Montana Arbitrators Association
Annual Arbitration & Labor Relations Conference
2019 Session Summaries

BARGAINING 101
Jessica Bradley

What are unfair labor practices (ULPs)? What are bargaining obligations? What do allegations of unilateral change, contracting out, skimming, bad faith and circumvention have in common? When can I file a grievance, ULP, or both? Brush up on fundamental concepts of public and private sector labor law in this lively session.

MANDATORY, PERMISSIVE, ILLEGAL TOPICS OF BARGAINING, MAINTAINING THE STATUS QUO?
Panel: Matt Thiel, Vickie Nelson McDonald, Michael Dahlem, and Jeff Weldon

What is this all about? Did you know there is a difference in bargaining topics? Come listen to this four-person panel discuss what the difference is and what your obligations are during bargaining.

TOP 10 WAYS TO LOSE YOUR ARBITRATION
David Gaba/Howell Lankford

There are no “Do Overs” in Arbitration! Have you ever wondered just how you lost the arbitration? Come listen to two arbitrators discuss the “Top 10 Ways to Lose Your Arbitration.” Arbitrators Howell Lankford and David Gaba will enlighten you in this informative and interactive session!!

PAST PRACTICE
Jeff Jacobs

Past practice is a frequently used and sometimes abused principle in labor relations and contract interpretation cases. Many things are practices, but the question is whether it is a binding past practice.

ADVOCACY TECHNIQUES
Jeff Jacobs

Advocacy matters! This session will provide valuable guidelines on investigating a case whether, your are Union or Management, how to adequately and effectively prepare a case for trial, and how to present the case with maximum effect before the arbitrator. What are the things arbitrators like to see and don't like to see in presentations of cases?

OFF DUTY CONDUCT
David Stiteler

What is off-duty misconduct? Can actions away from work be the basis for discipline? Come listen to Arbitrator David Stiteler discuss how off duty conduct may give the employer a legitimate basis for discipline.

MARJUANA IN THE WORK PLACE
David Gaba

Everything labor and employment attorneys and representatives need to know about marijuana and THC in the workplace including the basics of drug testing and what you need to know before you set foot in the courtroom.
Social media, email and computer use can be a game changer for employees and employers alike. Learn how the Courts, the NLRB and arbitrators have dealt with Section 7, concerted activity, privacy and free speech, breadth of employer rules and due process in social media cases.

**MT EMPLOYMENT LAW DEVELOPMENTS**

Always one of our most educational and entertaining sessions, Karl Englund and Mike Dahlem will discuss changes and current labor relations issues in Montana.

**RACIAL SLURS/ SEXUAL HARRASSMENT**

Using Racial Slurs, calling a boss or co-worker a Nazi or other epithet. Sexual Harassment. Is termination the only recourse or should employee be given a 2\textsuperscript{nd} chance and if so under what circumstances. Does it make a difference if it is a public employer with notoriety? Come listen to how one Arbitrator views these questions.

**LAST CHANCE AGREEMENTS/ZERO TOLERANCE**

Panel: Jon Monat, Zane Lumbley, and Jerry Hetrick

What are Last Chance Agreements? When are they enforceable? How to avoid nullifying a last chance agreement and/or having an arbitrator overturn it. What are the pitfalls in Zero Tolerance Policies? How do each of these concepts relate to disciplinary matters? What is the arbitrator's authority to fashion remedies in these cases?

**BENEFIT OF GOOD LABOR REALATIONS**

Panel: Jim Larson, Karla Stanton, Tim Dietz, Scott McCulloch, and Greg Upham

Have you ever wondered if there really is a difference when good labor relations exist between the parties? Listen to five experienced panel members share their experiences about the good, bad and ugly times of labor relations. The panel is a combination of HR Personnel and Labor Representatives with experience in Public and Private Sectors of employment in Montana.

**NLRB Agency Updates and Trends**

A representative from the National Labor Relations Board will be available to visit with attendees to discuss current and continuing trends in the field of labor relations and case updates from the federal level.

**FMCS Agency Updates and Trends**

A representative from the Federal Mediation and Conciliation Service will be available to visit with attendees to discuss current and continuing trends in the field of labor relations and case updates from the federal level.