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## July 30 – August 2, 2023 AGENDA

### EXamining Conflicts in Employment Law

#### Washington, D.C.

The **EXCEL** Training Conference gathers Equal Employment Opportunity (EEO), Human Resources (HR), and Alternative Dispute Resolution (ADR) practitioners from private, state, local, and Federal organizations for three days of education, training, and professional development. There are three plenary sessions, one specialty track, and over 70 open workshops that give participants the needed knowledge, and skills to enhance their performance, and meet the evolving demands of today's workplace.

Each workshop description includes an audience designation to help participants select the most appropriate session. The audience designations are F - Federal, P - Private, and F/P for both Federal and private audiences. These designations are suggestions. Participants are encouraged to explore the available workshops based on their interests and asked to select one open workshop from each of the sessions listed below. Plenary sessions occur on Monday, Tuesday, and Wednesday morning.

#### **Preconference Sessions (Sunday) - Respectful Workplaces and Leading for Respect, and Federal Investigator and Counselor Refresher sessions.**

**Specialty Track (Closed Sessions Monday - Wednesday) - MD-715: Barrier Analysis.** This session includes all aspects of the barrier analysis process including legal and public policy foundations, analysis and interpretation of workforce statistics found in MD-715 data tables, trigger identification, barrier analysis investigation, organizing findings and preparing action plans designed to eliminate barriers, and follow-up on MD-715 reports from previous reporting cycles. The session will present hands-on simulations of actual situations typically encountered in preparing MD-715 reports.

Eastern Time (ET) is the local time zone observed.

<b>Date/Time</b>	<b>Information</b>
<b>SATURDAY</b>	<b>July 29, 2023</b>
5:00pm – 7:00pm	Pre-Conference Registration (Check In) Conference and Exhibitors Registration (Check In)
<b>SUNDAY</b>	<b>July 30, 2023</b>
8:00am – 4:30pm	<b>PRECONFERENCE SESSIONS</b>
<b>A</b>	<b>Counselor Refresher Training</b>  This course meets the annual eight-hour requirement for federal EEO counselors. Participants will receive instruction on recent developments in federal sector EEO and discuss how these changes affect the informal EEO complaint process. Participants will also practice their counseling and early resolution skills.
<b>B</b>	<b>Investigator Refresher Training</b>

Date/Time	Information
	This course meets the annual 8-hour requirement for federal EEO investigators. Participants will receive instruction on recent developments in federal sector EEO and discuss how these changes affect the formal EEO complaint process. Participants will also practice their investigation skills.
8:00am – 11:30am	<b>PRECONFERENCE SESSIONS – CONT.</b>
C-1	<p><b>Respect in the Workplace: Creating a Respectful Environment for all Employees</b></p> <p>What's different? Rather than dwelling on legal standards and what NOT to do, this training will focus on WHAT TO DO -the words and actions that promote respect and fairness, and participants' responsibility for contributing to respect in the workplace. Using case studies, trainees strategize about bystander intervention and ways to help others who may be behaving in ways that are disrespectful or who are being targeted by disrespect. Finally, they use a feedback model to practice both giving and getting feedback about behavior that is uncivil or disrespectful.</p>
1pm to 4:30pm C-2	<p><b>Leading for Respect: How Supervisors and Managers Can Create Respectful Workplaces</b></p> <p>What's different? Rather than dwelling on legal standards and what NOT to do, this training will focus on WHAT TO DO -the words and actions that promote respect and fairness, and participants' responsibility for contributing to respect in the workplace. Supervisors practice skills in responding appropriately to employee complaints and discuss how they can create a sense of respect for their employees, focusing on the employee's perceptions of fairness and the supervisor's responsibility to respond with emotional intelligence. Finally, supervisors are taught simple but effective ways to coach employees whose behavior might be a problem -early intervention to nip problems in the bud before they rise to the level of illegal harassment.</p>

<b>Date/Time</b>	<b>Information</b>
<b>MONDAY</b>	<b>July 31, 2023</b>
7:30am – 8:30am	Continental Breakfast
8:30am – 10:00am	<b>PLENARY SESSIONS</b>
8:30am - 8:45am	<b>Welcome and Opening Color Guard</b>
8:45am - 8:50am	<b>Welcome to Washington D.C.</b>
8:50am - 9:15am	<b>Greetings from EEOC Chair and Introduction of Keynote Speaker</b>
9:15am - 10:00am	<b>Opening Keynote</b>
	Historical perspective on civil rights.
10:00am – 10:30am	Mid-Morning Break
10:30am - 12:00pm	<b>Panel Discussion</b> Next Milestones for Federal Community (Predictions - 50 years).
12:00pm – 1:30pm	Lunch
1:30pm – 3:00pm	<b>WORKSHOP SESSION 1</b>
<b>1A</b>	<b>Why We Found Discrimination (F)</b>  This panel will engage in a comprehensive discussion of why they found discrimination in real cases. During this session, the panelists will examine the factual scenarios, applied legal analysis, and the challenging issues in each case.
<b>1B</b>	<b>Not the Dismissive Type? A Conversation on Acceptance and Dismissal Decisions (F)</b>  Are you responsible for accepting or dismissing complaints? If so, do you feel you have a firm grasp of the dismissal regulations under 29 CFR 1614.107, or are you winging it? Each year, roughly a third of procedural dismissals are remanded by OFO on appeal, suggesting agencies still struggle to properly recognize and analyze which cases are appropriate for dismissal. Come participate in this session where we will look at dismissal regulations under 29 CFR 1614.107, discuss selected accept/dismiss scenarios (both basic and nuanced), and explore the reasoning behind the Office of Federal Operation’s decisions to remand or affirm.
<b>1C</b>	<b>COVID Conversations (F/P)</b>  ARP decisions, expiration of emergency in May and how that impacts RA/Direct Threat).
1:30pm – 3:00pm	<b>WORKSHOP SESSION 1 – CONT.</b>
<b>1D</b>	<b>Let’s Talk About Layoffs and Reductions in Force (P)</b>

Date/Time	Information
	<p>Before you make that ultimate decision to let an employee or employees go, get the facts. This session will cover severance agreements, the Older Workers Benefits Protection Act (OWBPA) and more. Learn how to make a tough decision go smoother.</p>
<p><b>1E</b></p>	<p><b>ADR Trends and Post-Pandemic (F)</b></p> <p>The pandemic put neutrals in a position to either not work or conduct mediations virtually. Technology allowed neutrals to conduct mediations and ADR from wherever they and the parties were. This session will focus on what the data shows regarding virtual mediation and what ADR professionals can expect as a result going forward. Additionally, this session will look at best practices in a virtual ADR world.</p>
<p><b>1F</b></p>	<p><b>50 Years of the Rehabilitation Act (F)</b></p> <p>Reasonable accommodations are at the heart of the Rehabilitation Act, but it is not always easy to know what to do when presented with complex or ambiguous requests for accommodation. You may not know how to respond if the need for accommodation is not easily discernible or frequently changing. This session provides practical information and best practices for managing reasonable accommodation in the workplace.</p>
<p><b>1G</b></p>	<p><b>Hot Topics: Opioids and Discrimination (P)</b></p> <p>Individuals with substance abuse disorders, including opioid use disorder (OUD), may face potentially discriminatory barriers to employment. This presentation will discuss employment protections for individuals with OUD under Title I of the Americans with Disabilities Act (ADA), including protections against disparate treatment and the right to reasonable accommodations. The presenters will highlight recent enforcement efforts by the EEOC and the Department of Justice.</p>
<p><b>1H</b></p>	<p><b>Diversity at the Top (F)</b></p> <p>The long-term success of federal agencies requires a diverse body of talent that can bring fresh ideas, perspectives, and views to their work. Diversity in the more senior grades, including the SES, has proven a challenge within the federal government. We will explore the barriers to diversity in the senior grades and senior management, discuss strategies to enhance affirmative employment and outline necessary government wide strategies to ensure a more diverse and inclusive pipeline leading to senior leadership.</p>

Date/Time	Information
1:30pm – 3:00pm	WORKSHOP SESSION 1 – CONT.
1I	<p><b>Hybrid Workforce Issues (F/P)</b></p> <p>The world of work has undergone a dramatic transformation in the last few years, with remote work skyrocketing and the pandemic forcing employers to adapt in ways they never thought possible. As we move into more hybrid workplace models that mix in-office and remote work, employers and employees are facing new challenges. Join us for a discussion on some of the biggest challenges of hybrid work, including culture and connectedness, communication, productivity, motivation, stress management and balance.</p>
1J	<b>MD-715 Barrier Analysis Closed Track</b>
3:00pm – 3:30pm	Mid-Afternoon Break
3:30pm – 5:00pm	WORKSHOP SESSION 2
2A	<p><b>Ask OFO's Appellate Review Program (ARP) (F)</b></p> <p>Are EEOC dismissals still a mystery to you? Are you not quite sure when it's appropriate to use certain dismissal regulations? If so, the numbers show you are not alone. In fiscal year 2021, 31% of procedural dismissals were remanded on appeal by the EEOC. To help demystify the decision-making process, this session will look at dismissal regulations under 29 CFR 1614.107, discuss real accept/dismiss scenarios, and explore the reasoning behind the EEOC's decisions to remand or affirm.</p>
2B	<b>SOGI Data</b>

Date/Time	Information
3:30pm – 5:00pm	WORKSHOP SESSION 2 – CONT.
<b>2C</b>	<b>Introduction to AI and Federal Hiring (F)</b>
<b>2D</b>	<p><b>ADA, FMLA and Workers' Compensation (P)</b></p> <p>Navigating the ADA, FMLA and Worker's Compensation can be a challenge for employers. Learn what employer's responsibilities are under each. This session will focus on the differences and address the common pitfalls that can occur.</p>
<b>2E</b>	<p><b>Medical Documentation Confidentiality -- Per Se Violations: What Agency Supervisors/Managers and Representatives Should Know (F)</b></p> <p>Per se violations are underreported and often misunderstood. This session will explain the factual and legal circumstances that give rise to instances of per se reprisal and per se violations of the Rehabilitation Act, which occur with the greatest frequency in the context of reasonable accommodation requests. The presenters will address what agency supervisors and managers need to know to avoid engaging in conduct that leads to per se violations, and what agency counsel need to know when confronted with facts that may constitute per se violations.</p>
<b>2F</b>	<p><b>Accessibility at the Forefront (F)</b></p> <p>President Biden's Executive Order to Advance Diversity, Equity, Inclusion, and Accessibility (DEIA) in the Federal Workforce requires that federal workspaces must be fully accessible to employees with disabilities. This means that they must be designed and constructed to be accessible as required by the Architectural Barriers Act, which ensures access to federally funded facilities. This session will review accessibility requirements for employee work areas in the ABA Accessibility Standards (ABAAS) and will assist agencies in crafting the portions of their strategic plans dealing with accessibility.</p>

Date/Time	Information
3:30pm – 5:00pm	WORKSHOP SESSION 2 – CONT.
2G	<p><b>Workplace Harassment: I Don't See Color! - How Employers Can Explain, Prevent, Uncover, and Eradicate Bias in the Workplace (F/P)</b></p> <p>Using case studies and videos, this presentation will provide a roadmap for employers to help its workforce understand unconscious and implicit bias and provide specific tools to prevent, uncover and eradicate harassment that results from bias in the workplace.</p>
2H	<p><b>LGBTQ Federal Employees: "Lavender Scare" to Civil Rights Protection (F)</b></p> <p>Historians refer to a time in the 1950s, as the "Lavender Scare." During this period, thousands of government workers were fired, simply because they were LGBTQ or suspected of being LGBTQ. This purge continued for several years, negatively impacting the culture of the federal workplace. The landscape has changed dramatically in the recent past, with landmark decisions from the Supreme Court, the United States Equal Employment Opportunity Commission, and the United States Office of Special Counsel. That progress, however, may be in jeopardy, and this session will consider current legal challenges with a look to the future of federal employees and workplace culture.</p>
2I	<p><b>How to Craft (and Defend Against) an Effective Motion for Summary Judgment (F)</b></p> <p>A successful Federal sector EEO attorney must have the ability to recognize when the use of a dispositive motion is appropriate. During this session, we will address the attributes of a case that is ripe for Summary Judgment and explore fact patterns that must be resolved through other means. In addition, get tips on drafting statements of undisputed material facts and other aspects of effective motions for summary judgment. Complainant's representatives will learn how to successfully oppose a motion for summary judgment.</p>
2J	<p><b>MD-715 Barrier Analysis Closed Track</b></p>

<b>Date/Time</b>	<b>Information</b>
<b>TUESDAY</b>	<b>August 1, 2023</b>
7:30am – 8:30am	Continental Breakfast
8:30am – 10:00am	<b>PLENARY SESSIONS</b>
<b>8:30am - 9:15am</b>	<b>Keynote Presentation</b>
<b>9:15am - 10:00am</b>	Panel Discussion
<b>10:00 - 10:30 am</b>	Mid-Morning Break
10:30am – 12:00pm	<b>WORKSHOP SESSION 3</b>
<b>3A</b>	<p><b>Achieving Inclusion and Diversity in the Workplace with Digital Accessibility (F/P)</b></p> <p>Information and communications technology (ICT) has become integral to daily life and work, particularly as many activities shifted online in response to the COVID-19 pandemic. ICT includes many tools used to communicate, including digital devices, digital documents, websites, software (e.g., virtual meeting platforms), and hardware. Because ICT is a primary medium for digital communication and information access, it should be available to and inclusive for everyone. Yet, many employers are unaware of or face challenges in implementing digital accessibility in the workplace. Therefore, it is essential to understand the approaches employers use to ensure digital content is accessible.</p>
<b>3B</b>	<p><b>Ask the Administrative Judges (F)</b></p> <p>What happens after the complaint is assigned to an Administrative Judge? Are there best practices to follow when filing dispositive motions? Ask any questions about the Hearings process and be prepared for a lively session! This panel is ready to answer all your questions. Nothing is out of bounds except for discussions about specific cases.</p>
<b>3C</b>	<p><b>Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (F/P)</b></p> <p>The Break Time for Nursing Mothers law, passed in 2010, requires employers to provide reasonable break time and a private, non-bathroom space for breastfeeding employees to pump during the workday.</p> <p>Come and learn how this new law promotes employers in the workplace.</p>



Date/Time	Information
10:30am – 12:00pm	WORKSHOP SESSION 3 – CONT.
3D	<p data-bbox="358 222 1239 258"><b>Beyond <i>Bostock</i>: Unresolved Legal Issues for LGBTQI+ Employees (F/P)</b></p> <p data-bbox="358 348 1526 569">The Supreme Court’s 2020 historic decision in <i>Bostock v. Clayton County</i> held that Title VII of the Civil Rights Act of 1964 protects employees against discrimination because of their sexual orientation and gender identity. While this decision established a broad, general framework, it did not decide all Title VII questions about LGBTQ+ employment discrimination. Workplaces are facing issues regarding pronoun use, access to restrooms, and health insurance coverage, in addition to claims of harassment and disparate treatment. Join us for a discussion of these current issues as well as a look at possible future legal challenges.</p>
3E	<p data-bbox="358 674 691 709"><b>Race and Ethnicity Data (F)</b></p> <p data-bbox="358 768 1526 989">The Office of Management and Budget (OMB) maintains government-wide standards for federal race and ethnicity data that ensure the ability to compare information and data across federal agencies, and to understand how well federal programs serve a diverse America. On June 15, 2022, the Chief Statistician of the United States identified updating the standards as a top priority to ensure that the standards better reflect the diversity of the American people, with the goal of completing these revisions by the Summer of 2024. Join this session to learn more about the proposed changes to these standards and the status of this important project.</p>
3F	<p data-bbox="358 1125 1305 1161"><b>The EEO Practitioner’s Guide to Dealing with Mental Health Blind Spots (F/P)</b></p> <p data-bbox="358 1251 1515 1503">As EEO Practitioners, we are confronted daily with the negative impacts personal biases can have on an employee and their career trajectory, but what about the role our own biases play in how we perform our duties? This training will focus on the blind spots the EEO community has as it relates to how we process complaints and reasonable accommodations when there is a mental health component. We will look at the role mental illness plays in how our employers respond to complainants and accommodation requests, focusing on how these disabilities can present themselves and ways EEO Practitioners can avoid the pitfalls of which other employers have succumbed.</p>

Date/Time	Information
10:30am – 12:00pm	WORKSHOP SESSION 3 – CONT.
3G	<p><b>Appellate Remedies Enforcement: Best Practices for Complying with Commission Orders (F)</b></p> <p>Compliance with Commission Orders poses challenges for many federal agencies. This session will offer insight into what appellate remedies enforcement is and review the documentation needed to close compliance, as well as the best practices federal agencies can use to ensure compliance with Commission Orders.</p>
3H	<p><b>FAD Writing - From Basics to Best Persuasive Practices (F)</b></p> <p>New to writing FADS or to reviewing them? This class will focus on the regulatory requirements for FADs, the structure of a model FAD, and a discussion on the theories of discrimination (i.e., disparate treatment, harassment, reasonable accommodation), while leaving time for questions and discussion on the most challenging issues for FAD writers. During this workshop, instructors will also introduce a model FAD as a basis for discussion on best practices and strategies on writing FADs.</p>
3I	<p><b>Employee Engagement Why It Really Matters (P)</b></p> <p>An engaged workforce creates employees who identify with and are committed to their organization. This makes employees feel satisfied and energized at work. Don't get confused with what you believe your employees need, with what they need to become engaged at work. Learn what really matters when it comes to employment engagement.</p>
3J	<p><b>MD-715 Barrier Analysis Closed Track</b></p>
12:00pm – 1:30pm	Lunch
1:30pm – 3:00pm	WORKSHOP SESSION 4
4A	<p><b>EEOC Case Update - Private Sector Employers (P)</b></p> <p>EEO law is dynamic, multifaceted, and developing as the courts interpret and apply the law to a rapidly changing workplace. Employers must remain vigilant and aware of the significant EEO court cases decided this year. Hear about the latest private sector cases, precedent-setting decisions, and their implications for employers.</p>

Date/Time	Information
1:30pm – 3:00pm	WORKSHOP SESSION 4 – CONT.
4B	<p><b>Labor Issues in the Federal Sector (F)</b></p> <p>Most of Mr. Broida's litigation is before the MSPB and the United States Court of Appeals for the Federal Circuit He also provides representation before EEOC, FLRA, labor arbitrators, and other federal district and circuit appellate courts. Many of his cases involve appeals from terminations of employment; others involve whistleblower and EEO or Equal Pay Act litigation. Mr. Broida writes annual editions of <i>Guide to Merit Systems Protection Board Law and Practice</i> and <i>A Guide to Federal Labor Relations Authority Law and Practice</i>, along with other books and training materials involving civil service law.</p>
4C	<p><b>Best Practices Related to EEOC Hearings (F)</b></p> <p>This session will focus on the nuts and bolts of presenting your case at an EEOC hearing. Experts will share their collective experience on how best to prepare for a hearing and what regulations, practices, and procedures to be aware of before the first witness is called. Topics will include prehearing submissions, how to prepare for and take an effective direct and cross examination, when and when not to use witnesses, how to introduce exhibits into the record, how to prepare for closing statements, and how to anticipate the issues that can arise from a finding of liability.</p>
4D	<p><b>Communication in the Workplace: Turning Conflict into Opportunity (F/P)</b></p> <p>It is no secret that a breakdown in communication can lead to conflict in the workplace. Conflict, however, can lead to necessary change and improved workplace interaction. Come hear how those familiar issues of unconscious bias, stereotypes, and microaggressions can lead to new opportunities to solve workplace communication issues and lay the groundwork for DEIA.</p>
4E	<p><b>Paid Internships and E.O. 14035 (F)</b></p> <p>In January 2023, OPM and OMB issued Guidance on Promoting Internships and other Student and Early Career Programs in the Federal Government. Further, Executive Order 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce directs agencies to explore ways to increase paid internships. This session will explore how agencies can work to promote paid internships and recruit early career talent as part of an overall diversity, equity, and inclusion strategy.</p>

Date/Time	Information
1:30pm – 3:00pm	WORKSHOP SESSION 4 – CONT.
4F	<p><b>Introduction to the United States Access Board (F)</b></p> <p>The U.S. Access board issues guidelines for the physical accessibility of buildings and facilities and standards for the accessibility of information and communication technology purchased, maintained, or used by the federal government. The Board also enforces the Architectural Barriers Act, which requires federal facilities and certain facilities constructed with federal funds to be accessible. Attendees will learn why the work of the Access board matters to employers. The presentation will include a brief discussion of the Board’s structure and mission; consider the Board’s authority under the Americans with Disabilities Act, ABA), and Section 508 of the Rehabilitation Act; highlight current rulemaking priorities; and explore the relationship between physical accessibility and accessibility of information and communications technology to reasonable accommodations for employees with disabilities.</p>
4G	<p><b>OSC (F)</b></p> <p>The U.S. Office of Special Counsel and the EEOC first entered a Memorandum of Understanding (MOU) in February 1988 to further the objectives of Congress and promote interagency coordination in the enforcement of anti-discrimination laws and provides for information sharing. Join us to learn more about the history of this longstanding relationship as well as the current initiatives being undertaken in partnership.</p>
4H	<p><b>Improving Investigations through EEO &amp; HR Partnership (F)</b></p> <p>This session discusses how to create an effective partnership between EEO and HR that can have immediate benefits on the quality of agency EEO investigations, including improving management’s understanding of its obligations, more efficiently collecting documentation, meeting regulatory timeframes, and decreasing remands.</p>
4I	<p><b>Promising Practices for Employment of Individuals with Disabilities in the Federal Sector (F)</b></p> <p>Federal agencies are required to meet numerical goals for employing persons with disabilities and implement Affirmative Action Plans (AAPs) that identify actions to recruit, hire, retain, and advance individuals with disabilities. This session will identify policies and practices from AAPs and technical assistance partnerships that are promising practices for individuals with disabilities.</p>
4J	MD-715 Barrier Analysis Closed Track
3:00pm – 3:30pm	Mid-Afternoon Break

Date/Time	Information
3:30pm – 5:00pm	
5A	<b>EEO Counselor Tool Kit (F)</b>
5B	<p><b>Use of Artificial Intelligence as a Job Assessment Tool and the ADA (F/P)</b></p> <p>Employers now have a wide variety of computer-based tools available to assist them in hiring workers and monitoring worker performance and other terms and conditions of employment. The use of these tools, however, may disadvantage job applicants and employees with disabilities. This session will explore, from the Commission’s perspective, how employers’ use of algorithmic decision-making software (or Artificial Intelligence) may violate the Americans with Disabilities Act (“ADA”). This session also provides practical tips for employers on how to comply with the ADA, as well as advice to job applicants and employees on preserving their rights.</p>
5C	<p><b>Successful Alternative Dispute Resolution Strategies in the Federal Sector Hearings Process (F)</b></p> <p>Settlement conferences and mediations are widely used in the EEOC hearings process to resolve cases. This session will provide practical tips on paving the way to successful outcomes, generating ideas for settlement proposals, drafting legally enforceable agreements, ensuring that the right officials are at the table, and general best practices.</p>
5D	<b>Hours Work Principles Under FLSA (F/P)</b>

Date/Time	Information
3:30pm – 5:00pm	WORKSHOP SESSION 5 – CONT.
5E	<p><b>Neurodiversity in the Workplace (F/P)</b></p> <p>Join us for an explanation of neurodiversity in a workplace context and a discussion addressing how it can benefit employers and employees alike. There will also be tips on common accommodations for employees with autism and other neurocognitive differences and related hiring initiatives and partnerships implemented by a range of employers.</p>
5F	<p><b>60th Anniversary of the Equal Pay Act (F/P)</b></p> <p>This year marks the 60th anniversary of the signing of the Equal Pay Act of 1963. This landmark piece of federal anti-discrimination law was one of the very first to address gender-based pay disparities. Sixty years later, we have made a great deal of progress, but there is still much to be done. Join us for a look back at the history of the EPA as well as an examination of the impact of more recent laws such as the Lily Ledbetter Fair Pay Act and Executive Orders 14035 and 14069, aimed at promoting pay equity and transparency.</p>
5G	<p><b>Promising Practices for Federal Sector Anti-Harassment Programs (F)</b></p> <p>Harassment is the number one issue alleged in federal sector EEO discrimination complaints. In fact, since FY 2018, harassment has been alleged in over half of EEO complaints. EEO Management Directive (MD)-715 establishes that model EEO programs must issue policies and procedures for addressing all forms of unlawful harassment. This session discusses the requirements for agency anti-harassment programs as well as provide recommended practices for preventing, identifying, and addressing harassment.</p>
5H	<p><b>Contractor or Employee? Where Agencies Go Wrong and How to Get it Right (F)</b></p> <p>Do you or your agency struggle with claims from contractors? Have you been surprised when your dismissal was not upheld by the EEOC? From a detailed discussion of the numerous factors to consider in assessing joint employer status to what to include in the record and your analysis, this session will explore all things related to properly accepting or dismissing claims filed by those working under contractor status. By discussing numerous scenarios, based on real EEOC appeals, this session will provide a measure of clarity when faced with your next contractor case.</p>
5I	<p><b>Weeding through the Haze: State and Federal Marijuana Laws and Implications (F/P)</b></p>

Date/Time	Information
	<p>Thirty-seven states and several territories have now legalized medical marijuana, and adult use of marijuana for recreational purposes is legal in 21 states. What does this mean for employees who use cannabis for medical or recreational reasons? What are the differences in where you live and in your profession? How does this affect employer's drug testing and hiring? Come hear the answers to these questions and more, as well as tips on what you need to know about marijuana and its impact on workplace policies and employment decisions.</p>
5J	<a href="#">MD-715 Barrir Analysis Closed Track</a>

Date/Time	Information
WEDNESDAY	August 2, 2023
8:30am – 10:00am	PLENARY SESSIONS
8:30am - 9:15am	<p><b>Pregnant Workers Fairness Act (PWFA)</b></p> <p>Congress passed the Pregnant Workers Fairness Act (PWFA) to ensure that job applicants and employees affected by pregnancy, childbirth, or related medical conditions will have the right to reasonable accommodation. This critical new law allows workers to protect their financial security, their health, and the health of their pregnancies.</p>
9:15am - 10:00am	<p><b>Rehabilitation Act</b></p> <p>The Rehabilitation Act of 1973 ensured that Federal employees and applicants were protected from unlawful discrimination. It has served as the blueprint for providing protection to the larger American workplace through the Americans with Disabilities Act. What can we expect from the coverage provided by the Rehabilitation Act for the future?</p>
10:00am – 10:30am	Mid-Morning Break
10:30am – 12:00pm	WORKSHOP SESSION 6
6A	<p><b>EEO Case Update - Part 1 (F)</b></p> <p>You've been busy over the last year, and so has EEOC. Join EEOC for a lively and engaging discussion of the latest developments in Commission case law, including emerging issues in the federal sector. Each session will feature a different selection of cases.</p>
6B	<p><b>The Alarming Rise of Antisemitism and the Impact on Work (P/F)</b></p>



<b>Date/Time</b>	<b>Information</b>
	<p>We as a nation are currently experiencing an alarming increase in antisemitism, and the first step in addressing the problem is to acknowledge that it exists. This session will provide an overview of historical and modern antisemitism, as well as discuss the legal protections in the workplace for Jewish applicants and employees. The session will close with specific steps DEI&amp;A leaders can take to decrease the likelihood that anti-Jewish discrimination and harassment will occur in the workplace and increase the sense of belonging for Jewish employees.</p>

Date/Time	Information
10:30am – 12:00pm	WORKSHOP SESSION 6 – CONT.
6C	<p><b>DEIA - It's More Than a Program, It's a Strategic Imperative (F)</b></p> <p>A strategic imperative is a business tool, objective or target that has the HIGHEST priority. Recognizing DEIA as a strategic imperative means we must evaluate, on a continuous basis, the entirety of our agency's business as it pertains to the internal workings, external messaging, and other outputs of our agency. To achieve true organizational success, our commitment to Diversity, Equity, Inclusion, and Accessibility must be evident across every function and level of our organization. Join this session to learn how you can drive successful outcomes at your organization while creating a culture of commitment to #DEIA365.</p>
6D	<p><b>Retaliation in the Workplace: What Does It Look Like? (F/P)</b></p> <p>Retaliation remains the most frequently alleged basis of employment discrimination. This session will offer insight on significant court and Federal sector cases, as well as best practices for avoiding retaliation claims.</p>
6E	<p><b>462 Reports and The Future (F)</b></p> <p>Federal agencies are required to submit Form 462 complaints reports to the EEOC by October 31 of each year. This session, aimed at experienced and new Form 462 preparers, will provide useful tips on how to complete an accurate Form 462, how to overcome common challenges, and how to submit the form through the FedSEP portal. The session also will provide a preview of a system that does not require submission of a Form 462.</p>
6F	<p><b>Generational Divide: Myth, Reality, or Should We Go Back to Work (F/P)</b></p> <p>Much has been said - and continues to be said about the five generational cohort groups sharing today's workplace. Are their values, perspectives, and expectations about work hopelessly at odds? Or do we all share more in common than we know? This session examines the forces of conflict in the workplace - describing from a stage, age, and cohort perspective.</p>
6G	<p><b>Unlocking Opportunities for Returning Citizens (P)</b></p>

Date/Time	Information
	Employers feel apprehensive about individuals with a prior conviction and may not understand the legal requirement when determining not to select an individual with a prior conviction. This session will focus on the legal aspects as well dispelling the myths surrounding second chance hiring. A review of the benefits of hiring individuals with prior convictions will also be addressed by employers who hire such persons.
10:30am – 12:00pm	<b>WORKSHOP SESSION 6 – CONT.</b>
6H	<p><b>Workplace Violence (P)</b></p> <p>Workplace violence, bullying, etc.</p>
6I	<p><b>Integrating Faith and Work in the Federal Workspace (F)</b></p> <p>We're invited to bring our whole selves to work, encourage authenticity, and seek inclusivity, but when it comes to religious beliefs, we're asked to leave it at home and keep it in private. The mere reference to religious expressions in government workplaces may raise questions about appropriateness or legality. At the same time, fears about inappropriate expressions may limit individuals having faith backgrounds from bringing aspects of their faith to the workplace. This session aims to provide a survey of the laws regarding religious expression in the workplace (including recent cases before and out of the Supreme Court) and examine ways that a proactive inclusion of faith backgrounds can be done with dignity and respect.</p>
6J	<b>MD-715 Barrier Analysis Closed Track</b>
12:00pm – 1:30pm	<b>Lunch</b>
1:30pm – 3:00pm	<b>WORKSHOP SESSION 7</b>
7A	<p><b>EEO Case Update - Part 2 (F)</b></p> <p>You've been busy over the last year, and so has EEOC. Join EEOC for a lively and engaging discussion of the latest developments in Commission case law, including emerging issues in the federal sector. Each session will feature a different selection of cases.</p>
7B	<b>Virtual Harassment and Cyberbullying (F/P)</b>

Date/Time	Information
	<p>Promptly addressing claims of hostile environment harassment can help develop and maintain a respectful workplace, even when many or most employees are teleworking. This session will address the prevention of cyberbullying as well as inappropriate online communication and conduct and offer best practices for investigating and remedying virtual harassment. Participants will learn to recognize signs of harassment and develop an understanding of an employer's responsibility to prevent, investigate, and remedy hostile work environments. Participants will discuss real world examples of common EEO complaints involving cyberbullying and inappropriate online conduct through instant messages, social media posts, emails, and more.</p>
<p><b>7C</b></p>	<p><b>Hearing Disabilities in the Workplace and the Americans with Disabilities Act (F/P)</b></p> <p>In January 2023, EEOC issued a technical assistance document entitled Hearing Disabilities in the Workplace and the Americans with Disabilities Act. This session will discuss the contents of this document, which delves into questions such as when an employer may ask an applicant or employee questions about a hearing condition and how it should treat voluntary disclosures; what types of reasonable accommodations applicants or employees with hearing disabilities may need; how an employer should handle safety concerns about applicants and employees with hearing disabilities; and how an employer can ensure that no employee is harassed because of a hearing disability or any other disability.</p>

Date/Time	Information
1:30pm – 3:00pm	WORKSHOP SESSION 7 – CONT.
7D	<p><b>The Future of Performance Evaluations (P)</b></p> <p>Topic - trends are moving away from performance evaluations in private sector.</p>
7E	<p><b>What are the Requirements for Class Certification in Federal Sector Cases? (F)</b></p> <p>This advanced session focuses on how to meet or oppose the requisites for certifying a class case. This session will cover critical certification related subjects, such as: satisfying the required legal elements, pre-certification discovery, legal briefing during the EEOC certification stage, and what happens after a class case is certified.</p>
7F	<p><b>Grooming Standards and Workplace Attire (P)</b></p> <p>CROWN Act, religious attire, political clothing.</p>
7G	<p><b>Accommodation Strategies for Returning to the Workplace (F/P)</b></p> <p>As the nation continues to recover from the pandemic, many employers have abandoned a conventional perspective on where, when, and how work is performed and have adopted flexible policies and practices to meet business objectives. Like many of the adjustments that were made by employers to keep people working in response to the COVID-19 pandemic (e.g., telework), reasonable accommodations can enable qualified workers with disabilities to stay on-the-job or return to the workplace. Join this session for a look at some situations and potential solutions as well as a discussion of available resources for making individualized reasonable accommodation determinations.</p>
7H	<p><b>Beyond Mere Money: Resolutions That Meet the Needs and Close the Deal</b></p> <p>What does it take to resolve a discrimination complaint? Whether resolving a conflict on the job, in a mediation session, or as part of a legal proceeding, employees often are looking for something beyond money. Learn about achieving resolutions that recognize and meet the employee's real needs and create a win-win for both sides.</p>
7I	<p><b>Computer/Electronic Accommodations Program</b></p> <p>Awaiting topic description</p>

Date/Time	Information
7J	<b>MD-715 Barrier Analysis Closed Track</b>
3:00pm – 3:30pm	Mid-Afternoon Break
3:30pm – 5:00pm	<b>WORKSHOP SESSION 8</b>
8A	<p><b>Mixed Cases (F)</b></p> <p>Back by popular demand! Are you mixed up about what to do with a mixed case? Do you understand how mixed cases are processed? Or why you might want to file one? This session will shed light on what a mixed case is, how to determine whether to file the case with the EEOC or MSPB, considerations in deciding one forum over another, and more. Join this session to gain a better understanding of the rules, policies, and case authorities governing these cases.</p>
8B	<p><b>DEIA in Federal Interviewing and Hiring (F)</b></p> <p>This session will examine how the principles of diversity, equity, inclusion, and accessibility can lead to success in hiring and analyze mistakes commonly made during the interview process which can lead to a homogeneous workplace. Come learn the appropriate steps to take in the recruitment process to enhance the possibility of a diverse qualified applicant pool, what questions not to ask during the interview, and other techniques for enhancing DEIA within your organization.</p>
8C	<p><b>Hot Topics in Investigations (F)</b></p> <p>Join experts for a presentation of complex, tricky or nuanced EEO issues that crop up during the investigation phase, including real life examples and practical advice. What are the toughest investigation issues for your agency to resolve - equitable tolling, the perception of impartiality, witness participation, adequate record of investigation? This session will explore beyond the basics of these and other increasingly common, yet potentially complex, EEO investigation matters. Come learn how to handle some of the most difficult, complicated, and/or otherwise problematic investigation issues.</p>
8D	<b>Service Animals (F/P)</b>

<b>Date/Time</b>	<b>Information</b>
	<p>The popularity of service and therapy animals as an accommodation has skyrocketed in recent years. These animals serve a diverse range of purposes, and their requirements differ depending on the setting. This can too often lead to misunderstandings about the rights of people with disabilities who utilize service animals. Join this session to learn how to deal with the reasonable accommodation issues that arise because of including service animals in the workplace. Also hear about best practices in the workplace and discuss the importance of the interactive process when an employee works with a service animal.</p>

Date/Time	Information
3:30pm – 5:00pm	WORKSHOP SESSION 8 – CONT.
8E	<p><b>Ethics for Attorneys (P/F)</b></p> <p>This workshop will cover common ethics issues that arise when practicing employment law as well as new ethical questions and areas of professional risk for attorneys.</p>
8F	<p><b>Stress, Anxiety, and Burnout: Prioritizing Mental Health in the Workplace (F/P)</b></p> <p>A recent report from the American Psychological Association found that employees with high levels of stress are more likely to miss work or to show lower engagement and commitment while at work. These findings underscore the need to put mental health at the center of workplace policies. This is more important than ever as we deal with shifts in workplace culture exacerbated by the pandemic and changing work environments.</p>
8G	<p><b>Initial Conferences in the Federal Sector Hearings Process- How to Prepare and Participate Effectively (F)</b></p> <p>Whether you are a complainant, complainant’s attorney, or agency representative, come learn how to get the most out of the initial conference with an EEOC Administrative Judge. In this session, you will learn what to expect during the initial conference and will receive practical tips on how to best prepare for one.</p>
8H	<p><b>4 Steps Forward for Compliance and Inclusion in Your Workplace</b></p> <p>Building workplace cultures aligned with the letter and spirit of applicable laws is critical to the success of public and private organizations. In recent years, COVID, social upheavals dealing with race, sex, ethnicity, sexual orientation, and remote work issues, among others, have made this especially challenging. As an example, in some organizations, well intended DEI initiatives have generated organizational backlash and legal claims rather than improved compliance and daily on the job inclusion. Such outcomes undermine the principles of EEO limiting opportunities and organizational results.</p> <p>Many of these challenges can be met and lessened by applying four necessary structural elements which must be embedded as the DNA of consistent inclusion, compliance, cultural and operational results. This interactive session involving discussion, a simulation and break out segments will present a usable culture and compliance implementation model to help participants deliver enduring initiatives in their organizations.</p>
8I	<p><b>Trauma Awareness in ADR Practice in Employment Discrimination Disputes</b></p> <p>This highly interactive, thought-provoking, and practical session will invite the participants to introduce trauma awareness, compassionate communications and restorative practices into highly charged ADR Cases involving Civil Rights/EEO disputes. Other topics covered in this session will include: understanding Civil Rights disputes and other conflicts from a trauma-aware perspective; exploration of four principles of conflict transformation and how they can be used to</p>



Date/Time	Information
	generate movement from positions to needs; mediating highly charged and/or "unresolvable" conflicts; and connecting trauma awareness in ADR with inclusion and equity.
<b>8J</b>	<b>MD-715 Barrier Analysis Closed Track</b>