43rd ANNUAL SYMPOSIUM - PROGRAM*

Hilton Crystal City Hotel 2399 Jefferson Davis Highway, Arlington, VA

Thursday, April 28, 2016

8:00am Registration Opens. Coffee and Breads

8:30am Welcome: Scott Schwartz, SFLERP President

8:45am - 10:15am 3 Concurrent Workshops

Workshop A New Developments in Employee Relations

This workshop examines the latest developments in case law from the Merit Systems Protection Board. *Michael Bogdanow, MSPB*

Workshop B Expedited Federal Sector Collective Bargaining Agreements: Can it be done or are we going to bargain for years on end.

Federal Sector term-bargaining (Collective Bargaining Agreements) has an expiration date but rarely get bargained to completion near that date. In some cases CBA's take years to bargain. Why does that happen and is there a better way to bargain CBA's. Experienced advocates discuss strategies and experiences in expedited bargaining, including ground rules with time limits and concentrated or condensed bargaining. With official time in the headlines this form of bargaining deserves examination and discussion. *Dennis DeMay, President, NCFLL; Rich Giacolone, Commissioner, FMCS; Sydney Rose, Head of HR, DOL*

Workshop C Essential Topics and Issues to Consider for Advocates Who Arbitrate Federal Sector Cases

This workshop addresses pertinent topics and issues that arise in arbitration cases in the federal sector. The panel of well-known arbitrators will focus on increasing the skills of advocates who arbitrate these cases. *Arbitrators Michael Fischetti, Sean Rogers and Gail Smith*

10:15am - 10:30am Coffee Break

10:30am - 12:00pm 3 Concurrent Workshops

Workshop D Managing Conflict in a Union Environment

This workshop will provide an introduction to conflict and conflict management within a union environment. This presentation is geared toward employee and labor relations practitioners, union officials and stewards, along with supervisors and managers of bargaining unit employees. Participants will receive an overview covering union and management roles and responsibilities; a review of conflict and the basis for conflicts between labor and management in the Federal sector; and tips for minimizing such conflict. *Michael Stein. HUD*

Workshop E Update from the FLRA Office of the General Counsel

Learn about the latest case developments, initiatives, and activities of the Federal Labor Relations Authority's Office of the General Counsel and its Regional Offices. *Jessica Bartlett, Acting Regional Director, Washington Regional Office, Office of the General Counsel, FLRA; and Kurt Rumsfeld, Assistant GC for Operations, Legal Policy, and Representation Casehandling, FLRA*

Workshop F Legislative Update

This workshop highlights the most important legislative initiatives of the 114th Congress that affect Federal employees in the field of labor and employee relations. *Matthew Biggs, IFPTE Political Liaison*

12:00pm - 1:15pm Luncheon: Keynote Speaker

Julia Akins Clark, FLRA General Counsel

1:30pm - 3:00pm 3 Concurrent Workshops

Workshop G Recent Developments in Whistleblower Protections

This workshop will review important changes to whistleblower protections and cover recent decisions regarding whistleblower protection issued by the MSPB and the Federal Circuit. *Joseph V. Kaplan, Passman & Kaplan, PC*

Workshop H Case Law and Best Practices for Negotiating Office Moves and Space Allocations

This workshop will provide valuable, relevant information for labor-relations practitioners who are dealing with space-management initiatives. *Kurt Rumsfeld, Assistant GC for Operations, Legal Policy, and Representation Casehandling, FLRA, and additional speakers*

Workshop I Back to Basics: Maximizing Mediation Outcomes for Federal Sector Disputes

The Federal Sector Labor Relations Statute calls upon the FMCS to make their services available to the parties with a bargaining dispute. Effective use of a mediator and a thorough understanding of the mediation process can greatly enhance the parties' outcomes as well as provide an environment for mutual voluntary resolution of disputes. Following this interactive workshop, participants will be able to make the most of this important step in the process. Experienced FMCS mediators will unpack the mediation process, clarify the roles and responsibilities of the parties and the mediator, dispel myths and misunderstandings about mediation, and provide participants with practical tips for maximizing mediation outcomes. Steve Gombos and Paul Concordia, Commissioners, FMCS. Moderator: Rich Giacolone, FMCS.

3:00pm - 3:15pm Coffee Break

3:15pm - 4:45pm 3 Concurrent Workshops

Workshop J Medical Issues – Examinations, Documentation, and Actions Based on Medical Situations

Dealing with situations where an employee is not physically or mentally able to perform is often difficult for all parties involved, but knowing when medical examinations can be ordered or offered and what needs to be in supporting medical documentation submitted by the employee can take some of the mystery out of the situation. This session will outline regulations on medical examinations and medical documentation related to sick leave, FMLA, and reasonable accommodation. Disability retirement and the circumstances where an agency can file on an employee's behalf will be addressed, along with adverse actions based on excessive absence or inability to perform. *Barbara Haga, Fed HR Services, Inc.*

Workshop K FLRA Guidance on Meetings

This workshop will assist parties in determining their respective rights and obligations during formal discussions, investigatory examinations, and other meetings or discussions that may trigger representational rights under the Federal Service Labor-Management Relations Statute. Kurt Rumsfeld, Assistant GC for Operations, Legal Policy, and Representation Casehandling, FLRA; Joe Schimansky, Executive Director, FSIP; Gina Grippando, Counsel for Regulatory and Public Affairs, FLRA

Workshop L Living with the Grievance Process

This workshop will answer questions about the grievance process and give you the tools you need to ensure that your grievance process is effective in resolving workplace disputes. You will understand how to properly evaluate grievances, conduct a grievance meeting, develop an appropriate grievance response and ensure that your grievance process is fair, transparent and effective. Participants will have an opportunity to participate in a roll play. *Domenic Murgo, CFPB*

4:45pm - 6:00pm Reception for Symposium Attendees

Friday, April 29, 2016

8:00am - 8:45am Registration, Coffee and Breads

8:45am - 10:15am 3 Concurrent Workshops

Workshop M Within-Grade Increases: Eligibility, Denials and Appeals

Within-grade Increases (WGI's) are a unique kind of pay action tied to both performance and length of service and some of the procedures related to denials may be confused with requirements for unacceptable performance actions. This workshop will cover the regulatory requirements regarding waiting periods, equivalent increases, and acceptable level of competence determinations for both GS and FWS employees. Negative determinations, denials, and grievances and appeals tied to denials will also be addressed, including important rulings from the MSPB on WGI denial cases. *Barbara Haga, Fed HR Services, Inc.*

Workshop N Attorney Fees in Federal Sector Arbitration

Claims for attorney fees are common in labor arbitration in the federal sector, and requests for fees and oppositions to those requests involve unique and technical issues distinct from those addressed in the merits phase of the arbitration. In this workshop, we will review the statutory frameworks underlying requests for attorney fees in federal sector arbitration. We will review the use of the Laffey Matrix and other standards for determining reasonable hourly rates as well as the standards applicable to arbitral discretion to reduce or enhance compensation for hours for which fees are awarded. Finally, we will consider, via hypotheticals, a number of issues that agency and union advocates should consider before sending their submissions on attorney fees to the arbitrator. *Arbitrator Keith D. Greenberg, Esg.*

Workshop O Arbitration Advocacy Skills: X-Factor & Inner Game of Arbitration The Discharge of Roger Crafty

This arbitration advocacy skills presentation is a mock arbitration hearing stressing the importance of the handling challenging events at hearing as they unfold. The presentation is intended primarily for Federal Sector management and union arbitration advocates and representatives with labor relations responsibilities, although it will also benefit neutrals who work, or seek to work, in the Federal Sector. The skills to be imparted include case preparation in discipline cases, dealing with demanding witnesses and maintaining self-control in the stressful hearing environment. There will be opportunities for questions for the role players at the end of the mock arbitration. The presentation will close with an engaging discussion exploring practical, real world arbitration skills in which active audience participation is encouraged. *Arbitrator Sean Rogers and additional participants*

10:30am - 12:00pm 3 Concurrent Workshops

Workshop P Bargaining Tactics and Strategy

This moderated session will involve a discussion between highly experienced chief negotiators for a union and an agency dealing with current bargaining issues in the Federal sector, tactics, and other strategic considerations. Each expert will provide his insight on the process and progress of negotiations. *Kevin Fagan, NTEU; Bob Gilson, Management Consultant. Moderator: Scott Schwartz*

Workshop Q Hottest FSIP Issues of the Past Year

During this workshop some of the Federal Service Impasses Panel's most significant cases from the past year will be discussed. *FSIP Members and Staff*

Workshop R 2016 FMLA Update

Family and Medical Leave Act (FMLA) rights and responsibilities continue to be a vexing area for federal sector employers, employees, unions, management, arbitrators and neutral enforcement agencies. This workshop addresses recent FMLA developments in key areas, including the management of intermittent leave, employee notice, certification, serious health conditions, military family leave, return to work, and more. *Carl C. Bosland, Author*

12:00pm - 1:15pm Annual Awards Luncheon

- The Margery Gootnick Labor-Management Cooperation Award

- SFLERP Lifetime Achievement Award

1:30pm - 3:00pm 2 Concurrent Workshops

Workshop S FLRA Case Law Update

This workshop will provide the latest developments in case law from the Federal Labor Relations Authority, as well as the federal courts' decisions that have reviewed FLRA decisions. *Fred Jacob, Solicitor, FLRA; Anna Molpus Senior Attorney to Chairman Pope, FLRA*

Workshop T What Happens After Impasse?

This workshop will address what happens after management and labor reach impasse in the Federal sector. What are the best practices to get your agency's or union's proposals adopted? Strategies for mediation, for med/arb and others will be addressed. *Ginger Richardson, HUD; H. Joseph Schimansky, FSIP; and Union representative TBA*

3:00pm - 3:30pm SFLERP Annual Membership meeting

^{*}Workshop topics and speakers subject to change without notice.