

ARBITRATOR MICHAEL T. LOCONTO, ESQ.

32 Tennyson Street, West Roxbury, MA 02132

(617) 331-2112

mtl@locontoadr.com

ARBITRATOR, MEDIATOR AND HEARING OFFICER EXPERIENCE

Labor and Employment Arbitrator/Mediator, Boston, MA June 2021 – Present
Neutral and independent arbitrator, mediator, facilitator, fact finder and hearing officer in labor and employment disputes between unions, employers and employees. Provides election and certification processes ("card check") services and training on interest-based bargaining techniques. In-person and remote hearing capabilities; satellite offices in Ft. Lauderdale, FL, Lancaster, PA and Minneapolis, MN.

- **Industries and Issues:** Include trades, clerical workers, construction, K-12 and higher education, public safety, dining services, athletics, public sector, financial services, and beverage and technology workers. Also include discipline and discharge; contract interpretation; pay and wage differentials; disability; discrimination and harassment; leaves; benefits; FLSA; USERRA; project labor agreements; and Title IX matters.
- **Training:** "Becoming a Labor Arbitrator" (2021) and "Federal Sector Arbitration" (2022), FMCS Institute. Apprentice to National Academy of Arbitrators members Mark Irvings and David Gaba in labor, employment and MPPAA/Taft-Hartley Trust Funds matters. Member, NAA New England arbitrator salon.
- **Publications:** *Board of Editors* - Will Aitchison, David Gaba & Jonathan Downes, *Interest Arbitration* (Miller, Vannoy and Scott 3d ed., LRIS Books, 2022).
- **Rosters:** Labor, employment and commercial services in early neutral evaluation, fact finding, interest and grievance arbitration, or mediation provided through:
 - *Private Panels:* AAAmediation.org, Forum ADR and The Labor Relations Connection
 - California PERB and SMCS
 - FMCS (includes virtual and federal matters)
 - Iowa PERB
 - Los Angeles County (CA) ERC
 - Minnesota Bureau of Mediation Services
 - Montana Board of Personnel Appeals
 - Nebraska Commission on Industrial Relations
 - Nevada Gov't. Empl.-Mgmt. Rel. Bd.
 - New Hampshire PELRB
 - New Jersey Board of Mediation and PERC
 - Oregon ERB
 - Pennsylvania Bureau of Mediation and LRB
 - Phoenix (AZ) ERB
 - Port Auth. Of NY/NJ Empl. Rel. Panel
 - U.S. Dist. Ct., Dist. of Western Pennsylvania
 - U.S. Virgin Islands PERB
 - Washington (state) PERC
 - *Resume on file with:* Colorado Department of Labor & Employment, Kansas Department of Labor, and Maine Labor Relations Board.

PROFESSIONAL LEGAL EXPERIENCE

Fenway Law LLC, Boston, MA December 2020 – Present
Solo specialized counsel focused on commercial contract reviews, data and website privacy, and general compliance issues. My practice specifically excludes advocacy in labor and employment-related disputes.

Curry College, Milton, MA

General Counsel (previous title: College Counsel) February 2016 – November 2020
Led multiple contract negotiations with faculty (AAUP) and trades. Arbitration work included discipline and discharge, policy implementation and shift differentials. Practical experience with U.S. Department of Education and Massachusetts Attorney General. Key policy work on remote operations, pandemic response, student mental health supports, Title IX, data security, and surveillance cameras.

Harvard University, Office of Labor & Employee Relations, Cambridge, MA

Deputy Director for Policy and Compliance and Youth Protection Officer August 2006 – January 2016
(Previous title: Associate Director of Labor & Employee Relations). Negotiated Project Labor Agreements with construction trades unions, campus police union CBA, and multiple contracts with 4,500-member clerical-technical union. Med-arb and arbitration work included discipline and discharge, overtime, uniforms, shift differentials and policy implementation. Directed additional policy development and compliance work on whistleblowing, independent contractors, FLSA, leave for new parents and domestic violence victims, nursing mother accommodations, social media use and transgender rights. Oversaw campus-wide child safety standards and assisted on Title IX implementation.

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City of Boston, Office of Labor Relations, Boston, MA

November 2002 – August 2006

Labor Relations Counsel: Negotiated collective bargaining agreements, policy implementation and interim issues with more than a dozen large civilian, police and fire employee labor unions. Counseled department heads on management issues and reduced sick leave abuse in a large department. Arbitration work included discipline and discharge; overtime and police details; shift differentials; pay incentives; and work assignments.

RELEVANT TEACHING, RESEARCH, SPEAKING AND COMMUNITY SERVICE

The Labor Guild School of Labor-Management Relations, Boston, MA

2022 - present

Instructor: Courses include *Drafting Contract Language* and *Interest-Based Bargaining*.

Boston School Committee

2014 - 2020

Member and Chairperson: Appointed by Mayor Martin J. Walsh (current U.S. Labor Secretary); liaison to 12 collective bargaining units. Co-Led District Capacity Project with Boston Teachers Union/AFT-Massachusetts Education Partnership (2014 - 2017). Facilitator, City of Boston's Dialogues to Action on Race series (2017).

Northeastern University School of Law, Boston, MA

2008 - 2010

Adjunct Lecturer: Legal writing and research program for first-year law students.

Labor and Employment Relations Association (LERA): Boston chapter President (2022 – present). Member, national organization and Central Pennsylvania, Connecticut, Maine, New Jersey, New York City, Rhode Island, Oregon, Virginia and Virtual chapters. Co-Chair, Higher Education Industry Council (2008-2013). Annual Conference speaking: *Building an Arbitrator's Practice* (2023); Ph.D. Papers on *Organized Voice* (2022) & *Wages* (2021); *Labor-Management Collaboration in K-12* (2016); *Higher Education Labor & Employment* (2013); *Public Sector Labor Issues in Higher Education* (2012); and *Negotiation, Collective Bargaining, and Workplace Dispute Resolution* (2011).

National Center for the Study of Collective Bargaining in Higher Education Professions: Annual NCSCBHEP labor-management conference speaking on: *Discrimination in Religious Institutions* (2023); *Collective Bargaining & Shared Governance* (2022); *Labor & Education under Biden* (2021); *Legal Update* (2019); *Multi-Employer Negotiations in Higher Ed* (2016); *Comparing Public and Private-Sector Bargaining* (2015); *Part-Time Faculty & Graduate Student Organizing* (2013); and *Social Media as Protected Activity in Negotiations & the Workplace* (2011, 2012 & 2014).

Other Organizations: NWSLPA organizing discussion moderator, UM Sport Industry Conference (2023); NLRB developments under Biden moderator, NUSL Annual Labor & Employment Program (2022); AFT/NEA Contract Negotiations moderator, MASS/MASC conference (2022). Guest lecturer on *arbitration in athletics*, University of Miami (2022). National Association of College & University Attorneys, Committee on Legal Education (2018-20) and CLE speaker on *collective bargaining* (2015). MCLE instructor on *Legislative & Drafting Processes* (2018-19). Boston Bar Association, Traditional Labor Law subcommittee co-chair (2010-11).

EDUCATION

Northeastern University School of Law, Boston, MA

2002

Juris Doctor

The Florida State University, Tallahassee, FL

1999

Bachelor of Arts in History and Political Science, Minor in Economics

BAR ADMISSION: Massachusetts (2002); U.S. Dist. Ct. (MA, 2003); U.S. Ct. of Appeal (1st Cir., 2003).

ARBITRATION AND MEDIATION FEES; CANCELLATION

Fees: \$1,850 *per diem* for labor matters. \$350/hour for employment and commercial matters.

Expenses: writing, research, conferences at fractional *per diem* or hourly rate (as applied). \$200/hour for travel time in excess of two hours per day. Actual travel and out-of-pocket expenses billed as incurred. I do not charge for administrative overhead. Please contact me for full fee schedule and related policies.

Cancellations: less than fourteen (14) calendar days prior to scheduled hearing date will incur one day's fee.