



Labor Law & Labor Arbitration

Thursday-Friday
March 3-4, 2022
Tampa, Florida

LABOR ARBITRATION INSTITUTE

laborarb.com

Labor Law & Labor Arbitration

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 use.

At this conference, you will learn the latest developments in labor law and labor arbitration, consider new advocacy skills, and engage in strategic thinking.

We begin on Thursday morning and end on Friday afternoon. Each day's schedule is compact, so you have some free time, while still putting in a full day of work.

Information on the hotel, continuing education credits, faculty credentials, the registration form, and a complete agenda is reprinted below.

We welcome you to Tampa. Come for the education — and especially the insights to tackle the next case or personnel issue.

Agenda

Thursday, March 3, 2022

7:15-8:00 a.m.

Check-in Registration & Continental Breakfast

8:00-8:30 a.m.

■ **Case Investigation**

The early stages of a case influence the direction and often, the outcome. For example, not every eye-witness must be interviewed, but investigations evolve. There are also techniques of interviewing, in addition to complying with the Weingarten rule. For example, do you show the videotape and then ask the witness to explain it, or vice versa? Do you write the statement down, and have them sign? As the union advocate, do you suggest treatment before or after the discipline has been issued? These questions and more will be answered.

Arb. Walt De Treux

8:30-9:15 a.m.

■ **Due Process**

This is widely known as the doctrine of fundamental fairness. Expect the arbitrator to deal with each of these issues, when they arise: disparate treatment, lax enforcement, manager reviewing his own decision at later steps, timely discipline, and other equitable claims.

Arb. Joan Parker

9:15-10:15 a.m.

■ **Evidentiary Issues**

Arbitrators are technically not bound by the Federal Rules of Evidence, but they know them and are willing to apply them. The panelists discuss the rules in the context of actual cases, especially relevance, hearsay, circumstantial evidence & privileges.

Panel: Arbs. Richard Adelman, Steve Befort, Walt De Treux, Joan Parker & George Roumell



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

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

■ Discipline & Discharge, Part I

Learn about the legal standards and arbitral principles in four controversial areas. This exercise illustrates how facts and principles come together in a just cause analysis. The cases are all from 2020 and 2021: sexual harassment, racial harassment, theft, workplace threats,

Panel: Arbs. Parker, Roumell, Adelman Befort & De Treux

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

1:00-1:30 p.m.

■ Social Media

Banning internet use (on personal or company devices) during work time is often not realistic. Recent cases illustrate the problems advocates have faced: what does the rule cover, what is the employer's interest, does the employee have any

defenses, and more. A dynamic discussion about the panelists' decision in actual cases.

Panel: Arbs. Roumell, Parker, De Treux, Befort & Adelman

1:30-2:15 p.m.

■ Insubordination

The three elements are well-established, but the challenges are in these areas: The culture is for supervisors to issue guidance, instead of orders. The refusal is not out-right, but slow or haphazard. The supervisor does not remind the employee of the consequences for refusing. Plus, the 'safety & health' exception may not apply when it's someone other than the grievant's. A new lecture on this age-old topic.

Arb. Walt De Treux

2:15-2:45 p.m.

■ Off-Duty Misconduct

The nexus doctrine is straightforward — the off-duty misconduct must have a relationship

Location

The Convention Center, one of the top convention centers in the Southeastern US, is located in the heart of downtown Tampa. It is also on the waterfront and close to hotels, restaurants, and popular attractions. The new Riverwalk connects to the Convention Center. The month of March is one of the best times to visit Tampa. Our goal is to make your stay supremely comfortable while giving you a first-rate education.



This is high season, so we recommend that you make your airline and hotel reservations as early as possible. There is a group block at the Marriott hotel which is next to the Tampa Convention Center. The rate is \$279. See the registration form. To make a reservation, you can either call (888) 789-3090 or use the link advertised on our website (find this conference/city and use the highlighted passkey system maintained by the hotel). This block has a cut-off date of February 2, 2022, but it can sell out several weeks before that, so make your reservation as early as possible.

The Tampa Convention Center is a 15-minute drive from the Tampa Airport. For information on the area, see the website: www.tampagov.net/tcc

or connection to the workplace. However, there are several nuances. The panelists explain by discussing a series of recent cases.

Arb. Richard Adelman and Arb. George Roumell

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

3:00-4:00 p.m.

■ Discipline & Discharge, Part 2

Stay up-to-date on the arbitral and legal principles in these areas: absenteeism, safety, job performance, and dishonesty. The panelists rule in actual cases, summarized for teaching purposes.

Panel: Arbs. Parker, De Treux, Befort, Adelman & Roumell

4:00-4:30 p.m.

■ Effective Advocacy

Arbitrators can sift through a case, but they rely upon the advocates. Advice on how to prepare and present your case.

Arb. Walt De Treux

4:00 p.m.

Recess until 8 a.m. Friday morning

Friday, March 4, 2022

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

8:00-8:45 a.m.

■ Marijuana

The liberalization of state marijuana laws are affecting the workplace. The issues of impairment, cut-off levels and rehab dominate the discussion. The lecturer walks us through the issues.

Arb. George Roumell

8:45-9:45 a.m.

■ Difficult Issues

These are the cases which probably must go to arbitration. They have added complexity. It could be a procedural matter, a contract provision, a state or federal law, or an equity (or fairness) argument. In discussing actual cases, the panelist offers insights and practical advice.

Panel: Arbs. De Treux, Parker, Roumell, Adelman & Befort

Earn CLE or CEU credits

This program has been approved for Continuing Legal Education (CLE) credit. Most often, it is 12.0 credits. The Labor Arbitration Institute is an accredited provider in the state of Pennsylvania and California, as well as other states. Please let us know on the registration form which state(s) you need credits.



This program is valid for 12.0 PDCs for the SHRM-CPSM or SHRM-SCPSM. For more information about certification or recertification, please visit 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.



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.

9:45-10:00a.m. Break

10:00-10:30 a.m.

■ LCAs and EAPs

Arbitrators are reluctant to force an LCA on the parties, but they will decide whether the LCA that was negotiated should be upheld. Similarly, arbitrators expect parties to have an Employee Assistance Program, and to use them.

Arb. Steve Befort

10:30-11:30 a.m.

■ Contract Interpretation

This lecture explains contract law, the role of bargaining history and past practice, and the maxims (or principles from contract law). It concludes with a series of short cases, and one fascinating case.

Arb. Richard Adelman

11:30 a.m.-12:30 p.m.

Lunch (on your own)

12:30-1:15 p.m.

■ Arbitral & Judicial Terms

Imported from other areas of law, the panelists discuss common (but not always correctly used) terms in labor relations. The list includes: estoppel, make-whole, status quo ante, without prejudice or precedent, double jeopardy, burden v. quantum of proof, substantive arbitrability, and much more.

Panel: Parker, Roumell, De Treux, Adelman & Befort

1:15-2:00 p.m.

■ Past Practice

It is one of the most mis-cited and mis-understood doctrines in labor relations. The elements are well-established, and not controversial. The disputes arise when the doctrine is used in one of three ways: to help interpret ambiguous language in the CBA, fill-in the gaps, and create an independent provision as if it was in the CBA. This will be an eye-opening lecture.

Arb. Joan Parker

2:00-3:00 p.m.

■ FMLA

This federal law has spawned thousands of cases and a considerable number of regulations. The speaker is an expert on the law and a prominent labor arbitrator.

Arb. Steve Befort

3:00 p.m. Adjournment

Faculty

All of the faculty members are distinguished labor arbitrators with decades of experience. They have also taught at major universities. In alphabetical order, they are: **Richard Adelman** is a former fellow at Stanford University and practicing attorney (including for the NLRB). For the past few decades he has been one of the top arbitrators on the East Coast. **Steve Befort** is a professor at the University of Minnesota Law School and former editor of the ABA Journal on Labor & Employment Law. His arbitration practice has spanned several industries and the entire public sector. **Walt De Treux** was a labor attorney for several years. He is based in Philadelphia and for the last 20 years, has been a prominent labor arbitrator. **Joan Parker** is a professor (emerita) at Rutgers University and has been a long-standing umpire or arbitrator under many national labor agreements. And finally, **George Roumell** was a long-time teacher at Michigan State University's law school and a prominent labor attorney. For the last 30 years, he has been a popular labor arbitrator.

Tuition

We have two rates. The early enrollment rate helps us plan for space and other conference expenses. If you register by December 15, 2021, tuition is \$695. After December 15, the regular tuition rate of \$795 applies. Tuition covers admission to all sessions, course materials, two continental breakfasts, and all coffee breaks. We do ask that tuition be paid by the first day of the conference, unless prior arrangements are made. Our cancellation policy tries to accommodate all registrants whose plans change. Call or email us whenever the need arises.



Registration Options

1. Register Online at www.laborarb.com
2. Complete this form and mail to the Labor Arbitration Institute, or
3. Complete this form and fax to 507-645-2474 or scan and email to registrar@laborarb.com

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Tampa Convention Center (Meeting Room 14)
333 S Franklin St • Tampa FL 33602 • thetampacc.com

Name _____ Name _____

Title _____ Title _____

Email _____ 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: \$795 per registrant (if registering after December 15, 2021)
Save by Registering Early! Register before December 15, 2021 and tuition is \$695.

PAYMENT

Check Enclosed \$ _____

Credit Card Payment \$ _____

Card Number (VISA, MasterCard or American Express) _____

Exp. Date: _____; Cardholder _____

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 INFORMATION

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MISCELLANEOUS

I am an attorney and request information on CLE credits for the state of _____.
The Labor Arbitration Institute is an accredited provider in several states. Please let us know in which states 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.

