





PROGRAM



PROGRAM

MONDAY

Registration	2:00p.m. - 3:00p.m.
Introduction and Welcome	3:00p.m. - 3:30p.m.
Introduction to Arbitration	3:30p.m. - 4:30p.m.
Break	4:30p.m. - 4:45p.m.
Videotape	4:45p.m. - 6:00p.m.
Assign Arbitration Team	6:00p.m. - 7:00p.m.
Reception	7:00p.m. - 9:00p.m.

TUESDAY

Preparing the Case	9:00a.m. -10:30a.m.
Break	10:30a.m. -10:45a.m.
Preparing the Case Exercise	10:45a.m. -11:30a.m.
Framing the Issue	11:30a.m. - 1:00p.m.
Lunch	1:00p.m. - 2:30p.m.
Threshold Issues	2:30p.m. - 4:00p.m.
Break	4:00p.m. - 4:15p.m.
Review	4:15p.m. - 5:00p.m.
Dinner	5:00p.m. - 7:00p.m.
Work with Arbitration Team	7:00p.m. -10:00p.m.

WEDNESDAY

Exhibits and Stipulations	9:00a.m. -11:00a.m.
Break	11:00a.m.-11:15a.m.
Opening Statements	11:15a.m.-12:30p.m.
Lunch	12:30p.m.- 2:00p.m.
Direct Examination	2:00p.m.- 3:00p.m.
Cross Examination	3:00p.m.- 3:30p.m.
Break	3:30p.m.- 3:45p.m.
Cross Examination	3:45p.m.- 5:00p.m.
Review	5:00p.m.- 5:30p.m.

THURSDAY

Rules of Evidence	9:00a.m. -10:00a.m.
Objections	10:00a.m. -11:00a.m.
Break	11:00a.m. -11:15a.m.
New Evidence & New Arguments	11:15a.m. -12:30p.m.
Lunch	12:30p.m. - 2:00p.m.
Direct/Cross Examination Exercise	2:00p.m. - 3:30p.m.
Break	3:30p.m. - 3:45p.m.
Direct/Cross Examination Exercise	3:45p.m. - 5:30p.m.

FRIDAY

Closing Statements	9:00a.m. -10:00a.m.
Finality of Awards	10:00a.m. -10:30a.m.
Break	10:30a.m. -10:45a.m.
Demonstration Arbitration	10:45a.m. -12:30p.m.
Lunch	12:30p.m. - 2:00 p.m.
Review	2:00p.m. - 3:00p.m.
Preparing for Mock Arbitration	3:00p.m. - 5:30p.m.
Dinner	5:30p.m. - 7:30p.m.
Preparing for Mock Arbitration	7:30p.m. -10:00p.m.

SATURDAY

Mock Arbitration	8:30a.m.- 12:30p.m.
Lunch	12:30p.m.- 1:30p.m.
Mock Arbitration	1:30p.m.- 5:30p.m.

SUNDAY

Graduation Breakfast	9:00a.m.- 11:00a.m.
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**We Thank You for Attending.
Have a Safe Trip Home!**



ARBITRATION: THE SEVEN TEST OF JUST CAUSE



ARBITRATION: THE SEVEN TEST of JUST CAUSE

The concept of “**just cause**” is central to any case of arbitration. Unfortunately, the term does not have a universally accepted, clear definition. Just cause is an attempt to maintain civil rights and due process in an industrial or corporate setting. However, there are seven measurable criteria for just cause that may be used to determine the appropriateness of a disciplinary action for alleged misconduct. These criteria are:

1. **Reasonable rule or order**
2. **Clear and unambiguous notice**
3. **Timely and thorough investigation**
4. **Fair investigation**
5. **Proof**
6. **Equal treatment**
7. **Fair penalty**

The videotape ***Arbitration: The Seven Tests of Just Cause*** is based on a true situation. Adolph Koven, the arbitrator in the video actually conducted the investigation and provided the ruling that bound the real-life supervisors and union members in this hearing. However, their names have been changed and actors play their roles in this highly engrossing re-enactment of an arbitration case.

In this videotape, arbitration is necessary because two parties, the supervisors of the Blackacre Aircraft Company and the National Union of Workers, Local 202 disagree on whether the firing of three workers for alleged alcohol-related offenses was appropriate. As in any case of arbitration, the two parties have agreed to accept the decision of the arbitrator as final and binding. During this formal hearing, each side is represented by a lawyer; counsel may provide its own witnesses and may cross-examine witnesses from the opposing side. After all witnesses are questioned, each lawyer summarizes his or her side’s evidence for just cause. After their arguments are presented, you may stop the video so that participants can discuss their evaluations of the evidence and reach a verdict. When participants have concluded their discussion, you should show the rest of the video in which Mr. Koven explains his verdict. As in a regular court, the accused parties are presumed innocent until proven guilty. The company must prove that it had just cause for its disciplinary actions.



VIOLATING THE DUTY OF FAIR REPRESENTATION



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The union is vested with the responsibility to represent all employees, both members and nonmembers to the best of its ability. **The Duty of Fair Representation** dictates that no union official may represent an employee in a **capricious, perfunctory, arbitrary or bad faith** manner.

Arbitrary The shop steward doesn't have an explanation why he/she failed to appeal the grievance.

Example: When asked why the grievance was not appealed, the shop steward states that he/she does not recall.

Capricious The shop steward has a reason why he/she did not appeal the grievance, but the reason is not logical.

Example: A shop steward refused to appeal all cases ending in the number five (5) because five (5) was his/her unlucky number.

Perfunctory The shop steward does not conduct a proper investigation before closing the case. He/she puts forth little or no effort.

Example: The grievant gives the shop steward a list of witnesses to interview; the steward has a heavy case load and does not follow up.

Bad Faith The shop steward allows personal feelings, union politics or bias to interfere with the representation of the employee.

Example: A national arbitration advocate withdraws a removal case prior to going to arbitration. Later, it is discovered that the grievant had dated the advocate's spouse.



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