

Office of the President

RESOLUTION
concerning
APPOINTMENT OF
ERNEST R. MARQUEZ, ESQ.

as

ASSISTANT VICE PRESIDENT FOR PERSONNEL

at

CONNECTICUT STATE UNIVERSITY


May 4, 1990

WHEREAS, Connecticut State University has conducted an affirmative action search to fill the position, Assistant Vice President for Personnel; and

WHEREAS, The President of Connecticut State University has recommended the appointment of Mr. Ernest R. Marquez; now, therefore, be it

RESOLVED, That effective May 7, 1990, under the terms and conditions of the Trustees' "Personnel Policies for Management and Confidential Professional Personnel," Ernest R. Marquez, Esq., be and hereby is appointed Assistant Vice President for Personnel at Connecticut State University at a biweekly rate of \$2,605.36 (annual salary of \$68,000).

A Certified True Copy:


Dallas K. Beal
President



An Equal
Opportunity
Employer

A resolution appointing Mr. Marquez as Assistant Vice President for Personnel in the Executive Offices will come before the Board's Executive Committee for approval on May 4, 1990.

Highlights from the Vita

of

ERNEST R. MARQUEZ, ESQ.

PERSONNEL EXPERIENCE

Principal Labor Relations Specialist	DAS, Office of Labor Relations 4/86 to present
Labor Relations Specialist	DAS, Office of Labor Relations 5/81 to 4/86
Personnel Officer 2	Department of Mental Retardation 3/79 to 5/81
Senior Personnel Analyst	DAS, Personnel Services 12/71 to 3/79

EDUCATION

Juris Doctor, 1981	Western New England School of Law Springfield, MA
Bachelor of Arts and Sciences, 1971	University of Connecticut Storrs, CT

LANGUAGE BACKGROUND

Fluent in Spanish and English.

Ernest R. Marquez, Esq.
77 Jensen Street
Manchester, Connecticut 06040
Residence: (203) 646-6552

PROFESSIONAL EXPERIENCE

Principal Labor Relations Specialist - D.A.S. Office of Labor Relations from April 1986 to the present.

CONTRACT ADMINISTRATION

As a Principal Labor Relations Specialist I supervise a team of three attorneys and labor relations professionals in the disposition of all types of grievances and in the preparation for arbitrations and prohibited labor practice complaints. In addition, I handle cases of a more complex nature or those which require certain expertise or specific historical background.

We are currently responsible for the negotiation and administration of the following collective bargaining agreements:

- P-1 - Health Care Professional
- P-3A - Education Administrators
- P-3B - Education Professions
- P-4 - Engineering and Scientific
- NP-3 - Administrative Clerical
- NP-6 - Health Care Paraprofessional

My unit's step 3 grievance load is approximately 600 per year. Of those, nearly 15% advance to arbitration and approximately 80% are favorable decisions.

We are also responsible for 40 to 50 prohibited labor practice charges per year. Of those approximately 15% require a formal hearing before the State Labor Relations Board.

I normally get personally involved in a handful of grievances, rights arbitrations and prohibited labor practice complaints per year. Most of my advocacy in the last two years, however, has been in interest arbitration.

CONTRACT NEGOTIATIONS

Direct and coordinate activities preparatory to collective bargaining including anticipating Union demands, preparation of contract proposals and development of bargaining strategies. Represent the State as chief spokesperson in negotiations, mediation, fact finding and interest arbitration. Negotiated wages, hours and conditions of employment as required by law with the following bargaining units:

1. Health Care Professionals (P-1) and Paraprofessionals (NP-6). (2/89 to 7/89).

The negotiations for these two bargaining units are conducted simultaneously resulting in the determination of wages and other benefits for approximately 9,000 employees. The State generally negotiate over 500 or more issues with a Union negotiating committee of approximately 95 employees and 8 union staff members. These negotiations were concluded through interest arbitration. Also negotiated and settled through fact finding the 1986-1989 contracts.

2. P-5 Administrative and Residual (3/87-2/88).

This bargaining unit consists of approximately 3,000 white collar employees. Negotiated over 240 State and Union issues. The contract was resolved through interest arbitration.

3. P-3B Education Professionals (12/87-2/88)

This bargaining unit consists of approximately 1,000 unclassified employees serving as teachers, instructors and vocational rehabilitation counselors. Negotiated the legislatively mandated Teacher Enhancement Act to establish salary schedules and address recruitment and retention issues as mandated by the law.

4. P-3A Education Administrators (3/87-9/87)

This bargaining unit consists of approximately 250 unclassified education administrators and school principals employed in the Departments of Education and Mental Retardation. Successfully negotiated approximately 75% of the combined state and union issues. The remaining 25% of the issues were decided in interest arbitration.

ADMINISTRATION AND SUPERVISION

During my tenure in this position I have been responsible for leading a team of as many as two attorneys and two labor relations specialists in all aspects of collective bargaining. I have planned, developed and with my staff's assistance implemented such goals and objectives as:

- The establishment of a communication and information network with the state agencies which are primary employers of members of the bargaining units for which we are responsible.
- the establishment of a working relationship with other state agencies which allows them the maximum discretion in their labor relations without compromising the statewide policies and programs of the State employer.
- achieving 75 to 80% favorable arbitration awards by attempting grievance mediation or otherwise resolving grievances at the earlier steps of the grievance procedure.

- maintaining a good working relationship with the unions representing employees in the bargaining units for which we are responsible.
- carrying out our workload requirements in a timely and efficient manner.

In order to achieve these and other organizational goals I provide technical supervision and assistance to the members of my team. I identify their training needs and develop and carry out on-the-job training activities primarily in these areas of negotiations, rights and interest arbitration, labor board hearings, interpretation and contractual provisions, statutes, regulations, court decisions, etc.

I am responsible for preparing or assisting staff in the preparation of negotiated or arbitrated contracts for review and approval by the General Assembly. Testify before legislative committees on matters such as economic parameters of a collective bargaining settlement, worker's compensation issues. Work with the Legislative Office of Fiscal Analysis on implementation of the Federal Fair Labor Standards Act.

Responsible for developing a budget for purposes of recommending to the Office of Policy and Management the amount of money necessary to settle collective bargaining agreements.

Labor Relations Specialist - D.A.S. Office of Labor Relations from May 1981 to April 1986.

CONTRACT ADMINISTRATION

As a Labor Relations Specialist I was responsible for representing the State in grievance and arbitration and in prohibited labor practice cases before the State Labor Relations Board.

Grievance/Arbitration procedure: in a four step grievance and arbitration procedure, I was responsible for hearing the grievance at Step 3. If it could not be resolved, I was responsible for advocating at arbitration hearings.

In addition to the traditional step 3 grievances, I was responsible for what has come to be known as the pre-trial process. This is a process where approximately 20 grievances are scheduled for mediation one day per month. The mediator makes non-binding recommendations and the parties resolve the disputes at the end of the day. Generally 95% of the grievances are resolved (dismissal and service rating grievances not included). Unresolved grievances were scheduled for step 3 hearings for further consideration or go directly to arbitration.

During my tenure in this job my grievance load was approximately 300 per year. Of these, 40-50 went to arbitration. In resolving grievances or while preparing for arbitration I was required to interpret contract provisions, regulations and statutes. I received favorable arbitration awards in approximately 75 to 80% of the arbitrations which I presented.

Prohibited Labor Practice Charges: in dealing with these complaints I was required to interpret statutes, regulations and often contractual provisions. During my tenure in this position my prohibited labor practice workload consisted of 10-20 per year. Most of these were resolved at the preliminary hearings with only a handful per year requiring a hearing before the State Labor Relations Board. When they did I was responsible for presenting the case. The cases I was involved with generally alleged charges of contract repudiation; discrimination based on union activity; failure to bargain with the collective bargaining agents; etc.

CONTRACT NEGOTIATIONS

Direct and coordinate activities preparatory to collective bargaining including anticipating union demands, preparation of contract proposals and development of bargaining strategies. Represent the State as chief spokesperson in negotiations, mediation and fact finding. Negotiated over wages, hours and conditions of employment as required by law with the following bargaining units:

1. NP-5 Protective Services Employees (3/84-4/85)

This bargaining unit consists of approximately 2,000 employees serving as firefighters, university and institution police officers, conservation officers, liquor control agents, and other law enforcement careers. Negotiated a three year agreement over a large number of difficult issues. Fact finding proceedings were initiated, but the contract was eventually settled with the assistance of a mediator.

2. Health Care Professionals (P-1) and Paraprofessionals (NP-6) (2/83-7/83)

Acted as assistant chief spokesperson. Was assigned by the chief negotiator to negotiate specific portions of the contract including all third year benefits for P-1. Also acted as the state's advocate over my assigned area in fact finding and was responsible for a portion of the state's brief. This contract was settled under the threat of strike.

3. P-3B Education Professionals (2/82-10/82)

Acted as chief spokesperson for the State. During these negotiations the state, for the first time achieved the ability to convert 10 month teaching positions into 12 months in order to serve our clients year-around. Also, for the first time the State negotiated and established "job sharing" and a pilot "flexitime" program. These negotiations were at one time aided by a mediator, but the parties eventually settled on their own.

ADMINISTRATION AND SUPERVISION

During my tenure in this position I had the opportunity to supervise programs and projects, some of which were of statewide impact. As the person responsible for such programs and projects I planned and developed goals and objectives to be implemented by agency personnel directors and administrators. Such projects and programs included the following:

a. Strike contingency plan (1983)

responsible for developing and implementing a plan designed to maintain health care services to patients and clients of the State's health care institutions in the event that 9000 member bargaining units declared a strike or other job action. The plan included the preparation, cooperation and if necessary mobilization of numerous state agencies. The following state agencies had significant roles in the plan: Military Department (i.e. National Guard). Department of Transportation, the Departments of Mental Health, Mental Retardation, Children and Youth Services, Administrative Services, Public Safety, the Office of the Attorney General, and others. My role was to coordinate the activities of each state agency in the event of a major work stoppage.

b. Fair Labor Standards Act (1986-86)

In 1985 the U.S. Supreme Court in the cases of Garcia v. San Antonio Metropolitan Transit authority ruled that the FLSA must now apply to state and municipal government. I was responsible for interpreting the Act and implementing it in the State of Connecticut. By selecting and directing a task force consisting of representatives from the Office of the Comptroller, the Office of the Attorney General and the agencies employing the largest and most diversified work forces, we analyzed state compensation systems and practices in order to determine the proper application of the FLSA requirements. I trained members of the task force and all personnel directors throughout the state on the requirements of the act and developed an 85 page manual for them to use as reference. Under my direction the task force developed a subsequent training program and standard payroll forms for payroll staff in all state agencies.

During the one year period from February 1985 when the U.S. Supreme Court issued its decision until February 1986 when the FLSA became effective, I was required to communicate the Act's impact to the Governor's Washington office and to the Washington office of the International Personnel Management Association so that they could effectively launch a lobbying campaign designed to minimize the FLSA's adverse and severe financial impact on state and local government.

c. Deinstitutionalization program (1986)

As the State's chief spokesperson in the collective bargaining negotiations with the Health Care workers Union, I was asked to negotiate the implementation of the deinstitutionalization agreement affecting Mansfield Training School. This program was designed to effectuate massive staff reductions at MTS in order to comply with a court decree calling for the placement of 80% of the clients in community living arrangements.

PERSONNEL ADMINISTRATION

Developed and coordinated a two day labor relations conference for the State's health care agencies. Assessed the training needs of agency personnel managers and identified training areas, developed the curriculum and enlisted the assistance of labor relations specialists from my office to assist me in conducting the training.

Developed mini-training programs in a variety of labor relations issues to deliver half-hour presentations at monthly meetings of the Health Care Council and other management groups. Some of the labor relations issues included: administrative investigation and discipline of employees under criminal charges and investigation; conducting employee performance ratings; progressive discipline; attendance policy; understanding "due process" under the U.S. Constitution; the requirements of U.S. Supreme Court decision of *Loudermill v. Cleveland Board of Education*; understanding the requirements of the Federal Fair Labor Standards Act; and other topics.

Developed a plan against a major labor strike or other disruptive job action affecting the State's health care facilities. The plan provided for the replacement of health care staff by non-union and military medical personnel; military and police security to guard against disruptive concerted activity and to insure the delivery of supplies and non-striking workers; legal action against the strikers and union officials; communication network and central command post; placement of patients/clients in private facilities and facilities operated by neighboring states; other contingencies necessary for the care and protection of the state's patients/clients.

Personnel Officer 2 - Department of Mental Retardation from March 1979 to May 1981

CONTRACT ADMINISTRATION

As a Personnel Officer 2, I represented the Commissioner of the department of Mental Retardation in holding step 2 hearing and advocating the departments position at step 3 of the grievance procedure. I handled disciplinary, contract interpretation and

job classification grievances. Disciplinary grievances ranged from warnings to dismissals and included, but were not limited to client physical, verbal and sexual abuse insubordination; failure to report for work; poor attendance; sleeping on duty; incompetence. The contract interpretation grievances included job bidding; work assignments; vacation selection; seniority; voluntary and involuntary transfers; bargaining unit work; overtime, etc.

CONTRACT NEGOTIATIONS

Served as resource person at labor contract negotiations representing the Department of Mental Retardation. Participated in the 1979 negotiations over the health care contracts and the 1978 negotiations with the Maintenance and Service Employees (approximately 7,000 employees).

PERSONNEL ADMINISTRATION

Responsible for job analysis and development of job specifications including examples of duties; knowledge, skills and ability necessary to perform the job; experience and training required to qualify for the job; and recommendation of the salary level.

Participated in the development of a training program designed to provide all supervisors of the 500 employee department with a working knowledge of the fundamentals of progressive discipline.

Presented the training to supervisory staff over a period of two years.

Also developed and presented training as necessary on interpretation of contractual provisions.

Senior Personnel Analyst - D.A.S./Personnel Services from December 1971 to March 1979.

Examination, recruitment, classification, administration, and duties for internal and external staff projects.

Detailed job analysis, data gathering via audits, questionnaires or group brainstorming, complete item analysis and editing for pre-test development, historical recruitment and test performance analysis (via EDP software/manual computation), elimination of test biases for EEO and minority equalization purposes, test design, structure, and development. (12/72 - 3/79).

Knowledge of Hay Associates job analysis and compensation system (as Job Analyst previously) for a state-wide project to update and develop job specifications in greater detail to conform to new developments in the field of Personnel (EEO Title VII requirements, etc.) including job accountabilities for each class as well as job performance measurements; extensive interviewing of samples of incumbents in benchmark classes, write descriptions for composites; (12/71 - 12/72).

Covered entire Medical Classes for purposes of job analysis and formulation of specifications including Psychologists, Psychiatrists and Physicians; also interviewed and advised job seekers through this state project and served as liaison to the Departments of: Mental Health, Mental Retardation, Health and Veteran's Homes/Hospitals and the University of Connecticut Health Center: (12/72 - 7/74).

Member of unit to monitor personnel programs many of the law enforcement agencies in state; projects involved validation and development of examinations from data collection of incumbents through dimensionalization of characteristics, rating for critericality for job performance, construction of relevant and discriminating exam items in many areas for the determination of successful candidates' abilities including compilation of personality traits of applicants and later performing a criterion analysis. (7/73 - 1/75).

Member of unit to monitor personnel programs of agencies dealing with occupational groups in the areas of: social services, employment security, training, counseling, education and correction. Duties include test validation, construction and analysis. Also recruitment, compliance with affirmative action goals, monitoring of classification system. Liaison for department (Personnel Services Division) to the spanish-speaking public. Responsible for validation, development and analysis of spanish-speaking exams with emphasis as required by the job e.g. Interpreter, spanish social workers (gen. and psychiatric), spanish affairs coordinators, and other. (1/75 - 3/79).

Work very closely with professional Psychometrist and internal staff on projects for test validation involving experienced as well as entry level candidates; jointly utilized measurement tools prior to department use (e.g.: pictures, work samples and other methods).

Liaison with compliance section Affirmative Action staff to continually assure compliance of validation and other work with all aspects of Title VII and related legislation; review for any minority biases in exams and correction items and structure to eliminate unequal opportunity of performance on examinations (e.g.: reading level vs job performance rating levels). (7/73 - 3/79).

Ernest R. Marquez, Esq.
77 Jensen Street
Manchester, Connecticut 06040
Residence: (203) 646-6552

PROFESSIONAL EXPERIENCE

State of Connecticut Office of Labor Relations, Hartford, Connecticut

As a Principal Labor Relations Specialist I supervise a team of attorneys and labor relations professionals in all aspects of collective bargaining and also perform a full range of labor relations activities.

Areas of responsibility include: administration of five collective bargaining agreements covering approximately fifteen thousand employees; formulation of goals objectives, strategies and policies; direct and coordinate activities preparatory to collective bargaining and represent the State as chief spokesperson in contract negotiations, rights and interest arbitrations, mediation and matters before the Labor Board; interpret and implement contractual provisions and State and Federal laws including, the Fair Labor Standards Act; develop and implement State policy in accordance with labor contracts and State and Federal legislation; participate in developing and/or evaluating proposed legislation affecting collective bargaining; provide advise and counsel to State officials and staff; testify in arbitration, Labor Board proceedings and legislative committees.

Some of the bargaining units that I am responsible for include Education Professions (P-3B) and Education Administrators (P-3A).

Connecticut Department of Mental Retardation, East Hartford, Connecticut

As Senior Personnel Officer; areas of responsibility include: labor contract interpretation and administration; member of the State's contract negotiating committee; planning and directing a labor relations program for approximately one thousand five hundred employees in seven bargaining units in five health care facilities; hearing officer at Step II grievance conferences; supervisory training on employee discipline; department-wide policy development; advisor on matters of employee classification.
1978 - 1981

State of Connecticut, Hartford, Connecticut

As a Senior Personnel Analyst in the Personnel Department; areas of responsibility include: monitoring staffing and employee classification programs of state agencies; job analysis; civil service examination development and validation in compliance with Title VII of the 1964 Civil Rights Act and related legislation liaison with compliance section Affirmative Action; liaison with hispanic community.
1971 - 1978

ERNEST R. MARQUEZ

ADMITTED TO PRACTICE

Connecticut Bar, 1981

United State District Court, District of Connecticut, 1981

EDUCATION

Western New England School of Law
Springfield, Massachusetts
Juris Doctor, 1981

University of Connecticut
Storrs, Connecticut
Bachelor of Arts and Sciences, 1971

LANGUAGE BACKGROUND

Fluent in Spanish and English. Born and raised in latin america.
Attended secondary school in the United States.