

**James A. Brown, Esq.**  
**Arbitrator and Mediator**  
**P.O. Box 24611**  
**Brooklyn, N.Y. 11202.**  
**(718) 578-2900**  
**jamesabrownadr.com**

**Member, National Academy of Arbitrators**

**Prior Experience:** Labor and employment law practice from 1986 to 2011, including representation of both union and management interests in the private and public sectors. Lectured before various bar associations, including the New York State Bar Association and the New York City Bar Association; published articles in the New York Law Journal; and taught CLE courses on matters related to labor and employment law.

**Labor Arbitration Panels:** American Arbitration Association (Labor Arbitration); Federal Mediation and Conciliation Service; National Mediation Board; New York Public Employment Relations Board; New Jersey Public Employment Relations Commission; New Jersey PERC Special Disciplinary Arbitration Panel; New Jersey State Board of Mediation; Pennsylvania Bureau of Mediation; New York State 3020-a; New York City Office of Collective Bargaining; and CUNY White, Blue Collar Panels; Northwell Health-NYSNA; Northwell Health-UFT (Staten Island University Hospital-South); District Council 37-NYC School Construction Authority; District Council 37-Wildlife Conservation Society; and District Council 37-Museum of Jewish Heritage.

**Employment Arbitration Panels:** American Arbitration Association (Employment Panel); ADR Systems (Chicago).

**Fact-Finding and Interest Arbitration:** New York PERB Fact-Finding and Mediation; and Pennsylvania Department of Labor.

**Mediation Panels:** S.D.N.Y. Mediation Panel; E.D.N.Y. Mediation Panel (Wage and Hour); and AAA Mediation Panel.

**Administrative Panels:** New York City COIB Financial Disclosure Appeals (OCB); and Office of Administrative Trials and Hearings Contract Dispute Resolution Board.

**Arbitration Issues:** Absenteeism, Arbitrability, Bargaining Unit Work, Conduct (off-duty/personal), Discipline, Discharge, Discrimination (age, disability, race, sex, religion, national origin, harassment, etc.), Drug/Alcohol, Job Performance, Jurisdiction, Management Rights, Past Practices, Pension & Welfare Plans, Preventable Accidents, Promotion, Safety/Health, Seniority, Subcontracting, Tenure/Reappointment, Wages, Work Hours/Schedules/Assignments, Working Conditions, and Violence or Threats.

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**Mediation Issues:** Overtime/minimum wage claims based on alleged misclassification as exempt employee or independent contractor; Overtime/minimum wage claims involving "ability to pay" defense; Constructive discharge alleged by transgender employee based on hostile work environment; Retaliation alleged by employee complaining of workplace treatment; Gender discrimination alleged by sexually assaulted employee; Race discrimination alleged by hotel employee placed in less visible work station; Reasonable accommodation based on religious beliefs and disability; Sexual harassment involving same-sex employer; and Denial of promotions based on religion and national origin.

**Recent Speaking Engagements:** Federal Mediation and Conciliation Service "Evidence and Proof: What it Takes" (May 2021); National Academy of Arbitrators, Region 2 "Alternative Dispute Resolution in Wage and Hour Cases (May 2019); New York County Lawyers Association "Wage and Hour Mediations: What to Know in an Expanding Area of Law" (April 2019); New York State Bar Association "Motion Practice in Arbitration: A Bridge Too Far or a Welcome Development?" (January 2018); New York State Bar Association "Labor Arbitration - An Overdue Look at Some Controversial Issues in Disciplinary Cases" (September 2016); New York State Bar Association "Labor Arbitrator Roundtable: Best & Worst Practices for Labor Arbitration" (October 2013); and New York City Bar Association "New Labor Arbitrator Panel" program (June 2013).

## **Publications:**

"Preparing for a Wage and Hour Mediation," New York Law Journal, March 11, 2022.

"Wage and Hour Mediations and the Small Employer," New York Law Journal, December 14, 2018.

"SDNY Automatic Referrals and Pre-Mediation Discovery," New York Law Journal, September 14, 2017.

"Friedrichs: The End of Public Labor Relations as We Know It?" NYSBA Labor and Employment Law Journal, Fall 2015, Vol. 40, No. 1.

"Long Beach: Re-enforcing Limits on Provisional Work," New York Law Journal, October 18, 2007.

"Post-Garcetti: N.Y.'s Public Employee Whistleblower Law," New York Law Journal, October 24, 2006.

"The '1 in 3' Rule and Remedial Power," New York Law Journal, December 13, 2005.

"Fixing a Broken Disciplinary System," New York Law Journal, April 21, 2004.

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### **Publications (Cont.):**

"Civil Service Law: Merit and Property Interests," New York Law Journal, January 16, 2003.

"Reviewing Leave Time for the Pregnant Employee," New York Law Journal, July 5, 2001.

Contributor to Public Sector Labor and Employment Law (2d ed. 1998).

**Education:** Tufts University (BA-1983); Brooklyn Law School (JD-1986).

**Professional Associations:** Member, National Academy of Arbitrators; and New York State Bar Association (Labor and Employment Section).

**Compensation (Arbitration):** Per diem and hourly rates available upon request. Cancellation fee charged at per diem rate unless at least three weeks' notice provided. Study time charged at per diem rate; reasonable non-local travel expenses also charged.

**Compensation (Mediation):** Hourly rates available upon request.