

**Career Service Board Meeting #2232**

**AGENDA**

**Thursday, January 16, 2014, 9:00 A.M.**

**Webb Municipal Building, 201 W. Colfax, Fourth Floor, Room 4.G.2**

**I. Opening:**

1. Approval of the Agenda for the January 16, 2014 Board Meeting
2. Approval of the Minutes for the September 5, 2013 Board Meeting
3. Approval of the Minutes for the November 21, 2013 Board Meeting

**II. Board Comments:**

**III. Public Comments: None.**

**IV. Public Hearing for: None.**

1. Public Hearing Notice No. 478 – Career Service Rule 13 Pay for Performance
2. Public Hearing Notice No. 479 – Transit Technicians and Elevator Repairer
3. Public Hearing Notice No. 480 – Window Cleaners
4. Classification Notice No. 1399 – Director of Environmental Programs
5. Classification Notice No. 1400 – Undersheriff
6. Classification Notice No. 1401 – 2014 Minimum Wage

**V. Approval to Post: None.**

**VI. Director's Briefing:**

**VII. New Cases:**

**VIII. Pending Cases:**

1. Jacob Werther v. Clerk and Recorder's Office, Appeal No. 06-13  
*The board GRANTED the Agency's Motion To Dismiss Petition for Review as Abandoned, written order to follow.*
2. Steven Economakos v. Denver Sheriff's Department, Appeal No. 28-13A  
*The board GRANTED the Agency's Motion for Stay of Order of Reinstatement, written order signed and distributed.*
3. Veronica Serna v. Denver Human Services Appeal No. 39-12  
*The Board AFFIRMED the Hearing Officer's decision, written order to follow.*

**IX. Executive Session:**

1. Staffing matters
2. Pending and/or active cases

**X. Adjournment:**

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules. When the Board or the OHR Executive Director considers that a change in the Rules is necessary or desirable, the procedure shall be as follows: ... 2) The proposed rule change shall be posted on bulletin boards and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule changes shall be posted with the proposed rule change. 4) A public hearing on the proposed rule change shall be held by the Board."

**PLEASE POST ON ALL BULLETIN BOARDS AS SOON  
AS POSSIBLE**

**REVISED** Public Hearing Notice - No. 478

A Career Service Board Public Hearing has been scheduled regarding the proposed revision of Career Service Rule 13 **PAY FOR PERFORMANCE**.

The scheduled time for the public hearing is **THURSDAY, January 16, 2014, at 9:00 A.M.**, in **Room, 4.G.2.**, Webb Municipal Building, 201 West Colfax Avenue.

If anyone wishes to submit written comments or talk to OHR staff regarding this notice, please contact:

Pete Garritt  
HR Supervisor  
Office of Human Resources  
201 West Colfax, 4<sup>th</sup> Floor  
Department 412  
Denver, Colorado 80202

(720) 913-5671

[Peter.Garritt@denvergov.org](mailto:Peter.Garritt@denvergov.org)

Comments regarding this notice should be submitted no later than noon on **Monday, January 13, 2014**.

If anyone wishes to address the Board regarding this notice please contact Fran Trujillo at (720) 913-5168 or at [Frances.Trujillo@denvergov.org](mailto:Frances.Trujillo@denvergov.org) no later than noon on **Monday, N January 13, 2014** to get on the agenda.

**PLEASE POST ON ALL BULLETIN BOARDS**

**AS SOON AS POSSIBLE**

**RULE PROPOSAL 433B**

**TO: Appointing Authorities, Managers, and Employees**

**FROM: Nita Mosby Henry, OHR Executive Director**

**DATE: January 2, 2014**

**SUBJECT: Proposed revision of Career Service Rule 13 PAY FOR PERFORMANCE**

**THIS PROPOSED REVISION TO THE CAREER SERVICE RULES IS BEING POSTED FOR PUBLIC COMMENT AND HEARING TO BE HELD ON**

**THURSDAY, January 16, 2014, at 9:00 A.M.  
Webb Building Room 4.G.2**

**CSA has proposed a revision of Rule 13 PAY FOR PERFORMANCE. Here is a summary of this rule change proposal:**

- **Updates the merit table for 2013 to reflect an average 3.66% merit increase**
- **Broadens the definition of merit payment to allow merit payments to go to employees in the third and fourth quartiles who are not at the range maximum**
- **Updates the appendix of the Pay for Performance rule to reflect the 2014 processing deadlines**

**BASED ON COMMENTS RECEIVED SINCE THE POSTING OF THIS NOTICE, OHR HAS DECIDED TO MAKE THE FOLLOWING CHANGES TO THIS PROPOSAL:**

- **Revision to the merit table (following CSR 13-32 C)  
Add a 1% merit payment to merit pay associated with 'Successful' ratings in the 3<sup>rd</sup> and 4<sup>th</sup> quartile (and reduce the associated merit increase range by 1%). This is being done in order to maintain consistency in the amount of merit increases in the 3<sup>rd</sup> and 4<sup>th</sup> quartiles.**
- **Revision to CSR 13-34 Effective Date of Merit Increase  
This change was added to make it clear that merit increases and merit payments are to be calculated from an employee's salary as it is immediately prior to the effective date for merit pay.**

**If you would like to schedule a meeting with a member of the OHR to discuss this proposal prior to the Public Hearing, please contact Pete Garritt at (720) 913-5671.**

DELETIONS ARE INDICATED BY strike through AND ADDITIONS ARE INDICATED BY **bold, italics, and underline.**

## RULE 13 PAY FOR PERFORMANCE

### Purpose statement:

The purpose of this rule is to explain the Performance Enhancement Program (“PEP”) and how the individual performance of eligible Career Service employees is evaluated, reported and rewarded with merit increases **and** ~~or~~ merit payments.

### Section 13-10 Definitions:

- A. **Eligible Employee:** All Career Service employees are eligible for merit increases **and** ~~or~~ merit payments as provided in this Rule, except:
1. On-call employees;
  2. Employees holding positions in the Training pay schedule, which only has one pay rate and cannot support merit increases; and
  3. Employees who hold positions in classifications contained in the Undersheriff pay schedules.
- B. **Merit Increase:** Periodic increase to an employee’s base rate of pay determined by an employee’s performance rating and location in the applicable pay range.
- C. **Merit Payment:** Lump sum payment of **a one percent** ~~age~~ **(4%)** of an employee’s current annual base salary ~~provided to employees at the range maximum who receive either an “Outstanding” or “Exceeds expectations” rating.~~ A merit payment will not increase an employee’s base rate of pay.
- D. **Performance Improvement Plan (“PIP”):** A document which may be used at any time during an employee’s evaluation period to supplement the employee’s PEP plan that may include, but is not limited to, levels of performance that must be achieved to obtain a successful rating, current performance deficiencies, support that may be provided by the department or agency, actions the employee must take to address the performance deficiencies, and a timeline for completion of the actions.

### Section 13-20 Performance Enhancement Program

#### 13-21 Purpose

The purposes of the PEP are to outline job expectations, establish performance outcomes and measures, encourage and support professional development, provide on-going performance feedback, and evaluate performance in a timely manner.

### 13-22 Written PEP Plan

Upon appointment to a position, or the assignment of substantially different duties, an eligible employee's supervisor shall provide the employee with a written PEP plan setting forth the performance outcomes and measures against which an employee's performance is evaluated every year.

### 13-23 PEP Reporting

- A. All eligible employees shall have their performance for the previous calendar year formally evaluated and rated in a PEP Report ("PEPR"). This evaluation shall occur once every year according to the schedule attached as Appendix A.
- B.
  - 1. Eligible employees who have been absent from their position for less than a calendar year shall have their performance while present at work evaluated as provided in this rule.
  - 2. Eligible employees who have been on a leave of absence from their position for all of the preceding calendar year shall have their pay adjusted to reflect what they would have received with a "Successful" merit increase set at the mid-point of the applicable range for the quartile containing the employee's pay rate.

### 13-24 Interim PEPRs

- A. Whenever an eligible employee permanently changes supervisors, an interim PEPR shall be completed by the employee's former supervisor. If the change in supervisors is the result of the employee's former supervisor terminating employment with the City, the next level manager will be responsible for completing the interim PEPR. The interim PEPR shall cover the period from the beginning of the year until the effective date of the change in supervisors.
- B. If an employee's former supervisor or next level manager fails to complete an interim PEPR and submit it to the current supervisor within thirty (30) calendar days after the transaction date, a rating of "Successful" shall be the presumptive rating for the relevant period.
- C. The employee's current supervisor shall prepare a PEPR for the entire calendar year. This performance rating should take into account the performance rating on the interim PEPR and the employee's current performance in proportion to the time spent in each assignment. However, nothing herein shall prevent an employee from receiving an overall annual rating higher or lower than the rating given on the interim PEPR.

## Section 13-30 PEP Process

### 13-31 Performance Ratings

- A. An eligible employee's overall performance shall be rated in an employee's PEPR as one of the following:

1. Failing: Work does not meet expectations in most, if not all, areas.
2. Below expectations: Meets many, but not all job requirements. Outcomes are generally less than expected, with improvement required in one or more specific areas.
3. Successful: Consistently achieved performance standards.
4. Exceeds expectations: Consistently performs well above expected job requirements. Outcomes frequently surpass expectations.
5. Outstanding: Consistently delivers outcomes not often achieved by others; always exceeds standards.

B. "Failing" Rating Procedure:

1. If an eligible employee's annual performance rating is expected to be "Failing," the department or agency shall advise the employee of the expected rating a reasonable time in advance, but not less than seven (7) calendar days prior to the date of the meeting scheduled to review the employee's PEPR, and shall allow representation at the meeting to review the PEPR in accordance with the provisions of Rule 15 **CODE OF CONDUCT**.
2. The employee shall be provided with a PIP no later than ten (10) calendar days after the date the PEPR is reviewed with the employee.

13-32 Merit Increases and Merit Payments

- A. The funding for merit increases and merit payments is provided in the annual appropriation ordinance. The pay increase associated with a particular performance rating shall be reviewed annually and adjusted as necessary to reflect prevailing practices in the community. The award of merit increases and merit payments is contingent upon this annual appropriation being approved by City Council and the Mayor. In case of a conflict between ordinance and these rules, the ordinance will prevail.
- B. Departments and agencies are responsible for determining the percentage increase associated with each employee rating within each quartile. The percent increase for all eligible employees shall average ~~2.38%~~ 3.66% for merit increases and merit payments delivered in ~~2013~~ 2014.

C. Merit Table:

1. Eligibility for merit increases and merit payments is based on an eligible employee's overall annual performance rating as measured by a PEPR and the quartile in which the employee's ~~pay~~ salary is found in accordance with the following table:

Rating	1st Quartile	2nd Quartile	3rd Quartile	4th Quartile	Range Maximum
5. Outstanding	<del>4.0-5.7%</del> <u>4.9-5.3%</u>	<del>3.0-4.7%</del> <u>4.4-4.8%</u>	<del>2.8-3.2%</del> <u>2.8-3.2%</u> <u>plus 1%</u> <u>Merit Payment</u>	<del>2.2-2.6%</del> <u>2.3-2.7%</u> <u>plus 1%</u> <u>Merit Payment</u>	<u>1%</u> Merit Payment
4. Exceeds Expectations	<del>3.6-4.2%</del> <u>4.4-4.8%</u>	<del>2.8-3.4%</del> <u>3.8-4.2%</u>	<del>1.0-2.3%</del> <u>2.3-2.7%</u> <u>plus 1%</u> <u>Merit Payment</u>	<del>1.1-1.5%</del> <u>1.7-2.1%</u> <u>plus 1%</u> <u>Merit Payment</u>	<u>1%</u> Merit Payment
3. Successful	<del>2.8-3.2%</del> <u>3.8-4.2%</u>	<del>2.2-2.6%</del> <u>3.3-3.7%</u>	<del>1.1-1.5%</del> <u>1.7-2.1%</u> <u>plus 1%</u> <u>Merit Payment</u>	<del>0.6-1.0%</del> <u>1.2-1.6%</u> <u>plus 1%</u> <u>Merit Payment</u>	0.0%
2. Below Expectations	<del>0.0-0.8%</del> <u>0.0-0.9%</u>	0.0-0.6%	0.0%	0.0%	0.0%
1. Failing	0.0%	0.0%	0.0%	0.0%	0.0%

2. However, no eligible employee shall receive a merit increase that exceeds the range maximum of the pay grade assigned to the employee's job classification. If the application of this sub-paragraph results in an employee, who has earned an "Outstanding" or "Exceeds expectations" rating, receiving a merit increase that is of less than the percentage increase awarded to the employee ~~one percent (1%) in connection with an "Outstanding" or "Exceeds expectations" rating~~, the employee shall receive the difference between the merit increase awarded and the merit increase received ~~percentage merit increase received and one percent (1%)~~ in the form of an additional merit payment.

- D. In the case of a declared fiscal emergency by the Mayor, and upon the request of the Mayor, there will be no merit increases or merit payments awarded for increments of at least one year. During the declared fiscal emergency appointing authorities, managers and supervisors shall complete PEPRs for eligible employees, but no merit increases or merit payments will be awarded during this time.

#### 13-33 Pro-ration for New Hires

Employees hired after January in the previous year shall have their merit increase **and/or** merit payment reduced by 1/12<sup>th</sup> for the number of months after January their hire or re-hire date occurs. For instance, employees hired in February shall have their merit increase **and/or** merit payment for that year reduced by 1/12<sup>th</sup>. Employees hired in December shall have their merit increase **and/or** merit payment for that year reduced by 11/12<sup>ths</sup>.

#### 13-34 Effective Date of Merit Increase

Merit increases and merit payments will be **calculated from an employee's annual base salary as of the Saturday before the first Sunday of the calendar year and be effective on the first Sunday of the calendar year for eligible employees who were employed in the Career Service on December 31<sup>st</sup> of the previous year.**

#### 13-35 Enforcement of PEPR Schedule

- A. Departments and agencies shall submit proposed merit increases and merit payments to the Office of Human Resources ("OHR") as provided in the schedule attached as Appendix A.
- B. 1. If a supervisor's or manager's failure to meet the deadlines set forth in Appendix A is a contributing reason to an appointing authority's failure to meet the deadline for submitting recommended merit increases and merit payments to the OHR for all of the appointing authority's eligible employees, the supervisor's or manager's rating shall be reduced as follows:
- a. If the supervisor's or manager has missed a deadline, that supervisor or manager's rating for the outcome related to the timeliness of PEPRs shall not exceed "Below expectations."
  - b. Once the supervisor or manager is more than one week late in meeting a deadline set forth in Appendix A, the overall performance rating that supervisor or manager would otherwise have received for the previous calendar year shall be reduced by one rating.
  - c. Each additional seven day period of delay shall result in the supervisor's or manager's rating being reduced one rating for each additional seven day period.

2. An appointing authority may request that the OHR Executive Director grant a supervisor or manager who is more than one week late in meeting a deadline set forth in Appendix A, relief from the operation of this paragraph 13-35 B, due to a showing of extenuating circumstances beyond the reasonable control or advance knowledge of the employee.
- C. The failure of a supervisor or manager to meet the deadlines set forth in Appendix A may also be grounds for discipline, up to and including dismissal, for failure to perform assigned duties under Rule 16 **DISCIPLINE AND DISMISSAL**.

#### 13-36 Review of PEPR with Employee

Each employee's PEPR shall be reviewed with the employee as provided in the schedule attached as Appendix A.

#### 13-37 Official Records

The PEPR and any supporting documentation shall be made a permanent part of the employee's official personnel record.

#### 13-38 Discipline

The PEP plan and PEPR may be used as a basis for disciplinary action under Rule 16 **DISCIPLINE AND DISMISSAL**, up to and including dismissal, if an employee's performance fails to comport with the standards set forth in the PEP plan.

#### 13-39 Grievances and Appeals Relating to PEPRs

- A. An eligible employee may grieve any performance rating pursuant to Rule 18 **DISPUTE RESOLUTION**.
- B. An eligible employee may appeal a grievance of a "Failing" rating in accordance with Rule 19 **APPEALS**. Appeals of grievances of other ratings are not permitted.
- C. An eligible employee may not grieve or appeal any other aspect of the PEP.

#### 13-40 Employees in the Community Rate and Short-range Pay Schedules

Employees holding positions in the Community Rate and Short-range pay schedules are on-call, accordingly, merit increases ~~and~~ merit payments are not available. However, employees in these schedules may receive a two and one quarter percent (2.25%) pay increase (not to exceed the range maximum of the applicable range) upon the approval of the appointing authority, except during a declared fiscal emergency, after having served:

- A. Two consecutive annual terms (an annual term is a minimum of three hundred (300) hours); or
- B. One term and completion of a certificate program as approved by the appointing authority.

APPENDIX 13.A

~~2013~~ 2013 PEPR SCHEDULE

DUE DATE	TASK
<p><del>February 8, 2013</del>  <u>February 7, 2014</u></p>	<p>Deadline for performance evaluations for <del>2012</del> <u>2013</u> calendar year to be completed by subordinate supervisors and managers.</p>
<p><del>February 14, 2013</del>  <u>February 13, 2014</u></p>	<p>First day for appointing authorities to submit merit increase and merit payment recommendations for all agency employees to the OHR. The percent increase for all eligible employees in a department or agency should average <del>2.38%</del> <u>3.66%</u> for merit increases and merit payments delivered in <del>2013</del> <u>2014</u>.</p> <p>Supervisors may begin meeting with employees to review PEPRs and merit increase amount once the OHR has reviewed and approved merit increase and merit payment recommendations.</p>
<p><del>February 22, 2013</del>  <u>February 21, 2014</u></p>	<p>Deadline for appointing authorities to submit merit increase and merit payment recommendations to the OHR. All eligible employees must be accounted for in these recommendations.</p>
<p><del>March 13, 2013</del>  <u>March 12, 2014</u></p>	<p>Last day for supervisors to review PEPRs and merit increases <del>and</del> <u>or</u> merit payments with employees.</p>
<p><del>March 20, 2013</del>  <u>March 28, 2014</u></p>	<p>Merit increases and merit payments appear on employee paychecks.</p>
<p><del>April 12, 2013</del>  <u>April 11, 2014</u></p>	<p>Merit increases and merit payments are paid retro-actively for the period from January <u>5<sup>th</sup></u> <del>4<sup>th</sup></del> until March <u>9<sup>th</sup></u> <del>4<sup>th</sup></del>.</p>

This Appendix is provided for informational purposes and is not considered a part of the Rules.