



J. Michael DuMond, Ph.D.

Managing Director

Current Position

Dr. DuMond is a Managing Director at Secretariat Economists.

Professional Experience

Dr. DuMond's consulting experience includes numerous engagements in matters involving pay equity, disparate impact, wage and hour compliance, systemic EEOC investigations, OFCCP audits and the calculation of economic exposure. He routinely works with counsel and internal subject matter experts to design statistical models that are reflective of the employer's hiring, promotion, compensation, termination and performance evaluation processes. He also routinely works with employers, internal and external counsel on pro-active audits relating to potential compensation disparities.

His engagements in wage and hour matters involve allegations relating to "off-the-clock" work, miscalculation of the regular rate of pay, missed meal/rest periods and misclassification of exempt status. Dr. DuMond also specializes in the preparation and analysis of complex electronic databases. He has supported his analysis through declarations, written reports and sworn testimony.

Dr. DuMond is also an adjunct professor with the economics program at Florida State University, where he teaches graduate level courses in labor economics and the economic analysis of data. His academic research focuses on employee compensation and selection procedures and has been published in professional peer-reviewed journals, including *Industrial and Labor Relations Review*, *Economic Inquiry*, and the *Journal of Sports Economics*.

Contact Details

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Professional History

- Secretariat Economists
- Charles River Associates
- Economic Research Services (ERS) Group, Inc.
- Florida State University
- Blockbuster, Inc.

Education

- Ph.D., Labor Economics, Florida State University
- M.S., Economics, Florida State University
- B.S., Economics, Florida State University

Expert Reports & Testimony

- *Johnny Reynolds v. State of Alabama*. This case involved the termination of a consent decree between the State of Alabama and the U.S. Department of Justice relating to the hiring and promotions of African-American employees. Submitted report and provided testimony at judicial hearing.

- *Audrey D. Finch v. State of Alabama Personnel Department*. Plaintiff alleged that she was denied employment to three positions due to her race. Co-authored a report which evaluates Ms. Finch's educational obtainment and past employment in relation to the required qualifications for the positions.
- *Simmons, et al. v. Comerica Bank*. This matter involved allegations of additional overdraft fees resulting from changes in debit posting procedures during nightly settlement. Submitted a written report that examined plaintiff's expert's statistical approach and its applicability for purposes of class certification and provided deposition testimony.
- *Coordinated Proceedings Special Title, Sutter Health Wage and Hours Cases and Coordinated Actions*. These matters involved allegations of missed meal and rest periods for nurses and surgical care technicians at approximately 20 affiliates within the Sutter Health system. Submitted a declaration in relation to the motion for class certification.
- *Tammy Garcia v. MAKO Surgical Corporation*. This case involved allegations of an unlawful termination due to plaintiff's gender. Submitted a written report that provides estimates of economic loss, arising from differences in base salary, incentive compensation, and stock options.
- *Angel Corona v. Time Warner Cable*. This matter involved calculation of unpaid overtime due to an alleged improper calculation of the regular rate of pay. Written report submitted.
- *Selene Prado v. Warehouse Demo Services, et al.* This report detailed the necessary calculations relating to the determination of rest period violations on a class-wide basis and damages relating to the miscalculation of the regular rate of pay for overtime purposes. Submitted a written report in relation to the motion for class certification.
- *Victor Guerrero v. California Department of Corrections and Rehabilitation*. Plaintiff alleges that he was disqualified from consideration of a Correctional Officer position due to his past usage of a false Social Security number, a pre-employment criteria that allegedly had a disparate impact on Latino applicants. Submitted written reports and provided testimony at deposition and trial.
- *Daisy Vazquez and Bryan Joseph, et al. v. TWC Administration, LLC*. Plaintiff alleges that putative class members were not properly paid overtime due to the inclusion of non-working hours in the calculation of the regular rate of pay and an improper allocation of commissions to the time periods in which they were earned. Submitted a written report in relation to the motion for class certification.
- *Fernando Vega v. Hydraulics International, Inc.* Submitted a written report in regards to allegations that non-exempt employees were not paid for all hours they were logged into the timekeeping and project management system.
- *Lannden Bower, et al. v. Cycle Gear, Inc.* Reviewed payroll and time keeping records to determine if defendant had properly calculated the regular rate of pay. Prepared a written report for purposes of class certification.

- *Graciela Galvan v. AMVAC Chemical Corporation*. Plaintiffs allege that defendant did not properly calculate the regular rate of pay when paying overtime. Submitted a written declaration showing the economic impact of this practice for the named plaintiff.
- *Statement of the U.S. Chamber of Commerce on The Equal Employment Opportunity Commission's Proposed Revisions to the Employer Information Report (EEO-1)*. Provided two declarations describing the utility and validity of the pay reporting proposal made by the EEOC.
- *Kayla Medeiros, Patrick Kim, et al. v. Vortex Financial Management Inc.* Submitted a written declaration describing how the number of work hours could be approximated for a group of employees that had been classified as independent contractors.
- *Anthony Countroulis, et al. v. Anheuser-Busch LLC*. Analyzed the time punches of non-exempt hourly employees relative to their scheduled shift start time and developed a trial plan for purposes of measuring economic damages on a class-wide basis. Submitted a written report and provided deposition testimony.
- *Raul Camacho v. Residential Fire Systems, Inc. et al.* Analyzed payroll and time keeping documents to ascertain the frequency in which employees' wages exactly matched their piece rate earnings. Also analyzed the patterns of shift start/end times as well as meal periods. Submitted a written report and deposition testimony for purposes of class certification and in support of a motion for summary judgement.
- *John Arndt, et al. v. DIRECTV, LLC. et al.* Analyzed payroll data and work activity records for technicians and documented the shortcomings of plaintiffs' expert's damage calculations. Submitted a written report and provided deposition testimony.
- *Jacquelyne Lamarr and Doretta Wagner, et al. v. Illinois Bell Telephone Company, et al.* Analyzed time keeping and payroll data to determine whether employees' work schedules could be used to measure alleged amounts of pre-shift work time. Identified the frequency that employees submitted "exception" events for non-scheduled work time. Submitted a written report for purposes of class certification.
- *Yadir A. Ontiveros v. Safelite Fulfillment, Inc.* Submitted a written report for purposes of class certification describing how economic damages could be calculated for technicians, following summary judgement rulings.
- *Limecca Corbin, et al. v. CFRA LLC*. Integrated daily payroll data with time records of when restaurant servers were engaged in tip-generating activities for purposes of evaluating the validity of the tip-credit. Prepared a written report for purposes of class certification.
- *Janet Aviles v. BAE Systems Norfolk Ship Repair, Inc., and BAE Systems Ship Repair, Inc.* Submitted a written report with estimates of potential economic loss relating to allegation that defendant refused to allow plaintiff to return to work in violation of Title VII of the Civil Rights Act and the Americans with Disability Act.

- *Enrique Vazquez, Sergio Alfonso Lopez, and Maria Viveros, individually and on behalf of themselves and others similarly situated, v. Kraft Heinz Foods Company.* Submitted a written report in regards to allegations that non-exempt employees were not properly provided with meal periods.
- *Miami Association of Fire Fighters, Local 587, of the International Association of Fire Fighters of Miami, Florida v. City of Miami.* Reviewed the back pay calculations and identified errors made by plaintiffs' expert in connection with pay reductions made to bargaining unit members following the declaration of financial urgency by the city of Miami.
- *Pedro Nativi-Reyes, et al. v. Bio-Nutraceuticals, Inc.* Prepared an analysis of timekeeping records and a written report in response to allegations that employees were not provided timely, uninterrupted meal periods.
- *Joshua Caudle and Krystle White, et al. v Sprint/United Management Company.* Quantified the number of employees affected by an alleged improper commission deduction and the related statutory penalties under California Labor Code Section 226.
- *Lisa LoCurto, et al. v. AT&T Mobility Services LLC.* Prepared a declaration describing the required number of employees to be sampled in order to obtain a reliable estimate of employees' exemption status.
- *Tammy Mosley-Lovings, et al. v. AT&T Corp., et al.* Analyzed time keeping and payroll data to determine whether employees' work schedules could be used to measure alleged amounts of pre-shift work time. Identified errors and omissions in opposing expert's report.
- *Francisco Perez, et al. v. Sunbelt Rentals, Inc.* Compared timekeeping and payroll data in order to determine the number of instances that meal period premium payments were recorded among the "regular" hours worked on employees' wage statements; calculated the associated statutory penalties.
- *Noberto Lucero, et al. v. Biagi Bros, Inc.* Analyzed timekeeping data as well as driver logs to determine the percent of work shifts in which drivers and non-drivers took uninterrupted meal periods of at least 30 minutes in duration. The analysis also included the identification of errors and omissions in the analyses prepared by the opposing expert. Provided a supporting declaration and deposition testimony.
- *Statement of the U.S. Chamber of Commerce on Notice of Proposed Rulemaking (RIN 1250-AA10).* Provided a declaration regarding the proposed changes to the OFCCP's use of statistical evidence in the determination of systemic discrimination.
- *Mary Crowder, et al. v. Purple Communications, Inc.* This matter involved calculation of unpaid overtime due to an alleged improper calculation of the regular rate of pay. Written declaration submitted.

- *Amy Staublein, et al. v. Wells Fargo Bank, National Association.* Quantified the number of employees and the related statutory penalties under California Labor Code Section 226 relating to the alleged failure to properly describe language differential pay on employees' wage statements.
- *Barbara J. Bowlin-Burdick vs. Life Care Centers of America.* Quantified the number of work shifts with late meal periods and the number of instances that meal period premium payments were recorded among the "regular" hours worked on employees' wage statements. Submitted a written report and provided deposition testimony for purposes of class certification.
- *Gregory Handloser and Cerafin Castillo, et al., vs. HCL Technologies LTD and HCL America, Inc.* Plaintiffs' alleged that non-South Asian applicants were discriminated against in hiring decisions and non-South Asian employees were disproportionately terminated. Submitted a written report, supported by deposition testimony, that analyzed decision making patterns in relation to the motion for class certification.
- *Erica Moniz, et al. vs. Service King, Inc. and Service King Paint & Body, LLC.* Plaintiffs allege that due to a piece rate and commission compensation structure, employees were not properly compensated for rest and recovery periods. Submitted a written report for purposes of class certification describing how economic damages could be calculated for body technicians, painters and service advisors, contingent on a finding of liability.
- *Valerie Loy, et al. vs. Rehab Synergies, LLC.* Prepared a written report, supplemented by deposition testimony, in response to plaintiffs' expert's calculation of unpaid overtime.
- *James Mebane and Angela Worsham, et al., vs. GKN Driveline North America, Inc.* Prepared a declaration describing the effect and patterns stemming from defendant's time-rounding policies.
- *Quinton McDonald, et al. vs. Sierra Pacific Industries.* Plaintiffs allege that they were not compensated for all time worked. Prepared a written report that describes how monetary damages and related penalties could be calculated, under the assumption of a liability determination.

Publications and Research Papers

- "An Easily Implemented and Accurate Model for Predicting NCAA Tournament At-Large Bids," (With Jay B. Coleman and Allen K. Lynch), *Journal of Sports Analytics*, Vol 2., No. 2, October 2016.
- "Stockwell v. City & County of San Francisco: What it Doesn't Say about Statistics in Age Discrimination Cases," (with Kenneth W. Gage), *Daily Labor Report*, Bloomberg BNA, July 2, 2014.
- "Evidence of Bias in NCAA Tournament Selection and Seeding," (with Jay B. Coleman and Allen K. Lynch), *Managerial and Decision Economics*, Vol. 31, March 2010.
- "An Examination of NBA MVP Voting Behavior: Does Race Matter?" (with Jay B. Coleman and Allen K. Lynch), *Journal of Sports Economics*, Vol. 9, No. 6, December 2008.

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- “An Economic Model of the College Football Recruiting Process,” (with Allen K. Lynch and Jennifer Platania), *Journal of Sports Economics*, Vol. 9, No. 1, February 2008.
- “Estimating Wage Differentials: When Does Cost-of-Living Matter?” (with Barry Hirsch and David Macpherson), *Economic Inquiry*, Vol. 37, No. 4, October 1999.
- “Two Essays on Wage Differentials,” Ph.D. Dissertation, Department of Economics, Florida State University, April 1997.
- “Workers Compensation Reciprocity in Union and Nonunion Workplaces,” (with Barry Hirsch and David Macpherson), *Industrial and Labor Relations Review*, Vol. 50, No. 2, January 1997.

Presentations/Professional Meetings

- “Navigating the New Frontier of Steering Claims,” National Industry Liaison Group 2015 Annual Conference, July 2015, New York, NY. (Panel Discussant).
- “Early Mediation of Wage and Hour Claims,” American Conference Institute’s 20th National Forum on Wage and Hour Claims and Class Actions, January 2014, Miami, FL. (Panel Discussant).
- “Prob(it)ing the NCAA: Three Empirical Models on Collegiate Athletics,” (with Allen K. Lynch and Jay B. Coleman), 2005, presented at the SAS M2005 Data Mining Conference. Invited Presentation, Mid-day Keynote Address.