



CHALLENGE STRATEGY KNOWLEDGE RESULTS

Labor Law and Labor Arbitration

Thursday-Friday

August 25-26, 2022

San Francisco

LABOR ARBITRATION INSTITUTE

register online
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 developments and acquire new skills. The range of topics and variety of teaching formats are designed to engage you and be put to immediate use.

The faculty members are among the top labor arbitrators 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

Thursday, August 25, 2022

8:30 a.m. Coffee service & pick up materials

9:00-9:30 a.m.

■ Case Investigation

When you are interviewing witnesses, you have to know the Rules of Evidence and the elements of the prospective charge or defense. There are also strategies to consider, such as a witness statement that you take down or is in their own handwriting. Or presenting documentary evidence, such as a video or other business record. A brief lecture on improving your case investigations.

Arb. Christopher Cameron

9:30-10:30 a.m.

■ Evidentiary Issues

One of the best ways to understand the Rules of Evidence is to see their application in actual cases. The arbitrators on the panel rule as if they were the arbitrator in the actual case. The educational value is listening to their rationale and how the parties could have presented the evidence.

Panel: Arbs. Richard Adelman, Margaret Brogan, Christopher Cameron, Walt De Treux, & John Kagel

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

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 April 15 and save on tuition. Also, reserve your overnight accommodation at the conference site —the Intercontinental Hotel— and save with the group rate. The best way to reserve a sleeping room is through the hotel's passlink system. This link is on our website (laborarb.com); click onto Conferences, then the San Francisco conference, and scroll down to find Facility Description. The link for reserving a sleeping room is highlighted. (This information is also on the registration form)



10:45-11:15 a.m.

■ Understanding the CBA as a contract

The Supreme Court has long held that a CBA is more than a contract, but also a system of industrialized self-government - a generalized code to govern the whole employment relationship. This is more than requiring the parties to act in good faith. A new lecture on how the grievance and arbitration machinery fits into this relationship.

Arb. John Kagel

11:15 a.m.-12 Noon

■ Due Process

The doctrine of due process (fairness) is one of the most challenging in jurisprudence. The doctrine reflects hundreds of years of caselaw and changing societal standards. And in arbitration, the doctrine applies from the start of the disciplinary interview to what constitutes a reasonable penalty. Learn about timely discipline, disparate treatment, lax enforcement, notice of charges, and more.

Panel: Arbs. Brogan, Cameron, De Treux, Kagel & Adelman

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

1:00-1:30 p.m.

Job Performance

As opposed to job negligence, performance goes to ability. So what does the employer have to do? And what happens when evaluations have been fine in years past? Or the retraining has been half-hearted? Or when technology takes over? A new lecture on this age-old topic.

Arb. Walt De Treux

1:30-2:00 p.m.

■ Absenteeism

Does your policy allow for individualized decisions? Can the point system be fairly applied in every situation, with or without progressive discipline? How much time should an employee be given to improve? A look at the just cause standard in absenteeism cases.

Arb. Margaret Brogan

2:00-2:45 p.m.

■ Off-Duty Misconduct

The cases which go to arbitration are not easy. There are many factors to balance, with the employer's interest (reputation, mission, profit) on one hand, and the employee's right to a private life on the other hand. The panelists discuss actual cases.

Panel: Arbs. Cameron, De Treux, Kagel, Adelman & Brogan

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

3:00-4:15 p.m.

■ Discipline & Discharge

Learn the legal and arbitral principles in these hot areas: sexual harassment, racial harassment, dishonesty, drug-testing, and workplace threats. All of the cases are from this year or last year. They are close cases so the panelists explain not only each subject area, but which evidence tipped the case.

Panel: Arbs De Treux, Kagel, Adelman, Brogan & Cameron



4:15-5:00 p.m.

■ **A Matter of Race and a Matter of Gender**

Do employers need specific rules in either area? And If there's been training on diversity, harassment, or a respectful workplace, is that sufficient to put employees on notice? A discussion of recent arbitration cases and a reflection on the current standards in society and the workplace.

Arbs. Richard Adelman & Arb. John Kagel

5:00 p.m. Recess until 8:30 a.m. the following morning.

Friday August 26, 2022

8:00 a.m. Coffee service

8:30-9:15 a.m.

■ **Marijuana**

The testing protocol for drug-testing is well-established, but new issues arise for medical and recreational marijuana. The issues of impairment and rehabilitation are now cast in a new light. A review of the current status and what labor arbitrators are doing.

Arb. Walt De Treux

9:15-9:45 a.m.

■ **Insubordination**

There are three elements, but each has nuances which can be important to your case. There is also the safety & health exception. An overview of this area and how to avoid the pitfalls.

Arb. Chris Cameron

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

10:00-11:15 a.m.

■ **Difficult Cases**

We ask the panelists to put themselves in the shoes of the advocates, not just the arbitrator. Was it a fair penalty? Did the facts come through at the hearing? Could the advocates have done anything differently? All new cases for the panelists to analyze the case and explain the arbitral / legal principles.

Panel: Arbs. De Treux, Kagel, Adelman, Brogan & Cameron

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

■ **Contract Interpretation**

Whether you're a novice or experienced practitioner, this lecture will give you an analytical structure for contract interpretation cases. And for the advanced advocate, many nuggets of wisdom. Contract law does not have to be an impossible subject or one filled with mysteries.

Arb. Richard Adelman

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

1:00-2:15 p.m.

■ **Contract Interpretation: Applying the Rules**

Whether you're a novice or experienced practitioner, this lecture will give you an analytical structure for contract interpretation cases. And for the advanced advocate, many nuggets of wisdom. Contract law does not have to be an impossible subject or one filled with mysteries.

Panel: Arbs. Kagel, Adelman, Brogan, Cameron & De Treux

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 \$895, but if you register before April 15, 2022, the cost is \$795. This fee covers admission to all sessions, course materials, and coffee service in the morning.

You can also register on-line at www.laborarb.com. Don't miss out — San Francisco is the place to come for this training.

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

2:15-2:30 p.m. Break

2:30-3:00 p.m.

■ Past Practice

This session is for the experienced advocate. Covers the three situations when past practice is argued (contract is silent, contract is ambiguous, contract is clear), and the situation when there is a zipper clause or maintenance of benefits clause.

Arb. Walt De Treux

3:00-3:30 p.m.

■ Myths about Labor Arbitration

If you think arbitrators keep track of their decisions, or that arbitrators ignore awards from other arbitrators, or that arbitrators defer to the employer's choice of penalty, or that the arbitrator won't draw a negative inference from whoever refuses to testify, etc., this lecture will help explain what really happens.

Arb. Margaret Brogan

3:30 p.m. Adjournment

Faculty

All of the faculty members are in the top tier of labor arbitrators. They are student-focused so you learn the material in a practical and dynamic way. They enjoy teaching and are committed to making the two days a genuine learning experience. In alphabetical order, **Richard Adelman** is based in New York City and sits on several prominent national panels. He was a teaching fellow at Stanford, in addition to serving as an attorney at the NLRB. **Margaret Brogan** is the umpire/arbitrator on several prominent panels and has been an adjunct professor at UC Berkeley Law School. **Christopher Cameron** is both an arbitrator and law professor. (Southwestern Law School, Los Angeles) He is on a number of panels. **Walt De Treux** of Philadelphia is one of the most popular labor arbitrators in the country and before arbitrating, practiced in labor law. **John Kagel** is a former president of the National Academy of Arbitrators and a distinguished labor arbitrator, based on in San Francisco with a national practice.

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-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.

Registration Options

1. Register online at laborarb.com

OR

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

Labor Law & Labor Arbitration

Thursday-Friday, August 25-26, 2022

Intercontinental Hotel (Grand Ballroom) • 888 Howard St • San Francisco, CA 94103

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: \$795.00 per registrant (if registered before April 15, 2022))

\$895.00 per registrant (if registering after April 15, 2022)

Payment

☐ Check Enclosed \$ _____

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 Intercontinental Hotel. This hotel is one of the leading hotels of San Francisco. It is very near Moscone Center and Union Square. In the neighborhood (SOMA) are some of the best places to eat and relax. The group rate is \$189 standard room. We encourage all attendees to make their hotel reservation as soon as possible. There are two ways. The best way is through the hotel link on our website. Go to laborarb.com, click on Conferences, then click on San Francisco conference, and scroll down to Facility Description. The hotel's link will be highlighted. Another way to reserve is through the hotel's reservations center by calling 1-866-781-2364 and indicating that you are attending this conference.

The hotel releases the sleeping room block for sale to the general public on August 2, 2022. However, the block may sell-out several weeks before that date, so we encourage early reservations, preferably by April 15, 2022.

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.