



THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW

54th Annual Course on Labor Law and Labor Arbitration



54th Annual Course on Labor Law and Labor Arbitration

May 9 - 12, 2016

The Center for American
and International Law
Plano, Texas

Register before April 22 to receive a discount.

Register Now! cailaw.org

Highlights Include

- | The Representation Process in Practice
- | Recent Labor Law Developments Affecting Non-Union Employers
- | Luncheon Presentation by NLRB General Counsel, **Richard F. Griffin, Jr.**
- | Three hours of ethics

This program is designed to fully satisfy the Texas Board of Legal Specialization requirement for NLRA credit for the current application filing period.

MCLE credit will be available

54th Annual Course on Labor Law and Labor Arbitration

SCHEDULE

May 9

Conference Co-Chairs

Professor Douglas E. Ray
St. Thomas University
School of Law
Miami Gardens, Florida

A. John Harper III
Shareholder
Littler Mendelson P.C.
Houston, Texas

Rod Tanner
Tanner and Associates P.C.
Fort Worth, Texas

The Center for American and International Law offers this intensive basic course on labor law and labor arbitration, emphasizing the legal framework within which employers, unions, and individual employees pursue their interests. It is designed to be a practical guide for the practice of labor law.

LABOR LAW

Most of the program features instruction on the basic aspects of labor law, with concentration on the National Labor Relations Act and collective bargaining contracts negotiated under the Act. Included in the broad range of topics are:

- | The Representation Process
- | Economic Pressure Including Strikes and Lockouts
- | Negotiation of Collective Bargaining Agreements

LABOR ARBITRATION

Part of the program focuses on the process of arbitrating grievance disputes under collective bargaining agreements.

Lecture Outlines and Reference Book: A materials notebook and the principal text (*Understanding Labor Law*, 2014 Edition, co-authored by Douglas E. Ray, the Co-Chair of this program) will be distributed at the course and are included in the price of the course.

MONDAY, MAY 9

8:30 REGISTRATION AND CONTINENTAL BREAKFAST

9:00 THE ROAD TO REPRESENTATION UNDER THE NLRA

(includes a 15 minute break)

The NLRA and NLRB: NLRA Coverage; the election process including petitions, access to property, election prerequisites, appropriate bargaining units, voter eligibility and post-election proceedings.

— **Christopher David Ruiz Cameron**, Professor of Law, Southwestern Law School, Los Angeles, California

| Co-Author, *Labor Management Relations: Strikes, Lockouts and Boycotts* (Thomson/West 2015-16)

| Co-Author, *Labor Law in the Contemporary Workplace* (West 2d ed. 2014)

12:00 LUNCH (Provided)

12:45 THE ROAD TO REPRESENTATION UNDER THE NLRA (Continued)

(includes a 15 minute break)

Pre-election activity and employee rights, employer and union interference with the election process, unlawful discrimination and discharge issues, bargaining orders, voluntary recognition, employer domination and unlawful assistance issues, and the Top Ten Developments in Labor and Employment Law for 2016.

— **Professor Cameron**

3:30 THE REPRESENTATION PROCESS IN PRACTICE

(Facilitated Discussion, includes a 15 minute break)

MODERATOR: **Martha Kinard**, Regional Director, NLRB Region 16, Fort Worth, Texas

PANELISTS:

— **Glenda Pittman**, Glenda Pittman & Associates, P.C., Austin, TX

— **A. John Harper III**, *Conference Co-Chair*, Littler Mendelson, PC, Houston, Texas

— **Ofelia Gonzalez**, Assistant to the Regional Director, NLRB, Region 16, Fort Worth, Texas

5:15 RECESS AND WELCOMING RECEPTION

SCHEDULE

May 10 - 12

TUESDAY, MAY 10

8:30 **NEGOTIATION OF COLLECTIVE BARGAINING AGREEMENTS** (includes a 15 minute break)
Majority rule and exclusive representation, good faith concepts generally, duty to furnish information, unilateral action, subjects of bargaining, mid-term bargaining and duration of bargaining duty.
— **Michael Z. Green**, Professor of Law, Texas A&M University School of Law, Fort Worth, Texas
| Editor, *The Challenge for Collective Bargaining: Proceedings of the New York University 65th Annual Conference on Labor* (LexisNexis 2014)

10:45 **BREAK**

11:00 **STRIKES & LOCKOUTS**
Legal status of strikes and picketing, rights of strikers, unprotected concerted activities, employer responses to concerted activity, lockouts, unlawful strikes and picketing.
— **Brett Glass**, Director of Labor Relations, Dr Pepper Snapple Group, Plano, Texas
— **Rod Tanner**, *Conference Co-Chair*, Tanner and Associates, PC, Fort Worth, Texas

12:00 **LUNCH** (Provided)

12:30 **STRIKES & LOCKOUTS (Continued)**
— Mr. Glass and Mr. Tanner

1:30 **BREAK**

1:45 **SECONDARY BOYCOTTS & HANDBILLING** (includes a 15 minute break)
Secondary activity, corporate campaigns, consumer picketing, and handbilling.
— **Douglas E. Ray**, *Conference Co-Chair*, Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida
| Co-Author, *Labor Management Relations: Strikes, Lockouts, and Boycotts* (Thomson/West 2015-16)
| Co-Author, *Understanding Labor Law* (LexisNexis 2014)
| Member, National Academy of Arbitrators

3:45 **BREAK**

4:00 **PRACTICAL BARGAINING TIPS**

MODERATOR: Professor Ray

- **Mr. Glass**
- **Mr. Tanner**

5:00 **RECESS**

WEDNESDAY, MAY 11

9:00 **NLRB INVESTIGATIONS AND TRIALS IN UNFAIR LABOR PRACTICE CASES**
— **Timothy Watson**, Regional Attorney, NLRB Region 16, Fort Worth, Texas

10:30 **BREAK**

10:45 **ETHICAL CONSIDERATIONS IN NEGOTIATIONS, NLRB REPRESENTATION, AND UNION RELATIONS**
— **Stephanie K. Osteen**, Jackson Walker L.L.P., Dallas, Texas
— **David K. Watsky**, Lyon, Gorsky, Gilbert & Livingston, L.L.P., Dallas, Texas

12:00 **LUNCH**

12:45 **ETHICAL PRACTICE BEFORE THE NLRB**
— **Jamal M. Allen**, Ethics Counsel, National Labor Relations Board, Houston, Texas

1:30 **BREAK**

1:45 **AVOIDING FLSA TRAPS: COMMON WAGE AND HOUR ISSUES IN UNION AND NON-UNION SETTINGS**
— **Mark Shank**, Gruber Elrod Johansen Hail Shank LLP, Dallas, Texas

2:30 **ENFORCING THE LABOR AGREEMENT THROUGH LABOR ARBITRATION: LAW AND ADVOCACY** (includes a 15 minute break)
— **Professor Ray**

5:00 **RECESS**

THURSDAY, MAY 12

8:45	OVERVIEW OF THE RAILWAY LABOR ACT (RLA) — A. John Harper II , Littler Mendelson P.C., Houston, Texas
10:15	BREAK
10:30	WHO IS AN EMPLOYEE AND EMPLOYER UNDER THE NLRA? RECENT DEVELOPMENTS AFFECTING FRANCHISES, STAFFING AGENCIES, COLLEGE ATHLETES, AND OTHERS — Arthur Carter , Littler Mendelson, PC, Dallas, Texas
11:30	MEET AND GREET GENERAL COUNSEL RICHARD F. GRIFFIN, JR.
12:00	LUNCH (Provided)
1:00	RECENT DEVELOPMENTS AT THE NATIONAL LABOR RELATIONS BOARD (Introduction by Martha Kinard, Regional Director, NLRB Region 16, Fort Worth, Texas) — Richard F. Griffin, Jr. , General Counsel, National Labor Relations Board, Washington, D.C.
2:00	RECENT LABOR LAW DEVELOPMENTS AFFECTING NON-UNION EMPLOYERS: HANDBOOKS, INVESTIGATIONS, SOCIAL MEDIA, AND MORE — John M. Farrell , K&L Gates LLP, Dallas, Texas
3:00	BREAK
3:15	PRACTICAL ETHICAL CONSIDERATIONS OF EMPLOYER INVESTIGATIONS & CONFIDENTIALITY INSTRUCTIONS — Michael P. Maslanka , Assistant Professor of Law, UNT Dallas College of Law, Dallas, Texas Author, <i>Maslanka's Texas Field Guide to Employment Law: FLSA, FMLA, ADA, Texas Labor Code</i> (American Lawyer Media 2016)
4:15	PREDICTING THE FUTURE AND PROGRAM RECAP (Facilitated discussion) MODERATOR: Alex Stevens, Haynes and Boone, LLP Dallas, Texas
4:45	ADJOURN



THE CENTER FOR AMERICAN AND INTERNATIONAL LAW

Founded in 1947 by Robert Storey, Dean of the Southern Methodist University School of Law, **The Center for American and International Law (CAIL)** is a nonprofit educational institution dedicated to improving the quality of justice through continuing education to lawyers and law enforcement officials in the United States and throughout the world.

Much of CAIL's work is accomplished through its five educational institutes:

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REGISTRATION

54th Annual Course on Labor Law and Labor Arbitration

May 9 - 12, 2016

at The Center for American and International Law
Plano, Texas

Registration includes the conference, course materials, lunches and a reception. This year, the live program materials include post-program online access to videos of the presentations. Multiple Registrants from the same organization: Please contact Natalia for special pricing for tuition levels \$1,100 and higher - nkolakowska@cailaw.org or 972.244.3408.

Check applicable box:	Received by 4/22/16	Received after 4/22/16
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Attend Meet & Greet Thursday lunch only (no materials)	<input type="checkbox"/> \$35	<input type="checkbox"/> \$50
Materials Only I will not be attending the conference (includes post-program online access to the videos)	<input type="checkbox"/> \$1100	<input type="checkbox"/> \$1200

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972.244.3404 or 800.409.1090
8:30am-5:00pm CST

PAYMENT MUST ACCOMPANY REGISTRATION

GENERAL INFORMATION

CANCELLATION POLICY: Tuition, less a \$50 cancellation fee, will be refunded if written cancellation is received by April 22, 2016. E-mail cancellation notice to lgaspar@cailaw.org. After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

OVERNIGHT ACCOMMODATIONS: The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at Hyatt Place Plano, 3100 Dallas Parkway, Plano, TX 75093. The last day to obtain this special room rate of \$95 + tax is April 23, 2016. Call the Hyatt at 972.378.3997 and ask for group CAILAW – Labor Law.

NONDISCRIMINATION POLICY: CAIL does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, veteran status or any other protected status in educational activities, scholarship programs or admissions.

MCLE CREDIT: This program is approved by the State Bar of Texas for 25.5 hours, including 3 hours of ethics. Course ID Number: 901346467. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules. For this conference, CAIL will directly apply (if requested) for course accreditation in the following states: California, Minnesota, New Mexico, Ohio, Oklahoma, Pennsylvania, Texas and Virginia. Some of these states may not approve a program for credit hours before the program occurs. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. CAIL conferences are typically accredited by all mandatory CLE states.

SPECIALIZATION CREDIT: 1) This program is approved by the Texas Board of Legal Specialization for 25.5 hours in the following areas: Labor and Employment Law, National Labor Relations; and 2) Meets the 24 hr. NLRA requirement for the current TBLS application filing period.



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5201 Democracy Drive
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