



# Labor Law and Labor Arbitration

Friday

December 3, 2021

New York City

LABOR ARBITRATION INSTITUTE

[laborarb.com](http://laborarb.com)



## The New York City Conference on Labor Law & Labor Arbitration

Learn from the labor arbitrators who enjoy teaching and have decades of experience.

In addition to a stellar faculty, this Conference features:

- up-to-date coverage on the important subjects
- all new case studies
- a variety of formats that make the material come alive.

More information about the program is provided below. And feel free to email us at [customerservice@laborarb.com](mailto:customerservice@laborarb.com) with any question.

We welcome you to learn with the best in New York City.

## Agenda

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

**Registration check-in & coffee service**

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

### ■ Rules of Evidence

Arbitrators know the Federal Rules of Evidence because they are useful in weighing evidence. They can also be used to exclude evidence from the hearing. This lecture covers the rules on relevance, hearsay, and circumstantial evidence.

*Arb. Walt De Treux*

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

### ■ Evidentiary Issues

Building on the previous lecture, the panelists discuss actual cases in which arbitrators had to rule on a range of evidentiary issues. This session is an

excellent way to understand the Rules of Evidence.

*Panel: Arbs. Richard Adelman, Steve Befort, Walt De Treux, Joan Parker, and Randi Lowitt*

**9:30-10:00 a.m.**

### ■ Due Process

The principle of due process is not easily defined, but arbitrators have consistently held that disparate treatment and lax enforcement are due process violations. And other violations can also put management's case in peril, such as delay in administering discipline and not interviewing the grievant before making a decision. A quick review of the doctrine and then a review of cases, briefly summarized.

*Arb. Joan Parker*

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

**10:15-11:30 a.m.**

### ■ Discipline & Discharge: Recent Cases

We look at the common offenses listed below. The format covers the elements, the necessary evidence, and the likely outcome. We use the same method (illustrative cases) that is used in law schools. The panelists' advice will help you not just in these cases, but in all cases.

- Sexual Harassment
- Insubordination
- Off-Duty Misconduct
- Absenteeism
- Drug-Testing
- Workplace Threats

*Panel: Arbs. Randi Lowitt, Steve Befort, Walt De Treux, Joan Parker, and Richard Adelman*

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

### ■ Advocacy Skills

Advice to advocates on strategies for preparing and presenting a case.

*Arbs. Adelman & De Treux*

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

**1:00-1:45 p.m.**

### ■ Contract Interpretation

This is part of the wider subject area of contract law, a year-long course in law school. Whether you're a novice or experienced practitioner, this lecture will give you many tips and strategies for arguing a case. The lectures covers the important contract law maxims and how to craft persuasive arguments.

*Arb. Richard Adelman*

**1:45-2:45 p.m.**

### **Contract Interpretation: Case Studies**

The arbitrators discuss the contract law principles in the context of actual cases. A good sequel to the previous lecture because you hear the facts, the parties' arguments and the analysis of the arbitrator's decision. These are close cases so the discussion illuminates the contract law principles.

*Panel: Arbs. Parker, Lowitt, Adelman, De Treux, and Befort*

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

### ■ **Past Practice**

One of the highest rated lectures ever given on this doctrine. Learn more about the theory behind it and how it plays out when a grievance is filed.

*Arb. Joan Parker*

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

### ■ **FMLA**

The speaker is one of the foremost authorities on this law and judicial/arbitral decisions. The materials cover the subject comprehensively, but this lecture will be compact. So when you return to the office,

you can tell your colleagues: "Here is where we must be diligent and legally correct."

*Arb. Steve Befort*

**4:15 p.m. Adjournment**

## **Faculty**

The five faculty members are among the most distinguished labor arbitrators in the country. In alphabetical order: **Richard Adelman** is one of New York City's leading labor arbitrators, having previously worked at the NLRB and as a labor attorney. **Steve Befort** is a prominent labor arbitrator, professor at the University of Minnesota law school and the past editor of the ABA Journal on Labor & Employment Law. **Walt De Treux** is one of the top arbitrators on the East coast, after work as a labor attorney. **Joan Parker** spent her teaching career at Rutgers and continues as an umpire/ arbitrator under several national agreements. And **Randi Lowitt** has been a full-time labor arbitrator since 1992 and is a member of the College of Labor & Employment Lawyers.

## **Conference Location, Registration and Credits**

The Conference will be held at the Sheraton Hotel on 53rd Street (now part of the Marriott Hotels). Located at Times Square (part of the theatre district), the Sheraton is a great location for a business meeting and combining with a weekend or evening in New York City. The Sheraton is 1 mile from Grand Central Station and 1 mile from Penn Station. If you fly-in, the hotel is 9 miles from LaGuardia airport, 18 miles from JFK International Airport and 20 miles from Newark International Airport.

Tuition is \$650, but if you register before Sept. 30, 2021, the cost is \$550. Tuition covers admission to all sessions, course materials, and coffee service.

If you would like to earn credit, please indicate this on the registration form.

**To New York Attorneys:** Application for accreditation of this course or program in New York is currently pending. Please check our website for the current information.

The Labor Arbitration Institute's financial hardship policy is in accordance with the New York State Continuing Legal Education Board's policy. For New York licensed attorneys seeking financial assistance, please send an email message to: [registrar@laborarb.com](mailto:registrar@laborarb.com). The registrar will reply by email. To determine you meet the criteria, the registrar may ask you to

submit additional information before a determination can be made. Thank you.

**To Pennsylvania Attorneys:** 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 7.0 hours of substantive law, practice and procedure CLE credits.

This activity is also approved in other states as well, so please let us know on the registration form which state(s) you need credits.



This program is valid for 7.0 PDCs for the SHRM-CP<sup>SM</sup> or SHRM-SCP<sup>SM</sup>. For more information about certification or recertification, please visit [www.shrmcertification.org](http://www.shrmcertification.org).

This program has also been approved for 7.0 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.

## Registration Options

1. Register Online at [www.laborarb.com](http://www.laborarb.com)

2. Complete this form and mail (or fax) to the Labor Arbitration Institute (fax # 507-645-2474)

# Labor Law & Labor Arbitration

Friday, December 3, 2021

Sheraton Times Square (Metropolitan East Ballroom - 2nd Floor)

811 7th Avenue (use the 53rd Street entrance), New York, NY 10019 • 212-581-1000 • [sheratonnewyork.com](http://sheratonnewyork.com)

Please photocopy this form for additional registrants

Name \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

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:** \$650.00 (when you register after September 30, 2021)  
\$550.00 (when you are registering on or before September 30, 2021)

### CANCELLATION POLICY

- If you cancel before November 22: full refund
- If you cancel between November 23 and December 1: 50% of tuition is refunded
- If you cancel on December 2 or 3: no refund

You can send a substitute for your registration at any time, even on the day of the conference.

### 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

Accommodations at the Sheraton Times Square (now part of the Marriott Hotels) may be secured by calling the hotel direct at 212-581-1000 or going on-line at [sheratonnewyork.com](http://sheratonnewyork.com). The hotel has online check-in and a best rate guarantee. Please make your reservations as early as possible, because there is no group block.

### MISCELLANEOUS

- I am an attorney and request CLE credits for the state of \_\_\_\_\_.  
(New York and Pennsylvania attorneys receive CLE credit as noted on the inside page.)
- 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.

