33rd Annual
FEDERAL SECTOR LABOR RELATIONS
AND LABOR LAW CONFERENCE
SEPT 17 2015
33rd Annual
FEDERAL SECTOR LABOR RELATIONS
AND LABOR LAW CONFERENCE

Held annually since 1982, this is the longest-running conference dealing with the federal and postal workplaces held outside of Washington D.C. The conference features both plenary and workshop sessions focused on recent developments in the field with presentations by the leaders of federal agencies and the U.S. Postal Service, the unions that represent federal employees, and key policymakers and leaders of regulatory agencies.

CONFERENCE AT A GLANCE

8:00am–8:40am
Registration

8:40am–8:45am
Welcome and Announcements

8:45am–9:45am
Opening Plenary Session

9:45am–10:45am
EEO Update

10:45am–11:00am
Break

11:00am–12:00pm
Concurrent Sessions
- Work Facility Relocations
- Ask the Arbitrator

12:00pm–12:45pm
Lunch

12:45pm–1:15pm
Afternoon Plenary Session

1:15pm–1:20pm
Break

1:20pm–2:20pm
Concurrent Sessions
- Effective Advocacy Before the MSPB and MSPB Case Law
- FLRA Update

2:20pm–2:30pm
Break

2:30pm–3:30pm
Concurrent Sessions
- Attorney Ethical Obligations During an Age of Rapid Technological Change
- Employee Dissent: Whistleblower/First Amendment Protections for the Federal Workforce

3:30pm–3:45pm
Break

3:45pm–4:45pm
Closing Plenary Session

4:45pm–5:45pm
Reception

Eric Bruce, Assistant Counsel, National Treasury Employees Union

Gay F. Chase, Administrative Law Judge, U.S. Merit Systems Protection Board

Julia Akins Clark, General Counsel, Federal Labor Relations Authority

Mika J. Cross, Federal Work-Life Expert

William R. Dougan, National President, National Federation of Federal Employees

Barbara B. Franklin, Member, Federal Service Impasses Panel, FLRA

George R. Fleischli, Arbitrator, NAA

Bruce Fong, Associate Special Counsel, U.S. Office of Special Counsel

Susan Tsui Grundmann, Chairman, U.S. Merit Systems Protection Board

Charles G. Hardy, Chief Workplace Officer, U.S. General Services Administration

Edward F. Hartfield, Member, Federal Service Impasses Panel, FLRA


Mary E. Jacksteit, Chair, Federal Service Impasses Panel, FLRA

Marvin E. Johnson, Member, Federal Service Impasses Panel, FLRA

Sara B. Kalis, Attorney, Little Mendelson PC

Daniel J. Kaspar, Assistant Counsel, National Treasury Employees Union

Jill B. Lubetsky, Senior Attorney, U.S. Dept. of the Treasury, Office of Chief Counsel

Martin H. Malin, Professor of Law & Director, Institute for Law & the Workplace, IIT Chicago-Kent College of Law, Member, Federal Service Impasses Panel, FLRA

Michael J. McAuley, National Counsel, National Treasury Employees Union

Dorothy L. Moran, Administrative Law Judge, U.S. Merit Systems Protection Board

Daniel C. Mullenix, Senior Attorney, U.S. Dept. of the Treasury, Office of Chief Counsel

Richard L. Rampage, Administrative Law Judge, U.S. Merit Systems Protection Board

Joseph Schimansky, Executive Director, Federal Service Impasses Panel, FLRA

Rachel See, Lead Technology Counsel, National Labor Relations Board

Peter A. Sutton, Deputy General Counsel, Federal Labor Relations Authority

Georgia Vlahos, Administrative Law Judge, U.S. Merit Systems Protection Board

Jeanne M. Vonhof, Arbitrator, NAA

Donald S. Wasserman, Member, Federal Service Impasses Panel, FLRA

Jeannette Wood, Arbitrator, NAA

Michael A. Warner, Jr., Partner, Franczek Rodelet PC

Tasha Berry

AtHoni Bias

Nancy Blitzer

Stuart J. Bliener

Julianne Bowman

Kelly Anne Keeler Calvanico

Pauline Coleman-Sutton

Dorothy James

Jennifer Helen Lang

Pamela Langston-Cox

Susan Lawers

Martin H. Malin

César F. Rosado Marzán

IIT Chicago-Kent College of Law

Michael J. McAuley

National Treasury Employees Union

George Petrovich

National Air Traffic Controllers Association, Retired

Kelly A. Powers

IIT Chicago-Kent College of Law

Marsha L. Ross-Jackson

IIT Chicago-Kent College of Law

John P. Rowe

U.S. Equal Employment Opportunity Commission

Gregg R. Sackrider

U.S. Postal Service, Retired

Michele Schroeder

U.S. Merit Systems Protection Board

Thomas A. Summers

Federal Mediation & Conciliation Service

Peter A. Sutton

Federal Labor Relations Authority

Christopher Zadina

U.S. Postal Service

Mark Zaltman

U.S. Department of Housing & Urban Development

FEATURED SPEAKERS

Julia Akins Clark

General Counsel, Federal Labor Relations Authority

Ms. Clark was appointed by President Obama to serve as General Counsel of the Federal Labor Relations Authority in 2009. As FLRA General Counsel, Ms. Clark oversees the FLRA’s seven regional offices and is responsible for protecting federal employee, union, and management rights under the Federal Service Labor-Management Relations Statute passed as part of the Civil Service Reform Act of 1978. An ardent proponent of cooperative labor-management relations, Ms. Clark also provides guidance and resource support to the National Council on Federal Labor-Management Relations. Prior to her appointment at the FLRA, she worked as a trial attorney at the United States Department of Justice and practiced labor law for over 20 years.

William R. Dougan

National President, National Federation of Federal Employees

Mr. Dougan has served as National President of the NFFE since 2009. Throughout his tenure as National President, Mr. Dougan has played a key policymaking role in a number of governmental, labor and non-profit forums. As a founder and elected Chairman of the Federal Workers Alliance, he leads the collective effort of 20 unions representing 300,000 federal employees in shaping government-wide workforce policy. As a member of the National Council on Federal Labor-Management Relations, Mr. Dougan has worked with top administration and agency officials to build strong labor-management forums at dozens of federal agencies. Prior to assuming office at the NFFE, Mr. Dougan has worked for over 30 years in federal sector roles at the National Parks Service and the National Forestry Service.

Charles G. Hardy

Chief Workplace Officer, U.S. General Services Administration

Mr. Hardy is Chief Workplace Officer of the General Services Administration’s Public Buildings Service. As the agency’s lead executive in charge of workplace strategy he leads GSA’s Total Workplace Program Management Office. Mr. Hardy heads the agency’s efforts across the country with support in vital areas such as design and construction, real estate services, and procurement. Mr. Hardy has been with the GSA since 1991 and is responsible for research, innovation, and development in the delivery of innovative workplace solutions throughout the federal government. Before joining GSA, he was an architect, practicing in the areas of real estate development and commercial architectural design. Mr. Hardy is a retired officer of the U.S. Air Force, having served as an intelligence officer.

Susan Tsui Grundmann

Chairman, U.S. Merit Systems Protection Board

Ms. Grundmann was nominated by President Obama to serve as a member and Chairman of the U.S. Merit Systems Protection Board. The U.S. Merit Systems Protection Board (MSPB) is a bipartisan, independent, quasi-judicial agency whose mission is to protect the merit system principles and promote an effective federal workforce free of prohibited personnel practices. Before taking the position with the MSPB, Ms. Grundmann was General Counsel for the National Federation of Federal Employees. Prior to that, she served as General Counsel for the National Air Traffic Controllers Association. She has also served as a regular instructor on federal sector law at the William W. Winpisinger Education Center in Placid Harbor, Maryland.
8:00am
Registration

8:40am
Welcome and Announcements

8:45am
OPENING PLenary Panel

Charting the Future of the Federal Workplace and the Federal Workforce
What will the federal workplace of the future look like? Already, we are seeing the drive to reduce the federal governments’ real estate footprint and the rapid growth in flexible scheduling and telework made possible by IT. Our three expert panelists will provide their perspectives on the future of the federal workplace and workforce, and will address new trends in workplace communications, work team processes and performance management tools occasioned by these two developments (e.g. generational differences among employees, flattening hierarchies: expanding communications channels, flexibility as a tool for recruitment and retention, increased reliance on metrics over visual observation of employee performance).

Julia Akins Clark, General Counsel, FLRA
William R. Dougan, National President, NFFE
Charles G. Hardy, Chief Workplace Officer, GSA

9:45am
EEO Update
The panelists will discuss recent developments in federal anti-discrimination law—extending beyond the federal sector—with specific focus on pregnancy, religious accommodation, retaliation and EEOC processing issues arising from the recent Supreme Court decisions: Young v. UPS and EEOC v. Abercrombie and Fitch.

John Hendrickson, Chicago Regional Attorney, EEOC
Michael A. Warner, Jr., Partner, Franczek Radelet PC

10:45am
Break

11:00am
Concurrent Sessions:

Work Facility Relocations
The panel will discuss the interplay and challenges of relocating work locations with agency initiatives to reduce rent, maintain productivity, implement telework, and engage employees.

Debra S. Arnold, Work/Life and Wellness Program Strategist, OHRM, USDA
Mika J. Cross, Federal Work/Life Expert
Michael J. McAuley, National Counsel, NTEU

Ask the Arbitrator
The panel of experienced arbitrators will discuss best practices in case presentation, including pre-hearing preparation, advocacy do’s and don’ts, closing arguments vs. briefs, and more. The panel will also have time for an audience Q&A.

Arbitrator Panel:
George R. Fleischli, Arbitrator, NAA
Jeanne M. Vonhof, Arbitrator, NAA
Jeanne Charles Wood, Arbitrator, NAA
Advocates:
Eric Bruce, Assistant Counsel, NTEU
Daniel J. Kaspar, Assistant Counsel, NTEU
Jill B. Lubetsky, Senior Attorney, U.S. Dept. of the Treasury, OCC
Daniel C. Mullinix, Senior Attorney, U.S. Dept. of the Treasury, OCC

12:00pm
Lunch

12:45pm
POST-LUNCH PLenary Panel

Changes to the MSPB Landscape
Chairman Grundmann will discuss current developments at the MSPB, including the implications of recent legislative and judicial developments affecting the appeal rights of federal employees, such as tenured employees subject to OPM suitability actions and SES appointees at the Department of Veterans Affairs. She will also discuss the board’s recent report, What is Due Process in Federal Civil Service Employment? and address common misconceptions about adverse employment actions in the Federal Civil Service. Other topics for discussion include the impact of adjudicating thousands of non-disciplinary furlough appeals and changes to the board’s approach in adjudicating whistleblower reprisal claims resulting from the Whistleblower Enhancement Act of 2012.

Susan Tsui Grundmann, Chairman, MSPB

1:15pm
Travel Break

1:20pm
Concurrent Sessions:

Effective Advocacy Before the MSPB and MSPB Case Law
This session will review recent noteworthy decisions of the MSPB and provide practical tips for effective advocacy.

Gay F. Chase, Administrative Law Judge, MSPB
Dorothy L. Moran, Administrative Law Judge, MSPB
Richard L. Rampage, Administrative Law Judge, MSPB
Georgia Vlahos, Administrative Law Judge, MSPB

FLRA Case Law Update
This session will provide an update of recent decisions of the FLRA and will discuss OGC practices and procedures.

Peter A. Sutton, Deputy General Counsel, FLRA

2:20pm
Break

2:30pm
Concurrent Sessions:

Attorney Ethical Challenges During an Age of Rapid Technological Change
Rapid technological developments have changed the way people communicate, and with those technological changes come new ethical perils for attorneys. Traditional labor law reaching into social media activity is now “old news,” but many lawyers still shy away from social media; are those attorneys ethically competent to handle labor law matters relating to social media? This panel will look beyond social media and will discuss both the benefits and ethical pitfalls associated with the use of already-existing and emerging technology such as cloud computing, the proliferation of handheld mobile devices and BYOD, and their implications for labor law practitioners.

Sara B. Kalis, Attorney, Littler Mendelson PC
Rachel See, Lead Technology Counsel, NLRB

Employee Dissent: Whistleblower/First Amendment Protections for the Federal Workplace
The Whistleblower Protection Enhancement Act of 2012, the Supreme Court’s decisions in MacLean v. Department of Homeland Security and Lane v. Franks, and the Federal Circuit’s decision in Whitmore v. Department of Labor portend a seismic shift in legal protections for employees to express dissent and disagreement with the actions and policies of their federal employers. The speaker will moderate a discussion on employee dissent under emerging whistleblower and First Amendment case law. The discussion will examine the balance between management discretion and employee rights, the competing interests at stake, how whistleblower and First Amendment protections differ, and potential areas for further case law development.

Bruce Fong, Associate Special Counsel, OSC

3:45pm
CLOSING PLenary Session

The Emerging Federal Workplace: Elements of Change
The Federal Service Impasses Panel members will discuss recent disputes over office relocations and work schedules that illustrate the tensions presented by future workplace issues such as: flexible work arrangements, alternative work schedules, telework, open space office design, metrics, and technology.

Barbara B. Franklin, Member, Federal Service Impasses Panel, FLRA
Edward F. Hartfield, Member, Federal Service Impasses Panel, FLRA
Mary E. Jacksteit, Chair, Federal Service Impasses Panel, FLRA
Martin H. Malin, Member, Federal Service Impasses Panel, FLRA
Joseph Schimansky, Executive Director, Federal Service Impasses Panel, FLRA
David E. Walker, Member, Federal Service Impasses Panel, FLRA
Donald S. Wasserman, Member, Federal Service Impasses Panel, FLRA

4:45pm
Reception

“I learned something new each session that will assist me in my law practice.” – Previous Attendee
## UPCOMING CLE CONFERENCES

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<th>Event</th>
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<td>2015 Supreme Court Intellectual Property Review</td>
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<td>October 8-9, 2015</td>
<td>College of Law Practice Management Futures Conference (Members Only)</td>
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<td>October 15, 2015</td>
<td>7th annual Conference on Futures &amp; Derivatives</td>
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<td>November 6, 2015</td>
<td>Exposed: Privacy, Security, and the Smart City</td>
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<tr>
<td>December 4, 2015</td>
<td>31st annual Illinois Public Sector Labor Law Conference</td>
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<td>April 14-15, 2016</td>
<td>33rd annual Section 1983 Civil Rights Litigation Conference</td>
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<td>May 19-20, 2016</td>
<td>35th annual Federal Tax Institute</td>
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### 5 REASONS WHY YOU SHOULD ATTEND

1. Explore coming trends in the federal workplace with leading experts in the field.
2. Ask the arbitrators all your burning questions about best practices and case presentation techniques.
3. Engage with leading experts in the federal sector labor law field.
4. Network with fellow federal sector labor law professionals.
5. Earn CLE credit, including 1 hour of ethics credit.

"Dynamic presentations about real labor law issues." - Previous Attendee

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## INSTITUTE FOR LAW AND THE WORKPLACE

Created in 1996, the Institute for Law and the Workplace is a national center for research, training, dialogue and reflection on the law that governs the workplace. The institute serves as an intellectual home for the labor and employment law community in Chicago and nationally. It pools the resources of leading scholars and the professional community to train students and professionals, monitor workplace trends, and reflect upon issues confronting the labor and employment law community in a neutral academic setting.

### INSTITUTE FACULTY

**Executive Director**
Marsha L. Ross-Jackson

**Assistant Dean**
Richard J. González

**Assistant Director**
Mary Rose Strubbe

**Faculty**
- Howard C. Eglit
- Richard J. González
- Laurie E. Leader
- César F. Rosado Marzán
- Henry H. Perritt, Jr.
- Carolyn Shapiro

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## FEDERAL SECTOR CONFERENCE SPONSORSHIP OPPORTUNITIES ARE AVAILABLE

For more information or to confirm your participation as a sponsor for this conference, contact Kelly Calvanico, Director of Continuing Legal & Professional Education, at 312.906.5091 or kcalvani@kentlaw.iit.edu.
CONTINUING LEGAL EDUCATION CREDIT

Accreditation has been or will be requested for the Federal Sector Labor Relations & Labor Law Conference for 6.5 general and 1.0 ethics CLE credits on a 60-minute credit hour and 7.75 general and 1.0 ethics CLE credits on a 50-minute credit hour. The actual number of approved hours may vary. Chicago-Kent is an accredited provider in both Illinois and Pennsylvania. See our website to learn if credit will be applied for or has been approved in additional states for this conference.

HOTEL ACCOMMODATIONS

We have negotiated special rates for our conference attendees at the following hotels:

The Crowne Plaza Chicago Metro is located just four blocks from Chicago-Kent and is a union hotel. Rooms are available at the group rate of $219 per night plus taxes. Reservation may be made by contacting the hotel directly at 312.829.5000 or online at www.crowneplaza.com/chicagometro. Please mention that you are with the IIT Chicago-Kent College of Law Federal Sector Labor Law Conference. When registering online enter the group code N9T. To enjoy this special group rate, reservations must be made by August 19, 2015.

The Millennium Knickerbocker Hotel is a short cab ride away from Chicago-Kent and is a union hotel. Rooms are available at the group rate of $209 per night plus taxes. Reservation may be made by contacting the hotel directly at 800.621.8140 or online at: www.knickerbockerchicago.com. Please mention that you are with the IIT Chicago-Kent College of Law Federal Sector Labor Law Conference. When registering online enter the group code 1509CONFER. To enjoy this special group rate, reservations must be made by August 6, 2015.

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<td>163 E. Walton Place</td>
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<tr>
<td>Chicago, IL 60601</td>
<td>Chicago, IL 60611</td>
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<tr>
<td>Phone: 312.829.5000</td>
<td>Phone: 800.621.8140</td>
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<td><a href="http://www.crowneplaza.com/chicagometro">www.crowneplaza.com/chicagometro</a></td>
<td><a href="http://www.knickerbockerchicago.com">www.knickerbockerchicago.com</a></td>
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Please be sure to mention you are attending the IIT Chicago-Kent College of Law Federal Sector Labor Law Conference when making your reservations to receive our special group rates. There are several city-wide events going on that week in Chicago and we recommend making your room reservation as soon as possible.

CANCELLATION POLICY

A full tuition refund will be granted if received by August 20, 2015. Tuition, less a 25% cancellation fee will be granted if received between August 21 and September 10, 2015. No refunds will be granted if received after September 10, 2015, but a substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive access to the written materials. Registrations made with a purchase order not cancelled before the September 10 deadline will be charged 25% of the registration fees. Email cancellation notices to cle@kentlaw.iit.edu.

PRICING

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*To qualify for the group pricing discount you need only register 3 or more individuals at the same time.

REGISTRATION FORM

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TE: Registration form must accompany payment information, a purchase order, or a voucher. Purchase orders or vouchers will not be accepted unless a hard copy is submitted with an assigned purchase order or voucher number. If your agency is transferring funds electronically, please notify us as soon as possible.

EASY WAYS TO REGISTER

ONLINE cle.kentlaw.edu

PHONE 312.906.5090

MAIL Office of CLE

IIT Chicago-Kent College of Law

565 W. Adams Street

Chicago, IL 60661-3691