

# New England Consortium of State Labor Relations Agencies 10<sup>th</sup> Annual Conference



Providence Biltmore Hotel, Providence, RI  
Thursday, July 30, 2009  
*and*  
Friday, July 31, 2009

**Learn how unions, employers, and labor relations neutrals are confronting the major issues impacting labor relations during the current fiscal crisis.**



Photograph © Richard Benjamin



**Philip M. Dine**  
**Keynote Speaker**

**Thursday, July 30, 2009**

Keynote speaker, Philip M. Dine, is the author of *State of the Unions: How Labor Can Strengthen the Middle Class, Improve Our Economy, and Regain Political Influence*, published in 2008 by McGraw-Hill. A Washington-based journalist, Dine has covered the subject of labor for two decades and has twice been nominated for the Pulitzer Prize. His commentary pieces have run in *The Wall Street Journal*, *The New York Times*, *The Washington Post* and other national newspapers. Most recently, Dine has spoken about labor-related issues at Harvard Business School and Harvard Law School, the U.S. Chamber of Commerce and the National Labor Relations Board.

**Thursday, July 30, 2009**

**8:30 a.m. -  
10:00 a.m.**

**Registration and Exhibitors**

**10:00 a.m. -  
10:15 a.m.**

**Welcome Address**

**Brian Harrington, Esq.**, Executive Director, New England Consortium of State Labor Relations Agencies

**10:15 a.m. -  
11:30 a.m.**

**Keynote Address**

**Why “Labor” Still Matters: How Labor Can Strengthen Itself in the Current Political and Economic Environment**

**Speaker: Philip M. Dine**, a Washington, DC based journalist, speaker, and author of the book *State of the Unions: How Labor Can Strengthen the Middle Class, Improve Our Economy, and Regain Political Influence* (McGraw-Hill)

Conventional wisdom notwithstanding, the labor movement is as relevant as ever given what is happening to middle-class and working Americans. The lack of public understanding of the role of unions, as well as of most things involving labor-management relations, is among the obstacles unions encounter today. If unions address these obstacles, they would have a better chance of revitalizing themselves to meet the myriad of institutional challenges they face, as well as the daily challenges confronting ordinary Americans, and restore some balance to our “out-of-kilter” labor relations system.

**11:30 a.m. -  
12:30 p.m.**

**Meet the Author/Book Signing**

**Philip M. Dine**, author of the book *State of the Unions*, delves into the decline of American labor unions, explores how their troubles have had a powerful effect on our way of life and on our political landscape, and suggests how labor could revitalize itself.

**12:00 p.m. -  
1:15 p.m.**

**Lunch**

**1:30 p.m. -  
3:00 p.m.**

**Concurrent Workshops**

**(A) Economic Crisis and Instability: How has the Current Economic Climate Impacted Management /Union Rights?**

**Speakers: Kevin Murphy**, Director, Collective Bargaining and Organizing, Council 4, AFSCME, AFL-CIO (CT); **Vincent F. Ragosta, Jr., Esq.**, Law Offices of Vincent F. Ragosta, Jr., Esq. (RI)

There is no question that the dismal state of the economy is having an effect on labor relations. The severe economic downturn has pressured employers to do more with less, and unions to share in the burden. How are management and union rights being invoked to address the harmful effects of economic malaise? Does financial distress license unilateral action and spark a more vigorous exercise of management rights by an employer? What is bargainable and what is not? May collective bargaining agreements be abrogated on inability-to-pay or public policy grounds? Join our panelists for a lively and interactive discussion of the challenges confronting advocates in these unique times.

**(B) “Public Safety, Alone on an Island in Times of Fiscal Crisis?”**

**Speakers: Richard A. Anderson**, Chief Negotiator, NAGE/IBPO (MA);

**Brian Clemow, Esq.**, Partner, Shipman and Goodwin LLP (CT);

**Frank J. Montanaro**, President, RI State Association of Fire Fighters, President, RI AFL-CIO (RI)

Given the presence of both contract provisions preventing layoffs and the risk to the public of doing so, what cost-containment measures are being negotiated in public safety agreements, if any? Are wages being frozen? Are fringe benefits under attack? Or, is it business as usual for the public employees who protect the rest of the public? Participate in this interactive session to learn some of the innovative approaches being used to address these compelling issues.

## Thursday, July 30, 2009, continued

### (C) Restoring Harmony: Going Beyond Win/Win

**Speaker:** Lee Williamson, Arbitrator/Mediator (CT)

Conflict should not be won; it should be resolved. Learn how to restore harmony in your union/management negotiations by mixing a little social psychology with the philosophy of *Morihei Ueshiba*, the tactics of hostage negotiators, the lexicon of Daniel Webster, and the nuances favored by mediators.

3:00 p.m. - **Break**  
3:15 p.m.

### 3:15 p.m. - **Plenary Session**

4:45 p.m. **The Employee Free Choice Act: Will the Enactment provide the Best Approach to Reforming the National Labor Relations Act?**

**Speakers:** Jeffrey W. Kastle, Esq., Partner, St. Peter and Kastle (RI); Karl Klare, Professor, Northeastern University School of Law (MA); Diane Gee, Alternate Chair, Ontario Labor Relations Board, Canada

The Employee Free Choice Act would amend the National Labor Relations Act to establish a procedure to replace the election practice with a "majority signatory certification process" for gaining union recognition; provide for mediation and arbitration dispute resolution when an employer and union are unable to reach agreement on a first contract within a prescribed timeframe; and strengthen penalties against employers for violating the law during organizing campaigns and first contract negotiations. In this interactive session, an advocate and adversary of the Act will present their differing views on the desirability of these proposed NLRA amendments. Additionally, hear the issues Canada has been confronted with in determining union recognition by either "card check" or "quick elections," and learn how the United States could benefit from Canada's experiences.

6:00 p.m. - **Cocktail Reception**  
7:00 p.m.

7:00 p.m. **Dinner**

8:15 p.m. **Entertainment**  
Stand Up Comedian and Labor Attorney: Michael B. Steinberg, Esq.

## Friday, July 31, 2009

7:00 a.m. - **Breakfast**  
8:30 a.m.

### 8:45 a.m. - **Plenary Session**

9:30 a.m. **The Generational Mix: How to Bridge the Generation Gap in the Workplace**

**Speakers:** Nancy A. Price, Senior Human Resource Consultant, NSTAR (MA); Deanna White, Senior Human Resource Consultant, NSTAR (MA)

Challenge, challenge, and more challenge! For the first time in history, there are four distinct generations in the workforce, each with different aspirations, qualities, characteristics, ideals, and work ethics. Understand how and why these differences present themselves in today's workforce. Learn how all parties can bridge these generational gaps to develop cooperative relationships between labor and management; discover how to utilize these techniques to enhance productivity within your agency, as well as the collective bargaining process. Join this session for insight on how to develop skills that will help you to understand why you may be encountering generational conflicts, how to address those conflicts, and what you can do to influence positive agency and employee dynamics.

continued on next page



**Michael B. Steinberg, Esq.**  
**Comedian**

**Thursday evening,**  
**July 30, 2009**

Michael B. Steinberg (Stage name: Mike Mindlin) is a Boston-based comedian known for his offbeat and smart humor. Michael has performed his unique brand of hilarity at such venues as the Comedy Studio and the Comedy Connection, as well as various other places where funniness happens. Michael's alter-ego is employed as a hearings attorney for the Department of Workforce Development, MA and is also on staff at the Harvard Mediation Program, Harvard Law School. He is a graduate of Northeastern School of Law and currently lives in Somerville, MA, with his pet orangutan, "Mumbles."

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**Friday, July 31, 2009, continued**

**9:30 a.m. Break**

**9:45 a.m. -  
11:15 a.m. Concurrent Workshops**

**(A) Health Care/Pension Issues – What Can be Done to Head Off the Growing Crisis?**  
**Speakers:** Senator Kenneth J. Donnelly, Fourth District Middlesex (MA);  
Pamela Silverblatt, Esq., Vice Chancellor of Labor Relations, City University of New York (CUNY) (NY)

States throughout the New England Region and New York are faced with steadily rising pension and health care costs. Can states afford to provide employees with the same level of benefits to which they have become accustomed? What steps are being taken on state and local levels to contain costs while maintaining the level of benefits traditionally provided to employees? Participate in this discussion to hear some of the innovative approaches being considered for the preservation of employee benefits in the public sector.

**(B) Are Teacher’s Collective Bargaining Rights in Public Education in Decline?**  
**Speakers:** Frederick M. Doherty, Esq., UNISERV Consultant, Massachusetts Teachers Association (MA); Demitrios M. Moschos, Esq., Senior Partner, Mirick O’Connell (MA); Marcia B. Reback, President, Rhode Island Federation of Teachers and Health Professionals (RI); Benjamin M. Scungio, Esq., Managing Partner, Brennan, Recupero, Cascione, Scungio & McAllister, LLP, Attorneys at Law (RI)

This segment will present some of the current flash points between union and management in public education. Presenters will provide a frank and open assessment of developments and trends in the “expansion” versus the “reclamation” of management rights by legislative fiat; the effects of recent State Superior and Supreme Court Decisions on the collective bargaining process; and finally a consideration of the state of judicial intervention in changing the relationship between teacher labor and management.

**(C) “Are Your Ethics Showing?”**  
**Speakers:** Margaret L. Hogan, Esq., Legal Counsel, RI State Labor Relations Board (RI); Jacqueline G. Kelley, Esq., Legal Administrator, Division of Legal Services, Department of Administration (RI); Vincent P. Santaniello, Esq., Deputy Executive Director, National Education Association of Rhode Island (NEARI) (RI) **(CLE Credits)**

Has your obligation to “zealously” represent your client caused you to strain at your ethics leash? Has the opportunity to play “gotcha” become a priority in your case preparation? What are the dilemmas presented by advancing a case for therapeutic reasons versus the merits? Can you really apply the famous words from *The Godfather* - “it’s business, not personal” - or does your personal dislike for your adversary affect how you try your case, and how would the “two degrees of separation” come into play? Participants will be encouraged to offer their distinctive experiences and ethical views during this “captivating” segment.

**11:15 a.m. -  
12:30 p.m. Plenary Session**  
**Mediation and Fact-Finding of Contract Negotiations in a Time of Zeros, Layoffs, and Furloughs**  
**Speakers:** Ira Lobel, Mediator/Arbitrator (NY); Nancy Peace, Mediator/Arbitrator (MA); Michael Ryan, Mediator/Arbitrator (ME)

The ever-deepening fiscal crisis has placed unprecedented strain on public sector contract negotiations in New England and New York. In this interactive session, experienced mediators and fact-finders, as well as conference participants, will discuss their perspectives on the state of negotiations throughout the region.