



Illinois Public Employer Labor Relations Association

2023 Public Sector **EMPLOYMENT LAW SEMINAR**

Conducted By:
Clark Baird Smith LLP

Hear the
Latest
About the
Workers'
Rights
Amendment

Featuring the Following Plenary Sessions:

If You Were the Arbitrator, How Would You Rule?

Sharpen 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. Prominent Illinois Arbitrator **Thomas F. Gibbons** will be joining us, who will issue an award...and provide us with the reasons why.

Arbitrator Gibbons is the Dean of Northwestern University School of Professional Studies, and a Senior Lecturer with the Northwestern School of Law. He is a labor and employment attorney who practiced law in Chicago and has over 20 years of experience in the field of dispute resolution. We are pleased and honored that Arbitrator Gibbons will be joining our seminar!

Collective Bargaining Trends and Issues – **Bob Smith** and **Ben Gehrt** will discuss collective bargaining trends and developments, including settlement trends. Attorneys Smith and Gehrt will also explore implications of the recent passage of Amendment 1 (the Workers' Rights Amendment), and what it means for public sector employers.

Potpourri of Employment Law Issues – In lieu of the Fastest 30, **Kelly Coyle** and **Paul Denham** will take a deeper dive on important employment developments over the last 12 months, ranging from important PSEBA and pension board developments, to issues arising under anti-discrimination statutes, to FLSA and FMLA matters.

And, Your Choice of Two Breakout Sessions ...

Each attendee will have an option of two breakout sessions – one in the morning and one in the afternoon. Please read further for topic descriptions.

Wait, There's More! Ask the Attorney Reception ...

Be sure to stay for our **Ask the Attorney Reception** – an opportunity to follow-up with the speakers and network with colleagues!

Thursday, March 9, 2023

8:30 am – 4:30 pm
(Registration begins at 7:45 am)

Ask the Attorney Reception Follows

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

Breakout Session Descriptions

- Each attendee must select a morning and afternoon breakout session when registering.
- Classes will be assigned in order of receipt of registration ... first-come, first served.
- Registrants will receive a receipt once registered listing their desired class assignments. Final class assignments will be distributed at the seminar.

(1) *Collective Bargaining Leverage.* This session will discuss strategies to find, create, and use bargaining leverage to your advantage, especially in light of Amendment 1. As part of identifying leverage, we will discuss hot topics for specific labor unions, and leveraging contract language to respond to mid-term bargaining demands.

(2) *Employment Investigations - Start to Finish.* This session covers aspects of workplace investigations and discusses the importance and benefits of conducting an effective investigation. Topics include, but are not limited to:

- when you should conduct a workplace investigation
- selecting the investigator
- administrative warnings
- interim measures
- union representation issues
- conducting interviews
- gathering other evidence
- evaluating your case and whether discipline (and what discipline) will stick
- drafting investigation reports and disciplinary letters.

The session will also cover the steps to take from the event that triggers an investigation until the investigation is concluded, as well as address disclosure obligations and dealing with the media.

(3) *ABC, 123, Labor and Employment Is Not As Easy As Do Re Mi.* Every human resource professional and management employee in the public sector needs to be familiar with state and federal laws impacting the workplace. Decisions that employers make need to be compliant with these laws. Moreover, decisions may have ripple effects on employer rights and obligations under the laws. In Illinois, the laws that impact the public sector workplace far outnumber those in the private sector. This breakout session will identify and discuss federal statutes such as Title VII, the FMLA, and FLSA, as well as state equivalents. It will address Illinois specific statutes such as PEDDA, PSEBA, FOIA, Employee Sick Leave Act, and more.

We will also generally discuss the IPLRA and matters relating to collective bargaining rights and responsibilities. Any employee new to management or the HR profession, and/or employees that transitioned from the private sector to the public sector, will benefit from this 101 session.

(4) *Interest Arbitration Developments and Strategies During the Current Economic Climate.*

Ted Clark and Bob Smith will review the latest trends in interest arbitration, including a discussion of how arbitrators may view the volatile economy, inflation, and the risk of a recession around the corner. Arbitrator Thomas Gibbons has been invited to join in this discussion.

(5) *1st Amendment, 4th Amendment, 5th Amendment AH AH AH! Counting Down the Critical Constitutional Amendments for Public Employers.*

As government employers, we well understand that employees do not lose their constitutional rights simply because they work in the public sector. However, knowing and navigating these rights – without creating costly federal litigation – can be confusing. Join us for a spirited discussion counting down the critical constitutional amendments. We will provide tips and tricks on handling a variety of constitutional questions, including First Amendment issues, employee drug testing, employment investigations, and discipline.

(6) *Addressing Legal Issues Involving the Less-Than-Full-Duty Worker.*

This session will help navigate legal issues with not only injured workers but also other “light duty” situations, including illness, pregnancy, requests to accommodate remote work, and a panoply of related issues.

CLE credits for attorneys, as well as HRCI and SHRM recertification credits, is currently under review.



TENTATIVE AGENDA

7:45 am – 8:30 am	Registration & Continental Breakfast
8:30 – 8:45 am	WELCOME: IPELRA President Roxanne Bonner
8:45 – 10:30 am	Plenary Session: If You Were the Arbitrator, How Would You Rule? - Guest Arbitrator: Thomas F. Gibbons
10:30 – 10:45 am	Break
10:45 – Noon	<u>AM Breakouts:</u> (1) Collective Bargaining Leverage (2) Employment Investigations, Start to Finish (3) ABC, 123 Labor and Employment Is Not As Easy As Do Re Mi (4) Interest Arbitration Developments and Strategies (5) 1 st , 4 th , 5 th Amendment AH AH AH! (6) Addressing Legal Issues Involving the Less-Than-Full-Duty Worker
Noon – 1:15 pm	Lunch Break
1:15 – 2:30 pm	<u>PM Breakouts:</u> Same as above
2:30 – 2:45 pm	Break
2:45 – 4:30 p.m.	Plenary Sessions Collective Bargaining Trends and Issues Potpourri of Employment Law Issues
4:30 p.m.	ASK THE ATTORNEY RECEPTION

Guest Arbitrator:



Thomas F. Gibbons

Scheduled Clark Baird Smith LLP Presenters:

Ted Clark
James Baird
Robert Smith
Jill Leka
James Powers
Benjamin Gehrt
Roxana Underwood
Paul Denham
Kelly Coyle
Caitlin Manganelli
Ray Byrne
Jennifer Caliva

REGISTRATION INFORMATION

Advance online registration is **required and must be submitted by February 24, 2023**. Credit card or Check payments accepted only. To register, go to: <https://ipelra.regfox.com/2023-els>

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

Registration Fees*:

Member / Organizational Associate of Member (includes all employees of a member's employer)	\$200.00
Non-Member	\$300.00

**If you are not sure of your membership status, please contact ipelra1978@gmail.com*

Confirmations: Registration/payment confirmations (as well as invoices for those who elect to pay by check) will be emailed to registrants upon completion of online registration. If you do not receive an email, please check your spam or contact Debi Stensland at ipelra1978@gmail.com.

Deadline for cancellation is February 24, 2023.

Cancellations received after the deadline, or no shows, are considered nonrefundable.

Lodging: IPELRA has reserved a block of rooms at the Hilton Chicago/Oak Brook Suites, 10 Drury Lane, Oakbrook Terrace, IL, which is located next door to the Drury Lane Theater and Conference Center.

To reserve a room, please click on the link (or copy and paste into your browser):

<https://www.hilton.com/en/attend-my-event/chioths-ipel-37b9f086-7c1b-4404-93e6-9445c61694f3/>

or please call 630-941-0100 and mention you are with the IPELRA group

Rates:

Single/Double Wednesday (3/8) = \$132/night plus tax

Single Thursday (3/9) = \$142/night plus tax

Double Thursday (3/9) = \$152/night plus tax