



Illinois Public Employer Labor Relations Association



2020 Public Sector Employment Law Seminar

Conducted by:
CLARK BAIRD SMITH LLP

Featuring the Following Plenary Sessions:

If You Were the Arbitrator, How Would You Rule? Sharpen your skills in this interactive session, where you are given the facts relating to contract interpretation and disciplinary grievances, hear oral arguments from CBS LLP attorneys, and decide how you would rule. Joining us is prominent Arbitrator and Chicago-Kent Law Professor **Martin Malin**, who will tell us how he would rule ... and why.

Arbitrator Malin has written extensively on all aspects of labor and employment law and, in 2017, was presented with the ABA's prestigious Arvid Anderson Award for lifetime contributions to public sector labor law. He teaches labor law, employment discrimination, public sector employees, ADR in the workplace, and contracts and is co-Director of the Institute for Law and the Workplace.

Collective Bargaining Trends and Issues – **Bob Smith** will review recent Illinois and National public sector collective bargaining trends and issues (including a *Janus* legislation update).

Fastest 30 Minutes – CBS LLP attorneys will present two-minute updates on a number of current labor relations and employment law issues.

And, your choice of two breakout sessions:

Each registrant plans a unique curriculum by selecting two unique breakout sessions described on the next page. Registrants will choose one breakout class in the morning, and the other in the afternoon.

**Approval is being sought for 6 hours of: CLE credit for attorneys,
as well as HRCI and SHRM recertification credits**

SPACE IS LIMITED – This Program Generally Sells Out – Breakout Sessions are Assigned on a First-Come, First Served Basis ... SO, REGISTER EARLY

Friday, March 6, 2020

8:30 a.m. – 4:30 p.m.
(Registration begins 7:45 a.m.)

Ask the Attorney Reception Follows

Drury Lane Theater & Conference Center
100 Drury Lane
Oakbrook Terrace, IL 60181

Breakout Class Descriptions:

Each registrant will choose a morning and afternoon breakout session when they register. (*Classes will be assigned in order of receipt of registration ... first-come, first served.*) Registrants will receive a reminder of their final class assignments at program registration.

(1) *I Fought the Law and the Law Won:* Interest Arbitration Update

Interest arbitration results are one of the key predictors of possible contract settlements, even if your bargaining unit does not include police officers or firefighters. With an uncertain economy, a new governor, and plenty of labor and employment legislation, keeping an eye on bargaining and interest arbitration trends is more important than ever before. How are arbitrators deciding disputes over wages, insurance, and other key bargaining issues? What factors most influence their decision making? Arbitrator Martin Malin will join the panel during the morning session as they review recent arbitration trends and respond to questions from the floor.

(2) *Help Me if You Can, I'm Feeling Down:* Accommodation Issues for 2020 and Beyond

In 2020, Illinois public employers continue to face a host of novel legal issues under the Americans with Disabilities Act ("ADA") and other recently enacted sick leave laws. In many respects, standard EEOC guidelines do not address the various quandaries posed by unique Illinois issues like medicinal marijuana and the impact of PEDAs benefits and line-of-duty pensions on a public safety employee's continued employment. Add to these the continued aftershocks from the Seventh Circuit's *Severson v. Heartland Express* decision, as well as the looming prospects for statutory paid sick leave under the Healthy Workplace Act, and Illinois public employers truly need a bit more "*Help!*" when it comes to complex ADA and sick leave issues.

(3) *Money (That's What I Want):* Defending Disability Pensions and PSEBA Claims

PSEBA claims remain one of the biggest potential liabilities for public employers. Public employers can be left paying health insurance benefits for former employees, and their families, for decades without receiving any work from those employees. While employers are becoming more savvy about defending these claims, employees are also becoming more sophisticated in their efforts to silence employer efforts to control runaway insurance expenses. Taking precautions from Day 1 of an on-the-job injury is more important than ever before. Attend this session to learn

about recent employer experiences to help defend your jurisdiction against potential million dollar claims.

(4) *At Folsom Prison:* Employee Misconduct Issues Unique to the Public Sector

Don't find yourself in arbitration lock-up! When an employee behaves badly, learn what it takes to "*walk the line*" and conduct a thorough employment investigation and assessment that respects employees' statutory and constitutional rights; issue discipline that will withstand scrutiny under a "cause" or "just cause" requirement; and defend your decision in arbitration and in court.

(5) *"Money":* Impact of New FLSA Regulations on the Public Sector Workforce

2019 saw a surge of new regulations, updating overtime rules that had been in place for more than five decades. The last time the FLSA regulations were updated, it resulted in a wave of litigation. As Pink Floyd wrote in their famous song, plaintiff's attorneys looked to "*grab that cash with both hands.*" Attend this session to learn critical information about how the new regulations impact wage and overtime calculations, and help your jurisdiction stay out of court. Or, in the words of Pink Floyd, "*keep your hands off of my stack.*"

(6) *Know When to Hold 'Em and When to Fold 'Em:* Bargaining Under a Microscope

Prepare to make the best bargaining "plays" at the table: (1) when preparing to "play the hand"; (2) during bargaining "crunch time" generally; and (3) when asserting potential management defenses to recent "union access" requirements and other changes caused by the recent union-friendly amendments to Illinois state laws. After all ... "*If you're gonna play the game ... learn to play it right.*"



IPELRA 2020 ELS
March 6, 2020

A G E N D A



- 7:45 – 8:30 am Registration & Continental Breakfast
- 8:30 – 8:45 am WELCOME
 IPELRA President, Leslie Rienzie-Barry, SPHR, SHRM-SCP
- 8:45 – 10:30 am Plenary Session: **IF YOU WERE THE ARBITRATOR, HOW WOULD YOU RULE?**
 PRESENTED BY: James Baird
 GUEST ARBITRATOR: Professor Martin H. Malin
 Chicago-Kent College of Law
- 10:30 – 10:45 am Break
- 10:45 – Noon AM BREAKOUT SESSIONS
- Noon – 1:15 pm Lunch
- 1:15 – 2:30 pm PM BREAKOUT SESSIONS
- 2:30 – 2:45 pm Break
- 2:45 – 4:30 p.m. Plenary Sessions:
COLLECTIVE BARGAINING TRENDS AND ISSUES AND JANUS LEGISLATION UPDATE
 Presented by: Robert J. Smith, Jr.
- FASTEST 30 MINUTES** – Presented by CBS LLP Attorneys
- 4:30 – 5:30 pm ASK THE ATTORNEY RECEPTION – An opportunity to follow-up with the speakers and network with your colleagues.

Scheduled Clark Baird Smith LLP Presenters:

Ted Clark
James Baird
Robert Smith
Jill Leka
Yvette Heintzelman

James Powers
Benjamin Gehrt
Roxana Underwood
Kelly Coyle
Paul Denham

REGISTRATION INFORMATION

Registration: Advance online registration is **required** and must be submitted by **February 29, 2020**. You may choose to pay via credit card or check. Please visit the web page for 2020 ELS on www.ipelra.org for link to online registration.

First registered, first selected for choice of sessions.

Registration is limited to non-union human resource and management professionals, department directors and/or municipal administrators and management attorneys.

Registration Fees:

If you are not sure of your membership status, please contact Debi Stensland

Members	\$195
Organizational Associates of Members (OAM) <i>*OAMs are other employees of the same employer as a current IPELRA member.</i>	\$219
Non-Members	\$249

Volume Discount: The 6th and beyond registrants from the same employer are eligible to receive a \$20 discount off the applicable registration fee. Please coordinate within your jurisdiction to determine whether you will have registrants eligible for the discount and **contact Debi Stensland (ipelra1978@gmail.com or 847-378-7711) for a coupon code prior to registering such employees.**

Confirmations: Registration/payment confirmations (as well as invoices for check payers) will be emailed to registrants upon completion of online registration. **Deadline for cancellation is February 29, 2020. Cancellations received after that date and no shows will be considered nonrefundable.**

Overnight Accommodations: IPELRA has arranged for a block of rooms at the **Hilton Chicago/Oak Brook Suites**, 10 Drury Lane, Oakbrook Terrace, Illinois, for the night of Thursday, March 5 at the base rate of \$129 (plus applicable taxes). The Hilton is right next door to Drury Lane Theater and Conference Center. Check-in time is 4:00 p.m.; Check-out is 12:00 p.m.

For reservations, please contact the hotel directly: **Ph: 1-800-Hiltons (445-8667) – ask for the IPELRA room block. Housing deadline is February 18, 2020** -- after this date rooms are subject to availability.

Dietary Restrictions: The registration fee includes continental breakfast and buffet lunch. If you have specific dietary restrictions, please contact Debi Stensland (Ph: 847-378-7711; email: ipelra1978@gmail.com) as soon as possible prior to the Seminar.