

**David P. Twomey**  
Boston College  
Carroll School of Management  
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**ACADEMIC POSITION**

Professor  
Business Law  
Carroll School of Management  
Boston College

**EDUCATION**

1968 Boston College Law School, Chestnut Hill, MA  
Juris Doctor

1963 University of Massachusetts, Amherst  
MBA

1962 Boston College, Carroll School of Management  
BS  
Major Fields: Economics and Marketing

**PERSONAL BACKGROUND**

Born and raised in Boston, Massachusetts. Graduate of St. Andrew's

property rights; securities regulations; developing forms of business organizations; corporate governance; franchising; and agency law.

**SELECTED UNIVERSITY SERVICE:**

Served as Chairman of the University United Way Campaign, 1972-1973.

While Chairman of the University Conciliation Committee, in 1972-1973, the process led to the promotion and tenure of a woman who had been denied tenure. Father Skehan, the acting Dean of Arts and Sciences, was an important facilitator of this result.

In the early 1970's the University contemplated reducing enrollment of the undergraduate business school due to some less than desirable applicant pools. Served as Chairman of the CSOM Student Recruitment Task Force which *inter alia* invited guidance counselors from every high school in Massachusetts to CSOM for a reception and presentation on "Today's Management Education." Independent of the Task Force's well received work, student interest in management education increased and the crisis dissipated. Subsequently, served for many years as a member of the University Undergraduate Admissions Enrollment Management Advisory Committee.

In 1977-1978, served as Chairman of CSOM Dean Search Committee. The  
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Appointed by President George W. Bush to a three-person Presidential Emergency Board, No. 237, April 2004. (UTU and SEPTA).

Appointed by President Barack Obama to a three-person Presidential Emergency Board, No. 247, October 2014 (BLET and SEPTA)

### **GRANTS, AWARDS, AND HONORS**

Grant from General Electric Company and the International Union of Electrical Workers fully funding participation in the Labor Arbitrator Development

Twomey, David P., Jennings, Marianne M., "Business Law, Principals for Today's Commercial Environment," 3<sup>rd</sup> Edition, South -Western Cengage Learning, Mason, Ohio, (2011), pp. 1131.

Twomey, David P., Jennings, Marianne M., "Anderson's Business Law and the

Twomey, David P., Ronald A. Anderson, Ivan Fox & M. Jennings, 13<sup>th</sup> Edition,  
West Publishing Co., ITP, Cincinnati, Ohio, 1998, pp. 1324.

Twomey, David P., "A Concise Guide to Employment Law," South- Western Publishing Company, Cincinnati, Ohio, 1986, pp. 170. Manual published simultaneously.

Twomey, David P., "Labor Law and Legislation," 7th Edition, South- Western Publishing Company, Cincinnati, Ohio, 1985, pp. 634. Manual published simultaneously.

Twomey, David P., Ronald A. Anderson and Ivan Fox "Business Law, UCC Comprehensive Volume." 12th Edition, South- Western Publishing Company, Cincinnati, Ohio, 1985, pp. 710.

Twomey, David P., "Labor Law and Legislation," 6th Edition, South- Western Publishing Company, Cincinnati, Ohio, 1980, pp. 547. Manual published simultaneously.

Twomey, David P., Ronald A. Anderson and Ivan Fox, "Business Law, UCC Comprehensive Volume," 11th Edition, South- Western Publishing Company, Cincinnati, Ohio, 1980, pp. 744. Manual and Student Workbook published simultaneously.

Twomey, David P., Ronald A. Anderson and Ivan Fox, "Business Law, Principles and Cases," 7th Edition, South- Western Publishing Company, Cincinnati, Ohio, 1979, pp. 917. Manual and Student Workbook published simultaneously.

x Twomey, David P., The NLRB's *Babcock* Arbitral Deferral Standard: A Woman's Plight Leads to a Changed Policy but No Remedy. *Labor Law Journal*, Volume No. 67, No. 3 Fall 2016, pp. 429-436.

Twomey, David P., Recent Trends in Defamation Law: From the Straightforward Action in *Ventura v. Kyle* to Unmasking an Anonymous Poster in the "*Fuboy*" case. *Business Law Review*, Volume No. 48, Spring 2015, pp. 1-9

Twomey, David P., "NLRA Impasse Cases: What's Right, What's Not Right and What Can Be Done About It", *Labor Law Journal*, Vol. 65, No. 3 Fall 2014 pp. 117-126.

Twomey, David P., "Licensed Practical Nurses: Protected "Employees" or Statutory "Supervisors" Under the NLRA? The Impact of the 11<sup>th</sup> Circuit's *Lakeland Health Care* Decision", *Labor Law Journal*, Vol. 64, No. 2 Summer 2013 pp. 57-66.

Twomey, David P., "Unnecessary Burdens on Employers: Time for the EEOC to Improve its Systemic Discrimination Initiative", *Labor Law Journal*, Vol. 63, No. 2 Summer 2012 pp. 71-81.

Twomey, David P., "Employee Retaliation Claims Under the Supreme Court's *Burlington*, *Crawford* and *Thompson* Decisions: Important Implications For Employers," *Labor Law Journal*, Vol. 62, No. 2, Summer 2011 pp. 57-66.

Twomey, David P., "The Supreme Court's *14 Penn Plaza v. Pyett* Decision: Impact and Fairness Considerations" *Labor Law Journal*, Vol. 61, No. 2 Summer 2011 pp. 55-66.

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Twomey, David P., "The Empl? y Ó aso d m " \$ t e Cone/ we/ Ó



Twomey, David P., "Binding Arbitration of Employment Disputes: 2002," *Business Law Review*, Vol. 35, Spring 2002, pp. 187-198.

Twomey, David P., "Court Review of Labor Arbitration Awards after the Supreme Court's *Eastern Coal* Decision," *Business Law Review*, Vol. 34, Spring 2001, pp. 177-187.

Twomey, David P., "Sexual Harassment Law, After Oncale, Ellerth, Faragher, and Kolstad. What's An Employer to Do?" *Business Law Review*, Vol. 33, Spring 2000 pp. 149-163.

Twomey, David P., "Employee Privacy and the Developing Law Relating to Employee Medical Information and 'Other Private Matters,'" *Business Law Review*, Vol. 31, Spring 1998, pp. 145-165.

Twomey, David P. et al, *THE CONCISE BLACKWELL ENCYCLOPEDIA OF MANAGEMENT*, C.L. Cooper and C. Argyris editors, "Civil Rights Act of 1964; Civil Right Act of 1991," Blackwell Publishers Inc., Oxford, U.K., 1998;

Twomey, David P., "The Hammontree Challenge to the NLRB's Deferral Policy," *Business Law Review*, Spring 1990, pp.225-231.

Twomey, David P., "Court Review of Labor Arbitration Awards," *Business Law Review*, Spring 1989, pp. 267-273.

Twomey, David P., "The Legality of Affirmative Action Plans and Consent Decrees in the Light of Recent Court Decisions," *Business Law Review*, Vol. 21, Spring 1988, pp. 309-317.

Twomey, David P., "Successor Employers' Obligations under the NLRA." *Business Law Review*, Vol. 21, Spring 1987, pp. 268-273.

Twomey, David P., "The New Work Relocation and Deferral Policies of the Reagan Labor Board Majority," *Business Law Review*, Spring 1984, pp. 63-68.

Twomey, David P., "The Federal Service Labor- Management Relations Act- Its Meaning and Impact," *Business Law Review*, Spring 1983, pp. 66-72.

Twomey, David P., "Sex Discrimination in Employee Compensation: The Implications of the *County of Washington v. Gunther* Decision," *Business Law Review*, Spring 1982, pp. 61-65.

Twomey, David P., "NLRB v. Yeshiva University: Faculty as Manage

## SELECTED PRESENTATIONS AND PROCEEDINGS

Twomey, D.P. (2019, August). *-Compete Law: A Favorable Advancement, Protecting Sensible Categories of Workers and Enhancing*. Presented at Academy of Legal Studies in Business Annual Conference, Montreal, Canada.

Twomey, D.P. (2019, April). *-Compete Law: A Favorable Advancement, Protecting Sensible Categories of Workers and Enhancing*. Presented at the North Atlantic Regional Business Law Association Annual Conference, Boston University, Questrom School of Business.

Twomey, D. P. (2018, August). *Policymaking at the NLRB under the Bush II, Obama, and now the Trump Labor Board: Where Do We Go From Here?* Presented at the Academy of Legal Studies in Business Annual Conference, Portland, Oregon.

Twomey, D. P. (2018, April). *Policymaking at the NLRB under the Bush II, Obama, and now the Trump Labor Board: Where Do We Go From Here?* Presented at the North Atlantic Regional Business Law Association Annual Conference, Salem State College Bertolon School of Business.

Twomey, D. P. (2017, August). *"The Developing Law of Employee Non-Competition Agreements: Correcting Abuses; Making Adjustments to Enhance Economic Growth"*, Presented at the Academy of Legal Studies in Business Annual Conference, Savannah Georgia.

Twomey, D. P. (2017, April). *How Labor Arbitration Works*. Presented at the Bellarmine Law Society.

Twomey, D. P. (2017, April). *"The Developing Law of Employee Non-Competition Agreements: Correcting Abuses; Making Adjustments to Enhance Economic Growth"* Babson College: North Atlantic Regional Business Law Association.

The Developing Law of Employee Non-Competition Agreements: Correcting Abuses; Making Adjustments to Enhance Economic Growth. Academy of Legal Studies in Business annual conference, Savannah, Georgia on August 9, 2017.

Paper presented at North Atlantic Regional Business Law Association annual conference held at B Ó e Ó B Ó -

“Recent Trends in Defamation Law: From Straight Forward Action in *Ventura v. Kyle* to Unmasking an Anonymous Poster in the “Fuboy” case. Presented at the North Atlantic Regional Business Law Association, UMass Lowell, Lowell, MA on April 3, 2015.

Paper presented at Academy of Legal Studies in Business annual conference held in Seattle, Washington on August 6, 2014, entitled: ““NLRA Impasse Cases: What’s Right, What’s Not Right and What Can Be Done About It”.

Paper presented at Academy of Legal Studies in Business annual conference held in Boston, MA on August 10, 2013 entitled: “Licensed Practical Nurses: Protected “Employees” or Statutory “Supervisors” Under the NLRA? The Impact of the 11<sup>th</sup> Circuit’s *Lakeland Health Care* Decision”

Paper presented at the NARBLA meeting at Boston College in March 31, 2012 entitled “Unnecessary Burdens on Employer’s: Time for the EEOC to Improve its Systemic Discrimination Initiative.”

Paper presented at the NARBLA meeting at Bentley University in April 2011 entitled “Employee Retaliation Claims Under the Supreme Court’s *Burlington, Crawford* and *Thompson* Decisions: Important Implications For Employers.”

Presentation at Northeastern University Law School “Arbitration Insights Three Decades After Completion of the University of Michigan’s ICLE Labor Arbitrator Development Program,” July 20, 2010.

Paper presented at the Academy of Legal Studies in Business annual conference in Richmond, Virginia August, 2010 entitled: “The Supreme Court’s *14 Penn Plaza v. Pyett* Decision: Impact and Fairness Considerations for Collective Bargaining.”

Paper presented at the NARBLA meeting at UMass Dartmouth in April 2009, entitled “The Employee Free Choice Act: Congress, Where Do We Go From Here?”

Paper presented at the NARBLA meeting in Providence, Rhode Island in April 2008, entitled “Policymaking Under the *Bush II* National Labor Relations Act: Where do We Go From Here?”

Presented paper entitled: “Employee Retaliation Claims Under the Supreme Court’s *Burlington Northern Santa Fe Railway Co. v. White* Decision: Important Implications for Employers” at the Academy of Legal Studies in Business Annual Meeting in Indianapolis, Indiana, August, 14, 2007.

Presented a paper at the NARBLA Annual Meeting a Babson College April 8, 2006, entitled “The Continuing Evolution of Sexual Harassment Law: Dividing Supervisor Harassment Claims Causing Constructive Discharges According to the Presence or Absence of ‘Official Acts of the Enterprise.’”

Presented a paper entitled “Employer Liability for Supervisor’s Sexual Harassment Causing Constructive Discharges after the U.S. Supreme Court’s *Pennsylvania State* at the Academy of Legal Studies in Business annual conference in St. Petersburg, Florida, August 12, 2006.





Twomey, David P., "Employer Liability for Sexual Harassment," Selected Papers of the American Business Law Association's National Proceedings, Fall 1986, pp. 532-543.

Twomey, David P., "The International Legal Environment," Proceedings of the American Business Law Association's Annual Meeting, August 1985, pp. 674-687.

Twomey, David P., "Legal Protection for Computer Programs," American Business Law Association Regional Proceedings, Spring 1981, pp.137-140.

Twomey, David P., "NLRB Deferral to Arbitration," American Business Law Association Regional Proceedings, Spring, 1980, pp.19-22.

Twomey, David P., "Occupational Safety and Health Law," published in the Proceedings of the American Business Law Association's Annual Meeting, August 1977, pp. 1-13.

Twomey, David P., "The Right to Union Representation at Investigatory Interviews:

D. P. Twomey, R. Kasher, E. Neumeier, Report to the President of the United States by Emergency Board 225, pp. 1-52 (U.S. Gov. 1994).

B. Aaron, E. Schmertz, D.P. Twomey, Preston Moore and A.M. Zack, Report to the President of the United States by Emergency Board, No. 222 pp. 1-55. (U.S. Gov. 1992).

B. Aaron, E. Schmertz, D.P. Twomey, Preston Moore and A.M. Zack, Report to the President of the United States By Emergency Board, No. 221 pp. 1-24 (U.S. Gov. 1992)

B. Aaron, E. Schmertz, D.P. Twomey, Report to the President of the United States by Emergency Board No. 220, pp. 1-15 (U.S. Gov. 1992).

G. S. Roukis, J.B. LaRocco, and D.P. Twomey, Report to the President of the United States by Emergency Board, No. 211, pp. 1-43 (U.S. Gov. 1986).

## **CASES**

Twomey, David P., The National Mediation Board, the American Arbitration Association, and the Bureau of National Affairs have published a number of labor arbitration awards. See for example, Labor Arbitration in Government, Vol. 7, Case Nos. 1826, 1932; Vol. 8, Case Nos. 2057, 2083; Vol. 9, Case Nos. 2245, 2344, 2411; Vol. 13 Case No. 3; Vol. 20, Case No. 4271, Arbitration in the Schools, 95-8, 96-3, 116-1; 245-3, 375-7, a92 reW6(-)JTJETQq0.00000912 0 612 792 reW\*hBT/F1 9.96 Tf1 0 0 1 255.41 430.27