

COVID-19 UPDATE!

In light of the unfolding situation involving the coronavirus (COVID-19), and in an effort to protect the health and safety of all our attendees, **NLMC 2020 will now be a virtual, online-only event.**

[Register now](#)

[Already registered?](#)

CONFERENCE AGENDA

The National Labor-Management Conference is NOW VIRTUAL.

Thank you for your continued support.

Webinar session links can be found in your registration confirmation agenda (Click the already registered link on this page - you'll need your confirmation number and email), in the conference app (registered attendees only), or in the agenda message sent to your email inbox.

Agenda

ALL TIMES EASTERN STANDARD

August 18, 2020

✓ Opening Plenary

11:00 AM-12:15 PM

Plenary



Dan Dosenbach
Sr. Vice President of
Labor Relations
Albertsons



Richard Giacalone
Director
FMCS



Bob O'Toole
President
UFCW Local 1546



Richard L. Trumka
President
AFL-CIO

Workplace safety in the age of COVID-19 and current events with Richard Trumka, President AFL-CIO (invited), UFCW Local 1546, and Albertsons.

***General CLE Credits Pending**

✓ Hard Stop or New Beginning? A Fresh Look at Impasse and

1:00 PM-2:00 PM

Implementation

Program/Workshop



James Baird
Founding Partner
Clark Baird Smith LLP



Robert Eberle
Labor Lawyer
Eberle & Bundick, LLC



Andrew Goldberg
Partner
Laner Muchin



Marianne Oliver
Counsel
Gilardi Oliver & Lomupo

Impasse and implementation are among the most controversial concepts in contemporary collective bargaining. Some critics view impasse implementation as an aggressive, hardball bargaining strategy; inherently destructive to the collective bargaining process. Proponents argue that resorting to implementation, whenever good faith bargaining has been exhausted, may be an employer's only safe harbor to remain economically viable.

Because of the associated risks and consequences, final offer implementation can be a strategic minefield for even the most sophisticated management negotiator. Union bargainers are also often tentative concerning the best options to pursue in response to unilateral implementation. The dynamic can raise as many questions as it resolves for the respective advocates.

With a panel of respected practitioners from both sides, this workshop will provide real-world insights into this provocative, timely topic.

***General CLE Credits Pending**

✓ What Arbitrators Wish You Knew: Ethical Problems in Arbitration

1:00 PM-2:00 PM

Program/Workshop



Amanda Clark
Associate
Asher, Gittler & D'Alba, Ltd



Dan Nielsen
Mediator/Arbitrator



Roxana Underwood
Partner
Clark Baird Smith LLP

An interactive panel focusing on ethical problems that are often overlooked and the latest trends in arbitration ethics issues. Hypotheticals and real case situations will be examined along with what to do when one has an ethical concern as a party and as an arbitrator. The discussion will be led by the President of the National Academy of Arbitrators (as of May 2020), a leading expert on arbitration ethics. The Academy is a key stakeholder in arbitration ethics along with FMCS.

***Ethics CLE Credits Pending**

✓ Success and the 7 Ingredients of Collaborative Innovation

1:00 PM-2:00 PM

Program/Workshop



Stephanie Collier
Commissioner
FMCS



Moira Lethbridge
Principal
Lethbridge & Associates LLC

Do you want a workplace culture that works or one that employees have to work around? How about one that fosters engagement, innovation, and productivity? Improve business performance by combining new structural and cultural best practices to increase creativity and innovation. Support people working together to build and innovate. The 7 Ingredients of Collaborative Innovation support people working together to build and innovate and will improve business performance by combining new structural and cultural best practices to increase creativity. In this session, you will learn about Collaborative Innovation and its benefits; be able to identify what gets in the way of Collaborative Innovation in your own organization, and you will leave ready to apply this approach in your workplace.

***General CLE Credits Pending**

✓ Don't Lie To Me: Ethics, Honesty & Collective Bargaining

2:30 PM-3:30 PM

Program/Workshop



Lisa Callaway
Partner
Engler Callaway Baasten
& Sraga, LLC



Joseph Vitale
Partner
Cohen, Weiss and
Simon LLP

Come be part of a lively and interactive session in which the panel will test the audience's knowledge of what activities in collective bargaining cross the line of ethical behavior cited by the ABA Code of Ethics. Some of the topics that the panel will cover: Truth in communication between the parties; What is puffery, bluffery, or just plain fabrication of the facts? What is covered by attorney-client privilege and what can be disclosed?

Ethics CLE Credits Pending

✓ Is Video Arbitration in Your Future?

2:30 PM-3:30 PM

Program/Workshop



Edwin Benn
Arbitrator



Jeanne Charles
Arbitrator



Homer La Rue
Arbitrator and Professor
of Law



Leona McFarlane
Assistant County
Attorney
Miami-Dade County



Scott Miller
Legal Counsel
AFSCME Council 31



Arthur Pearlstein
Director of Arbitration
FMCS

The use of video to conduct hearings has become common in many administrative settings and in some courts. Many labor arbitrators have made use of video testimony and some have conducted full hearings by video. Talk of much more extensive use of video in the conduct of labor arbitration hearings is growing as parties consider options to reduce costs, save time, and increase efficiency. The panel will discuss video arbitration, and the opportunities and challenges that lie ahead as use of video and online platforms become more common. Pros and cons will be considered from the perspective of arbitrators and parties. The role FMCS might play as will also be part of the discussion.

***General CLE Credits Pending**

✓ Closing Plenary

3:45 PM-4:30 PM

Plenary



Richard Giacalone
Director
FMCS



John Ring
Chairman
National Labor
Relations Board

NLRB updates with Chairman Ring.

August 19, 2020

✓ Opening Plenary

11:00 AM-12:00 PM

Plenary



Richard Giacalone
Director
FMCS



Roger King
Senior Labor and
Employment Counsel
HR Policy Association



Sam Loesche
Legislative
Representative
International
Brotherhood of
Teamsters



Jay W. Richards
Research Assistant
Professor
The Catholic University
of America

From the windmill to the cotton gin to the assembly line, every technological

advance has been met with job loss and difficult changes for workers and employers alike. But never before now have we seen change of anywhere near the pace and breadth with which technology is remaking our world. Automated or "smart" systems are quickly transforming the workplace. Automated order picking, delivery, and even driverless trucks are here and these changes challenge workers and employers on the one hand with concerns about the fate of workers whose jobs are automated out of existence and on the other hand with a shortage of workers with the skills and training needed to work with new technology. Join us for an engaging, timely discussion around these concerns.

Panel discussion with Jay Richards, Roger King, and The International Brotherhood of Teamsters.

✓ Federal Sector Labor Relations Update

1:00 PM-2:00 PM

Program/Workshop



Mark Anthony Carter
Chairman
Federal Service
Impasses Panel



Richard Giacalone
Director
FMCS



Colleen Duffy Kiko
Chairman
Federal Labor Relations
Authority

Update on Federal Sector Labor Relations with FLRA Chairman Colleen Duffy Kiko, FSIP Chairman Mark Anthony Carter, and FMCS Director Nominee Rich Giacalone.

***General CLE Credits Pending**

✓ Don't Tell Me, Show Me: Unleash the Power of Technology and Imagery in Bargaining

1:00 PM-2:00 PM

Program/Workshop



Doug Corwon
Commissioner
FMCS



John Gray
Commissioner
FMCS

This session will explore the various technologies parties can utilize to assist in reaching better-negotiated outcomes. Come away from this workshop with an appreciation of the power of visuals and their impact on decision-making, and learn how technology, as a delivery system for imagery and data, can yield a persuasive advantage for leaders who know how to tap into its power. Participants will learn about the types of technology that are available, how to use them to improve collective bargaining, educate and inform constituencies and stakeholders, and how to use technology and imagery to create a more influential message.

***General CLE Credits Pending**

✓ Increasing Regulation in the Gig Economy: What's the Impact?

1:00 PM-2:00 PM

Program/Workshop



Linda Donahue
Senior Extension
Associate
The Worker Institute at
Cornell University
Industrial and Labor
Relations School



John Marshall
Senior Capital Markets
Analyst
UFCW



Carisa Miklusak
Founder
tilr



Milton Toby
President
American Society of
Journalists & Authors

You may long for the day when a "gig" worker seemed easily identifiable – a musician playing an evening in a nightclub, or an actor in occasional plays. "Employees" got weekly checks, and sometimes benefits, for working regular hours for an employer. In the 20th century laws were passed to protect employees from exploitation by unscrupulous employers. In the 21st century

are laws needed to protect gig workers as well? Would those laws protect them from exploitation or harm them by limiting their work opportunities? Would such well-intended laws have unintended consequences on gig workers, hurting them in the long run? With participation from various sectors and perspectives, this panel promises a lively discussion about the nature of "employment."

***General CLE Credits Pending**

✓ **Are We Really All That Special? MV Transportation and the Contract Coverage Standard**

2:30 PM-3:30 PM

Program/Workshop



Amanda Clark
Associate
Asher, Gittler & D'Alba, Ltd



Matthew Finkin
Professor of Law and
Director, Program in
Comparative Labor and
Employment Law &
Policy
University of Illinois
College of Law



Marty Malin
Professor of Law and
Director of the Institute
for Law and the
Workplace
IIT Chicago-Kent College
of Law



Jeffrey Pasek
Member
Cozen O'Connor



Arthur Pearlstein
Director of Arbitration
FMCS

In September of 2019, the NLRB issued an important ruling that reversed many years of precedent and applied a new "contract coverage" standard to determine whether a CBA permits management to take unilateral action in many types of cases (MV Transportation, Inc). The new standard provides an easier route to unilateral steps by management and replaces the "clear and unmistakable" standard under which management could not make a unilateral change to working conditions unless the applicable CBA clearly and unmistakably allowed it to make the very specific kind of change absent further bargaining. The panel will examine the very significant implications of the ruling as well as the question of whether it is part of a broader trend toward replacing the treatment that CBAs have long had as "special" types of contracts with a treatment of them as quite ordinary.

***General CLE Credits Pending**

✓ **What Bias Monsters are Lurking in Your Closet? How Understanding Implicit Bias Can Make You Better**

2:30 PM-3:30 PM

Program/Workshop



Tom Melançon
Commissioner
FMCS



Ligia Velazquez
Commissioner
FMCS

What Bias Monsters are Lurking in Your Closet? How Understanding Implicit Bias Can Make You a Better Advocate, Negotiator or Neutral

The workplace can either be a toxic, environment rife with harassment and conflict, or a work environment where employees are respectful and considerate in their interactions with one another, as well as with customers, clients, and the public. We will discuss the impact of the workplace culture on productivity and collaboration on how to recognize and diminish incivility in the workplace, and what you can do to promote a culture of courtesy, respect, and collaboration. We're all biased and becoming aware of our own biases will help us mitigate them in the workplace. This workshop will include actions we can take to uncover and reduce some of our biases using a variety of innovative concepts and ideas. (Formerly Workplace Bullying)

***General CLE Credits Pending**

✓ **Closing Plenary**
Plenary

3:45 PM-4:30 PM



Richard Giacalone
Director
FMCS



Patrick Pizzella
Deputy Secretary of
Labor
U.S. Department of
Labor

U.S. Deputy Secretary of Labor Patrick Pizzella will provide remarks.



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