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ASSOCIATION of LABOR RELATIONS AGENCIES
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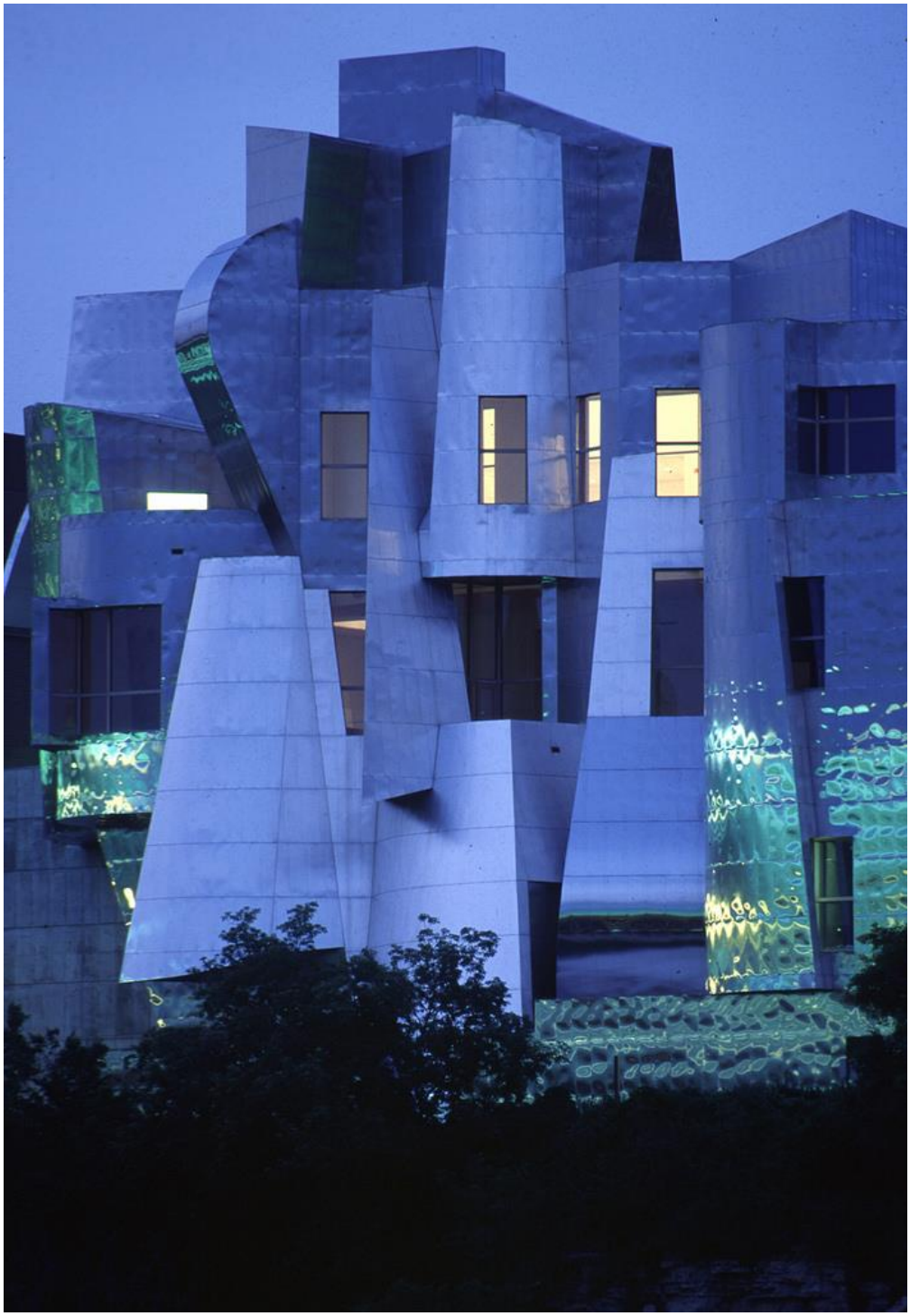

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ALRA 64th Annual Conference — Minneapolis, Minn.

July 18-21, 2015

ALRA Advisor

The *ALRA Advisor* is published for members of the Association of Labor Relations Agencies (ALRA) and their staff.

In this issue…

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ON THE COVER—Weisman Art Museum. at Night. Minneapolis.

From the President...


© Janet Boehmer

Tim Noonan

Celebrating our 64th Annual Conference

There is no other organization in our field that can provide as targeted, effective and economical professional development within and across the boundaries of the United States and Canada as ALRA.

This year's 64th annual conference in the attractive, visitor-friendly and rich labor history venue of Minneapolis offers such an opportunity for ALRA delegates and families.

Fortunately, ALRA has a wealth of activists to ensure the conference program is top-notch.

The *Program Committee*, co-chaired by Josh Tilsen and Kevin Flanigan, has put together an impressive agenda for this year's conference featuring an Advocates' Day lineup of prominent national leaders addressing the theme "*Collective Bargaining and the Changing Workforce: New Challenges and Opportunities*".

Professional Development Committee Co-Chairs, Ginette Brazeau and Scot Beckenbaugh, have crafted with other PD Committee members an ALRA Delegates portion of the conference which provides us with an opportunity to interact with other member agency practitioners to discuss challenges and share practical advice, learn of key developments and initiatives having a significant impact on labor relations, and benefit from best practices engaged in by our agencies.

The *Arrangements Committee*, chaired by Jill Kielblock, has worked diligently over a long period of time doing the necessary planning and performing the innumerable tasks to ensure that the lodging, meals and social activity needs of conference attendees and their families are well met.

On behalf of ALRA, I am very grateful for the many hours and impressive commitment displayed this year by the *Program, Professional Development and Arrangement Committees* to ensure a successful conference.

ALRA certainly is in a challenging period since it is increasingly difficult in the current and fiscal climate for our membership spread throughout the United States and Canada to attend conferences. In recognition of this unfortunate reality and in order to further our services to member agencies, this year we charged the *Publications, Communications and Technology Committee* with an increased role.

Janelle Niebuhr and Roxanne Rothschild have provided exemplary service in leading the effort to update, reorganize and provide more resources on the ALRA website. If you have not viewed the website lately, I encourage you to do so. I expect you will be inspired to visit it more often in the future as the website continues to evolve.

We also have repurposed the content of the *ALRA Advisor* with a similar objective in mind of informing member agencies of useful resources and developments that they will find relevant in informing our essential work. I am grateful for the stellar work done by new *Advisor* Editors Jennifer Webster and Sylvie Guilbert. Our thanks also go to Marisa Gebhardt and Janet Boehmer who continue their fine professional work on the website and *Advisor*.

I truly have enjoyed my year as ALRA President. This is due in large part to the teamwork, efforts and wisdom displayed by my fellow Officers and Executive Board members.

I very much appreciate their support over the past year. I am privileged to have the opportunity to work with each of them: Kevin Flanigan, Pat Sims, Scot Beckenbaugh, Ginette Brazeau, Sylvie Guilbert, Jennifer Webster, Mike Sellars, Janelle Niebuhr, Jennifer Abruzzo and Catherine Gilbert.

(Continued on page 15)

Federal Public Sector Labour Relations and Employment Law *and the new* Public Service Labour Relations and Employment Board

by Virginia Adamson, Acting Executive Director and General Counsel, PSLREB

There has been substantial activity for federal labour relations and staffing tribunals over the last year.

Two major omnibus bills included changes to the federal public sector labour relations and employment sector: the *Economic Action Plan 2013 Act, No. 2* and the *Economic Action Plan 2014 Act, No. 1*.

The *EAP 2013 Act No. 2* included changes to the legislative framework in labour relations pertaining to the development of a consultative, but unilaterally designated essential services scheme and limitations on choice of dispute resolution.

Changes not yet in force include an expanded human rights mandate in the public sector labour relations and employment adjudicative realm, which would eliminate concurrent jurisdiction with the Canadian Human Rights Commission, and Canadian Human Rights Tribunal; mandatory bargaining agent representation in grievances; charge back fees to both the bargaining agent and the employer in adjudication of grievances; and changes in the wording of the test to be applied for extensions of time.

Up to November 1, 2014, much effort was made by both the Public Service Labour Relations Board and the Public Service Staffing Tribunal to put in place a regulatory framework that would address many of the changes arising from these two statutes.

The *Public Service Labour Relations and Employment Board Act* (PSLREBA) came into force as of November 1, 2014.

This Act established the Public Service Labour Relations and Employment Board (the Board), which merged the functions of the Public Service Labour Relations Board and the Public Service Staffing Tribunal. Effective November 1, 2014, the Public Service Staffing Tribunal and the Public Service Labour Relations Board no longer exist.

In addition, due to the coming into force of the *Economic Action Plan 2014 Act, No. 1,* the *Administrative Tribunal Support Services of Canada Act* was passed, and also came into effect on November 1, 2014. As a result, staff of the former Public Service Labour Relations Board and Public Service Staffing Tribunal were no longer employees of the new Board, but many stayed on in the Public Service Labour Relations and Employment Board Secretariat of the Administrative Tribunal Support Service of Canada.

It is very important to note that the new Board continues to serve over 200,000 federal public sector employees, and its stakeholders are the same. Matters arising from the former Public Service Staffing Tribunal and the Public Service Labour Relations Board continue to be heard.

The Board's legislative references remain the same, and include the *Public Service Labour Relations Act,* the *Parliamentary Employment and*

(CIRB—Continued from page 4)

Staff Relations Act, the *Public Service Employment Act,* the *Canadian Human Rights Act,* the *Public Sector Equitable Compensation Act,* certain provisions of the Canada Labour Code, and from the Yukon, the *Education Labour Relations Act, the Education Staff Relations Act* and the *Yukon Public Service Staff Relations Act.* When further sections of the *Economic Action Plan 2013 Act, No. 2* come into force, the Board's mandate will expand.

Over the last several months, the new Board has taken many steps to ensure that it can continue to maintain high quality service to its stakeholders. It had its first meeting on November 3, 2014 in order to put into place practices and regulations that would allow it to continue the work that was previously done by the former Public Service Staffing Tribunal and Public Service Labour Relations Board. The Board held its first Client Consultation Committee meeting in March 2015 and engaged in dialogue with representative stakeholders on key issues.

This calendar year, the Board has again engaged in regulatory review, in anticipation of further statutory amendments coming into force.

Most importantly, even with the many changes before it, the Board continued to provide its two fundamental services, adjudication and mediation, with the capable support of the Public Service Labour Relations and Employment Board Secretariat of the Administrative Tribunal Support Service of Canada.

Both the Public Service Staffing Tribunal and the Public Service Labour Relations Board were tribunals with enormous expertise in public sector labour relations and employment law. Each has left a special positive legacy.

The steps that the new Board is now taking are designed to allow it to harness even more, its expertise in federal public sector labour relations and employment law, with its focus on ensuring that fundamental principles of neutrality, impartiality and independence are protected as it moves forward in its work.

In this way, the new Board, similar to its legacy boards, will continue to add positive value to all Canadians in delivering its services in mediation and adjudication and will advance harmonious labour relations in the federal public sector. ■

BEAUTIFUL MINNEAPOLIS...

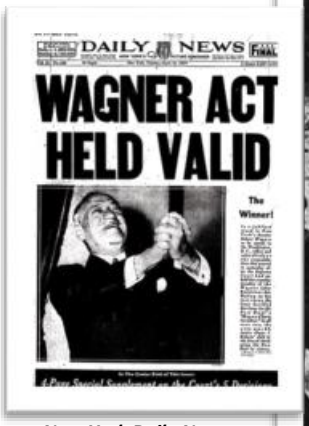
MN Department of Transportation

Metro Light Rail Transfer

The 80th Anniversary of the *National Labor Relations Act*: Celebrating 80 Years of Workplace Democracy

— Jennifer Abruzzo and Roxanne Rothschild

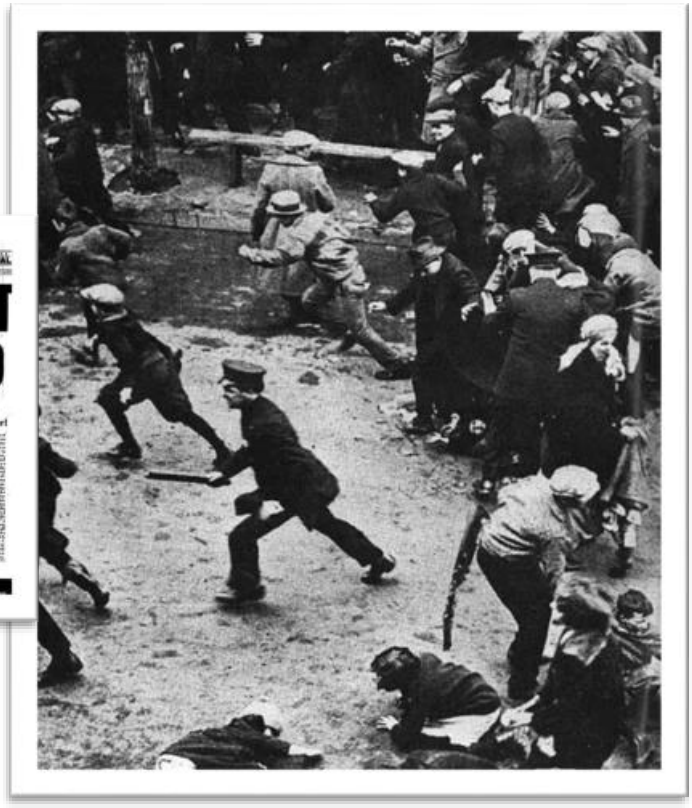
The National Labor Relations Board was created by Congress in 1935 as an independent federal agency to administer the *National Labor Relations Act*, the basic law governing relations between labor unions and business enterprises engaged in operations affecting interstate commerce in the United States. Congress amended the Act in 1947, 1959 and 1974, each amendment increasing the NLRB's statutory responsibilities.


DAILY NEWS FINAL

WAGNER ACT HELD VALID

The Winner!

New York Daily News, April 13, 1937.



Police attack striking textile workers, Passaic, N.J., 1926.

The Act guarantees the right of private sector workers to organize and bargain collectively with their employers and to participate in concerted activities to improve their pay and working conditions, with or without representatives advocating on their behalf. Employers, labor unions and employees have an impartial forum in the National Labor Relations Board for the resolution of workplace disputes.

The purpose of the Act is to serve the public interest by reducing interruptions in commerce caused by industrial strife. In performing its statutory mission, the NLRB has two principal functions: (1) to determine and implement, through secret ballot elections, the free democratic choice by employees as to whether they desire union representation in dealing with their employers; and (2) to prevent and remedy unlawful acts, called unfair labor practices, by either employers or labor unions or both.

LEFT—Ford workers vote in NLRB election at River Rouge plant, Dearborn, Michigan, April 1942.
RIGHT—ILGWU workers celebrating victory at Lackawana Dress Co., Scranton, Pa., 1960.

NLRB authority is divided by law and by delegation. The five-member Board primarily acts as a quasi-judicial body in deciding cases on formal records. The General Counsel, who, like each member of the Board, is appointed by the President with the advice and consent of the Senate, is responsible for the investigation and prosecution of unfair labor practice cases. The General Counsel exercises general supervision over the NLRB's network of field offices, as well as financial, administrative and personnel operations.

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Federal—U.S.

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The Agency does not act on its own motion in either function. It processes only those charges of unfair labor practices and petitions for employee elections which are filed in one of the NLRB's 50 regional, sub-regional, and resident offices. Further, it has no independent statutory power to enforce its decisions and orders. It does, however, seek enforcement in the United States Courts of Appeals. More than 90 percent of the unfair labor practice cases filed with the NLRB in the regional offices are resolved without the necessity of formal litigation.

Region 32, Ballot Count for NLRB Kaiser lections in Oakland, CA. October 18, 2010.

More information and photographs covering our 80 year history can be found in a special anniversary publication entitled "*National Labor Relations Board: 80 Years of Protecting Employee Rights*." This publication and more information about the Act can be found on www.nlrb.gov. ■

The NLRB Issues New Pre- and Post-Arbitration Deferral Standard

Late last year, the Board issued *Babcock & Wilcox Construction Co.*, changing the standards for deferring to arbitration awards in cases alleging violations of Section 8 (a)(1) and (3) of the Act.

Examples of Section 8(a)(1) and (3) allegations are retaliation against employees for union activities or other activities protected by the Act, or interference with employee rights such as by interrogations or threats of reprisal. The Board's decision can be found here.

In *Spielberg* and *Olin,* the Board held that the only requirements for deferral to arbitration decisions were the proceedings were fair and regular, all parties agreed to be bound, and the arbitration award was not "repugnant" to the Act. Under that framework a party opposing deferral had the burden of proving that these - fairly minimal - standards were not met.

In *Babcock,* the Board decided it should defer 8(a)(1) and (3) allegations only where: 1) the parties had expressly authorized the arbitrator to decide the statutory issue, 2) the arbitrator was, in fact, presented with and considered the statutory issue (or was prevented from doing so by the party opposing deferral), and 3) the award is "reasonably permitted" under the Act. The Board also reversed the burden of proof, assigning it to the party urging deferral.

The Board cited a concern that where the crux of a case is retaliation for union activities, or threats or interrogations, the Board has special expertise and a responsibility to ensure the legal principles it has developed over time are applied. A General Counsel's guidance memorandum on the new standards provides more details and can be found here.

The Board decided to apply the new standard only prospectively, so the *Spielberg* and *Olin* standards will still apply in Section 8(a)(1) and (3) cases where the arbitration pre-dated the *Babcock* decision, or where the contract under which the grievance arose pre-dated *Babcock*, unless the parties expressly agreed the arbitrator should decide the statutory issue.

Additionally, *Spielberg* and *Olin* standards still apply to cases alleging violations of Section 8(a)(5) of the Act, such as claims that an employer has changed employment terms without bargaining. These cases tend to turn purely on issues of contract interpretation which arbitrators are particularly adept at handling.

Finally, in addition to the post -arbitral deferral context, the new *Babcock* standard will apply to pre-arbitral deferral under *Collyer* and deferral to grievance settlements, altering the *Alpha Beta* test which had been modeled on *Spielberg* and *Olin*.

Recently, the NLRB has teamed up with FMCS to provide training about the new deferral standard at an upcoming conference, and the NLRB stands ready to provide substantive training about the Act to mediators, arbitrators, practitioners, and others, upon request. ■

FMCS Organizational *Restructuring*

In April, Allison Beck, Acting Director, FMCS, announced a restructuring of the agency's organizational chart to better position FMCS for future challenges and accomplish goals and priorities for innovation and technological change.

Pittsburgh PA-based Director of Mediation Services, John Pinto, was appointed to the newly created position of Manager of Field Operations. Under the restructuring, the agency's Office of Arbitration Services and Notice Processing will report to the Manager of Field Operations, a change reflecting the critical importance of these functions to agency field operations and its core mission.

New responsibilities were given to Will Shields, who will remain Budget Director and also assume new duties as Manager of National Office Operations. He will supervise and support the agency's offices of Administrative Services, Finance, Information Technology and Human Resources.

In the revamped FMCS organization, Lu-Ann Glaser, Director of ADR Services and International Programs, will maintain her current position but with new duties as Manager of National Programs and Initiatives. She will have responsibility for a new center of creativity, innovation, and field support.

Ms. Glaser's center will form a critical link between field and national office operations in the new organizational plan. FMCS Commissioner, Javier Ramirez, was named as the new Director of Field Programs and Innovation, reporting to Ms. Glaser. He will build systematic coordination between national office support services and the needs of the agency's frontline mediators.

Public Affairs Specialist, Kimberly Warren, is assigned to support the work of Ms. Glaser's center with "innovative, new technology approaches to outreach and customer service," Ms. Beck said.

Deputy Director, Scot Beckenbaugh, was also assigned new duties. He will continue to provide overall support, guidance, leadership and advice concerning mediation services to the Director and will serve as a resource to the Manager of Field Operations and as "master mediator" of high-profile disputes, and will develop and coordinate increased engagement with FMCS customers.

Fran Leonard, Chief Financial Officer, will continue to oversee all the financial and administrative needs of the Agency, but devote much of her time to overseeing the relocation of the FMCS National Office, which is to take place by November 2016. In addition, she will review agency field offices to ensure that they are optimally located, professional in appearance and inviting for FMCS customers.

"These are challenging times for collective bargaining, labor-management relations, and the government ADR customers who increasingly rely on FMCS for an expanded range of conflict resolution services," Ms, Beck said in announcing the changes. "I believe we must act quickly to strengthen our foundation and to position the agency for years to come." ■

Federal—U.S.

DMS Eugene Bralley receives 'New Frontiers in Conflict Resolution' Award

In March, FMCS honored Director of Mediation Services Eugene Bralley with the "*New Frontiers in Conflict Resolution Award*." DMS Bralley was recognized for his efforts in leading a committee responsible for documenting, evaluating and encouraging the work of field mediators who participate in non-employment ADR work.

Committee members who assisted DMS Bralley in developing new standards include Manager of Field Operations John Pinto, Directors of Mediation Services Bob Ditillo, Linda Gonzalez, Lane Harstad and Jack Sweeney, Director of ADR and International Services, Lu-Ann Glaser and Manager of National Office Operations Will Shields.

Federal Government's Most Innovative Small Agencies

The Federal Mediation and Conciliation Service (FMCS) has been ranked the number two small federal agency for innovation by the nonprofit, nonpartisan Partnership for Public Service (PPS) in the PPS's 2014 *Best Places to Work in the Federal Government Analysis: Innovation* report.

FMCS earned an innovation score of 79 out of 100, a 4.8% increase over the Agency's prior score. The Surface Transportation Board earned the top small agency ranking with a score of 82.3, and NASA was ranked the top large agency with a score of 76.7.

For more information and to view the rankings, visit www.bestplacestowork.org. ■

2015 Live Webinars

As part of continuing efforts by the FMCS to engage customers through Internet-based technologies, the Agency hosted two live webinar events in 2015.

In January, the presentation, "*From Adversaries to Allies: An Interest-Based Bargaining Success Story*" featured the collective bargaining success story of the Southern Nevada Health District and SEIU Local 1107 and the parties' journey from an adversarial relationship to one of mutual understanding using interest-based bargaining.

FMCS Commissioner Lavonne Ritter, who has since retired from the FMCS, assisted in the bargaining and joined representatives from labor and management for the online presentation.

FMCS also presented *Clearing the Deck: Reducing the Cost of Conflict and Strengthening the Labor-Management Relationship with Grievance Mediation* on June 24.

The live interactive webinar featured a panel from NHS Human Services in Lafayette Hill, PA, AFSCME District Council 88, Plymouth Meeting, PA and FMCS mediator Barbara Lichtman from the Philadelphia Field Office.

Feedback has been very positive for the webinar series, with attendees commenting favorably on the value of the presentation, the time saving benefit of the Web-based format, and the knowledge and experience of FMCS mediators.■

FMCS Facilitates Negotiated Rulemaking by U.S. DOE

FMCS has successfully concluded facilitation efforts for a negotiated rulemaking at the request of the U.S. Department of Energy (DOE), earning praise from participants for the efficiency of the FMCS process.

FMCS mediators Javier Ramirez, Eileen B. Hoffman, and Ted Bantle assisted the 22-member working group through six public meetings, held between August and October 2014. Predominately, the FMCS mediators served as facilitators, utilizing mediation techniques and incorporating technology to ensure that conversation continued, issues were identified, and consensus was reached.

With help from FMCS, the working group developed draft standards for energy efficiency, which the DOE has since used as the basis for publication of its "*Draft Notice of Proposed Rulemaking*" in the Federal Register.

FMCS is continuing its work with DOE, facilitating 3 additional rulemakings that began in April and May of this year. ■

Teaming Up—FMCS Provides Mediation Training for Federal Employees

In a joint effort with the Office of Personnel Management and the regional Federal Executive Boards, the Federal Mediation and Conciliation Service is providing mediation training at locations around the country to federal employees seeking basic, refresher or advanced training in mediation skills on behalf of their agencies.

Training sessions in mediation skills were held in Philadelphia, Detroit, Dallas-Fort Worth; Atlanta, and Baltimore.

Upcoming training includes a one-day Advanced Mediation Skills Training in Dallas-Fort Worth on August 11, and a basic 40-hour Mediation Skills Training session in Baltimore, MD from August 31 to September 4, 2015.

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The 40-hour basic workshop focuses on the mediation process and skills required to be a successful mediator. Course work includes facilitating difficult conversations, creative problem-solving, interpersonal negotiations and communication. The course is highly interactive, with specially designed role-plays reflecting a variety of workplace conflicts and Mediation Skills for the Workplace.

The training prepares federal employees and their agencies for collaborative problem-solving and delivery of mediation services through the Shared Neutrals program. ■

Collaboration with FLRA on Labor-Management Training for Federal Agencies

The Federal Mediation and Conciliation Service (FMCS) and the Federal Labor Relations Authority (FLRA) are continuing a successful collaboration to deliver joint training to labor and management at Federal agencies at locations around the country.

Titled "*The 3 R's—Rights, Responsibilities and Relationship Building*," the training features FLRA and FMCS presenters providing an overview and update on FLRA, OGC, FSIP and FMCS services. Presenters also address current issues in federal sector labor law and practice, as well as labor relationship building and ADR.

From the FLRA, presenters include General Counsel Julia Akins Clark and FLRA Regional Directors and Attorneys; FSIP Executive Director Joe Schimansky; FMCS sub region presenters include Commissioners Rich Giacolone, Clint Hart, Ron Collota, Isael Hermosillo, Larry Passwaters, and Rosa Tiscareno. In addition, FMCS Directors of Mediation Services Linda Gonzalez, Scott Blake and David Born will also lead training in their respective sub-regions.

Spring sessions were held in Raleigh, Dallas, Phoenix and Los Angeles.

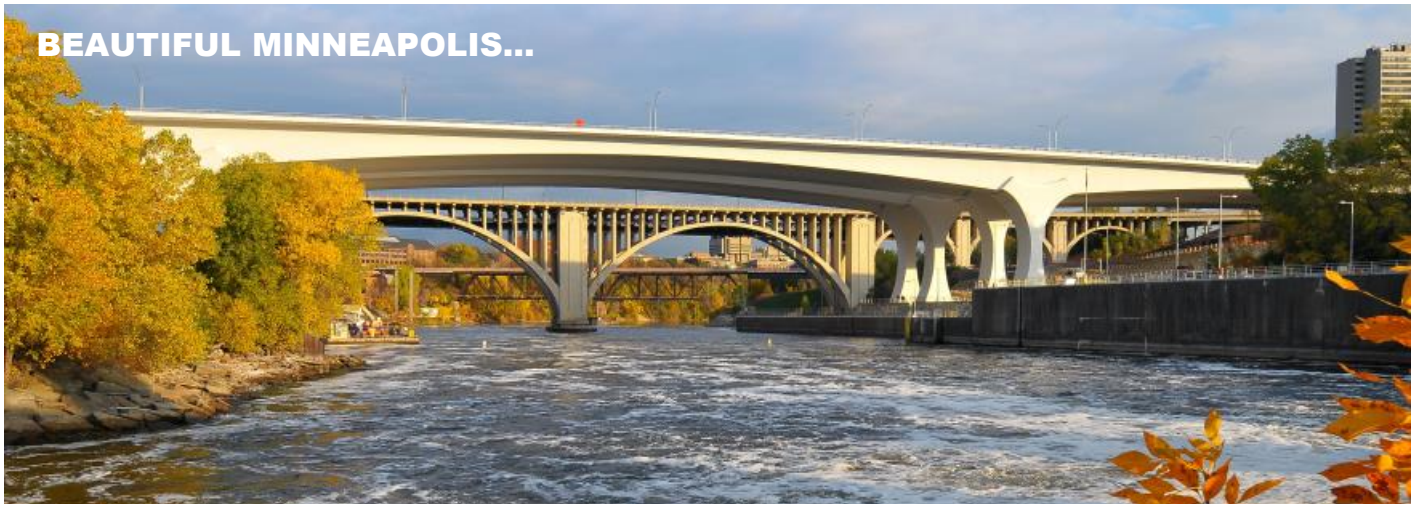
Locations for the federal training scheduled for the summer months include: Philadelphia, PA (July 14); Washington, DC (July 23-24) and Chicago IL (September 16).■

Mediator Helps Labor and Management Address Generational Differences in the Workplace

In March, Pittsburgh PA-based mediator Jack Yoedt, (FMCS), addressed the Three Rivers Area Labor Management Committee to outline the potential challenges that labor and management face within a multi-generational workplace in a presentation that received extensive news coverage in the local community.

Citing years of experience with collective bargaining negotiations, Commissioner Yoedt answered questions to help attendees understand the generational makeup of their work forces, and illustrated how each generational group has their own priorities and approaches to work; something many managers do not take into account. ■

Info: www.fmcs.gov



MN Department of Transportation

Federal—U.S.

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ALRA's *UPDATED* Website

— Janelle Niebuhr

If you have recently visited the ALRA website (www.alra.org), you may have noticed some significant changes in its appearance.

As part of the Executive Board's ongoing effort to provide more value to your agency's ALRA membership, President Tim Noonan has tasked the Publications, Communications and Technology committee with updating the website and making it more user-friendly. The layout and color scheme are just the tip of what to expect when perusing the website.

The ALRA website has two components: the Public site and the Members Only site.

The Public site is accessible to the general public and primarily contains information about the ALRA organization and contact information for its member agencies.

The Members Only site is password-protected and contains articles, presentations, and other resources on topics pertinent to the work of the member agencies. The minutes of the annual meetings and executive board meetings are also located on the Members Only site.

Most of the content-based changes are located in the Members Only site. We have added a "What's New" article to the homepage of the Members Only site. A new "What's New" article will be included each month and feature a program, tip, or interesting fact from one of our member agencies. Plans are in the works to add a more in-depth article from a member agency on a quarterly basis under the heading "Spotlight On."

Of particular interest might be the "Resources" tab. Here, materials from prior conferences, ALRA Advisor articles, and other helpful documents shared by member agencies are separated into four general categories: Administrator, Adjudicator, Mediator, and Training. Our hope is that this library of resources will promote information sharing between member agencies.

You may be asking, "How do I get to the Members Only site if I don't have a password?" In the next few days, each member agency's primary ALRA contact will receive an email with a username and password unique to that agency. That username and password can be used to access the Members Only site by any member of or person employed by the agency. Once you have this log-on information, feel free to spend some time exploring the revamped site.

As you know, ALRA is a completely volunteer-driven organization. The website is only as good as its content. If you or your agency has any relevant programs or materials you would like to share with other member agencies, please contact either:

Roxanne Rothschild, roxanne.rothschild@nlrb.gov
or
Janelle Niebuhr, janelle.niebuhr@iowa.gov.

The website is an ever-evolving project and any suggestions and comments are welcome. ■

The Commission Overhauls Back Pay Proceedings

— Gregg R. Morton, Hearing Officer

When the Commission sustains an employee's career service appeal and vacates or mitigates an agency's discipline, the next step is often to determine the amount of back pay that an employee is owed.

The Commission recently took the opportunity to examine its procedures in back pay proceedings, it clarified and substantially changed how hearing officers go about determining the back pay amount.

The main issue that the Commission addressed was what factors constitute a good faith job search effort to mitigate the loss of employment. *See Vickery v. Department of Corrections, Case No. BP-2014-015 (Fla. PERC April 1, 2015); Harrell v. Department of Corrections, Case No. BP-2014-017 (Fla. PERC April 1, 2015).*

The Commission clarified the concepts of comparability of employment opportunities sought during a good faith job search and the use of evidence related to job searches that employees undertake in obtaining unemployment compensation.

The Commission also receded from the longstanding requirement that employees had to provide documentary evidence related to their job search and were generally barred from receiving back pay based solely on their testimony.

In *Vickery*, the Commission recognized that the burden on employees to show entitlement to appropriate back pay awards had become too onerous. To address this problem, the Commission looked to its seminal decision on back pay proceedings in *Florida State Lodge, Fraternal Order of Police v. Town of Pembroke Park, 10 FPER ¶ 15001 (1983).*

In *Pembroke Park*, the Commission noted that, while the burden is on an employee to demonstrate that he or she engaged in a good faith effort to mitigate lost wages, reasonable doubts as to an employee's mitigating efforts should be resolved in his or her favor because it was the employer's wrongful conduct that initially caused the loss of employment.

In examining whether an employee conducted a good faith effort to mitigate lost wages in *Pembroke Park* the Commission held that it is appropriate to consider factors such as education, background, age, health, experience and skills, and labor conditions.

Moreover, *Pembroke Park* contained directions for hearing officers to consider circumstances regarding scarcity of work and the real possibility that no similar or comparable employment can be found.

In *Vickery*, the Commission reaffirmed these concepts and encouraged consideration of a wider range of factors in determining entitlement to back pay.

The Commission commented that *Pembroke Park* was the "first foray" into crafting standards in back pay proceedings. The case arose from an unfair labor practice case that involved an entire police department and was heavily litigated over a two-year period in the early 1980s.

The Commission contrasted this history with cases that were

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received since it attained jurisdiction of career service appeals in 1986. Career service appeals generally proceed at a much faster pace than unfair labor practice cases. As a result, they are less heavily litigated, involve a single employee, and the back pay exposure period is usually much shorter.

With regard to searching for comparable jobs, the Commission examined the hearing officer's conclusion that *Vickery* did not conduct a good faith job search because he did not look for jobs that were as close as possible in pay to his former position.

The Commission reflected that the concept of conducting a comparable job search sprang from *Pembroke Park* and it was meant to provide employees with leniency during the first six months of their job search because they only needed to look for jobs that paid wages similar to the job that was lost.

According to the Commission, treating comparability as a requirement that precluded an award of back pay would not comport with the remedial goal of back pay proceedings. As such, the Commission held that evidence of a search for *any* job should be taken into consideration in determining whether an employee made a good faith effort to mitigate lost wages.

In *Vickery*, the Commission also receded from the evidentiary standard that required a back pay claimant to provide contemporaneous documentation in order to be entitled to an award of back pay.

While this requirement was put in place following *Pembroke Park*, the Commission noted that the requirement did not have any statutory or rule support.

The Commission also questioned whether the requirement could withstand judicial scrutiny, citing a number of cases in the unemployment compensation context where the district courts of appeal held that testimony alone was sufficient to show the adequacy of a job search. *See, e.g., Aguirre v. Unemployment Appeals Comm'n, 68 So. 3d 404, 406 (Fla. 5th DCA 2011); Carilus v. Unemployment Appeals Comm'n, 51 So. 3d 653, 655 (Fla. 4th DCA 2011); Grell v. Unemployment Appeals Comm'n, 44 So. 3d 201, 204 (Fla. 1st DCA 2010); Anderson v. Unemployment Appeals Comm'n, 822 So. 2d 563, 567 n. 4 (Fla. 5th DCA 2002); Scholastic Book Fairs, Inc., Great Am. Div. v. Unemployment Appeals Comm'n, 671 So. 2d 287, 290 (Fla. 5th DCA 1996).*

In receding from the documentation requirement, the Commission noted that a back pay claimant would be well-advised to supplement testimony with supporting documentation.

However, the Commission held that the factual determination as to whether an employee conducted a job search was within the hearing officer's purview and that determination could be based on testimony, documentation, or both.

The Commission also clarified its position on evidence relating to receipt of unemployment compensation and discussed its decision in *Baynes-Foss v. Department of Highway Safety and Motor Vehicles, 25 FCSR 17 (2010),* which held that the Commission is not collaterally estopped from assessing the sufficiency of a job search by a determination that an employee's job search was sufficient to be awarded unemployment compensation.

The Commission reaffirmed this holding, but receded from language in *Baynes-Foss* that suggested that evidence about an employee's receipt of unemployment compensation might be entirely precluded from consideration. The Commission noted that, at a minimum, an award of unemployment compensation provides some evidence of a good faith job search.

Finally, in *Vickery*, the Commission also revisited its more recent decision in *Harris v. Department of Highway Safety and Motor Vehicles, 28 FCSR 288, 290 (2013)*, which held that once an order to reinstate an employee issues, an employee can cease mitigation efforts in anticipation that he or she will soon be re-employed. The Commission clarified that employees are entitled to back pay for the entire week in which a reinstatement order issues, rather than an award for only the part of the week after issuance of the Commission's order.

After announcing these changes and clarifications in the law, the Commission remanded *Vickery* back to the hearing officer for additional consideration regarding whether the employee was entitled to additional back pay. On

(Continued on page 21)

Minnesota Public Employment Relations Board — PERB

— *Josh Tilsen*

NEW Minnesota PERB Established to adjudicate ULPs

When enacted in 1971, the *Minnesota Public Employment Labor Relations Act* (PELRA) established certain actions as statutory unfair labor practices. PELRA required those wishing to bring an unfair labor practice violation claim to file an action seeking injunctive relief in the District Court of the County where the violation was alleged to have occurred.

The 2014 legislature changed the law creating a new Public Employment Relations Board (PERB) responsible for hearing and deciding these matters.

Beginning on July 1, 2016, anyone wishing to bring an unfair labor practice charge may do so by filing a charge with the PERB.

In December 2014, Minnesota Governor Mark Dayton, appointed the employer and union members and, as provided by statute, they selected the public at large members.

The three board members are:

- David Biggar, Arbitrator and ex-NLRB Hearing Officer, as Chair, public at large representative;
- Nicole Blissenbach, Education Minnesota, union representative; and
- Sandi Blaeser, Metropolitan Council, public employer representative.

The three alternates are:

- Professor and Arbitrator Laura Cooper, University of Minnesota Law School, public at large representative;
- Paula Johnston, International Brotherhood of Teamsters Local 320 General Counsel, union representative; and
- Martin Munic, Hennepin County Attorney Office, public employer representative.

The Minnesota PERB is in the process of joining ALRA and will attend the July conference in Minneapolis. The PERB will be open to begin receiving filings July 1, 2016. ■

Home Care and Family Child Care Provider Amendments (2013)

In 2013, the Minnesota PELRA was amended establishing the right to collective bargaining representation for Family Child Care Providers (Minn. Stat. 179A.50-.52), and Individual Providers of Direct Support Services (Minn. Stat. 179A.54). The law provides that for each of these bargaining units the State of Minnesota is the employer.

In July 2014, SEIU Healthcare filed a petition seeking an election to determine if a majority of those employed as Individual Providers of Direct Support Services supported certification.

In August 2014, SEIU was certified as exclusive representative for the Individual Provider bargaining unit. As of this writing, there has been no petition filed seeking to represent Family Child Care Providers. The State and SEIU have agreed upon a first contract which was ratified in 2015 session of the Minnesota Legislature. ■

Joint Powers Law Clarified

A 2014 change in the Minnesota PELRA has clarified the status of public employees and incumbent exclusive representatives when two or more Minnesota public employers form a "joint powers" venture.

For a number of years Minnesota public entities such as cities, counties, school districts and others, have entered into agreements to deliver certain service jointly. The purpose of these "joint powers" boards is to improve public services and attain greater efficiencies and economy of scale. However, the status of incumbent public employees' collective rights has been in question.

(Continued from page 14)

In a 2011 case (BMS Case 11PCE1143), the Bureau held that a multi-county joint powers health and human services board was a successor employer, but not bound by terms and conditions of the prior collective bargaining agreements.

The effect of this decision was confusion over terms and condition for employees of the joint powers authority during negotiation of new agreements.

The section of PELRA, Minn. Stat.179A.60, clarifies the status of these joint powers entities separate as public employers distinct from the political subdivisions by which they were created. It also secures existing terms and conditions of employment for incumbent public employees.

Finally it establishes procedures for determining the appropriate unit structure and representation rights of incumbent exclusive representatives. ■

Confidential Employee Definition Change Prompts Challenges

Under Minnesota's PELRA, confidential employees, those with a role in the employers labor relations, are prohibited from participation in collective bargaining units of employees who are not confidential.

A 2014 statutory amendment in Minnesota changed the definition of such employees. The prior statute required that to be deemed confidential an *employee have access to labor relations information*.

A series of Minnesota Court decisions interpreted this law to mean that any employee who "has access" to labor relations information, including entire IT departments of large public employees were excluded from basic bargaining units because they had passwords that could enable them to view confidential information.

For nearly 20 years public sector labor organizations argued that these employees should not be deemed confidential because their jobs were not related to labor relations but to IT infrastructure and data management.

The 2014 change provides that to be deemed confidential an employee must, "…*required to access and use labor relations information*…", the import of this subtle change in statute has prompted numerous unit clarification petitions seeking resignation of jobs currently deemed confidential and their inclusion in basic bargaining units. ■

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Minnesota State Capitol Building.

from the President …

(Continued from page 3)

The nature of our organization is that people move on more often than we would like.

Many thanks go to Gilles Grenier and Jerry Post (who left their positions and the Executive Board during the year), for their extensive contributions to ALRA over the years and for consistently displaying the collegiality which is the hallmark of ALRA.

There are, of course, many others that I have not specifically mentioned that have contributed this year to maintaining ALRA as a vibrant organization. Your efforts are greatly appreciated.

I look forward, during the Minneapolis conference, to interacting with committed and enthusiastic colleagues from throughout Canada and the United States to trade ideas and experiences.

I hope you are able to share in this enriching opportunity. If not, I hope you find other ways to be involved in, and benefit from, this enduring organization which has provided rewarding experiences for so many in our field for more than six decades. ■

— Tim Noonan

Michigan Employment Relations Commission — MERC

Noteworthy Decisions

— Lynn Morrison, Staff Attorney

City of Lowell –and– International Brotherhood of Electrical Workers (IBEW), *Local Union 876, 28 MPER 62 (2015)*

The Commission affirmed the ALJ's finding that respondent interfered with and coerced union members in their exercise of PERA protected rights in violation of §10(1)(a), retaliated against union members for engaging in protected activity in violation of §10(1)(c), refused to bargain in good faith, and failed to timely provide relevant information upon request, in violation of §10 (1)(e). The Commission reversed the ALJ's finding that respondent violated PERA by failing to provide certification based pay increases.

In late 2011, the International Brotherhood of Electrical Workers (union) was certified to represent a unit of the City of Lowell's (respondent) employees, and the parties were in the process of negotiating their first contract. Before joining the union, respondent's water department employees, including Todd Phillips, regularly received a wage increase upon completion of a new level of State licensure, as per signed agreements between the individuals, their supervisor and the former City Manager. After joining the Union, Phillips did not receive a pay increase when he advanced to an F-4 license.

In addition to the certification based wage increase, all full-time city employees, except the Police Chief and City Manager, received a one-time pay adjustment of $1,000.00. The employees who joined the Union were denied the pay adjustment.

When approached by Phillips and union steward, Ralph Brecken, the City Manager contended that because the parties were engaged in bargaining, and because wages were a mandatory subject of bargaining, respondent was precluded from issuing any pay increases. Brecken asked to speak to City Council regarding wages and the City Manager prohibited him from doing so. In addition, the union requested information relating to the authorization for the pay adjustments and respondent failed to timely provide the information.

During contract negotiations, the City Manager insisted that he be the final decision maker on all grievances, rather than a neutral arbitrator. He also insisted that all union employees be at-will, that respondent be allowed to replace union employees with part-time non-union employees, and that respondent have the right to subcontract bargaining unit work without limitation.

The ALJ found that the City Manager's conduct demonstrated bad faith bargaining by respondent. The Commission agreed, and found that the City Manager's proposals at the bargaining table demonstrated a failure to actively engage in the bargaining process with an open mind and a sincere desire to reach an agreement.

The Commission also agreed with the ALJ that the City Manager's proposals were far outside the norm in public sector labor law and were intended to avoid reaching a contract because "a contract based on such terms would be tantamount to no contract at all."

The ALJ also determined that respondent violated §10(1) (a) of PERA when it attempted to prevent union members from speaking to City Council. The Commission agreed finding that prohibiting Union members from speaking to City Council, or from making other public comments intended to seek public support for the union's position, was an attempt to restrain protected, concerted activity.

The Commission affirmed the ALJ's finding that respondent violated §10(1)(a) & (c) of PERA when it failed to provide the $1,000.00 pay

(Continued from page 16)
adjustment to the employees who joined the Union.

The Commission held that while respondent had no duty to grant the adjustment to any employee, once it chose to, it could not lawfully deny the adjustment to union employees, and then blame the union for that denial.

The ALJ found that the refusal to give the pay adjustment to union members was motivated by respondent's desire to retaliate against them for joining the union and for engaging in protected activity. She also found that it was intended to deter future protected activity. The Commission agreed. The Commission also agreed with the ALJ that by failing to timely respond to the union's request for information relating to the pay adjustments, respondent violated §10(1)(e) of PERA.

Respondent contended that the ALJ violated its right to due process by making a finding on whether it was lawful to prohibit union members from speaking at City Council meetings because that allegation was not included in the charge. The Commission disagreed, finding that deciding the issue was not prejudicial because the ALJ heard testimony and received evidence directly pertaining to the issue.

The Commission disagreed with the ALJ's finding concerning the licensure based hourly pay raises. It agreed with respondent that those raises were based on individual contracts between Respondent and each employee and held that it does not police private contracts or remedy breaches. ■

Three Rivers Community Schools –and– Theresa Sussdorf –and– Michigan Education Association, *28 MPER 65 (2015)*

In its Decision and Order on Challenge to Tabulation of Election Results, ALJ Travis Calderwood, on behalf of the Commission, found that the objections filed by the Incumbent Labor Organization did not warrant the decertification election results to be set aside, but rather, warranted the opening and inclusion of an inadvertently omitted individual, Glen Carlson's vote.

The Incumbent Labor Organization (MEA) was the exclusive bargaining representative for the support personnel at Three Rivers Community Schools (employer).

In July 2014, Theresa Sussdorf filed a decertification petition seeking to remove the MEA.

Following a conference, the parties agreed to a consent election to be conducted by mailed ballot. The Commission's Elections Officer notified the employer that it was required to submit a list of employees and their classifications to each party seven business days prior to the mailing of the ballots.

On August 7, 2014 the ballots were mailed to the eligible voters as identified on the list submitted by the Employer, and were due back to the Commission by August 21, 2014.

On August 14, 2014, Glen Carlson, a member of the bargaining unit, notified the MEA that he had not received a ballot. A representative of the MEA notified the Elections Officer, and upon her return to the office on August 18, 2014, mailed a challenged ballot to Carlson. Carlson received his ballot on August 20, 2014 and mailed it back on that same date.

The Elections Officer and a representative of the MEA opened the ballots on August 22, 2014 and tallied 11 votes for the MEA and 11 votes for the decertification. The Commission received Carlson's ballot on August 24, 2014, and it was not counted in the tabulation.

The MEA contended that because Carlson was an eligible voter and did not receive his ballot until the day before it was due to the Commission, his vote should either be tallied or the election should be set aside.

There was no explanation provided by either party as to why Carlson's name was omitted from the list of eligible voters. The omission went unnoticed until Carlson himself contacted the MEA a week after the ballots were mailed out.

The Commission determined that the method in which Carlson notified the Commission that he did not receive a ballot, either through the MEA or by contacting the Commission himself, was immaterial.

The Commission reasoned that because employees are afforded the right under § 9 of PERA to cast

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50th Anniversary of the *Michigan Public Employment Relations Act*

In July, Michigan will reach a milestone in our public employment labor relations arena as we will commemorate the 50th anniversary of the Public Employment Relations Act.

PERA, as it is commonly known, was enacted on July 22, 1965, with Governor George Romney *(left)* at the helm of State government. It has been amended on numerous occasions over the years, most recently and significantly by the Michigan legislature that added greatly to the list of prohibited subjects of bargaining and made Michigan the nation's 24th Right to Work state.

The Michigan Employment Relations Commission will memorialize this 50th anniversary by holding a reception following its July 2015 meeting. ■

the States

Past ALRA Presidents Meet in Florida

Jim Mastriani, Rick Curreri and Bob Hackle. March 2015.

- Jim Mastriani, Chair, Port Authority of NY/NJ Labor Relations Board and former Chair of the NJ PERC, where he worked for 25 years. ALRA President 1987-88.
- Rick Curreri retired as Director of Conciliation after serving 36 years at NY PERB. ALRA President 1997-98.
- Bob Hackle retired as Deputy Executive Director of NJ PERC after 32 years of service at the agency. ALRA President 2012-13.

(Mr./Ms. Wizard determined Rick is not in violation of any agency ethics, rules/laws for consuming a beer because he is officially retired.)

(Continued from page 17)

a vote for a representative of their choosing, Carlson's ballot should be opened, included with the tabulation of the election results, and that an appropriate certification be issued. ■

MERC's Act 312 Arbitrator and Fact Finder Training Program

The MERC Act 312 Arbitrator and Fact Finder training program was held on March 27, 2015 at the Schoolcraft College VistaTech Center in Livonia. Included in the program were presentations by the Michigan Department of Treasury, Michigan Department of Education, Municipal Employees Retirement System, and BCBS of Michigan.

In addition, pertinent information was shared by BER staffers concerning recent significant MERC decisions, Act 312 and General Rules Amendments, the billing policy for Act 312 Arbitrators and Fact Finders.

Persons at the Michigan Department of Education commented on conducting or issuing a recommendation in Fact Finding when a school district is operating under the constraints of a Deficit Elimination Plan.

There were also discussions on the nuances of issuing an Act 312 Award when an Emergency Manager has been appointed.

Materials from the program are available on the MERC website at www.michigan.gov/merc. ■

Two leaders of N.J. PERC pass away

— Don Horowitz, Acting General Counsel, NJ PERC

In March and April 2015, NJ PERC and the public sector labor relations community in New Jersey sadly witnessed the passing of current and recent leaders of the agency.

On March 10, General Counsel, **Martin R. Pachman**,Esq. died after a long illness. He was 70.

Marty's 45-year career as a labor relations attorney started and ended with positions on the staff of public sector labor relations agencies. Following law school graduation, he served as Assistant General Counsel to the N.Y. Public Employment Relations Board (PERB) and then as a Hearing Officer and Mediator with the Commission. From 1972 until his return to the Commission in 2011 as General Counsel, Marty was in private practice.

He primarily represented public sector management including numerous school districts and both small and large municipalities, among them, the City of Jersey City. Marty was a skilled and persuasive advocate both at the bargaining table and in court. He was highly regarded and respected by representatives of management and labor as well as neutrals and was an effective and entertaining public speaker at seminars and conferences.■

On April 25, **Larry (aka "Hondo") Henderson**, PERC Chairman from 2003 through 2009, passed away from non-Hodgkins Lymphoma at the age of 62.

Larry began his legal career at New Jersey PERC serving as a hearing officer/staff agent from 1980 to 1984. He then engaged in the private practice of law from 1984 to 1988 in New Jersey, representing parties in the private and public sectors in contract negotiations.

Larry became the director of personnel for Hudson County in 1988, remaining in the role through 2002. Serving as director of the New Jersey Governor's Office of Employee Relations from 2002 to 2003, his responsibilities included negotiating and administering labor contracts with 16 unions and 55,000 State of New Jersey employees.

After leaving the Commission, Larry formed Henderson Dispute Resolution Services, LLC, serving as an arbitrator in numerous state, federal, and private arbitrations. He was also an avid sports fan and lover of the outdoors. Among his international adventures were reaching the mountain peaks of Kilimanjaro and Machu Picchu. ■

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Mississippi River Stone Arch Bridge at night.

Mary Tyler Moore statue on Nicollet Mall in downtown Minneapolis

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Bankruptcy in the "D"

— Labor Mediators Micki Czerniak and Sidney McBride

Initiated in June 2013 and concluding in December 2014, the City of Detroit (the "D" or City) was engaged in the largest public sector bankruptcy in the history of the United States.

This is a brief overview of how this bankruptcy and certain events leading up to it, affected collective bargaining processes between the City and its forty-three (43) collective bargaining units.

Financial Distress Declaration

In March 2013, Governor Snyder appointed Kevyn Orr as Emergency Manager (EM) of the City pursuant to a controversial new statute — P.A. 436 of 2012.

The "EM Law" is purposed to help provide relief to financially stressed local governmental units such as cities, municipalities, counties and school districts etc.

Under this "EM law", an appointed EM can *unilaterally* suspend collective bargaining for up to five years; void all or portions of existing collective bargaining agreements; and impose wages, hours and other terms and conditions of employment.

Shortly after his appointment, EM Orr suspended collective bargaining activity impacting City employees, with one notable exception—the Detroit Water and Sewerage Department (DWSD).[1]

The EM's suspension of collective bargaining in the City of Detroit quickly raised a new question contrasting the public sector bargaining process under PERA and the operation of a separate but related statute—P.A. 312 of 1969 (Act 312).

Act 312 authorizes binding arbitration to resolve collective bargaining disputes involving certain police, fire, EMS and 911/dispatcher employees.

Act 312 had long been viewed as an extension of PERA; however, many have opined that Act 312 operates separate and independent of PERA. The importance of which view was correct (extension vs independent) was critical as several of the City's public safety units had already invoked the Act 312 arbitration process months before EM Orr suspended collective bargaining activity on behalf of the City.

Given the urgency of this question, MERC quickly rendered a decision finding that binding arbitration under Act 312 operates as an extension of the collective bargaining process authorized by PERA. The Commission's rationale was based (in part) on the precondition that some collective bargaining activity must occur before a party is eligible to file for Act 312 arbitration.

Consequently, in light of the City opting to suspend bargaining under P.A. 436, MERC dismissed the pending Act 312 petitions.

Bankruptcy Commences

In June 2013, the City (through the EM) filed for Chapter 9 bankruptcy protection in federal bankruptcy court.

The Honorable Steven W. Rhodes

All litigation involving the City was stayed by order of the assigned Bankruptcy Court Judge, the Honorable Steven W. Rhodes. This stay also applied to all labor relations matters involving the City that were pending before MERC.

Once underway, the bankruptcy court worked (with the input of the City's listed creditors including pensioners and labor unions) to identify the full scope of the City's financial distress.

Judge Rhodes also appointed other federal judges to serve as mediators to assist the claimants in resolving as many outstanding disputes as possible.

Using the court's mediation process, the City reached settlement agreements with a majority of

the named creditors (including some labor unions). The settlements with labor unions included a gradual restoration of some of the wage/ benefit reductions that occurred prior to the bankruptcy filing. These settlements were subsequently approved by the State Treasurer and included as part of the Judge Rhode's "readjustment plan" for the City.

Also during the bankruptcy proceedings, the parties identified four (4) bargaining units subject to additional worker protections under Section *13 (C)* of the *Federal Urban Transit Act*.

These added protections, in part, help insulate workers from unilateral changes in existing collective bargaining terms and conditions.

Had the EM imposed contract changes as permitted under state law, the City risked losing up to $40M in federal funds provided to its Department of Transportation (DDOT). [*DDOT provides bus services across one hundred-forty (140) square miles within the corporate limits of the City of Detroit.]*

As a result, these four (4) bargaining units were permitted to utilize MERC's labor mediation and fact finding processes to aid in their contract negotiations.

Two unions settled their bargaining contracts in mediation with a MERC labor mediator. The other two units (following mediation) proceeded to fact finding where non-binding recommendations were issued by the MERC appointed fact finder.

Post-Bankruptcy

On December 10, 2014, the City of Detroit officially emerged from its bankruptcy status.

Since then, several City operations have been under continued scrutiny based on subsequent conditions stemming from the bankruptcy and/or EM processes.

As of this writing, various matters involving the City remain suspended at MERC pursuant to Orders issued by Judge Rhodes. These cases include one (1) Unit Clarification petition, five (5) Fact Finding petitions and nearly fifty (50) Unfair Labor Practice charges.

In the meantime, MERC is attempting to dispose of some cases through its mediation division, especially those involving concerns that may be ripe for voluntary resolution or dismissal.■

[1]DWSD facilitates the processes necessary to provide clean water to nearly 40% of the citizens in Michigan-- inside and outside of the City of Detroit. Although the EM had suspended most bargaining, collective bargaining for City employees in the DWSD continued subject to Orders issued by U. S. District Judge Sean F. Cox in November, 2011. Judge Cox's actions resulted from the DWSD's continued violations of the federal Clean Water Act.

(Continued from page 13)

remand, the hearing officer issued a supplemental order recommending additional back pay and, after receiving the supplemental recommendation, the Commission adopted the hearing officer's recommendation.

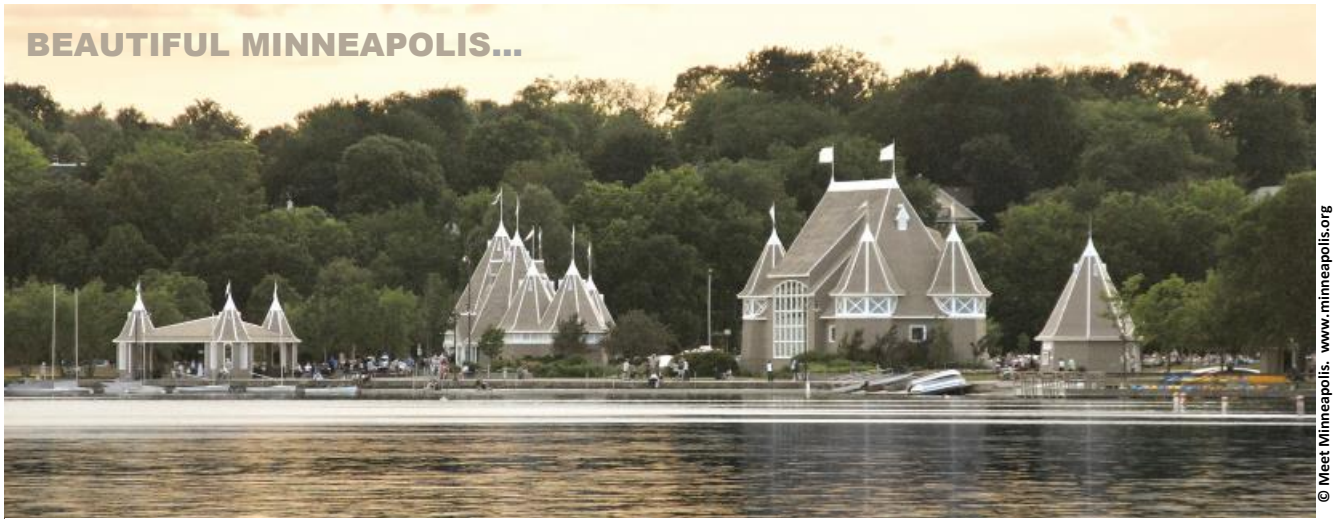
In *Harrell*, the Commission was presented with similar issues regarding back pay, and remanded the case to the hearing officer for consideration of the changes and clarifications announced in *Vickery*.

Relying on language from *Pembroke Park*, the Commission also took the opportunity to clarify that obtaining other employment ends the employee's duty to mitigate. Therefore, an employee would be entitled to back pay for the week he or she secured employment and would be entitled to back pay, minus any wages from the new job, in subsequent weeks as well.

Both *Vickery* and *Harrell* reflect changes in long-standing Commission policy regarding back pay proceedings. The Commission's stated goal was to address requirements that had become too onerous from employees.

Ultimately, the Commission's decisions demonstrate a reaffirmation of the remedial nature of back pay and an assurance that an employee will be given the benefits that he or she would have been entitled to receive but for the employer's wrongful action. ■

ALRA 64th Annual Conference Minneapolis, Minn.



Lake Harriet and Bandshell in Minneapolis

Saturday, July 18, 2015

1:00 ALRA Academy Workshop
6:00 Welcome Reception

Sunday, July 19, 2015

9:00 Concurrent Roundtable Discussions
1. Mediators' Roundtable
2. Board and Commission Members' Roundtable
3. General Counsel Roundtable
4. Administrators' Roundtable

11:45 Brunch—Minnesota Labor History
1:30 Plenary
3:30 Organized activities – Explore the Twin Cities

Tuesday, July 21, 2015

8:30 Concurrent Workshops — Professional Development for Delegates
I. Mediator Training Program
II. Adjudicator Training Program
11:45 Luncheon - Ethical Considerations in Mediated Settlements – A View from the Bench
1:00 Plenary—Ethics and Basics
2:30 Annual Business Meeting

ADVOCATES' DAY Monday, July 20, 2015

08:15 Opening Remarks and Welcome
08:45 The Fissured Workplace: Consequences for Employers and Workers
09:45 Collective Bargaining and the Changing Workforce: New Challenges and Opportunities
11:00 Collective Action Alternative Campaigns Panel
12:15 Luncheon – Update from the Office of the General Counsel of the NLRB
1:45 Concurrent Sessions
I. Recent Developments in Higher Education Collective Bargaining
II. Labor-Management Cooperation in Minn. Construction Industry Success Story—The Viking Stadium and other Tales of Labor / Management Cooperation
III. Digital Surveillance – Evidentiary Considerations
3:15 Closing Plenary
4:15 Wrap-Up
4:30 Reception

ALRA ASSOCIATION of LABOR RELATIONS AGENCIES