Labor Law and Labor Arbitration

Thursday-Friday July 27-28, 2017
Baltimore

register online laborarb.com
The place to learn is where the teachers are among the top tier of labor arbitrators, the materials are complete, your questions are answered, and the instruction is practical so you can put the training to immediate use.

At this conference, you will learn the latest developments, refine your advocacy skills, and engage in strategic thinking for your own work.

A complete agenda is reprinted below, plus information on the hotel, continuing education credits, tuition, and the registration form.

We welcome you to Baltimore for superb training with a top-notch faculty.

## Agenda

**Thursday, July 27, 2017**

8:00-9:00 a.m.  
Registration & Continental Breakfast

9:00-9:30 a.m.  
**Rules of Evidence**  
The Federal Rules of Evidence give guidance to labor arbitrators, even if they are not cited in the award or the parties ask for an evidentiary ruling. This is because the Rules ensure a fair proceeding. Learn the rules which are key in every case: relevance, materiality and hearsay.  
*Arb. Walt De Treux*

9:30-10:30 a.m.  
**Evidentiary Issues**  
The panelists discuss evidentiary rulings in actual cases. While you learn about how to object, the real educational value is in the arbitrator’s rationale for admission and the weight they give the proffered evidence. Also explained are circumstantial evidence, expert testimony, and privileges  
*Panel: Arbs. Adelman, De Treux, Knapp, Strongin & Symonette*

10:30-10:45 a.m.  
Break

10:45 a.m.-11:15 a.m.  
**Due Process**  
When the evidence is clear, does the employer violate due process by not interviewing the grievant, obtaining statements from only some witnesses, or not reviewing the videotape? Can the supervisor who issued the step 1 discipline also hear step 2 and 3? What evidence of disparate treatment or lax enforcement must the union present, to raise a due process claim? These questions and more will be answered.  
*Arb. Andrew Strongin*
11:15 a.m.-12:00 Noon

**Cases to Settle**

There are indicators which should lead you to settle a discipline case, even a contract interpretation case. Learn what those factors are, and save the cost of arbitration.

*Arb. Richard Adelman*

12:00-1:00 p.m. Lunch (on your own)

1:00-2:30 p.m.

**Discipline & Discharge**

The panelists tackle the toughest cases from this year. After issuing a bench decision, they discuss the legal/arbitral principle, the parties’ arguments, and the evidence. This session is a highlight of the Conference because it covers federal laws and arbitral principles in the context of actual cases. The cases involve workplace threats, sexual harassment, job performance, absenteeism, and more.

*Panel: Arbs. Adelman, De Treux, Knapp, Strongin & Symonette*

2:30-3:15 p.m.

**Computer Misuse**

A rule that employees cannot use employer-owned computers for non-business reasons reduces the number of issues. But a company policy prohibiting all non-business use may not be realistic or good for business. There are also cases of productivity and activity which spills over into other rule violations, such as harassment and off-duty misconduct. A new lecture in this evolving area.

*Arb. Andria Knapp*

3:15-3:30 p.m. Break

3:30-4:30 p.m.

**Off-Duty Misconduct**

Have some fun while you learn. After a short lecture, you vote on whether you would discipline/discharge for this misconduct. Each case has unique facts, but it illustrates the principles and where to draw the line between the employer’s interest and the employee’s right to a private life. The range of human behavior is very wide.

*Lecture: Arb. Adelman*

*Response: Arbs. Adelman, De Treux & Strongin*

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**Conference Location**

The conference will take place at the Baltimore Convention Center. The Center is easily accessible from Interstates 83 and 95, and only 20 minutes from Baltimore’s airport (BWI) and close to Baltimore Light Rail.

The Convention Center is connected to the Hilton Baltimore. (See the registration form for the group rate.) In the evening, take a stroll down to the Inner Harbor with its array of great restaurants and a lively night scene. For information about events and attractions in Baltimore, visit this website: [www.baltimore.org](http://www.baltimore.org)
4:30-5:00 p.m.

- **Last Chance Agreements**
They often replace the just cause provision in the contract. But LCAs must also be reasonable. An unlimited time, or covering even the most minor offenses, may not be upheld. The goal is to save an otherwise productive employee and both sides can make them work.

*Arb. Alan Symonette*

5:00 p.m.

- **Recess until 8:00 a.m. Tuesday morning**

**Friday, July 28, 2017**

7:15-8:00 a.m. **Continental Breakfast**

8:00-8:30 a.m.

- **Shop Talk, Conduct Unbecoming & Insubordinate Attitude**
Evaluating what someone says is not just looking at the words or actions. It also depends on who's listening, who's in the vicinity, the history, the kind of work, when it's said and where. A new lecture on these three areas which can lead to varying degrees of discipline.

*Arb. Andrew Strongin*

8:30-9:00 a.m.

- **Drug-Testing**
Medical marijuana laws have changed the landscape, but not necessarily the outcome. Arbitrators expect rigid compliance with testing procedures, in addition to whatever the parties have agreed to. If your contract is silent, you must know about impairment, off-duty use, and any federal/state regulation.

*Arb. Alan Symonette*

9:00-10:15 a.m.

- **Difficult Cases**
Many cases involve substantive and procedural issues. Using actual cases, the arbitrators discuss the elements and the defenses. The discussion also includes advice on the appropriate remedy. Arbitrators demand that discipline fall within a range of reasonableness.

*Panel: Arb. Adelman, De Treux, Knapp, Strongin & Symonette*

10:15-10:30 a.m. **Break**

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**Earn CLE or CEU credits**

Earn credits that are affordable, improve your skills, and add to your knowledge base. Attorneys will earn between 12 and 16 credits, depending on the state. Please indicate on the registration form the state(s) in which you hold a license.

This program is valid for 13.0 PDCs for the SHRM-CP™ or SHRM-SCP™. For more information about certification or recertification, please visit www.shrmcertification.org

This program has also been approved for 13 recertification credit hours through the HR Certification Institute. For more information about certification or recertification, please visit the HR Certification Institute homepage at www.hrci.org.

The use of this seal is not an endorsement by HR Certification Institute of the quality of the program. It means that this program has met HR Certification Institute’s criteria to be pre-approved for recertification credit.
10:30-11:15 a.m.  ■ Safety at Work
The panelists discuss how they approach actual cases in which the conflict was between a valid safety goal and the penalty.

Panel: Arbs. Adelman, Strongin, Knapp & Symonette

11:15 a.m.-12:00 Noon
■ Advocacy Errors in Contract Interpretation Cases
Do you want to litigate when there is no bargaining history, when the decision to change a practice was made the day after a contract was ratified, or when your contract has two provisions in conflict, and one is more specific than the other? These cases and more have been tried.

Arb. Walt De Treux

12:00-1:00 p.m. Lunch (on your own)

1:00-2:30 p.m.  ■ Contract Interpretation
The faculty walk us through actual cases which illustrate these principles: parties’ intent and definition of terms controls, ejusdem generis, exclusio rule, parol evidence rule, bargaining history, industry custom, and more. This teaching technique is used in every law school.

Panel: Arbs. Adelman, Strongin, Knapp, Strongin & Symonette

2:30-2:45 p.m. Break

2:45-3:15 p.m.  ■ Past Practice
The elements of this doctrine are well-established, but be ready for these disputes. Can a practice develop in one department but not another, even though under the same agreement? If upper management is not aware of the practice, can it still be binding under the apparent authority doctrine? Where is the line drawn between a benefit and gratuity or something subject to the management rights clause? Can management terminate a practice in mid-term? A new lecture on this age-old topic.

Arb. Andria Knapp

3:15-4:00 p.m.  ■ Labor-Management Relationship
Arbitration is an adversarial proceeding, but the relationship continues after the hearing. This is not true in most other civil disputes. This obvious fact has several consequences.

Arb. Richard Adelman

4:00 p.m. Adjournment

Registration & Tuition

The cost is $595, but if you register before March 31, 2017, the cost is $495. This fee covers admission to all sessions, the workbook, and all breaks. For more information, email us at customerservice@laborarb.com or visit us on the web at www.laborarb.com
Registration Options
1. Register online at laborarb.com
2. Complete this form and scan/email to registrar@laborarb.com, or fax to 507-645-2474, or mail to address below

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Baltimore Convention Center (Rm 308) • 1 West Pratt Street • Baltimore, MD 21201 • www.bccenter.org

Name ____________________________________________ Name ____________________________________________
Title ____________________________________________ Title ____________________________________________
Email ____________________________________________ Email ____________________________________________

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Title ____________________________________________ Title ____________________________________________
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Organization _______________________________________________________________________________________
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City, State, Zip ______________________________________________________________________________________
Telephone (include area code) _________________________________________________________________________

PRIVACY POLICY: The email address you provide is only used by the Labor Arbitration Institute (LAI). LAI does not sell or share its email lists, or any customer lists.

TUITION: $595.00 per registrant (if registered after March 31, 2017)
         $495.00 per registrant (if registering before March 31, 2017)

PAYMENT
☐ Check Enclosed $________________
☐ Credit Card Payment $________________

Card Number (VISA, MasterCard or American Express) ________________________________
Exp. Date:___________________; Cardholder Signature  ________________________________

Payment must accompany registration, unless other arrangements are made ahead. Please call the conference registrar at 507-663-1220 for details. Checks may be made payable to Labor Arbitration Institute.

HOTEL ACCOMMODATIONS
A block of rooms has been reserved at the Baltimore Hilton, 401 West Pratt Street, Baltimore MD 21201; www.hilton.com. The Hilton is connected to the Convention Center, the site of the conference. Call the Baltimore Hilton at 443-573-8700 or 1-800-HILTONS (1-800-445-8667) and indicate you are attending the Labor Arbitration Institute in order to receive the group rate of $209 (single or double occupancy). Or you can go on-line and make your sleeping room reservation electronically through the Hilton’s website: https://aws.passkey.com/go/cf3209cb. This link is also available on our website, laborarb.com. Please make your reservation as early as possible to ensure availability. After June 25, 2017, reservations are taken on a space available basis. (Often, the block sells out weeks before this cut-off date.) Please note that check-in time begins at 4 p.m. All guests arriving before 4 p.m. will be accommodated as rooms become available. As an alternative, the bellman will hold your bags until your room is ready.

MISCELLANEOUS
☐ I am an attorney and request CLE credits for the state of ________________________________.

Pennsylvania Attorneys please note: The Labor Arbitration Institute is an Accredited Provider of Continuing Legal Education under the rules of the Pennsylvania Supreme Court's Continuing Legal Education Board. This program is approved for 13 hours of substantive law, practice and procedure CLE credits.

This activity is also approved in other states. Please let us know in which state(s) you hold a license.

☐ I cannot attend, but please send me information on future conferences.

MAIL TO: Labor Arbitration Institute, 205 South Water Street, Northfield, MN 55057
For more information, call 507-663-1220 or FAX number 507-645-2474.