



National Academy of Arbitrators (NAA)
Southwest / Rockies Region
and the
Labor and Employment Research Association
(LERA)

Greater Houston Chapter Present:



39th Annual Labor-Management Conference

Thursday, March 3, 2016

Training for labor advocates and arbitrators

FMCS and AAA Agency updates

LERA social hour, dinner and program

Friday, March 4, 2016

Red Light/ Green Light with a panel of NAA arbitrators and advocates

- Arbitrators and, new this year, advocates in the hot seat -

Poster sessions (*new!*) & workshops on the following topics:

- Last chance agreements
- The effectiveness of zero tolerance policies
- Workplace investigations: Do it right or don't do it at all!
- The seven tests for just cause: Are they still relevant?
- Sleeping on the job cases
- LGBT issues in the workplace
- Police and Fire workplace issues
- Federal sector workplace issues
- Employee monitoring & surveillance in the workplace
- Ethics for labor advocates and arbitrators, and more

March 3 - 5, 2016

DoubleTree Hotel

Houston Hobby Airport

Early registration ends February 11, 2016

Thursday, March 3

Advocate and Arbitrator Training Programs

8:00 a.m. – 5:00 p.m. REGISTRATION

Registrar: **Elvis C. Stephens,* Denton, TX**

9:00 a.m. WELCOME – **Thomas A. Cipolla,* Esq., Chair, Southwest /Rockies Region**

9:00 a.m. – 3:45 p.m. **ADVOCATE TRAINING: Getting Off the Ground**

Instructors: **William McKee,* Denton, TX; LeRoy R. Bartman,* Fair Oaks Ranch, TX; Maretta Comfort Toedt,* Esq., Houston, TX; Mark Sherman,* Houston, TX; John F. Sass,* Esq., Golden, CO; Daniel F. Jennings,* College Station, TX; Thomas A. Cipolla,* Esq., Austin, TX.**

Based on a program developed by the NAA especially for advocates, participants will cover expected but sometimes vexing issues that arise throughout an arbitration hearing.

9:00 a.m. – 3:45 p.m. **ARBITRATOR TRAINING**

Instructors: **I. Beber Helburn,* Austin, TX; Louise B. Wolitz,* Austin, TX; Zahn Reuther, BNSF Railway Company; Andrew Mulford, Brotherhood of Maintenance of Way Employees.**

Arbitrators will learn the ins and outs of railroad arbitration under the Railway Labor Act. Also, we will cover such topics as how arbitrators handle multiple-day, complex cases; interest arbitration, and topics that attendees wish to discuss. Suggestions are encouraged and may be e-mailed to thehelburns@sbcglobal.net.

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

Moderator: **John F. Sass,* Esq., Golden, CO; FMCS: Arthur Pearlstein, Esq., Director of Arbitration, Washington, DC; AAA: Patrick Tatum, VP Labor, Employment and Elections, Fresno, CA.**

Agency representatives will bring advocates and arbitrators up-to-date on labor cases filed in our region and nationally, training initiatives, and organizational changes at the FMCS and AAA.

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

6:00 p.m. – 8:00 p.m. **LERA DINNER – Why Arbitration Works – A Perspective from Labor**

Dinner Address by **John Patrick, President, Texas AFL-CIO.**

Friday, March 4

Plenary Sessions & Workshops

8:00 a.m. – 5:00 p.m. REGISTRATION

Registrar: **Elvis C. Stephens,* Denton, TX**

9:00 a.m. WELCOME – **Thomas A. Cipolla,* Esq., Chair, Southwest /Rockies Region**

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

RED LIGHT - GREEN LIGHT WITH A TWIST: ARBITRATORS AND ADVOCATES IN THE HOT SEAT

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

Panelists: **Joseph G. Galagaza, Esq. (Jackson Lewis LLP); Margaret Lecoche, Esq., (Williams Kherkher LLP); Zane Lumbley,* Brenham, TX; James P. O'Grady,* St. Louis, MO.**

10:30 a.m. – 10:45 a.m. **BREAK**

10:45 – 12 Noon **POSTER SESSIONS (New!)**

Facilitator: **William McKee,* Denton, TX**

• **LAST CHANCE AGREEMENTS: Donald J. Petersen,* Placitas, NM; Kathy L. Eisenmenger,* Esq., Denver, CO.**

• **LGBT ISSUES IN THE WORKPLACE: Christopher Bacon, Esq. (Vinson & Elkins LLP); Lynne Gomez,* Esq., Bellaire, TX.**

• **EFFECTIVENESS OF ZERO TOLERANCE POLICIES: Do they really do the job? James P. O'Grady,* St. Louis, MO; Louise B. Wolitz,* Austin, TX.**

• **SLEEPING/DOZING/DREAMING ON THE JOB ISSUES: Thomas A. Cipolla,* Esq., Austin, TX; Ruben R. Armendariz,* Esq., San Antonio, TX.**

• **TOPICS FOR FUTURE REGION LABOR MANAGEMENT CONFERENCES: Maretta Comfort Toedt,* Esq., Houston, TX; Ed W. Bankston,* Esq., Lafayette, LA.**

• **WORKPLACE INVESTIGATIONS: Do it right or don't do it at all! John F. Sass,* Esq., Golden, CO; Daniel F. Jennings,* College Station, TX.**

• **The SEVEN TESTS FOR JUST CAUSE: Are they still relevant?: I. Beber Helburn,* Austin, TX; T. Zane Reeves,* Albuquerque, NM.**

12:00 p.m. – 1:30 p.m. **LUNCH**

CHALLENGES TO ARBITRATION AND WHAT THE ACADEMY CAN DO ABOUT IT

Speaker: **Allen Ponak,* Esq., President, National Academy of Arbitrators.**

Arbitration in general is under attack largely because of the unfairness of many forms of arbitration outside the collective bargaining arena. Regrettably, labor arbitration has been sideswiped in these general attacks. In this presentation, Mr. Ponak will examine a number of specific challenges and the Academy's responses.

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

CHOOSE ONE OF THREE

POSTAL SERVICE UPDATE....

Discussion Leaders: **Paul Chapdelaine**,* *Houston, TX.*

Panelists: **Mike Mlakar**, Manager Field Labor Relations, USPS; **Lew Drass**, President, NALC; **T.J. Branch**, VP, NPMHU; **Joey Johnson**, President, NRLCA; and **Tony McKinnon**, APWU.

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

POLICE AND FIRE UPDATE

Moderator: **Norman Bennett**,* *Esq., McKinney, TX.*

Panelists: **Robert Leonard**, *Esq., Assistant General Counsel, CLEAT;* **William S. Helfand**, *Esq., Chamberlain Hrdlicka*

Advocates and hearing examiners will discuss best practices in presenting police and fire disputes. Also on tap for discussion are the thorny issues such as how much due process is enough (*Loudermill* compliance); criminal conduct of police officers; and the timeliness of disciplinary actions.

ETHICS FOR ADVOCATES AND ARBITRATORS

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

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

FEDERAL SECTOR ISSUES

Discussion Leaders: **T. Zane Reeves**,* *Albuquerque, NM;* **Don E. Williams**,* *Longview, TX*

Panelists: **Mark W. Hannig**, *Esq., U.S. Customs and Border Protection, El Paso, TX;* **DeWayne Hicks**, *Federal Aviation Administration;* **Raymond D. Martinez**, *Esq., Martinez & Martinez, El Paso, TX.*

This session will focus on issues of interest to advocates and arbitrators involved with federal agencies and unions, such as: jurisdiction of the Merit Systems Protection Board (MSPB), disciplinary actions and Douglas factor considerations, role of arbitration in federal grievance process, filing of exceptions to arbitration awards to Federal Labor Relations Authority (FLRA), and how or when arbitration awards are modified or exceptions denied by the FLRA.

MEASURED, METERED, AND MONITORED

Presenters and Discussion Leaders: **Marsha Cox Kelliher**,* *Esq., Selinsgrove, PA;* **Will Hartsfield**, *Esq., Dallas, TX*

Polygraphs, breathalyzers, GPS, computers, email, blogs, smart phones and video. Modern technology is here to stay in the workplace. Cases are frequently won or lost based on the use of this technology. How reliable are these techniques? How can technology be effectively used in today's workplace to discipline or discharge an employee? What does your CBA provide about these methods? What methods are on the horizon? Polygraphs, breathalyzers, GPS, computers. Modern technology is here to stay in the workplace. Cases are frequently won or lost based on the use of this technology. How reliable are these instruments? How can technology be effectively used in today's workplace to discipline or discharge an employee?

ETHICS FOR ADVOCATES AND ARBITRATORS

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

(This session is a repeat of the earlier afternoon session)

Saturday, March 5

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**,* *Austin, TX.*

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 participatory hours of MCLE and the State Bar College, including 1.50 hours for ethics, and to the State Bar of **Oklahoma** for participatory hours of MCLE, including 1.50 hours for ethics. Information regarding approved CLE will be available at the conference registration desk.

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 **\$112.00** per night plus tax. All reservations should be received by the hotel no later than February 15, 2016. Reservation requests received by the hotel after February 15, 2016, 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 **\$112.00** 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:

Thomas A. Cipolla,* Esq.

William McKee,*

Maretta Comfort Toedt,* Esq.

I Beber Helburn*

Arrangements:

Maretta Comfort Toedt,* Esq.

REGISTRANT INFORMATION

Please Register by February 11, 2016 to avoid late fees.

NAME 1 _____

Email _____

NAME 2 _____

Email _____

NAME 3 _____

Email _____

NAME 4 _____

Email _____

Organization _____

Street _____

CITY _____ ST _____ ZIP _____

PHONE _____ Check One: 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. Police and Fire Arbitration Update _____

3:30 – 5:00 p.m. Workshops

- 4. Federal sector issues in the workplace _____
- 5. Employee Monitoring and Surveillance in the Workplace _____
- 6. Ethics for Advocates and Arbitrators _____

REGISTRATION FEES CALCULATION

Please check the specific training session you wish to attend

Thursday, March 3, 2016

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

| Registration | Reg. Reg. (thru 02/11/2016 Ind./Group* | Late Reg. (02/12 to 03/04/2016) Ind./Group* | # attending | Amt. Due |
|---------------------|---|--|-------------|----------|
| Advocate Training | \$120/\$110 | \$145/\$135 | | |
| Arbitrator Training | \$120/\$110 | \$145/\$135 | | |
| LERA Dinner | \$45.00 | \$45.00 | | |

Friday, March 4, 2016

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

| Plenary Sessions & Workshops | Reg. Reg. (thru 02/11/2016) Ind./Group* | Late Reg. 02/12 to 03/04/2016) Ind./Group* | # attending | Amt. Due |
|---------------------------------|--|---|-------------|----------|
| Total | \$120/\$110 | \$145/\$135 | | |

| | |
|---|----|
| Total Enclosed for March 3 and/or 4, 2016 | \$ |
|---|----|

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

CREDIT CARDS ACCEPTED

Contact Elvis C. Stephens @ 940-382-3087

Make checks payable to: Southwest / Rockies Region NAA

No refunds after February 11, 2016

Mail or FAX to:

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Return Service Requested

TO: