

# New England Consortium of State Labor Relations Agencies 13<sup>th</sup> Annual Conference



**Roger Williams University School of Law  
Friday, July 19, 2013**

10 Metacom Avenue, Bristol, RI

For Directions : <http://law.rwu.edu/admission/plan-your-visit/directions>

**A glance at the innovations...how the Labor Relations Community has begun to think "outside of the box"  
to manage enduring labor relations challenges.**





**Scot L. Beckenbaugh  
Keynote Speaker**

Scot L. Beckenbaugh serves as the Deputy Director of Mediation Services and Field Operations for the FMCS. Scot has extensive experience in public sector dispute mediation, as well as regulatory negotiations, public policy, land use and civil rights disputes. A long-time member of the Association of Labor Relations Agencies, Mr. Beckenbaugh also serves on the ALRA Executive Board as Vice President - Finance and the Board of LERA. Prior to his employment with FMCS, Mr. Beckenbaugh served as a Member of the Iowa Public Employment Relations Board (PERB), an Administrative Law Judge, and Director of Mediation Services for IPERB; and maintained a private arbitration practice which was listed with FMCS. Mr. Beckenbaugh served on the Twin Cities Labor Management Committee, and served two (2) terms as Chairman of the Industrial Relations Advisory Council at the University of Minnesota. Scot has taught at the high school, junior college, and university levels, and was a bill drafter and research analyst for the Iowa Legislature. Born in Libertyville, Illinois, Mr. Beckenbaugh holds a B.A. in Political Science from the University of Northern Iowa and an M.A.P.A. with an emphasis in Industrial Relations from the University of Iowa.

**Friday, July 19, 2013**

**8:00 a.m. - Registration**  
**9:00 a.m.**

**9:00 a.m. - Welcome Address**  
**9:05 a.m. Marjorie Wittner, Esq.,** Executive Director, New England Consortium of State Labor Relations Agencies.

**9:05 a.m. - Keynote Address**  
**10:15 a.m. "A Model for Managing Labor/Management Conflicts with Early Third-Party Intervention: Use in Solving Health Benefits Challenges and Addressing Education Reform."**

In an era where parties are confronted with complex problems and limited funds, is there a desirable way for the parties to meet in the middle?

**Speaker: Scot L. Beckenbaugh,** Deputy Director, Mediation Services and Field Operations for the Federal Mediation and Conciliation Service, is recognized for his participation in the NHL contract dispute resolution, as well as many other highly publicized contract mediations.

The value of third-party intervention has long been the method of choice to improve labor-management relationships for the prevention of workplace conflicts. Mr. Beckenbaugh will captivate us with dialogue, focusing on the use of early intervention programs by the FMCS. Both Labor and Management will be introduced to the tools necessary to better manage conflict resolution, utilizing a new model of outreach and intervention for the most complex and divisive issues. Mr. Beckenbaugh will spotlight the session around the FMCS's work with the labor-management community as to the continuing challenges of bargaining over employer provided health benefits; as well as the FMCS's involvement with government education officials, the major teacher unions, and school employer organizations on education reform initiatives.

**10:15 a.m. - Break**  
**10:30 a.m.**

**10:30 a.m. - Plenary Session**  
**12:15 p.m. "Who is in Charge? State Leadership vs. Local Control - What is the Impact of State Regulations on Labor/Management Relations?"**

**Speakers: David Abbott, Esq.,** Deputy Commissioner/General Counsel, RI Dept. of Elementary & Secondary Education (RIDE); **Helen Bowler,** Hearing Officer/Mediator, MA Dept. of Labor Relations; **Kelly Erinakes,** President, Coventry Teachers' Alliance, Local 1075, Coventry Public Schools; **Deborah Gist,** Commissioner, RI Dept. of Education; **Lynn S. Krizic, Ed.D.,** Superintendent, Portsmouth School Dept.; **John Leidecker, Jr. Esq.,** Deputy Executive Director, NEARI; **James A. Parisi,** Field Representative, RI Federation of Teachers and Health Professionals; **Barry Ricci,** Superintendent, Chariho Regional School District; **Benjamin Scungio, Esq.,** Brennan Recupero Cascione Scungio & McAllister; **Jay Walsh, Ph.D.,** Assistant Executive Director, NEARI.

The Rhode Island Board of Education has embraced a regulatory strategy to improve teaching and learning across the state. Central to this approach is the set of regulations governing the delivery of an "adequate" education - the Basic Education Program (BEP). The Rhode Island Commissioner of Education has consistently interpreted the BEP to require School Districts to provide service across a range of systems, including human capital management. In certain instances, BEP requirements have conflicted with language in existing CBAs. Join us for what is sure to be a rousing discussion among state policy makers, local educators, and union officials about the tug between state oversight and local control.

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## Friday, July 19, 2013, continued

12:30 p.m. - **Lunch**  
1:30 p.m.

1:30 p.m. - **Concurrent Workshops**  
2:45 p.m.

**(A) "Ethics in Labor Law - Traps for the Unwary"****(CLE Credit Available)**

How can attorneys, management personnel, and union representatives avoid the potential pitfalls and slippery ethical slopes sometimes encountered in the handling of grievances, unfair labor practice charges, and labor-related litigation?

**Speakers: Marc Gursky, Esq.,** Gursky Law Associates, (RI);  
**Lori Caron Silveira, Esq.,** Adler Pollock & Sheehan, (RI).

Please join this interactive session that will explore such topics as the unauthorized practice of law before arbitrators and administrative agencies; confidentiality concerns and privileged communications between unions and their members, as well as employers and their supervisory employees; ex parte communications with witnesses and others via social media; the potentially far-reaching implications of the truthfulness obligation in the execution of strategic labor initiatives; and compliance with applicable ethics rules when competing interests create quandaries for unions, employers, and their respective advocates.

**(B) "Social Media - GR8 TMI LOL and Some Legal Stuff Too!"**

**Speakers: Joan Dolan,** Arbitrator, (MA), **Lee Williamson,** Arbitrator/Mediator, (CT)

Social media has invaded the arena of labor relations. As with any transformative change agent, social media brings with it practical benefits and potential detriments, together with a myriad of questions concerning protected concerted activity, constitutionally protected speech, discipline, ethics, laws, policies, work environment, and of course, the ability to engage in meaningful face-to-face communications. PLS join us 4 a F2F GR8 session, W/ lots of important 411 on how social media is currently impacting the WRKplace.

(PLS - please; 4 - for; F2F - face to face; GR8 - great; W/ - with; 411 - information; WRK - work; TMI - too much information; LOL - laughing out loud)

**(C) "The Patient Protection and Affordable Care Act - Public Sector Collective Bargaining Issues."**

How will this ground-breaking law impact collective bargaining negotiations for public sector bargaining units?

**Speakers: Donna DeSimone Buckley, Esq.,** Uniserve Consultant, Massachusetts Teachers Association, (MA); **Brian Clemow, Esq.,** Shipman & Goodwin, (CT); **Carol Chandor,** Boston Benefits Partners (MA).

This segment will highlight some of the current flash points of the implementation of the Affordable Care Act (aka "Obamacare") for state governments, schools and municipalities, and their union-represented employees. Some highlights of the program are: 1) the various dates that key provisions of the Act will go into effect; 2) any differences in the Act's effects upon state government, schools, and municipalities; and 3) the Act's impact on existing and prospective collective bargaining agreements. Participate in this interactive session to strengthen your negotiation skills for future bargaining over healthcare issues.

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**Seth S. Horowitz**  
**Plenary Speaker**

Seth S. Horowitz, Ph.D., is a Neuroscientist with a Masters Degree in Psychology and Ph.D. in Neuroscience from Brown University. Seth's work in comparative and human hearing, balance and sleep research, has been funded by the National Institutes of Health, National Science Foundation, and NASA. Seth has lectured in undergraduate and graduate classes in animal behavior, neuroethology, brain development, the biology of hearing, and the musical mind. As Chief Neuroscientist at NeuroPop, Inc., Seth has applied his basic research skills to real world applications ranging from health and wellness to educational science outreach. His work has been covered in popular media including, NPR's "Hear and Now" and "All Things Considered", the Boston Globe, Wired.com, and numerous other online and print publications. Seth's book "The Universal Sense: How Hearing Shapes the Mind" has received critical acclaim by Publisher's Weekly and Nature. His New York Times op-ed piece in Gray Matters "The Science and Art of Listening" was one of the most emailed articles in late 2012. Dr. Horowitz is married to artist China Blue and lives in Warwick, RI.

**Agency  
Representatives**

**Harry Elliott**  
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**Cathy Serino**  
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**Timothy Noonan**  
Vermont Labor  
Relations Board  
(802) 828-2700

**Friday, July 19, 2013, continued**

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

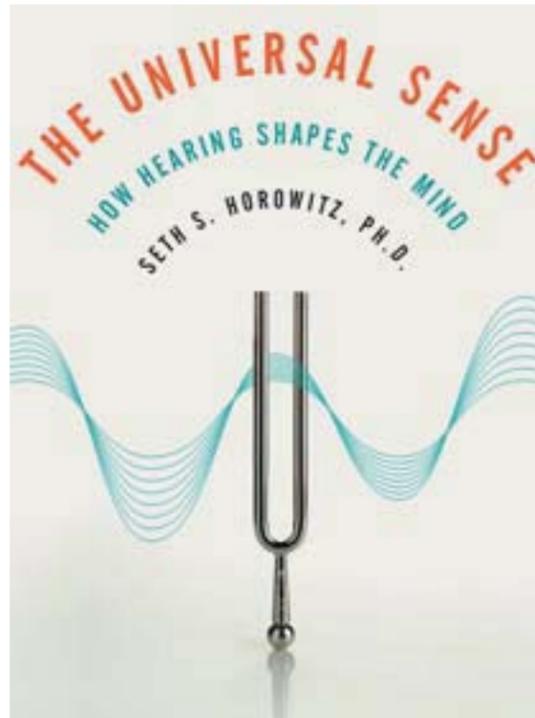
**3:00p.m. - Plenary Session**

**4:15 p.m. "Listening in the Real World - a Truly Basic Function of all Living Things."**

Do we really have to modify our own behavior to keep potential listeners attuned to our communications? Why are we often so bad at listening? How can we refocus our own and other individual's attention to facilitate communication?

**Speaker: Seth S. Horowitz, Ph.D,** Auditory Neuroscientist, Author of  
"The Universal Sense: How Hearing Shapes the Mind"

"Listening in the Real World" examines how and why we listen; and what features of our environment and our lives are worth listening to. The session will cover reasons why listening can be so hard in distracting situations, both internally and externally; as well as how to refocus both your own and other people's attention to facilitate communication. Dr. Horowitz will discuss what features of social and environmental situations make us pay attention, versus those situations that cause us to drift off onto something more interesting within our own minds; and how to modify our own behavior to keep potential listeners attuned to our own communication. Dr. Horowitz will discuss the basics of verbal and non-verbal communications that engage our ears and other senses, and how to understand the real messages underlying our sometimes confusing or deceptive verbal speech. To conclude this riveting subject, Dr. Horowitz will discuss how we can improve our overall listening skills, whether with close associates or strangers in a public venue.



***The Universal Sense: How  
Hearing Shapes the Mind***  
by Dr. Seth S. Horowitz  
will be available for purchase  
throughout the conference.

# Registration Form

July 19, 2013



## 13<sup>th</sup> Annual Conference of the New England Consortium of State Labor Relations Agencies

Roger Williams University School of Law, Bristol, RI

Complete and mail registration form to:

Melinda Moz-Knight, Vermont Labor Relations Board, 133 State Street, Montpelier, VT 05633-6101.

Name \_\_\_\_\_

*Prefix (Mr., Mrs., Dr., etc.)*

*First*

*Last*

First Name Preferred on Badge \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

Telephone ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_

E-Mail \_\_\_\_\_

Special Needs: If you require ADA accommodations, or have special dietary needs, please contact Robyn H. Golden at [rgolden@dlt.ri.gov](mailto:rgolden@dlt.ri.gov).

Continuing Legal Education (CLE) credits are pending in New Hampshire, New York, Rhode Island, Vermont, and Maine.

### Registration

**Registration Fee:**

Early Registration -(Postmarked by June 28, 2013) -

*\$110 per person*

(Postmarked after June 28, 2013) - *\$130 per person*

**Make checks payable to:**

New England Consortium of  
State Labor Relations Agencies

Federal ID #04-0285239 (*must be on the check*)

Registration fee includes all conference meals, breaks,  
and materials.

**For additional conference information,  
please contact:**

**Melinda Moz-Knight**

Phone: (802) 828-2700 • Fax: (802) 828-2392

E-mail: [melinda.moz-knight@state.vt.us](mailto:melinda.moz-knight@state.vt.us)

or

**Robyn H. Golden**

Phone: (401) 462-8771 • E-mail: [rgolden@dlt.ri.gov](mailto:rgolden@dlt.ri.gov)

### Hotel

Attendees must make their own reservations.

**Middletown Courtyard Marriott**

9 Commerce Drive, Middletown, RI

[www.marriott.com/hotels/travel/pvdmd-courtyard-newport-middletown/](http://www.marriott.com/hotels/travel/pvdmd-courtyard-newport-middletown/)

For reservations, call 1 800-321-2211 by **June 28, 2013**.

Mention the conference name (see top of form).

**Standard room (King/Double) - \$169 plus applicable tax**

• **No Parking Fee**

or

**Newport Marriott Hotel**

25 America's Cup Avenue, Newport RI

[www.marriott.com/hotels/travel/pvdlw-newport-marriott/](http://www.marriott.com/hotels/travel/pvdlw-newport-marriott/)

For reservations, call 1 800-228-9290 by **June 28, 2013**.

Mention the conference name (see top of form).

**Standard room ( King/Double) - \$249 plus applicable tax**

• **Parking Fee - \$20.00 - Self Parking**

**Cancellations and Refunds:** Registration substitutions may be made at any time without charge. Refunds are subject to a \$25 administrative fee and will be issued for cancellations in writing received prior to June 28, 2013. No-shows and cancellations received after June 28, 2013 are subject to full conference registration fees.