

Kenneth J. Pedersen

OCCUPATION:

Arbitrator and Attorney;
Commissioner, Washington Public Employment Relations Commission

During the COVID-19 crisis, the arbitrator is available to host hearings and mediations via videoconference and to conduct in-person hearings when the safety of all participants can be assured.

ADDRESS:

P.O. Box 15164
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(425) 202-5835
ken@pedersenadr.com

PROFESSIONAL AFFILIATIONS:

Washington State Bar Association
Labor and Employment Relations Association (LERA)

EDUCATION:

BA	English Literature	Gonzaga University, 1977
JD	Law	Seattle University, 1980

CERTIFICATIONS/BAR ADMISSIONS:

United States Supreme Court; United States Court of Appeals for the Ninth Circuit; Washington State Supreme Court (1980); United States District Court for the Eastern District of Washington; United States District Court for the Western District of Washington.

ARBITRATION/LABOR RELATIONS EXPERIENCE:

Professional Experience: 2012-Present Full-time Arbitrator-Mediator; **1985-2011** Partner, Reid, Pedersen, McCarthy & Ballew, LLP, Seattle, WA (formerly Davies, Roberts & Reid). Represented labor organizations and individuals in arbitration hearings, in state and federal courts, before the NLRB, the EEOC, the Washington Public Employment Relations Commission and other agencies. Handled class action wage and hour litigation, represented Taft-Hartley trusts in ERISA litigation and labor organizations in binding interest arbitration hearings. Drafted contract language and assisted in collective bargaining. Represented labor organizations in their capacity as employers in state and federal courts, and in arbitration. **1980-1985** Associate, Critchlow & Williams, Richland, WA.

INDUSTRIES:

Law Enforcement, Education, Public Utility, Emergency Services Dispatch, Financial Services, Chemical, Construction, Education, Food Processing, Government (State-County-Municipal), Health Care, Nuclear, Oil and Gas, Police and Fire, Printing, Prison Guard and Corrections, Shipbuilding and Repair, State Ferry System, Trucking, Warehouse

ISSUES:

Arbitrability, Bargaining Unit Work, Discipline, Job Posting/Bidding, Management Rights, Past Practice, Union Security, Incentive Pay, Affirmative Action, Absenteeism, Arbitrability, Conduct, Discipline (Non-Discharge and Discharge), Discrimination: Drug/Alcohol Offenses, Job

Classification and Rates, Job Performance, Layoffs/Bumping/Recall, Management Rights, Promotion, Seniority, Union Security, etc.

ARBITRATION ROSTERS:

Federal Mediation and Conciliation Service; American Arbitration Association; Washington Public Employment Relations Commission; Oregon Employment Relations Board; Montana Board of Personnel Appeals; Financial Industry Regulatory Authority (FINRA).

PUBLISHED CASES:

City of Mountlake Terrace, 134 LA 1736 (2015); *Jackson County School Dist. No. 91*, 135 LA 373 (2015); *Oregon Liquor Control Commission*, 137 LA 1809 (2017); *First Student, Inc. Colville*, 138 LA 57 (2017).

FEES:

- Per diem rate:** \$1,500 per day (8 hours or any portion thereof). Each scheduled day billed full per diem. Applies to study, research and drafting; time for study, research and drafting is prorated.
- Travel Time:** Arbitrator charges per diem for any portion of a travel day up to 8 hours; fee is prorated for hours over 8 in one day.
- Cancellation fees:** \$1,500 when scheduled hearing day cancelled 14 days or fewer before hearing date. One-half daily per diem for matters cancelled more than 14 days before the start of scheduled hearing. Hearings scheduled for three or more days, when cancelled more than 14 days before hearing, charged half-day per diem per day.
- Travel charges:** Hotel, meals, transportation costs, parking, and similar charges billed on the basis of cost incurred. Air fare charged at lowest fully refundable fare at time of booking. Mileage charged at current IRS rate.
- Other fees charged:** Customary administrative expenses billed on the basis of costs incurred.