

# Grievances, Arbitration, & Past Practices

September 27-29, 2023

The Flamingo, Las Vegas

**Registration** Online at <https://lris.com/glv23/> or call us at (503) 282-5440.

**Fees** Registration fees are \$850 per person; \$725 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 cancelled 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.

## HOTEL INFORMATION

To make arrangements, visit <https://lris.com/glv23/> or call the hotel directly and request the group rate for this seminar. Reservations must be made by August 26, 2023. Reservations received after this date will be on a space-available basis only and at the prevailing rate.

### The FLAMINGO

3555 Las Vegas Blvd. South  
Las Vegas, NV 89109  
(888)373-9855 Group Code: SFGAP3

Room rates Tuesday through Thursday nights are \$119 per night, plus taxes and fees. A limited number of rooms are available on Friday and Saturday night for \$149, so book early if you plan to stay over the weekend.

### The LINQ

3535 Las Vegas Blvd. South  
Las Vegas, NV 89109  
(866)523-2781 Group Code: SQGAP3

Room rates Tuesday through Thursday nights are \$99 per night, plus taxes and fees. A limited number of rooms are available on Friday and Saturday night for \$139, so book early if you plan to stay over the weekend.

## SEMINAR MATERIALS

Each attendee will receive a handbook 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 [Claire@LRIS.com](mailto:Claire@LRIS.com) 30 days prior to the seminar.

## CLE CERTIFICATION

LRIS has been approved as a CLE provider by the State Bar of California. This seminar qualifies for 12.5 hours of credit by the State Bar of California. If you require CLE from any other state, please contact Seminar Coordinator Claire Cowan at [Claire@LRIS.com](mailto:Claire@LRIS.com) 30 days prior to the seminar.

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# GRIEVANCES, ARBITRATION

# & PAST PRACTICES

Las Vegas, Nevada  
September 27-29, 2023

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

*"This was my third LRIS seminar and this was the best group of speakers so far. All of the speakers were very engaging and kept my attention."*

Matthew Fraize, APDEA, Anchorage, AK



# GRIEVANCES, ARBITRATION & PAST PRACTICES



September 27-29, 2023

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Las Vegas, Nevada

*"This was an excellent seminar. I learned a tremendous amount. The speakers were very well-versed and gave such valuable information and examples."*

Rhonda Hatton, Prince George's County Police Civilian Employees, MD



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## AT A GLANCE

- » Recent Legal Developments In Public Safety Labor
- » Past Practice And Its Impact On Bargaining
- » Finality Of Awards And The Public Policy Exception
- » How An Arbitrator Looks At Grievances
- » Principles Of Just Cause And Disciplinary Grievances

### WEDNESDAY, SEPTEMBER 27, 2023

#### 9:00 Recent Developments In Public Safety Labor Issues

Recent developments from around the country in the area of public safety labor relations, including:

- Review of recent wage and benefit settlements/trends in public safety agencies.
- The impact of inflation and recruiting/retention challenges on public safety bargaining.
- Public attitudes toward policing and the related impact on all public safety employees.
- The latest in overtime and wage/hour protections for public employees.
- The First Amendment, labor law principles, and off-duty social media use.
- Cell phones, flash drives, GPS trackers, and other electronic equipment – the privacy rights of public safety employees.
- Developing legal standards regarding marijuana use by public safety employees.

*Will Aitchison, Attorney at Law, Public Safety Labor Group, LLP; Founder, LRIS.*

*Richard Poulson, Attorney at Law, Willig, Williams & Davidson; Executive Director, LRIS.*

#### 12:00 Lunch (Included in registration)

#### 1:00 Basic Principles Of Grievances And Arbitration

- A discussion of sample grievance procedure language.
- A discussion of what is grievable and what is not.
- Time limits in a grievance procedure.
- Selecting arbitrators.
- The basics of how an arbitration hearing is conducted.
- The relationship between grievances, unfair labor practices, and lawsuits in court.

*Will Aitchison and Richard Poulson.*

#### 2:30 The Impact Of Past Practice On Bargaining And Arbitration

- The two ways that a past practice is important: (1) in interpreting a CBA; and (2) 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 and Richard Poulson.*

#### 4:00 Adjournment

#### 4:15 Hosted Reception

### THURSDAY, SEPTEMBER 28, 2023

#### 9:00 The Grievance And Arbitration Checklist – How It Works

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.
- Presenter will demonstrate and discuss legal issues related to utilization of checklist to prepare discipline and contract-interpretation grievances for arbitration.

*Anil Karia, Attorney at Law, Public Safety Labor Group, LLP; Assistant Executive Director, LRIS*

#### 10:30 The Finality Of Awards And The Public Policy Exception

- The finality of arbitration decisions.
- Is there a “public policy exception” to final and binding arbitration?
- Review of collateral attacks on final and binding grievance arbitration.
- Legislative approaches to the finality of grievance arbitration awards.

- The relationship between arbitration outcomes and lawsuits in court.
- Differences between grievance and interest arbitration awards on appeal.

*Anil Karia.*

#### 12:00 Lunch (Included in registration)

#### 1:00 How An Arbitrator Looks At Grievances

- When an arbitrator will look beyond the language 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's not.

*Margaret Brogan, Arbitrator and Mediator, Philadelphia, PA.*

#### 4:00 Adjournment

### FRIDAY, SEPTEMBER 29, 2023

#### 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.

*Robert Wexler, Attorney at Law and Partner, Rains Lucia Stern St. Phalle & Silver, PC.*

*Keri-Lyn Krafthefer, Attorney at Law and Partner, Ancel Glink.*

#### 11:30 Adjournment

#### What Attendees Of Our Last Grievances & Arbitration Seminar Think:

- » “I always enjoy these seminars and leave knowing I picked up something new to help my members.” Kyle Hickerson, Kansas City FOP Lodge 4, KS
- » “It was my first seminar on this subject. It was extremely informative and definitely a 'must' seminar.” Roland Aguirre, San Antonio Firefighters Assn. Local 624, TX
- » “Once again an outstanding conference. Highly professional presentation and great amounts of knowledge dispensed.” Douglas Jess, FOP Lodge 4, Baltimore, MD
- » “Seminar was excellent. Very informative and instructors were knowledgeable and approachable. Thank you.” Tom Brady, Norfolk Co. Sheriff's Office, Dedham, MA
- » “Such a great course with very useful information for labor unions.” Shane Tuell, FOP Lodge 93, Tulsa, OK