LABOR ARBITRATION INSTITUTE
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Labor Law and Labor Arbitration

January 27-28, 2027

Tampa

ILR Scheinman Institute

CORNELL UNIVERSITY
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Labor Law and Labor Arbitration

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Come to Tampa and learn the latest developments in labor law and labor arbitration.

This program provides a place to learn from top-tier labor arbitrators, tackle tough issues, have your questions answered and receive practical instruction that lets you put the training to use.

The agenda below details what will be covered.

Please call 866-470-1922 or email us (ilrcustomerservice@cornell.edu) with any questions.

We welcome you to Tampa to learn from the best.

Agenda

WEDNESDAY, JANUARY 27, 2027

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

8:00-8:30 a.m.
Rules of Evidence

Whether you investigate or present a case, the rules of evidence come into play because they affect the admission and the probative value of evidence. Learn about the rules on relevance, hearsay, expert opinions, privileged communications, and circumstantial evidence.

Arb. VanDagens

8:30-9:30 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 will discuss evidence in the context of actual cases. This is one of the most popular sessions in the training.

Panel: Arbs. Adelman, Charles, Peek, VanDagens

9:30-10:00 a.m.
Due Process

The Due Process doctrine (or fundamental fairness) is one of the most challenging in jurisprudence. The doctrine reflects hundreds of years of cases and changing societal standards. And in arbitration, the doctrine applies at the disciplinary interview and ends in what constitutes a reasonable penalty. Learn also about disparate treatment, lax enforcement, notice of charges, and more.

Arb. Adelman

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

10:15-10:45 a.m.
Off-Duty Misconduct

The doctrine of nexus in off-duty conduct is well established. An employer must prove there is a connection between the off-duty, off-premises conduct and the employer's interest. This is not always easy. The lecturer provides an analytical structure plus discussion about relevant issues, including social media and non-prosecuted misdemeanors.

Arb. VanDagens

10:45-11:30 a.m.
Disparate Treatment, Reasonable Penalty, Double Jeopardy, Off-Duty Misconduct

The panelists discuss recent cases that included a serious due process question. Their analysis will help you in any case where the penalty does not comport with the just cause doctrine.

Panel: Arbs. Adelman, Charles, Peek, VanDagens

11:30 a.m.-Noon
Witness Preparation

Arbitrators want direct testimony and documents to support your case. Learn how the selection and order of witnesses, and how you prepare them, can affect the outcome of your case. Special attention is paid to preparing witnesses for cross-examination, the purposes of re-direct and what you can do about witness credibility.

Arb. Teare

Noon-1:00 p.m.
Lunch on your own

1:00-1:30 p.m.
Developing the Labor-Management Relationship

Explore the Labor-Management relationship and its impact on the arbitration process between the parties. Learn keys to developing and maintaining this important relationship.

Arb. Adelman

1:30-2:00 p.m.
Insubordination

The three elements of insubordination are well-established, but problems arise when the culture is such that the supervisor issues requests, rather than orders, and the refusal is not outright (such as an unanswered email), or the supervisor does not remind the employee of the consequences for refusing. Additionally, learn when the safety and health exception applies. A new lecture on this age-old topic.

Arb. Charles

2:00-2:45 p.m.
Discipline & Discharge: Recent Cases, Part I

The panelists discuss the arbitral and legal principles of discipline and discharge in the context of actual racial discrimination and sexual harassment cases. This session will give you countless insights.

Panel: Arbs. Adelman, Charles, Gallin Procida, Peek, VanDagens

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

3:00-3:30 p.m.
Cross Examination

Advocacy skills of cross-examination are one of the hardest things to learn and is gained through experience, but there are other skills you can immediately boost. Witness preparation, opening statements and closing arguments are all important.

Arb. Gallin Procida

3:30-4:30 p.m.
Discipline & Discharge: Recent Cases, Part II

This session continues from the previous one. The panelists discuss the arbitral and legal principles in cases involving social media, job performance and workplace threats.

Panel: Arbs. Adelman, Charles, Peek, Teare, VanDagens

4:30 p.m.
Adjournment – Recess until 8:00 a.m. Thursday morning

THURSDAY, JANUARY 28, 2027

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

8:00-9:00 a.m.
Difficult Cases

These are the cases that probably must go to arbitration. They have added complexity ranging from a procedural matter, a contract provision, a state or federal law, or an equity (fairness) argument. In discussing actual cases, the panelists suggest successful strategies.

Panel: Arbs. Adelman, Charles, Peek, VanDagens

9:00-9:30 a.m.
Mitigation

The questions fall into these categories: length of service, work record, rehab and backpay offsets. How does one measure what long service is? Is it a general standard or one that reflects the current bargaining unit? Is the work record judged by similar infractions, or in a discipline case, can employers cite collateral things such as absenteeism and job neglect? Regarding rehab, does the EAP ensure that every employee gets at least one shot? And finally, if the arbitrator awards back pay, what must the union show to ensure it's not considered a windfall?

Arb. Teare

9:30-10:15 a.m.
Lessons Learned

In many work settings, there is a history, and that history, along with society, has changed with the times. For example, today, a threat to fight can be dischargeable as though the fight actually happened, including a fight that might not have been dischargeable 30 years ago. Sexual harassment is viewed through wildly different lenses, especially as it relates to what used to be called "shop talk." And in a social media case, the defense, "I didn't mean to hit the send button," is probably gone forever. A new lecture on what advocates and arbitrators have learned.

Arb. Peek

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

10:30-11:15 a.m.
Contract Interpretation

The lecturer covers contract law, the role of bargaining history, the primacy of intent, and the maxims of contract interpretation.

Arb. Gallin Procida

11:15 a.m.- Noon
Contract Interpretation: Applying the Rules

Faculty will discuss recent cases that illustrate the principles. The faculty may not always agree, but that is part of weighing the persuasive value of the facts and applicability of the principles.

Panel: Arbs. Adelman, Charles, Peek, VanDagens

Noon-1:00 p.m. Lunch on your own



1:00-1:45 p.m.
Past Practice I

One of the most mis-cited and misunderstood 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, to fill in gaps, and to create an independent provision as if it were in the CBA. This will be an eye-opening lecture.

Arb. Peek

1:45-2:15 p.m.
Past Practice II

To further illustrate the teaching points from the previous lectures, the panelists discuss each element. A binding past practice is equal to any negotiated provision in the contract.

Panel: Arbs. Adelman, Charles, Peek, VanDagens

2:15-3:15 p.m.
Novel and Persuasive Arguments and What Influences Decision Making

While novel, an argument may not be persuasive. The employer argues that the arbitrator should not second-guess the employer on penalty, as if it understands the workplace better. Or the arbitrator must not send the wrong signal to the other employees. The union argues that no one would jeopardize their career over what the employer alleges the grievant to have done. Or the employer is acting out of animus towards the union. The panelists have heard it all, and they discuss true-to-life scenarios.

Panel: Arbs. Adelman, Charles, Peek, VanDagens

3:15 p.m. Adjournment

Faculty

Our faculty members are highly respected labor arbitrators and teachers. ***Richard Adelman*** is a former fellow at Stanford University and a former practicing attorney, including for the NLRB. ***Jeanne Charles*** is an experienced arbitrator and mediator based in Fort Lauderdale, Florida, handling cases locally and nationally through various panels, including the American Arbitration Association, the Federal Mediation and Conciliation Service, the National Mediation Board, Major League Baseball, and the U.S. Anti-Doping Agency. With over 30 years in law, she has handled more than a thousand cases and serves on the Board of Governors of the College of Labor and Employment Lawyers and the National Academy of Arbitrators, where she is the President-Elect. Jeanne is a native of Chicago, Illinois, where she earned her juris doctor degree from DePaul University College of Law. ***Ellen Gallin Procida*** is a labor arbitrator on the East Coast, serving on panels in the public and private sectors. She is the Director of Labor-Management Relations for the Scheinman Institute on Conflict Resolution for Cornell University. ***Barry J. Peek, Esq.*** is an arbitrator and mediator with Scheinman Arbitration Mediation Services. Barry arbitrates in a wide range of industries, including health care, hospitality, education, construction and publishing. He is a graduate of Brooklyn College and the Maurice A. Deane School of Law at Hofstra University. ***Cheryl Teare*** is a labor and employment mediator and arbitrator based in Washington, D.C. Cheryl serves as a hearing examiner and mediator for D.C. PERB. She is a member of the board of Virginia LERA. ***Kathryn VanDagens*** is a graduate of the University of Michigan Law school. She is a highly sought-after labor arbitrator on many panels in the public and private sector.

Recertification Credits

HRCI: This program has been approved for **13 HR (General) recertification credit hours** toward aPHR™, aPHRi™, PHR®, PHRca®, SPHR®, GPHR®, PHRi™ and SPHRi™ recertification through HR Certification Institute® (HRCI®).

SHRM: This program has been approved for **13 PDCs credit hours** toward SHRM-CPSM or SHRM-SCPSM recertification through SHRM.

CLE: This program may be eligible for CLE credit in your state. If you would like to self-report, we can provide you with the necessary materials.

To request any of these recertification credits, please send an email to **ilrcustomerservice@cornell.edu** upon completion of the program.

Conference Location and Tuition

The conference will be held at the Tampa Convention Center, City of Tampa, 333 South Franklin St., Tampa, FL 33602

Tuition is $1100, but if you register before November 25, 2026, the cost is $975. Tuition covers admission to all sessions and course materials.

To register online or learn about future conferences, visit us at **www.laborarb.com.**



Registration Options

Register online at www.laborarb.com or complete this form and mail to:

Cornell University, ILR School, Att. Customer Service, 570 Lexington Ave. 12th floor, New York, NY 10022
For more information, call 866-470-1922 or email ilrcustomerservice@cornell.edu.

Labor Law & Labor Arbitration

January 27-28, 2027

Tampa Convention Center
333 South Franklin St., Tampa, FL 33602

Name _____ **Name** _____

Title _____ Title _____

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Organization _____

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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: $975 per registrant (when registering before November 25, 2026)
$1100 per registrant (when registering after November 25, 2026)

Payment Please check one of the following payment methods:

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PAYMENT OF BILL IS AUTHORIZED BY:
Payment or payment guarantee (such as a Purchase Order) is expected at the time of registration. If a PO or other guarantee of payment will be submitted from your organization, an authorizing manager must sign below, taking responsibility for payment. You may pay by credit card.

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Title of Authorizing Manager: _____

Email & Work # of Authorizing Manager: _____

Signature of Authorizing Manager: _____

Hotel Accommodations
For overnight accommodations, the following hotels are close to the Tampa Convention Center, the site of the conference.

Tampa Marriott Water St • 505 Water St • Tampa FL 33602 • 813-221-4900 • marriott.com

Embassy Suites by Hilton • 513 S Florida Ave • Tampa FL 33602 • 813-769-8300 • hilton.com

JW Marriott Tampa Water St • 510 Water St • Tampa FL 33602 • 813-221-4950 • marriott.com

Miscellaneous

☐ I cannot attend, but please send me information on future conferences.