

J. MICHAEL DUMOND**Office Address**

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Professional Experience

Secretariat Economists
Managing Director (2021 – Present)

Apply economic, econometric and statistical analysis to pay equity, employment litigation, EEOC investigations, OFCCP audits and pro-active self-monitoring studies. Consult with corporations, government contractors and law firms on employment discrimination matters to monitor and assess the risk of litigation or government investigation for various occupations and industries. Work closely with clients to design statistical models consistent with the employer's hiring, promotion, performance evaluation, compensation, termination and reduction-in-force decisions. Assist clients in identifying the data required to conduct thorough analyses of their workforce and excels at preparing and analyzing extremely large and complex human resources data.

Prepare pay equity audits to ascertain potential gender or race/ethnicity differences in all forms of employee compensation, including base salaries, annual bonuses payments, and long-term incentive pay. Calculate remediation solutions that address potential pay equity disparities; work with clients to administer remediation in a streamlined manner.

Conduct quantitative data analysis designed to help attorneys assess the value and merits of Fair Labor Standards Act (FLSA) and state wage and hour claims including misclassification, missed meal/rest periods, donning/doffing, off-the-clock work, unpaid overtime and regular rate calculations. Assist companies with extracting, compiling and summarizing archived data from payroll and timekeeping systems, as well as unconventional systems such as computer logs, to evaluate wage and hour claims. Compute waiting time penalties and other PAGA penalties in California wage claims.

Professional Experience (continued)

Prepare written reports and declarations relating to economic analyses, data production and/or the calculation of economic exposure; provide support of these analyses in the form of sworn testimony.

Economists Incorporated

Senior Vice President (2018 – 2021)

Vice President (2014 – 2018)

Charles River Associates

Principal (2009 – 2014)

Manage and design economic analyses relating to labor and employment issues, including matters in preparation for litigation, audits, mediation, monitoring, and settlement. Supervise the activities and analyses of a team of Ph.D. economists and other junior staff. Direct the construction of computerized databases for use in analyses. Extensive experience in matters relating to Fair Labor Standards Act compliance (as well as state- specific wage and hour laws), including calculation of economic exposure relating to allegations of unpaid overtime and the miscalculation of the regular rate of pay.

Economic Research Services (ERS) Group, Inc.

Client Relationship Manager (2008 – 2009)

Research Economist (2001 – 2008)

Worked as a client relationship manager at an economic consulting firm that specializes in labor and employment issues. Casework included matters in preparation for litigation, arbitration, monitoring and settlement. Conducted economic and statistical analyses involving allegations of gender, race, and age discrimination in a variety of employment practices, including selection, termination, and compensation as well as Fair Labor Standards Act compliance.

Case management experience included the supervision of economists and analysts, data receipt and preparation, database construction and analysis, summarization of relevant economic literature and direct contact with clients. Past clients represent a wide variety of employers, including state and local governments, multi-facility retailers, production facilities, and educational institutions.

Professional Experience (continued)**Florida State University**

Adjunct Professor (2002 - Present)

Courses taught include Labor Economics, Economic Analysis of Data, SAS Programming, and MS Project. Since 2006, all courses have been taught at the post-graduate level. MS Project is the capstone course that simulates a consulting project, including the preparation of written and oral presentations.

Blockbuster, Inc.

Director of Franchise Finance (1999 – 2001)

Manager/Director of Modeling and Research (1997 – 1999)

Senior Demographic Research Analyst (1996 – 1997)

Responsible for all budgeting, forecasting and financial analysis of the 800+ store franchise division. Designed and implemented projects to improve profitability of both franchisees and franchisor, such as optimal labor allocation methods and alternative methods of acquiring rental product. These programs and models helped franchisees lower their labor and product costs without sacrificing top-line revenue.

Developed and supervised the implementation of predictive models for use by the real-estate, product and special format divisions. Oversaw the worldwide rollout of site-selection and cannibalization modeling applications and assisted in the valuation and pricing of company stores for sale to franchise units. The site-selection models were used extensively during the years in which Blockbuster opened 500 stores annually, resulting in first-year store revenues that exceeded the projected rate of return. Expanded the scope of the department by introducing econometric models into business segments that had not previously relied on statistical tools. Subsequently, took on the additional responsibility of designing a product allocation system that simultaneously determines the optimal aggregate purchase amount for the entire company. Managed a staff of analysts, including Ph.D economists. Prepared written reports and presented results to executive management.

Education

Ph.D., Labor Economics, Florida State University (1997)
M.S., Economics, Florida State University (1994)
B.S., Florida State University (1991) – Summa Cum Laude

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.

“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.

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.

Expert Reports & Testimony

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.

Expert Reports & Testimony

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.

Expert Reports & Testimony

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.

Expert Reports & Testimony

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.

Expert Reports & Testimony (continued)

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.

Representative Engagements as a Consulting Expert – Equal Employment Opportunity

Prepared numerous pay equity audits to a large number of clients in a wide range of industries. Calculated salary, bonus and equity remediation recommendations for sub-groups of employees based on results of the audit and conducted ongoing monitoring.

A major computer manufacturer was faced with allegations of Title VII violations, specifically involving discriminatory compensation and promotions. Assisted client with production of voluminous data and conducted statistical analyses of compensation, promotions and estimates of potential economic exposure. Developed methodologies and analytical tools used to assess differences in performance ratings, annual bonuses, and merit pay adjustments on an on-going basis. (Multiple similar engagements)

Prepared analyses relating to threatened litigation of all major employment decisions for a pharmaceutical manufacturing company, including promotions, terminations, performance evaluations, compensation, and disciplinary actions. (Multiple similar engagements)

**Representative Engagements as a Consulting Expert – Equal Employment Opportunity
(continued)**

Multiple retentions for a variety of clients relating to potential adverse impact by race and gender of employees' annual performance rating assignments and the associated merit increases, bonus payments and long-term incentive (LTI) awards.