

2021 Session Descriptions

2021 Labor and Employment Potpourri (Pre-Recorded): Review the latest developments in Municipal Labor and Employment Law along with the annual Top Ten of Worst Municipal Moments.

Presented By: Patrick J. Harvey, John P. McLaughlin, Richard D. Miller

Bargaining in a COVID-19 World (Pre-Recorded with live Q & A): This program will focus on the options available to municipalities when it comes to managing a workforce in the face of decreased revenues in the aftermath of the COVID-19 pandemic. In an effort to avoid permanent layoffs and even contracting out, how and when can you consider rolling furloughs, reduced work weeks, and contract give backs? Are you proactively evaluating your collective bargaining agreements to develop long-term cost saving proposals that will ensure municipal sustainability? Is there any benefit to considering (dare we say) Act 47? These questions and more will be addressed by our panel of experts.

Presented By: Patrick J. Harvey, Richard D. Miller, David E. Mitchell

Ask the Arbitrators (Live with Q & A): – Review red light/green light real-life case scenarios with arbitrators and a panel of Campbell Durrant attorneys.

Presented By: Patrick J. Harvey, John P. McLaughlin, Michael A. Palombo

Social Media Scandals: Lessons Still Not Learned (Pre-Recorded with live Q & A): The Plain View Project's review of police officer social media postings resulted in a national scandal and the discipline of scores of Police Officers in Philadelphia, York, Dallas, Phoenix and Lake County, Florida for social media misconduct. It also has resulted in local reporters cross-checking police rosters against Facebook postings and calling scores of municipalities to comment on and/or deal with offensive postings. Discuss strategies and solutions for dealing with this growing problem of social media abuse. Learn the limits of First Amendment speech and how to draft social media policies to curb problematic on-line activity. *Presented By: Patrick J. Harvey, Hobart J. Webster*

Drug Testing in the Age of Medical Marijuana (Town Hall): Explore the latest developments regarding medical marijuana with labor counsel and a chemical addiction specialist from Greenbriar Treatment Center. Topics will include drug testing policies, reasonable suspicion detection, and the development of new technology to determine if an employee is under the influence of marijuana. The status of pending litigation over disqualification of applicants or employees with state medical marijuana cards will also be discussed. *Presented By: Julie A. Aquino, Shon K. Worner*

"I always feel like, somebody's watching me" - Legal Issues in Electronic Monitoring/Surveillance of Employees (Live with Q & A): With apologies to Rockwell, this topic examines legal issues implicated in surveillance and monitoring of employee activities. What is the appropriate employer review of body cameras, GPS, surveillance and computer/phone usage when monitoring employee work performance and investigating misconduct? What constitutional limits (if any) apply? What has the PLRB said about using technology with respect to employee performance?

Presented By: Joshua C. Hausman, Paul N. Lalley

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Protect It, if You Collect It – Cybersecurity (Town Hall): Are you a sitting duck waiting to be hacked or your files held for ransom? What have you done to protect your municipal records, including sensitive employee information from being obtained? Join a panel discussion to learn about employee data privacy issues, including the extent of an employer's obligations to protect data that it collects and keeps on its employees. Certain statutes mandate that records be kept confidential (e.g. medical records under the ADA and FMLA), but what other obligations and potential liabilities arise if a municipality has a data breach whether through hacking (think: Baltimore) or through administrative error or incompetence? Are municipal police departments securely maintaining all of the data that they gather on police officer applicants and, if not, what are the repercussions?

Presented By: Gretchen K. Love, Shon K. Worner

Innovative Approaches to Reduce Pension Costs (Pre-Recorded with live Q & A): This session will address ways to make public sector pension plans more sustainable by seeking to curtail costly pension plan provisions that exceed the minimum benefits required by law. There will be a discussion of problematic pension language that appears in many pension plans and how to fix such language. The use of alternative benefit structures for new hires, including benefits that do not exceed the minimum benefits required by statute or establishing defined contribution plans to replace costly defined benefit plans for certain groups of employees will also be discussed.

Presented By: John P. McLaughlin, Richard D. Miller

Thanks 2020! – COVID-19, Black Lives Matter, and Other Developments in 2020 that have Impacted Employment (Pre-Recorded with Live Q & A): The year 2020 created upheaval in the way in which public employers operate. COVID-19 resulted in the implementation of facemask mandates, social distancing and occupancy requirements, mandatory remote working, quarantine orders, and legislation to address leave and pay concerns. The Black Lives Matter movement, in response to George Floyd and other police incidents that were widely broadcast, resulted in large scale protests and calls for police reform and accountability measures with some statutory enactments intended to begin addressing these concerns. This session will explore the laws, regulations and legal considerations that resulted from a year that is in some ways regrettably unforgettable. From leave laws and policies for public employees to legal requirements governing background checks, hiring and mental health evaluations for law enforcement officers; from telework policies and the impact of work from home mandates and the EEOC's view of telework as an accommodation to questions concerning regulation of messages worn on employee facemasks; the presenters in this session will review the lasting effects of 2020 and its rather unique impact on a wide range of labor and employment issues. Be sure to tune in to learn how 2020 will continue to leave its mark on public employers and what you need to know to successfully navigate these changes. ***Presented By: Paul M. Della Franco, Michael A. Palombo, Robert A. Vernon***

Ethics Session - The Attorney Disciplinary Process: Insights from the Chief Counsel to the Disciplinary Board. The Disciplinary Board's investigations and procedures, and the most common scenarios of investigation of professional conduct violations that relate to municipal attorney situations.

Presented By: Thomas Farrell

Ethics Session: *Presented By: Andy Rau & Charles Rausch*

2021 Covid-19 Employment Strategies, Vaccinations and Leave:

Though 2020 may be behind us, employers in 2021 will continue to confront issues presented by the Covid-19 pandemic due to the high infection rate, Commonwealth mitigation orders still in effect, and the slow roll out of vaccines. Municipalities must consider how to handle the availability of vaccines and the benefits, risks, and unknowns of requiring or encouraging a vaccinated workforce. Join attorneys Pat Harvey and Josh Hausman to discuss whether you can and whether you should mandate vaccines, whether you can require employees to document vaccinations, and how to handle religious and ADA accommodation requests, along with a discussion of Covid-19 related leave issues which are expected to continue throughout 2021.