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# 36th Annual Labor and Employment Law Conference

PRESENTED BY THE

**ORANGE COUNTY LABOR AND  
EMPLOYMENT RELATIONS ASSOCIATION  
(OC LERA)**



IN COOPERATION WITH THE



**FMCS** | FEDERAL MEDIATION &  
CONCILIATION SERVICE

**FEDERAL MEDIATION &  
CONCILIATION SERVICE**

PROGRAMMING SUPPORT PROVIDED BY THE

**NATIONAL LABOR RELATIONS BOARD  
REGION 21 and REGION 31,  
LOS ANGELES**

**WEDNESDAY, JULY 18, 2018**

**Sheraton Park Hotel**  
at the  
**Anaheim Resort**  
1855 South Harbor Blvd., Anaheim, CA

Taxpayer ID #95-312580



## ABOUT THE CONFERENCE...

This year marks the 36th Annual Labor and Employment Law Conference presented by the Orange County Labor and Employment Relations Association (OC LERA) in cooperation with the Federal Mediation & Conciliation Service (FMCS). Programming support is provided by Region 21 and Region 31 of the National Labor Relations Board (NLRB).

The Conference will provide important updates on current labor and employment law issues and legislation affecting the workplace. The Conference is designed for labor and management representatives in both the private and public sectors, including attorneys, human resources professionals, in-house counsel, business agents, union representatives, mediators, arbitrators, and academics.

Our traditional Opening Plenary session presents an overview of "Hot Topics in the Workplace" which includes experts who will discuss the timely and significant topics of "Public Sector Unions after *Janus*," and "Immigration, Discrimination, and Sanctuary Cities." After the Opening Plenary, attendees can choose from workshops on timely subjects including "Speech in the Workplace," "New California Workplace Laws," "Practical Guidance for Investigating and Addressing Harassment," and an "NLRB Roundtable," featuring the Regional Directors of NLRB Region 21 and 31. The Closing Plenary will be the always-popular "Ask the Arbitrators" interactive session which will analyze arbitration hypos focusing on the impact of off-duty conduct.

Our special keynote luncheon speaker will be **Hon. William J. Emanuel, Board Member, National Labor Relations Board, Washington D.C.**

The Conference is limited to 300 registrants, and early registration is encouraged. Payment must accompany your registration, and registrations will be accepted in the order received. **The registration fee is \$250 for current OC LERA members and Federal Government employees before June 29, 2018, and \$260 thereafter; \$285 for all others before June 29, 2018, and \$295 thereafter, which includes the luncheon, refreshments, parking, and conference materials on a flash drive. THERE WILL BE NO REFUNDS AFTER JULY 5, 2018.**

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### CONFERENCE PLANNING COMMITTEE

Marlene K. Heyser, *Chair*

Sara Adler	Ruben Ingram	Danielle Pierce
William B. Cowen	Patrick D. Kelly	Bonnie Prouty Castrey
Lisa Demidovich	Thomas A. Lenz	Marianne Reinhold
Michael D. Four	Michael B. Mellema	Mori Rubin
Juan Carlos Gonzalez	Joseph L. Paller, Jr.	Kristen Scott
Valerie Harragin	Carlos R. Perez	Ami Silverman

## Program

**7:30 AM to 8:30 A.M. – Registration and Coffee**

**8:30 AM to 8:45 A.M. – Welcome and  
Opening Remarks**

**Michael D. Four, Partner**  
*Schwartz, Steinsapir, Dohrmann & Sommers*  
*President, OC LERA 2018*

**Marlene K. Heyser, Founder, Workplace Law Strategies,**  
*Chair, 36th Annual Labor and Employment Law Conference,*  
*Past President, National LERA*

**8:45 AM to 10:15 AM – Plenary Session**

### HOT TOPICS IN THE WORKPLACE

Our panel of seasoned experts will address selected "hot topics" in the workplace, including:

**Public Sector Unions After *Janus* – The Tale of Two Fates!**  
The Supreme Court held in *Abood v. Detroit Board of Education* (1977) that non-members can be required to pay the share of union dues that support the collective bargaining activities of a union. As the Supreme Court prepares to issue its decision in *Janus v. American Federation*, this requirement may change, threatening the finances and memberships of unions in the 20 states which do not have right-to-work laws. How will the Labor Movement respond to this very significant challenge? What new steps must the Labor Movement take to maintain its relevance in our current society?

**Immigration, Discrimination, and Sanctuary Cities.**  
Allegations of discrimination have increased with the promotion of border walls. The State of California and some California cities have enacted Sanctuary Laws to protect people from deportation, while other cities have taken legal action against Sanctuary Laws. New claims of sexual harassment and human trafficking issues have also markedly increased the challenges facing labor and management in preventing discrimination.

**MODERATOR:** **Marlene K. Heyser, 2018 Conference Chair**  
*Founder, Workplace Law Strategies*  
*Newport Beach, CA*

**SPEAKERS:** **Carlos R. Perez, Attorney**  
*Law Offices of Carlos R. Perez, Pasadena, CA*  
**Anna Y. Park, Regional Attorney**  
*Equal Employment Opportunity Commission*  
*(EEOC) Los Angeles District Office*  
*Los Angeles, CA*

**10:15 AM to 10:30 AM – Coffee Break**

**10:30 AM to 11:45 AM – Workshops I and II**

*(concurrent presentations)*

**WORKSHOP I:**

**NLRB Roundtable**

Join the Regional Directors of Regions 21 and 31 of the NLRB as they discuss recent developments in Board law with experienced practitioners representing both labor and management. The Board is undergoing a period of significant change in law, policy, and procedure, and our panel of experts is prepared to cover all this and more. Don't miss what is sure to be an engaging and educational workshop featuring discussions of recent Board decisions, a lively debate, and an interactive portion designed to provide valuable real-world guidance for practitioners and representatives.

**MODERATOR:** **Molly A. Kagel**, *Field Attorney*  
*NLRB Region 21, Downtown Los Angeles, CA*

**SPEAKERS:**  
NLRB: **William B. Cowen**, *Regional Director*  
*NLRB Region 21, Downtown Los Angeles, CA*

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

Union: **Pamela Chandran**, *Attorney*  
*Gilbert & Sackman, Los Angeles, CA*

Management: **Jeffrey A. Berman**, *Partner*  
*Seyfarth Shaw, Los Angeles, CA*

**WORKSHOP II:**

**Taking A Knee? Holding A Torch? Speech in the Workplace**

In recent months, questions have arisen about the extent expressive conduct in the workplace is protected by law. This includes football players "taking a knee" instead of standing for the National Anthem, employees speaking out against elected officials and their policies, employees using profanity or inflammatory speech toward their supervisors, and more. This Workshop will address some of the controversies and developments in the law as well as what employees, labor unions, and employers should consider when such issues arise.

**MODERATOR:** **John B. Golper**, *Of Counsel*  
*Ballard Rosenberg Golper & Savitt*  
*Glendale, CA*

**SPEAKERS:** **Thomas A. Lenz**, *Partner*  
*Atkinson Andelson Loya Ruud & Romo*  
*Pasadena, CA*

**Jeffrey L. Cutler**, *Partner*,  
*Wohlner Kaplon Cutler Halford & Rosenfeld*  
*Encino, CA*

**Jody David Armour**, *Roy P. Crocker Professor of Law*  
*University of Southern California Gould School of Law*  
*Los Angeles, CA*

**12 NOON to 1:45 PM – Luncheon**

**WELCOME AND INTRODUCTIONS:**

**William B. Cowen**, *Regional Director*  
*NLRB Region 21, Downtown Los Angeles, CA*

**Linda G. Gonzalez**, *Director*  
*Mediation Services, Southwestern States*  
*Federal Mediation & Conciliation Service*  
*Glendale, CA*

**KEYNOTE SPEAKER:**

**Hon. William J. Emanuel**, *Board Member*  
*National Labor Relations Board,*  
*Washington D.C.*

**1:45 PM to 2:00 PM – Break**

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

*(concurrent presentations)*

**WORKSHOP III:**

**Investigating and Addressing Harassment: Practical Guidance for Employers and Unions**

How should unions and employers respond to harassment grievances and accusations? This workshop will explore the nuts and bolts of investigating and resolving grievances and charges of sexual or other harassment, while protecting employees in the workplace. Our emphasis is on practical approaches, effective tactics and best practices for HR personnel and union representatives.

**MODERATOR:** **Michaela O'Neill**, *O'Neill Investigations*  
*Seal Beach, CA*

**SPEAKERS:** **Jessica Espinosa**, *Staff Attorney*  
*UNAC/UHCP*  
*San Dimas, CA*

**Diamond M. Hicks**, *Counsel*  
*Kaiser Foundations Health Plan LLC*  
*Pasadena, CA*

**WORKSHOP IV:**

**You've Got to be Kidding Me! New California Workplace Laws**

A panel of expert legal analysts will review and discuss some of the most dramatic and game-changing labor and employment laws that were enacted in 2017. Topics will include "Living in the ICE Age," or how employers, employees, and labor unions should now respond to immigration issues,

audits, and "sanctuary city" status; "Don't Ask," or what you cannot ask job applicants ("Ban the Box" and prior salary history); job-protected parental leaves for medium-sized employers; expanded harassment training; general contractor liability for subcontractor employment law violations; expansion of paid family leave; and other new laws affecting the workplace.

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

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

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

**3:15 PM to 3:30 PM – Break**

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

**Ask the Arbitrators:**

A panel of distinguished arbitrators will discuss their respective views on a number of timely and relevant hypotheticals involving off-duty conduct and its impact on the workplace. What should be done with employees who are "arrested but not charged" or "prosecuted but not found guilty" and others that are "in violation of Federal marijuana laws" but not State laws? What factors should be raised and considered during arbitrations involving discipline or termination? Don't miss this very popular session! Audience participation is encouraged!

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

**ARBITRATORS:** **Bonnie C. Castrey**, *Arbitrator/Mediator*  
**Sara Adler**, *Arbitrator/Mediator*  
**Juan Carlos Gonzalez**, *Arbitrator/Mediator*  
**Christopher David Ruiz Cameron**,  
*Arbitrator & Law Professor*

**5:00 PM – Adjournment**

**Registration Form**

**36TH ANNUAL LABOR AND EMPLOYMENT LAW CONFERENCE**

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**Registration Fee:** **\$250** before June 29, 2018, for current OC LERA members and federal government employees; \$260 thereafter.

**\$285** for all others before June 29, 2018 (includes one-year OC LERA membership); \$295 thereafter.

*Please use a separate registration form for each registrant. Remit your completed registration form and payment to:*

**OC LERA, c/o SEAC, 18022 Cowan, Suite 250, Irvine, CA 92614**

*For further information, call Olivia Mata at (949) 387-1869*

**NO REFUNDS AFTER JULY 5, 2018**

**Indicate Payment** *(check boxes that apply)*

I am a current OC LERA Member or Federal Government employee. Enclosed is my check payable to OC LERA for \$250 before June 29, 2018; \$260 thereafter.

Enclosed is my check payable to OC LERA for \$285 before June 29, 2018; \$295 thereafter. This registration amount includes a one-year OC LERA membership.

Please charge my credit card:  MasterCard  Visa  Amex

OC LERA Member or Federal Government Employee

Non-Member

Acct. No. \_\_\_\_\_

Exp. Date \_\_\_\_\_ Billing Zip Code \_\_\_\_\_

Signature \_\_\_\_\_

Conference materials on a flashdrive are included in the registration fee. Enclosed is an additional \$25 for a binder of conference materials.

Name \_\_\_\_\_

Title \_\_\_\_\_

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

Organization \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone \_\_\_\_\_

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

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