

MARK S. DOWNING

Email: downing.arb@gmail.com

Present Occupation: Arbitrator

First Business Address:

10712 Tracie Ct SW
Olympia, WA 98512

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PROFESSIONAL AFFILIATIONS:

Labor and Employment Relations Association, since 1996

EDUCATION:

JD Law University of Toledo, 1975

BA Sociology Indiana University, 1972

CERTIFICATIONS:

Law Washington, 1980 Idaho, 1977 Michigan, 1975

ARBITRATION/LABOR RELATIONS EXPERIENCE:

1986 – 2015: Washington Public Employment Relations Commission. Adjudicator/Mediator, Director of Administration, Unfair Labor Practice Manager, and Field Services Manager.

1981 – 1986: Teamsters, Local 763. Business Representative.

1980 – 1981: Public School Employees of Washington. Business Representative.

INDUSTRIES:

Automotive; Chemicals; Communications; Food (manufacturing/processing/service); Health care; Machinery; Metal fabrication; Mining; Office workers/clerical; Organizations; Packaging; Public sector [City, County, State, Police and Fire, School District, Fire District, Federal, Transit, Hospital, Higher Education]; Public sector interest; Refrigeration/HVAC; Transportation; Trucking/storage; Utilities; Warehousing.

ISSUES:

Absenteeism; Arbitrability; Bargaining unit work; Call back; Conduct (off-duty/personal); Demotion; Discipline (non-discharge); Discipline (discharge); Discrimination (age); Discrimination (race); Drug/alcohol offenses; Fringe benefits (insurance); Fringe benefits (leave); Fringe benefits (vacation); Health/hospitalization; Interest arbitration; Job classification; Job evaluation; Job performance; Job posting/bidding; Layoffs/bumping/recall; Management rights; New or reopened contract terms; Past practices; Promotion; Retirement; Safety/health conditions; Seniority; Subcontracting; Training; Transfer; Union business; Union security; Wages (cost-of-living pay); Wages (incentive pay); Wages (job classification & rates); Wages (overtime pay); Work hours/schedules/assignments; Working conditions/work orders; Violence or threats.

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ARBITRATION ROSTERS:

Federal Mediation & Conciliation Service
Montana Board of Personnel Appeals
Oregon Employment Relations Board
Washington Public Employment Relations Commission

PUBLISHED CASES:

88-2 ARB 8542 (1988); 92-1 ARB 8124, 97 LA 1113 (1991); 98 LA 998 (1992); 92-2 ARB 8459 (1992); 94-2 ARB 4440, 103 LA 309 (1994); 104 LA 18 (1994); 95-2 ARB 5355 (1995); 96-2 ARB 6328, 107 LA 138 (1996); 108 LA 698 (1997); 111 LA 481 (1998); 00-2 ARB 3509 (2000); 116 LA 1424 (2002); 118 LA 506 (2003); 118 LA 833 (2003); 121 LA 1477 (2005); 122 LA 710 (2006); 123 LA 54 (2006); 125 LA 1604 (2008).

SIGNIFICANT PUBLICATIONS:

“Union Security in the Public Sector”, co-author with Marvin L. Schurke, chapter 16, Labor-Management Relations in the Public Sector, Association of Labor Relations Agencies, (LRP Publications, 1999).

FEES:

PER DIEM FEE: \$1600; **CANCELLATION FEE:** (See below)

Grievance Arbitration, Interest Arbitration, and Fact Finding Hearing: Fee is \$1600 per day for hearing, and for study and writing of award. A hearing day is any portion of a day up to eight hours. Time for study and writing is prorated.

Labor Mediation: Fee is \$1600 per day. A day is any portion of a day up to eight hours.

Cancellation Policy: If a scheduled day is cancelled or postponed more than 30 days prior to start of hearing or mediation, \$800 is charged for each scheduled day. If a scheduled day is cancelled or postponed 30 days or fewer prior to start of hearing or mediation, \$1600 is charged for each scheduled day.

Travel Time: Time for travel is prorated.

Expenses: Actual costs for transportation, meals, lodging. Mileage billed at IRS rate.