



# Trevor R. Caldwell

Partner

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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, 2021-2022
    - Chair, 2019-2020
    - Chair-elect, 2018-2019
  - Labor & Employment Section

## Education

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

B.A., University of  
Portland, 2006

## Bar Admissions

Oregon, 2015  
Washington, 2020

## Court Admissions

U.S. District Court, District  
of Oregon

U.S. District Court,  
Western District of  
Washington

- Washington State Bar Association, Member
  - Labor and Employment Law Section
- American Bar Association, Member
  - Labor & Employment Law Section
- Oregon Public Employer Labor Relations Association (ORPELRA), Member
- Oregon Labor and Employment Relations Association (LERA), Member
- National Association of College and University Attorneys, 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 for initial and successor collective bargaining agreements.
- 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**

- Successfully represented employers in the construction, retail, and sports entertainment 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

- “Prepare for Undergrad Student-Workers to Bring More Labor Unions to Campus,” *Campus Legal Advisor* (Dec. 2023)
- “New NLRB Rule Significantly Broadens Joint Employer Definition,” Miller Nash, *Employment Law in Motion* (Dec. 2023)
- “NLRB Turns Union Representation Process Upside Down, Preferring Card Check Recognition Over Elections: Practical Considerations for the New Rule,” Miller Nash, *Employment Law in Motion* (Sept. 2023)
- “Prepare for Potential Impact of NLRB Case Alleging Student-Athletes Must Be Classified as Employees,” *Campus Legal Advisor* (Aug. 2023)
- “Public Employers,” Oregon Business & Industry, *Oregon Human Resources Manual*, 17th Edition, Chapter 39 author (2022)
- “The NLRB Reawakened: Part One—New Obstacles to Settlement of Unfair Labor Practices,” Miller Nash, *Employment Law in Motion* (July 2022)
- “The Biden Administration’s Pro-Union Agenda,” Miller Nash, *Employment Law in Motion* (Feb. 2022)
- “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

- “PECBA Through a Comparative Lens: How Does Oregon’s Law Stack Up to Other State and Federal Statutes,” Oregon Employment Relations Board and the Oregon Chapter of the Labor and Employment Relations Association, Commemorating 50 Years of the Oregon Public Employee Collective Bargaining Act (PECBA), panelist (May 2024)
- “Creatures of Contract: Best Practices for Managing Grievances and Arbitrations,” Association of Washington Cities, Labor Relations Institute (May 2024)
- “The Newlywed Game: Employers and the National Labor Relations Board,” Miller Nash, Employment Law Seminar (Oct. 2023)
- “Building Positive Teams and Union Awareness,” Northwest Human Resource Management Association (NHRMA), Annual Conference (Sept. 2023)
- “An Overview of Oregon’s Veterans’ Preference in Public Employment,” Association of Oregon Counties, County Counsel Annual Conference (July 2023)
- “Nuts and Bolts of Labor Law: Private Sector Labor Law & NLRB Overview,” Oregon State Bar, Labor & Employment Law Boot Camp (June 2023)
- “The Good, the Bad, and the Ugly: 13th Annual Labor Relations Update,” Oregon Public Employer Labor Relations Association (May 2023)
- “Creatures of Contract: Best Practices for Managing Grievances,” Confederation of Oregon School Administrators, 42nd Annual Oregon School Law Conference, co-presenter (Dec. 2022)
- “Future of Labor and Employment Law,” University of Oregon School of Law, Labor and Employment Relations Association (LERA) chapter (Nov. 2022)
- “Strategic Risk Management: Keeping the Trains Running on Time,” Miller Nash, Employment Law Seminar (Oct. 2022)
- “Veterans’ Preference in Oregon Public Employment,” Oregon State Bar and Veterans Law Section webinar (Sept. 2022)
- “Increasing the Selection of Diverse Arbitrators,” Oregon Labor and Employment Relations Association & Oregon Employment Relations Board, Enhancing Arbitrator Diversity Summit (Sept. 2022)
- “The Good, the Bad, and the Ugly: 12th Annual Labor Relations Update,” Oregon Public Employer Labor Relations Association (June 2022)
- “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)

### Recognition & Honors

- Selected for inclusion in *Best Lawyers: Ones to Watch*® (Portland, OR)
  - Labor and Employment Law—Management, 2024-present
  - Litigation—Labor and Employment, 2024-present
- Selected for inclusion as an Oregon Super Lawyer—Rising Star, 2023-present

### Personal Activities

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