

# Master Class Series

# 2016

New York  
February 2, 2016



## Managing the Unionized Workforce

Atlanta  
March 1, 2016



## Advanced Strategies for Labor Relations in a Changing Economy

Chicago  
April 5, 2016



**3**  
CITIES

**6**  
TRACKS

**12**  
SESSIONS

**BakerHostetler**

[www.rsvpbakerlaw.com/masterclass](http://www.rsvpbakerlaw.com/masterclass)

# Program Chairs



**Jay Krupin** serves as BakerHostetler's National Co-Chair of the Labor Relations Practice and National Labor and Employment Practice Team Leader for Industry Sectors.

Jay Krupin represents businesses across the United States, advising on federal and state labor, employment, and personnel law issues and defending them before administrative agencies and in court proceedings. Mr. Krupin is well-versed in management-union issues, employment discrimination matters, and wage-hour practices. He has successfully negotiated more than 350 collective bargaining agreements and has represented companies in more than 100 union elections and campaigns.

A frequent speaker and writer on a variety of topics related to his fields of practice, Mr. Krupin has been quoted in or has authored articles in *The Wall Street Journal*, *The New York Times*, *Chicago Tribune*, *Los Angeles Times*, *USA Today*, *The National Law Journal*, *Legal Times*, and more than 50 other publications. Mr. Krupin's advice has also been relied on by government agencies dealing with labor and employment issues, and he has testified before the U.S. Congress on labor legislation, as well as before the National Labor Relations Board (NLRB) on rulemaking proposals.

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**Patrick Muldowney** serves as BakerHostetler's National Co-Chair of the Labor Relations Practice.

Mr. Muldowney advises and represents private- and public-sector management clients in connection with both traditional labor law and employment law issues. He has litigated issues related to discrimination, sexual harassment, labor-management relations, family and medical leave, public employee rights, minimum wage/overtime compensation, and covenants not to compete.

Mr. Muldowney has represented employers in matters involving the National Labor Relations Board (relating to both unfair labor practice charges and representation elections), the U.S. Equal Employment Opportunity Commission, the Florida Commission of Human Relations, the Florida Division of Administrative Hearings, the Orlando Human Relations Department, the New York State Division of Human Rights, and the New York City Commission on Human Rights. Additionally, he is an adjunct professor at Rollins College, where he teaches a course on labor and employment law in the Master of Human Resources program.

Patrick M. Muldowney | [pmuldowney@bakerlaw.com](mailto:pmuldowney@bakerlaw.com) | 407.649.4002

# Who Should Attend

This Master Class Series is specially designed to offer high-level courses, hitting specific and practical headline issues affecting:

- General Counsel
- In-House Lawyers
- C-Suite Executives
- Directors of Labor Relations
- Directors of Human Resources
- Business Owners

We have a lineup of leading workplace lawyers who will present a valuable and tailored program focusing on real employment issues, challenges, and opportunities faced in today's ever-changing economy.

# Reasons to Attend

## 1 Valuable

- Provides real-world strategies on the most current issues affecting your business and employees.
- Insights into new policy regulations and legislation will prepare you to confront employee matters related to pensions, contracts, social media, health care reform, and union interference.

## 3 Environment

- With limited space, our unique and intimate format is designed to facilitate issue-specific dialogue beyond the normal classroom setting.
- You are encouraged to ask questions and interact with the speakers and other attendees.

## 2 Experience

- Our Master Class faculty of BakerHostetler attorneys are at the top of their game and prepared to bring insights based on their experience to each discussion, thus taking these topics to the next level.

## 4 Specialized

- Classes have been designed to focus on current issues and common challenges.
- Each presenter has a depth of experience in these areas to bring pragmatic and on-target insights to each session.

# Choose a total of six sessions.



## Prepare for Your Next Contract: Creative Negotiating Tactics

This session will focus on the current philosophy of collective bargaining under the present and seemingly ever-changing NLRB recent decisions. We will review strategies for employers to take the initiative to increase apprehension and decrease expectations when approaching the bargaining table, as well as the proven methods for obtaining zero-sum contracts and reducing union interference with company operations.



## Contract Administration: Day-to-Day Best Practices

A collective bargaining agreement is only as good as the contract administration that occurs when bargaining is done. This session will cover best practices for handling contract grievances, how to live with ambiguities in contract language, understanding what a Management Rights clause truly means, defeating past practices, and the use of Joint Labor-Management Committees as a pressure valve to prevent escalation of tensions.



## Social Media: Electronic Communication Policies and the NLRB

The NLRB has found new life in the modern world of Facebook, Twitter, YouTube, and other social media. This session will cover the finer points of crafting a legally compliant social media policy, navigating the waters of protected concerted activity, and how to ensure employers do not make social media-related employment decisions prohibited by the National Labor Relations Act (NLRA). Determining whether your company's social media policy may be inadvertently prohibiting protected concerted activity or properly avoids undue restrictions under the NLRA will be analyzed.



## Joint Employers: Dealing With the NLRB's Developing View of the Workplace

The NLRB has totally reshaped its approach to business relationships. Companies must now be wary that they will be swept up into other companies' labor disputes, and be deemed an employer of a workforce it does not actually employ, just by virtue of doing business with them. This particularly includes other employers' personnel for whom you can broadly influence conditions of employment, contracted labor, transient workers, and similar arrangements. Learn what puts your organization at risk, and what might be done to restructure relationships to reduce such risks.



## Workplace Investigations: New Rules

Recent changes in labor relations law affect the conduct of employers, the expansion of employee rights, and the role of unions in workplace investigations. The traditional approach to determine employee culpability and the assessment of discipline and terminations is now governed by increasing NLRA and other legal scrutiny. The new "rules of the road" will be practically addressed and discussed.



## Preparing for NLRB Hearings and Other Administrative Proceedings: Current Strategies

Learn how to protect yourself from that sinking feeling you get when you're handed a sensitive email during cross-examination by an NLRB attorney before an administrative law judge. This session will examine the various tactics that the NLRB often employs, including document subpoenas, non-disclosure of material evidence, cross-examination of employer witnesses, and institution of multiple proceedings. Participants will also receive guidance on proactive measures to counter such tactics and best practices for protecting the company's interests before NLRB litigation commences.

Tailor your six-session itinerary to what's most important to you. Having a hard time choosing among the important topics? Consider bringing multiple attendees from your organization.



## Wage-Hour Issues as a Union Weapon: Pay Practices for Internal Review

Employers must be wary of the union demand to review wage-hour practices and procedures as a means of justifying its purpose to the organized membership. Virtually every week, new wage-hour practices are called under scrutiny by NLRB, Department of Labor (DOL), and individual employee actions. This session will address defenses to significant liability for wage-hour violations in the face of changing wage-hour practices and increased DOL enforcement initiatives.



## Corporate Campaign Defenses: Preventing Death by a Thousand Cuts

The macro approach of many union initiatives is to advance their interests in collective bargaining, contract administration, and organizing. Increasingly, they are engaging in "corporate campaigns" whereby pressure is placed on an employer to force it to bow to the union's demands. They are a form of economic warfare of larger proportions. Whether the attack is focused on stock manipulation, negative public relations, outreach to clients and customers, or onerous implementation of contract terms, no employer in today's labor environment can sit back without a contingency plan for defending a corporate campaign. These issues will be discussed in this session.



## Proactive Tactics to Limit Union Interference: Preemptive Action

Even in a unionized environment, the best defense against union activism is a proactive game plan. It is never too early, especially in this NLRB environment, to establish a rapid response plan that can readily be implemented. In this session, we will explore the steps employers should consider, prepare, and use as deterrents to union interference with their company's operations.



## Conflict of Laws in Labor Relations: Societal and Economic Initiatives and How to Respond

While labor laws in the U.S. are generally preempted as a federal matter, various grassroots efforts to attack labor and employment issues are embedded in social and economic initiatives that conflict with this federal mandate. State and local governments are passing legislation to raise the hourly minimum wage to \$15. Mandatory paid sick leave, worker retention rights upon a sale of a business, health and safety rules, and green programs interfere with traditional labor relations. Questions arise regarding how to handle these contradictory legal questions. With multiple forums to contest employer actions, we need to be better equipped to deal with these conflicts. That is what this session will explore.



## Pension Funds in Crisis: Withdraw or Feed the Money Pit

Financially distressed multiemployer pension funds have become the Elephant in the Room for many companies. They can affect how an employer collectively bargains, if and how an employer raises capital, how an employer should be structured and who its owners should be, and even whether the employer has a viable financial future. This session will provide employers with pointers to help them deal directly or indirectly with financially distressed multiemployer pension funds, including when and whether to withdraw from them; how to limit or even phase down one's liability exposure from them; and how to identify situations where it may make more sense to press for fund reforms.



## OSHA: What Unionized Operations Need to Know

Unions play a pivotal role in the OSHA inspection and litigation process. Employers must be prepared to vigorously defend and limit liability. In this session, we will explore the many different ways unions can influence OSHA to conduct an inspection, along with the various roles unions play to influence OSHA once the inspection begins. Moreover, we will discuss how unions impact litigation once an employer files a notice of contest and challenges the citations.

# Event Registration

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## Registration Site

You will find additional details about the series at [www.rsvpbakerlaw.com/masterclass](http://www.rsvpbakerlaw.com/masterclass)

## Questions

### For questions or to register

by phone, please contact Lynmarie Lane at 312.416.6297 or [MasterClass@bakerlaw.com](mailto:MasterClass@bakerlaw.com)

## Master Class Details

### 8:00 a.m.

Continental breakfast and registration

### 8:30 a.m. – 4:00 p.m.

Lunch will be provided for all attendees  
Program followed by a cocktail reception

## Space is limited

for the Master Class Series.

We encourage you to **make reservations as early as possible.**

To register, visit

[www.rsvpbakerlaw.com/masterclass](http://www.rsvpbakerlaw.com/masterclass)

We look forward to having you join us for this premier event.



## New York

February 2, 2016

BakerHostetler's New York Office  
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New York, NY 10111  
212.589.4200



## Atlanta

March 1, 2016

Buckhead Club  
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Atlanta, GA 30326  
404.262.2262



## Chicago

April 5, 2016

The University of Chicago  
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450 North Cityfront Plaza Drive  
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1900 East 9th Street, Suite 3200  
Cleveland, OH 44114-3482

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“I wanted to thank you for your insight on the collective bargaining process. You’ve obviously been down in the trenches many times, and I really valued your discussion of tactics and strategies.”

**“It was apparent that the speakers/attorneys were experts in their field and came to address current and relevant issues and concerns.”**

“Thank you for putting on this seminar and please thank your eminently qualified and well-spoken colleagues. It was a very helpful day.”

“Each workshop provided insider information and practical tips to remember from experts in the field. An added plus was seeing each of you at the front of the class, sharing your stories and experiences! I certainly look forward to other master class sessions and appreciate all that you do for us!”

## BakerHostetler

[bakerlaw.com](http://bakerlaw.com)

“I would like to thank you and the outstanding staff at BakerHostetler for the classes. I know that what I learned from the various seminars was very helpful, not only to me but also to my company.”