



Labor Law & Labor Arbitration for Law Enforcement

Wednesday–Thursday • June 21-22, 2017

LAS VEGAS

laborarb.com



Labor Law and Labor Arbitration Conference for Law Enforcement

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This 2-day training program is for law enforcement personnel who are involved in labor relations. It will cover the issues in discipline and contract law from the perspective of labor and management. The instruction is both practical and dynamic. You will learn the arbitral and legal principles, how to craft the arguments, and strategies for settlement or trying the case.

All of the sessions are for labor and management in police, sheriff's and public safety departments. The faculty members have long experience as labor arbitrators in the law enforcement field in the East, Midwest and West regions of the country. All have taught or are teaching at leading law schools.

Come to Las Vegas, learn with the best, and be prepared.

Agenda

Wednesday, June 21, 2017

7:00–8:00 a.m.

Registration & Continental Breakfast

8:00–8:45 a.m.

Investigation in the Discipline Case

Your investigation is not expected to be on par with a criminal case, but there are due process and fundamental fairness considerations. Exculpatory witnesses must be interviewed. Discrepancies between documentary evidence (including video) and eye witness testimony are usually resolved toward the former. Burden of proof is usually not an issue. Similarly, an investigation can go too far (such as interviewing the grievant's relatives), and fall short (not interviewing a superior who decides not to be involved). Learn what arbitrators expect of advocates.

ARB. MARK SUARDI

8:45–9:45 a.m.

Evidentiary Issues

The panel discuss actual cases in which the parties argued over and the Arbitrator

ruled on: relevance, hearsay, expert opinion and privileges. An excellent way to understand the Rules of Evidence.

PANEL: ARBS. CAMERON, FALVO, JACOBS, ROUMELL & SUARDI

9:45–10:15 a.m.

Credibility Determinations

Arguments about a witness's demeanor or status (e.g., grievant v. manager) is risky in an adversarial proceeding. Instead, arbitrators want arguments on the witness's ability to perceive and recall what happened, and other similar indices of truth.

ARB. GEORGE ROUMELL

10:15–10:30 a.m. Break

10:30–11:30 a.m.

Brady: Status of the law and when it matters

The US Supreme Court decided *Brady v. Maryland* more than a half-century ago. And today, *Brady* is cited in police discipline cases as a basis to justify a "if you lie, you die" philosophy. But does *Brady* override traditional just cause considerations such as seniority, past record, or mitigating circumstances? Do arbitrators think there is a distinction

between "false" and "untruthful" statements? A clear understanding of the complexities of the *Brady* doctrine is essential for everyone involved in police discipline.

ARB. MICHAEL FALVO

11:30 a.m.–12:00 Noon

Panel Response

As a sequel to the lecture, the faculty will respond, answer audience questions, and analyze two difficult cases.

PANELISTS: ARBS. FALVO, CAMERON, JACOBS, ROUMELL & SUARDI

12:00–1:00 pm. Lunch (on your own)

1:00–2:00 p.m.

Computer Misuse in Law Enforcement

Police officers are held to a higher standard. And the 24/7 or the paramilitary nature of police work butts up against the universality of social media, cellphones, and other electronic devices. A lecture on the current state of the law.

ARB. JEFF JACOBS

2:00–2:45 p.m.

Discipline for Insubordination and Conduct Unbecoming

The panel discuss the elements of these

two offenses, the likely outcome in a range of cases, and what the parties must know.

PANEL: ARBS. SUARDI, ROUMELL, JACOBS, FALVO & CAMERON

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

3:00-3:30 p.m.

Saving a good officer: Alcoholism, Marijuana Use, and Family Discord

These are among the most complicated cases. The department has made an investment in the officer, progressive discipline is a bedrock principle, and there are varying degrees of success in rehabilitation programs.

ARB. GEORGE ROUMELL

3:30-4:30 p.m.

Excessive Force & High Speed Chases

The latest cases and the proper analysis of the issues in excessive force cases and in high-speed chase cases.

PANEL: ARBS. ROUMELL, SUARDI, JACOBS, CAMERON & FALVO

4:30 p.m. Recess until 8:00 a.m.

Thursday, June 22, 2017

7:15-8:00 a.m. Continental Breakfast

8:00-9:00 a.m.

Constitutional Law: Arbitral Considerations in IA Investigations

A review of the officer's and department's rights and responsibilities under the *Garrity* Doctrine and *Loudermill* line of cases. Plus, analysis of the privacy expectations in the law enforcement workplace.

ARB. MICHAEL FALVO

9:00-9:30 a.m.

Constitutional Law: Recent cases

The panelists discuss actual arbitration cases which raised constitutional law issues.

PANEL: ARBS. FALVO, CAMERON, JACOBS, ROUMELL & SUARDI

9:30-10:00 a.m.

Free Speech and the Law Enforcement Officer

The Supreme Court has ruled that the First Amendment does not protect public employees speaking, while on the job in the scope of their duties. Yet the

First Amendment does protect citizens in the exercise of free speech.

ARB. CHRISTOPHER CAMERON

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

10:15-10:45 a.m.

The "other" offenses

Anti-fraternization, sick leave abuse, citizen arrests, and off-duty work have led to many cases. The panel discuss cases from the last 2 years and the applicable legal/arbitral principles.

PANEL: ARBS. CAMERON, SUARDI, ROUMELL, JACOBS & FALVO

10:45-11:30 a.m.

Employee Defenses

Disparate Treatment, Lax Enforcement, and Due Process are valid defenses in any discipline case. Add to the list: longevity and a good work record.

ARB. JEFF JACOBS

11:30 a.m.-12:00 Noon

Advice to Labor & Management

Two arbitrators discuss what goes into a productive labor management relationship. For example, the implications of charging an officer with making false statements instead of just going with the underlying offense, merging two investigations into one, issuing discipline after a court acquittal, piling on, singling out, and going for broke.

PANEL: ARBS. ROUMELL & FALVO

12:00-1:00 p.m. Lunch (on your own)

1:00-1:45 p.m.

Contract Law: Collective bargaining in law enforcement

Contract law principles extend back hundreds of years and nearly all have been incorporated into the labor relations field. This session is a primer for both experienced and new advocates. It focuses on the common law and unique aspects of collective bargaining.

ARB. MARK SUARDI

1:45-2:45 p.m.

Contract Law: Applying the Rules

One of the best ways to understand the law of contracts is to study illustrative cases. We give the panel 5 cases to learn from and explain what happens.

PANEL: ARBS. SUARDI, ROUMELL, JACOBS, FALVO & CAMERON

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

3:00-4:00 p.m.

Statutory laws: Key Points

The Police Officer's Bill of Rights, the Lautenberg amendment, Wage & Hour laws, and other laws can complicate your case under the collective bargaining agreement. Insights on the key points.

ARB. CHRISTOPHER CAMERON

4:00 p.m. Adjournment

Registration & Tuition

The cost is \$625, but if you register before March 15, 2017, the cost is \$550. This fee covers admission to all sessions, the workbook, and all breaks. You save not only in money, but in how you spend your time when you return to work. What you learn at the Conference will save you time and money in future cases.

For more information, email us at customerservice@laborarb.com or visit us on the web at laborarb.com





LABOR ARBITRATION INSTITUTE

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WEDNESDAY - THURSDAY, JUNE 21-22, 2017

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Tuition

\$550.00 per registrant (if registering before March 15, 2017)

\$625.00 per registrant (if registering after March 15, 2017)

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REGISTRATION OPTIONS

- Register online at www.laborarb.com
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Conference Location

Las Vegas Convention Center *

3150 Paradise Road

Las Vegas NV 89109

www.lvcva.com

CLE Credit & HR Credit

Attorneys and HR professionals are eligible to receive credit for this conference. CLE credit is based on 13 hours. If you are an attorney, please indicate on the registration form in which state(s) you hold a license.



This program is valid for 13.0 PDCs for the SHRM-CPsm or SHRM-SCPsm. For more information about certification or recertification, please visit www.shrmcertification.org.

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Hotel Accommodations

There are many hotels near the conference site. Your travel agent is the best source. The closest hotel is: Westgate Las Vegas Resort and Casino (formerly the Hilton and LVH) www.westgatevegas.com.

**The program will be held in Room N245-247 at the Las Vegas Convention Center (North Hall). The facility and the meeting room are equal to four star hotels and their meeting rooms.*