

New England Consortium of State Labor Relations Agencies 11th Annual Conference



Omni New Haven Hotel at Yale, New Haven, CT
Thursday, July 15, 2010
and
Friday, July 16, 2010

Learn from Steven Greenhouse, New York Times Labor and Workplace Reporter/Author and Wilma B. Liebman, Esq., NLRB Chairman, as well as other experts as to how employers, unions and labor relations neutrals are confronting the major issues impacting labor relations during these challenging economic times.





Steven Greenhouse
Keynote Speaker
Thursday, July 15, 2010

Keynote Speaker, Steven Greenhouse, is the author of "The Big Squeeze": Tough Times for the American Worker (Knopf 2008). "The Big Squeeze" is an in-depth account of how American companies have squeezed millions of workers by clamping down on wages, cutting health and pension benefits, weakening job security, and violating wage and hour laws. "The Big Squeeze" won the 2009 Sidney Hillman Book Prize, awarded each year to a book that promotes social justice.

Based in New York City, Mr. Greenhouse has covered labor and workplace issues for the New York Times since October 1995.

Mr. Greenhouse, a native of Massapequa, N.Y., is a graduate of Wesleyan University in Connecticut, the Columbia University Graduate School of Journalism, and the New York University School of Law.

Thursday, July 15, 2010

9:00 a.m. - 10:30 a.m. - Registration

10:30 a.m. - 10:45 a.m. - Welcome Address
Brian Harrington, Esq., Executive Director, New England Consortium of State Labor Relations Agencies

10:45 a.m. - 12:00 noon - Keynote Address
A Snapshot of the American Workplace in 2010...What are the real issues that confront the American Worker in today's workplace?

Speaker: Steven Greenhouse, author of "The Big Squeeze": Tough Times for the American Worker (Knopf 2008) and New York Times Labor and Workplace Reporter

Do not miss this key opportunity with Steven Greenhouse as he discusses his "must-read" book and the critical issues facing the American worker in 2010. Greenhouse comments, "If there is a central theme to this book, it is that long before the current financial crisis and economic slump hit the United States the economy was already broken for millions of workers and their families." Greenhouse will explore issues such as what has been happening with workers wages and benefits, unemployment, stress at work, mistreatment of immigrant workers, difficulties that low wage workers face, and the state of the union movement. Additionally, Greenhouse will discuss the recent recession and the incipient recovery, and what that will mean for the Nation's workers. **Questions to ponder:** How has the current administration addressed the problems that face the American worker today? Is there any good news out there in terms of how employers treat their workers?

Enjoy a complimentary copy of "The Big Squeeze", which can be found within your conference packet!

12:00 noon- 1:15 p.m. - Lunch

1:30 p.m.- 3:00 p.m. - Concurrent Workshops
(A) Thinking Outside the Box: The New Haven Teachers' Contract
Speakers: Tom Burns, Vice President, Local 933, New Haven Federation of Teachers/AFT; **William Clark**, Chief Operating Officer, New Haven Board of Education; **Joan Devlin**, Senior Associate Director of Educational Issues, AFT; **Garth Harries**, Assistant Superintendent, New Haven Public Schools

In the fall of 2009, the New Haven Federation of Teachers, Local 933, AFT ratified a contract with the City's Board of Education that garnered national attention and has been both criticized and lauded as a model of school reform for the nation. Join this session to hear from some of the key players about the negotiation process and the most innovative and controversial provisions of the final agreement.

(B) State Work Share Programs: Making the Best of a Bad Situation - Theory, Logistics, and Statistics of the Inner Workings
Speakers: Kathy Catanzaro, Principal Employment and Training Manager, Department of Labor and Training (RI); **Nancy E. Dunphy**, Deputy Commissioner of Labor for Employment Security, Department of Labor (NY); **Neil Rohan**, Resource Associate, Department of Labor (CT)

State work share programs allow employers to reduce staff hours by as much as 60% without laying employees off, while allowing them to collect unemployment insurance. So far, at least seventeen states have adopted these programs and more are looking into it. Have the work share programs lived up to their goal of preventing layoffs, making businesses more productive, and saving taxpayers' money by keeping people on payrolls and off unemployment benefits? What will happen to the downsized positions once the recession is over? Our panel of experts will discuss their experience in administering these programs through tough economic times and beyond.

Thursday, July 15, 2010, continued

(C) Is the Department of Corrections a Recession Proof Industry? The View from Both Sides of the Table

Speakers: Gerard Cobleigh, Esq., Cobleigh & Giacobbe (RI); Sheriff James V. DiPaola, Middlesex County Sheriff's Office, (MA); Eamonn G. Gill, Esq., Senior Legal Counsel, Department of Corrections (RI); Edward J. Greene, Jr., Esq., Sheehan, Greene, Carraway, Golderman & Jacques, (NY)

How are union officials and management dealing with an exploding prison population in a time of severely constrained budgets? Are there solutions which can be applied outside the walls? How would those solutions impact state and public safety? This segment will present some of the current flash points between union and management in the world of Corrections. Participate in this interactive session to learn some of the innovative approaches being used to address these compelling issues.

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

3:15 p.m. - Plenary Session

4:45 p.m. "The Trillion Dollar Gap – Underfunded State Retirement Systems and the Road to Reform"

Speakers: Stephen Fehr, Team Leader, The Pew Center of the States; Katherine Barrett, Consultant, The Pew Center of the States.

"A \$1 trillion gap... The difference between the \$3.35 trillion in pension, health care, and other retirement benefits states have promised their current and retired workers as of FY'08 and the \$2.35 trillion they have on hand to pay for them," according to the new report by the Pew Center on the States. Retirement benefits are an important part of how states can attract and retain a high-caliber workforce for the 21st century. The bill coming due for these retirement benefits is an increasingly crucial issue affecting states' fiscal health and economic competitiveness. In this plenary session, the speakers will discuss the findings submitted by The Pew Center Report on the States; a report that discloses how states are faring in handling this issue. The report concludes that many states have shortchanged their pension plans in both good times and bad, and that only a handful have set aside any meaningful funding for retiree health care and other non-pension benefits. While the economic downturn has exposed serious vulnerabilities in states' retirement systems, the speakers will discuss how a growing number of states are taking action to change how retirement benefits are set, how they are funded, and how costs are managed.

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

7:00 p.m. Dinner

Friday, July 16, 2010

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

Plenary Session

Someone to Watch Over Me: Technology, Privacy, and the 21st Century Workplace

Speakers: William A. Herbert, Deputy Chair and Counsel, PERB (NY); Ginger McCall, Esq., Staff Counsel, Electronic Privacy Information Center (EPIC) (Washington, D.C).



Wilma B. Liebman, Esq.
Keynote Speaker
Friday, July 16, 2010

Wilma B. Liebman, Esq. was designated Chairman of the National Labor Relations Board (NLRB) by President Obama on January 20, 2009. She has served on the Board since November 14, 1997. She was first appointed by President Clinton and confirmed by the Senate to a five-year term that expired on December 16, 2002. She was reappointed by President Bush and confirmed by the Senate to a second term that expired on August 27, 2006 and to a third term that will expire on August 27, 2011.

Prior to joining the NLRB, Ms. Liebman served as Deputy Director of the Federal Mediation and Conciliation Service (FMCS).

A native of Philadelphia, PA, Ms. Liebman holds a B.A. from Barnard College in New York City and a J.D. from the George Washington University Law Center.

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Friday, July 16, 2010, continued

9:00 a.m. - 10:00 a.m. Advances in computer technology have led to the exponential use of electronic communications in the modern workplace. Join this session for insight into the legal contours of the “protected privacy rights” of employees with respect to electronic communications, including the impact of the widely-anticipated Supreme Court decision in *City of Ontario v. Quon*. This case, for which EPIC wrote an amicus brief, will determine whether, and under what circumstances, public employees may have a constitutionally enforceable expectation of privacy in the text messages sent on government-owned pagers.

10:00 a.m. - 11:00 a.m. **Concurrent Workshops**
(A) Contracting Out Municipal Services in a Contracting Economy - A Trilateral Perspective
Speakers: **Henry Garrido**, Assistant Associate Director, District Council 37, AFSCME, AFL-CIO (NY); **The Honorable Carolyn Kirk**, Mayor, Gloucester, (MA); **The Honorable Chuck Lesnick**, President, City Council, Yonkers, (NY)

Why, when, and how do state and local municipalities decide to contract out the provision of public services to private contractors? How does contracting out affect the level and quality of government services, public employee wages and benefits, and labor management relations. Is it a magic bullet for dealing with rising public sector pension and health care costs, or skill deficits, or is it more trouble than it's worth? Please join our distinguished panel of elected officials and union representatives as they discuss their first-hand experience of the costs and benefits of privatizing public services on employees, municipalities, contractors, and the public.

(B) Legal Ethics in the Electronic Age - Who is watching whom?
Speakers: **Seth Greenberg, Esq.**, Greenberg Burzichelli Greenberg P.C., (NY); **William A. Herbert**, Deputy Chair and Counsel, PERB (NY); **Jeffrey W. Kasle, Esq.**, St. Peter & Kasle, (RI); **Mary Ellen Shea**, Mediator/ Arbitrator, (MA)

The exponential proliferation of computer-based communications raises important and novel ethical issues for labor and employment attorneys and neutrals. This panel discussion will focus on the ethical implications of using of email, blogs, and social networking pages when communicating with clients, potential clients, adversaries, and parties. Among the issues to be discussed by panel members will be the preservation of confidences, attorney advertising, attorney-client privilege, and the accessing of metadata.

(C) Ask the Mediators
Speakers: **Patricia Fitton**, Mediator, Connecticut State Board of Mediation and Arbitration; **Brian Harrington**, Massachusetts Joint Labor Management Committee for Municipal Police and Fire and Executive Director, New England Consortium of State Labor Relations Agencies; **Karen Kenney**, Supervising Public Employment Mediator, New York State Public Employment Relations Board; **Michael Ricci**, Mediator, Connecticut State Board of Mediation and Arbitration

Are there any major bullets to solve the enormous problems we have today or is it all smoke and mirrors? Can one state's solution be a solution for other states, or are everyone's circumstances unique? Participate in this interactive question and answer session regarding how public sector unions and employers are coming to terms, or not coming to terms, with shrinking government budgets in their contract negotiations. Find out these answers from a panel of seasoned mediators from state agencies across the region.

11:00 a.m. - 11:15 a.m. **Break**

11:15 a.m. - 12:30 p.m. **Keynote Speaker**
“The Obama Board: At Month Four”
Speaker: **Wilma B. Liebman, Esq.**, NLRB Chairman

The NLRB Chairman will describe the legacy of the Bush NLRB, including the twenty-seven month two member Board, the Supreme Court's decision on the legality of the two-member decisions, what the newly appointed Obama Board has undertaken to date and what one might expect going forward.