

# DAVID GABA

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## PRESENT OCCUPATION

Attorney / Arbitrator

## PROFESSIONAL AFFILIATION

National Academy of Arbitrators, LERA (past president NW chapter), Nebraska Bar Association, Idaho Bar Association, Washington Bar Association.

## ARBITRATION EXPERIENCE

Employment History: 1997 to Present: Arbitrator. 1992 to 1997: Director of Labor Relations, Metropolitan King County, managed the labor relations function for the eleventh largest county in the United States. 1990 to 1992: Washington State Nurses Association (UFCW), General Counsel. 1989 to 1990: Washington Attorney General: Assistant Attorney General. 1986 to 1989: Nebraska Appeal Tribunal: Chief Administrative Law Judge. 1985 to 1986: Attorney, NE Department of Labor.

## INDUSTRIES

Aerospace, Airlines, Agriculture, Aluminum, Automotive, Bakery, Beverage, Building Products, Brewery, Broadcasting, Canning, Cement, Chemicals, Communications, Construction, Dairy, Education, Electrical Equipment/ Appliances, Electronics, Entertainment/Arts, Federal Government (Corp of Engineers, HUD, DOD, VA, BOP, HHS, ect.), Federal Sector Interest, Feed & Fertilizer, Food, Foundry, Furniture, Fruit Packing, Garbage, Local Government (police, fire, transit, schools, jail, local, state), Glass/Pottery, Grain Mill, Grocery, Health Care, Hotels/Motels/Casinos/ Resorts, Hospital/Nursing Home, Iron, Lumber, Machinery, Mining, Maritime, Meat Packing, Metal Fabrication, Mining, Nuclear Energy, Office Workers/Clerical, Organizations, Packaging, Paint & Varnish, Petroleum/ Petrochemicals, Pharmaceuticals, Plastics, Plumbing, Police and Fire, Printing and Publishing, Pulp and Paper, Retail, Recycling, Refrigeration/HVAC, Restaurants, Retail Stores, Rubber/Tire, Transportation, Trucking.

## **ISSUES**

Affirmative Action, Absenteeism, Arbitrability, Bargaining Unit Work, Conduct, (off-duty)/Personal, Demotion, Discipline (Non-Discharge), Discipline (Discharge), Discrimination: Age, Disability, Race, Sex, Religion, National Origin, Drug/Alcohol Offenses, FLSA, FMLA, Fringe Benefits: Bonus, Holidays, Insurance, Interest Arbitration, Leave, Vacation, Grievance Mediation, Health/Hospitalization, Hiring Practices, Interest Arbitration, Job Performance, Job Posting/Bidding, Jurisdictional Disputes, Layoffs/Bumping/Recall, Management Rights, Official Time, Past Practices, Pension and Welfare Plans, Pension Claim (Fed. Statute), Promotion, Retirement, Safety/Health Conditions, Seniority, Sexual Harassment, Strikes, Lockouts, Work Stoppages, Slowdowns, Subcontracting/ Contracting Out, Tenure/Reappointment, Trustee Deadlocks, Union Security, 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, Violence or Threats.

## **PERMANENT PANELS**

Port of Seattle/Teamsters 117, State of OR Dept. of Correction/AFSCME 75, Federal Way/FWPOG, City of Tukwila/TPOG, FAA/Air Traffic Controllers Assc., Kimberly Clark/USW, State of Alaska/Alaska Patrol Offic. Assc, AFGE 1406/Air Force Material Command, Hill AFB /AFGE 1592, State of Alaska/ASEA, San Bernardino County/SBCPOA, USPS/APWU, Puget Sound Naval Shipyard/BMTC.

## **ARBITRATION ROSTER(S)**

FMCS, AAA, CA CMS, WA PERC, OR PERB, MT PERB, HLRB, NE CIR, King County Superior Court Arbitrator

## **PUBLISHED CASES**

Linn Cnty., 136 LA 616 (2016), Andersen Structures, 135 LA 935 (2015), Simpson Lumber Co., 133 LA 1789 (Arb. 2014), Electrolux Home Products, 132 LA 1559 (2014), Clearwater Paper Corp., 132 LA 465 (2013), Holly Frontier Refining Co., 130 LA 1669 (2012), Crown Cork and Seal USA, 130 LA 1015 (2012), Kansas City Board of Public Utilities, 130 LA 724 (2012); Kimberly-Clark Corp., 130 LA 305 (2011), City of Oakland, 128 LA 1217 (2011), Oregon Department of Corrections, 127 LA 641 (2010), County of Monterey, 127 LA 207 (2009), Grandview School District, 126 LA 1263 (2009), City of Montclair, 127 LA 32 (2009), U.S. Department of the Army, 125 LA 1287 (2008), Lincoln Electric System, 125 LA 1185 (2008), United Parcel Service, 124 LA 1032 (2008), The Canyons Inc. 123 LA 1271 (2007), St. Peter Hospital, 123 LA 473 (2007), Klamath County, 122 LA 1745 (2006), Lehigh Cement Co., 122 LA 643 (2006), Fluor Hanford, 122 LA 65 (2005), Denver School District, 120 LA 816 (2004), Basin Electric Power Cooperative, 120 LA 210 (2004), Graphic Packaging International, 120 LA 140 (2004), Kitsap County, 119 LA 1753 (2004), Seattle School District, 119 LA 481 (2004), Mission Foods, 118 LA 1608 (2004), Rabanco Recycling, 118 LA 1411 (2003), City of Mill Creek, 116 LA 101 (2001).

## **SIGNIFICANT PUBLICATIONS**

Equitable Defenses Under State Blue-Sky Law, PIABA B. J., Vol. 16, No. 3 (2009); Disregarding the Manifest Disregard of the Law Standard Under the Federal Arbitration Act, 17 PIABA B. J. 179 (2010).

## **PER DIEM FEE**

\$1,900

## **DOCKET FEE**

None if parties use email to set hearing.

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**DOCKET FEE****CANCEL FEE**

Require 30-business days notice of cancellation or continuance or charge for days set.

**GRIEVANCE ARBITRATION**

\$1,900

**CANCELLATION POLICY**

Require 30-business days notice of cancellation or continuance or charge per diem for days set.

**INT ARBT, FACT FND & LABOR MED**

\$250 per hour for mediation. No additional charge for interest arbitration.

**TRAVEL TIME**

½ per diem for travel of more than 3 hours. Hourly rate for hearing time after 5:30 PM.

**EXPENSES**

Charge for reasonable actual expenses.