

MICHAEL D. MCDOWELL, ESQ.

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PRESENT OCCUPATION

Arbitrator and Mediator

PROFESSIONAL AFFILIATION

Member, National Academy of Arbitrators

EDUCATION

1970 University of Dayton BS Bus. Adm.

1973 University of Pittsburgh School of Law Juris Doctor

ARBITRATION EXPERIENCE

2003-present - Mr. McDowell is a full-time arbitrator and mediator based in Pittsburgh, PA with over thirty years of experience in complex litigation and alternative dispute resolution. Part time arbitrator, 1984-2003; Previously served as Deputy General Counsel/Director, Human Resources/Attorney, Allegheny Energy, Inc.; Senior Counsel/Counsel, Dravo Corp.; Attorney, Plowman and Spiegel; Attorney, Hirsch, Weise & Tillman; Assistant United States Attorney, Middle District of Pennsylvania.

INDUSTRIES

Building products; cement; chemicals; coal; construction; education; electrical equipment/appliance; foundry;urniture; glass/pottery; health care; hospital/nursing home; iron; lumber; machinery; maritime; mining; nuclear energy; office workers/clerical; organizations; petroleum/petrochemicals; plastics; plumbing; postal; prison guard; 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; Leave; Vacation; Grievance Mediation; Health/Hospitalization; Hiring Practices; Job Performance; Job Posting/Bidding; Jurisdictional Dispute; ayoffs/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, Call in Pay, Merit Pay, Overtime Pay, Severance Pay, Vacation Pay, Work Hrs/

Schedules/Assignments, Working Conditions/Work Orders, Violence or Threats.

PERMANENT PANELS

Information Technology and Accounting Services Arbitration Panel for the Wilkes Barre, PA Center; B&B Trucking and APWU, Great Lakes Area Mail Haulers Local; City of Pittsburgh and Fraternal Order of Police, Ft. Pitt Lodge No. 1; Commonwealth of PA and PA State Corrections Officers Association; Commonwealth of PA and PA State Troopers Association; Defense Finance & Accounting Service (Cleveland and Columbus sites) and AFGE (Locals 3283, 1148); District 2 and Bituminous Coal Operators' Association ("BCOA"); USPS (Eastern Area) and NALC (Regions 11 & 12) Expedited Panels. ; USPS and APWU (Cincinnati and Kentuckiana Districts' Regular Contract/Discipline Panels);

ARBITRATION ROSTERS

FMCS Arbitration Roster (labor arbitrator);
Montana Board of Personnel Appeals (labor arbitrator);
American Arbitration Association (labor arbitrator);
Maryland State Higher Ed. Labor Relations Bd. (labor arbitrator);
Maryland State Labor Relations Board (labor arbitrator);
New Jersey State Board of Mediation (labor arbitrator);
Ohio State Employment Relations Board (fact finder);
Pennsylvania Bureau of Mediation (labor arbitrator);
Pennsylvania Labor Relations Board (labor arbitrator).

PUBLISHED CASES

Pa. Transformer and USW, Decision and Award Issued April 10, 2007, 35 LAIS 140;
CCI Carbon LLC and ICWUC, Decision and Award issued February 26, 2007, 35 LAIS 50;
Camalloy, Inc. and Teamsters Local No. 586, Decision and Award issued October 2, 2006, 07-1 ARB ¶3726;
District 1199/SEIU and Aramark at Western Psychiatric Institute and Clinic, Decision and Award issued July 4, 2006, 06-2 ARB ¶3644, 34 LAIS 274;
Hamar Village and SEIU, District 1199P, Decision and Award Issued May 1, 2006, 34 LAIS 190;
Teamsters Local 205 and Peters Township, PA, Decision and Award issued April 7, 2006, 06-1 ARB (CCH) ¶ 3557;
Millcreek Township Police Association and Township of Millcreek, Decision and Award issued March 21, 2006. 06-1 ARB (CCH); ¶3529, 34 LAIS 96.
Service Employees International Union, Local 668, Pennsylvania Social Services Union, AFL-CIO-CLC and County of Westmoreland, Pennsylvania, Decision and Award issued December 26, 2005. 06-1 ARB (CCH) ¶3501, 34 LAIS 1;
Fraternal Order of Police, Lodge No. 21 and City of New Castle, Decision and Award issued October 13, 2005, 06-1 ARB (CCH) ¶3376; 33 LAIS 402;
General Teamsters, Chauffeurs and Helpers Local Union No. 249 and Arrow Concrete Co., Decision and Award Issued November 7, 2005. 33 LAIS 497;
Elizabeth Forward Education Association and Elizabeth Forward School District, Decision and Award Issued August 22, 2005. 06-1 ARB (CCH) ¶3406; 33 LAIS 357.

SIGNIFICANT PUBLICATIONS

Author, "Actual Bias: The Applicable Standard for Lack of Disclosure by Arbitrators", Lawyers Journal, Allegheny County Bar Association, May, 2013;

Author, "Failure to Preserve Computer Hard Drives After Computer Replacement Leads to Dismissal of Lawsuit", Lawyers Journal, Allegheny County Bar Association, June, 2011;

Co-author, "Dealing with Non-clients," Chapter 8, Pennsylvania Ethics Handbook, Pennsylvania Bar Association, 1998, revised April 2000;

Author, "Sale of Business Exception to Multi-Employer Pension Plan Liability," Pittsburgh Legal Journal, Allegheny County Bar Association, December 1982.

PER DIEM FEE

The fee is \$2,000.00 per day, plus expenses, for each hearing day, and for administration, evidence and transcript review, research and preparation of the 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 \$250.00 for each hour or part of an hour over eight hours. Time for administration, evidence and transcript review, research and award preparation is prorated. Interim billing and/or prepayment may be required.

DOCKET FEE

\$0

GRIEVANCE ARBITRATION

\$2,000.00 per diem.

CANCELLATION POLICY

If the hearing is postponed, rescheduled or cancelled with notice of less than 30 days, the per diem fee of \$2,000.00 for each day of hearing and travel scheduled will be charged.

INT ARBT, FACT FND & LABOR MED

\$1,500.00 per diem.

TRAVEL TIME

\$2,000.00 per travel day.

EXPENSES

The actual cost of reasonable expenses, including airfare, car rental, food, and lodging will be charged.