



Jeffrey P. Chicoine

Partner

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“With years of experience providing sophisticated legal analyses in the public and private sectors, I have a true understanding of my clients and their needs and bring institutional knowledge to deliver effective solutions.”

Jeff Chicoine is a partner who has long-represented public and private employers in labor relations and employment matters. Jeff’s labor relations practice includes substantial experience with at-the-table labor negotiations. He bargains for private employers and on behalf of public agencies for both their strike-permitted and strike-prohibited units. He also represents employers in grievance arbitrations, interest arbitrations, union-organizing drives, representation petitions, unfair labor practice complaints, and civil service cases.

Jeff has handled more than 100 arbitrations or administrative hearings as an advocate or administrative judge. He served as an administrative judge for three years with the Oregon Employment Relations Board and then under contract for other public agencies, providing him with invaluable insight when preparing and presenting cases.

More recently, Jeff has represented single and multi-employer benefit plans in large scale litigation in various forums. Clients continue to depend on Jeff’s extensive experience on a broad range of employment law matters, including discrimination, harassment, wrongful discharge, trade secret, noncompetition agreements, wage and hour, severance, and other employment issues.

He has successfully defended employers in matters including wage-and-hour class actions, wrongful discharge, discrimination, and harassment claims. Jeff also pursues and defends against injunction actions. With his expertise in administrative law, he additionally assists clients in dealing with state and federal government agencies in non-employment matters.

Education

J.D., University of Illinois, 1981

- Articles Editor, *University of Illinois Law Review*

M.A., University of Illinois, labor and industrial relations, 1981

B.S., University of Illinois, *summa cum laude*, 1977

- Phi Beta Kappa

Bar Admissions

Oregon, 1990
Washington, 2003
Illinois, 1981

Court Admissions

U.S. District Court, District of Oregon

U.S. District Court, Western District of Washington

U.S. District Court, Northern District of Illinois

U.S. District Court, Central District of Illinois

U.S. District Court, Eastern District of Michigan

Professional Activities

- Oregon Public Employer Labor Relations Association (Oregon PELRA), Board of Directors, Advocacy Counsel, 2018-present
- Oregon State Bar
 - Labor and Employment Law Section
 - Past Chair, 2004
 - Past Executive Committee Member
 - Past Secretary
 - Past Treasurer
 - Appointed by Oregon State Bar’s Board of Governors to cochair the Bar/CPA Joint Committee, 2001
 - Client Security Fund Committee, Member, 2007-2008
 - Local Professional Committee, Member, 2007-2010
- Governor’s Task Force on Independent Contractors, Member, 2005
- The College of Labor and Employment Lawyers
 - Ninth Circuit North Credentials Committee, Member, 2022-present

Civic Activities

- Actively volunteered locally and statewide, promoting community and children’s issues
- Bicycle Transportation Alliance, Legislative Committee, Member, 2007-2012
- West Linn-Wilsonville School Board, Member, 1995-2001
- Helped to organize a statewide citizens network advocating adequate school funding and served as its first president, 1993
- Organized a neighborhood association in West Linn, leading a successful effort to persuade the city to purchase land and develop a park for his fast-growing neighborhood, 1990

Representative Experience

Collective Bargaining

- Served as chief spokesperson in the public and private sectors. In the private sector, handled negotiations for employers in wood products, paper products, rubber, transportation and delivery, and construction. Represented cities, counties, and special districts, in bargaining agreements for general wall-to-wall units and fire, police, parole and probation officers, 9-1-1 operators, and juvenile detention workers.

Arbitrations & Administrative Hearings

- For public and private employers, arbitrated grievance disputes involving discharges, lesser forms of discipline, unsatisfactory work performance, contract violations, duties and assignments, and wages and benefits. Public sector work includes interest arbitrations. Handled numerous unfair labor practice proceeding for public and private employers, involving issues such as arbitrability, deferral, blocking charges, interference, discrimination, bad faith bargaining, unilateral changes, and contract violations.

Court Admissions, cont.

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Ninth Circuit

Union Organizing & Strikes

- Believing that prevention is best, counseled employers and prepared and presented numerous workshops on remaining union-free even before the union starts organizing. Counseled and represented employers in union organizing efforts in the public and private sectors.
- Assisted employers, public and private, in preparing for strikes, which is frequently the best strike prevention measure. During strikes or picketing, handled in-court injunction proceedings and pursued administrative remedies for both private and public sector employers.

Employee Benefit & ERISA Litigation

- Represented parties in disputes over employee benefits, including ERISA cases. Recently handled several cases representing single and multi-employer pension plans in federal court and administrative proceedings.

Wage & Hour

- In recent years, work on wage and hour matters has expanded and included defending employers in multiple class actions, individual claims and compliance advice on issues such as minimum wage, prevailing wage, meals and rest break as well as classification issues involving exemptions under state and federal law and independent contractor status. Served on the Governor's Task Force on Independent Contractors, which resulted in legislative amendments revising Oregon's independent contractor statute.

Other Employment Litigation & Advice

- On behalf of executives and employers, advised parties about restrictive covenants in business transactions, employment contracts and severance arrangements, and litigated injunction and damage actions resulting from alleged violations.
- Defended employers in state and federal court in wrongful discharge, discrimination, and harassment claims. Routinely counsels employers about such matters both in routine personnel decisions and in the development of handbooks and policies.

Publications

- "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)
- "New Memorandum Targets Union and Nonunion Employers' Non-Competition Agreements," Miller Nash, *Employment Law in Motion* (May 2023)
- "NLRB General Counsel Issues Guidance on Severance Agreements for Union and Non-union Employers," Miller Nash, *Employment Law in Motion* (Mar. 2023)
- "NLRB Targets Severance Agreements with Union and Non-Union Employees," Miller Nash, *Employment Law in Motion* (Feb. 2023)
- "NLRB Proposes New Rules to Promote Union Organizing," Miller Nash, *Employment Law in Motion* (Nov. 2022)
- "NLRB Proposes New Rules Expanding Joint Employer Status," Miller Nash, *Employment Law in Motion* (Sept. 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)
- "New Oregon Laws Impacting Employers in 2021," Miller Nash, *News You Can Use* (July 2021)
- "Supreme Court Ends Mandatory Fair-Share Fees for Public Employees," Miller Nash Graham & Dunn, *News You Can Use* (June 2018)

- “Anticipating Janus: The End of Fair Share Fee Deductions,” Miller Nash Graham & Dunn (May 2018)
- “Oregon Refines the Employment Relationship,” Miller Nash, *News You Can Use* (Feb. 2014)
- “Oregon Leave Laws,” *Legal Management News* (Jan. 2014)
- “Portland Sick Leave Ordinance Poster and Notice Now Available,” Miller Nash, *News You Can Use* (Dec. 2013)
- “Beware of the Halloween Surprise: Final Rules for the Portland Sick Leave Ordinance Include Hidden Traps: Questions and Answers,” Miller Nash, *News You Can Use* (Nov. 2013)
- “Labor and Employment: 2013 Oregon Legislative Update,” Miller Nash, *News You Can Use* (Sept. 2013)
- “2012 Oregon Legislative Update,” Miller Nash, *News You Can Use* (Mar. 2012)
- “2011 Oregon Legislation Employment Law Update,” Miller Nash, *News You Can Use* (Aug. 2011)
- “Oregon Public Employment Law Update,” Miller Nash, *News You Can Use* (Aug 2011)
- “Oregon Public Employment Law Update,” Miller Nash, *News You Can Use* (July 2011)
- “Recent Case Developments in Oregon Public Employment Law,” Miller Nash (July 2011)
- “How to Take a Case Before the Employment Relations Board: Representation Cases,” Oregon State Bar, *Labor and Employment Law: Public Sector* (CLE Suppl 2010, Chapter 2), coauthor (2010)
- “New Hire Act Tax Incentives,” Miller Nash, *News You Can Use* (Apr. 2010)
- “Preempted: Oregon District Court Holds That The Oregon Uniform Arbitration Act Must Yield To Its Federal Counterpart,” Miller Nash, *News You Can Use* (Mar. 2010)
- “Oregon Employers Must Satisfy New BOLI Meal and Rest Period Rule,” Miller Nash, *News You Can Use* (Mar. 2009)
- “Labor and Employment Law (Chapter 16),” Oregon State Bar, *2008 Oregon Legislation Highlights* (2008)
- “Labor and Employment Law (Chapter 17),” Oregon State Bar, *2007 Oregon Legislation Highlights*, coauthor (2007)
- “Labor and Employment Law (Chapter 16),” Oregon State Bar, *2005 Oregon Legislation Highlights*, coauthor (2005)
- “Labor and Employment Law (Chapter 16),” Oregon State Bar, *2003 Oregon Legislation Highlights*, coauthor (2003)
- “Labor and Employment Law (Chapter 16),” Oregon State Bar, *2001 Oregon Legislation Highlights*, coauthor (2001)
- “Matters of Policy: What Employers Should Do If Its Insurance Company Denies Coverage?,” Oregon State Bar, *Oregon State Bar Bulletin*, coauthor (Feb./Mar. 2001)
- “Professional Insight: Insurance Coverage for Employment Disputes,” Oregon Society of Certified Public Accountants, *Oregon Certified Public Accountant*, coauthor (Mar. 2001)
- “Labor and Employment Law,” Oregon State Bar, *1999 Legislative Highlights* (1999)
- “Privatization of State and Local Government Functions and the Collective Bargaining Duty,” Oregon State Bar, *Government Perspectives* (Oct. 1999)
- “A Critical Review of Collective Bargaining Dispute Resolution Under the PECBA and Alternative Models,” Labor Education & Research Center, *Oregon Public Sector Collective Bargaining: Entering the Third Decade* (1994)
- “How to Take a Case Before the Employment Relations Board: Unfair Labor Practice Complaints (Chapter 4),” Oregon State Bar, *Labor and Employment Law: Public Sector* CLE Suppl. (1994)
- “Advocates as Witnesses in Hearings Before the Employment Relations Board,” Oregon State Bar, Annual Meeting Materials of OSB Labor Law Section (1992)
- “Business Necessity as a Defense to an Employer’s Breach of Its Bargaining Duty Under the PECBA,” 28 *Willamette Law Review* 259 (Winter 1992)
- “Business Necessity as a Defense to Unilateral Changes in Working Conditions under the Duty to Bargain in Good Faith,” American Bar Association, 8 *The Labor Lawyer* 297 (1992)

- “Joint Campaigning by State and Federal Candidates: A Practical Legal Guide,” Illinois Bar Association, 72 **Illinois Bar Journal** 354, coauthor (Mar. 1984)
- Comment, “Res Judicata in Successive Employment Discrimination Suits,” University of Illinois, *University of Illinois Law Forum* (1980)

Presentations

Jeff is a frequent speaker on various topics. Following is a listing of presentations since 2015. A complete list is available upon request.

- “PECBA Right to Strike, Implement, Arbitrate: Trends, Lessons, and Implications,” 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)
- “The Good, the Bad, and the Ugly: 13th Annual Labor Relations Update,” Oregon Public Employer Labor Relations Association (May 2023)
- “Evidence in Grievance Arbitrations,” Oregon Public Employer Labor Relations Association, Annual Meeting, National Public Employer Labor Relations Association Academy on the Fundamentals of Grievance Handling (Dec. 2022)
- “All Aboard the HR Express: A Tour of Federal, State, & Labor Legal Updates,” Miller Nash, Employment Law Seminar (Oct. 2022)
- “The Good, the Bad, and the Ugly: 12th Annual Labor Relations Update,” Oregon Public Employer Labor Relations Association (June 2022)
- “Federal, State, Local and Labor Law Updates,” Miller Nash, Employment Law Seminar (Dec. 2021)
- “Nonsense, Non-truths, Un-Truths and Consequences: Brady and Police Legislation,” Oregon Public Employer Labor Relations Association, Annual Training Conference (Dec. 2021)
- “The Good, the Bad, and the Ugly: 11th Annual Review of Recent Oregon Public Sector Labor Cases,” Oregon Public Employer Labor Relations Association, webinar (June 2021)
- “Managing a Build from a Distance: Hearings in the Remote Environment,” Miller Nash Graham & Dunn, Employment Law Seminar (Dec. 2020)
- “Change Orders Needed? 2020 Oregon Public Sector Update,” Miller Nash Graham & Dunn, Employment Law Seminar (Dec. 2020)
- “Hot Topics: A Panel Review,” Oregon Public Employer Labor Relations Association, Annual Training Conference, moderator (Nov. 2020)
- “The Good, the Bad, and the Ugly: 10th Annual Review of Recent Oregon Public Sector Labor Cases,” Oregon Public Employer Labor Relations Association, webinar (June 2020)
- “The Good, the Bad, and the Ugly: 9th Annual Review of Recent Oregon Public Sector Labor Cases,” Oregon Public Employer Labor Relations Association (May 2019)
- “The Game is Afoot: Local, State, Federal, Union Update, Including the Equal Pay Act and Compliance,” Miller Nash Graham & Dunn, Employment Law Seminar (Nov. 2018)
- “Bargaining Class Size and Workload,” Oregon School Personnel Association, Summer Advanced HR Retreat (July 2018)
- “The Good, the Bad, and the Ugly: 8th Annual Review of Recent Oregon Public Sector Labor Cases,” Oregon Public Employer Labor Relations Association (May 2018)
- “It’s a New Era at the NLRB: What Every Nonunion and Union Employer Should Know About Key Changes in Federal Labor Law,” Miller Nash Graham & Dunn webinar (Mar. 2018)
- “The Good, the Bad, and the Ugly: 7th Annual Review of Recent Oregon Public Sector Labor Cases,” Oregon Public Employer Labor Relations Association (May 2017)

- “Evil Spells and Fairy Tales: State, Federal, and Union Updates for 2016,” Miller Nash Graham & Dunn, Employment Law Seminar (Nov. 2016)
- “The Good, the Bad, and the Ugly: 6th Annual Review of Recent Oregon Public Sector Labor Cases,” Oregon Public Employer Labor Relations Association (May 2016)
- “The Good, the Bad, and the Ugly: 5th Annual Review of Recent Oregon Public Sector Labor Cases,” Oregon Public Employer Labor Relations Association (May 2015)

Recognition & Honors

- Elected as a Fellow of the College of Labor and Employment Lawyers
- Award of Excellence, Oregon Public Employer Labor Relations Association, 2017
- Rated AV[®] Preeminent[™] by Martindale-Hubbell[®]
- Recognized as a “Leader in Their Field” by Chambers USA for Labor & Employment—Oregon, 2023–present
- Selected for inclusion in *The Best Lawyers in America*[®] (Portland, OR)
 - Labor Law—Management, 2024-present

Personal Activities

Jeff enjoys the outdoors. He is an avid bicyclist and likes to snowboard and cross-country-ski in the winter. When time allows, Jeff also likes to backpack and climb the ice-covered volcanoes of the Pacific Northwest.