LUELLA E. NELSON

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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 (Legal Rep. Coordinator; Videoconferencing Task Force;Regional Chair 2008-2010); **College of Labor & Employment Lawyers** (Board of Governors 2017-2023); **Supreme Court of the United States**; Bar **Assn of San Francisco**, Labor & Employment Law § (Chair 2002-2004), ADR §; **Oregon State Bar**, Labor & Employment Law § (Chair 1999-2000), ADR §; **Labor Education & Research Assn** (Oregon Chapter IRRA President 1998-99); **State Bar of California**, Labor & Employment Law § (Chair 1991-92); **Assn for Conflict Resolution** (No Cal Chapter SPIDR Vice President 1988-89, Board of Directors 1987-91); **American Bar Assn**, Labor & Employment Law § (Labor Arbitration and the Law of Collective Bargaining Agreements Committee; Committee on Development of the Law Under the NLRA), Dispute Resolution §, Law Practice Management §; **Oregon Women Lawyers**; **Multnomah Bar Assn**; **Prof'l Org of Women in Employment Relations**

ARBITRATION/MEDIATION/LABOR RELATIONS EXPERIENCE

Arbitrator, Mediator, Factfinder, Special Master (1986-present). Neutral dispute resolution, primarily labor and employment cases from panels, rosters and ad hoc appointments. Hearings by videoconference only; or, if the parties agree, disputes may be submitted on stipulations and briefs. Due to age-related changes in my hands, I require a court reporter for hearings. I do not conduct interest arbitration hearings.

Member of the Oregon Employment Relations Board (2003-2004). Administered statute governing employment relations in state and local government entities.

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). Drafted decisions, dissents, and speeches for Board Member; investigated intra-agency EEO charges; bargaining committee and shop steward, NLRBPA. Investigated unfair labor practice and representation cases at regional office; litigated and settled unfair labor practices; held elections and hearings.

Hearing Officer for UMWA Health & Retirement Funds, under settlement in *Blankenship v. Mine Workers Fund*, 82 LRRM 3071 (DC DC 1973). Counseled pension applicants; investigated appeals of pension denials; conducted eligibility hearings.

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; National Mediation Board; Oregon ERB; Washington PERC and MEC; California Mediation and Conciliation Service and PERB; Los Angeles City ERB; Montana BPA; Nevada Labor Commissioner; Marin County Superior Court Panel of Mediators; U.S.D.C., Northern California, Federal Panel; Hearing Officer for Election Appeals, International Brotherhood of Teamsters Delegate and Officer Election; Office of Senate Fair Employment Practices; North American Agreement on Labor Cooperation; Marion County (Oregon) Appeals Panel; City of Portland (Oregon) Civil Service Hearing Officer.

PERMANENT PANELS: AC Transit/ATU 192; Albertsons/UFCW 164; AT&T Mobility/CWA; BART/ ATU; Boeing/IAM; Cal High Speed Rail Authority/State Bldg & Constr. Trades Council of Cal; Cal Teachers Assn/Cal Associates Staff; East Bay Hospitality Ind Assn/HERE Local 28; FAA/NATCA; Fairbanks/PSEA; Kaiser Permanente/UFCW, Local 555; Marion County/SEIU Local 503; Pacific Bell/CWA; Parc Oakland Hotel/HERE Local 28; Petersburg/Alaska Public Ees Assn; Pope & Talbot/USWA; Republic Svcs/UMWA; SamTrans/ATU 1574; San Francisco/DPOA; Santa Clara County/SEIU Local 715; Santa Clara Hospitality Ind Assn/HERE Local 19; Simpson Paper/ UPIU; State of Alaska/LT&C, Public Ees Local 71; Univ. of Cal/UPTE; Univ. of Cal/AFT; Univ. of Cal/AFSCME 3299; UPS/Teamsters; US Dept of Agriculture FSIS/AFGE; US Dept of Homeland Security/NTEU.

INDUSTRIES: Aerospace, agriculture, airlines, automotive, bakery, beverage, cement, cemetery, chemicals, clerical, communications, construction, dairy, education, entertainment/arts, federal sector grievance, feed & fertilizer, food, grain mill, health care, hotel/restaurant, insurance, local government, lumber, mfg. misc., maritime, meat packing, mining, nuclear energy, organizations, packaging, paint & varnish, plastics, police & fire, printing & publishing, prison guard, private/public sector interest, public sector grievance, pulp & paper, railroads, retail stores, transportation, trucking & storage, utilities, warehousing

ISSUES: Absenteeism, affirmative action, alcohol/drug abuse, arbitrability, assignment, AWOL, bargaining unit work, benefits denial, COLA, contracting out, demotion, discharge, discipline, discrimination, environmental pay, executive compensation, fair share, grievance mediation, holiday/holiday pay, insubordination, interest, job classification, job evaluation, job posting/ bidding, jurisdiction, layoff/bumping/ recall, leave of absence, management rights, mergers/consolidations, new/reopened contract terms, official time, overtime, past practice, pension/health, performance appraisals, promotions, rate of pay, reassignment, RIF, report/ call-in/call-back, safety, scheduling, seniority, severance pay, sexual harassment, shift hours, sick leave, subcontracting, successorship, tenure/reappointment, training, transfer, union access/security, union business, vacation, violence/threats, wages, work week change, working conditions, wrongful termination

SEMINAR PRESENTATIONS • TEACHING

National Academy of Arbitrators:
The Dope on Dope; What Arbitrators Should Know About Marijuana (10/2015); *Ethics in Labor Arbitration* (8/2013 and 2/2013)*; Getting it Right and Getting it Done: Procedural and Evidentiary Issues* (6/2013); *Ethics and Due Process in Arbitration* (5/2009); *Advanced Advocate Training* (5/2007)

Oregon State Bar, ADR Section:
Elder Abuse Reporting (3/2015); *Child Abuse Reporting* (11/2013) *Ethics in Labor Arbitration* (8/2012)

Oregon LERA:
Legal Ethics and Arbitrator Immunity (3/2014); *Arbitration: Past, Present, Future: Grievance Mediation Workshop* (10/1997); *Ethics in Collective Bargaining: Building Trust in the Workplace* (9/1996)

UC Hastings Arbitrators' Day: *Ambiguity and Past Practice* (2/2012)

NPELRA Labor Relations Academy II: *The Grievance Arbitration Process* (9/2011; 3/2000)

Montana Board of Personnel Appeals: *Arbitration & Labor Relations Conference* (9/2009)

Chinese Ministry of Personnel/FMCS: *Personnel Arbitration Symposium* (10/2007)

University of Oregon LERC PERC:
Just Cause: The 7 Tests Revisited (4/2006); *Ask the Arbitrator* (4/2005); *Leading ERB Cases of 2003-04* and *ERB Roundtable: Finality in Interest Arbitration* (4/2004); *The PECBA at Twenty; Comments and discussion by a panel of arbitrators* (4/1994)

Federal Mediation and Conciliation Service:
Ask the Grievance Arbitrator (3/2006)*; Ethics in Med/Arb* and *"Ask the Arbitrator"* (3/2005); *Ethics in Arbitration and Mediation* (3/2004); *Mental Health – The Bipolar Personality in the Workplace; Evidence After Discharge;* and *"Ask the Arbitrator"* (3/2003)

Bar Association of San Francisco, Labor and Employment Law Section:
Ethical Standards for Contractual Arbitration (7/2002); *Settlement's Toughest Challenges* (2/2002)

Oregon Employment Relations Board: *Arbitrator Immunity and Ethics* (11/2001)
Oregon State Bar, Labor and Employment Law Section: *Ethics in Mediation and Arbitration* (10/2001)
California School Employers Association:
Impasse Disputes under EERA: Mediation, Factfinding and Strikes (10/2001)
CalPELRA Labor Relations Academy II: *The Arbitration Process* (multiple times 1996-2009)
CalPELRA Advanced Labor Relations Academy IV: *Binding Interest Arbitration* (2/2001)
American Bar Association, Labor and Employment Law Section, Arbitration Subcommittee:
Privileges in Arbitration (2/1998)
American Arbitration Association:
Arbitration Case Preparation and Presentation (2/1996); *Evidentiary Issues in Arbitration* (3/1991)
Third Oregon Governor's Conference on Labor-Management Cooperation (10/1995)
State Bar of California, Labor and Employment Law Section:
Ask the Arbitrator (4/1997); *Ethics for Labor and Employment Lawyers* (1/1997); *Identifying Unconscious Bias in the Legal Profession* (5/1993); *Binding Arbitration of Common Law and Statutory Employment Claims* (5/1993); *IRCA for Employment Attorneys* (10/1990); *Special Industry Issues: Banks and Other Financial Institutions* (10/1989); *Employment Discrimination Update* (5/1989)
California Association of Affirmative Action Officers: *Alternative Dispute Resolution* (5/1993)
Northwest Alternative Dispute Resolution Conference: *Public vs. Private Justice* (9/1992)
State Bar of California, Annual Meetings:
Wrongful Termination: Alternatives to Litigation (9/1989); *Wrongful Termination Update* (9/1988)
Instructor, **Golden Gate University**, Graduate School, Labor Relations, and CEBS (1987, 1988, 1990)

SELECTED MEDIATION TRAINING

Advanced Employment Mediation (5-day program co-sponsored by the Alliance for Education in Dispute Resolution and Cornell/PERC Institute on Conflict Resolution), November 5-9, 2001; Advanced Mediation (3-day program sponsored by the United States Arbitration & Mediation Service), January 2001; Resourceful Mediation (Warren Associates), April 1995; Mediation: Training the Trainer (5-day program sponsored by the San Francisco Community Boards Program), July 1990

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)
One Arbitrator's Thoughts on SB 1638, California Labor & Employment Law Quarterly, Summer 1994
Public Policy and Arbitration Awards -- The Continuing Saga, 84 CPER 10, March 1990
Vacating Arbitration Awards on Public Policy Grounds: The Continuing Saga, California Labor & Employment Law Quarterly, Summer 1990
The Case of the Missing Party: USCA Approves "Ex Parte" Arbitration, 76 CPER 11, March 1988

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FEE SCHEDULE

POLICIES

Compensable Work: The rates below apply to (a) arbitration hearings and mediation sessions; (b) telephone and video conferences; (c) executive sessions; (d) review of documents, correspondence, briefs and legal authority; (e) preparation of correspondence, orders, rulings, opinions and awards; and (f) such other work as may be required by the parties. I do not charge for the first hour of pre-hearing telephone or video conferences on a matter. All other time spent on pre- and post-hearing/session matters (e.g., telephone/video conferences, motions, review of documents accompanying motions, analysis and preparation of rulings on motions) is billed at the hourly rate. If more than one-half hour is spent on purchasing-related documents or processes required by a party, that time is billed at the hourly rate to that party.

Labor Arbitration: The per diem fee for labor arbitration applies to each scheduled hearing day and study/writing day. A hearing day is any portion of a day up to eight hours (e.g., 10 a.m. to 6 p.m.). A day for analysis of evidence and preparation of Opinion and Award is four to eight hours, with any period under four hours charged as one-half day.

Labor Mediation, Med-Arb or Arb-Med: If the parties elect to pursue either a mediation, med-arb, or arb-med process on the day of hearing, the hourly fee is charged for any portion of the day spent in mediation, in addition to the per diem fee for any day(s) spent in arbitration.

Travel: One day's per diem is charged for travel days, only if more than 4 hours' travel time is required from my nearest office. For air travel of 3 or more hours' flight time, first class tickets will be used. Travel costs are billed at actual cost for transportation, food, lodging, and incidental expenses. Any non-refundable airline or lodging fees resulting from cancellations are billed to the parties. Mileage is billed at 60 cents per mile or at applicable IRS mileage rates, whichever is higher, for use of my personal vehicle. If an in-person hearing or mediation session is more than one time zone away from my local (Pacific) time, I arrive at least two days before the hearing/session to reduce jet lag. In such instances, I do not charge per diem for the intervening days, but do bill for food, lodging, and incidental expenses

Billing: Interim bills are issued for fees and expenses after multiple consecutive days of hearing or mediation sessions, between and after non-consecutive days on the same matter, and after days requiring air or rail travel. Fees are reviewed periodically. Advance deposits may be required in certain cases. Simple interest at 1.5% per month (18% per annum) may be added to accounts remaining unpaid after 30 days.

FEES:

Labor Arbitration. Arbitration of individual grievances arising under collective bargaining agreements, memoranda of understanding, personnel policies, or civil service procedures.	$3,400 per diem (video)
Expedited Arbitration and Class/Group Grievances: Cases requiring expedited hearing and/or decision, the hearing of multiple cases on the same hearing day, and/or bench awards, as well as complex cases in which multiple grievances are consolidated for arbitration.	$4,000 per diem (video)
Mediation, Employment (non-Labor) Arbitration, Fact-Finding, Neutral Evaluation, Facilitation, other pre- and post-hearing time spent	$600 per hour (video)

Fees in force at the time of my appointment will apply to initial hearing or mediation dates scheduled; subsequent dates and work may be charged at a higher rate of up to 20% after 2 years from date of appointment, on 30 days' notice to parties.

CANCELLATION OR POSTPONEMENT

A cancellation fee will be assessed if a hearing or mediation session is removed from calendar, unless notice is received during business hours at least 28 days of the first scheduled day. The cancellation fee will be the per diem or 4 hours' fee, as applicable from above, for each scheduled day. For matters scheduled for 5 or more hearing days or mediation sessions, the cancellation fee applies to all scheduled day(s) removed from calendar at any time. The cancellation fee is divided equally between the parties unless they mutually agree otherwise. Per diem and travel time and costs are payable if I have begun travel to the location prior to receiving notice of the cancellation.