

PACIFIC COAST LABOR & EMPLOYMENT LAW CONFERENCE

APRIL 27-28, 2017



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PACIFIC COAST
LABOR LAW CONFERENCE

March 29, 1968

Sponsored by

University of Washington School of Law
and the Labor Law Section of
the Seattle-King County Bar Association



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PROGRAM

Pacific Coast Labor Law Conference

March 29, 1968

PURPOSE OF THE CONFERENCE

This conference is designed to give lawyers and others directly concerned with labor relations and employment practices an opportunity to review, under the stimulus of experts, those areas in which the law is evolving rapidly and new problems, or new approaches to old problems, are taking shape.

Emphasis in this conference will be on work protection and hot cargo clauses, protection of labor standards, coalition bargaining, and the relation of such matters to the anti-trust laws, new tactics and means of enforcing collective bargaining agreements, the ever fluid and troublesome area of free speech under the National Labor Relations Act, and employment practices viewed in the light of experience under Title VII and the Equal Pay Act.

This conference is planned as the first of a series of annual conferences on labor law.



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80 The Seattle Times
Sunday, March 10, 1968

Labor-Law Conference Scheduled March 29

An unusual labor-law conference that may draw union, management and government leaders as well as attorneys from 11 Western states will be held Friday, March 29, in the Seattle Center.

"This is our first venture, but we are hopeful it may become an annual affair," said Mary Ellen Krug, chairman of the labor-law section of the Seattle-King County Bar Association.

The Seattle Times



300 Take Part In Law Symposium

SEATTLE — Nearly 300 participants attended the recent Pacific Coast Labor Law Conference sponsored by the University of Washington Law School and the Labor Law Section of the Seattle-King County Bar Association.

The conference was unique in bringing together attorneys and representatives of management and labor unions, according to chairman Mary Ellen Krug.

Topics for discussion included the enforcement of collective bargaining agreements, free speech under the National Labor Relations Act, and employment practices under Title VII and the Equal Pay Act.

Harbor men attending includ-

Aberdeen, Wash. World



Middle Age No Longer 'Too Old' for Job

ANYONE 40 or older should circle June 12 on his calendar. That is a day of emancipation for the middle-aged worker, 40 to 65, when it will become a violation of federal law to discriminate in employment or re-employment because of age.

The Age Discrimination in Employment Act declares that hiring must be based only on ability, and that middle-aged workers further may not be fired, their pay reduced or their fringe benefits decreased for reason of age.

The over-40 discrimination affects men mostly because as heads of families they usually need higher salaries and the protection of benefits such as pensions that represent higher costs to

employers. For that reason, middle-aged men understandably are hesitant to take chances with re-employment as a younger person would.

Middle-aged women seldom encounter age discrimination in employment to the same degree as men, but their situation is somewhat different and usually they are working only to provide a second paycheck for the family.

The new law will close a critical gap in the protection of older workers. The psychological pat-on-the-back for middle-aged men who still have the burdens of growing families heavily on them will be better for their morale than a surprise bonus check in the pay envelope and more lasting in its benefits.

Aberdeen, Wash. World



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2 The Seattle Times

Monday, June 3, 1968

Too Old to Get Job? Not So, Says New Law

By NEIL GILBRIDE
Associated Press

WASHINGTON — Too old at 40 to get a job? Starting next week it will be against federal law for most employers, labor unions or employment agencies to tell you that.

A new law protecting persons 40 to 65 from employment discrimination because of age goes into effect June 12.

"The law is designed to promote the employment of older workers based on their ability and to prohibit arbitrary age discrimination in employment," said the Labor Department.

THE AGE Discrimination in Employment Act was passed by Congress and signed by President Johnson last year.

It forbids employers to refuse to hire — or to fire — a person because of age or to pay different wage rates or lesser job benefits on the basis of age.

The law exempts bona fide seniority systems and pension plans, but says pension plans — which are more costly for newly hired older workers — cannot be used as an excuse to refuse to hire an individual.

LABOR ORGANIZATIONS are forbidden to exclude or to expel anyone from membership because of age, or to refuse to refer a worker for employment. Nor can unions attempt to cause an employer to discriminate against an individual because of age.

This applies to all employers and labor organizations with 25 or more employees, or members of an industry affecting interstate commerce.

Employment agencies, without limitation, are forbidden to refuse to refer anyone for a job because of age.

IT IS ALSO against the law to use printed advertisements for workers that indicate any preference, limitation or discrimination based on age.

The only exception in the law is "where age is a bona fide occupational qualification reasonably necessary to the normal operations of the particular business."

INDIVIDUALS WHO prove discrimination can collect back wages through lawsuits when attempts to secure voluntary compliance fail.

Individuals who prove discrimination in court can collect attorneys' fees and court costs in addition to back pay. In cases where willful violation is proved, they can collect up to double the amount of back pay.

The Seattle Times



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NINTH ANNUAL
PACIFIC COAST LABOR LAW CONFERENCE

Seattle Center
Seattle, Washington

May 13-14, 1976

PROGRAM

RADICAL APPROACHES TO COLLECTIVE BARGAINING; WHAT THE FUTURE
MAY HOLD

New issues and concepts you can expect to see at the bargaining
table.

"Production Line Job Enrichment - Implications for Collective
Bargaining"

Tony Connole
United Auto Workers
Detroit, Michigan

"Should Exclusive Representation be Abolished?"

George Schatzki, Professpr
of Labor Law
University of Texas
Austin, Texas



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TWELFTH ANNUAL PACIFIC COAST LABOR LAW CONFERENCE

PROGRAM

EQUAL EMPLOYMENT OPPORTUNITY

Affirmative Action: "Between Bakke and Weber, a Rock and a Hard Spot?"

Ralph R. Smith, Assistant Professor
University of Pennsylvania Law School

DEVELOPMENTS UNDER THE NATIONAL LABOR RELATIONS ACT

"Mixed-Motive Discharges: The "But For" and Other Tests"

John C. Truesdale, Member
National Labor Relations Board



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FOURTEENTH ANNUAL
PACIFIC COAST LABOR LAW CONFERENCE

Seattle Center
Seattle, Washington
April 9 - 10, 1981

PROGRAM

"Strategies for Working
Women in the 80's"

Karen Nussbaum
Executive Director
WORKING WOMEN: National
Association of Office Workers
Cleveland, Ohio

CROSSROADS IN THE 1980's: CAN
LABOR AND MANAGEMENT WORK COOPERATIVELY
TO INCREASE PRODUCTIVITY AND IMPROVE
PROSPERITY?



FIFTEENTH ANNUAL
PACIFIC COAST LABOR LAW CONFERENCE

Seattle Center
Seattle, Washington
May 13 - 14, 1982

PROGRAM

PROBLEMS IN THE PUBLIC SECTOR--
WILL THEY INFLUENCE THE PRIVATE SECTOR?

"The Future of Public
Employee Bargaining After
PATCO: The End of an Era?"

"Elimination of the Right
to Strike: Benefit or
Burden?"

Stephen Tallent
Gibson, Dunn & Crutcher
Los Angeles, CA

Victor Kamber
The Kamber Group
Washington, D.C.

Northwest

The Seattle Times Thursday, August 6, 1981

INSIDE: New vote on county farm bonds? B 2
State can handle Reagan budget cuts B 2
Interior secretary to visit Alaska B 7

E
SECT

AIR-TRAFFIC-CONTROLLERS STRIKE



Greg Wilson, his wife, Margo, and daughter, Yvonne join other striking air controllers at a picnic.

'Numerous' flights canceled at Sea-Tac

The Federal Aviation Administration lifted all flight restrictions at Seattle-Tacoma Airport today, but there were several canceled flights yesterday. Some of the flight cancellations were:

- United Airlines canceled its 38 regularly scheduled departures.
- Republic Airlines canceled one of its usual 36 daily flights.
- American Airlines canceled one of its usual 8 departures.
- Northwest Airlines canceled three departures, but a spokesman said she did not know if many departures the airline usually has from Seattle.

A spokeswoman for United blamed the strike by Professional Air Traffic Controllers Organization, still in control of the other class and a pilots flight in Seattle.

Tom Gallagher, a spokesman for American, says: "We have loads of room. The only problem is we need more pilots. A survey of various airlines Sea-Tac indicated most, if not commercial airlines could not make any reservation."

Firing, hiring of air-traffic controllers will take time

Transportation Secretary T. Levin said yesterday if it becomes necessary for the government to replace striking air-traffic controllers, there will be no shortage of applicants.

Levin said many people inquired about the job since the strike began.

The Federal Aviation Administration chief, J. Lynn Burchinal, said he could have his office back to work by next week, but he said he would take 20 months to hire new controllers.

About 12,000 controllers were on strike Monday, and the FAA administration began seeking mutual aid from those not on strike Monday, and the FAA administration began seeking mutual aid from those not on strike Monday, and the FAA administration began seeking mutual aid from those not on strike Monday.

Starting in October, the FAA will be able to process 450 new controller appointments. A class of 75 will be hired in August 11, 1982, and another class of 75 in August 11, 1982, and another class of 75 in August 11, 1982.

Officials estimate the agency will need 5,000 new controllers by 1985, and 20 per cent more by 1990.

The first replacements will be those who have passed aptitude tests and are on a waiting list. But creating the agencies is easier said than done.

It's really tough to fire government employees, conceded every strikebreaker. A Transportation Department spokesman said.

The dispute is likely to be settled this week and eventually go up to the Supreme Court.

Every traffic controller has a government job. If they are laid off, they are laid off. If they are laid off, they are laid off. If they are laid off, they are laid off.

Some workers undoubtedly got off the hook because they were taking annual leave or otherwise scheduled off duty. The President's decision for the strike ended around.

Working aircraft in summer easy, say strikers

by Peter Rasmussen
Times staff reporter

Striking air-traffic controllers seemed at a death King County park yesterday with their families to enjoy the sun and hope for rain and storms.

"We're not working. We're here having a lot of fun. But I wish it was December," said Jim Kelly, a controller at the Olympia airport.

Bad weather would be bad news for air travelers during a strike, he said.

"We don't want an air disaster," Kelly said. "It would be a disaster what we want overnight, but it wouldn't be fun."

"Good weather is a piece of cake," said Russ Todd, a controller striking his job at Seattle-Tacoma International Airport.

"Wait till the weather gets lousy," said Mike Xaver, another Sea-Tac controller.

Planned fun today is reasonable safety now, Kelly said, "but if it was December and I had a family or friends (thinking of flying), I wouldn't let them."

The controllers made it a point at an afternoon picnic at Lake Tappa, near Auburn, to say they are "former air-traffic controllers."

They've been fired — by President Reagan's orders — and they know they might never guide another

airplane. They can live with that, several said.

Work conditions are miserable, they said. Five eight-hour shifts are scheduled two four days each week, which gives them a three-day weekend but also causes exhaustion and health problems.

Money generally is not the issue, they said. The average controller in the area makes about \$20,000 a year; that's more people think they're greedy and don't have a stressful job," one controller said, adding later: "After 10 years, it was a really high-paying profession, but 10 years later I'm earning less than plumbers."

Kelly said he's been thinking and worrying about what work he can do outside of an airport tower. He said his ability is to "keep things flowing" and it might be a skill he could transfer to another field.

Kelly, however, was among those who predicted the strike would end with the controllers back on the job.

So was Larry Parker, a controller at the main Federal Aviation Administration control center in Auburn. The President's one-day suspension of the deadline to report to work, an extension he granted to controllers who were still working before yesterday's deadline, is a harbinger of more concessions, he said.

"That's a dumb President who doesn't know we work shifts," Parker said. "These are all scare tactics to get

people to come back."

Controllers said the government is disrupting their lives by asking about the number of controllers working. The strike is in greater dissonance than the F.A.A. is feeling on, several said.

One picketer, who sat alone in the sun, said he almost went back to work yesterday — but decided at the last minute he had an unbreakable "alliance" with his co-workers across the country.

Strikers talked a tough line at a gathering yesterday dedicated to him. Mr. Reagan's allegedly hard stand is no surprise, they said.

"Once you've made your decision (to strike and possibly lose your job), it's easy to sleep," said Carle Davidson, a 40-year veteran, and one of a few women controllers in the Seattle area.

"Our union leaders briefed us well in advance. We all know we can be thrown in jail for a year," a picketer said.

There is a difference between the air-traffic controllers strike and other strikes. The present strike is by federal employees, and is illegal.

Kelly had an answer for that.

"When our country broke off from England we broke a lot of laws too. It was a heroic thing. It's not what's illegal, it's what's just."

Striking air controllers being notified they're fired

by Thomas Gullen
and Steve Gilje
Times staff reporters

Scenes of striking Pacific Northwest air-traffic controllers were expected to get intense in the mail today notifying them they are being fired.

Control notices for many controllers in Washington, Oregon and Idaho were put in the mail yesterday by Federal Aviation Administration officials, said Joe Harrell, assistant air-traffic division chief for the Pacific Northwest Region. More notices were to be mailed today.

Those receiving the dismissal notices are the controllers who refused to return to work by 8 a.m. Seattle time yesterday, the "work-or-be-fired" deadline set by President Reagan.

So far, about 11 air controllers in the Pacific Northwest are scheduled to receive letters of intent to terminate in the next few days, Harrell said.

The letters advise the striking air controllers that the government intends to terminate them and they have seven days to respond to the government's reasons for

termination of controllers in the Pacific Northwest to fully guard up.

Meanwhile, federal marshals continue to serve restraining orders on the strikers and anyone else assisting them in picket and other duties. Yesterday, 20 papers were served on air controllers during mass picketing outside the F.A.A. regional headquarters at Boeing Field. Earlier, more than 10 papers were served.

There are no immediate plans for starting criminal procedures against the strikers in Western Washington, said Susan Barnes, assistant United States attorney. Criminal procedures were being pushed in at least 11 areas around the country.

Representatives of the Professional Air Traffic Controllers Organization have said that in some cases papers had been served on controllers' spouses who joined their husbands or wives in picketing.

"That's for picking and choosing," Ms. Barnes said. "Am I without a job now? I suppose I am. I guess we all are," said Mike Lightfoot, a controllers' spokesman. Lightfoot said, union members did not buckle, and

in all, 50 controllers appeared at the day shift yesterday, compared to 20 on Tuesday and 40 Monday. For the night shift, 40 controllers showed up for work yesterday, compared to 40 Tuesday and 40 Monday.

James J. Ladd, with confidence, "the anticipation of more air controllers coming back to work, we can operate indefinitely."

Lightfoot had no region-wide figures, but said 13 striking controllers returned to work yesterday in the Puget Sound region — eight at the Seattle Center at Tacoma, four at Seattle-Tacoma Airport and one at McChord Air Force Base, which has some civilian staff.

No military controllers have been employed in the Pacific Northwest so far, he said.

James J. Ladd said that "40 to 50 supervisors" are doing controllers' work in the region. He said those on duty work 10-hour days, six-day weeks and added that it is "perfectly safe."

Harrell said all air facilities in the Pacific Northwest except the Seattle-Tacoma Airport continue to operate under the F.A.A.'s 50 per cent voluntary plan. Under the plan, airlines were asked to cut 50 per cent of their flights.



SIXTEENTH ANNUAL
PACIFIC COAST LABOR LAW CONFERENCE

The Westin Hotel
Grand Ballroom
Seattle, Washington

May 5-6, 1983
PROGRAM

"Recent NLRB Developments,
With Particular Emphasis
On Plant Closings, Sales
and Mergers"

John Irving
Kirkland & Ellis
Washington, D.C.

"Exclusivity of
Representation and First
Amendment Rights for
Public Employees"

Linda Hirshman
Jacobs, Burns, Sugarman & Orlove
Chicago, Illinois



SEVENTEENTH ANNUAL
PACIFIC COAST LABOR LAW CONFERENCE

The Westin Hotel
Grand Ballroom
Seattle, Washington

May 3-4, 1984

PROGRAM

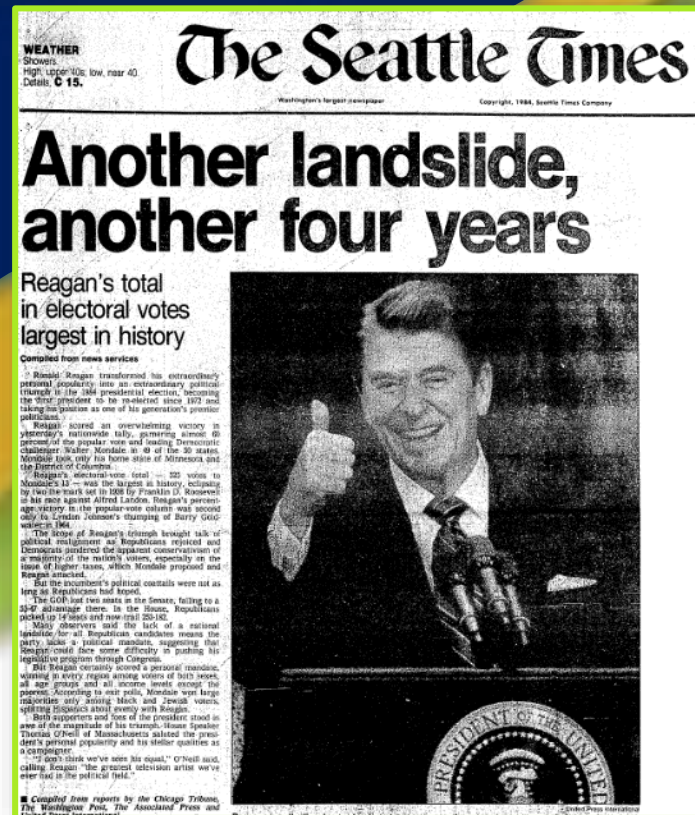
"Advice in the Face of
Change: A Management View"

Intermission

"A Union View of the Reagan
Board: 1984--Doubleplus
Unfeelingood"

Robert J. Janowitz
Elliott & Kaiser
Kansas City, Missouri

Bruce Simon
Cohen, Weiss & Simon
New York City, New York



EIGHTEENTH ANNUAL

PACIFIC COAST LABOR LAW CONFERENCE

The Westin Hotel
Grand Ballroom
Seattle, Washington

May 2-3, 1985

PROGRAM

Collective Bargaining Under the National Labor Relations Act--Session I

"Get the Government Off Your
Back and the Boss On Your
Ass"

Arthur Goldberg, General Counsel
Amalgamated Clothing and Textile
Workers Union

"Fifty Years of Experience
Under the NLRA: What Lies
Ahead?"

Betty Southard Murphy
Baker and Hostetler
Washington, D.C.

Color Conscious or Color-Blind: A Dialogue on the Law and
Affirmative Action--Session II



MARY ELLEN KRUG CASE

In Memoriam

The 1986 Pacific Coast Labor Law Conference is dedicated to Mary Ellen Krug Case who served as chairperson of the first conference held in 1967. A review of her illustrious career as a labor lawyer is a survey of the development of modern labor law itself.

Miss Krug was admitted to the Washington State Bar in 1943, and then served as law clerk to Washington Supreme Court Justice, Walter B. Beals. Following her judicial clerkship, she joined the Seattle law firm now known as Schweppe, Krug & Tausend in 1954 and was one of the active senior partners in the firm at the time of her death on December 17, 1985. She is survived by her husband, John M. Case.

Miss Krug first presented labor cases before the War Labor Board in the 1940s. In the 1950s, she tried two Fair Labor Standards Act cases which she later argued in the Ninth Circuit Court of Appeals. In addition, she participated in some of the early unit determination cases which are still current law. She also successfully pursued at this time some early secondary boycott cases under the Labor-Management Relations Act.

Beginning in 1960, Miss Krug's labor practice increased substantially because of the sudden surge of labor arbitration cases prompted by the Warrior & Gulf Trilogy, 363 U.S. 574 (1960). Miss Krug also assumed personal responsibility for representing the Pacific Northwest Bell Telephone Co. in all labor litigation and before administrative agencies and arbitrators. At this time as well, Miss Krug represented the Tree Fruits Labor Relations Committee, a multi-employer bargaining association of Central Washington fresh fruit packers, which was then locked in a strike with the Fruit & Vegetable Packers Union. The secondary boycott issue presented in the case was finally decided by the United States Supreme Court in its Tree Fruits decision, Fruit & Vegetable Packers & Warehousemen, Local 760 v. NLRB, 377 U.S. 58 (1964).

In September, 1976, Miss Krug was appointed Chairman of the Washington Public Employment Relations Commission by Governor Evans. She was reappointed January, 1977 by Governor Ray and served until 1980. After a short hiatus, Miss Krug was reappointed by Governor Spellman in November, 1982, serving as Chairman until September, 1984 and as a member of the Commission until her death. The Commission administers five statutes relating to labor relations in the public sector.

From 1963 until her death, Miss Krug served in many capacities on committees of the American Bar Association, the Washington State Bar Association, and the Seattle-King County Bar Association. Most notably, Miss Krug served as Trustee of the Seattle-King County Bar Association and Chairperson of the Association's Labor Law Section from 1967 through 1968. At the time of her death, Miss Krug was Chairperson of the American Bar Association's Section on Labor and Employment Law.



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TWENTIETH ANNUAL
PACIFIC COAST LABOR LAW CONFERENCE

The Westin Hotel
Grand Ballroom
Seattle, Washington

May 7-8, 1987

PROGRAM

Women in the Work Place:
Sexual Harassment After Meritor

Judith Vladek
Vladek, Waldman, Elias & Engelhard
New York, New York

Court ruling a 'significant victory' for women

Associated Press and
United Press International

WASHINGTON — Women's groups are hailing a U.S. Supreme Court ruling against on-the-job sex harassment.

sexual harassment.

The decision Thursday made these other key points:

■ Sexual harassment violates a federal anti-discrimination law, known as Title VII of the Civil Rights Act of 1964, if it creates

Rehnquist said nothing in the anti-bias law "suggests that a hostile environment based on discriminatory sexual harassment should not be ... prohibited."

Rehnquist said sexual harassment is illegal if it is "sufficiently severe or pervasive to alter the conditions of the

Vinson testified she never told a Taylor's superiors because she was of him. Taylor denied the allegations.

According to surveys, 42 percent female federal government workers U.S. and 15 percent of their male



Hundreds of disabled gather in D.C. to lobby for anti-discrimination bill

by Amy Linn
Times staff reporter

In wheelchairs, on crutches and on foot, hundreds of disabled people from every corner of the nation have gathered in Washington, D.C., today for a demonstration in support of the Americans with Disabilities Act, the most sweeping anti-discrimination legislation before Congress since the Civil Rights Act of 1964.

on passage of the Americans with Disabilities Act (ADA), legislation that would protect the country's 43 million mentally or physically impaired from virtually all forms of discrimination, whether housing, employment, transportation or communication.

One of the bill's chief sponsors, Sen. Tom Harkin, D-Iowa, calls the measure a "20th century Emancipation Proclamation for people with disabilities." And in Seattle, there are many who

Close-up

EMANCIPATION PROCLAMATION

Sweeping change is part of rights bill for the disabled

Washington Post and
Chicago Reader Newspapers

WASHINGTON Judy Heumann, who had polio when she was a young child, knows about discrimination against the disabled. The tiny, middle-aged woman, in an electric wheelchair, has been denied a table at a restaurant, served from an auction because her proprietor did not want "disabling" people, and locked out of a hotel.

She once used the state of New York for permission to teach, run her wheelchair, and won discrimination against the disabled is widespread, Heumann says. "I just have had the type of anomaly that never let anybody get away with it."

As House debate began last week, people in wheelchairs gathered in a cordoned-off section of the Capitol's Statuary Hall to watch on television monitors. The reason: the House gallery can accommodate only a handful of wheelchairs.

Judy Heumann was in Statuary Hall, having come all the way from Berkeley, Calif., where she now lives, to lobby for the bill. During the close vote on an amendment to weaken the bill, Heumann stood up in her wheelchair to urge members entering the House chamber to vote no.

ADA is opposed by the U.S. Chamber of Commerce, which considers the standards in the legislation to be vague — there's not even an accepted estimate of



A member of American Disabled for Accessible Public Transport



DISABILITIES LAW AND PRACTICE
Future Problems, Situations and Solutions:

Introduction

Marcia Cavens
 Bogle & Gates
 Bellevue, Washington

Americans With Disabilities Act (ADA)
 - What Will the Law Really Mean?

Chai Feldblum
 Legislative Counsel
 American Civil Liberties Union
 Washington, D.C.

Attitudes Towards the Disabled -
 A Practical Commentary

Lee Bussard
 Pacific Institute
 Seattle, Washington

How to Work with Disabled Employees
 An Employer's Viewpoint

Jack Honeck
 Manager, Equal Opportunity
 Communications
 IBM - US
 Armonk, New York



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TWENTY-FIFTH ANNUAL
PACIFIC COAST LABOR LAW CONFERENCE

The Westin Hotel
Grand Ballroom
Seattle, Washington

May 14 - 15¹⁵, 1992

PROGRAM

9:30 a.m.	Equity in the Workplace: Sexual Harassment, Glass Ceiling and Fetal Protection - Three Major Issues	Barbara Lindemann Seyfarth, Shaw, Fairweather & Geraldson Los Angeles, California
10:15 a.m.	Refreshment Break	
10:30 a.m.	<i>Through the Glass Ceiling: Achieving Equity - Practical Aspects of Promotion, Training, Compensation, Pregnancy, Family Leave and Other Concerns</i>	
	The Perspective from Below	Anne Clarke Ronce Clarke Ronce Associates San Francisco, California
	The Perspective from Above	Frank A. Bolden Vice President Corporate Staff Johnson & Johnson New Brunswick, New Jersey



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*Twenty-seventh Annual
Pacific Coast Labor Law Conference*
Critical Issues & Trends in Labor and Employment

The Washington State Convention and Trade Center
May 19 - 20, 1994

LITIGATION POTPOURRI
Innovative Strategies & Emerging Theories

LABOR RELATIONS
The Clinton Era

EQUAL EMPLOYMENT OPPORTUNITY
Recent Developments and Practical Applications

ADA IN THE WORKPLACE
*A roundtable of national experts debate the competing interests
in reasonably accommodating disabled workers under the ADA, in the context of
after-acquired evidence, seniority rights and computer privacy interests.*



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28th ANNUAL PACIFIC COAST LABOR LAW CONFERENCE
JUNE 8-9, 1995

THE WASHINGTON STATE CONVENTION AND TRADE CENTER
SEATTLE, WASHINGTON

PROGRAM

**Significant Recent Employment Discrimination
Law Decisions**

Paul Grossman

Paul, Hastings, Janofsky & Walker, Los Angeles, California

**VIOLENCE IN THE WORKPLACE
A CAMEO PRESENTATION**

*Damned If You Do - Damned If You Don't:
Must An Employer Accommodate Scary Behavior?*

Directed by Steven B. Frank



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30th ANNUAL
PACIFIC COAST LABOR & EMPLOYMENT LAW CONFERENCE
MAY 15 & 16, 1997

PROGRAM

**Independent Contractor or Statutory Employee:
Saying So Doesn't Necessarily Make It So**

- and -

**General Counsel Litigation Theories:
The Locomotive That May Be Headed Your Way**

*Rosemary M. Collyer
Crowell and Moring,
Washington D.C.*



THURSDAY'S PROGRAM SCHEDULE MAY 7, 1998

Labor Law Update - The Good, The Bad & The Ugly

Patrick Hardin

University of Tennessee; Knoxville, Tennessee

The Detroit Newspaper Strike: Handbilling, Publicity & Picketing Beyond the Gates

Samuel McKnight

Klimist, McKnight, Sale, McClow & Canzano; Southfield, Michigan

REFRESHMENT BREAK

The UPS Strike: Management Strategies from the Front Line

Edward Lenhart

United Parcel Service; Atlanta, Georgia

Offer to return to work

Detroit newspaper unions make move

ASSOCIATED PRESS
AND REUTERS

DETROIT — Leaders of the unions on strike for 19 months against Detroit's daily newspapers made an unconditional offer yesterday to return to work, calling it a legal maneuver, not a surrender or end to the strike.

Six locals representing about 2,500 workers — ranging from truck drivers and printers to reporters and editors — walked out on July 13, 1995, at the two newspapers, which have combined business and production operations under a joint operating agreement.

The newspapers have continued to publish using about 1,300 replacement workers,

UPS strike on; 80% of parcels may be affected

Eight arrested in Teamsters' fight
over pay, pensions, part-timers



ROD MAR / SEATTLE TIMES

Striking Teamsters union members picket the United Parcel Service building on Seventh Avenue South near Boeing Field this morning. Union members across the country walked off the job at UPS.

SEATTLE TIMES STAFF
AND WIRE REPORTS

The Teamsters union went on strike at United Parcel Service today, crippling operations at the world's largest package delivery company and causing headaches for millions of businesses and consumers.

Pay, pensions and the full schedules worked by "part-time" employees are the main sticking points between UPS and the Teamsters, who represent nearly two-thirds of

UPS, with \$22.4 billion in annual sales, normally handles about 12 million packages a day, or 80 percent of the nation's total, and delivers to corporate offices, small businesses, hospitals and households across the country.

"We will do whatever we can using our management and other nonunion people to operate to the extent that we can," said UPS spokesman Ken Sternad.

In Washington state, a skeleton

The Seattle Times



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THURSDAY AFTERNOON'S PROGRAM SCHEDULE MAY 8, 2003

IS IT SAFE YET?

PROTECTING AGAINST WORKPLACE VIOLENCE IN A VOLATILE SOCIETY

Rebecca A. Speer

Speer Associates/Workplace Counsel

San Francisco, California

DISCOVERING JUROR ATTITUDES AFTER ENRON AND 9/11

Hon. Ricardo Martinez

U.S. Magistrate Judge

Seattle, Washington

Merrie Jo Stallard, Ph.D.

Litigation Insights

Overland Park, Kansas



**SECRETS FROM THE PLAINTIFF'S SIDE:
FINDING THE SMOKING GUN IN THE DISCOVERY OF ELECTRONIC EVIDENCE**

*Kathryn Burkett Dickson
Dickson Ross, LLP
Oakland, California*

ASSESSING THREATS OF VIOLENCE: POSTURING OR ABOUT TO GO POSTAL?

*Dr. Park Dietz, M.D., M.D.H., Ph.D.
Threat Assessment Group, Inc.
Newport Beach, California*

THREAT ASSESSMENTS IN THE UNION SHOP: THORNY PROBLEMS, PRACTICAL SOLUTIONS

*Dr. Park Dietz, M.D., M.D.H., Ph.D.
Threat Assessment Group, Inc.
Newport Beach, California*

*William J. Emanuel
Jones Day
Los Angeles, California*

*Jacquelin F. Drucker
Arbitrator
New York, New York*

*Anton G. Hajjar
O'Donnell, Schwartz & Anderson, P.C.
Washington, D.C.*

**SEXUAL ORIENTATION DISCRIMINATION:
THE DEVELOPING PROTECTED CLASS AND ITS IMPLICATIONS FOR EMPLOYMENT
LAWYERS**

Christopher P. Reynolds
Morgan Lewis & Bockius LLP
New York, New York

FRIDAY AFTERNOON PROGRAM SCHEDULE MAY 20, 2005

FROM DUKE POWER TO DUKES V. WAL-MART: TRENDS, TRAPS AND TIPS IN CLASS ACTION LITIGATION

Moderator: Paul Miller
University of Washington School of Law
Seattle, Washington

Christopher P. Reynolds
Morgan Lewis & Bockius LLP
New York, New York

Brad Seligman
The Impact Fund
Berkeley, California

Women battling Wal-Mart gain an army of 1.6 million



Betty Dukes, far right, for whom the lawsuit Dukes v. Wal-Mart Stores is named, poses yesterday before a court hearing in San Francisco with fellow plaintiffs, from left, Christine Krasnoski, Stephanie Odle and Patricia Sargentson.

BIAS SUIT NOW CLASS ACTION

Experts expect retailer to settle

BY MARIA HALKIAS AND TERRY MAXON
The Dallas Morning News

DALLAS — Wal-Mart has an Erin Brockovich, and her name is Stephanie Odle. The original plaintiff was "restarted" yesterday when a California judge ruled that a massive gender-discrimination lawsuit against Wal-Mart can move forward as a class action.

Wal-Mart women: Always low wages?

On average, women working for Wal-Mart earned less than men in various job categories, according to a statistician's analysis of company data supplied to the court.

Gender breakdown

	Women	Men
35% of hourly employees are men		
35% of management employees are women		

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**GENERATIONS AT WORK:
EMPLOYMENT ISSUES FOR THE 21ST CENTURY WORKFORCE**

*Karyl K. Innis
The Innis Company
Dallas, Texas*

*Nancy Lee
Google Inc.
Mountain View, California*

**TEA FOR TWO:
UNION ORGANIZING CAMPAIGNS FOR THE UNINITIATED**

This theatrical presentation depicts the events leading up to and including an NLRB-supervised union election. A panel of experts will discuss the tactical and legal issues that must be navigated by employers, unions and employees who are seeking union representation.

*Moderator: Hon. Mary E. Roberts
King County Superior Court
Seattle, Washington*

*Sarah M. Fox
AFL-CIO
Washington, D.C.*

*Joseph J. Torres
Winston & Strawn LLP
Chicago, Illinois*



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**FAMILY OBLIGATIONS AND THE WORKPLACE: CLASH OR
COLLABORATION? A MULTI-DIMENSIONAL LOOK**

FAMILY LEAVE

*Pamela Hemminger
Gibson, Dunn & Crutcher LLP
Los Angeles, California*

SAME-SEX COUPLES – UNIQUE ISSUES

*Jennifer Pizer
Lambda Legal
Los Angeles, California*

THE “MATERNAL WALL”

*Dianna Johnston
Equal Employment Opportunity Commission
Washington, D.C.*



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**EMPLOYEE SCREENING AND SELECTION 2.0:
HIRING IN THE AGE OF THE INTERNET**

*Apalla Chopra
O'Melveny & Myers LLP
Los Angeles, California*

*Nancy Lee
Google Inc.
Mountain View, California*

**TRAPS AND SNARES FOR THE ETHICAL ADVOCATE:
AN EMPLOYMENT LITIGATION CAMEO**

**THE NEW LANDSCAPE OF DISABILITY LAW:
THE ADA AMENDMENTS ACT AND CURRENT WASHINGTON ISSUES**

*Chai Feldblum
Georgetown University School of Law
Washington, D.C.*

*Carolyn H. Ladd
The Boeing Company
Seattle, Washington*



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PROGRAM SCHEDULE

THURSDAY MORNING, MAY 13, 2010

KEEP YOUR FEET ON THE GROUND, NOT IN YOUR MOUTH – HANDLING SENSITIVE ISSUES OF RACE AND SEX IN VOIR DIRE AND CLOSING ARGUMENTS

Nationally recognized practitioners will conduct voir dire and present closing arguments in the fictional case of an employee who filed a race discrimination claim against his employer after being terminated for alleged sexual harassment. This cameo presentation will include interactions with jurors and commentary from the judges.

*Moderator: Michael Reiss
Davis Wright Tremaine LLP
Seattle, Washington*

*Hon. Mark W. Bennett
Northern District of Iowa
United States District Court
Sioux City, Iowa*

*Dan Stormer
Hadsell Stormer Keeny Richardson &
Renick LLP
Pasadena, California*

*Hon. Hollis Hill
King County Superior Court
Seattle, Washington*

*Jeffrey D. Wohl
Paul, Hastings, Janofsky & Walker LLP
San Francisco, California*

ADJOURN (TO LUNCH ON YOUR OWN)

OR

ATTEND THE OPTIONAL ETHICS SESSION/LUNCH

WHY LAWYERS LIE AND WHY JUDGES LET THEM:

A DISCUSSION ON ETHICS

*Hon. Robert S. Lasnik, Chief Judge
Western District of Washington
United States District Court
Seattle, Washington*



Boss won't click 'like' on this settlement

BY SAM HANANEL
The Associated Press

WASHINGTON — Employers should think twice before trying to restrict workers from talking about their

other
the
Monday
inst a
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in em-
t on
her

WANT THE JOB? LET US INTO YOUR FACEBOOK LIFE

In vetting candidates, some employers have asked for access to search Facebook pages. Suddenly privacy is pitted against a potential offer.

BY MANUEL VALDES
AND SHANNON
MCFARLAND
The Associated Press

When Justin Bassett interviewed for a new job, he expected the usual questions about experience and references. So he was astonished when the interviewer asked for something else: his Facebook username and password.

The New York City statistician had just finished answering a few charac-



SCOTT ELLIS / BLOOMBERG NEWS

Questions are growing about the legality of employers to seek access to private Facebook pages.

work for a company that would seek such personal information.

But as the job market steadily improves, other job candidates are facing the same question, and some of them cannot afford to say no.

In their efforts to vet applicants, some companies and government agencies are going beyond merely glancing at a person's social-networking profiles and instead asking to log in as the

< Facebook

FROM A8

**SOME EMPLOYERS SEEK ACCESS
AS PART OF VETTING CANDIDATE**

**Request for applicant's password
raises privacy questions**

PROGRAM SCHEDULE

MAY 5 & 6, 2011

HOW THE PRESS AND SOCIAL MEDIA CAN HELP YOU WIN OR LOSE YOUR CASE

Susan Fillichio

DecisionQuest

Los Angeles, California

FACEBOOK AND YOU:

WHY EMPLOYMENT LAWYERS SHOULD CARE ABOUT SOCIAL MEDIA

Carolyn H. Ladd

The Boeing Company

Seattle, Washington



**TRANSCENDING TRANSGENDER AND OTHER LEGAL ISSUES
IN THE GENDER TWILIGHT ZONE**

Through a series of vignettes, talented actors depict current workplace dilemmas. The panel discussion that follows will explore the liabilities and choices facing an employer when managing these issues, as well as potential causes of action for employees.

*Moderator: Laurence Shapero
Riddell Williams P.S.
Seattle, Washington*

*Molly B. Powell
Administrative Judge
US Equal Opportunity
Employment Commission
Seattle, Washington*

*Amy Whelan
National Center for Lesbian
Rights
San Francisco, California*



CELEBRATING 50 YEARS OF TITLE VII: LESSONS FROM THE PAST, PRESENT AND FUTURE

Hon. U.W. Clemon (retired)
White Arnold & Dowd P.C.
Birmingham, Alabama

Commissioner Chai R. Feldblum
Equal Employment Opportunity Commission
Washington, D.C.

**NAVIGATING THE LEGAL CHALLENGES AND OPPORTUNITIES
PRESENTED BY A GLOBAL WORKFORCE**

Grace E. Speights
Morgan Lewis
Washington, D.C.

**IS JUST CAUSE THE SAME AS JUSTICE? WHAT A LABOR ARBITRATOR CAN TEACH
EMPLOYMENT PRACTITIONERS**

Norman Brand
Norman Brand, Esq.
San Francisco, California



2015



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Pacific Coast Labor & Employment Law Conference

THURSDAY AFTERNOON, MAY 7, 2015

1:15 P.M. PAUL GROSSMAN'S ESSENTIAL EEO UPDATE

*Paul Grossman
Paul Hastings LLP
Los Angeles, California*

3:00 P.M. REFRESHMENT BREAK

**3:15 P.M. CONCURRENT SESSIONS
IMPORTANT DEVELOPMENTS IN LABOR LAW (3:15 – 5:00 PM)**

<i>Moderator:</i>		
<i>Prof. Charlotte Garden</i>	<i>Nancy Schiffer</i>	<i>Joseph J. Torres</i>
<i>Seattle University</i>	<i>National Labor Relations</i>	<i>Winston and Strawn LLP</i>
<i>School of Law</i>	<i>Board (retired)</i>	<i>Chicago, Illinois</i>
<i>Seattle, Washington</i>	<i>Washington, D.C.</i>	

OR

LITIGATING IMPLICIT BIAS AND SEX STEREOTYPING (3:15 – 4:15 PM)

<i>Nancy Abell</i>	<i>Bill Lann Lee</i>	<i>Prof. Barbara Reskin</i>
<i>Paul Hastings LLP</i>	<i>Lewis Feinberg Lee</i>	<i>University of Washington</i>
<i>Los Angeles, California</i>	<i>Renaker & Jackson</i>	<i>Seattle, Washington</i>
	<i>Oakland, California</i>	

HIJABS, LIPSTICK AND TATTOOS: DRESS AND GROOMING POLICIES (4:15 – 5:00 PM)

<i>Edward J. Reeves</i>	<i>Matt Wood</i>
<i>Stoel Rives LLP</i>	<i>Transgender Law Center</i>
<i>Portland, Oregon</i>	<i>Oakland, California</i>

5:00 P.M. ADJOURN



WOMEN IN TECH: IS THERE A SILICON CEILING?

Kelly Dermody

Lieff Cabraser Heimann & Bernstein

San Francisco, California

Melinda S. Riechert

Morgan, Lewis & Bockius LLP

Palo Alto, California

Kieran Snyder

Textio

Seattle, Washington

Tech gender gap: a long way to go



GREG GILBERT / THE SEATTLE TIMES

Amazon is one of the partners of nonprofit Girls Who Code, which encourages young women to pursue careers in high-tech and offers classes such as the one seen here.

SOUL SEARCHING IN INDUSTRY

Male-dominated corporate culture can make it difficult for women to thrive

By JANET I. TU
Seattle Times technology reporter

When Microsoft CEO Satya Nadella said last week that women needn't ask for raises but should trust in the system to get the pay they deserved, a firestorm of reaction ignited around the issues of unequal pay for men and women and the gender gap in the technology industry.

Nadella, asked at a conference of women in computing what his advice

would be for women uncomfortable about asking for a raise, said in part: "It's not really about asking for the raise but knowing and having faith that the system will actually give you the right raises as you go along."

For some, Nadella's comments seemed emblematic of biases or blind spots in attitudes and in company cultures — some subtle, some blatant — that can make it hard for women to thrive in the tech industry.

"I think one of the things that make it difficult for women in the industry is not

See > TECH, A9

MÓNICA GUZMÁN recalls asking for a raise earlier in her career > B2



**Mary Elen Krug
1968**

**George H. Davies
1969**

**Conference Chairs
1968 – 1969**



Dusty McCreary
1970

Thomas Cassidy
1971

Patrick Donnelly
1972



J. David Andrews
1973



Lawrence Schwerin
1974

Kenneth E. Rekow
1975

Conference Chairs
1970 – 1975



Harold H. Green
1976

Jerome L. Rubin
1977

Timothy D. Nelson
1978

James H. Webster
1979

J. Markham Marshall
1980

Conference Chairs
1976 – 1980





**Gretchen H.
Lumbley (Wallace)
1981**

**Judith A.
Lonnquist
1982**

**Michael H. Beck
1984**



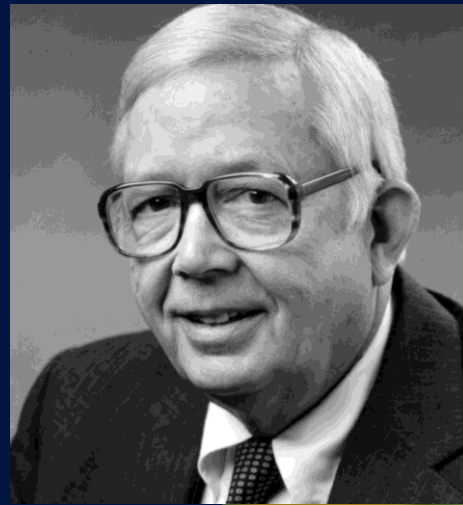
**Thomas A. Lemly
1983**

**Conference Chairs
1981 – 1984**





Jon H. Rosen
1985



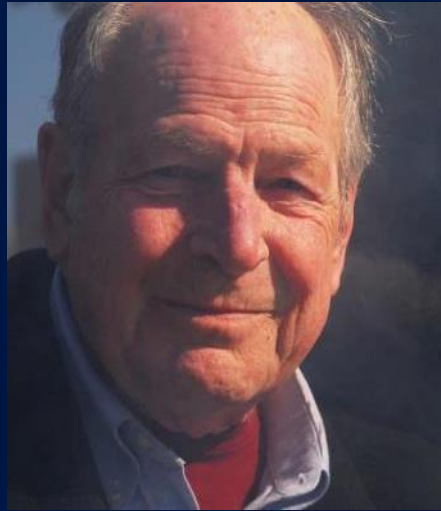
Ben J. Gantt, Jr.
1986

Herman L. Wacker
1987

Carol J. Teather
1988

Conference Chairs
1985 – 1988

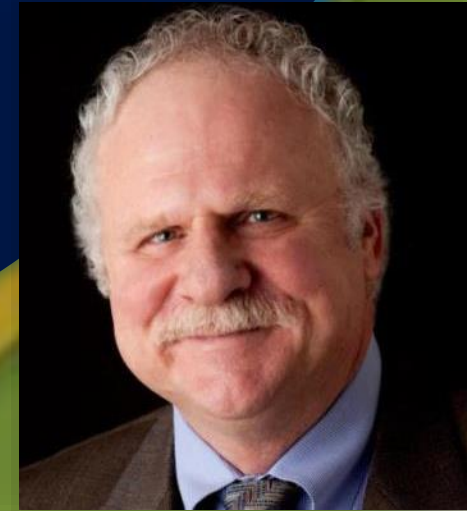




**Frederick T.
Rasmussen
1989**



**Steven B. Frank
1990**



**Robert Sebris
1991**

**Conference Chairs
1989 – 1991**





John Burns
1992



Carolyn Cairns
1994

Thomas E. Platt
1993

Conference Chairs
1992 – 1994





Mark E. Brennan
1995

**Robert A.
Blackstone**
1996

Finley Young
1997

Conference Chairs
1995 – 1997





Craig M. Lawson
1998



George E. Merker
1999



Ellen Kremer
2000

Conference Chairs
1998 – 2000





Mary E. Roberts
2001

Karen Jones
2002

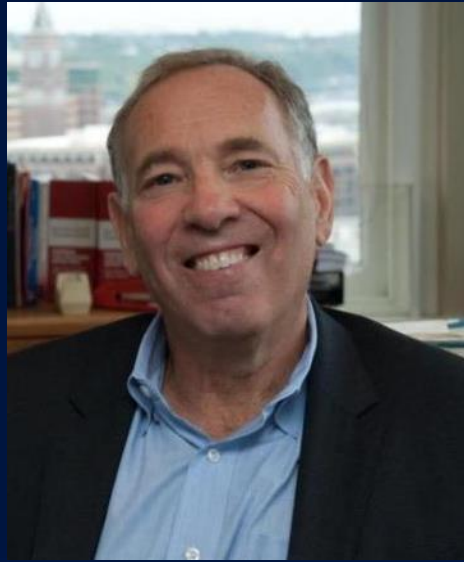
Mark S. McCarty
2003



Alexander J. Higgins
2004

Conference Chairs **2001 – 2004**





Cliff Freed
2005



Nancy Williams
2006



Amy Stephson
2007

Conference Chairs
2005 – 2007





Anne Senter
2008



Beth Terrell
2010

Geoff Boodell
2009

Conference Chairs
2008 – 2010





Larry Shapero
2011



Rich Ahearn
2012



Trish Murphy
2013

Conference Chairs
2011 – 2013





Joyce Thomas
2014



Nancy Maisano
2015



Gena Bomotti
2016



**Jennifer L.
Robbins**
2017

Conference Chairs
2014 – 2017



Thank you



Davis Wright
Tremaine LLP

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... and especially Pat Nevegold
for designing the
50th Anniversary slide show!





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