The 2018 American Arbitration Association National Labor Conference will focus on challenges that labor relations professionals will face when navigating the rapidly changing landscape of the new economy.

Nationally-renowned leaders from major law firms, union and management ranks, as well as the National Academy of Arbitrators, will be on hand to provide insight into what’s in store for the labor relations community and which strategies are best suited for positioning organizations, practices and businesses to succeed in the new economy.

KEYNOTE SPEAKERS:
Hon. Marsha S. Berzon, U.S. Circuit Judge, United States Court of Appeals for the Ninth Circuit
Philip A. Miscimarra, Chairman of the National Labor Relations Board

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Cornell University
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# 2018 AAA National Labor Conference
## Conference Agenda

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<td><strong>Welcome and Opening Remarks</strong>&lt;br&gt;India Johnson, President and CEO, American Arbitration Association</td>
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<tr>
<td>9:15-10:30 AM</td>
<td><strong>PLENARY SESSION: Opportunities and Challenges for Labor and Management in the New Economy and Today’s Political Environment</strong></td>
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<td>10:30-10:45 AM</td>
<td>Break</td>
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<td>10:45 AM-12:00 PM</td>
<td><strong>Advocacy Skills Workshop</strong>&lt;br&gt;The Grievance Process — Optimizing Strategies and Relationships to the Best Advantage for Your Party in the Process</td>
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<td>Lunch</td>
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<td>3:15-4:30 PM</td>
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<td>Christine Newhall, Senior Vice President, American Arbitration Association</td>
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March 8, 2018

9:15-10:30 AM

PLENARY SESSION: Opportunities and Challenges for Labor and Management in the New Economy and Today’s Political Environment

The so-called “gig” economy has altered the landscape for labor organizations and management. The recent Presidential election has also impacted the future of labor-management relations.

During this plenary session, two nationally-renowned speakers will explore the opportunities and challenges faced in this rapidly changing economic and political environment.

Moderator:
Walter H. De Treux, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators

Faculty:
Randi Weingarten, President, American Federation of Teachers
Additional Speaker TBD

10:45 AM-12:00 PM


This session will address grievance procedure best practices as part of a larger human capital strategy.

Topics addressed will include formality or informality of this process, relevant participants, purpose of procedure as resolution of dispute or discovery, the incorporation of a neutral, utilization of grievance mediation, scheduling of grievance meetings — routine or when issues arise — what to do with information garnered from grievance meetings and how collective bargaining of a new agreement affects grievance processing.

Moderator:
Martin F. Scheinman, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators, Professor, Cornell University — Scheinman Institute at Cornell University

Faculty:
Jessica Kimbrough Esq., Managing Director, Labor Relations and Legal Strategy, United Airlines
Robin Roach Esq., General Counsel District Council 37, AFSCME AFL-CIO

Developments in the New Economy: New Legislation for the “Gig” Economy

Work as we know it is changing. Is the “gig” economy working? Whether by choice or necessity, the number of Americans affected by the new “gig” economy is increasing at a rapid pace. Our current legislation largely remains tied to the 20th century model of traditional full-time employment.
March 8, 2018 (Cont.)

This program will address the problems of the “gig” economy and the impact of the new legislation.

**Moderator:**
Professor Theodore J. St. Antoine, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators

**Faculty:**
Camille A. Olson, Esq., Seyfarth Shaw LLP
Mark Schneider Esq., General Counsel, International Association of Machinists and Aerospace Workers

**Handling HR Problems in the Union-Management Relationship Workshop: Faster, Better and More Efficient Alternative Dispute Resolution — Innovative Methods to Reduce Workplace Conflict**

Arbitration today has become more litigious with resulting delays and increased expenses. These delays can contribute to an increase in workplace tensions.

This panel will discuss ways to reduce workplace conflict and will explore the Ontario and burgeoning American experience with expedited and truncated ADR processes. This exploration will include the development of Mediation/Arbitration; Arbitration/Mediation; and Mediation.

The panel will also describe their experiences with will-say (witness) statements and adjudicative systems that rely on briefs rather than the traditional witness model.

**Moderators:**
Jeanne M. Vonhof, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators
Jules Bloch Esq., Member of the National Academy of Arbitrators

**Faculty:**
Chris Dassios, Esq., General Counsel, Power Worker’s Union
Katharine A. Lunde, Director, Labor Relations – Chicago Transit Authority

**12:30 PM**

Keynote Speaker: Philip A. Miscimarra, *Chairman of the National Labor Relations Board*

**1:45-3:00 PM**

**Advocacy Skills Workshop: Evidence — Getting It, Managing It and Making It Count**

This session will focus on the use of evidence in labor arbitration hearings. Topics will include how evidence is acquired through investigation, how it is utilized at the hearing, and what type of evidence is most effective.

The panel will also address issues concerning the use of subpoenas, testimony by phone or Skype, and the use of video/security footage and objections during the hearing regarding hearsay or relevance.
March 8, 2018 (Cont.)

Moderator:
Kathleen Miller, Esq., American Arbitration Association Arbitrator, President, National Academy of Arbitrators

Faculty:
John DiNome, Esq., Reed Smith, P.C.
Steven Ury, Esq., Associate General Counsel/Deputy Regional Director, Service Employees International Union

Developments in the New Economy: Automation, Robotics and Artificial Intelligence — The Impact on the Workplace

The future is here. Are we ready? Automated technologies that once were the substance of science fiction are now being integrated into today’s work environment.

This workshop will explore the profound impact of these technological changes on the workplace — on jobs, on efficiencies, and on labor-management relations. The experts will offer best practices on these new developments in this ever-changing world of robotic replacements.

Moderator:
Margaret R. Brogan, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators

Faculty:
Ralph M. Phillips, Esq., Levy Phillips, PC
Natalie A. Pierce, Esq., Littler, P.C.

Handling HR Problems in the Union-Management Relationship Workshop: Staying Out of Trouble — Workplace Safety Rules and Discipline

There is no argument that it is in the interest of both management and the union to maintain a safe work environment. Those interests may diverge, however, when one considers issues surrounding the promulgation and enforcement of safety rules.

The panel of advocates will discuss several vexing questions such as: the rights of the union or employees to challenge safety rules; or when it is proper to retrain or discipline an employee who has violated a safety rule.

Moderator:
Alan A. Symonette, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators

Faculty:
Ryan Cassidy, Esq., Eckert Seamans Cherin & Mellot
Douglas Taylor, Esq., Gromfine & Taylor PC
March 8, 2018 (Cont.)

3:15-4:30 PM

PLENARY SESSION: Watch the Pendulum Swing — Crystal Ball Predictions from Experts

A panel of labor law experts will share their crystal ball predictions of expected changes in the next few years in federal, state, and local legislation and regulation. They will also discuss likely trends in court and arbitration.

Moderator:
Sara Adler, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators

Faculty:
Sabrina A. Beldner, Esq., McGuireWoods
Christopher David Ruiz Cameron, Esq., Vice Dean and Justice Marshall F. McComb Professor of Law, Secretary (2017-18) ABA Labor and Employment Law Section
Fern Steiner, Esq., Smith, Steiner, Vanderpool & Wax

March 9, 2018

9:00-10:15 AM

PLENARY SESSION: Opportunities and Challenges Arising from the Millennial Workforce

Millennials are quickly becoming the predominant presence in the workplace. This panel composed of millennials and non-millennials will discuss how the millennial workforce has brought great benefits and/or challenges to the workplace and the potential resulting impact to traditional labor/management relationships, and will share their perspective on what policy or philosophical changes can be made to sustain a balance between millennials and other generations.

Moderator:
Jeanne Charles Wood, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators

Faculty:
Mark D. Gough, Assistant Professor, School of Labor and Employment Relations, The Pennsylvania State University
Eddie E. Clopton, Assistant General Counsel, Exelon

10:30-11:45 AM

Advocacy Skills Workshop: Make Your Superhero Witnesses Invincible — Advanced Tips, Techniques and Strategies for Witness Examination

This session will explore how to select and prepare witnesses, encourage the arbitrator to take your point of view, encourage your witnesses to be compelling, use documents, deal with objections, understand “relevance”, decide whether to cross-examine, prepare to cross-examine, and save the punch lines for the very end of the process.
March 9, 2018 (Cont.)

Moderator:
Howell L. Lankford, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators

Faculty:
Audrey Eide, Esq., General Counsel WSCCCE, Council 2 AFSCME
Todd Lyon, Esq., Fisher & Phillips

Developments in the New Economy: Innovation in United States Collective Bargaining and Collective Representation

This session will highlight new approaches to collective representation in the United States, involving computer-mediated drivers or web designers, which do not, at least initially, include the formal establishment of a bargaining unit. The panel will also consider innovative approaches to union organizing, whether through card check recognition or NLRB elections, that strive to establish bargaining units and formal collective bargaining agreements. The panel will also address innovative examples of collective bargaining involving pension and healthcare benefit restructuring and related issues concerning job security.

Moderator:
Susan Grody Ruben, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators

Faculty:
Stephen J. Hirschfeld, Esq., Hirschfeld Kraemer, P.C.
Professor Harry C. Katz, Esq., Jack Sheinkman Professor, Director, Scheinman Institute on Conflict Resolution, President, Labor and Employment Relations Association, Industrial and Labor Relations School, Cornell University
Geoffrey Piller, Esq., Beeson, Tayer & Bodine, P.C.


Everywhere employees go, they encounter installed and hand-held cameras. What should the parties or an arbitrator do with this kind of evidence, and how does it affect employees’ right to privacy?

The panel will discuss how the presence of cameras and surveillance equipment has affected labor arbitration.

Moderator:
Kathryn A. Van Dagens, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators

Faculty:
Stephen S. Lazarus, Esq., Hardin, Lazarus & Lewis, P.C.
Sally J. Scott, Esq., Franczek & Radelet, P.C.

12:15 PM

Keynote Speaker: Hon. Marsha S. Berzon, U.S. Circuit Judge, United States Court of Appeals for the Ninth Circuit
March 9, 2018 (Cont.)

1:30-2:45 PM

**Advocacy Skills Workshop: The Difference Between Being Prepared and Being Blindsided — The Theory of the Case in Arbitration**

An interactive and skills-focused workshop to give participants the elements of developing the theory of discipline and contract interpretation cases.

The workshop will identify the essential steps in the development of the theory of the case, the importance of the investigation stage and opening statements. Participants will have the opportunity to practice the skills necessary for the creation of an effective theory of the case and delivery of the opening statement to the arbitrator. Panel members will provide participant feedback throughout the workshop.

**Moderator:**
Homer C. La Rue, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators

**Faculty:**
Samantha Martinez Esq., Martinez Firm PLLC
Gwynne Wilcox Esq., Levy Ratner, P.C.

**Developments in the New Economy: Workplace Discrimination — Now and in the 2020s**

Laws prohibiting workplace discrimination have evolved in multiple directions in the past 50 years. Following and, in some instances, leading this evolution has been a variety of mechanisms employers and unions have used to prevent, address, and redress discrimination.

This session will look back and forward to examine the evolution of workplace discrimination with an eye toward the future and the changes labor relations professionals, legal counsel and arbitrators anticipate.

**Moderator:**
Jacquelin F. Drucker, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators

**Faculty:**
Lori Keen Adamcheski, Esq., Assistant General Counsel, Blue Cross Blue Shield of Michigan
Kristin Martin, Esq., McCracken, Stemerman & Holsberry, LLP

**Handling HR Problems in the Union-Management Relationship Workshop: Blurred Lines — Social Media in the Workplace**

The faculty will explore the recent history of social media post regulations in the workplace as well as NLRB standards and arbitrator reasoning involving employee use of social media on- and off-duty. Also to be examined are recent discipline cases of alleged social media violations, involving Facebook posts by teachers and employees wearing “easily identified” company clothing at high visibility protests, and issues of evidence challenged in arbitration hearings.

**Moderator:**
Richard D. Fincher, Esq., American Arbitration Association Arbitrator, Member of the National Academy of Arbitrators
March 9, 2018 (Cont.)

Faculty:
Thomas A. Lenz, Esq., Atkinson Andelsen Loya Rudd & Romo, P.C.
Carlos R. Perez, Esq., Reich, Adell & Cvitan, P.C.

3:00-4:15 PM
PLENARY SESSION: Global Labor Relations — The Implications of Recent Trends for Labor, Management and Panel

Globalization has shifted the nature of labor relations such that explicitly international factors such as global supply chains, multi-national corporations, NGOs, and cross-national labor rights and union campaigns are now central determinants. Competing trends have emerged with some factors strengthening labor’s rights and roles while other shifts are increasing management’s power and leverage.

Examples of these trends as well as consideration of the impacts of these trends for labor, management, and arbitrators’ roles will be discussed with particular attention paid to developments in Latin America and other transitional economies.

Moderator:
Professor Harry C. Katz, Esq., Jack Sheinkman Professor, Director, Scheinman Institute on Conflict Resolution, President, Labor and Employment Relations Association, Industrial and Labor Relations School, Cornell University

Faculty:
Maria Lorena Cook, Professor, Department of International and Comparative Labor, Industrial and Labor Relations School, Cornell University
Registration Information

CONFERENCE REGISTRATION FEES

Early Bird Registration: $549/Person (Early Bird Deadline: November 30, 2017)
General: $649/Person
Group Discount (3 or more from same organization): $525/Person

CLE CREDIT INFORMATION

West LegalEdcenter is procuring continuing legal education (CLE) credits on behalf of American Arbitration Association. This program is available for CLE credits in Arizona, California, Illinois, New York, Ohio, Oregon, Pennsylvania, and Washington. Credit amounts vary by attendance verification and jurisdictional rules.

VENUE

Doubletree by Hilton Hotel
San Diego – Mission Valley
7450 Hazard Center Drive
San Diego, CA

Hotel Reservation Information: A limited number of rooms are available at a reduced rate at the DoubleTree by Hilton San Diego Mission Valley located at 7450 Hazard Center Drive, San Diego, CA 92108.

For complete hotel information and to reserve your room online, click on this link – https://aws.passkey.com/go/AAA_NationalLaborConference or call 1-800-222-TREE (8733), provide the location, 7450 Hazard Center, San Diego Mission Valley and your group code NLC.

The reservation cutoff date is Monday, February 5th, 2018. Reservations received after this date will be accommodated on a rate and space availability basis only.

Guests can cancel their reservations with no penalty up to 48 hours before check in. Within the 48-hour window, cancellations will be charged one night’s room and tax. If a guest does not check in on their arrival date, a no-show fee of one night’s room and tax will be charged.
2018 AAA National Labor Conference Registration Form

FEE: Early Bird Registration: $549/Person (Early Bird Deadline: November 30, 2017)  
General: $649/Person  
Group Discount (3 or more from same organization): $525/Person

March 8-9, 2018  
Doubletree by Hilton Hotel  
San Diego – Mission Valley  
7450 Hazard Center Drive  
San Diego, CA

To Register:  
ONLINE: Go to www.adr.org/2018LaborConference.  
BY CHECK: Send completed form and check to -  
American Arbitration Association  
AAA Education Services  
Attn: 2018 AAA National Labor Conference  
13727 Noel Road, Suite 700  
Dallas, TX 75240

QUESTIONS? Contact John English, Vice President, at 619-239-3051, or EnglishJ@adr.org.

REGISTRATION FORM

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