

CONTINUING LEGAL EDUCATION CLASSES¹

National Center for the Study of Collective Bargaining in Higher Education and the Professions

April 8, 9, 2013 City University Graduate Center, 365 Fifth Avenue, New York, NY 10016

Contact: national.center@hunter.cuny.edu or call 212.481.7550

Workshop: Bargaining Basics CLE Credit

This workshop will introduce fundamental principles of collective bargaining, identify typical bargaining styles and describe strategies for improving negotiation skills. Participants will engage in activities and discussions to reinforce strategies presented during the workshop.

Monday 4/8/2013: 10:45 AM - 12:15 PM

City University Graduate Center 9th Floor, Room 9206-07

Deborah Williams, Esq., Johnson Community College, Overland Park, Kansas

Robert Ufberg, Esq., Ufberg Sileo, LLP, Scranton, Pennsylvania

Course (Panel): Labor and Employment Relations Association: Adjunct/PT Faculty Unions in Private Higher Education & Graduate Student Organizing following the NLRB's Decision in the NYU Case CLE Credit

In 2000, graduate students at New York University successfully argued for recognition as employees under the provisions of the National Labor Relations Act (NLRA) and achieved notoriety as the first private university students in the nation to organize for collective bargaining purposes. State labor laws have long recognized the right of graduate students and research assistants at public colleges and universities to organize and bargain collectively. However, the National Labor Relations Board (NLRB) had consistently held, for at least twenty-five years prior to the *NYU* decision, that graduate students and research assistants who "perform services at their educational institutions are not employees" pursuant to the NLRA's definition. *St. Clare's Hosp. and Health Ctr.*, 229 NLRB 1002, 1007 (1977). In 2004, the Board returned to this interpretation of the Act with its *Brown University* decision. Last year, graduate students at New York University returned to the Board seeking recognition as employees under the Act. Union organizers and higher education administrators are now anxiously awaiting the Board's decision on graduate student employee status in collective bargaining. Like graduate students, many states have recognized the right of adjunct and part-time faculty to organize and bargain collectively in the public sector. Adjunct and part-time faculty also enjoy bargaining rights and protections in several full-time, tenure track faculty bargaining units. However, organizers have been seeking to create stand-alone part-time and adjunct faculty bargaining units in the private sector in greater numbers in recent years. In particular, unions have employed new tactics including organizing members across a number of institutions across a metropolitan region to address the transient nature of employment for adjunct and part-time faculty members. These efforts call for a review of the state and federal laws impacting organization drives, and the practical concerns for unions and administrators in addressing the needs of employees and institutions.

Tuesday 4/9/2013: 9:00 AM – 10:30 AM

City University Graduate Center 9th Floor, Room 9206-07

Susan B. Kaplan, Esq., Senior Counsel, Office of the Senior Vice President and General Counsel, The George Washington University

Joseph W. Ambash, Esq., Regional Managing Partner, Fisher & Phillips LLP, Boston

Amy Rosenberger, Esq., Willig, Williams & Davidson

Shaun Richman, Deputy Director, Organization & Field Services, American Federation of Teachers

Michael T. Loconto, Esq., Associate Director of Labor & Employee Relations, Harvard University, Office of Human Resources, Moderator

Course (Panel): Legal Issues in Higher Education, Review of Cases, Decisions CLE Credit

The Legal Update Panel includes a review of the major labor and employment decisions from the past year and their implications for college and university administrators, faculty, and employees. This covers, among other things, cases decided by the National Labor Relations Board and state and federal courts on labor matters, such as employee rights, collective bargaining, organizing activity, and unfair labor practices. The session will also include a review of the latest cases on academic freedom, discrimination law, and related topics. Panelists will review emerging trends in all these areas and take questions from the audience.

Tuesday 4/9/2013: 10:45 AM - 12:15 PM

City University Graduate Center 9th Floor, Room 9206-07

Nicholas DiGiovanni, Esq., Morgan, Brown & Joy

Aaron Nisenson, Esq., Senior Legal Counsel, AAUP

Frederick Schaffer, Esq., General Counsel and Senior Vice Chancellor for Legal Affairs, CUNY, Moderator

*Please note: our CLE seminars are appropriate for both newly admitted and experienced attorneys.

Under Continuing Legal Education regulations, CLE credit will be offered only to those attorneys completing entire sessions; attorneys attending only part of a session are not eligible for partial credit for a session. Attorneys arriving late are welcome to attend the program but will not be eligible for CLE credit. Attorneys wishing to receive CLE credit must sign the program's attendance register prior to and following the CLE program; once a speaker begins the program, the sign-in sheets will be removed. Similarly, attorneys leaving the session early are also ineligible for CLE credit. While in NYS 50 minutes of CLE training provides 1 hour of credit, all CLEs sponsored by CUNY School of Law run a full 60 minutes, not including introductory remarks or breaks, but including question and answer periods.

Each course: 1 General CLE credit.