

## ATTORNEY BIOGRAPHY



### Marc L. Terry

Partner

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### Westborough Office:

1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926

### Legal Administrative Assistant

Lisa J. Gallo

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### Practice Groups and Specialty Areas

Labor, Employment and Employee Benefits

Education Law

Human Resource-Related Advice and Training

Public and Municipal Law

Labor Law

Employee Benefits and Executive Compensation

Marc is a partner in the firm's Labor, Employment and Employee Benefits Group. He concentrates his practice in the representation of municipalities, public school districts and other public entities as well as private employers in traditional labor law. He has been the lead negotiator for numerous collective bargaining negotiations. He has defended clients in labor arbitrations and against unfair labor practice charges, and has handled numerous representation proceedings.

Marc advises clients in a wide range of labor and employment-related issues, such as investigating employee misconduct; imposing employee discipline; negotiating employment, separation and non-compete agreements; drafting employee policies; managing employees with medical conditions under the Family and Medical Leave Act and the Americans with Disabilities Act; conducting reductions-in-force and complying with wage and hour law. Marc also advises public school districts regarding school policy, student discipline, student rights, the budget process and other education-related issues.

Marc defends clients against allegations of sexual harassment, employment discrimination, wrongful termination, wage and hour violations and Family and Medical Leave Act violations. Marc regularly represents clients before the Division of Labor Relations, the American Arbitration Association, the Civil Service Commission, the National Labor Relations Board and the state and federal courts.

In 2008, Marc was selected by the *Worcester Business Journal* as one of "40 under Forty" professionals honored for their professional excellence and community service.

### Representative Matters

- Successfully defended employer in grievance arbitration regarding the termination of employee for misconduct
- Successfully defended municipal employer in termination of police officer for abuse of authority, fraud and extortion before Civil Service Commission
- Negotiated significant health insurance cost containment measures for numerous public unionized employers
- Negotiated numerous drug and alcohol provisions for police officers and other municipal employees
- Represented transportation company in obtaining injunctive relief against union for unlawfully withholding services resulting in favorable resolution of labor dispute
- Represented numerous clients in wage and hour investigations by Attorney General's Office
- Obtained favorable settlement for chemical manufacturer in wrongful termination claim based on allegation of national origin and race discrimination
- Advised municipal employers regarding issues involving the authority of various officials under the General Laws, town charters and town by-laws.

### Education

JD, *cum laude*, Suffolk University Law School (1996)

BA, Boston University (1991)

### Bar and Court Admissions

Massachusetts

U.S. District Court for Massachusetts

### Professional/Community Affiliations

Leadership MetroWest, board of directors, 2004 graduate of the Leadership Academy

MetroWest Chamber of Commerce, board of directors

Massachusetts Council of School Attorneys, president

Town of Ashland Affordable Housing Trust Committee, committee member

Massachusetts Bar Association, Labor and Employment Section, Liaison Committee to the Attorney General's Fair Labor Practices Division

Boston Bar Association, Labor and Employment Section and College and University Law Section

## ATTORNEY BIOGRAPHY – MARC L. TERRY

### Publications/Presentations

- “Union Avoidance in the EFCA (or EFCA-Lite) Era,” MetroWest Human Resource Management Association, September 15, 2009
- “The New Family and Medical Leave Act,” MetroWest Human Resource Management Association, January 8, 2009; Mirick O’Connell Seminar Series, January 13, 2009; Worcester County Bar Association, Bench/Bar Day, March 12, 2009; Mirick O’Connell Labor, Employment & Employee Benefits Annual Seminar, March 26, 2009; and Worcester Chamber of Commerce, April 24, 2009
- “Advanced Topics under the ADA,” MetroWest Human Resource Management Association, April 14, 2009; Mirick O’Connell Labor, Employment & Employee Benefits Annual Seminar, November 14, 2007
- “Union Avoidance in the EFCA-Era,” Mirick O’Connell Seminar Series, February 11, 2009; North Central Chamber of Commerce, CFO Roundtable, April 14, 2009
- “The Family and Medical Leave Act, the Americans with Disabilities Act and Workers’ Compensation Act,” North Central Chamber of Commerce, October 15, 2008
- “How to Handle Conflicts and Confrontations: Best Practices for Employers,” Corridor Nine Chamber of Commerce, April 17, 2008
- “Addressing Two Recurring HR Nightmares: Disciplining the Employee who is Setting You Up for a Lawsuit; and Managing the Employee Who Poses a Threat in the Workplace, Either to Himself or Others,” Mirick O’Connell Labor, Employment & Employee Benefits Annual Seminar, November 14, 2007
- “Employee Handbooks,” Mirick O’Connell, Labor, Employment & Employee Benefits Annual Seminar, November 30, 2006
- "Employee or Independent Contractor," *HRMA Perspectives*
- "Legal Requirements of Waivers Under the ADEA," *HRMA Perspectives*
- "Supreme Court Refuses to Enforce 'No Retroactive Designation Rule' in *Ragsdale v. Wolverine World Wide, Inc.*," *Massachusetts Bar Institute Section Review*.
- Legal contributor, *MetroWest Human Resource Management Association Newsletter*