SUSAN T. MACKENZIE

Abitrator · Mediator · Attorney at Law

845 West End Avenue
New York, New York 10025

Phone: (212) 749-9585
Fax: (212) 665-7164
E-mail: stmackenzie@naarb.org

Education: J.D., Columbia University School of Law, 1979
M.S., Industrial Relations, Cornell University, 1975
B.A., Smith College, 1969

Professional Experience:

Labor-Management Mediation, Fact-Finding and Interest Arbitration

1974-Present. Served as mediator, fact-finder and interest arbitrator in hundreds of disputes involving attorneys, corporate executives, teachers, professors, school administrators, physicians, nurses, health care workers, utility workers, clerical and office staff, maintenance workers, public safety officers, police and firefighters. Mediator/arbitrator of first collective bargaining agreement between IRS and its Federal Attorneys, recently served as Panel Chair in the interest arbitration between the PBA of New York City and the City of New York.

Labor-Management Arbitration

1975-Present. Served as arbitrator under collective bargaining agreements in private, public and federal sectors. Industries include: aerospace, airlines, brewery, chemical, communications, education, electrical, energy, entertainment/arts, food service, government, health care, maritime, manufacturing, metal fabrication, nuclear energy, plastics, public safety, pulp & paper, retail, service, steel, textile, transportation, utilities.

Employment and Commercial Mediation, Neutral Fact-Finding and Arbitration

1985-Present. Served as neutral in class action, individual, multiparty and institutional disputes. Issues include FLSA, Sarbanes-Oxley, ERISA, ADA, ADEA EPA and Title VII claims, wrongful terminations, dissolution of partnerships, internal organization conflicts and separation packages.

Court, Administrative Agency or Other Designations

Hearing Officer, NYC Health & Hospital Corporation Regulations, 1982-85
Arbitrator, East End Health Plan, 1985-
Arbitrator, Suffolk Employees Health Plan, 1990-
Panel Chair, NYS Education Law Section 3020-a, 1990-2004
Arbitrator/Referee, Dalkon Shield Litigation, 1995-2000
Facilitator, Breast Implant Litigation, 1996-1999

Member, Federal Aviation Authority Appeals Panel, 1999-
Arbitrator/Mediator, Huntington Dispute Resolution Procedure, 2000-
Arbitrator, Smith-Barney Dispute Resolution Process, 2001-2005
Mediator/Arbitrator, Merrill Lynch Claims Resolution Process, 1999-2007

Mediation/Arbitration Training [as Faculty/Trainer]:

"Nuts and Bolts of Arbitrating Individual Employment Claims," NYSBA CLE Program, 2008
"Employment Arbitration Workshop for Advocates," ABA Annual CLE Conference, 2007
Beyond the Protocol: The Future of Due Process in Workplace Dispute Resolution, 2007
New York State Supreme Court - Commercial Division Mediation Training, 2005
NAA Advocacy Training Program, 2005
ABCNY Mediation Training Program, 2005
Cardozo School of Law, Mediation Advocacy Program, 2005
AAA Labor Arbitrator II Training: Advanced Case Management Issues, 2003
AAA National Mediator Conference, 2000
EEOC (NY Region) Staff Mediator Training, 1997
NYC Human Rights Commission Staff Mediation Training, 1997

Permanent/Contract/Labor-Management Designations:

Arbitration

American Eagle/Association of Flight Attendants
Anheuser-Busch/Teamsters
Association of NYC Concrete Producers/Building Materials Teamsters
Brookhaven Memorial Medical Center/Federation of Nurses and Health Professionals
CBS/Directors Guild of America and Writers Guild of America
City of Ithaca/Police Benevolent Association
City University of New York/United Federation of Teachers
Consolidated Edison/Utility Workers Union of America
Customs Service and IRS/National Treasury Employees Union
Department of Defense/Overseas Federation of Teachers
Dow Jones/Independent Association of Press Employees
Evening Journal News Association/Mail Handlers
Federal Election Commission/National Treasury Employees Union
General Electric/International Brotherhood of Electrical Workers
Hoechst-Celanese/Amalgamated Clothing and Textile Workers Union
Inhilco/Hotel & Restaurant Workers Union
League of Voluntary Hospitals of New York/1199
Merck/United Steel Workers
Nassau County/Civil Service Employees Association
NBC/Writers Guild of America
Neighborhood Housing Associates/SEIU
The New School/SEIU 32BJ
New York Power Authority/Utility Workers Union of America
New York State/Civil Service Employees Association and Council 82, AFSCME
Philips Components Co./International Brotherhood of Electrical Workers

Triboro Bridge & Tunnel Authority/District Council 37, AFSCME
United Parcel Service/International Brotherhood of Teamsters
US Airways/CWA-IBT Association
State University of New York/United University Professionals
Suffolk County Water Authority/Utility Workers of America
Vassar College/Communications Workers of America

Mediation/Arbitration

AT&T/Communications Workers of America and Grievance Mediation Arbitration Panel
Verizon/Communications Workers of America Dispute Resolution Panel
Rutgers University Faculty Grievance Mediation & Arbitration Panel
School Construction Authority/District Council 37 Dispute Resolution Panel
United Airlines/Association of Flight Attendants Grievance Mediation Panel

Designating Agency Memberships:

American Arbitration Association (Labor-Management, Employment, Commercial)
CPR Institute for Dispute Resolution
Federal Mediation and Conciliation Service
National Mediation Board
New York State Public Employment Relations Board
New York City Office of Collective Bargaining
Private Adjudication Center, Duke University Law School
Mediation Research & Education Project, Inc., Northwestern University Law School

Teaching and Research:

1975-Present: Instructor, Cornell University ILR; various courses on arbitration, ADR and labor and employment law.

1995-2006: Professor (Adjunct), Cardozo School of Law (Mediation and Arbitration of Employment Disputes; Employment Discrimination Law); 1980: Professor (Adjunct), Graduate Program in Labor-Management Relations, Rutgers University.

1978-79: Program Director, "Implementation of Executive Order No.40" (Co-sponsored by NYS Division of Human Rights and Cornell/NYSSILR), "Working Women and the Law" (Sponsored by Cornell/NYSSILR).

1977-78: Member, Task Force on Labor Relations in the Performing Arts, Institute of Collective Bargaining Group Relations.

1976-77: Senior Research Associate, NYS Commission on Productivity in the Public Sector and Special Assistant to Director, NYS Assembly Office of Legislative Oversight and Analysis.

Publications:

2008 "Legal Issues in Pre-Hearing and Hearing Phases of Arbitration," Employment Arbitration, (co-author) (ABA/BNA Books) [forthcoming].

"Mediating Employment Disputes," Mediating Commercial Disputes, (co-author) (ABA, 2008, Dwight Golann, editor)

2005 "Acts of Discrimination Constituting Misconduct or a Mitigating Circumstance," Common Law of the Workplace, 2nd Ed. (2005, BNA, Inc.).

2002 "How Mediators View Their Role," How ADR Works (Norman Brand, Ed., BNA).

2002 "Effective Mediation Advocacy," ALI-ABA's Practice Checklist Manual on Dispute Resolution (American Law Institute, January 2002).

2000 "Mediation - Civil Rights Law in Transition," Fordham Urban Law Journal (Vol.27, April, 2000).

1999 "Employment Arbitration," Arbitration Now (ABA Section of Dispute Resolution) (co-author).

1998 "Flexibility in Resolving Wrongful Termination Disputes," Wrongful Termination Claims: What Plaintiffs and Defendants Need to Know (Practicing Law Institute, January 1998).

1997 "Internal Investigations from the Perspective of an Outside Neutral," 82 Employment Law Counselor 15 (June 1997).

1996 "Employment Disputes," Mediating Legal Disputes: Effective Strategies for Lawyers and Mediators (Dwight Golann, Ed., Little, Brown & Co.) (co-author).

1994 "Resolving Sexual Harassment Claims through ADR," Proceedings of the 46th NYU National Conference on Labor (Little, Brown & Co.).

"Arbitration and the ADA," presented at the 1993 ABA Annual Meeting, Labor and Employment Law Section and excerpted in Labor and Employment Law Section Newsletter (NYSBA), vol. 19, No. 1 (March 1994).

1988 "Arbitration in the Health Care Field," Labor and Employment Arbitration (Matthew Bender, Co.) (co-author).

Professional Affiliations and Awards:

Member, Advisory Board, Cornell University ILR Institute on Dispute Resolution and Program on Labor and Employment Law, 2006-
Fellow, College of Labor and Employment Lawyers, 2005-
Fellow, American Bar Foundation, 2004-
Public Member, NASD NAMC Employment Task Force Subcommittee, 2004
Member, Board of Governors, National Academy of Arbitrators, 1999-2002
Public Member, National Arbitration and Mediation Committee, NASD, 1996-1999
Member (and past Chair), Committee on Labor and Employment Law, Association of the Bar of the City of New York, 1995-2001
Member, Committee on Labor and Employment Law and Subcommittee on ADR, New York State Bar Association, 1985-
Member, Committees on Labor & Employment Law and on ADR, American Bar Association, 1985-
Member, Advisory Board, NY Chapter, Industrial Relations Research Association, 1998-
Chair, Task Force on Education and Training, American Arbitration Association, 1993-96
Chair, Advisory Board, Institute for Women and Work, Cornell University, 1983-96
Vice President, Board of Directors, Hudson Valley Shakespeare Festival, 1996-00
Member, Board of Directors, NAA Research and Education Foundation, 1995-01
Recipient, American Arbitration Association Distinguished Service Award, 1993

Admitted to practice in the State of New York

Compensation: $1,800.00 Per Diem for labor-management arbitration (other fees apply for other cases). Per-diem cancellation fee if notice is not received 21 days prior to confirmed hearing date. An additional seven days' notice is required for each consecutive day scheduled. Reserves the right to adjust fees if acceptance of the case so requires.