

SHAWN P. CLOUGHESY
Arbitrator/Hearing Officer/Chief Administrative Law Judge
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EDUCATION: McGeorge School of Law, University of the Pacific, Juris Doctor, 1985
Admitted to Practice as Member of the California State Bar, 1986
Admitted to Practice as Member of the Federal District Court, 1986
University of California, Davis: Bachelor of Arts, Political Science, 1981

EXPERIENCE: Arbitrator:
Rosters: Oregon Employment Relations Board and
Washington Public Employment Relations Commission.
Issues: Layoffs and Just Cause Termination.
Areas of Service: School Districts.

Chief Administrative Law Judge—California Public Relations Board
(PERB) June 2011 to Present

Administrative Law Judge—California Public Employment Relations Board August 2007
to June 2011

Conducted evidentiary hearings and wrote proposed decisions of unfair practice and representational proceedings for administrative agency with jurisdiction over a multitude of California labor relations statutes: Meyers-Milias-Brown Act (local governments), Educational Employment Relations Act (public school districts and community college districts), Higher Education Employer-Employee Relations Act (state universities), Ralph C. Dills Act (state government), Transit Employer-Employee Relations Act (public transit authorities), Trial Court Employment Protection and Governance Act (courts), Trial Court Interpreter Employment and Labor Relations Act (Interpreters).

Issues Addressed: Refusals to bargain, unilateral change without meet and confer, interference with protected activity, retaliation for protected activity, requests for employer information, domination by employer of bargaining unit representative, dual employer, confidential employee exclusion from bargaining unit and severance from bargaining unit.

Parties: Employers—California school districts, California state agencies (Department of Corrections and Rehabilitation, Department of Health Care Services, Department of Motor Vehicles and Franchise Tax Board), and California Cities and Counties (El Dorado, Lodi, Modesto, Orange, Sacramento, Tehama, Ventura, Woodland and Yolo).

Labor Organizations—American Federation of State County and Municipal Employees (AFSCME), California Correctional Peace Officers Association, Orange County Employees Association, Service Employees International Union (SEIU), Stationary Engineers and Union of American Physicians and Dentists.

Administrative Law Judge—California State Personnel Board (SPB)
August 1994 to August 2007

Presided over, conducted hearings and wrote over 350 proposed decisions in connection with employer actions taken against state employees pursuant to various provisions of the California State Civil Service Act providing for hearings of disciplinary appeals, rejections during probation, Career Executive Assignment terminations, medical actions, constructive medical actions, discrimination complaints, denials from requests for reasonable accommodations, and whistleblower retaliation complaints; presided over and conducted hearings for disciplinary actions taken by County governments governed by the Local Agency Personnel Standards; presided over and conducted hearings for disciplinary actions taken by the California State University as governed by the California Education Code; conducted training courses for stakeholders as to how to conduct themselves in State Personnel Board evidentiary hearings.

Issues presented: Disciplinary legal causes presided over—absenteeism, addiction to the use of controlled substances, conflict of interest, conviction of felony or misdemeanor with moral turpitude, dishonesty, drug testing, drunkenness on duty, incompetency, inefficiency, inexcusable neglect of duty, insubordination, misuse of state property, off-duty misconduct, sexual harassment, and willful disobedience. Penalties ranging from reprimands to dismissals. Due process issues such as adequacy of charging document, impartiality of pre-disciplinary hearing officer, exclusionary rule and the California Public Safety Officers Procedural Bill of Rights.

Public Sector Agencies: *State of California* – Air Resources Board, Board of Equalization, Department of Aging, Department of California Highway Patrol, Department of Consumer Affairs, Department of Corrections and Rehabilitation, Department of Developmental Services, Department of Education, Department of Fish and Game, Employment Development Department and numerous other state agencies.

California State University: Cal State University—Channel Island, California State University—Northridge, California State University—Stanislaus, Chico State University, Sacramento State University, San Jose State University and Sonoma State University.

Counties: -- Humboldt, Modesto, Monterey, Lassen and Trinity.

**FEE AND
CANCELLATION
POLICY:**

Rate of \$1,400 is charged for each scheduled day of hearing and for research, preparation, and writing of the opinion. For Oregon cases, travel time charged from Portland. Flight, lodging, rental car and gasoline reimbursed. For southern Oregon cases, travel time charged from Sacramento area if arbitrator drives. Mileage at federal government rate to be reimbursed when using private vehicle. Cancellation fee of \$1,400 is charged for each day of hearing that is cancelled or postponed fewer than 14 calendar days in advance of the scheduled hearing.

The parties are expected to make arrangements for a court reporter and are directly responsible for the costs associated with that service. In the alternative, the arbitrator will digitally record the proceedings and have the matter transcribed via contract transcriber and paid by the parties.