

SESSION DESCRIPTIONS

WORKPLACE INVESTIGATIONS SURVIVAL GUIDE

BOB OBERSTEIN

Are you prepared to conduct a proper investigation? If done correctly, investigations are truth seeking. If done wrong, they can make things worse. This 3-hour session will use real life investigations “gone bad” to explore the legal and best practices required to survive/conduct an effective and professional investigation including for example: detecting and dealing with deception; standards/models of proof; documentation; the ancient lost arts of questions and listening; investigator authority and ethical conduct; etc. In short, it's a minefield out there so it's important to know what you can, cannot, should, and must do before your next investigation!

CONTRACT INTERPRETATION: UNDERSTANDING YOUR COLLECTIVE BARGAINING AGREEMENT

JEFF JACOBS

This session will explore the rules of contract interpretation and how arbitrators use them to aid in the determination of contractual intent. The contract is the starting point, but there are other considerations such as bargaining history and other indica of what the parties intended, including past practice to help determine what disputed language means. Learn that why one side says during bargaining can have an impact on how that language might be interpreted later.

TOP 10 WAYS TO NOT PREPARE FOR AN ARBITRATION HEARING (AND ALL THE WAYS YOU CAN)

PAGE TODD

Join Arbitrator Page A. Todd in this interactive “Top 10” ala David Letterman session as she walks through (at least) ten ways to not be prepared for an arbitration hearing. Page will incorporate her years of experience as a hearing examiner, arbitrator, and labor relations professional to not only poke at what not to do, but to also provide helpful tips on how to efficiently prepare and present your party's arbitration case.

IMPROVING LABOR MANAGEMENT RELATIONSHIPS THROUGH ACTIVE LISTENING

JASON SLEAD

Studies show that post-pandemic communities speak 120,000 fewer words than before. In a world where communication is shrinking, the conversations we share carry more meaning, and the quality of how we listen matters more than ever.

Active listening goes beyond simply nodding along to a speaker's cadence. It's a powerful, often overlooked skill that prevents misunderstandings, builds trust, and strengthens connection.

After you attend our Active Listening session, you'll rethink what it means to truly listen and walk away with practical, easy-to-apply techniques that immediately elevate your conversations.

EXPLORING WHAT DLI IMB SERVICES CAN DO FOR YOU

JASMINE TAYLOR

Join us for this informative session and learn how the Montana Department of Labor & Industry's Investigation & Mediation Bureau (IMB) supports workers, employers, and public-sector partners through a broad range of free investigative and mediation services. This session outlines the IMU's work in wage claim investigations, Human Rights investigations and mediations, and Workers' Compensation mediation. It also highlights the IMU's assistance with Collective Bargaining, including Labor Management Committee (LMC) and Interest Based Bargaining (IBB) and facilitation as well as CBA, Employment, and Grievance mediation. Attendees will gain a clear understanding of how these services help resolve disputes, protect rights, and strengthen labor-management relationships throughout Montana.

EMPLOYER DISCIPLINE AND SOCIAL MEDIA

JEFF JACOBS

This session will explore the perils of posting messages on social media and how employees can be disciplined or even fired for posting comments about their work, or their work environment. There are protections however for concerted activity, and protected activity on behalf of Unions and free speech issues, especially in the public sector. We will discuss how those protections can insulate employees for discipline and the considerations arbitrators use to determine cases where social media postings are the main exhibits.

ETHICAL PRACTICES IN LABOR ARBITRATION

SANDRA MENDEL FURMAN (NAA), LISA W. TIMMONS (AAA), BETTY RANKIN WIDGEON (NAA)

Join us as three experienced arbitrators present real-world scenarios (with details changed for anonymity) addressing ethical challenges that frequently arise in labor arbitration. Through guided discussions, attendees will explore best practices for navigating each scenario.

Topics include:

- Disclosure obligations: Whose standards govern, how much disclosure is sufficient, oral versus written disclosures and handling late-discovered conflicts.
- Artificial intelligence: Disclosure responsibilities when AI tools are used and the scope of the required disclosure.
- Witness issues: Calling the opposing party's principal witness during the case-in-chief, balancing civility with neutrality.
- Billing practices: Common billing challenges, loser-pays provisions and refusal to pay, and responses to late payments.
- Use of mentees: Ethical considerations when involving mentees in the arbitration process.

LABOR LAW 101, PARTS 1 AND 2
MATTHEW THIEL AND ELIZABETH KALEVA

Join us for this educational opportunity and strengthen your understanding of Labor Law! This session will provide an overview of the National Labor Relations Act, the foundational law for the practice of private sector labor law in the U.S. and for Montana in both the private and public sectors. This overview will cover the history and policy of the Act, the key sections of the Act that are routinely referenced in practice, key definitions and terms of legal significance, and court cases that have become part of the foundational law. This session will also provide guidance on issue spotting and knowledge of the structure of the Act to allow for better application and further research.

PAST PRACTICE AND PRECEDENT
YUVAL MILLER

Both Labor and Management prepare to enter arbitration with assumptions on how past practices and precedent impact their positions. But as is the case in all matters that hinge on interpretation and fact-specific inquiry, the answer to how past practice and precedent will actually apply is the perennial, "It depends." This session will discuss differing perspectives on past practices and precedent, problems that commonly arise for parties when past practice is in question, and pitfalls to avoid when relying on past practice or precedent to support your position.

APOLOGY AND FORGIVENESS AT WORK
BOB OBERSTEIN

"If only they would have apologized from the start/at the beginning/right after it happened." How many times have we said or heard those or similar words? This presentation will explore the elements of a proper apology and possible subsequent forgiveness with an eye towards reconciliation so all can move forward. This is especially crucial in the workplace where team members must work together to achieve common goals, and all cannot afford the luxury of differences, grudges, payback or revenge that can negatively impact the team and even the workplace at large.

RED LIGHT, GREEN LIGHT
JEFF JACOBS, HOWELL LANKFORD, AND YUVAL MILLER

Back by popular demand, this interactive session is always a crowd pleaser. Join us for one of the all-time favorite Conference Sessions! Test your knowledge as Arbitrators Jeff Jacobs, Howell Lankford, and Yuval Miller discuss arbitration cases. You be the judge. Will you deny (Red Light) or agree (Green Light) with the Grievance? This is sure to be a fun session for all. Come prepared to discuss and ask questions!

ETHICS IN LABOR LAW
MATTHEW THIEL AND JEAN FAURE

Join us for this informative session and learn more about ethics in labor law! This session will address common ethics issues that arise in the practice of labor law, such as conflicts, confidentiality, and candor. We will discuss the Montana Rules of Professional Conduct, applicable to attorneys, and why non-lawyer

advocates and parties in the practice of labor law need to be aware of these same issues to ensure proper handling of cases from intake through investigation, litigation, and appeal.

BUILDING TRUST THROUGH LMCS
BEN HARRIS AND KRIS CAHOON

Join our new Labor Mediators as they discuss the principles, benefits, and potential pitfalls of utilizing Labor Management Committees to improve your labor -management relationship.

CONTRACT PROVISIONS: THE GOOD, THE BAD AND THE UGLY
ELIZABETH KALEVA

This session will review common, and not so common, contract provisions and the pros and cons of those provisions, including how Montana law impacts the ability of the employer and the employee to negotiate terms and conditions of employment.