

LABOR ARBITRATION INSTITUTE

Labor Law and Labor Arbitration

Wednesday

November 10, 2010

Cleveland

KNOWLEDGE RESULTS

CHALLENGE STRATEGY

Labor Law & Labor Arbitration

Take advantage of one of the best classrooms in the country. You see and hear everything because the classroom is an amphitheater with a superb sound system.

Most days, the classroom (pictured below) is filled with doctors. But each year at this conference, you can learn from the top labor arbitrators in the country. And you learn not just the principles of labor law and labor arbitration, but also the strategies.

This Conference is geared for labor and management to stay current on the issues.

More detail is provided below about the agenda and how to register, plus earn continuing education credits (CLE and CEU). Please call or email us (customerservice@laborarb.com) with any questions.

We welcome you to Cleveland to learn with the best.



The conference will be held in this state-of-the-art classroom which is part of the Intercontinental Hotel and the Cleveland Clinic. The classroom has comfortable chairs, desk space, tiered seating as in an amphitheater, and a superb audio-visual system.

Agenda

7:15-8:00 a.m.

Registration and Continental Breakfast

8:00-8:45 a.m.

■ Rules of Evidence

The Federal Rules of Evidence impact every step of the grievance procedure. When you interview witnesses, you have to consider the rules on relevance, competency and hearsay. In the arbitration hearing room, another complication is added: the arbitrator lets everything into the record, and then ignores any evidence that would have been inadmissible under the Rules. Keep up-to-date with this new lecture.

Arb. George Roumell

8:45-10:15 a.m.

■ Discipline and Discharge Cases from 2010

The arbitrators discuss the principles and laws in the hot areas: workplace threats, insubordination, computer misuse, sexual harassment, job performance, absenteeism, and off-duty misconduct. The arbitrators comment on actual cases from 2010 and specifically, what the parties argued. This format makes the issues come alive and gives you immediate answers.

Panel: Arbs. Harry Graham, Margaret Nancy Johnson, George Roumell & Alan Miles Ruben

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

10:30-11:00 a.m.

■ Reinvent the standard arguments

Before you cite another of the well-worn phrases (such as The 7 Tests, Leniency is the prerogative of the employer, The plant is not a debating society, etc.), know where the dangers lurk and how you might recast your argument in a more persuasive way.

Arb. Harry Graham

11:00-11:30 a.m.

■ Due Process Principle & the Affirmative Defenses

The principle of due process continues to change with recent court decisions, new statutes, and even changes in community standards. For example, timelines are not always enforced, disparate treatment can be broadly or narrowly interpreted, and management has flexibility between behavior it condones versus tolerates.

Arb. Roumell

11:30 a.m.-12:00 Noon

■ Arbitrator Decision-making Process

Arbitrators have wide discretion in how they run the hearing, such as asking questions on their own or citing a contract provision not argued in the case. This session will be a unique look at the arbitrator's decision-making process, from the opening statement to issuing the award.

Panel: Arbs. Ruben, Roumell, Graham & Johnson

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

1:00-1:45 p.m.

■ Layoffs, Furloughs & Workweek Reductions in a Down Economy

Management's efforts to adjust to a change in business implicates several union protections in the contract. An analysis of the issues in interpreting contract provisions on seniority, union security, severance pay, and work week and hours.

Arb. Alan Miles Ruben

1:45-2:30

■ Contract Interpretation

Contract law has evolved through centuries of court decisions and developments in other areas of law, such as commercial transactions. Arbitrators use these principles to decide the basic and advanced issues. A new lecture on which principles come into play the most often and how to argue how they apply in a labor-management relationship.

Arb. Harry Graham

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

Register Early and Save

The cost is \$295, which covers admission to all sessions, the course book on CD, the workbook, and all breaks. Take advantage of the early enrollment discount noted on the enclosed registration form, by registering before August 1, 2010.

The conference will be held at the Intercontinental Hotel on the campus of the Cleveland Clinic. This facility is ideal for educational meetings. If you stay overnight, you will be steps away from the conference. To add events to your stay, the concierge can recommend a wide variety of events and activities that are just a short cab-ride away in downtown Cleveland.

Earn CLE or Continuing Education Credits

Attorneys and HR professionals can earn credit toward their licenses.

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 also been approved for 7.0 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.

3:00-3:30 p.m.

■ Past Practice

After you determine whether the elements of a Past Practice have been established (frequency, longevity, consistency & mutuality) you have to look at the other issues, including a proscribed versus prescribed way of doing business and whether the practice involves a management right or an employee benefit, or both. Add to this the doctrine of changed circumstances (especially technological changes), and you will be ready for your next case.

Arb. Margaret Johnson

3:30-4:30 p.m.

■ Applying Contract Law & Past Practice Doctrine

One of the best ways to learn is to hear the facts of a case, and have the arbitrator explain their decision if they had been the arbitrator in that case. The arbitrators know that in this setting, they have to be succinct and get to the heart of the case quickly. The panelists rule in a wide range of contract cases, in order to cover a long list of the legal principles and rules. Includes several difficult cases on the Past Practice doctrine.

Arb. Graham, Johnson, Roumell & Ruben

4:30 p.m. Adjournment

Registration Options

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

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InterContinental Hotel Cleveland • 9801 Carnegie Avenue • Cleveland, OH 44106 • (216) 707-4100

www.cleveland.intercontinental.com

Name _____ Email _____

Name _____ Email _____

Name _____ Email _____

Name _____ 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 \$245.00 per registrant (if registering before August 1, 2010)
 \$295.00 per registrant (if registering after August 1, 2010)

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

A block of rooms has been reserved at the InterContinental Hotel, the site of the conference. The group rate is \$169.00. The room block is limited, so we recommend that reservations be made as early as possible (and no later than October 6, 2010). Reservations can be made by calling the InterContinental at 1-216-707-4100. Be sure to mention that you are attending the Labor Arbitration Institute conference in order to receive the discounted rate.

MISCELLANEOUS

I am an attorney and request information on CLE credits for the state of _____.

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

