

ATTORNEY BIOGRAPHY



Marc L. Terry

Partner

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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

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, Steering Committee Chair, Board of Directors (2017-2022)

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)

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. In 2024, Marc was selected as a member of the newly formed AASA Committee to enhance advocacy work with federal agencies and Congress.

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

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Publications/Presentations

- [Charter Schools Legal Update: “Supreme Court Decision Addresses When Government Officials May Block Social Media Users,”](#) Mirick O’Connell Client Alert, March 19, 2024
- [Public Education Legal Update: “Supreme Court Decision Addresses When Government Officials May Block Social Media Users,”](#) Mirick O’Connell Client Alert, March 19, 2024
- “Reasonable Accommodations under the Americans with Disabilities Act and Massachusetts Law,” Mirick O’Connell Labor, Employment and Employee Benefits Annual Seminar (May 4, 2023)
- [Public Education Legal Update: “School District Did Not Violate Teacher’s Religious Rights After Teacher Refused to Follow District’s Transgender Name Policy,”](#) Mirick O’Connell Client Alert, April 19, 2023
- [Charter Schools Legal Update: “School District Did Not Violate Teacher’s Religious Rights After Teacher Refused to Follow District’s Transgender Name Policy,”](#) Mirick O’Connell Client Alert, April 19, 2023
- [Public Education Legal Update: “Remote Public Meetings Extended Through March 31, 2025,”](#) Mirick O’Connell Client Alert, March 31, 2023
- [Charter Schools Legal Update: “Remote Public Meetings Extended Through March 31, 2025,”](#) Mirick O’Connell Client Alert, March 31, 2023
- [Public Education Legal Update: “SJC Finds Public Meeting Comment Restrictions Unconstitutional,”](#) Mirick O’Connell Client Alert, March 10, 2023
- [Charter Schools Legal Update: “SJC Finds Public Meeting Comment Restrictions Unconstitutional,”](#) Mirick O’Connell Client Alert, March 10, 2023
- [Charter Schools Legal Update: “Public School Did Not Violate Parents’ Constitutional Rights When School Staff Spoke To Their Children About Gender Identity,”](#) Mirick O’Connell Client Alert, January 19, 2023
- [Public Education Legal Update: “Public School Did Not Violate Parents’ Constitutional Rights When School Staff Spoke To Their Children About Gender Identity,”](#) Mirick O’Connell Client Alert, January 19, 2023
- Quoted in “School Boards Are Limiting Public Comment. Will That Erode Trust?,” *Education Week*, January 18, 2023
- [Charter School Legal Update: “Recent Court Decision Clarifies the Massachusetts Independent Contractor Law Does Not Apply to Public Employers,”](#) Mirick O’Connell Client Alert, September 26, 2022
- [Public Education Legal Update: “Recent Court Decision Clarifies the Massachusetts Independent Contractor Law Does Not Apply to Public Employers,”](#) Mirick O’Connell Client Alert, September 26, 2022
- [Public Education Legal Update: “Massachusetts ‘CROWN’ Law Prohibits Discrimination Based on Hairstyle,”](#) Mirick O’Connell Client Alert, July 28, 2022
- [Charter School Legal Update: “Massachusetts ‘CROWN’ Law Prohibits Discrimination Based on Hairstyle,”](#) Mirick O’Connell Client Alert, July 28, 2022
- [Charter Schools Legal Update: “Remote Public Meetings Extended Through March 31, 2023,”](#) Mirick O’Connell Client Alert, July 19, 2022
- [Public Education Legal Update: “Remote Public Meetings Extended Through March 31, 2023,”](#) Mirick O’Connell Client Alert, July 19, 2022
- [Charter Schools Legal Update: “Scope of Supreme Court Decision Allowing Coach to Pray on Field Limited,”](#) Mirick O’Connell Client Alert, June 29, 2022
- [Public Education Legal Update: “Scope of Supreme Court Decision Allowing Coach to Pray on Field Limited,”](#) Mirick O’Connell Client Alert, June 29, 2022
- [“Massachusetts ‘POST’ Commission Enjoined From Requiring Police Officers to Answer Certain Questions on New Questionnaire relating to Police Officer Recertification,”](#) Mirick O’Connell Client Alert, June 29, 2022
- [“U.S. Department of Education Releases Proposed Revisions to Title IX Regulations,”](#) Mirick O’Connell Client Alert, June 28, 2022
- [“Recent Federal Court Case Changes Rules on Authority Over Voluntary Transfers,”](#) Mirick O’Connell Client Alert, June 21, 2022
- “How to Navigate Mental Health Issues under the ADA,” Massachusetts Associations of School Business Officials (May 18, 2022) (co-presenter)
- [Charter Schools Legal Update “Don’t Delay: MA Employers Are Now Strictly Liable for Three Times the Amount of Wages for Late Payments With No Safe Harbor for Paying in Full Prior to Suit!”](#) Mirick O’Connell Client Alert, April 8, 2022
- [Public Education Legal Update “Don’t Delay: MA Employers Are Now Strictly Liable for Three Times the Amount of Wages for Late Payments With No Safe Harbor for Paying in Full Prior to Suit!”](#) Mirick O’Connell Client Alert, April 8, 2022
- [“Remote Public Meetings Authorized Through July 15, 2022,”](#) Mirick O’Connell Client Alert, February 22, 2022
- [“U.S. Department of Education Announces Timeline for Revisions to Title IX Regulations,”](#) Mirick O’Connell Client Alert, December 14, 2021
- [“Massachusetts Legislature Enacts School Anti-Lunch Shaming Law,”](#) Mirick O’Connell Client Alert, December 2, 2021
- [“Handling Public Comment and Public Records Requests in Light of Critical Race Theory, COVID-19 and Other Contentious Issues,”](#) Mirick O’Connell Client Alert, October 14, 2021
- [“Supreme Court Finds School District Violated First Amendment for Off-Campus Speech,”](#) Mirick O’Connell Client Alert, June 25, 2021
- [“Remote Public Meetings Authorized Through April of 2022; New Law Extends Additional COVID-19 Emergency Rules,”](#) Mirick O’Connell Client Alert, June 18, 2021
- [“Workplace Investigations in Today’s World,”](#) Mirick O’Connell Spring Webinar Series (May 21, 2021)
- [“Juneteenth and the School Year Calendar,”](#) Mirick O’Connell Client Alert, May 4, 2021

ATTORNEY BIOGRAPHY – MARC L. TERRY

Publications/Presentations (continued)

- “[Employer Tax Credits for Employee Paid Leave Due to COVID-19 Applies to Government Entities](#),” Mirick O’Connell Client Alert, April 29, 2021
- “[Board of Elementary and Secondary Education Adopts Emergency Regulations Addressing Student Learning Time](#),” Mirick O’Connell Client Alert, December 16, 2020
- “[Reopening of Public Schools during COVID-19 Pandemic](#),” *On Air with Mirick O’Connell* legal podcast (September 23, 2020)
- “Legal Issues for Public Schools for Re-opening during Covid-19 Pandemic,” *Rhode Island Lawyers Weekly* Sidebar (guest) (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
- “School Bullying 102: Teacher on Student Bullying,” *American School Board Journal*, Vol. 199, No. 12, December 2012
- “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)
- “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