

MICHAEL CAPONE, ESQ.

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RELEVANT EXPERIENCE

Arbitrator and Mediator

December 2010 – present

Professional neutral concentrating in the arbitration and mediation of labor and employment disputes. Alternative dispute resolution including grievance arbitration, employment arbitration, mediation, facilitation, and fact-finding.

MTA Long Island Rail Road and Long Island Bus

1987- 2011

- Directed and managed grievance arbitration and contract negotiations at all levels for both agencies.

Transport Workers Union (Local 252) Representative (Bus Operator) 1981-1987

- Held shop steward, executive board, and trustee positions. Regularly represented bus operators in grievance/disciplinary hearings, conferences, and arbitrations.
- Advised the president on all matters, including collective bargaining and contract interpretation.

EDUCATION

- **Touro College Jacob D. Fuchsberg Law Center**, Huntington, NY
Juris Doctorate: May 1995 Honors: Academic Excellence Award
Activities: Alternative Dispute Resolution Club
- **State University of New York**, Old Westbury, NY
B.A. Economics 1980 Honors: Academic Achievement Award
Dean's List

CERTIFICATIONS

- Law New York 1996
- United States District Court for the Eastern and Southern Districts

PROFESSIONAL AFFILIATIONS & TRAINING

- Member, National Academy of Arbitrators
- Member, New York State Bar Association: Law and Employment Section; Labor Arbitration Committee, and Dispute Resolution Section
- Member, Labor and Employment Relations Association (LERA) – New York City and Nassau County Chapters
- Essential Mediation Skills Training with the American Arbitration Association, 2016

INDUSTRIES

Education; Transportation; Railroads; Hospitals/Health Care; Police; Private Security; Federal Government Sector; Corrections/Prisons; Energy/Refineries; Utilities; Aerospace Manufacturing; Airport Maintenance; Private Sector Manufacturing; Municipalities; Office Workers/Clerical; Communications; Television News Media; Food Services.

ISSUES

Absenteeism; Arbitrability; Bargaining Unit Work; Conduct (off-duty/personal); Seniority; Demotion; Discipline (Discharge/Non-Discharge); Differentials; Race, Sex, Drug/Alcohol Offenses; Fringe Benefits; Bonus; Vacation; Holidays; Leaves; Grievance Mediation; Job Performance; Jurisdictional Disputes; Management Rights; Past Practice; Benefits; Promotions; Retirement; Safety/Health; Sexual Harassment; Subcontracting/Contracting Out, Overtime Pay; Scheduling, Working Conditions; Job Classification; Workplace Violence, Social Media Policy.

ARBITRATION ROSTERS & PANELS

American Arbitration Association

Bombardier Transportation (USA) & International Brotherhood of Electrical Workers (IBEW)

Federal Mediation and Conciliation Service

Liberty Lines (Westchester County) & Transport Workers Union, Local 100

National Mediation Board

- Public Law Board No. 6268 – Railway Independent Transit Union & Port Authority Trans-Hudson Corporation (PATH)
- Public Law Board No. 6870 – SMART-TD & Norfolk Southern Corporation
- Public Law Board No. 6872 – International Brotherhood of Electrical Workers (IBEW) & Long Island Rail Road Company
- Public Law Board No. 7311 – IBEW & PATH
- Public Law Board No. 7574 – Brotherhood of Locomotive Engineers and Trainmen (BLET) & Norfolk Southern Corporation
- Public Law Board No. 7579 – SMART-TD & Norfolk Southern Corporation
- Public Law Board No. 7913 – SMART-TD & CSX Transportation
- Special Board of Adjustment No. 934 – IBEW & Metro-North Commuter Railroad
- Special Board of Adjustment No. 956 – Brotherhood of Maintenance of Way Employees (BMWE) & New Jersey Transit Rail Operations
- Special Board of Adjustment No. 968 – IBEW & Southeastern Pennsylvania Transportation Authority
- Special Board of Adjustment No. 985 – IBEW & New Jersey Transit Rail Operations
- Special Board of Adjustment No. 1063 – BLET & Norfolk Southern Corporation
- Special Board of Adjustment No. 1139 – Brotherhood of Railroad Signalmen & Long Island Railroad Company
- Special Board of Adjustment No. 1174 – Association of Commuter Rail Employees & Metro-North Commuter Railroad
- Special Board of Adjustment No. 1197 – BMWE & Keolis Commuter Services, LLC

National Railroad Adjustment Board (First, Third and Fourth Divisions)

New Jersey State Board of Mediation

New York State (NYS) Education Department §3020-a Panel

New York City's Office of Collective Bargaining - Register of Neutrals

New York City Transit & Transport Workers Union, Local 100 - Expedited Arbitration Panel

NYS Public Employment Relations Board ("PERB") Voluntary Grievance Arbitration Panel

Village of Freeport Police Department and Freeport P.B.A.

References and writing samples furnished upon request