

2027 Oregon Labor Law Conference- Class Summaries

9:00 AM – 9:50 AM

Keynote: Building Worker Power Beyond the NLRA (*Lynne Rhinehart, EPI, and Charles Du, SEIU 32BJ*). We will start the day with a keynote presentation by national labor law leaders Lynne Rhinehart and Charles Du. They will speak about strategies to build worker power beyond the National Labor Relations Act, such as sectoral bargaining, trigger laws, and other state and local legislation to create collective bargaining rights and expand unionization. If you want to continue this conversation, please attend the Roundtable session in the afternoon for a more intimate discussion of these topics and how they might be applied in the Pacific Northwest.

10:00 AM – 10:50 AM

Strategy Focus: Organize and Resist (*David Rosenfeld, Weinberg Roger & Rosenfeld*). You may know David from prior conferences. He is entertaining, insightful, and passionate about educating union members. You won't want to miss learning from this legend in the field. This class covers current strategies and tactics to build union power. As he would say: Organize!

Bargaining Focus: Bargaining to Protect Vulnerable Workers (*Caren Sencer, Weinberg Roger & Rosenfeld*). Unions have power to bargain contract language that gives more protections to vulnerable workers than the minimum required under state and federal law. With our current federal government targeting immigrant, LGBTQIA+, Black and Brown, and disabled workers, Caren will provide strategies for bargaining specific protections for groups facing unique threats in the workplace.

Planning an Organizing Campaign: How the Law Fits In (*Sarah Moe & Lane Toensmeier, Oregon AFSCME*). Sarah is Oregon AFSCME's Lead Organizer, while Lane is General Counsel. How should a union coordinate and plan with counsel for a successful organizing campaign? Learn lessons about integrating legal strategy into organizing from a team that has achieved many organizing successes in the public and private sectors.

Union and Labor Leader Liability Insurance (*Tina Fletcher, Ullico Casualty Group and Krista Cordova, McKanna Bishop Joffe LLP*). Unions and union leaders are exposed to a variety of significant legal risks, from DFRs to lawsuits. Ullico, a century-old labor-created insurance company, offers the most comprehensive liability insurance designed just for unions and union leaders. Tina and Krista will have an informative conversation about Ullico's gold-standard insurance policy, what it covers, how it's used, and how to protect your union from legal and financial risk.

11:00 AM – 12:20 PM

Strategy Focus: Comprehensive Campaigns in the Public and Private Sectors (*Rich McCracken, McCracken Stemerma & Holsberry, LLP*). Comprehensive campaigns apply a carefully planned and aggressive mix of legal, economic, and political pressure to the employer in support of organizing or bargaining. Learn how to conduct effective, innovative information-based campaigns while controlling legal risk. Rich is one of the nation's leading experts in this type of powerful union campaign.

Bargaining Focus: Bargaining Over AI (*David Rosenfeld, Weinberg Roger & Rosenfeld*). AI is everywhere. In almost every workplace, both private and public. AI promises massive disruption to workers and unions. Learn how to apply David's legendary offensive bargaining tactics to the most important bargaining topic of our generation.

Oregon Employment Relations Board Update (*ERB Chair Adam Rhynard; ERB Member Shirin Khosravi; ERB Member Benjamin O'Glasser*). For anyone in the public sector in Oregon, or anyone with bargaining units in the public sector, this class is essential. Learn from the ERB how and why to use the ERB. Also get an update on new developments in ERB case law.

Steward Training (*University of Oregon Labor Education & Research Center*). Are you a new steward? Or an experienced steward looking to learn new skills? Join Oregon's premier labor training center for the essential tools you need to be a great steward. Topics may include communications with co-workers, knowing your contract, investigatory meetings, grievance filing, etc.

12:30 PM – 1:20 PM/ Lunch

Lunch Keynote (*Jessica Giannettino Villatoro, Deputy Labor Commissioner, BOLI*). Jess will review BOLI's recent progress strengthening wage, hour, leave and apprenticeship standards in Oregon, and the agency's plans for the future. There should be time for questions from the audience.

2027 Oregon Labor Law Conference- Class Summaries (cont).

1:30 PM – 2:20 PM

Strategy Focus: Union Communications (*Rich McCracken, McCracken Stemerman & Holsberry, LLP*). Rich is known for his innovative, aggressive, and legally sound campaign strategies. A key part of his magic is the careful planning of union communications to give maximum impact while minimizing legal risk. Let Rich teach you the legal concepts and strategies that can help your union communications hit hard while maintaining protection.

Grievance Focus: Information Requests (*Katelyn Oldham, Oldham Law Group*). No grievance is complete without at least one information request. The right to information under state and federal labor law is one of the most powerful tools that a union can deploy to protect contract language and workers. Katelyn will teach you the law and strategy to use information requests to bring your grievance skills to the next level.

Building Trades Focus: Project Labor Agreements (*Daniel Hutzenbiler, McKanna Bishop Joffe, LLP*). Project Labor Agreements are familiar in the trades, but do you want to accelerate your skill in negotiating all the most essential provisions? Dan will provide an overview of PLA legal concepts but also go well beyond the basics to discuss important tips for PLAs in both the public and private sectors.

NLRB Focus: NLRB Law and Strategy Developments (*Caren Sencer, Weinberg Roger & Rosenfeld*). Private sector unions face a very different legal landscape than a year ago, as the NLRB now has a sufficient management-leaning majority to shift federal labor law even further in the direction of employers. Also, the Board's resources are stretched so thin that their processing of ULPs is significantly delayed. Strategies will require a better understanding of this new landscape. Join tactical visionary Caren Sencer to learn the best strategies for the current moment.

2:30 – 3:20 PM

Leave Laws (*Liz Joffe, McKanna Bishop Joffe LLP*). Liz reviews the basics of federal and Oregon leave laws and new developments, including Paid Leave Oregon. She also teaches how to bargain CBA language that enhances leave protections beyond what the law requires. Liz's handy reference chart for leave questions has guided union leaders for decades. If you have ever had questions about leave issues, you won't want to miss this class.

Grievance Focus: I'm a Labor Arbitrator: Ask Me Anything! (*Barbara Diamond, Dorothy Foley*). Esteemed labor arbitrators Barbara Diamond and Dorothy Foley are here to answer all of your questions about the arbitration process, how they decide issues, and what will give you the best chance to win your arbitration. If it's on your mind and it's about arbitration, it's fair game.

Building Trades Focus: Prevailing Wage (*Allen Smith*). The amount of the prevailing wage determination allocated to fringe benefits has increased dramatically. Unfair contractors have developed numerous schemes to exaggerate the level of fringes they provide, leaving their workers underpaid and our signatory contractors at a competitive disadvantage. Alan will explain the law in this area, review actual prevailing wage fringe benefit fraud cases, and show you how to obtain and interpret key documents to improve your prevailing wage enforcement efforts.

NLRB Focus: Board Update and Practice (*Brenna Wolfe, NLRB Region 19*). Join Portland-based Board trial attorney Brenna Wolfe for updates and practical tips for working with the NLRB in representation and unfair labor practice matters. Brenna will cover the new process for providing evidence and witnesses at the initiation of a charge, important timelines in representation cases, other timely topics, and answer your questions.

3:30 PM – 4:20 PM

Free Speech in the Workplace (*Sarah Drescher, Tedesco Law Group*) – Free speech is on the greatest American legal protections. But when does it really apply to workers? Sarah uses her vast experience representing unions to unpack the complex framework of First Amendment free speech rights for public sector workers, as well as other protections for speech that may apply to workers in various settings.

Whistleblower Law (*Emily Templin Fox, Fox Law LLC*) – Legal protections for whistleblowers are poorly understood, but extremely powerful. By understanding these laws, unions can help their members improve working conditions while also obtaining protection against retaliation. Emily, a veteran civil rights and employer litigator, will explain how workers and unions can put whistleblower laws to work for workers.

Identifying and Responding to Sexual Harassment (*Talia Yasmeen Guerriero, Beacon Employer Law*). Sexual harassment remains a risk on the job in every industry. Unions have an important role in recognizing and disrupting harassment. They can address sexual harassment through informal advocacy, grievances, bargaining, and supporting members who seek to hold employers accountable for through litigation. Talia is an expert employment litigator who represents employees in court and frequently trains organizations on employment issues.

Roundtable: Building Worker Power Beyond the NLRA (*Lynne Rhinehart, EPI, and Charles Du, SEIU 32BJ*). Can state and local sectoral bargaining or standards board laws expand access to unions and collective bargaining in industries like fast food, agriculture, ride share driving, home care, childcare, and others? What steps could be taken to improve federal labor law to increase worker bargaining power across industries? What approaches might work well in the Pacific Northwest? Discuss and debate ideas shared in the keynote with other union leaders and the speakers.