

MICHAEL D. McDOWELL, ESQ.

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Present Occupation: Arbitrator and Mediator

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Second Business Address:

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APPOINTING AGENCY ROSTERS:

Federal Mediation and Conciliation Service
Pennsylvania Bureau of Mediation
Ohio State Employment Relations Board
New York State Employment Relations Board

American Arbitration Association
Pennsylvania Labor Relations Board
New Jersey State Board of Mediation
National Mediation Board

NAMED TO PERMANENT PANELS BY THE FOLLOWING PARTIES:

UMWA, District 2 and Bituminous Coal Operators' Association ("BCOA");
United States Postal Service and American Postal Workers Union, AFL-CIO (Expedited Panel);
City of Norton, OH and Ohio Council 8, AFSCME, AFL-CIO and Local 265.

ARBITRATION/LABOR RELATIONS EXPERIENCE:

10/2003 - Present: Arbitrator and Mediator in both public and private sectors. **1984 - 10/2003:** Part time labor arbitrator. **1987 - 10/2003:** Deputy General Counsel/Director of Human Resources/Counsel, Allegheny Energy, Inc. and subsidiaries., a public utility operating in five states, with an unregulated generation subsidiary operating in several other states. As Director, responsibilities included serving as lead negotiator for the generation subsidiary in collective bargaining contract negotiations. As Counsel, responsibilities involved representing Allegheny in labor and employment matters, including arbitration cases. **1987-1980:** Counsel/Senior Counsel, Dravo Corporation, which was a publicly traded multinational diversified engineering, construction, manufacturing, transportation and natural resources conglomerate; now d/b/a Carmeuse North America. Pittsburgh, PA. Responsibilities involved representing Dravo in labor and employment matters, including arbitration cases. **1980 - 1975:** Associate, private legal practice with Plowman and Spiegel, and before that Hirsch, Weise and Tillman. Responsibilities included labor and employment representation of individual and organizational clients of the firms, including the UMWA health and retirement funds. **1975 - 1973:** Assistant United States Attorney, Middle District of Pennsylvania, US Department of Justice. Responsibilities included civil and criminal matters for U.S. Bureau of Prisons at federal penitentiaries at Lewisburg and Allenwood, Pennsylvania.

INDUSTRIES:

Building products; cement; chemicals; coal; construction; education; electrical equipment/appliance; foundry; furniture; glass/pottery; health care; hospital/nursing home; iron; lumber; machinery; maritime; mining; nuclear energy; office workers/clerical; organizations; petroleum/petrochemicals; plastics; plumbing; prison guard; real estate; refrigeration/HVAC; shipbuilding/dry-dock; steel; stone/quarry; textile; transportation; trucking and storage; utilities; warehousing.

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Affirmative Action; Absenteeism; Arbitrability; Bargaining Unit Work; Conduct (Off-Duty)/Personal; Demotion; Discipline (non-discharge); Discipline (Discharge); Age Discrimination; Disability Discrimination; Race Discrimination; Sex Discrimination; Religion Discrimination; National Origin Discrimination; Drug/Alcohol Offenses; Bonus; Holidays; Insurance; Leave; Vacation; Grievance Mediation; Health/Hospitalization; Hiring Practices; Job Performance; Job Posting/Bidding; Jurisdictional Dispute; Layoffs/Bumping/Recall; Management Rights; Official Time; Past Practices; Pension and Welfare Plans; Pension Claim (Federal Statute); Promotion; Retirement; Safety/Health Conditions; Seniority; Sexual Harassment; Strikes, Lockouts, Work Stoppages, Slowdowns; Subcontracting/Contracting Out; Tenure/Reappointment; Union Security; Cost-of-living Pay; Holiday Pay; Incentive Pay; Job Classification, Merit Pay, Overtime Pay, Severance Pay, Vacation Pay, Work Hrs/Scheds/Assignmts, Working Conditions/Work Orders, Violence or Threats.

EDUCATION:

JD	Law	University of Pittsburgh	1973
BS	Business Administration	University of Dayton	1970

CITATIONS TO PUBLISHED CASES:

06-1 ARB(CCH) ¶3557 (2006), 06-1 ARB(CCH) ¶3529 (2006), 06-1 ARB(CCH) ¶3501 (2005), 06-1 ARB(CCH) ¶3376 (2005), 06-1 ARB(CCH) ¶3406 (2005), 05-1 ARB(CCH) ¶3140 (2005), 04-2 ARB(CCH) ¶3990 (2004), 04-1 ARB(CCH) ¶3990 (2004), 04-1 ARB(CCH) ¶3838 (2004), 94 LA (BNA) 894 (1990), 82 LA (BNA) 187 (1984)

PROFESSIONAL AFFILIATIONS:

LERA Southwestern PA Chapter	LERA Central Pennsylvania Chapter
COLERA	LERA Northeast Ohio Chapter
LERA Northeast Ohio Chapter	Three Rivers Area Labor Management Committee
American Bar Association	Pennsylvania Bar Association
Ohio State Bar Association	West Virginia Bar Association
Allegheny County Bar Association (Pittsburgh)	

CERTIFICATIONS:

Law: PA and WV; Advanced Practitioner Designation - Labor and Employment Arbitrator and Workplace Mediation by the Association for Conflict Resolution.

FEES:

PER DIEM FEE: \$800

CANCELLATION FEE: see below

Grievance Arbitration: The fee is \$800 per day, plus expenses, for each hearing day, and for administration, evidence and transcript review, research and preparation of the opinion and award. A hearing day is any portion of a day up to eight hours. In addition, fee for hearing days over eight hours for one day includes \$100 for each hour or part of an hour over eight hours. Time for administration, evidence and transcript review, research and preparation is prorated.

Interest Arbitration, Fact-finding and Labor Mediation: Arbitrator charges \$1,200 per day (for up to 8 hours), plus expenses. Time for administration, evidence and transcript review, research and preparation is prorated at \$150/hour.

Cancellation Policy: If the scheduled hearing is cancelled with notice of less than fifteen (15) calendar days, the per diem for each scheduled day of hearing shall be charged if another matter can not be set in its place.

Travel Time: Arbitrator charges prorated per diem fee for travel time. When travel occurs on a hearing day, hearing day rates will apply to the time of the hearing day spent as travel time.

Arbitrator charges from the nearest business address.