

E-mail Address: davegaba@compasslegal.com

Present Occupation: Attorney, Arbitrator, Mediator

First Business Address:

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Second Business Address:

PROFESSIONAL AFFILIATIONS:

National Academy of Arbitrators
LERA (past president NW chapter)

AAA Employment Arbitrator & Mediator
National Association of Railroad Referees

EDUCATION:

University of Nebraska, J.D. / M.B.A.

CERTIFICATIONS:

Washington State Bar 1989; Nebraska State Bar 1985; Idaho State Bar 2010; have conducted hearings on both Zoom and Webex.

ARBITRATION/LABOR RELATIONS EXPERIENCE:

1997 – Present: Arbitrator. Arbitrate labor and employment cases (see industries and issues below) for FMCS, State PERB's and AAA.

1992 to 1997, 2001 to 2002: Director Labor Relations, Metropolitan King County; managed the labor relations function for the eleventh largest county in the United States).

1990 to 1992: Washington State Nurses Association (UFCW). General Counsel to one of the largest labor unions in the northwest.

1989 to 1990: Washington Attorney General: Assistant Attorney General. Litigated cases and advised on labor and employment law issues.

1986 to 1989: NE Appeal Tribunal: Chief Administrative Law Judge. As Chief Administrative Law Judge, I heard and decided labor and employment related cases.

1985 to 1986: Attorney, NE Department of Labor.

INDUSTRIES:

Aerospace, Airlines, Agriculture, Aluminum, Automotive, Bakery, Beverage, Building Products, Brewery, Canning, Cement, Chemicals, Communications, Construction, Dairy, Education, Electrical Equipment/Appliances, Electronics, Entertainment/Arts, Federal Government (Corp of Engineers, HUD, DOD, VA, BOP, HHS, ect.), Federal Sector Interest, Food, Foundry, Furniture, Garbage, Local Government (police, fire, transit, schools, jail, local, state), Grain Mill, Grocery, Health Care, Hotels/Casinos/Resorts, Hospital/Nursing Home, Machinery, Mining, Maritime, Meat Packing, Metal Fabrication, Mining, Nuclear Energy, Office Workers/Clerical, Organizations, Packaging, Petroleum/Petrochemicals, Plastics, Plumbing, Police and Fire, Printing and Publishing, Pulp and Paper, Retail, Recycling, Refrigeration/HVAC, Restaurants, Retail Stores, Transportation, Trucking.

ISSUES:

Affirmative Action, Absenteeism, Arbitrability, Bargaining Unit Work, Demotion, Discipline (Non-Discharge), Discipline (Discharge), Discrimination: Age, Disability, Race, Sex, Religion, National Origin, Drug/Alcohol Offenses, FLSA, FMLA, Fringe Benefits: Bonus, Holidays, Insurance, Interest Arbitration, Leave, Vacation, Health/Hospitalization, Interest Arbitration, Job Posting/Bidding, Layoffs/Bumping/Recall, Management Rights, Official Time, Past Practices, Pension and Welfare Plans, Pension Claim (Fed. Statute), Promotion, Retirement, Safety/Health Conditions, Seniority, Sexual Harassment, Subcontracting/Contracting Out, Tenure/Reappointment, Trustee Deadlocks, Union Security, Wages: Cost-of-Living Pay, Holiday Pay, Incentive Pay, Job Classification and Rates, Merit Pay, Overtime Pay, Severance Pay, Vacation Pay, Work Hours/Schedules/Assignments, Working Conditions/Work Orders, Violence or Threats.

PERMANENT PANELS:

State of Alaska/Alaska Patrol Offic. Assc.	Kimberly Clark/AWPPW
Federal Way/FWPOG	City of Tukwila/USW
State of Oregon/AFSCME 75	FAA/National Air Traffic Controllers Assc.
Port of Seattle/Teamsters 117	AFGE 1406/Air Force Material Command
Hill AFB /AFGE 1592	TSA/AFGE
State of Alaska/ASEA	San Bernardino County/SBCPOA
USPS/APWU	Puget Sound Naval Shipyard/BMTC
Tata Chemical/USW	Nebraska Sate Patrol/FOP

ARBITRATION ROSTERS:

American Arbitration Association, CA CMS, WA PERC, OR PERB, MT PERB, HLRB, NE CIR, former Hearing Officer for Seattle Public Schools, City of Bellevue, Monterey County, and many others.

PUBLISHED CASES:

Published cases include: Linn Cnty., 136 LA 616 (2016), Andersen Structures, 135 LA 935 (2015), Simpson Lumber Co., 133 LA 1789 (Arb. 2014), Electrolux Home Products, 132 LA 1559 (2014), Clearwater Paper Corp., 132 LA 465 (2013), Holly Frontier Refining Co., 130 LA 1669 (2012), Crown Cork and Seal USA, 130 LA 1015 (2012), Kansas City Board of Public Utilities, 130 LA 724 (2012); Kimberly-Clark Corp., 130 LA 305 (2011), City of Oakland, 128 LA 1217 (2011), Oregon Department of Corrections, 127 LA 641 (2010), County of Monterey, 127 LA 207 (2009), Grandview School District, 126 LA 1263 (2009), City of Montclair, 127 LA 32 (2009), U.S. Department of the Army, 125 LA 1287 (2008), Lincoln Electric System, 125 LA 1185 (2008), United Parcel Service, 124 LA 1032 (2008), The Canyons Inc. 123 LA 1271 (2007), St. Peter Hospital, 123 LA 473 (2007), Klamath County, 122 LA 1745 (2006), Lehigh Cement Co., 122 LA 643 (2006), Fluor Hanford, 122 LA 65 (2005), Denver School District, 120 LA 816 (2004), Basin Electric Power Cooperative, 120 LA 210 (2004), Graphic Packaging International, 120 LA 140 (2004), Kitsap County, 119 LA 1753 (2004), Seattle School District, 119 LA 481 (2004), Mission Foods, 118 LA 1608 (2004), Rabanco Recycling, 118 LA 1411 (2003), City of Mill Creek, 116 LA 101 (2001).

SIGNIFICANT PUBLICATIONS: *Equitable Defenses Under State Blue-Sky Law*, PIABA B. J., Vol. 16, No. 3 (2009); *Disregarding the Manifest Disregard of the Law Standard Under the Federal Arbitration Act*, 17 PIABA B. J. 179 (2010); *You didn't Necessarily Lose Money*, Nebraska Lawyer, Vol 23, No 1, (2020).

FEES:

PER DIEM FEE: \$2,100 (\$2,500 for interest arbitrations). ½ per diem for travel of more than 3 hours. Hourly rate after 5:30 PM. **DOCKETING FEE:** May apply (waived for clients who use email). **EXPENSES:** Charge for reasonable actual expenses.

CANCELLATION FEE: Require 30-business days' notice of cancellation or continuance or charge for days set.