Labor Law and Labor Arbitration

Monday-Tuesday June 19-20, 2017
Las Vegas

register online laborarb.com
Save money on training, learn with the best labor arbitrators, and be prepared.

This program is designed for labor and management, and their attorneys. The faculty members are among the top labor arbitrators in the country. They draw upon their years of experience and approach each subject in a practical and comprehensive way.

There are new issues to face, skills to acquire, and arbitrators to consult. Come to Las Vegas and train with the best.

**Agenda**

**Monday, June 19, 2017**

**7:30-8:30 a.m.**
Registration & Continental Breakfast

**8:30-9:00 a.m.**

- **Rules of Evidence**
  Arbitrators do not strictly apply the rules, but they follow them. And some rules are more important than others. Learn more about the rules on: relevance, hearsay, expert testimony and prior settlements.
  *Arb. Richard Adelman*

**9:00-10:00 a.m.**

- **Difficult Evidentiary Issues**
  Some evidence is inadmissible; other evidence may be admissible, but it is essentially worthless. You can and should object, but you must also consider arguments about weight or persuasive value. This is the groundwork for your closing argument and it influences whether you find rebuttal evidence. The faculty discuss actual cases and what happened. This is one of the most popular sessions in the training.
  *Panel: Arbs. Adelman, Dooley, Jacobs, Roumell & Suardi*

**10:00-10:30 a.m.**

- **Proving Elements in Specific Cases: Insubordination, Sleeping, Job Performance**
  The principle of just cause encompasses many aspects, but in these areas, management must have some proof of the elements. Insubordination has three. Sleeping cases distinguish between nesting, nodding off, sleeping past break, and being on medication. Job performance entails notice, adequate training, opportunity to improve, and reasonable measurement. A summary of the elements for each and the pitfalls.
  *Arb. Andrea Dooley*

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

**10:45-11:30 a.m.**

- **Computer & Internet Misuse**
  The doctrine is fast evolving, and it involves Section 7 rights, notions of privacy both in statute and caselaw, the breadth of the
employer’s rules, and due process. Hear this new lecture and stay up-to-date.

**Arb. Jeff Jacobs**

**11:30 a.m.- 12:00 Noon**

- **Computer Misuse Cases**
  As a sequel to the previous lecture, the panelists discuss recent cases and how they apply the statutes and caselaw.

  **Panel: Arbs. Suardi, Roumell, Jacobs, Dooley & Adelman**

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

**1:00-1:30 p.m.**

- **Off-Duty Misconduct**
  The key element is nexus, but the connection between the misconduct and the employment relationship is not always clear. These are the cases which go to arbitration. Plus, employees are entitled to a private life, just as the employer has a right and duty to protect its business/agency interests.

  **Arb. Richard Adelman**

**1:30-3:00 p.m.**

- **Discipline & Discharge: Hot Issues in Recent Cases**
  The panelists discuss the arbitral and legal principles, by analyzing actual cases. The cases are drawn from these areas: workplace threats, dishonesty, horseplay, sexual harassment, and more. This session will give you countless insights.

  **Panel: Arbs. Roumell, Jacobs, Adelman, Dooley & Suardi**

**3:00-3:15 p.m. Break**

**3:15-3:45 p.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. George Roumell**

**3:45-4:30 p.m.**

- **Last Chance Agreements**
  Discussion of what must be included in the LCA, what can be challenged in arbitration, and how to make them work.

  **Arb. Mark Suardi**

**4:30 p.m. Recess until 8:00 a.m.**

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**Conference Location**

The conference will take place at the Las Vegas Convention Center in Room N245-247. For overnight accommodations, there are many hotels nearby, all with attractive rates. Check with your travel agent or surf the web.
Tuesday, June 20, 2017

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

8:00-8:30 a.m.

- Advocacy
  Arbitration is a fact-driven process, but there are techniques and strategies which can change the outcome. And at a minimum, arbitrators expect advocates to follow certain conventions, when giving an opening statement, conducting direct and cross, and in making a closing argument.
  Arb. Jeff Jacobs

8:30-9:15 a.m.

- External Law
  The arbitrator has 3 choices: let the law control, harmonize the law with the contract law analysis, or follow the contract (so long as the parties are not forced to do anything illegal). That backdrop will lead to interesting cases where the arbitrator has juggled statutory law or regulation.
  Lecture: Arb. Adelman
  Panel: Arbs. Adelman and Roumell

9:15-10:00 a.m.

- Safety @ Work
  The panelists debate the most vexing cases. They range from short suspensions to discharge. All involve some safety violation, but do all merit the level of discipline imposed?
  Panel: Arbs. Dooley, Jacobs & Suardi

10:00-10:15 a.m. Break

10:15-11:00 a.m.

- Contract Interpretation
  Arbitrators use established legal principles to decide cases when the intent of the parties is unclear. Hear from one of the top labor arbitrators in the country which principles are indispensable. A refresher for the advanced labor-management advocate, and eye-opening for the novice.
  Arb. Mark Suardi

CLE Credit & HR Credit

Attorneys and HR professionals are eligible to receive credit for this conference. CLE credit is based on 13 hours. If you are an attorney, please indicate on the registration form in which state(s) 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.

Registration & Tuition

The cost is $595, but if you register before March 15, 2017, the cost is $495. This fee covers admission to all sessions, the workbook, and all breaks. You save not only in money, but in how you spend your time when you return to work. In other words, what you learn at the Conference will save you time and money in future cases.

For more information, email us at customerservice@laborarb.com or visit us on the web at www.laborarb.com
11:00 a.m.-12:00 Noon

■ Contract Interpretation: Recent Cases

In law school, it is the most common teaching method. By breaking down an actual case, the legal and arbitral principles are brought to life. The cases range in level of difficulty. And each one was argued vigorously by the parties.

*Panel: Arbs. Dooley, Jacobs, Roumell, Suardi & Adelman*

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

1:00-2:00 p.m.

■ Contract Interpretation & Past Practice: Recent Cases

Follow along with the panel (and play arbitrator) in a series of interesting cases, summarized so the discussion goes immediately to the crux of the dispute. This is an excellent way to learn the interplay between contract law and the past practice doctrine.

*Panel: Arbs. Adelman, Dooley, Jacobs & Suardi*

2:00-2:45 p.m.

■ Avoiding the mistakes in Past Practice Cases

Past practice is a powerful doctrine in labor relations. Practices which are binding become implied terms of the agreement. But you must also analyze these questions: Does the practice relate to a employee benefit or more a management right? Did the practice evolve as a present or prescribed way of doing business? Have the underlying circumstances of the practice changed? Management can also cite the doctrine, so both sides can face these challenges.

*Arb. Andrea Dooley*

2:45-3:00 p.m. Break

3:00-4:00 p.m.

■ Family and Medical Leave Act

The FMLA remains a hotbed of problems. Avoid them with this timely discussion of the issues and solutions.

*Arb. George Roumell*

4:00 p.m. Adjournment

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The faculty members are all active labor arbitrators and distinguished teachers:

- **Richard Adelman**
  Prior experience at NLRB and in private labor practice; In 40 years of work, he was permanent umpire at New York City Transit and continues on many other panels in the NYC area.

- **Andrea Dooley**
  One of the young, upcoming labor arbitrators in California. With 17 years of experience in the field, she has a gift for making the complex understandable.

- **Jeff Jacobs**
  Before becoming a labor arbitrator, he was counsel to a major labor union and partner in a Minneapolis law firm. Has heard several high-profile cases in a wide range of industry and government.

- **George Roumell**
  Recently honored by the Michigan State Bar and his students at MSU College of Law, his career as an attorney and arbitrator is unparalleled. An umpire under several major agreements.

- **Mark Suardi**
  Before practicing law, he worked in a number of blue collar trades. One of the top labor arbitrators in St. Louis and on several permanent panels in the public and private sector.
# Registration Options

1. Register online at [www.laborarb.com](http://www.laborarb.com)
2. Complete this form and scan & email to registrar@laborarb.com
3. Complete this form and fax to 507-645-2474 or mail to address below

## Labor Law & Labor Arbitration
**Monday-Tuesday, June 19-20, 2017**
**Las Vegas Convention Center • 3150 Paradise Road • Las Vegas, NV 89109 • [www.lvcva.com](http://www.lvcva.com)**

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### 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:
- **$495.00 per registrant** (if registering before March 15, 2017)
- **$595.00 per registrant** (if registering after March 15, 2017)

### Payment
- [ ] Check Enclosed $________
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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
There are many hotels near the conference site. Your travel agent is the best source. The closest hotel is: Westgate Las Vegas Resort and Casino (formerly the Hilton and LVH) westgatevegas.com.

*The program will be held in Room N245-247 at the Las Vegas Convention Center. The facility and the meeting room are equal to four star hotels and their meeting rooms.*

### Miscellaneous
- [ ] I am an attorney and request CLE credits for the state of ___________________.
  - The Labor Arbitration Institute certifies that this activity has been approved for MCLE credit by the State Bar of California in the amount of 13 hours. The Labor Arbitration Institute is an accredited provider in Illinois and Pennsylvania. 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.