

**NATIONAL MEDIATION BOARD**  
**Roster of Arbitrators**

**Harold (Hal) Smith, Esq.**

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**Occupation:** Attorney/Arbitrator

**Experience:** Prior to entering the private practice of law in 1976, served as in-house labor counsel for **Eastern Airlines, Inc.**, in Miami, Florida, and held management positions in Labor and Employee Relations with the **General Electric Company** in Ohio and **Texaco, Inc.** in New York, NY.

While employed with Eastern Airlines, represented the company in arbitration proceedings before the System Board of Adjustment pursuant to the Railway Labor Act. Area of responsibilities included the airport facilities in New York, NY, Newark, NJ and Atlanta, Georgia.

During more than 25 years of private practice, represented private and public sector employers and employees in litigation, administrative proceedings, litigation and appeals in federal and state courts including filing jurisdictional briefs in the United States Supreme Court. Federal Public Sector experience including Merit Systems Protection Board proceedings, Represented the American Federation of Government Employees (AFGE) as outside counsel in two cases filed in Florida Courts in the 1970's. Practice has been limited to Alternative Dispute Resolution since 2000.

**Labor Issues:** Absenteeism, arbitrability, contract interpretation, bargaining unit work, demotion, discipline (non-discharge), discipline (discharge), hiring practices, job performance, job posting/bidding, jurisdictional disputes, layoffs/bumping/recall, management rights, past practices, promotion, safety/health conditions, seniority, subcontracting/contracting out, union security, holiday pay, job classification & rates, merit pay, overtime pay, severance pay, vacation pay, work hours/schedules/assignments, working conditions/work orders, violence or threats, assault & battery, insubordination, off duty conduct, Fair Labor Standards Act, COBRA, Title VII (discrimination claims based on national origin, race, religion, pregnancy, sexual harassment and retaliation), age discrimination, handicap discrimination, Americans with Disabilities Act, Family and Medical Leave Act.

**Statutory Employment Issues:** Experience in litigation or advising employers regarding employment-related matters includes the following statutes and issues:

**Federal:** Title VII, Civil Rights act of 1991 (discrimination claims based on pregnancy, sexual harassment, race, national origin, and religion); Retaliation claims; ADEA (age discrimination); Rehabilitation Act of 1973 (handicap discrimination); Americans with Disabilities Act of 1990 (ADA); Civil Rights Act (42 U.S.C. §§1981, 1983 and 1985); Fair Labor Standards Act (FLSA); COBRA; and The Family and Medical Leave Act of 1993 (FMLA).

**State:** Florida Civil Rights Act of 1992; Broward County Human Rights Act; Public Employees Relations Act (PERC); Unemployment Compensation (UC); Breach of employment agreements; covenants not-to-compete; and Employment torts (defamation, intentional infliction of emotional distress, negligent hiring, negligent retention, assault and battery and invasion of privacy).

**Arbitrator Rosters:** Labor Panel of the American Arbitration Association (AAA); National Employment Arbitrator Panel for AAA; Federal Mediation and Conciliation Service (FMCS); National Mediation Board (NMB).

**Mediation Experience:** Experience as a mediator in Federal Court including lawsuits with issues of sexual harassment; the Americans with Disabilities Act of 1990 (ADA); discrimination based on pregnancy, race and national origin; retaliation; invasion of privacy; defamation; ADEA; FLSA; ERISA; RICO; Florida Whistleblower Act; 42 U.S.C. §§1981, 1983 and 1985; and the Florida Civil Rights Act of 1992.

**Education:** Kent State University (BSBA 1961); Cleveland State University, Cleveland-Marshall College of Law (JD 1972).

**Publication:** *Arbitration of Right of Employee to Self-Expression*, 21 Cleveland State Law Review, 162, May 1972.

**Published Awards:** *Harbison-Walker Refractories [Fairfield AL] and United Steelworkers of America Local 553*, 114 LA 1302 (H. Smith, 2000) (BNA) (Contract Interpretation); *Chemtall, Inc. [Riceboro, GA] and International Chemical Workers Union Council/UFCW Local 1016C*, 116 LA 852 (H. Smith, 2001) (BNA) (Discharge); *Martin County [Florida] Board of County Commissioners and Martin County Public Employees United*, 116 LA 1697 (H. Smith, 2002) (BNA) (Discharge); *Department of Veterans Affairs (Dayton [Ohio] VA Medical Center) and American Federation of Government Employees (AFGE Local 2209)*, 117 LA 242 (H. Smith, 2002) (BNA) (Discipline); *City of Hallandale Beach, Florida and Metro-Broward Professional Firefighters Local 308*, 118 LA 646 (H. Smith, 2002) (BNA) (Discipline); *RMI Titanium Co. [Niles, Ohio Plant] and United Steelworkers of America Local 2155*, 118 LA 947 (H. Smith, 2003) (BNA) (Contract Interpretation); *Charter Communications, VI, LLC [Somerset, Kentucky] and International Brotherhood of Electrical Workers, Local 369*, 118 LA 1206 (H. Smith, 2003) (BNA) (Discharge); *City of Hialeah, Florida and AFSCME Florida Council 79*, 119 LA 210 (H. Smith, 2003) (BNA) (Discharge); *Miami-Dade County [Florida] and AFSCME Local 1363*, 119 LA 651 (H. Smith, 2003) (BNA) (Discharge); *Miami-Dade County [Florida] and Individual Defendants*, 119 LA 901 (H. Smith, 2004) (BNA) (Contract Interpretation); *Federal-Mogul Corporation [Cambridge, Ohio] and UAW Local 886*, 120 LA 168 (H. Smith, 2004) (BNA) (Contract Interpretation); *Legget & Platt, Inc. [Nashville, TN] and IUE/CWA Local 282*, 120 LA 797 (H. Smith, 2004) (BNA) (Discharge); *Barton Brands, LTD [Owensboro, KY] and United Food and Commercial Workers International Union, Distillery, Wine and Allied Workers Division Local 31D*, 120 LA 1765 (H. Smith, 2005) (BNA) (Contract Interpretation); *Worldwide Flight Services, Inc. and Transport Workers Local 504*, 121 LA 445 (H. Smith, 2005) (BNA) (Discharge); *Miami-Dade County and Dade County IAFF Local 1419*, 121 LA 1419, (H. Smith, 2005) (BNA) (Contract Interpretation).

**Professional Licenses and Certifications:** Certified by The Florida Supreme Court as a Circuit Court mediator in 1992. Certified mediator in the U.S. District Court, Middle District of Florida. Member of The Florida Bar Labor and Employment Law Section, (ADR/Litigation Committee 2000-2001).

**Bar Admissions:** Florida (1974); Ohio (1972); The United States District Court: Southern, Middle and Northern Districts of Florida; The United States Court of Appeals: Fifth, Eleventh and Federal Circuits; and the United States Supreme Court.

**Compensation:** Per Diem Fee: \$900. One-day minimum. Will accept federal government rate where the government is required to provide the arbitrator's compensation.

**Travel Time:** Travel time will be charged for hearing sites of more than 100 miles from the arbitrator's nearest office. One day's per diem will be charged for round-trip travel time.

**Travel Expenses:** Coach airfare will be charged from Bradenton or Cincinnati, whichever is least expensive. Rental car and parking fees will be charged. Travel by private automobile will be charged at 48.5¢ per mile. Lodging and meals will be charged at actual cost. Non-refundable airfares will be charged.

**Cancellation/Postponement:** One day per diem for each hearing date cancelled or postponed within 30 days of the scheduled hearing date.