

## PATRICK J. HALTER

**Email Address:** [phalter113@comcast.net](mailto:phalter113@comcast.net)

**Present Occupation:** Arbitrator-Factfinder-Mediator-Workplace Investigations & Audits

**First Business Address:**

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**Second Business Address:**

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### PROFESSIONAL AFFILIATIONS:

NAA, AAA (Labor & Commercial), ABA (ADR, Labor & Employment)

### EDUCATION:

BA American History

Arizona State University

MPA Labor Relations & Budgeting, Finance

Indiana University

Fellow Post-Graduate Behavioral Psychology

Johns Hopkins University

Legal CLEs

National Judicial College; ABA

Law Enforcement Graduate

Albuquerque Citizens Police Academy

### CERTIFICATIONS:

Mediator (Employment & Commercial)

District of Columbia Superior Court

Adv. Practitioner (Employment Arbitration)

Association for Conflict Resolution (ACR)

### SPECIALIZED TRAINING:

Complex Public Education Issues: FMCS-NAA September 2011; NAA SW Region Texas Local Government Code Chapter 143 Training for Hearing Examiners February 2014.

### ARBITRATION/LABOR AND EMPLOYMENT RELATIONS EXPERIENCE:

**1999-Present:** Arbitrator and mediator; grievance mediation, interest arbitration, med-arb, factfinding, elections, card-check, neutrality agreements, economic & non-economic issues, Title VII, ADEA, ADA, EEO, ERISA, FLSA, FMLA, HIPAA, OSHA, ULP, unit determination. Presenter at best practices training w\AAA, FMCS, NAA, Nat'l. Judicial College (employment litigation, motions, discovery, whistleblowing, civil procedure, employment torts, evidence, police liability, statutory and equitable remedies); NAA Committee on Statutory Employment Disputes. **1993-1999:** Director, New Mexico PERB, investigated & adjudicated ULPs & unit representation cases; research law and write PERB decisions. **1986-1993:** technical advisor to LMR projects (human factors, root cause analyses, continuous improvement) at Goodyear\URW, FAAPASS; General Dynamics\IAMAW, LTV Steel\USWA, Ford\UAW. **1980-1986:** Staff Associate, Federal Service Impasses Panel\Foreign Service Impasse Disputes Panel: mediation, factfinding, med-arb, interest arbitration (300 interest arbitration awards) and Field Agent, ULP investigations, OGC\Federal Labor Relations Authority).

### INDUSTRIES:

Aerospace; aircraft mfg; airlines; agriculture; automotive; banking; beverage; brewery; bldg. products; call centers; canning; casinos, cement; chemicals; clothing; communications; construction; corrections; dairy; education; electric equipment/appliance; electronics; entertainment/arts; financial institutions; fire; food; foundry; health care (hospitals/nursing homes); hospitality; insurance; iron; lumber; maritime; meat processing; metal fabrication; mining; musicians/orchestras; ofc support/clericals; pharmaceuticals; petroleum, petrochemicals; police, pulp & paper; railroad; refrigeration/HVAC; regulatory agencies; rubber/tire; security; steel; supermarkets; transportation; telecommunications; trucking & storage; universities; utilities; warehousing.

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### ISSUES:

Absenteeism; agency fee; arbitrability; bargaining unit work; conduct (off-duty); COLA; continuing violation; contract interpretation and application; demotion; disability benefits and plans (short, long term); discipline; discharge; discrimination (ADA, ADEA, Title VII, etc.); drug/alcohol; EEO; FLSA; FMLA; holidays & holiday pay; human factors; incentive pay; insurance; job classification & rates; leave; grievance mediation; HIPAA, health and hospitalization; hiring practices; hours of work; Indian Preference Act; insubordination; job performance; job posting/bidding/assignments; just cause; LCA; layoff/bumping/recall; management rights; merit pay; official time; OSHA; overtime pay; past practice; pension and welfare plans; polygraphs; position description; promotion; public safety, reassignment; RIF; retaliation; retirement; safety/health conditions; schedule/tour of duty; seniority; settlement agreement; severance pay; sexual harassment; social media; subcontracting; tenure & reappointment; union rights & security; wages, whistleblowing; workplace violence/threats.

**PERMANENT PANELS:** Natl. Railroad Adjustment Bd 3<sup>rd</sup> Div; BART\Police & Transit; Union Pacific\TCU\AMAW; Tucson SD\NEA; Rocky Mtn. Steel\USWA; FAA\NATCA (National Panel); Clark County SD (Las Vegas, NV)\NEA; White Pine County (NV) SD\NEA, WPACT, WSSO; Tinker AFB\AFGE; IRS\NTEU; ICE\NTEU; Border Patrol\AFGE; Transportation Security Adm\AFGE; Chair, Albuquerque LMRB; Special Master, Nebraska Comm. Industrial Relations; ABA Employment Disputes Panel.

**ARBITRATION ROSTERS:** AAA (Labor & Commercial); CA State Mediation & Conciliation Service; Montana Bd. of Personnel Appeals; Nat'l. Med. Bd. (Public Law Bds. Airlines, Railroads); Nat'l. Railroad Adjustment Bd. (3<sup>rd</sup> Div.); Kansas, Nevada, Oklahoma, Oregon, Virgin Islands, Washington PERBs.

**SAMPLING OF PUBLISHED CASES:** 108 LA 1006; 111 LA 1033; 111 LA 1078; 112 LA 673; 112 LA 907; 113 LA 240; 116 LA 1373; 118 LA 426; 118 LA 705; 119 LA 65; 119 LA 305; 121 LA 348; 121 LA 1368; 122 LA 259; 125 LA 541; 126 LA 594; 127 LA 1412; 129 LA 513; 129 LA 1089; 130 LA 395; 132 LA 348; 93-2 ARB 3542; 97-2 ARB 3270; 99-1 ARB 5499; 02-1 ARB 3044; 03-1 ARB 3447; 03-2 ARB 3534; 04-1 ARB 3679.

### SIGNIFICANT PUBLICATIONS:

*Labor and Employment Arbitration*, 2<sup>nd</sup> ed. (LEXIS); *How Arbitration Works*, 6<sup>th</sup> ed. (BNA); *Discharge and Discipline*, 2<sup>nd</sup> ed. (BNA); *2006, 2007, 2008 NAA Annual Proceedings* (BNA); *A Guide to Principles in Federal Sector Arbitration* (Dewey Publications)

**PER DIEM FEE:** \$1,600

**CANCELLATION FEE:** (See below)

**Grievance Arbitration, Fact-finding:** Per Diem applies to prehearing matters, hearing, research and award. Hearing day is any portion of a day up to 8 hours; 1-day minimum.

**Employment Mediation\Arbitration, Interest Arbitration & Med-Arb, Labor Mediation:** \$250.00 per hour; 1-day minimum.

**Cancellation Policy:** If hearing date is changed for any reason with notice of less than 30 calendar days the per diem or hourly fee is assessed for each scheduled hearing day unless another matter can be substituted.

This applies where parties forego scheduled hearing and proceed with briefs. Invoices not paid within 30 days of invoice date may be assessed an additional one day per diem.

**Travel time:** Pro-rated per diem for travel exceeding 4 hours; full per diem for weekend or holiday travel.

**Expenses:** Arbitrator charges actual expenses for transportation, lodging and meals. Other expenses may be assessed for administrative/clerical support, LEXIS computer time, and taxes or service fees assessed by government entities.