



METROPOLITAN
WASHINGTON
AIRPORTS AUTHORITY



Report to the Human Resources Committee

Recommendation to Confirm Nine Members of the Employee Relations Council

March 2019



Purpose

- That the Human Resources Committee recommend Board confirmation of nine members of the Employee Relations Council (ERC) for two-year terms expiring January 31, 2021.



Background

- The Metropolitan Washington Airports Authority (Airports Authority) Labor Code established the ERC, consisting of nine members who are named for two-year terms by the mutual agreement of the President and Chief Executive Officer and the labor organizations representing Airports Authority employees, and confirmed by the Board of Directors.



Background (continued)

- The Labor Code also provides that members of the ERC are eligible for reappointment, with no limit on the number of terms a member may serve.



Background (continued)

- The ERC is composed of three panels: the Impasse Disputes Panel, the Representation Matters Panel, and the Unfair Labor Practices and Negotiability Disputes Panel. Each panel is composed of three members and three alternates. The activity level of the ERC averages four cases each term.



Background (continued)

The Impasse Disputes Panel:

- Invokes mediation when the Airports Authority and exclusive representative fail to reach a collective bargaining agreement and
- Provides certain dispute resolution services.



Background (continued)

The Representation Matters Panel:

- Investigates petitions filed for exclusive representation or for decertification of a unit;
- Determines an appropriate unit; and
- Certifies the results of the elections conducted in accordance with ERC procedural rules and regulations.



Background (continued)

The Unfair Labor Practices and Negotiability Disputes Panel:

- Resolves negotiability disputes and
- Investigates and issues orders regarding allegations that a person has engaged in an unfair labor practice.



Recommendation

- That the Human Resources Committee recommend Board confirmation of nine members of the ERC for two-year terms expiring January 31, 2021.



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@Dulles_Toll_Road



reaganairport

FlyDulles

dullestollroad



REPORT TO THE HUMAN RESOURCES COMMITTEE

RECOMMENDATION TO CONFIRM NINE MEMBERS OF THE EMPLOYEE RELATIONS COUNCIL

MARCH 2019

ACTION REQUESTED: That the Human Resources Committee approve and recommend Board confirmation of three incumbents of the Employee Relations Council (ERC) and six nominees for a two-year term expiring January 31, 2021.

BACKGROUND: As required by the Metropolitan Washington Airports Authority's (Airports Authority) lease with the Federal Government, the Board of Directors adopted a Labor Code in November 1988 that became effective on February 1, 1989. This Labor Code established the ERC consisting of nine members who are named for two-year terms by the mutual agreement of the President and Chief Executive Officer (CEO) and the labor organizations representing Airports Authority employees, and confirmed by the Board of Directors. The Labor Code also provides that members of the ERC are eligible for reappointment, with no limit on the number of terms a member may serve.

There are three ERC panels composed of three members and three alternates. The Impasse Disputes Panel invokes mediation when the Airports Authority and exclusive representative fail to reach a collective bargaining agreement. The Representation Matters Panel investigates petitions for decertification of a unit or for exclusive representation of an appropriate unit. The Unfair Labor Practices and Negotiability Disputes Panel resolves negotiability disputes and investigates allegations of unfair labor practices. A summary of ERC activities for the 2017-2018 term is included in Attachment A.

DISCUSSION: Two incumbents resigned from the ERC toward the end of the term. The remaining seven incumbents were contacted and three expressed an interest in being reappointed for another two-year term. Six nominees--Andrew Strongin, Garvin Lee Oliver, William Kirk Underwood, Rosemary Pye, Elliot Shaller, and Blanca Torres--were contacted and expressed an interest in appointment to the ERC.

The President and CEO and the labor organization representatives have agreed on the reappointment of three incumbents and six nominees, who are listed in

Attachment B. Biographies for all the recommended Council members are included in Attachment C.

RECOMMENDATION: That the Human Resources Committee approve and recommend Board confirmation of three incumbents of the ERC and six nominees for a two-year term expiring January 31, 2021.

Prepared by:
Office of Human Resources and
Administrative Services
March 2019

AIRPORTS AUTHORITY EMPLOYEE RELATIONS COUNCIL ACTIVITIES
2017-2018 TERM

Unfair Labor Practices (ULP) Panel

1. In February 2017, the American Federation of Government Employees (AFGE), AFL-CIO, Local 2303 (Union), filed a ULP charge claiming that the Metropolitan Washington Airports Authority (Airports Authority) (Employer) violated the Labor Code by refusing to bargain in good faith. The Union alleged that the Employer failed to negotiate over proposed changes to a bid line for the Mobile Lounge Drivers. The Employer denied the charge, citing a 20-year practice regarding routine notifications. As well, the Employer stated that the bidding process is covered by the negotiated agreement between the Parties and any allegations should have been raised under the grievance procedure. The Panel issued a Decision and Order dismissing the charge in its entirety, concluding that the Union's claim was not appropriately filed as a violation of the Labor Code but instead should have been pursued as a grievance.
2. In November 2017, the AFGE, AFL-CIO National Union filed a ULP claiming that the Employer refused to bargain collectively with the exclusive representative, specifically stating that the exclusive representative was AFGE, Local 1923 in Baltimore. The Employer responded stating that the Union failed to follow the proper procedure under the Labor Code and that the Panel should dismiss the charge. The Parties entered into a Settlement Agreement by which the Union withdrew the charge and the Employer agreed to recognize AFGE-AFL-CIO National Headquarters as the certificate holder.
3. In January 2018, the MWAA Professional Fire Fighters Association, International Association of Fire Fighters (IAFF), Local 3217, and the Metropolitan Washington Airports Police Association, International Union of Police Associations (IUPA), AFL-CIO, Local 5004, filed ULP charges claiming that the Employer violated the Labor Code by refusing to bargain in good faith over proposed changes in the 2018 Airports Authority Pay Policy regarding the calculation of overtime and night pay/shift differential. The Employer provided a response to the ULP Panel denying both charges. The basis of the denial was that in accordance with the Airports Authority Labor Code, pay is excluded as a condition of employment and as such, is non-negotiable. The Panel issued a decision in favor of the Unions and directed the Employer to rescind relevant parts of the Pay Policy and retroactively make appropriate pay adjustments for affected bargaining unit employees.

In accordance with §2.13(4) of the Airports Authority Labor Code, the Airports Authority filed an appeal in the Circuit Court for Arlington County on June 5, 2018. The decision from the Court is pending.

4. In February 2018, the AFGE, Local 1118, filed a ULP claiming that the Employer violated the Labor Code by refusing to bargain in good faith with the Union over proposed changes in the 2018 Airports Authority Pay Policy. The Employer provided a response to the ULP Panel denying the charge. The basis of the denial was that in accordance with the Airports Authority Labor Code, pay is excluded as a condition of employment and as such, is non-negotiable. In September 2018, the Panel issued an Interim Order holding the matter in abeyance pending a decision on the appeal of the Pay Policy pending in the Circuit Court of Arlington County.
5. In July 2018, the Communications Workers of America, Local 2252, filed a ULP claiming that the Employer violated the Labor Code by refusing to bargain in good faith with the Union over proposed changes in the 2018 Airports Authority Pay Policy. The Employer provided a response to the ULP Panel denying the charge. The basis of the denial was that the charge was untimely and based on non-facts. The Panel issued a Decision and Order in October 2018 denying the charge ruling that it was untimely filed and that the Employer did not refuse to engage in collective bargaining.

Representation Matters Panel

1. In December 2016, the AFGE, AFL-CIO, Local 2303, filed a Clarification of Unit-Amendment of Certification petition. The petition was a request to change the name of the exclusive representative on its certification from Local 2303 to “American Federation of Government Employees, AFL-CIO.” The Employer objected, but the Panel met with the Parties and a settlement was reached. The Panel issued a Decision and Order in March 2017 granting the petition.
2. In March 2018, the Employer filed a Clarification of Representation Petition claiming that the AFGE, AFL-CIO National Union transferred bargaining unit employees at Washington Dulles International Airport in Virginia to AFGE Local 1923 in Baltimore, Maryland without notification to the Employer and without following procedures under the Labor Code. In May 2018, the Panel issued a Decision and Order clarifying the Dulles bargaining unit as a “stand alone unit” and, with proper notice to the Employer, is not precluded from designating individuals associated with AFGE Local 1923 to represent the Dulles bargaining unit.

EMPLOYEE RELATIONS COUNCIL MEMBERS
2019-2021 TERM

Robert B. Lubic (incumbent)
2813 McKinley Place, NW
Washington, DC 20015
202-966-1880

Andrew M. Strongin
P.O. Box 5779
Takoma Park, MD 20913
301-562-2866

Garvin Lee Oliver
9084 Belvoir Woods Parkway
Fort Belvoir, VA 22060
703-780-6544

Blanca E. Torres
520 Whittier St., NW
Washington, DC 20012
202-531-0225

Rosemary Pye
1200 N Nash St., Apt. 522
Arlington, VA 22209
781-789-3488

William Kirk Underwood
4938 Hampden Lane, Suite 425
Bethesda, MD 20814

Elliot H. Shaller
11733 Devilwood Drive
Potomac, MD 20854
301-294-4148

Donald S. Wasserman (incumbent)
1612 K St. NW, Suite 1102
Washington, DC 20006
202-223-1185

Gail Smith (incumbent)
P.O. Box 94
Stevenson, MD 21153
410-292-7467

Impasse Disputes Panel Members

Robert B. Lubic
Garvin Lee Oliver
Rosemary Pye

Alternates

Gail Smith
Andrew Strongin
William Kirk Underwood

Representation Matters Panel Members

Elliot H. Shaller
Gail Smith
William Kirk Underwood

Alternates

Blanca E. Torres
Garvin Lee Oliver
Donald Wasserman

Unfair Labor Practices Panel Members

Andrew M. Strongin
Blanca E. Torres
Donald S. Wasserman

Alternates

Rosemary Pye
Elliot H. Shaller
Robert B. Lubic

Robert B. Lubic

Washington, DC

Occupation: Professor

Business Address: 2813 McKinley Place, NW
Washington, DC 20015
202-966-1880
e-mail: LUBIC@AMERICAN.EDU

Professional Affiliations: AAA ICSID

GeneralExperience: Associate Dean, American University Law School, 1970-71;
Professor, American University Law School, 1965-Present;
Assistant Professor, Duquesne University Law School, 1963-65;
Attorney, private practice, 1959-71; Attorney Advisor, Federal Communications Commission, 1957-59.Perm Panel: U.S. Virgin Islands W&P/WAPAEA
U.S. Treasury Department/NTEU**Arbitration Experience**

Issues: Alcohol and drug abuse, arbitrability, work-assignment, bargaining unit work, demotion, discharge, discipline, discrimination, holidays and holiday pay, incentive rates/standards, job posting and bidding, layoff, bumping and recall, management rights, overtime, schedule of work, subcontractor, work performance, work condition, AWOL, contracting out, insubordination, official time, promotions, sick leave, wages.

Industries: Airlines, chemical, construction, education, entertainment/arts, Federal sector grievance, food, hotel/restaurant, lumber, manufacturing miscellaneous, steel, transportation, nonferrous metals, railroads, warehousing.

Public Sector Agency Rosters:

National Medical Board, DC PERB, VI PERB

Robert B. Lubic (continued)

Education: LLM Law, Georgetown University – 1959
JD Law, University of Pittsburgh – 1953
AB Political Science, University of Pittsburgh – 1950

Certification: Law, Pennsylvania – 1953
Law, U.S. Supreme Court – 1958

Fees: Per Diem Fee: \$600
Cancellation Fee: \$600
\$900 Per Diem fee for interest arbitration

Work Experience: OF Counsel BARAFF, Koerner and Olender, Bethesda, MD.

Award Citations: 64 LA 584; 9 LA 4567; 77 LA 96; 77 FLRR 2-1915; 71 LA
1031; 79 FLRR 2-1213; 80 FLRR 2-167; 80 FLRR 2-2110; 81
FLRR 2-1382

This biographical sketch was last updated on: 1999/02/17

Email: GLMMOLIVER@AOL.COM (Preferred Contact Method)

Present Occupation Arbitrator

First Business Address

9084 Belvoir Woods Parkway
Fort Belvoir, VA 22060

(703)780-6544

PROFESSIONAL STATEMENT

2003- Present: Arbitrator. Arbitrate labor and employment cases for government and private industry through the facilities of the FMCS. 2004-2008: Member, Foreign Service Grievance Board. Decided disciplinary and other employee grievances. 1979-2001: Federal Administrative Law Judge for the Federal Labor Relations Authority, presiding at hearings and issuing decisions involving unfair labor practices on the part of Federal agencies or unions. 1964-1974 Attorney, U. S. Department of Justice.

PROFESSIONAL AFFILIATIONS

Federal Admin. Law Judges Conference

EDUCATION

JD Law American University 1964

BA Public Administration George Washington University 1960

CERTIFICATIONS

Attorney

Bar - District of Columbia 1964

Bar - State of Virginia 1964

ARBITRATION/LABOR RELATIONS EXPERIENCE

Federal Labor Rels Authority - Federal Admin. Law Judge, 1979 - 2001

Occupa. Safety & Health Commis - Federal Admin. Law Judge, 1979 - 1979

U.S. Department Of Labor - Federal Admin. Law Judge, 1974 - 1979

U.S. Department Of Justice - Deputy Section Chief/ATTY., 1964 - 1974

INDUSTRIES

Education, Health care, Hotels/motels/casinos/resorts, Maritime, Mining, Office workers/clerical, Organizations, Police & fire, Printing & publishing, Prison guard, Public sector grievance, Public sector interest, Retail stores

ISSUES

Arbitrability, Bargaining unit work, Discipline (discharge), Discipline (non-discharge), Drug/alcohol offenses, Fact finding, Fringe benefits, Holidays, Incentive pay, Job classification & rates, Job performance, Layoffs/bumping/recall, Leave, Management rights, Official time, Overtime Pay, Past practices, Promotion, Safety/health conditions, Seniority, Strikes/lockouts/work stoppages/slowdowns, Tenure/reappointment, Union security, Vacation, Vacation pay, Wages, Work Hours/Schedules/Assignments, Working conditions/work orders

ARBITRATION ROSTERS

FMCS Arbitration Roster

PUBLISHED CASES

Several hundred published decisions may be accessed through Google or other search engines, or in Westlaw at the FLB-FLRA database by using the terms and connectors query "Garvin Lee Oliver." At the Federal Labor Relations Authority website, www.flra.gov, click on "Search the FLRA website" and enter "Garvin Lee Oliver" as the search. Also search the name at the www.fsgb.gov website for foreign service cases.

RATES/POLICIES

Per Diem: \$1,000.00

Cancellation: \$800.00

\$800 cancellation charge if settled or withdrawn within one week of hearing date.

Expenses: Expenses: The actual cost of reasonable expenses shall be charged, including any necessary parking, airfare, car rental, food, or lodging. Automobile mileage shall be charged at the applicable GSA expense rate.

Email: PYE.ARBITRATOR@GMAIL.COM (Preferred Contact Method)

Present Occupation Arbitrator, Fact-Finder

First Business Address

1200 N Nash St.
Apt 522
Arlington, VA 22209

Second Business Address:

22 Grove Place, Unit 18
Winchester, MA 01890

(781)789-3488

PROFESSIONAL STATEMENT

Rosemary Pye's professional career has been as a neutral in labor law. Since 2012, she has been an arbitrator in New England and the D.C. metropolitan area. Prior to that, she had a 38-year career with the National Labor Relations Board, including 23 years as Regional Director in Boston. She has received a Presidential Rank Award; the Cornell Law School Public Service Award; and the MA Labor Guild's Cushing-Gavin Award. She is a Fellow of the College of Labor and Employment Lawyers.

PROFESSIONAL AFFILIATIONS

American Arbitration Association
American Bar Association, Dispute Resolution and Labor & Employment Law Sections
Fellow of the College of Labor and Employment Lawyers
Labor and Employment Relations Association (LERA)
Society of Federal Labor & Employee Relations Professionals (SFLERP)
The Bar Association of the District of Columbia

EDUCATION

J.D. Cornell Law School 1974
MAT English And Teaching Harvard University 1970
AB English Wheaton College 1968

CERTIFICATIONS

Attorney
Law - Commonwealth Of Mass 1974

ARBITRATION/LABOR RELATIONS EXPERIENCE

Foreign Service Grievance Board - Panel Chair, 2017 - 2018
National Labor Relations Board - Regional Director, Region 1, 1989 - 2012
National Labor Relations Board - Chief Counsel to Board Member Marshall B. Babson, 1986 - 1988
National Labor Relations Board - Supervisory Attorney, 1980 - 1985
National Labor Relations Board - Trial Attorney, 1974 - 1979

INDUSTRIES

Aerospace, Agriculture, Bakery, Banking, Beverage, Brewery, Broadcasting, Building products, Canning, Cement, Chemicals, Clothing, Communications, Construction, Dairy, Distillery, Education, Electrical Equipment/Appliances, Electronics, Entertainment/arts, Food manu/proc/service, Foundry, Furniture, Glass/pottery, Health care, Hospital/nursing home, Hotels/motels/casinos/resorts, Iron, Lumber, Machinery, Maritime, Meat packing, Metal fabrication, Nuclear energy, Office workers/clerical, Organizations, Packaging, Paint & varnish, Petroleum/petrochemicals, Pharmaceuticals, Plastics, Plumbing, Police & fire, Printing & publishing, Prison guard, Public sector grievance, Pulp & paper, Refrigeration/HVAC, Restaurants, Retail stores, Rubber/tire, Sports, Steel, Stone/quarry, Symphony orchestra, Textile, Transportation, Trucking & storage, Utilities, Warehousing

ISSUES

Absenteeism, Arbitrability, Bargaining unit work, Bonus fringe benefits, Conduct (off-duty/ personal), Cost-of-living pay, Demotion, Discipline (discharge), Discipline (non-discharge), Discrimination, Drug/alcohol offenses, Fact finding, Fringe benefits, Health/hospitalization, Hiring practices, Holiday pay, Holidays, Incentive pay, Insurance, Job classification & rates, Job performance, Job posting/bidding, Jurisdictional dispute, Layoffs/bumping/recall, Leave, Management rights, Merit pay, National origin, Official time, Overtime Pay, Past practices, Pension and welfare plans, Promotion, Race, Religion, Safety/health conditions, Seniority, Sexual harassment, Strikes/lockouts/work stoppages/slowdowns, Subcontracting/contracting out, Tenure/reappointment, Union security, Vacation, Vacation pay, Violence or threats, Wages, Work Hours/Schedules/Assignments, Working conditions/work orders

PERMANENT PANELS

Foreign Service Grievance Board

ARBITRATION ROSTERS

FMCS Arbitration Roster; American Arbitration Association Labor Panel; Hearing Examiner, D.C. Public Employee Relations Board; Human Resource Division, Commonwealth of Massachusetts; The Labor Relations Connection, Massachusetts

RATES/POLICIES

Per Diem: \$1,500.00

The fee is \$1,500 per day for the hearing and for research and preparation of the opinion and award. A hearing day is any portion of a day up to eight hours. Research and preparation time is prorated.

Cancellation: \$1,500.00

If the hearing is postponed or canceled with notice of fewer than 14 calendar days before the scheduled hearing, the per diem fee of \$1,500 will be charged.

Expenses: Arbitrator charges for mileage at IRS rate and actual cost of reasonable expenses.

Travel Time: A prorated per diem fee is charged for above four hours travel outside the hearing day.

Email: ELLIOT@SHALLERADR.COM (Preferred Contact Method)

Present Occupation Arbitrator and Mediator

First Business Address
11733 Devilwood Drive
Potomac, MD 20854

Second Business Address:
46-06 247th Street
Douglaston, MD 11362

(301)294-4148

PROFESSIONAL STATEMENT

Forty years of experience in labor and employment law. Has served as a full-time arbitrator since 2005 in private and public sector cases. Previously, spent twenty-five years as a labor and employment law attorney, including as partner for major law firms. Represented clients in arbitrations, mediations, collective bargaining and court and administrative agency litigation.

PROFESSIONAL AFFILIATIONS

National Academy of Arbitrators
American Arbitration Association
American Bar Association
Labor Employment Relations Association
Society of Federal Labor and Employee Professionals
The Sports Lawyers Association

EDUCATION

LLM Labor Law George Washington University 1979
JD Law George Washington University 1977
BS Psychology Brooklyn College of the City University of New York 1974

CERTIFICATIONS

Attorney
Attorney - Maryland Bar 1996
Attorney - D.c. Bar 1977

INDUSTRIES

Advertising, Aerospace, Agriculture, Airlines, Aluminum, Automotive, Bakery, Banking, Beverage, Broadcasting, Building products, Chemicals, Coal, Communications, Construction, Dairy, Education, Electrical Equipment/Appliances, Entertainment/arts, Feed & fertilizer, Food manu/proc/service, Health care, Hospital/nursing home, Hotels/motels/casinos/resorts, Machinery, Maritime, Meat packing, Mining, Nuclear energy, Office workers/clerical, Organizations, Packaging, Police & fire, Printing & publishing, Prison guard, Public sector grievance, Public sector interest, Restaurants, Retail stores, Sports, Textile, Transportation, Trucking & storage, Utilities, Warehousing

ISSUES

Absenteeism, Age, Arbitrability, Bargaining unit work, Bonus fringe benefits, Conduct (off-duty/personal), Cost-of-living pay, Disability, Discipline (discharge), Discipline (non-discharge), Discrimination, Drug/alcohol offenses, Fact finding, Fringe benefits, Gender, Grievance mediation, Health/hospitalization, Hiring practices, Holiday pay, Holidays, Job classification & rates, Job performance, Job posting/bidding, Jurisdictional dispute, Layoffs/bumping/recall, Leave, Management rights, Merit pay, National origin, Official time, Overtime Pay, Past practices, Pension and welfare plans, Pension claim (fed. statute), Promotion, Race, Religion, Retirement, Safety/health conditions, Seniority, Severance pay, Sexual harassment, Subcontracting/contracting out, Tenure/reappointment, Vacation,

Vacation pay, Violence or threats, Wages, Work Hours/Schedules/Assignments, Working conditions/work orders

PERMANENT PANELS

Foreign Service Grievance Board ; National Treasury Employees Union and Federal Deposit Insurance Corporation; National Treasury Employees Union and Office of the Comptroller of the Currency; New York City Department of Education and United Federation of Teachers

ARBITRATION ROSTERS

FMCS Arbitration Roster; Cornell University Institute of Conflict Resolution Roster; National Mediation Board; New Jersey Public Employment Relations Commission; New York State Public Employee Relations Board; Pennsylvania Bureau of Mediation; Pennsylvania Labor Relations Board; Prince George's County Public Employee Relations Board; Virgin Islands Public Employee Relations Board

RATES/POLICIES

Per Diem: \$2,200.00

Per diem rate charged for each day for hearing. If a hearing day exceeds eight hours, the excess time may be charged on a pro rata basis. Research, study and preparation of award prorated based on an eight-hour day.

Cancellation: \$2,200.00

Per-diem rate charged for cancellation or postponement if notice received less than 21 days before scheduled date of hearing.

Expenses: Actual and reasonable expenses for travel, lodging, meals and incidentals related to attendance at the hearing. Auto mileage for use of personal car charged at the applicable IRS mileage

Travel Time: Charged at pro-rated per diem rate

Other: Invoices normally sent when the case has concluded. In appropriate circumstances (such as when there is a substantial delay between hearing dates or other delays after the hearing has started and before an award is issued that is beyond my control and/or if substantial expenses are incurred), interim invoices for work done and expenses incurred to date may be sent.

Gail R. Smith, Esquire

Stevenson, MD 21153

Present Occupation: Arbitrator, Mediator

Primary Business Address:

P.O. Box 94

Stevenson, Maryland 21153

Phone: (410) 292-7467

Fax: (410) 653-6279

Second Business Address

6558 Parkside Way

Tucker, Georgia 30084-1518

Phone: (410) 292-7467

Fax: (410) 653-6279

Professional Affiliations:

American Arbitration Association

Maryland State Business ADR In

Society of Federal Labor & Employee
Relations Professionals

Maryland State Bar Assn. (Labor, ADR Sections)

District of Columbia Bar Assn. (Labor Section)

Central Contractor Registration (CCR)

Education:

JD LAW

University of Maryland

BA Political Science

Johns Hopkins University

Certifications:

Law Maryland (1976)

Law District of Columbia (2001)

Arbitration/Labor Relations Experience:

Arbitrator and Mediator in private, public and state sectors since 1993. Currently arbitrates and/or mediates labor and employment cases for FMCS, AAA, National Mediation Board, NASD Dispute Resolution, U.S. District Court for the District of Columbia, American Health Lawyers' Assn., and permanent panels. Mediator for Circuit Courts for Baltimore City and Baltimore County. From 1989-1999, Adjunct Professor, University of Baltimore Law School. From 1986-1987, Assistant Attorney General, Maryland Department of Personnel. From 1978-1986, represented both labor and then management interests in private labor law practice, which included Federal and State court litigation, administrative proceedings, collective bargaining, grievance and arbitrations. From 1976-1978, served as an Attorney for the General Counsel's Office of the National Labor Relations Board. Seminar instructor in Arbitration and Mediation at the George Meany Center and for the Maryland Institute for Continuing Professional Education of Lawyers (MICPEL). Speaker, "Tips on Arbitrating Cases in the Federal Sector," The DC Chapter of the Society of Federal Labor & Employee Relations Professionals (SFLERP), and at SFLERP's 28th Annual Symposium on Federal Sector Labor-Management Relations, September, 2001; Presenter on Mediation Techniques at University of Maryland School of Law Symposium, March, 2007.

Gail R. Smith, Esquire (continued)

Industries: Building products; communications; education; federal and municipal sectors; health care; hospital/nursing home; machinery; office workers/clerical; organizations; pharmaceuticals; police and fire; prison guard.

Issues: Absenteeism; arbitrability; bargaining unit work; conduct (off-duty/personal); discipline (non-discharge and discharge); disability discrimination; race discrimination; drug/alcohol offenses; bonus; holidays; insurance; leave; vacation; health/hospitalization; job performance; job posting/bidding; management rights; past practices; promotion; safety/health conditions; seniority; sexual harassment; holiday pay; job classification; overtime pay; severance pay; vacation pay; work hours/schedules/assignments; working conditions; violence or threats.

Permanent Panels: SSA/AFGE Baltimore/Washington Panel: U.S. Postal Service and the American Postal Workers Union; United Mine Workers of America and the Bituminous Coal Operators' Assn. District 31; U.S. Dept. of Labor and AFGE Local 12; NALC Region 13/U.S. Capital Metro; U. S. District Court for the District of Columbia (Mediation); Circuit Courts for Baltimore City and Baltimore County (Mediation).

Arbitration Rosters: American Arbitration Association FMCS
National Mediation Board NJ State Board of Mediation
NASD Dispute Resolution

Published Cases: Wackenhut Corrections Corp. and Delaware County Prison Employees Independent Union, 117 LA 1802 (2002), D.C. Water Authority and AFGE Local 631, 119 LA 687 (2004), Multiservice Joint Venture and U.S. Naval Academy Cleaning Employees, 120 LA 884 (2004), Prince Georges and PCEA, 120 LA 682 (2004), City of Newark and Fraternal Order of Police, 122 LA 242 (2006), IAMAW Lodge 10 and Church & Dwight Virginia Co., Inc., 124 LA 275 (2007).

Fees:

Per Diem Fee: \$1,500

Docketing Fee: None; **Cancellation Fee:** (See Below)

Grievance Arbitration: The fee is \$1,500.00 per day for hearing, and for research and preparation of the opinion and award. A hearing day is any portion of a day up to eight hours. Time for research and preparation of the opinion and award is prorated.

Cancellation Policy: If the scheduled hearing is postponed or cancelled with notice of less than twenty-one (21) calendar days, the per diem fee for each day of hearing is charged.

Gail R. Smith, Esquire (continued)

Interest Arbitration, Fact-Finding and Labor Mediation: Arbitrator charges \$300.00 per hour. Time for research and preparation is also charged at \$300.00 per hour.

Travel Time: No Fee for travel under two hours. Arbitrator charges one half of per diem fee for travel over two hours to four hours. Arbitrator charges per diem fee for travel over four hours.

Expenses: Arbitrator charges cost of reasonable expenses, including airfare, car rental and lodging. Automobile mileage for travel over two hours is charged at the applicable IRS expense rate.

Email: ASTRONGIN@ADRMAIL.COM (Preferred Contact Method)

Present Occupation Arbitrator, Mediator, Fact-finder, Attorney

First Business Address

Post Office Box 5779
Takoma Park, MD 20913

(301)562-2866

PROFESSIONAL STATEMENT

Andrew M. Strongin has been a full-time arbitrator and mediator of labor disputes since 1993, working in both the public and private sectors. Mr. Strongin is a member of the National Academy of Arbitrators and a Fellow of the College of Labor and Employment Lawyers, and is admitted to the Maryland and District of Columbia Bars. In addition to listing with the major appointing agencies, Andrew serves on numerous panels in a wide range of industries.

PROFESSIONAL AFFILIATIONS

National Academy of Arbitrators
American Arbitration Association
College of Labor and Employment Lawyers
National Academy of Arbitrators

EDUCATION

J.D. University of Maine School of Law 1992
BA with Distinction Philosophy, English University Of Michigan 1988

CERTIFICATIONS

Attorney
Law - District Of Columbia 1994
Law - Maryland 1992

ARBITRATION/LABOR RELATIONS EXPERIENCE

Katz & Ranzman - Associate Attorney, 1992 - 1993

INDUSTRIES

Aerospace, Agriculture, Airlines, Aluminum, Automotive, Bakery, Banking, Beverage, Brewery, Broadcasting, Building products, Canning, Cement, Chemicals, Clothing, Coal, Communications, Construction, Dairy, Distillery, Education, Electronics, Entertainment/arts, Food manu/proc/service, Foundry, Furniture, Glass/pottery, Health care, Hospital/nursing home, Hotels/motels/casinos/resorts, Iron, Lumber, Machinery, Maritime, Meat packing, Metal fabrication, Mining, Nuclear energy, Office workers/clerical, Organizations, Packaging, Plastics, Plumbing, Police & fire, Printing & publishing, Prison guard, Public sector grievance, Public sector interest, Pulp & paper, Railroads, Restaurants, Retail stores, Rubber/tire, Shipbuilding/dry-dock, Sports, Steel, Stone/quarry, Textile, Tobacco, Transportation, Trucking & storage, Utilities, Warehousing

ISSUES

Absenteeism, Affirmative action, Age, Arbitrability, Bargaining unit work, Bonus fringe benefits, Conduct (off-duty/ personal), Cost-of-living pay, Demotion, Disability, Discipline (discharge), Discipline (non-discharge), Discrimination, Drug/alcohol offenses, Fact finding, Fringe benefits, Gender, Grievance mediation, Health/hospitalization, Hiring practices, Holiday pay, Holidays, Incentive pay, Insurance, Job classification & rates, Job performance, Job posting/bidding, Jurisdictional dispute,

Layoffs/bumping/recall, Leave, Management rights, Merit pay, National origin, Official time, Other (please specify), Overtime Pay, Past practices, Pension and welfare plans, Pension claim (fed. statute), Promotion, Race, Religion, Retirement, Safety/health conditions, Seniority, Severance pay, Sexual harassment, Strikes/lockouts/work stoppages/slowdowns, Subcontracting/contracting out, Tenure/reappointment, Union security, Vacation, Vacation pay, Violence or threats, Wages, Work Hours/Schedules/Assignments, Working conditions/work orders

PERMANENT PANELS

Alcoa, Inc. and United Steelworkers; Alcohol and Tobacco Tax and Trade Bureau and NTEU; ArcelorMittal USA and USW; Arconic, Inc. and United Steelworkers; Children's Hospital and CIR/SEIU; Dominion Hope and United Gas Workers' Union Local 69; Georgetown University and Allied International Union; Howard University Hospital and DC Nurses Association; Internal Revenue Service and NTEU (National and Regional); International Matex Tank Terminals and USW Dist. 4; Major League Baseball and Major League Baseball Players Association (Salary Arbitration); Montgomery Community College and AFSCME, Local 2380; Pennsylvania State System of Higher Education and Assoc. of Pennsylvania State College and University Faculties; U.S. Customs and Border Patrol and NTEU (National and Regional); U.S. Patent and Trademark Office and NTEU; U.S. Postal Service and APWU (Regular Arbitration); USDA Food & Nutrition Service and NTEU (East Coast/HQ Panel); Verizon NJ and Local 827 IBEW (Mediation Panel); Verizon NJ and Local 827, International Brotherhood of Electrical Workers (Discharge and Contract Panels); Wash. Metro. Area Transit Auth. and ATU Local 689

ARBITRATION ROSTERS

FMCS Arbitration Roster; American Arbitration Association; DC PERB; National Mediation Board

PUBLISHED CASES

*Arbitrator Strongin does not submit his Awards for publication unless required to do so by parties' Agreement.

RATES/POLICIES

Per Diem: \$2,000.00

Cancellation Policy: A full per diem fee will be charged for each day canceled, continued, or postponed less than 28 calendar days prior to each scheduled hearing date. For hearings scheduled for three or more consecutive days, a notice period of 6 weeks (42 calendar days) will apply.

Email: hctorres@hotmail.com (Preferred Contact Method)

Present Occupation ARBITRATOR

First Business Address

520 Whittier St., Nw
Washington, DC 20012

(202)531-0225

PROFESSIONAL STATEMENT

Over 30 years serving as an arbitrator, administrative judge, fact-finder, interest arbitrator and investigator with various entities such as the NLRB, State of Connecticut, District government, and Federal Government (Veterans, Archives, etc) investigating unfair labor practice complaints, serving on tripartite panels, conducting grievance arbitration and interest arbitration hearings. Served as a neutral my entire legal career, addressing a wide range of labor and employment issues.

EDUCATION

JD Law Georgetown Univ 1980
MA ESL Columbia Univ 1974
BA Languages Columbia Union College 1970

CERTIFICATIONS

Attorney

ARBITRATION/LABOR RELATIONS EXPERIENCE

Public Employee Relations Board - Attorney Advisor, 2006 - 2011
Office of Employee Appeals - Administrative Judge, 1991 - 2005
self-employed Full-time - Arbitration, Mediator, Interest Arbitrator, 1985 - 1991
Nat Lab Rels Bd - Lab Mgmt Spec, 1980 - 1984

INDUSTRIES

Aerospace, Automotive, Bakery, Coal, Construction, Education, Hospital/nursing home, Iron, Machinery, Mining, Office workers/clerical, Police & fire, Prison guard, Public sector grievance, Public sector interest, Restaurants, Steel, Utilities, Warehousing

ISSUES

Absenteeism, Arbitrability, Bargaining unit work, Conduct (off-duty/ personal), Cost-of-living pay, Demotion, Disability, Discipline (discharge), Discipline (non-discharge), Discrimination, Drug/alcohol offenses, Fact finding, Grievance mediation, Holiday pay, Holidays, Job classification & rates, Job performance, Job posting/bidding, Jurisdictional dispute, Layoffs/bumping/recall, Leave, Management rights, Merit pay, Official time, Overtime Pay, Past practices, Pension and welfare plans, Promotion, Race, Safety/health conditions, Seniority, Sexual harassment, Strikes/lockouts/work stoppages/slowdowns, Subcontracting/contracting out, Tenure/reappointment, Union security, Vacation, Vacation pay, Violence or threats, Wages, Work Hours/Schedules/Assignments, Working conditions/work orders

ARBITRATION ROSTERS

FMCS Arbitration Roster

RATES/POLICIES

Per Diem: \$1,500.00

Cancellation: \$1,500.00

Air Transportation: \$1,500.00

I will charge a per diem fee for the time spent en route to and from the location of the hearing. Normally this amounts to a per diem fee for half a day of travel to the location+half a day of travel from the location PLUS the cost of airfare.

Travel Time: \$1,500.00

Per diem fee if travel is 3 hours or more in each direction. Half of the per diem fee if travel is 2 hours in each direction.

Interest arbitration: \$2,500.00

\$2500.00 per diem for each day of hearing, reading and/or writing, as well as for the cancellation fee.

Email: KUARBWORKS@gmail.com (Preferred Contact Method)

Present Occupation Arbitrator-Mediator

First Business Address

4938 Hampden Lane
Suite 425
Bethesda, MD 20814

(202)549-3119

PROFESSIONAL STATEMENT

My Federal labor attorney time was primarily as an active duty Air Force attorney at installations primarily staffed with civilians, to include the 75,000+ AFGE bargaining unit headquartered in Dayton, OH. I personally handled hundreds of labor and employee relations cases, to include over twelve collective bargaining negotiations "at the table." While at the FLRA our primary workload dealt with arbitration awards, and I reviewed approximately 900 arbitration awards and exceptions thereto.

PROFESSIONAL AFFILIATIONS

Society of Federal Labor and Employee Relations Professionals

EDUCATION

JD Law Univ Of Kansas School Of Law 1975
BA Political Science University Of Kansas 1972

CERTIFICATIONS

Attorney
Administrative Law Judge - U.S. Office of Personnel Management 2008
Senior Executive Service - U.S. Office of Personnel Management 1998
License to practice law - State Of Kansas 1975

ARBITRATION/LABOR RELATIONS EXPERIENCE

Social Security Administration - Administrative Law Judge, 2008 - 2012
Self-Employed - Arbitrator, 2006 - 2008
Federal Labor Relations Authority - Chief Counsel to the Chairman/Member, 1998 - 2006
Federal Government - Labor attorney and labor contract negotiator, 1977 - 1998

INDUSTRIES

Aerospace, Construction, Education, Health care, Hospital/nursing home, Maritime, Metal fabrication, Office workers/clerical, Organizations, Police & fire, Prison guard, Public sector grievance, Public sector interest, Rubber/tire, Shipbuilding/dry-dock, Transportation, Trucking & storage, Warehousing

ISSUES

Absenteeism, Affirmative action, Age, Arbitrability, Bargaining unit work, Bonus fringe benefits, Conduct (off-duty/ personal), Cost-of-living pay, Demotion, Disability, Discipline (discharge), Discipline (non-discharge), Discrimination, Drug/alcohol offenses, Fact finding, Fringe benefits, Gender, Grievance mediation, Health/hospitalization, Hiring practices, Holiday pay, Holidays, Incentive pay, Job classification & rates, Job performance, Job posting/bidding, Jurisdictional dispute, Layoffs/bumping/recall, Leave, Management rights, Merit pay, National origin, Official time, Other (please specify), Overtime Pay, Past practices, Promotion, Race, Religion, Safety/health conditions, Seniority, Sexual harassment, Subcontracting/contracting out, Vacation, Violence or threats, Wages, Work Hours/Schedules/Assignments, Working conditions/work orders

PERMANENT PANELS

Consumer Financial Protection Bureau and NTEU

ARBITRATION ROSTERS

FMCS Arbitration Roster

RATES/POLICIES

Per Diem: \$1,450.00

Any day of hearing/fact-finding/mediation counts as one day, regardless of how much or how little time is used. Time for research and preparation of the opinion and award is pro-rated based on a twelve-hour day.

Cancellation: \$1,450.00

Notice of cancellation/postponement must be received at least fourteen calendar days prior to the first day scheduled (email suffices) to avoid being billed the per diem rate for the number of work days scheduled.

Expenses: \$1,450.00

Arbitrator bills for actual, reasonable expenses of travel (including vehicle mileage at applicable IRS rate, parking, car rental, public transportation to include airfare) and lodging. The expenses of copying, distribution, and normal office expenses relating to the preparation of the award are usually not billed.

Travel Time: \$725.00

Travel time to locations within the Washington, D.C. metropolitan area is not billed. Total travel time to and from locations outside the Washington, D.C. metropolitan area taking up to eight hours will be billed for one-half day of per diem, travel taking longer than eight hours will be billed one full day of per diem.

Email: KUARBWORKS@gmail.com (Preferred Contact Method)

Present Occupation Arbitrator-Mediator

First Business Address

4938 Hampden Lane
Suite 425
Bethesda, MD 20814

(202)549-3119

PROFESSIONAL STATEMENT

My Federal labor attorney time was primarily as an active duty Air Force attorney at installations primarily staffed with civilians, to include the 75,000+ AFGE bargaining unit headquartered in Dayton, OH. I personally handled hundreds of labor and employee relations cases, to include over twelve collective bargaining negotiations "at the table." While at the FLRA our primary workload dealt with arbitration awards, and I reviewed approximately 900 arbitration awards and exceptions thereto.

PROFESSIONAL AFFILIATIONS

Society of Federal Labor and Employee Relations Professionals

EDUCATION

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CERTIFICATIONS

Attorney
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Senior Executive Service - U.S. Office of Personnel Management 1998
License to practice law - State Of Kansas 1975

ARBITRATION/LABOR RELATIONS EXPERIENCE

Social Security Administration - Administrative Law Judge, 2008 - 2012
Self-Employed - Arbitrator, 2006 - 2008
Federal Labor Relations Authority - Chief Counsel to the Chairman/Member, 1998 - 2006
Federal Government - Labor attorney and labor contract negotiator, 1977 - 1998

INDUSTRIES

Aerospace, Construction, Education, Health care, Hospital/nursing home, Maritime, Metal fabrication, Office workers/clerical, Organizations, Police & fire, Prison guard, Public sector grievance, Public sector interest, Rubber/tire, Shipbuilding/dry-dock, Transportation, Trucking & storage, Warehousing

ISSUES

Absenteeism, Affirmative action, Age, Arbitrability, Bargaining unit work, Bonus fringe benefits, Conduct (off-duty/ personal), Cost-of-living pay, Demotion, Disability, Discipline (discharge), Discipline (non-discharge), Discrimination, Drug/alcohol offenses, Fact finding, Fringe benefits, Gender, Grievance mediation, Health/hospitalization, Hiring practices, Holiday pay, Holidays, Incentive pay, Job classification & rates, Job performance, Job posting/bidding, Jurisdictional dispute, Layoffs/bumping/recall, Leave, Management rights, Merit pay, National origin, Official time, Other (please specify), Overtime Pay, Past practices, Promotion, Race, Religion, Safety/health conditions, Seniority, Sexual harassment, Subcontracting/contracting out, Vacation, Violence or threats, Wages, Work Hours/Schedules/Assignments, Working conditions/work orders

PERMANENT PANELS

Consumer Financial Protection Bureau and NTEU

ARBITRATION ROSTERS

FMCS Arbitration Roster

RATES/POLICIES

Per Diem: \$1,450.00

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Cancellation: \$1,450.00

Notice of cancellation/postponement must be received at least fourteen calendar days prior to the first day scheduled (email suffices) to avoid being billed the per diem rate for the number of work days scheduled.

Expenses: \$1,450.00

Arbitrator bills for actual, reasonable expenses of travel (including vehicle mileage at applicable IRS rate, parking, car rental, public transportation to include airfare) and lodging. The expenses of copying, distribution, and normal office expenses relating to the preparation of the award are usually not billed.

Travel Time: \$725.00

Travel time to locations within the Washington, D.C. metropolitan area is not billed. Total travel time to and from locations outside the Washington, D.C. metropolitan area taking up to eight hours will be billed for one-half day of per diem, travel taking longer than eight hours will be billed one full day of per diem.

Donald S. Wasserman

Washington, DC

Occupation: Labor Relations Professional/Arbitrator

Business Address: 1000 Connecticut Ave, NW, Ste. 1106
c/o AIL
Washington, DC 20036
202-833-2030; Fax 202-833-2286
e-mail : donwasserman@comcast.net

Education :
MBA—Labor/Industrial Relations, University of Pennsylvania, 1956
BS—Business Administration, Temple University, 1952

Professional Affiliations:
Industrial Relations Research Association (National and Local chapter)
National Academy of Social Insurance
Society of Federal Labor Relations Professionals

General

Experience: 2002: Consultant to Maryland State Labor Relations Board.
1996-2001: Member then chairman of Federal Labor Relations Authority. FLRA is Federal Government independent agency, patterned after NLRB, responsible for one million organized non-postal federal employees represented in 2,200 bargaining units. 1967-1995: Director of Research and Collective Bargaining for American Federation of State County and Municipal Employees. Served as chief negotiator in initial contract bargaining with states such as Illinois, Iowa, Indiana, Alaska, and major local governments. Also devised strategy, prepared and presented major interest arbitration and fact finding cases. Testified before Congress, state legislators and Blue Ribbon Commissions on collective bargaining legislation and major issues including impasse resolution and bargaining unit structure.

Industries: Airlines, communications, education, health care, office workers/clerical, organizations, police and fire, prison guard, public (non Federal and Federal)

Donald S. Wasserman (continued)

Arbitration Experience

Issues: Absenteeism, arbitrability, bargaining unit work, conduct (off-duty/personal), demotion, discipline (non discharge and discharge), discrimination (race and sex), drug and alcohol offenses, holidays, insurance, leave, vacation, job performance, job posting/bidding, jurisdictional dispute, layoffs/bumping/recall, management rights, official time, past practices, pension and welfare plans, promotion, retirement, safety/health conditions, seniority, subcontracting/contracting out, tenure/reappointment, wages, cost-of-living pay, holiday pay, job classification and rates, overtime pay, severance pay, vacation pay, work hours/schedules/assignments, working conditions/work orders, violence, or threats.

Industries: Airlines, communications, education, health care, office workers/clerical, organizations, police and fire, prison guard, public (non Federal and Federal).

Arbitration Rosters:

Federal Mediations and Conciliation Service
American Arbitration Association
National Mediation Board
District of Columbia, PERB

Published Cases: Vol. 56 FLRA—All listed decisions are from the year 2000 except those noted as 2001. 56 FLRA 9, 14, 124, 216, 231, 280, 339, 388, 393, 414, 422, 434, 439, 477, 480, 483, 498, 518, 586, 588, 604, 624, 627, 632, 637, 644, 647, 679, 683, 733, 737, 776, 829, 843, 938, 943, 978, 981, 983, 985, 988, 990, 992, 1000, 1035. 56 FLRA 1052, 1055, 1057 (2001).

Fees: Per Diem Fee; Docketing Fee; Cancellation Fee
Grievance Arbitration: Fee is \$800 per day for hearing, research and preparation of opinion and award. Hearing is any portion of day up to 8 hours. Time for research and preparation is prorated at \$100 per hour.