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HOWARD SPENCE

EXECUTIVE MANAGEMENT, TRAINING, AND HUMAN RESOURCE CONSULTING

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WORK EXPERIENCE:

Attorney-Arbitrator-Mediator, Black-Gold Associates LLC and Howard T. Spence PLC (dba Spence and Associates consultants). [General Practice of Law with emphasis in employment law, administrative law, and occupational licensing law as private practitioner], 1976 - present, and arbitration-mediation practice from 2002 until the present.]

Participated in the general practice of law on a part time supplemental employment basis in areas that did not conflict with my then-primary employment with the state of Michigan (until early retirement from state of Michigan in 2002). Since retirement from the state of Michigan, continued part time practice of law and an arbitration-mediation practice.

The primary focus of this general private practice over the years has been in the area of labor and employment relations law (for non-exclusively represented individuals) and administrative law (occupational licensing). Focus of representation and consulting has been in the public sector employment and labor areas. Services provided included legal representation in grievances and arbitrations, up to and including appeals to the circuit courts, and consultation and advice for both management and individual employees in areas relating to labor relations. Since 2002 practice focus has expanded to include representation and defense of licensed practitioners in the state of Michigan subject to license discipline charges. Practice includes consultations and also representation including litigation advocacy. Practice also includes appellate representation in Michigan circuit courts, the Michigan Court of Appeals, and the Michigan Supreme Court.

Arbitrator member of the American Arbitration Association (AAA) Panel of Neutrals (employment law panel, commercial law panel, and labor panel), and National Arbitration Forum panel.

Member of MERC labor grievance ad hoc hearing officer panel 1996 - 2000, and 2003 - 2010. Arbitrator-Fact Finder for the Michigan Employment Relations Commission. Served as grievance arbitrator and also fact-finder for public sector school districts and unions. Most significant fact-finding assignments were in 2009-2010 for Southfield Public School district and Southfield Education Association (3 union units).

As MERC fact finder, duties included meeting with management and union representatives to attempt to reach consensus, and then issuing reports in which findings of facts and conclusions were presented relating to disputed contract provisions and terms, or impasses in the public sector collective bargaining process for school districts, police and firefighters.

Arbitrator panel member for National Association of Securities Dealers (NASD) and Financial Industry Regulatory Authority (FINRA) dispute resolution panels effective April 2006. NASD/FINRA hearing assignments included cases involving internal industry employment and labor disputes including employment discrimination charges, and financial service consumer complaints against securities industry members and brokers relating to securities marketing transactions.

Certified State of Michigan court mediator, on several civil mediation panels for various state circuit and district courts throughout the state of Michigan.

Arbitrator-Mediator for Resolute Systems LLC - an arbitration and mediation services provider. Board member of Conflict Resolution Diversity Initiative (CRDI) - an organization specializing in improving opportunities for minority arbitrators and mediators to be assigned to businesses and organizations seeking mediation and arbitration services related to employment disputes. (Member CRDI from 2008 to present; member Resolute Systems 2010 to present.)

Administrative Law Judge, Michigan Department of Consumer and Industry Services,
1992 - November 2002 (Early retirement from State of Michigan effective November 2002).

Presided at contested case hearings involving the full gamut of regulatory, employment/labor law, commercial and occupational licensing issues arising within the jurisdiction of the state of Michigan Department of Consumer and Industry Services.

Duties included conducting hearings according to the requirements of the administrative procedures act or other procedures agreed to by the parties, receiving evidence on a formal adjudicatory hearing record, including sworn testimony and exhibits, making findings of fact, and conclusions of law applying applicable statutes, regulations, and contractual or collective bargaining provisions. Duties also included the writing of final decisions or awards following contested case hearings, as well as proposals for decision to be appealed and reviewed by appropriate regulatory agencies and the courts.

Among the hearings held were occupational licensing hearings for almost all regulated occupational licenses in the state of Michigan, including professional health care practitioners, financial services agents, builders, realtors, accountants, and other licensees. Also included were contested case rate/regulatory hearings for insurance companies and public utilities, and administrative and disciplinary or compliance hearings for nursing homes, foster homes and day care homes. Some hearings related to approval or disapproval of rates and forms for entities in the business of insurance or health care insurers.

A significant part of the hearing docket was focused on hearing disputes involving the state of Michigan employment relations laws. Included were MIOSHA cases, including MIOSHA discrimination cases. Also a significant part of that docket was focused on Wage Hour disputes, including deciding compensation disputes pursuant to employment contracts between individuals and their employers. A large and regular part of the hearing docket included hearing disputed or contested case retirement benefit and eligibility cases for the State of Michigan retirement systems. Retirement hearings included interpretation of state pension statutory provisions, and individual contract provisions impacting the determination of eligibility and amount of retirement benefits for state employees. Also included were hearings to determine eligibility for disability benefits for employees who were unable to continue working in their state of Michigan jobs. Retirement system hearings were for regular state classified (civil service) employees, disputes involving state troopers who were members of the state troopers association, and teachers who were members of the state of Michigan teachers' retirement service.

Deputy Insurance Commissioner, Michigan Department of Commerce, Insurance Bureau, Office of Licensing and Enforcement, 1978 - 1992.

In this position I was responsible on an executive and administrative level for the oversight and operation of a complex regulatory workforce involved in the regulation of insurers and persons in the business of insurance. The scope of supervision encompassed approximately 40 professional regulatory staff in 4 divisions who were responsible for all aspects of compliance, licensing, and enforcement, investigation, and prosecution of violations of the Michigan Insurance Code and other Michigan Insurance Laws. Responsible for the direction and training of subordinate division directors and professional staff conducting investigations, licensing reviews, consumer complaint resolutions, and market conduct audits.

The position required the direct oversight of the administrative prosecution of licensees and others for compliance with the state of Michigan Insurance Code, and frequent participation in the administrative hearing process as prosecutor and attorney for the insurance commission staff positions. This position also required the specification and design, administration, and direction of a major state contract for testing and licensing services as the state contract administrator.

Daily duties in this position included the supervision and administration of my own direct report staff, and many other operational staff throughout the Bureau as a part of the Bureau's executive management team. Included in these supervisory and administrative duties was formulation of employment policies consistent with the state of Michigan civil service rules, administration at the Bureau level of the state employees' employment and labor relations policies, and participation as management in meet and confer provisions relating to daily workplace issues for represented employees in a technical-clerical services unit, as well as administering labor relations and management issues for an extensive workforce of non-exclusively represented professional employees.

Assistant Director of Policy, Michigan Department of Commerce Public Service Commission, 1977 - 1978.

In this position I provided in house legal counsel to the Michigan public service commission. Duties included the review of administrative contested case hearing records and transcripts, including proposals for decisions from administrative law judges and exceptions filed by parties to the contested case proceedings. Duties required an ability to work with a tripartite commission to reach a consensus for final agency resolution of issues related to the regulation of public utilities in the state of Michigan, and the actual drafting of the final commission opinions and orders. My areas of primary focus were in telecommunications utility regulation, and motor carrier regulation, although some of the work involved case review and analysis in rate cases relating to the regulation of gas and electric utilities.

Also included as a matrix duty or responsibility to the umbrella agency was continuing to provide ongoing employment relations advice to the Personnel Director of the Department of Commerce - including employee civil service and contract administration, consulting with management on a department wide basis regarding employee disciplinary problems and issues pursuant to the state civil service rules, representing Public Service Commission management in secondary agreement negotiations and administration, and representing both the PSC and Department in employment disputes and hearings/arbitrations within the state of Michigan civil service hearings process.

Personnel Administrator, Michigan Department of Commerce Management Services Bureau, 1976 - 1977.

In this position, reporting directly to the chief administrative officer of the department of Commerce, I worked with and supervised the work of other professional HR employees in a broad range of human resource administration and labor relations issues and processes in a large and complex state "umbrella agency.

Duties included supervision and administration of all labor and employment relations issues, including direct management of the grievance resolution process at all levels up to and

including arguing cases on appeal from hearings and arbitrations to the Michigan Civil Service Commission. I also represented the department in secondary negotiations involving meet and confer situations with department employees to define workplace relations and conditions pursuant to state wide civil service rules.

Other responsible duties included providing direct personnel liaison services to several major agencies or Bureaus within the department of commerce, including handling of reorganizations, organizational design, staffing, and the development and establishing of jobs and positions to accomplish the missions of the agencies.

Duties included developing, writing, and implementing personnel policies, overseeing the department wide affirmative action and EEO plans, and recruitment. Related responsibilities included compliance reporting and EEO program documentation, as well as training and guidance to managers on issues related to diversity in the workplace and human relations/employee interactions.

Provided counseling and training to professional and management staff persons relating to requirements of state civil service rules, departmental policies and procedures, and relevant state and federal employment laws. Provided counsel and assisted with achieving negotiated contract resolutions, compensation issues, job design, and staff training and evaluation.

Prison Resident Unit Manager and Social Worker, Michigan Department of Corrections, 1971 - 1976.

Worked full time for the Department of Corrections while enrolled concurrently in a full time law school study program at the University of Michigan. Duties included working with inmates, receiving and adjudicating inmate grievances related to daily issues and disputes relating to work assignments, security classifications, and application of department regulations and state laws determining their classification and institutional placement and programming.

For 2+ years I was responsible for the management of a prisoner housing unit to which more than 400 inmates were assigned. I was responsible for all aspects of counseling, and custody and management of the prison housing unit, including the supervision of three shifts of unionized prison guards and corrections specialists. As a part of the duties of administering the prison unit, I would meet and confer with subordinate staff-persons who were members of Michigan Corrections Officers Association regarding workplace issues, participate in secondary negotiations for workplace conditions and benefits, and also receive and provide initial management answers to grievances raised by subordinate employees.

TEACHING AND TRAINING EXPERIENCE:

Faculty Instructor, University of Phoenix West Michigan Campus and Online Campus, MBA Program, Grand Rapids, Michigan, and Online Campus, March 2003 - 2009. I taught courses in the UOP MBA program and Undergraduate School of Business Administration related to law, management, and leadership.

Courses taught and/or qualified to teach included Legal Environment for Business, General Business Law for Undergraduates, Employment Law, Discrimination Law, and Law of the Workplace, Human Resources Management, and Corporate leadership and management including Employment Relations Issues. Modules included in the courses focused on arbitration processes and also discrimination law, as well as compliance in the workplace with negotiated contract provisions and statutory limitations to the at will employment environment.

Adjunct Faculty Member, National Judicial College, Reno, Nevada, 1994 - 1998. Provided training to Judges attending the NJC from numerous states relating to office automation and word processing.

Adjunct Professor of Law, Thomas Cooley Law School, 1977 - 1979. Developed and taught a course for law students on Prisoner Rights and Post-Conviction Remedies.

Seminar Presenter, Michigan Institute for Continuing Legal Education, Insurance Law Seminar, 1991 and 1996

Adjunct Instructor, Jackson Community College, Jackson, MI, 1976. Taught Course on Introduction to Corrections.

Graduate Student Teaching Assistant-Instructor, University of Michigan, School of LS&A, Ann Arbor, MI 1975. Taught course on Prisoner rights (for law school credit) as teaching assistant.

Frequent Independent Presenter, Trainer, and Speaker at numerous work related functions around the state of Michigan and nationwide. Instructor for the National Association of Insurance Commissioners in workshops relating to Market Conduct Regulation of Insurers and Financial Institutions in Kansas City, MO. Presented keynote addresses at functions including fundraiser for the African-American Cultural and Genealogical Society of Illinois (2011).

EDUCATION DEGREES, CERTIFICATIONS, TRAINING RECEIVED:

Juris Doctor (JD - labor and employment law), University of Michigan Law School, Ann Arbor, MI, 1976.

Law school course work had labor and employment law focus area and included labor law, public sector labor law, employment law, collective bargaining negotiations and contract administration, and workers compensation.

Master of Business Administration (MBA - Insurance and Finance), Michigan State University (Broad) Graduate School of Business, E. Lansing, MI, 1983.

General MBA management degree with coursework in employment relations, employment law, and insurance.

Master of Labor Industrial Relations, (MLIR - Employment Relations) Michigan State University School of Labor Relations, E. Lansing, MI, 1979.

Specialized Masters degree program with focus in employment relations, including collective bargaining, arbitration, and contract administration.

Master of Public Administration (MPA - Public Policy), University of Michigan Rackham Graduate School, (Gerald Ford Institute for Public Policy), Ann Arbor, MI, 1977.

Joint degree program administered by University of Michigan Institute of Public Policy Studies and the University of Michigan Law School focused on developing policy administrators for government service.

Master of Science (MS - Criminal Justice), Michigan State University School of Criminal Justice, E. Lansing, MI, 1974.

Masters degree focused on corrections institution management.

Bachelor of Arts (BA - Social Science), Michigan State University Honors College, E. Lansing, MI, 1970.

Honors College degree program, General studies in social sciences with a pre-law emphasis.

ADDITIONAL TRAINING RECEIVED:

Completed two week **course for utility commission regulators offered by National Association of Regulatory Utility Commissioners (NARUC)** in 1978.

Numerous **training sessions and experiences from National Association of Insurance Commissioners (NAIC)** and other sources related to administrative law and regulation of financial service industry members including insurers and persons in the business of insurance.

Completion of 5 day **Federal Mediation and Conciliation Service (FMCS) Class for labor arbitrators**, held at Capital University Law School in 2007.

Completion of 5 day **civil rights mediation training offered by the Equal Employment Opportunity Commission (EEOC)** at Capital University Law School in 2008.

Completion of 5 day **Mediation training course required for Michigan state court mediator certification**, offered by Michigan Institute for Continuing Legal Education in 2007.

Completion of numerous **ALI-ABA professional courses** offered at a number of venues between 2002 and 2008. Courses included Advanced Employment Relations Law, Basic pension and benefits law, Introduction to Immigration law, Discrimination Law, ADR, and Employment and Labor law for corporate counsel.

Completion of numerous labor and employment law, attorney practice and litigation, and ADR seminars at **Michigan Institute for Continuing Legal Education (ICLE)**, including annual labor and employment law seminars on 4 occasions between 2002 and 2010.

Numerous sessions of **ADR training** for AAA, FINRA/NASD, FMCS, and Capital University Law School Minority ADR conferences and seminars, including AAA Arbitrator I and II classes.

LICENSES, DESIGNATIONS, AND ARBITRATION PANEL APPOINTMENTS:

Licensed Attorney - Member, Michigan State Bar Association (Attorney licensed in state of Michigan and Federal Courts since 1976). Eligible for reciprocal attorney licensing on motion without further exam in numerous jurisdictions.

Certified Insurance Examiner (CIE), Insurance Regulatory Examiners Society, Kansas City, Missouri. Trained and certified in Market Conduct regulation of insurance companies.

Arbitrator - Mediator for AAA, Resolute Solutions LLC, NAF, NASD/FINRA, MERC, and accepting independent arbitration and mediation assignments. Handled numerous mediation assignments for Darden, Inc. (a Fortune 500 company) in employment discharge disputes.

ASSOCIATIONS AND CIVIC ACTIVITIES:

Alpha Phi Alpha Fraternity, Inc. 1969 - Present. Initiated at Michigan State University; President of Lansing alumni chapter of A Phi A 1984 - 1987, and 1998 -2000.

Insurance Regulatory Examiners Society. National President, 1990 - 1991. Member Board of Directors, 1989 - 1992.

Michigan State Bar Association Member and licensed attorney November 1976 to present.

American Bar Association. Member 1995 - present. Member of Labor and Employment Law section, Litigation Section, and ADR section, ABA National Conference of Administrative Law Judges.

National Conference of Administrative Law Judges, American Bar Association - Member 1997 to 2000. Editor, NCALJ Newsletter, ABA Judicial Record, 1998 - 1999.

American Judges Association. Member 1995 to present (Retired).

Association of Black Judges of Michigan. Member 1995 to present. (Retired)

Michigan Association of Administrative Law Judges. Member 1994 to present (Retired). State chapter President 1998- 2000.

National Association of Administrative Law Judges, Member, 1996 to Present (Retired)

Michigan Public Employment and Labor Relations Association, Member 2003 to 2005.

FERA / Industrial Relations & Research Association (IRRA), Member 2001 to present.

Institute for Continuing Legal Education (ICLE), Executive Committee Member from 2009 to present, representing the interests of members of the State Bar of Michigan.

HONORS AND PUBLICATIONS:

Commissioned, Honorary Colonel, State of Kentucky, (appointed by Gov. Brereton C. Jones), 1994.

Presidential Scholar, State of Illinois, (appointed by President Lyndon B. Johnson), 1967.

Blue Key honorary scholarship fraternity at Michigan State University (1969); **Phi Eta Sigma** national scholarship fraternity at Michigan State University, 1968.

Author, Administrative Hearings Require Heavy Preparations. The Examiner: Official Publication of the Society of Financial Examiners, Vol. 19, No. 3, Winter 1995.

SUMMARY OF KNOWLEDGE, SKILLS, ABILITIES, AND ATTRIBUTES:

- Ability and Experience managing complex workplaces, directing professional, technical, and administrative employees
- Ability to Train and Instruct others relating to requirements of law and procedures
- Excellent written and oral communication skills
- Mature judgment to assist with problem solving and dispute resolution
- Familiarity with computerization and data management and manipulation for business related decision making
- Broad understanding of management, employment, training, and social science principles
- Excellent people skills
- Able to recognize issues likely to impact on decision making processes and to act to achieve ethical and compassionate outcomes
- Ability to work with and encourage diversity in the workplace and elsewhere for optimum and inclusive outcomes
- Focused and welcoming challenges requiring critical thinking and higher level problem solving
- Ability to review organizational development issues and to work as a change agent when necessary for organization progress and adaptation
- Laid back and easy going, non-confrontational and tactful as necessary
- Ability to listen to others and to value their opinions and inputs into projects and workplace situations
- Ability to Make Tough Decisions
- Excellent advocacy skills, able to investigate and prepare and present ideas in litigation

and otherwise

- A person who values principles of equity, fairness, justice, and who encourages others to be valuable contributors who also value those principles
- A motivated person who works to motivate others

Additional biographical information is available in the following Marquis Publications: Who's Who In America; Who's Who in American Law; Who's Who In Finance and Industry; and Who's Who in the World.

Professional and Personal References Available Upon Request