

**Public Employment Relations Board
PO BOX 2074, ESP Agency Bldg. 2, Floor 20
Albany, NY 12220-0074**

RESUME OF PANEL ARBITRATOR

FULL NAME: Michael G. Whelan
CITY, STATE, ZIP: Ithaca, NY 14850
OCCUPATION: Retired Professor/Arbitrator

EDUCATION:

State University of New York at Buffalo, J.D., 1986; Cornell University, M.I.L.R. (Industrial and Labor Relations), 1979; State University of New York College at Brockport, B.S. summa cum laude, 1977; State University of New York at Buffalo (Liberal Arts, 1973-74).

PROFESSIONAL AFFILIATIONS:

American Arbitration Association, The Florida Bar; National Association of Railroad Referees

ARBITRATION EXPERIENCE & TYPES OF ISSUES OR GRIEVANCES DISPOSED OF:

PANELS: NY PERB Public, Private, Interest, Fact-Finding, and Mediation Panels; FMCS Roster of Arbitrators; AAA Labor Panel, AAA Roster of Neutrals (Employment Panel); Florida PERC Special Magistrate Panel. Permanent and Special Panels: Several in Airlines, Education, and Retail sectors.

INDUSTRIES: Airlines, Education, Electronics, Government Contractors, Grocery and Retail, Highway Workers, Office Workers/Clerical, Manufacturing, Municipal Employees, Law Enforcement, Fire Service, Prisons, Railroads, Transportation, Utilities.

ISSUES: Arbitrability, Certification Pay, Discipline and Discharge, Grievance Procedures, Health Insurance, Hours of Work, Leave Time, Vacation, Job Performance, Job Posting/Bidding, Management Rights, Past Practices, Pension and Welfare Plans, Overtime Pay, Promotion, Retirement, Salary Payments, Seniority, Step Plans, Tenure Denial, Transfers, Wage Rates, Work Hours, Workers' Compensation, Workplace Violence.

MEDIATION & FACT-FINDING EXPERIENCE:

Recent published PERB fact-finding cases: Trumansburg CSD and Trumansburg TA, M2015-204; Seneca County and Seneca County Sheriff's Employees' Association, M2013-244; Onondaga County and DSBA, M2013-079; Dryden Central School District and Dryden Faculty Association, M2010-206.

OTHER RELEVANT OR EQUIVALENT EXPERIENCE:

From 2009 to present – Arbitrator, Mediator, Fact-Finder; 2007-2017 - Assistant Professor (retired), Ithaca College. Academic focus on negotiation, mediation, arbitration and trial advocacy. For 25 years prior to that, served as a labor and employment attorney and labor relations professional representing employers, employees, and a union pension fund. Significant areas of experience included contract negotiation; arbitration of discipline, discharge and contract interpretation grievances, including job classification and wage and hour matters; and employment litigation. Attorney: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.(2004-06); Whelan, DeMaio & Kiszkiel, P.A.(1994-2003); Morgan, Lewis & Bockius (1986-94). Labor Relations and HR: Moog Incorporated (1980-81); Arcata Corporation (1979-80); Ford Motor Company (1979-80). Clerkships: Mershon, Sawyer, Dunwody, Johnston & Cole (1985);Flaherty, Cohen, Grande, Randazzo & Doren (1985); Ontario County Attorney's Office (1984).

PER DIEM FEE: \$1,600

ADJOURNMENT FEE: \$ 1,600 per scheduled day unless at least 21 days notice)

SUBMITTED BY ARBITRATOR Michael G. Whelan ON January 2, 2019

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BILLING DISCLOSURE STATEMENT

ARBITRATOR'S NAME: **Michael G. Whelan**

The following is a description of my fees and expenses:

A) HEARING TIME.

(1) My per diem is \$1,600 for each day or any part thereof spent hearing a case.

(2) If a hearing day exceeds 7 hours, I charge:

a second full per diem

a prorated per diem

no additional charge

other (describe) : \$350 per hour for prorated per diem

(3) Additional comments:

B) STUDY TIME.

(1) I charge \$ 1,600 for each day spent in preparation of the opinion and award.

(2) This charge will will not be prorated for partial days devoted to such preparation.

(3) Additional comments:

C) TRAVEL TIME AND EXPENSES.

(1) When travel time plus hearing time exceeds 9 hours in a calendar day:

Not applicable (no additional charge)

I charge as follows (describe): prrated per diem

(2) I charge for actual, travel-related expenses incurred in connection with the case YES NO.

Where appropriate, a mileage charge for auto travel will be billed at:

Prevailing IRS rate

Other (describe): Travel to NYC may be by bus the day before the hearing

(3) When the scheduled hearing day(s) requires an overnight stay:

There is no charge, other than for lodging and subsistence.

I charge as follows (describe): Lodging, subsistence, and travel time for one-way trips of more than 75 miles on non-hearing days

(4) Additional Comments:

D) POSTPONEMENT OR CANCELLATION FEES.

A fee of \$ 1,600 /day sheduled will be charged unless I receive notice of a postponement or cancellation:

- Within 20 calendar days of the scheduled hearing date
- Other (describe): at least 21 days prior to scheduled hearng

E) ADDITIONAL CHARGES. I charge separately for expenses incurred in connection with the following:

- Docketing (describe): Yes No
- Duplication Yes No
- Fax Yes No
- Finance or late payment charge (describe): Yes No
1% per month after 180 days outstanding and attorneys' fees
if collection proceedings become necessary
- Postage Yes No
- Secretarial Yes No
- Telephone Yes No
- Other (describe):

F) GENERAL TERMS.

(1) Billing for fees and expenses will be divided equally between the parties unless otherwise required by the collective bargaining agreement or the conditions of the appointment.

(2) Other conditions (describe):

G) OTHER INFORMATION/COMMENTS:

SUBMITTED BY ARBITRATOR Michael G. Whelan ON January 2, 2019

IMPORTANT

THIS FORM IS NOT INTENDED TO SUGGEST THE SERVICES FOR WHICH AN ARBITRATOR SHOULD OR SHOULD NOT CHARGE. IT PRESENTS THE MOST RECENT INFORMATION PROVIDED BY THE NAMED ARBITRATOR TO THE NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD, WHICH BEARS NO RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED ON THE FORM, OR FOR VARIANCES IN ACTUAL PRACTICE BY THE ARBITRATOR.