

**ORANGE COUNTY INDUSTRIAL RELATIONS  
RESEARCH ASSOCIATION**

Post Office Box 1704  
Garden Grove, California 92842

OCIRRA is a State Bar of California approved MCLE provider. OCIRRA certifies that this activity conforms to the standards for approved education activities of the State Bar of California governing minimum continuing legal education.

- 6 hours MCLE credit -

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**24th Annual  
Labor and Employment Law  
Conference**

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Presented by

**NATIONAL LABOR RELATIONS BOARD  
• Region 21 •**



In Cooperation with the

**ORANGE COUNTY INDUSTRIAL RELATIONS  
RESEARCH ASSOCIATION**

and the

**FEDERAL MEDIATION  
AND CONCILIATION SERVICE**

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**Wednesday – July 19, 2006**

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**SHERATON ANAHEIM HOTEL  
1855 South Harbor Boulevard  
Anaheim, California**

Taxpayer ID #95-3125802



## About the Conference...

This year marks the 24th Annual Labor and Employment Law Conference presented by Region 21 of the National Labor Relations Board (NLRB) in conjunction with the Orange County Chapter of the Industrial Relations Research Association (OCIRRA) and the Federal Mediation and Conciliation Service (FMCS).

This program is designed for persons interested in specialized areas, in generalized information about the NLRB and its decisions and procedures, and obtaining up-to-date information on current employment law issues. The topics will be useful to attorneys representing labor and management, union officials, human resources personnel, arbitrators and mediators, students, and members of the academic community.

The morning plenary session, entitled *The Challenges of an Aging Workforce*, will focus on the challenges posed by the imminent retirement of the "Baby Boom" generation. The three concurrent morning workshops will be *How to Win Your Labor Arbitration; Regulations, Regulations, and More Regulations: Whatever Happened to a Smaller, Less Intrusive Federal Government?; and Immigration Issues - From I-9's to Lawsuits: What Does the Future Hold?*

The afternoon will offer three concurrent workshops: *Being Safe in an Unsafe World: Your Safety vs. Your Privacy, A Full Board and a New General Counsel at the NLRB: A Future Remarkable or Predictable?; and The Disappearing Act of Employee Benefits.* The afternoon plenary session entitled *Liars Always Lose in Arbitration - or Do They?* focuses on credibility issues in arbitration. In addition, we are pleased to present as our luncheon speaker NLRB General Counsel Ronald E. Meisburg, who will discuss Priorities and Programs in the Office of the General Counsel.

Since the Conference is limited to 300 registrants, and has sold out in the past, you are encouraged to submit your registration early. Payment must accompany your registration, and registrations will be accepted in the order received. The registration is \$195 per person for current OCIRRA members and government employees, and \$235 for all others. Registration includes refreshments during the breaks, the luncheon, and all conference materials. **NO ACKNOWLEDGEMENT OF REGISTRATION WILL BE MAILED. YOUR CANCELLED CHECK IS YOUR RECEIPT. THERE WILL BE NO REFUNDS AFTER JULY 5, 2006.** Please make checks payable to OCIRRA (no credit cards).

OCIRRA certifies that this conference provides six (6) hours of Continuing Legal Education (MCLE) credits.

### CONFERENCE PLANNING COMMITTEE

Marlene K. Heyser, *Chair*

David Adelstein	Lloyd C. Loomis	Kelly Selvidge
Victoria Aguayo	Anthony T. Oliver, Jr.	Ami Silverman
Sherry Bolander	Joseph L. Paller, Jr.	James Small
Pam Gentry	Marianne Reinhold	Dee Zazio
Fred Horowitz	Sonia Sanchez	

## Program

**7:30 AM - Registration and Coffee**

**8:30 AM to 8:40 AM - Welcome**

David Adelstein, *President,*  
*Orange County Industrial Relations Research Association;*  
*Attorney, Geffner & Bush*

**8:40 AM to 8:45 AM - Opening Remarks**

Marlene K. Heyser, *Chair, 24th Annual Labor & Employment Law Conference;*  
*Past President, National Labor & Employment Relations Assoc. (formerly IRRRA);*  
*Executive Director, Labor/Employee Relations & Civil Rights,*  
*Orange County Transportation Authority*

**8:45 AM to 10:00 AM - Plenary Session**

*The Challenges of an Aging Work Force*

The "Baby Boom" generation is reaching retirement age, creating a demographic shift in the workplace with significant implications. We already know some of the challenges posed by this shift: retiree health costs ballooning, defined benefit plans crashing, and age discrimination cases increasing. Other challenges may not be so obvious: the loss of workplace knowledge, accommodating older workers, and public sector retiree benefits threatening government budgets. This panel of experts will explore the challenges posed by these workplace changes, and provide a glimpse of the options left us.

MODERATOR:

David Adelstein, *Attorney, Geffner & Bush*

PANELISTS:

Hon. Joseph Dunn, *State Senator (D, Garden Grove)* *INVITED*  
Scott W. Schaefer, Ph.D., *Northrop Gruman Integrated Systems,*  
*Director of Knowledge Management*

UNION: Peter Dickinson, *Attorney, Geffner & Bush*

MANAGEMENT: Anthony T. Oliver, Jr., *Attorney,*  
*Parker, Milliken, Clark, O'Hara & Samuelian*

**10:00 AM to 10:15 AM - Coffee Break**

**10:15 AM to 11:45 AM - Workshops I, II, and III**

(CONCURRENT PRESENTATIONS)

**WORKSHOP I:**

*Immigration Issues - From I-9's to Lawsuits: What Does the Future Hold?*

Immigration-related issues are among the hottest topics in employment law. This workshop will address the legal obligations employers face regarding immigration issues, including I-9's, visas, permanent residency issues, and "no match" social security numbers. How can employers avoid sanctions? The workshop panelists will address the emotional issue of whether lawfully documented workers have a right to sue their employers who employ undocumented workers. Should unions attempt to represent undocumented workers? What does the future hold regarding immigration issues for employers, unions, and employees? Employers, unions, and employees can all benefit from attending this cutting-edge workshop session.

MODERATOR:

James F. Small, *Assistant to the Regional Director,*  
*National Labor Relations Board, Region 21*

PANELISTS:

UNION: Yvette Pena Lopes,

*International Brotherhood of Teamsters, Government Affairs*

MANAGEMENT: Koa Maxwell (Max) Nuyen, *Attorney, King & Ballow*

ACADEMIC: Victor Narro, *UCLA Center for Labor Research & Education*

**WORKSHOP II:*****How to Win Your Labor Arbitration: Lessons from the Arbitrators***

Our distinguished panel of labor arbitrators will share their views on the best ways to win (and lose) your labor arbitration, addressing both discipline and contract interpretation cases. The program will be informal, and valuable for union and management representatives of all levels of experience.

## MODERATOR:

**Joseph L. Paller, Jr.**, Attorney, Gilbert & Sackman

## PANELISTS:

**Michael Prihar**, Arbitrator

**Terri A. Tucker**, Arbitrator

**Mark Burstein**, Arbitrator

**WORKSHOP III:*****Regulations, Regulations, and More Regulations: Whatever Happened to a Smaller, Less Intrusive Federal Government?***

Both unions and employers are encountering new and changing requirements for reporting information to the federal government. This panel will discuss significant changes in reporting obligations for private sector labor organizations, officers, and employees associated with the revision of LM-30 forms resulting from the United States Department of Labor's exercising its authority to issue regulations interpreting the LMRDA. After some delays, the DOL is moving forward with newly mandated annual reporting obligations for union officials and employees, while simultaneously changing the reporting obligations of employers on corresponding LM-10 forms. In addition, the panel will discuss recently approved changes to the EEO-1 forms that employers must file annually with the EEOC detailing employees and their job categories, and then providing information regarding the employees' ethnicity, race, and gender, and will also discuss the new requirements for reporting regarding on-line job applicants.

## MODERATOR:

**Marianne Reinhold**, Attorney, Reich, Adell, Crost & Cvitan

## PANELISTS:

GOVERNMENT: **Andrew Auerbach**, Deputy Director,  
Department of Labor, Office of Labor Management Standards

UNION: **David Adelstein**, Attorney, Gelfner & Bush

MANAGEMENT: **Thomas A. Lenz**, Attorney,  
Atkinson, Andelson, Loya, Ruud & Romo

**11:45 AM to 12:00 PM - Break**

**12:00 PM to 1:45 PM - Luncheon**

***"Priorities and Programs in the Office of the General Counsel"***

## INTRODUCTORY REMARKS:

**Victoria E. Aguayo**, Regional Director, National Labor Relations Board, Region 21

## SPEAKER:

**Ronald E. Meisburg**, General Counsel,  
National Labor Relations Board, Washington D.C.

**2:00 PM to 3:15 PM - Workshops IV, V, and VI**  
(CONCURRENT PRESENTATIONS)

**WORKSHOP IV:*****Being Safe in an Unsafe World: Your Safety vs. Your Privacy  
And the Increasing Conflict Between Safety and Privacy***

Employees are increasingly concerned about safety and security, including their safety and security in the workplace. Employers are expected to provide a workplace that is safe and secure not only from the normal hazards of the workplace, but from terrorists, co-workers, and others who might commit violence and harm in the workplace. At the same time, employees also have a high expectation of privacy in the workplace. An increasing number of federal and state laws have increased the employer's obligation to protect an employee's privacy. These expectations of privacy often conflict with the expectations of safety and security. The employer's obligation to create a safe workplace also conflicts with the employer's obligation to protect employees' privacy. Creating a safe workplace that protects employees from internal and external threats is a high priority in today's world. This increase in security, however, often comes at the expense of decreased privacy rights and civil liberties for employees. The Patriot Act and other legislation designed to increase security are examples of laws that also impact individual rights and create additional challenges. The disclosure of President George W. Bush's authorization of domestic "spying" by the National Security Agency on U.S. citizens is a critical example of the growing conflict between privacy and security. This session will examine the responsibilities of management, the rights of the employees, and the role of the union.

## MODERATOR:

**Anthony T. Oliver, Jr.**, Attorney, Parker, Milliken, Clark, O'Hara & Samuelian

## PANELISTS:

UNION: **Robert Remar**, Attorney, Leonard Carder

MANAGEMENT: **Howard Hay**, Attorney, Paul Hastings Janofsky & Walker

**WORKSHOP V:*****A Full Board and a New General Counsel at the NLRB:  
A Future Remarkable or Predictable?***

Earlier this year, President Bush made three recess appointments at the National Labor Relations Board. Ronald E. Meisburg was appointed General Counsel, the agency's chief prosecutor who oversees the investigation and litigation of unfair labor practice charges in the Regional offices. Peter N. Kirsanow and Dennis P. Walsh were appointed to the five-member Board, joining Chairman Robert Battista and sitting members Wilma Liebman and Peter Schaumber. Prior to the recess appointments, the Board issued some controversial decisions. Labor and academics accuse the Board of systematically defeating the policies of employee free choice and collective bargaining embodied by the National Labor Relations Act. Employers and other groups maintain, on the other hand, that the decisions issued by the Board majority are measured and necessary to ensure employer flexibility in the employment relationship. This workshop will review some of those decisions and consider whether the new makeup of the Board will result in further or surprising changes in areas such as employee and supervisory status, protected and concerted activity, employer and employee free speech, or whether established doctrines such as voluntary recognition will remain intact.

## MODERATOR:

**Sonia Sanchez**, Field Attorney, National Labor Relations Board

## PANELISTS:

UNION: **Dana Martinez**, Attorney, Holguin & Garfield

MANAGEMENT: **Matthew T. Wakefield**, Attorney,  
Ballard, Rosenberg, Golper & Savitt, LLP

**WORKSHOP VII:**

**The Disappearing Act of Employee Benefits**

*"Where Oh Where Did My Pension Plan Go and Oh What, Oh What Should I Do?  
My Health Care Plan is My Savings Account and No One Can Explain It to Me!  
I've Gone to the Experts to See What They Know and Oh My, Oh My What I've Seen!"*

In the rapidly evolving world of health care and pension plans, many employees are wondering what happened to the employee benefits which they counted on for many years. The new Health Savings Accounts are often difficult to understand, and becoming an educated health care consumer can be a tangled path. The transition from defined benefit plans to hybrid plans and self-directed 401(k) plans is even more loaded with confusion. Employers are frequently as uncertain as employees and unions about which "door" to choose in the merry-go-round of health care options and retirement plans. Employers who want to attract, retain, and reward employees, know the importance of offering viable employee benefit plans to their workforce, but are finding they need to become very knowledgeable very quickly about these plan choices. This workshop will focus on providing an essential understanding of the new landscape of health care options and pension plans.

**MODERATOR:**

**LaVonne Ritter**, *Mediator, Federal Mediation & Conciliation Service*

**PANELISTS:**

**UNION:** **Steve Sleigh**, *Director of Strategic Research, International Association of Machinists; Past President, Labor & Employment Relations Association (invited)*  
**MANAGEMENT:** **Dr. Rueben Ingram**, *Executive Director, School Employer's Association of California; Co-Chair, California Education Association for Health Care Reform*

**3:15 PM to 3:30 PM - Break**

**3:30 PM to 5:00 PM - Plenary Session**

**Liars Always Lose in Arbitration - Or Do They?**

Credibility issues frequently arise in arbitration that confound and bedevil the parties, advocates, and arbitrators. What legal, ethical, and practical concerns must be considered when you are confronted by witnesses whose accounts of disputed events do not seem worthy of belief? Our experienced panel of arbitrators and advocates will discuss their views and approaches in a fast-paced session on how best to address and resolve a myriad of troublesome credibility issues arising during case preparation, the arbitration, and the decision.

**MODERATOR:**

**Fredric R. Horowitz**, *Arbitrator*

**PANELISTS:**

**UNION:** **Fern Steiner**, *Attorney, Tosdal, Levine, Smith & Steiner*  
**MANAGEMENT:** **William Claster**, *Attorney, Gibson, Dunn & Crutcher*  
**ARBITRATORS:**  
**Sara Adler**, *Arbitrator*  
**Louis M. Zigman**, *Arbitrator*  
**Bonnie Castry**, *Arbitrator*

**5:00 PM - Adjournment**

**REGISTRATION FORM:**

**24th Annual  
Labor and Employment Law Conference**

**Wednesday - July 19, 2006**

**Registration Fee:** **\$195** for current OCIRRA members and government employees  
**\$235** for all others

Please make all checks payable to OCIRRA. Payment must accompany this registration. Remit your check along with completed Registration Form to:

**OCIRRA  
P.O. Box 1704  
Garden Grove, CA 92842**

**For further information, call: (714) 560-5852**

**NO CREDIT CARDS • NO REFUNDS AFTER JULY 5, 2006  
PARKING IS INCLUDED IN THE REGISTRATION FEE.**

**Please Indicate Payment (Check One Box Only):**

- I am a current OCIRRA Member or government employee. Enclosed is my check for **\$195**.
- Enclosed is my check for **\$235**. This registration amount includes an OCIRRA Membership.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

CA State Bar #: \_\_\_\_\_

Organization: \_\_\_\_\_

E-mail: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State/Zip: \_\_\_\_\_

**Please Indicate the Workshop Number You Wish to Attend for Morning and Afternoon Sessions:**

Morning (10:15 - 11:45 a.m.) - Workshop # \_\_\_\_\_

Afternoon (2:00 - 3:15 p.m.) - Workshop # \_\_\_\_\_

**Please Use a Separate Registration Form for Each Registrant.**

DETACH HERE