

**MICHAEL D. McDOWELL, ESQ.**

**FMCS-3807**

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**Present Occupation:** Arbitrator and Mediator

**First Business Address:**

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**Second Business Address:**

143 Boardman-Canfield Road  
Suite 154  
Youngstown, OH 44512  
Phone: (412) 260-5151

**PROFESSIONAL AFFILIATIONS:**

National Academy of Arbitrators; LERA Southwestern PA, Central PA, Northeast Ohio and COLERA Chapters: American, PA, Ohio, WV, and Allegheny County (Pittsburgh) Bar Associations; Association for Conflict Resolution; Three Rivers Area Labor Management Committee.

**APPOINTING AGENCY ROSTERS:**

Federal Mediation and Conciliation Service  
Pennsylvania Bureau of Mediation  
Ohio State Employment Relations Board  
New York State Employment Relations Board  
Montana Board of Personnel Appeals  
Maryland State Labor Relations Board

American Arbitration Association  
Pennsylvania Labor Relations Board  
New Jersey State Board of Mediation  
National Mediation Board  
Virgin Islands Public Employees Relations Board  
Maryland State Higher Ed. Labor Relations Bd.

**NAMED TO PERMANENT PANELS BY THE FOLLOWING PARTIES:**

AFSCME and Commonwealth of Pennsylvania: UMWA, District 2 and Bituminous Coal Operators' Association ("BCOA"); United States Postal Service and American Postal Workers Union, AFL-CIO (Cincinnati and Kentuckiana Expedited Panels); City of Norton, OH and Ohio Council 8, AFSCME, AFL-CIO and Local 265; Community College of Allegheny County and SEIU Local 668; Ormet Primary Aluminum Corp and USW – District 1 (Expedited panel).

**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; Federal Sector – Grievance; glass/pottery; health care; hospital/nursing home; iron; lumber; machinery; maritime; mining; nuclear energy; office workers/clerical; organizations; petroleum/petrochemicals; plastics; plumbing; prison guard; Public Sector – Grievance; Public Sector – Interest; real estate; refrigeration/HVAC; shipbuilding/dry-dock; steel; stone/quarry; textile; transportation; trucking and storage; utilities; warehousing.

**ISSUES:**

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; Interest Arbitration; Leave; Vacation; Grievance Mediation; Health/Hospitalization; Hiring Practices; Job Performance; Job Posting/Bidding; Jurisdictional Disputes; Layoffs/Bumping/Recall; Management Rights; Official Time; Past Practices; Pension and Welfare Plans; Pension Claim (Federal Statute - ERISA); 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.

**PUBLISHED CASES:**

124 LA (BNA) 458, 07-1 ARB (CCH) ¶3726, 123 LA (BNA) 223, 123 LA (BNA) 1062, 06-2 ARB (CCH) ¶3644, 06-1 ARB (CCH) ¶ 3557, 06-1 ARB (CCH) ¶ 3529, 06-1 ARB (CCH) ¶ 3501, 05-1 ARB (CCH) ¶ 3140, 04-2 ARB (CCH) ¶3990, 04-1 ARB (CCH) ¶3838, 94 LA (BNA) 894, 82 LA (BNA) 187.

**EDUCATION:**

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

**CERTIFICATIONS:**

Admitted to Practice Law: Pennsylvania and West Virginia. Designated as an Advanced Practitioner in Labor and Employment Arbitration, and in Workplace Mediation, by the Association for Conflict Resolution ([www.ACRNET.org](http://www.ACRNET.org)).

**PER DIEM FEE:** \$1000.00    **DOCKETING FEE:** none    **CANCELLATION FEE:** see below

**Grievance Arbitration:** The fee is \$1000.00 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 \$125.00 for each hour or part of an hour over eight hours. Time for administration, evidence and transcript review, research and preparation is prorated.

**Cancellation Policy:** If the scheduled hearing is cancelled or postponed with notice of less than thirty (30) calendar days, the per diem for each scheduled day of hearing shall be charged.

**Interest Arbitration, Fact-finding and Labor Mediation:** Arbitrator charges \$1,400.00 per day (for up to 8 hours), plus expenses. Time for administration, evidence and transcript review, research and preparation is prorated at \$175/hour.

**Travel Time:** Arbitrator charges prorated per diem fee for travel time. Fee for travel time for over eight hours for one day is charged at \$125.00 for each hour or part of an hour over 8 hours. 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.

**CCR:** Current Central Contractor Registration.