

## Alexander T. MacDonald

Shareholder

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### Focus Areas

Workplace Policy Institute  
Labor Management Relations  
Emerging Companies and Venture Capital  
Appellate  
Arbitration  
Wage and Hour  
Contractors, Staffing and Contingent Workers

### Overview

Alexander T. MacDonald advises employers on all aspects of the employment and labor landscape, focusing on emerging legislation and regulation. He has extensive experience advising businesses on worker classification, arbitration, the administrative and regulatory process, and the future of work. He frequently writes, publishes, and speaks on these subjects. His work has been cited by scholars and appellate courts. He is a recognized voice for the management perspective.

Alexander is a core member of the Workplace Policy Institute (WPI) team. With WPI, he advises employers on legislative, administrative, and regulatory developments at the state and federal level. He advocates for employers in the regulatory and administrative process. He also helps employers protect their businesses by understanding and anticipating cutting-edge legal developments.

Alexander also has extensive experience in traditional labor law. He represents management in all aspects of labor-management relations, including unfair labor practice charges, grievance arbitrations, representation elections, contract negotiations, and related litigation, including litigation in the U.S. courts of appeal.

Before joining Littler, Alexander served as the director, future of work, for a major technology company. He also worked in a national labor and employment law firm and a major public-sector general counsel's office. He was a law clerk to the senior judges in the District of Columbia Court of Appeals.

He is also a veteran of the U.S. Air Force. He served in Operations Enduring Freedom and Iraqi Freedom. In law school, he graduated first in his class.

## Professional and Community Affiliations

- Lifetime Member, Scribes: The American Society of Legal Writers
- Member, Labor & Employment Executive Committee, Federalist Society

## Recognition

- Recipient, Young Lawyers Conference Significant Service Award, *Virginia State Bar*, 2016-2017

## Education

J.D., William & Mary Law School, 2012, *summa cum laude*

B.A., Old Dominion University, 2009

## Bar Admissions

District of Columbia

Virginia

## Courts

U.S. Supreme Court

U.S. Court of Appeals, 4th Circuit

U.S. Court of Appeals, 5th Circuit

U.S. District Court, Eastern District of Virginia

U.S. District Court, Western District of Virginia

U.S. District Court, Southern District of Texas

## Languages

Spanish

Latin

## **Publications & Press**

### **Predistribution, Labor Standards, and Ideological Drift: Why Some Conservatives Are Embracing Labor Unions (and Why They Shouldn't)**

*The Federalist Society*

September 23, 2024

### **How Union Tactics Sideline Businesses and Workers**

*U.S. Chamber of Commerce*

September 12, 2024

### **Littler's Workplace Policy Institute Releases 2024 Labor Day Report**

*Littler Press Release*

September 3, 2024

### **Ten Employment Issues This Labor Day**

*Littler Insight*

September 2, 2024

### **Alex MacDonald Explains How Unions' Right to "Exclusive Representation" May Be Unconstitutional**

*Labor Union News (Podcast)*

August 28, 2024

### **The Accidental Success of the NLRA: How a Law about Unions Achieved Its Goals by Giving Us Fewer Unions**

*The Federalist Society*

August 28, 2024

### **Leading Business Coalition Urges Supreme Court Review in Key Case on Government-Forced Union Representation**

*Littler Press Release*

August 22, 2024

### **A Regression to Politics? Recent Court Decisions Could Give Partisanship Even More Influence at the NLRB**

*Washington Legal Foundation*

August 16, 2024

### **Recent Injunction Decisions Muddy Labor Board's Future**

*Law360 Employment Authority*

August 2, 2024

**Supreme Court's Decision Seen Changing Rulemaking**

*Material Handling & Logistics*

August 2, 2024

**Expert Insights – California Supreme Court Upholds Proposition 22**

*Westlaw Today*

July 30, 2024

**California Supreme Court Upholds Proposition 22**

*Littler ASAP*

July 25, 2024

**Supreme Court's 2024 term could transform labor and employment law**

*Westlaw Today*

July 16, 2024

**Labor Relations Radio E138 – Attorney Alex MacDonald On The Constitutionality Of 'Exclusive Representation'**

*Labor Union News*

July 18, 2024

**What employers can expect following the end of Chevron deference**

*HR Dive*

July 17, 2024

**Regulatory Compliance in a Post-Chevron World: Fasten Your Seatbelts**

*Corporate Compliance Insights*

July 16, 2024

**Union membership is now political. So can the government still require people to associate with a union?**

*The Federalist Society*

July 8, 2024

**After Chevron: Various Paths For Labor And Employment Law**

*Law360*

July 3, 2024

**How the Supreme Court's blockbuster 'Chevron' ruling puts countless regulations in jeopardy**

*CNN*

July 3, 2024

**Supreme Court's 2024 Term Could Transform Labor and Employment Law**

*Littler Insight*

July 1, 2024

**Labor Enforcers' Policy Strategies Will Get Post-Chevron Rewrite**

*Bloomberg Law*

July 1, 2024

**Supreme Court Scales Back Federal Agency Powers**

*Corporate Compliance Insights*

July 1, 2024

**Texas District Court Narrowly Enjoins White-Collar Overtime Regulations**

*Littler ASAP*

June 29, 2024

**Agencies' Influence over Employers May Erode After Supreme Court Decision**

*SHRM Online*

June 28, 2024

**High Court's SEC Decision Has Limited NLRB Impact, For Now**

*Law360 Employment Authority*

June 28, 2024

**Pollution Curbs, Non-Compete Bans Put at Risk by Chevron Ruling**

*Bloomberg*

June 28, 2024

**U.S. Supreme Court Rolls Back "Deference" to Federal Agencies and Opens Up More Challenges to Regulations**

*Littler ASAP*

June 28, 2024

**Political Unions, Free Speech, And The Death of Voluntarism: Why Exclusive Representation Violates The First Amendment**

*Georgetown Journal of Law & Public Policy*

June 24, 2024

**9th Circ.'s AB 5 Ruling Leaves Less Hope For Striking Law**

*Law360 Employment Authority*

June 11, 2024

**Minimum Salaries and the Evolving Workforce: Why the DOL's New Automatic Salary Updates Clash With Legal Precedent and Economic Facts**

*The Federalist Society*

June 7, 2024

**Employers Preparing For Post-Chevron World In NLRB Cases**

*Law360 Employment Authority*

May 8, 2024

**Noncompetes, Overtime, and the Status Quo: How Agency Rulemaking Distorts Federal Policy and Why Only Courts Can Fix It**

*The Federalist Society*

April 30, 2024

**Federal labor law could be completely upended by this summer**

*Courthouse News Service*

April 29, 2024

**Department of Labor Publishes Final Rule to Update the Salary Level for Overtime Eligibility**

*Littler ASAP*

April 23, 2024

**Whither Expertise? The Decline and Fall of Nonpartisan Policy at the National Labor Relations Board**

*The Federalist Society*

April 22, 2024

**Fast Food, Minimum Wages, and the Pervasive Myth of Benevolent Unions: Why the Labor Movement Pushes for Stricter Labor Laws**

*The Federalist Society*

April 9, 2024

**The ACLU: Champion of Individual Arbitration?**

*The Federalist Society*

March 19, 2024

**Labor Relations, Professional Perspective - "Après Moi, le Deluge": Big Changes for Labor and Employment Law after Chevron**

*Bloomberg Law*

March 19, 2024

**Federal Court Vacates NLRB Joint Employer Rule, Restores 2020 “Substantial Direct and Immediate Control” Standard**

*Littler Insight*

March 10, 2024

**Punching In: New Biden Worker Classification Test Implemented**

*Bloomberg Law*

March 11, 2024

**DOL rule set to broaden liability for employers**

*Business Insurance*

March 1, 2024

**Originalism, Social Contract, and Labor Rights: What the Reawakening of Natural Law Means for Exclusive Union Representation**

*North Dakota Law Review*

February 13, 2024

**What To Expect As 5th Circ. Mulls Broader NLRB Remedies**

*Law360 Employment Authority*

February 5, 2024

**Labor Department’s new independent contractor rule is a mess. We need a clear national standard instead.**

*The Hill*

February 2, 2024

**Republicans Say DOL's Contractor Rule Is Like AB 5. Is It?**

*Law360 Employment Authority*

January 31, 2024

**Workers Poised to Score Benefits as DOL Rule Creates ‘Employees’**

*Bloomberg Law*

January 29, 2024

**California's Mandatory Arbitration Ban Is Permanently Halted**

*XpertHR*

January 18, 2024

**Sectoral Bargaining for Rideshare Drivers in Massachusetts: Legally Dubious, Economically Disastrous**

*The Federalist Society*

January 10, 2024

**U.S. Department of Labor Finalizes Independent Contractor Regulation**

*Littler Insight*

January 9, 2024

**Big Tech says it dodged a bullet with independent contractor rule**

*POLITICO Pro*

January 9, 2024

**SpaceX's Bid to Upend NLRB Follows Signals From Supreme Court**

*Bloomberg Law*

January 9, 2024

**What Would Overruling Chevron Mean for Labor and Employment Law?**

*Littler Insight*

January 8, 2024

**Does Modern Labor Law Violate the Fifth Amendment?**

*The Federalist Society*

January 4, 2024

**Legal Battle Simmers Over Plan to Give Farmworkers Union Rights**

*Bloomberg Law*

December 18, 2023

**AFL-CIO And Microsoft Announce New Partnership On AI**

*Law360*

December 11, 2023

**Recent Hollywood, Casino Labor Deals Show Unions' AI Focus**

*Law360 Employment Authority*

November 29, 2023

**NLRB General Counsel Offers Some Clarity on Responding to Union Organizing Demands for Bargaining**

*Littler Insight*

November 13, 2023

**Is the NLRB Unconstitutional? The Courts May Finally Decide**

*The Federalist Society*

November 10, 2023



**Collective Constitutionalism: Common-Good Theory and Community Rights at the Intersection of Labor Law and the First Amendment**

*Capital University Law Review*

October 24, 2023

**Administrative Law Shifts May Bring Uncertainty To NLRB**

*Law360 Employment Authority*

October 13, 2023

**The Labor Law Enigma: Article III, Judicial Power, and the National Labor Relations Board**

*The Federalist Society*

October 11, 2023

**What a Government Shutdown Means for Employers: Many Agencies Will Sharply Curtail Operations, Delaying New and Pending Cases**

*Littler ASAP*

September 29, 2023

**Future of Work Leader and Experienced Labor Lawyer Joins Littler in Washington, D.C.**

*Littler Press Release*

September 25, 2023

**Contextual Textualism: How Legislative History Can Restrain Judges, Revitalize Congress, and Restore the Conservative Legal Movement**

*University of La Verne Law Review*

September 2023

**Is the Administrative State Inevitable? Loper, Chevron, and the “Abnegation” of Law**

*Federalist Society*

August 16, 2023

**The War on Independent Work: Why Some Regulators Want to Abolish Independent Contracting, Why they Keep Failing, and Why We Should Declare Peace**

*Federalist Society Review*

August 2023

**Is Glacier Northwest the Tip of the Iceberg?**

*Federalist Society*

June 6, 2023

**Double Dribble: The NLRB’s General Counsel Revives a Debunked Legal Theory to Expand Labor Law into College Athletics**

*Federalist Society*

June 1, 2023

**A Bug in the Logic: Regulators Try to Solve the “AI Problem” Before Finding any Problem to Solve**

*Federalist Society*

April 17, 2023

**The FTC’s Indefensible Position on Collective Bargaining**

*Federalist Society*

April 7, 2023

**The Department of Labor’s Independent Contractor Rule: A Quiet Threat to Federalism?**

*Federalist Society*

March 30, 2023

**Are Agency Fees Unconstitutional in the Private Sector?**

*Federalist Society*

February 24, 2023

**The FTC’s Ahistorical Attack on Noncompetes**

*Federalist Society*

January 24, 2023

**Secondary Picketing, Trade Restraints, and the First Amendment: A Historical and Practical Case for Legal Stability**

*Hofstra Labor and Employment Law Journal*

January 2023

**Railways, Unions, and Policy Dissonance**

*Federalist Society*

December 6, 2022

**Wave of COVID-19 Litigation Already Rising, Threatening Employers as They Return to Work**

*Little ASAP*

May 7, 2020

**SBA Releases New Guidance on Paycheck Protection Program Certifications, Announces Safe Harbor for Borrowers that Repay Their Loans**

*Little ASAP*

April 30, 2020

**DOL Clarifies That Gig Workers Can Qualify for COVID-19 Unemployment Benefits When Their Work Dries Up**

*Littler ASAP*

April 21, 2020

**Lawmakers Agree to New Funding for Paycheck Protection Act Program**

*Littler ASAP*

April 21, 2020

**CARES Act Offers New Incentives to Employers Considering Student-Loan Repayment Programs**

*Littler ASAP*

April 16, 2020

**SBA Clarifies that to Qualify for Loan Forgiveness, Employers Must Spend Three-Quarters of Paycheck Protection Loans on Payroll Costs**

*Littler ASAP*

April 3, 2020

**IRS Explains How Employers Can Receive Tax Credits under the CARES Act and FFCRA**

*Littler ASAP*

April 2, 2020

**CARES Act: Implications for Employers**

*Littler Insight*

March 30, 2020

**Half-Baked Benefits: New Jersey Repeats the Mistakes of the Past in Its New Portable-Benefit Law for Gig Workers**

*Federalist Society*

March 2, 2020

**D.C. Circuit Rejects NLRB's Attempt to Certify Union Vote by University Adjunct Faculty**

*Littler ASAP*

January 31, 2020

**Deep Dive Episode 85 – State Regulators and the Gig Economy**

*Federalist Society*

January 24, 2020

**DC Employers Must Notify Employees of Their Right to Paid Leave**

*Littler ASAP*

January 23, 2020

**Ready, Fire, Aim: How State Regulators Are Threatening the Gig Economy and Millions of Workers and Consumers**

*U.S. Chamber of Commerce*

January 9, 2020

**How Might Virginia's New Legislative Trifecta Affect Employers in the Commonwealth in 2020?**

*Littler Insight*

January 6, 2020

**New Jersey Bill Would Bring California-Style ABC Test to the Garden State**

*Littler ASAP*

November 8, 2019

**AB 5: The Great California Employment Experiment—A Littler Workplace Policy Institute Report**

*Littler WPI Report*

August 8, 2019

**NLRB Holds that Employer Does Not Taint Decertification Effort by Promoting the Employee Responsible for the Petition**

*Littler Insight*

July 2, 2019

**Key Legislation Emerging from Maryland and Local Ordinances to Remember**

*Littler Insight*

May 28, 2019

**Australia Passes Law Requiring Large Companies to Report on Modern Slavery**

*Littler Insight*

December 4, 2018

## **Speaking Engagements**

**Conservative Populism and the Future of the Right's Relationship with Organized Labor**

The Federalist Society

September 23, 2024

**Litigation After Loper: Effects on Agency Practice**

Bloomberg Webinar

August 15, 2024

**Chevron is Gone. What's Next for Labor and Employment Law?**

July 25, 2024

**The DOL's Final Overtime Rule**

June 10, 2024

**How To Navigate DOL's Latest Independent Contractor & Davis-Bacon Laws**

National Association of Home Builders

May 15, 2024

**Special Sessions: What Does the Biden Administration's "Whole-of-Government" Approach Mean for Employers and Workers?**

Littler Executive Employer Conference, Phoenix, AZ

May 9, 2024

**Joint Employer: Are Franchise Companies in the Clear?**

International Franchise Association (IFA)

April 23, 2024

**Natural Law & Labor Law**

James Wilson Institute Webinar

April 9, 2024

**What Would Overruling Chevron Mean for Labor and Employment Law?**

February 20, 2024

**U.S. Department of Labor Finalizes Independent Contractor Regulation**

Federal Bar Association CLE

February 12, 2024

**Labor After Loper**

The Federalist Society

February 2, 2024

**The Future of Unionization: What Employers Need to Know**

International Food Distributors Association

October 26, 2023

**Whole of Government White Paper**

U.S. Chamber of Commerce, Washington, DC

October 13, 2023

**Biden’s Big Labor is Bad for Business**

Heritage Foundation

October 13, 2023

**Contract Labor in the Hospitality and Service Industries**

American Hotel and Lodging Association, Washington, DC

October 11, 2023

**The FTC’s Noncompete Rule: From Henry IV to the “Major Questions Doctrine”**

Federalist Society Atlanta Chapter

March 28, 2023

**Courthouse Steps: Glacier Northwest, Inc. v. International Brotherhood of Teamsters**

Federalist Society Practice Groups Virtual Event

January 10, 2023

**Panel Discussion of AB 5**

Federalist Society San Diego Lawyers Chapter

June 25, 2020

**State Regulators and the Gig Economy**

Regulatory Transparency Project Podcast

June 25, 2020

**Navigating the CARES Act: Common Questions and Key Takeaways for Small Businesses**

Client Webinar

April 2, 2020

**Hot Topic Roundup**

2019 Mid-Atlantic Employer Conference, Bethesda, MD

June 7, 2019

**Common Employer Questions: Paycheck Protection Program and Emergency Disaster Injury Loans**

Client Webinar

April 23, 2019