



Michael T. Loconto, Esq.

Arbitrator

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January 4, 2024
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Surface Transportation Board
in care of Director Mai T. Dinh
Office of Proceedings
395 E Street, S.W.
Washington, D.C. 20423-0001

Re: Surface Transportation Board – Docket No. EP 730 (Sub-No. 1)
Confirmation of Continued Availability - *Arbitrator Michael T. Loconto, Esq.*

Chairman Oberman, Members of the Board, Director Dinh and Board Staff:

Thank you for providing me with the opportunity to seek renewal of my status on the Surface Transportation Board's Roster of Arbitrators. I make this application pursuant to docket number EP 730 (Sub-No. 1), dated December 26, 2023, and in accordance with the provisions of 49 C.F.R. § 1108.6(b).

Briefly, I am writing to confirm my continued availability to hear rail rate and practice complaints under the Board's jurisdiction. I have attached an updated resume that features my current biographical information. Key additions include:

- My appointment to the National Mediation Board's roster of arbitrators for labor disputes in the rail and airline industries;
- My appointment to the American Arbitration Association's roster of arbitrators in labor, employment, consumer and ERISA/pension disputes; and
- My current rate for arbitration services in the commercial sector, which is \$400 per hour.

All other terms of my practice remain the same.

I respectfully request that I be retained on the Board's Roster of Arbitrators. I look forward to continued service as a Roster member. Please contact me if you require any further information.

Respectfully,

Michael T. Loconto, Esq.
Arbitrator

Attachment (1) - Arbitrator Michael T. Loconto, Esq. – *curriculum vitae*

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:** 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:** 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 & Minnesota Bureau of Mediation Services.
- **Direct Appointment Panels:** Commonwealth of Massachusetts-Alliance; APWU and USPS (Expedited-Connecticut); Port Authority of New York/New Jersey (Employee Relations Panel); NYSED 3020-a (Teacher Tenure Panel).
- **Rosters:** Include mediator, grievance and interest arbitration, 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 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
 - National Mediation Board (*rail and airline labor disputes*)
 - 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:* CO DLE, KS DOL, ME 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. 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 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. 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*.

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); national and local chapter member in California, New Jersey, New York, Pennsylvania, Oregon, Rhode Island & Virginia. Co-Chair, Higher Education Industry Council (2008-2013). *Ask the Arbitrator Panelist*, Virginia 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: 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: *Preparing for Arbitration*, URI/NAA New England Region Fall Conference (2023); *Choosing a Federal Sector Arbitrator*, SFLERP webinar (2023); *Arbitrators from Afar*, NAA NorCal meeting, Oakland (2023); *Arbitration*, Catholic Labor Network conference (2023); *NW/SLPA 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 committee (2019); 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 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 POLICY

Fees: \$1,850 *per diem* for labor matters. \$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.