

JEFF J. MINCKLER

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Phone: 310-365-3090

## PRESENT OCCUPATION

Arbitrator & Factfinder

## PROFESSIONAL AFFILIATION

Association of Administrative Law Judiciary

Association for Conflict Resolution

State Bar of California, Labor and Employment Law Section Labor and Employment Relations Association

National Association of Hearing Officials

Oregon State Bar, Administrative Law Section

Washington State Bar Association, ADR Section

## ARBITRATION EXPERIENCE

Academic: University instructor for research and case development (1970- 1972)

Labor: Representative and chief negotiator, AFL-CIO private sector locals (1972-1974)

Management: Specialist, Montana State Labor Relations Bureau (1974-1977); Bureau Chief & Governor's Designee for Collective Bargaining (1977-1979)

Labor: Regional Manager and chief negotiator, Montana Public Employees Association (1979-1982)

Management: Director of Labor Relations, Montana School Boards Association (1982-1986)

Labor & Management: Private practice representation in the public and private sectors (1986-2011)

Neutral: Arbitrator and factfinder (2011-current)

## INDUSTRIES

Aerospace, airline, airport (operations, parking), ambulance, asphalt, cemetery, chemical, clerical, communications, construction, corrections and detention (federal, state and regional prisons, jail), courier, education (K-12 and university, certified and classified), electrical (lineman, commercial), entertainment, fire (firefighting, EMT, paramedic), food (preparation, handling), law enforcement (federal, state police/highway patrol, sheriff, police, dispatch), legal, maritime, medical (nursing, laboratory, health care), metal, public works, railroad, road and bridge, security (private and public sector), solid waste (hauling, transfer stations, landfill), technology, theatrical, transportation (transit, school), trucking (OTR, LTL, maintenance), U.S. Military civilian employment, utilities, water and wastewater, wood products (logging, lumber, plywood, particle board, chip and resin hauling)

## ISSUES

Alcohol and drugs (on and off duty, reasonable suspicion, test falsification), application falsification, arbitrability, assignments, bidding, classification and pay, contracting out/jurisdiction, crew size, discipline and discharge/ termination, dishonesty, due process, evaluations, factfinding (advisory and binding), harassment and violence, hours of work, insubordination, insurance, jurisdictional disputes, layoff, leave benefits and abuse, NLRB deferrals including those requiring a decision on statutory issues, off duty conduct, overtime and premium pay, past practice, performance deficiency, promotion and demotion, public speech, reduction in force, representation rights, safety, seniority, sleeping on duty, spoliation, training, wage/salary and benefit comparisons

## ARBITRATION PANELS AND ROSTERS

Alaska Labor Relations Agency  
AFGE & Social Security Administration  
American Arbitration Association  
California Employment Relations Board  
Federal Mediation and Conciliation Service  
International Organization of Masters, Mates and Pilots  
Los Angeles City Employee Relations Board  
Los Angeles County Employee Relations Commission  
Montana Board of Personnel Appeals  
National Mediation Board (arbitration of Board deadlocks)  
Nebraska Commission of Industrial Relations  
Nevada Employee-Management Relations Board  
Oregon Employment Relations Board  
Phoenix City Employment Relations Board  
Social Security Administration & AFGE  
Washington Employment Relations Commission

## PUBLISHED CASES

I do not submit decisions for publication but many have nevertheless made it to the Web.

## SIGNIFICANT PUBLICATIONS

Keynote addresses for private and public sector union and employer conventions  
Section and panel presentations for state and national labor relations organizations  
Articles for labor relations journals Partial list of topics:  
Standards of Contract Interpretation  
Living under At-Will and Wrongful Discharge Statutes Affirmative Defenses in Arbitration  
The Use of After-acquired Evidence in Arbitration Dissecting Just Cause in the Private and Public Sectors Past Practice Application and Exceptions  
Public Speech Protections and Exceptions  
The Requirements of Due Process  
Weingarten, Garrity, Beckwith and Kalkines Protection and Warnings The Off-Duty Nexus  
The Law of the Collective Bargaining Hiatus  
Tenured and Nontenured Teacher Dismissal and Nonrenewal Management Rights: Fact or Fiction  
Instructor of advanced discipline and discharge course for employers and unions  
Instructor of university labor arbitration course  
Invited presenter of updated arbitration decisions and trends

## PER DIEM FEE

Daily rate: \$1,000 for grievance arbitration. Hearing: Daily rate, prorated after an all-inclusive 8-hour day. Only expenses are charged for an unused day. Processing, travel, study and writing is at the daily rate prorated in hourly increments for all time spent.

## DOCKET FEE

See "Per Diem Fee", above.

## CANCEL FEE

No late notice fee for a hearing vacated more than 15 calendar days in advance; \$100 for each day less. Reimbursement for purchased airline tickets, or the ticket change fee if less.

#### GRIEVANCE ARBITRATION

See "Per Diem Fee", above.

#### CANCELLATION POLICY

See "Cancellation Fee", above.

#### INT ARBT, FACT FND & LABOR MED

See "Per Diem Fee", above and add 20%. Nov 21, 2018, 2:15 PM

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#### INT ARBT, FACT FND & LABOR MED

#### TRAVEL TIME

Daily rate prorated in quarter-hour increments for all time spent. Transportation from Missoula or Billings.

#### EXPENSES

See above.