

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, Southern California and South Florida.

- **Industries and Issues:** Include trades, clerical workers, construction, K-12 and higher education, public safety, dining services, athletics, public sector, transportation, 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).
- **Direct Appointment Panels:** Commonwealth of Massachusetts-Alliance Panel; APWU and USPS (Expedited Panel-Connecticut); Port Authority of New York / New Jersey (Employee Relations Panel).
- **Rosters:** Include mediator, grievance and interest arbitration, and fact finder rosters with the American Arbitration Association (Labor and Consumer panels), AAA Mediation, Federal Mediation and Conciliation Service, Forum ADR, The Labor Relations Connection, Resolute Systems, and federal, state and local panels:
 - California: PERB and SMCS; LA County ERC
 - Illinois Educational Labor Relations Board (K-12)
 - Iowa PERB
 - Massachusetts DLR (*labor*) and OCABR (*lemon law*)
 - 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
 - New York City OATH (*contract disputes*)
 - Oregon ERB
 - Pennsylvania: Bureau of Mediation and LRB
 - Phoenix (AZ) ERB
 - Surface Transportation Board (*rail carrier disputes*)
 - U.S. Dist. Ct., Dist. of Western Pennsylvania
 - U.S. Virgin Islands PERB
 - Washington (state) PERC
 - *Resume on file with:* Colorado Dept. of L&E, Kansas Dept. of Labor, and Maine LRB.

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 (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. Additional policy development and compliance work in Title IX, 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.

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 (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). Member, national organization and Central Pennsylvania, Connecticut, Maine, New Jersey, New York City, Rhode Island, Oregon, Northern and Southern California, Virginia and Virtual chapters. Co-Chair, Higher Education Industry Council (2008-2013). Panelist at Virginia LERA chapter conference (2023). Annual Conference speaking: *Building an Arbitrator's Practice* (2023); Ph.D. Papers on *Collective Action* (2023), *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 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: *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 Labor & Employment Program (2022); *AFT/NEA Contract Negotiations* moderator, MASS/MASC conference (2022). Guest lecturer on *arbitration in athletics*, University of Miami (2022). NACUA CLE member (2018-20); panelist on *collective bargaining* (2015). MCLE instructor on *Legislative & Drafting Processes* (2018-19). Boston Bar Assn. Labor subcom. co-chair (2010-11). Member, Society of Federal Labor & Employee Relations Professionals (SFLERP); ABA LEL Section.

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 and travel time billed at fractional *per diem* or hourly rate (as applied). Out-of-pocket expenses billed as incurred; *travel charges for ERB matters begin at the Oregon border*. I do not charge for administrative overhead. Please contact me for a full fee schedule and related policies.

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