ALRA advisor....

Association Of
Labour Relations Agencies

March 2002

WARREN'S AWARD

Warren receiving award from Her Excellency the Right Honourable Adrienne Clarkson, the Governor General of Canada. Seated to the right Canada's Prime Minister the Right Honourable Jean Chrétien.

On October 16, 2001, ALRA Executive Board member Warren Edmondson was awarded the Government of Canada's Outstanding Achievement Award for 2001. In a ceremony in Ottawa, the Governor General, Her Excellency the Right Honourable Adrienne Clarkson, and the Prime Minister of Canada, the Right Honourable Jean Chrétien, presented Mr. Edmondson with the highest honour in the Public Service of Canada, in recognition of his exemplary service and many accomplishments over the course of his career in the federal government.

In a letter accompanying the award, Prime Minister Chrétien wrote:

> The selection committee recognized your sustained outstanding achievement in modernizing the conduct of labour-management relations in Canada. Through your focus on building healthy, long-term relationships of trust, you have played a major role in strengthening labour-management cooperation in the federal jurisdiction. Your unwavering personal integrity and excellent judgement have led those with whom you have worked to a deeper respect for the Government of Canada. It is with enthusiasm that I support the committee's recommendation.

ALRA members are aware that Warren has earned a reputation for fairness and integrity in labour-management relations. His sustained achievement in modernizing the conduct of collective bargaining in Canada included the establishment of an innovative preventive mediation program to assist unions and employers to improve their relationships and problem-solving skills. His personal involvement has also resulted in the settlement of numerous industrial disputes that had threatened to affect national social and economic interests.

Congratulations, Warren!

President's Column

Julie Hughes

ALRA wants you! If you are already as involved in ALRA activities as you would like to be, opportunities for you to become more involved are just around the corner. On April 15, 2002, your Agency will receive notice of any and all vacancies on the Executive Board for 2002-03. If you are interested in running for the Executive Board, please let me know of your intent, through a letter of nomination, no later than May15. If you are not interested in running for a position on the Executive Board, you may want to be a member of one of our many committees. If you are interested in serving on a committee for the 2002-03 term, please let President-Elect Bob Anderson know of your interest. I urge each of you to get more involved in ALRA!

Also, in April, your Agency will receive its annual dues statement from Vice-President of Finance Dan Nielsen. Dues are $250, an amount that has not increased in more than 15 years. As of this writing, ALRA has a record number of 72 member agencies.

I urge all of you to attend our very special 50th anniversary celebration at our annual conference at the U.S. Grant Hotel in San Diego from July 20-24, 2002. All former ALRA presidents and Executive Board members will be honored. Without exception, our alumni are thrilled to have been located by ALRA and invited to our conference. I am hopeful that many, if not most, of them will be able to attend. Many thanks to our 50th anniversary committee (Marv Schurke, Rick Curreri, Ken Strike, John Higgins, Mike McDermott, Jaye Bailey Zanta) for locating our alumni.

A fabulous program has been planned for our San Diego conference by Program Committee co-chairs Mary Johnson and Liz McPherson and their committee members. Speakers include U.S. Representative Hilda Solis and Stanford University law professor and former NLRB Chairman Bill Gould. Program topics include: effects of terrorism on collective bargaining; collective bargaining in the entertainment industry; immigrant labor issues; violence in the workplace, and education reform. The Professional Development Committee, chaired by Jaye Bailey Zanta, has planned an exciting program for staff training. Staff training sessions include ethics, legal issues in the hearing process; diversity; managing mediation resources, and Agency response to crisis.

A two-day ALRAcademy will once again precede the conference. ALRAcademy, an intense two days of training in mediation, unfair labor practice charges, and representation issues, is designed for newly appointed Board Members, Commissioners, and Executive Staff. If you have someone in your Agency who might be eligible to attend ALRAcademy, please contact ALRAcademy Coordinator Jacalyn Zimmerman at 312-793-6480.

Finally, our Arrangements Committee (Gerald James – chair, Micki Callahan, Norma Turner, Bob Hackel and Doug Collins) has planned many fun and exciting social events for us during the conference, including a catered picnic dinner at Mission Bay, reception at Sea World, harbor dinner cruise, and a San Diego Padres baseball game. The conference will conclude with a cocktail reception and banquet with entertainment provided by comedian Will Durst.

Watch your mail in April, so you don't miss the announcement of Executive Board vacancies as well as your dues statement. Please consider getting more involved in ALRA. There is a place in ALRA for each of you. The more, the merrier.

Julie

Thank you John Higgins and Joel Weisblatt!

On the last day of the Montreal conference last summer, the Executive Board bid goodbye to two of its members and good friends: John Higgins and Joel Weisblatt. In this edition of the ALRA Advisor, we now say thank you.

John Higgins has held a number of positions with the NLRB, including Member and Solicitor. He has also held a number of positions with ALRA. He was Vice-President of Professional Development for a dozen years and was the presiding spirit of ALRA Academy. He graciously welcomed many of our member agency commissioners and staff into the hospitable world of ALRA and the sometimes perplexing world of neutrality. He also shaped the Washington D.C. conference in 1997 and helped produce a profit of over $16,000. As ALRA president, he presided at another stunningly successful conference in Philadelphia. Now that his term as immediate past-president has expired, John can simply enjoy rather than run ALRA conferences — provided he continues to teach at ALRA Academy! And by the way, it is truly a tribute to ALRA that John says that we are the professional organization he most values.

Joel Weisblatt is a Member of the New York and New Jersey Port Authority Employment Relations Panel as well as a prominent arbitrator. In Montreal, he completed a three year term as an Executive Board member. If you've enjoyed the programs at ALRA conferences over the past several years, you owe Joel a thank you because he's served on many program committees, contributed many ideas, and secured many speakers. He also took the lead in creating and publicizing the ALRA Exchange Program. Joel, like John, was an unfailingly gracious and thoughtful voice in Executive Board deliberations and a champion of collegiality by example.

As we say "goodbye" to two Executive Board members, we're also pleased to say "hello" to two more: Mary Johnson of the National Mediation Board and Liz McPherson of Canada's Federal Mediation and Conciliation Service. After Linda McIntire left her job with the Vermont Labor Relations Board, Mary stepped in as a co-chair of the Montreal program committee; she continues in that role this year and is joined in planning the San Diego program by Liz. In addition, Liz will continue to co-teach the mediation course at ALRA Academy.

As you can see, Executive Board members work hard. But hard work makes good friends and a great organization.

Bob Anderson

News from the Policy and Constitution Committee

The Policy and Constitution committee is composed of John Higgins of the NLRB, Eileen Hoffman of the FMCS, Annette Price of the Oklahoma Public Employees Relations Board, John Cochran who has just retired from the Massachusetts Labor Relations Commission, and me. (I work for the New Jersey Public

Employment Relations Commission). As ALRA president-elect, I chair the committee.

The committee has proposed two constitutional amendments. Both proposed amendments received unanimous approval from the Executive Board at its March 10 meeting and will now be considered by the membership at the annual business meeting in San Diego. This year's conference will honor ALRA's past presidents and the two constitutional amendments are aimed at contributing to that spirit.

The first proposal is to amend Article VI, Section 1 to allow an immediate past president to be a voting member of the Executive Board. At present, the immediate past president is an ALRA officer, but cannot vote. The Executive Board and the Policy and Constitution committee believe that allowing the immediate past president to vote promotes the collegiality that is at the heart of ALRA.

The second proposal is to amend Article III, Section 2 to provide that past presidents shall be granted honorary membership automatically. Granting such memberships has been a custom, but sometimes we've forgotten to do so. The Executive Board approved a motion to grant all past presidents honorary memberships and then approved a constitutional amendment to grant all future past presidents honorary memberships.

This amendment carries no price since honorary members must still pay the registration fee if they wish to attend a conference. Also, honorary members no longer employed by member agencies cannot vote or make or second motions at the annual meeting since voting rights belong to member agencies.

Both proposed amendments will be formally sent to member agencies by June 20. They will then be presented at the annual meeting for member agencies to consider. A constitutional amendment must be approved by two-thirds of the member agencies to go into effect.

Bob Anderson

Professional Development Update

The Professional Development Committee met on March 9, 2002 in Orlando, Florida as part of the ALRA Executive Board meeting. The Committee has had a busy year planning sessions of the 2002 ALRA conference, reviewing ALRA Training Grant applications, further developing the training resources information available to member agencies and preparing once again for the always successful ALRAcademy.

ALRA Conference Training Sessions

The PD Committee will once again present several training sessions during Wednesday afternoon of the ALRA summer conference in San Diego. This year, the Committee corresponded with all member agencies for input on the sessions. We received many responses. Based on the information from agencies and ideas from the Committee members, the PD Committee will present four sessions on Wednesday afternoon, running between 1:15 and 4:15. We will once again offer the very well-received session on ethics in our business. The member agencies overwhelmingly requested that this session be offered again this year. Additionally, there will be a segment on managing time-intensive resources

during fiscally difficult times. For those involved directly in hearings, there will be a session on handling the increasing "legalization" of the hearing process. Finally, there will be a session on diversity issues, concentrating on the barriers and problems faced by labor relations professionals in developing our careers.

Because of time constraints, two sessions will be offered simultaneously. This always causes some difficulty for attendees in choosing between two equally interesting topics. This year, we hope to videotape each session and make the tapes available for members after the conference. Also, written materials will be provided for each session.

ALRA Training Grants

This was a great year for member agencies taking advantage of the available ALRA Training Grant funds. As most of you know, ALRA reserves funds for member agencies to assist in providing training opportunities throughout the year for staff members. A complete description of the money available and the criteria for grant applications can be found on the ALRA website.

This year, two grants were approved by the Executive Board between September and March. The Minnesota Bureau of Mediation Services, the Iowa Public Employment Relations Board and the Wisconsin Employment Relations Commission teamed up in requesting a $5,000 grant for staff training in the June, 2002. The training will offer a seminar discussing the effectiveness of mediation strategies, techniques and styles. This seminar will use interaction between agency staff members and "outside" to exchange ideas, opinions, and information regarding expectations of the mediation process. The training will also offer a seminar covering recent developments in bargaining unit representation cases, including discussion of the applicablity of traditional unit determination criteria to new or unusual circumstances and issues of unit proliferation and accretion.

In another joint effort, the Illinois Labor Relations Board and the Illinois Educational Labor Relations board requested a $1,500 grant to provide intensive decision-writing training to staff members. Professor Dana Underwood of the St. Louis University School of Law (who many of you might remember from past ALRA conferences) will provide her excellent review of individuals' writing samples as well as provide a group training session.

Anyone interested in discussing the Training Grant program is encouraged to call or write to Jaye Bailey Zanta at 860-566-3306 or Jay.Zanta@po.state.ct.us.

Training Resources

For the past few years, the PD Committee has been collecting and making available through the website, training materials for the use of member agencies. That effort is continuing. Please see Akivah Starkman's article on that project in this issue.

ALRAcademy

Once again this year, the PD Committee will conduct ALRAcademy from July 19 – July 21 in San Diego. One of the brightest stars in ALRA's firmament, the Academy provides an intensive orientation into the practicalities and legalities of the labor relations world for chairpersons, board and commission members and top-level agency staff. The Academy will be overseen this year by Jackie Zimmerman, General Consel of the Illinois Labor Relations Board.

The event will begin on Friday, July 19th with dinner and introductions to the faculty and continue with courses throughout Saturday and Sunday morning. ALRA will provide meals and course materials; attendees must cover transportation and hotel accommodations.

Any agency with candidates for ALRAcademy should contact Jackie Zimmerman at the Illinois Labor Relations Board, 160 North LaSalle Street, Suite S-400, Chicago Illinois, 60601-3103. You may also call Jackie at 312-793-6400.

SURFERS' PARADISE

No, this isn't another plug for the San Diego Conference! But for those of us who do most of our surfing with a mouse instead of a shortboard, it's a reminder of the wealth of information that resides on ALRA's web site: www.alra.org.

Thanks to the efforts of many member agencies, the ALRA home page offers links to a variety of training resources that are available to be shared. You will find lists of manuals, educational materials, audio and video tapes, and even names of recommended trainers, on topics ranging from mediation and ADR to ethics and representation proceedings. The material listed on the site may be borrowed from an ALRA agency; contact names and numbers are provided. All of which can be explored and accessed from the comfort and safety of your own keyboard.

In order to ensure that this material is as up-to-date and useful as possible, we encourage you to review your agency's information on a regular basis. If you want to add to or update any entries, or to recommend any other material to include, please contact Akivah Starkman at astarkman@circ-ccri.gc.ca.

And do visit and make use of the site – it's "epic".

From Australia

Many thanks for the Advisor and the photos which were here on my return from holidays a few weeks ago. Sorry not to get back to you sooner but have been on the road

Federal Files

quite a bit. I enjoyed reading the Advisor very much and particularly the photos of so many familiar faces. Brought back happy memories. I understand that the arrangements for next year are well under way and that San Diego is looking like a great venue. I have not written off my chances of attending but unfortunately they are fairly slim. A number of long cases will come to a climax at about that time. Please give my best wishes to all, particularly that youthful President elect (Does he still have the elephant tie?). Trust that all is well with you, with thanks again, Geoff.

National Labor Relations Board

In January 2002 President Bush appointed two Republicans to the National Labor Relations Board: Michael J. Bartlett and William B. Cowen. Both received recess appointments, meaning they will serve until a replacement is confirmed or until the current Congress adjourns sine die. The naming of new members was crucial to the operation of the Board, since it had been without a quorum since December 20, 2001, and had announced its intention not to issue decisions in that situation.

Mr. Bartlett was most recently director of labor law policy at the U.S Chamber of Commerce and previously served as an attorney representing management at various law firms and as vice president for employee relations at Eastern Airlines. Mr. Cowen was principal attorney for Institutional Labor Advisors, LLC, which he founded in 1997. He previously was associated with several law firms. Both Mr. Cowen and Mr. Bartlett had served with the NLRB early in their careers.

In March 2002 the Office of the General Counsel issued a memorandum to field staff implementing the Board's decision in Ishikawa Gasket America, Inc., 337 NLRB No. 29 that the language in Board notices should be changed to be clearly and easily understood by employees. The goal is to ensure that all notices are written in laypersons' language without legal jargon. The memorandum cites provisions in certain recent cases which "state clearly the precise nature of the unlawful conduct

and the steps the employer or union will take to remedy that conduct, without phrasing it as a legal conclusion."

The full text of the memorandum is available on the Board's web site at www.nlrb.gov.

Federal Mediation and Conciliation Service

The FMCS has announced the program for the Eleventh National Labor-Management Conference to be held May 29-31, 2002 in Chicago, IL. The Conference will feature 60 sessions covering all aspects of labor-management cooperation, high performance work organizations, shared decision making and interest based bargaining in various industries, including the public sector. These presentations feature the individuals and organizations actually involved in the labor-management relationships. Additionally, representatives of the FMCS will address issues such as its international initiatives, mediator credentialing, and arbitrator ethics. For further information see the conference web site: www.nmlc2002.org or call the conference office on 202 606-3631.

Department of Labor

The annual report of the Department of Labor for the year 2001 was issued in March 2002 and is available on the DOL web site at www.dol.gov.

Federal Labor- Management Relations

Federal Labor Relations Agency - Federal Service Impasses Panel

In March 2002 President Bush announced that he had named four new members to the Federal Service Impasses Panel, in effect replacing all current members. The FSIP is the component of the FLRA that resolves impasses between Federal agencies and unions representing Federal employees arising from negotiations over conditions of employment. At full strength the panel has seven members, who serve part time. The new chair is Becky Norton Dunlap, a vice president of the Heritage Foundation. The other three members are all business executives.

Coverage of Bargaining Rights

In January 2002 President Bush issued an executive order barring more than one thousand employees of the Justice Department from collective bargaining rights on the basis of national security. The order effectively removed representation from two locals at the DOJ, both represented by AFSCME. Other unions affected include the American Federation of Government Employees, National Federation of Federal Employees, and the National Treasury Employees Union, which had been trying to organize a U.S. Attorney's office. The unions argued that in many cases the employees represented were in clerical or other staff support positions.

Office of Compliance

The Office of Compliance administers provisions of the 1995 statute that extends the rights and protections of eleven employment and labor laws to covered employees of the legislative branch of the Federal government. The Office was recently asked to begin a comprehensive investigation relating to health concerns as a result of the anthrax-related cleanup of the Hart Senate Office Building and the presence of irradiated mail on Capitol Hill.

Labour law

Charter of Rights and Freedoms – freedom of association – exclusion of agricultural workers from labour relations legislation

Name of case: *Dunmore v. Ontario (Attorney General)*

Supreme Court Panel: Chief Justice McLachlin and Justices L'Heureux-Dubé, Gonthier, Iacobucci, Binnie, LeBel, Arbour, and Bastarache; Justice Major dissenting

Court appealed from and date of judgment: Judgment of the Ontario Court of Appeal dated January 26, 1999.

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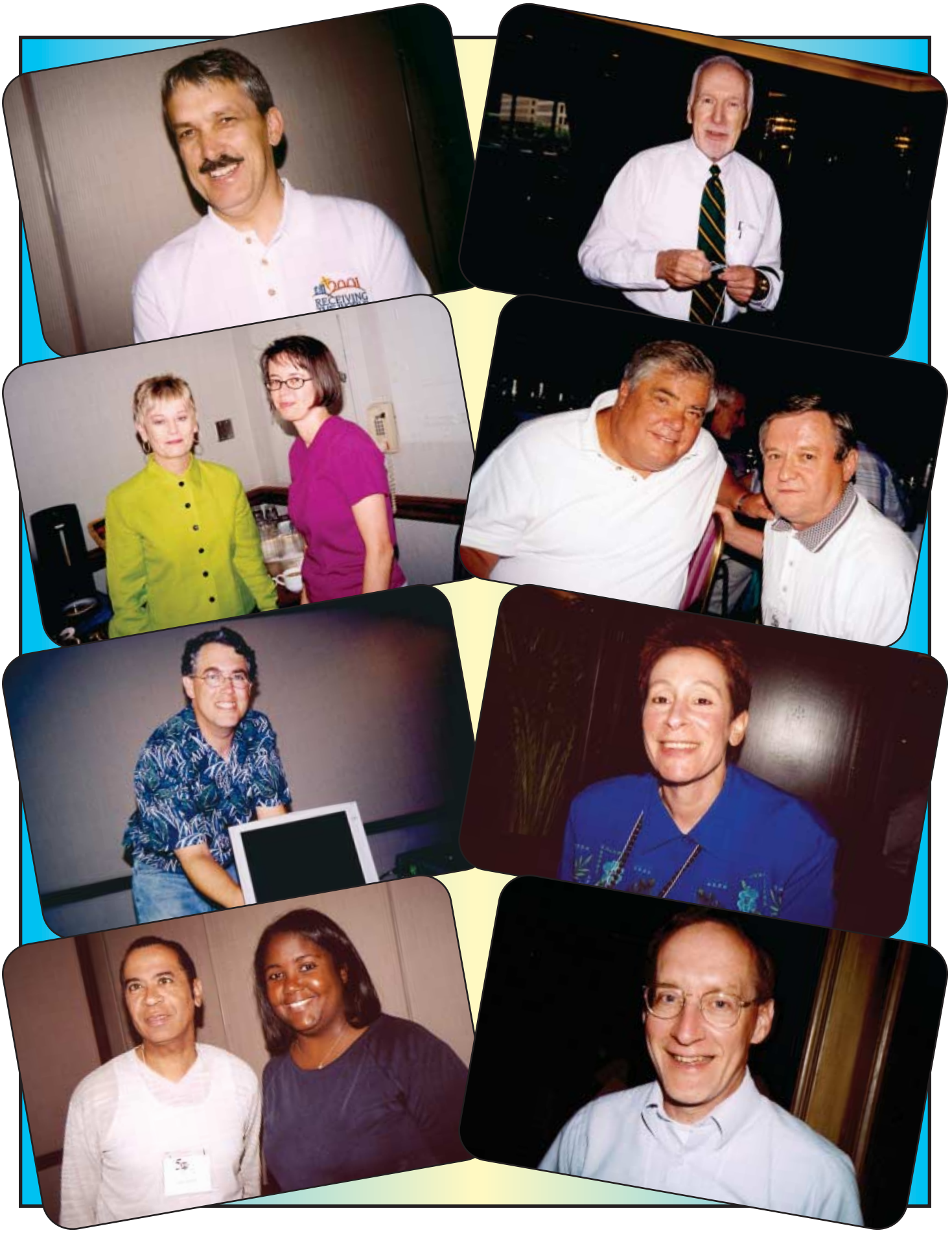

Facts: The case arose from the repeal by the newly-elected Conservative government in 1995 of legislation (the *Agricultural Labour Relations Act*) enacted by the NDP in 1994. The NDP legislation extended collective bargaining rights to agricultural workers, who had previously been excluded from the province's labour relations regime by s.3(b) of the *Labour Relations Act*. The effect of the repeal was to revive the exclusion of agricultural workers from collective bargaining rights. At the same time, the *Labour Relations and Employment Statute Law Amendment Act* was passed, terminating any union certifications and any collective agreements negotiated under the *ALRA*.

Together with other agricultural workers, and with the support of the United Food and Commercial Workers International Union, Tom Dunmore applied to the Ontario courts, challenging the repeal of the *ALRA* and the exclusion of agricultural workers from the provisions of the *Labour Relations Act.* Dunmore and the union argued that the government's action infringed the rights of agricultural workers to freedom of association and equality under sections 2(d) and 15(1) of the *Canadian Charter of Rights and Freedoms*. When the Ontario legislation was upheld by Ontario's courts, the workers and the union appealed to the Supreme Court of Canada. The Canadian Labour Congress and the governments of Quebec and Alberta also intervened to make submissions.

Case History: Judge Robert Sharpe of the Ontario Court (General Division) dismissed the application. In his view, while the purpose of the legislation was undoubtedly to deny agricultural workers the right to bargain collectively, "it is difficult … to discern a governmental purpose to deny agricultural workers the right to form an association." In any case, he held, to the extent that agricultural workers were deprived of the ability to form trade unions, such deprivation was due to the private actions of their employers rather than the legislative regime itself and thus was not subject to Charter review by virtue of the Supreme Court of Canada's decision in *RWDSU v. Dolphin Delivery Ltd.*, [1986] 2 S.C.R. 573.

Turning to the parties' claim under s.15(1) of the Charter, Sharpe agreed that agricultural workers had been denied a legal benefit or protection enjoyed by most other workers, namely, the right to engage in statutory collective bargaining. He was not persuaded, however, that agricultural workers constituted an analogous group for the purpose of establishing discrimination under s.15(1). According to the judge, occupational status was not a "personal trait or characteristic" entitling the workers to pursue a claim of discrimination under s.15(1) for differential treatment.

Dunmore and the union appealed Judge Sharpe's ruling to the Ontario Court of Appeal. In a two-page judgment, the Court of Appeal dismissed the appeal, declaring "[w]e agree with the judgment of [Judge] Sharpe, both with the result at which he arrived and his reasons." Dunmore and UFCW appealed to the Supreme Court of Canada.

Supreme Court's decision (8-1 majority): The appeal was allowed.

Reasons: The majority noted that, while the Charter does not ordinarily oblige the state to take affirmative action to safeguard the exercise of fundamental freedoms, s.2(d) may, depending on the context, impose a positive obligation on the state to extend protective legislation to unprotected workers in order to make the freedom to associate meaningful. However, in order to challenge "under-inclusion" under s.2(d), workers have to demonstrate that: (1) their claim is grounded in fundamental *Charter* freedoms rather than in access to a particular statutory regime; (2) exclusion from the statutory regime substantially interferes with their exercise of protected s.2(d) activity; and (3) the state is responsible for their inability to exercise fundamental freedoms.

After reviewing the evidentiary record, the majority determined that agricultural workers are substantially incapable of exercising their fundamental freedom to organize without the protective regime of the *Labour Relations Act*. But for the brief period of the *Agricultural Labour Relations Act*, there had never been an agricultural workers' union in Ontario and agricultural workers had suffered repeated attacks in their efforts to unionize. Equally important, the Court declared, was the message sent by the exclusion of agricultural workers from the *Labour Relations Act* which delegitimized their

associational activity and thereby contributed to its ultimate failure. The effect of Ontario legislation, the Court concluded, was to impose a "chilling effect" on non-statutory union activity.

Moreover, the Court was not persuaded that the exclusion of agricultural workers was permitted by s.1 of the *Charter* which allows reasonable limitations "demonstrably justified in a free and democratic society." While it was reasonable to speculate that unionization would threaten the flexibility and co-operation that is characteristic of the family farm, the Court held, this was not sufficient reason to deny agricultural workers the right to form an agricultural association or to warrant an unqualified and total exclusion of all agricultural workers from Ontario's labour relations regime. In any case, the Court stated, the reliance on the family farm justification ignored an increasing trend in Canada towards corporate farming and complex agribusiness.

In the result, the Court declared s.3(b) of the Ontario *Labour Relations Act* unconstitutional, and declared the *Labour Relations and Employment Statute Law Amendment Act* unconstitutional to the extent that it gave effect to the exclusion of agricultural workers in s.3(b) of Ontario's *Labour Relations Act*. The declaration was suspended for a period of 18 months to allow amending legislation to be passed. The majority concluded: "In [our] view, these principles require at a minimum a regime that provides agricultural workers with the protection necessary for them to exercise their constitutional freedom to form and maintain associations…. For these reasons, [we] conclude that at a minimum the statutory freedom to organize in s.5 of the *LRA* ought to be extended to agricultural workers, along with protections judged essential to its meaningful exercise, such as freedom to assemble, to participate in the lawful activities of the association and to make representations, and the right to be free from interference, coercion, and discrimination in the exercise of these freedoms…. In choosing the above remedy, [we] neither require nor forbid the inclusion of agricultural workers in a full collective bargaining regime, whether it be the *LRA* or a special regime applicable only to agricultural workers such as the *ALRA*."

Having concluded that s.3(b) limited the right of agricultural workers to freedom of association guaranteed by s.2(d) of the Charter, the Court held that it was not necessary to determine whether the exclusion denied the workers equality before the law without discrimination as guaranteed by s.15 of the Charter.

Justice John Major dissented, ruling that s.2(d) of the *Charter* did not impose a positive obligation or require protection or inclusion. In his view, the fact that agricultural workers had historically faced significant difficulties organizing did not establish that the state was responsible for their inability to exercise a fundamental freedom.

Date of the Supreme Court's decision: December 20, 2001.

— Lancaster House Labour Law On-Line

Industrial relations – secondary picketing – what constitutes illegal picketing

Name of case: *R.W.D.S.U., Local 558 v. Pepsi-Cola Canada Beverages (West) Ltd.*

Supreme Court Panel: Chief Justice McLachlin and Justices L'Heureux-Dubé, Gonthier, Iacobucci, Major, Bastarache, Binnie, Arbour, and Lebel

Court appealed from and date of judgment: Judgment of the Saskatchewan Court of Appeal dated October 30, 1998.

Facts: In the spring of 1997, members of the Retail, Wholesale and Department Store Union went on strike against Pepsi-Cola Canada in Saskatoon. Pepsi obtained an injunction ordering striking employees off the company premises. While strikers picketed outside the premises, the company continued to carry on business, bringing in personnel and supplies from other major centres. Angry and bitter over Pepsi's use of replacement workers, some of the strikers became confrontational, blocking delivery trucks, harassing drivers, and gathering outside the homes of company managers, yelling insults and threats.

In the course of the dispute, strikers approached the proprietors of retail outlets which stocked Pepsi products to persuade them not to accept delivery. They set up a picket line outside one of the outlets, and picketed in front of a hotel where company personnel were staying. Pepsi

responded by going back to court. A judge of the Saskatchewan Court of Queen's Bench granted a further injunction, restraining members of the union from blocking Pepsi vehicles, from harassing Pepsi employees and customers, and from picketing at any location other than the Pepsi premises. The union objected to the breadth of the provisions, in particular those restraining picketing at any location other than Pepsi's premises and picketing at the residences of Pepsi employees. It appealed to the Saskatchewan Court of Appeal, which overturned the injunction in part.

Case History: Speaking for a majority of the Saskatchewan Court of Appeal Court, Judge Stuart Cameron held that, since there was no legislation in Saskatchewan regulating picketing and the strike was lawful, the Court should not restrain picketing unless intervention was necessary to prevent the commission of a common law wrong. Judge Cameron refused to follow the approach adopted in 1963 by the Ontario Court of Appeal in *Hersees of Woodstock v. Goldstein*. In that case, the Ontario court suggested that an employer's right to trade must always prevail over the right of striking employees, and that, as a result, secondary picketing was illegal in and of itself.

Turning to the Pepsi injunction, Cameron held that while picketing at the homes of Pepsi employees amounted to intimidation and private nuisance, the same was not true for all picketing away from Pepsi's premises. As the result, he upheld the restraint on picketing at the homes of Pepsi employees, while striking down the general prohibition against picketing at locations other than Pepsi's premises. Pepsi appealed to the Supreme Court of Canada.

Supreme Court's decision (9-0): The appeal was dismissed.

Reasons: Speaking for the Court, Chief Justice Beverley McLachlin and Justice Louis Lebel canvassed three possible approaches to the common law of secondary picketing: (1) an absolute bar on secondary picketing (the "illegal per se" doctrine); (2) a bar on secondary picketing except for "allied" enterprises (the modified "*Hersees"*) rule; and (3) permitting secondary picketing unless the picketing amounts to wrongful conduct. The Court opted for the third approach, holding that it best reconciled the competing interests. These interests included the legitimate use of economic pressure to resolve differences between employers and employees, the importance of freedom of expression, particularly in the labour context, and the interests of employers and third parties in protection from excessive harm as a result of picketing and other labour action.

Noting that the common law must respond to changing social, moral, and economic needs, the Court stressed the importance of freedom of expression in the Charter of Rights and Freedoms. In particular, the Court declared, protection from economic harm should never be accorded "absolute or pre-eminent importance over all other values," and must yield to "labour speech," which the Court referred to as "fundamental not only to the identity and self-worth of individual workers and the strength of their collective effort, but also to the functioning of a democratic society." While limitations on freedom of expression would be permitted "only to the extent that this is shown to be reasonably and demonstrably justified in a free and democratic society," the interest of employers and third parties in being protected from economic harm must necessarily yield to other interests.

The Court went on to reject the rule, adopted in the Hersees case, that secondary picketing should be per se illegal. Such a rule was without precedent and, in the Court's view, reflected "a deep distrust of unions and collective action in labour disputes." By relying on a formalistic distinction between employer and non-employer premises, the per se rule discounted the importance of freedom of expression and risked "shutting off the message" rather than "regulating the activity." The Court also rejected the idea of maintaining the per se rule and developing exceptions for particular types of cases. In the Court's view, these exceptions did not provide a workable alternative to the inflexible per se rule. While they would soften the harshest effects of the Hersees doctrine, they would make the common law difficult to apply in a consistent, clear manner.

In contrast to the "illegal per se" and "modified Hersees" models, the "wrongful-action" model advanced the fundamental value of freedom of expression while providing "adequate protection for neutral third parties." The Court noted that many of Pepsi's concerns about the wrongful action model were unfounded.

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While the wrongful action model would not provide "total protection" to third parties, it would catch "most problematic picketing" and, in any event, could always be refined by the courts and legislatures. At minimum, the wrongful-conduct approach would prohibit picketing which breaches the criminal law or one of the specific wrongs like trespass, nuisance, intimidation, defamation or misrepresentation, and inducing breach of contract.

Having concluded that secondary picketing is lawful unless it involves wrongful or criminal conduct, the Court proceeded to strike down part of the injunction issued in this case. The Court agreed with Judge Cameron that while picketing at the residences of Pepsi employees amounted to wrongful conduct, the same could not be said of all of the activity that took place outside of company premises. Such conduct included peaceful picketing on the sidewalks adjacent to a hotel and outlet, as well as threatened picketing of other outlets. It "provided no basis for inferring any other tort, much less crime" and, according to the wrongful-conduct model, was lawful under the common law. The Court therefore dismissed Pepsi's appeal.

Date of the Supreme Court's decision: January 24, 2002.

— Lancaster House Labour Law On-Line

Dan Kennedy — Alberta.

Around the States and Provinces

Alberta

Alberta government imposes arbitration with "fences"

On February 4, Alberta teachers in over 20 jurisdictions began a strike that affected 350,000 students. The main issue was money. During the strike some jurisdictions settled while others joined the job action. The Alberta Government ordered the striking Teachers back to work claiming that the strike was an emergency and was causing unreasonable hardship for students. The Teachers disagreed and took their case to the Alberta Supreme Court. In a ruling handed down on March 1 the court held that the government had failed to prove the teachers' strike was an emergency, causing unreasonable hardship for students. Noting that strikes in some school districts had begun only a day or two before the teachers were ordered back to work, the court said there could not have been the degree of hardship required by law to justify the order.

> The very purpose of a strike is to cause some hardship in order to raise the profile of the issues being contested and to pressure the other side into making concessions. If a strike did not cause some degree of hardship, it would be pointless.

After the courts (on March 1) quashed an emergency Cabinet order designed to end a province-wide teachers' strike, Premier Ralph Klein agreed to meet with the Alberta Teachers' Association President, Larry Booi, to explore settlement options. On Friday, March 8, it was reported that the government and the Association had agreed to refer the dispute to open-ended arbitration. Over the weekend the government consulted with school boards, and drafted a bill setting out the details of the arbitration process.

However, on Monday, March 11, the Alberta government introduced legislation which was criticized as unfair in the Alberta press, and angrily denounced by the teachers as a "legislated bludgeoning of teachers' rights." Union President Booi accused Premier Klein of rigging the process against teachers by "handcuffing"

arbitrators. The Alberta School Boards Association itself acknowledged that Bill 12 (the *Education Services Settlement Act*) will surround arbitrators with what Association President Michele Mulder described as "fences." Thus, under s. 6(2), an arbitration tribunal "must be satisfied that an award can be implemented without an employer incurring a deficit." This language, which is similar to that imposed by Premier Mike Harris in teacher disputes in Ontario, is criticized by unions on the ground that it allows the government to predetermine the outcome of the arbitration by capping the level of funding to the employer, thereby compromising the independence of the arbitration process.

Also, under s. 23(1) of Bill 12, teachers are effectively prohibited from negotiating key working conditions, such as "(a) the number of students in a class; (b) pupil-to-teacher ratios or student-to-teacher ratios; (c) the maximum time a teacher may be required to instruct students." Teachers will lose the right to strike for 18 months, since the term of any agreement must expire on August 31, 2003, despite any agreement of the parties to the contrary, and stiff penalties for breach of the Act are established, in the order of $1,000 a day for teachers, and $10,000 a day for union officers and representatives.

One likely consequence of Bill 12, which was enacted into force on Tuesday, March 14, is a withdrawal by Alberta's teachers of voluntary services in schools across the province. "The atmosphere has been poisoned by acts of the government and school boards, and the public should hold them accountable. I cannot overstate the anger of teachers. Teachers no longer have any illusions about being treated fairly or in good faith, but we are determined to do what is necessary to bring about the changes needed by our profession and our schools," said Association president Larry Booi.

Sweeping changes to public sector contracts enacted by B.C. government

On January 28, 2002, B.C.'s newly elected Liberal government enacted legislation changing the terms of collective agreements between the government and public sector unions. The three statutes – Bill 27, the Education Services Collective Agreement Act, Bill 28, the Public Education Flexibility and Choice Act, and Bill 29, the Health and Social Services Delivery Improvement Act – free the government from what it claims are onerous and costly provisions governing layoffs, severance pay contracting out, and successorship.

With the passage of Bill 27, ten months of fractious collective bargaining between the province and the British Columbia Teachers' Federation came to an abrupt end. Teachers are now subject to a three-year collective bargaining agreement, retroactive to July 1, 2001, incorporating many of the terms of the government's last offer during bargaining which had been rejected by the union. While the legislation provides for a 7.5 percent increase in salary over the term of the agreement, this figure is significantly less thant the 18 percent sought by the union. Moreover, the scope of collective bargaining has been severly curtailed by Bill 28, which has removed staffing levels, student/teacher ratios, class sizes, and teaching loads as permissible topics for bargaining. These matters will now be prescribed by regulation.

Collective agreements in post-secondary institutions are similarly affected by Bill 28, which voids any provisions restricting an institution's right to establish class size, assign faculty members to courses, determine the hours of operation, allocate professional development time and vacation time, or hire teaching assistants and support staff.

Bill 29 also changes the terms and conditions of employment for employees in the health care and community services sector. Health care employers are now freed from restrictions on contracting out of non-clinical services. "Non-clinical services" are defined in the Act as services other than professional medical, diagnostic, or therapeutic services provided in acute care hospitals. Moreover, under Bill 29, contractors can no longer be deemed successor or common employers for the purposes of the collective agreement.

Employees' rights on layoff will also be limited. A collective agreement can no longer contain provisions that restrict a health care employer from laying off an

employee, or require more than 60 days' notice of layoff, or provide an employee with bumping rights other than those set out in regulations. Under the draft regulation, an employee with more than five years' seniority is entitled to bump "an employee with fewer than five years' seniority who occupies a position in a classification that entails performing duties the bumping employee is qualified to perform and capable of performing." Since an employee is not permitted under the draft regulation to bump another employee with less seniority but more than five years' service, the advantage of long service in the context of layoff is significantly reduced.

In a provision that limits the rights of workers to choose their bargaining agent, Bill 29 permits the Minister of Skills Development and Labour to conduct an investigation into appropriate bargaining units and to direct B.C.'s Labour Relations Board to add a bargaining unit or consolidate two bargaining units. On direction by the Minister the Board is required to consider whether it is appropriate to continue the certification of a union. In determining whether it is appropriate, the Board must cancel a union's certification if doing so "will improve industrial stability, enhance operational efficiency of health sector employers, enhance a health sector employ's ability to restructure or reorganize its services and functions, or enhance a health sector employer's ability to integrate services and functions, or create a single certification to replace multiple certifications where the employees have become or are employees of a single health sector employer." If a certification is cancelled, the Board must determine which trade union will represent the employees.

The legislation has provoked a storm of protest from public sector unions. Despite a ruling by the B.C. Labour Relations Board on January 27 that the British Columbia Teachers' Federation had failed to give sufficient notice pursuant to the parties' protocol agreement of its intention to stage a one-day walkout on January 28, more than 40,000 teachers remained off work to protest the passage of Bill 27 and Bill 28.

— Lancaster House Labour Law On-Line

Massachusetts

News Story

Former ALRA president John Cochran, 1995-96, resigned on March 15 from his position as General Counsel of the massacusetts Labor Relations Commission. John took advantage of an early retirement package offered by the State of Massachusetts in order to pursue a career as a full-time arbitrator and mediator. Congratualtions and best of luck, John.

MLRC HOLDS ELECTION AMONG UNDERGRADUATES.

On March 5, 2002, the MLRC held an election for what may become the first undergraduate bargaining unit in the U.S. In April, 2001, the UAW, Local 2322 filed a petition seeking to represent the Resident Assistants and Community Development Assistants at the University of Massachusetts Amherst Campus. The University filed a Motion to Dismiss the Petition on two grounds: (1) Massachusetts law does not require collective bargaining between a University and its undergraduates performing services by virtue of their status as students at the University; and (2) the Family Education Rights and Privacy Act (FERPA), 20 USC §1232(g) prevents the University from disclosing education records to the MLRC and other third parties, thereby making it impossible for the Commission's procedures to be followed.

Finding that a question of representation had arisen, the MLRC ordered an election in the petitioned-for unit. (***Board of Trustees of the University of Massachusetts***, Case No. SCR-01-2246) In making its decision, the MLRC rejected the University's argument that, *as a matter of policy*, the students should not be granted bargaining rights because their student status was inextricably entwined with their employment status. (The University conceded that the students were statutory employees pursuant to Massachusetts law). After reviewing voluminous evidence regarding the nature of the work performed by the RAs and CDAs, the MLRC concluded that "the employee status of those individuals rises to a level significant enough to effectuate the policies of the Act. The fact that one must be a student to obtain and maintain employment does not vitiate the student's legitimate interest in his or her terms and conditions of employment, particularly where, as here, the vast majority of those terms and conditions are totally divorced from the student's academic endeavors. Thus, we find that the policies of the Law would be effectuated by granting collective bargaining rights to the University's RAs and CDAs." The MLRC also rejected an argument advanced by the University regarding the alleged temporary status of the RAs. The Union won the election on March 5th.

In another case, ***American Federation of State, County and Municipal Employees, Council 93, AFL-CIO***, Case No. MUPL-4218, the MLRC dismissed a claim of a Union's violation of the duty of fair representation. In a concurring opinion, one Commissioner clarified the Commission's position concerning potential remedies in cases involving ***Weingarten*** violations, stating "the Commission does not adopt the Union's suggestion that [the Commission is prevented] from ordering the reinstatement of an employee who is discharged based on information obtained during an unlawful investigatory interview."

The MLRC has also processed over a hundred cases alleging unlawful unilateral changes to health insurance in the form of increases to prescription and office co-payments. In these cases, employers are raising a variety of traditional defenses including waiver by contract and waiver by inaction as well as lack of control over the decision to make changes to benefits. The first of the decisions regarding these issues is expected to issue this spring.

— Submitted by Marjorie Wittner,
Acting Chief Counsel

In Memorium

MICHIGAN

William Ellmann

William M. Ellmann, the first Jewish president of the State Bar of Michigan, died of pancreatic cancer Wednesday at Beaumont Hospital in Royal Oak. He was 80.

He spent his whole career at Ellmann & Ellmann, first in Detroit, then in Ann Arbor, never retiring.

He was a labor arbitrator with the National Academy of Arbitrators for more than 40 years and co-chaired the bar's Judicial Qualifications Committee, which reviews candidates for judgeships.

Former Governor William Milliken appointed Mr. Ellmann to the Michigan Employment Relations Commission, where he served as a commissioner in 1973-83 and as chairman in 1983-86. Milliken also named him to the Mackinac Island State Park Commission, where he served in 1979-86, the last three years as chairman.

Mr. Ellmann chaired the election campaigns for six candidates for the state Supreme Court. One campaign was the subject of a novel, "Hornsteins boy," written by Robert Traver, who also wrote "Anatomy of a Murder." In "Hornstein's Boy," the character Emil Hornstein, a campaign manager, was based on Mr. Ellmann.

"My father had an uncanny way of winning people over, whether friend or foe, and making them feel comfortable," his son Robert wrote in a tribute. "He always had a sparkle in his eye. He died with the grace and dignity that he exhibited throughout his life."

The elder Mr. Ellmann was born in Highland Park and was president of his Highland Park High School class for three years. He attended Occidental College in Los Angeles for a year on a football/baseball scholarship, then entered the University of Michigan.

World War II interrupted his studies, and he joined the Army Air Forces, serving in California, Washington and Hawaii as a war correspondent for Air Force Strategic Services.

After the war, he earned a bachelors degree at U-M and a law degree at Wayne State University. He belonged to the Practicing Law Institute, the Institute of continuing Legal Education and the American Arbitration Association.

Besides his son, survivors include his wife of 48 years, Sheila; another son, Douglas; a daughter, Carol; two grandchildren, and a brother. He was the brother of the late Richard Ellman, the Pulitzer Prize-winning biorgrapher.

— Detroit Free Press

NEW HAMPSHIRE PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Submitted by:
Parker Denaco, Executive Director

Appeal of the Town of Litchfield, Slip Op. , Docket No. 2000-222, February 8, 2002 – In a split decision, the N.H. Supreme Court held that the normal duties performed by part-time or on-call fire fighters were not enough for them to escape the "on-call" exclusion of RSA 273-A:1. Below, the Union

argued and the PELRB agreed that the workload placed on the so-called "on-call" firefighters resembled regularly scheduled part-time activities because many were working regularly, appearing on consecutive payrolls, a the result of obligations placed on them, to wit "generally work[ing] several hours each week responding to calls, training [and] covering for the two full-time fire fighters and attending meetings", it being obvious that the department could not function with any consistent degree of coverage with only two full time employees. The court found that the fire fighters in question were both part-time and on-call employees, and thus, were excluded under the statute.

On another issue, the Court held that the deputy town clerk did not fit under the exemption of a person appointed by the "chief executive of the Public employer…" The deputy town clerk is appointed by the town clerk, a position which the court said did not rise to the level of being the "chief executive…of the public employer" and thus, is eligible for inclusion in the bargaining unit, getting the base number of employees to 10, sufficient for PELRB to declare a valid unit under RSA 273-A:8.

In other news, the New Hampshire State Employees Association filed the first petition under new statutory provisions covering court personnel. An amendment to RSA 273-A which became effective on January 1, 2002, extended collective bargaining rights to court employees, excluding those with judicial, supervisory or other statutory exceptions. On February 28, 2002, the N.H. State Employees Association, SEIU Local 1984 filed for a unit of 78 full-time and part-time court security officers. If granted, the unit will be statewide in scope and result in the negotiation of one contract for all these personnel across the state.

NEW JERSEY

Submitted by:
Tom Hartigan

On November 29, 2001 the Middletown Education Association led its approximately 1,000 members, consisting of teachers and secretaries, out on strike. Bargaining which began in March and which entered Mediation in July was halted after the September 11 tragedy. Mediation resumed on November 28th but broke down primarily over

three issues: Salaries, Health Insurance costs sharing and Teacher Workday. This strike followed on the heels of a four day strike in the last round of bargaining which came after the Board of Education had rejected a Fact Finder's Recommendations and imposed a settlement on the education Association.

A Back to Work Order was imposed by Superior Court Judge Clarkson Fisher Jr. on November 29th with a return date of December 3rd. Mediation over the weekend did not result in a settlement. Association members appeared individually by alphabet before the judge on December 3rd and those who did not return to work were sent to jail, culminating in 225 members being incarcerated. On December 5th a second mediator was added to the dispute and on the 6th the mediators offered Recommendations for Settlement which were rejected by the Board of Education. In court on December 7th the Judge issued a Consent Order appointing a new Mediator who would issue a new set of recommendations, released the jailed Association members as the Association agreed to return to work on the next school day.

The court appointed Mediator, former Seton Hall Law School Dean Ronald Riccio, issued his Recommendations on January 31, 2002. The Association had previously agreed to accept the recommendation and on February 1st the Board concurred. Details remain to be worked out by the parties on salary distribution and distribution of the cost sharing of health insurance premiums.

ONTARIO

Civil servants – 45,000 – represented by the Ontario Public Service Employees Union (OPSEU) took strike action against the Ontario Government March 13. They have been without a contract since December 31, 2001

The main issues in the strike are wages, pensions, safety and benefits.

Mediators called the parties back to the table April 2.

Government offices across the province, staffed by management, remain open. The strike, according to media sources has had an effect on court hearings, driver and vehicle licensing, health-care registration, social programs, land registry title searches and production of birth, marriage and death certificates. In addition, anyone entering the buildings is delayed.

Correctional facilities, also staffed by management who are complemented by workers who were designated as "essential" in negotiations between the parties prior to the strike. Charges of lockout by these workers and refusal to work because of health and safety concerns have led to a series of hearings at the Ontario Labour Relations Board during the strike.

Leah Casselman, the union President, was cited for contempt of court. after an inmate in one of the detention centres did not appear in court as scheduled. When the judge asked the reason for the non-appearance he was told it was the OPSEU strike. At a subsequent hearing into the charge the judge was told, by a lawyer for the Ministry of Corrections, that the delay of the inmate was due to a management decision at the facility. The lawyer also filed three rulings from the Ontario Labour Relations Board dealing with Essential Service Agreements and board orders to enforce them. As a result the judge stayed the proceedings.

The first strike by civil servants took place in 1996, involved 65,000 government employees and lasted five weeks.

The right to strike was granted to civil servants in 1993

Work-Life Balance in the New Millennium: Where are We? Where do we Need To Go?

Linda Duxbury, of the School of Business, Carleton University in Ottawa, and two-time presenter to ALRA conferences on work/life issues, has just published a new study of work/life conflict. The study is based on data from two national surveys, one in 1990-92 and the other in 2000-01.

The study results indicate that work/life conflict has increased markedly over the past ten years. That conflict shows up as:

- *Increased workload and hours of work*
- *More stress*
- *Declining physical and mental health*
- *Increased absenteeism*
- *Lower job satisfaction*
- *Lower commitment to employers*

Copies of this study are available at:
http:// www.cprn.org

Washington PERC has 50% increase of its jurisdiction.

by Maruin L. Schurke

Three bills passed by the Washington State Legislature in 2002 and an initiative passed by Washington voters in 2001 have added more than 100,000 public employees to the jurisdiction of the Washington Public Employment Relations Commission (PERC), constituting at least a 50% increase in the number of employees subject to the jurisdiction of the agency.

In November of 2001, Washington voters passed an initiative measure concerning "home care quality" that was avidly supported by senior citizens groups and the disabled community. It is estimated that between 26,000 and 34,000 individuals have been paid by the state government (largely using Medicaid funding) to provide in-home care and services to aged and disabled persons who might otherwise have to be institutionalized. The initiative creates a "Home Care Quality Authority" to set standards for and provide training for home care workers, but it also gives those workers full collective bargaining rights (including interest arbitration) in a single, state-wide bargaining unit. Similar employees have been organized in California and Oregon in recent years. A clue to the initiative's sponsorship by the Service Employees International Union is that only a 10% showing of interest is needed to initiate a representation petition. The SEIU claims to have 2300 authorization cards on hand already, and PERC anticipates that a representation petition may be filed as soon as April of 2002.

In March of 2002, the Washington State Legislature passed a bill giving teaching assistants and research

assistants at the University of Washington full collective bargaining rights. It is estimated there are between 3500 and 5500 individuals in those categories. The bill contained a clause making the new law effective upon signature by the Governor. Immediately after the Governor signed the bill on March 14, the union leadership staged a street march down the six blocks from the Governor's office to the PERC office to file the union's representation petition and authorization cards.

Beginning in June of 2002, PERC will begin administering unfair labor practice, representation, and unit clarification processes covering about 74,000 civil service employees of the State of Washington and its institutions of higher education. Up to this time, those employees have only had the right to negotiate agency-controlled working conditions within the confines of the state civil service law and under the oversight of the state personnel office. Beginning July 1, 2004, they will be able to negotiate collective bargaining agreements under the "wages, hours and working conditions" scope of bargaining. PERC will have responsibility for administration of mediation and factfinding processes once that bargaining begins, and will be responsible for administration of grievance arbitration procedures once the first contracts take effect in July of 2005. Although the Governor has not yet signed the legislation as of March 21, the fact that this was submitted to the Legislature as an "executive request" bill indicates he is likely to do so.

Beginning in October of 2002, 5000+ faculty members at the six "4-year" universities and colleges operated by the State of Washington could have the right to negotiate collective bargaining agreements under the "wages, hours and working conditions" scope of bargaining. PERC will have responsibility for administration that statute. The Governor has not yet signed the legislation as of March 21, and a floor amendment requiring a faculty to choose between "governance" and "collective bargaining" could be the subject of a partial veto.

WISCONSIN

FORMER WISCONSIN BAR PRESIDENT STEVEN R. SORENSON NOMINATED AS WERC COMMISSIONER AND CHAIR TO SUCCEED MEIER

Wisconsin Governor Scott McCallum has nominated Attorney Steven R. Sorenson of Ripon to a seat on the Wisconsin Employment Relations Commission, and has designated Mr. Sorenson as chair of the agency. The nomination is for the remainder of James Meier's six year term that began on March 1, 2001. Meier retired effective January 4th. The nomination is subject to confirmation by the Wisconsin Senate; however, because it fills a vacancy, Mr. Sorenson assumed his duties as both commission member and chair beginning on March 25, 2002.

A native of Chippewa Falls and a past president of the State Bar of Wisconsin, Mr. Sorenson most recently has been engaged in the private practice of law in Ripon and Fond du Lac including service as Village Attorney in Fairwater and Town Attorney for Towns of Utica (Winnebago County) Springvale and Rosendale (Fond du Lac County). He was previously City Attorney for the City of Ripon and a member of the Fond du Lac County Board of Supervisors.

Mr. Sorenson is a 1972 political science and business administration graduate of Luther College (Decorah, Iowa) and a 1977 graduate of Marquette University Law School.

Preliminary ALRA Program – 2002 Conference
San Diego, California

SATURDAY, JULY 20, 2002

6:00 p.m.	**Opening Reception**

SUNDAY, JULY 21, 2002

11:30 a.m.	**Opening of Conference/Welcome/Brunch** **ALRA's two-year commemoration of its 50th anniversary continues with presentations from past presidents and executive board members.**
2:00 p.m. - 5:00 p.m.	**Concurrent roundtables for Board Members and Commission Members, General Counsels, Mediators and Directors and Administrators.**
6:00 p.m.	**Picnic in Crown Point area of Mission Bay (optional activity)**

MONDAY, JULY 22, 2002

8:30 a.m.	**Welcome**
9:00 a.m.	**Featured speaker: US Representative Hilda Solis invited**
9:30-9:45 a.m.	**Break**
9:45 a.m.	**The Effects of Terrorism on Labor Relations**
11:15 a.m.	**Break**
11:30 a.m. - 12:45 p.m.	**Concurrent Sessions** **a) SB 739-One Year Later** **b) Transit Issues** **c) Immigrant Labor Issues**
12:45 p.m. - 2:00 p.m.	**LUNCH** **Stanford Law Professor and former NLRB Chairman Bill Gould –speaker**
2:15 p.m. - 3:30 p.m.	**"That's Entertainment: Collective Bargaining for Freelancers"**
3:30 p.m.	**Break**
3:45 p.m. - 5:00 p.m.	**Concurrent Sessions** **a) NAFTA** **b) Interest Arbitration** **c) Education Reform**
6:00 p.m.	**Buses Leaves for Zoo**

Preliminary ALRA Program – 2002 Conference
San Diego, California

TUESDAY, JULY 23, 2002

8:30 a.m.	**Agency Response to Crisis**
10:45 a.m.	**BREAK**
11:00 a.m.	**Alternative Models of Dispute Resolution**
12:15 p.m. - 4:00 p.m.	**Sea World (Optional)**
6:00 p.m.	**Harbor Cruise (optional)** **Baseball Game–Dodgers at Padres (optional)**

WEDNESDAY, JULY 24, 2002

8:45 a.m. - 10:15 a.m.	**ALRA Annual Business Meeting**
10:15 a.m. - 10:30 a.m.	**BREAK**
10:30 a.m. - 12 noon	**Violence in the Workplace**
12:00 p.m. - 1:00 p.m.	**LUNCH**
	Professional Development
1:15 p.m. -2:30 p.m.	**Concurrent Sessions** **a) Ethics** **b) Managing mediation resources**
2: 30 p.m. - 2:45 p.m.	**BREAK**
2:45 p.m. - 4:00 p.m.	**Concurrent Sessions** **c) Diversity** **d) Legal issues in the hearing process**
6:00 p.m.	**Reception**
7:00 p.m.	**Banquet–Featured Entertainment: Comedian Will Durst**

51st Annual ALRA Conference

at the U.S. Grant Hotel
San Diego, California
July 20 – July 24, 2002

For details, go to www.alra.org

ALRA Academy: July 19th–21st

ALRA Academy is a course of instruction and orientation for new Board Member and Commissioners, General Counsels and Agency Administrators. It is offered without charge as a service to member agencies. Anyone interested in this year's Academy in San Diego should complete the following form and mail or fax it to the Academy Coordinator:

Jacalyn Zimmerman, General Counsel, Illinois Labor Relations Board
160 North LaSalle, Suite S-400, Chicago IL 60601 Phone (312) 793-6480 Fax (312) 814-4447

NAME: _____

TITLE:_____

AGENCY: _____

Years with Agency:_____ Years in Current Title:_____

Direct Phone Number:_____ Fax: _____

E-Mail Address:_____