

# AI And Technology: The Grievance And Arbitration Process

September 18-20, 2024

The Horseshoe, Las Vegas

**Registration** Online at <https://lris.com/glv24/> or call us at (503) 282-5440.

**Fees** Registration fees are \$900 per person; \$750 per person if three or more attend from the same organization. Registration fees include attendance, lunch on the first two days of the seminar, 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 after September 8, 2024 are subject to a \$150 fee. Substitutions may be made at any time.

## HOTEL INFORMATION

To make arrangements, visit <https://lris.com/glv24/> or call the hotel directly and request the group rate for this seminar. Reservations must be made by August 17, 2024. Reservations received after this date will be on a space-available basis only and at the prevailing rate.

### The HORSESHOE

3645 Las Vegas Blvd. South  
Las Vegas, NV 89109

Room rates Tuesday through Thursday nights are \$89 per night, plus taxes and fees. A limited number of rooms are available on Friday and Saturday night for \$179, so book early if you plan to stay over the weekend. Call (877) 603-4390 with group code SBGRV4.

### The PARIS

3655 Las Vegas Blvd. South  
Las Vegas, NV 89109

Room rates Tuesday through Thursday nights are \$179 per night, plus taxes and fees. A limited number of rooms are available on Friday and Saturday night for \$209, so book early if you plan to stay over the weekend. Call (877) 796-2096 with group code SPGRV4.

## SEMINAR MATERIALS

Each attendee will receive a link to a PDF version of the materials containing extensive information 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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# AI AND TECHNOLOGY: THE GRIEVANCE AND ARBITRATION PROCESS

Las Vegas, Nevada  
September 18-20, 2024

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



# AI & TECHNOLOGY: THE GRIEVANCE AND ARBITRATION PROCESS



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The Horseshoe  
Las Vegas, Nevada

*"This was perfect for someone working as a Business Agent for over 17 years to keep abreast of what is happening in the industry."*

George Kaho'ohanohano, State of Hawaii Organization of Police Officers



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## AT A GLANCE

- » Recent Legal Developments In Public Safety Labor
- » Bargaining And Grievances Over Technology
- » Artificial Intelligence In The Public Safety Workplace
- » Technology And The Impact On Arbitration
- » Technology, Just Cause, And Disciplinary Grievances

### WEDNESDAY, SEPTEMBER 18, 2024

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

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

- What's happening with the economy? A review of economic indicators and why they are relevant in public safety bargaining.
- The impact of inflation and recruiting/retention challenges on public safety bargaining.
- Review of recent wage and benefit settlements/trends in public safety agencies.
- Review of recent US Supreme Court decisions affecting emergency responders.
- 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.

*Anil Karia, Attorney at Law, Public Safety Labor Group LLC;  
Assistant 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.

*Anil Karia.*

#### 2:30 Bargaining Obligations And Past Practices

- 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.

*Anil Karia.*

#### 4:00 Adjournment

#### 4:15 Hosted Reception

### THURSDAY, SEPTEMBER 19, 2024

#### 9:00 Bargaining And Grievances Over Technology

- Review of the scope of bargaining and application to changing standards.
- The standards governing disputes over the meaning of contract language.
- Understanding the importance of bargaining history, past practice, historical contracts, prior arbitration decisions, other grievance resolutions, and more.
- Applying contract-interpretation standards to disputes over new technology in the public safety workplace.

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

#### 10:00 Artificial Intelligence In The Public Safety Workplace

- What is artificial intelligence and how is it being used in public safety agencies?
- Review of legal standards governing collective bargaining over the use of AI systems in the public safety workplace.
- Body cameras and mobile video recorders – how do they relate to AI systems?
- Review of statutory approaches to AI regulation in the workplace.
- How to address concerns around bias and ethics in AI algorithms.
- Special problems related to the use of AI in hiring and promotions.

*Richard Poulson.*

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

#### 1:00 How Arbitrators Look At Grievances

- The types of evidence considered by arbitrators in interpreting contracts, including bargaining history, past practice, and evidence of practices under other contracts.
- The interpretation aids arbitrators use in interpreting and applying contract language.
- From an arbitrator's perspective, the factors that make a past practice binding.

- How arbitrators decide who has the burden of proof, and how much proof is necessary?
- The decision-making process – what is convincing and what is not?
- When an arbitrator will look beyond the language of the contract to determine the meaning of the contract.

*Richard Poulson, Arbitrator Panel: Walt De Treux, Cheryl Stevens, and Diego Peña.*

#### 2:30 Ask the Arbitrators: Technology And The Impact On Arbitration

- Substance versus procedure – does the topic of the grievance change the standards governing arbitral decision-making?
- The rules of evidence and new technologies – standards governing the use of AI tools in the grievance and arbitration process.
- Discussion of ethical considerations related to the use of AI in arbitration, by parties or by the arbitrator.
- The growing reliance on video evidence in the era of body cameras and other surveillance of public safety employees.
- Zoom fatigue – the impact of virtual arbitration hearings.

*Richard Poulson, Arbitrator Panel: Walt De Treux, Cheryl Stevens, and Diego Peña.*

#### 4:00 Adjournment

### FRIDAY, SEPTEMBER 20, 2024

#### 8:30 Technology, Just Cause, And Disciplinary Grievances

- The 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.
- Evolving standards governing social media, cell phone and other internet use by public safety workers.
- Freedom of speech and public worker privacy rights. When are social media posts protected speech under the First Amendment?
- Application of the just cause standard in the context of social media discipline.

*Mark Meyerhoff, Attorney at Law, Liebert Cassidy Whitmore.*

#### 11:30 Adjournment

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

- » “This is my third LRIS seminar and I continue to learn each time I come. Excellent practical content for everyday union/management issues.” Ryan Sage, City of Sioux Falls, SD
- » “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
- » “Extremely informative! One of the best training events I have attended. Speakers are knowledgeable, experienced, and present the material very well.” Eloy Gonzalez, Miramar FOP, FL
- » “Such a great course with very useful information for labor unions.” Shane Tuell, FOP Lodge 93, Tulsa, OK