HOT TOPICS IN CONTEMPORARY LABOR RELATIONS LAW CONFERENCE
EASY WAYS TO REGISTER

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MAIL
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Chicago-Kent College of Law
565 W. Adams Street
Chicago, IL 60661-3691
HOT TOPICS IN CONTEMPORARY LABOR RELATIONS LAW CONFERENCE

Back by popular demand, the Hot Topics in Contemporary Labor Relations Law Conference will give you the most recent developments on the evolving application of the National Labor Relations Act, particularly in light of the changing composition of the NLRB. Concentrated succinctly into a one-day conference, get hands-on practical knowledge and 6.25 hours of CLE credit.

CONFERENCE AT A GLANCE

8:00am–8:45am
Registration

8:45am–9:00am
Welcome & Announcements

9:00am–9:45am
Keynote Address

9:45am–11:00am
Opening Plenary Panel
Back in Private Practice—Applying the Lessons Learned as a Presidential Appointee with the NLRB

11:00am–11:15am
Break

11:15am–12:15pm
Concurrent Sessions
- Who is the Employer?
- Representation Case Primer
- Key Issues in the Bargaining Process

12:15pm–12:35pm
Box Lunch Pick-Up

12:35pm–1:35pm
Luncheon Table Talks
- Employee Status under the NLRA: Recent Developments & Possible Trends
- Protected Concerted Activity
- Remedies
- Access to Employees

1:35pm–1:45pm
Break

1:45pm–2:45pm
Post-Luncheon Plenary Panel
The Impact of the 2015 R Case Rules

2:45pm–3:00pm
Break

3:00pm–4:00pm
Concurrent Sessions
- Bargaining Units Determinations and the Impact of PCC Structurals
- ULP Primer
- ULP & R Case Law Update

4:00pm–4:15pm
Break

4:15pm–5:15pm
Concurrent Sessions
- The Supreme Court and the Future of Mandatory Arbitration and Class Action Waivers
- Employee Handbooks After Boeing
- Ethical Issues for Attorneys in Harassment Claims

5:15pm–6:15pm
Networking Reception

Programming support for this conference is provided by the National Labor Relations Board, Region 13
FEATURED FACULTY

KEYNOTE SPEAKER

Peter B. Robb
General Counsel
National Labor Relations Board

Richard F. Griffin, Jr.
Of Counsel
Bredhoff & Kaiser PLC

Philip A. Miscimarra
Partner
Morgan, Lewis, & Bockius LLP

Yona Rozen
Associate General Counsel
AFL-CIO

Martin H. Malin
Professor of Law,
Co-Director, Institute for
Law & the Workplace
Chicago-Kent College of Law

Peter Sung Ohr
Regional Director
NLRB, Region 13

Glenn Spencer
Senior Vice President,
Employment Policy Division,
U.S. Chamber of Commerce

CONFERENCE FACULTY

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Organizing Counsel
United Steelworkers Union

Lydia Colunga-Merchant
Legal Director
Raise the Floor Alliance

Christina Hill
Senior Attorney
NLRB, Region 13

Beverly P. Alfon
Partner
SmithAmundsen LLC

Elizabeth S. Cortez
Field Attorney
NLRB, Region 13

Paul G. Hitterman
Regional Attorney
NLRB, Region 13

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Shareholder
Littler Mendelson PC

Stanley Eisenstein
Partner
Katz, Friedman, Eagle, Eisenstein, Johnson, & Bareck PC

Joyce A. Hofstra
Supervisory Field Examiner
NLRB, Region 13

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Partner
Dowd, Bloch, Bennett, Cervone, Auerbach, & Yokich

Lisa Friedheim-Weis
Field Attorney
NLRB, Region 13

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Attorney
Klein, Paul, Holleb, & Jacobs, Ltd.

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Office Managing Principal
Jackson Lewis PC

Kate M.H. Gianopulos
Field Examiner
NLRB, Region 13

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Cozen O’Connor

Margarito Diaz Jaimes
Regional Political Coordinator,
Chicago & Midwest Regional Joint Board, Workers United

Amanda R. Clark
Attorney
Asher, Gittler, & D’Alba Ltd.

Scott A. Gore
Partner
Loner Muchin

Christopher A. Jolliie
Partner
Franczek Radelet PC
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<td>Matthew Persons</td>
<td>Field Examiner</td>
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<td>Terrance McGann</td>
<td>Partner</td>
<td>McGann, Ketterman, &amp; Rioux</td>
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<td>Jessica T. Muth</td>
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<td>Daniel N. Nelson</td>
<td>Assistant to the Regional Director</td>
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<td>Sylvia L. Posey</td>
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- Sylvia L. Posey: Field Attorney, NLRB, Region 13
- Paul Prokop: Supervisory Field Examiner, NLRB, Region 13
- Joseph J. Torres: Partner, Winston & Strawn LLP
- Beverly P. Alfon: Field Attorney, NLRB, Region 13
- Margaret Angelucci: Asher, Gitler, & D’Alba Ltd.
- Barry M. Bennett: Dowd, Blach, Bennett, Cervone, Auerbach, & Yokiich
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- Paul G. Hitterman: NLRB, Region 13
- Alan M. Kaplan: Masuda Funai
- Wes Kennedy: Allison, Slutsky, & Kennedy PC
- Susan Lewers: Chicago-Kent College of Law
- Martin H. Malin: Chicago-Kent College of Law
- César F. Rosado Marzán: Chicago-Kent College of Law
- Terrance B. McGann: McGann, Ketterman, & Rioux
- Daniel N. Nelson: NLRB, Region 13
- Peter Sung Ohr: NLRB, Region 13
- Christian G. Parker: Teamsters Local 705
- Kelly Powers-Hamp: Chicago-Kent College of Law
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- Henry N. Sledz, Jr: Schiff Hardin LLP
- Joseph J. Torres: Winston & Strawn LLP
- Anna Wermuth: Cozen O’Connor
- William A. Widmer III: Carmell Charone Widmer & Barr Ltd.
- Thomas M. Wilde: Vedder Price PC
8:00am-8:45am
Registration

8:45am-9:00am
Welcome

9:00am-9:45am
KEYNOTE ADDRESS
Peter B. Robb, General Counsel, National Labor Relations Board

9:45am-11:00am
OPENING PLENARY PANEL
Back in Private Practice—Applying the Lessons Learned as a Presidential Appointee with the NLRB
Former Chairman Miscimarra and General Counsel Griffin will provide insights on the development of the various decisions and legal positions during their tenure as presidential appointees with the Obama and Trump administrations.
Richard F. Griffin, Jr., Of Counsel, Bredhoff & Kaiser PLLC
Philip A. Miscimarra, Partner, Morgan Lewis & Bockius LLP
Moderator/Panelist: Peter Sung Ohr, Regional Director, National Labor Relations Board, Region 13

11:00am-11:15am
Break

11:15am-12:15pm
CONCURRENT SESSIONS

Who is the Employer?
This session will discuss the Board’s standard for joint-employer under Browning-Ferris and how joint-employer status is determined in settings outside the Board. They will also discuss the Board’s recent Hy-Bond decision and its key takeaways. You will leave this session with practical advice regarding joint-employer status, and you will gain insight from your colleagues surveyed on how they address the ‘who is the employer’ question.
Barry M. Bennett, Partner, Dowd, Bloch, Bennett, Cervone, Auerbach, & Yokich
Richard L. Samson, Office Managing Shareholder, Ogletree, Deakins, Nash, Smoak, & Stewart PC
Moderator/Panelist: Peter Sung Ohr, Regional Director, National Labor Relations Board, Region 13

Representation Case Primer
This panel will focus on the basics of Representation Case procedure under the amended election procedures and other aspects of R case law. Panelists will walk through each step of the election process from the petition through certification, including hearings before the NLRB. They will comment on special issues pertinent to specific types of employees such as higher education, trucking industries, and healthcare.
Jenny Goltz, Member, Cozen O’Connor
Khristian G. Parker, General Counsel, Teamsters Local Union No. 705
Moderator/Panelist: Daniel N. Nelson, Assistant to the Regional Director, NLRB, Region 13

12:15pm-12:35pm
Box Lunch Pick-Up

12:35pm-1:35pm
LUNCHEON TABLE TALKS

Employee Status under the NLRA: Recent Developments and Possible Trends
This session will explore legal developments on who constitutes an employee under the National Labor Relations Act, as well as expected trends in light of recent changes at the National Labor Relations Board.
Joseph J. Torres, Partner, Winston & Strawn LLP
Christopher J. Williams, Principal, Workers’ Law Office PC
Moderator/Panelist: Kate M.H. Gianopulos, Field Examiner Supervisor, NLRB, Region 13

Protected Concerted Activity
A discussion of the current state of protected concerted activity, as viewed by the NLRB, as an organizing tool, and as a bulwark against workplace discrimination.
Lydia Colunga-Merchant, Legal Director, Raise the Floor Alliance
Joshua D. Holleb, Attorney, Klein, Paul, Holleb, & Jacobs, Ltd.
Moderator/Panelist: Matthew Persons, Field Examiner, National Labor Relations Board, Region 13

Remedies
The panel will review the various remedies available, with a focused discussion on front pay, consequential damages, off-setting interim earnings, and default language in Board settlements.
Christopher Johlie, Partner, Franczek Radelet PC
Terrance McGann, Partner, McGann, Ketterman & Rioux
Moderator/Panelist: Joyce A. Hofstra, Supervisory Field Examiner, NLRB, Region 13

Access to Employees
The right of access to employees has evolved over the years as the NLRB has attempted to balance employers’ property rights with unions’ representation rights. More recently, the issue of access has seen interplay with employer policies concerning the use of company e-mail. Access to employees, whether in person or by electronic means, is an area that

Key Issues in the Bargaining Process
The panel will discuss the Raytheon decision as well as the various issues surrounding bargaining with respect to workplace automation. In particular they plan to address how unions and employers are working with new technology in the workplace. Immigrant issues will also be covered, specifically, how parties are dealing with no match letters and ICE raids.
Beverly P. Alfon, Partner, SmithAmundsen LLC
Margarito Díaz Jaimes, President, Amalgamated Laundry Local 969, Regional Political Coordinator, Chicago & Midwest Regional Joint Board, Workers United
Moderator/Panelist: Vivian Perez Robles, Field Attorney, National Labor Relations Board, Region 13
1:35pm-1:45pm
Break

1:45pm-2:45pm
POST-LUNCHEON PLENARY PANEL
The Impact of the 2015 R Case Rules
Professor Malin will present a statistical analysis of the experience under the NLRB’s R Case rules that took effect April 14, 2015, comparing the two year period before the rule changes with the two year period following the rule changes. Ms. Rozen and Mr. Spencer will comment from labor and management perspectives.
Martin H. Malin, Professor of Law, Co-Director of the Institute for Law and the Workplace, Chicago-Kent College of Law
Yona Rozen, Associate General Counsel, AFL-CIO
Glenn Spencer, Senior Vice President, Employment Policy Division, U.S. Chamber of Commerce

2:45pm-3:00pm
Break

3:00pm-4:00pm
CONCURRENT SESSIONS
Bargaining Unit Determinations and the Impact of PCC Structural
This session will examine the NLRB’s recent decision in PCC Structural and its significant impact on determination of an appropriate bargaining unit.
Specialty Healthcare has been overruled.
Stanley Eisenstein, Partner, Katz, Friedman, Eagle, Eisenstein, Johnson, & Bareck PC
Jason C. Kim, Partner, Neal, Gerber, & Eisenberg LLP
Moderator/Panelist: Daniel N. Nelson, Assistant to the Regional Director, NLRB, Region 13

ULP Primer
This session will provide an overview of ULP practice and procedure from agency, union, and employer perspectives. Topics will include considerations of when, what, and how to file an unfair labor practice charge; investigation procedures and best practices; resolution of investigations including discussions on deferrals and settlements; and opportunities for audience questions.
Anthony Alfano, Organizing Counsel, United Steelworkers Union
Scott A. Mayer, Labor and Employment Relations Attorney, Aramark Corporation
Moderator/Panelist: Jessica T. Muth, Deputy Regional Attorney, NLRB, Region 13

ULP & R Case Update
A 2017-2018 update of the new board law on unfair labor practice cases and representation cases. Some highlights will include McDonald’s and Hy-Brand;

4:00pm-4:15pm
Break

4:15pm-5:15pm
CONCURRENT SESSIONS
The Supreme Court and the Future of Mandatory Arbitration and Class Action Waivers
On January 13, 2017, the Supreme Court granted certiorari in three consolidated cases to resolve a circuit conflict over the NLRB’s D.R. Horton/Murphy Oil doctrine, which holds it unlawful to condition the employment of unrepresented employees on waiver of the right to engage in class litigation. In Oct. 2017, the Court heard oral argument, and the outcome will have a profound impact on class action litigation and related arbitration. The panel will address the implications of this decision for mandatory arbitration and class waivers, as well as touch on a few Board deferral standards.
Alejandro Caffarelì, Shareholder, Caffarelì & Associates Ltd.
Wesley Kennedy, Shareholder, Allison, Slutsky, & Kennedy PC
Mark L. Stolzenburg, Shareholder, Vedder Price PC
Moderator/Panelist: Sylvia L. Posey, Field Attorney, National Labor Relations Board, Region 13

Employee Handbooks After Boeing
An analysis of how the Board’s Boeing decision regarding the lawfulness of handbook rules changed the law, with a comparison to the former standard (the Luisean Heritage rule). The panel will also discuss the questions the Board left open.
Scott A. Gore, Partner, Laner Muchin
David Huffman-Gottsching, Partner, Jacobs Burns Orlove & Hernandez
Moderator/Panelist: Paul G. Hitterman, Regional Attorney, National Labor Relations Board, Region 13

Ethical Issues for Attorneys in Harassment Claims
• Attorney client privilege—when it may apply
• Attorney acting in different capacities scenarios
• Possible conflicts including attorney as a witness—legal and practical issues
• Attorney’s conduct during investigation and later representation including speaking with witnesses and speaking with potential defendants
James F. Botana, Office Managing Principal, Jackson Lewis PC
Amanda Clark, Attorney, Asher, Gittler, & D’Alba, Ltd.
Moderator/Panelist: Elizabeth S. Cortez, Field Attorney, National Labor Relations Board, Region 13

5:15pm-6:15pm
Networking Reception
## UPCOMING CLE CONFERENCES

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<td>May 17, 2018</td>
<td>37th Annual Federal Tax Institute</td>
<td>Eligible for 8.0 hours of IL MCLE credit</td>
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<tr>
<td>June 7, 2018</td>
<td>37th Annual Conference on Not-For-Profit Organizations</td>
<td>Eligible for 6.75 hours of IL MCLE credit</td>
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<td>August 9, 2018</td>
<td>Block(Legal)Tech Conference</td>
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<tr>
<td>September 11, 2018</td>
<td>The Morris Lecture in International and Comparative Law <em>(free!)</em></td>
<td>Eligible for 1.0 hour IL MCLE credit</td>
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<tr>
<td>September 13, 2018</td>
<td>36th Annual Federal Sector Labor Relations &amp; Labor Law Conference</td>
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<tr>
<td>November 1, 2018</td>
<td>10th Annual Conference on Futures &amp; Derivatives</td>
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<td>November 30, 2018</td>
<td>34th Annual Illinois Public Sector Labor Relations Law Conference</td>
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### WHO SHOULD ATTEND?
- Attorneys
- Labor Relations Professionals
- HR Professionals
- Employment Law Professionals
- Union Business Representatives

### WHY ATTEND?
Both new and experienced practitioners will find this hands-on seminar immediately relevant, with tracks for the most recent advanced NLRA developments as well as the nuts & bolts basics. You will:
- Hear directly from the most prominent experts in the field
- Interact directly with each panel during Q&A
- Connect and learn from your industry peers

“Excellent program to get perspectives from both sides in a room, as well as NLRB agents. Provided for interesting, useful, and insightful discussion.”

– Previous Attendee
Region 13 of the National Labor Relations Board conducts elections, investigate charges of unfair labor practices, and protect the rights of workers to act together, serving parts of Illinois and Indiana from its office in downtown Chicago. The Region has openings for legal externships and college internships for students interested in obtaining experience in labor law. All inquiries can be sent directly to Peter Sung Ohr, Regional Director, at Peter.Ohr@nlrb.gov.

Address: Dirksen Federal Court House, 219 S. Dearborn St., Suite 808, Chicago, IL 60604

For more information, visit:  www.nlrb.gov/region/chicago,  www.facebook.com/NLRBChicago/

INSTITUTE FOR LAW AND THE WORKPLACE

www.kentlaw.iit.edu/ilw

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

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Assistant Dean Marsha L. Ross-Jackson

Co-Directors

Professor Martin H. Malin
Professor César F. Rosado Marzán

Faculty

Professor Richard J. Gonzalez
Professor Anthony Michael Kreis
Professor Laurie E. Leader
Professor Henry H. Perritt, Jr.
Professor Carolyn Shapiro

INTERESTED IN SPONSORSHIP OPPORTUNITIES?

Get in front of your audience first-hand when you confirm your support as a session sponsor. Be everyone’s favorite phrase when you become a Wi-Fi sponsor. These are just a couple of the opportunities available at this conference and others throughout the year. Contact Kelly Calvanico, CLE Director, at 312.906.5091 or kcalvani@kentlaw.iit.edu for further information.
EVENT DETAILS

CONTINUING EDUCATION CREDIT

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**This Conference May Also Be Eligible For:**

| **HR Certification Institute Credit** | Contact the Office of Continuing Legal & Professional Education for more information, cle@kentlaw.iit.edu. |

CONFERENCE LOCATION

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565 W. Adams Street
Chicago, IL 60661
cle@kentlaw.iit.edu
(312)906-5090
https://cle.kentlaw.edu

CANCELLATION POLICY

A full tuition refund will be granted if received in writing by May 22, 2018. Tuition, less a 25% cancellation fee will be granted if received between May 23, 2018 and June 5, 2018. No refunds will be granted if received after June 5, 2018, but a substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive access to the written materials.

Email cancellation notices to cle@kentlaw.iit.edu.
REGISTRATION FORM

Prefix  Name(s) (please print)  Professional Title(s)

Firm/Company/Organization

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City, State, Postal Code

Telephone  Fax  Email

Special Dietary Requirements or Accessibility Needs?

Do You Plan to Attend Lunch?  Yes  No

CLE Credit?  Yes  No

Attorney Registration #

Registration Code (Enter characters appearing on the mailing label. Please enter this ID even if the label is addressed to someone else. Thank you!)

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☐ Payment by credit card
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Card Number  Expiration Date  CSV Code

Signature

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HOT TOPICS IN CONTEMPORARY LABOR RELATIONS LAW

Tuesday, June 12, 2018

Earn up to 6.25 hrs of IL MCLE credit