



Career Service Board Meeting #2245
Minutes
Thursday, August 7, 2014
5:00 P.M.
Webb Municipal Building
201 W. Colfax, Fourth Floor, Room 4.G.2

Patti Klinge
Colleen M. Rea (Chair)
Derrick Fuller (Absent)
Gina Casias

I. Opening: *Meeting called to order at 5:07 pm.*

- 1. Approval of the Agenda for the August 7, 2014 Board Meeting.**
The Board unanimously approved the Agenda for the August 7, 2014.
- 2. Approval of the Minutes for the July 17, 2014 Board Meeting.**
The Board unanimously approved the July 17, 2014 meeting minutes.

II. Board Comments: *None.*

III. Public Comments: *None.*

IV. Public Hearings:

1. Classification Hearing Notice No. 1412 – Aviation Noise Abatement Officer
Blair Malloy with the Office of Human Resources presented the classification notice to the board. The management at DIA requested a review of the Fair Labor Standards Act (FSLA) exemption status for the Aviation Noise Abatement Officer. The Office of Human Resources requested a legal review of the exemption status from the City Attorney's Office. During the review it was determined that the work performed by the employees in this classification is legal and within regulatory compliance and they exercise sufficient discretion and independent judgment to meet the FSLA administrative exemption. Changing the exemption status requires changing the pay grade from the current non-exempt pay grade of 626-E to the proposed exempt pay grade of 811-E. This is the closest exempt pay grade to the current pay grade and also aligns with market data. The classification is matched to the Airport Council International survey, position of Noise Abatement Analyst. The average weighted pay rate for incumbents at comparable airports is \$73,630, approximately 1.46% less than the midpoint of pay grade 811-E. Non-exempt pay grades have a 46% range width, while exempt pay grades have a 60% range width, so this will change both the range minimum and maximum rates. While pay grade 811-E has a lower range minimum, it provides a great range maximum than the current pay grade which increases the long-term earning potential for employees. This will impact two Aviation Noise Abatement Officers at DIA. There is no budget impact; all employees will move pay-to-pay in the new ranges.

Board Chair Colleen M. Rea inquired if this position typically has any overtime issues. Mike McKee, Aviation Noise Abatement Supervisor stated this position rarely has any overtime.

The board unanimously approved Classification Hearing Notice No. 1412.

2. Classification Hearing Notice No. 1413 – Deputy Public Defender I, Deputy Public Defender II, and Chief Municipal Public Defender

Seth Duhon-Thornton with the Office of Human Resources presented the notice to the board. The Office of Human Resources (OHR) received a request from County Court to create three new attorney positions for their newly created Municipal Public Defender's Office. The Municipal Public Defender's Office will provide legal services to indigent defendants of Denver County who are facing the possibility of jail for municipal violations. Currently these services are contracted out through three different law firms. The goal of the County Court is creating this office is to: increase consistency with services provided, have better cost control, and provide oversight of the Office and improve legal representation. Each new classification will perform according to the following:

Deputy Public Defender I: This classification provides entry level legal representation to indigent defendants charged with municipal violations. The type of cases handled at this level will be routine and of low complexity. Additionally, it will assist with more complex cases and learn the skills necessary to represent higher level cases.

Deputy Public Defender II: This classification provides standard level legal representation to indigent defendants charged with municipal violations. The type of cases handled at this level will be more complex and may be part of a problem solving court team for repeat offenders/violations. This classification will also work with a wider scope of agencies and law enforcement in the defense of individuals. Additionally, it will assist the Chief Municipal Public Defender on complex cases as well as assisting other attorney's with legal research of more complex cases.

Chief Municipal Public Defender: This classification oversees the operation of the Municipal Public Defender's Office. It will handle the most complex municipal cases and provide guidance to staff on issues arising from their cases, as well as review work to ensure consistency of representation. The Chief Municipal Public Defender will also contribute to developing work plans and set strategic goals for the office, both annual and multi-year. Additionally, this classification will coordinate resources to ensure coverage of multiple courts, as well as off-site and special court sessions. To determine the appropriate pay grade for the Public Defender classification, OHR based its recommendations on both internal relationships and external market comparisons by conducting a pay survey of 44 municipalities and received responses from 4 that were comparable to the Deputy Public Defender II classification. The data provided was not sufficient to establish a pay rate based only on the market, but provided an initial starting point for the pay of the Deputy Public Defender II classification. From there, an internal relationship was established with the Associate Deputy Public Defender and a recommendation to place the Deputy Public Defender II pay grade at 809-L which is a 6-pay grade relationship to the Associate Deputy District Attorney classification. It was recommended the place the Deputy Public Defender I at pay grade 807-L. This recommendation is based on a 2-pay grade relationship to the Deputy Public Defender II, which is consistent with internal compensation best practice for classifications in a series. Finally, OHR recommends placing Chief Municipal Public Defender at pay grade 816-L. This recommendation is based on a +7pay grade relationship to the Deputy Public Defender II. The same relationship exists between the Associate Deputy District Attorney (815-L) and the Chief Deputy District Attorney (822-L). The Chief Deputy District Attorney and Chief Municipal Public Defender have similar levels of responsibility and oversight for their agency, but the type and level of cases handled by the Municipal Public Defender's Office are of less severity and complexity. There will be 1 Chief Municipal Public Defender and 5.5 Deputy Public Defenders. The budget impact will consist of individual employees salaries once hired in the newly created Municipal Public Defender's Office.

The board unanimously approved Hearing Notice No. 1413.

V. Approval to Post: *None.*

VI. Director's Briefing: *None.*

VII. New Cases:

1. Phazaria Koonce v. Department of Safety, Denver Sheriff Department, Appeal No. 36-13
The board will revisit this case at the August 21, 2014 meeting.

VIII. Pending Cases:

IX. Executive Session:

*Board went into executive session at 5:22 p.m. to discuss cases and staffing matters.
Board re-convened Board meeting at 6:58 p.m.*

X. Adjournment: *Adjournment was at 6:58 p.m.*