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— 6 hours MCLE credit —

## 28th Annual Labor and Employment Law Conference

Presented by

**NATIONAL LABOR RELATIONS BOARD  
REGION 21 and REGION 31,  
LOS ANGELES**



15th Anniversary  
1935 - 2010

In Cooperation with the

**Orange County Labor and Employment  
Relations Association**

(formerly Orange County  
Industrial Relations Association)

and the

**Federal Mediation and  
Conciliation Service**

**Wednesday – July 28, 2010**

**Sheraton Park Hotel**

at the

**Anaheim Resort  
1855 South Harbor Boulevard  
Anaheim, California**

Taxpayer ID #95-3125802



### ABOUT THE CONFERENCE...

The National Labor Relations Act celebrates its 75th Anniversary this year. Promulgated in the midst of the Great Depression, the NLRB has been enforcing the primary law that governs relations between employers and employees in the private sector while seeking to achieve its mandate of "common justice and economic advance."

This 28th annual Labor and Employment Law Conference is presented by Region 21 and Region 31 of the National Labor Relations Board (NLRB) in conjunction with the Orange County Labor and Employment Relations Association (OC LERA, formerly the Orange County Industrial Relations Research Association), and the Federal Mediation & Conciliation Service (FMCS).

The Conference is designed to provide information about the NLRB and its decisions and procedures, as well as up-to-date information on current employment law issues, and is intended to be useful to attorneys representing labor or management, union officials, human resources personnel, arbitrators, mediators, students, and members of the academic community. The opening plenary session will be devoted to the new "Patient Protection and Affordable Care Act" and the impact of this major healthcare legislation on employers, unions, and employees. Registrants may then choose among workshops on Employer Regulation vs. Employee Privacy and the use of New Media in the Workplace, the National Labor Relations Board Update; the Use of Mediation in the Workplace; and Outsourcing, Subcontracting, Downsizing, and Temps: Their Effect on the Workplace. The closing plenary session will be the ever-popular "Ask the Arbitrators" panel.

Our special luncheon presentation will commemorate the 75th Anniversary of the National Labor Relations Act and feature the Honorable Wilma Liebman, Chairman of the National Labor Relations Board, Washington D.C.

The Conference is limited to 300 registrants, and early registration is encouraged. Payment must accompany your registration, and registrations will be accepted in the order received. The registration fee is \$225 for current OC LERA members and federal government employees, and \$265 for all others, which includes the luncheon, refreshments, and conference materials (CD). NO ACKNOWLEDGEMENT OF REGISTRATION WILL BE MAILED: YOUR CANCELLED CHECK IS YOUR RECEIPT. THERE WILL BE NO REFUNDS AFTER JULY 14, 2010. Please make checks payable to OCIRRA (no credit cards please).

**OC LERA (formerly OCIRRA) certifies that  
this conference provides six (6) hours of Continuing  
Legal Education (MCLE) credits.**

#### Conference Planning Committee

Marlene K. Heyser, *Chair* • Ami Silverman, *Vice-Chair*

Sara Adler	Valerie Harragin	Anthony T. Oliver, Jr.
Sherry Bolander	Howard Hay	Joseph L. Paller, Jr.
Tirza P. Castellanos	Margaret Hume	Marianne Reinhold
Bonnie Prouty Castrey	Patrick D. Kelly	James F. Small
William D. Claster	Thomas Lenz	Anne White

## Program

**7:30 AM – Registration and Coffee**

**8:30 AM to 8:40 AM – Welcome**

**Ami Silverman, Attorney**

*National Labor Relations Board, Region 21  
President, OC LERA*

**8:40 AM to 8:45 AM – Opening Remarks**

**Marlene K. Heyser, Workplace Law Strategies,**

*Chair, 28th Annual OC LERA Labor and Employment Law  
Conference and Past President, National LERA*

**8:45 AM to 10:15 AM – Plenary Session**

**GOING GOING PASSE! Health Care Reform Is Here!**

*The President went up the Hill*

*And Congress passed the Health Care Bill*

*Some were happy and some were vexed*

*Now the BIG question is – what happens next?*

The passage of the Patient Protection and Affordable Care Act represents the most sweeping change in medical care in over 40 years. The need to address critical issues in health care including maximum payments and pre-existing conditions has long been recognized by both unions and management. The recently-passed health-care reform legislation not only addresses these issues, ensuring that in the future coverage will not be denied because of pre-existing conditions and that coverage will not be cut off when medical care reaches a monetary maximum, but more significantly radically changes health care.

The costs of these changes, however, as well as various aspects of this Act, have created additional questions. Our panel of experts will discuss the implementation, benefits, and costs of health care reform and the impact of that reform on employers, individuals, unions, and Taft-Hartley Trust Funds.

#### MODERATOR:

**Marlene K. Heyser, Workplace Law Strategies**

#### SPEAKERS:

**Daniel J.B. Mitchell, Professor, UCLA Anderson Graduate  
School of Management and UCLA School of Public Affairs**

**Judith Mazo, Senior Vice President, The Segal Company**

**David Paul Wolds, Attorney, Wolds Law Group PC**

**10:15 AM to 10:30 AM – Coffee Break**

**10:30 AM to 11:45 AM – Workshops I and II**  
(concurrent presentations)

**WORKSHOP I:**

**THE USE (AND MISUSE) OF NEW MEDIA IN THE WORKPLACE:  
Employer Regulation vs. Employee Privacy**

Technological advances in media and the merging of work life and personal life, coupled with changing generational and cultural norms, have given rise to new issues in the workplace. The proliferation of social networking, including e-mailing and blogging, raises novel questions for employers, employees, and unions. What privacy rights do employees – both public and private – have when they e-mail at work? Can an employer regulate employee blogs, and just what is “twitter” anyway? Do employees have the right to use company e-mail for union organizing? This panel of experts will describe what is happening in the workplace today, and discuss how parties can deal with these unique problems.

**MODERATOR:**

**Yaneth Palencia**, Attorney, NLRB Region 31

**SPEAKERS:**

**Management:** **Nathan Kowalski**, Attorney,  
Atkinson Andelson Loya Ruud & Romo  
**Union:** **Erica Deutsch**, Attorney, Bush Gottlieb et al.  
**Expert:** **Shane Loomis**, Attorney, Marron Lawyers

**WORKSHOP II:**

**NLRB UPDATE: What Next?**

The past year has proven to be yet another tumultuous one for the National Labor Relations Board. The Board has operated with only two of five members since January 2008, and two new members received recess appointments from President Obama in March 2010. The two-person Board issued nearly 600 decisions, albeit under challenge to its authority as a valid quorum, but was unable to act on more than 250 important pending cases, many of which involve workplaces in Southern California. Our distinguished panel will discuss the possible impact of the new Board members on the cases bottlenecked at the Board and on NLRB case law in general, as well as which cases are likely to be reversed by the current Board and the future of rulemaking.

**MODERATOR:**

**Jean C. Libby**, Attorney, NLRB Region 21

**SPEAKERS:**

**Union:** **Joseph L. Paller, Jr.**, Attorney,  
Gilbert & Sackman  
**Management:** **Alan Berkowitz**, Attorney,  
Bingham McCutchen  
**Academic:** **Catherine Fisk**, Professor of Law,  
School of Law, University of California, Irvine

**12 NOON to 1:45 PM – Luncheon**

**WELCOME:** **Linda G. Gonzalez**,

Director, Mediation Services, Southwestern States  
Federal Mediation & Conciliation Service

**INTRODUCTORY REMARKS:**

**James F. Small**, Regional Director, NLRB Region 21

**“THE NLRB at 75: A GLANCE BACK AND A LOOK AHEAD”**

**The Honorable Wilma B. Liebman**, Chairman  
National Labor Relations Board, Washington, DC

**1:45 PM to 2:00 PM – Break**

**2:00 PM to 3:15 PM – Workshops III and IV**

(concurrent presentations)

**WORKSHOP III:**

**OUTSOURCING, SUBCONTRACTING, DOWNSIZING AND TEMPS:  
If Your Employees are Your Most Important Asset, Why Would You Want to Get Rid of Them? (Part 1)**

Many private and public employers still face difficult times in this economy, and often consider various methods of reducing their workforces as the best or the only means of confronting these challenges. This session will consider and compare alternatives, such as furloughs, wage/benefit cuts or freezes or deferred increases, job sharing, and the like. Our diverse panelists will analyze the issues and discuss how employers can deal with the current economic challenges without losing their best employees and their culture of employee loyalty.

**MODERATOR:**

**Marianne Reinhold**, Attorney, Relch, Adell & Civitan

**SPEAKERS:**

**David Lewin**, Professor, UCLA Anderson School of Management  
**Randy Cammack**, President,  
International Brotherhood of Teamsters, Joint Council 42  
**Ruben Ingram, Ed.D.**, Executive Director,  
School Employers Association of California

**WORKSHOP IV:**

**GRIEVANCE MEDIATION AND ALTERNATIVE DISPUTE RESOLUTION  
IN THE WORKPLACE**

Increasingly, parties are turning to grievance mediation to resolve workplace disputes. How does grievance mediation work? Does it save time and money, or is it just another hurdle and delay on the path to an arbitration award? Come hear a distinguished panel of advocates and neutrals discuss the pros and cons of taking a grievance to mediation, what kinds of issues best lend themselves to mediation, and, if you do choose grievance mediation, some pointers to a successful resolution.

**MODERATOR:**

**Valerie Harragin**, Commissioner, FMCS

**SPEAKERS:**

**Management:** **Michael A. Hood**, Attorney, Paul Hastings  
**Union:** **Amanda Lively**, Attorney, Wohiner Kaplan et al.  
**Neutral:** **Paul Crost**, Mediator

**3:15 PM to 3:30 PM – Break**

**3:30 PM to 5:00 PM – Plenary Session**

**ASK THE ARBITRATORS: Outsourcing, Subcontracting, Downsizing and Temps (Part 2)**

This ever-popular interactive panel will continue the discussion about methods to reduce workforces in response to difficult economic times, and explore the myriad issues that often come before arbitrators, including the arguments of management and labor, and how contractual language can make a difference. Various hypotheticals will be presented to allow the audience to see how the arbitrators would analyze issues involving outsourcing, subcontracting, and downsizing. Audience participation is welcome!

**MODERATOR:**

**Anthony T. Oliver, Jr.**, Attorney, Parker Milliken

**PANELISTS:**

**Union:** **Fern Stelner**, Attorney,  
Tosdal, Levine, Smith & Stelner  
**Management:** **William Claster**, Attorney,  
Gibson, Dunn & Crutcher LLP  
**Arbitrators:** **Bonnie Prouty Castrey**, Arbitrator/Mediator  
**Louis M. Zigman**, Arbitrator  
**Sara Adler**, Arbitrator/Mediator

**5:00 PM – Adjournment**

**Registration Form**

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LABOR AND EMPLOYMENT LAW CONFERENCE  
WEDNESDAY, JULY 28, 2010**

**Registration Fee:** \$225 for current OC LERA members and federal government employees; \$265 for all others

**Please make checks payable to OCIRRA.**

Payment must accompany registration. Please use a separate registration form for each registrant.

Remit your check and the completed registration form to:  
OC LERA, P.O. BOX 1704, GARDEN GROVE, CA 92842

For further information, call: 714/560-5852

**NO CREDIT CARDS – NO REFUNDS AFTER JULY 14, 2010**

Parking is included in the registration fee.

DETACH HERE

**Indicate Payment (check boxes that apply)**

- I am a current OC LERA member or federal government employee. Enclosed is my check for \$225.
- Enclosed is my check for \$265. This registration amount includes an OC LERA membership.
- Conference materials will be provided on a CD and included in the registration fee. Enclosed is an **additional \$10** for a binder of conference materials (supplies limited).

Name \_\_\_\_\_

Title \_\_\_\_\_

CA State Bar # \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone \_\_\_\_\_

E-Mail \_\_\_\_\_

**PLEASE INDICATE THE WORKSHOP NUMBERS  
YOU WILL BE ATTENDING:**

**Morning:**

(10:30 AM - 11:45 AM) — Workshop No. \_\_\_\_\_ (Select one)

**Afternoon:**

(2:00 PM - 3:15 PM) — Workshop No. \_\_\_\_\_ (Select one)