

2014 PERB CONFERENCE: CELEBRATING 40 YEARS

Agenda

DAY 1: MONDAY, SEPTEMBER 22, 2014

<u>8:00 a.m. - 12:00 p.m.</u>	REGISTRATION/CONTINENTAL BREAKFAST	Meadows Commons
<u>8:30 a.m. - 8:45 a.m.</u>	WELCOME <ul style="list-style-type: none">○ Mike Cormack, Chair○ Janelle Niebuhr, Board Member○ Jamie Van Fossen, Board Member	Bishop Ballroom
<u>8:45 a.m. - 9:45 a.m.</u>	PLENARY: PERB Law Update: Statute, Rules, & Cases <ul style="list-style-type: none">○ Jan Berry, Administrative Law Judge○ Diana Machir, Administrative Law Judge○ Ann Smisek, Administrative Law Judge <p>During this general session, PERB ALJs will review significant case decisions issued since the last PERB conference. They will also update you on recent amendments of Iowa Code chapter 20 and PERB administrative rules and the status of PERB's ongoing rules review process. <i>This session has been approved for 1 hour of Iowa CLE credit.</i></p>	Bishop Ballroom
<u>9:45 a.m. - 10:00 a.m.</u>	BREAK	Meadows Commons
<u>10:00 a.m. - 11:00 a.m.</u>	PLENARY: Electronic Filing <ul style="list-style-type: none">○ Janelle Niebuhr, Board Member○ Susan Bolte, Administrative Law Judge <p>This is PERB's official unveiling of its new electronic filing system, modeled after the Judicial Branch's successful system. Attendees will receive training on how to register for accounts, initiate cases, file documents, and search for existing cases and how new PERB administrative rule chapter 16 will apply when going through these actions. <i>This session has been approved for 1 hour of Iowa CLE credit.</i></p>	Bishop Ballroom
<u>11:00 a.m. - 12:00 p.m.</u>	PLENARY: Mediation Ethics <ul style="list-style-type: none">○ The Honorable Celeste F. Bremer, Chief Magistrate Judge for the Southern District of Iowa <p>Judge Bremer will provide an overview of ethical mediation techniques for parties, party representatives, and mediators. She will review case law and codes of ethics pertaining to mediations. <i>This session has been approved for 1 hour of Iowa CLE <u>ethics</u> credit.</i></p>	Bishop Ballroom
<u>12:00 p.m. - 1:00 p.m.</u>	LUNCH (Provided) <ul style="list-style-type: none">○ Keynote: Scot Beckenbaugh, * Acting Director, Federal Mediation & Conciliation Services	Bishop Ballroom

FUN FACT: Over time, PERB has become more technologically advanced. In 1980, PERB began using a computer-based system to generate panels of fact-finders and interest arbitrators. In 2008, PERB unveiled its electronic research and retrieval database system powered by Microsearch. On January 1, 2015, PERB will require all filings in adjudicatory proceedings to be made electronically.

CONCURRENT SESSIONS:

1. Units & Certifications

Salons 2 & 3

- Jan Berry, Administrative Law Judge
- Diana Machir, Administrative Law Judge

Designed for those new to Chapter 20 and those ready for a refresher, PERB ALJs will explain the difference between bargaining units and employee organizations and will review the procedures used to determine, clarify and amend bargaining units; certify employee organizations; and amend their existing certifications. ALJs will also review statutorily-required reports which must be filed by certified employee organizations and common issues found within these reports. *This session has been approved for 1 hour of Iowa CLE credit.*

2. Arbitrator Panel

Bishop Ballroom

Moderator: Ann Smisek, Administrative Law Judge

Panelists:

- Sharon Imes, Arbitrator
- Jeff Jacobs, Arbitrator
- Stan Michelstetter, Arbitrator

A panel of three arbitrators will discuss new and recurring issues they see during both interest and grievance arbitrations and the laws and rules that govern them. They will also provide helpful practice pointers for arbitrators and advocates, including a brief review of the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes. *This session has been approved for 1 hour of Iowa CLE credit.*

3. Mediator Training

Salon 1

- Janelle Niebuhr, Board Member
- Susan Bolte, Administrative Law Judge
- Danny Mabe, Federal Mediation and Conciliation Service
- Jim Tuecke, Federal Mediation and Conciliation Service

For all mediators admitted to PERB's mediator list. This session is mediators' annual review of their obligations under Iowa Code chapter 20 and PERB rules, case law affecting mediations, statutory and administrative rule changes, and any issues brought to PERB by parties utilizing mediation services. Federal Mediation and Conciliation Service Commissioners will also provide mediation practice pointers to the mediator attendees. This session has been approved for 1 hour of Iowa CLE credit.

FUN FACT: The first unit election was held in Cedar Rapids. The Cedar Rapids Public School System was the public employer and the SEIU Local 55 was the union. PERB certified SEIU Local 55 on May 12, 1975

FUN FACT: In June 1976, there were 421 represented bargaining units organized under chapter 20. That number has nearly tripled with 1,208 represented bargaining units in June 2014.

FUN FACT: Did you know that the impasse resolution system adopted by the legislature and administered by PERB has been hailed in other states as a model for effective and peaceful dispute resolution? A New York newspaper editorialized in 2002 that, "To those who insist that there has to be a better way than New York's for resolving municipal labor disputes, look west. Iowa has devised a system that encourages negotiation, even after impasse is declared . . . Iowa's law continually pushes the parties closer together, while New York's rewards mulishness . . . New York's law needs to change. Any legislator who wants to take on the task should begin by looking to the Hawkeye state."

2:00 p.m. – 3:00 p.m.

CONCURRENT SESSIONS:

1. Prohibited Practices

Salons 2 & 3

- Diana Machir, Administrative Law Judge
- Ann Smisek, Administrative Law Judge

This session is designed for those new to Chapter 20. PERB ALJs will provide attendees an overview of Iowa Code section 20.10 and PERB rules chapter 3 and how to navigate through prohibited practice proceedings. They will also review basic legal analysis in cases alleging an unlawful unilateral change and a violation of an employee's Weingarten rights. *This session has been approved for 1 hour of Iowa CLE credit.*

2. Public Information Issues

Bishop Ballroom

Moderator: Mike Cormack, Chair

Panelists:

- Jason Clayworth, Des Moines Register
- Angela McBride, Office of the Ombudsman
- Julie Pottorff, Deputy Iowa Attorney General (retired)

In this session, the panel will provide varying perspectives on public information requests, particularly those dealing with personnel records. The panel will highlight a recent decision from the Public Information Board addressing the confidentiality of grievance arbitration awards. *This session has been approved for 1 hour of Iowa CLE credit.*

3. Arbitrator Training

Salon 1

- Janelle Niebuhr, Board Member
- Susan Bolte, Administrative Law Judge
- Ron Hoh,* Arbitrator
- Dennis Krueger, Arbitrator

For all arbitrators admitted to PERB's arbitrator roster. PERB staff will review arbitrators' obligations under Iowa Code chapter 20 and PERB rules, case law affecting arbitration, statutory and administrative rule changes, and any issues brought to PERB by parties utilizing arbitration services. Two seasoned arbitrators will then discuss best practices for conducting an arbitration hearing and issuing awards. This session has been approved for 1 hour of Iowa CLE credit.

3:00 p.m. – 3:15 p.m.

BREAK

FUN FACT: The first prohibited practice complaint was filed on October 1, 1974. A letter was written as the "proper forms were not available."

FUN FACT: In 1978, PERB's neutral roster contained 140 fact-finders and arbitrators. Today, there are 76 neutrals.

FUN FACT: In 1980, the average cost an arbitrator charged for an interest arbitration was \$1,016.27. Today, that amount is \$3,844.03.

3:15 p.m. – 4:15 p.m.

CONCURRENT SESSIONS:

1. Negotiations/Negotiability Disputes

Salons 2 & 3

- Susan Bolte, Administrative Law Judge
- Ann Smisek, Administrative Law Judge

Designed for our “newbies,” PERB ALJs will walk you through a step-by-step guide to impasse procedures and will give helpful tips on how to work with and utilize mediators during contract bargaining. The ALJs will also discuss how and when to file a petition for expedited resolution of negotiability dispute. *This session has been approved for 1 hour of Iowa CLE credit.*

2. Hearing Preparation/Discovery/Making the Record

Bishop Ballroom

- Jan Berry, Administrative Law Judge
- Lon Moeller, Arbitrator
- Ruth Weatherly, Arbitrator

Two experienced arbitrators and a PERB ALJ will provide advocates tips on how to prepare for an evidentiary hearing, best practices in discovery, and how to develop the record in a case. The panel will discuss common issues that make a party’s presentation less effective and unduly lengthy. *This session has been approved for 1 hour of Iowa CLE credit.*

3. Education Reform for Neutrals

Salon 1

Moderator: Mike Cormack, Chair

Panelists:

- Ryan Wise & Nicole Proesch, Iowa Department of Education
- Josie Lewis, Iowa Association of School Boards
- Wayne Bauman, Iowa State Education Association
- Daniel H. Smith, School Administrators of Iowa

This session is designed for mediators and arbitrators. Mediators and arbitrators will hear from an expert panel about provisions in the Iowa Education Reform Act passed during the 2013 Legislative session that affects topics commonly raised during impasse procedures. The panel will discuss how they anticipate the legislation will affect bargaining in school districts, changes in terminology, and different funding sources. *This session has been approved for 1 hour of Iowa CLE credit.*

4:15 p.m. – 5:15 p.m.

PLENARY: Ask the Veteran Practitioners Anything

Bishop Ballroom

Moderator: Jamie Van Fossen, Board Member

Panelists:

- Betty Buitenwerf, Iowa Judicial Branch
- Charlie Gribble, Parrish, Kruidenier, Dunn, Boles, Gribble, Parrish, Gentry & Fisher LLP
- Carol Hauptert, Iowa State Education Association
- Danny Homan, AFSCME Iowa Council 61
- Peter Pashler, * Ahlers & Cooney, P.C. (Of Counsel)
- Renee Von Bokern, Von Bokern Associates, Inc.

During this fun and interactive session, a panel of individuals practicing in labor relations since the ice age will be answering all of your questions and telling you all their war stories. Attendees may submit their questions to the registration desk any time before lunch. *This session has been approved for 1 hour of Iowa CLE credit.*

5:30 p.m. – 6:30 p.m.

RECEPTION WITH CASH BAR & HOR D’OEUVRES

Meadows Commons

6:30 p.m. – 7:30 p.m.

BUFFET DINNER WITH CASH BAR

Skinner Ballroom

DAY 2: TUESDAY, SEPTEMBER 23, 2014

8:00 a.m. – 12:00 p.m.

CONTINENTAL BREAKFAST

Meadows Commons

9:00 a.m. – 10:30 a.m.

PLENARY: You be the Judge

Bishop Ballroom

Moderator: Susan Bolte, Administrative Law Judge

Panelists:

- Rachel Goedken, Arbitrator
- Ed Hartfield, Arbitrator
- Andrew Roberts, Arbitrator

During this session, the panel of arbitrators will ask the audience to decide grievance cases based upon facts taken from real arbitration awards. The panel will then highlight the facts they deem most relevant and discuss missing evidence that could aid in the decision-making process. Finally, the arbitrator who heard the case and issued the award will reveal the result and briefly explain why he or she reached that conclusion. *This session has been approved for 1.5 hours of Iowa CLE credit.*

10:30 a.m. – 10:45 a.m.

BREAK

Meadows Commons

10:45 a.m. – 11:45 a.m.

PLENARY: Social Media

Bishop Ballroom

- Jim Hanks, Ahlers & Cooney, P.C.

Back by popular demand, Mr. Hanks will expand upon his session from the 2012 PERB conference where he discussed the use of social media in the workplace and the effect of employers regulating employees' use of social media both on and off the job. *This session has been approved for 1 hour of Iowa CLE credit.*

NOTE: Computers will be available in **Grandquist Conference Room** on **Day 2** for participants to sign-up for their e-filing accounts and ask specific questions about the system.

FUN FACT: PERB has had 18 employees who worked for the agency for 10+ years. Here is the list of them with the dates of their service.

Jan Berry, 1988-current
Edward Bigot, 1975-1986
Charlie Boldt, 1988-2009
Susan Bolte, 1988-current
Ron Hoh, 1975-1985
Leisa Luttrell, 1994-current
Barb Marchant, 1990-2010
Jim McClimon, 1983-2010
Sue Meiman, 1978-1998

Jim Murphy, 1990-2001
Peter Pashler, 1974-1986
Dick Ramsey, 1986-1998
Jim Riordan, 2000-2014
LouAnn Simpson, 1975-1992
Diane Tvrdik, 1989-2002
Georgia Walker, 1977-1989
Sue Warner, 1980-2010
Sharon Wilkerson, 1994-2006

FUN FACT: PERB's first conference was held on December 8-9, 1977. Attendees included approximately 75 fact-finders and arbitrators and over 70 advocates. During the conference, Des Moines was "buried in snow."

FUN FACT: PERB has "lived" in three locations: 507 10th Street (1974-1994); 514 East Locust, Suite 202 (1994-2004); and its present location at 510 East 12th Street.