



## **Diego Jesús Peña**

Diego Jesús Peña has been a full-time arbitrator and mediator since 2019. He currently serves as a referee for the National Mediation Board and as an arbitrator and hearing examiner on several other labor and employment panels.

### **NATIONAL MEDIATION BOARD TRAINING & EXPERIENCE**

- Training – National Association of Railroad Referee Training, September 2022
- Training – AMTRAK, August 2023
- Current and prior appointments as Neutral Member to tripartite Public Law Boards and Special Boards of Adjustment as established by the NMB include:
  - Public Law Board No. 7585 BNSF and BMOW (Employees Division)
  - Third Division Deadlock List 942 NIRC and BRS
  - Third Division Deadlock List 944 Keolis and BMWE
  - Third Division Cases, BNSF and BMOW (Employees Division)(220293, 220368 and 220440)
  - Fourth Division Deadlock List 997 UP and SMART-TD

### **NATIONAL RAILWAY ACT PANELS**

- Southwest Airlines and TWU Local 555 – Med/Arb Panel

### **NATIONAL RAILWAY ACT ASSOCIATIONS**

- National Association of Railroad Referees – Board Member (Vice-President 2023 – Present)

### **EDUCATION**

- University of Texas at Austin School of Law                      Juris Doctorate
- University of Notre Dame    Bachelor of Arts
- University of Texas at San Antonio                                  Master of Arts (History)

### **OTHER LABOR AFFILIATIONS AND ASSOCIATIONS**

#### **AGENCY ROSTERS:**

- American Arbitration Association (Panel of Labor Arbitrators)
- American Arbitration Association National Roster of (Employment) Neutrals
- Federal Mediation and Conciliation Services (Panel of Labor Arbitrators)
- Texas Education Agency (Roster of Independent Hearing Examiners)
- Texas Department of Insurance (Arbitrator & Mediator)

#### **LABOR-MANAGEMENT ARBITRATION PANELS**

- Dallas Area Rapid Transit Authority Trial Board Hearing Officer
- City of Houston and Houston Police Officers' Association Panel of Independent Hearing Officers

#### **PUBLISHED AWARDS**

City of Brownsville, 2021 BNA LA 335 (2021)

City of Webster Groves & IAFF Local 2665, 2022 BNA LA 20, 2022 BL 132091 (2022)

City of Denton, 2022 BNA LA 425, 2022 BL 430615 (2022)

Clint Independent School District v. Gomez, Texas Education Agency, 016-LH-11-2022 (2023)

**ARBITRATION EXPERIENCE IN THE FOLLOWING INDUSTRIES:**

Agriculture, airlines, automotive, bakery, banking, broadcasting, cement, chemicals, clothing, telecommunications, construction, distillery, education, electrical equipment, electronics, entertainment/arts, fertilizer, food manufacturing/products/service, foundry, furniture, health care, hospital/nursing home, hotels/motels/casinos/resorts, iron, lumber, machinery, metal fabrication, mining, office workers/clerical, organizations, packaging, petroleum/petrochemicals, pharmaceuticals, plumbing, police and fire, prison and security guards, public sector grievance, public sector interest, railroads, real estate, refrigeration/HVAC, restaurants, retail stores, sports, steel, symphony orchestra, textile, tobacco, transportation, trucking and storage, utilities, warehouses

**ARBITRATION EXPERIENCE WITH THE FOLLOWING ISSUES:**

Absenteeism, affirmative action, arbitrability, bargaining unit work, bonus, conduct (off-duty/personal), contracting out bargained work, cost of living pay, demotion, disability, discipline (discharge and non-discharge), discrimination, driving qualification, drug/alcohol offenses, fact finding, fringe benefits, gender, hiring practices, holiday pay, holidays, incentive pay, insurance, job classifications and rates, job performance, job posting/bidding, jurisdictional dispute, layoffs/bumping/recall, leave, management rights, merit pay, official time, overtime pay, past practices, pension and welfare plans, promotion, race, religion, retirement, safety/health conditions, seniority, severance pay, sexual harassment, strikes/lockouts/work stoppages/slowdowns, subcontracting/contracting out, tenure/reappointment, union security, vacation, vacation pay, violence or threats, wages, work hours/schedules/assignments, working conditions/work orders.

**INSTRUCTOR-EDUCATOR:**

- University of Texas at San Antonio – Business Ethics; Business Law; Human Resources Law; Antitrust; Labor Law

**ASSOCIATIONS AND ACTIVITIES**

- State Bar of Texas (ADR Section, Labor & Employment Section)
- National Association of Railroad Referees
- Texas Labor Management Conference (Board of Directors)

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- Panel Member, American Arbitration Association, Bias in Arbitration, November 2020
  - Presenter, Texas Labor Management Conference, “Single Sheet Persuasion,” July 2021
  - Moderator, Texas Labor Management Conference, “Post-Hearing Briefs,” July 2021
  - Panel Member, Texas Labor Management Conference, Public Sector Bargaining, July 2022
  - Panel Member, Texas Labor Management Conference, Arbitration Advocacy, Post-Hearing Persuasion July 2022
  - Speaker, Texas Labor Management Conference, Arbitration Advocacy, “Evidence & Cross-Examination,” July 2022
  - Speaker, NAA SW/Rockies Region, Arbitration Advocacy, “Opening Statement” February 2023
  - Speaker, Oklahoma Labor Management Conference, Arbitration Advocacy, May 2023
  - Speaker, NAA SW/Rockies Region, Arbitration Advocacy, “Closing Argument” and “Police/Fire Cases Panel” February 2024
  - Speaker, Texas Labor Management Conference, Arbitration Panel and Evidence, July 2024
  - Panelist, LRIS Conference (Las Vegas, Nevada), Police/Fire Arbitration, September 2024
  - Moderator, National Association of Railroad Referees Conference, Claims & Remedies, September 2024

**FOREIGN LANGUAGE - Spanish**