



THE STATE BAR OF CALIFORNIA
LABOR AND EMPLOYMENT LAW SECTION
PRESENTS

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Hours MCLE Credit



19th Annual Public Sector Conference

Keynote Speaker:
Anita Martinez, Chair,
Public Employment Relations Board

FRIDAY, MAY 3, 2013

The Claremont Resort & Spa

41 Tunnel Road

Berkeley, CA 94705

Hotel Deadline April 3, 2013

Register Online:

<http://laborlaw.calbar.ca.gov>

A special thanks to the following
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PUBLIC SECTOR CONFERENCE 2013

Friday, May 3, 2013

Registration and continental breakfast will open at 8:15 am

CONCURRENT SESSIONS

9:00 am–10:15 am (1.25 Hours of CLE Credit)

Session 1:

Ethics and Social Media: Getting in Trouble is Easier than You Think

Social media is a powerful and tempting tool in the employment and labor law practice. It allows attorneys to communicate with clients quickly and easily; to find hidden evidence without issuing discovery requests; to look behind closed doors; to anonymously investigate witnesses and opposing parties – and to inadvertently get in some serious ethics trouble. This interactive panel will cover some of the common (and not so common) pitfalls and perils of using social media such as Facebook, Twitter, LinkedIn, etc. – as well as some of the perils of avoiding its use all together.

Moderator:

Michael E. Whitaker,
Supervising Deputy Attorney
General

Panelists:

Jay Wang, Fox,
Wang & Morgan

Lorrie Peeters,
Cafferelli & Siegel

Session 2:

Oh, God! Coming to Terms with Religion in the Workplace

The Workplace Religious Freedom Act (AB1964), an amendment to the FEHA, became effective January 1, 2013. The amendment requires employers to accommodate employees based on religious dress and grooming practices and prohibits employers from segregating employees from customers and the public while accommodating the employee's religious beliefs. This panel will provide information about the new provision, its enforcement, and Federal and California cases on religious discrimination, harassment and accommodation. The panel will discuss the best practices recommended by the EEOC and the DFEH, and what to do to ensure compliance with the requirements.

Moderator:

Adam J. Fiss,
Littler Mendelson

Panelists:

David D. Kadue,
Seyfarth Shaw LLP;

Phyllis W. Cheng,
Director DFEH;

Alan J. Reinach, Esq.,
Executive Director,
Church State Council

Session 3:

Post-Employment Benefits: Vesting, Impairment, and Bankruptcy

A panel of experts will discuss how a vested right to post-employment benefits may be created and when a vested right may be impaired. The panel also will discuss how post-employment benefits may be impacted by a municipal bankruptcy, with a focus on pre-bankruptcy mediation as a means of addressing that impact.

Moderator:

Erich Shiners,
Renne Sloan Holtzman Sakai

Panelists:

Scott Emblidge,
Moscone Emblidge Sater & Otis

Jonathan Holtzman,
Renne Sloan Holtzman Sakai

Arthur Liou,
Leonard Carder

David Weinberg,
Weinberg, Ziff & Miller

10:15 am–10:30 am Break

CONCURRENT SESSIONS

10:30 am–11:45 am (1.25 Hours of CLE Credit)

Session 4:

Fact-finding under the MMBA—Old Wine in a New Bottle?

AB 646 mandated fact-finding for bargaining impasses in local governments covered by the MMBA. What is fact-finding? How do parties prepare for fact-finding? How does AB 646 mesh with local employee relations ordinances? Does it apply to all bargaining impasses? The panelists have extensive experience with fact-finding under EERA, HEERA, and the MMBA.

Moderator:

Katherine Thomson,
Arbitrator/ Editor,
California Public Employee
Relations, UC Berkeley

Panelists:

Fern M. Steiner,
Smith, Steiner, Vanderpool & Wax

Bruce Barsook,
Liebert Cassidy Whitmore

Jerilou Cossack,
Arbitrator, Mediator, Factfinder

Session 5:

Politics and Free Speech in the Public Sector

Politics, campaigns, and online speech: Experts from CTA, the ACLU and the San Francisco City Attorney's Office will present the most up-to-date information about free speech rights impacting public sector employees and discuss new and evolving issues.

Moderator:

Anne Giese,
SEIU Local 1000

Kate Hallward,
Leonard Carder

Panelists:

Linda Lye,
ACLU

Emma Leheny,
CTA

Christine Van Aken,
San Francisco City Attorney's Office

Session 6:

Transformative Changes to DFEH Civil Rights Enforcement

This DFEH panel will discuss the transformative changes on civil rights enforcement under Senate Bill 1038 which include: elimination of the FEHC and end of administrative adjudication; civil litigation of all DFEH prosecutions in court; award of attorneys' fees and costs to the Department when it prevails; and establishment of the Fair Employment and Housing Council under the DFEH for rulemaking. In addition, the presentation will cover other new FEHA amendments, such as stronger religious discrimination protections, new amendments to the pregnancy and disability regulations, and the latest on DFEH class actions. Learn about these important changes and how they affect your practice.

Moderator:

Phyllis Cheng,
Director DFEH

Panelists:

Phyllis Cheng,
Director DFEH

Anmarie Billotti,
Chief of Dispute Resolution |
Legislative & Public Affairs DFEH

Jon Ichinaga,
Chief Counsel DFEH

KEYNOTE SPEAKER LUNCHEON

11:45 pm to 1:15 pm (1.0 Hours of CLE Credit)

Back to the Future: the New Brown Board The Public Employment Relations Board

If you had one opportunity to ask the Governor's PERB Board members a question, what would it be? Rather than have the usual keynote lunch address, the conference planning committee is trying something different this year. Board Chair Anita Martinez and the other three Brown-appointed Board members (Priscilla Winslow, Eric Banks, and A. Eugene Huguenin) have agreed to answer some of the burning questions that practitioners have about how this PERB Board operates, functions, thinks, etc. The questions asked will be selected by the planning committee from those submitted in advance by conference registrants. So, if you have a question you want asked, send it to ckoenig@wmpirlaw.com by April 15. This will be one "keynote" you will not want to miss.

Keynote Speaker:

Anita Martinez,
PERB Chair

Panel Speakers:

Priscilla Winslow, Eric Banks, and A. Eugene Huguenin

CONCURRENT SESSIONS

1:30 pm to 3:00 pm (1.5 Hours of CLE Credit)

Session 7:

Pension Tension: The Give and Take of Pension Reform

Pension Reform – in all its glory and confusion – will be the topic of this session as the panelists discuss how to deal with the clash between the immovable object of vested rights and the irresistible force of municipal deficits. The panel members, who are playing leading roles in the pension battles, will provide a quick survey of AB340, AB197, San Jose Measure B, and San Diego Prop. B. Then, the panel will review the latest interpretations and regulations provided by PERS and the pension systems and the court decisions (or state of the litigation) in the Contra Costa County, Alameda County, Marin County, Merced County, San Diego and San Jose cases.

Moderator:

Carol Koenig,
Wylie McBride Platten & Renner, San Jose

Panelists:

Harvey L. Leiderman,
Reed Smith LLP

Robert Bezemek,
Law Offices of Robert J. Bezemek, P.C

Peter Mixon,
General Counsel, Public Retirement System

Session 8:

Everything You Wanted To Know Public Employment 101: Introduction to Public Employment Law Issues

The panel will cover the common issues that arise when hiring and terminating public employees. Also discussed will be how a public union workforce can have significant effects on the beginning and end of an employment relationship, along with any changes in that position that may occur throughout the employee's career.

Moderator:

Kristianne T. Seargeant,
Principal Attorney KMTG

Panelists:

Jason Jasmine,
Partner CBM

Irma Perrone,
Human Resources Manager

3:15 pm–3:30 pm Break

GENERAL PLENARY SESSION

3:30 pm to 5:00 pm (1.5 Hours of CLE Credit)

In One Year and Out the Other: Annual Updates in Employment and Labor Law

At this annual update plenary session, seasoned public sector lawyers will review this past years' notable cases and legislation. Attend to hear varying perspectives from counsel representing management, the government, employees, and labor unions, in a point/counterpoint interplay.

Moderator:

Latika Malkani,
Siegel LeWitter & Malkani

Speakers:

Stephen Mesi,
California Department of Justice

David Tyra,
Kronick, Moskovitz, Tiedemann & Girard

Dale Brodsky,
Beeson Taylor & Bodine

5:00 pm – 6:30 pm

Reception

Please join us for a networking reception ~ enjoy complimentary wine and appetizers while mingling with the conference speakers, Section Executive Committee Members, and fellow Labor and Employment Law attorneys and professionals.

REGISTRATION INFORMATION



ONLINE REGISTRATION:

Now available at <http://laborlaw.calbar.ca.gov>

MAIL TO:

Program Registrations, State Bar of California,
180 Howard St., San Francisco, CA 94105

FAX TO:

Program Registrations at (415) 538-2368. In order to fax your registration, credit card information is MANDATORY.

CANCELLATIONS & REFUNDS:

Cancellations and requests for refunds must be received in writing by April 26, 2013. Substitute registrants are allowed but must register in their own name at the meeting to receive MCLE credit.

ON-SITE REGISTRATION:

Limited and subject to availability.
Please register in advance.

SPECIAL ASSISTANCE:

For special assistance please call (415) 538-2590; for TDD speech and hearing impaired, please call (415) 538-2231.

QUESTIONS:

For registration information please call (415) 538-2508. For information regarding the program please call (415) 538-2590.

HOTEL REGISTRATION

A room block has been reserved at The Claremont Resort & Spa for the night of Thursday, May 2, 2013. To obtain a special rate of \$209 per night (plus Facilities Charge of \$12 and taxes), please call 1(800) 551-7266 and identify yourself as being with THE STATE BAR OF CALIFORNIA PUBLIC SECTOR ROOM BLOCK. The deadline for registration is April 3, 2013 and space is limited, so be sure to make your hotel reservation early

REGISTRATION FORM

Note: One registrant per form. Photocopies may be used.

Name: _____ Bar #: _____

Firm: _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-mail Address: _____
(required for confirmation)

Your name and address may be disclosed. Check here if you do not want your information released.

Registration Fees (Present through April 26, 2013)

- Labor & Employment Law Section Member \$140
- Non-Section Member \$215
Includes enrollment in the Labor & Employment Law Section for 2013
- Non-attorney Labor-Relations Professional. \$115
- Full-time Law Student (attach copy of school ID)..... \$65

On-Site Registration Fees (After April 27, 2013—based on space availability)

- Labor & Employment Law Section Member \$165
- Non-Section Member \$240
Includes enrollment in the Labor & Employment Law Section for 2013
- Non-attorney Labor-Relations Professional. \$140
- Full-time Law Student (bring school ID)..... \$90

Amount Enclosed/To Be Charged \$ _____

- I plan to attend the luncheon.
- I plan to attend the reception.

Credit Card Information (VISA/MASTERCARD Only)

I authorize The State Bar of California to charge my program registration to my Visa/MasterCard account. (No other credit card will be accepted.)

Account Number: _____ Exp. Date: _____

Cardholder's Name: _____

Cardholder's Signature: _____

Course Selector

Select one program in each time slot:

Concurrent 9:00 am to 10:15 am, please check one preference:

- Session 1: Ethics and Social Media: Getting in Trouble is Easier than You Think
- Session 2: Oh, God! Coming to Terms with Religion in the Workplace
- Session 3: Post-Employment Benefits: Vesting, Impairment, and Bankruptcy

Concurrent 10:30 am to 11:45 am, please check one preference:

- Session 4: Fact-finding under the MMBA – Old Wine in a New Bottle?
- Session 5: Politics and Free Speech in the Public Sector
- Session 6: Transformative Changes to DFEH Civil Rights Enforcement

Concurrent 1:30 pm to 3:00 pm, please check on preference:

- Session 7: Pension Tension: The Give and Take of Pension Reform
- Session 8: Public Employment 101: Introduction to Public Employment Law Issues

Deadline: In order to pre-register, your form and check, payable to The State Bar of California, or credit card information, must be received by April 26, 2013.

Register Online: <http://laborlaw.calbar.ca.gov>

Mail To: Program Registrations, The State Bar of California
180 Howard Street, San Francisco, CA 94105

Fax To: Program Registrations at 415-538-2368. In order to fax your registration, credit card information is MANDATORY. (Photocopies of checks will NOT be accepted.)



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