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. Concentrated succinctly into a one-day virtual conference, get hands-on practical knowledge and up to 17 hours of CLE credit.

**CONFERENCE AT A GLANCE**

9:00am–11:00am
Opening Plenary Address + The Role of Rulemaking and the NLRB

11:00am–11:15am
Break

11:15am–12:15pm
Concurrent Sessions
- Employee Rules and Handbooks, Boeing - Three Years Later
- Loss of Section 7 Protection, General Motors and More...
- Nuts + Bolts of Workplace Investigations

12:15pm–12:35pm
Break

12:35pm–1:35pm
Concurrent Sessions
- Diversity - Is the Door to Labor Law Open to Women and People of Color?
- Remedies, Compliance and Deferral to Arbitration
- High Times for Labor Law: The Intersection of Cannabis and the NLRA
- Secondary Activity: Rats, Banners, and the Current State of Flux
- Duty of Fair Representation

1:35pm–1:45pm
Break

1:45pm–2:45pm
The Future of the NLRA

2:45pm–3:00pm
Break

3:00pm–4:00pm
Concurrent Sessions
- Coverage of the Act: Joint Employers, Independent Contractors, Students, Religiously-affiliated Institutions, Charter Schools
- Ramifications of MV Transportation
- The Evolving Status of 8(a)(3) Discrimination Cases

4:00pm–4:15pm
Break

4:15pm–5:15pm
Concurrent Sessions
- Ethics - The Ethics of Arbitrator Selection
- Nuts + Bolts of Representation Cases
- Property Rights and Access Issues

Programming support for this conference is provided by the National Labor Relations Board, Region 13
CONFLICTS OF INTEREST AND THE NATIONAL LABOR RELATIONS BOARD

KEYNOTE SPEAKER

John F. Ring
Chairman
National Labor Relations Board

SESSION MODERATORS

Kate Marie Gianopulos
Supervisory Field Examiner
NLRB, Region 13

Paul G. Hitterman
Regional Attorney
NLRB, Region 13

Joyce A. Hofstra
Supervisory Field Examiner
NLRB, Region 13

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

Jessica Willis Muth
Deputy Regional Attorney
NLRB, Region 13

Daniel N. Nelson
Assistant to the Regional Director
NLRB, Region 13

Peter Sung Ohr
Regional Director
NLRB, Region 13

Paul Prokop
Supervisory Field Examiner
NLRB, Region 13

FEATURED FACULTY

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Partner
SmithAmundsen LLC

Gregory H. Andrews
Principal
Jackson Lewis P.C.

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Partner and Practice Group Leader, L&E Schiff Hardin, LLP.

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

Sharon Block
Executive Director, Labor and Worklife Program
Harvard Law School

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General Counsel
Teamsters Local 727

Lisa R. Callaway
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Michele Cotrupe
Associate Counsel
SEIU Local 1

Kenneth G. Dau-Schmidt
Carr Professor of Labor & Employment Law
Indiana University

Joshua Ditelberg
Partner
Seyfarth Shaw LLP

Joshua M. File
Partner
Katz, Friedman, Eisenstein, Johnson, Bareck & Bertuca

Lauren A. Fox
Member
Cozen O’Connor

Amy Moor Gaylord
Partner
Akerman LLP

Scott A. Gore
Partner
Laner Muchin

Angie Cowan Hamada
Shareholder
Allison, Slutsky & Kennedy, P.C.
9:00am-11:00am

Opening Plenary Address + The Role of Rulemaking and the NLRB

In this session John Ring, NLRB Chairman, will provide a Board update, recent cases, and rulemaking developments. The National Labor Relations Board has been more aggressive in recent years in using its rule-making authority on a wide variety of subjects. During the panel discussion Professor Dau-Schmidt will briefly outline the substance of these efforts and the pros and cons of developing the interpretation of the National Labor Relations Act through rules as opposed to adjudication.

John F. Ring, Chairman, National Labor Relations Board
Moderator: Peter Sung Ohr, Regional Director, NLRB, Region 13
Kenneth G. Dau-Schmidt, Carr Professor of Labor and Employment Law, Indiana University - Bloomington
Philip A. Miscimarra, Partner, Morgan Lewis & Bockius LLP
Mark G. Pearce, Distinguished Lecturer and Executive Director, Workers’ Rights Institute, Georgetown University Law Center
Moderator: Martin H. Malin, Professor of Law, Co-Director of the Institute for Law and the Workplace, Chicago-Kent College of Law

11:00am-11:15am

Break

11:15am-12:15pm

CONCURRENT SESSIONS

Employee Rules and Handbooks, Boeing - Three Years Later

In The Boeing Company, 365 NLRB No. 154 (2017), the NLRB overruled its decision in Lutheran Heritage Village-Livonia, 343 NLRB 646 (2004), which articulated the Board's previous standard governing whether facially neutral workplace rules, policies and employee handbook provisions unlawfully interfere with the exercise of rights protected by the NLRA. This presentation reviews the NLRB's subsequent applications of Boeing and critiques the Board's doctrine.

Barry M. Bennett, Partner, Dowd, Bloch, Bennett, Cervone, Auerbach, & Yokich
Joshua Ditelberg, Partner, Seyfarth Shaw LLP
Moderator: Paul Hitterman, Regional Attorney, NLRB, Region 13

Loss of Section 7 Protection, General Motors and More

In General Motors LLC, 14-CA-197985 369 NLRB No. 127 (2020), the National Labor Relations Board modified the standard for determining whether employees have been lawfully disciplined or discharged after making abusive or offensive statements—including profane, racist, and sexually unacceptable remarks—in the course of activity otherwise protected under the National Labor Relations Act (Act). This session will explore the pros and cons of that decision from employee, employer and EEOC perspectives, as well as the practical implications the Board’s new analysis raises.

Diane Smason, Deputy Director, US Equal Employment Opportunity Commission, Chicago District Office
Joseph J. Torres, Partner, Jenner & Block LLP
Christopher J. Williams, Co-Director, National Legal Advocacy Network
Moderator: Jessica Willis Muth, Deputy Regional Attorney, NLRB, Region 13

12:15pm-12:35pm

Break

12:35pm-1:35pm

CONCURRENT SESSIONS

Diversity - Is the Door to Labor Law Open to Women and People of Color?

A diverse group of labor practitioners discuss their collective experiences working in private practice and for government agencies. Specifically, they will examine why women and people of color have been traditionally unrepresented in certain roles in the labor community and what can be done to resolve this disparity.

Jayna Brown, General Counsel, Teamsters Local 727
Marisel A. Hernandez, Partner, Jacobs Burns Orlove & Hernandez
Sang-Yul Lee, Partner, K&L Gates LLP
Jason Patterson, Associate, Franczek PC
Moderator: Kate Marie Gianopulos, Supervisory Field Examiner, NLRB, Region 13

Remedies, Compliance and Deferral to Arbitration

This session will cover recent changes to Board remedies in areas such as limited bargaining orders for unilateral changes, deducting dues after the expiration of the contract, misclassifying employees, and temporary posting requirements due to COVID-19. We will also discuss the return to the Spielberg and Olin deferral standard.

Amy Moor Gaylord, Partner, Akerman LLP
Angie Cowan Hamada, Shareholder, Allison, Slutzky & Kennedy, P.C.
Moderator: Joyce A. Hofstra, Supervisory Field Examiner, NLRB, Region 13

High Times for Labor Law: The Intersection of Cannabis and the NLRA
A discussion of issues arising under the NLRA relating to cannabis industry employers, as well as issues regarding cannabis and the workplace.
Jonathan D. Karmel, Managing Partner, The Karmel Law Firm
Mark L. Stolzenburg, Shareholder, Vedder Price P.C.
Moderator: Peter Sung Ohr, Regional Director, NLRB, Region 13

Secondary Activity: Rats, Banners, and the Current State of Flux
This session will focus on the use of inflatables and banners in the context of Section 8(b)(4)(ii) (B) of the Act. The discussion will include analysis of the arguments currently pending before the National Labor Relations Board, tensions between arguments raised in those cases and extant Federal law, 1st Amendment implications and how these issues may evolve in the future.
Scott A. Gore, Partner, Laner Muchin Dale D. Pierson, General Counsel, IUOE Local 150
Moderator: Jessica Willis Muth, Deputy Regional Attorney, NLRB, Region 13

Duty of Fair Representation
This session will focus on a union’s duty of fair representation to bargaining unit employees under the Act. We will explore the evolving landscape of duty of fair representation investigations, as well as issues highlighted in recent GC memos including: a union’s duty to communicate with grievants; union security (Beck) issues and chargeability of expenses; and relevant remedies.
Lisa R. Callaway, Partner, Engler Callaway Baasten & Sraga, LLC
Vivian Schmitter, General Counsel, Teamsters Local 743
Moderator: Paul Prokop, Supervisory Field Examiner, NLRB, Region 13

1:35pm-1:45pm
Break

1:45pm-2:45pm
The Future of the NLRA
This panel will discuss the status of labor law in 2020 and how well it does or does not work. In doing so, we will explore possible alternatives to the current status and discuss a few relevant scenarios that highlight labor law’s current application in the workplace.
Sharon Block, Executive Director, Labor and Worklife Program, Harvard Law School
G. Roger King, Senior Labor and Employment Counsel, HR Policy Association

Moderator: Peter Sung Ohr, Regional Director, NLRB, Region 13

2:45pm-3:00pm
Break

3:00pm-4:00pm
CONCURRENT SESSIONS

Coverage of the Act: Joint Employers, Independent Contractors, Students, Religiously-affiliated Institutions, Charter Schools
This session will discuss recent developments on the scope of the Act’s coverage as it relates to employers and employees. Who’s in and who’s out?
Lauren Fox, Member, Cozen O’Connor
Stephen Yokich, Partner, Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich
Moderator: Daniel N. Nelson, Assistant to the Regional Director, NLRB, Region 13

Ramifications of MV Transportation
This panel will discuss not only the legal ramifications of the Board’s MV Transportation Decision but will also explore the practical implications the contract coverage standard of review will have on labor-management relationships.
Michele Cotrupe, Associate Counsel, SEIU Local 1
Brian C. Hlavin, Partner, Baum Sigman Auerbach & Neuman, Ltd.
Todd D. Steensson, Assistant General Counsel, Exelon Business Services Company, LLC
Moderator: Peter Sung Ohr, Regional Director, NLRB, Region 13

The Evolving Status of 8(a)(3) Discrimination Cases
In recent years, the Board has changed and refined how it analyzes cases alleging that an employer has unlawfully disciplined or discharged employees because of their union activities. This presentation will address how the Board has altered how it views the burdens of proof under the Wright Line standard, and overruled prior precedent in cases where an employee has committed misconduct while engaging in union or protected concerted activities.
Gregory H. Andrews, Principal, Jackson Lewis PC
Terrance McGann, Partner, McGann, Ketterman & Rioux.
Moderator: Paul Hitterman, Regional Attorney, NLRB, Region 13

4:00pm-4:15pm
Break
“Speakers were extremely knowledgeable and provided up-to-date information on recent case law.” – Previous Attendee

4:00pm-4:15pm
Break

4:15pm-5:15pm
CONCURRENT SESSIONS

Ethics-The Ethics of Arbitrator Selection
The labor-management community, for a very long time, has realized that there are few persons selected as arbitrators who are not male, senior, and white. Some success has been made in the selection of women as arbitrators, and relatively little success in the selection of persons of color. This panel will discuss the competing interests of advocates, on the one side wanting to win for their clients, and on the other their ethical and professional responsibility to promote diversity and inclusion. A central part of the discussion will be the Ray Corollary Initiative™ as a plan of action to change the paradigm in arbitrator selection.
Wesley Kennedy, Shareholder, Allison, Slutsky, & Kennedy PC
Homer C. LaRue, Professor of Law, Howard University School of Law
Kathryn E. Siegel, Shareholder, Littler Mendelson, PC
Arthur Pearlstein, Director of Arbitration, Federal Mediation and Conciliation Service

Property Rights and Access Issues
Over the last two years, the National Labor Relations Board issued a number of significant decisions related to employer property rights and union access. The panel will examine how these recent decisions have modified past precedent and established a new standard concerning how employer property rights are balanced against a union’s right to engage in organizational activity.
Derek G. Barella, Partner, Schiff Hardin, LLP
Matthew Jarka, Associate, Asher, Gittler, & D’Alba Ltd.
Moderator: Kate Marie Gianopulos, Supervisory Field Examiner, NLRB, Region 13

Nuts & Bolts of Representation Cases
This session will cover basic NLRB representation case processing with practical experiences from the panel. The presentation will also include recent developments in representation cases during these extraordinary times including the increased use of mail ballot elections.
Joshua M. File, Partner, Katz, Friedman, Eisenstein, Johnson, Bareck & Bertuca
Jason C. Kim, Partner, Neal, Gerber, Eisenberg LLP
Moderator: Daniel N. Nelson, Assistant to the Regional Director, NLRB, Region 13
EVENT DETAILS

PRICING
Hot Topics in Contemporary Labor Relations Law Conference 2020

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<th>General</th>
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*To qualify for the group pricing you need only register 10 or more individuals at the same time.

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*An additional 10 hours of CLE credit can be earned by post-conference viewing of the alternate concurrent sessions, at no additional cost.

QUESTIONS? CANCELLATIONS? WE ARE HERE TO HELP! CONTACT THE OFFICE OF CONTINUING LEGAL EDUCATION

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