

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; MPPAA; 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 Taft-Hartley Funds matters. Member, NAA New England 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 State Mediation & Conciliation Service
 - Colorado Department of Labor and Employment
 - Federal Mediation and Conciliation Service (regions 3, 6, 7, 8, virtual, federal and international)
 - Iowa Public Employment Relations Board
 - Kansas Department of Labor
 - Los Angeles Co. (CA) Empl. Rel. Comm'n.
 - Maine Labor Relations Board
 - Montana Board of Personnel Appeals
 - Nebraska Commission on Industrial Relations
 - Nevada Gov't. Empl.-Mgmt. Rel. Bd.
 - New Hampshire Public Empl. Lab. Rel. Bd.
 - New Jersey Public Employment Relations Board
 - New Jersey Board of Mediation
 - Oregon Employment Relations Board
 - Pennsylvania Bureau of Mediation
 - Pennsylvania Labor Relations Board
 - Phoenix (AZ) Employment Relations Board
 - Port Auth. Of NY/NJ Empl. Rel. Panel
 - U.S. Dist. Ct., Dist. of Western Pennsylvania
 - U.S. Virgin Islands Public Empl. Rel. Bd.
 - Washington (state) Public Empl. Rel. Comm'n.

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. Mediation 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.

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; committee liaison to 12 collective bargaining units. Co-Led District Capacity Project with Boston Teachers Union in the 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.

Various Professional Organizations

Labor and Employment Relations Association (LERA): Executive Board member, Boston chapter. Member, national organization and Central Pennsylvania, Maine, New Jersey, Rhode Island and Virginia chapters. Co-Chair, Higher Education Industry Council (2008-2013). Annual Conference speaking: Best Papers Discussions on *Organized Voice* (2022) and *Wages* (2021); *Labor-Management Collaboration in K-12* (2016); *Higher Education Labor & Employment Law* (2013); *Public Sector Labor Law Issues in Higher Education* (2012); and *Negotiation, Collective Bargaining, and Workplace Dispute Resolution* (2011).

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

Other related service: Moderator, Northeastern University School of Law Labor & Employment Conference panel on NLRB developments (2022). Moderator, What's New in AFT/NEA Contract Negotiations in Massachusetts Schools (2022). Guest lecturer on arbitration in athletics, University of Miami Sports Administration program (2022). National Association of College & University Attorneys, Committee on Legal Education (2018 - 2020) and CLE speaker on collective bargaining (2015). Massachusetts Continuing Legal Education (MCLE), instructor on *Legislative & Drafting Processes* (2018 - 2019). Boston Bar Association, Traditional Labor Law subcommittee co-chair (2010 - 2011).

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 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. Contact for additional policies.

Cancellations: seven (7) calendar days prior to scheduled hearing date or less will incur one day hearing fee.