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### ERB WEBSITE LINKS

[www.oregon.gov/erb](http://www.oregon.gov/erb)

[Board Orders](#)

[Arbitrator Awards](#)

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[Arbitration Witness Subpoena](#)

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## Expanding ERB's Mediation Capacity to Meet Growing Demand



The Oregon Legislature approved funding for a fourth State Mediator in July 2025, strengthening ERB's capacity to assist public employers and labor organizations in resolving collective bargaining disputes through mediation and labor-management training.

In recent biennia, many public-sector negotiations have reached crisis levels, leading to an increased number of impasse filings, strike notices, and requests for mediation. As demand has grown, wait times for pre-impasse contract mediation and other services—such as ULP and grievance mediation—have lengthened, and scheduling has occasionally been disrupted. Additionally, in recent years, ERB has had to delay, reschedule, or decline some interest-based bargaining and labor-management committee trainings due to statutory obligations to prioritize contract mediation.

Adding a fourth mediator will allow the agency to better meet the full range of mediation needs while maintaining its commitments to training and labor-management support.

# Interest-Based Bargaining Training & Support for Labor-Management Success

The Conciliation Service offers training in interest-based bargaining (IBB) and interest-based problem solving (IBPS) to help labor-management groups build stronger, more effective collaborative relationships.

For more than 35 years, the Employment Relations Board (ERB) has trained bargaining teams and labor-management committees across Oregon in IBB and IBPS, continually updating its approach with innovative negotiation tools, modern facilitation techniques, and hands-on learning methods.



## What ERB Provides

- IBB training — A collaborative negotiation model focused on shared interests and consensus-based agreements.
- Labor-management committee support — For new or revitalizing committees, ERB offers guidance on effective group practices, communication skills, and interest-based problem-solving techniques.
- Facilitation services — Available for IBB sessions or ongoing labor-management committee work.

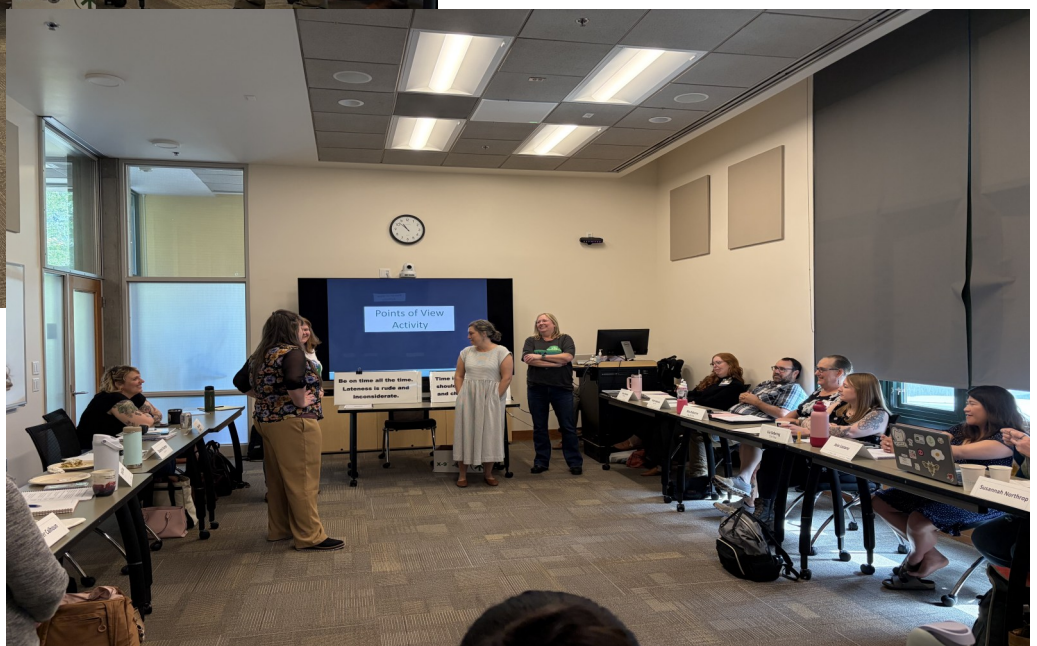
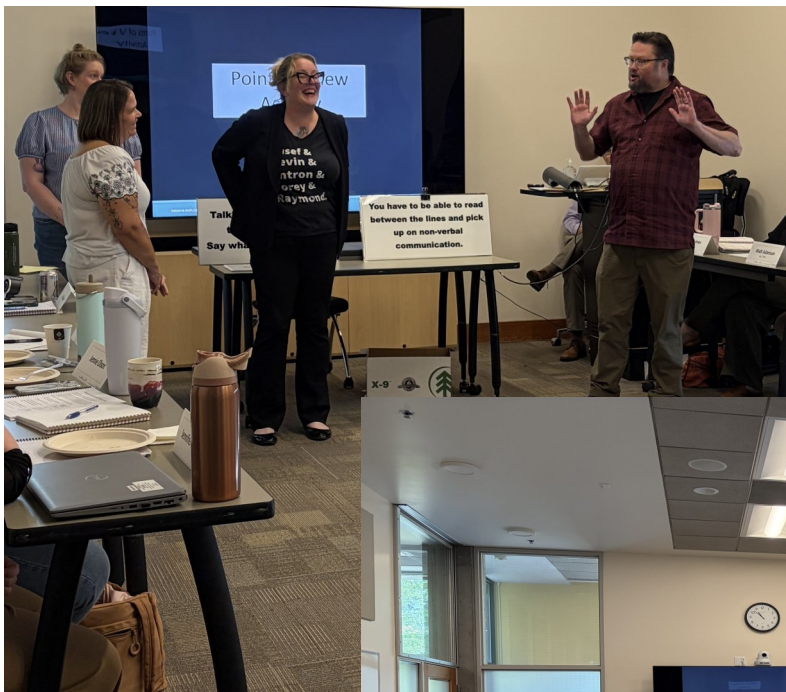
## Get Connected

To learn more about ERB training programs, contact State Conciliator Janet Gillman at [janet.f.gillman@erb.oregon.gov](mailto:janet.f.gillman@erb.oregon.gov). To request a joint training consultation, complete the training consultation request form.

# LMC Training Enhances Partnership Between Oregon Health Sciences University (OHSU) and AFSCME Local 328

A Labor-Management Committee (LMC) made up of AFSCME Local 328 leaders, OHSU managers, and advisors from both parties participated in a two-day training offered by ERB's Conciliation Service in May 2026. The training—designed collaboratively by ERB staff and the LMC co-chairs—focused on applying Interest-Based Problem Solving (IBPS) to group decision-making. Using facilitated IBPS during the training, the committee successfully worked through an LMC decision in real time.

The 12-member LMC, which has been active for many years, hopes to share its problem-solving expertise with dozens of new unit-based LMCs. The most recent OHSU-AFSCME 328 collective bargaining agreement, which covers over 9000 employees at OHSU, also establishes a new position to support and strengthen these unit-level committees in collaboration with the larger committee.



# DEI Progress Update: Programs, Partnerships & Impact

ERB is pleased to share an update on our diversity, equity, and inclusion (DEI) efforts. Formed in 2023, the DEI Committee brings together ERB staff and practitioners to identify ways to strengthen DEI across the agency. Members include Shirin Khosravi, Sabrina Dunsworth, Juril Martin, Lisa Umscheid, Alex Wheatley, Andi Pla, Luke Kuzava, and Katelyn Oldham.

The committee has focused on three priorities: increasing arbitrator diversity, improving law school outreach, and enhancing access to ERB caselaw.

To support arbitrator diversity, ERB partnered with LERA and the Oregon State Bar's Labor and Employment Section to feature programming for emerging arbitrators at annual conferences. ERB also continues to promote the Arbitrator Mentorship Program, introduce new arbitrators in this newsletter, and gather voluntary demographic data from the arbitrator roster. A link to the survey results and a highlight of interest follow on the next page.



To improve access to ERB caselaw, the agency upgraded website search tools and worked with the Oregon Law Library to make all Board decisions available online.

To expand law school outreach and strengthen the future labor-law pipeline, ERB launched an externship program with Oregon law schools and a mentorship program connecting students with practitioners. Four students have participated in the ERB externship so far, and outreach efforts continue.

Those interested in serving as mentors may contact Board Member Shirin Khosravi at [Shirin.khosravi@erb.oregon.gov](mailto:Shirin.khosravi@erb.oregon.gov).

# ERB Arbitrator Panel Diversity: 2026 Snapshot

In response to constituent feedback and requests, we conducted a follow-up survey to our original 2023 survey, to assess the makeup of our arbitration panel. On a voluntary and anonymous basis, we asked panelists to self-identify across several demographic categories.

## Summary

We received 37 responses out of 45 panel members for an excellent 82 percent response rate. Thank you to all who participated! With the information that we are able to collect from you, we will be able to see how the numbers and demographics of our panel change over time. These results provide us with meaningful information as we seek to expand our panel.

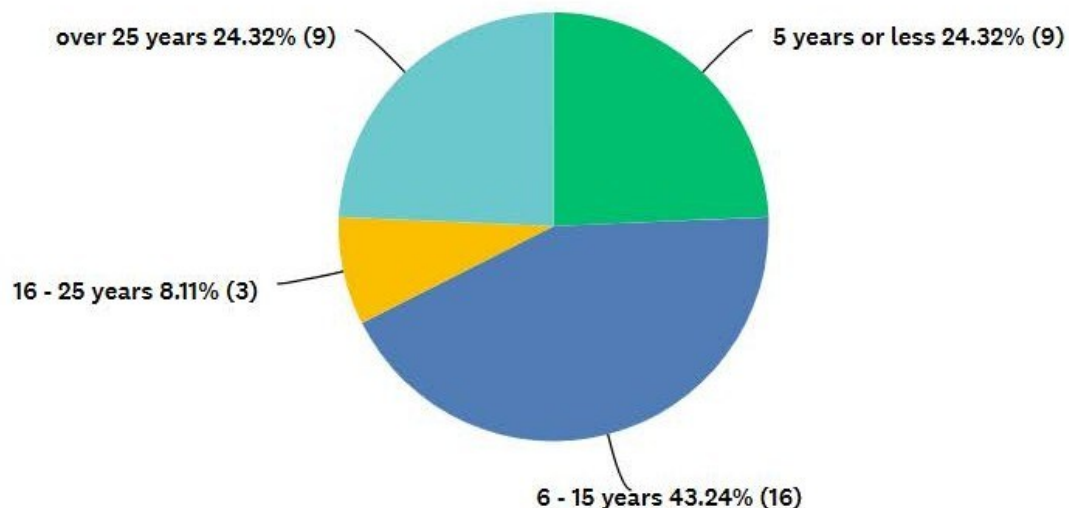
You can view the full survey results [here](#), and following is a highlight of interest.

Approximately 25 percent of respondents are new to our panel in the last five years, and a remarkably similar percentage have distinguished themselves by being on our panel for over 25 years. Thank you to both our newest arbitrators and our long-serving arbitrators for your exceptional service in assisting parties in resolving their disputes.

Q8

How many years have you served on the ERB Panel of Arbitrators and Factfinders?

Answered: 37 Skipped: 0



# Welcome ERB Administrative Law Judge: Stephanie Miller



ALJ Stephanie Miller joined ERB in May 2025. She previously served as an administrative judge at the U.S. Merit Systems Protection Board from 2021-2025, hearing appeals from disciplinary actions and whistleblower claims. Before becoming an administrative judge, she worked for 20 years as a research attorney/chambers clerk researching and drafting decisions in a wide variety of civil cases, both in the U.S. District Court for the Northern District of California and in the California Superior Court, County of Alameda. She started her career as a labor and employment attorney in the San Francisco Bay Area with Leonard Carder, LLC, and a Skadden Fellow with Legal Aid at Work. She has a law degree from Berkeley School of Law and a master's degree in social welfare from U.C. Berkeley.

## Welcome ERB State Mediator: Sarah Thompson

Our newest mediator is Sarah Thompson, who comes to us with many years of union experience as an organizer, union representative, and contract negotiator with AFSCME, SEIU, and the Oregon Nurses Association. She holds an Executive Masters in Public Administration from PSU's Hatfield School of Government, Professional Mediator Certification from Cornell University Scheinman Institute on Conflict Resolution, and is also a Certified Professional with the Society for Human Resource Management.



## Thank You for Your Service on the Arbitrator Panel

Stephen Alpern  
Joseph Daly  
Howell Lankford  
Eric Lindauer

Luella Nelson  
Paul Roose  
Katherine Thomson  
Elizabeth Wesman

## Welcome to the ERB Arbitrator Panel



### **Margaret Donaghy**

- Resides in Queens, New York
- 16 years of experience as an Administrative Law Judge as well as 12 years of experience in labor relations on both the management and union sides. Significant public sector experience.
- Time active as an arbitrator: 1 year
- Eligible to hear grievances and practices with a virtual format option

Margaret A. Donaghy is a seasoned neutral with 16 years of experience serving as an impartial adjudicator and objective factfinder in thousands of cases. She has over 12 years of experience in labor grievance and arbitration matters, collective bargaining, and employment law - gained from working both as a union official and as a management representative. She also has significant public sector labor relations experience in all areas of collective bargaining. Arbitrator Donaghy excels at relationship building and has strong conflict management and deescalation skills. Throughout her career, she has been recognized for her strong writing skills.

Arbitrator Donaghy started her arbitration practice in 2025 after completing the Federal Mediation and Conciliation Service (FMCS) Becoming a Labor Arbitrator course and has mentored with several distinguished National Academy of Arbitrators (NAA) members. Arbitrator Donaghy is an active member of several LERA chapters and participates in the NAA-run salons in New England and the Midwest. She is on the FMCS labor arbitration panel as well as numerous state arbitration rosters.

# Arbitrator Mentor Directory

To further opportunities for individuals early in exploring a career in arbitration work, following is a list of experienced arbitrators who have expressed a willingness to participate in mentorship. You can find each individual's complete resume on the ERB website. Please see each listing below and reach out directly to begin a conversation. We will be bolstering the information here about each mentor in the near future to provide greater detail on the person's background and type of mentorship offered.

If you are an experienced arbitrator who would like to be included in the Mentor Directory, we would be glad to talk with you further. If you have established a mentor/mentee relationship through ERB's network, we would like to hear about your experience. Please reach out to Sabrina Dunsworth in either instance.

## **Brad Areheart**

-Available to provide mentorship support

Contact: [brad.areheart@tennessee.edu](mailto:brad.areheart@tennessee.edu)

## **Sue Bauman**

-With party agreement, can offer opportunities for new arbitrators to observe virtual hearings

-Willing to serve as a sounding board for new arbitrators as they think about how to decide a case and to review drafts of awards

Contact: [sjmbauman@gmail.com](mailto:sjmbauman@gmail.com)

## **Stephen Biersmith**

-Willing to help mentor new and aspiring arbitrators over the phone regarding running hearings, draft awards, and resources used over the years

Contact: (805) 648-7242

## **Michael Cavanaugh**

-Could add one or two mentees, dependent on calendar and commitments, welcoming especially women and minorities

Contact: [mec@cavanaugh-adr.com](mailto:mec@cavanaugh-adr.com)

## **Dennis Isenburg**

-Happy to mentor one newer arbitrator at a time to include observation at hearings, experience reviewing the record and drafting documents, and collaborative dialogue

Contact:

[dennis.isenburg.arbitrator@gmail.com](mailto:dennis.isenburg.arbitrator@gmail.com)

## **Jeff Jacobs**

-Has been mentoring and willing to discuss the practice with a newer arbitrator

Contact: [jjacobs@wilkersonhegna.com](mailto:jjacobs@wilkersonhegna.com)

## **Michael Marr**

-Available to be a mentor

Contact: [mmarradr@aol.com](mailto:mmarradr@aol.com)

## **Renée Mayne**

-Available to be a mentor

Contact: [mayne.adr@gmail.com](mailto:mayne.adr@gmail.com)

## **E. Patrick McDermott**

-Available to provide mentorship support

Contact: [drmcdarb@gmail.com](mailto:drmcdarb@gmail.com)

## Arbitrator Mentor Directory Continued

### Bob Oberstein

-Open to a number of mentoring approaches, including having a newer arbitrator shadow observe at a hearing and shadow draft a decision for comparison and discussion

Contact: [boberstein@aol.com](mailto:boberstein@aol.com)

(602) 859-5522

### Timothy Williams

-Willing to be a sounding board on mentee cases, and share insight on mentor cases

-Can provide insight into the labor arbitration profession including organizing and exposure

Contact: [tim@arbitratorwilliams.com](mailto:tim@arbitratorwilliams.com)

(503) 490-7474



## How-To File a Representation Petition: Video

ERB has created a short how-to instructional video on filing petitions with the agency. Although we have detailed written instructions on filing petitions, this video expands the accessibility and format of those instructions. In doing so, we hope to broaden the ways in which different constituencies and the public are informed about how to receive agency services.

[Watch the video here!](#)

## Upcoming Resource

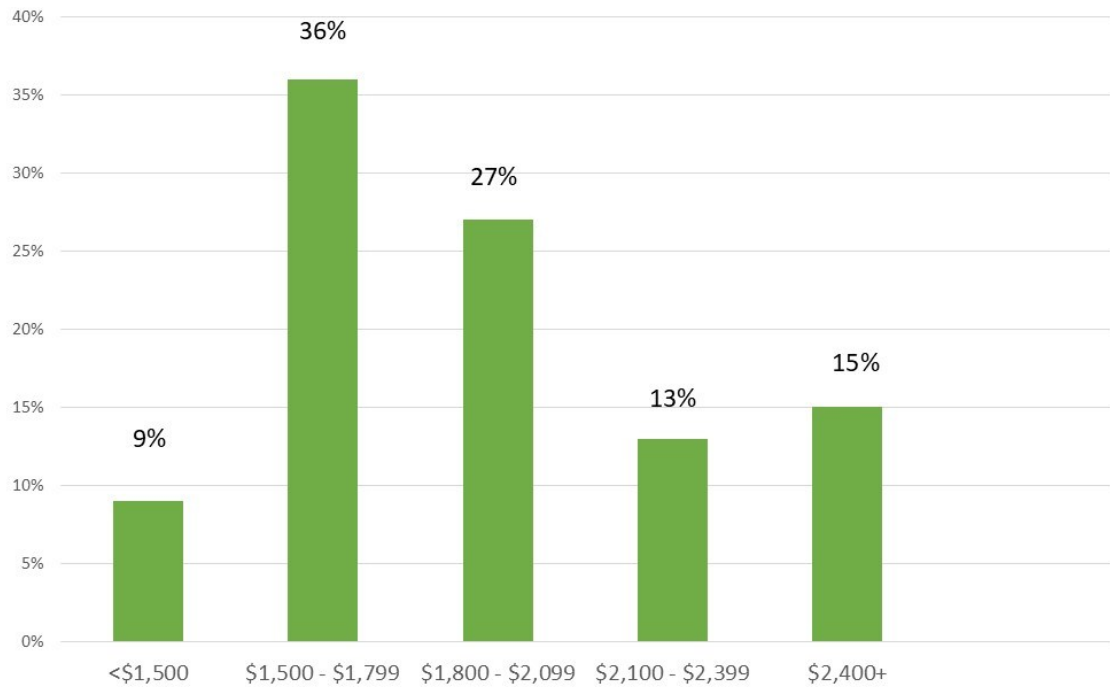
The National Academy of Arbitrators Presents  
Becoming a Labor Arbitrator

June 22-26, 2026

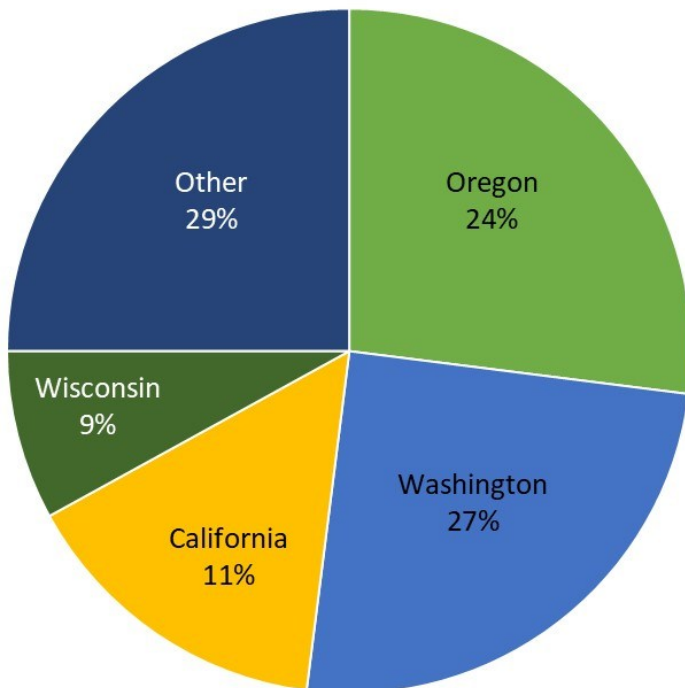
[Learn more here!](#)

# Panel Statistics

## Per Diem Charged By ERB Arbitrators



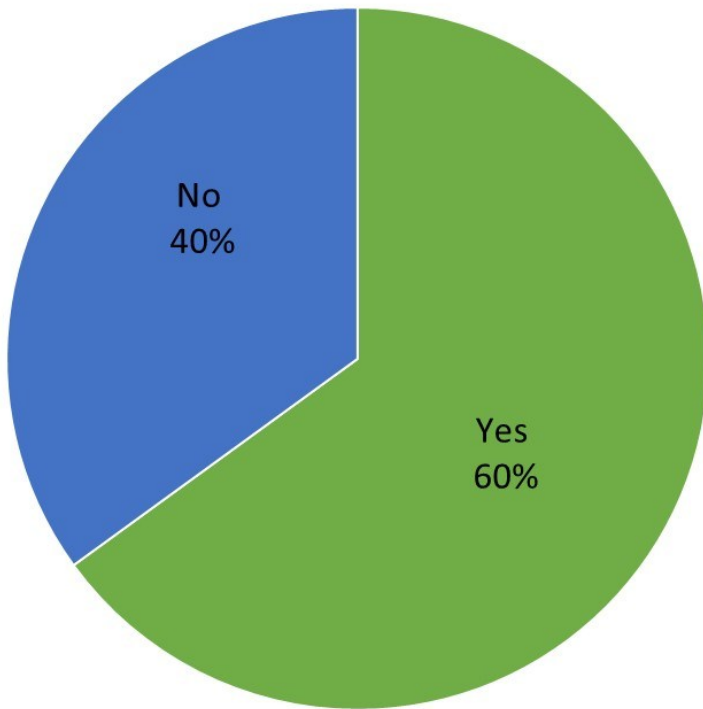
## Where Do ERB Arbitrators Live?



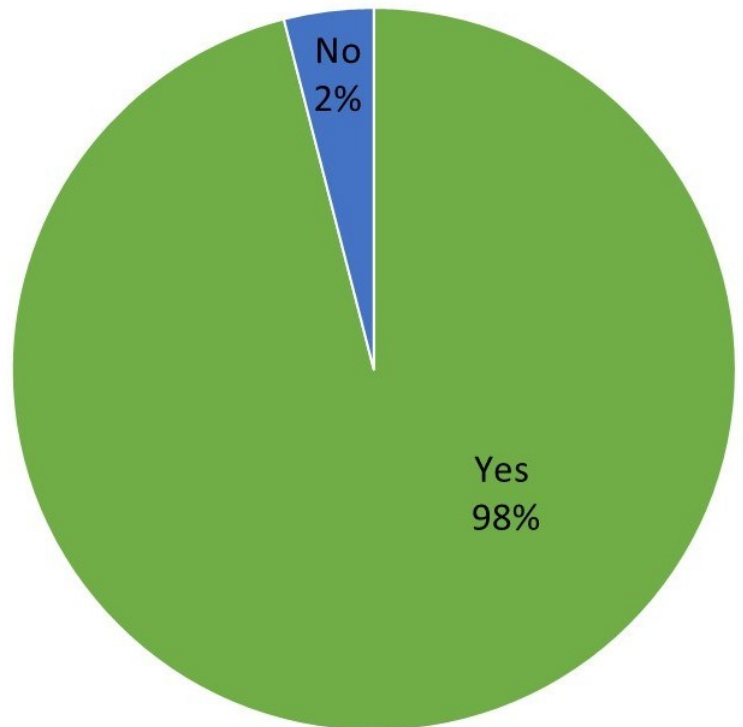
There are currently 45 members on ERB's arbitrator panel. In addition to Oregon, Washington, California, and Wisconsin, arbitrators reside in Arizona, Colorado, Hawaii, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York, North Carolina, and Tennessee.

# Panel Statistics

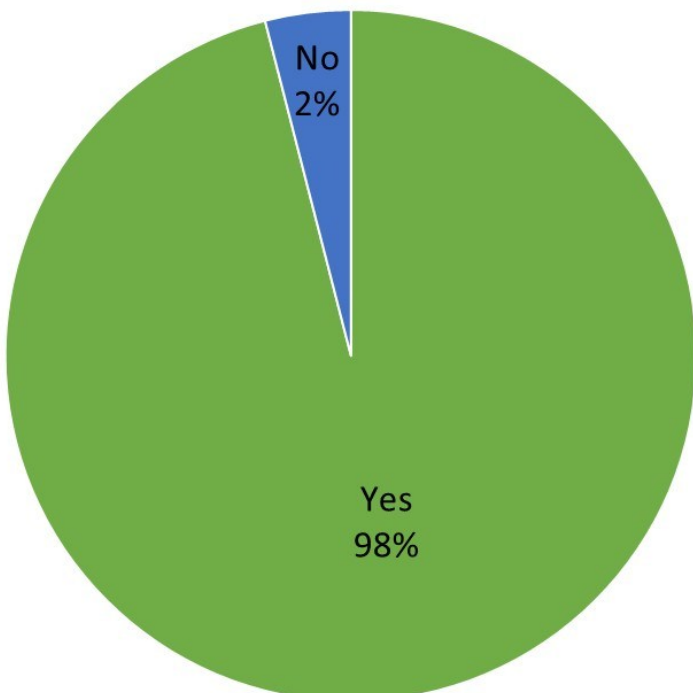
Practicing Interest Arbitration



Practicing Virtually



Police Misconduct Panel Participation



# A Century Resolving Disputes in Oregon

By State Mediator Phil Johnson



## Pre-1919 conciliation in Oregon

January 1916. Industrialization was rapidly transform-ing the county. Toiling workers pushed back against long hours and low pay. The Portland Chamber of Commerce and the Central Labor Council of Portland decided to try something new, a Joint Board of Conciliation (Oregon Labor Press, January 1, 1916).

Its purpose, “to promote the best interests of employer and employee by using every effort and influence for the insurance of industrial peace.” Its jurisdiction, “all cases of disagreement between employer and employee wherein ... both parties agree to submit their difference to the Board.”

Unfortunately, the effort collapsed over differing interpretations about who could participate. The Chamber did not recognize striking workers or unions as employees. The Central Labor Council subsequently declared: “Organized labor is willing to appear before any justly organized body and in the open present its reasons for a strike” (Oregon Daily Journal, February 25, 1916).

In 1917, the United States joined the World War. Ship-building was critical for the war effort. The International Workers of the World, I.W.W., (or “Wobblies”) agitated throughout lumber camps in Idaho, Oregon, Washington, and California (Tyler 1967).

Not long after, a massive strike shut down Seattle. The strike was resolved after five weeks, when the Shipbuilding Labor Adjustment Board was convened by President Woodrow Wilson in San Francisco and everyone agreed to get back to work for the war effort.

# A Century Resolving Disputes in Oregon

## **1919 legislative session**

Oregon State Representative Charles Schubel proposed “a state board of conciliation and arbitration.” The bill modified an unpaid conciliation service established by the Governor and established a publicly funded conciliation service. The bill did not please anyone, although Schubel showed that a law similar to his bill had been in force in several states in the east and had been effective in settling disputes. By a close vote, the Oregon House voted down the bill (Daily Capital Journal, January 1, 1919). Schubel tried again a week later, and the bill passed the House. During the Senate debate, Senator Walter Dimick said the bill was a result of the paper mill strike in Astoria and the power of the commission to place blame publicly for industrial disputes made the measure worth passing (The Oregon Statesman, February 22, 1919).

## **First state conciliation and arbitration service: 1919–1957**

The Oregon State Board of Conciliation and Arbitration was established July 2, 1919. In 1935, the U.S. Congress passed the National Labor Relations Act (the Wagner Act) as part of the New Deal. The act created a National Labor Relations Board to recognize and certify labor unions nationwide and provide a legally enforceable right to form a labor union where one had not existed under the common law (Keyserling 1960).

The Wagner Act was amended in 1947 by the Labor–Management Relations Act (a.k.a. Taft–Hartley). The Federal Mediation and Conciliation Service (FMCS) was established to assist private sector employers and employees nationwide in resolving labor disputes.

In 1947, Senate Bill 314 created a secret ballot election supervised by the Oregon labor commissioner to determine whether a labor dispute could continue if a petition were filed. The law defined a collective bargaining unit for the first time in state law.

# A Century Resolving Disputes in Oregon

Senator Paul L. Paterson, who later became governor, was key to passing the bill. He was usually a labor supporter but changed his mind in this case. “I do not wish to upset the labor program in this state. But I do feel that labor union abuses related to members of the committee have occurred and [this bill] will correct them (Capital Journal, March 20, 1947). “[Senate Bill 314] hardly can be characterized as anti-labor as its provisions [are] virtually identical with those found in the Wagner Labor Act, an act considered most sacred by labor forces” (Capitol Journal, April 4, 1947).

## **1953 legislative session**

In 1953, House Bill 663 repealed the Labor Dispute Election Law. The introduced version modified the existing State Conciliation Service (SCS) to conduct secret ballot elections and determine appropriate bargaining units. The Oregon Labor Press described it as a “little National Labor Relations Board for Oregon.”

No union would be allowed to strike or picket any employer until it had been certified as bargaining agent for the employees [via an election] conducted by the board (Oregon Labor Press, March 27, 1953). House Bill 663 ultimately passed the Oregon House of Representatives.

In the Senate, the SCS was removed and replaced with a new state agency called the Division of Labor Elections, with a full-time “labor examiner.” The labor examiner was authorized to conduct secret ballot elections establishing appropriate bargaining units. Such bargaining units “shall be the exclusive representative of all employees for the purposes of collective bargaining.”

# A Century Resolving Disputes in Oregon

Hearings could be requested, and the labor examiner had the same powers as a court to compel witnesses and take testimony. The labor examiner was also empowered to investigate violations of the act. Governor Paul L. Paterson, a Republican, became concerned about the intensity of feelings generated by House Bill 663 endangering labor management relations within the state. He submitted a proposed mediation bill that required a party to notify the Bureau of Labor before any strike or lockout and allow the SCS to try to resolve the dispute.

The Senate did not adopt this change. House Bill 663 ultimately passed the Oregon Senate. The Oregon Labor Press (May 1, 1953) noted that the governor signed the bill only under extreme pressure from anti-labor elements within the Oregon Republican Party.

The State Federation of Labor immediately announced plans to challenge House Bill 663 in court (Oregon Labor Press, May 22, 1953). Ultimately, the Oregon Supreme Court upheld the entire law except for one section. It was a pyrrhic victory for labor. What followed was a decade-long campaign by organized labor to repeal the “anti-picketing bill.” During this fight, the existing SCS was altered to become the entity it is today.

## **1955 legislative session**

In 1955, Representative Alfred H. Corbett and 21 other Democrats introduced House Bill 128: “We have proposed an affirmative procedure for strengthening conciliation services as an alternative to the negative approach of the anti-picketing bill passed by the 1953 legislature” (Oregon Labor Press, April 5, 1955).

# A Century Resolving Disputes in Oregon

House Bill 128, he explained, “is designed to create a full-time SCS under a conciliator appointed by the governor and would encourage conciliation on a voluntary basis” (Oregon House CIL, minutes, February 15, 1955). Labor Commissioner Norman Nielsen told legislators that government has a responsibility “for providing parties to a labor dispute adequate mediation and conciliation facilities. The state conciliator should be an experienced career conciliator [with] sufficient latitude ... to determine the timing and extent of his entry into any dispute depending on the circumstances” (Oregon House CIL, memo, February 15, 1955).

Mindful of the FMCS, Nielsen noted that “no delineation of jurisdiction is set forth. This can best be worked out between the federal and state conciliation services.”

He advised legislators that “a full-time conciliation service needs to be fully independent, free from any intimation of association by either side, labor or management, and it should be surrounded by an atmosphere of neutrality” (Oregon House CIL, memo, February 15, 1955).

House Bill 128 ultimately did not advance because no funding mechanism was identified to pay for a full-time SCS.

## **1957 legislative session**

Oregon elected a new governor, Robert D. Holmes (D), in 1956. “It is my hope that Oregon may enjoy many years of peace and understanding between industry and labor. ... I favor establishment of a realistic mediation and conciliation service and I strongly urge repeal of the 1953 anti-picketing bill as a prerequisite for working out a proper conciliation procedure” (Holmes 1957).

# A Century Resolving Disputes in Oregon

House Bill 123, sponsored by the Oregon State Labor Council (the AFL-CIO) established a career conciliation service under civil service within the Bureau of Labor. The labor conciliator provided would be under civil service and appointed by the labor commissioner. The bill stated that conciliation service is a voluntary service that could be brought into a situation at the request of either party — or at its own option (Oregon House CIL, minutes, January 31, 1957).

The bill's sponsor also suggested that the conciliation service be made available for public employees too. The bill passed the House. In the Senate, senators clarified that House Bill 123 would repeal and replace the existing State Conciliation and Arbitration Service.

Senators try to amend the bill so that the state conciliator was appointed by the governor rather than the labor commissioner. This motion was defeated.

Senators then sought to limit the scope of the SCS for public employees and employers to fact-finding purposes only. This amendment passed, and House Bill 123 passed overwhelmingly by a vote of 27 to 3.

## **Actions 1959 through 1969**

In 1959, the legislature in House Bill 138 removed the “fact-finding only” limitation of SCS assistance to public employers and public sector unions. Public employees and employers could now utilize the SCS for whatever was needed regarding dispute resolution. Unions also finally succeeded in getting the anti-picketing law repealed.

A compromise created a legislative committee to study all laws relating to labor management relations, hold public hearings throughout the state, and present a report and potential legislation to the 1961 legislature. The new state conciliator explained that the new SCS differed from the previous version in that it was no longer empowered to make determinations (Oregon Legislative Interim Committee 1960). He told the committee the service was most frequently used for grievance and contract formation disputes. When asked what changes in state law could make the SCS more useful, he indicated a vast potential for utilization by public employees.

# A Century Resolving Disputes in Oregon

SCS utilization continued to expand throughout the 1960s. In 1963, the SCS noted an increase in the number of requests for conciliation assistance in disputes between public employers and their employees as a result of a statute authorizing collective bargaining in public employment.

In 1968, Governor Tom McCall (R) created a task force “to develop legislative recommendations for State Government reorganization and modernization to be presented to the 1969 Legislature.” One of the proposals created the Public Employment Relations Board. “This will be the existing civil service commission with vastly broadened responsibilities to resolve employee disputes for both state and local government and to provide necessary employee protection at the state level” (State of Oregon Executive Order 68-10, 1968).

The SCS would be “placed under the supervision of the Public Employment Relations Board (“Public” was dropped from Employment Relations Board in 1975 when the State Labor–Management Relations Board was abolished and its duties transferred to the ERB).

The SCS remains within the Oregon Employment Relations Board and continues to provide dispute resolution services for the people of Oregon, as we have for more than 100 years.

**Phil Johnson** is a State Mediator with the Oregon Employment Relations Board. He assists public employers and unions throughout Oregon to resolve disputes concerning labor relations. He provides mediation services to help resolve collective bargaining disputes, grievances under collective bargaining agreements, and unfair labor practice cases.



# A Century Resolving Disputes in Oregon

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