



**June 18 - 19, 2009 | Renaissance Washington, DC Hotel**

**Wednesday, June 17**

10:00 am - 5:00 pm Pre-Conference: [CWS Council](#) Semi-Annual Meeting  
(Council Members Only)

**Thursday, June 18**

7:00 - 8:30 am Conference Registration and Networking Breakfast

**8:30 - 9:15 am KEYNOTE: Developing Your Contingent Workforce Risk Management Strategy**

Organizations are spending hundreds of millions or even billions of dollars each year on the use of contingent workers; both temporary employees and independent contractors. This vital human capital is critical to getting business done. But are you aware of the full scope of risks that you're facing when utilizing these workers? From the risk of major financial costs to the safety of your people, assets and intellectual property, the risks can be extensive. Not to mention the potential damage to your organizations competitive advantage, brand and reputation and possibly even jail time for managers who run afoul of the law.

In this important keynote you will learn about the full range of contingent workforce related risks your organization may face, how to best prioritize them and discover a roadmap to ensure you minimize them.

Speaker: Barry Asin, Chief Analyst, Staffing Industry Analysts

**9:30 - 10:30 am Concurrent Sessions**

**Option 1: Your Legal Responsibilities as a Co-Employer: What You Need to Know**

Hiring a staffing firm to provide temporary workers can be a cost effective and efficient way to get the talent you need, when you need it. But your risk as a co-employer, (as many organizations have discovered to their dismay), doesn't just go away because someone else is issuing paychecks. There are a vast array of Federal and state laws that come into play when you bring on a temporary employee or independent contractor. From the Family and Medical Leave Act to the ADA, to EEOC and Sexual Harassment, the risks of a misstep can be significant. In this session we will explore the legal risks out there and help you plot a strategy to minimize the chances of nasty and expensive surprises.

Speaker: Eric Rumbaugh, Partner, Michael Best and Freidrich

**Option 2: Business Continuity: Hardening Your Business to Survive the Unpredictable**

Legal and financial penalties are not the only risks facing organizations that rely on the use of contingent workers. Contingents have critical operational roles in your business and your contingent workforce program needs to be able to survive a wide variety of business disruptions. From the financial failure of a key supplier, to the impact of a natural disaster or act of terrorism, it is your responsibility to ensure that your program and contingent workers are able to accomplish their critical tasks. In this session we will explore the key business continuity risks that organizations face with regards to their contingent workers and explore the critical steps companies must take in order to be prepared for the unexpected.

Speaker: Jason Ezratty, Managing Partner, Brightfield Strategies

**10:30 - 11:00 am Networking Break**

## Thursday, June 18 (continued)

### 11:00 am - 12:00 pm Concurrent Sessions

#### Option 1: Global Risks in Managing Your Contingent Workforce

The complexity involved in ensuring your contingent workforce is compliant with labor and other related laws becomes significantly more complex as programs span national borders. With differing regulatory, business and operating environments, it can be challenging to grasp the full set of risks your business is facing and come up with plans to minimize those risks. In this session, attendees will learn from global experts and practitioners about the risks facing those using temporary employees and independent contractors around the world.

#### Panelists:

Kevin Barrow, Partner, Blake Laphorn

Martin Glick, CEO, Albany International

Annette Koch, Category Manager Contract Labor, Shell Information Technology International

Moderator: Adrienne Nelson, Director, Member Services, Staffing Industry Analysts

#### Option 2: Screening and Classifying Your ICs: Is the Safe Harbor Really Safe?

The risk of misclassifying employees as independent contractors is a huge issue for many organizations, with stepped up IRS enforcement and the possibility of fines, penalties and back tax payments of tens or in some cases even hundreds of millions of dollars. The situation is only likely to get more complex with a new administration bringing potentially huge changes to Section 530 Safe Harbor protection. How can you establish a program that will minimize your misclassification risk in this changing environment? What are the best practices that leading edge organizations are following to ensure that they tap the vital independent workforce while minimizing their risk? In this panel session we will explore what you need to know in order to ensure your use of independent contractors won't come back to bite you, both today and tomorrow.

#### Panelists:

Stephanie Ellis, Vice President, Compliance Services, WorkforceLogic

Julie Johns, Recruiting/Project Manager, CLRC, Corning, Inc.

Kathy Mort, Managing Director, WNTS IRS Service Team, PricewaterhouseCoopers

William Weissman, Shareholder, Littler Mendelson, P.C.

Moderator: Diana Gabriel, Strategic Services Executive, Staffing Industry Analysts

### 12:00 - 1:30 pm Lunch and Informal Networking

## Thursday, June 18 (continued)

### 1:30 - 3:15 pm Critical Issues Moderated Discussion Roundtables

Attendees will meet in small groups with experts and peers to discuss the most critical issues facing managers looking to minimize their co-employment and contingent workforce related risks. Each attendee may choose up to three different topics during three sessions of 30 minutes each.

Topics to include the following\*

#### Legal/Regulatory Risk

- Co-employment compliance with Federal labor laws
- Independent Contractor classification best practices
- Section 530 Safe Harbor: What You Need to Know
- Overtime risks with contingent workers: exempt and non-exempt employee classification
- Microsoft inoculation – what to do with your benefit plans
- Sarbanes Oxley and SAS 70 compliance

#### Operational Risk

- Layoffs and your contingent workforce: How to reduce risk and maintain morale
- Disaster planning and your contingent workforce
- Judging the risks with your suppliers in tough economic times
- Balancing legal and operational necessities
- Building a compliant program, what's working?

#### Asset Risk

- Protecting your intellectual property
- Controlling access to your physical assets
- Natural disasters and other risks to the organization

#### Security Risk

- Contingent workers and facilities access control
- Workplace violence and the contingent workforce
- Preparing your flexible workforce for the threat of terrorism

#### Insurance Risk

- Workers compensation insurance discussion
- Indemnification clauses and your staffing suppliers

**\* Subject to change based on interest and expert availability. To suggest a topic email [cwseditor@staffingindustry.com](mailto:cwseditor@staffingindustry.com)**

### 3:15 - 4:00 pm Extended PM Networking Break and One on One Meeting Time with Experts

Attendees will have time to schedule one on one meetings with colleagues, peers and experts during this extended networking break. Instructions will be provided to aid in signing up for meetings.

## Thursday, June 18 (continued)

### 4:00 - 5:00 pm Concurrent Sessions

#### **Option 1: Intellectual Property and Your Contingent Workforce: Do You Know Where Your IP Is?**

When temporary employees or contractors perform vital tasks that are increasingly core to your business, they will also have access to your vital intellectual property assets. How do you ensure that the IP they are working with doesn't end up with one of your competitors as soon as they start their next gig? In this interactive session we'll go beyond the plain vanilla NDA agreement and discuss the practical solutions you need to implement to ensure that your IP remains yours.

#### Panelists:

Eric Rumbaugh, Partner, Michael, Best & Friedrich  
Sylvester Wilkins, Sourcing Group Manager, GlaxoSmithKline

Moderator: Bryan Peña, Strategic Services Executive, Staffing Industry Analysts

#### **Option 2: Ensuring and Paying for Compliance: Best Practices From the Field**

Getting all your policies right is just the beginning in protecting your organization from contingent workforce related risk. From screening ICs to preventing rogue spend to complying with legal requirements, all those policies aren't worth the paper they are written on unless you are able to build a robust compliance capability. And achieving an effective compliance program requires allocating program costs to the most appropriate constituencies. Where do you charge the cost of the program? How do you justify ROI? In this panel discussion we'll hear from experts and program managers on the key questions to consider and the actions you need to take to ensure that your entire organization is working to minimize your risk while keeping the costs of compliance low.

#### Panelists:

Dan Litts, Manager, Professional Services Sourcing & Procurement, Verizon Services  
Tim Tinsman, Senior Manager, Sourcing, MedImmune, LLC  
Gene Zaino, CEO, MBO Partners

Moderator: Subadhra Sriram, Managing Editor, *Contingent Workforce Strategies* Magazine

### 5:00-6:30 Networking Reception

## Friday, June 19

### 7:30 - 8:30 am Networking Breakfast

### 8:30 - 9:45 am **KEYNOTE:** Microsoft, FedEx and Beyond: Are You Safe from Generation 2.0 Big Ticket Litigation?

While it's been nearly ten years since the courts ruled against Microsoft in its landmark class action suit, the case continues to reverberate. With an eventual settlement of nearly \$100 million paid out to the workers, the Vizcaino v. Microsoft case set the precedent for much of what organizations have done since to manage their co-employment risk. And the big dollar exposure for users of contingent labor has certainly not diminished, with just one recent example of FedEx facing more than \$300 million in IRS imposed penalties. In this interactive discussion, we'll explore the origins and future implications of these landmark cases and others that have had a significant impact on the risks involved in using contingent workers. For anyone looking to really understand their true coemployment risk, today and into the future, this session is a must.

#### Panelists:

Alden Bianchi, Member, Mintz Levin

Joe Moan, Inside Counsel, Coca Cola

Lynn Rossman Faris, Lead Plaintiff Attorney, FedEx Drivers Multi-District Litigation

Don Schroeder, Member, Mintz Levin

Moderator: Dana Shaw, Executive Director, Strategic Solutions, Staffing Industry Analysts

### 9:45 - 10:15 am Networking Break

### 10:15-11:15 am Concurrent Sessions

#### **Option 1: The Changing Legislative Landscape: Contingent Workforce Law and The Obama Administration**

With the incoming Obama administration and a more solidly democratic congress, not to mention a monumental economic crisis, the legal framework for employment has seldom been as up for grabs as today. In this critical session, we'll explore the likely changes coming out of the Federal government that will alter the risk landscape for organizations using contingent workers. From independent contractor classification (and potential changes to section 530 Safe Harbor), to unionization and the myriad of labor laws that affect organizations using temporary workers, change is most definitely in the air. Get forward looking insights that will help you plan for the future, minimize your risk and sleep easier in a time of tumultuous change.

#### Panelists

Russell Hollrah, Executive Director, Coalition to Preserve Independent Contractor Status

Ed Lenz, SVP Public Affairs and General Counsel, American Staffing Association

Mark Roberts, CEO, National Association of Computer Consultant Businesses

Moderator: Bryan Peña, Strategic Services Executive, Staffing Industry Analysts

## Friday, June 19 (continued)

### 10:15-11:15 am Concurrent Sessions

#### **Option 2: Avoiding a Worker Misclassification Audit While Attracting Top IC Talent**

The IRS is targeting independent contractor misclassification as one of its top enforcement priorities. The risk to companies is huge. In the well known case of FedEx, the company was hit with back taxes and penalties of over \$300 million. And the IRS estimates that up to half of the 10 million or so independent contractors in the U.S. should be classified as employees and continues to see independent contractor misclassification as a major target. Meanwhile, state and local governments are very active as well in targeting IC misclassification as a source of revenue for their cash strapped coffers.

How do you avoid an IC audit and still get the talent your company needs to operate effectively? And what do you do if your company is audited? In this panel of tax and industry experts who have been there, attendees will discover the critical actions needed to ensure you manage your IC risk and operate your business successfully. If you use independent contractors, you won't want to miss this informative session.

#### Panelists:

Bob Cooney, Global Supply Manager, Corporate Procurement, Apple Inc.

David Fuller, Partner, Morgan Lewis

Teresa Creech, VP, Solutions Development, Outsourcing & Consulting Group, Kelly Services

Moderator: Barry Asin, Chief Analysts, Staffing Industry Analysts

### 11:15 - 11:30 am Transition Break

### 11:30 am - 12:30 pm Concurrent Sessions

#### **Option 1: To Be Exempt or Non-Exempt: That is the Multi-Million Dollar Question**

Classifying temporary employees with regards to overtime has been described as a ticking time bomb. Are you sure you and your staffing suppliers are doing it right? If the answer to that question isn't an emphatic "yes," then you are at risk for potentially large settlements for unpaid overtime pay and more. In this panel discussion we will explore the legal requirements and pitfalls, as well as the practical steps you need to take in order to avoid a costly overtime related settlement.

#### Panelists

Doug Goin, CFO, Zero Chaos

Kevin Shaughnessy, Partner, Baker Hostetler

Moderator: Adrienne Nelson, Director, Member Services, Staffing Industry Analysts

#### **Option 2: Your Benefits Plans: The Real Key to Solving Your Co-Employment Problem**

Ever since the landmark Microsoft case of the late 1990s, companies have adopted a myriad of policies to minimize their perceived co-employment risk. Supposed fixes have ranged from limits on temporary employee tenure to excluding temps from company parties and a wide variety of measures in between. Unfortunately, many of these policies are either ineffective or counter-productive. Just what do you need to do to protect your organization from a similar risk? And what won't work? In this provocative session with one of the nations leading legal experts, we'll explore this topic in detail, with a particular focus on how to "inoculate" your stock option and other benefits plans from coemployment related risk.

Speaker: Alden Bianchi, Member, Mintz, Levin

## Friday, June 19 (continued)

12:30 - 2:00 pm Lunch and Informal Networking

2:00 - 3:00 pm Concurrent Sessions

### Option 1: Covering Your Assets: Physical Security and Your Contingent Workforce Covering Your Assets: Physical Security and Your Contingent Workforce

What sort of risks are you running with contingent workers having access to crucial people, facilities and information systems? Could your contingent workers have a criminal history that you aren't aware of? While the flexibility of a contingent workforce is a great operational boon to your business, the high turnover of this staff makes careful control of this group of critical importance. While the risks are high, there are best practices that firms should be following to minimize the risks and allow business to get done. This panel will explore those practices in everything from proper theft and fraud prevention, to badging and system access control, background screening and much more.

Panelist:

Mary Belin, Supply Manager/Sourcing Manager, CUNA Mutual Group  
Jason Ezratty, Managing Partner, Brightfield Strategies

Moderator: Sona Sharma, Senior Research Analyst, Staffing Industry Analysts

### Option 2: Insurance/Indemnification and Your Contingent Workforce: What You Need to Know

Are you confident that the indemnification and insurance requirements in your contracts address your contingent workforce risks? How do these requirements interact with your own insurance? Are they even in your best interest? This interactive panel discussion will explore the risks associated with the contingent workforce faced by corporations and staffing suppliers. In particular we will highlight errors and omissions, privacy, and particularly the costs that firms can face when temporary workers or independent contractors are injured on the job. Hint. You probably aren't getting this right.

Panelists:

Jim Cochran, Principal, TechInsurance Group, LLC  
Steve Odell, CEO, Odell Studner  
Eric Rumbaugh, Partner, Michael, Best & Friedrich

Moderator: Jon Osborne, Director of Research and Analysis, Staffing Industry Analysts

3:00 pm 2009 CWS Co-Employment and Risk Forum Concludes

