



THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW

55th Annual Course on Labor Law and Labor Arbitration



55th Annual Course on Labor Law and Labor Arbitration

April 10 - 13, 2017

The Center for American
and International Law
Plano, Texas

Register before March 31 to receive a discount.

Register Now! cailaw.org

Highlights Include

- | The Representation Process in Practice
- | Joint Employment & the Gig Economy under the NLRA
- | Luncheon Presentation by NLRB Acting Chairman, **Philip A. Miscimarra**
- | Three (3) 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

55th Annual Course on Labor Law and Labor Arbitration

SCHEDULE

April 10

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, APRIL 10

8:00 REGISTRATION AND CONTINENTAL BREAKFAST

8:30 WHAT IS A LABOR LAWYER: PROFESSIONALISM, ROLES & RESPONSIBILITIES

(includes 15 minutes Ethics 9:00 - 9:15)

MODERATOR:

- **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

PANELISTS:

- **A. John Harper III**, Conference Co-Chair, Littler Mendelson, PC, Houston, Texas
- **Rod Tanner**, Conference Co-Chair, Tanner and Associates, PC, Fort Worth, Texas

9:15 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 2nd ed. 2014)

12:15 LUNCH (Provided)

1:00 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**

3:45 THE REPRESENTATION PROCESS IN PRACTICE
(Facilitated Discussion, includes a 15-minute break)

MODERATOR:

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

PANELISTS:

- **Mr. Harper**
- **Ofelia Gonzalez**, Assistant to the Regional, Director, NLRB Region 16, Fort Worth, Texas
- **Alicia Junco**, Assistant General Counsel, SEIU Texas, Houston, Texas

5:30 RECESS AND WELCOMING RECEPTION

TUESDAY, APRIL 11

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
- **Mr. Tanner**

12:00 LUNCH (Provided)

12:30 STRIKES & LOCKOUTS (Continued)

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

1:45 BREAK

2:00 PRACTICAL & ETHICAL BARGAINING TIPS
(includes 15 minutes Ethics 2:45 - 3:00)

MODERATOR:

- **Professor Ray**

PANELISTS:

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

3:00 BREAK

3:15 SECONDARY BOYCOTTS & HANDBILLING
(includes a 15 minute break)

Secondary activity, corporate campaigns, consumer picketing and handbilling.

- **Professor Ray**

5:00 RECESS

WEDNESDAY, APRIL 12

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**, Hunton & Williams LLP, Dallas, Texas
- **David K. Watsky**, Lyon, Gorsky, Gilbert & Livingston, L.L.P., Dallas, Texas

12:00 LUNCH (Provided)

12:45 ETHICAL PRACTICE BEFORE THE NLRB

- **Jamal M. Allen**, Ethics Counsel, National Labor Relations Board, Houston, Texas

1:30 BREAK

1:45 ENFORCING THE LABOR AGREEMENT THROUGH LABOR ARBITRATION: LAW AND ADVOCACY (includes 15 minute break) (15 minutes Ethics 3:45 - 4:00)

- **Professor Ray**

4:00 AVOIDING FLSA TRAPS: COMMON WAGE AND HOUR ISSUES IN UNION AND NON-UNION SETTINGS

— **Mark Shank**, Gruber Elrod Johansen Hail Shank LLP, Dallas, Texas

5:00 RECESS

THURSDAY, APRIL 13

8:45 OVERVIEW OF THE RAILWAY LABOR ACT (RLA)

— **Jonathan Elifson**, Southwest Airlines Pilots' Association, Dallas, Texas

10:15 BREAK

10:30 JOINT EMPLOYMENT & THE GIG ECONOMY UNDER THE NLRA (includes 15 minutes Ethics 11:30-11:45: Conflicts & Joint Representation)

— **Arthur Carter**, Littler Mendelson, PC, Dallas, Texas

11:45 MEET & GREET WITH NLRB ACTING CHAIRMAN PHILIP A. MISCIMARRA

12:15 LUNCH (Provided)

1:15 REPORT FROM THE NLRB: A BOARD MEMBER'S PERSPECTIVE (introduction by Martha Kinard, Regional Director, NLRB Region 16, Fort Worth, Texas)

— **Philip A. Miscimarra**, Acting Chairman, National Labor Relations Board, Washington, D.C.

2:15 RECENT LABOR LAW DEVELOPMENTS AFFECTING NON-UNION EMPLOYERS: HANDBOOKS, INVESTIGATIONS, SOCIAL MEDIA, AND MORE

— **John M. Farrell**, K&L Gates LLP, Dallas, Texas

3:15 BREAK

3:30 PREDICTING THE FUTURE AND PROGRAM RECAP (facilitated discussion)

MODERATOR: **Alex Stevens**, Haynes and Boone, LLP, Dallas, Texas

4:00 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

55th Annual Course on Labor Law and Labor Arbitration

April 10 - 13, 2017

at The Center for American and International Law
Plano, Texas

Registration includes the conference, course materials, lunches and a reception. Please note: The live program materials include post-program online access to videos of the presentations.

Multiple Registrants from the same organization: Please contact Moin for special pricing for tuition levels \$1,200 and higher - mbaig@cailaw.org or 972.244.3408.

Check applicable box:	Received by 3/31/17	Received after 3/31/17
Regular registration fee	<input type="checkbox"/> \$1395	<input type="checkbox"/> \$1495
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Attend Meet & Greet Thursday lunch only (no materials)	<input type="checkbox"/> \$40	<input type="checkbox"/> \$60
Materials Only I will not be attending the conference (includes post-program online access to the videos)	<input type="checkbox"/> \$1200	<input type="checkbox"/> \$1300

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Plano, TX USA 75024

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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 March 31, 2017. E-mail cancellation notice to lqaspar@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 \$97 + tax is March 25, 2017. Call the Hyatt at 972.378.3997 and mention group name 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 26 hours, including 3 hours of ethics. Texas Course ID Number: 901371509. 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: CA, MN, NV, NM, OH, OK, PA, WV, and VA. 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 26 hours in the following areas: Labor and Employment Law; and 2) This program meets the 24 hr. NLRA requirement for the current Texas Board of Legal Specialization application filing period.



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