



National Academy of Arbitrators
Southwest / Rockies Region

38th Annual Labor-Management Conference

February 20, 2015, Featured Speakers and Presentations

Shyam Das

President, NAA

"Arbitrating When the Stakes are High"

Carl Bosland

Chief Counsel, National Employment Litigation, USPS; Author, and Arbitrator (on leave)

Arbitrating Attendance:

"Developments in the Laws Protecting Absences From Work -
The FMLA, ADA, TITLE VII, USERRA and Many More"

Panel of NAA Arbitrators

- Arbitrators in the Hot Seat -

"Red Light - Green Light"

February 19, 2015, Advocate & Arbitrator Training & LERA Dinner

Advocate Training Sessions:

Just Cause Discipline

Contract Construction & Interpretation

Texas Fire and Police Arbitration Training

Arbitrator Training

LERA Thursday Dinner and Program

Allison Beck

Acting Director, FMCS

February 19 - 21, 2015

DoubleTree Hotel

Houston Hobby Airport

Early registration ends January 30, 2015

Thursday, February 19

Advocate and Arbitrator Training Programs

8:00 a.m. – 5:00 p.m. REGISTRATION

Registrar: **Frederick P. Ahrens,***

9:00 a.m. WELCOME – **T. Zane Reeves,*** Chair, Southwest /Rockies Region

9:00 a.m. – 3:45 p.m. **ADVOCATE TRAINING: JUST CAUSE DISCIPLINE**

Instructors: **T. Zane Reeves,*** Albuquerque, NM; **Patrick M. Flynn,** Esq., Houston (union attorney); **Joseph G. "Chip" Galagaza,** Esq., Houston (management attorney).

Based on a new program developed by the NAA especially for advocates, participants will use case studies to develop advocacy skills and learn principles of: • just cause determination; • case preparation, • witness examinations; • guidelines for opening and closing statements; • rules of evidence commonly used in arbitration.

9:00 a.m. – 3:45 p.m. **ADVOCATE TRAINING: CONTRACT CONSTRUCTION AND INTERPRETATION**

Instructors: **Louise Wolitz,*** Austin; **Kathy Eisenmenger,*** Esq., Denver, Co; **Rod Tanner,** Esq., (union atty.), Ft. Worth; **Teresa Valderrama,** Esq., (mgmt. atty.), Houston.

The panelists will delve into the advocates' best and worst real cases to extract the successful use of contract interpretation principles, application of contract provisions to factual scenarios, use (and misuse) of past practice, bargaining history or parol evidence issues, and more, all wrapped up in the arbitrators' evaluation of evidence and arguments that resulted (or were rejected) in the award.

9:00 a.m. – 3:45 p.m. **TEXAS FIRE AND POLICE TRAINING for ADVOCATES and ARBITRATORS**

Planning Committee/Instructors: **William McKee,*** Denton; **Don E. Williams,*** Esq., Longview; **Craig Deats,** Esq., (union atty.), Austin; **Lowell Denton,** Esq., (mgmt. atty.), San Antonio; **Elizabeth Dierdorf,** Esq., Sr. Asst. City Atty., Ft. Worth; **Robert Leonard,** Esq., Asst. Gen. Coun., CLEAT, San Antonio; **Joe Singer,** Staff Rep. State Assn. of Fire Fighters, Austin; **Robert Armbruster,** Esq., HPOU, Houston; **Tim Higley,** Esq., Asst. City Atty., Houston; **Tom Cipolla,*** Esq., Houston; **Daniel Jennings,*** College Station; **HPFFA representative** (invited).

A comprehensive presentation for professionals who need to know what works in the specialized area of Texas Fire and Police appeal hearings. Speakers will share tips and their experience as advocates and hearing examiners. Advocates and arbitrators will meet jointly in the morning to cover the govern-

ing laws and requirements for management/labor representatives and arbitrators. After lunch, arbitrators and City of Houston and police/fire advocates will break out separately to address specific aspects of their landscapes.

1:00 p.m. – 3:45 p.m. **ARBITRATOR TRAINING**

Instructors: **I. Beber Helburn,*** Austin; **Vicki Peterson-Cohen,*** Esq., Clearwater, FL.

During the morning, arbitrators will be part of the Texas Fire and Police training. In the afternoon, we will cover such topics as scheduling, retention of jurisdiction, dealing with novice and combative advocates. and topics that attendees wish to discuss. Suggestions are encouraged and may be e-mailed to thehelburns@sbcglobal.net or vpcohen@laborarbitrator.net.

4:00 – 5:00 p.m. **AGENCY UPDATE (ALL)**

Moderator: **Frederick P. Ahrens,*** Dallas; FMCS: **Arthur Pearlstein,** Director of Arbitration, Washington, DC; AAA: **Patrick Tatum,** VP Labor, Employment and Elections.

These leaders will review the magnitude of the latest labor cases and trends. They will also address the latest changes and programs affecting labor management behavior.

5:00 p.m. – 6:00 p.m. **SOCIAL HOUR** (Cash Bar)

6:00 p.m. – 8:00 p.m. **LERA DINNER**

Dinner Address by **Allison Beck,** Acting Director, FMCS. She served as FMCS Assistant Director for 4 years and formerly was General Counsel for the Machinists Union for 20 years.

Friday, February 20

Plenary Sessions & Workshops

8:00 a.m. – 5:00 p.m. REGISTRATION

Registrar: **Frederick P. Ahrens,*** Dallas

9:00 a.m. WELCOME – **T. Zane Reeves,*** Chair, Southwest /Rockies Region

9:10 a.m. – 10:30 a.m. **PLENARY SESSION**

ARBITRATING ATTENDANCE: DEVELOPMENTS IN THE LAWS PROTECTING ABSENCES FROM WORK, INCLUDING THE FMLA, ADA, TITLE VII, USERRA AND MANY MORE.

Presenter: **Carl Bosland,*** Esq., Chief Counsel, National Employment Litigation, USPS; Author, Mediator, and Arbitrator (on leave), Denver, CO.

The intersection of attendance controls and law is a thorny area of arbitration. Carl Bosland has been an arbitrator, mediator, fact-finder, attorney, and federal executive for over 25 years and has authored 3 books on related subjects.

10:30 a.m. – 10:45 a.m. **BREAK**

* Member, National Academy of Arbitrators

10:45 – 12 Noon **PLENARY SESSION**

RED LIGHT - GREEN LIGHT: ARBITRATORS IN THE HOT SEAT

Discussion Leader: **Rex Wiant**,* Kansas City, MO

Panelists: **Tom Cipolla**,* Esq., Austin; **Sidney Moreland IV**, Esq., Baton Rouge, LA; **James O'Grady**,* St. Louis, MO.

12:00 p.m. – 1:30 p.m. **LUNCH**

ARBITRATING WHEN THE STAKES ARE HIGH

Speaker: **Shyam Das**,* Esq., President, National Academy of Arbitrators.

Arbitrator Das has ruled on numerous high-profile cases in sectors such as baseball (holding the position of independent arbitrator longer than any of his eight predecessors); steel (chairman of the board of arbitration for U.S. Steel and the United Steelworkers since 1997); telecommunications (in one decision he restored over 3,000 workers to their jobs); and postal (currently, he is a member of five National Postal arbitration panels).

1:45 p.m. – 3:15 p.m. **EARLY AFTERNOON WORKSHOPS**

CHOOSE ONE OF THREE

POSTAL SERVICE UPDATE....

Discussion Leaders: **Michael McReynolds**,* Ft. Worth.

Participants: Representatives of the USPS; APWU; NALC; NRLCA; and NPMHU.

Panelists will address current postal arbitration issues and the effect of ongoing changes in the postal environment and will answer questions from the audience.

PILGRIMS IN THE MIST: PRO SE GRIEVANTS AND GRIEVANTS NOT REPRESENTED BY A UNION

Moderator: **William McKee**,* Ph.D., Denton.

Panel: **J. Joe Harris**, Senior Labor Counsel, SWA, Dallas; **Audrey Stone**, President, TWU Local 556, Dallas; **Robert Armbruster**, Esq., HPOU President, Houston.

For some there is an increase at arbitration of individual grievants and grievants not represented by a union. What does this mean to advocates and arbitrators? The panel shares their experiences and viewpoints.

ETHICS FOR ADVOCATES AND ARBITRATORS

Discussion Leader: **Ruben R. Armendariz**,* Esq., San Antonio.

What are the ethical expectations of you by other advocates and arbitrators involved in your cases? Using scenarios and guided by the Code of Professional Responsibility (CPR) for Arbitrators of Labor-Management Disputes, Arbitrator Armendariz will lead a discussion on how the ethical expectations of advocates and arbitrators impact hearings and pre- and post-hearing conduct. (Workshop repeated at 3:30 p.m.)

3:30 p.m. – 5:00 p.m. **LATE AFTERNOON WORKSHOPS**

CHOOSE ONE OF THREE

HANDLING DUE PROCESS ISSUES IN BOTH PUBLIC AND PRIVATE SECTOR GRIEVANCE ARBITRATION CASES

Discussion Leader: **Sharon Gallagher**,* Oshkosh, WI

Panelists: **Shani Dennis Williford**, Esq., U. S. Immigration and Customs Enforcement, Houston; **Eric Nelson**, Esq., (union atty.), Houston.

Due process issues may arrive in many forms and at various stages of the arbitration process. Advocates from both sides and the arbitrator will give their views, incorporating their case experiences.

MARIJUANA AND EMPLOYMENT: HOW MUCH DO YOU REALLY KNOW?

Presenter and Discussion Leader: **John F. Sass**,* Golden, CO.

A discussion of the effects of marijuana; alleged medical benefits; problems with testing; off-duty versus on-duty conduct; workplace policies and procedures; and whether decriminalization changes anything.

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Saturday, February 21

8:00 a.m. – 10:00 a.m. **NAA SW/ROCKIES REGION BUSINESS MEETING**

10:00 a.m. – 12:00 noon **POSTAL MEETING**

Convener: **I. Beber Helburn**,* Ph.D., Austin.

This traditional Saturday session gives all stakeholders an "open mike" to vent their feelings and concerns about any aspect of postal arbitration.

CLE CREDITS (INCLUDING ETHICS)

Application to the State Bar of Texas for 13.45 participatory hours of MCLE and the State Bar College, including 1.50 hours for ethics, and to the State Bar of Oklahoma for 13.45 participatory hours of MCLE, including 1.50 hours for ethics. Attendance forms will be available at the registration table.

LOCATION

DoubleTree Hotel at Houston Hobby Airport
8181 Airport Boulevard, Houston, Texas, 77061-4142
713-645-3000

HOTEL RESERVATIONS

The hotel has reserved a block of rooms at the group rate of **\$109.00** per night plus tax. All reservations should be received by the hotel no later than February 2, 2015. Reservation requests received by the hotel after February 2, 2015, are subject to space and rate availability. Check-in time is 3:00 p.m. For call-in reservations, call 713-645-3000 and provide Group Code **NAA** to receive the **\$109.00** group rate; or go online to www.houstonhobbyairport.doubletree.com Code NAA.

Please let us know if you require special accommodations or meals.

TRANSPORTATION

The DoubleTree Hotel provides free shuttle transportation to and from Houston Hobby Airport for registered guests.

SOUTHWEST / ROCKIES REGION NAA

To register online and for more information about our region and this program, go to www.naaswr.org. Here you can keep updated on program changes, view the list of member arbitrators, and see selected articles.

PROCEEDINGS

Volumes 1 through 64 (1948 through 2011) of *The Proceedings of the NAA* are now available on the Academy's website (www.naarb.org). Papers presented at NAA Annual Meetings are published by BNA in *The Proceedings*, which are available free of charge in a searchable format.

Program Committee:

William McKee*
Lynne Gomez, * Esq.
I. Beber Helburn*

Arrangements:

Maretta Comfort Toedt, * Esq.

REGISTRANT INFORMATION

Please Register by January 30, 2015 to avoid late fees.

NAME 1 _____

Email _____

NAME 2 _____

Email _____

NAME 3 _____

Email _____

NAME 4 _____

Email _____

Organization _____

Street _____

CITY _____ ST _____ ZIP _____

PHONE _____ Cell ____ Ofc ____

EMAIL _____

Please note that future conference brochures and registration may be available on-line only. Your email address will ensure that you receive notification of next year's conference.

For planning purposes, please indicate below which Friday workshops you or members of your group are planning on attending.

1:45 – 3:15 p.m. Workshops

1. Postal Service Update _____
2. Ethics for Advocates and Arbitrators _____
3. Pilgrims in the Mist - Pro Se Grievants and Grievants Not Represented by a Union _____

3:30 – 5:00 p.m. Workshops

4. Handling Due Process Issues in Both Private and Public Sector Cases _____
5. Marijuana and Employment: How Much do You Really Know? _____
6. Ethics for Advocates and Arbitrators _____

REGISTRATION FEES CALCULATION

Please check the specific training session you wish to attend

Thursday, February 19, 2015

[*] Rate for each of four or more attending from one organization

Registration	Reg. Reg. (thru 01/30/2015) Ind./Group*	Late Reg. (01/31 to 02/19/2015) Ind./Group*	# attending	Amt. Due
Contract Interpret Advoc	\$120/\$110	\$145/\$135		
Just Cause Dis Advocacy	\$120/\$110	\$145/\$135		
Arbitrator Training	\$120/\$110	\$145/\$135		
TX Police and Fire Training	\$120/\$110	\$145/\$135		
LERA Dinner	\$45.00	\$45.00		

Friday, February 20, 2015

[*] Rate for each of four or more attending from one organization

Plenary Sessions & Workshops	Reg. Reg. (thru 01/30/2015) Ind./Group*	Late Reg. 01/31 to 02/20/2015) Ind./Group*	# attending	Amt. Due
Total	\$120/\$110	\$145/\$135		

Total Enclosed for February 19 and/or 20, 2015

\$

TO REGISTER ONLINE, VISIT OUR WEBISTE AT: www.naaswr.org.

CREDIT CARDS ACCEPTED

Contact Frederick P. Ahrens @ 972-381-0334

Make checks payable to: Southwest Rockies Region NAA

No refunds after February 2, 2015

Mail or FAX to:

Frederick P. Ahrens *

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Dallas, TX 75370

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Email: fahrens106@aol.com

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Return Service Requested

TO: