

BRIAN CLAUSS

Arbitrator - Mediator -Attorney

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Member of the National Academy of Arbitrators

Arbitrator and Mediator

2004 – present

Professional neutral concentrating in the arbitration and mediation of labor and employment disputes. Alternative dispute resolution including grievance arbitration, employment arbitration, mediation, facilitation and fact-finding. Hundreds of arbitration awards issued to date. Admitted to the National Academy of Arbitrators. Frequent author and lecturer on labor and employment topics.

John Marshall Law School Veterans Legal Support Center & Clinic 2008 – present

Director of law school legal clinic that provides pro bono assistance to military veterans in VA benefit appeals. Frequent author and lecturer on issues related to military service and civilian law.

Assistant State's Attorney

1990 – 2004

Labor and Employment Unit: Represented Cook County in labor arbitrations and employment matters before the Employee Appeals Board, Sheriff's Merit Board, Administrative Review, Equal Employment Opportunity Commission, Illinois Department of Human Rights, and Illinois Labor Relations Board. Defended Title VII, Section 1983 and ADA discrimination cases in Federal Court. Special projects involving information technology and grievance backlogs.

Criminal Division: Prosecuted felonies in trial courts, Illinois Appellate Court and the Illinois Supreme Court.

ADMITTED TO PRACTICE

Illinois Supreme Court

**United States District Court for the Northern District of Illinois
Federal Trial Bar**

ROSTERS AND PANELS

National Academy of Arbitrators – Chair, Central Midwest Region

Federal Mediation and Conciliation Service

American Arbitration Association

National Mediation Board

National Railroad Adjustment Board
Illinois Labor Relations Board
Illinois Educational Labor Relations Board
Illinois Department of Labor
Social Security Administration and AFGE
City of Chicago and Fraternal Order of Police Lodge 7
City of Chicago and PBPA – Chicago Sergeants
City of Chicago and PBPA – Chicago Lieutenants
City of Chicago and PBPA – Chicago Captains
City of Chicago and Teamsters Local 700
City of Chicago and SEIU
Chicago Public Schools and Chicago Teachers Union
Madison County and AFSCME
East St. Louis Police Department and Illinois Fraternal Order of Police Labor Council
East St. Louis Board of Education and Illinois Federation of Teachers
State Universities Civil Service System – Hearing Officer
Illinois State Board of Education – Hearing Officer
Court-Annexed Major Case Civil Mediation Program, Cook County, Illinois
Court-Certified Mediator (Complex Civil Cases)

INDUSTRIES

Police and fire; prison guards; administrative; custodial; construction; education; health care; hospitals/nursing home; manufacturing; mental health; office workers/clerical; public sector; transportation; trucking and storage; public sector; railroads; steel; utilities, warehousing

ISSUES

Public Sector Interest Arbitration; Arbitrability (substantive and procedural); Bargaining Unit Work; Contract Interpretation; Discipline (Discharge); Discipline (Non-discharge); Discrimination (disability); Discrimination (national origin); Drug Testing; Fitness for Duty; Grievance Mediation; Hiring; Job Bidding/Posting; Job Performance; Layoffs/Bumping; Leave; Management Rights; Medical Leave/On-Duty and Off-Duty Injury, Military Leave, Minimum Staffing, Off-Duty Conduct; Past Practices; Promotion, Work Hours/ Schedules/ Assignments; Subcontracting/Contracting Out; Working Conditions/Orders; Violence or Threats; Wages and Hours.

PUBLISHED GRIEVANCE AWARDS

Fraternal Order of Police Labor Council and Macoupin County, 120 LA 1308 (2005)

Fraternal Order of Police Labor Council and Calumet City Police Department, 122 LA 434 (2006)

PUBLISHED INTEREST ARBITRATION AWARDS*

Kane County Sheriff and Policemens Benevolent Labor Committee,
(Corrections Interest Arbitration Award, October 1, 2012)

Cook County Sheriff and Illinois Fraternal Order of Police Labor Council,
(Corrections OPR Interest Arbitration Award, July 11, 2012)

Will County Sheriff and Illinois Fraternal Order of Police Labor Council,
(Corrections Interest Arbitration Award, January 23, 2012)

Will County Sheriff and Illinois Fraternal Order of Police Labor Council,
(Sheriff's Police Interest Arbitration Award, March 22, 2012)

Kane County Sheriff and Policemen's Benevolent Labor Committee,
(Sheriff's Police Interest Arbitration Award, (September 26, 2011)

* available at www.state.il.us/ilrb/subsections/arbitration/index.asp

TEACHING

John Marshall Law School –Adjunct	2008 – present
American Arbitration Association	2011 - present
National Faculty – Lexis Nexis Professional Services	2008 - 2010
Triton College – Adjunct	2005 - 2007

EDUCATION

The John Marshall Law School,	Juris Doctorate, 1990
Lake Forest College,	Bachelor of Arts, 1986

PROFESSIONAL ORGANIZATIONS

National Academy of Arbitrators
Chair, Central Midwest Region

Labor and Employment Relations Association - Chicago Chapter
Board of Directors

Illinois State Bar Association
Military Affairs Standing Committee

National Association of Railroad Referees

CIVIC ORGANIZATIONS

Lutheran General Hospital Oncology Advisory Board	Park Ridge, Illinois	2011 - current
Lake Forest College, Alumni Board	Lake Forest, Illinois	2009 - current
Illinois ESGR, Executive Committee	Springfield, Illinois	2006 - 2008
Park Ridge Police and Fire Commission, Park Ridge, Illinois Commissioner		2004 - 2007
Hephzibah Children's Organization, Oak Park, Illinois Board of Directors		1997-1999

FOREIGN LANGUAGE

German

PUBLICATIONS

Books

Servicemembers and Veterans Rights, Matthew Bender, 2011, (Brian Clauss and Joseph Butler, General Editors)

Military Service and the Law, Illinois Institute for Continuing Legal Education, 2009 (Joseph Butler and Brian Clauss, General Editors)

Law Review

National Guard and Reserve Service and the Increased Risk of Homeless for Rural Veterans, 13 Journal of Law in Society 405 (2012)

Chapters

Employment Rights in The American Bar Association Guide for Military Families, Random House Publishing (forthcoming 2013)

Uniformed Servicemembers Employment and Re-employment Rights Act, in Servicemembers and Veterans Rights, Matthew Bender, 2011

Public Sector Employees, in The Labor Law Handbook, Illinois Institute for Continuing Legal Education, 2009 (with Steven Bierig, Michelle Camden and Jeanne Wood)

Called to Duty - Military Activation and the Impact on Labor Relations, in Proceedings of the 2008 Meeting of the National Academy of Arbitrators, Bureau of National Affairs

Off-Duty Conduct, in Managing Workplace Violence, American Bar Association, 2008 (with Steven M. Bierig and Michelle Camden)

Public Employees, in The Labor Law Handbook, Illinois Institute for Continuing Legal Education, 2006 Supplement (with Steven M. Bierig and Michelle Camden)

Articles

National Guard, Reserve Members Face Issues When Returning Home, Chicago Daily Law Bulletin, Law Day Issue, April 28, 2012

Employees Called to Duty – the Employment and Re-Employment Rights of Our Returning Illinois National Guard Members, Illinois Institute for Continuing Legal Education, 2009 (with Jeanne Charles Wood)

When Employees are Called to Duty, Chicago Daily Law Bulletin, Volume 154, No. 215 (October 31, 2008) (with Joseph Butler)

National Guard and Reserve Activation and Return – The Current and Coming Issues in Labor Arbitration, The Chronicle, National Academy of Arbitrators, September 2008

Called to Duty in the National Guard and Reserve – an Overview of Federal and Illinois Laws, Illinois Municipal Review, Vol. 81 No. 3 (February, 2008) (with Margaret Riley Thomas and Lyndsey Kimber)

The Uniformed Services Employment and Reemployment Rights Act – an Overview, in Employing the Military, Illinois Institute for Continuing Legal Education, (CLE Seminar Book 2006)

Federal Activation and Return – The Servicemember's Rights, in Veterans Legal Issues, Illinois State Bar Association and the John Marshall Law School, (CLE Seminar Book 2007 and 2008)

Called to Duty – Advising Your Client, in The Young Lawyer, American Bar Association (January 2007)

Employees Called to Duty in the National Guard and Reserve – an Overview of the Applicable Federal and Illinois Laws, State Universities Civil Service System, Summer Quarterly, 2006

Res Judicata Implications of Police and Fire Commission Hearings, Illinois State Bar Association Labor and Employment Law Newsletter, Vol. 44 No. 3 (September 2006) (with Michelle Camden)

Employees Called to Military Duty – an Overview of Military Leave and the Service Member's Rights, Illinois State Bar Association Labor and Employment Law Newsletter, Vol. 44 No. 5 (December, 2006)(with James Capparelli and Lyndsey Kimber)

Privatization of Public Educational Services: The Application of the Doctrine of Successorship in the No Child Left Behind Era, Illinois Public Employee Relations Report, Vol. 22 No. 4 (2005) (with Rochelle Gordon)

LECTURES AND PRESENTATIONS

Numerous lectures, presentations, webinars and podcasts. List available upon request

FEES

Per Diem Fee: \$1350.00

Grievance Arbitration, Public Sector Interest Arbitration, Mediation, Factfinding: \$1350.00 per day for hearing, research and writing of the award.

Multiple Grievances: More than one grievance per day and/or expedited grievance procedures are accommodated.

Cancellation Policy:

Cancellations 30 days or less, but more than 15 days, prior to the hearing date are charged half the per diem.

Cancellations 15 days or less prior to the hearing date are charged the per diem.

Travel:

No charge for travel within the greater Chicago metropolitan area.

Outside the greater Chicago metropolitan area: expenses as incurred and travel time at a prorated per diem. Mileage at the IRS rate.

Office Expenses: No charge for normal office expenses such as postage, copying and telephone. No docketing charge.