



National Academy of Arbitrators (NAA)
Southwest / Rockies Region

**40th Annual Labor-
Management Conference**

(as of September 26, 2016)

Thursday, February 16, 2017

Training for labor advocates and arbitrators
FMCS and AAA Agency updates

Friday, February 17, 2017

Red Light/Green Light with a panel of arbitrators and advocates

Speakers

Margaret R. Brogan, President, National Academy of Arbitrators

Joe Bontke, Outreach Director, Equal Employment Opportunity Commission

Poster sessions & workshops on the following topics:

- Religious discrimination: Dress codes, religious holidays, and more
- The seven tests of just cause: Are they still relevant?
- Discipline and discharge for inefficiency
- Police and Fire workplace issues
- Due process conundrums
- Airline industry workplace issues
- Federal sector workplace issues
- Ethics for labor advocates and arbitrators, and more
- Residency requirements in the public and private sector

February 16-18, 2017

DoubleTree Hotel

Dallas Love Field

Hotel group rate registration ends January 25, 2017

Limited number of rooms available

Thursday, February 16

Advocate & Arbitrator Training

8:00 a.m. – 5:00 p.m. REGISTRATION

9:00 a.m. WELCOME – **Thomas A. Cipolla**,* Esq., *Chair, Southwest / Rockies Region*

9:00 a.m. – 3:45 p.m. ADVOCATE TRAINING

Leader: Kathy Fragnoli,* Esq., *San Diego, CA & Dallas, TX.*
Instructors: Mark Sherman,* *Houston, TX & Tampa, FL; I. B. Helburn*,* *Austin, TX; Daniel F. Jennings*,* *College Station, TX; Don E. Williams*,* Esq., *Longview, TX; Carl Bosland*,* Esq., *Washington, D.C. Ed Bankston*,* Esq., *Lafayette, LA & Nashville, TN; Maretta Comfort Toedt*,* Esq., *Houston, TX.*

How to handle: pre-hearing issues, case prep, discipline and just cause, researching tools, remedies, subpoenas, opening statements, arbitrability, direct and cross examination, handling objections, closing statements, enforcing the award.

9:00 a.m. – 3:45 p.m. ARBITRATOR TRAINING

Instructors: William McKee,* *Denton, TX; Kathy L. Eisenmenger*,* Esq., *Denver, CO.*

Topics: dealing with new advocates; continuing grievances; writing bullet-proof awards; unethical conduct by advocates; best practices for arbitrators; complex remedies.

FOR PRACTICING NEUTRALS ONLY!

4:00 – 5:00 p.m. AGENCY UPDATE (ALL)

Moderator: John F. Sass,* Esq., *Golden, CO.*

FMCS: **Arthur Pearlstein**, Esq., *Director of Arbitration, Washington, DC.*

AAA: **Patrick Tatum**, VP Labor, Employment and Elections, *Fresno, CA.*

Agency representatives will bring advocates and arbitrators up-to-date on labor cases filed in our region and nationally, training initiatives, and organizational changes at the FMCS and AAA.

5:00 p.m. – 6:00 p.m. SOCIAL HOUR (Cash Bar)

Hors d'oeuvres sponsored by: LERA, Greater Houston Chapter

6:00 p.m. DINNER

IN THE SPOTLIGHT - LGBT AND THEE

Speaker: Joe Bontke, Outreach Director, EEOC
Mr. Bontke is a professional comedian, EEOC official and frequent speaker on LGBT and other workplace discrimination issues.

Friday, February 17

Plenary Sessions & Workshops

8:00 a.m. – 5:00 p.m. REGISTRATION

9:00 a.m. WELCOME – **Thomas A. Cipolla**,* Esq., *Chair, Southwest / Rockies Region*

9:10 a.m. – 10:30 a.m. PLENARY SESSION

RED LIGHT - GREEN LIGHT WITH A TWIST: ARBITRATORS AND ADVOCATES IN THE HOT SEAT

Discussion Leader: Rex Wiant,* *Kansas City, MO & Kenner, LA*
Panelists: Sidney Moreland, IV, Esq., *(arbitrator), Baton Rouge, LA; Debra Simmons Neveu*, Esq., *(arbitrator), New Orleans, LA; David Watsky*, Esq., *(labor advocate), Dallas, TX; John Jansonius*, Esq., *(mgmt. advocate), Dallas, TX.*

10:30 a.m. – 10:45 a.m. BREAK

10:45 – 12 Noon POSTER SESSIONS

Mini-presentations that are repeated every 15-20 minutes. Participants are free to move from one topic to another based on their interests. Facilitator: **T. Zane Reeves**,* *Albuquerque, NM.*

- *RESIDENCY REQUIREMENTS IN THE PUBLIC AND PRIVATE SECTOR: Don Petersen*,* *Placitas, NM.*

- *THEFT: Leroy Bartman*,* *Fair Oaks Ranch, TX; John Barnard*,* *Dallas, TX.*

- *DISCIPLINE AND DISCHARGE FOR INEFFICIENCY: Lynn Rubi-nett*, *Austin, TX; Louise B. Wolitz*,* *Austin, TX.*

- *RELIGIOUS DISCRIMINATION: DRESS CODES, RELIGIOUS HOLIDAYS, AND OTHER ISSUES: Ruben Armendariz*,* *San Antonio, TX; Edward Valverde*, *Fort Worth, TX.*

- *THE SEVEN TESTS OF JUST CAUSE: ARE THEY STILL RELEVANT? Beber Helburn*,* *Austin, TX; M. Zane Lumbley*,* *Brenham, TX & Monroe, WA.*

- *MEASURED AND METERED - AN UPDATE: Will Hartsfield*, Esq., *Dallas, TX.*

- *PUTTING NAMES WITH FACES: MEETING NEWER ARBITRATORS: Kathryn "Katie" Durham*,* Esq., *Atlanta, GA & Austin, TX.*

12:00 p.m. – 1:30 p.m. LUNCH

ARBITRATION AND THE CONTINGENT WORKFORCE

Speaker: Margaret R. Brogan,* Esq., *President, National Academy of Arbitrators.* Contractors, franchisees, vendors, gig economy, service sharers, temporary workers. Who is the employer? NAA President Brogan will discuss the changing face of work and the role arbitration plays in determining rights and obligations.

1:45 p.m. – 3:15 p.m. **EARLY AFTERNOON WORKSHOPS**

CHOOSE ONE OF FOUR

DUE PROCESS ISSUES IN BOTH PUBLIC AND PRIVATE SECTOR GRIEVANCE ARBITRATION CASES. Discussion Leader: **Sharon Gallagher,*** Esq., Oshkosh, WI. Panelists: **Christopher Antone,** Esq., (mgmt.) Dallas, TX; **Eric Nelson,** Esq., (union), Houston, TX.

Due process issues may arrive in many forms and at various stages of the arbitration process. Advocates from both sides and the arbitrator will give their views, incorporating their case experiences.

AIRLINE LABOR RELATIONS IN TRANSITION. Discussion Leader: **Bill McKee,*** Denton, TX. Panelists: **Helen Yu,** Esq., SWA Pilots' Assoc., Dallas, TX; **Mark Moscicki** (invited), American Airlines, Lantana, TX.

Mergers, acquisitions, spinoffs – what effect do these events have on culture and labor relations? Panelists will discuss changing approaches to grievance and arbitration procedures in the industry and their experiences.

POLICE AND FIRE UPDATE. Moderator: **Don E. Williams,*** Esq., Longview, TX. Panelists: **Tony Puckett,** Esq., Oklahoma City, OK; **Jim Moore,** Esq., Oklahoma City, OK; **Michael Cronig,** Esq., Austin, TX; **Michael Rickman,** Esq., CLEAT, San Antonio, TX.

Advocates will discuss non-criminal force issues, best practices in presenting police and fire disputes, body cams as evidence, criminal conduct of fire and police officers, discretionary actions, hearsay, and methods to displace discovery.

ETHICS FOR ADVOCATES AND ARBITRATORS. Discussion Leaders: **Ruben R. Armendariz,*** San Antonio, TX; **Rex Wiant,*** Kansas City, MO & Kenner, LA.

Using real cases from the FMCS and NAA's Committee on Professional Responsibility and Grievances (CPRG), two arbitrators lead a straight-forward and fast-paced discussion on current ethical issues, such as scheduling, social media, and situations involving the appearance of impropriety.

3:15 – 3:30 p.m. **BREAK**

3:30 p.m. – 5:00 p.m. **LATE AFTERNOON WORKSHOPS**

CHOOSE ONE OF THREE

POSTAL SERVICE UPDATE. Discussion Leader: **Paul Chapdelaine,*** Pearland, TX. Panelists: **Rick Acker,** Manager Field Labor Relations, USPS; **Lew Drass,** Vice President, NALC; **T.J. Branch,** NPMHU Manager, Contract Administration; **Joey**

Johnson, NRLCA Director, Labor Relations, and **Tony McKinnon,** APWU Director, Labor Relations.

Panelists will address current issues and ongoing changes in the postal environment and answer audience questions.

FEDERAL SECTOR ISSUES. Discussion Leaders: **Kathy Fragnoli,*** Esq., San Diego, CA & Dallas, TX; **Norman Bennett,*** Esq., McKinney, TX. Panelists: TBD

This session will focus on issues of interest to advocates and arbitrators involved with federal agencies and unions, such as: jurisdiction of the Merit Systems Protection Board (MSPB), disciplinary actions and Douglas factor considerations, role of arbitration in federal grievance process, filing of exceptions to arbitration awards to Federal Labor Relations Authority (FLRA), and how or when arbitration awards are modified or exceptions denied by the FLRA.

ETHICS FOR ADVOCATES AND ARBITRATORS. See description for early afternoon session.

Saturday, February 18

8:00 a.m. – 10:00 a.m. **NAA SW/ROCKIES REGION MEETING**

Business meeting for National Academy of Arbitrators members only.

10:00 a.m. – 12:00 Noon **POSTAL MEETING**

Conveners: **Kathy Eisenmenger,*** Esq., Denver, CO; **Paul Chapdelaine,*** Houston, TX. This traditional Saturday session gives all stakeholders an "open mike" to express their concerns about any aspect of postal arbitration.

CLE CREDITS (INCLUDING ETHICS)

Application has been made to the State Bar of **Texas** and the State Bar of **Oklahoma** for participatory hours of MCLE, including 1.50 hours for ethics. Application for MCLE credits has also been made to the Texas State Bar College. Information regarding approved CLE will be available at the conference registration desk.

Program Committee: Don E. Williams,* Esq.; I.B. Helburn*; Paul Chapdelaine*; William McKee*; Maretta Comfort Toedt,* Esq.

Arrangements: William McKee*

Registrar: Elvis C. Stephens*; Ray Britton,* Esq.

REGISTRANT INFORMATION

Please Register by February 1, 2017 to avoid late fees.

NAME 1 _____

Email _____

NAME 2 _____

Email _____

NAME 3 _____

Email _____

NAME 4 _____

Email _____

Organization _____

Street _____

CITY _____ ST _____ ZIP _____

PHONE _____ Check One: Cell _____ Ofc _____

EMAIL _____

Please note that future conference brochures and registration may be available on-line only. Your email address will ensure that you receive notification of next year's conference.

For planning purposes, please indicate below which Friday workshops you or members of your group are planning on attending.

1:45 – 3:15 p.m. Workshops

1. Airline Workplace _____
2. Due Process Conundrums _____
3. Police and Fire Arbitration Update _____
4. Ethics for Advocates and Arbitrators _____

3:30 – 5:00 p.m. Workshops

5. Federal sector issues in the workplace _____
6. Postal Service Update _____
7. Ethics for Advocates and Arbitrators _____

Please let us know if you require special accommodations or meals.

To register online and receive more information about our region and this program, go to www.naaswr.org. Here you can keep updated on program changes, view the list of member arbitrators, and see selected articles.

REGISTRATION FEES CALCULATION

Please check the specific training session you wish to attend

Thursday, February 16, 2017

[*] Rate for each of four or more attending from one organization

Registration	Regular Reg. (thru 02/01/2017 Ind./Group*	Late Reg. (02/02 to 02/16/2017) Ind./Group*	# attending	Amt. Due
Advocate Training	\$120/\$110	\$145/\$135		
Arbitrator Training	\$120/\$110	\$145/\$135		
Dinner	\$45.00	\$45.00		

Friday, February 17, 2017

[*] Rate for each of four or more attending from one organization

Plenary Sessions & Workshops	Regular Reg. (thru 02/01/2017) Ind./Group*	Late Reg. 02/02 to 02/17/2017) Ind./Group*	# attending	Amt. Due
Total	\$120/\$110	\$145/\$135		

Total Enclosed for February 16 and 17, 2017	\$
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TO REGISTER ONLINE, VISIT OUR WEBSITE AT: www.naaswr.org.

Credit cards accepted on the website or by contacting Elvis C. Stephens @ 940-382-3087

Make checks payable to: Southwest / Rockies Region NAA

No refunds after January 25, 2017

Mail or FAX to:

Elvis C. Stephens *

P.O. Box 424591

Denton, TX 76204

Phone (940) 382-3087

Fax (940) 382-4507

Email: SWRockie@verizon.net

National Academy of Arbitrators
Elvis C. Stephens
Southwest / Rockies Region
P.O. Box 424591
Denton, TX 76204



Return Service Requested

TO:

LOCATION

DoubleTree Hotel at Dallas Love Field, 3300 W. Mockingbird Lane, Dallas, Texas 75235.
(214) 357-8500

HOTEL RESERVATIONS

The hotel has reserved a limited block of rooms at the group rate of \$124.00 per night plus tax, subject to availability. All reservations should be received by the hotel no later than **January 25, 2017**. Reservation requests received by the hotel after January 25, 2017 are subject to space and rate availability. Check-in time is 3:00 p.m. For call-in reservations, call (214) 357-8500 and provide Group Code **NAA** to receive the \$124.00 group rate.

Limited free parking is available on a first-come, first served basis.

Please let us know if you require special accommodations or meals.

TRANSPORTATION

The DoubleTree Hotel provides free shuttle transportation to and from Dallas Love Field for registered guests.

ARBITRATION INFO (New!)

The NAA, in conjunction with the University of Missouri School of Law, has launched a new website for the general public, professionals, and journalists. The website, www.arbitrationinfo.com, offers neutral, non-commercial and comprehensive information about workplace arbitration.

PROCEEDINGS

Volumes 1 through 66 (1948 through 2013) of *The Proceedings of the NAA* are now available on the Academy's website (www.naarb.org). Papers presented at NAA Annual Meetings are published by BNA in *The Proceedings*, which are available free of charge in a searchable format.