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NORTHWEST CHAPTER

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# LEERA

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LABOR AND EMPLOYMENT RELATIONS ASSOCIATION

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## 43rd Annual Collective Bargaining and Arbitration Conference



Washington State Convention Center  
Seattle, Washington

Thursday, April 16, 2020  
Friday, April 17, 2020

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PRESENTED BY

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Federal Mediation and Conciliation Service  
Public Employment Relations Commission

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## THURSDAY, APRIL 16

8:00 a.m. – 9:00 a.m.

REGISTRATION

9:00 a.m. – 10:15 a.m.

KEYNOTE ADDRESS

### **Understanding Sources of Resistance and How to Move Past Impasse**

Awareness that an excellent impasse-breaking technique used at the wrong time, by the wrong person, or for the wrong reason can actually create even greater opposition is key to customizing our strategies when we are faced with negotiation obstacles. Ms. Meierding brings her experience of mediating over 4,000 civil cases to explore different sources of resistance and which techniques can be the most successful in moving past gridlock to resolution.

- Nina Meierding, MS, JD, Negotiation and Mediation Training Services

10:15 a.m. – 10:30 a.m.

BREAK

10:30 a.m. – 12:00 p.m.

CONCURRENT WORKSHOPS

#### **I. How to Get “Unstuck”: More Customized Strategies to Break Impasse**

In this continuation of the morning’s keynote address, we will explore additional sources of resistance and customized techniques to get “unstuck” in our negotiations and conversations. We will also discuss how proactive techniques used early in negotiations/conversations can set the stage and eliminate certain types of barricades to moving forward.

- Nina Meierding, MS, JD, Negotiation and Mediation Training Services

#### **II. Progressive Discipline in the Workplace**

This session will cover how to properly communicate disciplinary action to employees with the goal of improving performance. It will also address forms of progressive discipline and the elements of “just cause.”

- Mike Tedesco, Attorney at Law, Tedesco Law Group

#### **III. PERC Case Updates**

This session will examine current issues, decisions, and pending cases before the Public Employment Relations Commission.

- Mike Sellars, Executive Director, Public Employment Relations Commission

#### **IV. Bargaining for LGBTQ Rights: Best Practices**

Learn about model language developed at an LGBTQ Union Summit in 2019 hosted by Diamond Law Training. With over 20 unions represented, the group collectively brainstormed LGBTQ rights proposals.

- Barbara Diamond, Owner and Consultant, Diamond Law

12:00 p.m. – 1:15 p.m.

LUNCH

1:15 p.m. – 2:45 p.m.

CONCURRENT WORKSHOPS

#### **I. FMCS Case Updates**

This session will feature a discussion of timely developments, recent cases, and trends in federal mediation.

- Beth Schindler, Executive Manager, Northwest District, Federal Mediation and Conciliation Service

#### **II. Ethics of Negotiating**

This session will address ethical issues that attorneys may face during contract negotiations, including the application of the Rules of Professional Conduct (1.5 CLE ethics credits pending).

- Andy Lukes, Attorney at Law, Foster Garvey PC

### III. To Affinity and Beyond

This session will describe how a multi-facility agency and its labor partners used collaborative bargaining and sticky note brainstorming to solve intertwined, decades-old, noneconomic issues. Learn what inspired the parties to use this process, how they customized it to meet their needs, and lessons learned.

- Moderator: Emily Whitney, Labor Relations Adjudicator/Mediator, Public Employment Relations Commission

### IV. Words Matter: Time to Clean Up Your (CBA) Language

The California Supreme Court recently ruled against an employer, citing an agreement filled with “legal jargon.” Unfortunately, our contracts are filled with such jargon. Labor and management representatives gain surprising benefits from making contracts as easy to read and understand as possible. Using real-life examples, this workshop takes a fun, interactive approach to plain language in labor contracts.

- Melissa Muir, Human Resources Director, Seattle Municipal Court
- Mary Keefe, Business Agent, Teamsters Local 763
- Steven Pray, Union Representative, PROTEC17

2:45 p.m. – 3:00 p.m.

BREAK

3:00 p.m. – 4:30 p.m.

PLENARY SESSION

#### Labor Relations in the Age of Trump

- Mike Tedesco, Attorney at Law, Tedesco Law Group

4:30 p.m. – 5:30 p.m.

THE HAPPIEST HOUR

Trade in your drink ticket and enjoy a libation while networking with your friends and colleagues!

## FRIDAY, APRIL 17

9:00 a.m. – 10:15 a.m.

PLENARY SESSION

#### Managing Workplace Risk in the #MeToo/#TimesUp Era

- Stephanie Henderson Stocker, Attorney at Law, Henderson Law Group, PLLC

10:15 a.m. – 10:30 a.m.

BREAK

10:30 a.m. – 12:00 p.m.

CONCURRENT WORKSHOPS

#### I. What’s All This about the Gig Economy?

Carolyn will present current trends related to the gig economy. She will be joined by a labor and management attorney who will posit the need for a new legal category of employee (Alan Krueger and Seth Harris’s concept of the “independent worker,” a person with some limited rights between independent contractor and employee) and other developments in the quickly changing world of the gig economy.

- Carolyn Brommer, Eastern Regional Director, Federal Mediation and Conciliation Service

#### II. Interest Arbitration: Lessons Learned

Washington State allows law enforcement officers, correctional employees, firefighters, transit employees, and some state employees to bring unresolved contract disputes to an arbitrator for a final and binding decision. In this session, two experienced attorneys who litigated a recent police interest arbitration case will walk you through the arbitrator’s decision and the “lessons learned.” Hear how this and other interest arbitration decisions may impact your approach at the bargaining table.

- Moderator: Jamie Siegel, Labor Relations Adjudicator/Mediator, Public Employment Relations Commission
- James Cline, Attorney at Law, Cline & Associates
- Dan Swedlow, Attorney at Law, Summit Law Group

### III. **Negotiation Fundamentals: Expanding the Pie before Slicing It— How to Achieve Win-Win Outcomes in Bargaining**

Many negotiations become trapped in the zero-sum game—the idea that there is a fixed “pie” to bargain over and more for one side invariably means less for the other side. This talk will explore ways that parties can enhance the value of the overall deal, by either adding items of value or taking away obstacles to a deal, and in turn create more opportunities for both sides to win at the bargaining table and create more enduring agreements.

- Chris Casillas, Labor Relations Adjudicator/Mediator, Public Employment Relations Commission

### IV. **What Bias Monsters Are Lurking in Your Closet? How Understanding Implicit Bias Can Make You a Better Negotiator, Advocate, or Neutral**

Experienced negotiators know that their perceptions of the conflict and those of their counterparts on the other side of the negotiation table can sometimes be mirror images. What are your bias monsters? How can we use the knowledge that each side is viewing the conflict through a distorted lens to improve our chances at a beneficial outcome? This workshop explores the concepts of implicit bias, the ladder of inference, and other topics to help negotiators understand when to act, when to refrain from action, and when to walk away from the table.

- Tom Melancon, Commissioner/Trainer/Mediator, Federal Mediation and Conciliation Service, Division of Strategies and Initiatives
- Ligia Velazquez, Commissioner/Trainer/Mediator, Federal Mediation and Conciliation Service, Seattle

12:00 p.m. – 1:00 p.m.

LUNCH

1:00 p.m. – 2:30 p.m.

CONCURRENT WORKSHOPS

### I. **And the Arbitrator's Award Goes to . . .**

How well can you predict a grievance arbitrator's award? Hear how the arbitrators would rule on certain cases and why.

- Presenters to Be Determined

### II. **PERColating the Game-Changing Deferral Doctrine: A Review of the *Shoreline Community College* Decision**

This workshop will explore the following:

- The history of the deferral doctrine at the National Labor Relations Board
  - PERC's approach to the issue prior to the *Shoreline Community College* decision
  - A thorough review of the decision itself and its implications
  - The impact on choice of forum decisions for unions and employers
  - Practical, strategic, and tactical considerations
  - Forecasting the overall impact on labor relations dispute resolution
- Dan Swedlow, Attorney at Law, Summit Law Group
  - Spencer Thal, Attorney at Law, Vanguard Law Firm

### III. **Negotiation Fundamentals: The Psychology of Decision-Making at the Bargaining Table**

Negotiation is a human-centered enterprise, but so often we lose sight of how human behavior influences the direction and outcomes of our negotiations. This talk will explore some aspects of how our brains make decisions and how those mechanisms influence the trajectory of any negotiation.

- Chris Casillas, Labor Relations Adjudicator/Mediator, Public Employment Relations Commission

2:30 p.m.

END OF CONFERENCE

Register online at [www.nwchapterlera.org](http://www.nwchapterlera.org)

## Registration Fee

Fee includes a continental breakfast and lunch on both days.

- Register by March 23, 2020 - \$350
- Register after March 23, 2020 - \$400
- Student Rate - \$150

## Refunds and Cancellations

Refunds are available for cancellations requested by April 10, 2020, subject to a \$25 cancellation fee. No refunds are available after April 10, 2020.

## Contact Registrar

[registrar@nwchapterlera.org](mailto:registrar@nwchapterlera.org)

LERA Tax ID #91-1289334

**Follow Us on Twitter! @NorthwestLERA**

## The Conference Center, Level 3 Washington State Convention Center

800 Convention Place

Seattle, Washington 98101

Directions available online at [www.wsccl.com](http://www.wsccl.com)

## Parking

The Washington State Convention Center Parking Garage entrance is located on Eighth Avenue between Pike Street and Seneca Street.

## Hotel Information

A limited number of hotel rooms at the conference rate of \$235/night (not including taxes or fees) are available at The Westin Seattle, 1900 Fifth Avenue. Attendees can make room reservations by calling 1-888-627-8513 and requesting the Northwest Chapter LERA/FMCS 2020 group rate. Reservations can also be made online at <https://tinyurl.com/r4z2u3q>.

The cutoff date for rooms at the conference rate is March 18, 2020. After that date, the conference rate may no longer be available.

## Continuing Legal Education Credit

General CLE credits are pending and will be available for Washington State attorneys. Sign-in sheets will be available at registration. Credit is also pending through HRCI and SHRM.

## Privacy Policy

The Northwest Chapter of LERA will not share attendee contact information with other organizations or individuals.

## Accommodation

LERA is committed to providing access, equal opportunity, and reasonable accommodation in its programs and education for individuals with disabilities. To request disability accommodation, contact the registrar at [registrar@nwchapterlera.org](mailto:registrar@nwchapterlera.org) at least five days in advance of the conference.

## Conference Materials

Conference materials will be available for attendees to download prior to the start of the conference. Conference attendees will receive an email with instructions for accessing the materials.

## WiFi

For your convenience, free WiFi will be available throughout the conference venue.



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