



2020 Annual Meeting & Education Conference

May 6-9

Grand Hyatt
Denver, CO



National Academy of Arbitrators
naarb.org

Program Agenda - Expanding Beyond Borders

Tuesday, May 5, 2020

1:00 pm - 5:00 pm
NAA Registration Desk

1:00 pm - 5:00 pm
Executive Committee Meeting

Wednesday, May 6, 2020

8:00 am - 5:00 pm
NAA Registration Desk

7:30 am - 12:00 pm
New Member Orientation

8:30 am - 5:00 pm
Board of Governors Meeting

8:30 am - 5:00 pm
Membership Committee Meeting

8:30 am - 5:00 pm
CPRG Meeting

12:00 pm - 1:15 pm
New Member Luncheon (Invitation Only)

6:00 pm - 8:00 pm
President's Welcoming Reception -
(Open to all registrants)

Thursday, May 7, 2020

8:30 am - 9:00 am
Welcome and Introductory Remarks

President
Barry Winograd, NAA, Oakland, CA

Program Announcements
Daniel G. Zeiser, NAA, Cleveland, OH

Host Announcements
Kathy L. Eisenmenger, NAA, Denver, CO

9:00 am - 10:15 am
**Cannabis, Impairment, and the Nexus to the
Workplace Incident Giving Rise to the Just-
Cause Inquiry**

In this highly interactive session, the panel of arbitrators, senior members of the Academy and relatively newer members of the Academy, will address a number of workplace scenarios dealing with Cannabis in the workplace. The focus of the scenarios will be workplace-marijuana cases addressing the rapidly emerging impairment/nexus divide growing from increased legalization and decriminalization of recreational marijuana use. The audience will have an opportunity to record and report their reaction to each scenario on their smartphones and other electronic devices.

Moderator
Andrew M. Strongin, NAA, Takoma Park, MD

Facilitator for Audience Participation
Homer C. La Rue, NAA, Columbia, MD

Panelists
Jules Bloch, NAA, Toronto, ON
Lisa Charles, NAA, Princeton, NJ
Andrea Dooley, Arbitrator, Oakland, CA
John Sass, NAA, Golden, CO

Thursday, May 7, 2020 (Continued)

10:30 am - 11:45 am

Global Workplace Dispute Resolution

The panel will describe the history of efforts to develop recognition of labour and human rights standards within transnational corporate workplaces and, more recently, to put in place suitable remedies for workers in countries with weak labour law enforcement structures. The panel will describe international efforts to remedy the violation of such workers' human rights and their labour and employment rights at work, including freedom of association, prohibition against child labour, health and safety at work, and reasonable conditions of work.

Moderator

Chris Albertyn, NAA, Toronto, ON

Panelists

Brian Burkett, *Faskin, Martineau, DuMoulin LLP, Toronto, ON*

Rich Giacalone, *Director, FMCS, Washington, DC*

Katie Quan, *UC Berkeley Labor Institute, Berkeley, CA*

Manfred Weiss, *Professor Emeritus, Law School of the J.W. Goethe University, Frankfurt, GE*

12:00 pm - 1:30 pm

Distinguished Speaker Luncheon

Speaker

Eliseo Medina, *International Executive VP and International Secretary-Treasurer of the SEIU, retired*

Introduction by

President Barry Winograd, NAA, Oakland, CA

1:45 pm - 3:00 pm

"DON'T INTERRUPT ME WHEN I'M INTERRUPTING" -Winston Churchill or Maintaining Civility During a Hearing

This session will explore how counsel and arbitrators should deal with situations when the goal of civility and rationality is threatened during a hearing. What is the line between intense advocacy and drama for the sake of drama? How should a representative deal with rudeness or incivility from the opposite representative? How should the arbitrator deal with drama, rudeness or out of control antics at a hearing? Leading counsel from the USA and Canada who represent management and unions will explore these issues with two experienced NAA arbitrators.

Thursday, May 7, 2020 (Continued)

1:45 pm - 3:00 pm

"DON'T INTERRUPT ME..." (Continued)

Moderator

Paula Knopf, NAA, Toronto, ON

Panelists

Ben Aisenberg, NAA, Denver, CO

Wassim Garzouzi, Ottawa, ON

Patrick Scully, Denver, CO

1:45 pm - 3:00 pm

Current Issues in Postal Labor Relations

This will be two interactive sessions between arbitrators and top postal managers and postal union leaders. Session A will be postal management, National Association of Letter Carriers (NALC) and National Rural Letter Carriers Association (NRLCA). Session B will be postal management, the American Postal Workers Union (APWU), and the National Postal Mailhandlers Union (NPMHU).

Moderator

Nancy Hutt, NAA, San Francisco, CA

Panelists

Panel A

Katherine Attridge, *Manager Collective Bargaining and Arbitration, USPS, Washington, DC*

Lew Drass, *VP, NALC, Washington, DC*

David Heather, *Director of Labor Relations, NRLCA, Alexandria, VA*

Panel B

Jeff Conway, *Manager Field Labor Relations, USPS, Greensboro, NC*

Rick Acker, *Manager Field Relations, USPS, Powell, OH*

Vance Zimmerman, *Industrial Relations Director, APWU, Washington, D.C.*

Don Gonzales, *Regional Director, NPMU, Denver, CO*

3:15 pm - 4:30 pm

Fireside Chat

Bill Holley, NAA, Auburn, AL will be interviewed by John Kagel, NAA, Palo Alto, CA.

Thursday, May 7, 2020 (Continued)

4:30 pm - 6:00 pm

Social Hour: Workers Rights, an International Perspective: A Discussion with Manfred Weiss, Eliseo Medina, and Others

This session will continue from the morning Global Dispute Resolution panel. Chris Albertyn will have a discussion with Manfred Weiss and Eliseo Medina. Other panelists from the Global Workplace Dispute Resolution session may join in. **Refreshments will be served.**

Moderator

Chris Albertyn, NAA, Toronto, ON

Panelists

Eliseo Medina, *International Executive Vice President and International Secretary-Treasurer of the SEIU, retired*
Manfred Weiss, *Professor Emeritus, Law School of the J.W. Goethe University, Frankfurt, GE*

And other panelists from the session on Global Workplace Dispute Resolution

4:30 pm - 5:30 pm

Committee Meetings TBA

Friday, May 8, 2020

8:00 am - 5:00 pm

NAA Registration Desk

9:00 am - 10:15 am

Mass Claims in Employment Arbitration after Epic Systems: Unintended Consequences and Unexpected Opportunities

The recent flurry of high-profile mass arbitrations following the U.S. Supreme Court's decision in *Epic Systems Corp. v. Lewis* and the expansion of the gig economy has generated intriguing developments, including innovative means by which potential claimants are reached, efforts by employers to modify or be released from arbitration requirements, approaches to coordinating without consolidating claims, responses from the legislative arena, and important court rulings, including the anticipated holding from the Supreme Court of Canada in *Heller v. Uber*.

Friday, May 8, 2020 (Continued)

9:00 am - 10:15 am

Mass Claims in Employment...(Continued)

Moderator

Jacquelin F. Drucker, NAA, New York, NY

Panelists

Patricia Thomas Bittel, NAA, Cleveland, OH
Michele Ballard Miller, Cozen O'Connor, San Francisco, CA
Michael Wright, Wright Henry LLP, Toronto, ON

10:30 am - 11:45 am

A Conversation with Sara Nelson, President of the Association of Flight Attendants

NAA member Gil Vernon will pose questions to Ms. Nelson about the airline industry, current and future labor relations in the U.S., the government shutdown in early 2019, and other topics.

Moderator

Gil Vernon, NAA, Hudson, WI

Panelist

Sara Nelson, President, AFA/CWA, Washington, DC

12:00 pm - 1:30 pm

Presidential Luncheon

NAA President Barry Winograd, NAA, Oakland, CA, will be introduced by Margaret R. Brogan, NAA, Philadelphia, PA and Oakland, CA.

1:45 pm - 3:00 pm

Recent Developments in Canadian Labour Law

An update on recent developments in Canadian labour law with the Chairs of the Canada Industrial Relations Board and the Ontario Labour Relations Board.

Moderator

Elizabeth MacPherson, NAA, Kemptville, ON

Panelists

Ginette Brazeau, Chairperson, Canada Industrial Relations Board, Ottawa, ON
Bernie Fishbein, Chairperson, Ontario Labour Relations Board, Toronto, ON

Friday, May 8, 2020 (Continued)

1:45 pm - 3:00 pm

Current Issues in the Airline Industry

A wide-ranging discussion of the major issues likely to affect the airline industry and its labor relations in the future. In particular, the panelists will address how arbitrators attract and retain business in this industry, new and unique discipline issues facing arbitrators, the panelists' views of the appropriate role of arbitrators on system boards, and innovative dispute resolution methods.

Moderator

Amedeo Greco, NAA, Madison, WI

Panelists

Lucretia Guia, American Airlines, Fort Worth, TX

Art Luby, ALPA, Washington, DC

Eric Mennel, United Airlines, Chicago, IL

Elizabeth Roma, Guerrieri, Bartos & Roma, PC, Washington, DC

1:45 pm - 3:00 pm

Federal Sector Arbitration: The Effect of Trump Administration Executive Orders - Surviving an Appeal to the FLRA

Presidential Executive Orders 13836, 13837, and 13838 have changed the way in which issues are addressed in the grievance and bargaining processes and how issues are handled before arbitrators and administrative agencies. This session will examine the effect of the more significant substantive and process changes and perspectives of a current practice in the Federal Sector.

Moderator

Jerry B. Sellman, NAA, Columbus, OH

Panelists

Ernest W. DuBester, Member, FLRA, Washington, DC

Ken Moffit, Jr., Director of Negotiations, NTEU, Washington, DC

M. David Vaughn, NAA, Clarksville, MD

3:00 pm - 4:00 pm

Committee Meetings TBA

Saturday, May 9, 2020 (Members Only)

8:45 am - 9:15 am

New Member Introductions

9:15 am - 10:00 am

Educational Session on the New Academy Internal Grievance Process

Recently, the Academy has adopted an internal grievance process for members. The Committee on Intra-Organizational Grievance Policy and Process will introduce members to the process.

Moderator

Homer La Rue, NAA, Columbia, MD

Panelists

TBA

10:15 am - 11:30 am

The Nuts and Bolts of an Arbitration Practice

Long-time NAA arbitrators and newer NAA members join together to discuss how they run their arbitration practices. Topics will include setting fees, calendar management, use of assistants, decision-writing process, ramping up a practice, scaling back a practice, sources of work, and more.

Moderator

Elliot Shaller, NAA, Washington, DC

Panelists

Catharine Harris, NAA, Sacramento, CA

Haydee Rosario, NAA, New York, NY

John Sass, NAA, Denver, CO

Christine Schmidt, NAA, Toronto, ON

11:30 am - 12:15 pm

US Designating Agencies Update

Update on developments at the key designating agencies.

Moderator

Barry Simon, NAA, Arlington Heights, IL

Panelists

Christine L. Newhall, Senior Vice-President, AAA, Boston, MA

Arthur Pearlstein, Director of Arbitration, FMCS, Washington, DC

Saturday, May 9, 2020 (Continued)



12:15 pm - 1:00 pm

Lunch on your own

1:00 pm - 1:30 pm

Honorary Life and 25 & 40 Year Members

1:30 pm - 2:30 pm

NAA Annual Business Meeting *(Members Only)*

3:00 pm

Board of Governors Meeting

Please return the registration form or register on the NAA Website, www.naarb.org, at your earliest convenience.

Details

THE HOTEL

The Grand Hyatt Denver is located at 1750 Welton Street, Denver, CO 80202. The Academy's block of guest rooms at a special conference rate of \$219 is limited; rooms in our block will be available until April 1, 2020, or until our block is sold out, whichever occurs first. Attendees will be eligible for the conference rate of \$219 for a single or double occupancy only as long as rooms in the Academy's room block remain available. Room reservations may be made online (see below) or by calling the Grand Hyatt Denver at 1-303-295-1234. Please be certain to request that your reservation be assigned to the **National Academy of Arbitrators** room block. The reservation must be guaranteed by a first night's deposit by a credit card acceptable to the Grand Hyatt Denver.

Making online hotel reservations – To make your reservations, please click here:

<https://www.hyatt.com/en-US/group-booking/DENRD/G-ABAA>. If you need additional assistance, please contact the hotel at 877-803-7534.

REGISTRATION FEE

Each registration includes one non-transferable registrant ticket for the following events: President's Welcoming Reception, Thursday Distinguished Speaker Luncheon, and Friday Presidential Luncheon. Tickets are available at an additional cost for guests to attend all meal events. Guest meal tickets are transferable; registrant tickets are not.

CANCELLATION POLICY

Only those cancellations received at the NAA Operations Center by mail, e-mail, telephone, or fax on or before April 2, 2020 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).

Details



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 (4:30 pm – 5:30 pm) and Friday (3:00 pm - 4:00 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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2020 Annual Meeting & Education Conference Program Committee Daniel G. Zeiser, Chair

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Lise G. Gelernter
Paula Knopf
Homer C. La Rue
Elizabeth MacPherson
Paul D. Roose
Jerry B. Sellman
Elliot Shaller
Jacalyn J. Zimmerman

Kathy L. Eisenmenger, Ex Officio

2020 Annual Meeting & Education Conference Host Committee Kathy L. Eisenmenger, Chair

John P. DiFalco
Paul F. Gerhart
Alvin L. Goldman
Paula Knopf
John F. Sass
Pilar Vaile

Walt De Treux, Ex Officio

Plan to Attend

**2021 Annual Meeting &
Education Conference**
April 21 – 24, 2021
Marina del Rey Marriott
Marina del Rey, CA

**2022 Annual Meeting &
Education Conference**
May 11 – 14, 2022
Fairmont Royal York
Toronto, ON