



# Trevor R. Caldwell

 Associate

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**“I strive to help clients achieve their objectives by facilitating ethical and efficient solutions to labor and employment issues. Whether disputes are resolved through negotiation, arbitration, or litigation, my advocacy is guided by the knowledge that many relationships will outlast the current dispute.”**

Trevor Caldwell represents public and private employers in labor relations and employment law matters. His labor relations practice focuses on negotiating collective bargaining agreements, contract administration, arbitration, and representing clients before state and federal agencies. Trevor provides labor relations advice and counsel to clients with the understanding that parties to a collective bargaining agreement, whether in the private or public sector, are in an ongoing relationship that will outlast the disputes that invariably arise.

Trevor counsels employers of all sizes and across a variety of industries on a multitude of employment-related issues. He uses a proactive approach, including employment advice, counseling, and training, to assist employers in crafting solutions that are best suited to their unique workplaces. Trevor frequently provides trainings for business owners, managers, and employees on topics such as harassment and discrimination, documentation practices, workplace investigations, and union organizing.

Trevor previously served on active duty as a captain in the U.S. Army and has been a member of the Oregon National Guard since leaving active duty. He currently serves as an attorney in the Office of the Staff Judge Advocate (JAG).

## Professional Activities

- Multnomah Bar Association, member
  - Professionalism Committee, 2018-2019
  - Young Lawyers Section Pro Bono Committee, 2016-2019
- Oregon State Bar, member
  - Military and Veterans Law Section, Executive Committee
    - Legislative Subcommittee, 2021
    - Chair, 2019-2020
    - Chair-elect, 2018-2019
  - Labor & Employment Section, 2015-present

## Education

J.D., University of Oregon  
School of Law, 2015

B.A., University of  
Portland, 2006

## Bar Admissions

Washington, 2020  
Oregon, 2015

## Court Admissions

U.S. District Court, District  
of Oregon

U.S. District Court,  
Western District of  
Washington

## Military

Oregon National Guard,  
Office of the Staff Judge  
Advocate, 2015-present

U.S. Army, Officer, 75th  
Ranger Regiment & 82d  
Airborne Division, 2006-  
2012

- American Bar Association, member
  - Labor & Employment Law Section, 2019-present
- Oregon Public Employer Labor Relations Association (ORPELRA), member, 2019-present
- Oregon Labor and Employment Relations Association (LERA), member

### **Civic Activities**

- Veterans of Foreign Wars, life member
- Disabled American Veterans (DAV), life member
- Oregon National Guard, Office of the Staff Judge Advocate (JAG), attorney, 2015-present

### **Representative Experience**

#### **Labor Relations**

- Serves as counsel in the areas of contract administration, discipline and discharge, performance management, and grievance processing with the aim of maximizing operational efficiency while maintaining labor peace.
- Advised numerous law enforcement agencies on labor relations issues unique to law enforcement officers, particularly in the areas of discipline and discharge.
- Advised employers on the collective bargaining implications of acquisitions and plant closures.
- Collective Bargaining
- Served as the chief spokesperson on behalf of employers in both the private and public sectors.
- Represented private sector employers in negotiations in the wood products, manufacturing, and construction industries.
- Represented cities, counties, and special districts in contract negotiations with unions representing general wall-to-wall units, police officers, and parole and probation officers.
- Arbitrations & Administrative Hearings
- Successfully represented clients in grievance arbitrations over discipline, discharge, and collective bargaining agreement disputes.
- Successfully represented clients in Unfair Labor Practice cases before the Oregon Employment Relations Board (ERB) and the National Labor Relations Board (NLRB).

#### **Union Organizing & Strikes**

- Represented private sector employers in the construction and retail industries in representation petitions and related hearings before the National Labor Relations Board (NLRB).
- Successfully represented employer in a unit decertification petition and election.
- Provided advice and counsel to private sector employers during union organizing and election campaigns.
- Represented public sector employers in unit clarification proceedings before the Oregon Employment Relations Board (ERB).

#### **Employment Litigation & Advice**

- Represents employers before state and federal agencies on workplace-related investigations and administrative matters, including before the Equal Employment Opportunity Commission (EEOC), the Department of Labor (DOL), the Oregon Bureau of Labor and Industries (BOLI), the Washington State Human Rights Commission (WSHRC), and the Washington Department of Labor & Industries (L&I).
- Defended employers in state and federal court in Oregon and Washington in cases alleging wrongful discharge, whistleblower retaliation, discrimination, and harassment claims.
- Defended numerous employers in Oregon and Washington against wage and hour claims brought under the Fair Labor Standards Act (FLSA) and state law.

- Provides advice and counsel to private and public sector employers in Oregon and Washington on issues related to policy implementation, discipline and discharge, employee leaves, payment of wages and overtime, and performance management to ensure compliance with state and federal employment laws.

### Training

- Conducted dozens of trainings for employees, managers, and senior executives in both the public and private sectors on labor relations, grievance processing, the National Labor Relations Act (NLRA), work rules and employee handbooks, document retention, wage and hour laws and regulations, harassment and discrimination, protected leave under the Uniformed Services Employment and Reemployment Rights Act (USERRA), among others.

### Publications

- “Understand Implications of NLRB’s Move to Categorize Certain Student-Athletes as Employees,” *Campus Legal Advisor* (Mar. 2022)
- “NLRB categorizes student-athletes as employees,” *College Athletics and the Law* (Jan. 2022)
- “Unionized Private and Public Employers May Have Bargaining Obligations to Meet Before Implementing the ETS and Other Vaccine Mandates,” Miller Nash, *News You Can Use* (Dec. 2021)
- “Labor Board Changes Could Lead to More Organized Labor on Campus,” *Campus Legal Advisor* (Dec. 2021)
- “Biden Administration Shows Strong Support for Organized Labor through Executive Actions & Changes at National Labor Relations Board,” *Cascade Business News* (May 2021)
- “NLRB’s Guidance on COVID-19 Policies for Unionized Employers,” *Daily Journal of Commerce* (Oct. 2020)
- “Public Employers,” Oregon Business & Industry, *Oregon Human Resources Manual*, 15th Edition, Chapter 35 author (2020)
- “What Businesses Need to Know about the Duty to Bargain with Unions During COVID-19,” *Cascade Business News* (July 2020)
- “Employers, Beware: Federal Opinion Conflicts with Case Law,” *Daily Journal of Commerce* (Mar. 2019)
- “Labor Board Restores Independent Contractor Rule,” *Oregon Business Report* (Feb. 2019)
- “State Government is Immune from Trooper’s USERRA Claims,” *Public Safety Labor News* (May 2017)

### Presentations

- “Navigating the Unique Seas of Wage & Hour Issues, Updates, and Audits in 2022,” Association of Washington Cities, Labor Relations Institute (May 2022)
- “Labor Relations Update,” Miller Nash, The Latest COVID-19 Guidance for Employers: Vaccine Mandates and Accommodations Webinar (Feb. 2022)
- “PECBA Boot Camp for the Wondering, Wise, and Weary,” Oregon Public Employer Labor Relations Association (ORPELRA), Annual Training Conference (Dec. 2021)
- “Federal, State, Local and Labor Law Updates,” Miller Nash, Employment Law Seminar (Dec. 2021)
- “Documentation: How to Do It, How to Keep It, Who Gets to See It,” Coalition of Oregon School Administrators (COSA), 41st Annual School Law Conference (Dec. 2021)
- “No Rest for the Weary: Best Practices for Midterm Bargaining,” Coalition of Oregon School Administrators (COSA), 41st Annual School Law Conference (Dec. 2021)
- “Protecting the Rights of Servicemembers,” Multnomah Bar Association (Nov. 2021)
- “Nuts and Bolts of Labor Law: Private Sector,” Oregon State Bar, Labor & Employment Boot Camp (Sep. 2021)
- “Workplace Investigations: Best Practices for the Public Sector,” Association of Washington Cities Labor Relations Institute (May 2021)

- “Playing Offense During the Grievance Process & Winning at Arbitration,” Oregon Public Employer Labor Relations Association (ORPELRA) (Nov. 2020)
- “Labor & Employment Update,” Northwest Public Power Association, Member Meeting (Feb. 2020)
- “Employment Law Updates,” Columbia Gorge HR Professionals (Feb. 2020)
- “Labor & Employment Law Update,” Oregon Labor Law Conference (Jan. 2020)
- “Military Leave: What Employers Need to Know,” HRsimple, webinar (Nov. 2019)
- “Employment & Labor Law Update,” Citycounty Insurance Services (CIS), Public Safety Conference (Aug. 2019)
- “Document Preservation & Record-Keeping for Oregon Employers,” Oregon Bureau of Labor & Industries, 34th Annual Employment Law Conference (Nov. 2018)

### **Personal Activities**

Trevor enjoys spending time in the outdoors and traveling with his wife, two children, and Australian Shepherd.