



Section Chair
Labor & Employment Law
Mairead E. Connor, Esq.
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Program Co-Chairs
Labor & Employment Law
Stephanie M. Roebuck, Esq.
Keane & Beane, P.C.
White Plains

Ronald G. Dunn, Esq.
Gleason Dunn Walsh & O'Shea
Albany

NYSBA

35th
Anniversary
Meeting

**Labor & Employment
Law Section
Fall Meeting**

**Longboat Key Club & Resort
Longboat Key, Florida**

October 31 - November 3, 2010



Attendance at this meeting offers up to 10.0 MCLE credit hours—including 1.0 in Ethics for Experienced Attorneys.

Important Information

Under New York’s MCLE rule, this program has been approved for a total of *up to* 10.0 credit hours including 9.0 in professional practice and 1.0 hours in ethics for experienced attorneys.

Except for the ethics, this is not a transitional program and is NOT suitable for MCLE credit for newly-admitted attorneys because it is not a basic practical skills program.

ACCOMMODATIONS FOR PERSONS WITH

DISABILITIES: NYSBA will make reasonable modifications/accommodations to allow participation in its services, programs, or activities by persons with disabilities. NYSBA will provide auxiliary aids and services upon request. NYSBA will remove architectural barriers and communication barriers that are structural in nature where readily achievable. Compliant rooms available on request. Please contact Catheryn Teeter, New York State Bar Association, One Elk Street, Albany, New York 12207 or cteeter@nysba.org to request auxiliary aids or services or if you have any questions regarding accessibility.

DISCOUNTS AND SCHOLARSHIPS: New York State Bar Association members and non-members may apply for a discount or scholarship to attend this program, based on financial hardship. This discount applies to the educational portion of the program only. Under this policy, any member of our Association or non-member who has a genuine basis for his/her hardship, if approved, can receive a discount or scholarship, depending on the circumstances. To apply for a discount or scholarship, please send your request in writing to Catheryn Teeter at: New York State Bar Association, One Elk Street, Albany, New York 12207 or cteeter@nysba.org at least 10 business days prior to the meeting.



SCHEDULE OF EVENTS

Sunday, October 31

3:00 pm

Registration - Lobby Foyer

6:00 - 7:30 pm

Welcoming Cocktail Reception - Barefoots

Monday, November 1

8:00 am

Registration - Lobby Foyer

MONDAY PLENARY SESSIONS - John Ringling Room

8:45 - 8:55 am

Welcoming Remarks from the Section Chair

Mairead E. Connor, Esq.

Law Offices of Mairead E. Connor, PLLC
Syracuse

**Introduction to the Program and
Announcements from the Program Co-Chairs**

Stephanie M. Roebuck, Esq.

Keane & Beane, P.C.
White Plains

Ronald G. Dunn, Esq.

Gleason Dunn Walsh & O'Shea
Albany

8:55 - 10:10 am

Plenary Session I

THE HEALTH CARE OVERHAUL: WHAT YOU NEED TO KNOW (FOR NOW)

While the legislation is dense, and the regulations not completed, there are certain things employers and employees are currently facing in the changing healthcare landscape. The panel will discuss those portions of the legislation already enacted and what is coming down the pike in the next year.

Moderator:

Bruce R. Millman, Esq., Littler Mendelson P.C., New York City

Panelists:

Ronald G. Dunn, Esq., Gleason Dunn Walsh & O'Shea, Albany

Gretchen Harders, Esq., Epstein Becker & Green, P.C., New York City

10:10 - 11:25 am

Plenary Session II

NATIONAL LABOR RELATIONS BOARD 2010

With the Board still recovering from the Supreme Court's decision in New Process Steel, the signs of possible change are now beginning to appear. What can we expect down the road? Is the pendulum about to swing back? Will the Board turn to rulemaking to achieve EFCA-like changes to the certification and collective bargaining processes? These and other interesting issues will be addressed by our panelists.

Moderator:

Louis P. DiLorenzo, Esq., Bond, Schoeneck & King, PLLC, New York City

Panelists:

Ronald Meisburg, Esq., Proskauer Rose LLP, Washington, DC

Bruce S. Levine, Esq., Cohen, Weiss and Simon LLP, New York City

Rochelle Kentov, Esq., Regional Director, National Labor Relations Board,
Region 12, Tampa, FL

Randall M. Odza, Esq., Jaeckle Fleischmann & Mugel, LLP, Buffalo

SCHEDULE OF EVENTS

Monday, November 1 *continued*

11:25 - 11:40 am

Coffee Break

CONCURRENT MONDAY WORKSHOPS (*choose one*)

11:40 am - 12:45 pm

Workshop A

SEVERANCE/TERMINATION: CHECKLISTS AND MODEL AGREEMENTS

Moderator:

Michael Bernstein, Esq., Bond, Schoeneck & King, PLLC, New York City

Panelists:

Daniel T. Campbell, Esq., Law Offices of Campbell & Associates, P.C., Floral Park

William D. Frumkin, Esq., Sapir & Frumkin LLP, White Plains

11:40 am - 12:45 pm

Workshop B

A REVIEW OF RECENT DECISIONS AT PERB

Moderator:

Margery F. Gootnick, Esq., Arbitrator, Rochester

Panelists:

Jerome Lefkowitz, Esq., Public Employment Relations Board, Albany

Richard K. Zuckerman, Esq., Lamb & Barnosky LLP, Melville

James R. Sandner, Esq., New York State United Teachers, Latham

1:00 pm

Executive Committee Luncheon Meeting - Gillespie Room

1:15 pm

Sea Life Encounter Boat Cruise & Mote Aquarium Tour

Take a cruise through Sarasota and Roberts Bays with a marine biologist. Observe FL manatees and resident population of bottlenose dolphins while learning about the ecology, history, and folklore of the area. A guide will lead us on a short nature walk on an uninhabited island with the opportunity to view pelicans, herons, ibis and egrets in their nesting habitat. We will collect a sample of marine life with a trawl net. Handle some of the curious residents of Sarasota Bay: puffer fish, sea horses, stone crabs, and cow fish to name a few. After the cruise, tour Mote Aquarium-Science Center which showcases the research of Mote Marine Laboratory, founded in 1955 to advance the science of the sea through the study of marine and estuarine ecosystems. Its seven centers for scientific research focus on sharks, sea turtles and marine mammals, coral reefs, the study of toxins in the environment and their effect on human health, aquaculture, coastal ecology and fisheries enhancement.

Meet in hotel lobby. Limited number of tickets available. Transportation will be provided from/to the Hotel. *Preregistration and payment required on registration form.*

4:30 pm

Past Chairs' Advisory Committee Meeting

6:30 pm

35th Anniversary Celebratory Cocktail Reception & Dinner - Spike N' Tees Deck and Island House Dining Room

Keynote Dinner Speaker: Mark Gaston Pearce, Esq., National Labor Relations Board Member

SCHEDULE OF EVENTS

Tuesday, November 2

- 8:00 am** **Registration** - Lobby Foyer
- 8:00 - 9:00 am** **Section Committees Breakfast Meetings** - Island House Dining Room
TUESDAY PLENARY SESSIONS - John Ringling Room
- 9:15 - 10:30 am** **Plenary Session III**
WHAT ARE YOU GOING TO DO WHEN THEY COME FOR YOU?
IMMIGRATION INITIATIVES: LATEST LEGISLATIVE UPDATES & STATE ISSUES IN IMMIGRATION
What are the latest concerns facing employers regarding ICE audits and I-9 audits? The panel will discuss the impact of immigration laws and proposed initiatives on employers and employees.
- Moderator:** **Frank A. Nemia, Esq.**, Coughlin & Gerhart, L.L.P., Binghamton
- Panelists:** **Patricia L. Gannon, Esq.**, Greenberg Traurig LLP, New York City
Alan Seagrave, Esq., Foley Lardner, Miami, FL
- 10:30 - 10:45 am** **Coffee Break**
- 10:45 - 11:35 am** **Plenary Session IV**
ETHICAL ISSUES SURROUNDING THIRD PARTY PAYER SITUATIONS
Many times, attorneys are faced with situations when their client's fees are being paid by someone else. Whether it be a private employer or municipality indemnifying the costs of the litigation or a family member paying the attorney's fees, to whom does the attorney owe the duty of representation? Are there differences in confidentiality boundaries? What about when a union attorney is representing the individual member and other members' rights may be implicated? These and other issues will be addressed.
- Moderator:** **Robert Kinglsey Hull, Esq.**, Arbitrator, Penn Yan
- Panelists:** **Michael Bernstein, Esq.**, Bond, Schoeneck & King, PLLC, New York City
Cara E. Greene, Esq., Outten & Golden LLP, New York City
Seth Greenberg, Esq., Greenberg Burzichelli Greenberg PC, Lake Success
- CONCURRENT TUESDAY WORKSHOPS** (*choose one*)
- 11:40 am - 12:30 pm** **Workshop C**
E-DISCOVERY UNDER NEW YORK STATE LAW
- Moderator:** **Pearl Zuchlewski, Esq.**, Kraus & Zuchlewski, LLP, New York City
- Panelists:** **Robert C. Weissflach, Esq.**, Harter, Secrest & Emery LLP, Buffalo
Andrea Maria Paparella, Esq., Liddle & Robinson, LLP, New York City

SCHEDULE OF EVENTS

Tuesday, November 2 *continued*

- 11:40 am - 12:30 pm** **Workshop D**
**INTERNAL UNION ELECTIONS, DISCIPLINE AND SPEECH:
THE CHALLENGE OF MOVING THE UNION FORWARD**
- Moderator:** **Mairead E. Connor, Esq.**, Law Offices of Mairead E. Connor, PLLC, Syracuse
- Panelists:** **Robert L. Boreanaz, Esq.**, Lipsitz Green Scime Cambria LLP, Buffalo
Steven A. Crain, Esq., Civil Service Employees Association (CSEA), Albany
- 1:00 pm** **Golf Tournament** - Islandside Golf Course
Meet at the Pro Shop at 12:45 pm. \$105 includes greens fees, cart and box lunch.
Preregistration and payment required on registration form.
Golf Chair: Louis P. DiLorenzo, Esq., Bond, Schoeneck & King, PLLC, New York City
- 1:30 - 3:30 pm** **Tennis Tournament** - Islandside Tennis Courts
Preregistration required on registration form.
- 6:00 - 7:00 pm** **Cocktail Reception** - Barefoots
- 7:00 pm** **Optional Event: A Night at the Sarasota Opera –
Rossini’s La Cenerentola (CINDERELLA)** - *Sung in Italian with English subtitles.*
We all know what happens when the poor stepchild goes to the ball in disguise and wins the heart of the Prince. In Rossini’s version, there is no wicked stepmother (it’s a stepfather), no fairy godmother (he’s a philosopher), and no glass slipper (it’s a pair of bracelets). The magical score for this delightful opera will win you over as Cinderella wins her prince.
Limited number of tickets available. Transportation will be provided from/to the Hotel. Preregistration and payment required on registration form.

Wednesday, November 3

- 8:00 am** **Registration** - Lobby Foyer
- WEDNESDAY PLENARY SESSIONS** - John Ringling Room
- 9:15 - 10:30 am** **Plenary Session VI**
THERE IS PROTECTED ACTIVITY, NOW WHAT?
After a charge of discrimination has been filed by an employee who still works for the employer she complained about, the employer and the employee now face new concerns. What should the employer do and what should it avoid? What can the employee expect and what should she be on guard for? The panel will present a practical approach to this difficult situation.
- Moderator:** **Evan J. Spelfogel, Esq.**, Epstein Becker & Green, P.C., New York City
- Panelists:** **Beth A. Bourassa, Esq.**, Whiteman Osterman & Hanna LLP, Albany
Patrick J. Solomon, Esq., Thomas & Solomon LLP, Rochester

SCHEDULE OF EVENTS

Wednesday, November 3 *continued*

10:30 - 10:45 am

Coffee Break

10:45 - 11:35 am

Plenary Session VII

IT CAN HAPPEN HERE: THE CHALLENGES OF PROSPECTIVELY PREVENTING AND HANDLING WORKPLACE VIOLENCE

Violence in the workplace is a concern to all parties. The panel will discuss employees who are protected and not protected under the ADA and state non-discrimination laws and how employers can work to insure a safe workplace.

Moderator:

Donald L. Sapir, Esq., Sapir & Frumkin LLP, White Plains

Panelists:

Patricia Ann Cody, Esq., Wormser Kiely Galef & Jacobs LLP, New York City

Larry Barton, Ph.D., Professor of Management, The American College, Bryn Mawr, PA

Dr. Barbara Stein, Psychiatrist, St. Petersburg, FL

12:00 noon

Optional Tour: John & Mable Ringling Museum of Art

Includes entrance to 20 acre Estate Grounds/Gardens, Museum of Art, CircusMuseum and Ca d'Zan Mansion (additional fee for Ca d'Zan Private Places Tour - may be purchased onsite). Trams provide pick up/drop off service throughout the estate grounds at designated stops to allow you to see the museum at your own pace. Docent guided tours on the hour at each venue. Onsite Cafe for Dining.

Transportation will be provided from/to the Hotel. Preregistration and payment required on registration form.

1:00 pm

Golf - Islandside Golf Course

Meet at the Pro Shop at 12:45 pm. \$70.00 includes greens fees and cart only.

Preregistration and payment required on registration form.

ADJOURNMENT

**The Section Thanks the Following
Sponsor for their Support:**



THINGS TO DO: LONGBOAT KEY CLUB

Island House Spa

The 9,000-square-foot Island House Spa is an oasis of pleasure designed with indulgence in mind, where you can relax at an island pace and time. The spa offers:

- 12 treatment rooms
- Manicure & pedicure services
- Signature spa & beauty products
- A large retail boutique

Island House Spa also features a full menu of facials, massages, body treatments and aromatherapies to provide you with the kind of pampering that will make you say Ahhhhh. Call 888-237-5545 to make spa reservations for treatments in advance.

Mind & Motion Studio - Set Your Mind. Get Into Motion. Stay Balanced.

The Mind & Motion Studio offers exciting and original fitness concepts that enhance both your mental and physical well-being. Its 2,500 sq. ft. workout studio features state-of-the-art equipment, as well as a meditation facility, where skilled instructors teach you how to relax and keep yourself calm with innovative courses and techniques. A pristine location, highlighted by expansive floor-to-ceiling windows overlooking the Gulf of Mexico, adds to the serenity of this one-of-a-kind studio. Some of our fitness class concepts include:

- Spin
- Beach Yoga
- Pilates
- Zumba
- Aquacise
- Quick Fit Abs
- Body Sculpt

Fitness Centre at Longboat Key Club & Resort

Whether you want to maintain your regular exercise regimen or enjoy an invigorating workout after a day of relaxation on the beach or at Island House Spa, you'll love the newly renovated Fitness Centre at Longboat Key Club & Resort. It features all state-of-the-art equipment from Body Masters, including:

- Elliptical Machines
- Back and Abdominal Machines
- Inner and Outer Thigh Machines
- Cardio Equipment

Also offered is a variety of special classes led by professional instructors.

OTHER LONGBOAT KEY RESORT ACTIVITIES:

Boogie Board Rentals: \$5 per hour

Sea Kayak Rentals: Single Kayak \$15 per hour; Double Kayak \$20 per hour

Hobie Cat Sailboat Rental: \$40 per hour

Bicycles, Beach Tennis & Volleyball: Complimentary

ADDITIONAL OFF-SITE ACTIVITIES:

Fishing: Capt. Scott Green, licensed USCG captain certified in first aid, CPR and open water scuba diving. Live and artificial bait, light to medium tackle on 22-ft center console 2180 Century fishing boat. Sarasota Fishing: 941-320-8171 or e-mail: capt.scott.k.green@verizon.net

Guided Kayak Tours: Sarasota Bay Explorers at Mote Aquarium: 941-388-4200