's degree from Florida State University and has completed the Certified Affirmative Action Professional Certification (Level I) offered by the AAAA. Her expertise in working with company employment data, combined with her thorough knowledge of OFCCP's AAP guidelines, provides a unique understanding and approach to the preparation of plans and the use of AAP software. Ms. Sauer is a member of SHRM, AAAA, and NILG.

Mary-Beth Goetzke

Mary-Beth Goetzke is an Affirmative Action Analyst with ERS Group. She works with federal contractor clients to assist them in identifying data requirements. She provides leadership for establishing job groups and availability weights and in determining each client's narrative requirements. Ms. Goetzke also specializes in the preparation of the minorities and females and veterans and individuals with disabilities' narratives. In addition, she uses t-tests and the OFCCP Three-Prong analysis to perform certain compensation analyses. Ms. Goetzke has a bachelor's degree in Business Administration from the University of Nevada, Las Vegas and is a member of AAAA and SHRM. She has been with ERS Group since July 2006.

Jon A. Geier, Esq.

Jon Geier, Esq. is a Partner in the Chicago office of the law firm, Paul, Hastings, Janofsky & Walker LLP. He represents employers on the full range of state and federal employment and labor laws. Currently, a majority of his practice is devoted to advising government contractors on their dealings with the OFCCP, including defending contractors alleged to have engaged in pay discrimination. Mr. Geier also assists contractors in preparing, implementing, and maintaining affirmative action plans, as well as advising them on methods of self-monitoring their compensation systems to identify and assess problem areas. Mr. Geier served as lead outside counsel to The Boeing Company in negotiating the November 1999 Settlement Agreement with OFCCP which established the agency's acceptance of the use of regression analysis for purposes of contractor self-monitoring and calculation of a financial remedy. He is a member of the District of Columbia Bar as well as many federal courts, including the United States Courts of Appeal for the Third, Fourth, Fifth and Seventh Circuits. Mr. Geier has spoken on pay equity and labor issues before annual conventions of such groups as the American Bar Association and the Pacific Labor Law Conference. He received his J.D. degree with honors from George Washington University, where he was a member of the Law Review.

“I was extremely impressed with all aspects of the program. It was very well organized and handled professionally. The staff was very accommodating, and there was more than sufficient time for questions. The materials were also very useful. I highly recommend this seminar. Good job, everyone.”

— Malvelina Monell,
Director, Office of Equal
Opportunity Programs,
University of North
Florida,
Jacksonville, FL



“I have attended many AAP seminars and this one is by far the best. You were all very organized and knowledgeable.

Thank you!”

— Dama Gineris,
HR Shared Services
Manager, Acuity Brands
Lighting,
Conyers, GA

“Excellent teaching and information on a tough topic.”

— Jewell Street,
Assistant Director of
Institutional Equity,
Western Michigan
University,
Kalamazoo, MI



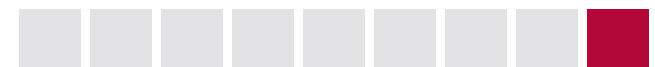
SEMINAR SCHEDULE

Session 1, Day 1

Preparing for OFCCP Compliance Audits

7:30 - 8:00	Registration and Continental Breakfast
8:00 - 8:30	Welcome and Introductions
8:30 - 9:00	The Office of Federal Contract Compliance Programs (OFCCP): Introduction and Emerging Trends <p>AAP Consultant George Desloge and Attorney Jon Geier team up to provide an informative history of affirmative action spotlighting the structure and jurisdiction of the OFCCP, as well as their perspective on emerging trends in policy and enforcement. They explain how the OFCCP defines a “federal contractor,” and for whom AAPs are necessary. Mr. Desloge and Mr. Geier detail the ways in which the OFCCP’s focus has shifted from affirmative action to “systemic discrimination” enforcement, and what the practical implications are of this shift. Giving you the benefit of their extensive personal experience with the national office of the OFCCP and regional OFCCP offices, they offer seminar participants their thought-provoking perspectives on what to expect from the OFCCP in the near future and how best to prepare. These discussions are continued in greater detail in the subsequent morning sessions.</p>
9:00 – 10:00	Applicant Tracking, Employee Selection, and the OFCCP <p>Jon Geier discusses trends in OFCCP enforcement, with specific focus on the recent applicant definition changes, related record keeping obligations, and selection in hiring. Hear his perspective on critical questions: What are basic qualifications? What does “consideration” mean? What are the implications for conducting a job search using an Internet job board or an outside employment agency? What records must a contractor keep and for how long?</p>
10:00 – 10:10	Break
10:10 – 10:40	Applicant Tracking, Employee Selection, and the OFCCP (Continued)

10:40 - 12:15	Preparing for and Strategic Issues in an OFCCP Compliance Evaluation <p>Jon Geier explains what occurs when the OFCCP conducts a formal compliance evaluation review and analyzes federal contractor AAPs and employment practices and procedures. The various stages of a Compliance Review are covered, including scheduling letters, desk audit submissions, and on-site reviews. He discusses strategies for dealing with observed adverse impact in hiring, promotions, and terminations before the OFCCP comes on site. Mr. Geier also explains the OFCCP’s current application of the Item 11 screening test and provides strategies for contractors to consider. Finally, he continues the “systemic discrimination” discussions of the previous session, zeroing in on pay and the OFCCP’s compensation guidelines. With economist Dr. Paul White facilitating, he provides a detailed description of the changed guidelines, followed by a discussion of how these changes directly affect the ways in which contractors conduct analyses, maintain databases, and work with the OFCCP.</p>
12:15 - 1:15	Lunch (Included with Seminar)
1:15 - 2:45	Compensation Analysis: Implications and Responses to the OFCCP Methodology <p>The OFCCP has substantially changed their methodological approach to statistically identify potential compensation disparities. Their analyses are more complex with an increased reliance on multiple regression analyses and other related tests. The underlying assumptions and methodology used by the OFCCP have a direct impact on the two outcomes of a compensation analysis: whether or not there is a disparity in compensation; and if there is a disparity, appropriate compensation adjustments. In this session, ERS Group economists introduce the statistical analyses increasingly relied upon by the OFCCP in their compensation analyses, with an emphasis on the effects that the underlying assumptions have on the outcome.</p>
2:45 - 3:00	Break and Refreshments
3:00 - 4:25	Adverse Impact Analysis: Implications and Responses to the OFCCP Methodology <p>For issues involving employee “selections” such as hiring, promotions, and terminations, the OFCCP conducts an analysis of “adverse impact.” In assessing adverse impact, the OFCCP, courts, and labor economists rely upon methods using measures of standard deviation to determine whether differences in selection rates between protected and non-protected employees are statistically significant. In this session, ERS Group economists discuss the statistical methods used by the OFCCP, suggested contractor responses, and the importance of understanding the implicit assumptions underlying both sides’ statistical tests.</p>
4:25 - 4:30	Questions



Seminar Schedule continued

Session 2, Day 2

Crafting Effective Affirmative Action Plans

7:30 - 8:15	Registration and Continental Breakfast/Welcome and Introductions
8:15 - 9:45	Diversity/EEO-1/Census 2000 Issues Mr. Desloge details the distinctions between “diversity” and “affirmative action.” He explains how the revised EEO-1 reporting requirements impacts how your organization collects and maintains employee data. He also discusses the revised race codes used in the 2000 Census file which have affected EEO-1 reporting, and how organizations may have to modify their applicant and employee records accordingly.
9:45 - 10:00	Break
10:00 - 11:15	Outline of AAP Requirements In this critical session, Mr. Desloge gives you the “big picture,” describing all the components of an AAP and giving you the framework for the discussions and explanations of the various pieces of the AAP “puzzle” that follow. He discusses the often-ignored role of timing and scheduling in the preparation of AAPs.
11:15 - 12:00	Preparation of Narratives for Minorities and Females & Veterans and Individuals with Disabilities Ms. Goetzke gives you the latest information on what to include in the narrative portion and how it may be structured for minorities and females and veterans and individuals with disabilities.
12:00 - 1:00	Lunch (Included with Seminar)
1:00 - 1:30	Developing the Organizational Profile (Workforce Analysis) Mr. Desloge explains how to put together a workforce analysis listing your organization’s employees, and showing how these people fit into the organizational structure.
1:30 - 2:15	Preparing the Job Group Analysis Proper job group analysis is critical to the entire AAP process, since inappropriate analyses can adversely affect the incumbency versus estimated availability (utilization) analysis and create the appearance of discrimination. In this session, Mr. Desloge helps you with the sometimes difficult process of developing appropriate job groups - those that are strongly linked by logical EEO Categories, and are related by similar levels of duties, similar compensation levels, and similar opportunities for advancement.
2:15 - 2:45	Census Occupational Codes In order to compare a job title to the census data, you must select one of the occupational codes to produce availability. Mr. Desloge describes how to make logical and accurate selections in the preparation of your AAP.
2:45 - 3:00	Break and Refreshments
3:00 - 4:30	Job Group Practice Session Ms. Sauer will walk you through EEO census coding of job titles to construct logical job groups.

Session 2, Day 3 (half-day)

Crafting Effective Affirmative Action Plans

7:45 - 8:00	Continental Breakfast
8:00 - 9:00	Availability Factor Computation Mr. Desloge helps you pinpoint what internal and external data to use in determining protected class availability that is appropriately related to specific job titles within job groups. He discusses what internal data should be collected and how and when to use census, educational attainment, and other publicly available data. Mr. Desloge also demonstrates the mechanics of preparing an availability analysis.
9:00 - 10:15	Availability Factor Computation Practice Session Ms. Sauer will walk you and your fellow participants through an availability analysis. You will decide which data to use, and what weight to give to internal and external data, including geographical weighting.
10:15 - 10:30	Break
10:30 - 11:00	Significance of Incumbency vs. Estimated Availability and Placement Goals Mr. Desloge will discuss the significance of incumbency vs. estimated availability and describe how the different methods of determining availability factor computation yield different results. In addition, he will show you how to use this information in setting placement goals and implementing them in future employment decisions.
11:00 - 11:15	Analysis of Previous Year’s AAP Mr. Desloge leads you through several examples to demonstrate how to use the previous year’s AAP to assess your current year’s incumbency versus estimated availability results and future placement goals. Many organizations overlook this integral step in their evaluation of their affirmative action achievements, and do not realize their company will be required to do so for the OFCCP in a Compliance Review itemized listing.
11:15 - 11:45	Adverse Impact Analysis and Compensation Summary Mr. Desloge will briefly review the standard adverse impact analyses to be performed annually. He will also discuss the requirement to analyze compensation systems for indications of discrimination.
11:45 - 12:00	Questions

“The ability of the presenters to answer questions and clarify subjects was invaluable.”

— Marcia Miller,
Managing Recruiter,
TRX Inc., Atlanta, GA

“The detailed review of the parts of the AAP were the best I’ve seen, and the practice parts of the program were very helpful.”

— Lori Schiestel,
Equal Employment
Opportunity/Affirmative
Action Specialist,
Compuware Corporation,
Detroit, MI



SEMINAR INFORMATION



■ **Registration Fee and Refunds***

Full Seminar (2 ½ days total):

Early Registration: \$850
 Regular Registration: \$925

1-Day OFCCP Session (Day 1):

Early Registration: \$350
 Regular Registration: \$375

1½ Day AAP Session (Days 2 and 3):

Early Registration: \$595
 Regular Registration: \$620

Registration

Registration is limited to 40 participants. Register at least three weeks prior to the seminar to ensure availability and receive the early registration rate (March 11, 2009). Payment in full or voucher must be received by (March 18, 2009).

Cancellations and Refunds

Need to cancel? All payments will be completely refundable until four working days before the seminar (March 26, 2009). Cancellations received afterward and “no shows” on the day of the seminar are subject to the following charges: Day 1 (\$125), Days 2 and 3 (\$195), Full Seminar (\$250).

■ **Hotel Accommodations and Information**

We have arranged special hotel discount packages. To ensure space and rate availability, you must request the “ERS Group Room Block.” Reserve by the dates indicated below:

Buena Vista Palace Hotel & Spa

1900 Buena Vista Drive, Lake Buena Vista, FL 32830; (866) 397-6516
 \$229 Single/Double plus \$13/day resort fee Reservation Cut Off Date: March 1, 2009

* Prices of future seminars subject to change.

Preparing for OFCCP Compliance Audits and Crafting Effective Affirmative Action Plans

Registration Application

Complete and return this card, or register online by visiting www.ersgroup.com/seminars.asp

NAME (As you would like it to appear on name tag) _____

TITLE(S) _____

ORGANIZATION _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

E-MAIL _____

PHONE _____

FAX _____

Your 4-digit key code: beginning with AA . Your key code (if there is one) is found under the bar code on your mailing address on the outside panel of this brochure.

■ **Attendance**

Location: Orlando, FL
 Length: 1-day OFCCP Session 1½ day AAP Session Full Seminar
 I can not attend. Please send information about future programs.

■ **Payment/Billing**

Check enclosed for \$_____ payable to ERS Group.
 Please bill the firm and mail the invoice to the attention of:

(Payment in full or voucher must be received by March 18, 2009)

Charge to credit card: AMEX MC VISA Exp. Date _____

Card number _____

Name as it appears on card _____

Signature _____



Preparing for OFCCP* Compliance Audits and Creating Effective Affirmative Action Plans

OTHER OPPORTUNITIES



“All instructors were very knowledgeable and willing to answer questions.”

— Amy Ford, Employment Specialist, Brasseler USA, Savannah, GA

■ Schedule an Onsite Seminar

Many organizations have found it more efficient and timely for the seminar to “travel to them.” ERS Group has presented onsite seminars to groups of as few as eight people and to as many as 75. Check the appropriate box on the registration form, or contact George Desloge directly to discuss this option and to see if an on-site seminar would be cost-effective for your organization. Contact Mr. Desloge at (800) 827-1211, ext. 440 or by e-mail at gdesloge@ersgroup.com.

■ Additional ERS Group Seminar

“Employment Discrimination: Economic and Statistical Evidence”
Washington, DC; April 16-17, 2009
Park Hyatt Washington

For more information, visit www.ersgroup.com/seminars.asp or call (800) 827-1211.



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