

## **JEFF J. MINCKLER, ARBITRATOR & FACTFINDER**

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

**LOCATION:** All hearings are via a videoconference program, preferably Zoom which I will host.

### **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), energy production, 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, U.S. Mint, 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/removal including Federal chapters 43 & 75, 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

**FEES & EXPENSES**

Daily rate: \$1,300 for grievance arbitration; add 20% for factfinding and interest arbitration.

Time: Daily rate per hearing day used, prorated after each all-inclusive 8-hour day and for all time spent including study and writing.

Expenses: None.

Postponement or cancellation: No late notice charge when a hearing is vacated more than 14 calendar days in advance, but \$200 for each calendar day less.

**ADDITIONAL INFORMATION:** [www.minckler.net](http://www.minckler.net)