



**Update
2010**

ADVERSE IMPACT ANALYSIS

COMPENSATION ANALYSIS

EMPLOYMENT TESTING

INTERNET APPLICANTS

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

**Unique and practical training presented by a broad range of experts, including
AAP professionals, attorneys, labor economists, and industrial psychologists**

**ERS**Group
A SOURCECORP™ COMPANY

*Office of Federal Contract Compliance Programs



Preparing for OFCCP Compliance Audits and Crafting Effective Affirmative Action Plans

April 14-16, 2010

Washington, DC

Up-to-the-minute information on OFCCP activity, including adverse impact analysis, compensation analysis, employment testing, and Internet applicants brought to you by a broad range of experts, including AAP professionals, attorneys, labor economists, and industrial psychologists.



San Francisco, CA
1750 Montgomery Street, Suite 125
San Francisco, CA 94111

Tallahassee, FL
4901 Tower Court
Tallahassee, FL 32303

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



ABOUT THIS SEMINAR

“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

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

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

■ 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, adverse impact, and testing analyses that respond to the most current OFCCP regulations and practices.

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, adverse impact analyses, 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 the 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

Testing Issues and Crafting Effective Affirmative Action Plans

Learn how testing (an organization's screening procedures, employment tests, and the validation of these tests) is a growing OFCCP focus, and what your organization can do to proactively assess its procedures and minimize risk. You will also 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:

- How to plan test development or procurement to maximize validity and minimize risk.
- How to determine whether a test is valid.
- How to plan or evaluate the entire selection process to ensure that it is efficient, effective, and addresses OFCCP concerns.
- 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.
- How to develop meaningful job groups and avoid the impact that inappropriate job groups may have on required statistical analyses.
- How to construct accurate and realistic availability analyses.
- 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

Approval for recertification credit from the Human Resource Certification Institute of the Society for Human Resource Management is pending. 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.

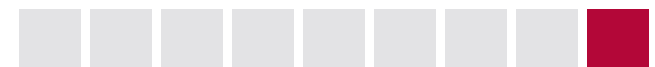
*“As an attorney,
I have attended
many seminars
needed for
continuing
education
purposes, and
yours was the best
by far.”*

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

*“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 *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. Carole M. Amidon

Dr. Amidon is a Principal 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.

Dr. Lance Anderson

Lance Anderson is a Vice President with ICF International, a global professional services firm headquartered in Fairfax, Virginia. Dr. Anderson has over 20 years of experience conducting research on selection and assessment issues. He has directed projects dealing with job analysis, assessment development and validation, standards development and certification, psychometrics, development of educational and training requirements, leadership development, recruitment and retention, and assessment of persons with disabilities. Much of Dr. Anderson's work has been in the context of highly litigious environments, including two projects under consent decree. He has published and presented numerous times on job analysis, testing, fairness, and validation. Dr. Anderson directs a staff of experienced professionals with advanced degrees in Industrial/Organizational Psychology.

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





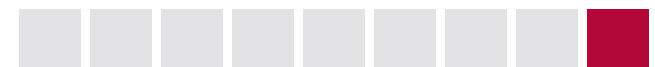
SEMINAR SCHEDULE

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, providing 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 economist Dr. Carole M. Amidon introduces 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 economist Dr. Paul White discusses 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	First Steps in Developing a Valid Selection Process Industrial Psychologist, Dr. Lance Anderson discusses the basics of how to develop a valid selection process. In particular, he will detail the essential factors and potential pitfalls involved in conducting a job analysis, developing a test plan, and determining minimum qualifications.
9:45 - 10:00	Break and Refreshments
10:00 - 11:15	Important Considerations When Developing and Validating a Selection Process Dr. Anderson will continue his explanation of selection process development. He will focus on the essentials involved in developing items, specifying a cut score, and combining all of the components into a selection process. Finally, Dr. Anderson will discuss various ways to demonstrate selection process validity.
11:15 - 12:00	Diversity/EEO-1/Census 2000 Issues Mr. Desloge details the differences between “diversity” and “affirmative action.” He explains how the revised EEO-1 reporting requirements impact how your organization should collect and maintain employee data. He also discusses the revised race codes used in the 2000 Census file which have affected EEO-1 reporting, and how organizations can modify their applicant and employee records accordingly.
12:00 - 1:00	Lunch (Included with Seminar)
1:00 - 1:45	Diversity/EEO-1/Census 2000 Issues (continued) 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.
1:45 - 3:00	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.
3:00 - 3:15	Break and Refreshments
3:15 - 3:45	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.
3:45 - 4:30	Preparing the Job Group Analysis Proper job group analysis is critical to the entire AAP process, since inappropriate analyses can adversely affect the 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.

Session 2, Day 3 (half-day)

Crafting Effective Affirmative Action Plans

7:45 - 8:00	Continental Breakfast
8:00 - 8:30	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.
8:30 - 9:30	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.
9:30 - 9:45	Break and Refreshments
9:45 - 10:15	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.
10:15 - 10:45	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.
10:45 - 11:30	Preparation of Narratives for Minorities and Females & Veterans and Individuals with Disabilities Mr. Desloge 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.
11:30 - 12:00	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.
12:00 - 12:15	Questions



SEMINAR INFORMATION



■ Registration Fee and Refunds*

Full Seminar (2 ½ days total):

Registration: \$850

1-Day OFCCP Session (Day 1):

Registration: \$350

1½ Day AAP and Testing Session (Days 2 and 3):

Registration: \$595

Registration

Registration is limited to 40 participants. Payment in full or voucher must be received by March 31, 2010.

Cancellations and Refunds

Need to cancel? All payments will be completely refundable until four working days before the seminar (April 8, 2010). 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 for a special hotel discount. To ensure space and rate availability, you must request the “ERS Group Room Block.” Reserve by the date indicated below:

Hamilton Crowne Plaza

14th and KStreets, NW

Washington, DC 20005

(800) 263-9802

\$249 Single/Double

Reservation Cut Off Date: March 14, 2010

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: Washington, DC

Length: 1-day OFCCP Session 1½ day AAP & Testing Session Full Seminar

I can not attend. Please send information about future events.

■ 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 31, 2010)

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

Card number _____

Name as it appears on card _____

Signature _____

* Prices of future seminars subject to change.



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



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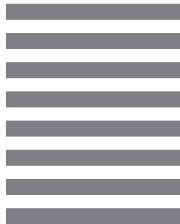
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OTHER OPPORTUNITIES



■ 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. 172 or by e-mail at gdesloge@ersgroup.com.

■ Additional ERS Group Events

“Employment Discrimination: Economic and Statistical Evidence”
Washington, DC; May 11-12, 2010
St. Regis Hotel

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

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

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



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1750 Montgomery Street, Suite 125
San Francisco, CA 94111

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

