

Annual Legal Update for Illinois Colleges Virtual Conference

Webinar
September 11, 2020

Chicago

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Chicago, IL 60603
p 312.332.7760
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Champaign-Urbana

301 North Neil Street, Suite 400
Champaign, IL 61820
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510 Regency Centre
Collinsville, IL 62234
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631 East Boughton Road, Suite 200
Bolingbrook, IL 60440
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2990 North Perryville Road, Suite 4144B
Rockford, IL 61107
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Robbins Schwartz

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General Session

Navigating Freedom of Expression in a Time of Social Unrest

It's hard to imagine a more challenging time for colleges in navigating social unrest and free expression on campus than 2020. Most colleges continue to embrace the value that diversity and inclusion and cultural differences bring to its campus. However, with diversity of people and thought comes a wide variety of viewpoints and beliefs all of which are entitled to First Amendment protections for the most part. Many may feel offended, hurt and angered by speech and expressions from students, student groups and even college employees. Colleges may increasingly face a polarized campus on issues of social justice, societal discrimination and political viewpoints. Throw in the increased use of social media by differing individuals and groups to express strong viewpoints on both sides of the coin, college administrators are challenged even more. This presentation will address the legal challenges of complying with the First Amendment's mandate of freedom of speech and expression while maintaining a safe and open campus. The presentation will examine the principles of free speech and expression and the regulation and control of that expression the courts have found constitutional.

Presenters:

[Joseph J. Perkoski, Managing Partner](#)

[Frank B. Garrett III, Partner](#)

Breakout Sessions 10:00 a.m. – 2:30 p.m.

Staff Reduction and Cost Saving Measures as a Result of the COVID-19 Pandemic

Colleges across the U.S. will inevitably be forced to consider reducing the size of its workforce as a possible cost savings measure in response to the adverse economic impact created by the pandemic. This session will cover the various employment-related cost savings options available to Illinois community colleges, including reductions in force (“RIFs”), furloughs, and voluntary retirement incentive plans. Collective bargaining implications associated with implementing these types of cost savings measures, along with requirements and restrictions imposed by the Illinois Public Community College Act and other applicable laws, will also be reviewed in detail.

Presenters:

[Philip H. Gerner III, Partner](#)

[Thomas C. Garretson, Associate](#)

COVID-19 Related Accommodations and COVID-19 Related Leave Requests

In light of the COVID-19 pandemic, the Families First Coronavirus Response Act (FFCRA) requires colleges to provide employees with paid sick leave and expanded family leave for specific COVID-19 reasons. This breakout session will address navigating these new requirements and the challenges in responding to employee leave and accommodation requests. In addition, we will discuss and provide guidance on requests for accommodations while working remotely, and how the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), and other preexisting leave rights under college CBAs and policies should be applied.

Presenters:

[Frank B. Garrett III, Partner](#)

[Jessica A. Milligan, Associate](#)

Adapting CBA's to the Virtual Campus

Many educational institutions are wrestling with questions over how to modify their delivery of educational services to adapt to the pandemic – and the inevitable ensuing demands by unions to bargain any such changes in the work environment. While a college retains the right to decide how to provide instruction – full in-person, hybrid, totally remote – it may not violate the express terms of a collectively bargained agreement and may have an obligation to negotiate changes in the conditions of employment even when those changes do not violate the terms of a CBA. This section will review common issues which are being raised by unions over return to campus/work plans and what options colleges have to respond to them.

Presenters:

[Catherine R. Locallo, Partner](#)

[Robert E. Riley, Partner](#)

Overview of the New Rules for Title IX

On August 14, 2020, the U.S. Department of Education's new Rules governing how educational institutions must address allegations of sexual harassment under Title IX went into effect. This breakout session will provide a comprehensive analysis of the new Rules, along with recommendations for higher education institutions to effectively implement the new Rules while facing the unique challenges of the 2020-2021 academic year.

Presenters:

[Emily P. Bothfeld, Associate](#)

[Kevin P. Noll, Associate](#)

Title IX Compliance: Guidance for Investigations and Hearings Under the New Rules

The Department of Education's updated Title IX regulations impose new obligations on higher education institutions, including enhancements to the investigatory process and the requirement of a live hearing. In this breakout session, Robbins Schwartz attorneys will provide guidance on how to navigate Title IX's formal investigation process and live hearing requirement. Participants will gain an understanding of the role of the Title IX investigator, the requirement to provide parties with access to the evidence, and how to prepare an investigation report. Further, participants will learn strategies for managing live hearings, including tips on handling cross examination and evidentiary objections.

Presenters:

[Emily P. Bothfeld, Associate](#)

[Kevin P. Noll, Associate](#)

Bidding and Procurement: Legal Strategies and Best Practices During a Pandemic

Bidding and procurement can be a daunting process during "normal" times. This has only become more complicated during the pandemic. This session will address various options to properly conduct bidding utilizing strategies to deal with the "new normal", such as electronic bid submissions, cooperative purchasing, and virtual pre-bid meetings and bid openings. We will also cover the fundamentals of bidding and purchasing which remain unchanged during these times by addressing some common (and not-so-common) situations which arise during the process.

Presenters:

[Kenneth M. Florey, Partner](#)

[Howard A. Metz, Partner](#)

Facilities Use and Campus Access: Protocols for Third Party Users, Vendors, and Contractors

The Illinois Department of Health (IDPH), Illinois Community College Board (ICCB), and other state and federal agencies have provided comprehensive guidance to institutions of higher education regarding the COVID-19 pandemic. This breakout session will apply this guidance to the specific risks and challenges associated with having facility users, vendors, and contractors on campus. We will focus on the critical provisions in college facility use agreements and outline best practices for managing risks related to the presence of facility users, vendors, and contractors on campus under COVID conditions. We will also discuss the use of screening and self-certification for third parties, and the protocol for responding to a report of observed symptoms or a positive test for COVID-19 within these groups.

Presenters:

[Matthew J. Gardner, Partner](#)

Jessica L. Knox, Associate

Campus Wide Risk Management: Utilization of Policies, Waivers, and Insurance to Protect Your Institution

Risk management has always been an important consideration for institutions of higher education. Now, in the age of COVID, it is critical that institutions identify, understand, and fully utilize all the tools available to manage risk, for both remote and on-campus operations. This breakout session will review several important tort immunities available to community colleges concerning discretionary, health-related decisions. We will also discuss the use of participation waivers for college activities and events and examine the limits on liability insurance coverage for contagion-related claims.

Presenters:

[Samuel B. Cavnar, Partner](#)

Biographies

Robbins Schwartz

JOSEPH J. PERKOSKI

MANAGING PARTNER, CHICAGO

312.332.7760

jperkoski@robbins-schwartz.com

As managing partner, Joseph Perkoski represents educational institutions and public sector employers with a focus on board and executive leadership. Joseph also represents his clients on a broad range of labor and employment issues including collective bargaining, grievance arbitration and contract interpretation. Joseph has defended employers in unfair labor practice charges before the Illinois Education Labor Relations Board, the Illinois State and Local Labor Relations Boards and the National Labor Relations Board. In addition, Joseph has litigated on behalf of management claims involving civil rights, discrimination, wrongful discharge, and harassment issues.

AWARDS

Illinois Super Lawyers, 2008-2020

RECENT PUBLICATIONS

Contributing author, "Labor Issues in the Transactional Side of the Project," *Construction Law: Transactional Considerations*, IICLE (2017)

Contribution author, "Labor Relations: Contract Administration Including Unfair Labor Practices," *Illinois School Law: Personnel and Student Issues*, IICLE (2010, 2012, and 2015)

"Finding a New Way: Subcontracting Revisited," *UPDATE Magazine*, Illinois ASBO (2011)

Contributing author, "Labor Issues in the Transactional Side of the Project," *Construction Law – Transaction Practice*, IICLE (2010)

RECENT PRESENTATIONS

Legislative Update: A Review of New Laws Affecting Illinois Community Colleges, Illinois Council of Community College Presidents Retreat (September 2019)

Court Cases and Other Legal Updates for the Higher Education Workplace, Illinois CUPA-HR Spring Conference (May 2019)

Legal Update, ICCCFD Spring Conference (April 2019)

Bargaining Updates, 3%, and Q & A, Northwest Personnel Administrators (October 2018)



PRACTICE AREAS

Education Law
Employee Benefits
Labor & Employment
Litigation
Municipal Law
Student Discipline

EDUCATION

J.D., The Ohio State University, The Mortiz College of Law

M.A., The Ohio State University

B.A., *with honors*, The Ohio State University

ADMITTED TO PRACTICE

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Eastern District of Wisconsin

U.S. District Court for the Western District of Wisconsin

Recent Amendments and Changes to State and Federal Employment Laws,
Illinois CUPA-HR Spring Conference (May 2018)

SURS Legislation Update, ICCCFD Spring Conference (April 2018)

Supreme Court of Illinois

Supreme Court of
Wisconsin

Superior Court for the
District of Columbia

ORGANIZATIONS

American Bar Association

Associated Colleges of
Illinois, Trustee

Council of School
Attorneys

Federal Bar Association

Illinois Association of
School Business Officials

Illinois Bar Association

National School Boards
Association

Wisconsin Bar Association

Robbins Schwartz

FRANK B. GARRETT III

PARTNER, CHICAGO

312.332.7760

fgarrett@robbins-schwartz.com

Frank B. Garrett III represents school districts, community colleges, local governmental bodies and public and private companies in all aspects of employment law, including complaints and charges of unlawful discrimination, wrongful termination, sexual harassment, civil rights violations, employee discipline and termination. Frank also counsels and provides training to employers in the following areas: ADA and FMLA compliance, avoiding claims of unlawful discrimination and harassment in the workplace: evaluation and discipline of employees, and diversity in the workplace.

Frank represents and defends clients in both state and federal courts, at the trial and appellate levels. He also practices before various administrative agencies such as the Illinois Educational Labor Relations Board, the Illinois Human Rights Commission and the Equal Employment Opportunity Commission. Frank is a regular speaker on employment law topics at both the state and national level.

Frank is approved by the Illinois State Board of Education to provide school board member training. He is an active member of the American Bar Association and Illinois Council of School Attorneys.

AWARDS

Illinois Leading Lawyer, Government and Regulatory-Related
Illinois Leading Lawyer, Employment and School Law
Illinois Super Lawyers

RECENT PUBLICATIONS

"Extended Medical Leave Under ADA Soundly Rejected by 7th Circuit,"
Chicago Daily Law Bulletin (2017)

"First Amendment Protections Get Broader for Government Employees,"
Chicago Daily Law Bulletin (2016)

"Big-box Employee's Attempt to 'Scam' Company Undercuts FMLA Claims,"
Chicago Daily Law Bulletin (2015)

Employers Must Rethink Employee 'Look' Policies After High Court Decision,"
Chicago Daily Law Bulletin (2015)



PRACTICE AREAS

Education Law
Labor & Employment
Litigation

EDUCATION

J.D., DePaul University
College of Law

B.A., Oberlin College

ADMITTED TO PRACTICE

Supreme Court of the
United States

U.S. Court of Appeals for
the Seventh Circuit

Trial Bar of the U.S.
District Court for the
Northern District of Illinois

U.S. District Court for the
Northern District of Illinois

U.S. District Court for the
Central District of Illinois

U.S. District Court for the
Southern District of Illinois

Supreme Court of Illinois

“Using Social Network Screening as Part of the Hiring Process: Employers Should Proceed with Caution,” *Inquiry & Analysis*, National School Boards Association’s Council of School Attorneys (2013)

Contributing author, “Employment Discrimination,” *ILLINOIS SCHOOL LAW*, IICLE (1996, 1999, Supp. 2001, 2005, 2010 and 2012)

RECENT PRESENTATIONS

Debunking Some Common Employee FMLA Leave Myths, IASPA Annual Conference (January 2020)

Legislative Update: A Review of New Laws Affecting Illinois Community Colleges, Illinois Council of Community College Presidents Retreat (September 2019)

Understanding New Changes to the Minimum Wage Law and Other Wage-Related Statutes, Illinois GFOA Annual Conference (September 2019)

Navigating the Legal Liability Minefield in the Recruitment, Interview and Selection of Qualified Applicants, AASPA Personnel Administrator Boot Camp (June 2018)

The Ever-Changing Landscape Under Title IX, Joint meeting of Illinois Community College Presidents, Chief Academic Officers and Chief Student Services Officers (January 2017)

Practical Guidance on Employee Misconduct Investigations and Discipline, Illinois Association of School Personnel Administrators, Tenth Annual State Conference (January 2017)

ORGANIZATIONS

American Bar Association,
Section on Labor and
Employment

Chicago Bar Association

Cook County Bar
Association

Illinois Council of School
Attorneys

Robbins Schwartz

CATHERINE R. LOCALLO

PARTNER, CHICAGO

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Catherine Locallo's practice focuses on labor and employment law and board governance matters. She counsels employers in all aspects of employment law including hiring, employment contracts, employee discipline issues, terminations and reductions in force, collective bargaining and labor relations, nonimmigrant worker visas and employment discrimination matters. She also counsels public bodies on compliance with Illinois' Freedom of Information Act and Open Meetings Act. Catherine has extensive experience representing clients in court and administrative agency proceedings involving discrimination, retaliation and harassment claims.

Catherine is approved by the Illinois State Board of Education to provide school board member training.

AWARDS

Illinois "Rising Star," Employment & Labor Law (2015-2018)

RECENT PUBLICATIONS

"First Amendment Protections Get Broader for Government Employees," *Chicago Daily Law Bulletin* (2016)

"Regulatory Changes to the Illinois Wage Payment and Collection Act," *Justinian Society Newsletter* (2015)

"New FOIA Amendments to Ease Burden on Public Bodies," *Justinian Society Newsletter* (2015)

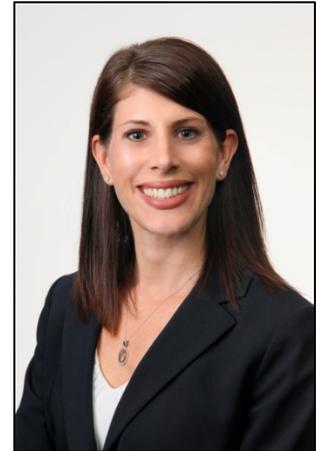
"Illinois Supreme Court Determines Arbitration Award Ordering Reinstatement of a Paraprofessional was Binding Because the Award 'Drew Its Essence' from the CBA," *Justinian Society Newsletter* (2014)

"When the Music Stops, Why Not Require Certain Title VII Plaintiffs to Find a Chair on Which to Rest Their Complaint," *The John Marshall Law Review*, (2009)

RECENT PRESENTATIONS

Is PERA Dead?? Implementation of a Local Appeals Process for Unsatisfactory Ratings, IASPA Annual Conference (January 2020)

A Workshop on Compliance with the Open Meetings Act and Illinois Freedom of Information Act, LUDA Annual Conference (October 2019)



PRACTICE AREAS

Education Law
Labor & Employment
Litigation

EDUCATION

J.D., *cum laude*, The John Marshall Law School,
Order of John Marshall

B.S., Southern Illinois
University

ADMITTED TO PRACTICE

U.S. Court of Appeals for
the Seventh Circuit

U.S. District Court for the
Central District of Illinois

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

Community College Trustees Training Session, ICCTA (June 2019)

Community College Trustees Training Session, ICCTA (June 2017)

ORGANIZATIONS

Chicago Bar Association

Illinois Council of School Attorneys

Illinois State Bar Association

Justinian Society of Lawyers; Scholarship Committee, Co-Chair

National Council of School Attorneys

UNICO National

Robbins Schwartz

HOWARD A. METZ

PARTNER, CHICAGO

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Howard Metz counsels and represents school districts, community colleges, park districts and municipalities with respect to real estate, commercial transactions, construction law and land use and zoning matters. He has resolved construction cases involving issues such as disputed architectural fees, construction defects, bidding disputes and construction delays. Howard has also litigated issues involving zoning laws and municipal control over school property.



RECENT PUBLICATIONS

Contributing author, "Joint Purchasing Everything You Want to Know but Are Afraid to Ask!" *UPDATE Magazine*, Illinois ASBO (2019)

Contributing author, "Public Body Social Media Rules Make Retention, Ready Retrieval Imperative," *Chicago Daily Law Bulletin* (2019)

Contributing author, "How Far Does the Law Allow Schools to Go?" *UPDATE Magazine*, Illinois ASBO (2018)

Co-author, "School Construction from Start to Finish: A Project Checklist," *School Business Affairs Magazine*, ASBO (2018)

Contributing author, "Organization, Finance, and Property," *Illinois School Law*, IICLE (2017)

"Look Before You Leap: Evaluating Your Joint Purchasing Options," *UPDATE Magazine*, Illinois ASBO (2016)

Contributing author, "School Property and Environmental Issues," *Illinois School Law*, IICLE (2010 and 2012)

RECENT PRESENTATIONS

Foolproof Contract that Abide by State Laws, 2019 Illinois ASBO Annual Conference (May 2019)

Construction Contracts: Boilerplate Language Landmines You May Not Know, NBI (February 2019)

Interactive Purchasing Workshop, Illinois ASBO Annual Conference (April 2017)

Public Bidding: Requirements and Solutions to Common Bidding Problems (April 2017)

PRACTICE AREAS

Commercial Transactions
Construction Law
Education Law
Finance
Municipal Law
Real Estate Development

EDUCATION

J.D., IIT Chicago-Kent
College of Law

B.S., University of Iowa

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

Top School Construction Problems and Solutions, 2016 Joint Annual Conference - Carousel of Panels (November 2016)

Solutions to Top Bidding and Construction Problems, Association of School Business Officials International 2015 Annual Meeting and Expo (October 2015)

Robbins Schwartz

KENNETH M. FLOREY

PARTNER, CHICAGO & BOLINGBROOK

312.332.7760

kflorey@robbins-schwartz.com

Ken Florey concentrates his practice representing public and private clients, including municipalities, school districts, community colleges, townships, libraries, private owners, contractors and design professionals regarding land use, municipal law, construction, tax, finance and litigation. Ken has also started offering his services as a mediator with an emphasis on construction disputes.

Ken was the Chair of the DuPage County Bar Association's Local Government Committee. He was appointed Special Assistant Attorney General to prosecute and defend construction litigation claims on behalf of the Illinois Capital Development Board. Ken is also a member of the Illinois ASBO Service Associate Advisory Committee. He served as a Trustee for the Village of Lombard for eight years and is a member of the Lombard Fire and Police Commission.

MEDIATOR CERTIFICATE: NORTHWESTERN UNIVERSITY 2017

AWARDS

Illinois Leading Lawyer, Construction Law; Governmental, Municipal, Lobbying & Administrative Law; Land Use, Zoning & Condemnation Law; and School Law

Illinois Association of School Business Officials, Above and Beyond Award

Illinois Institute for Local Government Law, Litigation Award

RECENT PUBLICATIONS

Contributing author, "Joint Purchasing Everything You Want to Know but Are Afraid to Ask!" *UPDATE Magazine*, Illinois ASBO (2019)

Contributing author, "How Far Does the Law Allow Schools to Go?" *UPDATE Magazine*, Illinois ASBO (2018)

Contributing author, "Top 11 Public Bidding Questions & Solutions" *UPDATE Magazine*, Illinois ASBO (2018)

Co-author, "School Construction from Start to Finish: A Project Checklist," *School Business Affairs Magazine*, ASBO (2018)

Contributing author, "Top 11 Public Bidding Questions," *UPDATE Magazine*, Illinois ASBO (2018)

Contributing author, "Meditation a Win-Win for Clients and their Attorneys in Construction Litigation," *Chicago Daily Law Bulletin* (2018)



PRACTICE AREAS

Commercial Law
Construction Law
Education Law
Energy Law
Litigation
Mediation
Municipal Law
Public Finance & Taxation
Real Estate Development
Zoning, Planning & Land Use

EDUCATION

J.D., DePaul University
College of Law; Managing
Editor, *DePaul Journal of
Art and Entertainment
Law*

B.A., University of Illinois
at Urbana-Champaign

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of
Illinois

Supreme Court of Illinois

Contributing author, "Organization, Finance, and Property," Illinois School Law, IICLE (2017)

"Construction Project and Contract Pitfalls" *Update Magazine*, Illinois ASBO (2017)

"The Good, the Bad and the Ugly of School Bidding Requirements," *UPDATE Magazine*, Illinois ASBO (2016)

"Settlement Crumbles; Appeals Court Declines to Put Pieces Back Together," *Chicago Daily Law Bulletin* (2015)

"On Public Display: Advertising in Schools," *UPDATE Magazine*, Illinois ASBO (2015)

RECENT PRESENTATIONS

Foolproof Contract that Abide by State Laws, 2019 Illinois ASBO Annual Conference (May 2019)

Construction Contracts: Boilerplate Language Landmines You May Not Know, NBI (February 2019)

Legal, Legislative and Ethics Update, ICCTA (November 2018)

Purchasing Processes, Problems & Solutions, Illinois ASBO (September 2018)

Navigating Property Tax Assessment Complaints and the PTAB, Illinois ASBO & IASPA (October 2018)

Construction Disputes: Bring Home a Win for Your School District, ASBO International (October 2018)

Construction Project Problems or Solutions After Construction is Done, Illinois ASBO (October 2018)

Construction and Purchasing Disputes and Resolutions, ASBO International Conference (September 2018)

Construction, Bidding and Purchasing in Township Government, Township Officials of Illinois Online Seminar (August 2018)

Administrators Legal Session II, Concordia University (August 2018)

Construction Disputes and Resolutions, Illinois ASBO Conference (May 2018)

Top Solutions and Problems for Bidding and Construction, Illinois ASBO Annual Conference (May 2018)

Lead Testing Update: Everything You Need to Know, Illinois ASBO Conference, (May 2018)

Construction Contract Boilerplate Terms, NBI (June 2017)

Robbins Schwartz

MATTHEW J. GARDNER

PARTNER, CHICAGO

312.332.7760

mgardner@robbins-schwartz.com

Matthew Gardner is a member of the firm's construction, real estate, and public finance practice groups. Matt represents private and public project owners over the course of construction and development projects, beginning with property acquisition, zoning, contract negotiation and bidding, project management, surety and warranty claims and any resulting litigation concerning payment, delays or design or construction defects. Matt also represents contractors, subcontractors and suppliers on a variety of construction-related matters, including payment claims, preserving and enforcing lien rights and defending defect claims.

Matt is the past Chair of the Chicago Bar Association Construction Law and Mechanics Lien Subcommittee (2018-19), has testified before the General Assembly on construction-related matters, and is a member of the Illinois State Bar Association and Chicago Bar Association Judicial Evaluation Committee. Matt has also performed pro bono services representing clients through Chicago Volunteer Legal Services and Franciscan Outreach.

RECENT PUBLICATIONS

Co-author, "School Construction from Start to Finish: A Project Checklist," *School Business Affairs Magazine*, ASBO (2018)

Contributing author, "Top 11 Public Bidding Questions," *UPDATE Magazine*, Illinois ASBO (2018)

Contributing author, "Meditation a Win-Win for Clients and their Attorneys in Construction Litigation," *Chicago Daily Law Bulletin* (2018)

Contributing author, "Organization, Finance, and Property," *Illinois School Law*, IICLE (2017)

"The Good, The Bad and The Ugly of School Bidding Requirements," *UPDATE Magazine*, Illinois ASBO (2016)

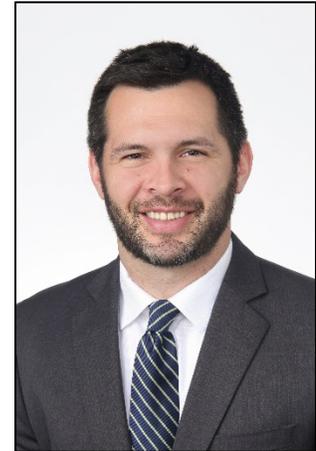
"School District and Zoning Exemptions," *Chicago Daily Law Bulletin* (2015)

RECENT PRESENTATIONS

Construction Law 101, National Business Institute (December 2019)

Foolproof Contract that Abide by State Laws, 2019 Illinois ASBO Annual Conference (May 2019)

Construction Purchasing & Bidding Common Problems & Solutions, Illinois ASBO (March 2019)



PRACTICE AREAS

Commercial Law
Construction Law
Public Finance & Taxation
Real Estate Development

EDUCATION

J.D., University of
Wisconsin Law School

B.S., University of Utah

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

Supreme Court of Utah

Supreme Court of
Wisconsin

ORGANIZATIONS

Chicago Bar Association

Illinois State Bar
Association

Construction Contracts: Boilerplate Language Landmines You May Not Know, ,
National Business Institute (February 2019)

*The Anatomy of a Mechanics Lien Claim: Preparing, Serving and Filing Notices
and Claims,* Illinois State Bar Association Continuing Legal Education (May
2018)

Lead Testing Update: Everything You Need to Know, Illinois ASBO Conference
(May 2018)

Community College Funds – Lawful Expenditures and Practical Considerations,
Spring ICCCFD Conference (April 2018)

Robbins Schwartz

PHILIP H. GERNER III

PARTNER, CHICAGO

312.332.7760

pgerner@robbins-schwartz.com

Phil Gerner counsels and represents school districts and community colleges in collective bargaining negotiations, union representation petitions and IELRB proceedings, teacher evaluations, remediations and dismissals, employee discipline and discharge issues, labor contract administration and grievance arbitration and other labor and employment issues. Phil has represented school districts and community colleges in numerous labor arbitrations, unfair labor practice hearings, tenured teacher dismissals and IDHR and EEOC proceedings. Phil has successfully handled a number of appellate court appeals on issues of significance for educational employers, including short-term employee bargaining unit exclusion standards, teacher evaluation plan bargaining obligations and RIF/seniority rights of tenured teachers.

Phil is a frequent presenter for IASB, IASA, Illinois ASBO, ICCTA and other educational employer associations on a full range of labor and employment issues, including collective bargaining negotiations, teacher evaluation and remediation, school administrator employment contracts, employee discipline and discharge, and public employee speech and concerted activity issues.

AWARDS

Illinois Leading Lawyer, Employment and School Law, 2004-2012

RECENT PUBLICATIONS

"Hot Topics in Collective Bargaining," *IASB.COM*, IASB (2014)

Contributing author, "Labor Relations: Contract Administration Including ULPs," *Illinois School Law*, IICLE (2005, 2010 and 2012)

"Collective Bargaining Implications of the Performance Evaluation Reform Act of 2010 (SB 315) and the Education Reform Act (SB 7)," *UPDATE Magazine*, Illinois ASBO (2011)

RECENT PRESENTATIONS

After Janus: Implication for Labor and Management, Chicago-Kent College of Law (November 2018)

Collective Bargaining for School Board Members and Administrators, IASB/IASA/Illinois ASBO Joint Annual Conference (November 2018)

Employee Misconduct Investigations and Discipline: Best Practices to Minimize Employer Liability, In-Service (November 2018)



PRACTICE AREAS

Education Law
Employee Benefits
Labor & Employment
Litigation

EDUCATION

J.D., Washington
University School of Law

B.A., *cum laude*, St.
Lawrence University

ADMITTED TO PRACTICE

U.S. District Court for the
Central District of Illinois

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

Public Pension Changes, the Impact of Janus, President Employment Contracts, and RIF, ICCTA (September 2018)

Public Pension Changes, the Impact of Janus, and RIF, ICCCP (September 2018)

How to Successfully Evaluate and Remediate Tenured Teachers to Effectively Defend Legal Challenges to the Remediation Plan/Process, IASPA (January 2018)

At the Table: Bargaining Trends, Key Contract Issues, and Management Strategies, ICSA (November 2017)

Robbins Schwartz

ROBERT E. RILEY

PARTNER, CHICAGO

312.332.7760

rriley@robbins-schwartz.com

Robert Riley's practice is concentrated in advising and representing units of local governments, corporations and insurers in labor and employment matters. Bob has litigated civil rights cases, complex commercial cases and defended personal injury and property claims. He has represented numerous public employers in collective bargaining negotiations, grievance arbitrations and unfair labor practice cases.

Bob joined Robbins Schwartz in 1989. He began his legal career in labor and employment law in 1980, representing public sector employees, including PATCO (air traffic controllers) employees terminated as a result of a national job action. He also represented numerous individual employees in discrimination and First Amendment cases. From 1984 to late 1989, he litigated large, complicated commercial and insurance fraud and arson cases throughout the Midwest including cases in Illinois, Iowa, Indiana and Wisconsin.

RECENT PUBLICATIONS

"Poor Documentation Leads Employer to Come Up Short on Summary Judgment," *Chicago Daily Law Bulletin* (2015)

Contributing author, "Labor Relations: Contract Administration Including ULPs," *Illinois School Law*, IICLE (2010, 2012 and 2015)

RECENT PRESENTATIONS

Effective Negotiation Strategies for Salary/Benefits Issues: What's Trending?, Illinois Association of School Business Officials (January 2017)

Avoiding Conflicts of Interest and Ethical Problems, National Alliance of Black School Educators (June 2016)

Effective Negotiation Strategies for Salary/Benefits Issues, Illinois Association of School Business Officials (November 2015)



PRACTICE AREAS

Education Law
Labor & Employment
Litigation

EDUCATION

J.D., DePaul University
College of Law

B.A., Western Illinois
University

ADMITTED TO PRACTICE

U.S. Court of Appeals for
the Federal Circuit

U.S. Court of Appeals for
the Seventh Circuit

Trial Bar for U.S. District
Court for the Northern
District of Illinois

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

Robbins Schwartz

SAMUEL B. CAVNAR

PARTNER, CHICAGO

312.332.7760

scavnar@robbins-schwartz.com

Samuel Cavnar represents school districts, community colleges, municipalities, and various other public entities, along with private clients including owners, developers, general contractors, subcontractors, and various other commercial interests. Sam is an experienced negotiator of commercial and construction-related contracts, and he regularly counsels clients in the areas of board governance, bidding, procurement, tort immunity and risk management. Sam has been appointed Special Assistant State's Attorney in several matters involving construction-related transactions and litigation. Sam has successfully prosecuted and defended numerous lawsuits related to defaults, delays, extras, liquidated damages, design and construction defects, performance issues, non-payment and other similar commercial claims.

AWARDS

Illinois "Rising Star", by Super Lawyers Magazine, in the area of Construction Litigation (2012-2017)

RECENT PUBLICATIONS

"How Public Sector Entities Can Protect Themselves in Premise Liability Cases," *Chicago Daily Law Bulletin* (2018)

"Property Tax Exemption for Charitable Remains Gray Area," *Chicago Daily Law Bulletin* (2017)

Contributing author, "Organization, Finance, and Property," *Illinois School Law*, IICLE (2017)

"School District and Zoning Exemptions," *Chicago Daily Law Bulletin* (2015)

RECENT PRESENTATIONS

Navigating the Public Bidding and Contract Process, IAPD/IPRA Soaring to New Heights Conference (January 2020)

Statutory Requirements and Ethical Considerations for Public Officials, Illinois GFOA Annual Conference (September 2019)

Public Procurement for Construction Projects, ICCCFD Conference (April 2018)

Public Procurement for Construction Projects, Cotter Consulting (January 2018)

Competitive Bidding and Contract Administration, IAPD/IPRA Soaring to New Heights Conference (January 2018)



PRACTICE AREAS

Commercial Transactions
Construction Law
Real Estate Development

EDUCATION

J.D., Wayne State
University Law School;
Managing Editor, *The
Wayne Law Review*

B.A., Michigan State
University

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of Illinois

U.S. District Court for the
Eastern District of
Michigan

Supreme Court of Illinois

Supreme Court of
Michigan

Legal Considerations Related to Renewable Energy, Sustainability for PK-12 Schools, IASB/IASA/Illinois ASBO 85th Joint Annual Conference (November 2017)

Best Practices for Bidding and Contracting, Illinois Council of School Attorneys, In-House Counsel Networking Meeting (October 2017)

ORGANIZATIONS

American Bar Association, Forum on the Construction Industry

Chicago Bar Association

Illinois Association of School Business Officials

Robbins Schwartz

EMILY P. BOTHFELD

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Emily practices in the area of education law with a focus on student and higher education matters. She counsels school districts and higher education institutions on a variety of issues, including matters related to student discipline, Title IX, free speech, student disability rights, student data privacy and policy development. She has extensive experience representing educational institutions in responding to complaints filed with the U.S. Department of Education's Office for Civil Rights, Illinois State Board of Education, Office of the Illinois Attorney General and Illinois Department of Human Rights. Emily regularly represents school districts and higher education institutions in state and federal court on civil rights and constitutional claims and breach of contract claims.

Prior to joining Robbins Schwartz, Emily represented students with disabilities in special education matters. Emily attended the George Washington University Law School, where she was a member of the George Washington International Law Review and the GW Law Moot Court Board. Prior to attending law school, Emily taught high school mathematics and science in Hangzhou, China.

RECENT PUBLICATIONS

"Disabled Athlete Can't Support ADA Claims," *Chicago Daily Law Bulletin* (2018)

RECENT PRESENTATIONS

Legislative Update: A Review of New (and Proposed) Laws Affecting Illinois Community Colleges' Risk Management Practices, Illinois Community College Chief Financial Officers Fall Conference (October 2019)

A Student's "Right" to a College Education: Due Process Rights in Academic and Non-Academic Discipline, Illinois Community College Chief Student Services Officers' Summer Meeting (June 2019)

Updates and Recent Developments out of the U.S. Department of Education, Chicago Bar Association Education Law Committee Spring Seminar (March 2019)

Legal Hot Topics for Nursing Program Administrators and Faculty, Illinois Organization of Associate Degree Nursing (March 2019)



PRACTICE AREAS

Education Law
Special Education
Student Discipline

EDUCATION

J.D., *with honors*, George Washington University Law School

B.S., *cum laude*, Vanderbilt University

ADMITTED TO PRACTICE

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association

Illinois Council of School Attorneys

National Council of School Attorneys

Robbins Schwartz

JESSICA A. MILLIGAN

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Jessica counsels school districts and community colleges in all aspects of labor and employment law, including employee investigations, discipline and termination, civil rights, and federal and state employment discrimination matters under the Americans with Disabilities Act, Family and Medical Leave Act, Age Discrimination in Employment Act, Illinois Human Rights Act, and Title VII. Jessica also advises employers regarding collective bargaining, contract interpretation, grievance arbitrations, and unfair labor practices. Jessica represents clients in a variety of venues including both federal and state court, as well as the U.S. Equal Employment Opportunity Commission and the Illinois Department of Human Rights.

RECENT PRESENTATIONS

Free Speech on Campus, Illinois Community College Chief Student Service Officers (March 2020)

Navigating Payroll Laws, Illinois ASBO Bookkeepers Conference (March 2020)

Administrators Legal Update, Concordia University (December 2019)

Navigating Background Checks in Today's Environment, Illinois ASBO (May 2019)

Employee Misconduct Issues: Effective Management Strategies for Defensible Discipline/Discharge, Concordia University (April 2019)



PRACTICE AREAS

Labor & Employment

EDUCATION

J.D., *cum laude*, Michigan State University College of Law

B.A., Michigan State University

ADMITTED TO PRACTICE

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Central District of Illinois

U.S. District Court for the Southern District of Illinois

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Western District of Michigan

Supreme Court of Illinois

Supreme Court of Michigan

ORGANIZATIONS

American Bar Association

Illinois Bar Association

Illinois Council of School
Attorneys

Michigan Bar Association

National Council of School
Attorneys

Robbins Schwartz

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Jessica practices in the firm's commercial, construction, real estate, public finance, and taxation practice groups. Jessica represents clients such as townships, school districts, community colleges, and private entities in real property taxation and assessment appeals. She also represents clients in the areas of commercial transactions and construction law, including drafting and negotiating contracts, litigation, and alternative dispute resolution.

Prior to joining Robbins Schwartz, Jessica's practice involved representing clients on commercial and residential real estate transactions, leases, employment contracts, and residential tax appeals. Jessica also previously represented lenders in residential foreclosures in both Washington State and Illinois.

RECENT PUBLICATIONS

Contributing author, "Public Body Social Media Rules Make Retention, Ready Retrieval Imperative," *Chicago Daily Law Bulletin* (2019)

Contributing author, "How Far Does the Law Allow Schools to Go?" *UPDATE Magazine*, Illinois ASBO (2018)

RECENT PRESENTATIONS

Property Tax Assessment Challenges and How to Defend Your Tax Base, PMA Financial Network, LLC (June 2020)

Construction Law 101, NBI (December 2019)



PRACTICE AREAS

Commercial Law
Construction Law
Property Tax &
Revenue Preservation
Real Estate Development

EDUCATION

J.D., *cum laude*, Florida
Coastal School of Law

B.A., University of
Minnesota

ADMITTED TO PRACTICE

U.S. District Court for the
Eastern District of
Washington

U.S. District Court for the
Western District of
Washington

Supreme Court of Illinois

Robbins Schwartz

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Kevin's practice focuses in the area of labor and employment law. Kevin routinely counsels employers in all aspects of employment law including employee discipline, labor relations, and federal and state employment discrimination matters under the Americans with Disabilities Act, Family and Medical Leave Act, Age Discrimination in Employment Act, Illinois Human Rights Act, Title VII and other federal and state anti-discrimination and wage laws. Kevin represents employers in a variety of venues including both federal and state court, as well as the U.S. Equal Employment Opportunity Commission and the Illinois Department of Human Rights.

Prior to joining Robbins Schwartz, Kevin represented individuals with employment matters, civil rights claims, and consumer protection litigation.

AWARDS

Illinois "Rising Star," by Super Lawyers Magazine (2017-2020)

RECENT PUBLICATIONS

"NLRB Takes New Look at Charter Schools," *Chicago Daily Law Bulletin* (2019)

RECENT PRESENTATIONS

Updates from the DOL: New Developments for FMLA, FLSA, and IWPCA, IAPD/IPRA Soaring to New Heights Conference (January, 2020)

Is it ADA, FMLA, or Other Leave? Navigating the Murky Waters of Employee Leave Benefits, IAPD/IPRA Soaring to New Heights Conference (January, 2020)

Illinois Minimum Wage: Nutz and Bolts Overview, IGFOA Payroll Seminar (October 2019)



PRACTICE AREAS

Labor & Employment

EDUCATION

J.D., The John Marshall Law School

B.A., Indiana University

ADMITTED TO PRACTICE

U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association

Illinois State Bar Association

Kane County Bar Association

Robbins Schwartz

THOMAS C. GARRETSON

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Tom practices in the area of labor and employment law. Tom counsels employers in all aspects of labor and employment law, including employee discipline, labor relations, and federal and state employment discrimination matters under the Americans with Disabilities Act, Family and Medical Leave Act, Age Discrimination in Employment Act, Illinois Human Rights Act, Title VII, and other federal and state anti-discrimination and wage laws.

Prior to joining Robbins Schwartz, Tom worked in the Labor Relations Department for a large public health system. During law school, Tom interned in the U.S. Equal Employment Opportunity Commission's Chicago district office.

RECENT PRESENTATIONS

Employee Misconduct Investigations and Discipline: Best Practices to Minimize Employer Liability (September 2018)

Compliance with Mandated Reporter Obligations Under ANCRA, In-Service (June 2018)

Conducting Effective Workplace Investigations, In-Service (June 2018)



PRACTICE AREAS

Labor & Employment

EDUCATION

J.D., Chicago-Kent College of Law

B.A., *with honors*,
Michigan State University

ADMITTED TO PRACTICE

U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association