



THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW

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47th Annual Course on

LABOR LAW AND LABOR ARBITRATION

THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW
PLANO, TEXAS

"I have attended many, many seminars during my career; this one was by far one of the best."

"Very thorough, well organized, very qualified speakers and great written materials."

—2008 participants



April 21-24, 2009

- ▶ A mock pre-election representation hearing conducted by the Region 16 NLRB staff
- ▶ An arbitration workshop
- ▶ A luncheon with Ellen Farrell, NLRB Deputy Associate General Counsel, Division of Advice
- ▶ 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

- ▶ Register early and save
- ▶ 24.5 hours of MCLE Credit, including 2 hours of Ethics available



"Exactly as advertised.
Top rate program."

"Practical detailed info
from
those who practice in the
area."

—2008 participants

Conference Chair

Douglas E. Ray

Dean and

Professor of Law

The University of Toledo

College of Law

Toledo, Ohio

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

The last section 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

FEATURING

- A Mock Pre-Election Hearing conducted by the Region 16 NLRB Staff.
- An Arbitration Workshop conducted by Experienced Advocates and Arbitrators.
- Luncheon with Ellen Farrell, Deputy Associate General Counsel, NLRB Division of Advice



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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 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 20 minute break each morning and each afternoon.

TUESDAY

APRIL 21, 2009

8:30 REGISTRATION AND CONTINENTAL BREAKFAST

9:00 THE REPRESENTATION PROCESS:

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):

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 PICKETING AND STRIKES FOR RECOGNITION

Douglas E. Ray

Dean and Professor
University of Toledo College of Law
Toledo, Ohio
Co-Author *Labor Management Relations: Strikes, Lockouts and Boycotts* (Thomson/West)

5:00 RECESS

5:00 WELCOMING RECEPTION

Hosted by The Center for American and International Law

WEDNESDAY

APRIL 22, 2009

8:30 ECONOMIC PRESSURE I:

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

11:30 RECESS

1:00 NLRB INVESTIGATIONS, HEARINGS AND TRIALS IN UNFAIR LABOR PRACTICE CASES

Timothy Watson

Regional Attorney
Region 16, NLRB
Fort Worth, Texas

2:30 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.

Marion G. Crain

Professor, Washington University College of Law
St. Louis, Missouri
Co-Author, *Labor Relations Law*

5:30 RECESS



THURSDAY

APRIL 23, 2009

9:00 **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

11:00 **ECONOMIC PRESSURE II:**
Secondary activity, corporate campaigns, consumer picketing and handbilling.

Dean Ray

12:00 **LUNCH RECESS**

1:30 **ECONOMIC PRESSURE II (continued)**
Dean Ray

2:30 **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 (invited)
Gillespie, Rozen, Watsky, Motley & Jones, P.C.
Dallas, Texas

Sharon Steckler
Supervisory Attorney
Region 16, NLRB
Fort Worth, Texas

5:00 **RECESS**



FRIDAY

APRIL 24, 2009

9:00 **TRENDS IN 21st Century Collective Bargaining - Key 2008 Decisions**

Arthur B. Smith Jr.
Ogletree, Deakins
Chicago, Illinois
Co-author *Employment Discrimination Law* (LexisNexis 2006); *Construction Labor Relations* (Commerce Clearing House)

11:00 **ENFORCEMENT OF THE COLLECTIVE BARGAINING AGREEMENT**
Court enforcement of the promise to arbitrate grievances; enforcement of no-strike clauses; and judicial review of labor arbitration decisions.

Dean Ray

12:00 **LUNCH with Ellen Farrell, Deputy Associate General Counsel, Division of Advice, NLRB, Washington D.C.**
Introduction: Martha Kinard, Regional Director, Region 16, NLRB, Fort Worth, Texas

1:30 **INTRODUCTION TO LABOR ARBITRATION INCLUDING THE GRIEVANCE PROCESS:**
Discussion of the labor arbitration process and standards for decision including burdens and standards of proof, discharge and discipline matters, seniority and promotion matters, contract interpretation and arbitration advocacy.

Dean Ray

2:30 **LABOR ARBITRATION WORKSHOP:**
A discussion on such issues as: what arbitrators look for; the selection of an arbitrator; what's involved in the pre-hearing stage; preparation for hearings; and the conduct of hearings. This discussion will center around a hypothetical discharge case involving potential workplace violence.

5:00 **RECESS**



FOUR WAYS TO REGISTER

ONLINE

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FAX

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MAIL

The Center for American and
International Law
5201 Democracy Drive
Plano, TX USA 75024
check or credit card

PHONE

972.244.3400 or
800.409.1090
8:30am-5:00pm CST
credit card only

PAYMENT MUST ACCOMPANY REGISTRATION

GENERAL INFORMATION

HOUSING: Details will be updated on the web.

NONDISCRIMINATION POLICY: The Center for American and International Law does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, veteran status or any other protected status in educational activities, scholarship programs or admissions.

MCLE CREDIT: This program has been approved by the State Bar of Texas for 24.5 hours, including 2 hours of ethics. Course ID Number: 901176170. 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.

REGISTRATION

LABOR LAW AND LABOR ARBITRATION

April 21-24, 2009

	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

*Member of The Center for American and International Law

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PAYMENT INFORMATION ▶ Credit Card Registrations may be faxed or e-mailed

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Credit Card: Mastercard VISA AMEX Discover

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Expiration date _____

Name on card _____

Billing address (if different than above address) _____

Signature _____

Web

CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by April 8; e-mail written notice to cburkel@cailaw.org. After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.



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