

LUELLA E. NELSON

Arbitrator • Mediator • Factfinder • Special Master

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PROFESSIONAL EDUCATION AND AFFILIATIONS

Harvard Law School, Cambridge, Massachusetts, J.D. 1976; **Macalester College**, St. Paul, Minnesota, B.S. *cum laude*, Economics and Political Science (Honors in Economics) 1973.

National Academy of Arbitrators; College of Labor and Employment Lawyers; Oregon State Bar, Labor and Employment Law [LEL] Section (Chair 1999-2000), ADR Section; **Labor and Employment Relations Association** (President 1998-99, Oregon Chapter); **Bar Association of San Francisco**, LEL Section (Chair 2002-2004), ADR Section; **State Bar of California**, LEL Section (Chair 1991-92); **Association for Conflict Resolution** (Vice President 1988-89, Board of Directors 1987-91, Northern California Chapter SPIDR); **American Bar Association**, LEL Section (Labor Arbitration and the Law of Collective Bargaining Agreements Committee; Committee on Development of the Law Under the NLRA), DR Section, Law Practice Management Section; **California Public Employee Relations Program** (Advisory Committee); **Oregon Women Lawyers; Multnomah Bar Association; Professional Organization of Women in Employment Relations**

ARBITRATION/MEDIATION/LABOR RELATIONS EXPERIENCE

Arbitrator, Mediator, Factfinder, Special Master (1986-present).

Member of the Oregon Employment Relations Board (2003-2004).

Counsel, Senior Counsel, and Field Attorney with the National Labor Relations Board in Washington, D.C., headquarters (1976-81) and Oakland, California, Region (1981-86).

Hearing Officer for UMWA Health & Retirement Funds, under settlement in *Blankenship v. Mine Workers Fund*, 82 LRRM 3071 (DC DC 1973).

New York City Urban Fellow, City Commission on Human Rights. Investigated charges of discrimination in employment, housing, and public accommodations; drafted recruitment guidelines for architecture schools; drafted reorganization plan for Commission staff; organized hearings on Vietnam-era veterans.

PANELS • INDUSTRIES • ISSUES

AGENCY: AAA; FMCS; NMB; Oregon ERB; Washington PERC and MEC; California M&CS and PERB; Los Angeles City ERB; Nevada Labor Commissioner; Marin County Superior Court Panel of Mediators; U.S.D.C., Northern California, Federal Panel; Office of Senate Fair Employment Practices; North American Agreement on Labor Cooperation; City of Portland Civil Service Hearing Officer. Formerly: Marion County Appeals Panel; Hearing Officer for Election Appeals, IBT Delegate and Officer Election.

PERMANENT PANELS: Kaiser Permanente/UFCW, Local 555; Pacific Bell/CWA; Simpson Paper/UPIU; Pope & Talbot/USWA; East Bay Hospitality Ind Assn/HERE Local 28; Parc Oakland Hotel/HERE Local 28; Santa Clara Hospitality Ind Assn/HERE Local 19; Marion County/SEIU Local 503; Santa Clara County/SEIU Local 715; San Francisco/DPOA; State of Alaska/Labor, Trades and Crafts, Public Employees Local 71; City of Petersburg/Alaska Public Employees Assn; BART/ATU; AC Transit/ATU 192; UC/UPTE; UC/AFT; CTA/CAS; IRS/NTEU; FAA/NATCA; USDA FSIS/AFGE; US Dept of Homeland Security/NTEU.

INDUSTRIES: Ag., Airlines, Auto, Bakery, Cement, Chem., Comm., Ed., Fed. Grievance, Food, Grain Mill, Health Care, Hotel/Rest., Ins., Local Govt., Mfg. Misc., Maritime, Meat Packing, Nuclear Energy, Orgs., Packaging, Paint & Varnish, Plastics, Police & Fire, Printing & Publishing, Private & Public Sector Interest, Public Sector Grievance, Pulp & Paper, Retail Stores, Services, Transp., Trucking & Storage, Utilities, Whsg.

ISSUES: Absenteeism, Alcohol/Drug Abuse, Arbitrability, Assignment, AWOL, Benefits Denial, COLA, Contracting Out, Demotion, Discharge, Discipline, Discrimination, Fair Share Fee, Grievance Mediation, Health and Welfare, Holiday/Holiday Pay, Insubordination, Job Classification, Job Evaluation, Job Posting/Bidding, Layoff/Bumping/Recall, Management Rights, Mergers/Consolidations, New/Reopened Contract Terms, Official Time, Overtime, Past Practices, Pension, Performance Appraisals, Promotions, Rate of Pay, Reassignment, RIF, Report/Call-in/Call-Back, Safety, Scheduling of Work, Seniority, Severance Pay, Sexual Harassment, Shift Hours, Sick Leave, Subcontracting, Successorship, Training, Transfer, Union Business, Vacation/Vacation Pay, Wages, Work Week Change, Work Performance, Working Conditions

SELECTED PUBLICATIONS

Co-Author, *Did He Do It?: Employer Handbook "Just Cause" Meets the Collective Bargaining Agreement*, 17 LERC Monograph Series 17 (2003)
Contributor to *Discipline and Discharge in Arbitration* (BNA, 1998; 2000 supplement), and *The Developing Labor Law: the Board, the Courts, and the National Labor Relations Act*, Third Edition (BNA, 1992)
Editor, *Ask the Arbitrator* column, California Labor & Employment Law Quarterly (1997-99)

SELECTED SEMINARS • TEACHING

FMCS/CHINESE MINISTRY OF PERSONNEL: *Personnel Arbitration Symposium* (10/07)

NATIONAL ACADEMY OF ARBITRATORS: *Advanced Advocate Training* (5/07)

LERC PERC:

Just Cause: The 7 Tests Revisited (4/06); *Leading ERB Cases of 2003-04* and *ERB Roundtable: Finality in Interest Arbitration* (4/04)

Federal Mediation and Conciliation Service:

Ask the Grievance Arbitrator (3/06); *Ethics in Arbitration and Mediation* (3/04); *Mental Health – The Bipolar Personality in the Workplace; Evidence After Discharge*; (3/03)

Oregon Employment Relations Board: *Arbitrator Immunity and Ethics* (11/01)

State Bar of Oregon, Labor and Employment Law Section: *Ethics in Mediation and Arbitration* (10/01)

NPELRA Labor Relations Academy II: *Grievance Arbitration in Public Sector* (3/00)

American Arbitration Association:

Arbitration Case Preparation and Presentation (2/96); *Evidentiary Issues in Arbitration* (3/91)

Oregon LERA:

Arbitration: Past, Present, Future: Grievance Mediation Workshop (10/97); *Ethics in Collective Bargaining: Building Trust in the Workplace* (9/96)

Third Oregon Governor's Conference on Labor-Management Cooperation (10/95)

FEE SCHEDULE

Grievance Arbitration: \$1,800 per day for hearing, research, analysis, and preparation of opinion and award, billed in half-day increments. All other time for pre- and post-hearing matters (e.g., telephone conferences, motions, review of documents, preparation of rulings): \$400/hour. **Grievance Mediation:** \$400/hour.

Travel: \$1,800 per day if one-way travel time from Portland office exceeds 4 hours.

Expenses: Actual cost for transportation, food, lodging, and incidental expenses. Mileage at 60¢/mile.

Cancellation Policy: If a hearing is postponed or canceled within 28 days of the first scheduled day, \$1,800 cancellation fee for each scheduled day. For matters scheduled for 5 or more hearing days, cancellation fee applies for each scheduled day if removed from calendar at any time.

Billing Policy: Interim bills for fees and expenses after any hearing lasting multiple days, between and after non-consecutive days on the same matter, and after days requiring air travel. Simple interest at 1.5% per month (18% per annum) may be added to accounts remaining unpaid after 30 days.