

THE SPEAKERS

Will Aitchison Mr. Aitchison is the founder and executive director of LRIS and founding member of the Public Safety Labor Group in Portland, OR. He has represented over 100 law enforcement and firefighter labor organizations in five western states. He is a veteran of hundreds of public sector labor negotiations. He received his J.D. from Georgetown University Law Center in Washington, D.C. and is the author of several books on public sector labor matters, including *The Rights of Law Enforcement Officers* (7th Edition), and *The Rights of Firefighters* (4th Edition).

Margaret Brogan Ms. Brogan is a full-time labor arbitrator and mediator, with offices in Oakland, CA and Philadelphia, PA. She is the immediate past-president of the National Academy of Arbitrators. In her 29 years of arbitration practice, she has had significant experience with regard to public safety employees in both the grievance and interest arbitration forums. She received her J.D. from Villanova University, and has been on the adjunct faculty for both the University of California, at Berkeley, School of Law, and St. Joseph's University.

Anil Karia Mr. Karia is a founding member of the Public Safety Labor Group in Portland, OR. He has been practicing union side labor law since 2009. He specializes in representing law enforcement associations and guilds in Oregon, Washington, and Alaska in all aspects of their labor relations, including day-to-day counsel, negotiations, arbitrations, unfair labor practice proceedings, civil litigation, and critical incident response. He is general counsel for police associations and guilds of all sizes, including the Portland Police Association. He has bargained many labor agreements and has participated in numerous arbitrations on their behalf. He graduated from Reed College in 1999, and obtained his law degree from the University of Oregon School of Law in 2006.

Todd Lyon Mr. Lyon is a partner in Fisher Phillips' Portland and Seattle offices. He has been a labor lawyer for over 20 years, representing public and private sector employers in labor negotiations, labor arbitrations, and employment litigation. A skilled negotiator who bargains pro-employer collective bargaining agreements, Todd has conducted hundreds of arbitration hearings with superior results concerning virtually every aspect of contract interpretation, discipline, union security, and interest arbitration. Todd has also successfully litigated before the National Labor Relations Board and state labor boards in both representation and unfair labor practice hearings. He is a graduate of Saint Norbert College and received his J.D. from Hamline University School of Law.

Harry Stern Mr. Stern is the managing partner of the California law firm Rains Lucia Stern St. Phalle Silver. His practice is focused on civil litigation and criminal defense. He has successfully defended peace officers in a number of high-profile trials. He regularly represents peace officers in internal investigations, administrative hearings, coroner's inquests, grand jury proceedings and related court actions. He is a graduate of the University of San Francisco.



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GRIEVANCES, ARBITRATION AND PAST PRACTICES

Las Vegas, NV
September 25-27, 2019

A three-day seminar for all public safety agencies and labor organizations, personnel directors, and attorneys involved in public sector labor relations.

"You have put together a wonderful staff of instructors. Extremely interesting, never a lull in your program."

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Grievances, Arbitration And Past Practices



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"Will Aitchison is an engaging, intelligent and informative speaker. There was extensive insight on current cases and issues that directly affect my profession as a staff attorney for police unions."

Kelly Rommel, AFSCME Council 4, New Britain, CT



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Grievances, Arbitration And Past Practices

SEMINAR MATERIALS

Each attendee will receive a notebook containing extensive written materials pertaining to each of the subjects addressed.

P.O.S.T. CERTIFICATION

Peace Officer Standards and Training (P.O.S.T.) credits may be available on a state-by-state basis. If you would like information on your state, please contact Seminar Coordinator Claire Cowan at (503) 282-5440 or Claire@LRIS.com prior to the seminar.

CONTINUING LEGAL EDUCATION CERTIFICATION

LRIS has been approved as a CLE provider by the State Bar of California. This program will qualify for 12.5 hours of MCLE credit by the State Bar of California. If you require certification from any other state, please contact Seminar Coordinator Claire Cowan at (503) 282-5440 or Claire@LRIS.com prior to the seminar.

HOTEL INFORMATION

The FLAMINGO

3555 Las Vegas Blvd. South
Las Vegas, NV 89109

Rooms are also available at

LINQ HOTEL

(adjacent to The Flamingo)
3535 Las Vegas Blvd. South

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To make arrangements, use the link on the seminar tab at www.LRIS.com or call the hotel directly and request the group rate for this seminar. For the Flamingo, use Group Code SFGAP9. Room rates Tuesday through Thursday nights are \$119 per night, plus a \$30 per room, per night resort fee and 13.38% tax. Rates Friday and Saturday nights are \$150 plus resort fee and tax. For the LINQ, use Group Code SQGAP9. Room rates Tuesday through Thursday nights are \$109 per night, plus a \$30 per room, per night resort fee and 13.38% tax. Rates Friday and Saturday nights are \$150 plus resort fee and tax. A limited number of rooms are available at these rates on Friday and Saturday nights, so book early if you plan to stay over the weekend. Reservations must be made by September 2, 2019. Reservations received after this date will be on a space-available basis only and at the prevailing rate.

WEDNESDAY, SEPTEMBER 25, 2019

9:00 Introduction And Recent Developments In Public Safety Labor Issues

Recent developments from around the country in the area of public safety labor relations.

- Court decisions and laws enacted by Congress.
- Changes in state public sector bargaining laws.
- Discussion of *Janus*, the ADA, the FMLA, physical fitness plans, sexual discrimination, the *Garrity* Rule, the *Weingarten* Rule, and affirmative action.
- A review of national trends on wages and benefits.

Will Aitchison.

10:30 The Impact Of Past Practice On Collective Bargaining

- The two ways that a past practice is important: in interpreting a collective bargaining agreement, and in limiting an employer's ability to make changes in rules and operations.
- The continuing nature of the duty to bargain and how past practices can require mid-contract negotiations.
- The topics that are mandatory for bargaining; including hours of work issues, disciplinary standards and proceedings, civilianization, staffing, residency, and more.
- The elements that make a past practice binding, and the steps an employer must follow to make changes in past practices.

Will Aitchison.

12:00 Lunch (Included in registration)

1:00 The Impact Of Past Practice On Collective Bargaining, continued from the morning session.

2:00 Basic Principles Of Grievances And Arbitration

- A discussion of sample grievance procedure language.
- A discussion of what is grievable and what is not.
- The detail necessary on a grievance.
- Time limits in a grievance procedure.
- The advisability of grievance meetings rather than written processing.
- Selecting arbitrators.
- The basics of how an arbitration hearing is conducted.
- The finality of arbitration decisions.
- The relationship between grievance procedures, unfair labor practices, and lawsuits in court.

Will Aitchison.

4:00 Adjournment

4:15 Hosted Reception

What Previous Attendees Think:

- ▶ "This was my second time attending this conference. The first time was six years ago and I was very new to the grievance and arbitration process. I have since learned a lot more, so I was able to get much more from this conference. LRIS conferences are always great and I get a wealth of knowledge from them." John Craig, Oklahoma City Firefighters, Local 157, Oklahoma City, OK.
- ▶ "I would highly recommend this seminar to everyone who seeks basic knowledge of the topics covered. Great speakers who were very knowledgeable in their fields." David Foumai, SHOPO, Honolulu, HI.
- ▶ "A very informative and thorough way to get an inexperienced student up to speed on how the grievance and arbitration process works." Peter Tran, Whatcom Dispatchers Guild, Bellingham, WA.

THURSDAY, SEPTEMBER 26, 2019

9:00 The Special Case Of Social Media

- The negotiability of social media rules.
- The First Amendment, labor law principles, and off-duty social media use.
- The types of social media speech likely to be protected and unprotected, and why.
- How arbitrators consider social media questions.

Anil Karia.

10:30 A Grievance And Arbitration Checklist

A basic checklist that both labor and management representatives can use whenever a grievance is at hand.

- The goals of the checklist are to ensure that all possible relevant issues are researched and considered, and to provide a vehicle for evaluation of the merits of a grievance.
- Topics on the checklist include bargaining history, past practice, historical contracts, prior arbitration decisions, other grievance resolutions, and more.

Anil Karia.

12:00 Lunch (Included in registration)

1:00 How An Arbitrator Looks At Grievances

- When an arbitrator will look beyond the language of the contract to determine the meaning of the contract.
- The types of evidence considered in interpreting contracts, including bargaining history, past practice, and evidence of practices under other contracts.
- From an arbitrator's perspective, the factors that make a past practice binding.
- The interpretation aids arbitrators use in interpreting and applying contract language.
- How arbitrators decide who has the burden of proof, and how much proof is necessary.
- The rules of evidence in arbitration, including issues of hearsay and relevance.
- The decision-making process – what's convincing and what isn't?

Margaret Brogan.

4:00 Adjournment

FRIDAY, SEPTEMBER 27, 2019

8:30 Principles Of Just Cause And Disciplinary Grievances

A point-counterpoint discussion featuring management and labor perspectives:

- The 12 elements of the requirement of just cause for discipline and how they arise in public safety disciplinary grievances.

- Principles covered will include progressive discipline, disparate treatment, the burden of proof in disciplinary cases, the need for clear and understandable work rules, the timeliness of disciplinary action, and proportionate punishment.

Harry Stern and Todd Lyon.

11:30 Adjournment

- LEARN THE BASICS • EXPAND YOUR CURRENT BASE OF KNOWLEDGE •
- GET DIFFERENT PERSPECTIVES FROM OTHER AGENCIES •

Registration Information Grievances, Arbitration And Past Practices

September 25-27, 2019

The Flamingo, Las Vegas

Fees Registration fees are \$795 per person; \$645 per person if three or more attend from the same organization. Registration fees include attendance, lunch on the first two days of the seminar, all seminar materials, and a hospitality reception on the first evening.

Cancellation Policy Reservations may be canceled up to ten days prior to the seminar with a full refund. Cancellations made within ten days are subject to a \$150 fee. Substitutions may be made at any time.

Seminar Materials Each attendee will receive a notebook containing extensive written materials pertaining to each of the subjects addressed.

Organization: _____

Address: _____

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Names Of Those Attending: _____

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For Visa, MasterCard or American Express please complete the following information:

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