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34th 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 and
Conciliation Service**

Wednesday – July 27, 2016

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

Taxpayer ID #95-3125802



ABOUT THE CONFERENCE...

This year marks the 34th 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 practical information on current labor and employment law issues and legislation affecting the workplace. This program 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, after which registrants may choose among workshops on timely subjects, including: Negotiating "Medical Miracles"; "Dependent Contractors" and the "Gig" Economy; a dynamic NLRB Roundtable focusing on joint employer issues and Weingarten rights; and a timely workshop on Preparing for and Dealing With Violence Issues in the Workplace. The Closing Plenary session will be the ever-popular "Ask the Arbitrators" interactive session, which will analyze arbitration hypos arising out of violence and threats of violence in the workplace.

Our special keynote luncheon speaker will be **The Honorable Mark Gaston Pearce, Chairman, National Labor Relations Board, Washington D.C.**

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 \$230 for current OC LERA members and Federal Government employees before July 5, 2016, and \$240 thereafter; \$270 for all others before July 5, 2016, and \$280 thereafter, which includes the luncheon, refreshments, parking, and conference materials on a flash drive. THERE WILL BE NO REFUNDS AFTER JULY 13, 2016.**

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Conference Planning Committee

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

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

Program

7:30 AM to 8:30 AM – Registration and Coffee

8:30 AM to 8:45 AM – Welcome & Opening Remarks

**Juan Carlos Gonzalez, Esq., Arbitrator and Mediator
President, OC LERA**

**Marlene K. Heyser, Founder, Workplace Law Strategies,
Chair, 34th 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:

Immigration and Human Trafficking: Immigration reform continues on a wild roller coaster ride while immigration issues continue to grow. Human trafficking has now reached into all communities, shocking many and hurting all involved. The EEOC continues to have a lead role in preventing this discrimination and stopping human trafficking. This panel will discuss the actions the EEOC is taking and what employers and unions can do.

Pay Equity? Equal Pay? California now has an additional law that attempts to ensure pay fairness. President Obama has given the EEOC the authority to require employers with 100 or more employees to provide data showing pay statistics. What impact will California's new law and President Obama's executive action really have on pay fairness? How will it impact employers? Unions? The panel will discuss these issues.

The New Minimum Wage @ \$15/Hour – For Better or Worse! On April 4, 2016, Governor Jerry Brown signed legislation that will raise California's minimum wage in annual incremental steps starting January 1, 2017, to a new minimum wage of \$15/hour by 2022. Thereafter, the minimum wage will be tied to inflation. The impact of this legislation is not without controversy: will it truly benefit workers, or will it reduce jobs and opportunities available to those workers? The panel will analyze these very important issues.

MODERATOR: **Marlene K. Heyser, 2016 Conference Chair
Founder, Workplace Law Strategies
Newport Beach, CA**

SPEAKERS:

Government: **Anna Y. Park, Regional Attorney
Los Angeles District Office, EEOC, Los Angeles, CA**

Management: **Thomas A. Lenz, Attorney
Atkinson Andelson Loya Ruud & Romo, Cerritos, CA**

Union: **Monica Guizar, Attorney
Weinberg Roger & Rosenfeld, 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:

“Medical Miracles” – How Labor And Management Can Work Together

This workshop will address the array of “Medical Miracle Drugs” that are now available and the vast number on the horizon. Two of the most famous new drugs are Hepatitis C (Sovaldi and Harvoni) which cost \$84,000 for a twelve-week course, and PCSK9 Inhibitors that reduce cholesterol at a cost of between \$7-10,000 a year for life. Also anticipated in the near future are a series of improved oral chemotherapies for many common cancers, including breast, uterine, lung, and prostate cancer.

Employers and employees must face the daunting task of figuring out how to pay, who will pay, and what the impact will be at the bargaining table. This panel of experts will discuss the these life-saving drugs, their potential costs, the perspectives of both unions and management in negotiating the payment of the enormous costs of these drugs, and will suggest ways for both employers and employees to reduce and/or control those costs while still providing the drugs to those who need them.

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

SPEAKERS:
Management: **Ruben Ingram**, *Executive Director, School Employers Association of California Irvine, CA*

Union: **Patrick D. Kelly**, *Secretary-Treasurer International Brotherhood of Teamsters, Local 952 Orange, CA*

Expert: **Mark Lowenthal**, *Managing Director, Integrity Pharmaceutical Advisors, No. Charleston, SC*

WORKSHOP II:

“Dependent” Contractors and the “Gig” Economy: New Challenges for Employers, Employees And Unions

Uber, Lyft, TaskRabbit and other new companies have created a new work model that gives the work of traditional employees to a new brand of independent contractor. “Gig” workers choose their own hours, use their own cars or tools, and can work from home, but they have no right to minimum wages, overtime, health care, retirement plans, unemployment benefits or Social Security. Our distinguished panel will provide insights on whether these new workers are really employees, and whether they have legal protections when they organize or engage in group job actions. Our speakers will also explore recent litigation involving these “dependent” contractors, and legislative proposals for protecting them from exploitation.

MODERATOR: **Kristen Scott**, *Senior Field Examiner, NLRB Region 21, Downtown Los Angeles, CA*

SPEAKERS:
Management **Michael B. Mellema**, *Attorney Parker Milliken, Los Angeles, CA*

Union: **Joshua F. Young**, *Attorney Gilbert & Sackman, Los Angeles, CA*

Academic: **Catherine Fisk**, *Chancellor’s Professor of Law University of California Irvine, Irvine, CA*

12 NOON to 1:45 PM – Luncheon

WELCOME AND INTRODUCTIONS:

Olivia Garcia, *Regional Director NLRB Region 21, Downtown Los Angeles, CA*

Tina Marie Littleton, *Commissioner Federal Mediation & Conciliation Service, Glendale, CA*

KEYNOTE SPEAKER:

Hon. Mark Gaston Pearce, *Chairman, National Labor Relations Board Washington, D.C.*

1:45 PM to 2:00 PM – Break

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

(concurrent presentations)

WORKSHOP III:

NLRB Roundtable

The ever-popular NLRB Roundtable will inform and entertain with this year’s lively panel. Join us as we discuss the NLRB’s controversial new joint-employer standard in *Browning-Ferris*, and the impacts of that decision on employers, workers, and unions. Don’t miss our update on the new representation case rules, including Regional statistics and helpful tips about navigating the R-case process. And union representatives, labor relations professionals, and attorneys alike will want to participate in our *Weingarten* workshop, an interactive refresher course on employees’ right to representation in union (and non-union?) settings, and what that means for employers and unions. The NLRB Roundtable will cover all of this, and more, as we see what exciting developments the Board gives us in 2016!

MODERATOR: **John Hatem**, *Supervisory Field Examiner, NLRB Region 21, Downtown Los Angeles, CA*

SPEAKERS:
NLRB: **Olivia Garcia**, *Regional Director, NLRB Region 21, Downtown Los Angeles, CA*

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

Union: **Michael Four**, *Partner, Schwartz, Steinsapir, Dohrmann & Sommers, Los Angeles, CA*

Management: **Daniel Adlong**, *Attorney, Ogletree Deakins, Costa Mesa, CA*

WORKSHOP IV:

Preparing for and Dealing with Violence Issues in the Workplace

Issues of workplace violence – both real and perceived – are all too common in both the public and private sector. This panel will discuss how employers and unions can recognize and address legitimate safety concerns while simultaneously addressing employees’ privacy and due process rights. Learn how employers and unions have attempted to deal with these issues through collective bargaining, training and other preventative measures, mediation techniques including Transformative Mediation, and other methods designed to deal with the increasing fear of violence in the workplace and the need for personal safety while respecting employees’ rights. Specific scenarios in public workplaces as well as in major organizations will be explored, including disciplinary and arbitration issues.

MODERATOR: **Juan Carlos Gonzalez, Esq.**, *Arbitrator and Mediator, Westlake Village CA*

SPEAKERS: **Valerie Harragin**, *Commissioner Federal Mediation & Conciliation Service, Glendale, CA*

Carlos R. Perez, *Attorney Reich Adell & Cvitan, Los Angeles, CA*

Michael T. Travis, *Attorney, Parker & Covert LLP, Tustin, CA*

3:15 PM to 3:30 PM – Break

3:30 PM to 5:00 PM – Plenary Session

Ask the Arbitrators

A panel of distinguished arbitrators will discuss their respective views on a number of timely and relevant hypotheticals involving violence and threats of violence in the workplace. What should be done with employees who are “potentially violent,” and what factors should be raised and considered during arbitrations involving discipline or termination? Don’t miss this popular presentation – audience participation is encouraged!

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

ARBITRATORS: **Sara Adler**, *Arbitrator/Mediator, Mei Bickner*, *Arbitrator Christopher David Ruiz Cameron*, *Arbitrator Lou Zigman*, *Arbitrator*

5:00 PM – Adjournment

Registration Form

34TH ANNUAL LABOR AND EMPLOYMENT LAW CONFERENCE

WEDNESDAY, JULY 27, 2016

Registration Fee: **\$230** before July 5, 2016, for current OC LERA members and federal government employees; \$240 thereafter.

\$270 for all others before July 5, 2016 (includes one-year OC LERA membership); \$280 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 13, 2016

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 \$230 before July 5, 2016; \$240 thereafter.

Enclosed is my check payable to OC LERA for \$270 before July 5, 2016; \$280 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 _____

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