

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

RESUME OF PANEL ARBITRATOR

FREDERICK DAY

Occupation: MEDIATOR/ARB

ALBANY, NY 12203

EDUCATION:

AAS, SUNY Morrisville, 1959; BA, SUNY Oneonta, 1965; Graduate Studies, SUNY
Advanced Case Management (AAA) Albany, 1965-71; Certificate, Impartial Hearing Officer, IDEA, 1996-2002;
Associate Level Training, Chartered Institute of Int'l Arbitrators Certified at Stanford University by Chartered Institute and AAA;
Mediation Training (PERB); Discovery in Arbitration (ABA); ADR Ethics (ABA).

PROFESSIONAL AFFILIATIONS:

MEMBER: American Arbitration Association; Association for Conflict Resolution (ACR); LERA (Past President, NY Capital District Chapter);
New York State Dispute Resolution Association; Southern California Mediation Association; Associate, ABA.

ARBITRATION EXPERIENCE & TYPES OF ISSUES OR GRIEVANCES DISPOSED OF:

Arbitrator since 1995. Issues and Grievances: Absenteeism; Attorney Fees; Abuse of Employer Property; Admissibility of Audio, Video and Other Electronic Evidence; Alcohol and Drug Abuse; Animus (Managerial and Supervisory); Arbitrability (Substance and Procedure); Attorney Fees; Bargaining Unit Work; Bidding; Classroom Coverage; Class Overcrowding; Client, Customer Abuse; Coaching Entitlement; Computer Use and Abuse; Conduct (Off-Duty, Personal, Criminal Charges); Customary Practices; Demotion; Discipline (Discharge and Non-Discharge); Discrimination (Disability, Race, Gender); Electronic Discovery; Equipment and Machinery (Abuse, Misuse); Estoppel; Extracurricular Activities Entitlement; False Documents; Federal Policy and Practice; Falsification of Documents; Federal Policy and Practice; Fraud; Fringe Benefits (Bonus, Holidays, Insurance, Leave, Vacation, Sick Leave Bank); Health; Hiring Practices; Inappropriate Language; Incompetence; Insubordination; Insurance (Contract Interpretation, Appropriate Plans, Entitlement, Sick Bank); Job Eligibility, Job Evaluation; Job Performance, Job Posting/Bidding; Layoffs and Recall; Loyalty; Management Rights; Medical Negligence (Patient Endangerment, Physicians and Nurses); Outside Employment; Past Practices; Pay Grade; Pension and Retirement (Accruals, Eligibility, Entitlement, Early Retirement, Incentives); Preferment; Promotion; Safety/Health, Workplace Conditions; Seniority (Eligibility, Jumping); Sexual Harassment (Spoken, Inappropriate Physical Contact); Sleeping on Job; Subcontracting; Telework from Home; Tenure; Unit Work; Union Official Time; Wages (Cost of Living, Holiday, Job Classification and Rates, Outside Employment/Business, Overtime Pay, Unauthorized Pay); Work Hours and Assignments; Working Conditions; Work Orders; Unauthorized Access to Employer Files; Unauthorized Access to Employer Work Space; Work Site Conditions; Violence (Fighting, Threats, Co-Worker Harassment).

Industries: Automotive (Local), Carpenters, Casinos, Chemicals, Court Employees, Education (K-12, Junior College, Higher Education, Paraprofessional, Service), Electrical Equipment, Federal Government (HUD, VA, USAF), Firefighters, Food Service, Glass, Health Care (including physicians, nurses, dental), Heavy Equipment, Hospitals, Housing Authority, Local Governments (County, Town, Village, City), Machinery (Engineers), Metal Fabrication, National Grid, Office and Clerical, Parole, Pharmaceuticals; Phone Company, Police (Uniform and Detectives), Power and Energy, Prisons (State and Federal – medical, corrections officers, chaplains, counselors, psychologists, food), Port Authority, Private Security, Public Relations, Pulp and Paper, State Government (Professional, Services and Labor, OMH, Probation, DOCS, OGS, OMRDD, DFY, DOT, Taxation and Finance, SED), Supermarkets, Thruway Authority, Transportation, Transit Authority, Trucking and Storage, US Military (Air Force), Utilities.

MEDIATION & FACT FINDING EXPERIENCE:

Mediation: City and Service Employees, Village and Police, County and Corrections, School District and Teachers, commercial cases, community cases (including family and police courts, as well as community disputes); FactFinding: As permanent arbitrator for the Hudson Valley Emergency Medical Services Council, conduct public hearings and write recommendations regarding emergency medical services licensing reviews; Impartial Hearing Officer under IDEA required keen fact-finding abilities.

OTHER RELEVANT OR EQUIVALENT EXPERIENCE:

Currently serve on the following panels: AAA labor; NY PERB mediation, arbitration and fact-finding; NYS and PEF/CSEA discipline; NY teacher tenure; FMCS arbitration; California MCS, Arbitration.

PER DIEM FEE: \$1,500 (See Below) **ADJOURNMENT FEE:** \$1,500 full charge of fee for cancellations of 30 calendar days or less.

SIGNED AND SUBMITTED BY ARBITRATOR DAY ON February 8, 2018

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BILLING DISCLOSURE STATEMENT

ARBITRATOR'S NAME: FREDERICK DAY

The following is a description of my fees and expenses:

A) HEARING TIME.

(1) My per diem is \$1,500 for each day or any part thereof spent hearing a case.

(2) If a hearing day exceeds 6 hours, I charge: \$250.00 per hour.

 a second full per diem a prorated per diem

 no additional charge other (describe)

(3) Additional comments:

B) STUDY TIME.

(1) I charge \$1500 for each day spent in preparation of the opinion and award.

(2) This charge will 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 hours in a calendar day:

X Not applicable (no additional charge)

 I charge as follows (describe):

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

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

X Prevailing IRS rate Other (describe):

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

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

 I charge as follows (describe):

(4) Additional Comments:

D) POSTPONEMENT OR CANCELLATION FEES.

A fee of **\$1,500** will be charged if I receive notice of a postponement or cancellation:

30 calendar days or less from the scheduled hearing date.

_____ other (describe):

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

Postage Yes No

Secretarial Yes No

Telephone Yes No

Other (describe): **Will Charge full per diem minimum rate for each multiple scheduled day for cancellation of 30 calendar days or less from first scheduled day.**

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

SIGNED AND SUBMITTED BY ARBITRATOR DAY ON February 8, 2018

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.