

ELLIOT H. SHALLER

Arbitrator & Mediator

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WORK EXPERIENCE

2005 – Present: Arbitrator and Mediator

- I am a member of the National Academy of Arbitrators and have been appointed to multiple arbitration rosters. These include the American Arbitration Association (“AAA”) (labor, employment and employee benefits rosters), the Federal Mediation and Conciliation Service (“FMCS”), the National Mediation Board, the New Jersey Public Employment Relations Commission, the New York State Public Employee Relations Board, the Pennsylvania Bureau of Mediation, the Pennsylvania Labor Relations Board, the Florida Public Employee Relations Commission (Special Master – Impasse Resolution Panel), the Virgin Islands Public Employee Relations Board, and the Financial Industry Regulatory Authority.
- I have been appointed to serve on multiple permanent arbitration panels, including the Federal Deposit Insurance Corporation and National Treasury Employees Union (“NTEU”), the Office of the Comptroller of the Currency and the NTEU, the U.S. Postal Service and the American Postal Workers Union, the Maryland Transit Administration and the Amalgamated Transit Union (“ATU”), the Washington Metropolitan Area Transit Administration (“WMATA”) and ATU, WMATA and the Office of Professional Employees International Union, the Bituminous Coal Operators Association and the United Mine Workers of America (“UMWA”), District 20 and District 31, New York State Department of Education and the United Federation of Teachers, U.S. Department of Labor and American Federation of Government Employees, Local 12, United Parcel Service and International Brotherhood of Teamsters National Arbitration Panel, UMWA 1993 Benefit Plan Eligibility Issues Panel, Prince George’s County MD Public Employee Relations Board (Unfair Labor Practice/Negotiability Panel), and the Metropolitan Washington Airports Authority Employee Relations Council (Representation Matters and Unfair Labor Practice Panels).
- I have served as neutral arbitrator in about 200 labor, employment and employee benefits arbitrations in the public and private sectors.
- I have been appointed to multiple mediator rosters maintained by a variety of agencies, including the Equal Employment Opportunity Commission, the U.S. Nuclear Regulatory Commission, the Office of Compliance of the U.S. Congress, and the U.S. District Court for the District of Columbia. I have mediated about 60 employment cases.
- I have recently been nominated to become a Fellow of the College of Labor and Employment Lawyers.

2009 – 2019 Deputy Chairman and Member, Foreign Service Grievance Board, Washington, D.C.

In 2009, I was appointed by the U.S. Secretary of State to serve on the Foreign Service Grievance Board (“FSGB”). The FSGB is an independent grievance appeals body that adjudicates grievances filed by Foreign Service Officers, or their exclusive bargaining agent, against the State Department or one of the other foreign affairs agencies. As a Board Member, I chaired three member panels that considered and issued decisions on such grievances. I was reappointed to the Board for successive two-year terms in 2011, 2013, 2015, and 2017.

Between 2011 and 2019, in addition to continuing my duties as a regular Board Member, I served as its Deputy Chairman. As Deputy, I was responsible for supervising the work of other Board members and administrative staff. This work entailed assigning cases to members, training new Board members, advising them on substantive law, providing assistance in drafting decisions, and reviewing and clearing draft decisions.

At the expiration of my most recent term in September 2019, I opted not to seek reappointment for another term.

2007 – 2010: Adjunct Professor of Law, The George Washington University Law School

For three consecutive years I taught a course on Mediation to upper level law students. The course focused on how advocates may use mediation and other types of alternative dispute resolution (“ADR”) effectively. Topics covered included the legal and ethical principles applicable to mediation, determining whether and when mediation or other form of ADR is appropriate, the role of the advocate, selecting the neutral, preparing for mediation, and the advocate’s participation in the mediation. Students role played being the advocates, parties and mediators in simulated mediations in hypothetical civil, commercial and employment cases.

1979 – 2007: Employment and Labor Attorney – Private Law Firms and In-House Counsel

1979 – 1981: Associate, Vedder Price, Washington, D.C.

The focus of my practice at Vedder Price was on advising clients on labor and employment issues and litigating cases arising under the National Labor Relations Act (“NLRA”), Title VII of the Civil Rights Act of 1964 (“Title VII”), and the Fair Labor Standards Act. I also represented clients before the National Labor Relations Board (“NLRB”) and in arbitrations.

1981 – 1983: Senior Attorney-Industrial Relations, Trans World Airlines, New York, NY.

My position at TWA entailed advising management on the full array of labor, employment and personnel issues, and defending it in cases arising, among other things, under the Railway Labor Act, Title VII, the Age Discrimination and Employment Act (“ADEA”), and miscellaneous state employment statutes and common law. I also represented management in numerous arbitrations arising under the airline’s collective bargaining agreements for bargaining unit employees and its arbitration policy applicable to the non-union work force.

1983 – 1994: Dow Lohnes, Washington, D.C. (Associate, 1983-1989; Partner, 1989-1994)

At Dow Lohnes I advised clients on the full array of labor, employment and personnel issues and represented them in litigation arising under, among other things, the NLRA, the ADEA, the Americans with Disabilities Act (“ADA”), the Railway Labor Act and miscellaneous state employment statutes and common law. I also represented clients in collective bargaining and arbitrations.

1994 – 1995: Shareholder, Littler Mendelson, Washington, D.C.

While at the Littler firm, I advised clients on the full array of labor, employment and personnel issues and represented them in litigation arising, among other things, under the NLRA, Title VII, ADEA, the ADA, and miscellaneous state employment statutes and common law.

1995 – 2005: Lead Attorney for Washington, D.C. Office, Krukowski & Costello, P.C.

As Lead Attorney for the Washington, D.C. Office of Krukowski & Costello, P.C. (headquartered in Milwaukee, WI), I led a team of four attorneys that handled a variety of labor and employment issues for firm clients. The work entailed advising clients on these issues and representing them in litigation arising, among other things, under the NLRA, the RLA, Title VII, ADEA, the ADA, and miscellaneous state employment statutes and common law. During this period, I also represented clients in collective bargaining and arbitrations.

1978 – 1979: US Court of Appeals for the District of Columbia Circuit – Law Clerk

I served in a pool of law clerks responsible for briefing judges on motions and drafting decisions.

1977 – 1978: Teaching Fellow, The George Washington University Law School

I taught a first year law school research and writing class as part of a fellowship program, while also earning credits towards an L.L. M. in Labor Law Degree.

EDUCATION

- L.L.M in Labor Law, The George Washington University Law School, January 1979;
- J.D., The George Washington University Law School, May 1977;
- B.S., Brooklyn College of the City University of New York, 1974.

PUBLICATIONS:

Examples of my publications in the area of arbitration, mediation, and labor and employment law include the following:

- *Employment Arbitration* (2006), M. Lee Smith Publishers.
- Editor, *The Washington, D.C. Employment Law Letter*, M. Lee Smith Publishers (2001-2005).

- *Federal Disability Law & Distance Learning*, Instructional Telecommunications Council (1994).
- *The Family and Medical Leave Act - Key Provisions and Potential Problems*, 19 Employee Relations Law Journal 5 (1993).
- *A Guide to the EEOC's Final Regulations on the Americans with Disabilities Act*, 17 Employee Relations Law Journal (1992).
- *"Reasonable Accommodation" Under the Americans with Disabilities Act --What Does it Mean?* 16 Employee Relations Law Journal 431 (1992).
- *Avoid Pitfalls in Hiring, Firing*, Nation's Business (1991)
- *The Availability of Punitive Damages in Breach of Contract Actions Under Section 301 of the Labor Management Relations Act*, 50 George Washington University Law Review 219 (1982).
- *The Constitutionality of a Federal Collective Bargaining Statute for State and Local Employees*, 29 Labor Law Journal 594 (1978).

PRESENTATIONS

Since becoming a full-time neutral in 2005, I have presented multiple programs on various aspects of labor and employment arbitration. Examples of recent programs include:

- *Arbitration Training*, United Steel Workers District 8 Annual Convention (2017).
- *Ask the Arbitrators*, Labor Employment Relations Association, (2016).
- *How to Succeed in Arbitration*, Society of Federal Labor and Employee Relations Professional ("SFLERP") (SFLERP is a professional organization for attorneys, labor relations professionals and neutrals who practice in the federal sector) (2013).
- *Mediation*, International Law Institute (2013).
- *Remedies in Labor Arbitration*, AAA University, (2012).
- *Remedies in Federal Sector Arbitration*, SFLERP Annual Symposia (2012 and 2011).
- *Maximizing Efficiency & Economy in Arbitration*, AAA University (2011).
- *Employment Arbitration*, M. Lee Smith Publishers (2007).

During my years as an advocate and before becoming a full-time neutral, I presented numerous continuing legal education and other educational programs to labor and employment attorneys, to labor relations and human resources professionals, and industry executives. These programs included:

- *Advanced Employment Issues Symposium*, M. Lee Smith Publishers (2005).
- *Union Organizing in the Healthcare Industry*, Healthcare Council of the National Capital Area (2004).
- *Conducting Workplace Investigations*, Hotel Association of Washington, D.C (2004).
- *The Employment Cycle: Hiring, Retention and Terminations*, Krukowski & Costello seminar (2002).
- *Employment Issues*, Maryland Hospitality and Tourism Leadership Conference (2002).
- *Collective Bargaining: Strategies for Modern Management*, Krukowski & Costello training program (2001).
- *Nurse Recruitment & Retention*, Health Care Council for the National Capital Area (2000).

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- *Physician Unionization*, Healthcare Council of the National Capital Area (1999).
- *Workplace Violence*, Healthcare Council of the National Capital Area (1999).
- *Alternative Dispute Resolution, Preparing the Workplace for the Twenty-First Century*, National Capital Area Healthcare Human Resource Institute (1995)