

JOHN P. DiFALCO, ESQ.

FMCS-2826

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Present Occupation: Arbitrator

First Business Address:

Centerstone Business Park
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Second Business Address:

4423 E. High Point Drive
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PROFESSIONAL AFFILIATIONS:

Association for Conflict Resolution
Colorado Bar Assn. (Labor Law Section)
Federal Bar Assn. (Arbitration Committee)
American Bar Assn. (Alternate Dispute Resolution Section)

Labor and Employment Relations Assn. (LERA)
American Arbitration Association
National Academy of Arbitrators

EDUCATION:

JD	Law	Ohio State University, 1968
MA	Public Administration	University of Northern Colorado, 1986
BA	Economics	Ohio State University, 1965

CERTIFICATIONS:

Law Ohio, 1968, Colorado, 1972, District of Columbia, 1986

ARBITRATION/LABOR RELATIONS EXPERIENCE:

Arbitrator/Mediator/Fact Finder, 1987-Present. Arbitrate labor and employment cases (see Industries and Issues below) for FMCS, National Mediation Board and AAA, as well as serving on several permanent panels (see listing below). Private practice of law (since 1968). Adjunct faculty in Negotiations and Conflict Resolution; Alternate Dispute Resolution, Labor Law and Legal Ethics, Colorado State University; Assistant Professor (Business Law, Economics and Labor Law), Tri-State College in Angola, Indiana (1968-70). Attorney, U.S. Postal Service (1970-1977). Chief Labor Negotiator, City and County of Denver (1977-80). City Attorney, Greeley, Colorado (1980-87).

INDUSTRIES:

Aerospace; Airlines; Advertising; Agriculture; Aluminum; Automotive; Bakery; Banking; Beverage; Building Products; Brewery; Broadcasting; Canning; Cement; Chemicals; Clothing; Coal; Communications; Construction; Dairy; Distillery; Education; Electrical Equipment/Appliances; Electronics; Entertainment/Arts; Federal Sector-Grievance; Federal Sector-Interest; Feed & Fertilizer; Food; Foundry; Furniture; Glass/Pottery; Grain Mill; Health Care; Hotels/Motels/Casinos/Resorts; Hospital/Nursing Home; Iron; Lumber; Machinery; Meatpacking; Metal Fabrication; Mining; Nuclear Energy; Office Workers/Clerical; Organizations; Packaging; Paint & Varnish; Petroleum/Petrochemicals; Pharmaceuticals; Plastics; Plumbing; Police and Fire; Printing and Publishing; Prison Guard; Professional Sports; Public Sector-Grievance, Public Sector-Interest; Pulp and Paper; Railroads; Real Estate, Refrigeration/HVAC; Restaurants; Retail Stores; Rubber/Tire; Sports; Steel; Stone/Quarry; Textile; Transportation; Trucking and Storage; Utilities; Warehousing.

ISSUES:

Absenteeism; Affirmative Action; Age Discrimination; Arbitrability; AWOL, Bargaining Unit Work; Bonus; COLA; Conduct (Off-Duty)/Personal; Cost-of-Living Pay; Demotion; Disability Discrimination; Discharge and Discipline; Drug/alcohol Offenses; Fair Share Fee Guaranteed Work Week; Grievance Mediation; Health/Hospitalization; Hiring Practices; Holidays; Holiday Pay; Incentive Pay; Insubordination; Insurance; Interest Arbitration; Job Classification; Job Evaluation; Job Performance; Job Posting/Bidding; Jurisdictional

Dispute; Layoffs/Bumping/Recall; Leave; Lockouts; Management Rights; National Origin Discrimination; Official Time; Other Fringe Benefits; Past Practices; Pension and Welfare Plans; Promotion; Race Discrimination; Rate of Pay; Red Circle Rate; Retirement; Safety/Health Conditions; Seniority; Sex Discrimination; Sexual Harassment; Sick Leave; Slowdowns; Strikes; Lockouts; Subcontracting/Contracting Out; Tenure/Reappointment; Union Business; Union Security; Vacation; Violence/Threats; Wages; Work Stoppages; Work Week Change.

PERMANENT PANELS:

Social Security/AFGE	USAF/AFGE	ARMY/AFGE	NATCA/FAA
King Soopers/UFCW	IFAA/Denver/Pueblo	ATT & IBEW	
ALASKA/PSEA/PEL 71	IBPO/Denver/Pueblo/Greeley		IRS/NTEU
Interior/AFGE	FAA/Multi-Unit	City and County of Denver/All Unions	

ARBITRATION ROSTERS:

Denver Public Schools/School Unions	City of Littleton/Police
Jefferson County Schools/Classified Unions	City & County of Denver/Police, Fire, Sheriff
City of Loveland/Police	Pueblo Schools/Teachers
American Arbitration Assn.- Labor/Employment	City of Boulder/IAFF
City of Fort Collins/Police	City of Englewood/Certified Employees

PUBLISHED CASES:

102 LA 910 (1993); 103 LA 417 (1994); 106 LA 166 (1996); 103 LA 824 (1994); 109 LA 768 (1997); 114 LA 1551 (2000); 109 LA 944 (1997); 116 LA 647 (2001); 116 LA 826 (2001); 117 LA 1165 (2002); 117 LA 1705 (2002); 118 LA 491 (2003); 119 LA 1313 (2004); 120 LA 809 (2004); 124 LA 337 (2007); 124 LA 545 (2007); 124 LA 1049 (2007); 125 LA 363 (2008); 125 LA 1149 (2008); 125 LA 1413 (2008); 126 LA 144 (2008); 127 LA 942; 129 LA 153 (2011)

PUBLICATIONS:

ASupervisors Guide to Discipline®, 1979, Revised 1985; ALaw and Policy on Sexual Harassment®, 1984; ANegotiations & Conflict Resolution®, 1996; numerous magazine and journal articles, 1987-present.

FEES:

PER DIEM FEE: \$1,600.00

DOCKETING FEE: \$0. **CANCELLATION FEE:** (See Below)

Grievance Arbitration: The fee is \$1,600.00r day for hearing, and for research and preparation of the opinion and award. A hearing day is any portion of the day up to eight hours.

Cancellation Policy: If the scheduled hearing is postponed or cancelled with notice of less than thirty (30) days, the per diem fee for each day of hearing shall be charged if another matter cannot be set in its place.

Interest Arbitration, Fact-Finding and Labor Mediation: Arbitrator charges \$2,250.00 per day (for up to 8 hours). Time for research and preparation is prorated at \$350/hour.

Travel Time: Arbitrator charges per diem fee for any portion of a travel day up to eight hours.

Expenses: Arbitrator charges actual cost of reasonable expenses, including airfare, car rental, food, and lodging. Automobile mileage is charged at the applicable IRS expense rate. Arbitrator charges actual expenses for copying, phone, and clerical assistance.

Detailed fee information will be forwarded to parties immediately upon selection.