

Daniel Nielsen

Mediator / Arbitrator

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RESUME, FEES AND POLICIES (NOVEMBER 2012)

PROFESSIONAL BACKGROUND AND SERVICE

Arbitrator and mediator in approximately 3,500 private and public sector cases since 1982.

Federal Mediation and Conciliation Service Roster of Arbitrators and Mediators

American Arbitration Association Labor Panels

National Mediation Board Roster

Illinois Labor Board Roster

Wisconsin Employment Relations Commission Roster

Permanent Panels / Umpireships: City of Chicago and various labor organizations – AFSCME, Teamsters, IBEW, LIUNA, SEIU, PBPA; Chicago Public Schools and Chicago Teachers Union; AT&T and IBEW Local 21; American Eagle Airlines and Air Line Pilots Association; Chicago Transit Authority and ATU; United Airlines and Air Line Pilots Association.

Fellow, College of Labor and Employment Lawyers

Member, National Academy of Arbitrators (1990-present); Midwest Wisconsin Regional Chair (1991-93); Member, NAA Board of Governors (2006-2009).

Neutral Co-Chair, Ethics Subcommittee – ABA Committee on State and Local Public Sector Labor Law and Collective Bargaining (2000-2011)

Section of Labor & Employment Law, State Bar of Wisconsin (Director, 1992-95)

Labor and Employment Relations Association

National Association of Railroad Referees

Association of Labor Relations Agencies, United States and Canada (President, 2003-04); Editorial Board, *The Neutrality Project* (principal author, Chapter 4 – *Special Considerations Regarding Mediation*)

PROFESSIONAL EXPERIENCE

Mediator and Arbitrator, 1982-present

Staff Attorney/Mediator, Wisconsin Employment Relations Commission, 1982-86; 1990-2011

Director, Labor and Industrial Relations Degree Program, University of Wisconsin's Parkside campus, 1988-90

Assistant Professor of Labor and Industrial Relations, Business School, University of Wisconsin's Parkside campus, 1987-90

Research Assistant to Emeritus Professor Nathan P. Feinsinger, University of Wisconsin Law School, 1981-82

Research Assistant to Professor Carin A. Claus, University of Wisconsin Law School, 1980-81

EDUCATION AND TRAINING

University of Wisconsin, Parkside, Bachelor of Science, Labor Economics, 1978

University of Wisconsin Law School, JD (cum laude) 1982

SUBSTANTIAL PRESENTATIONS AND PUBLICATIONS WITHIN THE PAST FOUR YEARS

Principal Author, Chapter 4 – Mediation – The Neutrality Project, Association of Labor Relations Agencies (2008)

Ethics Presentations, American Bar Association Committee on State and Local Collective Bargaining and Labor Law, 2000-2010

“One Year After Wisconsin and Ohio - The State of the Public Sector” – Panel presentation to the Annual CLE Conference of the American Bar Association’s Labor and Employment Law Section, November 2, 2012 – Atlanta, GA

“Evidentiary and Procedural Challenges at the Arbitration Hearing” – Panel presentation to the Annual Meeting of the National Academy of Arbitrators, June 8, 2012 – Minneapolis, MN

“Wisconsin and Beyond” – Keynote address to the Annual Conference of the Northwest Chapter of the Labor and Employment Association, April 27, 2012, Seattle, WA

“Development in the Public Sector – The Wisconsin Story” – presentation to the National Academy of Arbitrators, September 17, 2011, Miami, FL

“The Basics of Mediation” – training session to the ALRA Academy for newly appointed agency executives and members – July 23, 2011, Jersey City, NJ

“Fireside Chat – Developments in Wisconsin” – presentation to the Association of Labor Relations Agencies, July 26, 2011, Jersey City, NJ

“Mediating in a Shifting Legislative Environment” – presentation to the Association of Labor Relations Agencies, July 26, 2011, Jersey City, NJ

“What’s Happening in Wisconsin?” - presentation to the College of Labor and Employment Lawyers, June 1, 2011, Chicago IL

“Getting to Yes - Bargaining in a Struggling Economy” – paper and presentation to the Annual CLE Conference of the American Bar Association’s Labor and Employment Law Section, November 5, 2010, Chicago, IL

“Ask Mr. Wizard – the Ethics of Neutrality” – presentation to the Association of Labor Relations Agencies, July 22, 2009, Oakland, CA

“Tough Calls in Grievance Arbitration” – panel presentation to the National Academy of Arbitrators, May 21, 2009, Chicago, IL

“Ask Mr. Wizard – the Ethics of Neutrality” – presentation to the Association of Labor Relations Agencies, July 22, 2008, Burlington, VT

“The ALRA Neutrality Project” – presentation to the Biennial FMCS Conference, June 10, 2008, Washington, DC

FEES / BILLING PROCEDURE / OFFICIAL RECORD:

PER DIEM

My per diem rate is \$1200.00 for grievance cases, and \$1350 for interest arbitration, fact-finding and mediation. Effective with appointments received on or after August 1, 2014, these rates will increase to \$1300 for grievance cases and \$1500 for interest arbitration, fact-finding and mediation.

CANCELLATION FEE

A cancellation fee of one day's per diem will be charged for each day of hearing canceled or postponed within 14 days of the hearing date. By way of illustration, a case scheduled for Friday the 16th must be cancelled by the end of the business day on Thursday the 1st. Actual expenses incurred (guaranteed reservations, for example) are also billed. If a party asks to reserve an unusually large number of hearing dates, a longer cancellation period may be used.

TRAVEL AND MILEAGE

Travel time and mileage will be calculated from Lake Bluff, Illinois. Mileage is charged at the IRS rate. Travel time is based on a ten hour day. Travel time on the day of hearing is included in the per diem charge.

OFFICIAL RECORD / ARBITRATOR'S NOTES

Unless some other procedure is agreed to by the parties (for example, the use of a transcript), the official record of the case will consist of the recollections of the arbitrator and the exhibits introduced at the hearing. While I may make use of notes to supplement my recollection, the arbitrator's notes do not constitute the official record and will not be available to the parties under any circumstances. If a court reporter is present at the hearing, the parties should advise me at the outset if they do not intend to have a transcript made available, so that I may factor that in as I listen to the evidence.

Please note that I will not voluntarily appear as a witness in any litigation associated with enforcement of, or a challenge to, any award, mediated settlement or other resolution of a case. Unless otherwise mutually requested by the parties, I will destroy my file on the case two weeks after the issuance of the Award or the expiration of retained jurisdiction, as the case may be.

ISSUANCE AND PUBLICATION OF AWARDS

I generally plan my writing schedule so that I can issue awards in accordance with the 60 day timeline of the FMCS. If your contract has a shorter timeline, please bring that fact to my attention during the scheduling process, so that I may arrange my schedule to allow writing time to meet the shorter deadline. If you do not advise me of the shorter deadline I will proceed in reliance on the 60 day timeline, and treat your silence as a waiver of the shorter time for issuance.

It is my practice to occasionally submit Awards for publication by established reporting services. A statement to this effect will be included on the billing statement if I am considering submitting the case for publication, with a request that the parties advise me within 30 days after issuance of the Award if they object to publication.

BILLING

Bills are submitted when the Award is issued, unless there are an unusually large number of hearing dates, or there is an unusual time lapse between hearing dates or between the hearing and the closing of the record. Out of

pocket expenses may be billed on an interim basis if they are unusually large, or if there is a lapse of time between hearing dates. Please advise me if there a particular person to whom bills should be submitted. Otherwise the bill and award will be sent to person entering an appearance on behalf of the party at the hearing.