

WISCONSIN EMPLOYMENT RELATIONS COMMISSION
ARBITRATOR'S BIOGRAPHICAL SKETCH

Daniel Nielsen
P.O. Box 549, Lake Bluff, IL 60044-0549
(847) 680-1413
Dan.Nielsen.Arb@GMail.com
Birthdate: 02-16-1954

EDUCATION: University of Wisconsin-Parkside; B.S., Labor Economics, 1978
University of Wisconsin Law School, J.D. (cum laude) 1982

PROFESSIONAL BACKGROUND AND SERVICE

Arbitrator and mediator in approximately 4,000 private and public sector cases since 1982

Federal Mediation & 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: BNSF and BMW; City of Chicago and various labor organizations - AFSCME, Teamsters, Trades, SEIU, FOP, PBPA,; Internal Revenue Service and NTEU Regional Panel; Chicago Public Schools and Chicago Teachers Union; AT&T and IBEW Local 21; Chicago Joint Conference Board (Construction Industry Jurisdictional Disputes); Chicago Transit Authority and ATU; United Airlines and Air Line Pilots Association; United Airlines and Association of Flight Attendants; UPS and Teamsters 705 (Sitting Arbitrator); State of Illinois and AFSCME.

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); Program Chair, 2013 Annual Meeting in Vancouver, BC; Chair, Committee on Professional Responsibility and Grievances (2015-2018).

Neutral Co-Chair, American Bar Association Committee on State and Local Public Sector Collective Bargaining and Employment Law (2013-2016).

National Association of Railroad Referees

Association of Labor Relations Agencies, United States and Canada (Executive Board, 1998-2005; President, 2003-2004); 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, 1986-90

Cancellation Fee / Billing Procedure / Official Record:

Please review the following policies regarding fees, scheduling and case administration.

PER DIEM: My per diem rate is \$1,400 for grievance cases and \$1,650 for interest arbitration, fact-finding and mediation of contracts.

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 22nd must be cancelled by the end of the business day on Thursday the 7th. Actual expenses incurred (guaranteed reservations, for example) are also billed. If parties seek to reserve an unusually large number of hearing dates, a longer cancellation period may be used. Cancellations and postponements are billed on a 50-50 basis unless some other arrangement has been agreed upon and communicated to me at the time of the cancellation. This includes contracts with loser pay provisions.

TRAVEL AND MILEAGE: Travel time and mileage will be calculated from Kenosha, Wisconsin. Mileage is charged at the IRS rate. Travel time is based on a ten-hour day, so that an hour of travel equals 10% of the daily rate. Travel time on the day of hearing is included in the per diem charge.

TELEPHONE HEARINGS: Where it appears that there is little dispute of fact, and an in-person hearing will involve travel time and/or expenses, a telephone hearing may be appropriate. In that case, and assuming both parties agree, the parties can submit issue statements, exhibits and stipulations electronically prior to the hearing. The parties will be responsible for arranging the call. For a telephone hearing lasting on an hour or so, I will waive the hearing fee.

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. Nor will any recording I may make be available to the parties. 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, or in any other litigation associated with a case. Unless otherwise mutually requested by the parties, I will destroy my file on the case two weeks after the later of the issuance of the Award or the expiration of retained jurisdiction.

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 FMSC. 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. Cancellations and postponements may be billed if the parties are not actively seeking to schedule a new date. Please advise me if there is a particular person to whom bills should be directed. Otherwise the bill and award will be sent to the person entering an appearance on behalf of the party at the hearing.