

DANIELLE L. CARNE

Occupation: Arbitrator, Mediator, Fact-Finder, Attorney

BUSINESS ADDRESS:

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MEDIATION / ARBITRATION / FACT-FINDING EXPERIENCE:

Sole proprietor Carne Dispute Resolution from 2012 to present, offering arbitration and mediation services primarily in area of public and private sector labor disputes. Also, full-time arbitrator, mediator, administrative law judge with the Wisconsin Employment Relations Commission from 2006 to 2013 and from 2015 to present. Arbitrating private and public sector contract grievances. Serving as fact-finder in public sector unfair labor practice case and labor representation cases, as well as state civil service disciplinary, hiring, and classification personnel appeals. Mediating collective bargaining contract negotiations, grievance disputes, statutory labor cases, and civil service appeals.

From 2013 to 2015, served appointments as Chief Legal Counsel and subsequently Deputy Director of the Wisconsin Office of State Employment Relations, an agency establishing and monitoring personnel management policies for Wisconsin state government. As Chief Legal Counsel, provided counsel and representation to agency in all areas of labor and employment law. As Deputy Director, provided day-to-day leadership and management of agency, exercised oversight in areas of budget, procurement, and service quality, and participated in policy setting for statewide labor and employment matters.

From 2002 to 2006, specialized in the private practice of labor and employment law, representing individual employees and labor unions. Handled full range of labor relations matters, as well as employment matters including discrimination cases, wage and hour cases, FMLA claims, unemployment compensation matters, and matters related to individual employment contracts.

Adjunct Professor, Labor and Employment Law, University of Wisconsin Law School, August, 2016 to present. Adjunct Professor, Labor Relations, University of Wisconsin—Oshkosh, June 2014 to July 2014.

ARBITRATION / MEDIATION ROSTERS:

American Arbitration Association Roster of Labor Arbitrators

American Arbitration Association Roster of Neutrals

Federal Mediation and Conciliation Service Labor Arbitration Roster

National Mediation Board Arbitration Roster

Illinois State Board of Education Tenured Teacher Dismissal Hearing Officer Roster

Indiana Education Employment Relations Board Arbitration, Mediation, and Fact-Finding Panel

Iowa Public Employment Relations Board Arbitration and Fact-Finding Panel

Iowa Public Employment Relations Board Roster of Ad Hoc Mediators

Minnesota Bureau of Mediation Services Arbitration Roster

Oregon Employment Relations Board Panel of Factfinders and Mediators

State of Washington Public Employment Relations Commission Dispute Resolution Panel

Financial Industry Regulator Authority Roster of Arbitrators (pending completion of certification course)

ISSUES AS ADJUDICATOR:

Absenteeism, Arbitrability, Bargaining Unit Work, Beck Objections, Classification Systems, Community of Interest, Comparability, Concerted Activity, Conduct, Deferral, Demotion, Discharge, Discipline, Discrimination, Dues Deductions, Duty of Fair Representation, Duty to Bargain, Duty to Exhaust, Duty to Provide Information, Employee Monitoring Technology, ERISA Benefits, Free Speech, Furloughs, Grievance Mediation, Health, Hiring Practices, Impact Bargaining, Incentive Pay, Independent Contractor Status, Insurance Benefits, Interference, Job Classifications, Job Performance, Job Posting, Jurisdictional Disputes, Layoffs, Leave Benefits, Management Rights, Mootness, Overtime Pay, Past Practices, Pension Plans, Seniority, Standard of Review, Statute of Limitations, Subcontracting, Tenured Teacher Discharges, Unit Clarifications, Vacation Benefits, Vacation Pay, Waiver, Work Assignments, Working Conditions, Working Hours, Workplace Violence.

INDUSTRIES AS ADJUDICATOR:

Communications, Corrections, Education, Electrical Equipment / Appliances, Entertainment / Arts, Fire, Hospitals / Nursing Homes, Metal Fabrication, Office / Clerical, Police / Fire, Public Works, Refrigeration / HVAC, Social Services, Utilities.

PROFESSIONAL AFFILIATIONS:

Member, Labor and Employment Relations Association
Practitioner Member, Wisconsin Association of Mediators
Member, Inns of Court, James E. Doyle Chapter
Member, Wisconsin Bar Association
Member, American Bar Association
Member, Dane County Bar Association

EDUCATION:

JD, conferred with distinction, University of Iowa College of Law, Iowa City, Iowa, 2002
BA, Grinnell College, Grinnell, Iowa, 1996

FEES:

Grievance Arbitration, Interest Arbitration, Fact-Finding: Per diem fee of \$1,000 per day is charged for prehearing activity, travel, hearing attendance, and award preparation. A hearing day is any portion of a day up to eight hours; time beyond eight hours is prorated. Time for research and preparation is prorated.

Mediation: \$250 per hour for preparation and attendance at mediation sessions.

Cancellation Policy: A cancellation fee of \$500 is charged for each hearing date cancelled or postponed less than 14 calendar days in advance of the scheduled date, and a cancellation fee of \$1,000 is charged for each hearing date cancelled or postponed less than 7 calendar days in advance of the scheduled date. No cancellation fee is charged for mediation cases.

Travel Time and Expenses: The per diem / hourly rate is charged for travel time. Parties will be charged the actual cost of reasonable travel expenses, including air and train fares, car rental, mileage (IRS rate) for use of personal vehicle, and lodging.

January 2017

Danielle L. Carne
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EXPERIENCE

Carne Dispute Resolution, Madison, WI
Independent Mediator, Arbitrator, Fact-Finder, 2012 to Present

- Maintaining private practice as mediator and adjudicator.
- Roster admissions:
 - American Arbitration Association Roster of Neutrals
 - American Arbitration Association Roster of Labor Arbitrators.
 - Federal Mediation and Conciliation Service Labor Arbitration Roster
 - National Mediation Board Arbitration Roster
 - Illinois State Board of Education Tenured Teacher Dismissal Hearing Officer Roster
 - Indiana Education Employment Relations Board Arbitration, Mediation, and Fact-Finding Panel
 - Iowa Public Employment Relations Board Arbitration and Fact-Finding Panel
 - Iowa Public Employment Relations Board Roster of Ad Hoc Mediators
 - Minnesota Bureau of Mediation Services Arbitration Roster
 - Oregon Employment Relations Board Panel of Factfinders and Mediators
 - State of Washington Public Employment Relations Commission Dispute Resolution Panel
 - Financial Industry Regulator Authority Roster of Arbitrators (pending completion of certification course)
- Issues addressed as adjudicator: Absenteeism, Arbitrability, Bargaining Unit Work, Beck Objections, Classification Systems, Community of Interest, Comparability, Concerted Activity, Conduct, Deferral, Demotion, Discharge, Discipline, Discrimination, Dues Deductions, Duty of Fair Representation, Duty to Bargain, Duty to Exhaust, Duty to Provide Information, Employee Monitoring Technology, ERISA Benefits, Free Speech, Furloughs, Grievance Mediation, Health, Hiring Practices, Impact Bargaining, Incentive Pay, Independent Contractor Status, Insurance Benefits, Interference, Job Classifications, Job Performance, Job Posting, Jurisdictional Disputes, Layoffs, Leave Benefits, Management Rights, Mootness, Overtime Pay, Past Practices, Pension Plans, Seniority, Statute of Limitations, Subcontracting, Teacher Discharge, Unit Clarifications, Vacation Benefits, Vacation Pay, Waiver, Work Assignments, Working Conditions, Working Hours, Workplace Violence.

University of Wisconsin Law School, Madison, WI
Adjunct Professor, August 2016 to Present

- Teaching Labor and Employment Law survey course to second- and third-year law students.

Wisconsin Employment Relations Commission (“WERC”), Madison, WI
Staff Attorney, Mediator, Arbitrator, Administrative Law Judge, December 2015 to Present; August 2006 to June 2013

- Lead designer of expedited procedures for handling state civil service disciplinary appeals, as required under 2015 revisions to State of Wisconsin civil service statute. Created streamlined prehearing procedures, discovery procedures, and decision-issuance procedures to ensure compliance with shortened timelines; drafted and circulated initial guidelines, training materials, FAQs, and procedural orders consistent with statutory requirements; created internal infrastructure for and trained professional

and administrative staff regarding streamlined procedures; adapted case tracking system to streamlined procedures; participated in updating of agency website to reflect new procedures.

- Acting as third-party, neutral Mediator in labor and employment disputes in public and private sector settings.
- Serving as Arbitrator for collective bargaining grievances: handling prehearing matters, ruling on procedural motions, conducting evidentiary hearings, issuing written, final and binding awards, and overseeing remedial disputes.
- Presiding as Administrative Law Judge over statutory complaints of unfair labor practices and appeals of civil service employment actions: managing prehearing matters and discovery, ruling on motions, conducting evidentiary hearings, and issuing written, fact-finding decisions.
- Appointed to serve as Coordinator of the Wisconsin Public Sector Labor and Employment Relations Conference, 2012 and 2013.
- Coordinated with the University of Illinois at Urbana-Champaign to design and implement survey of statewide, public sector employment stakeholders, 2013.

Wisconsin Office of State Employment Relations (“OSER”) / Wisconsin Department of Administration, Division of Personnel Management (“DPM”), Madison, WI¹

Deputy Director, January 2015 to November 2015

Chief Legal Counsel, June 2013 to July 2015

Acting Administrator, Division of Merit Recruitment and Selection, November 2014 to August 2015

Deputy Director, January 2015 to November 2015

- Civil Service Career Executive providing day-to-day leadership and management of agency/division that establishes, implements, and monitors human resources policies and programs for Wisconsin state government agencies.
- Exercising oversight of agency/division administration in areas of budget, procurement, service quality, and personnel management.
- Participating as executive in policy setting in areas including recruitment, examination, and selection; labor and employment relations; pay and benefits; FLSA compliance; FMLA compliance; affirmative action and equal employment opportunities.
- Managing responses to public records requests, as well as legislative and media inquiries.
- Serving as designee on State of Wisconsin Employee Trust Funds Board, Group Insurance Board, Council on Veterans Employment.
- Overseeing agency reorganization from OSER to DPM. Redesigning organizational structure to incorporate additional areas of responsibility and increased staff; managing communications with affected entities; coordinating and reviewing revision of applicable statutes, agency administrative rules, Wisconsin Human Resources Handbook, internal policies, and forms; and overseeing reworking of budgetary and information technology infrastructure.
- Serving as DOA’s Project Manager for Human Capital Management phase of statewide IT infrastructure conversion to PeopleSoft, for modernized and enhanced management of human resource, finance, budget, procurement, and business intelligence systems; serving on policy-setting Advisory Council for Human Capital Management module; providing management oversight of OSER/DPM STAR readiness.
- Designing and participating, as agency executive representative, in implementation of agency Business Process Enhancement Initiative, to evaluate customer service process enhancement needs in the area of

¹ OSER was reorganized into the Wisconsin Department of Administration Division of Personnel Management in July, 2015, at which point organizational names and position titles changed in a manner that is not fully detailed here.

state recruitment and hiring. Conducted listening sessions with agency stakeholders, conducted internal review of business processes, designed new processes, participated in marketing of and training for enhanced processes.

Chief Legal Counsel, June 2013 to July 2015

- Appointed by OSER Director to provide representation and counsel to Director/Administrator office, as well as agency divisions, in all areas of administrative management, including:
 - Evaluation of statutorily-established duties and authorities;
 - Drafting and legal review of contracts and memoranda of understanding;
 - Application of open records laws and open meetings laws;
 - Drafting and legal review of agency administrative rules and related policy manuals;
 - Drafting and legal review of agency-issued bulletins;
 - Oversight of pending administrative litigation;
 - Serving as agency liaison with Wisconsin Department of Justice;
 - Review of and issuance of formal advisory opinions matters relating to the State Code of Ethics.
- Providing advice and counsel to agency Director and divisions in labor and employment law matters, including compensation; recruitment, testing, and selection; performance evaluations; discipline; a position classification system; affirmative action and equal employment opportunities programs; discrimination protection and defense; personnel file management systems; employee health insurance and retirement benefits; collective bargaining; employee privacy laws; and compliance with state and federal regulations in the areas of wages and hours, family and medical leave, fair employment, labor relations, and the employer mandate in Patient Protection and Affordable Care Act. Also providing advice and counsel to the legal and human resources departments of other agencies of State of Wisconsin government in matters of personnel management.
- Designing and implementing expansion of OSER Office of Legal Counsel to consolidate legal representation of agencies of Wisconsin state government in administrative appeals of personnel transactions. Created and filled positions for new attorney staff; oversaw the creation of new practice area, including development of office policies and procedures, client services strategies, an electronic docket management system, templates, research, and legal briefs database, and a performance review system. Ongoing supervision of attorney staff and Office of Legal Counsel caseload.
- Serving as a member of agency core management team in areas of office administration, policy setting, and strategic planning.
- Leading select, high-level personnel-related investigations for state agencies.
- Providing legal guidance in the creation and implementation of Business Process Enhancement Initiative designed to streamline state hiring processes.

Acting Administrator, Division of Merit Recruitment and Selection, November 2014 to August 2015

- Appointed by OSER Director as interim Administrator overseeing Division that exercises statutorily established statewide oversight of civil service recruiting, testing, and hiring of state workforce applicants for all state agencies and (until July 2015) the University of Wisconsin system administration and campuses. Division establishes policy and exercises oversight in areas of staffing, layoffs, reinstatement and restoration, determinations of protective occupation status, and employee ethics rules; oversees Wisc.Jobs.com, the State of Wisconsin recruitment website; provides regular introductory and advanced subject-matter training to management and supervisory staff throughout state government; administers Wisconsin Personnel Partners, which provides human resource services on a fee basis to State of Wisconsin local units of government.

University of Wisconsin—Oshkosh, Oshkosh, Wisconsin
Adjunct Professor, June 2014 to July 2014

- Teaching graduate-level, on-line Labor Relations course.

Hawks, Quindel, Ehlke & Perry, S.C., Madison, Wisconsin
Associate Attorney, June 2003 to July 2006

- Engaged in private practice in the areas of labor and employment law. Provided advice, counsel, and representation in matters related to state and federal discrimination and retaliation litigation; claims brought under the state and federal family medical leave acts; claims brought under federal and state wage and hour laws; unemployment insurance claims; workers compensation claims; state and federal labor relations laws; drafting, review, negotiation and litigation of employment contracts.
- Appeared before Equal Employment Opportunity Commission, National Labor Relations Board, U.S. Department of Labor, Wisconsin Department of Workforce Development Equal Rights, Worker's Compensation, and Unemployment Compensation Divisions, as well as equivalent municipal agencies; appeared before federal District Courts and the Seventh Circuit Court of Appeals.

AFFILIATIONS

Wisconsin Association of Mediators
Practitioner Member, 2016 – Present

American Inns of Court, James E. Doyle Chapter
Member, 2016 – Present

Labor and Employment Relations Association
Member, 2013 to Present

American Bar Association
Fellow, Labor and Employment Law Section, State and Local Government Bargaining and Employment Law Committee, 2012 to 2013
Member, Section of Labor and Employment Law, 2011 to Present
Member, Section of Alternative Dispute Resolution, 2012 to Present

Wisconsin State Bar
Chair, Labor and Employment Law Section, 2011 to 2012
Member, Labor and Employment Law Section, 2003 – Present
Member, Alternative Dispute Resolution Section, 2011 – Present

Dane County Bar Association
Member, 2013 to Present

Association of Labor Relations Agencies
Executive Board Member, 2011 to 2013
Audit, Conference Program, and Conference Site Committees Member, 2013; Conference Program Committee Member, 2012

SPEAKING ACTIVITY

University of Wisconsin-Oshkosh

Guest Lecturer, graduate- and undergraduate-level employment relations courses employment and labor relations, alternative dispute resolution systems, and Wisconsin civil service employment system, October 2010, October 2011, November 2012, April 2013, November 2014

American Bar Association Section of Labor and Employment Law State and Local Government Bargaining and Employment Law Committee Midwinter Meetings

Fellow presentation updating Committee on legislative and judicial activity in states without comprehensive collective bargaining laws, January 2012, February 2013

University of Wisconsin-Extension School for Workers

Conducted arbitration training session as instructor / mock arbitrator, May 2012, January 2013, May 2013; Delivered speech addressing changes introduced by Wisconsin Acts 10 and 32 to Wisconsin's labor relations statutes and civil service system, January, 2012; Taught four-hour modules on HIPPA, COBRA, FMLA for "Bargaining for Healthcare" Seminar, November 2004, November 2005

State of Wisconsin Office of State Employment Relations

Delivered presentations to foreign dignitaries from Japan, Indonesia, and the Republic of Georgia, respectively, regarding Wisconsin collective bargaining laws and civil service system, as arranged through the Office of the Governor of Wisconsin, September 2011, November 2011, September 2014

EDUCATION & BAR ADMISSIONS

University of Iowa College of Law, Iowa City, Iowa
Juris Doctor, conferred with distinction, May 2002

Grinnell College, Grinnell, Iowa
Bachelor of Arts in English Literature, May 1996

Supreme Court of Wisconsin, admitted September 2002

District Court for the Eastern District of Wisconsin, admitted June 2003

District Court for the Western District of Wisconsin, admitted June 2003

Court of Appeals for the Seventh Circuit, admitted July 2003