



CHALLENGE STRATEGY KNOWLEDGE RESULTS

Labor Law and Labor Arbitration

TWO CITIES TO CHOOSE FROM:

Oakland

Thursday, January 13, 2022

Los Angeles

Thursday, January 20, 2022

LABOR ARBITRATION INSTITUTE

laborarb.com

Labor Law & Labor Arbitration

There are many ways to learn and stay up-to-date. But learning from arbitrators is the most direct route. They face the issues every day and know the arguments for both sides.

In addition to a stellar faculty, the Conference features:

- up-to-date coverage on discipline/discharge and contract interpretation issues
- all new case studies
- variety of formats that make the material come alive.

More information about the program is provided below. Please note that the program is the same in each city, with some variation on faculty. Please email us at customerservice@laborarb.com, with any question.

We welcome you to Los Angeles or Oakland for a first-rate education and training.

Faculty

All of the faculty members enjoy teaching. They are student-focused so you learn the material in a practical and dynamic way. They are also in the nation's top tier of labor arbitrators. **Richard Adelman** began his career as a teaching fellow at Stanford, an advocate in New York, and is former or current umpire under several agreements. **Robert Bergeson** is a full-time labor arbitrator with 30 years of experience including work at California PERB and Los Angeles city's board. **Chris Cameron** is a law professor and prominent labor arbitrator based in Los Angeles. **Andrea Dooley** is former advocate and a much sought-after labor arbitrator based in San Francisco/Oakland. **Joan Parker** was a tenured professor in labor relations at Rutgers and for decades has been the permanent umpire under several national agreements. And **David Weinberg** is a full-time labor arbitrator after a distinguished career at the FMCS.

Agenda

7:15-8:00 a.m.

Registration & Continental Breakfast

8:00-8:30 a.m.

■ Rules of Evidence

The following rules (from the federal Rules of Evidence) are important to understand because they are often applied in arbitration: relevance, hearsay, laying a foundation for a document, and circumstantial evidence. Whether you handle a case in the grievance procedure or at the arbitration hearing, this lecture will help you understand the case from a labor arbitrator's perspective.
Arb. Andrea Dooley (Oakland & Los Angeles)

8:30-9:30 a.m.

■ Evidentiary Issues

The panelists make evidentiary rulings in actual cases, and then explain how and why a specific Rule of Evidence applies. A good way to understand the rules. Two of the cases will illustrate the challenges with circumstantial evidence.

Panel: Arbs. Richard Adelman, Andrea Dooley, Joan Parker & David Weinberg (Oakland)

Arbs. Richard Adelman, Robert Bergeson, Chris Cameron & Andrea Dooley (Los Angeles)

9:30-10:15 a.m.

■ Due Process

This doctrine is imported from the criminal and common law. It is more than a fair investigation. Learn about fundamental fairness, disparate treatment, lax enforcement, and the parameters of a reasonable penalty. The first half is a provocative lecture and the second half are recent cases.

Arb. Joan Parker (Oakland)

Arb. Richard Adelman (Los Angeles)

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

10:30 a.m.-12:00 Noon

■ Discipline & Discharge: Cases from 2020 and 2021

The arbitrators discuss the latest cases in these hot areas: sexual harassment, workplace threats, absenteeism, drug-testing, job performance, and more. The arbitrators give a bench ruling and then discuss their rationale — an excellent way to learn how arbitrators apply the just cause provision.

Panel: Arbs. Weinberg, Parker, Dooley & Adelman (Oakland)

Arbs. Bergeson, Adelman, Dooley & Cameron (Los Angeles)

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

1:00-1:30 p.m.

■ **Off-Duty Misconduct**

The nexus doctrine is easily defined as connection between the conduct and the employer's interest, but it is notoriously difficult to apply.

Arb. Richard Adelman (Oakland)

Arb. Chris Cameron (Los Angeles)

1:30-2:00 p.m.

■ **Insubordination**

There is more to learn about each element: order (was it that clear?) from a supervisor (even apparent supervisor?); refusal (is delay a refusal?) and notices of consequences (the test is not whether it was spelled out, but whether it was understood).

Arb. Andrea Dooley (Oakland & Los Angeles)

2:00-2:45 p.m.

■ **Contract Interpretation**

This presentation provides a structure to understand contract law, in addition to practical advice on the maxims, bargaining history and case strategy.

Arb. Richard Adelman (Oakland & Los Angeles)

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

3:00-3:45 p.m.

■ **Past Practice**

One of the most complex doctrine in labor. The speaker explains both how powerful and limiting the doctrine is. For example, a binding past practice becomes an implied term of the CBA. But it only applies to employee benefits. And the last scenario is the most vexing: can a past practice prevail over clear language in the contract?

Arb. Joan Parker (Oakland)

Arb. Chris Cameron (Los Angeles)

3:45-4:30 p.m.

■ **Arbitral & Judicial Terms**

These are terms which come up in labor-management relations. Many have a special meaning or application,

such as the Plain Meaning Rule, make-whole remedy, status quo ante, double-jeopardy, without prejudice or precedent, and many more.

Panel: Arbs. Dooley, Adelman, Parker & Weinberg (Oakland)

Arbs. Cameron, Dooley, Bergeson & Adelman (Los Angeles)

4:30 p.m. Adjournment

Register Early & Save

The cost is \$450, but if you register before November 30, 2021, the cost is \$375. This fee covers admission to all sessions, the workbook, and all breaks.

Continuing Education Credits

Attorneys and HR professionals can earn credit toward their licenses and certification. The number of credits for attorneys depends on the state. Please let us know on the registration form where you hold a license. (Most often, it is 7.0 CLE credits.)



This program has been approved for 7.0 recertification credit hours through the HR Certification Institute. For more information about certification or recertification, please visit www.hrci.org.

This program is valid for 7.0 PDCs for the SHRM-CPSM or SHRM-SCPSM. For more information about certification or recertification, please visit www.shrmcertification.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.

Two Locations to Choose From

The January 13th program is at the Hilton Oakland Airport. This modern Hilton is set on 12 acres of beautiful lawns next to the Oakland International Airport. There are several hotel amenities including a popular bar restaurant and heated outdoor pool. The hotel is 2 miles from the BART system. Enjoy many East Bay attractions including downtown Oakland, Jack London Square and the Berkeley campus. Visit www.hilton.com for more information.

The January 20th program is at the Los Angeles Convention Center in downtown Los Angeles. The meeting room is Room 408 which is easily reached

from the West Hall and West Hall Parking garage. The LA Convention Center is in the heart of downtown Los Angeles's legal, financial, government and retail district. It is just 15 miles from Los Angeles International Airport (LAX), 18 miles from Burbank Airport, and a short drive to major entertainment, sporting venues and cultural attractions, theme parks and Southern California beaches. In addition to easy highway access, the Center is within walking distance of the MetroStation and is serviced by DASH, downtown's commuter express. The convention center's website is www.lacclink.com.

Registration Options

1. Register Online at www.laborarb.com

2. Complete this form and scan to registrar@laborarb.com OR fax to 507-645-2474

3. Complete this form and mail to the Labor Arbitration Institute

Labor Law & Labor Arbitration

PLEASE CHOOSE A LOCATION:

Thursday, January 13, 2022

Hilton Oakland Airport
1 Hegenberger Road, Oakland CA 94621
510-635-5000 • www.hilton.com

Thursday, January 20, 2022

Los Angeles Convention Center (Room 408)
1201 S. Figueroa Street, Los Angeles, CA 90015
www.lacclink.com

Name _____ Name _____

Title _____ Title _____

Email _____ Email _____

Organization _____

Address _____

City _____ State _____ Zip _____ Zip+4 _____

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 \$450.00 per registrant (if registering after November 30, 2021)
\$375.00 per registrant (if registering before November 30, 2021)

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

In Oakland, a block of rooms at the group rate has been reserved at the Hilton Oakland Airport, the site of the conference. To reserve a sleeping room, go to our website (laborarb.com) and choose Oakland and "More information". From there, you will find the link to the hotel. Or call the Hilton at 510-635-5000 and speak directly with the reservations office at the hotel (skip the prompts to the call center). Call between 9 am and 5 pm PST and let the in-house reservations person know you are attending the Labor Arbitration Institute in order to receive the group rate of \$159 single or double occupancy. The room block is limited, so we recommend that you make your reservation as soon as possible. The room rate expires on December 20, 2021 or when the room block fills.

There are several hotels within a block of the Los Angeles Convention Center. Parking is available in the West Hall Parking garage at the Convention Center, so it is easy to drive in and out.

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 7.0 hours.* 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

