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RESOURCES

2013 Program Registration Hotel Information

Details

Introduction

Keynote / General Sessions

**Networking Events** Golf Tournament 2013 Exhibitors /

Sponsors 2013 Program Committee 2013 Call For Proposals

2012 Program 2012 Audio/Handouts

**Future Dates** 

# 2013 Annual Training Conference

Preparing For The Future, Longing For The Past November 18 - 22, 2013 Monterey, California

### Registration

Registration fees include all Conference general and concurrent sessions, and all networking and social events (including Tuesday, Wednesday, and Thursday night receptions; Wednesday and Thursday lunches; Wednesday, Thursday, and Friday breakfasts, coffee, and breaks). The 2013 Thursday night reception will be held at the amazing Monterey Bay Aquarium, and includes a full dinner, casino, dancing, and exclusive, CALPELRA-only access to the Aquarium exhibits. View the 2013 Conference program here. Register for the Conference here.

#### 2013 Conference Member Rates

2013 Conference Member registration rates apply to 2013-2014 members.

- Special Offer: Register for the Conference on or before June 30 and renew your membership for 2013-2014\*: \$970 (payment made/postmarked before or on July 10)
- Register on or before June 30: \$620 (payment made/postmarked before or on July 10)
- Register between July 1 and on or before September 30: \$707 (payment made/postmarked before or on September 30)
- Register on or after October 1: \$955

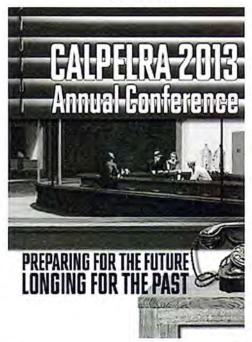
#### 2013 Conference Non-Member Rates

 Special Offer: Register on or before June 30, and your registration will include a 2013-2014 CALPELRA membership\*: \$970

(payment made/postmarked before or on July 10)

- Register before September 30: \$985 (payment made/postmarked before or on September 30)
- Register on or after October 1: \$1,048

13-1428 A 1 of 14 \*Special Offer does not apply to Friend memberships.

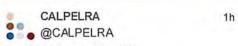


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CALPELRA 2013 Annual Conference









3

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Payment is made when registration form is post-marked or payment is received on-line.

#### **Annual Conference Session Handouts**

CALPELRA provides speakers' handout materials on CALPELRA's Web site before and after the Annual Conference, along with audio recordings of the sessions, for all Conference registrants. To download the handouts and listen to the audio recordings, you must sign into CALPELRA's Web site with your user ID and password, provided to you in your e-mailed Conference registration confirmation. Audio recordings for the 2012 sessions are available here.

### **Annual Conference Cancellation And Refund Policy**

CALPELRA will **not** refund Annual Conference registration fees for cancellations. Registration fees paid may be applied to another CALPELRA event or activity held within one year of the Conference for which the individual was registered; all requests for transfer of registration fees must be made in writing within 10 days of the last day of the Annual Conference for which the individual was registered.

### **Training Certification And Credits**

- MCLE credit for California attorneys.
- HRCI certification for selected concurrent sessions. (Note: CALPELRA is an approved HRCI provider. CALPELRA's programs have met HRCI's criteria to be preapproved for recertification credit; CALPELRA's use of HRCI's name/seal does not constitute HRCI's endorsement of the quality of the program.)

#### Guests

Family members, children, and/or guests are welcome to attend receptions. Tickets for the Wednesday and Thursday lunches and the Wednesday and Thursday night receptions are available through online registration and on-site at the Conference registration. Please note that tickets must be purchased in advance and are not available at the door.

As you plan your stay in Monterey this coming December, visit See

Monterey for information about Monterey-area attractions and activities. And visit the Monterey Peninsula dining guide for information about Monterey's restaurants.

#### Recommended Dress

Casual, comfortable clothing is encouraged. Please leave business attire behind. Jeans, sneakers, and sweaters are appropriate for this Conference.

13-1428 A 2 of 14



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Introduction Details 2013 Program Registration

 Hotel Information Keynote / General

Sessions

**Networking Events** Golf Tournament 2013 Exhibitors / Sponsors

2013 Program Committee 2013 Call For Proposals

2012 Program

2012 Audio/Handouts

**Future Dates** 

#### 2013 Hotel Reservations And Information

The CALPELRA Annual Conference is held at the Portola Hotel & Spa, Monterey Marriott Hotel, and Monterey Conference Center. Your Conference registration fee does not include your hotel room fee, so please make independent hotel bookings at a local hotel.

**UPDATE:** Both the Portola Hotel & Spa and the Monterey Marriott Hotel are now full. CALPELRA has contracted with another Monterey hotel, Casa Munras Hotel & Spa:

# **CASA MUNRAS HOTEL & SPA** 700 Munras Avenue Monterey, California 93940 800-222-2446

The Casa Munras Hotel & Spa is about a 10-minute walk to the CALPELRA Conference site. To make reservations at the Casa Munras Hotel & Spa, call 800-222-2446 and ask the reservation agent for the special CALPELRA 2013 Conference room rate.

# MONTEREY MARRIOTT HOTEL 350 Calle Principal Monterey, California 93940

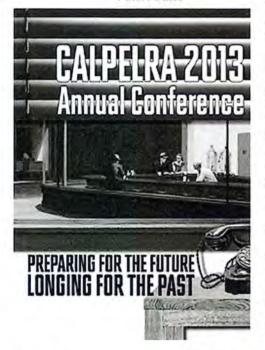
The Monterey Marriott is now full. Although CALPELRA reserves a significant portion of the hotel during the Conference period, the room block fills very quickly.

# PORTOLA HOTEL & SPA 2 Portola Plaza Monterey, California 93940

The Portola Hotel & Spa is now full. Although CALPELRA reserves a significant portion of the hotel during the Conference period, the room block fills very quickly.

# Planning Your Stay In Monterey

As you plan your stay in Monterey this year, visit See Monterey for information about Monterey-area attractions and activities. And visit the Monterey Peninsula dining guide for information about Monterey's restaurants.



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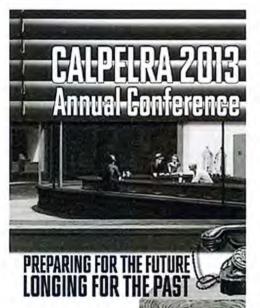
Friday

Wednesday, November 20, 2013

6:30 - 7:15 AM Portola Hotel Lobby **CONFERENCE SERVICES** 

Morning Walk, Stroll, And Run Club

Start your days with an invigorating walk, stroll, or run along the beautiful Monterey Bay. Meet old friends and new in the Portola Hotel & Spa lobby at 6:30 a.m. When you return, enjoy a continental breakfast in the Portola lobby, or take your breakfast up to your room and prepare for a full day of Conference sessions.



7:30 - 5:00 PM Portola Room

Annual Conference Registration, Information, Books And Gifts

Annual Conference registration and information; CALPELRA-logo items store; books/gifts store presented by local bookstore Luminata Books & Gifts.

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7:00 - 8:30 AM Portola and Marriott

8:00 - 6:30 PM

De Anza Lobby; Atrium:

> Conference Center Lobby

**Networking Continental Breakfast** 

**Exhibitor Area** 

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8:30 - 9:00 AM De Anza Ballroom Take some time to visit and learn from our Conference exhibitors.

#### CONFERENCE PROGRAMS

CALPELRA Board President's Welcome; CLRM Awards

Back CIKT Edit

GENERAL SESSION
Happiness Expert

13-1428 A 4 of 14

9:00 - 10:00 AM

CALPELRA 2013 Annual Conference

November 18, 2013 at 7:00 AM













## D- A---

De Anza Ballroom

#### Inhhimon Evhore

# Brad Montgomery, Brad Montgomery Productions

Many speakers will talk up "humor in the workplace," but years ago, keynote speaker Brad Montgomery realized that humor is just one ingredient to "happiness in the workplace." Brad is a highly regarded speaker who teaches specific steps to encourage people to lighten up, smile more, and laugh a lot. And "Why," as Ebenezer Scrooge might ask, "would one want a workplace where people seem to take themselves and their jobs less seriously?" Let Brad teach you in an hour what it took three ghosts all night to teach Mr. Scrooge: "When happiness lives within, flows through us, and is shared, it makes the world (and workplace) a better place."

Brad teaches that the bottom line is that happiness in the workplace is good for the bottom line. He's a speaker. Author. Comedian. Thought leader. Happiness expert. Magician. Facilitator. Audience participation master. And he's funny. And most importantly, he has a meaningful, relevant, and unique business message that we all need to hear.

10:00 - 10:20 AM Portola and Marriott 10:20 - 11:50 AM Steinbeck Forum

#### **BREAK**

# Negotiating Pension Reform Part Two – The Heavy Lifting Is Just Starting

William F. Kay, Burke, Williams & Sorensen Janae Novotny, Burke, Williams & Sorensen John Bartel, Bartel Associates, LLC

PEPRA was just the beginning, as negotiations over current and future pension costs are just in their infancy. These experienced practitioners will cover the next phase of pension reform that will center on negotiations, post-PEPRA pension legislation, and current pension reform legal disputes. Key topics will include: The duty and scope of pension bargaining; an analysis of ever-escalating pension costs and their impact on potential salary and benefit increases; post-PEPRA pension legislation; and current legal disputes that will impact most pensions (San Jose Measure B, San Diego Prop B, and Contra Costa County, Alameda County, Marin County, Merced County cases).

13-1428 A 5 of 14

Ferrante Room

workplace Bullying: The Next Harassment Claim?

Camille Hamilton Pating, Meyers Nave Stephen M. Murphy, Law Offices of Stephen Murphy

Nikki Hall, Renne Sloan Holtzman & Sakai

More than a dozen states have considered antibullying laws in the past year that would allow litigants to pursue lost wages, benefits, and medical expenses, and compel employers to prevent an "abusive work environment." While California waits for anti-bullying legislation, employees are beginning to file personnel complaints in growing numbers alleging intimidation and demeaning behavior by supervisors and co-workers, including verbal abuse, cyber abuse, threats, and defamation. How should HR professionals deal with these complaints? When do these complaints need to be investigated and what corrective action should be taken? Includes do's and don'ts from the perspective of the employee, management, and investigator.

10:20 - 11:50 AM Colton Room

# Progressive Discipline Matrix: A Management Best Practice

Jonathan Hill, County of Monterey

Progressive discipline is a standard expected for employees with a property interest in their position. It is the application of progressive discipline that may be challenged, particularly in a large organization with many distinct and dissimilar work environments. Employers are criticized when employees, unions, and perhaps other stakeholders believe treatment is not consistent across all settings.

Faced with that challenge, the County of Monterey convened stakeholders to craft a matrix that could be used as a management tool to guide decision-making related to progressive employee discipline. It is a neither a formal County policy nor does it establish a rigid discipline formula. It adapts readily to various work settings and guides management best practice.

This session will introduce the matrix and describe its application to workplace incidents. This session will be presented from the human resources perspective but will also provide manager-training insights.

10:20 - 11:50 AM San Carlos 1 Room Avoiding Retaliation Claims – Seven Things I Learned From The Jury

Mike Moye, Hanson Bridgett, LLP

Drawing on his recent experience from a federal court jury trial, Mike will discuss the difficult situation of managing an employee who has filed a claim (or lawsuit) against the organization, but continues employment. How to minimize the risk of retaliation? How to maintain and enforce performance and conduct standards? How to avoid creating room for discrimination claims by other employees?

The program will include insights from actual jurors that evaluate an agency's response in this type of situation and the types of personnel decisions that raise questions and those that do not. The presentation will discuss specific policy and practical tips to manage this type of situation and problem areas to avoid.

10:20 - 11:50 AM San Carlos 3 Room More Leave? That's A Reasonable Accommodation? An Interactive Game Show That Will Test Your Knowledge Of Important Leave And Disability Laws

Cepideh Roufougar, Jackson Lewis Jared L. Bryan, Jackson Lewis, LLP

The past year has seen some important changes to leave and disability laws. State and federal agencies have issued new FMLA, Pregnancy Disability Leave,

and Disability Discrimination regulations. Learn about these new regulations and steps employers should take to ensure compliance. This session will provide an overview of the requirements of these new regulations. Through case studies and a fun interactive game, participants will test their knowledge of various leave and disability laws, including the FMLA, CFRA, PDL, ADA/ADAAA, and the FEHA.

10:20 - 11:50 AM Bonsai Room **Critical Incident Management** 

Morin Jacob, Liebert Cassidy Whitmore Richard Kreisler, Liebert Cassidy Whitmore Scott Tiedemann, Liebert Cassidy Whitmore

An officer-involved shooting has occurred — a city resident is dead. We will address the options by which city/county leaders can best address the

resulting needs of the individuals comprising the component parts of a post-critical incident environment— the involved officer/deputy, the chief/sheriff, the council/board of supervisors, the city manager/CEO, the watch commander, detectives and internal affairs staff, the attorneys (administrative/civil, union, and the district attorney), the media, and the community.

12:00 - 1:00 PM De Anza Ballroom

#### LUNCH

Networking Lunch
First Time Attendee Prize Drawing
Tuesday Reception Prize Drawing

1:15 - 2:45 PM Steinbeck Forum

#### CONCURRENT SESSIONS

A Panel Discussion With The PERB General Counsel

Arthur A. Hartinger, Meyers Nave Jonathan Holtzman, Renne Sloan Holtzman & Sakai Donna Williamson, Liebert Cassidy Whitmore

Suzanne Murphy, PERB Wendi L. Ross, PERB

Join us for a lively discussion with the PERB General

Counsel, Suzanne Murphy. The panel will pose a number of questions that should help inform practitioners and parties in their interactions with PERB, including questions aimed at changes in procedures; preferences of the General Counsel's Office; staffing and structure of PERB; new rules; new jurisdictional oversight over State Mediation; injunction procedures; trends; and related questions. This session will be fast paced and informative.

1:15 - 2:45 PM Ferrante Room Diving In The Deep End: Exploring Four Key Discrimination Challenges

Kelly A. Trainer, Burke, Williams & Sorensen Traci I. Park, Burke, Williams & Sorensen, LLP

Disability issues can be some of the most challenging situations faced by public employers. In this session, Kelly Trainer and Traci Park will dive into some of the more complicated areas of disability discrimination. They will highlight the issues of disability discrimination that frequently arise in an abuse of leave situations and now to combat them.

Next, they will delve into what effective documentation really means, including what types of documentary evidence are helpful in defending against claims and how to appropriately use attorney-client privilege when creating documentation. They will address the issues of uncooperative employees and how an employer can respond to the challenges presented by them. Finally, they will discuss allegations of retaliation, including best practices for employers to prepare to defend against retaliation claims.

1:15 - 2:45 PM Colton Room

# The Pentagonal Paradigm In Workers' Compensation

Gary Archibald, Innovative Claim Solutions, Inc. Cheryl Westeren, Innovative Claim Solutions, Inc.

Debra Gill, City of Pleasanton

Workers compensation laws keep changing and costs keep rising. Workers' compensation claims impact many different operations of public agencies, including temporary and permanent replacement

costs, retirement, personnel actions, ADA, and budgets. How does the system work on an individual claim basis? This session will provide a detailed description of the roles and responsibilities of key individuals in the workers' compensation process. Representatives from a public agency and a leading workers' compensation third party administrator will provide insight into how the injured employee, supervisor, HR representative, treating doctor, and claims examiner work together to investigate the claim, coordinate benefits, resolve issues, and bring the claim to resolution. We will explore where breakdowns occur, the impact of those breakdowns, and how to prevent them from occurring again.

1:15 - 2:45 PM San Carlos 1 Room Finding The Smoking Byte: Understanding Computer Forensics

James Carden, Digital Blue Solutions Inc.

Digital evidence is in a constant state of evolution and increasing and growing area of civil litigation. It can be difficult to know when forensics is needed and what can be found. By using real-world examples, in this session we will: Define Computer Forensics; explain evidence collection from computers, laptops, cell or smart phones, tablets, etc.; differentiate information and evidence and their

uses; and review laws covering information and digital evidence gathering. We will also discuss when Computer Forensics protocols should be initiated; when a cell phone can be seized; how, when, and where computer data can be collected; and how computer data can be useful in workplace investigations.

1:15 - 2:45 PM San Carlos 3 Room

### Public Agency Cost-Cutting Measures Under Attack

Irma Rodríguez Moisa, Atkinson, Andelson, Loya, Ruud & Romo Nate J. Kowalski, Atkinson, Andelson, Loya, Ruud & Romo

As the years of belt tightening continue, employees and unions are challenging public agency costcutting measures. The discussions in this session will

focus on several case studies:

- Retirement benefits: Orange County, City of Los Angeles;
- Charter reform: City of San Jose, City of San Diego;
- · Contracting out: City of Costa Mesa; and
- · Bankruptcy: City of Stockton.

1:15 - 2:45 PM Bonsai Room

### AB 340 And PEPRA One Year Later – Beyond The Basics

Isabel Safie, Best Best & Krieger LLP

Although AB 340 went into effect on January 1, many questions abound and CalPERS continues to issue guidance on the implementation of PEPRA. As with any new law, growing pains are inevitable and will often lead to further clarification. This presentation will focus on the implementation of AB 340 and the various issues that have arisen as a result, including:

- New developments such as legislative action to clarify or amend AB 340, or to confirm other provisions of existing law with the requirements of AB 340.
- Guidance issued by CalPERS, including regulatory changes or proposals.
- Interpretation and implementation of the health benefit vesting schedule restrictions under 7522.40.
- How to work with your labor organizations in implementing these requirements and what limits, if any, the law places on your ability to bargain.
   13-1428 A 10 of 14

2:45 - 3:05 PM Portola and Marriott

BREAK

### CONCURRENT SESSIONS

3:05 - 4:35 PM Steinbeck Forum Navigating The POBR And FBOR: The Fine Line Between Routine Contact And Interrogation Nate J. Kowalski, Atkinson, Andelson, Loya, Ruud & Romo Jay Trinnaman, Atkinson, Andelson, Loya, Ruud & Romo

When subjected to an "interrogation," public safety employees are provided a variety of protections under the Public Safety Officers Procedural Bill of Rights Act ("POBR") and Firefighters Procedural Bill of Right Act ("FBOR"). Supervisors are regularly faced with the difficult distinction between permissible routine interactions and those that cross the line and trigger these statutory rights. When does a supervisor's intent to shoot the breeze with a subordinate have the unintended consequence of shooting an otherwise proper investigation in the foot? With unions and their legal counsel aggressively fighting to protect the statutory rights of their membership, it is essential that every agency has a comprehensive understanding of the potential pitfalls during internal communications with public safety employees. Join us for a lively discussion on case studies and best practices in navigating this challenging area of the POBR and FBOR.

3:05 - 4:35 PM Ferrante Room

# How To Play Well With Others In The Sandbox Of Life!

Carol S. Scofield

Each of us wants to succeed, exceed expectations, and contribute. Carol Scofield will share real life work place examples and techniques that will allow each of us to excel and shine in the workplace. This class is recommended for anyone who wants to fine tune their workplace skills. The class is relevant for current workplace environments, interactive, and fun.

3:05 - 4:35 PM Colton Room

## Labor Relations Game Show Scott Tiedemann, Liebert Cassidy Whitmore

It wouldn't be CalPELRA without the Labor Relations Game Show! Come learn about a variety of labor relations and employment language pics and test your knowledge against your colleagues during this highly

interactive and fun session.

3:05 - 4:35 PM San Carlos 1 Room Losing My Religion: Religious Discrimination, Harassment, And Retaliation In The Workplace Arlene Prater. Best Best & Krieger, LLP

Effective January 1, 2013, the Workplace Religious Freedom Act became law in California. This FEHA amendment requires employers to accommodate employees based on religious dress and grooming practices and prohibits employers from segregating employees while accommodating their religious beliefs. This presentation will discuss this FEHA amendment and its enforcement, and significant California and Federal cases regarding religious discrimination, harassment, retaliation, and accommodation requirements and processes.

3:05 - 4:35 PM San Carlos 3 Room Defending Against PERB Unfair Practice Charges

Sandra L. McDonough, Paul, Plevin, Sullivan & Connaughton LLP
J. Rod Betts, Paul, Plevin, Sullivan & Connaughton LLP

This session will cover the process that occurs when an unfair practice charge is filed against a public agency, and will include practice tips for responding to the charge. The session will have one hypothetical case that is discussed throughout the session and will cover everything you need to know from beginning to end of the case – from providing a response to the charge, preparing for the informal settlement conference at PERB, conducting discovery, preparing your case, effective pre-hearing motion practice, the administrative hearing procedure, and appeal of a proposed decision. This program is designed for HR personnel and counsel at public agencies who handle PERB charges.

3:05 - 4:35 PM Bonsai Room

The Family-Friendly Workplace: New Laws And Regulations Protecting Pregnant Women And Working Mothers

David W. Tyra, Kronick Moskovitz Tiedemann & Girard

Laura Izon Powell, Kronick Moskovitz Tiedemann & Girard

On December 30, 2012, California adopted new

regulations governing pregnancy disability leave. These new regulations follow several other recent changes to the federal Family and Medical Leave Act, federal Fair Labor Standards Act, California Fair Employment and Housing Act, and California

Family Rights Act, all designed to provide protections in the workplace for pregnant women and new mothers. Ensuring compliance with these changes in law not only will avoid potential significant liability for public employers, but also will serve to promote a "family-friendly" working environment, an issue of increasing importance for working women.

3:05 - 4:35 PM De Anza 1 To Term Or Not To Term? That Is The Question, You Be The Judge

Todd C. Simonson, Jackson Lewis Cepideh Roufougar, Jackson Lewis

Learn the fundamentals of the discipline process by participating in an appeal hearing where you decide if the employer's decision to discipline should be upheld. Through this interactive presentation, participants will learn about due process, progressive discipline, and the principle of just cause. Participants will also receive insights into specific issues relating to the "Skelly" process, discipline of police and fire personnel, and how to address some of the more common issues that arise in connection with employee discipline.

3:05 - 4:35 PM De Anza 2 Preparing For Factfinding: Tools To Navigate The Impasse Process Under The MMBA

Timothy L. Davis, Burke, Williams & Sorensen Danielle V. DuCaine, Burke, Williams & Sorensen

As mandated factfinding under AB 646 becomes more prevalent, careful planning and preparation before bargaining will allow public agencies to successfully navigate through PERB's impasse and factfinding procedures with limited impact on the meet and confer process. The statute and recent amendments leave many questions unanswered about the timing and scope of impasse procedures. Without local rules or procedures in place before bargaining, the process of reaching agreement, impasse, and implementation could be significantly delayed. Tim Davis and Danielle DuCaine will provide public employers with tips, strategies, and roadmaps for navigating through PERB's impasse

and factfinding regulations Verill receive comple

and ractimizing regulations. You if receive sample local rules and ground rules to help minimize the impact of factfinding on your agency.

3:05 - 4:35 PM De Anza 3

# Tough Decisions Ahead On Health Care Reform Henry Loubet, Chief Strategy Officer, Keenan Jerry Healy, Keenan & Associates

The Affordable Care Act will add significant costs to employer health benefits as major provisions take effect in 2014 and continue for the foreseeable future. Most employers with 50 or more full-time employees who do not offer the "minimum essential" coverage" or whose employee costs for coverage is not "affordable" as defined by the ACA will be subject to hefty monetary penalties. This session will examine the complex considerations in deciding whether to "play" (continue providing employersponsored coverage) or "pay" (have employees obtain health coverage from the Exchange and incur the penalties). Understanding the cost factors and their implications for dialog and negotiation between employee organizations and public employers, and the timing of joint decisions relating to health benefits, will be presented. Specific solutions and alternatives will be discussed.

5:00 - 6:30 PM De Anza Lobby; Atrium; Conference Center Lobby

# CONFERENCE SERVICES Wednesday Reception/Cocktail Hour

After a long day of serious discussion, come and unwind at our Wednesday reception and cocktail hour before you head out to enjoy the evening. Enjoy some refreshments and tasty hors d'oeuvres, mingle with our valued Conference sponsors and exhibitors, and relax with your friends and colleagues.