

LABOR ARBITRATION INSTITUTE

Labor Law and Labor Arbitration

Tuesday-Wednesday **June 25-26 2024**
Las Vegas

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laborarb.com

Labor Law and Labor Arbitration

Tuesday-Wednesday June 25-26, 2024

Las Vegas



The best training is when the material is comprehensive, the instruction is practical and the program is lively. This training program is designed for labor and management. Several groups bring their attorney with them. The faculty members are among the top labor arbitrators in the country. They draw upon their years of experience and approach each subject so you can put it to immediate use in your workplace.

There are new issues to face, skills to acquire, and arbitrators to consult. Come to Las Vegas and train with the best.

Agenda

Tuesday, June 25, 2024

7:30-8:30 a.m.

Registration & Continental Breakfast

8:30-9:00 a.m.

■ Rules of Evidence

When you investigate or present a case, the Rules of Evidence come into play. This is because the rules affect the admission and the probative value of evidence. Learn about the rules on relevance, hearsay, expert opinions, and circumstantial evidence. The speaker is a prominent labor

arbitrator and a law professor.

Arb. Steve Befort

9:00-10:00 a.m.

■ Evidentiary Issues

You can and should object to inadmissible evidence, but you must also be ready to argue about the basis for the objection. This is the groundwork for your closing argument and it influences whether you look for rebuttal evidence. The faculty discuss actual cases and what happened. This is one of the most popular sessions in the training..

Panel: Arbs. Steve Befort, Chris Cameron, Mike Falvo, Yuval Miller & Joan Parker

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

10:15-11:00 a.m.

■ Due Process

The principle of due process has a long history in the common law and in constitutional law. Foremost are the defenses of disparate treatment and lax enforcement (in which the union carries the burden). Other violations can put management's case in peril, such as delay, double jeopardy, and reasonable penalty. Learn the parameters of this doctrine and how arbitrators apply it.

Arb. Joan Parker

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

■ Is there a Due Process Violation?

The panelists discuss recent cases that included a serious due process question. Their analysis will help you in a range of cases. The focus is on disparate treatment and reasonable penalty.

Panel: Arbs. Cameron, Falvo, Miller, Parker & Befort

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

1:00-1:30 p.m.

■ **Insubordination**

The elements are well-known, but these issues arise: Must the order be reasonable in all respects? What constitutes refusal (such as failure to reply to an email)? Can notice of the consequences come in other ways? Can the health & safety exception be general?

Arb. Chris Cameron

1:30-2:00 p.m.

■ **Off-Duty Misconduct**

The concept of nexus is easy to understand but difficult to apply. Social media is one contentious area. A review of the doctrine and its application.

Arb. Yuval Miller

2:00-2:30 p.m.

■ **Absenteeism**

The arbitral standards for Tardiness and Absenteeism are important to know. Be ready for the variety of cases.

Arb. Mike Falvo

2:30-2:45 p.m. Break

2:45-4:30 p.m.

■ **Discipline & Discharge**

The panelists discuss the arbitral and legal principles, in the context of actual cases. The cases

are drawn from these areas: Sexual Harassment, Racial Discrimination, Drug-Testing, Social Media, Job Performance and Workplace Threats. This session will give you countless insights.

Panel: Arbs. Falvo, Miller, Parker, Befort & Cameron

4:30-5:00 p.m.

■ **Novel Arguments**

The arguments may appeal to the client, but will the arbitrator accept them? A union argues that no one would jeopardize their career over what the employer alleges. Or the employer advocate argues that without a discharge, the wrong signal will be sent to other employees. A list of arguments for advocates to reconsider.

Arb. Christopher Cameron

5:00 p.m. Recess until 8:00 a.m.

Wednesday, June 26, 2024

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

8:00-8:30 a.m.

■ **Constitutional Law**

The due process and First Amendment protections



in the US Constitution can have applications in the grievance process and the arbitration hearing. A review of the issues and likely outcome.

Arb. Mike Falvo

8:30-9:30 a.m.

■ Difficult Cases

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 argument on equity. In discussing actual cases, the panelists give their analysis and the likely outcome.

Panel: Arbs. Miller, Parker, Befort, Cameron & Falvo

9:30-10:00 a.m.

■ Advocacy: Ten Points

Whether you settle or arbitrate a case, you face a common set of challenges. You can lessen their impact by adopting these ten strategies. Or from another perspective, you can avoid these ten mistakes. A new lecture on effective advocacy.

Arb. Joan Parker

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

10:15-11:00 a.m.

■ Contract Interpretation

Arbitrators rely upon contract law maxims, in addition to your bargaining history. Learn more about the principles and how they are applied. A refresher for the advanced labor-management advocate and a good introduction for the novice.

Arb. Yuval Miller

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

■ Contract Interpretation: Recent Cases

In law school, it is an effective teaching method. By breaking down an actual case, the legal and arbitral principles are brought to life. The cases range in level of difficulty. And each one was vigorously argued by the parties.

Panel: Arbs. Parker, Befort, Cameron, Falvo & Miller

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

CLE and HR credits

Earn credits that are affordable, improve your skills, and add to your knowledge base. Attorneys will earn between 12 and 16 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 13.0 PDCs for the SHRM-CPsm or SHRM-SCPsm. For more information about certification or recertification, please visit www.shrmercification.org

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Registration & Tuition

The cost is \$975, but if you register before March 15, 2024, the cost is \$850. This fee covers admission to all sessions, the workbook, and all breaks. For more information, email us at customerservice@laborarb.com or visit us on the web at laborarb.com



1:00-1:45 p.m

■ **Past Practice**

The elements of a Past Practice are not controversial. The disputes arise when the doctrine is applied in one of three ways: when the contract language is ambiguous and the practice shows the parties' intent, when there is a gap in the contract, and when the contract is silent.

Arb. Joan Parker

1:45-2:30 p.m.

■ **Past Practice: Recent Cases**

The panelists discuss a range of cases to further illustrate the doctrine.

Panel: Arbs. Befort, Cameron, Falvo, Miller & Parker

2:30-3:30 p.m.

■ **Family and Medical Leave Act**

The FMLA has resulted in thousands of cases and a considerable number of regulations. A lecture on the issues so you can be better prepared for the next case.

Arb. Steve Befort

3:30 p.m. Adjournment

Faculty

The faculty members are premier 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 conference a genuine learning experience. **Steve Befort** is a distinguished labor arbitrator and law professor. He is the past editor of the ABA Journal of Labor & Employment Law. **Christopher Cameron** is also a popular labor arbitrator and law professor. Earlier in his career, he practiced labor law. **Micheal Falvo** is a distinguished labor arbitrator. In addition to years of teaching at Wayne State University, he was previously a police commander and labor relations counsel in the city of Detroit's law department. **Yuval Miller** practiced law in two law firms (one management-side and one union-side) and is now a prominent labor arbitrator on the West coast. Finally, **Joan Parker** is a highly regarded labor arbitrator and umpire under several national agreements. Before arbitrating, she was a tenured professor at Rutgers. Her lectures receive the highest ratings. Because they have all been teachers and arbitrators, they have an excellent balance between theory and practice.

Stay at the Westgate!

The Westgate is the site of the conference and we want all attendees to stay at the Westgate. Register now for the conference and reserve your overnight accommodations with the hotel at the affordable rate of \$109. Your guest room will be just steps away from our meeting room.

The \$109 rate is inclusive of the resort fee. Please be sure to confirm that when you call the hotel or go on the hotel's website. Easiest is to go to our website (laborarb.com) and click on the Las Vegas program brochure and you will see the Hotel's passkey system from which to make a reservation for any number of nights: Saturday night (June 22nd) to Friday night (June 28th).



Registration Options
Register online at laborarb.com

OR

Complete this form, scan & email to registrar@laborarb.com or mail to address below

Labor Law & Labor Arbitration

Tuesday-Wednesday, June 25-26, 2024

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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: \$850.00 per registrant (if registering before March 15, 2024)

\$975.00 per registrant (if registering after March 15, 2024)

Payment

Check Enclosed \$ _____

To pay by credit card, please use our online system at laborarb.com

Hotel Accommodations

Stay at the Westgate (site of the conference) and take advantage of the attractive group rate of \$109 (single or double). This rate includes the resort fee. The Westgate has a passkey system to easily make your reservation. The link is available on our website (laborarb.com), click on the Las Vegas brochure, and you will find this passkey. The cut-off date is June 4, 2024 but the block can sell out several weeks before, so please make your reservations as soon as possible.

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. 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.