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ERB WEBSITE LINKS

www.oregon.gov/erb

[Board Orders](#)

[Arbitrator Awards](#)

[Join the Arbitrator Panel](#)

[Arbitrator Resumes](#)

[Subpoena Duces Tecum](#)

[Arbitration Witness Subpoena](#)

[Oregon Statutes and Rules](#)

Commemoration of PECBA's 50 Years



Oregon ERB and Oregon LERA are partnering to honor 50 years of the Public Employee Collective Bargaining Act (PECBA) with a day of recognition and programming. Speakers, including labor and management practitioners, neutrals, academics and government officials will lead discussion on a range of topics relevant to our labor relations community today. From historical reflection, to PECBA's impact on current practice, to questions of where we go from here, this coming-together will be an opportunity to celebrate, reflect, and engage in community dialogue as we advance the work of collective bargaining and dispute resolution in Oregon.

We hope you can join us at the **Salem Convention Center on May 30, 2024**. Please save this date, and look for more details about speakers, session topics, and registration to be announced soon.

ERB Searchable Orders

ERB has partnered with the State of Oregon Law Library so that you can take advantage of more advanced search options for Board orders beyond those of our website. There is a link to the law library on the Orders Issued page of our website [here](#), and a direct link is [here](#).

As you will see, when you click the Advanced Search option in the ERB database, you have a variety of robust search options to assist you in researching Board orders. We have started with publishing our most recent orders and are working backward to publish older orders in weekly batches, in coordination with the State of Oregon Law Library. As of this writing, they have published orders going back to 2011. Eventually, all Board orders will be published here (in addition to being published on our website). Additionally, we are also providing more robust filter options for the orders on our website to also assist you in researching our orders. Further details on that will be forthcoming.



Training Forums Recap

A big thank you to the 150+ labor and management practitioners from across the state who attended one of two online training forums in September, where information about ERB training services was provided. Many local and state government entities and public sector labor unions were represented. Attendees learned about the benefits of interest-based approaches to bargaining and labor-management problem solving, and detailed information about our training programs was provided. The PowerPoint presentation, along with more information about ERB's training programs can be found on the ERB website [here](#).

The Conciliation Service has been providing training and support for interest-based negotiation and labor-management problem solving for nearly 40 years. Our programs have evolved to keep pace with the latest research on effective negotiation, economic bargaining, labor-management partnerships, as well as technological advances to support collaborative problem-solving processes.



We recognize that no two work groups are alike, and that training needs vary and change over time. We work with parties in advance of training to design a program to meet individual circumstances. If you are interested in setting up training or have questions about it, please contact Sabrina Dunsworth or complete the [Consultation Request](#) form on the ERB website.

Diversity, Equity and Inclusion News

Oregon is one of the first states in the nation to create a [statewide Diversity, Equity and Inclusion \(DEI\) Action Plan](#) to explicitly work on dismantling institutional and structural racism in state government. This Action Plan was developed by the Governor's Office of Diversity Equity and Inclusion and the Office of Cultural Change, in partnership with several state agencies, and was designed to complement and enhance all state agencies' existing equity initiatives and provide guidance to agencies just getting started. The Action Plan roadmap can be found [here](#).



With the goals and objectives of the Statewide DEI Action Plan as our guide, ERB has been engaged in developing our own set of actionable DEI plans, as we continue to prioritize equity in our work. Below are some of the recent developments in ERB's ongoing DEI efforts. We will continue to update you on our progress in the days and months ahead.

ERB DEI Initiatives

In September 2022, ERB and Oregon LERA convened the [Summit on Enhancing Arbitrator Diversity](#). The goal of the summit was to generate ideas about how to increase the diversity of labor arbitrators available to parties in Oregon. A summary of the proceeding, including the many ideas generated at the summit, can be found [here](#).

Also in 2022, the [Scheinman Institute on Conflict Resolution at Cornell University](#) surveyed all National Academy of Arbitrators (NAA) to examine professional characteristics, including demographics and diversity, perceptions, and decision-making processes. Their survey yielded a 43% response rate. Of those who responded, membership is overwhelmingly white (93%) and male (79%); a majority (85%) see lack of diversity as a problem; and a majority (90%) support NAA taking steps to increase diversity. A copy of the full report can be found [here](#).

Following the lead of the Scheinman Institute, in order to establish a baseline for measuring increases in [diversity among ERB's panel of arbitrators](#), we conducted our own [survey in June 2023](#), asking our panel members to self-identify on a number of diversity related measures, including gender, race, sexual orientation, disability, and veteran status. We received a 71% response rate (36 replies out of 51). Of those who responded, just over half (58%) are male and 39% are female, and a large majority (86%) are white. Full results are displayed on the next page.

Lastly, ERB recently formed a [Diversity, Equity and Inclusion Committee](#) including Board staff and practitioners as follows: Shirin Khosravi (ERB), Sabrina Dunsworth (ERB), Juril Stover (ERB), Lisa Umscheid (DOJ), Alex Wheatley (Fisher Phillips), Andi Plaa (SEIU Local 503), Luke Kuzava (Tedesco Law Group), and Katelyn Oldham (Oldham Law Office). The Committee was formed last fall and has had two meetings thus far. The Committee is focused on how the agency can better serve you, our community, from a DEI perspective, including steps on increasing arbitrator diversity and law school outreach to target challenges in pipeline and selection processes. We look forward to sharing updates on the Committee's progress in the months ahead.

ERB Arbitrator Panel Diversity Survey Results

Which of the following best describes your current gender identity?

Total responses: 36	
Male	21
Female	14
Non-binary	1
Trans/transgender	0
Do not wish to answer	0

I identify as:

Total responses: 35	
Heterosexual/straight	33
Bisexual	2
Gay/lesbian	0
Do not wish to answer	0

Which of the following best describes your race/ethnicity?

Total responses: 36	
White	31
Hispanic or Latino	2
Asian	1
Multi-racial/multi-ethnic	1
Do not wish to answer	1
American Indian	0
Alaskan Native	0
Black or African descent	0
Middle Eastern/North American (MENA)	0
Pacific Islander	0

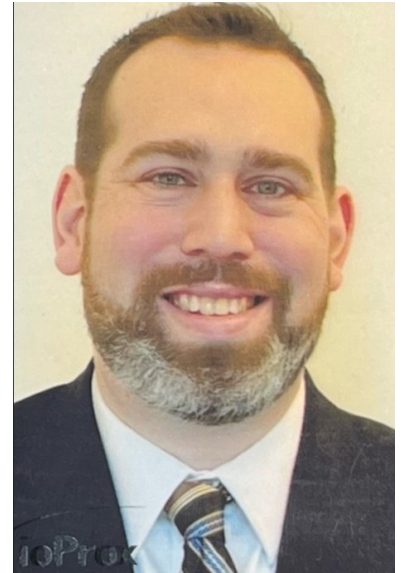
Do you identify with having a disability?

Total responses: 36	
No	32
Yes	4
Do not wish to answer	0

Are you a veteran?

Total responses: 36	
No	30
Yes	6
Do not wish to answer	0

Welcome Board Member Benjamin O'Glasser



Ben O'Glasser is a Management Appointee to the Oregon Employment Relations Board, first appointed by Governor Kotek as a Board Member effective May 1, 2023. Before joining the Board, he was a pro tem judge for the Multnomah County Circuit Court, presiding over a variety of high-volume courtrooms. Prior to working at the court, Ben was a partner at Bullard Law. Ben received his undergraduate degree from the University of Chicago and his J.D. from the University of Pennsylvania Law School. Welcome to the Board, Ben!

EVENTS

National LERA Meeting

76th Annual Conference

In Person: June 26 - 30, 2024

Manhattan, NY

<https://www.leraweb.org/triad-2024-nyc>

NW LERA Meeting

47th Collective Bargaining & Arbitration Conference

In Person: March 28 - 29, 2024

Tacoma, WA

<https://lerachapter.org/northwest/upcoming-events/>

NW Dispute Resolution Meeting

26th Conference

In Person: March 21 - 22, 2024

Seattle, WA

<https://nwdrconference.org>

PECBA-50 Commemoration

Oregon ERB and Oregon LERA Co-Host

In Person: May 30, 2024

Salem, OR

Salem Convention Center

All Conciliation Services to be Billed Via CMS

This year, we will begin billing all mediation and training services through ERB's Case Management System (CMS) online platform. Parties will no longer receive paper invoices by mail. In order to view and pay your invoice, all representatives will need to establish a username/password within the system. Using CMS, ERB will set up your case, connect you to it, load relevant documents as the matter progresses, and issue your bill for services. Please be aware that this payment change is forthcoming. Further details will be communicated in the near future.

Thank You to Arbitrators for Continuing to Use CMS



All arbitrator annual dues are submitted electronically via CMS. Thank you for participating as we fully transitioned to payment via this platform. We want to emphasize the importance of paying on time to avoid the expenditure of ERB administrative resources on collections activities, and potential cancellation of the arbitrator's listing.

CMS is also a place where we maintain a virtual portfolio of your information and work. Please consider uploading your Awards to your case file. We ask that you redact identifying individual information in your Grievance decisions so that we may publish them separately on the ERB website.

Arbitrator Reminders

- ERB maintains a list of arbitrators who are offering their services virtually. The list is for interested parties and is published on our website. If you are currently practicing virtually and not marked as such, please let us know. We maintain the list with new information as received.
- Keep your contact information, fees, experience, and methods of service fresh on your resume with us! Please email updated PDF resumes to Sabrina Dunsworth and we will upload to our website accordingly.
- Thank you for emailing us your decisions and notice of selection for Oregon public cases ([OAR 115-040-0035](#)). Please send these to ERB.Filings@erb.oregon.gov. This is the formal method by which to notify us, and we do publish your Interest Awards and Grievance decisions on our website.

Thank You for Your Service on the Panel and Best Wishes

Anthony Vivenzio
Frederick Kessler



IN MEMORIAM

Arbitrator Gary Kloepfer

November 2, 1953 – February 5, 2023

TO OUR COLERA FAMILY

On Sunday evening, February 5, 2023, Arbitrator Gary Kloepfer passed away. Please remember his wife, Judy, of forty-eight years, his children, Timothy, Christopher, Katie, Megan, and Eric, and his grandchildren, in your prayers.

Arbitrator Kloepfer was a neutral representative of the COLERA Board. Gary often referred to himself as a Labor & Employment Arbitrator/Mediator Superstar who allowed people to discuss difficult issues, explore realistic solutions, and negotiate agreements. He served on various panels, including the American Arbitration Association (AAA), Federal Mediation and Conciliation (FMCS), Postal Service Panels, Ohio State Employment Relations Board (SERB), Financial Industry Regulatory Authority (FINRA), Better Business Bureau (Ohio and National) and other out of state panels. Before beginning his second career as a neutral, Gary retired as a national business agent from the American Postal Workers Union.

Board service is the most challenging volunteer role, and Gary took on his board duties with determination, dedication, and devotion. Gary believed in the education of advocates and fostering positive labor-management relations. These beliefs made him a perfect fit for the goals and objectives of COLERA. COLERA hosts a 9-month luncheon and speaker series throughout the calendar year. Gary would jokingly state that, unfortunately, people feel you are an expert only if you are from out of town. So, he engaged the likes of NLRB Chairmen John F. Ring and EEOC Commissioner Keith E. Sonderling as speakers for our program. Although Gary was faithful in his attendance, he often spoke of starting a Cincinnati LERA Chapter.

Even though Gary dedicated his time and experience to COLERA, he also served as a Board Member for the Association of Conflict Resolution and the Society of Federal Labor Employees Relations Professionals and a volunteer for a local food bank. Gary lived a life of service to his profession, community, and our country. Gary was a veteran who served in the Army.

Well Done, Good and Faithful Servant.

On a personal note, Gary was my friend. He left many memories to cherish. I/We will miss him.

COLERA

Welcome to the ERB Arbitrator Panel

In this section, we introduce arbitrators new to the ERB panel, as they join. The description for each arbitrator was submitted to ERB by that individual. We hope that you enjoy learning more about who's new to the ERB roster.



Brad Areheart

- Resides in Knoxville, Tennessee
- Over a decade of experience teaching and arbitrating in the field of labor and employment
- Time active as an arbitrator: 5 years
- Eligible to hear grievances and practices with a virtual format option

Arbitrator Areheart is an expert on labor and employment issues. After working as a litigator for five years, he became a law professor and has taught full-time since 2010. He teaches Contracts, Labor Law, Employment Law, Employment Discrimination, and Disability Law. He regularly presents on labor-management issues as well as labor arbitration. Most recently, he led a 3-hour session on contract interpretation for the American Arbitration Association (AAA).

He also publishes widely on labor and employment law. He is a coauthor on a labor law textbook with West, has authored over a dozen law review articles (including at top-ranked Yale Law Journal), and is currently writing an employment law treatise with Lexis. Representative labor arbitrations include termination/discipline and contract interpretation claims in aerospace, construction, media, education, police, military, telecommunications, and food/beverage industries.

Arbitrator Areheart began arbitrating in 2019. He serves as a labor arbitrator for the Federal Mediation and Conciliation Service, the AAA, the National Mediation Board, and several private panels.

Welcome to the ERB Panel



Sally LaJoie

- Resides in Portland, Oregon

- Served as mediator for Oregon Employment Relations Board, practiced as an attorney in wage and hour and employment cases, worked in labor relations for Multnomah County, and worked as a Labor Representative for the Oregon Nurses Association

- Time active as an arbitrator: 1.5 years

- Eligible to hear grievances and practices with a virtual format option

Arbitrator LaJoie is an experienced neutral with more than two decades of experience in Labor Relations. She has served as a neutral mediator for the Oregon ERB and as an advocate on behalf of management and labor on a wide variety of labor relations matters ranging from grievance representation to bargaining.

Arbitrator LaJoie currently serves as a Mediator in private practice for litigation disputes, workplace mediation and labor disputes. She is also on the panel for the Oregon Department of Education mediating Special Education Disputes between Districts and families and volunteers as a mediator for Multnomah County Small Claims Court and the Federal Executive Board Shared Neutrals program. She serves as the Ombudsperson for the innovative City of Portland Driver's Advisory Board. This Board was the first in the nation to help address working conditions for ride for hire services such as Uber and Lyft.

Arbitrator LaJoie established her arbitration practice in 2022 after training with the Federal Mediation and Conciliation Service Labor Arbitration Training Institute. She has also apprenticed with National Academy of Arbitrators members Eric Lindauer and Michael Cavanaugh.

As part of her fulfillment to the legal profession, Arbitrator LaJoie currently serves as incoming Chair of the OSB Labor and Employment Section and is a member of the OSB Alternative Dispute Resolution Section Executive Committee.

Welcome to the ERB Panel



E. Patrick McDermott

- Resides in Annapolis, Maryland

- Began career as a neutral working for the NLRB as a Field Examiner while attending law school at night, practiced as a labor attorney in-house in the airline and entertainment industries and as a partner in a major law firm, then practiced as a sole practitioner representing plaintiffs in employment law while advancing to Full Professor status at a University of Maryland System business school

- Time active as an arbitrator: 2.5 years

- Eligible to hear grievances and practices with a virtual format option

Arbitrator McDermott opened his arbitration practice in 2021 after a balanced career as an advocate of management in labor relations for two decades followed by two decades as a plaintiff's counsel in employment litigation and as a university professor.

He is a member of numerous state arbitration panels, including the AAA labor and employment law panels, and the FMCS labor arbitrator panel. Arbitrator McDermott is active in the Labor and Employment Relations Association and ABA Dispute Resolution and Labor and Employment Law sections. He regularly presents his scholarship on workplace dispute resolution with a particular interest in the use of virtual dispute resolution.

For Academic Year 2024/2025, Arbitrator McDermott will be a Distinguished Visiting Professor of Negotiation in the Law Department at the U.S. Air Force Academy, Colorado Spring, CO. Arbitrator McDermott is admitted to the New York, New Jersey, Florida and Maryland Bars.

Welcome to the ERB Panel



Shianne Scott

- Resides in Milwaukie, Oregon
- Practiced as an attorney in employment/labor law, worked as an Administrative Law Judge for the State of Oregon, worked for a couple of law firms, most recently specializing in employment law, then worked for the City of Portland, after which she worked in Labor Relations
- Time active as an arbitrator: 2.5 years
- Eligible to hear grievances and interest arbitration cases, and practices with a virtual format option

Arbitrator Scott was recruited to be in the apprenticeship program as an arbitrator/mediator from 2011 to present. She became an arbitrator through the FMCS mentorship program in 2021.

Ms. Scott has over twenty-five years of combined labor/employment experience. Ms. Scott is currently a labor arbitrator and mediator and principal of Scott Dispute Resolution. Ms. Scott previously worked as an Administrative Law Judge for the State of Oregon and is the former Civil Service Board Administrator and Labor Relations Coordinator for the City of Portland.

Ms. Scott recently served as an Editor-in-Chief for Will Aitchison, David Gaba & Jonathan Downes, *Interest Arbitration* (Scott, et al. editors, 3d ed. 2022). Shianne also is a published author, alongside Arbitrator Michael Loconto, of the article, *Paving the Way for a New Generation of Labor Arbitrators*, *LERA Perspectives on Work* (2023).

Arbitrator Mentor Directory

To further opportunities for individuals early in exploring a career in arbitration work, following is a list of experienced arbitrators who have expressed a willingness to participate in mentorship. You can find each individual's complete resume on the ERB website. Please see each listing below and reach out directly to begin a conversation. We will be bolstering the information here about each mentor in the near future to provide greater detail on the person's background and type of mentorship offered.

If you are an experienced arbitrator who would like to be included in the Mentor Directory, we would be glad to talk with you further. If you have established a mentor/mentee relationship through ERB's network, we would like to hear about your experience. Please reach out to Sabrina Dunsworth in either instance.

Brad Areheart

-Available to provide mentorship support

Contact: brad.areheart@tennessee.edu

Sue Bauman

-With party agreement, can offer opportunities for new arbitrators to observe virtual hearings

-Willing to serve as a sounding board for new arbitrators as they think about how to decide a case and to review drafts of awards

Contact: sjmbaum@gmail.com

Stephen Biersmith

-Willing to help mentor new and aspiring arbitrators over the phone regarding running hearings, draft awards, and resources used over the years

Contact: [\(805\) 648-7242](tel:8056487242)

Michael Cavanaugh

-Could add one or two mentees, dependent on calendar and commitments, welcoming especially women and minorities

Contact: mec@cavanaugh-adr.com

Joseph Daly

-Has been mentoring and teaching, and would be happy to continue doing so

Contact: jdaly@hamline.edu

David Gaba

-Happy to mentor one newer arbitrator at a time under the National Academy's mentorship program

Contact: davegaba@compasslegal.com

Dennis Isenburg

-Happy to mentor one newer arbitrator at a time to include observation at hearings, experience reviewing the record and drafting documents, and collaborative dialogue

Contact:

dennis.isenburg.arbitrator@gmail.com

Jeff Jacobs

-Has been mentoring and willing to discuss the practice with a newer arbitrator

Contact: jjacobs@wilkersonhegna.com

[continued...]

Arbitrator Mentor Directory Continued

Howell Lankford

-Happy to talk to any newer arbitrator, with mentorship detail dependent on experience

Contact: hll@iname.com

(503) 349-3842

Michael Marr

-Available to be a mentor

Contact: mmarradr@aol.com

Renée Mayne

-Available to be a mentor

Contact: mayne.adr@gmail.com

E. Patrick McDermott

-Available to provide mentorship support

Contact: drmcdarb@gmail.com

Bob Oberstein

-Open to a number of mentoring approaches, including having a newer arbitrator shadow observe at a hearing and shadow draft a decision for comparison and discussion

Contact: boberstein@aol.com

(602) 859-5522

Pilar Vaile

-Happy to speak to any newer arbitrator about the practice and marketing

-Available to review work

-With party permission, can seek hearing observation opportunities

Contact: pilar@pilarvaileadr.com

Elizabeth Wesman

-Willing to be a resource for newer arbitrators including occasional conversation

Contact: ecwesman@gmail.com

Timothy Williams

-Willing to be a sounding board on mentee cases, and share insight on mentor cases

-Can provide insight into the labor arbitration profession including organizing and exposure

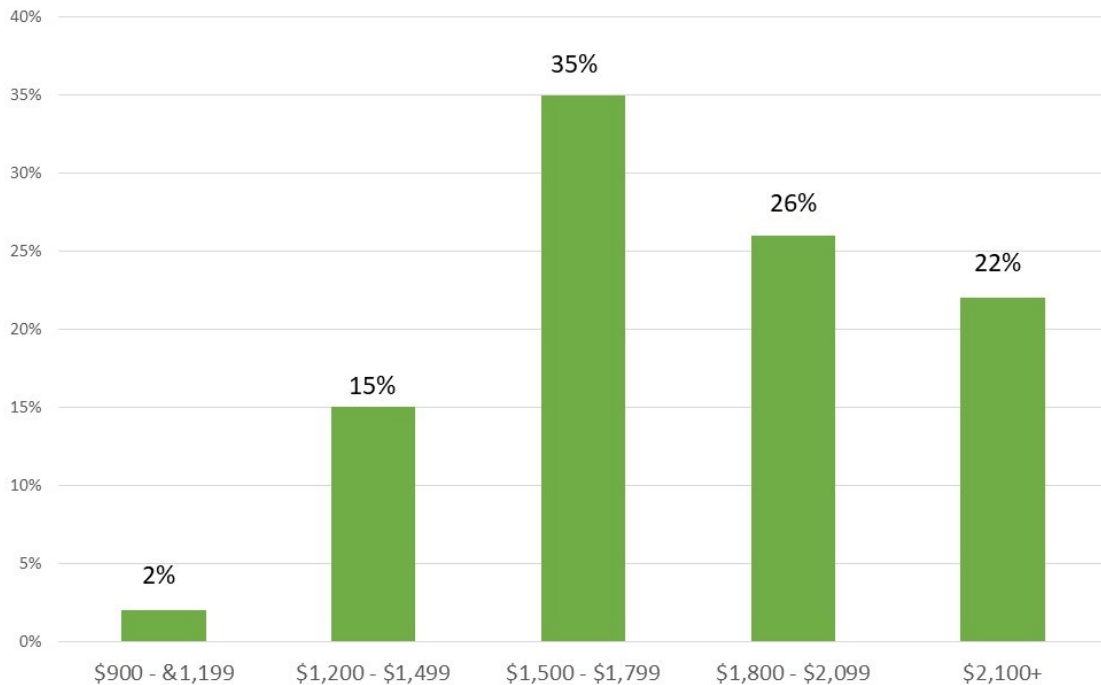
Contact: tim@arbitratorwilliams.com

(503) 490-7474

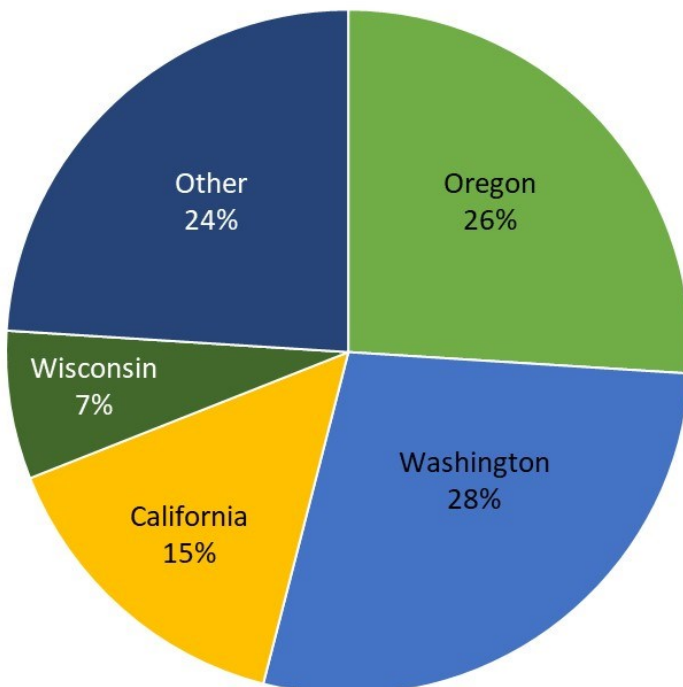


Panel Statistics

Per Diem Charged By ERB Arbitrators



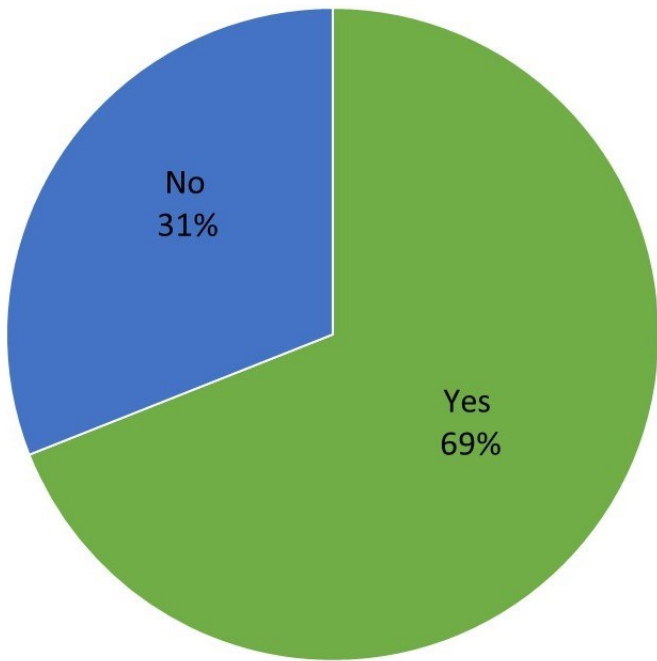
Where Do ERB Arbitrators Live?



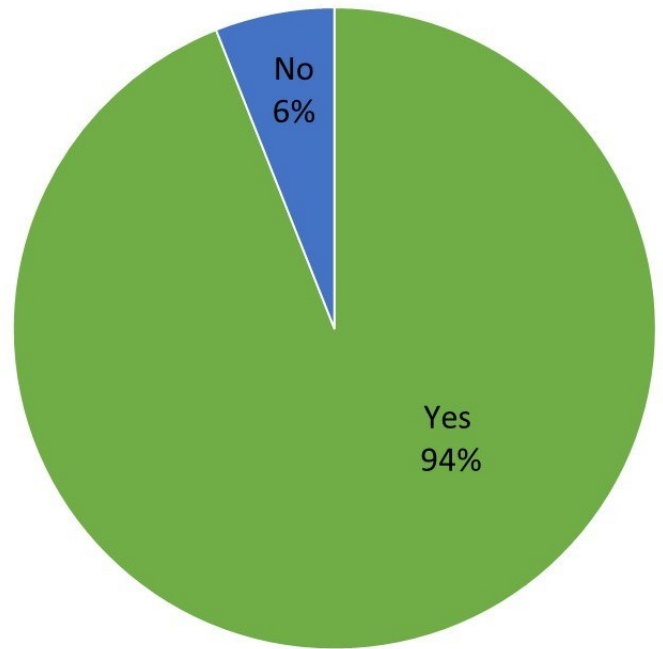
There are currently 54 members on ERB's arbitrator panel. In addition to Oregon, Washington, California, and Wisconsin, arbitrators reside in Arizona, Colorado, Hawaii, Maryland, Massachusetts, Minnesota, Missouri, North Carolina, and Tennessee.

Panel Statistics

Practicing Interest Arbitration



Practicing Virtually



Police Misconduct Panel Participation

