Keith D. Greenberg, Esq.

Impartial Arbitrator and Mediator

MEMBER, NATIONAL ACADEMY OF ARBITRATORS

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PRACTICE LIMITED TO ARBITRATION AND MEDIATION

Keith D. Greenberg is an arbitrator and mediator of private, public, and federal sector labor and employment disputes. He is a member of the National Academy of Arbitrators (NAA) and serves on its Board of Governors. He serves on a number of labor arbitration panels and rosters, including those maintained by the American Arbitration Association (AAA), the Federal Mediation and Conciliation Service (FMCS), and the National Mediation Board. Mr. Greenberg also serves on permanent labor arbitration panels in the private, public, and federal sectors, and regularly adjudicates disputes involving EEO and unfair labor practice complaints. He has presided as sole arbitrator and as the neutral member of tripartite panels. He additionally serves as a neutral overseeing representation elections. Mr. Greenberg is listed on employment arbitration panels maintained and administered by the AAA and the CPR Institute, among other rosters, as well as the AAA's ERISA and MPPAA arbitration panels. He serves as the impartial Labor Relations Administrator for the Washington Suburban Sanitary Commission; for the city of Richmond, Virginia; and for Loudoun County, Virginia. Mr. Greenberg is a Member of the Personnel Appeals Board for the United States Government Accountability Office (GAO). He serves as the neutral Chairman of the Grievance Committee for the International Monetary Fund.

Mr. Greenberg is an experienced mediator, serving as a member of the AAA's roster of employment mediators and its panel of labor mediators. He also serves on the rosters of employment mediators for the United States Office of Congressional Workplace Rights; the U.S. Equal Employment Opportunity Commission's RESOLVE internal ADR program; the U.S. Nuclear Regulatory Commission Early ADR Mediation Panel; the Cornell University Roster of Dispute Resolution Neutrals; the CPR Institute; and the American Health Lawyers Association, among others.

Mr. Greenberg has experience with videoconference arbitration and mediation proceedings and has served as a trainer for video arbitration and mediation programs sponsored by, among others, the NAA, the FMCS, the Labor and Employment Relations Association (LERA), the AAA, and the American Bar Association (ABA)'s Section of Labor and Employment Law. He serves as the Technology Coordinator for the NAA and is co-author of a chapter in *Labor and Employment Arbitration* (Bornstein, Gosline, Greenbaum, and Mayberry, Eds.) (Matthew Bender) on conducting video hearings.

Mr. Greenberg serves as the Neutral Co-Chair of the Webinar Committee of the ABA's Section of Labor and Employment Law and was elected a Fellow of the American Bar Foundation. He is a Director of the NAA's Research and Education Foundation. Among other professional activities, Mr. Greenberg currently serves as 1st Vice President for the Society of Federal Labor and Employee Relations Professionals (SFLERP). He previously served as President of Maryland LERA from 2021 to 2022; and as Co-Chair of the Steering Committee of the D.C. Bar's Labor and Employment Law Community from 2016 to 2018. He is an active member of the Cornell ILR Alumni Association and the National Association of Railroad Referees. Mr. Greenberg is a member of the Cuban American Bar Association and is fluent in Spanish.

Mr. Greenberg has spoken and presented on numerous topics, including the use of technology in ADR, arbitrator ethics, issues arising in federal sector labor arbitration, current developments in labor and employment arbitration, advanced topics in labor and employment law, and advocate preparation for labor arbitration hearings. He has contributed to a number of publications by the ABA's Section of Labor and Employment Law, and writes frequently on labor and employment and alternative dispute resolution topics. Mr. Greenberg previously co-taught a seminar on workplace ADR at the George Washington University Law School, and has served as a guest lecturer in courses on labor relations.

Mr. Greenberg spent several years in practice as an attorney in New York City in the labor and employment practice group of Duane Morris LLP prior to establishing his practice as a full-time neutral in the Washington, D.C. area. He is a graduate of the Cornell University School of Industrial and Labor Relations and of the University of Michigan Law School.

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PRACTICE LIMITED TO ARBITRATION AND MEDIATION

Mr. Greenberg is a member of the National Academy of Arbitrators and maintains a full-time practice as a labor and employment neutral resolving labor, employment, and benefits disputes in the private, public, and federal sectors, with experience in grievance arbitrations, interest arbitrations, employment arbitrations, MPPAA withdrawal liability arbitrations, and grievance and employment mediations. He has presided as sole arbitrator and as the neutral member of tripartite panels. Mr. Greenberg has extensive experience with in-person as well as videoconference arbitration and mediation proceedings.

PROFESSIONAL AFFILIATIONS

- Member, National Academy of Arbitrators (Board of Governors; Technology Coordinator)
- Board of Directors, National Academy of Arbitrators Research and Education Foundation
- Neutral Co-Chair, Webinar Committee, American Bar Association (ABA) Section of Labor and Employment Law
- First Vice President, Society of Federal Labor and Employee Relations Professionals (SFLERP)
- Fellow, American Bar Foundation
- D.C. Bar Labor and Employment Law Community (Co-Chair, 2016-2018)
- Employment Committee, ABA Section of Dispute Resolution (Co-Chair, 2016-2020)
- National Association of Railroad Referees
- Labor and Employment Relations Association (LERA) (Maryland and Virginia Chapters) (Past President, Maryland Chapter)
- Cornell ILR Alumni Association
- Cuban American Bar Association

LANGUAGES

- Fluent in Spanish

SELECTED PANELS AND ROSTERS

- Roster of Arbitrators, Federal Mediation and Conciliation Service
- Labor Arbitration and Labor Mediation Panels, American Arbitration Association
- Employment Mediation and Employment Mediation Rosters, American Arbitration Association
- MPPAA/ERISA Arbitration Panel, American Arbitration Association
- CPR Panels of Distinguished Neutrals (Employment Disputes, Mass Claims Employment, and at-Large ADR Panels)
- Roster of Labor Arbitrators, The Labor Relations Connection
- Roster of Labor Arbitrators, National Mediation Board
- Rosters of Labor Arbitrators, Mediators and Hearing Examiners, District of Columbia Public Employee Relations Board
- Roster of Labor Arbitrators, Pennsylvania Bureau of Mediation
- Grievance Arbitration Panel, New Jersey Public Employment Relations Commission
- Voluntary Grievance Arbitration Panels, New York State Public Employment Relations Board
- Register of Neutrals, New York City Office of Collective Bargaining
- Member, Personnel Appeals Board, United States Government Accountability Office (GAO)
- Impartial Labor Relations Administrator, Washington Suburban Sanitary Commission (WSSC Water)
- Impartial Labor Relations Administrator, City of Richmond, Virginia
- Impartial Labor Relations Administrator, Loudoun County, Virginia
- Neutral Chairman, Grievance Committee, International Monetary Fund
- Neutral Member, Teamsters/TForce Freight Grievance Committee (Eastern, Central, and Southern Regions)
- United Parcel Service – International Brotherhood of Teamsters National Arbitration Panel (Eastern Region)
- New York City Department of Education – United Federation of Teachers 3020-a Panel
- United States Postal Service – American Postal Workers Union Regular Arbitration Panels
- Maryland Transit Administration – Amalgamated Transit Union Local 1300 Arbitration Panel
- National Archives and Records Administration – AFGE Council 260, Local 2578 Arbitration Panel
- Major League Baseball – Major League Baseball Players Association Salary Arbitration Panel
- Penn. State System of Higher Education – Assoc. of Pennsylvania State College & University Faculties Arbitration Panel
- Prince George's County Public Schools and ACE-AFSCME, Local 2250 Arbitration Panel
- United States Department of Energy – National Treasury Employees Union Arbitration Panel
- United States Consumer Financial Protection Bureau – National Treasury Employees Union Arbitration Panel
- Roster of Mediators, United States Office of Congressional Workplace Rights

SELECTED TRAININGS AND PRESENTATIONS

• Program Faculty, "Federal Sector: Arbitration – Law and Practice," 43rd FMCS Arbitration Symposium, October 12, 2023
• Panelist, "Interactive Red Light/Green Light Arbitrator Panel," Virginia LERA Conference, September 14, 2023
• Panelist, "Paths to Becoming a Labor Arbitrator," Cornell University ILR School, Scheinman Institute on Conflict Resolution Webinar, June 5, 2023
• Panelist, "Advice from the Arbitrators," Virginia LERA Webinar, March 9, 2023
• Presenter, "Past Practice in Labor Arbitration," NYC Office of Collective Bargaining, February 7, 2023
• Program Faculty, "Understanding and Defending 'Past Practice' Issues in Labor Arbitration," American Arbitration Association Webinar, November 16, 2022
• Panelist, "Recent Developments Under the Federal Arbitration Act," 16th Annual Labor and Employment Law Conference, ABA Section of Labor and Employment Law, November 10, 2022
• Presenter, Video Arbitration Hearings: the Basics, and Lessons Learned," SFLERP Webinar, October 27, 2022
• Moderator, "Collective Bargaining in Virginia Counties & Cities," Virginia LERA Conference, September 22, 2022
• Moderator, "Solving the Puzzle of "Just Cause" in Arbitration," American Arbitration Association Webinar, May 18, 2022
• Presenter, "Contract Interpretation in Labor Arbitration," NYC Office of Collective Bargaining, January 24, 2022
• Moderator, "The Future of Virtual Hearings," Joint Webinar by the National Academy of Arbitrators, ABA Section of Labor and Employment Law, and Association of Labor Relations Agencies, August 19, 2021
• Panelist, "Labor-Management Relationships," LERA – Virginia Chapter, May 19, 2021
• Program Faculty, "Federal Sector: Arbitration – Law and Practice," 41st FMCS Arbitration Symposium, May 6, 2021
• Panelist, "Current Developments in Labor and Employment Arbitration," ADR in Labor & Employment Law Committee Mid-Winter Meeting, ABA Section of Labor and Employment Law, February 11, 2021
• Panelist, "Reinventing Your Career as a New or Young Labor and Employment Lawyer in 2020," ABA Section of Labor and Employment Law Webinar, September 10, 2020
• Panelist, "Virtual Labor Arbitration Hearings," American Arbitration Association Webinar, August 21, 2020
• Featured Presenter, "Witnesses via Videoconference," National Academy of Arbitrators Webinar, July 13, 2020
• Panelist, "Virtual ADR from A to Z," LERA Webinar, June 2, 2020
• Panelist, "Using Videoconferencing in Labor and Employment Arbitration and Mediation," Joint Webinar by the National Academy of Arbitrators and ABA Section of Labor and Employment Law, May 7, 2020
• Panelist, "Navigating the COVID-19 Crisis as a New or Young Labor and Employment Attorney," ABA Section of Labor and Employment Law Webinar, May 5, 2020
• Panelist, "Videoconferencing for Arbitrators," Joint Webinar by the National Academy of Arbitrators and the Federal Mediation and Conciliation Service, April 2, 2020
• Panelist, "Problem Witnesses, Problem Advocates, Problem Arbitrators," *Successful Labor Arbitration Techniques 2019*, American Arbitration Association, November 15, 2019
• Panelist, "How the Arbitrators Rule," 40th FMCS Arbitration Symposium, May 10, 2019
• Moderator, "FLSA Exemptions after *Encino Motorcars*," ABA Section of Labor and Employment Law CLE Webinar, April 10, 2019
• Moderator, "A Practical Guide to Arbitration," ABA Section of Labor and Employment Law CLE Webinar, July 2018
• Speaker, "Preparing for Labor Arbitration in the Federal Sector, with a Focus on the Hearing and Beyond," SFLERP 45th Annual Symposium, May 17, 2018
• Speaker, "Ethical Obligations Regarding Social Media: The Next Legal Frontier," ADR in Labor & Employment Law Committee Mid-Winter Meeting, ABA Section of Labor and Employment Law, February 11, 2018
• Speaker, "Preparing for Labor Arbitration in the Federal Sector," SFLERP 44th Annual Symposium, May 18, 2017
• Moderator, "Online Dispute Resolution in Labor and Employment: No Longer a Novelty – Ever the Norm?," National Symposium on Technology in Labor and Employment Law, ABA Section of Labor and Employment Law, April 2017
• Speaker, "Traditional Labor Law Issues Impacting Employment Practitioners," Fairfax Bar Association Employment Law Section, November 2, 2016
• Panelist, "Preparing for Your First (or Hundredth) Labor Arbitration," District of Columbia Bar Labor and Employment Law Section, September 29, 2016
• Guest Lecturer, Labor Relations (HRMN 362), University of Maryland University College, May 4, 2016
• Speaker, "Attorney Fees in Federal Sector Arbitration," SFLERP 43rd Annual Symposium, April 29, 2016
• Moderator, "Beyond the Basics: Advanced Issues in FMLA Law," ABA Section of Labor and Employment Law CLE Webinar, February 24, 2016
• Panelist, "Current Developments in Labor and Employment Arbitration," ADR in Labor & Employment Law Committee Mid-Winter Meeting, ABA Section of Labor and Employment Law, February 15, 2015
• Speaker, "ADR Professionals and Social Media – Considerations Regarding Disclosure," Teleseminar, Association for Conflict Resolution – Workplace Section, January 23, 2015
• Speaker, "The Intersection of Arbitrator Disclosure and Social Media," LERA – Maryland Chapter, October 22, 2014
• Moderator, "Bargaining Without Budgets," Federal Sector Labor and Employment Law Committee Mid-Winter Meeting, ABA Section of Labor and Employment Law, February 11, 2014
• Co-Instructor, Labor & Employment Arbitration & Mediation, The George Washington University Law School, Fall 2013
• Presenter, "Preparing for a Hearing," D.C. Government Labor-Management Relations Conference, September 30, 2013

SELECTED PUBLICATIONS

• Contributing Editor, *The Developing Labor Law*, Bloomberg BNA and Committee on Development of the Law Under the National Labor Relations Act, ABA Section of Labor and Employment Law
(7th Edition; 2013 – 2019 Supplements to 6th and 7th Editions)
• Co-author, *Conducting Video Hearings*, in *Labor and Employment Arbitration* (Bornstein, Gosline, Greenbaum, and Mayberry, Eds.) (Matthew Bender)
• Contributor, *The Fair Labor Standards Act*, Bloomberg BNA and Federal Labor Standards Legislation Committee, ABA Section of Labor and Employment Law (2014 Supplement)
• Contributor, *The Family and Medical Leave Act*, Bloomberg BNA and Federal Labor Standards Legislation Committee, ABA Section of Labor and Employment Law (2014 Supplement)
• Contributing Author, *FMLA Midwinter Meeting Report*, ABA Section of Labor and Employment Law, Federal Labor Standards Legislation Committee, Subcommittee on the Family and Medical Leave Act (2012 – 2019, 2021)
• Contributing Author, *FLSA Midwinter Meeting Report*, ABA Section of Labor and Employment Law, Federal Labor Standards Legislation Committee, Subcommittee on the Fair Labor Standards Act (2013 – 2018, 2021)
• Author, *Ethical Approaches to Dealing with Difficult People*, Labor and Employment Law Newsletter, ABA Section of Labor and Employment Law, Winter 2019 (Volume 47, No. 2)
• Author, *Clash of the Generations—Panel Discusses Managing Millennials in the Workforce*, Labor and Employment Law Newsletter, ABA Section of Labor and Employment Law, Winter 2017 (Volume 45, No. 2)
• Author, *NLRB Outlines New Arbitration Deferral Standards*, Labor and Employment Law Newsletter, ABA Section of Labor and Employment Law, Summer 2015 (Volume 43, No. 4)
• Author, *Battle Over Definitions Marks 2013–14 Court Term*, Labor and Employment Law Newsletter, ABA Section of Labor and Employment Law, Winter 2015 (Volume 43, No. 2)
• Co-author, *The Young Lawyer's Guide to Preparing for Mediation, New Issues Regarding Neutral Disclosure and the Use of Technology in ADR, and ADR Rule Changes*, ADR Roundtable, 2014 ABA Annual Meeting
• Co-author, *Navigating the Murky Waters of Employment Waivers and Releases*, New York State Bar Association Journal, February 2010

EDUCATION

University of Michigan Law School, Ann Arbor, Michigan
Juris Doctor, May 2010

SELECTED ACTIVITIES AND LEADERSHIP
Article Editor, *University of Michigan Journal of Law Reform* Spring 2009 – Spring 2010
Treasurer, University of Michigan Latino Law Students Association Spring 2008 – Spring 2009

Cornell University, School of Industrial and Labor Relations, Ithaca, New York
Bachelor of Science in Industrial and Labor Relations, May 2007
Concentrations in Hispanic Studies & Law and Society
Semester Abroad Program at the University of Seville, Spring 2006

HONORS/AWARDS

• 2014 Leadership Development Program, ABA Section of Labor and Employment Law
• 2014 Fellow, American Arbitration Association Higginbotham Fellows Program
• Dean's Scholarship, University of Michigan Law School
• Dean's List, three semesters, Cornell University
• Edgar A. Whiting Award, Cornell University

PRIOR EMPLOYMENT

Duane Morris LLP, *Associate Attorney* New York, NY
• Represented management and labor in labor and employment matters. 2010 – 2012
Duane Morris LLP, *Summer Associate* Summer 2008
Summer 2009

Scheinman Institute for Conflict Resolution, Cornell University, *Research Assistant* Ithaca, NY
• Conducted research on alternative dispute resolution subjects. 7/2006 – 5/2007

BAR ADMISSIONS

• State of New Jersey
• State of New York
• District of Columbia (inactive)
• United States District Courts for the Southern and Eastern Districts of New York and the District of New Jersey

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FEE SCHEDULE

The Code of Professional Responsibility for Arbitrators of Labor-Management Disputes and the Arbitration Policies and Procedures of the Federal Mediation and Conciliation Service, 29 CFR §1404.15(c), require that I divulge all charges and obtain agreement thereto immediately after appointment. My fees and expenses follow:

Per Diem Rate – My per diem rate is $1,800.00 for grievance arbitrations arising under collective bargaining agreements, except as noted below, for oversight of card checks or elections, or for other work in similar adjudicative capacities. For proceedings that fall under the following categories, my per diem rate is $2,600.00: work as an impartial labor relations administrator; interest arbitration cases, including mediations, med-arb, and similar proceedings involving the resolution of bargaining impasses; employment arbitrations; FLSA class or collective action grievance arbitrations; and other complex multiparty or class proceedings. The full per diem rate applies to all or any part of a hearing day. If a hearing day exceeds eight hours, then additional pro rata charges for the excess time may be made.

My rate for employment mediations is $350.00 per hour. A minimum charge of four (4) hours is payable for any day on which a mediation session is held. For grievance mediations, a flat rate of $1,800.00 per day is charged.

Study Time – My per diem charges (rounded to the nearest half-day) are applied pro rata on the basis of an eight hour billed day to actual time spent in prehearing matters, in review of the record and briefs, in preparation of the Opinion and Award, and in any posthearing matters.

Travel Time and Expenses – Per diem charges may be made on a pro rata basis for time spent traveling to and from the hearing. Charges are also made for actual and necessary expenses of travel, lodging, meals, and incidentals that may relate to the hearing. Personal automobile mileage expenses are charged at the then-current IRS rate. Additional charges may apply for cancellation or change fees associated with airfare purchased as nonrefundable travel. (Such purchases may be made when significantly less expensive than refundable travel unless the Parties request otherwise.)

Postponements and Cancellations – The full per diem charge for scheduled dates of hearing (including dates used for grievance mediation) is payable if I first receive notice of the cancellation or postponement less than 15 days prior to a scheduled hearing date of a single day; or if I first receive notice of the cancellation or postponement less than 30 days prior to: a) the first of consecutively scheduled hearing dates (two or more consecutive dates reserved, including on consecutive business days); or b) the first of multiple hearing dates scheduled in the same calendar week.

For employment mediations, a four-hour charge for a single or non-consecutive scheduled mediation date is payable if notice of the cancellation or postponement is first received less than 15 days prior to a scheduled mediation date of a single day. If notice of cancellation or postponement is first received less than 30 days prior to: a) the first of consecutively scheduled mediation dates (two or more consecutive dates reserved, including on consecutive business days); or b) the first of multiple mediation dates scheduled in the same calendar week, a four-hour charge is payable for each of the multiple scheduled days that were cancelled.

Joint and Several Liability for Fees and Expenses – Services are provided for the benefit of both parties. Liability for fees and expenses, therefore, is joint and several.