

Long Island Chapter

Labor and Employment Relations Association

Newsletter

ADVANCING WORKPLACE RELATIONS



Summer 2014

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PRESIDENT'S PERSPECTIVE:

Jerry Grayson, Guest Columnist

On May 2, our chapter held its annual Spring Conference, and, without being immodest, it was a great success. For the second year the meeting was held at the Tam O'Shanter Club in Brookville and it was a lovely, sunny day. I would like to extend my sincere thanks and congratulations to Paula Clarity, who was the chair of the conference committee and the committee members who were Jonathan Rubin, Thomas Lilly, Jr., Amanda Barker, Kathy Malloy, Elizabeth Pearsall and Richard Roth. There were almost 100 members present and the program began with Ellen Schuler-Mauk, a past chapter president, presenting the MacGregor Award to Peter Bee, another past chapter president.



Peter Bee, who is a founding partner of the law firm of Bee, Ready, Fishbein and Hatter, is also an author and speaker. He serves as outside counsel to a number of local governments, was a school trustee, a village trustee and served as mayor of Garden City. In fact, Peter worked with and knew Bob MacGregor at the time that he passed the bar exam. Perhaps the thing that Peter remembers most about MacGregor is that he always maintained his sense of humor.

Richard Roth had the duty and honor of presenting the awards to this year's chapter scholarship winners. One award went to Ryan Herlihy. Ryan is completing his M.S. at NYIT and is planning to enter law school in the fall. The other award went to Marc Weiss, who is a student at SUNY Old Westbury. Marc is executive director of WhyHunger? and is completing his studies for a B.A. in the Labor Relations program at Old Westbury.

With the conclusion of the ceremonial portion of the program, Paula Clarity introduced Jonathan Rubin, who was the moderator for Panel One, a discussion of "Right to Work in the Public Sector." Denis Engel, Esq., a partner at Colleran, O'Hara & Mills presented the union perspective and Richard

Upcoming 2014 Chapter Meetings

**Wed., September 10,
Bonwit Inn, Suffolk**

**Wed., December 10,
Holiday Party, Nassau**

March 18 (Suffolk TBD)

**Spring Conference
May 8, 2015**

2014 DUES BILLS COMING

You should have received your dues bill. This will be the last year of hard copy bills. Starting in 2015 billing will be electronic. Thank you for your continued cooperation.

Zuckerman, Esq., a partner at Lamb Barnosky, presented the management point-of-view.

After a coffee break, Richard Griffin, Esq., General Counsel of the NLRB, made a presentation that preceded Panel Two, moderated by Thomas Lilly, Jr., on "Hot Topics Before the NLRB." The panelists included Mr. Griffin, Robert Archer, Esq., of Archer Byington, Glennon & Levine presenting the union viewpoint, Daniel Murphy, Esq., partner at Putney, Twombly Hall & Hirson presenting for management and Karen Fernbach, Esq., the director of NLRB Region 2 representing government.

The program concluded with a stirring, emotional presentation by Anita Halasz, Executive Director of Long Island Jobs for Justice, which was followed by an excellent lunch. I will present a more detailed version of the panels in my report. I sincerely hope that those of you who were present found it to be a rewarding and pleasant day and those of you who were not present will try to attend next year. I look forward to seeing you.

2014 SPRING



Amanda Barker, chapter president, kicking off the conference.



Ellen Schuler-Mauk, Tom Lilly, Jr. and Max Zimny (former recipient) presenting the MacGregor Award to Peter Bee.



The discussants for the panel on the "Right to Work in the Public Sector" were Richard Zuckerman speaking for management and Denis Engel speaking for unions.



Paula Clarity, conference chairperson, presenting a plaque to Anita Halasz, executive director of Long Island Jobs for Justice, our keynote speaker.

CONFERENCE

Richard Roth presented chapter scholarship awards to Marc Weiss, who is graduating from SUNY OW with a BA in IR and Ryan Herlihy who completed an MA in HR and IR at NYIT.



Jonathan Rubin introducing the first panel, a discussion of "Right to Work in the Public Sector."



Paula Clarity presenting a plaque to NLRB General Counsel, Richard Griffin.



Participants in the panel on "Hot Topics before the NLRB" were (l to r): Daniel Murphy, Robert Archer, Richard Griffin, Karen Fernbach and Tom Lilly, Jr., the moderator.



THE LERA SPRING CONFERENCE

by Gerald H. Grayson

As I already noted in Amanda’s column, we had two excellent panels at our Spring Conference. The first panel, which was moderated by Jonathan Rubin of NYSUT, was a discussion of "Right to Work in the Public Sector." Both Mr. Engel, who presented the union position, and Mr. Zuckerman, who presented the management position, agreed that the issue falls within the purview of the First Amendment. In the Harris case, (Harris v. Quinn) the question is framed as, "are agency fees speech or are they a fee for a service." In the Freidrich's case, (Friedrichs v. California Teachers Association) there was a religious spin, i.e., the plaintiff arguing that as christians they do not have to pay.

Mr. Zuckerman began by asking the hypothetical question, "Is it constitutional for states to make you join Costco?" He referred to Smith v. Arkansas, where it was argued that by joining a union, I must associate with people with whom I do not want to associate with, and (as the Supreme Court has declared) if I must give my money, you are limiting my speech. From a different perspective, the issue of union dues and agency fee payers provides the employer (the state) with the ability to deal with one voice that represents their employees.

Mr. Engel argued that in doing what has become the fabric of society (union-management relations) it is not in the interest of management to undo this.

Richard Griffin, the recently appointed General Counsel of the NLRB made a solo presentation prior to the second panel. He had been at the NLRB before he went to the International Union of Operating Engineers as General Counsel. President Obama appointed him to the NLRB under his recess authority. He walked into a hornet's nest where there are challenges to the president's appointments,

there are 107 cases in the circuit courts and 35 cases that challenge Craig Becker's appointment. The Noel Canning case, which is at the Supreme Court, deals with the issue of waiver. If parties did not raise Noel Canning, they have waived the right. He concluded with praise for all of those who work in the various regional offices of the NLRB.

NATIONAL LERA MEETING IN PORTLAND, OR

by Jonathan Rubin

The 66th annual conference of our parent organization was held the last week in May in the lovely city of Portland, Oregon. Beverly Harrison, Jerry Grayson and I represented our chapter. There were a plethora of speakers, panels and awards. Cutting edge research was presented, current problems in labor and employment relations were discussed and a bit of networking took place. In addition to controversial topics there were excellent speakers, including David Weil, the newly appointed director of the Wage and Hour division of the Dept. of Labor and Wilma Leibman, former chair of the NLRB, was the recipient of a lifetime achievement award. A detailed report will be in the next newsletter.

LABOR LEADER JOHN AHERN, 60, PASSES

reprinted from Newsday, June 19, 2014

John “Jack” Ahern, business manager and financial secretary of the International Union of Operating Engineers Local 30, died on June 17. Ahern served as chairman of the trustees to the International Union of Operating Engineers and trustee at the IUOE Northeastern Conference. He also was vice chairman of the NYC Municipal Labor Committee, executive board member of the New York Building Congress and a member of the board of trustees for Molloy College. His wife said, “He was loved by all. He had a great sense of humor, he was a great man.”

The Long Island LERA Newsletter is a quarterly publication of the Long Island chapter of the Labor and Employment Relations Association.
President Amanda Barker
President Elect Thomas B. Wassel
Past President Ernesto Mattace, Jr.
1st Vice President Elizabeth Pearsall
2nd Vice President Paula Clarity
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