

MARK S. McCARTY

BACKGROUND:

- Law Degree with 40+ years of experience in employment and labor law in public and private employment settings;
- More than two decades of experience in investigating and supervising/reviewing investigations in employment settings, including law enforcement agencies;
- Extensive knowledge and experience with contract administration, collective bargaining, and human resource programs and policies;
- Human Resource Director for complex public sector law enforcement organization with more than 1800 employees with many different collective bargaining agreements;
- Legal Advisor to major law enforcement organization with significant involvement in advising on contract interpretation, administering collective bargaining agreements, processing of grievances and civil service appeals, and review of internal investigation results and recommendations;
- Reputation for facilitating communication among diverse parties and for building respectful and working relationships between management and labor;
- Proven track record of solving challenging problems with aggressive competing interests with skill and grace and without complications;
- Employee Relations experience in investigations, arbitrations, mediations, civil service hearings, and settlement resolutions of grievances, civil service appeals, EEOC, and other claims;
- Effective verbal and written communicator honed by years of representing parties before administrative agencies, trial courts, and courts of appeals;
- Highly skilled communicator and collaborator with widely diverse parties at all levels of an organization;
- Experienced working in confidential environments;
- Experienced working in environment with dramatically competing demands;
- Experienced identifying and resolving work-place issues at low levels and in timely manner without supervision;
- Experienced in investigating and analyzing information and providing wise and skillful suggestions for proceeding; and
- Extensive supervisory experience in a public employment environment.

PROFESSIONAL EXPERIENCE:

July 2022—August 2023

*Kaiser Permanente of Washington
Senior Labor Relations Consultant*

- I was the primary contact for the administration of the collective bargaining agreement covering all administrative staff across the State of Washington.
- I advised managers/directors on processing grievances through Steps 1 and 2, directly handled all Step 3 grievances, and prepared cases for arbitration.
- I also advised managers/directors on labor and employment law issues and Kaiser human resources policies.
- I conducted workplace investigations for administrative staff and managers/director accused of misconduct and provided recommendations on dispositions.

November 2016—July 2022

Seattle School District

Labor and Employee Relations Manager

- I was the primary contact for the administration of all collective bargaining agreements covering all classified employees in more than 100 school buildings.
- I also served as an adviser and resource to directors/managers for all labor and employment laws, performance evaluations, compensation issues, and District policies and procedures.
- I assisted in or conducted investigations into employee misconduct allegations and either lead or assisted in collective bargaining negotiations with the labor representatives for classified staff.
- I was the primary contact for all employment issues involving substitute employees, including certificated staff.

November 2014-November 2016

City of St. Louis Civil Rights Enforcement Agency

Investigator

- As an investigator for the Civil Rights Enforcement Agency of the City of St. Louis, I investigated and recommended actions on alleged unlawful discrimination/retaliation in employment and housing cases within the boundaries of the City of St. Louis.

September 2012-October 2014

McCarty Law Firm

Owner

- Own and operate law firm representing individuals and labor organization on collective bargaining issues and civil matters ranging from wills, divorces, and custody to civil rights violations, wrongful discharge, and wage and hour.
- May-July 2013 and February-March 2014 project consultant for TrueBlue, Inc. in Tacoma, WA reviewing and advising on numerous employment and labor issues associated with the operation of the nation's largest blue-collar employment referral agency.
- January-May 2014 contract consultant assisting Seattle Police Department with transition to new command staff under newly-elected Mayor Ed Murray.

September 2007-June 2012

*Human Resource Director
Seattle Police Department*

- Responsible for managing the human resource needs of the Seattle Police Department
- Primary responsibility for the management and oversight of:
 - Employment Services (recruitment, selection and hiring)
 - Payroll and Benefits Administration
 - Wellness and Accountability
 - Employee Relations
 - Personnel Records
 - Americans with Disabilities Act
 - Classification and Compensation Management
 - Family Medical Leave Act and
 - Equal Employment Opportunity
- Directed the work of 30 positions via 6 direct reports to design, implement, and administer all human resources initiatives and systems for a total workforce of approximately 1800 Police Department employees (1300 sworn officers and 500 civilians) who are represented by multiple unions.
- Responsible for working collaboratively with the City's Personnel Department on a variety of program and policy issues.
- Advised and provided leadership on human resource and labor relations policy and short and long-term strategic planning.

January 2002 – March 2008

*Employment Legal Advisor
Seattle Police Department*

- Provided legal policy direction and advice to the Chief of Police and all sworn and civilian managers on all aspects of labor and employment laws, constitutional law regarding the rights of public employees, discrimination laws, as well as a broad range of other legal issues related to eight different collective bargaining agreements, personnel rules, civil liability, and public disclosure law.
- Served on labor-management committees and participated in collective bargaining negotiations for the Department's uniformed bargaining units through mediation and interest arbitration.
- Advised and managed legal issues for the Chief of Police regarding the Department's internal disciplinary system, including ensuring consistency in application.
- Managed legal human resource policies of the Department and identified and resolved legal issues related to the Department's policies and procedures.
- Primary contact for the Police Department with the City Attorney's Office on Department labor and employment cases in litigation.
- Drafted confidential legal opinions and recommendations for the Chief and Command Staff.

- Responded to federal, state, and city agencies on matters relating to civilian and sworn employment, such as Equal Employment Opportunity Commission, Labor and Industries, Human Rights' Commission, Seattle Ethics Commission.
- Developed, organized, and implemented training for front line supervisors on how to recognize and address daily employment legal issues.

October 1995 – January 2002

Managing Attorney

Campiche, Hepburn, McCarty, & Bianco

Seattle, Washington

- Legal practice involved the representation of employers and employees in collective bargaining negotiations, discrimination issues, overtime claims, contract grievances, unemployment compensation, and retirement benefits.
- Representation included administrative hearings, trials, appellate advocacy, mediations, and arbitrations.
- Also represented plaintiffs in personal injury and maritime matters.
- Served as managing partner of fifteen-employee law firm.
 - Primarily responsible for managing office and supervising staff, including hiring, firing, promoting, and discipline.
 - Duties included ensuring compliance with overtime laws, family-medical leave requirements, reasonable accommodation of employees, and non-discriminatory work environment.
 - Also responsible for handling daily operating decisions associated with business.

September 1990-September 1995

Attorney-Associate and Partner

Reaugh, Fischnaller, and Oettinger

Seattle, Washington

- Practice primarily focused on representing public and private employees and unions in collective bargaining negotiations, internal disciplinary matters, grievances, and before civil service commissions.
- Represented employees with issues involving overtime pay, disability, sex, and race discrimination, and family-medical leave.
- Developed as a significant part of my practice the representation of public employees with retirement issues, including successful challenges of the Department of Retirement Systems before the Washington Court of Appeals.

May 1988 - August 1990

Managing Attorney

Aitchison, Snyder & Hoag

Seattle, Washington

- Responsible for the establishment and daily management of the Seattle office, including hiring, firing, and supervising staff, assigning work, purchasing equipment and supplies, and operating within a budget.
- Also responsible for representing numerous independent law enforcement labor unions in all facets of employment law, including negotiations of collective bargaining agreements, grievances, mediations, arbitrations, and proceedings, hearings, and trials before the Public Employment Relations Commission, the Washington Department of Personnel, and state courts.
- Developed and conducted shop steward training seminars.

October 1979 - May 1988

Attorney

National Labor Relations Board

August 1987 - May 1988

Baltimore Regional Office

- Full trial practice in investigation and prosecuting unfair labor practice charges.

November 1982 - August 1987

Division of Enforcement Litigation, Washington, D. C.

- Responsible for briefs, motions, and presentation of oral arguments to United States Courts of Appeals in cases seeking enforcement or review of NLRB decrees; negotiation of settlements on referred cases.
- Recipient of Certificate of Commendation for Outstanding Performance.

October 1979- November 1982

Office of Appeals, Washington D.C.

- Responsible for *de novo* review of appeals from Regional Directors' refusals to issue complaints. Position required analysis of opinions in all varieties of unfair labor practices.
- Recipient of Certificate of Commendation for Outstanding Performance.

PROFESSIONAL ORGANIZATIONS:

- Past Contributing Member, Major Cities' Chiefs of Police Human Resources National Committee
- Past President and Trustee, Labor Section, King County Bar Association
- Steering Committee, Pacific Coast Labor and Employment Law Conference

EDUCATION:

- Duke University School of Law, Durham, North Carolina
J.D. received May 1979

- Washington University; St. Louis, Missouri
A.B. received May 1975