MICHAEL G. WHELAN, ESQ.

E-mail Address: mwhelan@ithaca.edu

Present Occupation: Arbitrator/Mediator/Fact-Finder/Professor

Address:
104 Southwoods Drive
Ithaca, NY 14850
Phone: (305) 490-0329

PROFESSIONAL AFFILIATIONS:
The Florida Bar
American Arbitration Association
The Labor and Employment Relations Association of Rochester

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)

CERTIFICATIONS:

Law	Florida	1986

ARBITRATION/LABOR RELATIONS EXPERIENCE:
From 2007 to present – Assistant Professor, Ithaca College. Academic focus on negotiation, mediation, arbitration and trial advocacy. For over 25 years prior to that, served as a labor and employment attorney and labor relations professional, handling a broad range of matters for public and private employers. Also represented union pension fund and individual employees in wage and hour and contract matters for several years. Most 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). Personnel and Labor Relations: Moog Incorporated (1980-81); Arcata Corporation (1979-80); Ford Motor Company (1979-80). Legal Clerkships: Mershon, Sawyer, Dunwody, Johnston & Cole (1985); Flaherty, Cohen, Grande, Randazzo & Doren (1985); Ontario County Attorney's Office (1984).

INDUSTRIES:

Education, Electrical Power Plants, Government Contractors, Highway Workers, Office Workers/Clerical, Municipal Employees, Police and Fire, Prison Guard, Transportation, Utilities.

ISSUES:

Arbitrability, Assignments, 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, Transfers, Tenure Denial, Waiver, Wage Rates, Work Hours, Workers' Compensation.

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PERMANENT PANELS:
Alleghany County/AFSCME
Rochester Teachers Association/Rochester City School District

ARBITRATION ROSTERS:
American Arbitration Association Labor Panel
American Arbitration Association Roster of Neutrals (Employment Panel)
National Mediation Board
New York Public Employment Relations Board Private Sector Grievance Arbitration Panel
New York Public Employment Relations Board Mediation Panel
New York Public Employment Relations Board Fact-Finding Panel
New York Public Employment Relations Board Interest Arbitration Panel
Federal Mediation and Conciliation Service Roster of Arbitrators
Florida Public Employees Relations Commission Special Magistrate Roster
Roster of Neutrals of FINRA Dispute Resolution

SIGNIFICANT PUBLICATIONS:
Whelan, M. G., *Monitoring of Employee Telephone Calls under Federal and Florida Law*, 69 THE FLORIDA BAR JOURNAL 28-30 (1995).
Whelan, M. G., *Unsuccessful Employee Arbitrants Bring Wrongful Discharge Claims in State Court: The Accommodation of Public and Private Adjudication*, 35 BUFFALO L. REV. 295-322 (1986).

FEES:

PER DIEM FEE: $1,200 **PER HOUR FEE:** $250

Grievance Arbitration: Arbitrator charges $1,200 per day for hearing, and for research and preparation of the opinion and award. A hearing is any portion of a day up to seven hours.

Cancellation: If a scheduled hearing is postponed or cancelled with notice of less than three calendar weeks (21days), the per diem fee for each day of hearing shall be charged unless another matter can be set in its place.

Travel Time: Arbitrator charges prorated fee for travel up to 4 hours and per diem fee for travel day up to eight hours.

Expenses: Arbitrator charges actual cost of reasonable expenses, including airfare, car rental, food and lodging. Automobile mileage is charged at the applicable IRS rate.