

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

RESUME OF PANEL ARBITRATOR

FULL NAME: Elena Cacavas

CITY, STATE, ZIP: Manhasset, New York 11030

OCCUPATION: Arbitrator/Mediator

EDUCATION:

University of Buffalo School of Law, JD, *Cum Laude*, 1985 (Senior Editor, Buffalo Law Review)
University of Buffalo, BA, *Summa Cum Laude, Phi Beta Kappa*, 1981

PROFESSIONAL AFFILIATIONS:

American Arbitration Association, National Labor Roster
New York State Bar Association, Labor and Employment Section
National Association of Administrative Law Judges
LERA (New York City and Long Island Chapters)
Contributing Editor, Treatise on Public Sector Labor Law

ARBITRATION EXPERIENCE & TYPES OF ISSUES OR GRIEVANCES DISPOSED OF:

Prior to establishing my private arbitration/mediation practice in October 2018, and my acceptance to the American Arbitration Association's National Roster of Labor Arbitrators, I served as an appointed Administrative Law Judge with PERB for approximately 25 years. In that capacity, I handled hundreds of cases from inception through hearing and decision. In administering the Taylor Law, I dealt with issues of bad faith bargaining, retaliation and discrimination (often involving employee discipline and termination), interference, mandatory/nonmandatory subjects of negotiation, continuation of contract terms after expiration, subcontracting, joint employer status, union representation in disciplinary contexts, union campaigns, bargaining unit composition, unit clarification and placement petitions, and duty of fair representation. Contract interpretation was required in the context of issues such as deferral, waiver, duty satisfaction, and unit clarification. Since establishing my private arbitration/mediation practice, I have been selected to hear contract and disciplinary arbitrations. I have also been appointed to the NYCTA/TWU Local 100 Discipline Arbitration Panel.

MEDIATION & FACT-FINDING EXPERIENCE:

My role as an Administrative Law Judge required extensive involvement in mediation in the context of prehearing settlement conferences. In this regard, I enjoyed a high rate of case settlement. There were also instances in which parties were at a bargaining impasse and I was successful in assisting them in reaching a contract settlement through prehearing conferences on related Improper Practice Charges. Since establishing my private practice, I have been engaged in a neutral capacity to assist parties in negotiating contractual agreements and also to undertake neutral investigations and render fact-finding reports on alleged workplace misconduct that could result in discipline.

OTHER RELEVANT OR EQUIVALENT EXPERIENCE:

Prior to my appointment as an Administrative Law Judge, for nine years I was a labor and employment attorney (and elected Partner) in private practice with a large, national law firm. In this capacity, I counseled public and private sector clients in a broad range of labor and employment matters, including hiring and discipline, unlawful discrimination and harassment, bargaining obligations, subcontracting and privatization, drafting and interpretation of employment agreements, contract administration, wage and hour issues, COBRA and I-9 obligations, and compliance with various labor and employment statutes and regulations. I litigated cases in state and federal court, and appeared before a variety of administrative agencies, such as PERB, the NLRB, the EEOC, the NYSDHR, and the Department of Labor. I handled close to 100 arbitrations. I also participated extensively in negotiations and collective bargaining, as well as contract drafting, as both Chief Negotiator and counsel. My involvement in negotiation also provided extensive experience in fact-finding and mediation.

PER DIEM FEE: \$ 2,000

ADJOURNMENT FEE: \$ 2,000 if less than 21 calendar days prior to the hearing date.

SUBMITTED BY ARBITRATOR Elena Cacavas ON April 12, 2019

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BILLING DISCLOSURE STATEMENT

ARBITRATOR'S NAME: **Elena Cacavas**

The following is a description of my fees and expenses:

A) HEARING TIME.

(1) My per diem is \$2000 for each day or any part thereof spent hearing a case.

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

a second full per diem

a prorated per diem

x no additional charge

other (describe) :

(3) Additional comments:

B) STUDY TIME.

(1) I charge \$ 2000 for each day spent in preparation of the opinion and award.

(2) This charge will x 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 _____ 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:

D) POSTPONEMENT OR CANCELLATION FEES.

A fee of \$ 2000 will not be charged unless I receive notice of a postponement or cancellation:

Within 21 calendar days of the scheduled hearing date

Other (describe): In order to encourage settlement, if the cancellation within 21 calendar days of the hearing date is due to an executed settlement agreement, the cancellation fee will be reduced to \$1600.

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): N/A

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): N/A

G) OTHER INFORMATION/COMMENTS: N/A

SUBMITTED BY ARBITRATOR Elena Cacavas ON April 12, 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.