

**Recommendation to the Human Resources
Committee
to Confirm Nine Members of the
Employee Relations Council**

January 2015

Action Requested

- That the Human Resources Committee approve and recommend Board confirmation of seven incumbents of the Employee Relations Council (ERC) and two nominees for two-year terms expiring January 31, 2017.

Background

- The Authority Labor Code established the Employee Relations Council consisting of nine members named for two-year terms by the mutual agreement of the President and Chief Executive Officer and the labor organizations, and confirmed by the Board of Directors. There is no limit on the number of terms a member may serve.
- The ERC serves as independent arbiters for addressing issues which arise between the Airports Authority and its labor organizations. Members are paid \$1,200 per diem on an as-needed, typically infrequent basis.

Panels

- The ERC is composed of three panels:
- The **Impasse Disputes Panel** invokes mediation when the Parties fail to reach a collective bargaining agreement.
- The **Representation Matters Panel** investigates petitions for decertification of a unit or for exclusive representation.
- The **Unfair Labor Practices and Negotiability Disputes Panel** resolves negotiability disputes and investigates allegations of unfair labor practices.

ERC Membership 2015-2016

Impasse Dispute Panel Members

Seymour Strongin

Herbert Fishgold (new nominee)

Gail Smith (new nominee)

Representation Matters Panel Members

Donald Wasserman

Joseph M. Sharnoff

M. David Vaughn

Unfair Labor Practices Panel Members

Jerome H. Ross

Robert B. Lubic

Leon B. Applewhaite



Ronald Reagan Washington National Airport



Dulles Corridor Metrorail Project



Dulles Toll Road



Washington Dulles International Airport



METROPOLITAN WASHINGTON
AIRPORTS AUTHORITY

REPORT TO THE HUMAN RESOURCES COMMITTEE

RECOMMENDATION TO CONFIRM NINE MEMBERS OF THE EMPLOYEE RELATIONS COUNCIL

January 2015

Action Requested: That the Human Resources Committee approve and recommend Board confirmation of seven incumbents of the Employee Relations Council (ERC) and two nominees for a two-year term expiring January 31, 2017.

Background: As required by the Airports Authority's 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 Employee Relations Council consisting of nine members who are named for 2-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. 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 2013-2014 term is included in Attachment A.

Discussion: Seven incumbents were contacted and expressed an interest in being reappointed for another two-year term. Two nominees—Herbert Fishgold and Gail Smith—were contacted and expressed an interest in appointment to the ERC.

The President and the labor organization representatives have agreed on the reappointment of seven incumbents and two 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 seven incumbents of the Employee Relations Council (ERC) and two nominees for a two-year term expiring January 31, 2017.

Prepared by:
Office of Human Resources
January 2015

ATTACHMENT A

AUTHORITY EMPLOYEE RELATIONS COUNCIL ACTIVITIES **2013-2014 TERM**

Impasse Disputes Panel

1. On January 25, 2013, the MWAA Professional Firefighters Association, International Association of Firefighters, Local 3217, unilaterally forwarded a request for assistance to the Impasse Disputes Panel challenging Management's decision to abolish the Technical Rescue Team at Washington Dulles International Airport. At a prehearing conference on June 16, the Airports Authority and Union made oral presentations to the Impasse Disputes panel. The Union withdrew the request for assistance prior to a formal hearing and the Parties entered into a Memorandum of Understanding on July 12, 2013, informally resolving the issue.

Unfair Labor Practices (ULP) Panel

1. On March 4, 2014, the American Federation of Government Employees, AFL-CIO, Local 118, filed a ULP charge claiming that the Airports Authority violated the Labor Code by refusing to bargain in good faith over the Drug-Free Workplace Directive. As a result of a meeting with the panel on May 28, a settlement was reached and the Union withdrew the ULP.
2. On May 19, 2014, the American Federation of Government Employees, AFL-CIO, Local 2303, filed a ULP charge claiming that the Airports Authority failed to negotiate in good faith regarding collective bargaining procedures. As a result of a meeting with the panel on June 25, a settlement was reached and the Union withdrew the ULP.

ATTACHMENT B

EMPLOYEE RELATIONS COUNCIL MEMBERS
2015-2016 TERM

Mr. Leon B. Applewhaite
1110 Fidler Lane, Apt. 1606
Silver Spring, MD 20910
301-585-3439

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

Mr. Herbert Fishgold
2200 Pennsylvania Ave., NW Ste. 400
Washington, DC 20037
202-416-1837

Mr. Joseph M. Sharnoff
2800 Center Ridge Drive
Oakton, VA 22124
703-860-3167

Ms. Gail Smith
P. O. Box 94
Stevenson, MD 21153
410-292-7467

Mr. Jerome H. Ross
6621 Weatheford Court
McLean, VA 22101
703-356-1429

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

Mr. Seymour Strongin
4000 Cathedral Ave., NW
Suite 625B
Washington, D.C. 20016
202-332-8849

Mr. M. David Vaughn
13732 Lakeside Drive
Clarksville, MD 21029
301-854-3200

Impasse Disputes Panel Members

Seymour Strongin
Herbert Fishgold
Gail Smith

Alternates

Leon B. Applewhaite
Joseph M. Sharnoff
M. David Vaughn

Representation Matters Panel Members

Donald Wasserman
Joseph M. Sharnoff
M. David Vaughn

Alternates

Robert B. Lubic
Seymour Strongin
Jerome H. Ross

Unfair Labor Practices Panel Members

Jerome H. Ross
Robert B. Lubic
Leon B. Applewhaite

Alternates

Donald S. Wasserman
Gail Smith
Herbert Fishgold

ATTACHMENT C

Leon B. Applewhaite, Esq.

Silver Spring, MD

Occupation: Attorney – Arbitrator

Experience: Private practice attorney-arbitrator since 1983. Has served as arbitrator on issues of contract interpretation, discharge, discipline, incentive rates/standards, promotion, layoff, bumping, recall, transfer, overtime pay, unfair labor practices, vacations, subcontracting, work conditions including safety.

Industries: Airline, auto, bakery, beverage, retail and chain stores, chem., furniture, leather, lumber, manufacturing, meat packaging, paint, varnish, transportation, trucking and storage, health care, iron, food, public and federal sectors, education, police/fire, courts.

Permanent Arbitrator: League of Vol. Hosps. and Dist. 1199, National Union of Hospital and Health Care Employees; Lumber Yard Employers Association and Local 522, IBT. Member, National Academy of Arbitrators.

Work History: Member, Federal Labor Relations Authority, 1979-83; Ad Hoc Arbitrator, 1969-79; Association General Counsel, NYS Workmen's Compensation Board, 1967-68; Staff Arbitrator, NY State Mediation Board, 1964-67; Chief Regional Mediator, NYS Public Employment Relations Board, NYC Office, 1968-1979.

Education: NYU (BA-48); Brooklyn School of Law (JD-51; LLM-60)

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

General

Experience: 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

Herbert Fishgold, Esq.

Washington, DC

Occupation: Arbitrator/Mediator

Business Address: 2200 Pennsylvania Avenue, NW
Suite 400
Washington, DC 20037
202-416-1837; Fax 202-293-3083
e-mail: hfishgold@yahoo.com

Also
3540 South Ocean Blvd.
Apt. 506E
South Palm Beach, FL
same

Professional Affiliations: National Academy of Arbitrators
American Bar Association
Industrial Relations Research Association

General

Experience: **1977-Present:** Arbitrate labor and employment cases (see industries and issues below) for AAA, FMCS, NMB. **1979-1983,** Adjunct Professor, American University (Law); **1973-1977,** General Counsel, FMCS; **1971-1973,** Counsel OSOL (DOL); **1967-1971,** Attorney, NLRB, served as mediator in **1994 – 1995** baseball negotiations; served as mediator in United Mine Workers/Pittston and UMW/BCOA strikes; served as arbitrator for NFL/NFLPA; served as arbitrator Beth. Steel/USWA **1977-1981;** Inland Steel/USWA **1983-1985.**

Arbitration/Labor Relations Experience

Issues: Issues either arbitrated or resolved included discipline, up to and including discharge, seniority rights, including promotions, layoff, bumping and recall rights, work assignments, scheduling of work, rates of pay, bonuses, incentive rates and standards, management rights, strikes, and contracting out. As Administrative Judge, heard cases involving not only discrimination on the basis of age, disability, race, sex, sexual harassment, religion, etc., but also on the collective bargaining issues discussed above as well as those involving fringe benefits and wages.

Industries: Aerospace, Airlines, Advertising, Agriculture, Aluminum, Automotive, Bakery, Banking, Beverage, Building Products, Brewery, Broadcasting, Canning, Cement, Chemicals, Clothing,

Herbert Fishgold, Esq. (continued)

Coal, Communications, Construction, Dairy, Distillery, Education, Electrical Equipment/Appliances, Electronics, Entertainment/Arts, Feed & Fertilizer, Food, Foundry, Furniture, Glass/Pottery, Grain Mill, Health Care, Hotels/Motels/Casinos/Resorts, Hospital/Nursing Home, Iron Lumber, Machinery, Maritime, Meat Packing, Metal Fabrication, Mining, Nuclear Energy, Office Workers/Clerical, Organizations, Packaging, Paint & Varnish, Petroleum/Petrochemicals, Pharmaceuticals, Plastics, Plumbing, Police and Fire, Printing and Publishing, Prison Guard, Pulp and Paper, Railroads, Real Estate, Refrigeration/HVAC, Restaurants, Retail Stores, Rubber/Tire Shipbuilding/Dry Dock, Sports, Steel, Stone/Quarry, Textile, Tobacco, Transportation, Trucking and Storage, Upholstering, Utilities, Warehousing.

Education: BA Econ CCNY, 1963
JD Law Yale University, 1966
Fulbright Scholar Australia, 1966-1967
LLM Law Sydney University (Aust), 1970

Certification: Law – NY 1967
Law – DC 1975

Fees: **Per Diem Fee:** \$2,800 **Grievance Mediation:** \$2,800 (per day)
Cancellation Fee: If scheduled hearing is postponed/cancelled with notice of less than 30 business days, prior to the scheduled hearing, the per diem fee for each day shall be charged.
Travel Time: Charges based on need to travel on day prior to and or following scheduled hearing (e.g., West Coast)
Expenses: Arbitrator charges actual cost of reasonable expensed, including airfare, car rental, food, lodging, and parking. Auto mileage for personal car is charged at the applicable IRS expense rate.

Herbert Fishgold, Esq. (continued)

Issues: Affirmative Action, Absenteeism, Arbitrability, Bargaining Unit Work, Conduct Demotion, Discipline (Non-Discharge), Discipline (Discharge), Discrimination: Age, Disability, Race, Sex, Religion, Nation Origin, Drug/Alcohol Offenses, Fringe Benefits: Benefits: Bonus, Holidays, Insurance, Leave, Vacation, Grievance Mediation, Health/Hospitalization, hiring Practices, Job Performance, Job Posting, Bidding, jurisdictional Disputes, 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, Strikes, Lockouts, Work Stoppages, Slowdowns, Subcontracting/Contracting Out, Tenure/Reappointment, Union Security, Wages: Cost-of-Living Pay, Holiday Pay, Incentive Pay, Job Hours/Schedules/Assignments, Working Conditions/Work Orders, Violence or Threats.

Permanent Panels:	NWAA/ALPA	American Eagle/ALPA
	Delta/ALPA	FedEx/ALPA
	American Airline/APA	Ryan/ALPA
	DHL/ALPA	FAA/PASS
	Continental/ALPA	FAA/NATCA
	Alaska/AFA	UPS/IBT
	WHC/DCNA	World Air/IBT
	DOL/AFGE	

Arbitration Rosters: NMB; FMCS; AAA; PG County PERB

Jerome H. Ross

McLean, VA

Occupation: Arbitrator – Mediator

Experience: Serves as arbitrator and mediator in public and private sectors. Experience in most issues including pay, fringe benefits, security, seniority and arbitrability.

Permanent Arbitrator: Washington Metro Area Transit Authority/Washington Gas Light and OPEIU; BCOA and UMWA; Georgia-Pacific Corporation/Manville and UPIU; U.S. Senate Office of Fair Employment Practices; Eastalco and USA; Metro Washington Airports Authority and Various Unions; U.S. Postal Service and Postal Unions; Baltimore Area Clothing Mfg. and ACTWU; Illinois Bell Telephone Company/Potomac Electric Power Corp. and IBEW; Commonwealth of PA and AFSCME; GSA/ HUD/DOL and AFGE; IRS/U.S. Department of Energy and NTEU; Glass Mfg. Association and GMPP&AW; IPC Corinth and ICU; Salary Arbitrator, Major League Baseball.

Work History: Chairman, Federal Prevailing Rate Advisory Committee, U.S. Office of Personnel Management, 1977-81; Assistant Director of Mediation, FMCS, 1973-77; Director of Preventive Mediation, FMCS, 1971-73; Commissioner, FMCS, 1967-71; Employee Relations Representative, General Electric Company, 1964-67.

Education: University of Florida (BS-60; LLB-63); Xavier University (MBA-68)

Joseph M. Sharnoff, Esq.

Oakton, VA

Occupation: Arbitrator

Experience: Full-time arbitrator. Associate umpire-arbitrator, Bethlehem Steel and United Steelworkers, since 1977. Permanent umpire, Reynolds Metals and USWA.

Industries: Aluminum, bakery, chemical, clerical, coal, communications, education, Federal sector, furniture, gas and electric power, health care and hospital, hotel, meat packaging, manufacturing, maritime, orchestra, packaging and containers, printing, publication, state and local government, pulp and paper, RR, retail and chain stores, shipbuilding, transportation, truck and storage. Member, National Academy of Arbitrators.

Permanent Arbitrator: Hotel Association (DC) and here, Local 25; Social Security Administration and AFGE; HUD and AFGE; Newport News Shipbuilding and USWA. Arbitrated issues of discharge, discipline, seniority, layoff, job posting, safety, discrimination, classification, incentives, rates of pay, past practices, overtime, holiday and military pay, vacation, unemployment and health benefits, disability-pensions.

Work History: Attorney and Supervisory Attorney, NLRB, 1971-77.

Education: Queens College (BA-66); Cornell-Nyssilr (MS-69); Cornell University Law School (JD-71)

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

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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.

Seymour Strongin

Washington, DC

Occupation: Arbitrator

Business Address: 2141 Wyoming Avenue, NW, Suite 11
Washington, DC 20008
202-332-8854
e-mail: SYSTRONGIN@MINDSPRING.COM

Professional Affiliations: NAA AAA

General
Experience: Attorney, NLRB – 1960-63

Perm Panel: ARMCO, Inc/USWA; U.S. Foreign Service Grievance Board;
P&G/Industrial Oil and Chemical Workers.

Arbitration Experience

Issues: Absenteeism, alcohol and drug abuse, arbitrability, work-assignment, bargaining unit work, demotion, discharge, discipline, discrimination, dress code, environmental pay, health and welfare, holidays and holiday pay, incentive rates/standards, job class, job evaluation, job posting and bidding, jurisdiction, layoff, bumping and recall, management rights, mergers, consol contract terms, overtime/overtime pay, past practice, pensions, rate of pay, RIF, reporting, callin/callback pay, safety, schedule of work, seniority, severance pay, strike or lockout, subcontractor, successor, training, transfer, union business, vacations and vacation pay, work performance, work conditions, other, grievance mediation.

Industries: Aerospace, agriculture, airlines, aluminum, auto, bakery, beverage, brass and copper, brewery, broadcasting, canning, cement, chemical, clothing, coal, communications,

Seymour Strongin (continued)

construction, dairy, distillery, education, electronics, entertainment/arts, Federal sector grievance, feed and fertilizer, food processing/service, foundry, furniture, glass, hospital/nursing home, hotel/restaurant, iron, leather, local government, machinist, manufacturing miscellaneous, metal fabrication, mining, organ, petro, pharmaceutical, police and fire, print and publication, private sector int, public sector grievance, public sector int, pulp and paper, retail stores, rubber/tire, shipbuilding and drydock, shoe, steel, textile, tobacco, transportation, truck and storage, utilities.

Public Sector Agency Rosters:

DC, PRB

MD, PERB

Prince George's County PERB

U.S. Department of Navy

Metropolitan Washington Airports Authority Employee Relations

Education: BA, Political Science, Syracuse University, 1952
MPA, Public Administration, Syracuse University, 1953
JD, Law, Brooklyn Law School, 1959

Certification: Law, New York, 1960; Law, District of Columbia, 1971

Fees: Per Diem Fee: \$1,000

Mediation Fee - \$1,500 – Arbitrator has other scheduled fees.

Attended FLRA-FMCS Federal Sector Symposium, Washington, DC – 1/98

This biographical sketch was last updated on: 2000/04/04

M. David Vaughn

Clarksville, MD

Occupation: Arbitrator and Mediator, Attorney

Business Address: 13732 Lakeside Drive
Clarksville, MD 21029
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301-854-3218 (fax)
e-mail: vaughnarbr@aol.com

Professional Affiliations:

National Academy of Arbitrators, American Arbitration Association, American Bar Association, Association for Conflict Resolution, District of Columbia Bar Association, Industrial Relations Research Association, National Association of Railroad Referees, Ohio State Bar Assn., Society of Federal Labor Relations Professionals, State Bar Michigan

Education: JD Law, University of Michigan, 1973
BA Pol Sci, University of Michigan 1966

Certification: Admitted to Practice Law: District of Columbia (1980);
Michigan (1973); Ohio (1974)

Arbitration/Labor Relations Experience:

Arbitrator and Mediator, 83-present: full-time neutral in labor and employment disputes (se partial list of industries, issues and panels below); Adjunct Professor, Georgetown Univ. Law Center, 1983-1999 (Courses: Labor Arbitration, ADR in Employment, Railway Labor Act; Negns & Coll Bargaining); Member, Foreign Service Grievance Board, 1991-1996; Mbr, Presidential Emergency Bds 230, (96); 223 (93); 214 (88); Hearing Officer, Ofc Senate Fair Empl Practices, 1992-1997; Senior Counsel, Major League Baseball Players, 1983; Attorney, Skadden Arps et al. 1981-1983; General Counsel/ Assoc G C, FMCS, 1977-1981; Exec Sec'y, Atomic Energy L/M Relations Panel, 1979-1981; Attorney, private practice, 1973-1977; Ships Sup't, Philadelphia Naval Shipyard, 1969. Adj Prof Delaware School of Law, 1981-83 (Coll Barg/

M. David Vaughn (continued)

Arbitration); Professorial Instructor, American Univ School of Business, 1979-80 (Labor ReIns); Instr, AAA, George Meany Ctr, Contg Legal Ed.

Industries: Aerospace, airlines, advertising, agriculture, auto, bakery, beverage, building products, brewery, broadcasting, canning, cement, chemicals, clothing, coal, communications, construction, education, electrical equipment/applian., electronics, entertainment/arts, food (manfg/processing/service), foundry, furniture, glass/pottery, grain mill, health care, hotels/motels/ casinos/ resorts, hospitals/nursing home, iron, lumber, machinery, maritime, meat packing, metal fabrication, mining, nuclear energy, office workers/ clerical, organizations, packaging, paint and varnish, petroleum/ petrochemicals, pharmaceuticals, plastics, police and fire, printing and publishing, prison guard, pulp and paper, railroads, real estate, refrig/hvac, restaurants, retail stores, rubber/tire, shipbuilding/dry-dock, steel, stone/quarry, textile, tobacco, transportation, trucking and storage, union staff, upholstering, utilities, warehousing

Issues: Affirm action, absenteeism, arbitrability, barg unit work, conduct (off-duty/personal), demotion, discipline (non-discharge), discipline (discharge), discrimination: age, disab., race, sex, religion, national origin, drug/alcohol offenses; fringe benefits: bonus, holidays, insurance, leave, vacation; grievance mediation, health/hosp, hiring practices, job perf, job posting/bidding, jurisdictional dispute, layoffs/ bumping/recall, mgmt rights, official time, past practices, pension and welfare plans, pension deadlocks, claims (incl ERISA), promotion, retirement, safety/health conditions, seniority, sexual harassment, strikes, lockouts, work stoppages, slowdowns, subcontracting/ contracting out, tenure/reappointment, union security, wages: cost-of-living pay, holiday pay, incentive pay, job class. & rates, merit pay, oft pay, severance pay, vacation pay; work hrs/scheds/assgnmts., working conditions/work orders, threats/violence

M. David Vaughn (continued)

Permanent Panels:

N/G Newport News-USW A; Alcoa-UA W; Ofc Compliance, US Congress; IRS-NTEU; USPS-APWU; USPTO-NTEU; WashMetroAreaTransitAuth-A TU; State New York-UUP; Owens-Corning Fiberglas-GMP; (Cleveland) Plain Dealer-IBT; L VMPD-L VPMSA; State New York-CSEA (Discipline and Patient Abuse Panels); US Customs-NTEU; American Safety Razor-IUE; FDIC-NTEU; FAA-NATCA; FAA-Guar. Fair Trtmt; US DOL-AFGE; Montgomery Cty-FOP; USPS-NPMHU, Mont. Cty-UFCW; Bridgestone/ Firestone-USWA; Washington Gas-IBT; UPS-IBT; UPS-IPA; LongshoreInd. App.Comm-ILA; Dept EnergyNTEU; HHS-NTEU; PLBs/SBAs: (Partial list)

Arbitration

Rosters:

American Arbitration Association, FMCS, National Mediation Board, New York City - Office of Collective Bargaining, Other State/Local appointing agencies

Fees:

Grievance Arbitration \$1,100.00 is charged for each day of hearing and at the same rate, pro rata, for travel time, study, and drafting. In addition, a fee in the amount of \$1,100.00 is charged for each scheduled day of hearing for such cases canceled or postponed on notice received by me 30 calendar days or fewer in advance of the hearing. Selection constitutes acknowledgment and acceptance of the fee arrangements.

Interest Arbitration, Complex/Statutory Cases and Mediation \$1,800.00 is charged for each day of hearing and at the same rate, pro rata, for travel time, study, and drafting. In addition, a fee in the amount of \$1,800.00 is charged for each scheduled day of hearing for such cases canceled or postponed on notice received by me 30 calendar days or fewer in advance of the hearing. Selection constitutes acknowledgment and acceptance of the fee arrangements.

M. David Vaughn (continued)

Expenses Arbitrator charges actual cost of reasonable expenses, including airfare, car rental and lodging. Automobile mileage and meals and incidental expenses are charged at the applicable IRS expense rate, or actual costs if IRS rates not applicable. Arbitrator charges actual cost for copying, phone, postage/express and other reasonable case-related expenses. Full deductions are taken.

Definitions/Calculations A hearing day is any portion of a day, up to eight hours. Time for preparation, travel, study and drafting is charged pro-rated on the basis of an eight-hour day at the applicable per diem rate. Time and expenses are charged constructively from nearest business address or actual costs, whichever is less.

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)

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.

Donald S. Wasserman (continued)

Interest Arbitration, Fact Finding & Mediation: Fee is \$1,000 per day for up to 8 hours. Time for research and preparation is prorated at \$125 per hour.

Cancellation Fee: If scheduled hearing/meeting is cancelled or postponed with notice of less than 2 weeks (14 days), per diem fee for each cancelled/postponed day charged if another matter cannot be set in its place.

Travel Time: Travel day prorated at $\frac{1}{4}$, $\frac{1}{2}$, $\frac{3}{4}$ or full day as appropriate.

Expenses: Actual reasonable expenses if travel is required.