

Michael McAuliffe Miller

MEMBER-IN-CHARGE
BOARD OF DIRECTORS

Michael Miller concentrates his practice exclusively on management-side employment and labor law and acts as counsel to governmental units and NGOs at all levels.

REPRESENTATIVE MATTERS

- *In the Matter of the Employees of the University of Pittsburgh*, PERA-R-19-2-W. Mike intervened on behalf of the University of Pittsburgh Medical Center in a representation petition filed by the United Steelworkers seeking to unionize faculty members at the University of Pittsburgh. Arguing that physicians employed by UPMC's non-profit subsidiary were properly under the jurisdiction of the National Labor Relations Board instead of the Pennsylvania Labor Relations Board, Mike successfully kept those physicians from being included in the proposed Steelworker bargaining unit.
- Secured a decision from the Pennsylvania Commonwealth Court affirming the decision of an arbitrator who determined that payment of certain claimed pension benefits to a retired Chief were not supported by the language of a contract. *Soberick v. Lansford Borough*, Pa. Commw. Ct., 699 C.D. 2024 (Decided, August 8, 2025).
- Part of team that defended Virginia Polytechnic University's Bias Response and Informational Activities Policy against a First Amendment challenge. *Speech First v. Sands*, 69 F.4th 184 (4th Cir. 2023); remanded as moot, 601 U.S. ___ (2024).
- Successfully defended a petition in the Bucks County Court of Common Pleas filed by the Pennridge Citizens for Direct Representation which sought the establishment of a new representation plan for the Pennridge District School Board. Following an evidentiary hearing, Judge Wallace Bateman, Jr., issued an opinion consistent with the District's position throughout the litigation, concluding that the current at-large plan was constitutional and better serves the Pennridge School District than the Petitioners' proposed three region plan because under the current at-large plan all electors get a vote on all school board seats. In Re: Pennridge Citizens for Direct Representation for the Establishment of a New Representation Plan, CP-09-MD-1641-2022.
- In a case testing the proposition of whether the Federal

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PRACTICE AREAS:

Labor & Employment

Municipal Law & Governance

Regulated Substances

Artificial Intelligence, Robotics, and Autonomous Transportation Systems

Appellate

Gaming

STATE ADMISSIONS:

Pennsylvania

COURT ADMISSIONS:

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Middle District of Pennsylvania

U.S. District Court for the Western District of Pennsylvania

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the District of Columbia Circuit

EDUCATION:

J.D., Duquesne University School of Law, 1996

M.P.I.A. University of Pittsburgh, Graduate School of Public and International Affairs, 1991

B.A., University of Pittsburgh, 1989

Educational Records Privacy Act (FERPA) prohibits school districts from being compelled to release video recordings of students under the Right to Know Law, Mr. Miller secured an order from the Supreme Court of Pennsylvania which vacated an earlier Commonwealth Court opinion granting access to such recordings and directed to the Commonwealth Court to reconsider its opinion. C*entral Dauphin School District v. Valerie Hawkins, Fox43 and the Commonwealth of Pennsylvania, Office of Open Records*, 16 MAL 2019, Pa Supreme Court (2020).

- Arguing in front of the United States District Court of Appeals for the District of Columbia, Mr. Miller obtained a decision vacating an order of the National Labor Relations Board imposing a significant back pay remedy stemming from an enforcement proceeding brought by the NLRB's General Counsel. *Pennsylvania State Corrections Officers Association v. National Labor Relations Board*, Case No 16-1328 (D.C. Cir. July 6, 2018).
- While representing a Pennsylvania school district as Special Counsel, successfully advocated for Pa. Supreme Court to overturn Commonwealth Court and, while so doing, to conclusively re-affirm the doctrine of constructive discharge in Pa. and determine the due process owed public school superintendents under Section 1080 of the School Code. *Kegerise v. Delgrande, et. al*, 183 F.3rd 997 (2018).
- Secured the dismissal of a request for an injunction made by a disappointed bidder who sought to block the City of Lebanon Authority from awarding a $37-million contract for the reconstruction of its Waste Water Treatment Plant.
- Served as Chief Labor Counsel for a New Jersey for-profit corporation that purchased the Meadowlands Health Center from a nonprofit health system. Negotiated successor labor agreements with four unions and transitioned 400+ employees to new employment avoiding litigation and disruptions to closing.
- Served as Special Labor Counsel for privatization of Dauphin County's Youth Detention Center and nursing homes previously operated by Schuylkill and Washington counties.
- Successfully defended a New Jersey Acute Care Hospital in unionization drive and secured dismissal of representation petition without a union election.
- Served as General Counsel of a Pennsylvania college for 10+ years.
- Selected as Special Labor Counsel for Eastern Pennsylvania by the Society of County Human Resources Professionals of Pennsylvania.
- Selected as Special Labor Counsel for the Pennsylvania State Association of Boroughs.
- Represented national and regional employers in the manufacturing, construction, trucking, public utility, insurance, food, education, and health care industries.
- Litigated to verdict various employment-related litigation, including claims of race, age, disability, and gender discrimination; sexual harassment; wrongful discharge; and breach of contract, and sustained these results on appeal to federal and state appellate courts.

- Developed effective and efficient strategies to resolve matters before federal and state administrative agencies, including the National Labor Relations Board, Equal Employment Opportunity Commission, and Pennsylvania Human Relations Commission.
- Regularly negotiates labor agreements with the Fraternal Order of Police, International Association of Fire Fighters, AFSCME, SEIU, IBEW, the Teamsters, the Steelworkers, and the Building Trades, among other unions.
- Served (in the public sector) as special labor counsel to a number of municipal employers at the state, county, city, borough, and township level and represented those entities in collective bargaining negotiations, contract interpretation claims, discipline matters, interest arbitrations, grievance arbitrations, unfair labor practice charges, and employment-related litigation.

PROFESSIONAL AFFILIATIONS

- Allegheny County Bar Association Ethics, Headquarters, and Nomination Committees, Former Member
- Pennsylvania Bar Association House of Delegates, Former Member

COMMUNITY INVOLVEMENT

- Appointed by the Right Reverend Audrey Cady Scanlan the Bishop of the Diocese of the Susquehanna to be the first Chancellor of that diocese formed by the reunification of Episcopal Diocese of Central Pennsylvania and the Episcopal Diocese of Bethlehem after 121 years
- The Wildcat Foundation, Board Member
- Appointed Chancellor of the Episcopal Diocese of Central Pennsylvania by the Rt. Rev. Audrey C. Scanlan as well as an ex officio Member of Council of Trustees (2023)
- Appointed-Vice Chancellor of the Episcopal Diocese of Central Pennsylvania as well as an ex officio Member of Council of Trustees (2021-22)
- Member, Discernment Committee for Reunification of Central Pennsylvania and Bethlehem Episcopal Dioceses

AWARDS AND RECOGNITION

Selected for inclusion in:

- Best Lawyers in America 2024 – 2027 for Labor Law – Management and Litigation – Labor and Employment
- Central Penn Business Journal's 2024 & 2025 Power Law List
- City & State Magazine's PA's Law Power 100 List
- Pennsylvania Super Lawyers – Rising Star
- Law and Politics Magazine's Top 40 PA Lawyers Under 40

NEWS AND INSIGHTS

PUBLICATIONS

- Author of 2024 and 2015 editions of Chapter VII of the Solicitor's Handbook entitled *Introduction to Labor Law in the Public Sector* published by the Commonwealth of Pennsylvania's Department of Community and Economic Development.
- "In Re: Melamed – Right to Know Law Commonwealth Court Interpretation," co-authored, Eckert Seamans' Labor & Employment and Municipal Law & Governance Alert, January 2023.
- "Pennsylvania Department of Labor and Industry Submits Its Final Overtime Rule for Approval," Eckert Seamans' Labor & Employment Alert October 2019.
- "All Pennsylvania Borough Police Have Civil Service Rights," Eckert Seamans' Labor & Employment Update July 2019.
- "Act 44: Improving School Safety," co-authored for the Pennsylvania Borough News, November 2018.
- "Sexual harassment isn't my problem (until it is)," Eckert Seamans' Construction Law Update, Spring 2018.
- "Sexual harassment isn't my problem (until it is): Guest view," Central Penn Business Journal, January 2018.
- "What Pennsylvania employers need to know about medical marijuana," Eckert Seamans' Construction Law Update, Fall 2017.
- "Getting it Right the First Time: Holding Unions Accountable to Contractual and Statutory Time Limits," SCHRPP Quarterly, April 2013.
- "Did the Commonwealth Court Sweep Away the Ability to Bargain Over Changes to Post-Retirement Health Benefits?" SCHRPP Quarterly, June 2012.
- "The Facebook Firing Case," SCHRPP Quarterly, January 2011.
- "A New Frontier for 1620 Rights?" SCHRPP Quarterly, October 2010.

MEDIA COVERAGE

- "A Friend of the Court: PSATS' Legal Defense Partnership Represents Townships on a Host of Issues Before the Courts," PA Township News, November 2020.
- "Ask the Lawyer: Live Online Chat with Michael McAuliffe Miller," The Central Penn Business Journal, 2014.
- "Companies Fight Against Texting and Driving," Risk and Insurance Online, 2012.
- "New Year, New Policy Challenges," SHRM Online, 2011.
- "Rethink social media policies in light of NLBR complaint, lawyers say," American Medical News, 2010.
- "Chilling Worker Speech on Facebook," Human Resource Executive Online, 2010.
- "Hospitals Responsible for Physicians' Bad Behavior," Health Leaders Media, 2010.

SPEAKING ENGAGEMENTS

Michael is a regular speaker at Continuing Legal Education programs and professional conferences for numerous organizations, including the Pennsylvania State Association of Township Supervisors, Pennsylvania State Association of Boroughs, County Commissioners Association of Pennsylvania, Pennsylvania Chiefs of Police Association, Society of County Human Resource Professionals of Pennsylvania, and Human Resources and Labor Management Institute. His presentation topics have included:

- Tricky Situations: ADA Accommodations, Intermittent FMLA and More
- Artificial Intelligence in the Workplace, Helpful Tool Or Recipe for Disaster?
- New Rules and New Strategies: Accommodating Employees in a Post Pandemic Workplace
- You're Wrong: Problems in the County Workplace and How to Solve Them
- Just Exactly Where Are We Now? A Review of Municipal Labor and Employment Law in 2021
- Summer School is in Session: What Pennsylvania School Districts Need to Know About ESSER Relief Funds
- Reviewing the American Rescue Plan Act
- Grievance Handling and Arbitration
- Reviewing the American Rescue Plan Act
- Vaccines and Employment Issues During COVID
- The Unthinkable — Coronavirus and Employees
- Pennsylvania's New Medical Marijuana Law: What Employers Need to Know Now
- Trends in Higher Education Bargaining (co-presented with Dr. Ken Mash at Joint Statewide Conference for Pennsylvania Bureau of Mediation & Pennsylvania Labor Relations Board)
- Police Liability and Body Cameras
- Winning at Mediation and Arbitration
- The Difficult Employee: Attendance and Performance
- The Monster Under Our Beds: Bad Language in CBAs
- Developing and Updating Comprehensive, Legal Employee Handbooks and Job Descriptions
- The Right Way to Hire and Fire Your Employees
- How the NLRB is Remaking Labor Relations in America
- Social Media in the Post-Quon World
- Five (Not So) Easy Pieces: Bad Employment Law Situations for County Solicitors
- Conducting a Workplace Audit
- Alphabet Soup: FMLA, ADA and Workers Compensation
- When Did I Start Working For The Style Channel? Dress Codes, the Public Sector, and the Law