



# Illinois Public Employer Labor Relations Association

## 2022 Public Sector Employment Law Seminar

Conducted by:  
**CLARK BAIRD SMITH LLP**



### *Featuring the Following Plenary Sessions:*

#### **If You Were the Arbitrator, How Would You Rule?**

Sharpen your skills in this interactive session, where participants are given the facts relating to contract interpretation and disciplinary grievances, hear oral arguments from CBS LLP attorneys, and decide how you would rule. Each case will be followed by insights and analysis from noted Illinois/Florida arbitrator **Jeanne Charles**.

Jeanne Charles, who has been a labor and employment arbitrator/mediator since 2006, has served on permanent panels for such entities as Chicago Public Schools, Chicago Firefighters, Major League Baseball, the State of Illinois, the State of Florida, the U.S. Postal Service, and many more. She is a member of the Federal Services Impasse Panel and serves as a special magistrate for the Florida Public Employee Relations Commission. Arbitrator Charles is an Adjunct Professor for Penn State University's Graduate School of Human Resources and Employment Relations, teaching a class on Advanced Negotiations. We are pleased and honored that Arbitrator Charles will be joining our program.

#### **Q & A with Commissioner Javier Ramirez, Director of Agency Initiatives, Federal Mediation and Conciliation Service.**

*Commissioner Ramirez has been nominated by President Biden to serve as the national Director of the Federal Mediation and Conciliation Service and is awaiting Senate confirmation. He has graciously volunteered his time to answer our questions about mediation and the mediation process. If you have questions that you would like addressed by Commissioner Ramirez, please send them to us in advance (c/o [dstensland@cbslawyers.com](mailto:dstensland@cbslawyers.com)). We are honored to have Commissioner Ramirez join us for this year's ELS.*

**Collective Bargaining Trends and Issues** – **Bob Smith** and **Ben Gehrt** will discuss collective bargaining trends and developments, including settlement trends. They will also explore bargaining issues related to retaining and attracting talented employees.

### *And, your choice of two breakout sessions ...*

**Friday, March 4, 2022**

**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 Class Descriptions

Each registrant will choose a morning and afternoon breakout session when they register. (Classes will be assigned in order of receipt of registration ... first-come, first served.) Registrants will receive a reminder of their final class assignments at program registration.

**(1) (AM Only) - Beyond Smarter Bargaining: Lessons From the Pandemic** – The pandemic was a crucible that tested the strength and weakness of our collective bargaining agreements. This session will help attendees learn from the experiences of the pandemic what contract language helped achieve public sector labor relations needs, what contract language got in the way, and strategies for improving your contract language during the next round of contract negotiations, so that you are better prepared for the uncertainty of the future.

**(2) Back to Bargaining Basics:** Whether you are new to the collective bargaining process or a seasoned veteran looking to polish your skills, this session will help attendees gain an understanding of the core principles of public sector negotiations. This session will address key labor principles directly related to the bargaining process, including employee rights and unfair labor practices. We will also discuss strategy for preparing for negotiations, drafting contract language, the basics of mediation, and the impasse resolution procedure.

**(3) (PM Only) - Managing Wage and Hour Risks and Liabilities:** Employees across the public and private sector are getting more assertive about protecting their rights. This can often times lead to employees talking to lawyers about ways they can sue their current or former employers. One area that is often ripe for litigation is wage and hour compliance. The Fair Labor Standards Act is deceptively complex and sometimes counterintuitive. Attend this session both for important reminders about long-standing FLSA principles and to learn the latest developments in this challenging area.

**(4) (AM Only) - The P Words: Pensions, PEDAs, PSEBA, Pandemonium:** These nasty P words need to be countered by another P word: **Preparedness**. Focusing on recent case-law and emerging trends, learn how to prepare your organization, proactively limit exposure, reduce potential liability, and defend against dubious claims. We will discuss how municipalities and other taxing districts can be **Proactive** in aggressively investigating alleged workplace injuries, seek intervention to **Participate** early in the pension application process, and create formal hearing processes to **Preempt** the award of unnecessary legacy costs.

**(5) A Path Forward: EEO - Lessons Learned from the Pandemic and Moving Forward into a New Era of Work** - The Pandemic has forced employers to look at equal employment issues with a new lens. For instance, during the Pandemic, we had to apply established strategies to entirely new issues (such as required testing and vaccines, incentives, handling ADA or religious accommodation requests tied to those required vaccinations). We've also had to deal with the more indirect consequences of the Pandemic (as well as the parallel social issues) including requests for work from home, the rapid loss of women in the workplace and evaporating work pools for public safety positions. In the meantime, the existing ADA, family medical leave and sexual harassment issues have not disappeared. In this session, we will discuss the lessons learned over the last two years and how we can all move forward and address the increasingly diverse issues public employers face.

**(6) Interest Arbitration Update:** Ted Clark and Bob Smith will review the latest trends in interest arbitration, including a discussion of how arbitrators may view the volatile economy and inflation. Arbitrator Jeanne Charles has been invited to join in this discussion.

**(7) (PM Only) - Bargaining Implications and Strategies for the Safe-T Act:** 2021 saw the advent of extensive police reform measures in Illinois, ranging from modified law enforcement techniques to newly created rights for criminal defendants. These measures have been modified at least once (and are anticipated to further change in 2022). One thing remains clear – Illinois law enforcement employers now face a series of potential bargaining obligations for those reform measures that impact a law enforcement officer's terms and conditions of employment – residency, body cam footage usage, disciplinary record retention, and state police decertification processes will likely elicit some type of bargaining request from your police unions. This session will summarize those labor and employment aspects of the Safe-T Act legislation along with the potential bargaining obligations associated with the changes. "Best practices" and potential strategies for responding to these potential bargaining requests will be discussed.



# AGENDA



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|-------------------|--|
| 7:45 am – 8:30 am | Registration & Continental Breakfast   |
| 8:30 – 8:45 am    | WELCOME: IPELRA President Cristina White   |
| 8:45 – 10:30 am   | Plenary Session: <b>If You Were the Arbitrator, How Would You Rule?</b><br>- Guest Arbitrator: Jeanne Charles  |
| 10:30 – 10:45 am  | Break  |
| 10:45 – Noon      | <u>AM Breakouts:</u><br>(1) BEYOND SMARTER BARGAINING: LESSONS FROM THE PANDEMIC<br>(2) BACK TO BARGAINING BASICS<br>(4) THE P WORDS: PENSIONS, PEDA, PSEBA, PANDEMONIUM<br>(5) A PATH FORWARD: EEO<br>(6) INTEREST ARBITRATION UPDATE |
| Noon – 1:15 pm    | Lunch Break  |
| 1:15 – 2:30 pm    | <u>PM Breakouts:</u><br>(2) BACK TO BARGAINING BASICS<br>(3) MANAGING WAGE & HOUR RISKS AND LIABILITIES<br>(5) A PATH FORWARD: EEO<br>(6) INTEREST ARBITRATION UPDATE<br>(7) BARGAINING IMPLICATIONS & STRATEGIES FOR THE SAFE-T ACT   |
| 2:30 – 2:45 pm    | Break  |
| 2:45 – 4:30 p.m.  | Plenary Sessions: <b>Q &amp; A with Commissioner Javier Ramirez, Director of Agency Initiatives, FMCS</b><br><b>Collective Bargaining Trends and Issues</b>  |

## Guest Presenters:



**Arbitrator  
Jeanne Charles**



**Javier Ramirez,  
FMCS**

## 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 Manganeli

## **REGISTRATION INFORMATION**

Advance online registration is **required** and must be submitted **by February 25, 2022**. You may choose to pay via credit card or check. [CLICK HERE TO REGISTER ONLINE](#)

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

### **Registration Fees:**

If you are not sure of your membership status, please contact [ipelra1978@gmail.com](mailto:ipelra1978@gmail.com)

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| Member (A current IPELRA member in good standing)  | \$199.00 |
| Organizational Associate of Member (Other employees of the same employer as a current IPELRA member) | \$219.00 |
| Non-Member   | \$275.00 |

**Confirmations:** Registration/payment confirmations (as well as invoices for check payers) will be emailed to registrants upon completion of online registration. ***Deadline for cancellation is February 25, 2022. Cancellations received after that date and no shows will be considered nonrefundable.***

### **Lodging:**

IPELRA will be securing a block of rooms for overnight accommodations. Please contact [dstensland@cbslawyers.com](mailto:dstensland@cbslawyers.com) for further information.

**Approval is being sought for CLE credit for attorneys, as well as HRCI and SHRM recertification credits.**