Labor Law and Labor Arbitration

Wednesday-Thursday
August 23-24, 2017
San Francisco

register online
www.laborarb.com
Labor Law & Labor Arbitration

We welcome you to San Francisco, a popular destination for professional meetings and training classes. For two days you learn the latest in the laws, arbitral principles and strategies that are part of effective labor-management relations. The range of topics and variety of teaching formats are designed to engage and to be put to immediate use.

The faculty members are among the top labor arbitrators in the country. They also have considerable teaching experience at some of the top law schools and labor relations schools in the country. Having these experts in one place makes this training a unique opportunity.

Please call or email us (customerservice@laborarb.com) with any questions about the training and the logistics to make it possible for you or your group to attend.

Agenda

Wednesday, August 23, 2017

8:30 a.m.  
Coffee Service & Pick up materials

9:00-9:30 a.m.  
Rules of Evidence
Arbitrators are not bound by the Rules of Evidence, but some of the rules are so ingrained in the process, that you must know them. They will also help you judge the weight of evidence and argue any question regarding admissibility. The speaker is a prominent labor arbitrator, former President of the National Academy and umpire under several major agreements.

*Arb. John Kagel*

9:30-10:30 a.m.  
Evidentiary Issues
The arbitrators make true-to-life evidentiary rulings, as the case unfolds. The panelists discuss relevance, hearsay and privilege in the context of actual cases. For example, if the employer adds a safety device after the accident, is that an employer admission of an unsafe condition? If co-workers write in support of the grievant, is that evidence equal to co-workers who no longer want to work with him? Can you qualify an expert who is trained on the job? The panelists will explain these rules and more.

*Panel: Arb. Steve Befort, Chris Cameron, John Kagel, George Roumell & Ted St. Antoine*

Conference Location and Registration Information

San Francisco starts with scenic beauty in near-perfect weather and ends with the largest choice of activities: Fisherman's Wharf, Union Square, Golden Gate Park, Chinatown, sports and arts events, restaurants of every cuisine — this is a place that has earned a reputation as one of the best cities of the world.

Be sure to register before May 1 and save on tuition. Also, reserve your overnight accommodation at the conference site — the Marriott Marquis — and save with the group rate.
10:30-10:45 a.m. Break

10:45 a.m.-12 Noon
Common Rule Violations: Insubordination, Sleeping, Harassment & Threats
There are elements to each offense, and the panelists look at those elements which have made the case difficult and led to arbitration. This session is among the most popular of the conference because you see how the arbitrators evaluate the facts and apply arbitral principles to the facts.
Panel: Arbs. Befort, Cameron, Kagel, Roumell & St. Antoine

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

1:00-1:30 p.m.
Drugs in the Workplace
How are employers dealing with drugs in the workplace, including the issue of marijuana? As attitudes and some state laws change, what can management and labor do? The parties argue over impairment, cut-off levels, medical marijuana and rehabilitation. A review of the current status and what labor arbitrators are doing. The speaker is a long-time labor arbitrator, umpire under major agreements, and a former adjunct law professor.
Arb. George Roumell

1:30-2:45 p.m.
Performance Cases: Safety, Absenteeism, Computer Misuse & Subpar Performance
The arbitrators discuss recent cases in these four areas. The educational value is in learning the principles, and then how arbitrators analyze the evidence to reach a decision. This is knowledge that you can put to immediate use in the investigation and settlement stages.
Panel: Arbs. St. Antoine, Roumell, Kagel, Cameron & Befort

2:45-3:15 p.m.
Employee Defenses
The union can raise the defenses of disparate treatment, lax enforcement and due process. The latter can include the argument that progressive discipline has not been followed. Learn about each defense, and how they play out in the hearing. A new lecture by a popular labor arbitrator and law professor.
Arb. Christopher Cameron

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

3:30-4:15 p.m.
Off-Duty Misconduct
An employee is entitled to a private life, outside of work and after-hours. So, when can an employer decide that off-duty, off-site behavior is subject to discipline? Learn more about the principles and parameters which arbitrators expect employers (and unions) to follow. The lecturer is a former dean of the University of Michigan law school, textbook author and distinguished labor arbitrator.
Arb. Ted St. Antoine

4:15-5:00 p.m.
Recent Supreme Court Cases
Hear from a noted law professor, editor of the ABA Journal on Labor & Employment Law, and a labor arbitrator about the Supreme Court of the United States and the recent cases which impact labor and management.
Arb. Stephen Befort

Recess until 8:30 a.m. the following morning.

Thursday, August 24, 2017

8:30 a.m. Coffee Service
9:00-9:30 a.m.
7 Popular Arguments to Reconsider
At the hearing, parties are free to make any argument they wish. Weak arguments can be paired with strong arguments. Arbitration, however, is not a free-for-all. We present seven arguments that parties have used, and two distinguished labor arbitrators explain why you might want to reconsider them.

1. **Mgmt:** We knew what we needed to know, with the videotape, and the contract does not require an investigatory interview of the grievant.

2. **Mgmt:** The delay in issuing discipline may be long, but there is no harm to the union’s case (“no harm, no foul”).

3. **Union:** If the employer was serious about the alleged misconduct by the grievant, they would have gone to the police.

4. **Mgmt:** When one’s job is hanging in the balance, one has a motive to shade the truth.

5. **Union:** The employer is engaging in anti-union animus. If the grievant was not a union steward, the discipline would have been less.

6. **Both sides:** Did you see Mr./Madame Arbitrator how the witness’s demeanor changed on the witness stand, when asked the critical question.

7. **Union:** The penalty of discharge is the equivalent of industrial capital punishment. No one should lose their job when the evidence just tips slightly against them . . . which is at the lowest burden (preponderance). ‘Clear and convincing’ evidence is a slightly higher burden of proof and management (having the evidence, anyway) should meet it.

**Panel:** Arb. Ted St. Antoine & George Roumell

9:30-10:00 a.m.
Understanding Arbitrability
The parties contractually agree to follow the timelines. But if the parties occasionally waive them, or one party leads the other to expect otherwise, or there’s an extenuating circumstance, a deadline may not mean drop dead. And as to substantive arbitrability, a dispute may not be arbitrable, such as when an LCA limits the arbitrator’s authority.

**Arb. Chris Cameron**

Register Early & Save
With 12 hours of instruction, the program offers one of the best values in continuing education. You save not only in dollars, but in time saved when you face your next case. The cost is $650, but if you register before May 1, 2017, the cost is $575. This fee covers admission to all sessions, course materials, and coffee service in the morning.

For more information, please call the Labor Arbitration Institute at 507-663-1220. You can also register on-line at www.laborarb.com or fax the registration form to 507-645-2474. Don’t miss out — San Francisco is the place to come for this training.

For more information, email us at customerservice@laborarb.com

10:00-10:30 a.m.
What Goes Wrong at the Hearing
Avoid the mistakes which advocates have made: promising in the Opening Statement that there will be evidence or argument, but it doesn’t come;
cross-examining the other sides’ witnesses so they can repeat their testimony from direct examination;
not objecting when the arbitrator wants you to;
offering evidence or arguing over facts which you have already stipulated to; using the Closing Argument to introduce new evidence or misquoting evidence that is in the record. A new lecture on these advocacy problems and others at the hearing.

_Arb. John Kagel_

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

**10:45-11:15 a.m.**

**Re-Write these Questions from Direct & Cross-Exam**

If you ever asked a question like the ones we present to the panel, it may surprise you what arbitrators think about the form and content of the question.

_Panel: Arbs. Kagel, Roumell and Cameron_

**11:15 a.m.-12:00 Noon**

**Contract Interpretation**

A former President of the National Academy of Arbitrators explains the analytical structure for resolving contract interpretation cases and understanding the important principles, including Past Practice. A highly-rated lecture for experienced and novice advocates.

_Arb. Ted St. Antoine_

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

**1:00-2:30 p.m.**

**Contract Interpretation: Applying the Rules**

One of the best ways to understand contract law is to hear the case, dissect the facts, and evaluate the merits of the arguments. Each case in this session can be quickly comprehended.

_Panel: Arbs. Roumell, St. Antoine, Befort, Kagel & Cameron_

**2:30-2:45 pm. Break**

**2:45-3:15 p.m.**

**Writing a Post-Hearing Brief**

In a close case, don’t underestimate the power of a good closing or post-hearing brief. The tips from this lecture are invaluable.

_Arb. George Roumell_

**3:15-4:00 p.m.**

**FMLA**

This law has spawned more decisions by judges and arbitrators than any other federal law in the employment setting. And this is one of the highest rated lectures.

_Arb. Stephen Befort_

**4:00 p.m. Adjournment**

**CLE and CEU credits**

Earn credits that are affordable, improve your skills, and add to your knowledge base. Attorneys will earn between 12 and 15 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 12.0 PDCs for the SHRM-CP or SHRM-SCP. For more information about certification or recertification, please visit [www.shrmcertification.org](http://www.shrmcertification.org).

This program has also been approved for 12 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](http://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.
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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: $575.00 per registrant (if registering before May 1, 2017)
$650.00 per registrant (if registering after May 1, 2017)

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

Card Number (VISA, MasterCard or American Express) ___________ ___________ ___________ ___________
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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
A block of sleeping rooms has been reserved at the conference site, the Marriott Marquis. The Marriott is one of the leading hotels of San Francisco. It is next to Moscone Center. Nearby are Union Square, Financial District, Fisherman’s Wharf and Chinatown. The group rate is $259 single or double. We encourage all guests to make their hotel reservation on-line. Please visit our website for the URL and the hotel’s Passkey reservations system.

The hotel releases the sleeping room block for sale to the general public on August 1, 2017. The block may sell-out some weeks before that date, so we encourage early reservations.

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 12 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.