

LUELLA E. NELSON

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PROFESSIONAL EDUCATION AND AFFILIATIONS

Harvard Law School, Cambridge, Massachusetts, J.D. 1976; **Macalester College**, St. Paul, Minnesota, B.S. *cum laude*, Economics and Political Science (Honors in Economics) 1973.

National Academy of Arbitrators (Legal Rep. Coordinator; Videoconferencing Task Force; Regional Chair 2008-2010); **College of Labor & Employment Lawyers** (Board of Governors 2017-); **Supreme Court of the United States**; **Bar Assn of San Francisco**, Labor & Employment Law § (Chair 2002-2004), ADR §; **Oregon State Bar**, Labor & Employment Law § (Chair 1999-2000), ADR §; **Labor Education & Research Assn** (Oregon Chapter IRRA President 1998-99); **State Bar of California**, Labor & Employment Law § (Chair 1991-92); **Assn for Conflict Resolution** (No Cal Chapter SPIDR Vice President 1988-89, Board of Directors 1987-91); **American Bar Assn**, Labor & Employment Law § (Labor Arbitration and the Law of Collective Bargaining Agreements Committee; Committee on Development of the Law Under the NLRA), Dispute Resolution §, Law Practice Management §; **Oregon Women Lawyers**; **Multnomah Bar Assn**; **Prof'l Org of Women in Employment Relations**

ARBITRATION/MEDIATION/LABOR RELATIONS EXPERIENCE

Arbitrator, Mediator, Factfinder, Special Master (1986-present). Neutral dispute resolution, primarily labor and employment cases from panels, rosters and ad hoc appointments. *For the duration of the COVID pandemic, offering hearings by videoconference; in-person hearings may resume in late 2021 or later.* Due to age-related changes in my hands, I require a court reporter for hearings.

Member of the Oregon Employment Relations Board (2003-2004). Administered statute governing employment relations in state and local government entities.

Counsel, Senior Counsel, and Field Attorney with the National Labor Relations Board in Washington, D.C., headquarters (1976-81) and Oakland, California, Region (1981-86). Drafted decisions, dissents, and speeches for Board Member; investigated intra-agency EEO charges; bargaining committee and shop steward, NLRBPA. Investigated unfair labor practice and representation cases at regional office; litigated and settled unfair labor practices; held elections and hearings.

Hearing Officer for UMWA Health & Retirement Funds, under settlement in *Blankenship v. Mine Workers Fund*, 82 LRRM 3071 (DC DC 1973). Counseled pension applicants; investigated appeals of pension denials; conducted eligibility hearings.

New York City Urban Fellow, City Commission on Human Rights. Investigated charges of discrimination in employment, housing, and public accommodations; drafted recruitment guidelines for architecture schools; drafted reorganization plan for Commission staff; organized hearings on Vietnam-era veterans.

PANELS • INDUSTRIES • ISSUES

AGENCY: AAA; FMCS; National Mediation Board; Oregon ERB; Washington PERC and MEC; California Mediation and Conciliation Service and PERB; Los Angeles City ERB; Montana BPA; Nevada Labor Commissioner; Marin County Superior Court Panel of Mediators; U.S.D.C., Northern California, Federal Panel; Hearing Officer for Election Appeals, International Brotherhood of Teamsters Delegate and Officer Election; Office of Senate Fair Employment Practices; North American Agreement on Labor Cooperation; Marion County (Oregon) Appeals Panel; City of Portland (Oregon) Civil Service Hearing Officer.

PERMANENT PANELS: AC Transit/ATU 192; Albertsons/UFCW 164; AT&T Mobility/CWA; BART/ATU; Boeing/IAM; Cal High Speed Rail Authority/State Bldg & Constr. Trades Council of Cal; Cal Teachers Assn/Cal Associates Staff; East Bay Hospitality Ind Assn/HERE Local 28; FAA/NATCA; Fairbanks/PSEA; Kaiser Permanente/UFCW, Local 555; Marion County/SEIU Local 503; Pacific Bell/CWA; Parc Oakland Hotel/HERE Local 28; Petersburg/Alaska Public Ees Assn; Pope & Talbot/USWA; SamTrans/ATU 1574; San Francisco/DPOA; Santa Clara County/SEIU Local 715; Santa Clara Hospitality Ind Assn/HERE Local 19; Simpson Paper/ UPIU; State of Alaska/LT&C, Public Ees Local 71; Univ. of Cal/UPTE; Univ. of Cal/AFT; Univ. of Cal/AFSCME 3299; UPS/Teamsters; US Dept of Agriculture FSIS/AFGE; US Dept of Homeland Security/NTEU.

INDUSTRIES: Aerospace, agriculture, airlines, automotive, bakery, beverage, cement, cemetery, chemicals, clerical, communications, construction, dairy, education, entertainment/arts, federal sector grievance, feed & fertilizer, food, grain mill, health care, hotel/restaurant, insurance, local government, lumber, mfg. misc., maritime, meat packing, mining, nuclear energy, organizations, packaging, paint & varnish, plastics, police & fire, printing & publishing, prison guard, private/public sector interest, public sector grievance, pulp & paper, railroads, retail stores, transportation, trucking & storage, utilities, warehousing

ISSUES: Absenteeism, affirmative action, alcohol/drug abuse, arbitrability, assignment, AWOL, bargaining unit work, benefits denial, COLA, contracting out, demotion, discharge, discipline, discrimination, environmental pay, executive compensation, fair share, grievance mediation, holiday/holiday pay, insubordination, interest, job classification, job evaluation, job posting/ bidding, jurisdiction, layoff/bumping/ recall, leave of absence, management rights, mergers/consolidations, new/reopened contract terms, official time, overtime, past practice, pension/health, performance appraisals, promotions, rate of pay, reassignment, RIF, report/call-in/call-back, safety, scheduling, seniority, severance pay, sexual harassment, shift hours, sick leave, subcontracting, successorship, tenure/reappointment, training, transfer, union access/security, union business, vacation, violence/threats, wages, work week change, working conditions, wrongful termination

SEMINAR PRESENTATIONS • TEACHING

National Academy of Arbitrators:

The Dope on Dope; What Arbitrators Should Know About Marijuana (10/2015); *Ethics in Labor Arbitration* (8/2013 and 2/2013); *Getting it Right and Getting it Done: Procedural and Evidentiary Issues* (6/2013); *Ethics and Due Process in Arbitration* (5/2009); *Advanced Advocate Training* (5/2007)

Oregon State Bar, ADR Section:

Elder Abuse Reporting (3/2015); *Child Abuse Reporting* (11/2013) *Ethics in Labor Arbitration* (8/2012)

Oregon LERA:

Legal Ethics and Arbitrator Immunity (3/2014); *Arbitration: Past, Present, Future: Grievance Mediation Workshop* (10/1997); *Ethics in Collective Bargaining: Building Trust in the Workplace* (9/1996)

UC Hastings Arbitrators' Day: *Ambiguity and Past Practice* (2/2012)

NPELRA Labor Relations Academy II: *The Grievance Arbitration Process* (9/2011; 3/2000)

Montana Board of Personnel Appeals: *Arbitration & Labor Relations Conference* (9/2009)

Chinese Ministry of Personnel/FMCS: *Personnel Arbitration Symposium* (10/2007)

University of Oregon LERC PERC:

Just Cause: The 7 Tests Revisited (4/2006); *Ask the Arbitrator* (4/2005); *Leading ERB Cases of 2003-04 and ERB Roundtable: Finality in Interest Arbitration* (4/2004); *The PECBA at Twenty: Comments and discussion by a panel of arbitrators* (4/1994)

Federal Mediation and Conciliation Service:

Ask the Grievance Arbitrator (3/2006); *Ethics in Med/Arb* and "Ask the Arbitrator" (3/2005); *Ethics in Arbitration and Mediation* (3/2004); *Mental Health – The Bipolar Personality in the Workplace: Evidence After Discharge*; and "Ask the Arbitrator" (3/2003)

Bar Association of San Francisco, Labor and Employment Law Section:

Ethical Standards for Contractual Arbitration (7/2002); *Settlement's Toughest Challenges* (2/2002)

Oregon Employment Relations Board: *Arbitrator Immunity and Ethics* (11/2001)
Oregon State Bar, Labor and Employment Law Section: *Ethics in Mediation and Arbitration* (10/2001)
California School Employers Association:
Impasse Disputes under EERA: Mediation, Factfinding and Strikes (10/2001)
CalPELRA Labor Relations Academy II: *The Arbitration Process* (multiple times 1996-2009)
CalPELRA Advanced Labor Relations Academy IV: *Binding Interest Arbitration* (2/2001)
American Bar Association, Labor and Employment Law Section, Arbitration Subcommittee:
Privileges in Arbitration (2/1998)
American Arbitration Association:
Arbitration Case Preparation and Presentation (2/1996); *Evidentiary Issues in Arbitration* (3/1991)
Third Oregon Governor's Conference on Labor-Management Cooperation (10/1995)
State Bar of California, Labor and Employment Law Section:
Ask the Arbitrator (4/1997); *Ethics for Labor and Employment Lawyers* (1/1997); *Identifying Unconscious Bias in the Legal Profession* (5/1993); *Binding Arbitration of Common Law and Statutory Employment Claims* (5/1993); *IRCA for Employment Attorneys* (10/1990); *Special Industry Issues: Banks and Other Financial Institutions* (10/1989); *Employment Discrimination Update* (5/1989)
California Association of Affirmative Action Officers: *Alternative Dispute Resolution* (5/1993)
Northwest Alternative Dispute Resolution Conference: *Public vs. Private Justice* (9/1992)
State Bar of California, Annual Meetings:
Wrongful Termination: Alternatives to Litigation (9/1989); *Wrongful Termination Update* (9/1988)
Instructor, **Golden Gate University**, Graduate School, Labor Relations, and CEBS (1987, 1988, 1990)

SELECTED MEDIATION TRAINING

Advanced Employment Mediation (5-day program co-sponsored by the Alliance for Education in Dispute Resolution and Cornell/PERC Institute on Conflict Resolution), November 5-9, 2001; Advanced Mediation (3-day program sponsored by the United States Arbitration & Mediation Service), January 2001; Resourceful Mediation (Warren Associates), April 1995; Mediation: Training the Trainer (5-day program sponsored by the San Francisco Community Boards Program), July 1990

SELECTED PUBLICATIONS

Co-Author, *Did He Do It?: Employer Handbook "Just Cause" Meets the Collective Bargaining Agreement*, 17 LERC Monograph Series 17 (2003)
Contributor to *Discipline and Discharge in Arbitration* (BNA, 1998; 2000 supplement), and *The Developing Labor Law: the Board, the Courts, and the National Labor Relations Act*, Third Edition (BNA, 1992)
Editor, *Ask the Arbitrator* column, California Labor & Employment Law Quarterly (1997-99)
One Arbitrator's Thoughts on SB 1638, California Labor & Employment Law Quarterly, Summer 1994
Public Policy and Arbitration Awards -- The Continuing Saga, 84 CPER 10, March 1990
Vacating Arbitration Awards on Public Policy Grounds: The Continuing Saga, California Labor & Employment Law Quarterly, Summer 1990
The Case of the Missing Party: USCA Approves "Ex Parte" Arbitration, 76 CPER 11, March 1988