

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

RESUME OF PANEL ARBITRATOR

FULL NAME: E. Michael Ruberti
CITY, STATE, ZIP: Hurley, New York 12443
OCCUPATION: Attorney

**EDUCATION: Albany Law School of Union University, Albany, New York, 1981-82.
Law Office Study, 1982-1985, at O'Connell & Aronowitz, P.C.**

Pursuant to the rules of New York's highest court, the Court of Appeals, one year of law school followed by three years of law office study qualifies an individual to take the New York State Bar Examination and be admitted to practice. Upon passing the July 1985 New York bar exam, I was admitted to practice in New York in January 1986. I took and passed the Georgia bar exam in 2002, and was admitted to practice in Georgia in that same year.

PROFESSIONAL AFFILIATIONS:

I am admitted to practice before the New York and Georgia Courts, the United States District Courts for the Northern, Southern and Eastern Districts of New York, the Northern and Southern Districts of Georgia, and the United States Courts of Appeals for the Second and Eleventh Circuits.

ARBITRATION EXPERIENCE & TYPES OF ISSUES OR GRIEVANCES DISPOSED OF:

Absenteeism, access to personnel records, arbitrability, bargaining history, benefits, contract interpretation, discipline, discrimination (gender, race, disability, religion, speech, association), disparate treatment, dress codes, drug and alcohol usage, holiday and vacation pay, management rights, N.Y. Education Law Section 3020-a, N.Y. Civil Service Law Section 75, overtime, past practice, physical fitness for position, retaliation, seniority, statutory interpretation, subcontracting, transfer and reassignment, wage disputes, work assignments and Workers Compensation.

MEDIATION & FACT-FINDING EXPERIENCE:

I have been involved in more than one hundred mediations representing management, employees and plaintiffs.

OTHER RELEVANT OR EQUIVALENT EXPERIENCE:

I have practiced predominantly in the labor and employment law area since 1986. I am experienced in arbitration, federal and state labor and employment litigation, employee discipline, and a wide range of administrative proceedings involving agencies such as New York State Division of Human Rights, New York State Public Employment Relations Board, National Labor Relations Board, Federal Labor Relations Authority, U.S. Equal Employment Opportunity Commission, Occupational Safety and Health Administration, U.S. Merit Systems Protection Board and New York State Labor Department. I have held several appointments as an arbitrator: (i) U.S. District Court, Northern District of New York, Alternative Dispute Resolution Arbitrator/Mediator/Evaluator; (ii) Select Arbitrator for the Triage and Expedited Arbitration Pilot Program for the Public Employees Federation and the State of New York; (iii) Arbitrator, New York State/New York State Correctional Officers and Police Benevolent Association Disciplinary Panel; (iv) Arbitrator, New York State/United University Professions Disciplinary Panel; and American Arbitration Association Labor and Employment Panels. The remainder of my practice has

involved a broad range of federal and state litigation. I am peer review rated AV by Martindale-Hubbell.

PER DIEM FEE: \$ 2,000

ADJOURNMENT FEE: \$ 2,000 unless I receive notice of a postponement or cancellation within 14 calendar days of the scheduled hearing date

SUBMITTED BY ARBITRATOR E. Michael Ruberti on October 21, 2016.

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BILLING DISCLOSURE STATEMENT

ARBITRATOR'S NAME: **E. Michael Ruberti, Esq.**

The following is a description of my fees and expenses:

A) HEARING TIME.

(1) My per diem is \$2,000 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 X a prorated per diem

no additional charge other (describe) :

(3) Additional comments: N/A

B) STUDY TIME.

(1) I charge \$ 2,000 for each day spent in preparation of the opinion and award.

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

(3) Additional comments: I generally charge two full days for the preparation of the opinion and award for each full day of hearing.

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 charge, other than for lodging and subsistence.

I charge as follows (describe):

(4) Additional Comments: Travel time is charged from Kingston, New York to the hearing site.

D) POSTPONEMENT OR CANCELLATION FEES.

A fee of \$ 2,000 will be charged unless I receive notice of a postponement or cancellation:

X Within 14 calendar days of the scheduled hearing date

Other (describe):

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

Docketing (describe): Yes X No

Duplication Yes X No

Fax Yes X No

Finance or late payment charge (describe): Yes X No

Postage Yes X No

Secretarial Yes X No

Telephone Yes X 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): I strongly urge the parties to have the hearing testimony and proceedings transcribed by a court reporter to assure that there are no factual disputes over witness testimony.

G) OTHER INFORMATION/COMMENTS: N/A

SUBMITTED BY ARBITRATOR E. Michael Ruberti on October 21, 2016.

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.