



Career Service Board Meeting #2330
Minutes
Thursday, February 15, 2018, 9:00am
Webb Municipal Building
201 W. Colfax Ave, Fourth Floor, Room 4.G.2

Neil Peck (Co-Chair)
Patti Klinge (Co-Chair) - Absent
Karen DuWaldt - Absent
Patricia Barela Rivera
Tracy Winchester

I. Opening: *Meeting was called to order at 9:03am*

- 1. Approval of the Agenda for the February 15, 2018 Board Meeting.**
The Board unanimously approved the agenda for the February 15, 2018 meeting.
- 2. Approval of the Minutes for the February 1, 2018 Board Meeting.**
The Board unanimously approved the minutes for the February 1, 2018 meeting.

II. Board Comments: *None.*

III. Public Comments: *None.*

IV. Public Hearing:

- 1. Classification Notice No. 1558: Fraud Claims Investigator**

Lori Schumann, Senior Classification & Compensation Analyst, introduced Classification Notice No. 1558, to amend the Classification & Pay Plan by creating a new classification called Fraud Claims Investigator at pay grade A-616.

Proposed Title
Fraud Claims Investigator

Proposed Pay Grade
A-616 (\$21.54-\$26.50-\$31.45)

The Fraud Claims Investigator conducts investigations, determines claim establishment, pursues intentional program violations, fraud, and collections, reviews and refers cases and claims for civil, criminal and administrative proceedings for Denver Human Services ("DHS") programs.

There are currently nine (9) employees at DHS incorrectly classified as Collections Investigators. The Collections Investigator (non-exempt) is currently in pay grade N-616, with a midpoint of \$24.30, in the Enforcement/Compliance/Protective Service salary plan, which is typically reserved for Denver County Courts Agency.

It is proposed to create a Fraud Claims Investigator (non-exempt) in pay grade A-616 in the General Administrative salary plan. The Fraud Claims Investigator will replace the Collections Investigator classification at DHS and provide a competitive career path for employees who have three (3) years of experience determining eligibility for public assistance programs.

Market data for the new classification indicated a midpoint of \$25.95, confirming the rationale for placement into the pay grade between the Outreach Case Coordinator and Program Quality Assurance Technician, and within the same salary plan as the Eligibility Technician series.

Ms. Schumann noted nine employees will be reallocated into the new classification with a budget impact of \$2,045 annually. The classification may be used by DHS and will report to the Fraud Team Manager, who in turn reports to the Performance Improvement & Accountability Director.

Board Co-Chair Neil Peck asked how long the nine employees were misclassified, to which Ms. Schumann responded the current classification was considered appropriate until a market study determined a more specific match for the position responsibilities unique to DHS. As a result, Classification & Compensation determined a new classification should be created, rather than adjusting the existing position, since the claims fraud investigatory responsibilities are specific to DHS.

The Career Service Board unanimously approved Classification Notice No. 1558.

V. Director's Briefing:

1. Career Service Hearing Office – 2017 Year-End Report

Bruce Plotkin, Career Service Hearing Officer, and Laura Hammock, Paralegal, presented a report on the activities of the Career Service Hearing Office in 2017.

Mr. Plotkin noted 70 new appeals were filed, and 28 decisions were issued within an average of 46 days. 2017 ended with 65 appeals pending and 135 claims closed. The Hearing Office met its BMO goal of issuing 538 orders within two days of the motion filed, as well as setting all appeals for hearing within 60 days of filing.

The average hearing time was 6 hours, 26 minutes, which has trended downward, with an average of four witnesses and 18 exhibits. The average time to disposition from filing was approximately five months, or 154 days.

Mr. Plotkin stated 51% of the appeals filed were from the Denver Sheriff's Department ("DSD"), which he noted has been an ongoing concern that led to the creation of Rule 20 to streamline the appeals process for the Deputy Sheriffs. Mr. Plotkin noted there is currently one case filed under the new Rule 20 and additional data will be available as the year unfolds.

Board Co-Chair Neil Peck stated the Board wanted to closely monitor the impact of Rule 20 on cases from DSD by having the Hearing Officer give a quarterly update, including an assessment of the new Rule. Mr. Plotkin suggested further discussion on how the Hearing Office could work with Safety HR on reviewing trends, keeping in mind the Board's directive that Hearing Officers do not direct appointing authorities in managing their agencies.

Mr. Peck stated he supported further discussion with Safety HR, noting Karen Niparko, Executive Director of the Office of Human Resources ("OHR"), would like to provide additional support and resources to the Department of Safety.

Rory McLuster, Deputy Director, commented that Jennifer Cockrum, HR Director for the Safety Department, is very much onboard with reviewing case trends in the Hearing Office to determine what factors are driving them. Ms. McLuster stated she believed the issue is part of a broader conversation that should be initiated by Ms. Niparko. Mr. Peck stated the conversation needed to get started sooner, rather than later, given the number of cases from DSD last year, to address issues at the source and reduce the number of appeals.

Board Member Tracy Winchester asked Ms. Niparko if she was planning to meet with Troy Riggs, who was just appointed as the new Executive Director of the Department of Safety, replacing Stephanie O'Malley. Ms. Niparko replied a meeting had been set-up with Ms.

O'Malley, which was cancelled with the announcement of her new appointment, and she would proceed with setting up a meeting with the Mr. Riggs.

Ms. Niparko stated there are wider concerns beyond appeals, including reviewing training requirements and their effectiveness, as well as determining why there is constant turnover in Safety HR. Ms. Niparko noted if there were other issues the Board would like to specifically address, she will include them in the conversation.

Ms. Winchester stated it would be ideal to see some integration of the Hearing Office's case data into the conversation with Mr. Riggs, as this is an opportunity for a fresh look at the issues. Mr. Peck agreed this was appropriate, noting the impact of Rule 20 on future cases was uncertain, but the issues underlying the appeals need to be focused on. Ms. Hammock commented there is also a new Civil Review Administrator in the DSD, and it will be interesting to see how the disciplinary matrix is applied in future cases.

Mr. Plotkin asked if the Board would prefer he contact the Department of Safety directly to begin the conversation or should he go through Ms. Niparko, to which Mr. Peck and Board Member Patricia Barela Rivera stated it should be done through OHR. Ms. Niparko stated she would get the meeting with Mr. Riggs set-up as soon as possible and would share the appeals data with him.

Mr. Plotkin reviewed the mediation statistics, noting the Board had expressed interest in learning which agencies declined mediation since it is not mandatory. Mr. Plotkin stated the Hearing Office does not know the reason agencies decline mediation, noting some agencies, such as DIA, always accept mediation and Steve Charbonneau, the mediator, has a 94% success rate in resolving issues between the parties, which is a huge impact.

Mr. Peck asked if the majority of mediation requests are initiated by the appellant, to which Mr. Plotkin replied in the affirmative, noting Ms. Hammock can provide additional detail. Ms. Hammock noted there are two types of mediation, one of which is a request to mediate an appeal made to the Hearing Office, the other related to an HR matter, such as two people not getting along well. Mr. Plotkin stated mediation covers matters within the Hearing Office's jurisdiction as well as more general HR issues.

Ms. McLuster commented OHR has been training the HR Business Partners on mediation skills to ensure HR issues are being promptly addressed at the source, thus reducing the need to request independent mediation or file an appeal. Ms. Hammock noted, however, the number of requests has not decreased. Ms. McLuster noted additional detail was needed on why agencies accept or decline mediation since it is not appropriate when discipline is being imposed for rule violations.

Mr. Peck clarified by asking, for example, if someone is suspended for thirty days for disciplinary reasons, this is not something a mediator is going to be able to settle between the parties, to which Ms. McLuster replied is correct.

Ms. Niparko commented that while OHR supports mediation, it is not appropriate when disciplinary action is imposed for performance issues or rule violations. Ms. Niparko noted OHR was training the HR Business Partners to facilitate effective conversations for disciplinary matters, but not to encourage mandatory mediation for every issue.

Ms. Barela Rivera commented it would be helpful for the Board to have additional clarification on what issues are being requested for mediation in each agency as looking at the total number of requests is not informative. Ms. Winchester agreed, noting, for example, if mediation requests are being declined due to being related to disciplinary matters, that may be appropriate.

Mr. Plotkin responded he agreed at some level, however, he believed that some of the appeals being filed could have been avoided by having additional training of supervisors, instead of automatically resorting to formal discipline.

Mr. Plotkin recommended the Board investigate more closely whether excessive discipline is being applied in some cases at certain agencies, instead of having constructive coaching conversations and providing training. Mr. Plotkin noted Steve Charbonneau could be invited to a future Board meeting to discuss mediation trends and its benefits, which Mr. Peck agreed would be ideal.

Ms. Winchester asked whether having mandatory mediation would have any impact on the number of cases filed in the Hearing Office. Mr. Plotkin responded it was a very good question that was difficult to answer, asking Ms. Hammock to comment.

Ms. Hammock noted that most jurisdictions in Colorado require an attempt at mediation prior to filing a case and she believed it would have a significant impact for the City, since 64% of the cases referred to mediation last year were settled.

Ms. Barela Rivera clarified that Steve Charbonneau would be invited to present to the Board, to which Mr. Peck confirmed, to further discuss mediation.

VI. Pending Cases:

1. Silver Gutierrez & Denver Sheriff Department, Appeal No. 65-11A
The Career Service Board denied the Respondent's Motion to Dismiss and reaffirmed the Hearing Officer's decision, written order to follow.
2. Darrin Turner vs. Denver Sheriff's Department, Appeal No. 01-17
The Career Service Board affirmed the Hearing Officer's decision, written order to follow.
3. Bridget Andrews vs. Denver Sheriff's Department, Appeal No. 16-17A
The Career Service Board affirmed the Hearing Officer's decision, written order to follow.

VII. Executive Session:

The Board went into executive session at 9:40am. The Board conducted an interview with Federico Alvarez for the position of Career Service Hearing Officer, followed by a general review of all candidates' qualifications and interview impressions.

The following case was also discussed:

1. Gregory Gustin vs. Department of Aviation, Appeal No. 02-17A
The Career Service Board affirmed the Hearing Officer's decision, written order to follow.

The Board re-convened the meeting at 10:50am.

VIII. Motion to Extend Offer of Employment:

Board Co-Chair Neil Peck noted a panel made up of himself, Karen DuWaldt, Karen Niparko, Anna Frosberg, Bob Wolf, and Bruce Plotkin had interviewed several candidates for the position of Career Service Hearing Officer. After reviewing the candidates, the Board has selected Federico Alvarez for the position, which is supported by Karen DuWaldt and Patti Klinge.

Mr. Peck made a motion, which was seconded by Board Member Patricia Barela Rivera, to extend an offer of employment to Mr. Alvarez for the position of Career Service Hearing Officer at the salary agreed upon during executive session with a start date of April 2, 2018.

The Board unanimously approved the motion to extend the offer, which will be made by Mr. Peck to Mr. Alvarez via telephone. Mr. Alvarez will report directly to the Board per the City Charter.

IX. Adjournment: Adjournment was at 11:03am.