

ROBERT BERGESON

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Member, National Academy of Arbitrators

Panels: Arbitration: Calif. State Univ. system/Calif. Faculty Assn.; Southern Calif. Gas Co./Utility Workers; Raytheon Co./Electrical & Space Techs; LAUSD, Pasadena CCD & other EERA school dists./CSEA; Cnty. of Orange/Assn. of O.C. Dep. Sheriffs and AFSCME; Sonoma Cnty./DSA; Port of Oakland/SEIU; UTC Aerospace Systems/IAM; Coachella Valley Water Dist./SEIU; Soc. Sec. Admin./AFGE; other employers/unions; **Hearing Officer:** LAUSD and other school district personnel commissions; San Bernardino Cnty. and City of Huntington Beach civil service commissions; L.A. Cnty. ERCOM; ad hoc service for many others; **Third Party Listings:** CSMCS; PERB; FMCS; AAA.

Industries and Government: Agriculture; Automotive; Cement; Chemicals; Cities; Community Colleges; Counties; Electronics; Food Processing; Grocery; Hospitals; Local Education (K-12); Police and Fire; Petroleum; Postal; Special Districts; Transit; Trucking; Universities; Utilities; Warehouse and others.

Contract Interpretation Issues: assignment of work; bargaining unit work; call-in/call-back pay; discrimination based on union activity and demographic class; dress code; eligibility for medical insurance, retirement, vacation leave, etc.; holiday pay; job posting and bidding; promotion; layoff, bumping and re-call; management rights; overtime entitlement and pay; performance evaluation; promotion; relevance of external law and employer contracts with third parties; safety and health conditions; scheduling of work; seniority; sexual harassment; subcontracting; tenure rights of higher education instructors; transfers, voluntary and involuntary; union security; wages; working conditions.

Discharge/Discipline Issues: absenteeism and tardiness; abusive language toward supervisors, peers and the public; alcohol and drug abuse; demotion as basis for; fighting; fraud; insubordination; off-duty conduct; performance; public employee free speech; safety violations; self help; sleeping on the job; theft; threats; union activity; various peace officer issues such as abuse of authority, use of force, management compliance with consent decrees, etc.

Procedural/Evidentiary Issues: adverse inferences; arbitrability (procedural and substantive); equitable estoppel/res judicata; relevance/effect of adjudication of criminal charges; relevance/effect of external law; laches/staleness of issues; procedural due process rights including harmonization of those created by contract versus statute; significance of and disputes over language of last chance agreements.

Interest Disputes: As self-employed neutral, panel chair or sole adjudicator of close to 100 interest disputes involving all manner of issues; In positions of employment with California PERB and L.A. City ERB (see below), oversight of at least 500 more bargaining impasses.

ROBERT BERGESON RESUME

Relevant Experience: 1989-Present: Private practice as arbitrator, factfinder, hearing officer and mediator. 2000-Present: Part-time Executive Director, L.A. City Employee Relations Board. Manager of City of L.A.'s mini-NLRB/PERB pursuant to the Meyers-Milias-Brown Act. Duties include overseeing unfair labor practice charges, representation issues, arbitrations, mediations and factfindings, budget, supervision of personnel and general administration. 1985-1989: L.A. Regional Director, PERB. Regional managerial responsibility for disputes involving representation, agency fee, impasses, Board order compliance, etc. 1981-1985: Regional Representative, PERB. Case load included items delineated immediately above.

Education: M.P.A., San Diego State; B.A., Cal State Northridge.

Applicable Fees: (1) Effective July 1, 2015, \$2000 will be charged for each day of hearing, study and award preparation. (2) Reasonable travel expenses will also be charged for cases heard outside the county of Los Angeles. (3) No travel time will be charged for cases within California and Southern Nevada; for cases outside California and Southern Nevada, travel time will be assessed according to flight and ground transportation requirements. (4) A one-day billing will be assessed for less than 30 calendar days of notice of cancellation or continuance of each scheduled hearing day.