American Bar Association Section of Labor and Employment Law
Federal Sector Labor and Employment Law Committee
Midyear Meeting

Capital Hilton
Washington, DC
March 11-12, 2019

Monday, March 11

8:00 – 9:00 am Registration and Continental Breakfast

9:00 – 9:15 am WELCOME AND INTRODUCTIONS
- James Blair, Employer Co-Chair, U.S. Securities and Exchange Commission, Washington, DC
- Joseph Creed, Employee Co-Chair, Joseph Greenwald & Laake, PA, Rockville, MD
- Ericka Dorsey, Union & Employee Co-Chair, American Federation of Government Employees, Washington, DC
- Fred Jacob, Public Co-Chair, National Labor Relations Board, Washington, DC

9:15 – 10:30 am EEOC UPDATE
The panelists will review significant EEOC administrative decisions pertaining to federal employees.

Speakers: Kristin Alden, Alden Law Group, PLLC, Washington, DC
Robbie Dix, Associate Director of Appellate Review Programs, EEOC OFO, Washington, DC
Jeff Rosenblum, Deputy General Counsel, Federal Deposit Insurance Corporation, Washington, DC

10:30 – 10:45 am Break

10:45 – 12:00 pm THE CIVIL SERVICE REFORM ACT AT 40: A RETROSPECTIVE AND LOOK AHEAD
The Civil Service Reform Act was enacted in 1978. This panel will explore the original goals of the CSRA, how it has fared over the last forty years, recent reforms, and the future of this landmark legislation.

Speakers: Michael Bogdanow, Senior Legal Liaison, U.S. Merit Systems Protection Board, Washington, DC
Tim Hannapel, National Counsel, National Treasury Employees Union, Washington, DC

12:00 – 12:30 pm Luncheon

12:30 – 1:45 pm THE NEW EXECUTIVE ORDERS
This panel will address the 2018 Executive Orders on collective bargaining, executive time, and removal procedures. Panelists will discuss the meaning and potential effects of these Executive Orders, the decision by the U.S. District Court for the District of Columbia striking down the Executive Orders, and the appeal in AFGE v. Trump.

Speakers: Cathie McQuiston, Deputy General Counsel, American Federation of Government Employees, Washington, DC
Jeffrey Neal, Senior Vice President, ICF Incorporated, Washington, DC
1:45 – 3:00 pm  **MSPB UPDATE**
The speakers will provide updates on important cases in the Federal Circuit from the past year and potential developments at the Board in 2019.

**Speakers:**  
Peter Broida, Law Offices of Peter Broida, Arlington, VA  
Katrina Lederer, Office of General Counsel, U.S. Merit Systems Protection Board, Washington, DC

3:00 – 3:15 pm  **Break**

3:15 – 4:30 pm  **NEGOTIATING AND DRAFTING EFFECTIVE SETTLEMENT AGREEMENTS**
This panel will provide insight and guidance on negotiating and drafting effective settlement agreements in the federal sector. Topics will include key terms, strategy, and drafting techniques.

**Speakers:**  
Christina Cotter, Senior Trial Counsel, U.S. Securities and Exchange Commission, Washington, DC  
Cathy Harris, Kator, Parks, Weiser & Harris, PLLC, Washington, DC  
Rock Rockenbach, Arbitrator and Mediator, the Resolution Group, Washington, DC

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**Tuesday, March 12**

8:00 – 8:45 am  **Continental Breakfast**

8:45 – 9:00 am  **SECTION UPDATE**
David S. Fortney, Employer Council Liaison, Fortney & Scott, Washington, DC  
Eunice Washington, Union & Employee Council Liaison, SEIU Benefit Funds, Washington, DC

9:00 – 10:15 am  **THE HATCH ACT AND EMPLOYEE SPEECH IN THE PUBLIC WORKPLACE**
Ana Galindo-Morrone, Chief of the Hatch Act Unit of OSC, will provide a refresher course and update on the requirements of the Hatch Act pertaining to employee speech in the public workplace. Her presentation will address recurring and recent Hatch Act issues, including rules applicable to social media, a look ahead to potential issues during the 2020 election, and recent guidance regarding “the resistance.”

**Speaker:**  
Ana Galindo-Morrone, Chief, Hatch Act Unit, Office of Special Counsel, Washington, DC

10:15 – 10:30 am  **Break**

10:30 – 11:45 pm  **FLRA UPDATE**
Significant decisions by the FLRA and courts, plus other developments affecting federal sector representation elections, unfair labor practices, bargaining, and arbitration.

**Speakers:**  
Jefferson Friday, General Counsel, National Federation of Federal Employees, Washington, DC  
Rebecca J. Osbourn, Acting Deputy Solicitor, Federal Labor Relations Authority, Washington, DC  
David Shewchuk, Deputy General Counsel for General Law, United States Patent and Trademark Office, Washington, DC

11:45 – 12:45 pm  **Lunch (on your own)**
1:00 – 2:15 pm  **WHISTLEBLOWER UPDATE**
The panel will discuss the current state of the law regarding whistleblower protections for federal employees, and well as recent and proposed legislation that could further change the landscape of federal whistleblower rights and agency responsibilities.

**Speakers:**  
Lisa Banks, Katz, Marshall & Banks, LLP, Washington, DC  
Mark Maxin, Assistant General Counsel, U.S. Nuclear Regulatory Commission, Rockville, Maryland

2:15 – 3:15 pm  **ADA/REHABILITATION ACT CASE UPDATE**
The panelists will discuss recent developments in case law with respect to reasonable accommodation, failure to accommodate, disparate treatment, etc., with a focus on federal employees.

**Speakers:**  
Joel Kravetz, Civil Rights Program Director, Nuclear Regulatory Commission, Rockville, MD  
Christopher Kuczynski, Assistant Legal Counsel and Director of the ADA/GINA Policy Division, U.S. Equal Employment Opportunity Commission, Washington, DC

3:15 – 4:15 pm  **COMMITTEE BUSINESS MEETING**