



THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW

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speakers and great written materials."*

— former participant

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Labor Law and Labor Arbitration

May 11 - 14, 2010

- A mock pre-election representation hearing conducted by the Region 16 NLRB staff
- A luncheon with Wilma Liebman, Chair of the National Labor Relations Board
- This national program will FULLY satisfy the Texas Board of Legal Specialization requirement for 24 hours of NLRA credit for the current application filing period

PROGRAM HELD at The Center for American and International Law | Plano, Texas

Register early and save!
26 hours of MCLE Credit and 2 hours of Ethics Available.

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 and Union Recognition
- Employee Rights
- Negotiation of Collective Bargaining Agreements
- Enforcement of Collective Bargaining Agreements, Including No-Strike Clauses
- Economic Pressure Including Strikes, Boycotts and Lockouts by Unions and Employers
- Investigations, Hearings and Trials: Preparation, Settlement and Conduct

LABOR ARBITRATION

Part of the program focuses on the process of arbitrating grievance disputes under collective bargaining agreements. Among the topics discussed are:

- Selecting the Arbitrator(s)
- Arbitrability — Substantive and Procedural
- Differences Between Arbitration and Judicial Proceedings
- Contract Interpretation Techniques
- Bargaining History and Past Practice
- Discharge and Discipline Issues
- Arbitration Advocacy

CONFERENCE CO-CHAIRS

DOUGLAS E. RAY

Dean and Professor of Law
The University of Toledo
College of Law
Toledo, Ohio

ARTHUR T. CARTER, ESQ.

Haynes and Boone
and Adjunct Professor
SMU Dedman School of Law
Dallas, Texas

visit us today at www.cailaw.org



Lecture Outlines and Reference Book:

All participants will receive a brief outline at the beginning of the course. The principal text is *Understanding Labor Law*, 2005 Edition, co-authored by Douglas Ray, the Co-Chair of this program. It, too, will be distributed at the time of registration and is included in the price of the course.

There will be a 15 minute break each morning and each afternoon.

TUESDAY • May 11, 2010

8:30 REGISTRATION AND CONTINENTAL BREAKFAST

9:00 THE REPRESENTATION PROCESS: (contains 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 Ruiz Cameron

Professor, Southwestern University Law School
Los Angeles, California
Co-Author *Labor Management Relations: Strikes, Lockouts and Boycotts* (Thomson/West)

12:00 LUNCH RECESS

1:00 THE REPRESENTATION PROCESS (CONTINUED):

(contains 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, and employer domination and unlawful assistance issues.

Professor Cameron

**4:00 NLRB INVESTIGATIONS, HEARINGS AND TRIALS
IN UNFAIR LABOR PRACTICE CASES**

Timothy Watson

Regional Attorney
Region 16, NLRB
Fort Worth, Texas

5:00 RECESS and WELCOMING RECEPTION

Hosted by

The Center for American and International Law

**2:45 ETHICS AND PROFESSIONAL RESPONSIBILITY
IN LABOR LAW AND LABOR ARBITRATION
PRACTICE (Ethics: 3 - 5 P.M.)**

Philip K. Lyon

Lyon & Phillips, PLLC
Nashville, Tennessee
Jasper, Arkansas

Yona Rozen

Gillespie, Rozen, Watsky, Motley & Jones, P.C.
Dallas, Texas

Sharon Steckler

Supervisory Attorney
Region 16, NLRB
Fort Worth, Texas

WEDNESDAY • May 12, 2010

8:30 THE REPRESENTATION PROCESS IN PRACTICE:

Members of the National Labor Relations Board's Region 16 staff will present a mock pre-election hearing focusing on the representation hearing process. The discussion will include pre-hearing preparation, identification of common issues, common mistakes, the role of the hearing officer, and the presentation of evidence.

Moderator - Ofelia Gonzalez

Assistant to the Regional Director
Region 16, NLRB
Fort Worth, Texas

10:45 BREAK

**11:00 NEGOTIATION OF COLLECTIVE BARGAINING
AGREEMENTS:**

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 and
Associate Dean for Faculty Research Development
Texas Wesleyan University School of Law
Fort Worth, Texas

12:00 LUNCH RECESS

1:00 NEGOTIATION (continued)

2:30 BREAK

THURSDAY • May 13, 2010

9:00 ECONOMIC PRESSURE I: (contains 15 minute break)
Legal status of strikes and picketing, rights of strikers, unprotected concerted activities, employer responses to concerted activity, lockouts, unlawful strikes and picketing.

G. William Baab

Baab & Denison
Dallas, Texas

Arthur T. Carter, Esq.

Haynes and Boone
and
Adjunct Professor
SMU Dedman School of Law
Dallas, Texas

12:00 LUNCH RECESS

1:15 PRACTICAL BARGAINING TIPS

Mr. Baab and Mr. Carter

Douglas E. Ray

Dean and Professor
The University of Toledo College of Law
Toledo, Ohio
Co-Author, *Understanding Labor Law and Labor
Management Relations, Strikes, Lockouts and Boycotts*



2:00 ECONOMIC PRESSURE II: (contains 15 minute break)
Secondary activity, corporate campaigns, consumer picketing and handbilling.

Dean Ray

5:00 RECESS

FRIDAY • May 14, 2010

8:30 THE LABOR ARBITRATION SYSTEM

The legal framework, how the process works, elements of proof in discharge and discipline cases, and labor arbitration advocacy

Dean Ray

10:30 BREAK

10:45 EMPLOYEES VS. INDEPENDENT CONTRACTORS, CONTINGENT WORKERS AND LEASED EMPLOYEES:

- The basics, who is an employee and who is not; the labor and employment law treatment of these categories.
- Comparison of the approaches of the Department of Labor, the NLRB, the EEOC and other agencies.
- Regulatory challenge and alleged misclassification of independent contractor status; the DOL's announced crackdown; and potential liability or misclassification of independent contractors.

11:45 LUNCH with Wilma Liebman, Chair, of the National Labor Relations Board, Washington D.C.

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

1:30 LABOR LAW FOR UNION AND NON-UNION EMPLOYERS: WORK PLACE REGULATION AND THE LEGALITY OF EMPLOYER RESPONSE TO DEALING WITH CHALLENGING EMPLOYEE BEHAVIOR:

Employer codes of conduct, confidentiality requirements, dress codes, regulation of content of employee handbooks, internet blogging and adverse communication about the employer, rules and regulations concerning email policies, mandated dispute resolution programs and arbitration, and employee protests and protected concerted activity.

Rodolfo R. Agraz

Ogletree Deakins
Dallas, Texas

2:30 BREAK

2:45 RETALIATION AND WHISTLEBLOWER PROTECTION:

The retaliation provisions of the NLRA, Title VII and selected employment statutes; OSHA retaliation; retaliation under statutes administered by OSHA, including: Surface Transportation Act, Air 21, Environmental Statutes (Clean Air Act, Safe Drinking Water Act, Toxic Substances Control Act, Sarbanes Oxley, etc., and related)

William C. Strock

Haynes and Boone, LLP.
Dallas, Texas

3:30 TREATMENT OF UNDOCUMENTED WORKERS, IMMIGRATION ISSUES AND NATIONAL ORIGIN DISCRIMINATION UNDER THE LABOR AND EMPLOYMENT LAWS:

The NLRA—bargaining, discrimination, protected concerted activity, and remedies; other employment statutes; and national origin discrimination—elements of cause of action and recent developments

James Birch

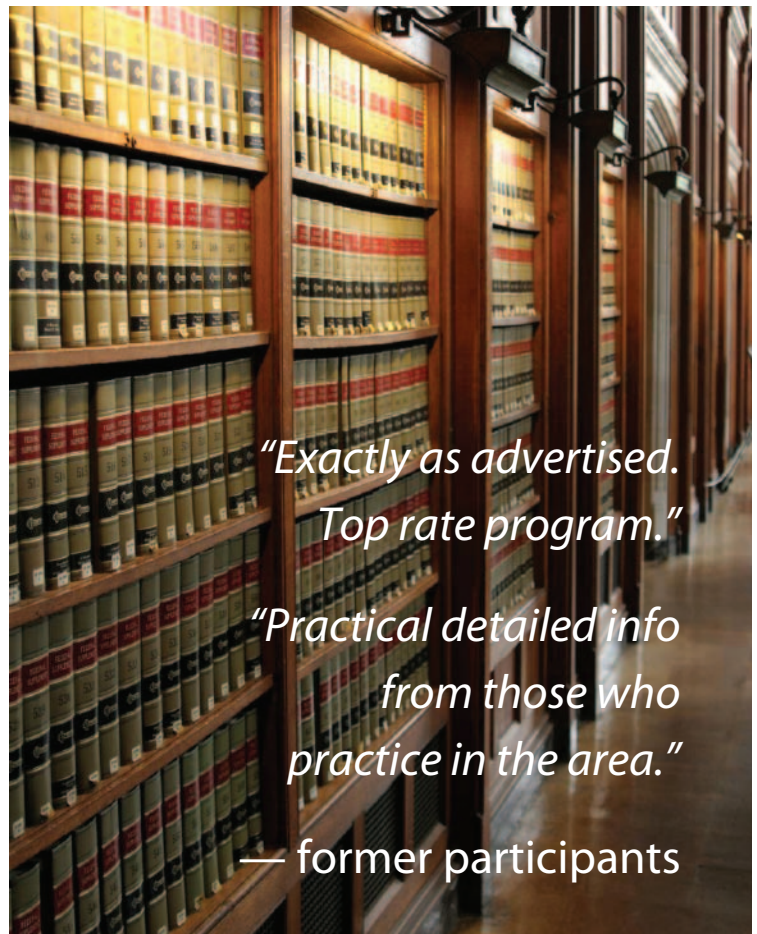
K & L Gates
Dallas, Texas

4:15 ANATOMY OF AN ARBITRATION HEARING

The arbitration proceeding from beginning to end

Mr. Carter and Ms. Rozen

5:00 ADJOURN



*“Exactly as advertised.
Top rate program.”*

*“Practical detailed info
from those who
practice in the area.”*

— former participants

THREE WAYS TO REGISTER

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The Center for American and
International Law
5201 Democracy Drive
Plano, TX USA 75024
972.244.3400

CONFIRMATIONS WILL BE SENT
TO ALL REGISTRANTS

GENERAL INFORMATION

CANCELLATION POLICY: Tuition less a \$50.00 cancellation fee will be refunded upon receipt of written cancellation received by April 30, 2010. After this date, no refunds, but substitution of attendees for this program will be permitted.

HOUSING: The cost of housing is not included in the course registration fee. However, rooms (in limited number) have been reserved at the Embassy Suites, 7600 John Q. Hammons Dr., Frisco, TX 75034. Registrants should call 214-712-7200 and advise them that you are attending the Labor Law and Labor Arbitration program. A reduced room rate of \$134 is available. The last day to obtain this special rate is April 7, 2010.

NONDISCRIMINATION POLICY: The Center for American and International Law does not discriminate on the basis of race, sex, sexual orientation, color, religion, national origin or ancestry, age, disability, veteran status or any other protected status.

MCLE CREDIT: This course has been approved approved by the State Bar of Texas for 26 hours, including 2 hours of ethics. Course ID Number: 901199186. Sign-in sheets and/or certificates of attendance will be available for ALL states.

SPECIALIZATION: We anticipate both of the following credits from the Texas Board of Specialization: 1) certification and recertification in Labor and Employment Law; 2) 24 hr. NLRA requirement for the current application filing period.

DIRECTIONS TO THE CENTER FOR AMERICAN AND INTERNATIONAL LAW: For a detailed map and directions, please visit www.cailaw.org or call 972.244.3400. The Center is located at 5201 Democracy Drive, Plano, Texas 75024.

REGISTRATION

The Center for American and International Law • Plano, Texas

Labor Law and Labor Arbitration

May 11-14, 2010

	Received by April 8	Received after April 8
Regular Tuition	<input type="checkbox"/> \$1095	<input type="checkbox"/> \$1145
Member Tuition*	<input type="checkbox"/> \$945	<input type="checkbox"/> \$995
Government Employee	<input type="checkbox"/> \$995	<input type="checkbox"/> \$1045
I can not attend, but want to order the materials (notebook and video)	<input type="checkbox"/> \$995	<input type="checkbox"/> \$1045

Payments must accompany registration.
Confirmations will be emailed to all registrants.

Name _____

Firm _____

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Check enclosed payable to: The Center for American and International Law

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LABOR LAW AND LABOR ARBITRATION

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AND COMPARATIVE LAW



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AND INTERNATIONAL LAW

Labor Law and Labor Arbitration

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