



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
Staffing, Independent Contractors 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. Court of Appeals, 4th Circuit

U.S. District Court, Eastern District of Virginia

U.S. District Court, Western District of Virginia

Languages

Spanish

Latin

Publications & Press

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

Bloomberg Law

March 19, 2024

The ACLU: Champion of Individual Arbitration?

The Federalist Society

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

Little 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?

Little 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

Little 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

Littler 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

Little ASAP

April 21, 2020

Lawmakers Agree to New Funding for Paycheck Protection Act Program

Little ASAP

April 21, 2020

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

Little ASAP

April 16, 2020

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

Little ASAP

April 3, 2020

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

Little ASAP

April 2, 2020

CARES Act: Implications for Employers

Little 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

Little 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

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

Biden's Big Labor is Bad for Business

Heritage Foundation

October 13, 2023

Whole of Government White Paper

U.S. Chamber of Commerce, Washington, DC

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