



Career Service Board Meeting #2281
Minutes
Thursday, February 4, 2016, 5:00 p.m.
Webb Municipal Building
201 W. Colfax Ave, Fourth Floor, Room 4.G.2

Colleen M. Rea (Chair)
Patti Klinge
Neil Peck
Derrick Fuller

I. Opening: *Meeting called to order at 5:04 p.m.*

1. Approval of the Agenda for the February 4, 2016 Board Meeting.

The Board unanimously approved the agenda for the February 4, 2016 meeting.

2. Approval of the Minutes for the January 21, 2016 Board Meeting.

The Board unanimously approved the minutes for the January 21, 2016 meeting.

II. Board Comments: *None.*

III. Public Comments: *None.*

IV. Public Hearings:

1. Classification Notice No. 1511 – Golf Cart Attendant and Golf Sales Associate

Alena Duran, Classification and Compensation Analyst from the Office of Human Resources, presented Classification Notice No. 1511 to the Board.

Ms. Duran proposed two new golf-specific classifications: Golf Cart Attendant and Golf Sales Associate. All employees in these classes are on-call employees. Ms. Duran recommended the following pay grades and ranges for the new positions:

<u>Title</u>	<u>Pay Grade</u>	<u>Pay Range</u>
<i>Golf Cart Attendant</i>	<i>212-Y</i>	<i>\$8.23-\$9.22 per hour</i>
<i>Golf Sales Associate</i>	<i>112-Z</i>	<i>\$9.38-\$12.85 per hour</i>

The Board unanimously approved Classification Notice No. 1511.

2. Public Hearing Notice No. 514 (Re-Posted) – Proposed Revision of Career Service Rules 15 (Code of Conduct), 16 (Discipline and Dismissal), and 18 (Dispute Resolution), and related rules.

Dani Brown, HR Manager from the Office of Human Resources, presented Public Hearing Notice No. 514 to the Board. Pete Garritt, HR Supervisor from the Office of Human Resources, and Assistant City Attorneys, Kristen Merrick and John Sauer, assisted with the presentation.

Ms. Brown provided an overview of the rule change committee and the process that is underway to review the Career Service Board rules. She then reviewed each proposed change concerning rules 15, 16, and 18.

Kristen Merrick further explained that since the original presentation to the Board on December 3, 2015, the rule change committee has met with agency and HR stakeholders to discuss their concerns. She provided an overview of some of the suggestions that resulted from these meetings.

Public hearing speaker, Debra Knapp, Assistant City Attorney, said she is worried that many of the proposed changes would eliminate long-standing protections for employees. She said the proposed changes would result in a loss of valuable employees, which is costly to the city.

Ms. Knapp feels that employees should have the right to representation and said that having a third party present encourages more respectful behavior. She said if the employer is allowed to have representation then it is only fair that the employee have a representative as well.

She also believes that employees should be allowed to record in the workplace without prior permission. She pointed out that the city can record employees at any time. Her opinion is that if both parties cannot record, then neither should be allowed to record.

Ms. Knapp also does not agree with the removal of verbal warnings. She believes progressive discipline is important and that verbal warnings should be a part of this process.

She also feels that the proposed provision to allow demotion or involuntary transfer with no right of review invites potential abuse of this practice. She does not believe this is a fair process.

Ms. Knapp also feels that the term "unbecoming" in reference to employees' conduct is too vague. She said that vague standards such as this do not help or protect the city.

She also thinks that mediation should not be limited. She believes mediation is very important and that it saves the city time, money, and focuses on resolution.

Public hearing speaker, Michael Jackson, President of the Denver Sheriff's Department Lodge 27 of the Fraternal Order of Police, expressed concern with rule 16-29. He feels the rule is too broad and is concerned about employees being asked questions that are irrelevant to the issue at hand.

Mr. Jackson also stated that employees should be allowed representation. He said rather than specifying the types of meetings a representative can be present for, the rule should specify only the types of meetings that should not involve representation, such as general staff meetings. Mr. Jackson said a representative should always be allowed for any meeting that may involve discipline.

Public hearing speaker, Victoria Lindsay, Contract Administrator from the Office of Economic Development, also communicated her concern about the rule change regarding representation. She said that meetings pertaining to employee performance or discipline can be emotional and that these meetings are more successful when a representative is involved.

Ms. Lindsay also stated that employees should be allowed to record and said she does not understand why the city would take issue with having additional evidence.

Public hearing speakers, Danny Foster and Marcy Ongert, attorneys from Foster, Graham, Milstein, & Calisher, also voiced concerns about the proposed rule changes.

Mr. Foster said he believes rule 16-27C undermines the city's long-standing support of union membership. He said the captains, sergeants, and other supervisors in the Sheriff's Department are all part of the collective bargaining unit and have a right to participate as

union members and to speak on behalf of the union. He said the proposed change would prohibit anyone with any supervisory capacity from involving themselves in any type of leadership position in the union. He recommends that this entire section of the rule be removed.

Mr. Foster also expressed concern about the prohibition of recording devices and wonders what will happen when a surreptitious recording is used as evidence in an internal affairs investigation.

He also does not agree with the use of the term "foreseeable" in rule 16-29T. He questions how it is defined in this situation. Ms. Ongert went on to say that the word "foreseeable" indicates there would no longer be a requirement that harm be proven. She said the rule is too vague and could be used as a catch-all.

Mr. Foster also communicated his disapproval of a lack of representation for employees. He said there has been a large increase in discipline within the Sheriff's Department which has resulted in a need for more employee representation.

There was discussion among the Board and the rule change committee with regard to the concerns and suggestions expressed by the speakers. Specific wording changes were agreed upon and changes were made.

The Board unanimously approved Public Hearing Notice No. with the requested changes.

V. Director's Briefing:

Agenda items for the Director's Briefing were deferred to the February 18 Career Service Board meeting due to time constraints.

VI. New Cases: None.

VII. Pending Cases:

1. Sonya Leyba v. Department of Safety, Denver Sheriff Department, Appeal No. 59-14A.
The Career Service Board modified the discipline to a written reprimand. Written order to follow.
2. Suzanne Culin v. Department of Aviation, Revenue Management, Den Real Estate Division, Appeal No. 43-15A.
The Career Service Board granted the agency's interlocutory appeal and the hearing will proceed and be limited solely to the discrimination claim raised by the employee. Written order to follow.

VIII. Executive Session:

The Board went into executive session at 7:06 p.m. to discuss cases and staffing matters.

The Board re-convened the meeting at 7:20 p.m.

IX. Adjournment: Adjournment was at 7:20 p.m.