

## **External Law and Its Implications**

**Jeff Jacobs**

So, you've moved your case to Arbitration. You're convinced it is an easy win for you based on the language in your CBA, but have you considered External Laws? External Laws might just affect the outcome of your case! Join us as Arbitrator Jeff Jacobs discusses how External Law can affect the standards arbitrators use to interpret contract language and decide discipline cases.

## **How Procedural Deficiencies Can Affect Arbitrator Awards**

**Yuval Miller**

Are you really prepared for arbitration? You know you have a strong case on the merits but are less sure about how the arbitrator will treat a procedural issue your opponent may raise. If you are the Employer, perhaps HR did not interview the grievant before imposing discipline, delayed starting its investigation for months, or did not provide every reason for discipline in its disciplinary notice. If you are the Union, perhaps the grievance was untimely submitted, the Union has for decades never complained about the Employer enforcing a policy challenged by the grievance, or a key witness does not want to testify for fear of retaliation. Arbitrator Yuval Miller will clarify when and how such procedural deficiencies are likely to impact the results of your case.

## **Do's and Don'ts of Arbitration, 10 Ways To Lose Your Arbitration**

**Kathy Fragnoli and Audrey Eide**

There are no "Do Overs" in Arbitration! Have you ever wondered just how you lost the arbitration? Come listen to Arbitrators Kathy Fragnoli and Audrey Eide discuss some of the Do's and Don'ts of presenting your Arbitration case. Find out how your general demeanor, opening statements, effective direct and cross, and tying the evidence together can affect the outcome.

## **Stress Management**

**Jason Slead**

Stressed who me? Are you finding yourself stressed out, facing burnout, and experiencing a lack of energy? We are all having to do more with less; dealing with labor shortages, facing increasing regulations, and feeling overworked. It's time to take off your cape and come listen to Jason Slead share ways to deal with stress and burnout. You won't want to miss this session!

## **Contract Interpretation**

**Jeff Jacobs**

What rules apply to contract interpretation cases? What evidence do arbitrators consider when interpreting disputed language? This session will cover the most frequently used principles applied by arbitrators in contract interpretation cases. We will discuss how to interpret disputed language and utilize bargaining history and past practice as useful tools to achieve success in your contract interpretation case.

## **Past Practice**

**Howell Lankford**

Have you ever wondered where the concept of past practice came from? What really is a past practice? Is there a set of rules for a past practice? Can both the Employer and Union claim a past practice exists? What if working requirements force changes in the workplace that affect a past practice? Are we stuck with a past practice forever? Find out answers to these and more in this enlightening session with Arbitrator Howell Lankford.

## **Just Cause**

**David Gaba and Shianne Scott**

How do arbitrators really look at “Just Cause.” Do all the traditional seven requirements of Just Cause really need to be met in every case? In any case? What does it mean when you hear someone refer to the “Just Cause Standard?” How did the seven tests of just cause originate and evolve? Are Cause, Good Cause, Sufficient Cause and Just Cause the same thing? Does Just Cause always apply? Join Arbitrators David Gaba and Shianne Scott in this session as they share an Arbitrator’s view of Just Cause.

## **Is this CBA Clause Just Boilerplate, or Can We Use It?**

**David Gaba and Yuval Miller**

Inside the four corners of a Collective Bargaining Agreement typically resides stock language never discussed at the bargaining table. Is this just boilerplate language someone jammed in to appease the lawyers? Or should you be using these provisions and negotiating thoughtful changes to them? Arbitrators David Gaba and Yuval Miller will explore such misunderstood contract language—including zipper, maintenance-of-benefits, recognition, management-rights, and other clauses—and then open the floor for questions. So, bring in any language that triggers rapid-onset brain fog and let our esteemed panelists lead you to daylight.

## **Expedited Consolidated Claims and Mediation -Arbitration**

**Emily Hall and Brian Clauss**

Are you looking for an alternative way to resolve disputes? Join Arbitrators Emily Hall and Brian Clauss as they share about another option for settling disputes, Mediation-Arbitration or Med-Arb. What exactly is Med-Arb? How do we prepare for Med-Arb vs Arbitration? What are the differences/similarities? What are the Pro’s and Cons of Arbitration vs Med-Arb. Come listen as Arbitrators Hall and Clauss discuss Med- Arb and Arbitration options and how to prepare for both.

## **Ask the Experts**

**Elizabeth A. Kaleva and Matthew B. Thiel**

Last fall we sent out a survey encouraging attendees to submit any questions they had regarding Collective Bargaining and Labor Relations. Join Attorneys Elizabeth Kaleva and Matthew Thiel as they discuss these questions for the attendees. This session will be enlightening and educational for all.

## **Red Light, Green Light**

**Kathy Fragnoli, Audrey Eide and Howell Lankford**

Join us for one of the all-time favorite Conference Sessions! Test your knowledge as Arbitrators Kathy Fragnoli, Audrey Eide, and Howell Lankford discuss arbitration cases. You be the judge. Will you deny (Red Light) or agree (Green Light) with the Grievance? A fun session for all. Come prepared to discuss and ask questions!

## **Recent Developments in Human Rights Cases in Montana**

**Chad Day**

The presentation will provide an overview of Human Rights and anti-discrimination laws in Montana, recent updates to Federal and State law, and a Question-and-Answer session on Retaliation. Joins us for this discussion on Human Rights and learn more about the latest developments in the vaccination status protected class and the Pregnant Workers Fairness Act.

## **Jean Faure and Nate McConnell**

### **Montana Marijuana Update, What Doesn't Fly With Your Supply**

The legalization of marijuana and the use of legal products outside of employment has created challenges for employers but there still is a “no fly” zone under Montana law. Attorneys Jean Faure and Nate McConnell discuss statutory provisions and protections, their impact on employers, and best practices in navigating this brave new world.

## **Law Update: Drug Testing**

### **Jonathan McDonald and Jeff Hindoien**

“Come listen to Attorneys Jonathan McDonald and Jeff Hindoien as they discuss how a refusal to bargain a Drug Testing Policy worked its way from the Negotiations to the Supreme Court of Montana.”

## **NLRB Updates**

### **Adam Morrison and Michael Snyder**

Join Field Agents Adam Morrison and Michael Snyder from the National Labor Relations Board as they comment on current and continuing trends in the field of labor relations and present case updates from the federal level.