



### SEMINAR FACULTY

**Allotta, Farley & Widman Co. LPA**  
Marilyn L. Widman

**Baker & Daniels LLP**  
Stuart R. Buttrick  
Brian R. Garrison

**Barnes & Thornburg LLP**  
William T. ("Tuck") Hopkins

**Dept. of Labor, Office of Federal Contract Compliance Programs, Indianapolis District Office**  
Steven Southwood

**Equal Employment Opportunity Commission, Indianapolis District Office**  
Aarika Mack-Brown

**Fillenwarth, Dennerline, Groth & Towe LLP**  
Frederick W. (Rick) Dennerline III  
Geoffrey S. Lohman

**Hall, Render, Killian, Heath & Lyman, PC**  
Jonathan C. Bumgarner  
Stephen W. Lyman  
Travis P. Meek

**Ice Miller LLP**  
Michael H. Boldt  
Ryan M. Poor

**Indiana Department of Labor**  
Lori Torres, Commissioner

**Littler Mendelson, PC**  
Todd M. Nierman

**Macey, Swanson & Allman**  
Barry A. Macey  
Richard J. Swanson  
Robert A. Hicks

**Ogletree, Deakins, Nash, Smoak & Stewart, PC**  
Jan Michelsen

**Riley, Bennett & Egloff, LLP**  
Donald S. Smith

**Union One**  
David Williams

**United Steelworkers of America**  
Anthony Alfano

### NATIONAL LABOR RELATIONS BOARD (NLRB) FACULTY

Rik Lineback, Regional Director, Region 25  
Roberto G. Chavarry Regional Director (retired), Regions 25 and 13  
Lori Ketcham, Special Ethics Counsel  
Richard J. Simon, Regional Attorney, Region 25  
Patricia K. Nachand, Assistant Regional Director, Region 25  
Joanne C. Mages, Deputy Regional Attorney, Region 25  
Mary Jane Mitchell, Supervisory Field Examiner, Region 25  
Derek A. Johnson, Field Attorney, Region 25  
Kim Sorg-Graves, Field Attorney, Region 25

### SCHOOL OF LAW – INDIANAPOLIS PARTICIPANTS

Gary R. Roberts, Dean and The Gerald L. Bepko Professor of Law  
Robert Brookins, Professor of Law

### ADVISORY BOARD MEMBERS

Nathan A. Baker - Barnes & Thornburg LLP  
Lori Ballantini – NLRB Field Examiner, Region 25  
Michael H. Boldt - Ice Miller LLP  
Robert Brookins - Professor of Law, IU School of Law, Indianapolis  
Stuart R. Buttrick - Baker & Daniels LLP  
Frederick W. (Rick) Dennerline III – Fillenwarth, Dennerline, Groth & Towe LLP  
Rik Lineback – NLRB Regional Director, Region 25  
Barry A. Macey – Macey, Swanson & Allman  
Mary Jane Mitchell – NLRB Supervisory Field Examiner, Region 25  
John T. Neighbours – Baker & Daniels LLP  
Ryan M. Poor – Ice Miller LLP  
Richard J. Simon, NLRB Regional Attorney, Region 25  
Richard J. Swanson - Macey, Swanson & Allman

Non-profit Org.  
U.S. Postage  
PAID  
Indianapolis, IN  
Permit #803

**INDIANA UNIVERSITY**  
SCHOOL OF LAW—INDIANAPOLIS  
IUPUI

Lawrence W. Inlow Hall  
530 West New York Street  
Indianapolis, IN 46202

**31st Seminar on  
Labor-Management Relations**

**Labor Law in the Age of Social Media**



[indylaw.indiana.edu](http://indylaw.indiana.edu)



**INDIANA UNIVERSITY**  
SCHOOL OF LAW—INDIANAPOLIS  
IUPUI



NLRB Region 25

# Labor Law in the Age of Social Media

*31st Seminar on  
Labor-Management Relations*

**FRIDAY, JUNE 10, 2011**

IU School of Law – Indianapolis  
Lawrence W. Inlow Hall  
530 W. New York St.  
Indianapolis, IN 46202

*6 hours of Indiana CLE credit,  
including 1.0 hours of ethics (pending approval)*

[indylaw.indiana.edu](http://indylaw.indiana.edu)

8:30 a.m. – 9:00 a.m. Registration  
 9:00 a.m. – 9:10 a.m. Introduction/Welcome – *Wynne Courtroom (Room 100)*  
 9:10 a.m. -10:00 a.m.

**The Unique Labor Law Issues Involved in Collective Bargaining between Professional Sports Leagues & Player Unions**

Dean Gary R. Roberts, IU School of Law – Indianapolis  
 Dean Roberts is a nationally known sports law expert who will address the current issues related to the NFL.

10:00 a.m. – 10:50 a.m.  
**The NLRB Today: Upholding the Law in Changing Times**  
 Mark Gaston Pearce, National Labor Relations Board Member

A discussion of the National Labor Relations Act and its relevance to current trends in labor management relations

**CLASS SESSIONS** (see back panel for a list of faculty)

**Session One:** 11:00 a.m. – 11:50 a.m.

**1. Facebook Panel**

Faculty: Rik Lineback, Stuart R. Buttrick, & Geoffrey S. Lohman  
 Even 20-somethings whose news starts (and ends) with Jon Stewart and YouTube now have the NLRB and its Facebook cases on their radar, um, iPhone/iPad/Droid screens. Join our panel to explore the relevance of and possibilities under Section 7 of the NLRA in the age of social media and the extended-electronic-mind.

**2. FLSA – Now That I Found It, How Do I Fix It? Remedial Strategies for Wage and Hour Gaffes and Glitches**

Faculty: Todd M. Niemann & Donald S. Smith  
 We will examine the full range of legal issues that arise when employers discover wage and hour violations, and provide practical strategies for answering difficult questions employers confront, such as whether audit results can be shielded from discovery and remedying off-the-clock allegations.

11:50 a.m. – 12:30 p.m. Lunch (no program, lunch provided)

**Session Two:** 12:30 p.m. – 1:30 p.m.

**3. Protected Concerted Activity: How Far Will the Board Go?**

Faculty: Travis P. Meek, Barry A. Macey, and Kim Sorg-Graves  
 Through a series of recent ALJ and Board decisions, employees' Section 7 right to engage in concerted activity for the purpose of mutual aid and protection has been extended to a broad array of circumstances. Personal Facebook postings, untucked shirts, and "pre-emptive" discharges have all been the subject of scrutiny, leading to a new understanding of just how far the Board is prepared to go when protecting this right.

**4. Accommodating the Disabled Worker – The ADA Interactive Process that Really Works**

Faculty: Stephen W. Lyman and Aarika Mack-Brown  
 Where do you begin when an employee asks for help doing the job? First you need a strategy that works. The simple four-step interactive process is a strategy that really works. This session will provide all the tools so that you will end up doing the right thing for the employee and for your company.

**5. Ethics and Social Media**

Faculty: Lori Ketcham, William T. ("Tuck") Hopkins, and Frederick ("Rick") Dennerline  
 A discussion of this developing area of law, including attorneys' use of social media, such as Facebook and blogging.

**Session Three:** 1:35 p.m. – 2:30 p.m.

**6. Developments in Indiana Labor and Employment Law**

Faculty: Lori Torres, Commissioner; Ryan Poor and Richard Swanson  
 Panelists will address hot topics and recent trends in Indiana labor law, focusing on public sector collective bargaining from the perspective of the state, local government units and organized labor.

**7. Union Access to Employer Property: A Guide to Management's Rights and Obligations**

Faculty: Brian R. Garrison and Michael H. Boldt  
 In the event of handbilling or picketing at a workplace as part of a consumer boycott, union organizing, or other informational activity unrelated to organizing, employers typically want to keep off-duty employees and non-employee union organizers off their property. The general rule established by the United States Supreme Court that applies to these situations is straightforward, but there are many nuances under Board law that govern an employer's ability to control access to its property. This session will cover various issues that relate to an employer's ability to regulate access as it applies to union agents, non-employees, and off-duty employees, including a discussion of new standard set forth in the Board's recently-issued *New York New York* case, which involves access by off-duty employees of a third party.

**8. Access Cases from the Union Perspective**

Faculty: David Williams, Marilyn L. Widman and Robert A. Hicks  
 This class will address contemporary and innovative approaches to access/information issues in organizing, including an overview of banner v. picketing as the law finds it in 2011. Panelists will also discuss projection banner v. picketing (what it is and how to do it), Facebook/social media uses for organizing and legal surveillance using GPS.

**Session Four:** 2:30 p.m. – 3:20 p.m.

**9. Essential Preparatory Steps For Successful Advocacy In Grievance Arbitration**

Faculty: Professor Robert Brookins  
 This session examines the following essential steps in preparing and presenting a persuasive case in grievance arbitration, including interviewing/selecting witnesses, developing a theory of the case, opening statements, types of evidence (circumstantial, direct, documentary, real, hearsay), direct examination, cross examination and closing argument/post-hearing briefs.

**10. Social Media & New Technology: The Rewards and Risks**

Faculty: Jan Michelsen, Anthony Alfano and Derek A. Johnson  
 Facebook, Twitter, YouTube, blogs, chat sessions, and interactive web sites are great vehicles for communication and an important part of 21st century marketing strategies. However, because social media impacts almost every aspect of employment, from hire to fire, organizations of all sizes and kinds --and their employees-- must understand and weigh the attendant risks of Web 2.0 tools. We will discuss how the use and abuse of social media can lead to litigation; how to develop, integrate, and implement social media policies that fit an employer's culture AND comport with the law; and the tension between employer policies and privacy and protected speech.

**11. EEOC and Social Media**

Faculty: Aarika Mack-Brown  
 Whether you "Friend", "Tweet", or stay "LinkedIn", social media has changed the way we interact with the world. In this session, we will highlight some of the ways employers, employees, and job seekers are using social media outlets. We will analyze the benefits and perils of the social media scene. Finally, we will discuss how to use social media as both a tool in discovery and as a source of discoverable information.

**Session Five:** 3:35 p.m. – 4:30 p.m.

**12. OFCCP Is On the Move: Is Your Company Prepared for an Affirmative Action/Employment Discrimination Audit?**

Faculty: Jonathan C. Bumgarner and Steven Southwood  
 OFCCP has been aggressively expanding the scope of its jurisdiction and stepping up its enforcement efforts under the new administration. This session will help you determine if your company is a covered federal contractor or subcontractor, and what you should be doing to prepare for an affirmative action/employment discrimination audit by OFCCP.)

**13. Conflict in the Work Place And How to Deal With It**

Faculty: Roberto G. Chavarry and Mary Jane Mitchell  
 Work place conflict has an adverse impact on workers' morale, productivity and is a major root cause of dysfunctional behavior. This session is designed to explore some of its causes and how best to minimize their impact. Attendees will participate in interactive exercises designed to assist them in recognizing and managing work place conflict.

**CONFERENCE LOCATION**

IU School of Law-Indianapolis  
 530 West New York St.  
 Indianapolis, IN 46202

**HOTEL RESERVATIONS**

University Place  
 Conference Center & Hotel  
 IUPUI  
 850 W. Michigan Street  
 Indianapolis IN. 46202

For reservations call:  
 317-231-5160 or 1-800-627-2700

The Seminar has reserved a block of rooms at a conference rate for the night of June 9th at University Place Conference Center & Hotel, which is located approximately two blocks west of the law school. The rate for seminar attendees is \$115.00 per night for a single occupancy. When calling the hotel to register, use the code "Labor Management Seminar" or you can register online using the link on the registration page on our website. There are a limited number of rooms in this block, so please make your reservations as soon as possible.

**REGISTRATION AND FEES**

Enrollment in the seminar is open to attorneys and labor and management officials. The fee for the seminar is \$200. The fee includes all seminar materials and a boxed lunch. Please return the registration form as promptly as possible. Fees will not be refunded after June 3, 2011.

**CONTACT INFORMATION**

If you have any questions regarding the seminar, contact Shaun Ingram  
 Phone: (317) 278-4789  
 Fax: (317) 278-4790  
 E-mail: slingram@iupui.edu.

**DISABILITY**

Individuals with disabilities who need special assistance, call: (317) 278-4789. Special arrangements can be made to accommodate most needs.

**PARKING**

Free parking will be available in the surface lot immediately west of Inlow Hall (Lot 85). Seminar participants may park in this lot free of charge and do not need a valid IUPUI permit to do so.

Return form and payment to: Indiana University School of Law-Indianapolis  
 Attn: External Affairs  
 530 W. New York St., Room 227 C  
 Indianapolis, IN 46202

Or register on line at: <http://indylaw.indiana.edu/alum/lmrs.htm>

Registration Fee is \$200.00  
 Check Enclosed (Made payable to Indiana University)

No Fee Refund After June 3, 2011

**A SEPARATE FORM MUST BE FILLED OUT FOR EACH ATTENDEE. PLEASE DUPLICATE FORM – DO NOT SEND INFORMATION BY E-MAIL**

Name		
Organization		
Address		
City	State	Zip
Telephone	Fax	
*E-mail Address (required)		
Attorney #		

The following information must be filled out:  
 Please check only **one category** for each of the following questions.

- Are you an Attorney or Non-Attorney?  
 Attorney  Non-Attorney
- Do you represent management, union or are you neutral?  
 Management  Union  
 Neutral
- Please select one topic per session (descriptions inside brochure). Circle your choice.

<b>Session One:</b>	Topic 1	Topic 2	
<b>Session Two:</b>	Topic 3	Topic 4	Topic 5*
<b>Session Three:</b>	Topic 6	Topic 7	Topic 8
<b>Session Four:</b>	Topic 9	Topic 10	Topic 11
<b>Session Five:</b>	Topic 12	Topic 13	

\* Please note only Topic 5 has 1.0 Hours of Ethics CLE credit

This information is necessary in order to assign participants to the appropriate breakout sessions.

Smoking on the IUPUI grounds is prohibited.

Visit our website:  
[indylaw.indiana.edu](http://indylaw.indiana.edu)

For Office Use Only
CODE: ROOM:
<input type="checkbox"/> (L) Atty <input type="checkbox"/> (N) Non
<input type="checkbox"/> (M) Mgmt. <input type="checkbox"/> (U) Union <input type="checkbox"/> (X) Neutral
1 Session _____ 2 Session _____ 3 Session _____ 4 Session _____ 5 Session _____
<input type="checkbox"/> (P) Paid
<input type="checkbox"/> Personal Check <input type="checkbox"/> Company Check <input type="checkbox"/> Credit Card
Check No: _____