

JEFF J. MINCKLER, ARBITRATOR

E-MAIL: jeff@minckler.net *Please use e-mail for all communications*

LOCATION: Travel from Billings. Experienced with and prefer videoconference hearings.

RELATED EMPLOYMENT

Academic: University instructor on research and debate (1970-1972)

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

Management: Montana State Labor Relations Bureau (1974-1977); Bureau Chief (1977-1979)

Labor: Regional Manager/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-present)

RELATED EDUCATION

American Arbitration Association University

Arizona Supreme Court & Attorney General's ADR course

Cornell Graduate School of Industrial & Labor Relations

Federal Mediation and Conciliation Service Institute

Labor Arbitration Institute

National Judicial College

University of Montana

AGENCY/INDUSTRY EXPERIENCE

Aerospace, airline, airport (operations, parking), ambulance, asphalt, carpentry, 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 (bakers, cooks, counter), law enforcement (federal, state police and highway patrol, sheriff, police, dispatch), legal, maritime, medical (nursing, laboratory, health care), metal, millwright, public works, railroad, road and bridge, security (private and public), solid waste (hauling, transfer stations, landfill), technology, theatrical, transportation (public, 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)

ISSUE EXPERIENCE

Alcohol and drugs (on and off-duty, reasonable suspicion, test manipulation), application falsification, arbitrability, assignments, bidding, classification and pay, contracting, crew size, deferrals from the NLRB including those requiring a decision on statutory issues, 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, off-duty conduct, overtime and premium pay, past practice, performance deficiency, policy implementation, profanity, promotion and demotion, public speech, reduction in force, representation rights, safety, seniority, sleeping on duty, spoliation, training, wage/salary and benefit comparisons

PROFESSIONAL AFFILIATIONS

Association of Administrative Law Judiciary
California, Oregon and Washington Bar Associations (labor/management sections)
Labor and Employment Relations Association
National Association of Hearing Officials

ROSTERS & PANELS

AFGE & Social Security Administration
Alaska Labor Relations Agency
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
Washington Employment Relations Commission

ARTICLES & PRESENTATIONS

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 presentations and writings:
 Affirmative Defenses in Arbitration
 Attempting Crystal Clear Contracts
 Dissecting "Cause" in the Private and Public Sectors
 Living under At-will and Wrongful Discharge Statutes
 Loudermill and Name-clearing Hearings
 Management Rights: Fact or Fiction
 Past Practice Application and Exceptions
 Public Speech Protections and Exceptions
 Standards of Contract Interpretation
 Tenured and Nontenured Teacher Dismissal and Nonrenewal
 The Law of the Collective Bargaining Hiatus
 The Off-duty Nexus
 The Requirements of Due Process
 The Use of After-acquired Evidence in Arbitration
 Weingarten, Garrity, Beckwith and *Kalkines* Protection and Warnings
Instructor of advanced discipline and discharge course for employers and unions
Instructor of university arbitration course
Guest speaker on trends in arbitration procedures and decisions

FEES & EXPENSES

Daily rate: \$1,000 for grievance arbitration; add 20% for factfinding and interest arbitration.

Time: Daily rate per hearing day used, prorated in quarter-hour increments after each all-inclusive 8-hour day and for travel, study and writing.

Expenses: Travel from Billings, lodging at actual cost, no charge for meals.

Postponement or cancellation: No penalty when a hearing is vacated more than 15 calendar days in advance; \$100 for each calendar day less. Actual cost of travel if case is withdrawn before a decision is issued.

ADDITIONAL INFORMATION: www.minckler.net