

DONALD S. McPHERSON

AAA No. 128602 FMCS No. 2614 NMB

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Present Occupation: Labor Arbitrator

First Business Address:

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PROFESSIONAL AFFILIATIONS:

National Academy of Arbitrators

Labor and Employment Relations Research Association

EDUCATION:

Ph.D. History

University of Pittsburgh, 1977

M.A. History

Indiana University of Pennsylvania, 1971

B.A. Political Science

Indiana University of Pennsylvania, 1969

CERTIFICATIONS:

AAA Labor Arbitrator II Continuing Education

NAA Airlines Arbitration Skills Enhancement Workshop

SPECIALIZED TRAINING:

Complex Public Education Issues: FMCS-NAA September 16, 2011

ARBITRATION/LABOR RELATIONS EXPERIENCE:

1981 – Present: Arbitrator. Labor grievance and interest arbitration; factfinding; grievance mediation. Founding Co-director, AAA-NAA Regional Arbitrator Symposium Continuing Education Series, 1987-94; Founding Executive Director, IRRA Western PA Chapter, 1982-89. Grievance Chair, President-elect, President of Faculty Union (APSCUF) local chapter (1978-80).

ACADEMIC EXPERIENCE 2004-Present: Emeritus University Professor and Professor of Employment and Labor Relations [retired, not in service], Indiana University of Pennsylvania (IUP); **1969-2004:** Faculty Member at IUP, including **1992-2004:** University Professor Distinguished Teaching Chair; **1977-2004:** Tenured Assistant Professor, Associate Professor, Professor, IUP Graduate Department of Employment and Labor Relations teaching graduate courses in arbitration, mediation, employment law, discrimination law, grievance resolution, creativity and problem-solving, labor history; **1977-1986** Department Chairperson; and **1969-1977:** Instructor and Tenured Assistant Professor of Student Affairs in Higher Education and Director of Residence Life (chief human resource administrator for university residence hall system). Speaker and author of books, articles, teaching materials on grievance processing, arbitration, employment discrimination, mediation, conflict resolution.

INDUSTRIES:

Bakery, Beverage, Building Products, Broadcasting, Cement, Chemicals, Clerical, Clothing, Coal, Communications, Construction, Delivery Services, Education, Electrical Equipment/Appliances, Electronics, Entertainment/Arts, Feed & Fertilizer, Food, Foundry, Glass/Pottery, Health Care, Higher Education, Hotels/Motels/Casinos/Resorts, Hospitals/Nursing Home, Iron, Local Government, Machinery, Manufacturing, Maritime, Metal Fabrication, Mining, Nonferrous Materials, Nuclear Energy, Nursing Home, Office Workers/Clerical, Organizations, Packaging, Petroleum/Petrochemicals, Pharmaceuticals, Plastics, Police, Fire, EMT, Printing & Publishing, Prison Guard, Pulp & Paper, Refrigeration/HVAC, Restaurants, Retail Stores, Scientific Instruments/Controls, Security, Ship Building/Dry-dock, State Government, Steel, Textile, Transit, Transportation, Trucking and Storage, Utilities, Warehousing.

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ISSUES:

Absenteeism, Arbitrability, Assignment of Work, AWOL, Bargaining Unit Work, Conduct (Off-Duty/Personal), Classification, Demotion, Discharge, Discipline, Discrimination, Drug/Alcohol Offenses, Drug/Alcohol Testing, FMLA, Fringe Benefits: Bonus, Holidays, Insurance, Leave, Vacation, Grievance Mediation, Guaranteed Work Week, Health/Hospitalization, Hiring Practices, Insubordination, Job Posting/Bidding, Job Evaluation, Job Performance, Jurisdictional Disputes, Layoffs/Bumping/Recall, Management Rights, Past Practice, Pension/Welfare Plans, Performance Appraisals, Promotions, Rate of Pay, Reduction in Force, Report/Call-in/Call-Back, Retirement, Safety/Health, Scheduling, Seniority, Severance Pay, Sexual Harassment, Sick Leave, Strikes, Lockouts, Stoppages, Slowdowns, Subcontracting/Contracting Out, Successorship, Training, Transfer, Union Business, Union Security, Violence or Threats, Wages: Cost of Living Pay, Holiday Pay, Incentive Pay, Job Classification and Rates, Merit Pay, Overtime Pay, Severance Pay, Vacation Pay, Work Hours/Schedules/Assignments, Working Conditions/Work Orders.

PERMANENT PANELS:

AK Steel-Middletown/IAM	TIMET/USW	AT&T PA-DE/CWA
AK Steel-Butler/UAW	Allegheny Energy/UWUA	Cincinnati Bell/CWA
Special Metals Corp/USW	Equitable Resources/USW	Frontier WV/CWA
IPSCO-Koppel/USW	Cwlth of PA/AFSCME	Verizon PA-DE/CWA
Kentucky Electric Steel/USW	City of Pittsburgh/FOP	Verizon DC-MD-VA/CWA
Penn State Univ/Teamsters		

ARBITRATION ROSTERS:

FMCS	AAA	Arbitration & Mediation Service
National Mediation Board	PA Bureau of Mediation	

SIGNIFICANT PUBLICATIONS:

“Last Chance Discharges,” *IRRA Res Ser* (Jan 94), 315-23; “Grievance Mediation,” *Lab Law JI*, 41 (Nov 90), 762-72; “Hostile Environment Sexual Harassment,” *IRRA Res Ser* (Dec 89), 492-98; “The Evolving Concept of Just Cause,” *Lab Law JI*, 38 (Jul 87), 387-403; *Resolving Grievances: A Practical Approach*, Prentice Hall (1983).

FEES:

(effective 10/1/10)

Per Diem: \$1,400.00 Grievance Arbitration Cancellation/Postponement: 1 per diem per day canceled

The fee is per diem for hearing, research, writing & preparation. A hearing day is any portion of a day up to 8 hours. Research, writing, preparation are pro-rated for actual time spent. Loser pays cases & parties in or filing for bankruptcy require notice before engagement. **Cancellation/Postponement:** The fee is for each day canceled or postponed 30 calendar days or less prior to a scheduled proceeding. **Travel:** Travel other than on hearing days is charged pro rata and on hearing days is charged pro rata for any portion of hearing plus travel exceeding 12 hours. **Expenses:** Reimbursement for actual expenses with mileage charged at IRS rate and air fare at cost of lowest available fully refundable coach ticket. No charge for ordinary office overhead; unusual office expenses reimbursable at cost. Time and expenses invoiced at conclusion of each segment of non-consecutive, multiple day proceedings. Expenses only invoiced immediately following a proceeding whenever substantial travel expenses have been incurred unless matter is ready for final decision. **Invoices:** Parties are jointly and severally liable for all amounts due. Invoices due upon receipt & payable within 30 days. Interest and/or collection fees may be added to overdue unpaid balances.

Detailed Current Policy & Fee Schedule Provided Upon Selection