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35th Annual Labor and Employment Law Conference

PRESENTED BY

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



IN COOPERATION WITH THE

**Orange County Labor and Employment
Relations Association
(OC LERA)**

AND THE

**Federal Mediation &
Conciliation Service**

WEDNESDAY, JULY 19, 2017

Sheraton Park Hotel
at the
Anaheim Resort
1855 South Harbor Boulevard
Anaheim, California

Taxpayer ID #95-3125802



ABOUT THE CONFERENCE...

This year marks the 35th Annual Labor and Employment Law Conference 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) and the Federal Mediation & Conciliation Service (FMCS).

Again this year, our Conference will provide information on current labor and employment law issues and legislation affecting the workplace. The Conference is designed for labor and management representatives in both the private and public sectors, including attorneys, human resources professionals, in-house counsel, business agents, union representatives, mediators, arbitrators and academics.

Our traditional Opening Plenary session presents an overview of "Hot Topics in the Workplace" which includes experts who will discuss "The ACA and California", "Organizing in the Home Health Care Services" and the increasing "Wild Ride of Immigration". After the Opening Plenary, attendees can choose from Workshops on timely subjects including "Pay Equity, Minimum Wages and Local Laws", "The Assault on Union Security and Agency Fees", "Mandatory Arbitration Agreements & the Erosion of Public Access to the Judicial System" and "The Changing Times at the NLRB". The Closing Plenary will be the always popular "Ask the Arbitrators" interactive session which will analyze arbitration hypos focusing on a "Mishmash of Medical Issues".

Our special keynote luncheon speaker will be **Fred Potter, International Vice President of the International Brotherhood of Teamsters and Director of the Ports Division.**

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 \$250 for current OC LERA members and Federal Government employees before June 30, 2017, and \$260 thereafter; \$285 for all others before June 30, 2017, and \$295 thereafter, which includes the luncheon, refreshments, parking, and conference materials on a flash drive. THERE WILL BE NO REFUNDS AFTER JULY 5, 2017.**

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CONFERENCE PLANNING COMMITTEE

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

Sara Adler	Juan Carlos Gonzalez	Joseph L. Paller, Jr.
Bonnie Prouty Castrey	Valerie Harragin	Danielle Pierce
Paul Crost	Ruben Ingram	Carlos Perez
William B. Cowen	Patrick D. Kelly	Marianne Reinhold
Lisa Demidovich	Thomas A. Lenz	Mori Rubin
Michael Four	Michael B. Mellema	Kristen Scott

Program

7:30 AM to 8:30 A.M. – Registration and Coffee

**8:30 AM to 8:45 A.M. – Welcome and
Opening Remarks**

Michael Mellema, *Attorney
Parker Milliken, Los Angeles, CA
President, OC LERA*

Marlene K. Heyser, *Founder, Workplace Law Strategies,
Chair, 35th Annual Labor and Employment Law Conference,
Past President, National LERA*

8:45 AM to 10:15 AM – Plenary Session

HOT TOPICS IN THE WORKPLACE :

This panel of seasoned experts will address selected "hot topics" in the workplace, including:

Organizing in the Home Health Care Services: Workers in the Home Health Care and Supportive Services are in great demand and issues surrounding their pay and working conditions are as important as meeting the demand for their services. Pending legislation in Sacramento addresses many of these issues.

The Affordable Care Act: Where is California and What Will Happen to Our Citizens? Our distinguished speaker from Covered California will provide the lessons learned from the Affordable Care Act ("Obamacare") implementation in California, the most up-to-date information on any changes to the Affordable Care Act, the positive and negative implications of the decisions made to repeal and/or replace, and efforts undertaken to address those implications.

Immigration: The "wild ride of immigration reform" has taken an even wilder turn! The President's "travel ban", and the Courts' decisions about the "travel ban" and the status of California's sanctuary cities will be discussed, as well as the impact on high-tech workers and students making this an even "hotter" topic.

MODERATOR: **Marlene K. Heyser**, *2017 Conference Chair
Founder, Workplace Law Strategies
Newport Beach, CA*

SPEAKERS:

Laurel Webb, *General Counsel
SEIU Local 2015, Fresno, CA*

Doug McKeever, *Chief Deputy Executive Director
Covered California, Sacramento, CA*

Josh Stehlik, *Supervising Attorney
National Immigration Law Center
Los Angeles, CA*

10:15 AM to 10:30 AM – Coffee Break

10:30 AM to 11:45 AM – Workshops I and II

(concurrent presentations)

WORKSHOP I:

Pay Equity, Minimum Wage, and Local Laws: Is your pay lawful?

In the last year there have been many forces at work seeking to change the rules on employee pay. Statistical evidence continues to show that women receive less pay than men for comparable work. California enacted law which took effect in 2016 to expand protections against pay discrimination based on sex. In 2017, the protections against pay discrimination expanded again under State law to include race and ethnicity. The Fight for \$15 movement and labor groups helped support changes in California law geared to raise the state minimum wage over the course of several years to \$15 per hour. At the same time, the federal government proposed regulations to set new standards for overtime pay exemptions, which a federal court has enjoined. If it's not complicated enough, local cities and counties have enacted local laws which establish minimum wages, employee leave, and benefit terms applicable to businesses working within their jurisdiction.

Our experienced panelists will discuss the impacts of these legal developments and how unions, employees, and employers should expect to protect themselves in a changing legal landscape.

MODERATOR: **Marianne Reinhold, Attorney**
Reich Adell & Cvitan, Santa Ana, CA

SPEAKERS:
Union: **Jennifer (Muir) Beuthin, General Manager**
Orange County Employees Association (OCEA)
Santa Ana, CA

TBD
SEIU Fight for \$15 Representative

Management: **Robert Roginson, Attorney**
Ogletree Deakins, Los Angeles, CA
(former Chief Counsel to State Labor Commissioner)

WORKSHOP II:

The Times They Are a-Changing... At the NLRB

There is much speculation about the future of the NLRB and potential shifts in Board law as a result of the change in political administration. This panel of experienced labor law practitioners and two Regional Directors will discuss new developments in Board law and procedure, and possible areas of future change. The workshop will include a lively discussion of topics such as employee status under the NLRA, and the Board's standard for employer handbook rules. The workshop will end with an interactive segment on NLRA considerations during workplace investigations, sure to be of interest to both employer and union representatives.

MODERATOR: **Danielle Pierce, Supervisory Field Examiner**
NLRB Region 31, West Los Angeles, CA

SPEAKERS:
NLRB: **Mori Rubin, Regional Director**
NLRB Region 31, West Los Angeles, CA

William B. Cowen, Regional Director
NLRB Region 21, Downtown Los Angeles, CA

Union: **Julie Gutman Dickinson, Attorney**
Bush Gottlieb, Glendale, CA

Management: **Harry I. Johnson, III, Attorney**
Morgan, Lewis & Bockius LLP
Santa Monica, CA

12 NOON to 1:45 PM – Luncheon

WELCOME AND INTRODUCTIONS:

Linda G. Gonzalez, Director
Mediation Services, Southwestern States
Federal Mediation & Conciliation Service
Glendale, CA

Mori Rubin, Regional Director
NLRB Region 31, West Los Angeles, CA

KEYNOTE SPEAKER:

Fred Potter, International Vice President,
Director, Teamsters Port Division
International Brotherhood of Teamsters
Hazlet, NJ

1:45 PM to 2:00 PM – Break

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

(concurrent presentations)

WORKSHOP III:

Union Security and Agency Fees: The New Assault

Unions' ability to collect membership dues is under attack. The U.S. Supreme Court will soon decide whether it is a First Amendment violation to require government employees to pay agency fees. National right-to-work legislation is advancing in Congress. 27 states have now enacted right-to-work legislation, and one federal court of appeals has now ruled that cities and counties can forbid enforcement of union security clauses by private sector employers in their areas. Our distinguished panel will discuss the impact of these attacks, and how unions and employers can prepare and protect themselves.

MODERATOR: **Michael D. Four, Attorney**
Schwartz, Steinsapir, Dohrmann & Sommers
Los Angeles, CA

SPEAKERS:
Union: **Joseph L. Paller, Jr., Attorney**
Gilbert & Sackman, Los Angeles, CA

Jacob F. Rukeyser, Legal Director
California Teachers Association (CTA)
Burlingame, CA

Management: **Erick Becker, Attorney**
Cummins & White, LLP, Newport Beach, CA

James C. Romo, Attorney
Atkinson, Andelson, Loya, Ruud & Romo
Cerritos, CA

WORKSHOP IV:

Mandatory Arbitration Agreements and the Erosion of Public Access to the Judicial System

Since the United States Supreme Court issued its landmark decision in *AT&T Mobility v. Concepcion*, businesses across the nation have utilized arbitration agreements as their primary line of defense against a rising tide of class action lawsuits. From the arena of employer-employee relations to consumer transactions, and even in the procurement of health insurance, it has become the norm for U.S. citizens to contractually waive their rights of access to the courts and juries in order to earn a living and obtain basic goods and services.

While strong federal precedent favors arbitration as a way to resolve legal disputes, many lawmakers, administrative agencies and judicial bodies have vigorously combatted the proliferation of arbitration agreements and attempts to constrain class, collective and representative actions. Veteran complex litigators will discuss the significant costs, benefits and nuances of the modern age of mandatory arbitration and the rapidly evolving war within the courts that continues to shape our time-honored rights of access to the Judicial System.

MODERATOR: **Mike Bucsko, Commissioner**
Federal Mediation & Conciliation Service
Anaheim, CA

SPEAKERS:
Management: **Gary S. Ganchrow, Attorney**
Parker Milliken, Los Angeles, CA

Plaintiff: **Andrew Friedman, Attorney**
Helmer Friedman, Beverly Hills, CA

3:15 PM to 3:30 PM – Break

3:30 PM to 5:00 PM – Plenary Session

Ask the Arbitrators
A Mishmash of Medical Issues

Some issues are new and others a perennial challenge for resolution in arbitration. This panel will explore issues related to medically prescribed marijuana, reasonable accommodation, fitness-for-duty physicals and more in an interactive session with experienced arbitrators in Southern California.

MODERATOR: **Fern Steiner, Attorney**
Smith, Steiner, Vanderpool & Wax, APC
San Diego, CA

ARBITRATORS: **Christopher David Ruiz Cameron, Arbitrator**
Sara Adler, Arbitrator/Mediator
Bonnie Castrey, Arbitrator/Mediator
Juan Carlos Gonzales, Arbitrator
Lou Zigman, Arbitrator

5:00 PM – Adjournment

DETACH HERE

Registration Form

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\$285 for all others before June 30, 2017 (includes one-year OC LERA membership); \$295 thereafter.

Please use a separate registration form for each registrant. Remit your completed registration form and payment to:

OC LERA, 2172 Dupont Drive, Suite 13, Irvine, CA 92612

For further information, call Olivia Mata at (949) 387-1869

NO REFUNDS AFTER JULY 5, 2017

Indicate Payment (check boxes that apply)

I am a current OC LERA Member or Federal Government employee. Enclosed is my check payable to OC LERA for \$250 before June 30, 2017; \$260 thereafter.

Enclosed is my check payable to OC LERA for \$285 before June 30, 2017; \$295 thereafter. This registration amount includes a one-year OC LERA membership.

Please charge my credit card: MasterCard Visa Amex

OC LERA Member or Federal Government Employee

Non-Member

Acct. No. _____ CW Code _____

Exp. Date _____ Billing Zip Code _____

Signature _____

Conference materials on a flashdrive are included in the registration fee. Enclosed is an additional \$25 for a binder of conference materials.

Name _____

Title _____

CA State Bar # _____

Organization _____

Address _____

City, State, Zip _____

Telephone _____

E-mail _____