



Sarah W. Cudahy, Esq.
Keynote Speaker

Sarah W. Cudahy is the Executive Director and General Counsel of the Indiana Education Employment Relations Board.

Sarah began her legal career as a Judicial Law Clerk for Justice Theodore Boehm of the Indiana Supreme Court. She then worked in Chicago as a Labor & Employment Associate at Barnes & Thornburg LLP, and later at the Labor and Employment Law Firm of Laner Muchin, Ltd.

Sarah graduated Summa Cum Laude from Boston University with a B.A. in Education, Public Policy, and European Studies. She earned her law degree from Washington University in St. Louis.

Sarah currently serves as the Vice President of Professional Development for the Association of Labor Relations Agencies and is a government fellow for the American Bar Association Labor and Employment Law Section’s State and Local Government Bargaining and Employment Law Committee.

Friday, June 21, 2019

8:00 a.m. - 9:00 a.m. Registration

9:00 a.m. - 9:10 a.m. Welcome Address

John F. Wirenius Chair, New York State PERB (NY)
Executive Director, New England Consortium of State Labor Relations Agencies

9:10 a.m. - 10:30 a.m. Keynote Address

“Lessons from the Midwest... What can the Survival of Collective Bargaining in Right-to-Work States Teach the Northeast?”

Speaker: Sarah W. Cudahy, Esq., Executive Director and General Counsel of the Indiana Education Employment Relations Board (IN)

Can the survival of collective bargaining in right-to-work states provide lessons to ameliorate the impact of the Supreme Court’s Janus vs. AFSCME decision? Please join us for a presentation that has sparked the interest of countless individuals... a subject matter that will enlighten you by addressing the surprising stability of union membership in right-to-work states and the factors that may be keeping collective bargaining viable there. Might the same factors apply to *your* state in a post-Janus world?

10:30 a.m.- 10:45 a.m. Break

10:45 a.m.- 12:00 p.m. Plenary Session

“So Happy Together? The Care and Feeding of Healthy Collective Bargaining Relationships”

Speakers: Amy Lamontagne, Asst. Town Manager, Town of Falmouth (ME);
John Langan, Director, Office of Employee Relations, Commonwealth of Massachusetts (MA);
Alan McDonald, Esq., McDonald Lamond Canzoneri (MA)
James J. McGovern, III, Esq., Genova Burns LLC (NJ);
Sergeant Jeffrey Pardue, Falmouth Police Department, Falmouth (ME);
Steven P. Weissman, Esq., Weissman & Mintz (NJ);

Do they need “couples therapy” or can they work it out on their own? Pairs of panelists from both sides of the table will share their successes and challenges in creating and maintaining stable, productive and cooperative collective bargaining relationships as a means of avoiding and resolving labor disputes. Join us for what is sure to be stimulating discussion about the processes and results of negotiations and where they go from here.

12:15 p.m.- 1:30 p.m. Lunch

1:30 p.m. - 2:45 p.m. Concurrent Workshops

(A) “Sacked for Off-the-Clock Activity”

Speakers: Lori Caron Silveira, Esq., Shareholder, Adler Pollock & Sheehan, PC (RI),
Elizabeth Wiens, Esq., Gursky Wiens, Attorneys at Law, LTD (RI)

To what extent may an employer impose discipline for off-duty conduct? Can an employee be terminated for social media activity? What about use of medical marijuana or recreational pot or domestic violence incidents or other criminal activity? Participate in this interactive discussion focusing on the required nexus between off-duty conduct and the workplace that determines whether an employer may impose disciplinary action for “just cause.”

Friday, June 21, 2019, continued

1:30 p.m. - 2:45 p.m. Concurrent Workshops

(B) “Not Your Grandparent’s or Even Your Parent’s Ethics... Legal Ethics in the Electronic Age... Ten Years Later...” (CLE Credit Available)

Speakers: Seth H. Greenberg, Esq., Greenberg Burzichelli Greenberg P.C. (NY);
Jeffrey W. Kastle, Esq., RI State Labor Relations Board (RI);
Christopher R. Scoville, Esq., Office of Robert T. Reilly, NY State United Teachers (NY);

Remember when a “friend” was someone you actually saw on a regular basis? And “friended” was a typo? The exponential spread of social media into all aspects of society has fundamentally changed how people interact and language itself. And legal ethics is not immune. Facebook, Twitter, Google, metadata and an arbitrator’s blog are all things your grandparents, parents and *maybe even you*, have never heard of. Yet all offer tantalizing discovery opportunities and ethical pitfalls. This panel will discuss these issues and how modern social media impacts the longstanding ethical rules that govern the practice of labor law and interaction with clients, potential clients, adversaries and neutrals . . . And no “trolling” allowed.

(C) “Optimizing Mediation: Lessons From New York’s Three Impasse Procedures”

Speakers: William Conley, Esq., Assistant Director of Conciliation, New York State PERB (NY);
Ron Dunn, Esq., Gleason, Dunn, Walsh & O’Shea (NY);
James E. (Jay) Girvin, Esq., Girvin & Ferlazzo, PC (NY);

Most seasoned advocates have their own well-honed techniques for getting the best result for their clients when contract negotiations end up in mediation. But what happens when mediation is governed by one of the three very different procedures under New York’s Taylor Law (which established public sector collective bargaining in New York)? With different rules applying to school employees, first responders, and other public sector employees, different mediation techniques have evolved when the endgame is interest arbitration, fact finding or a legislative override. In this interactive session, a panel of highly experienced union and management advocates and an experienced mediator will discuss how the different endgames imposed by the Taylor Law changes tried and true mediation methods and ensures that the parties “bring the right tools to the table.”

2:45 p.m. - 3:00 p.m. Break

3:00 p.m. - 4:15 p.m. Plenary Session

“Post-Janus Litigation - Pending Constitutional and Legal Challenges - The Increasing Constitutionalization of Public Sector Labor Law”

Speakers: Timothy Casey, Esq., Massachusetts Assistant Attorney General (MA);
Joel Weisblatt, Esq., Chair, New Jersey PERC (NJ);
John Wirenius, Esq., Chair, New York State PERB (NY)

Has the Janus decision turned the First Amendment into a constitutional sword that will continue to stab at the heart of public sector unions? Is the exclusive representative doctrine about to be carried off on its First Amendment shield? Will non-members gain the right to write the next collective bargaining agreement and go to the union’s summer outing? Join a distinguished group of panelists as they discuss post-Janus challenges to Union exclusivity, pending class actions across the country seeking to recover pre-Janus fees, and the possible retroactive application of Janus under a new theory of reliance on the United States Supreme Court’s precedents. Was Janus the beginning of the end of public sector collective bargaining? What’s coming next?

continued on next page

Agency
Representatives

Harry Elliott
Connecticut State
Board of
Labor Relations
(860) 263-6879

Patricia Fitton
Connecticut State
Board of Mediation
and Arbitration
(860) 263-6880

Neil Daly
Maine Labor
Relations Board
(207) 287-2015

Marjorie Wittner
Massachusetts
Commonwealth
Employment
Relations Board
(617) 626-7138

Susan Atwater
Massachusetts
Department of
Labor Relations
(413) 784-1230

Douglas Ingersoll
New Hampshire
Public Employee
Labor Relations Board
(603) 271-2587

John Wirenius
New York State
Public Employment
Relations Board
(518) 457-2578

Robyn Golden
Rhode Island State
Labor Relations Board
(401) 462-8771

Timothy Noonan
Vermont Labor
Relations Board
(802) 828-2700

Accommodations



The Desmond Hotel Albany
660 Albany Shaker Road
Albany, New York 12211
(518) 869-8100

Reservations

Directions for Reserving Guestrooms

Go to the hotel website: www.desmondhotelsalbany.com
In the upper right hand corner click on "Book Now"... a new page will appear... click "Book Now" again...
enter dates of your stay... then in the box below enter GROUP CODE - **NEP**.

or

Call the hotel at (518) 869-8100, ask for reservations, and state the GROUP CODE - **NEP**.

The group discounted rate will populate automatically, select your room type desired from the choices available.
If you prefer a different room type, call the hotel directly to customize your reservation.



New England Consortium of State Labor Relations Agencies 16th Annual Conference



The Desmond Hotel Albany
Albany, New York
Friday, June 21, 2019

Discover the latest "game changing" factors impacting the new world of labor/management relations.

