

# Michael F. Costello

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## **Arbitration and Mediation**

### **Arbitrator and Mediator, The Decision, LLC – 1999 to present**

Issues include: Absenteeism, Arbitrability, Conduct (off-duty/personal), Discipline, Discharge, Drug & Alcohol Offenses, Grievance Mediation, Job Classification, Management Rights, Overtime Pay, Subcontracting, NLRB Deferral of Unfair Labor Practice charges to Arbitration

### **Arbitrator – American Arbitration Association (AAA) 2023**

Added to the AAA Labor Arbitration panel as of April, 2023.

### **Arbitrator - United States Postal Service (USPS) - National Association of Letter Carriers (NALC), 2021: Western Region, Expedited Panel**

Contracted with the parties as a Labor Arbitrator, providing 2 hearing dates per month for the Western Region including California, Guam, Hawaii and Nevada.

### **Arbitrator - National Mediation Board (NMB), 2022**

Added to the NMB roster of Arbitrators in June, 2022.

### **Arbitrator – Federal Mediation and Conciliation Services (FMCS), 2023**

Added to the FMCS Arbitration Panel in February, 2023.

### **Hearing Officer – American Airlines Employees, 2004 – 2015**

Following retirement from AMR, selected to preside over grievance hearings in the American Airlines Hearing Officer Program. Presided over approximately 15 discharge and discipline cases until the program was terminated in 2015.

### **Mediator – Dallas, Colin and Tarrant County Civil Courts, 2009 – 2017**

Facilitate mediation of civil court cases in an effort to avoid trial. Served as mediator with SMU (Southern Methodist University) Mediation and Conflict Resolution Services, DRS (Dispute Resolution Services) of North Texas and DCDRC (Dallas County Dispute Resolution Services).

## **Education and Professional Development**

BS, Aviation Management - Southern Illinois University, 1986

MBA, Human Resources Concentration – University of Dallas, 1996

Member, National Academy of Arbitrators Central Texas Salon – Mentored by Beber Helburn Ph.D., 2022 - Present

“Becoming a Labor Arbitrator”, Federal Mediation and Conciliation Service, 2017

“Ethics and Implicit Bias” Dispute Resolution Services of North Texas, 2016

“Successful Strategies for Mediating Family Cases”, Dallas County Dispute Resolution Center, 2016

“Why Mediations Fail”, Dallas County Dispute Resolution Center, 2016

HCM (Human Capital Strategist) Certification, Human Capital Institute, 2006

“Facilitation/Mediation Training” (State of Texas 40-hour Mediator Certification), May 1999

“Interest-Based Bargaining – A Structured Problem-Solving Approach”, National Mediation Board, 1997

“Advanced Strategies for Experienced Negotiators”, Program on Negotiation – Harvard Negotiation Institute, 1997

“Interest-Based Problem-Solving Negotiations”, National Mediation Board, 1996

“Negotiation and Leadership: Dealing with Difficult People and Problems”, Program on Negotiation - Harvard Negotiation Institute, 1993

## **Relevant Work Experience**

### **Chief Spokesperson – American Eagle Airlines:**

**Vice President, Employee Relations; 1994 – 1998**

**Vice President of People; 2001 – 2004**

In 1994, American Eagle Airlines consisted of 4 separate regional airlines owned and operated by AMR Corporation. Appointed to Vice President, Employee Relations in 1994 as the senior leader responsible for the negotiation and administration of the then current 17 labor agreements with 7 different labor unions.

In 1995 the NMB (National Mediation Board) ruled that the 4 Eagle carriers were a single entity for labor representation purposes. This ruling triggered representation elections for 3 workgroups. The 17 existing agreements continued with the newly elected unions assuming responsibility for contract administration and negotiation.

As Chief Spokesperson, a unique consolidated agreement (replacing 4 agreements with 1) was negotiated with the Air Line Pilots Association (ALPA). The terms of this agreement included a 16-year duration clause, where compensation adjustments during that period would be indexed to the movement of pilot rates within the Regional Airline industry. At that time, Southwest Airlines held the record for the longest duration at 10 years and no other carrier had a similar pay indexing agreement.

The ALPA Pilot agreement served as the lynchpin for subsequent consolidated agreements with the Flight Attendants, Mechanics, Dispatchers and other Ground Employees. Led the negotiations to achieve consolidated agreements prior to the managerial decision to consolidate the 4 separate airlines into a single carrier operating under 2 operating certificates. The consolidation for the carriers occurred in late 1998.

Following promotion to Vice President of People in January, 2001, served as the leader responsible for implementing all layoffs following the tragic events of 9/11. The consolidated operations had grown to over 12,000 employees and reductions impacted over 10% of the total workforce. As the Chief People Officer, monitored these reductions to insure they were implemented in accordance with the labor agreements and the law.

Between 2002 and 2004, renewed the Pilot agreement and re-negotiated both the Flight Attendant and Mechanic agreements, leaving the airline industry in 2004 to join a privately held diversified holding company.

#### **Second Chair – American Airlines Ground Employees:**

**Manager, Employee Relations; 1987 – 1992**

**Counsel, Employee Relations; 1992 – 1994**

Served as primary contract administrator and secondary negotiator for Aircraft Mechanic, Facilities Mechanic, Dispatch, Simulator Technician, Ground School Instructor and Fleet Service employees represented by the Transport Workers Union (TWU).

During 1992 negotiations, served as second chair for Maintenance and Fleet Service negotiations. Served as primary negotiator for successful agreement renewals with the Dispatch, Simulator Technician and Ground School Instructors represented by the TWU.

As contract administrator, represented the company in grievance arbitration cases involving contract interpretation, discipline and discharge. Represented the company in over 100 cases.

## **Chronological Employment History**

### **American Airlines:**

Fleet Service Clerk, 1972 – 1974 (Member of Transport Workers Union)  
Crew Chief, Fleet Service Clerk, 1974 – 1977 (Shop Steward, TWU)  
Acting Supervisor, Ramp Services, 1981 – 1983  
Supervisor, Ramp Services, 1983 – 1985  
Supervisor, Employee Relations, Central Division, 1985 – 1987  
Manager, Employee Relations, RDU, 1987 – 1989  
Manager, Employee Relations, TUL, 1989 – 1992  
Counsel, Employee Relations, HDQ, 1992 – 1994

### **American Eagle:**

Vice President, Employee Relations HDQ, 1994 – 1998  
Vice President DFW Region, 1998 - 2001  
Vice President People, HDQ, 2001 – 2004

### **The Decision, LLC:**

Principal, 1999 to present

### **Sammons Enterprises:**

Director, Organizational Development, 2004 – 2005  
Vice President, Organizational Development, 2005 – 2010

### **Perot Museum of Nature and Science:**

Vice President, Human Resources, 2011 – 2012  
Interim COO, 2012  
Interim CEO, 2014  
Interim VP Programs, 2015  
Vice President, Shared Services (HR, IT, Volunteers), 2015 – 2016

## **Other**

### **United States Marine Corps:**

Avionics Technician, Active Duty 1977 – 1981  
Reserve Duty 1981 - 1986

### **Adjunct Professor:**

“Labor and Employee Relations”, Graduate School, University of Dallas, 1987

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**PER DIEM AND OTHER CHARGES**

Arbitration Daily Fee:	\$1,600 per day or portion thereof for hearing days. \$1,600 per day prorated to the nearest hour for pre-hearing conferences and administration, and for post-hearing study and research in preparation of the Opinion and Award.
Cancellation Policy:	Cancellation fee of \$1,600 applies for every day that is cancelled with less than 21 days' notice. Fee applies for all scheduled hearing days for multi-day hearings if cancelled with less than 21 days' notice prior to the first scheduled day of hearing.
Travel Fee:	\$1,600 per day prorated to the nearest hour for travel time, calculated from portal to portal.
Travel Expenses:	Travel reimbursed at actual cost for hotel, meals and transportation. Refundable Coach Class airfare for domestic air travel, Business Class for travel outside the continental United States.
Invoice:	Itemized invoice submitted with the Opinion and Award. Cases settled or withdrawn prior to publication of the Opinion and Award will be invoiced for all fees and expenses incurred up to the time notice of settlement or withdrawal is served. Fees and expenses split equally unless the parties specifically agree otherwise. Parties are jointly and severally liable for fees and expenses.