The 2020 American Arbitration Association® National Labor Conference will focus on the issues and challenges that both labor and management will face as the new labor market evolves.

The conference faculty will provide insight into what lies ahead in the new labor market and will share tips and strategies on how to respond to, prepare for, and navigate this advancing landscape.

Keynote Speaker:

Randi Weingarten, President, American Federation of Teachers
# 2020 AAA National Labor Conference

## Conference Agenda

### DAY ONE: THURSDAY, JUNE 11, 2020

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**June 11, 2020**

**9:15 AM-10:30 AM**

**PLENARY SESSION: Workplace Anti-Harassment and Anti-Violence Policies**
The fair handling and resolution of harassment and workplace-violence claims involving managers, co-workers, and others have come under intense media scrutiny. The panel discusses the significant issues that arise in both organized and non-organized workplaces with respect to “zero-tolerance” and other policies.

This session addresses:

- The behaviors that should be included in these policies and the procedures used to investigate these claims;
- How employers, unions, and arbitrators address the requirements imposed by OSHA and the ADA;
- How privacy and confidentiality concerns impact the implementation of these policies and the conduct of investigations and hearings;
- How unions avoid liability for breaching the duty of fair representation in handling such cases;
- Whether zero-tolerance policies or their application conflict with just cause or other negotiated standards applicable to the imposition of discipline;
- To what extent these policies can or should be negotiated in an organized workplace;
- From whose vantage point the proven behavior should be viewed – the alleged aggressor, the alleged victim the “reasonable” person, or some other lens – and the burden of proof that should be applied to these claims;
- In what ways collateral proceedings affect the labor arbitration process;
- How the rights of the alleged victim and the accused should be handled when it may not be appropriate for both to be present in the same hearing room; and
- Unique difficulties these cases provide with respect to the possibility of settlement.

**Moderator:**
Ira F. Jaffe, Esq., Arbitrator, American Arbitration Association®; Member, National Academy of Arbitrators

**Panel:**
Harriet E. Cooperman, Esq, Partner, Saul Ewing Arnstein & Lehr LLP
James R. Rosenberg, Esq., Partner, Abato, Rubenstein & Abato, P.A.

**10:45 AM-12:00 PM**

**Track 1: Shall we Dance? Know the “Steps”! Grievance Processing from Start to Arbitration**
What steps should the parties take when a dispute arises in the workplace? The panel will explore all aspects of the pre-arbitration grievance process. Whether the dispute is disciplinary or involves an alleged contract violation, knowing the facts, the framework for determination, and the steps to follow will maximize the potential for resolution during the grievance process and, if early resolution is not possible, will assure that the parties are ready for arbitration.

**Moderator:**
Melissa H. Biren, Esq., Arbitrator, American Arbitration Association; Member, National Academy of Arbitrators
June 11, 2020 (Cont.)

Panel:
Mary Ellen Donnelly, Esq., Partner, Putney Twombly, Hall & Hirson
Jay Jaffe, Esq., Senior Managing Counsel, 1199 SEIU United Healthcare Workers East

Track 2: Labor Relations and Social Media
When is public employee-speech considered “concerted activity?” This panel discusses those and other issues involving social media as it involves employees.

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

Panel:
James Glowacki, Esq., Willig Williams & Davidson
Elliot I. Griffin, Esq., Ballard Spahr
Joan Parker, Arbitrator, American Arbitration Association; Member, National Academy of Arbitrators

1:45 PM-3:00 PM

Track 1: The Art of Witness Examination: Strategies and Techniques
Witness testimony and credibility can make the difference between a winning case and a losing one. Knowing how best to present testimony, when to call a witness – or not, and how to approach potentially questionable testimony can tilt the balance of the case significantly one way or the other. Witness testimony is crucial in establishing facts, but more important is the knowledge of how to use testimony better to strengthen a case and avoid pitfalls. Witness examination must be conducted purposefully and presented with clarity and simplicity. It must have an approach and a theme, while demonstrating the importance of the case. Lastly, it must have a strong beginning and a strong ending!

Moderator:
Loretta T. Attardo, Esq., Arbitrator, American Arbitration Association

Panel:
Matthew Dwyer, Esq., Dwyer and Duddy
Mike Maccaro, Esq., Murphy, Hesse, Tommey & Lehane

Track 2: Off-Duty Misconduct – Regulating an Employee’s Extracurricular Behavior
When and why does an employer have the right to take disciplinary action in response to an employee’s conduct away from work? A panel of experts discuss the conflict between an employee's personal life and privacy vs. an employer's legitimate business interests, including issues regarding social media, alcohol and drug use, and criminal conduct.

Moderator:
Lisa Salkovitz Kohn, Esq., Arbitrator, American Arbitration Association; Member, National Academy of Arbitrators

Panel:
Thomas Bradley, Esq., Laner Muchin, P.C.
Gordana Misovski, Esq., Police Officer’s Association of Michigan
June 11, 2020 (Cont.)

3:15 PM-4:30 PM

PLENARY SESSION: Healthcare in the New Labor Market – From Confrontation to Collaboration through Mediation and Analysis
The City of New York and its more than 350,000 represented employees decided to approach the delivery and cost of healthcare as a joint obligation. Rather than focus on allocating and apportioning rising costs – arguments frequently the subject of bargaining – parties represented by the City’s Office of Labor Relations and the Municipal Labor Committee opted to collaborate to improve cost-effective healthcare. The Municipal Labor Committee and New York City Office of Labor Relations leadership as well as their selected permanent mediator explain their plan and their five+ years of experience. Applicable to all work environments, the approach involves much more than simply co-pays, deductibles and premium sharing.

Moderator:
Martin F. Scheinman, Esq., Arbitrator, American Arbitration Association; Member, National Academy of Arbitrators

Panel:
Renee Campion, Commissioner, New York City Office of Labor Relations
Alan Klinger, Esq., Co-Managing Partner, Stroock & Stroock & Lavan LLP
Robert Linn, Commissioner of NYC OLR 2014-2019 (de Blasio), Commissioner OLR 1983-1989 (Koch), currently: MTA Board Member, NYC Panel Member, PBA Arbitration, Advisor to NYC on Health Benefit Containment
Michael Mulgrew, President, United Federation of Teachers

June 12, 2020

9:00 AM-10:15 AM

PLENARY SESSION: Spotlight on Police Arbitration: Increased Scrutiny of Public-Safety Arbitration Awards
Via case studies, police union and public employers representatives discuss the validity, or lack thereof, of recent media and public criticism of public-safety arbitration. The panel focuses on the factors that make for a fair process and the successful prosecution and defense of police arbitration cases.

Moderator:
Walt De Treux, Esq., Arbitrator, American Arbitration Association; Member, National Academy of Arbitrators

Panel:
Ryan Cassidy, Esq., Eckert Seamans
Christine M. Coulter, Deputy Commissioner, Philadelphia Police Department
John McGrady, Vice President, Fraternal Order of Police, Lodge 5
Richard Poulson, Esq., Willig, Williams & Davidson

10:30 AM-11:45 AM

Track 1: I OBJECT! (Do You Know When and Why to Do So at Your Hearing?) The Basics of Evidence at an Arbitration Hearing
A panel of experienced advocates and arbitrators address the basic principles of evidence as successfully applied to a labor-management arbitration hearing, including the specific rules the practitioner should master and how best to use
them to develop the case. The panel examines which rules advocates underuse or overuse during a hearing, and the arbitrators will comment on the impact. Both groups make recommendations regarding the utilization of these useful tools to guide one's strategy.

**Moderator:**
Rosemary A. Townley, Esq., Arbitrator, American Arbitration Association; Member, National Academy of Arbitrators

**Panel:**
Pamela Jeffrey, Esq., Partner, Levy Ratner
Homer La Rue Esq., Arbitrator, American Arbitration Association; Member, National Academy of Arbitrators
Daniel F. Murphy, Jr., Esq., Partner, Putney Twombly Hall & Hirson

**Track 2: Marijuana in the Workplace: Where Do Things Stand Today?**
The legalization of medical and recreational marijuana creates a host of challenges for employers who wish to take a stand against drug use in the workplace. Employers are in a precarious position when tasked with maintaining the productivity of their workplaces, and, more importantly, the safety of their employees, their clients, and their data in the midst of surging marijuana use. With a growing number of jurisdictions tolerating marijuana use – and new state laws permitting use, it has become difficult for employers to impose zero-tolerance drug policies, particularly because under Federal law, marijuana use remains illegal, and each state has different laws addressing medical marijuana in the workplace.

**Moderator:**
David W. Stanton, Esq., Arbitrator, American Arbitration Association; Member, National Academy of Arbitrators

**Panel:**
George S. Crisci, Esq., Zashin & Rich, P.C.
John R. Sauter, Esq., Doll, Jansen & Ford, P.C.

**12:00 PM-1:15 PM**

**PLENARY SESSION: When is a Gig a Real Job?**
The panel analyzes recent legislative, legal, and organizing efforts to reshape the gig economy. The California legislature recently passed a bill extending employee rights and protections to gig workers, in essence codifying a CA Supreme Court decision regarding independent contractor status. Uber and Lyft are responding with financial support for a measure that would exempt their gig workers. Meanwhile, similar legislative and organizing efforts are playing out in other states to recast what it means to be an “independent contractor.”

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

**Panel:**
Mary Cavallaro, Chief Broadcast Officer, SAG-AFTRA
Karl Fritton, Esq., Littler Mendelson, P.C.
Kelly Ross, Policy Director of the AFL-CIO
Registration Information

CONFERENCE REGISTRATION FEES

**Early Bird:** $379 (Early Bird Deadline: April 30, 2020)  
**General:** $425  
**Group Discount (3 or more from same organization):** $350  
**Student:** $150

**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, Washington, and West Virginia. Credit amounts vary by attendance verification and jurisdictional rules and cannot be confirmed in advance of the program.

**VENUE**

Hilton Philadelphia at Penn's Landing  
201 S. Columbus Boulevard  
Philadelphia, PA 19106

**HOTEL RESERVATION INFORMATION**

A limited number of rooms are available at a reduced rate at the Hilton Philadelphia at Penn’s Landing located at 201 S. Columbus Boulevard, Philadelphia, PA 19106.

For complete hotel information and to reserve your room online, click on this link – [https://book.passkey.com/e/49969147](https://book.passkey.com/e/49969147) (use group code AAA), or call 800-445-8667 and identify that you are attending the AAA 2020 National Labor Conference.

The reservation cutoff date is **Wednesday, May 20, 2020**. 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.
TO REGISTER:

Online: To register online, visit www.aaaeducation.org.

By Check: Send completed form and check to -
American Arbitration Association
AAA Education Services
13727 Noel Road, Suite 700
Dallas, TX 75240

Questions? Please contact Maggie Lalowski at LalowskiM@adr.org or 212-484-3283.

REGISTRATION FORM

Please type or print.

Name: ____________________________________________

Company: ____________________________________________

Address: ____________________________________________

City: ____________________________________________

State: ____________________________________________

Zip Code: ____________________________________________

Telephone: ____________________________________________

Email: ____________________________________________

Method of Payment

Paying by Check # ____________________________________________

Make check payable to the American Arbitration Association.

PROGRAM #: ED53200010