

Alexander T. MacDonald

Shareholder
Co-Chair, Workplace Policy Institute

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Focus Areas

Workplace Policy Institute
Labor Management Relations
Emerging Companies and Venture Capital
Appellate
Arbitration
Wage and Hour
Contractors, Staffing 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 co-chair 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

- Author of the Year, *Federalist Society*, 2024
- 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. Supreme Court

U.S. Court of Appeals, 4th Circuit

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. District Court, Eastern District of Virginia

U.S. District Court, Western District of Virginia

U.S. District Court, Southern District of Texas

Languages

Spanish

Latin

Publications & Press

Policy Week in Review

Littler ASAP

January 31, 2025

Why the Firing of Gwynne Wilcox Could Be an Inflection Point for the NLRB—and Administrative Government

The Federalist Society

January 30, 2025

WPI's Alex MacDonald On The Legal Theory Behind The Firing Of NLRB Member Wilcox

Labor Union News

January 29, 2025

3 Takeaways From Trump's NLRB Leadership Shake-Up

Law360 Employment Authority

January 28, 2025

Union Rates See Continued Drop In 2024, BLS Says

Law360 Employment Authority

January 28, 2025

Trump DOL Pauses Biden Independent Contractor Rule Defense

Bloomberg Law

January 27, 2025

Incoming Administration Rescinds “Right of First Refusal” Requirements for Certain Employees of Federal Contractors

Littler ASAP

January 21, 2025

NLRB May Be Cautious Of Regulation Post-Loper Bright

Law360 Employment Authority

January 17, 2025

Parting Shots: The FTC's Outgoing Leadership Expands Antitrust Exemptions for Labor Activity to Independent Contractors

The Federalist Society

January 17, 2025

Trump's First Days May Bring Quick Changes To NLRB

Law360 Employment Authority

January 16, 2025

Labor Judges' Removal Ruling 'Pyrrhic' Without Injunction

Law360 Employment Authority

December 10, 2024

Possible Firings Could Mean 'Chaos' At Labor Board

Law360 Employment Authority

December 6, 2024

Procedure May Tie Up Reversals Of Biden NLRB Precedents

Law360 Employment Authority

November 27, 2024

Advocates Cautious Of Teamsters-Backed Trump DOL Pick

Law360 Employment Authority

November 25, 2024

Federal Court Strikes Down Rule Raising Salary Threshold for White Collar Overtime Exemptions

Littler ASAP

November 15, 2024

Court Strikes Down Overtime Salary Threshold Rule

Connecticut Business and Industry Association

November 15, 2024

Texas ABM Ruling Threatens Future of Labor Agency Law Judges

Bloomberg Law

November 1, 2024

The Global Guide Quarterly (Quarter 3, 2024)

Littler Global Guide Quarterly

October 23, 2024

An Accidental Outcome? Alex MacDonald returns to discuss how the NLRA's success has resulted in fewer unions & what might happen under a new administration in DC

Labor Union News

October 15, 2024

3 Wage Cases To Watch As Justices Return To Bench

Law360 Employment Authority

October 8, 2024

Predistribution, Labor Standards, and Ideological Drift: Why Some Conservatives Are Embracing Labor Unions (and Why They Shouldn't)

The Federalist Society

September 23, 2024

How Union Tactics Sideline Businesses and Workers

U.S. Chamber of Commerce

September 12, 2024

Littler's Workplace Policy Institute Releases 2024 Labor Day Report

Littler Press Release

September 3, 2024

Ten Employment Issues This Labor Day

Littler Insight

September 2, 2024

Alex MacDonald Explains How Unions' Right to "Exclusive Representation" May Be Unconstitutional

Labor Union News (Podcast)

August 28, 2024

The Accidental Success of the NLRA: How a Law about Unions Achieved Its Goals by Giving Us Fewer Unions

The Federalist Society

August 28, 2024

Leading Business Coalition Urges Supreme Court Review in Key Case on Government-Forced Union Representation

Littler Press Release

August 22, 2024

A Regression to Politics? Recent Court Decisions Could Give Partisanship Even More Influence at the NLRB

Washington Legal Foundation

August 16, 2024

Recent Injunction Decisions Muddy Labor Board's Future

Law360 Employment Authority

August 2, 2024

Supreme Court's Decision Seen Changing Rulemaking

Material Handling & Logistics

August 2, 2024

Expert Insights – California Supreme Court Upholds Proposition 22

Westlaw Today

July 30, 2024

California Supreme Court Upholds Proposition 22

Littler ASAP

July 25, 2024

Supreme Court's 2024 term could transform labor and employment law

Westlaw Today

July 16, 2024

Labor Relations Radio E138 – Attorney Alex MacDonald On The Constitutionality Of 'Exclusive Representation'

Labor Union News

July 18, 2024

What employers can expect following the end of Chevron deference

HR Dive

July 17, 2024

Regulatory Compliance in a Post-Chevron World: Fasten Your Seatbelts

Corporate Compliance Insights

July 16, 2024

Union membership is now political. So can the government still require people to associate with a union?

The Federalist Society

July 8, 2024

How the Supreme Court's blockbuster 'Chevron' ruling puts countless regulations in jeopardy

CNN

July 3, 2024

After Chevron: Various Paths For Labor And Employment Law

Law360

July 3, 2024

Labor Enforcers' Policy Strategies Will Get Post-Chevron Rewrite

Bloomberg Law

July 1, 2024

Supreme Court Scales Back Federal Agency Powers

Corporate Compliance Insights

July 1, 2024

Supreme Court's 2024 Term Could Transform Labor and Employment Law

Littler Insight

July 1, 2024

Texas District Court Narrowly Enjoins White-Collar Overtime Regulations

Littler ASAP

June 29, 2024

U.S. Supreme Court Rolls Back "Deference" to Federal Agencies and Opens Up More Challenges to Regulations

Littler ASAP

June 28, 2024

High Court's SEC Decision Has Limited NLRB Impact, For Now

Law360 Employment Authority

June 28, 2024

Agencies' Influence over Employers May Erode After Supreme Court Decision

SHRM Online

June 28, 2024

Pollution Curbs, Non-Compete Bans Put at Risk by Chevron Ruling

Bloomberg

June 28, 2024

Political Unions, Free Speech, And The Death of Voluntarism: Why Exclusive Representation Violates The First Amendment

Georgetown Journal of Law & Public Policy

June 24, 2024

9th Circ.'s AB 5 Ruling Leaves Less Hope For Striking Law

Law360 Employment Authority

June 11, 2024

Minimum Salaries and the Evolving Workforce: Why the DOL's New Automatic Salary Updates Clash With Legal Precedent and Economic Facts

The Federalist Society

June 7, 2024

Employers Preparing For Post-Chevron World In NLRB Cases

Law360 Employment Authority

May 8, 2024

Noncompetes, Overtime, and the Status Quo: How Agency Rulemaking Distorts Federal Policy and Why Only Courts Can Fix It

The Federalist Society

April 30, 2024

Federal labor law could be completely upended by this summer

Courthouse News Service

April 29, 2024

Department of Labor Publishes Final Rule to Update the Salary Level for Overtime Eligibility

Littler ASAP

April 23, 2024

Whither Expertise? The Decline and Fall of Nonpartisan Policy at the National Labor Relations Board

The Federalist Society

April 22, 2024

Fast Food, Minimum Wages, and the Pervasive Myth of Benevolent Unions: Why the Labor Movement Pushes for Stricter Labor Laws

The Federalist Society

April 9, 2024

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

Punching In: New Biden Worker Classification Test Implemented

Bloomberg Law

March 11, 2024

Federal Court Vacates NLRB Joint Employer Rule, Restores 2020 “Substantial Direct and Immediate Control” Standard

Littler Insight

March 10, 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

Littler Insight

January 9, 2024

SpaceX's Bid to Upend NLRB Follows Signals From Supreme Court

Bloomberg Law

January 9, 2024

Big Tech says it dodged a bullet with independent contractor rule

POLITICO Pro

January 9, 2024

What Would Overruling Chevron Mean for Labor and Employment Law?

Littler 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

Littler 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

Littler ASAP

April 30, 2020

DOL Clarifies That Gig Workers Can Qualify for COVID-19 Unemployment Benefits When Their Work Dries Up

Littler ASAP

April 21, 2020

Lawmakers Agree to New Funding for Paycheck Protection Act Program

Littler ASAP

April 21, 2020

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

Littler ASAP

April 16, 2020

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

Littler ASAP

April 3, 2020

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

Littler ASAP

April 2, 2020

CARES Act: Implications for Employers

Littler 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

Littler 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 Loper Bright Means for Employment and Labor Law

American Law Institute CLE

January 9, 2025

A Look Ahead: Exploring the Impact of the November 2024 U.S. Election for Total Rewards Professionals

World at Work Total Rewards Association Webinar

November 20, 2024

Worker-Classification Trends: Where We've Been, Where We're Going, and Why Every Lawyer Should Care

Federalist Society, Widener University Delaware Law School Students Chapter

November 12, 2024

How 2024 Could Transform Labor and Employment Law: From The Supreme Court's 2024 Term to the Election

World at Work Total Rewards Summit Series: Arlington

October 9, 2024

Conservative Populism and the Future of the Right's Relationship with Organized Labor

The Federalist Society

September 23, 2024

Litigation After Loper: Effects on Agency Practice

Bloomberg Webinar

August 15, 2024

Chevron is Gone. What's Next for Labor and Employment Law?

July 25, 2024

The DOL's Final Overtime Rule

June 10, 2024

How To Navigate DOL's Latest Independent Contractor & Davis-Bacon Laws

National Association of Home Builders

May 15, 2024

Special Sessions: What Does the Biden Administration's "Whole-of-Government" Approach Mean for Employers and Workers?

Littler Executive Employer Conference, Phoenix, AZ

May 9, 2024

Joint Employer: Are Franchise Companies in the Clear?

International Franchise Association (IFA)

April 23, 2024

Natural Law & Labor Law

James Wilson Institute Webinar

April 9, 2024

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

State Regulators and the Gig Economy

Regulatory Transparency Project Podcast

June 25, 2020

Panel Discussion of AB 5

Federalist Society San Diego Lawyers Chapter

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