



Program Agenda: Wrestling with Change: The Future of Work and Workplace Dispute Resolution

Tuesday, May 28, 2019

1:00 p.m. – 5:00 p.m.
NAA REGISTRATION DESK

1:30 p.m. – 5:00 p.m.
BOARD OF GOVERNORS MEETING

1:30 p.m. – 5:00 p.m.
CPRG MEETING

1:30 p.m. – 5:00 p.m.
MEMBERSHIP COMMITTEE MEETING

Wednesday, May 29, 2019

8:00 a.m. – 5:00 p.m.
NAA REGISTRATION DESK

8:30 a.m. – 5:00 p.m.
BOARD OF GOVERNORS MEETING

7:30 a.m. – 12:00 p.m.
NEW MEMBER ORIENTATION

9:00 a.m. – 5:00 p.m.
CPRG MEETING

9:00 a.m. – 5:00 p.m.
MEMBERSHIP COMMITTEE MEETING

12:00 p.m. – 1:30 p.m.
NEW MEMBER LUNCHEON (*By Invitation Only*)

1:30 p.m. – 4:30 p.m.
“WAGE AND HOUR DISPUTES: WHAT ARBITRATORS AND MEDIATORS NEED TO KNOW” (*Separate Fee – See Flyer*)

6:00 p.m. – 7:00 p.m.
WINE & CHEESE RECEPTION

Thursday, May 30, 2019

8:00 a.m. – 5:00 p.m.
NAA REGISTRATION DESK

8:30 a.m. – 9:00 a.m.
OPENING REMARKS

Presidential Remarks, Program Announcements,
and Arrangements Announcements

Presidential Remarks: Edward B. Krinsky, NAA
NAA President
Madison, WI

Program Announcements: William McKee, NAA
Program Co-Chair
Denton, TX

Host Announcements: Ralph H. Colflesh, NAA
Host Chair
Philadelphia, PA

9:00 a.m. – 10:00 a.m.
THE FUTURE OF WORK AND WORKPLACE ADR

What lies ahead in the workplace? Tom Kochan reports on current efforts by MIT researchers and other groups around the world that are studying the influence of advancing technologies on the future of work. From this vantage point he will examine implication for labor-management relations and dispute resolution. Emphasis will be given to how proactive efforts of business, labor, educators, governments, and third-party neutrals can contribute to using technology to create better work and a more broadly-shared prosperity.

Moderator: William McKee, NAA
Denton, TX

Panelist: Thomas A. Kochan, NAA
George M. Bunker Professor
Sloan School of Management
MIT
Boston, MA

Thursday, May 30, 2019 (Continued)

10:00 a.m. – 10:10 a.m.
TRANSITION BREAK

10:10 a.m. – 11:10 a.m.
LIVING WAGE LAWS AND THEIR IMPACT ON LABOR RELATIONS AND COLLECTIVE BARGAINING

Living wage laws create minimum wage rates for covered localities or facilities. UNITE HERE represents employees in the airline catering industry, including a national bargaining unit of employees of LSG Sky Chefs whose 55 flight kitchens and on-airport operations are subject to a wide-variety of living wage laws. David Vaughn, the national umpire for Sky Chefs and UNITE HERE, will describe the development and status of living wage legislation and analyze the impact of such laws on labor relations and collective bargaining. Lead representatives of Sky Chefs and UNITE HERE will assess the on-going impacts of such laws and the responses of the parties to deal with them.

Moderator: M. David Vaughn, NAA
Clarksville, MD

Panelists: Chuck Hendricks
Bargaining Director
UNITE HERE Int'l Union
Towson, MD

F. Bruce Murray
Director
Labor and Employee Relations,
LSG Sky Chefs
Irving, TX

11:10 p.m. – 11:20 a.m.
TRANSITION BREAK

11:20 a.m. – 12:20 p.m.
RED LIGHT/GREEN LIGHT: WHAT'S LOVE GOT TO DO WITH IT? #METOO

Leading U.S. and Canadian counsel and arbitrators will weigh in on several scenarios involving personal interactions that take place in the workplace. Can there be any romance or humour in the work place in the #MeToo era? Is it possible for a healthy romantic relationship to develop at work? Are any references to race or gender acceptable anymore? This highly interactive red

light/green light session will engage the audience in a current and, dare we say it, hot topic.

Moderator: Paula Knopf, NAA
Toronto, ON

Panelists: Nini Jones
Partner
Paliare Roland Rosenberg
Rothstein LLP
Toronto, ON

William K. Kennedy
Partner
Montgomery McCracken
Walker & Rhoads LLP
Philadelphia, PA

Andrew M. Strongin, NAA
Takoma Park, MD

Jacalyn Zimmerman, NAA
Lake Bluff, IL

12:20 p.m. – 1:20 p.m.
DISTINGUISHED SPEAKER LUNCHEON

Introduction: Edward B. Krinsky, NAA
Madison, WI

Speaker: Charles Ramsey
Former Commissioner of the
Philadelphia Police Department

1:30 p.m. – 2:30 p.m.
CONCURRENT SESSION – JANUS ONE YEAR LATER: THE PENNSYLVANIA STORY IN A NATIONAL CONTEXT

On its issuance in June 2018 many anticipated that the Janus ruling would have major impacts on public sector labor relations. Have those expectations become reality, and how typical or atypical is Pennsylvania compared to other states? What does the future hold with Janus?

Moderator: Scott E. Buchheit, NAA
Haddonfield, NJ

Panelists: Deborah Gaines, NAA
New York, NY

Michael J. Hanlon
Member
Cozen O'Connor
Philadelphia, PA

Thursday, May 30, 2019 (Continued)

(CONTINUED) CONCURRENT SESSION – JANUS

Panelists: Charles L. Herring
Staff Attorney
Pennsylvania State Education
Association
Montgomeryville, PA

Michael I. Levin
Levin Legal Group, P.C.
Counsel, Pennsylvania School
Boards Association
Huntingdon Valley, PA

Alaine S. Williams
Partner
Willig Williams & Davidson
Philadelphia, PA

1:30 p.m. – 2:30 p.m.

CONCURRENT SESSION – EMERGING HEALTHCARE ISSUES IN LABOR ARBITRATION

As employers contemplate further changes to employee contributions and the structure of health plans, unions prepare arguments on such issues as notice requirements, the duty to bargain, and the legal standards of “comparable” and “substantially similar.” Among other topics to be addressed are subcontracting for services and performance-based wage increases in a very competitive healthcare market. Where is all this headed, and how will the differences be resolved?

Panelists: John Dinome
Assistant General Counsel &
Chief Human Resources Officer
American Academic
Health Systems

Lance Geren
Partner
O’Donoghue & O’Donoghue
Philadelphia, PA

2:30 p.m. – 2:45 p.m.

TRANSITION BREAK

2:45 p.m. – 3:45 p.m.

CONCURRENT SESSION - CANADIAN AND U.S. SESSION: LABOUR DISPUTES UNDER U.S. AND CANADIAN TRADE AGREEMENTS (USMCA AND OTHERS)

Two lead US and Canadian negotiators of the labour provisions in US and Canadian trade agreements will examine the agreements and discuss their dispute resolution mechanisms.

Moderator: Christopher J. Albertyn, NAA
Toronto, ON

Panelists: Pierre Bouchard
Director
Bilateral and Regional Labour
Affairs, Labour Program of
Employment and Social
Development
Ottawa, ON

Carlos Romero
Deputy Assistant U.S. Trade
Representative for Labor in
the Office of the Trade
Representative
Washington, DC

2:45 p.m. – 3:45 p.m.

CONCURRENT SESSION – U.S. DESIGNATING AGENCIES UPDATE

Moderator: Joshua Javits, NAA
Washington, DC

Panelists: Christine Newhall
Senior Vice President of the
Labor/Employment Elections
Division
AAA
Boston, MA

Arthur Pearlstein
Director, Arbitration Services
FMCS
Washington, DC

Roland Watkins
Director, Arbitration Services
NMB
Washington, DC

4:00 p.m. – 5:00 p.m.

COMMITTEE MEETINGS TBA

Thursday, May 30, 2019 (Continued)

4:00 p.m. – 6:00 p.m.
SOCIAL GATHERING

All are welcome to attend. During the gathering you will have a chance to:

- Meet the panelists up close and informally of Labour Disputes under the USMCA – Continuing the Conversation with Pierre Bouchard and Carlos Romero.
- Preview REF Auction Items.
- Meet with friends and enjoy a drink from the cash bar.

Friday, May 31, 2019

9:00 a.m. – 10:15 a.m.
THE FUTURE OF WORK: UNION AND MANAGEMENT PERSPECTIVES

A distinguished panel will comment on advancing technologies and their impact on future labor relations and arbitration.

Moderator: Margaret R. Brogan, NAA
Philadelphia, PA

Panelists: William R. Kerr
Professor of Business
Administration and Co-Director
of Managing the Future of Work
Project at Harvard Business
School
Boston, MA

Thomas A. Kochan, NAA
George M. Bunker Professor,
Sloan School of Management,
MIT
Boston, MA

Wilma Liebman
Former Chairman and Member,
National Labor Relations Board
Washington, DC

Liz Shuler
Executive Secretary-Treasurer,
AFL-CIO
Washington, DC

10:15 a.m. – 10:30 a.m.
TRANSITION BREAK

10:30 a.m. – 11:45 a.m.
THE SCIENCE OF SETTLEMENT

What can you do when parties ask your help in negotiating a settlement? Chris Sullivan will moderate an all-star panel who will offer engaging thoughts, wit, and lasting lessons on the subject that was captured in Barry Goldman's book, *The Science of Settlement*. To round out the discussion, Canadian members who have substantial experience in a mediating role will provide comments and insights about such service.

Moderator: Chris Sullivan, NAA
Roberts Creek, BC

Panelists: Christopher Albertyn, NAA
Toronto, ON

Jules Bloch, NAA
Toronto, ON

Barry Goldman, NAA
Bloomfield, MI

12:00 p.m. – 1:15 p.m.
PRESIDENTIAL LUNCHEON

Introduction: George R. Fleischli, NAA
Madison, WI

Speaker: Edward B. Krinsky, NAA
President
Madison, WI

1:30 p.m. – 2:45 p.m.
CONCURRENT SESSION – FEDERAL SECTOR DISPUTE RESOLUTION: THE CURRENT SITUATION AND WHAT WE CAN EXPECT GOING FORWARD

The past year has seen historic shifts in the labor-management relationship in the federal sector, including the ways in which issues are addressed in the grievance and bargaining processes and before arbitrators and administrative agencies. This session will examine some of the more significant substantive and process changes resulting from the Executive Orders and legislative changes, including the centralization of labor relations, and discuss the

Friday, May 31, 2019 (Continued)

future of federal sector collective bargaining and dispute resolution from the agency, union, and arbitral perspectives.

Moderator: Ira F. Jaffe, NAA
Potomac, MD

Panelists: Constance Chang-Gillespie, Esq.
National Counsel
National Treasury
Employees Union
Washington, DC

Mark Maxin, Esq.
Assistant General Counsel for
Administration, Nuclear
Regulatory Commission
North Bethesda, MD

1:30 p.m. – 2:45 p.m.

CONCURRENT SESSION – POSTAL ARBITRATION: THE FUTURE OF THE POSTAL SERVICE – SHOULD THE POST OFFICE ACT MORE LIKE A PRIVATE BUSINESS?

In December 2018 the Treasury Department released a proposal for overhauling the US Postal Service which, without calling for full privatization, concluded that the Post Office should act more like a private business – such as having the “authority to charge market-based prices for both mail and package items”. How should the parties continue forward?

Moderator: Sherrie Rose Talmadge, NAA
Boston, MA

Panelists: Rick Acker
Manager
Field Labor Relations,
Headquarters, USPS
Powell, OH

Lucien Drass
Vice President
National Association of Letter
Carriers (NALC)
Washington, DC

Teresa Harmon
Manager, Contract Administration
National Postal Mail Handlers
Union (NPMHU)
Washington, DC

David L. Heather
Director of Labor Relations
National Rural Letter Carriers
Association (NRLCA)
Alexandria, VA

Vance Zimmerman
Director Industrial Relations
American Postal Workers Union
(APWU)
Washington, DC

1:30 p.m. – 2:45 p.m.

AIRLINE INDUSTRY ISSUES

Major airline flight crew contract negotiations for the “Big 4” airlines (American, United, Delta, and Southwest) are beginning. Pilots, flight attendants, mechanics and fleet and customer service employees have high expectations and seem intent on recapturing losses endured from bankruptcy filings following 9/11. Airlines are making money but are also facing competition from foreign airlines. Will Emergency Boards, interest arbitration, med-arb be used? What is the role of neutrals in this bargaining round? What is the impact of information technology on bargaining? Has IT changed the parties’ approach to bargaining?

Moderator: Joshua Javits, NAA
Washington, DC

Panelists: Lori Bassani
President
Association of Professional
Flight Attendants
American Airlines Flight Attendants
Eules, TX

Marc Esposito
Vice President Values Relations
JetBlue Airways
Long Island City, NY

Kyle Fortson
Chair
National Mediation Board
Washington, DC

Betty Ginsburg
Director, Representation
Air Line Pilots Association
Washington, DC

Lindsey Goldstein
Director and Senior Labor Attorney
American Airlines
Dallas, TX

Friday, May 31, 2019 (Continued)

2:45 p.m. – 3:00 p.m.
TRANSITION BREAK

3:00 p.m. – 4:15 p.m.
POSTER SESSIONS

THE CURRENT FLRA: ANY SURPRISES HERE?

A comparison of the Trump, Obama, and Bush FLRA decisions in cases where agencies have filed exceptions to arbitration awards that sustain grievances. Is the current FLRA changing long-standing precedent?

Moderator: Beber Helburn, NAA
Austin, TX

GOING DEEP: INVESTIGATIVE TOOLS FOR TODAY AND TOMORROW

Innovative technologies have dramatically increased and are rapidly being used to detect fraud and deception. How can advocates and arbitrators use and evaluate these new technologies to reach “the truth”? How reliable are these new techniques?

Moderator: Scott M. Catron
Co-CEO/Co-Owner
Social Detection, Inc.
King of Prussia, PA

LABOR ARBITRATORS ON EMPLOYMENT ARBITRATION

Non-union employment arbitration is a firmly established yet provocative and relatively new institution. This session explores labor arbitrator experiences with and perceptions of non-union employment arbitration. Specifically, data from a contemporary survey of the National Academy of Arbitrators is presented to describe employment arbitration caseloads, fees, and general perceptions of the propriety of this new institution.

Moderator: Prof. Mark Gough
Assistant Professor of Labor
and Employment Relations
Pennsylvania State University
State College, PA

4:30 p.m. – 5:30 p.m.
COMMITTEE MEETING TBA

6:30 p.m. – 7:30 p.m.
RECEPTION

7:30 p.m.
DINNER

Saturday, June 1, 2019 (Continued)

9:00 a.m. – 10:15 a.m.
REPORTING ON ARBITRATION AND THE FUTURE OF WORK BY JOURNALISTS

Our experience with ArbitrationInfo.com, a website dedicated to providing information to journalists about arbitration and other ADR processes, highlights the difficulties faced by journalists in reporting about work and the law of the workplace. The struggle is particularly true in an era where change occurs at incredible speed. This session will advance the understanding of challenges faced in reporting ADR processes and how journalists will keep up with and report on the future nature of work and work relationships.

Moderator: Rafael Gely
Professor of Law
School of Law
University of Missouri
Columbia, MO

Panelists: Sandy Davidson
Curators’ Distinguished
Teaching Professor
School of Journalism
University of Missouri
Columbia, MO

Daxton “Chip” Stewart
Professor of Journalism
Bob Schieffer College of
Communication
Texas Christian University
Fort Worth, TX

10:30 a.m. – 11:45 a.m.
FIRESIDE CHAT

Interviewer: Daniel J. Nielsen, NAA
Lake Bluff, IL

Interviewee: George R. Fleischli, NAA
Madison, WI

1:00 p.m. – 1:30 p.m.
MEMBER RECOGNITIONS

Honorary Life Member, 25 & 40 Year Members, and
New Members

Saturday, June 1, 2019 (Continued)

1:30 p.m. – 2:30 p.m.

NAA ANNUAL BUSINESS MEETING (*Members Only*)

3:00 p.m.

BOARD OF GOVERNORS MEETING

THE HOTEL

The **Loews Philadelphia Hotel** is located at 1200 Market Street, Philadelphia, PA 19107. **The Academy's block of guest rooms at a special conference rate of \$199 is limited; rooms in our block will be available until April 15, 2019, or until our block is sold out, whichever occurs first.** Attendees will be eligible for the conference rate of \$199 for a single or double occupancy only as long as rooms in the Academy's room block remain available. Room reservations may be made by calling the Loews Philadelphia Hotel at 1-215-627-1200. **Please be certain to request that your reservation be assigned to the NAA room block.** Contact the hotel directly for information/rates on suites. Each room reservation must be guaranteed by a first night's deposit either by check or a credit card acceptable to the Loews Philadelphia Hotel.

CANCELLATION POLICY

Only those cancellations received at the NAA Operations Center by mail, e-mail, telephone, or fax on or before May 9, 2019 will be entitled to refunds of the conference registration fee (subject to \$100 processing charge) and additional meal tickets.

Please note: The Academy accepts Checks (U.S. Funds Only) and Credit Cards (American Express, Discover, MasterCard, and Visa).

CLE

Accreditation is being requested for this conference from states with mandatory continuing legal education requirements for attorneys. CLE forms will be available at the NAA registration desk. If you need more information, please contact Coordinator of CLE, Fredric R. Dichter.

COMMITTEE MEETINGS

NAA committee meetings may not be held during conference activities, including ticketed meal functions. Committee or Regional Chairs who need meeting rooms at other times, and who have not already scheduled space with the NAA Operations Center, must contact the Operations Center as soon as possible (Telephone: (607) 756-8363, FAX: (607) 756-8365 or E-mail: naa@naarb.org). Time and space has been reserved on Thursday (4:00 pm – 5:00 pm or 5:00 pm – 6:00 pm) and Friday (4:30 pm - 5:30 pm) for Committee and Regional meetings. This space is very limited and will be available on a first-requested, first-reserved basis.

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2019 Annual Meeting Program Committee - Philadelphia

William McKee, *Co-Chair*
Maretta Comfort Toedt, *Co-Chair*

Claude Dawson Ames	Paula Knopf
Scott Buchheit	Mark I. Lurie
Linda S. Byars	Michelle Miller-Kotula
Amedeo Greco	Sidney S. Moreland, IV
Joshua Javits	Dennis R. Nolan

2019 Annual Meeting Host Committee - Philadelphia

Ralph H. Colflesh, *Chair*

Scott E. Buchheit	Joan Parker
Carol F. Laskin	Alan A. Symonette

Walt De Treux, *Ex Officio*

Plan to Attend

2019 Fall Education Conference
September 20 - 22, 2019
Savannah Marriott Riverfront
Savannah, GA

2020 Annual Meeting
May 6 - 9, 2020
Grand Hyatt Denver
Denver, CO

Philadelphia: The Center Of It All

Only 100 miles from New York City and 130 miles from Washington, D.C., we're not kidding when we say we're in the center of it all.

By plane: Philadelphia International Airport serves the Philadelphia region with 25 airlines offering nearly 500 daily nonstop departures to 139 destinations in the U.S. and around the world. Once you're here, it's a 25-minute ride on the SEPTA Airport Line or a 20-minute ride in a taxi to Center City. SEPTA's Airport Line leaves every 30 minutes, and a one-way fare is \$6.75. Trains stop at all airport terminals. The taxi ride costs a flat rate of \$28.50.

By train: Amtrak trains arrive at historic 30th Street Station throughout the day, placing passengers within a short walk of Center City

By bus: Megabus offers low-cost express bus routes throughout the Northeast Corridor. New Jersey Transit and Greyhound Terminal located at 10th and Filbert streets.

By car: Interstates 95 and 76, and the Pennsylvania and New Jersey Turnpikes, provide access from all points on the compass.