

## 2009 PERB Conference

The 2009 PERB Conference will mark 35 years of collective bargaining under the Public Employment Relations Act. The Conference will take place on October 8 and 9, 2009 at the West Des Moines Marriott.

This issue of the IPERB contains the Conference agenda, a link to the registration form at PERB's website, and a link to information about Des Moines area attractions.

The Conference will review PERB's history and will also cover traditional topics as mediation, fact-finding and interest arbitration, in a format designed to be interactive between presenters and audience. There will also be a grievance arbitration panel designed to involve attendees with contract interpretation and discipline case scenarios. An opportunity will be provided to those who wish to become familiar with PERB's Health Care Database and Searchable Databases. PERB will also update those in attendance on the challenges facing PERB during these difficult economic times.

### ***Conference Registration Form (on left side navigation bar)***

<http://iowaperb.iowa.gov>

### ***Des Moines Area Attractions***

[http://www.seedesmoines.com/planners/free\\_time\\_activities.php](http://www.seedesmoines.com/planners/free_time_activities.php)

### ***Des Moines Area Events October 7-10, 2009***

<http://iowaperb.iowa.gov> ***(on left side navigation bar)***

***or***

<http://www.seedesmoines.com/calendar/calendar.php>

## Agenda

### **THURSDAY, OCTOBER 8, 2009**

***8:00 a.m. - 10:00 a.m. -- Registration and Continental Breakfast***

### ***Pre-Conference Session:***

***8:30 a.m. - 10:00 a.m. -- "Chapter 20 for Beginners"***

A pre-conference introduction to Iowa Code chapter 20 and PERB functions. This is a special "early bird" session designed to allow those new to chapter 20 to gain a basic

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<http://iowaperb.iowa.gov/>

The IPERB newsletter is published by the Public Employment Relations Board. The opinions expressed should not be considered official opinions of the Iowa PERB. Address inquiries and correspondence to James A. McClimon, Editor, at [james.mcclimon@iowa.gov](mailto:james.mcclimon@iowa.gov).

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understanding of the Public Employment Relations Act and PERB functions before the regular conference program begins. PERB staff will provide a brief overview of such matters as bargaining unit determination and election procedures, bargaining and impasse timelines and procedures, types of cases handled by PERB, including prohibited practice complaints and negotiability disputes, and services provided by PERB, including website information.

### **Conference Schedule:**

**10:00 a.m. -- Welcome - Jim Riordan, Chair, PERB**

**10:15 a.m. - 11:45 a.m. -- "Top Ten List for Successful Mediation"**

This session will explore how mediation has evolved over time and what it takes for a successful mediation now. It will explore issues such as preparation by the parties, advocate and mediator behavior, aggressive vs passive mediation, debriefing after the session. Specific suggestions by mediators that would increase the effectiveness of the process will be included. Finally, the session will involve participation by the audience on how to prepare for and engage in an effective mediation.

MODERATOR: Roger L. White - Mediator, Facilitator, and Arbitrator, Cedar Falls, Iowa.

Rosemary Hayes - Commissioner, Federal Mediation & Conciliation Service, Cedar Rapids, Iowa.

Linda Schneider - UniServ Director, Great River UniServ Unit, Davenport, Iowa.

Steve Avery - Attorney, Cornwall, Avery, Bjornstad & Scott, Spencer, Iowa

**12:00 p.m. - 1:00 p.m. -- LUNCH (Provided)**

**1:00 p.m. - 1:45 p.m. -- "PERB Update"**

PERB will provide information about delivery of services during the budget crisis, caselaw developments and the PERB website.

**1:45 p.m. - 2:45 p.m. -- "Ethics in Labor Relations"**

Two experienced labor and management representatives will discuss ethical concerns in negotiating and administering a collective bargaining agreement.

James C. Hanks - Attorney, Ahlers & Cooney, P.C., Des Moines, Iowa.

MacDonald Smith - Attorney, Smith & McElwain, Sioux City, Iowa.

**2:45 p.m. - 3:00 p.m. -- BREAK**

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### **3:00 p.m. - 4:30 p.m. -- "A Look Back"**

A former Executive Director and PERB Board Member and former PERB staff members will reflect on challenges faced in establishing the agency and implementing the Public Employment Relations Act. The panelists will also provide personal perspectives on what the future may hold for the Act.

MODERATOR: Peter Pashler - former Executive Director and PERB Board Member, Currently, Attorney, Ahlers & Cooney, P.C., Des Moines, Iowa.

Ron Hoh - former PERB Director of Mediation Services and Hearing Officer (ALJ). Currently, Arbitrator, National Academy of Arbitrators, Creve Couer, Missouri.

Bill Snyder - former PERB Mediator and Hearing Officer (ALJ). Retired Director of Human Resources, Iowa Judicial Branch, Des Moines, Iowa.

Jeffrey A. Krausman - former PERB Mediator and Hearing Officer (ALJ). Currently, Attorney, Dickinson, Mackaman, Tyler & Hagen, Des Moines, Iowa.

John Ayers - former PERB Mediator and Hearing Officer (ALJ). Currently, Arbitrator & Minister, Our Lady of the Americas & Saint Boniface Catholic Church, Des Moines, Iowa.

### **4:30 p.m. - 6:00 p.m. -- RECEPTION**

## **FRIDAY, OCTOBER 9, 2009**

### **7:00 a.m. - 8:00 a.m. -- Continental Breakfast**

### **8:00 a.m. - 9:15 a.m. -- *You Can't Always Get What You Want, But If You Try, Sometime . . . You Get What You Need: Perspectives From Neutrals on Effective Advocacy in Impasse Cases***

A panel of highly experienced neutrals will discuss the presentation of offers and supporting evidence in Chapter 20 factfinding and interest arbitration cases. This interactive session will examine various topics that affect the probability of having offers selected. Session components will include determining which statutory decision criteria carry more weight on different issues where external comparability clashes with internal comparability; how to determine ability to pay; and the degree of deference owed to bargaining history. Other topics include bringing issues other than wages and insurance to hearing, how to propose and support changes in contract language, and how to use the PERB databases to prepare for hearing. Attendees will have the opportunity to actively participate in this session, including ability to offer suggestions about how much analysis of the evidence is useful in understanding the rulings in an award.

MODERATOR: Peter Feuille - Professor, University of Illinois; Arbitrator, National Academy of Arbitrators.

Ruth M. Weatherly - Professor, Simpson College, Indianola, Iowa; Arbitrator.

Dennis A. Krueger - Arbitrator, Krueger Consulting, Des Moines, Iowa.

Richard C. Pegnetter - Dean of Business, Florida Gulf Coast University, Bonita Springs, Florida; Arbitrator.

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**9:15 a.m. - 9:30 a.m. -- BREAK**

**9:30 a.m. - 11:00 a.m. -- "What Convinces Arbitrators in Discipline, Discharge and Contract Interpretation Cases"**

In this session a panel of experienced arbitrators will focus on the evidence, arguments and advocacy techniques that convince arbitrators one way or the other in discipline and discharge cases. For example, what are the elements of a well-argued discipline case? How often are the seven time-worn tests of discipline really used and how much weight do arbitrators give them? How much notice is enough? How important is the investigation? What mistakes do employers make when applying rules inconsistently? How best to argue that the "punishment doesn't fit the crime?" What can employers and unions do to increase the chances of getting the arbitrator to see things their way?

Our panel will provide answers to these and many other questions and will provide their valuable insights into what parties can do, and what they should not do, in a discipline/discharge case.

The panel will also touch on contract interpretation issues such as general contract interpretation principles, bargaining history and past practice to give meaning to disputed language and to seek the prime directive - determining the intent of the parties.

MODERATOR: Jeffrey W. Jacobs - Arbitrator, National Academy of Arbitrators; Attorney, Edina, Minnesota.

Harvey A. Nathan - Arbitrator, National Academy of Arbitrators, Chicago, Illinois.

Christine Ver Ploeg - Professor, William Mitchell College, St. Paul, Minnesota; Arbitrator, National Academy of Arbitrators.

Hugh J. Perry, former PERB Mediator and Hearing Officer (ALJ). Currently, Attorney and Arbitrator, Perry Law Offices, Storm Lake, Iowa.

**11:00 a.m. -- Regular Conference Program Ends**

**Optional Post-Conference Session:**

**11:15 a.m. - 12:15 p.m. -- "Navigating PERB's Website and Electronic Databases for Information"**

Learn where and how to access information and documents from the website and electronic databases, such as neutral biographies, recent PERB decisions, health care data, and current contracts. The basics of using the search and contents functions of the databases will be provided as well as search tips to find cases or contracts.