

## ARBITRATOR MICHAEL T. LOCONTO, ESQ.

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### ARBITRATOR, MEDIATOR AND HEARING OFFICER EXPERIENCE

#### **Labor and Employment Arbitrator/Mediator, Boston, MA**

June 2021 – Present

Neutral and independent arbitrator, mediator, early neutral evaluator, facilitator, fact finder and hearing officer in labor and employment and commercial disputes. Provides election and certification processes ("card check") services and training on interest-based bargaining techniques. **In-person and remote hearing capabilities**; satellite offices in the District of Columbia, Eastern Pennsylvania, Minnesota and Southern California.

- **Industries and Issues:** Experience includes trades, clerical workers, construction, K-12 and higher education, public safety, dining services, athletics, public sector, transportation, and beverage and technology workers. Also includes discipline and discharge; contract interpretation; pay and wage differentials; disability; discrimination and harassment; leaves; benefits; FLSA; USERRA; project labor agreements; and Title IX matters.
- **Key Training:** AAA and FMCS training. Apprenticed by National Academy of Arbitrators members Mark Irvings and David Gaba in labor, employment and MPPAA/Taft-Hartley Trust Funds matters. Member, 2023 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); co-author of forthcoming volume on drug testing in the workplace (LRIS Books, 2024). Select awards published by Bloomberg/BNA, Iowa EAB/PERB, Minnesota BMS and Oregon ERB.
- **Direct Appointment Panels:** APWU and USPS (Expedited-Connecticut); Commonwealth of Massachusetts-Alliance; NYSED 3020-a (Teacher Tenure); and NPMHU and USPS (Regular-New England).
- **Rosters:** Grievance and interest arbitration, mediator and fact finder rosters with the **American Arbitration Association** (Labor, Employment, Pension/ERISA and Consumer panels), **Federal Mediation and Conciliation Service**, **The Labor Relations Connection**, and other private, federal, state and local panels including:
  - California: PERB; SMCS; LA ERB; LA County ERC
  - Illinois Educational LRB (K-12)
  - Iowa PERB/EAB
  - Massachusetts DLR
  - Michigan ERC
  - Minnesota BMS
  - Montana BOPA
  - National Mediation Board (*rail and airline labor disputes*)
  - Nebraska CIR
  - Nevada GEMRB
  - New Hampshire PELRB
  - New Jersey: BOM and PERC
  - Oregon ERB
  - Pennsylvania LRB
  - Phoenix (AZ) ERB
  - NY/NJ Port Authority ERB
  - Surface Transportation Board (*rail carrier disputes*)
  - U.S. Virgin Islands PERB
  - Washington (state) PERC
  - *Resume on file with:* CO DLE, KS DOL, ME LRB.

### PROFESSIONAL LEGAL EXPERIENCE

#### **Fenway Law LLC, Boston, MA**

December 2020 – December 2024

Solo commercial contracts & data privacy counsel; practice specifically excluded labor & 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. Key policy work on remote operations, pandemic response, student mental health support, 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 PLAs with construction trades (including drug testing), 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. Policy development/compliance in Title IX, whistleblowing, independent contractors, FLSA, leave for parents and domestic violence, nursing mothers, social media and transgender rights.

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. 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*, *Interest-Based Bargaining* and *Contemporary Issues in Workplace Disputes*. 2024 Forum: *Careers in Mediation and Arbitration*. 2024-2025 workshops: *Free Speech and Social Media*; *Mock Arbitration*.

**Boston School Committee**

2014 - 2020

Member and Chairperson: Appointed by Mayor Martin J. Walsh (former 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); Central Pennsylvania chapter Co-Chair (2024 – present); member in California, New Jersey, Oregon, Rhode Island & Virginia chapters, and national LERA since 2007. Co-Chair, Higher Education Industry Council (2008-2013). *Ask the Arbitrator* (2023, 2024) and *AI in Arbitration* (2024) panelist, Virginia chapter conference. Annual Conference speaking: *Ask the Arbitrator*, *AI in Arbitration*, *Drug Testing* and *Financialization* panels (2024 FMCS Triad); *Building an Arbitrator’s Practice* and *Collective Action* (2023); *Organized Voice* (2022); *Wages* (2021); *K-12 Labor-Management Collaboration* (2016); *Higher Education Labor & Employment* (2013); *Public Sector Higher Education* (2012); *Negotiation, Collective Bargaining & Dispute Resolution* (2011).

**National Center for the Study of Collective Bargaining in Higher Education Professions:** Conference panelist: *First Amendment* (2024); *Discrimination in Religious Institutions* (2023); *Collective Bargaining & Shared Governance* (2022); *Labor & Education under Biden* (2021); *Legal Update* (2019); *Multi-Employer Negotiations* (2016); *Comparing Public & Private-Sector Bargaining* (2015); *Part-Time Faculty & Grad Student Organizing* (2013); & *Social Media as Protected Activity* (2011-12, 2014).

**Other Organizations:** *Conference Planning Co-Chair* (2024); *Preparing for Arbitration* panelist (2023) - URI/NAA New England Region Conference. *Choosing a Federal Sector Arbitrator*, SFLERP webinar (2023). *Arbitrators from Afar*, NAA NorCal meeting, Oakland (2023). *Arbitration*, Catholic Labor Network conference (2023). *NWSLPA organizing discussion* moderator, Miami Sport Industry Conference (2023). *NLRB developments under Biden* moderator, NUSL Annual L&E Program (2022). *AFT/NEA Contract Negotiations* moderator, MASS/MASC conference (2022). Guest lecturer on *arbitration in athletics*, University of Miami (2022). NACUA panelist on *collective bargaining* (2015). MCLE instructor on *Legislative & Drafting Processes* (2018-19). Boston Bar Assn. Labor co-chair (2010-11). Member, SFLERP; ABA LEL.

**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 (1<sup>st</sup> Cir., 2003).

**ARBITRATION AND MEDIATION FEES; CANCELLATION POLICY**

Fees: \$1,900 *per diem* for labor grievance arbitration and fact-finding; \$2,200 *per diem* for interest arbitration (includes 2 hrs. travel). \$400 per hour for employment and commercial matters.

Expenses: writing, research, conferences and travel time billed at fractional *per diem*/hourly rate (as applied). Travel / expenses billed as incurred. No charge for administrative overhead. Visit locontoadr.com for more on policies / fees.

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