

# DAVID W. BERRY

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**Education**                    **SLOAN SCHOOL OF MANAGEMENT,**                    1980 - 1984  
**MASSACHUSETTS INSTITUTE OF TECHNOLOGY**                    Cambridge, MA

Recipient of Bachelor of Science in Management concentrating in Management Science, Negotiations, Human Resources, Labor Relations, and Employment Studies.

**Experience**                    **LABOR COSTING ASSOCIATES, LLC (@ LABORCOSTING.COM)**                    January 2010 – Present  
**Founder, President and CEO**                    West Chester, PA

*Founded and continues to manage a consulting practice that provides complete analytical support to labor negotiators representing management, primarily in the retail supermarket industry.*

**DAVID W. BERRY, Consultant / Analyst** [predecessor business]                    December 2002 – December 2009  
**Founder, Consultant and Sole Proprietor**                    Willistown, PA

*Founded a consulting practice that provides complete analytical support to labor negotiators representing management, primarily in the retail supermarket industry.*

**THE J.V. MORGAN COMPANY, LLC** [predecessor business]                    January 2000 – December 2002  
**Founding Consultant**                    Berwyn, PA

*Founded with business associate a consulting practice that provided complete analytical support to labor negotiators representing management, primarily in the retail supermarket industry.*

## Description of Businesses:

- Primary client services provided include:
  - Cost analysis of all economic bargaining proposals/provisions impacting wages, hours, premiums, paid time off benefits, health benefits, pension benefits, and operational changes;
  - Financial impact of changes in total labor cost on business's operating profit/loss;
  - Demographic and productivity changes resulting from modifications in operations and employment conditions; and,
  - Competitive analysis within industry and within geographic labor market of all essential benchmarks pertaining to operational, financial, and employment conditions.
- Developed monthly benefits cost reporting system for the largest Taft-Hartley health and welfare fund in New Jersey on behalf of the fund's third-party benefits administrator.
- Clients include:
  - Ahold USA
    - Stop & Shop Supermarket Companies (New England, New York, and New Jersey)
    - Giant Food (Delaware, Maryland, Virginia and the District of Columbia)
    - Bruno's Supermarkets, Food World & Food Fair (Alabama, Georgia and Florida) (prior to 1/2005)
  - Safeway
    - Safeway Supermarkets (Maryland, Virginia, Arizona, and northern California)
    - Dominick's Supermarkets (Illinois and Indiana)
    - Genuardi's Family Markets (Pennsylvania, Delaware and New Jersey)
    - Vons Supermarkets (southern California and Nevada)
  - Lone Star Funds – Bruno's Supermarkets and Food World (Alabama and Georgia) (since 1/2005)
  - The Kroger Company (Illinois and Indiana)

- The Penn-Traffic Company – Bi-Lo, P&C, Quality and Riverside Supermarkets (upstate New York, Pennsylvania, Vermont, and New Hampshire)
- Frank M. Vacarro & Associates, Inc. (third-party administrator retained by Taft-Hartley funds serving companies and unions in the retail supermarket industry).
- Total revenues earned by David W. Berry in excess of \$2,000,000 since inception of business.

**U.F.C.W. LOCAL 56 AND PARTICIPATING EMPLOYERS  
JOINT LABOR-MANAGEMENT COOPERATION TRUST FUND**

January 2000 – April 2002

*Director of Fund Projects* [part-time position of 20 hours per week]

Pennsauken, NJ

*Helped found and worked part-time for a joint labor-management fund reporting to the Fund Administrator during the course of its existence. (Fund was terminated in 2002 due to its funding not being renegotiated in labor negotiations.)*

- Assisted Fund Administrator in day-to-day administration of Fund's business.
- Renegotiated many major equipment leases (for printing, publishing, and photocopying machines) resulting in significantly lower monthly equipment costs.
- Prepared presentations to bargaining unit employees of contributing employer describing new 401(k) plans.
- Resolved dues and initiation fees disputes between contributing employer and union.
- Developed productivity standards for meat department employees on behalf of contributing employer and union.
- As part of a team of fund employees, developed and presented new loss prevention programs to contributing employer and union.
- Authored contract analysis comparing contributing employer to other supermarket companies in the geographic labor market.
- Costed out economic impact of proposals in negotiations between employer and union.
- Drafted significant portions of the legally-mandated Annual Report to the Fund's Trustees at the direction of the Fund Administrator.
- Authored analysis of average hourly rates on behalf of contributing employer and union, comparing meat department wage rates to wages rates earned by other departments' employees represented by other unions, to rationalize the significant per-employee cost differences.
- Assisted the national Joint Labor-Management Committee of the Retail Food Industry located in Washington, DC, in developing the findings from its national prescription drug benefit comparison project.
- Provided accounting services to the Joint Labor-Management Committee of the Retail Food Industry for its federal grant to study prescription drug cost savings strategies provided by the Federal Mediation and Conciliation Service.
- Assisted in the dissolution of the Fund and its assets upon expiration of the Fund's term.

**ALBERTSON'S, INC. (Acme Markets Division)  
[formerly part of American Stores Company, Inc.]**

August 1997 – January 2000

*Director of Labor Relations*

Malvern, PA

*Reported to the Vice President of Labor Relations; responsible for the strategic negotiation and administration of labor contracts covering approximately 10,000 bargaining unit employees.*

- Developed and implemented new labor relations systems to handle grievances, to report on employee demographics and hours and earnings, and to cost out contract proposals and changes.
- Helped negotiate two cost-neutral labor contracts; currently preparing to negotiate three more in the next 3 months.
- Helped negotiate pension fund "pourbacks" totaling nearly \$3 million over four years.
- Represented Labor Relations Department and Acme Markets in implementation of new payroll/HRIS system.

- Implemented new grievance procedure involving operations management in earlier steps with Labor Relations handling the final step before arbitration.
- Analyzed operational and financial aspects of chain recommending the closure on numerous inefficient stores with a projected savings of \$20 million in losses.
- Analyzed financial aspects of Taft-Hartley benefit funds, identifying over \$10 million in over-funding that is now in the process of being "poured back" to the company.
- Responsible for the development of appropriate compensation structures for bargaining unit employees.
- Serves as a Trustee and Alternate Trustee on Taft-Hartley jointly-trusted benefit funds.
- Negotiated a split in a pension fund to allow a union to have sole access to its reserves so that it can apply them to an under-funded health plan.
- Part of a union-management team designing and implementing a joint labor-management cooperation trust fund that will develop and implement store-level programs to increase employee productivity.
- Authored competitive study of drug store labor costs that led to corporate decision not to develop a free-standing drug store chain in the greater-Philadelphia area, saving millions of dollars in potential losses.
- Worked with finance and real estate departments to identify and forecast labor costs for proposed new stores and analyzed their economic impact within corporate financial models.
- Researched, developed and implement strike contingency plans for stores and transportation/distribution.
- Negotiated capitation fees with health plan providers in health funds.
- Responsible for labor cost analysis in secret merger negotiations with nearby eastern-U.S. chains.
- Analyzed and helped negotiate lower pharmaceutical benefit manager fees in several funds.
- Drafted numerous contract proposals and provisions, benefit descriptions and employee communications.
- Authored study on employee productivity in stores and made appropriate recommendations to senior management; now part of management team setting up new training programs.
- Worked with operations and information technology departments to implement a store scheduling system that optimizes employee schedules with customer shopping habits.
- Analyzed unionization percentage and labor costs for post-merger Albertson's/ASC combined company.
- Co-authored study of proper labor cost and profit parameters of hypothetical, successful unionized supermarket company.
- Responsible for obtaining and analyzing labor, operational and financial data of competitors in the retail food, retail non-food and drug store industries.
- Responsible for monitoring and analyzing labor negotiations for all industries, identifying labor relations trends.
- Developed important and practical relationships with union leaders, competitors' management, and consultants.
- Helped develop an alliance with the labor relations management of unionized competitors in order to present a coherent and unified management approach in multi-employer, joint union-management trust funds.
- Responsible for the implementation of all compensation and benefit changes impacting union employees.

**BARDON TRIMOUNT, INC.**  
**(a division of Aggregate Industries, PLC)**  
***Manager of Human Resources***

September 1995 - August 1997

Saugus, MA

*Reported to the Vice President of Administration; responsible for the strategic and day-to-day administration of the Human Resources department serving over 550 employees; reporting to this position were a Payroll Manager, Benefits Manager and a Human Resources Representative; shared joint responsibility with the Vice President of Business Development negotiating and administering seventeen labor contracts.*

**Recruiting and Staffing:**

- Recruited for over thirty positions in all operational and administrative functions and at all levels from receptionists to the Chief Operating Officer.
- Designed and implemented organizational structures to adapt to changing business strategies.
- Coordinated five relocations of new executives, three of which were international relocations.

Employee Relations:

- Investigated and resolved all non-union employee relations issues with solutions including verbal and written warnings, suspensions, terminations, interim performance evaluations, employee relocations, time management and priority setting programs, reassignments and reorganizations.
- Managed and resolved, together with the Vice President of Business Development, all union grievances at Step Two and above; assisted field management in resolving Step One grievances; recommended and retained legal counsel to use in arbitrations; member of joint labor-management arbitration panels.
- Developed, drafted and implemented company's first employee handbook.
- Coordinated two major relocations of employees from headquarters to regional offices.

Compensation Administration:

- Administered MBO employee evaluation process for 160 non-union employees which entailed the setting of annual performance goals and objectives, self-appraisal, and supervisor appraisal and rating.
- Analyzed labor market conditions by participating and utilizing various industry and geographical surveys applying conclusions to company's salary structure.
- Developed overall salary adjustment program resulting in increases averaging 3% (ranging from 0% to 5% depending on performance rating) and meeting total cost goal.
- Administered annual discretionary bonus plan.
- Developed and recommended to management a formula-based bonus plan.

Benefits Administration:

- Together with the Benefits Manager, responsible for administration of numerous benefit plans, medical (POS), dental, basic and supplemental life insurance and AD&D, short- and long-term disability, 401(k) retirement and profit-sharing plans, supplemental executive retirement plan (SERP), tuition assistance plan, and a dependent care plan.
- Developed and implemented "401(k)-styled" SERP for 25 senior executives, equalizing retirement savings opportunities for U.S. executives as compared to their counterparts in the United Kingdom.
- Participated in U.S. Pension Committee meetings which reviewed performance of 401(k) plan funds, resulting in replacement of under-performing funds with new more-promising funds.
- Initiated and now managed a major review and prospective overhaul of medical and dental plans with a major health care consultant (Watson-Wyatt) targeting annual savings of 15%-20%, anticipating an September 1, 1997, effective date for the revamped plans.
- Implemented effective September 1, 1996, new carriers for life insurance/AD&D and disability, resulting in significantly lower premium costs, saving approximately \$60,000 per year.

Department Administration:

- Responsible for preparing and meeting departmental budget totaling over \$1.1 million.
- Responsible for retirement plan assets totaling over \$15 million.

Training and Development:

- Assisted in the professional development of employees by locating and arranging participation in job-related training seminars, courses and programs.
- Recommended to two senior executives to enroll in Harvard Law School's Negotiation Project, which both successfully completed.
- Developed and implemented a sexual harassment prevention training program for all employees.

Labor Relations:

- Successfully negotiated four labor settlements, all of which resulted in annual wage and benefits increases of no more than 3%, one of which was flat in the first year and only 2% in the second and third years.
- Responsible for all labor negotiations preparation including costing of economic matters, bargaining unit demographic analyses and the drafting of initial and subsequent proposals.

**BRADLEES STORES, INC.** (ceased operations as of February, 2001) May 1990 - August 1995  
 (formerly part of The Stop & Shop Companies, Inc.)  
**Manager of Labor Relations** (promoted from Labor Relations Specialist) Braintree, MA  
**Consultant** December 1995 - January 1997

*Reported to the Vice President of Labor Relations and assisted the Director of Labor Relations.*

Contract Negotiations:

- Costed out all economic issues leading to 25 settlements of 16 labor agreements covering over 12,000 bargaining unit employees meeting or exceeding established economic goals.
- Responsible for attaining, organizing, analyzing and benchmarking competitive data.
- Drafted proposals for negotiations, settlement agreements, side letters of understanding, final contracts and benefit plan descriptions.

Contract Administration:

- Investigated and participated in numerous grievances and assisted in preparation of arbitrations meeting company objectives.
- Responsible for answering inquiries from field personnel as to interpretation of labor agreements resulting in consistent past practice and application of contract language.

Department Administration:

- Developed and oversaw annual departmental budgets totaling over \$1.1 million.
- Developed and oversaw annual company-wide benefits budget totaling over \$31 million.

Benefits:

- Served as Trustee on health, pension and prepaid legal services Taft-Hartley funds.
- Completed studies of benefits, rate trends and costs for all union and non-union health plans, resulting in decision to consolidate plans.
- Assessed the impact on the company of the proposed Clinton national health plan in the mid-1990's.

Operational Analysis:

- Developed benchmarks on store staffing levels and provided strategies to operators to achieve such benchmarks resulting in considerable savings to company.
- Developed strategies for reducing costs on Sundays by using non-union employees.
- Identified, costed out and reported to senior management on various ways to save on store labor costs permitted under the labor agreements.

Continuing Education:

- Harvard Law School Program of Instruction for Lawyers, Negotiations Workshop, June 1992.
- American Arbitration Association, Grievance and Arbitration Workshops, 1992.
- International Foundation of Employee Benefits Plans, 40th Annual Conference, November 1994.

**POSTERNAK, BLANKSTEIN & LUND, Attorneys at Law** January 1988 - May 1990  
**Estate/Trust Administrator and Corporate Paralegal** Boston, MA

**BOSTON UNIVERSITY, Office of Labor Relations** February 1985 - February 1987  
 Labor Relations Assistant Boston, MA

**References** *Available upon request.*

**Salary History** *Available upon request.*