

ATTORNEY BIOGRAPHY



Marc L. Terry

Partner

Tel: 508.860.1447 | **Fax:** 508.207.9345 | **Email:** mterry@mirickoconnell.com

Westborough Office: 1800 West Park Drive | Westborough | MA | 01581-3941

Legal Administrative Assistant

Lisa J. Gallo

Tel: 508.860.1467 | Email: lgallo@mirickoconnell.com

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 and leads its Public Education practice. He concentrates his practice in the representation of public school districts, municipalities and other public entities as well as private employers in labor and employment law. He has been the lead negotiator for numerous collective bargaining negotiations, successfully defended clients in labor arbitrations, against unfair labor practice charges and appeals to the Civil Service Commission, 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 employment 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 laws, including the Massachusetts independent contractor law.

In his public school practice, Marc also advises districts regarding school policy, student discipline, student rights, the budget process, professional licensing requirements, the non-renewal of professional staff 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 Department 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 school district in lengthy suspension of teacher who compromised exam security protocols
- Negotiated performance-based compensation in teachers' collective bargaining agreement
- Negotiated significant health insurance cost containment measures for numerous public, unionized employers
- Successfully defended municipal employer in termination of police officer for abuse of authority, fraud and extortion
- Represented numerous clients in wage and hour investigations by Attorney General's Office and U.S. Department of Labor
- Obtained favorable resolution to unfair labor practice claim alleging discrimination against school superintendent

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

National Council of School Attorneys, Board of Directors (2017-present)

Ashland School Committee, vice chair (2015-present)

Massachusetts Council of School Attorneys, Executive Committee (2009-2012), president (2011)

MetroWest Chamber of Commerce, Board of Directors (2011-2016), chair (2013)

Leadership MetroWest, Board of Directors (2006-2015), chair (2012-2014), graduate of Leadership Academy (2004)

ATTORNEY BIOGRAPHY – MARC L. TERRY

Publications/Presentations

- “Board of Elementary and Secondary Education Adopts Emergency Regulations Addressing Student Learning Time,” Mirick O’Connell Client Alert, December 18, 2020
- “Reopening of Public Schools during COVID-19 Pandemic,” *On Air with Mirick O’Connell* legal podcast, September 23, 2020
- Guest, “Legal Issues for Public Schools for Re-opening during Covid-19 Pandemic,” *Rhode Island Lawyers Weekly* Sidebar, September 2020
- “New Municipal Relief Act has Important Provisions for School District Service Contracts and Emergency Educator Licensing,” Mirick O’Connell Client Alert, June 18, 2020
- “The Next Phase in the COVID-19 Battle for School Districts: Budget Cuts, Furloughs, Layoffs and Collective Bargaining,” Mirick O’Connell Client Alert, May 15, 2020
- “COVID-19 Impact on Public Schools,” *On Air with Mirick O’Connell* legal podcast, April 3, 2020
- “Extended Closure due to COVID-19 Raises Multiple Issues for Schools,” Mirick O’Connell Client Alert, March 30, 2020
- “Executive Order Loosens Open Meeting Law Requirements During Coronavirus Emergency,” Mirick O’Connell Client Alert, March 13, 2020
- “Superintendent Contracts – Dos and Don’ts,” Joint Massachusetts Association of School Superintendents and Massachusetts Association of School Committees, November 3, 2016
- “Changes in the Overtime Law and What it Means for Your Business,” MetroWest Chamber of Commerce, June 7, 2016
- “You Finished Negotiating Your CBAs. Now What?: Mid-Term Bargaining and Grievance Administration,” Massachusetts Association of School Business Officials, April 14, 2016
- “Wheel of Misfortune: Managing the Accommodation Process,” Mirick O’Connell Annual Labor, Employment and Employee Benefits Seminar, April 6, 2016
- “Knotty & Emerging Issues in Collective Bargaining,” Joint Massachusetts Association of School Committees and School Superintendents Conference, November 6, 2015
- “The Family and Medical Leave Act,” Massachusetts Association of School Personnel Administrators, March 31, 2015
- “Legal Update,” Massachusetts Municipal Personnel Association, March 6, 2014
- “Bargaining Teacher Evaluations: Where Are We Now?,” Joint Massachusetts Association of School Committees and School Superintendents Conference, November 6, 2013
- “Employee Handbooks: An Employer’s Best Friend and Worst Enemy,” MetroWest Human Resource Management Association, October 8, 2013
- “Teacher-on-Student Bullying: Is Your Massachusetts School District Ready for this Test?,” *Northeastern University Law Journal*, Vol. 5, No. 1 (Spring 2013)
- “Social Media: Rights and Risks for School Districts as Employers and Public Institutions,” Joint Massachusetts Association of School Committees/Massachusetts Association of School Superintendents Conference, November 11, 2011 and November 4, 2010
- “Health Coverage & Collective Bargaining: New Options, New Strategies,” Massachusetts Association of School Superintendents Executive Institute, July 14, 2011
- “Collective Bargaining for the HR Professional: From Bargaining Basics to Advanced Strategies,” Massachusetts Association of School Personnel Administrators, November 18, 2010
- “Bargaining for Merit Pay,” Massachusetts Association of School Superintendents, Executive Committee, October 21, 2010
- “The New Family and Medical Leave Act,” Worcester Chamber of Commerce, April 24, 2009; Mirick O’Connell Labor, Employment & Employee Benefits Annual Seminar, March 26, 2009; Worcester County Bar Association, Bench/Bar Day, March 12, 2009; Mirick O’Connell Seminar Series, January 13, 2009; and MetroWest Human Resource Management Association, January 8, 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

ATTORNEY BIOGRAPHY – MARC L. TERRY

Publications/Presentations

- “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
- "Supreme Court Refuses to Enforce 'No Retroactive Designation Rule' in Ragsdale v. Wolverine World Wide, Inc.," Massachusetts Bar Institute Section Review, Vol. 4 No. 3 (Summer 2002)