

American Conference Institute's National Forum on

LABOR-MANAGEMENT RELATIONS



October 27–28, 2015 • The Carlton Hotel on Madison Avenue • New York, NY

Learn from:



Philip A. Miscimarra
Board Member, NLRB



Richard F. Griffin, Jr.
General Counsel, NLRB



James G. Paulsen
Regional Dir., Region 29, NLRB



Karen P. Fernbach
Regional Dir., Region 2, NLRB

Nicholas H. Lewis
Asst. to Regional Dir., Region 2
NLRB

Network with industry leaders from:

IUOE Local 150
Hilton Worldwide, Inc.
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Pfizer Inc
Exelon
The Charmer Sunbelt Group
IBM Corporation
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Global Experience Specialists
Boehringer Ingelheim
Marsh & McLennan Companies, Inc.
PSEG Services Corporation
iCare
DuPont Nutrition & Health
GE
FMCS
Ave Maria School of Law
And many others

Sessions include:

- » NLRB's Latest Developments: Decisions, Trends, and What's in the Pipeline
- » "Ambush"/"Quickie" Elections: Implications and Practical Effects so far of NLRB's Rule to Shorten the Election Period
- » Non-Traditional Modes of Organizing: Importing of the "Works Councils" Model into the United States and Use of Social Media in Campaign Organizing
- » *Purple Communications* and Efforts to Regulate the Conduct of Non-Unionized Employers by Regulating Employee Work Rules Policies in Areas of Employee Handbooks, Use of Employers' Email Systems During Non-Working Time, Access to Employer's Property, Mandatory Arbitration Agreements, Confidentiality Agreements, and More
- » Social Media and the Reach of the "Protected and Concerted Activities" Language: Understanding What "Protected and Concerted Activity" Means and Attempting to Design a Good Social Media Policy Which Doesn't Run Afoul of NLRB's Regulations
- » The Status of the "Joint Employer" Standard Expansion and Potential Implications: Redefining the Relationship Between Franchisees and Franchisors as well as Redefining Who the Employer/Employee is
- » Bargaining Unit Composition – "Micro-Units": Understanding NLRB's Procedures Under *Specialty Healthcare* with respect to Micro Bargaining Units and How Employers Should Adapt in Response
- » Protection of Non-Union Status: Proactive Strategies for Maintaining Positive Employee-Employer Relations

Views from the Bench on Labor & Employment Litigation:

Hon. James G. Carr
U.S. Dist. Ct., N.D. Ohio

Hon. George C. Steeh
U.S. Dist. Ct., E.D. Mich.

Hon. Stephen Wm. Smith
U.S. Dist. Ct., S.D. Tex.

Hon. Roslyn Silver
U.S. Dist. Ct., D. Ariz.

Hon. Elizabeth Magner
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Hon. David J. Waxse
U.S. Dist. Ct., D. Kan.

Hon. Melinda Harmon
U.S. Dist. Ct., S.D. Tex.

Hon. F.A. Gossett
U.S. Dist. Ct., D. Neb.

Hon. Dennis Graham
Colorado. Ct. App.

Hon. James Robart
U.S. Dist. Ct., W.D. Wash.

Hon. Janie S. Mayeron
U.S. Dist. Ct., D. Minn.

And others



Here are just some of the agencies, organizations, companies, and firms already participating:

NLRB	GE	Meckler Bulger Tilson Marick & Pearson LLP
IUOE Local 150	Jos. A. Bank Clothiers	Foley & Lardner LLP
Hilton Worldwide, Inc.	Federal Mediation and Conciliation Service	Bond Schoeneck & King PLLC
FedEx Express	Ave Maria School of Law	DLA Piper
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Exelon	Eckert Seamans Cherin & Mellott, LLC.	Thompson Hine LLP
The Charmer Sunbelt Group	Meltzer Lippe, Goldstein & Breitstone, LLP	Jones Day
IBM Corporation	Holland & Hart LLP	Holland & Knight
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Boehringer Ingelheim Pharmaceuticals, Inc.	Kraus & Zuchlewski LLP	Barnes & Thornburg LLP
Marsh & McLennan Companies, Inc.	Palmer Law PLLC	Miller, Canfield, Paddock and Stone, P.L.C.
PSEG Services Corporation	Proskauer	Lehr Middlebrooks Vreeland & Thompson, P.C.
iCare	Laner Muchin, Ltd.	Finkel Whitefield Selik
DuPont Nutrition & Health	Bryan Cave LLP	<i>and others</i>

Attention Labor Relations professional:

The dynamics have changed in the industry with:

- » New election rules shortening the time between petition for union representation and union formation
- » NLRB's expansion of jurisdiction into nonunionized employer arena
- » Employee handbooks violating NLRB's regulations
- » Social media policies chilling employees right to engage in "protected and concerted activities"
- » Joint employer and franchisor-franchisee issues

That is why you cannot afford to miss American Conference Institute's **LABOR-MANAGEMENT RELATIONS SUMMIT!** In addition to unparalleled networking opportunities, this conference will provide attendees with the latest insights and expert advice from our exceptional faculty through sessions on:

- » NLRB's Latest Developments: Decisions, Trends, and What's in the Pipeline
- » "Ambush"/"Quickie" Elections: Implications and Practical Effects so far of NLRB's Rule to Shorten the Election Period
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- » Protection of Non-Union Status: Proactive Strategies for Maintaining Positive Employee-Employer Relations

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You can also register online at www.AmericanConference.com/LaborRelations

DAY ONE Tuesday, October 27, 2015

1:10 Registration

1:25 Co-Chairs' Welcoming Remarks



Philip I. Weis
Director & Senior Employment Counsel
Boehringer Ingelheim Pharmaceuticals, Inc.



Michael J. Stief, III
Shareholder
Jackson Lewis P.C.

1:30 In-House Counsel and HR Officials Roundtable on Labor-Management Relations: Adapting to the NLRB Regulations, Containing Costs, and Managing Workforces

PANEL 1 (1:30p.m. – 2:30p.m.)

Christine A. Cannella
Senior Corporate Counsel
Pfizer Inc

Erin L. Connolly, Esq.
Corporate Director, HR Legal Compliance
The Charmer Sunbelt Group

Greg Meyer
Senior Counsel – Labor & Employment Law
International Business Machines Corporation

K. Phillip Tadlock
Senior Attorney
FedEx Express

Rebecca E. Goldstein
Employment Counsel
Medtronic

Brett Leibsker
Senior Director, Labor Relations
Global Experience Specialists

Catherine A. Spicer
Vice President – Assoc. GC
Jos. A. Bank Clothiers

PANEL 2 (2:30p.m. – 3:30p.m.)

Philip I. Weis
Director & Senior Employment Counsel
Boehringer Ingelheim Pharmaceuticals, Inc.

Allison Beck
Acting Director
Federal Mediation and Conciliation Service

John W. Hamlin, Esq.
Chief Employment Counsel
Marsh & McLennan Companies, Inc.

Joseph F. Accardo Jr.
Deputy General Counsel
PSEG Services Corporation

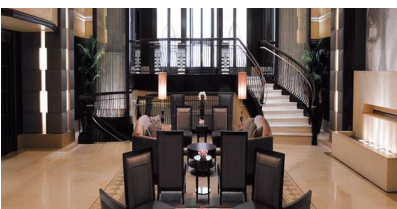
Nicole A. Bernabo
Corporate Labor and Employment Counsel
iCare

Sandra J. Doreson
Corporate Counsel
DuPont Nutrition & Health

Moderator for both panels:
Lizzette Palmer
Managing Member
Palmer Law PLLC

3:30 Afternoon Break

About The Carlton Hotel



Over a century ago, this luxury hotel in New York City's Midtown area helped transform the neighborhood into one of Manhattan's most desirable areas. Today, this Midtown Manhattan hotel's new, modernized look makes it a centerpiece of the city's NoMad (North of Madison Square Park) neighborhood located north of the Flatiron building and south of Herald Square. At The Carlton Hotel in New York City, guests seeking an extraordinary urban getaway will be pleasantly surprised by its seamless integration of old-world charm and modern flare. American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly at 212-532-4100 and mention code **A55A55B** to receive this rate.

3:40 NLRB's Latest Developments: Decisions, Trends, and What's in the Pipeline

Philip A. Miscimarra
Board Member
NLRB

Cynthia K. Springer
Partner
Faegre Baker Daniels LLP

Edward R. Noonan
Member
Eckert Seamans Cherin & Mellott, LLC.

Jonathan D. Farrell
Partner
Meltzer Lippe, Goldstein & Breitstone, LLP

- What kinds of issues have employers been running into? What do employers need to be doing differently as a result?
- What do employers need to think about in advance of elections? What procedures and policies to implement to minimize the effects?
- Position statements
 - How should an employer approach the required statements of position in advance of hearing and how do those statements of position fit into the strategy if employer at some point has a reason to contest the results of election?
- Potential harms of quick and rushed elections to both employers and employees
- Potential harmful effects to smaller businesses
- Are employers denied due process?

4:50 "Ambush"/"Quickie" Elections: Implications and Practical Effects so far of NLRB's Rule to Shorten the Election Period

James G. Paulsen,
Regional Director, Region 29
NLRB

Dale D. Pierson
General Counsel
International Union of Operating Engineers, Local 150

John M. Husband
Partner
Holland & Hart LLP

Michael J. Lotito
Shareholder and Co-Chair, Workplace Policy Institute
Littler Mendelson P.C.

John R. Merinar Jr.
Member
Steptoe & Johnson PLLC.

- What have been the experiences so far? How has the landscape changed? How many elections have unions filed for so far and what has been their success? How fast are elections being held?

6:00 Non-Traditional Modes of Organizing: Importing of the "Works Councils" Model into the United States and Use of Social Media in Campaign Organizing

Paul Lalli
Labor Counsel
GE

John N. Raudabaugh
Reed Larson Professor of Labor Law
Ave Maria School of Law

- Volkswagen developments and its potential implications
- Possible future direction in the US labor law to adopt and become more EU focused by incorporating a notion of works councils into local working environment
- "Fight for 15:" Organizing in the fast food industry
- Use of social media in campaign organizing

6:45 Conference Adjourns

Save The Dates

	July 27 – 28, 2015 Chicago Employment Discrimination Litigation	July 27 – 28, 2015 NYC EPLI
September 28 – 29, 2015 San Francisco Wage & Hour Claims and Class Actions	October 26 – 27, 2015 NYC ERISA Litigation	January 28 – 29, 2016 Miami Wage & Hour Claims and Class Actions

7:50

Views from the Bench: What Works and What Doesn't in Their Courtrooms, Why Employers Succeed and Don't Succeed in Labor & Employment Litigation, Novel Trial and Case Management Strategies, Examples of Bad Lawyering, Judicial Perspectives on Class Certification, and More

JUDGES' PANEL 1	JUDGES' PANEL 2
7:50 – 9:20a.m. (break 9:20 – 9:25 a.m.)	9:25a.m. – 10:55a.m
Hon. James G. Carr U.S. Dist. Ct., N.D. Ohio	Hon. F.A. Gossett U.S. Dist Ct., D. Neb.
Hon. Roslyn Silver U.S. Dist. Ct., D. Ariz.	Hon. Janie S. Mayeron U.S. Dist. Ct., D. Minn.
Hon. Melinda Harmon U.S. Dist. Ct., S.D. Tex.	Hon. Stephen Wm. Smith U.S. Dist. Ct., S.D. Tex.
Hon. James Robart U.S. Dist. Ct., W.D. Wash.	Hon. David J. Waxse U.S. Dist. Ct., D. Kan.
Hon. George C. Steeh U.S. Dist. Ct., E.D. Mich.	Hon. Mildred Methvin (ret.) U.S. Dist. Ct., W.D. La.
Hon. Richard Schmidt U.S. Bankr. Ct., W.D. Tex.	Hon. Robert Collings U.S. Dist. Ct., D. Mass.
Hon. Elizabeth Magner U.S. Bankr. Ct., E.D. La.	Hon. John W. Madden, IV Colo. 2nd Jud. Dist. Court
Hon. Dennis Graham Colorado. Ct. App.	Hon. Jose Rodriguez Eleventh Jud. Cir. Fla.
Co-Moderators of Judicial Panels:	
Pearl Zuchlewski Partner Kraus & Zuchlewski LLP	John M. Husband Partner Holland & Hart LLP

10:55

Purple Communications and Efforts to Regulate the Conduct of Non-Unionized Employers by Regulating Employee Work Rules Policies in Areas of Employee Handbooks, Use of Employers' Email Systems During Non-Working Time, Access to Employer's Property, Mandatory Arbitration Agreements, Confidentiality Agreements, and More

Richard F. Griffin, Jr.
General Counsel
NLRB

Scott A. Faust
Partner
Proskauer

Scott A. Gore
Partner
Laner Muchin, Ltd.

Jerry M. Hunter
Partner
Bryan Cave LLP

- How do the Board's positions on these issues impact non-unionized employers? Board charges brought against employers who were unaware that they were subject to the Board scrutiny are not uncommon

Handbook Issues

- Best practices for updating employers' policies and handbooks so that they don't run afoul of Board's decisions
- What is permitted in terms of restricting Section 7 activities?

Purple Communications

- Use of email for non-work related activities, including union organizing activities
- What are the examples of legitimate reasons to limit an employee's Section 7 right to use employer's technology?

Access to Employer's Property During Non-Working Time

- Developing policies and practices that balance employees' access to employer's property during non-working hours with employer's interest to limit potential union-organizing
- Making sure that access rules are not discretionary and are consistently applied and compliant with the latest GC's memo

Employers' Confidentiality Policies

- What is it that the Board considers a "good reason" for an employer to have confidentiality policies if the policies that employers currently have in place violate the Act? Given the restrictions, can an employer issue confidentiality agreements at all?
- How to balance the Board's interpretation of the Act with employer's interest in protecting the integrity of its internal investigations?

12:00 Social Media and the Reach of the “Protected and Concerted Activities” Language: Understanding What “Protected and Concerted Activity” Means and Attempting to Design a Good Social Media Policy Which Doesn’t Run Afoul of NLRB’s Regulations

Karen P. Fernbach
Regional Director, Region 2
NLRB

Todd D. Steenson
Assistant General Counsel – Labor and Employment
Exelon

Brian W. Bulger
Of Counsel
Cozen O’Connor

Mark J. Neuberger
Of Counsel
Foley & Lardner LLP

- How has social media impacted the work place?
- How to balance restrictions around what employees say and not run afoul of NLRB’s interpretations?
 - At what point do employees lose the protection of the Act?
 - For what can and can’t an employer fire employees?
 - What communications are employees allowed to have?

1:00 Networking Lunch for Speakers and Delegates

2:00 The Status of the “Joint Employer” Standard Expansion and Potential Implications: Redefining the Relationship Between Franchisees and Franchisors as well as Redefining Who the Employer/Employee is

Paul Ades
Senior Vice President
Labor Relations and Operations
Hilton Worldwide, Inc.

Dennis A. Lalli
Of Counsel
Bond Schoeneck & King PLLC

Harriet A. Lipkin
Partner
DLA Piper

Ricki E. Roer
Partner
Wilson Elser Moskowitz Edelman & Dicker LLP

- *McDonald’s* – is McDonald’s a joint employer with its franchisees?
- How does franchisee-franchisor relationship impact on joint employer standard?

- *Browning-Ferris*
- How do employers protect themselves against joint employer investigation?
- Changing definition of who is and who is not considered an employer and an employee
 - What is a definition of a supervisor?
- Independent contractor status

3:00 Bargaining Unit Composition – “Micro-Units”: Understanding NLRB’s Procedures Under *Specialty Healthcare* with respect to Micro Bargaining Units and How Employers Should Adapt in Response

Nicholas H. Lewis
Assistant to the Regional Director, Region 2
NLRB

Eric S. Clark
Partner
Thompson Hine LLP

Willis J. Goldsmith
Partner
Jones Day

Kenneth Jenero
Partner
Holland & Knight

- Expansion of *Specialty Healthcare* decision into other industries
- New standard for determining what an appropriate unit is for a union to organize
- What does it mean in practice?
- What can an employer do to insulate its smaller departments from being separately organized?

4:00 Afternoon Break

4:10 Protection of Non-Union Status: Proactive Strategies for Maintaining Positive Employee-Employer Relations

Michael S. Pepperman
Chairman, Labor Relations Practice Group
Obermayer Rebmann Maxwell & Hippel LLP

Michael J. Stief, III
Shareholder
Jackson Lewis P.C.

Keith White
Partner
Barnes & Thornburg LLP

Amy J. Zdravecky
Principal
Miller, Canfield, Paddock and Stone, P.L.C.

- What can an employer do to better position itself to have a productive relationship with its unrepresented workers?
- Making sure that the employer is competitive in wages and benefits with competitors in employer's local area
- Best practices on what to do when union related activity takes place
- How can an employer attempt to make sure it handles potential union organizing campaigns properly?

5:10

Training of Managers to Avoid NLRB Charges

Joseph L. Skinner

Sr. Attorney, Labor Relations
FedEx Express

Richard I. Lehr

Shareholder
Lehr Middlebrooks Vreeland & Thompson, P.C.

Marc G. Whitefield

Member
Finkel Whitefield Selik

- Making sure managers are trained on basic fundamentals of good management
- Making sure that companies and its managers are in sync with respect to what a company shouldn't do as a result of increased NLRB's scrutiny
- Need for managers to understand the implications of employees' trying to engage in *protected and concerted activities*
- Having managers understand which language in a company's policies runs afoul of NLRB's decisions

6:05 Conference Adjourns

Who You Will Meet

- » In-House Counsel and labor & employment officials from the nation's leading companies
- » Human resource officials
- » Law Firm Attorneys Specializing in: Management-side labor relations/ traditional labor
- » Consultants focusing on management, labor and employment concerns

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You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **American Conference Institute (ACI)** in writing up to 10 days prior to the conference date and a credit voucher valid for 1 year will be issued to you for the full amount paid, redeemable against any other **ACI** conference. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the conference date. **ACI** reserves the right to cancel any conference it deems necessary and will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by **ACI** for changes in program date, content, speakers, or venue.

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