



Career Service Board Meeting #2333

Minutes

Thursday, April 5, 2018, 4:30pm

Webb Municipal Building

201 W. Colfax Ave, Fourth Floor, Room 4.G.2

Neil Peck (Co-Chair) - Absent

Patti Klinge (Co-Chair)

Karen DuWaldt

Patricia Barela Rivera

Tracy Winchester

I. Opening: *Meeting was called to order at 4:30pm*

1. Approval of the Agenda for the April 5, 2018 Board Meeting.

The Board unanimously approved the agenda for the April 5, 2018 meeting.

2. Approval of the Minutes for the March 15, 2018 Board Meeting.

The Board deferred approving the minutes for March 15, 2018 as only two board members who attended the meeting were present.

II. Board Comments: *None.*

III. Public Comments: *None.*

IV. Public Hearing:

1. Classification Notice No. 1560: Senior Usher and Lead Usher

Alena Duran, Classification & Compensation Analyst, presented Classification Notice No. 1560, to amend the Classification & Pay Plan by creating two new classifications called Senior Usher at pay grade Z-115, and Lead Usher at pay grade Z-117.

Proposed Title

Senior Usher

Lead Usher

Proposed Pay Grade

Z-115 (\$11.57-\$13.71-\$15.85)

Z-117 (\$13.31-\$15.77-\$18.23)

At the request of Arts and Venues, a study was conducted on the Usher classification, which historically has been four levels combined into one classification and one pay range. Two employees were going to be over the range maximum, triggering the need to conduct a study of Ushers. As a result, it is proposed to have three separate classification levels: Usher, Senior Usher and Lead Usher.

The existing classification will be updated to describe the lowest level, Usher, which assists patrons with seating arrangements, collecting admission tickets, searching for lost articles and locating restrooms. The next level is a new class called Senior Usher, which will plan, assign and lead the work of Ushers, assist the Lead Usher with facilitating on the job training, and coordinate the setup and breakdown for events. The Lead Usher is the third and highest level, who schedules, oversees, and coordinates work assignments of all lower level staff to ensure proper coverage of events, as well as communicates issues to the Patron Services Manager for resolution.

Creating these new classifications establishes a career path for these employees, which remain on-call positions.

There is not a current match to the market. Clue data was used from Argus Event Staffing, which is the contractor for the Denver Performing Arts Complex that staffs the Buell Theater and Boettcher Concert Hall. Argus sets their pay at \$11 an hour for Usher, \$13.71 for Senior Usher, and \$15.22 for Lead Ushers.

It is proposed to leave the Usher at the current pay grade of Z-113 and set the pay grade of Senior Usher at Z-115, and Lead Usher at Z-117, based on the compensation practice to provide a two-pay grade difference between classification levels in a series.

There are currently 79 on-call employees in the classification of Usher. Arts and Venues will post the positions of Senior Usher and Lead Usher to provide an opportunity for current Ushers to apply and promote into the new classifications. There is no anticipated budget impact as all employees are moving pay-to-pay.

Board Member Tracy Winchester asked what moving pay-to-pay meant, to which Ms. Duran clarified meant the employees currently in the Usher classification would remain in the same pay grade. Board Member Karen DuWaldt asked whether any of the employees were performing Senior or Lead Usher duties, to which Ms. Duran stated in the affirmative, noting these employees would have the opportunity to apply for the new higher-paying classifications.

Board Co-Chair Patti Klinge clarified whether supervisory classifications were two grades higher, while senior classifications are one grade higher. Ms. Duran stated this can vary, but generally, Classification & Compensation prefers supervisory positions to be at least two grades higher and the rates for the new classifications were based on what Argus offers their employees.

The Career Service Board unanimously approved Classification Notice No. 1560.

2. Classification Notice No. 1561: 911 Dispatch Support Specialist & Title Changes to Series

Susan O'Neill, Senior HR Professional, presented Classification No. 1561 to amend the Classification & Pay Plan by creating a new classification called 911 Dispatch Support Specialist at pay grade N-618. The proposed change also amends the Classification and Pay Plan by changing the titles of various 911 Operations Center classifications to align with the new title of 911 Dispatch Support Specialist.

New Class

<u>Proposed Title</u>	<u>Proposed Pay Grade</u>
911 Dispatch Support Specialist	N-618 (\$21.59-\$26.56-\$31.52)

Title Change

<u>Current Title</u>	<u>Proposed Title</u>
Emergency Communication Operator	911 Emergency Communication Technician
Lead Emergency Comm. Operator	911 Lead Emergency Comm. Technician
Police Dispatcher	911 Police Dispatcher
Police Lead Dispatcher	911 Lead Police Dispatcher
Emergency Comm. Supervisor	911 Emergency Comm. Supervisor

At the request of the Department of Safety, 911 Operations Center, it is proposed to create a new classification, 911 Dispatch Support Specialist, to perform specialized support to the 911 Police Dispatcher and focus on the new alarm protocol, implement citizen call backs, provide clearance information through NCIC, CCIC and DMV related searches, contact additional resources to help resolve incidents; handle ROWE short tow logs, and provide additional non-emergency applications. This position will also provide call backup as needed for the 911 Emergency Communication Technician.

This new classification performs duties that are more complex than the 911 Emergency Communication Technician, and more specialized than the 911 Police Dispatcher. To align the job titles in the series, it is recommended to change the current titles of the existing classifications: Emergency Communication Operator to 911 Emergency Communication Technician, Lead Emergency Communication Operator to 911 Lead Emergency Communication Technician, Police Dispatcher to 911 Police Dispatcher, Police Lead Dispatcher to 911 Lead Police Dispatcher, and Emergency Communication Supervisor to 911 Emergency Communication Supervisor. These new titles reflect current market practices.

Market data gathered from a custom local and national survey indicated this classification, title and pay grade are appropriately placed at the N-618 pay grade. Internal alignment practices of a two-pay grade difference support placement to the N-618 pay grade as the other classifications in the series are at N-616 and N-620. The new 911 Dispatch Support Specialist is placed between the 911 Emergency Communication Technician (N-616) and the 911 Police Dispatcher (N-620) which is under the supervision of the 911 Emergency Communication Supervisor (N-809). The pay grades will not change for the retitled positions as they are at market.

The 911 Dispatch Support Specialist is a new classification and there is no impact to any current employees. Classification titles for existing employees will change as follows: 87 employees to 911 Emergency Communications Technician, no employees affected by the title change to 911 Lead Emergency Communication Technician, 50 employees to 911 Police Dispatcher, no employees affected by the title change to 911 Lead Police Dispatcher, and 11 employees to 911 Emergency Communication Supervisor. There is no budget impact for the new 911 Dispatch Support Specialist classification, as employees will have the opportunity to promote into this classification, and no budget impact for the title changes.

Board Member Tracy Winchester asked if there were any openings in the 911 Operations Center. Shelly Lesnansky, Manager of the 911 Operations Center, indicated offers are being extended for 10 to 12 open Emergency Communication Technician positions, as well as 1 open Police Dispatcher position. Board Member Patricia Barela Rivera asked if there was high turnover in these positions, to which Ms. Lesnansky replied was the case two years ago but has greatly improved due to changes made to focus on employee wellness, including offering flexible shifts, increasing staffing levels, and revamping training.

The Career Service Board unanimously approved Classification Notice No. 1561.

3. Classification Notice No. 1562: Veterinarian Fellow

Lori Schumann, Senior Classification and Compensation Analyst, presented Classification Notice No. 1563, to amend the Classification & Pay Plan by creating a new classification called Veterinarian Fellow at pay grade A-406.

<u>Proposed Title</u>	<u>Proposed Pay Grade</u>
Veterinarian Fellow	A-406 (\$15.88)

It is proposed to create a new Veterinary Fellow classification which will allow the Denver Animal Shelter to continue to grow the field of shelter medicine in the community. This new classification will provide an opportunity for a post-graduate veterinarian to gain experience in an expert shelter veterinary clinic.

The Veterinary Fellow will provide veterinary care including surgery, vaccination, medical care, diagnostics, euthanasia, and treatments to animals at the Denver Animal Shelter under the supervision of the Lead Shelter Veterinarian. The Veterinarian Fellow will follow all internal medical and procedural protocols as expected for all staff at Denver Animal Protection.

The Denver Animal Shelter currently has one Shelter Veterinarian on staff and coverage is available five days a week. This causes the Denver Animal Shelter to rely heavily on emergency veterinary hospital partners to cover when the Lead Shelter Veterinarian is on

personal time off or out of the office for the weekends. A Veterinary Fellow will allow our customers to have access to a veterinarian every day. This will save Denver Animal Shelter approximately \$20,000 in coverage expense related to relief work and will increase customer service to our community.

It is proposed to set the pay based on market data obtained from the Veterinary Internship and Residency Match Program ("VIRMP") and industry practice. This program is for veterinarians with post-graduate degrees that do not want to go into private practice immediately after graduation. Based on the market data, the pay grade of A-406 at a rate of \$15.88/hour is appropriate. There is no budget impact for the new classification.

Board Member Patricia Barela Rivera asked whether this was the first time the Shelter has had a veterinarian fellow, to which Ms. Schumann responded in the affirmative. Ms. Barela Rivera asked how many licensed veterinarians were working in the shelter, which Ms. Schumann responded there was one.

Board Member Tracy Winchester asked how there is no budget impact when this was a new position. Ms. Schumann responded the position would pay \$15.88 per hour and there is a cost, depending on how many hours the fellow works, however, there was no increase in salary for an existing employee. Board Member Karen DuWaldt asked if the cost was being offset by the savings from using external veterinarians less, which Ms. Schumann replied in the affirmative.

Ms. Barela Rivera asked how the recruitment would be done, to which Ms. Schumann asked Alice Nightengale, Director of Denver Animal Care & Protection, to elaborate further on the process. Ms. Nightengale indicated the recruitment is done through VIRMP for newly graduated veterinarians who are looking to gain experience. Ms. Barela Rivera commented she hoped the recruitment includes local candidates as well, which Ms. Nightengale indicated was the case.

Ms. DuWaldt asked if the position was full-time, which Ms. Nightengale responded in the affirmative and added that it is a one-year commitment, after which another matched candidate will have the opportunity to join. Ms. Winchester stated she was surprised there is only one full-time veterinarian working and asked which shelter the doctor is based at, which Ms. Nightengale indicated was the municipal shelter.

Board Co-Chair Patti Klinge commented she was surprised at low the pay is, even though Classification & Compensation matched the pay data to the market. Ms. Klinge pointed out an Usher with no advanced education or experience can be hired at a higher hourly rate, which makes no sense. Ms. Schumann responded the pay was researched through VIRMP and confirmed the rate was usual and customary.

Ms. Nightengale noted the fellowship program provides an opportunity for newly graduated veterinarians to work under the guidance of a lead veterinarian to gain experience before entering private practice. Ms. DuWaldt asked whether, even though the market data confirms the pay rate, the City had an obligation to pay more, which Ms. Klinge indicated was her thought as well, especially if internal equity is considered as well. Ms. Barela Rivera agreed the pay is very low.

Karen Niparko, Executive Director of the Office of Human Resources ("OHR"), noted OHR is required by ordinance to match pay to the market, and while she agreed with the Board that the pay seems very low, she indicated many fellowship positions are unpaid. Ms. Niparko stated there are two Fellows from the Harvard Kennedy School of Government who will be working in the City this summer, which will be unpaid, except for a \$6,000 stipend for their housing.

Ms. Winchester asked whether candidates typically apply to the program as part of a scholarship or tuition offset, to which Ms. Nightengale replied all candidates are post-graduate. Ms. Winchester asked whether veterinarians are required to complete a fellowship, like medical doctors' requirements for a residency, as part of their training. Ms. Nightengale replied she was not familiar with residency requirements for veterinarians, however, the

fellowship program is designed to give new graduates experience before entering private practice.

Ms. Nightengale noted many of the surrounding municipalities also recruit candidates through VIRMP and the pay rate is the same. She stated the municipalities always have a significant response from candidates eager to join as shelter medicine is very different than private practice and highly in-demand.

Ms. Klinge thanked Ms. Nightengale for her presentation.

The Career Service Board unanimously approved Public Hearing Notice No. 1562.

4. Public Hearing Notice No. 562 – Prevailing Wage Notice: Building Engineer

Alena Duran, Classification & Compensation Analyst, and Susan Keller, Classification & Compensation Technician, presented Public Hearing Notice No. 562 to adopt a change in the pay and/or fringe benefits of the prevailing wage of the following classification of worker, "Building Engineer", in accordance with section 20-76(c)(3) of the Denver Revised Municipal Code.

Ms. Duran noted this Prevailing Wage Notice was originally presented to the Board at the October 19, 2017 meeting. Ms. Duran stated HVAC Mechanic was an 80% match to the duties and responsibilities of the Building Engineer classification, while the Service Contract Act was used to determine the fringe benefits. Based on the review originally conducted in 2017, the following wage rate revision was proposed, based on the 2017 Mountain States Employer Council – Colorado Benchmark Survey.:

	<u>Current</u>			<u>Proposed</u>		
	<u>Base Wage</u>	<u>Fringes</u>	<u>Total</u>	<u>Base Wage</u>	<u>Fringes</u>	<u>Total</u>
Building Engineer	\$28.20	\$7.52	\$35.72	\$28.67	\$7.72	\$36.39

Ms. Duran noted the Board had deferred making a decision on the Notice at the October 19th meeting and asked Classification & Compensation to conduct additional research based on comments made by representatives of Local 1 of the International Union of Operating Engineers ("IUOE").

Ms. Duran stated Classification & Compensation conducted job shadowing of Building and Stationary Engineers within the city, as well as Building Engineers who work for SMG. Ms. Duran noted SMG is contracted with the City to operate the Colorado Convention Center. Ms. Duran stated the research conducted through job shadowing confirmed the position of HVAC Mechanic was an 80% match for the duties of the SMG engineers.

Ms. Duran noted the IUOE asserted Classification & Compensation should be using the Service Contract method to determine the prevailing wage, which was incorrect. The ordinance requires OHR to use Davis-Bacon first, then if no match is found, local market survey data, and if no information is found for either, then the Service Contract method is used. For this position, there was no match in Davis-Bacon, however, the 80% match to HVAC Mechanic from the local market survey is an appropriate and standard practice.

Ms. Duran emphasized Classification & Compensation undertook considerable effort to educate the IUOE on how OHR researches and establishes prevailing wage and our role in the process. Ms. Duran noted OHR does not get involved in union contract administration or collective bargaining negotiations between SMG and the IUOE, and only reviews the work being performed to find a matching position and establish the prevailing wage in compliance with the ordinance. Ms. Duran stated OHR is required to bring Prevailing Wage Notices annually and noted the timeframe for this approval is now overdue.

In conclusion, Ms. Duran noted OHR is proposing the same base wage and fringe originally presented at the October 2017 meeting, and recommends the Board approve the Notice.

Board Member Tracy Winchester thanked Classification & Compensation and commented the research seemed to be very thorough.

Board Co-Chair Patti Klinge noted there were two individuals signed up to speak and asked Erik Basner to step forward. Ms. Klinge reminded Mr. Basner to introduce himself and limit his comments to three minutes.

Ms. Basner introduced himself as an employee of SMG working at the Colorado Convention Center. Mr. Basner stated he and many of his co-workers feel they should be classified as Pipe Fitters under Davis-Bacon, which encompasses HVAC. Mr. Basner noted SMG does 90% of the HVAC installation, repair, and maintenance at the convention center, which is an exact match to the Pipe Fitter classification. Mr. Basner stated the wage offered for the Pipe Fitter classification is higher and in-line with what he and his co-workers are doing.

Mr. Basner noted the U.S. Department of Labor description of Pipe Fitter includes construction rehabilitation and repair of sheltered enclosures with walk-in access housing persons and/or machinery, equipment, or supplies, which is what they are currently doing, including all of the HVAC work. Mr. Basner noted when they cannot do the work because they are insufficiently staffed due to the low wages being offered, subcontractors are brought in to complete it and they are paid the higher wages under Davis-Bacon as Pipe Fitters. Mr. Basner stated OHR informed them Davis Bacon only applies to construction-related positions, however, the electricians who work in the building are also paid Davis Bacon rates.

Ms. Winchester asked how often outside subcontractors are hired to complete the work. Mr. Basner responded they try to keep as much work as possible in-house, but if there is significant work to be done needing additional manpower, such as what is being done with fans recently, and they do not have time, an outside contractor will be brought in, which happens between five and ten times a year.

Ms. Klinge thanked Mr. Basner for his comments and asked Jaris Thomas to step forward and introduce himself. Mr. Thomas introduced himself as an employee of SMG working at the Colorado Convention Center. Mr. Thomas noted this was the first time he has participated in something like this and he was not sure what to bring.

Mr. Thomas noted the job description used for current job openings clearly outlines HVAC related duties and requires a CFC license to apply, which he stated falls under the Pipe Fitter classification. Mr. Thomas stated to obtain CFC licensing you must meet the requirements of a Refrigerator Operator Engineer, whereas a Building Engineer is more like a maintenance man working in a hotel, which does not require a refrigeration operator license. Mr. Thomas noted the job opening description specifically requires a refrigeration operator or stationary engineer background, not a general maintenance man, therefore, the description under Pipe Fitter is appropriate and it was important to clarify what they really do.

Ms. Winchester asked what the current impact is from the current situation, for example, are employees not eligible to apply for the open positions because they do not meet the minimum qualifications. Mr. Thomas stated all applicants must have a CFC license and this was not the issue as all current employees meet this qualification. He stated the issue is they are not Building Engineers and the Pipe Fitter classification is more appropriate, which is a higher paid position.

Board Member Karen DuWaldt asked what Pipe Fitters specifically do. Mr. Thomas replied pipe-fitting is common in the HVAC industry and involves sautering, welding, putting chillers and cooling towers together, all of which is industrial-level work.

Ms. Klinge asked for clarification as both Mr. Thomas and Mr. Basner stated a license is required for their position, whereas OHR has stated it is not required. Mr. Thomas noted he had a copy of the job opening for review.

Ms. Duran clarified the argument presented by the IUOE last year was their duties were the same as a Stationary Engineer, which requires a license, however, their duties were closely matched to HVAC Mechanic, which also requires a license, and Pipe Fitting did not

encompass 80% of their responsibilities. Mr. Basner commented HVAC is Pipe Fitting, which the job description clearly states. Ms. Klinge noted it sounds to her like these are two different jobs in terms of compensation. Ms. DuWaldt asked whether OHR had determined Davis-Bacon did not apply to this job, to which Ms. Duran replied was not necessarily the case.

Ms. Duran noted Davis- Bacon applies to construction related positions, however, OHR may use Davis-Bacon to set compensation for maintenance positions as well. Ms. Barela Rivera asked if OHR is mandated by the Rules or ordinance to use Davis Bacon. Ms. Duran replied the primary determinant was whether there is an 80% match to the proposed classification, which Pipe Fitter does not meet, as it did not reflect everything the SMG employees are doing.

Ms. DuWaldt noted the ordinance does not reference Davis-Bacon specifically for construction jobs only, but requires prevailing wage determination to first use it, then if no match is found, a market survey, followed by the service contract method. Ms. DuWaldt asked why Davis Bacon does not apply to this position, to which Ms. Duran reiterated Pipe Fitter does not apply to 80% of the work being done, as confirmed when OHR conducted a job shadowing.

Mr. Thomas asked if he could distribute copies of the material he brought with him to the Board, which Ms. Klinge replied in the affirmative. Ms. Duran noted OHR also discussed and confirmed with the IUOE that using Pipe Fitter as the match was inaccurate, and this also applied to engineers employed the City as well.

Ms. Barela Rivera asked which category the highest percentage of the work falls under, which Ms. Keller stated was HVAC Mechanic. Mr. Basner stated HVAC Mechanic is defined as Pipe Fitting in the materials given by Mr. Thomas to the Board. Ms. DuWaldt asked what the U.S. Department of Labor's definition of Piper Fitter was versus HVAC Mechanic, which Ms. Duran stated would have to be researched. The Board reviewed the materials presented by Mr. Thomas.

Ms. Klinge asked Ms. Duran if she could explain the difference between an HVAC Mechanic and a Pipe Fitter. Ms. Duran noted OHR had focused on the issues raised by the IUOE, which involved evaluating the difference between a Building Engineer and a Stationary Engineer. Ms. Keller commented the research included reviewing the categories of Pipe Fitter and Sheet Metal Worker under Davis-Bacon, but the conclusion was pipe fitters install, whereas the engineers were maintaining the system as the largest component of their job.

Ms. DuWaldt asked Ms. Duran to summarize why Pipe Fitter does not apply under Davis Bacon for this position. Ms. Duran stated Pipe Fitters spend most of their time installing pipes, which is not what the SMG engineers do. Ms. Duran noted the engineers also stated they did everything from fixing toilets to repairing the boilers and chiller equipment during the job shadowing process. Mr. Thomas responded toilets involve pipes and anything to do with getting water from one place to the next is related to pipe-fitting. Mr. Thomas noted the engineers work hard to keep repairs in-house, so the company does not have to hire outside contractors.

Ms. DuWaldt clarified there was no Davis Bacon category for HVAC Mechanic, which Ms. Duran stated was correct. Mr. Basner stated Pipe Fitting is an old-world term that applies to HVAC Mechanic. Ms. DuWaldt asked how much time the engineers spend on installing pipes, to which Mr. Basner replied happens relatively rarely and only if there is a complete failure of equipment. Ms. Klinge commented it sounded to her like this might be the distinguishing factor in whether the classification is appropriately matched to Pipe Fitter.

Ms. Duran offered to read the matched position description of HVAC Mechanic, as noted by the Mountain States Employer Council survey used by OHR, to assist the Board. Ms. Klinge thanked Ms. Duran for the additional information and thanked Mr. Basner and Mr. Thomas for their comments.

Ms. Klinge asked for a motion and inquired whether the Board wished to discuss the Notice

further. Ms. Barela Rivera and Ms. Winchester stated they wanted to continue the discussion. Ms. Barela Rivera noted there were two different jobs being presented that sounded very much alike, OHR was saying one thing, and the two speakers were saying another. Ms. Klinge commented the union's position should also be considered, as this is usually a major factor in these discussions. Ms. Barela Rivera stated she is concerned with making a decision that is fair and equitable and feels uncomfortable at this time.

Mr. Basner noted they did not get a raise last year and Mr. Thomas noted the cost of their benefits had increased. Mr. Thomas stated he made less money today than he did when he first interviewed for the position. Ms. Klinge stated she wanted it to be clear to the Board, however, these positions are not Career Service nor do these employees work for the City & County of Denver. The ordinance requires the City to ensure prevailing wages are paid to all third-party contractors hired to do work for the City.

Ms. DuWaldt clarified OHR is required by ordinance to first consider whether a position is matched to Davis-Bacon, which Pipe Fitter is, however, this was determined not to be a correct match for these engineers. Building Engineer is not under Davis-Bacon as well, which meant OHR then had to use a market-data survey by ordinance, which HVAC Mechanic was determined to be an 80% match. Ms. Duran stated this was correct. Mr. Basner stated when subcontractors are hired by SMG, they are paid the Davis Bacon rates as Pipe Fitters.

Ms. Klinge noted there was someone in the audience who wished to speak and Jeff Garcia, Executive Director of the Prevailing Wage Division at the City Auditor's Office introduced himself. Mr. Garcia stated the question being presented to the Board is incorrect, as the appropriate issue to vote on is whether a raise under the prevailing wage ordinance appropriate to the classification, "Building Engineer", should be approved.

Mr. Garcia stated the question of determining whether the SMG engineers are doing the work of a Pipe Fitter, or are otherwise misclassified, is a contractual issue between the IUOE and SMG, and not a matter for the Board to decide. Mr. Garcia stated his office can assist the SMG employees in investigating whether their work is, in fact, misclassified. Ms. Barela Rivera thanked Mr. Garcia for clarifying the issue.

The Career Service Board unanimously approved Public Hearing Notice No. 562.

5. Public Hearing Notice No. 570 – Proposed Revision to Career Service Rule 5-40

Lauren Locklear, HR Compliance Officer, and Nicole de-Goia Keane, Director of Classification & Compensation, introduced Public Hearing Notice No. 570-Proposed Revision to Career Service Rule 5, Section 40-Medical Examinations Following a Conditional Offer of Employment.

Ms. Locklear noted Classification & Compensation worked with the Risk Management Team to update the three current medical groups (Heavy, Medium, and Sedentary) to which all Career Service classifications are allocated, to the federal government's five medical groups (Very Heavy, Heavy, Medium, Light, Sedentary).

The proposed revision also transfers the responsibility of allocating classifications to various medical groups from OHR to the Risk Management Office, as they have the expertise to appropriately assess the factors. In addition, the determining factor of which applicants will be required to undergo a medical examination will change from medical group to job classification specification.

Board Co-Chair Patti Klinge asked if someone from the Risk Management Office was present and whether they approved the proposed changes. Karen Niparko, OHR Executive Director, replied the Director was present.

Board Member Karen DuWaldt asked if the new requirements for a medical examination were based on job specifications, meaning certain job classifications will automatically require a medical examination. Ms. Locklear asked Ray Sibley, Director of Risk Management, to

respond to the question.

Mr. Sibley clarified that each job classification will specify whether a physical exam, human performance evaluation (“HPE”), or both, is necessary based on the essential physical functions of the job as well as the working environment. Ms. DuWaldt clarified her question is whether a job classification determines whether a physical is necessary, or the specific job duties within the classification is the determinant. Mr. Sibley stated he was not sure how to answer the question and deferred to OHR.

Ms. de Goia-Keane stated the requirement is based on job classification, not the position within the classification, and noted OHR is in the process of evaluating which classifications require a physical exam or HPE, and Risk Management is validating the information as presented. Ms. DuWaldt noted she was confused as she thought the five medical group definitions represented job classifications, but realized the term refers to the job itself.

Mr. Sibley stated specific job requirements would be the determining factor in whether a physical examination or HPE is needed. For example, if someone will be lifting very heavy items as part of the job, it will be necessary to test if they are physically capable of doing so.

Board Member Tracy Winchester asked if there was more than one person conducting the examination, to which Mr. Sibley replied it was just one doctor. Ms. Winchester asked whether a decision to hire will be based on one doctor’s examination. Mr. Sibley stated the doctor performs a physical, while a Heavy Equipment Mechanic will evaluate how much lifting, pulling, and pushing is required, and the final report is reviewed by a physical therapist and the doctor.

Mr. Sibley noted the physical is a sports-type examination, where medical disclosure information is reviewed, followed by a general physical evaluation. Mr. Sibley gave an example where a candidate for a trash hauler position in Public Works had heavy scarring on his right shoulder. The doctor learned the candidate had seven shoulder surgeries from football injuries and was unable to meet the lifting requirements of the job.

Ms. DuWaldt asked if the City Attorney’s Office (“CAO”) reviews the determination of which job classifications require a physical exam. Mr. Sibley noted the CAO had been involved in the rule change process, however, the decision as to which classifications must have the requirement is being driven by workplace injury data.

Mr. Sibley stated the Risk Management Office has reviewed Worker’s Compensation claims, particularly those that occur in the first six months of employment, to evaluate trends. Mr. Sibley noted in some cases, such as utility workers, it was determined by conducting HPE tests that some new hires were physically challenged to do the work and getting injured as a result.

Mr. Sibley indicated this data is being evaluated by each agency’s management team, the risk management office, medical professionals, and the CAO to determine which classifications need additional prequalification.

The Career Service Board unanimously approved Public Hearing Notice No. 570.

6. Public Hearing Notice No. 571 – Proposed Revision to Career Service Rule No. 7-34

Lauren Locklear, HR Compliance Officer and Nicole de-Goia Keane, Director of Classification & Compensation, introduced Public Hearing Notice No. 571-Proposed Revision to Career Service Rule 7-34-Audits.

Ms. Locklear noted the current Rule prohibits a job audit being performed for a position that is currently undergoing a classification maintenance study. The revision will allow the OHR Executive Director to grant an exception if specific circumstances warrant it.

The other change will provide additional guidelines to appointing authorities when reallocating employees under the progressive classification series program to ensure non-exempt

employees are appropriately being re-allocated and the job progression intent is maintained.

Karen Niparko, OHR Executive Director, asked Ms. de Goia-Keane to give the Board an example of what a non-exempt progressive class looks like. Ms. de Goia-Keane used the example of an Eligibility Technician I and Eligibility Technician II, in which once an employee meets certain criteria in training, attendance, or experience, the appointing authority can submit a progressive audit request to fast-track the employee to the next level. Ms. de Goia-Keane stated the progressive series is intended to encourage retention in lower-level positions by providing some assurance to employees there is a path to progress through the series.

Board Co-Chair Patti Klinge commented the work may not necessarily be different, to which Ms. de Goia-Keane responded the work may be slightly different and have more complex duties as an employee masters each level of responsibility. Ms. Klinge clarified the next level is not filled by posting an open position, to which Ms. de Goia-Keane stated was correct.

Ms. DuWaldt asked for additional clarification on the audit exception revision. Ms. Locklear noted Classification & Compensation may receive a job audit request for a position that is part of an ongoing classification study, which can last up to 18 months. Ms. de Goia-Keane stated classification studies take a long time, depending on how many agencies are involved, the number of job analyses required, how long it takes to receive the required assessments from supervisors, and rewriting the job specifications and duties. Once completed, the new classification is surveyed for market data on compensation and then presented to the Board for final approval.

Ms. de Goia-Keane stated the revision is intended to address situations whereas an employee has taken on a considerable amount of new duties and their manager requests reallocation to a higher position, which is then denied due to an ongoing classification study. The OHR Executive Director would be able to grant an exception in these cases, which Ms. de Goia-Keane noted is expected to occur very infrequently.

Ms. DuWaldt noted she was uncertain what the Rule is intended to address, which was clarified by Ms. Klinge and Ms. de Goia-Keane by explaining a promotion represents an open position which is competitively selected versus a job audit, in which an employee's responsibilities are re-evaluated when there are significant changes.

The Career Service Board unanimously approved Public Hearing Notice No. 571.

7. Public Hearing Notice No. 572 – Proposed Revision to Career Service Rule No. 9

Lauren Locklear, HR Compliance Officer, and Nicole de-Goia Keane, Director of Classification & Compensation, introduced Public Hearing Notice No. 572-Proposed Revision to Career Service Rule 9-Pay Administration & Related Rules.

Ms. Locklear noted a change in the language in which on-call employees receive a pay adjustment if 300 hours worked from "current calendar year" to "preceding year". This change is designed to ensure the effective date of merit increases does not prevent on-call employees from receiving a raise due to being within a calendar year. Ms. Locklear also noted a slight reordering of the wording of Section 9.93A-4 from the language presented.

Board Member Karen DuWaldt asked how OHR determines community practice when deciding to pay overtime to FLSA exempt employees. Ms. de Goia-Keane replied a survey is done by Classification & Compensation when an agency indicates they are having difficulty recruiting for a position because the surrounding municipalities pay overtime, while the City does not. If the survey validates this information, Ms. de Goia Keane stated an overtime exception would be granted.

Board Co-Chair Patti Klinge asked how often these exceptions are granted, to which Ms. de Goia Keane stated she can recall one instance in the two and a half years she has been with the City. Ms. DuWaldt asked if there were other circumstances in which exempt employees are paid overtime, to which Ms. Locklear replied only two apply: one of which is the

community practice exception, the other is a compelling operational need, such as snow removal at the airport.

Ms. Locklear noted the community exception pays one and one-half times the hourly rate for overtime to comply with standard practice, while compelling operational need is paid at straight time. Ms. Klinge asked for clarification on a compelling operational need, which Ms. de Goia-Keane stated happened recently at the airport when FAA inspections were coming up, there was insufficient staff to complete the necessary tasks, and supervisors were asked to assist to complete the work on-time. Ms. Locklear stated this also happened with the forensic scientists. Board Member Tracy Winchester asked if there was a cap when these exceptions are made, to which Ms. de Goia-Keane replied in the affirmative, noting the limit was three months with the forensic scientists.

Ms. DuWaldt expressed concern about not paying time and a half for overtime if exempt employees are working in excess of forty hours a week and performing duties normally done by non-exempt employees. Ms. Locklear and Ms. de Goia-Keane both clarified this was not the case, as exempt employees were continuing to perform their managerial duties during the compelling operational need.

Ms. DuWaldt asked how often this type of exception is granted, to which Ms. de Goia-Keane stated rarely. Ms. Locklear noted snow removal exceptions happen most frequently, which Ms. de Goia-Keane agreed. Ms. DuWaldt asked why the granting of the exception is being changed from the Board to the OHR Executive Director. Ms. Locklear replied the same positions are generally granted the exceptions and the OHR Executive Director can grant approval on a timely basis versus delaying it to the Board.

Ms. DuWaldt noted she was concerned that any exception is reviewed by the CAO to ensure compliance with FLSA, which Ms. de Goia-Keane replied is always done. Ms. Klinge asked if Ms. DuWaldt is proposing these exceptions be written into the Rules as requiring CAO approval, which Ms. DuWaldt stated may not be necessary, however, she is concerned about paying overtime to exempt employees in general, as this is a very unusual practice. Ms. de Goia-Keane stated the exception usually only applies when the airport declares a snow emergency.

Ms. DuWaldt asked if snow removal duties performed by non-exempt employees are also performed by exempt employees during these emergencies, which Ms. de Goia-Keane stated could happen in extreme situations. Ms. DuWaldt stated the language in Section 4D should state overtime compensation will be paid at time and a half if an exempt employee performs non-exempt duties more than 40 hours per week. Ms. DuWaldt also suggested the CAO review the revised language. Ms. Niparko noted all Rule changes are always reviewed by the CAO prior to presenting to the Board for approval.

The Career Service Board unanimously approved Public Hearing Notice No. 572, with changes to the language noted in Sections 9-93 A.4 and A.5, subject to the approval from the CAO.

V. Director's Briefing:

1. Executive Leadership Forum Update

Patti Rowe, Director of Learning & Development, presented an update on the Mayor's new Executive Leadership Forum, which has been scheduled later in the month. Ms. Rowe noted she and Ms. Niparko had asked the Mayor to host a forum for executive leadership, distinct from his monthly update meetings covering agency operational issues, as there is an opportunity to enhance the development and skills of the highest level of leadership in the City.

Ms. Rowe noted Alan Salazar, the Chief of Staff, had expressed enthusiasm for having agency leaders and appointees break silos to share their experiences about their operations. Ms. Rowe stated she believed this was an opportunity for the executive leadership to focus on the challenges from the city's ongoing growth and to develop leadership skills outside of

their traditional silos. Ms. Rowe noted the Mayor had accepted the opportunity and the forum would be held on April 25th which the Board was invited to attend.

Ms. Rowe noted Curt Coffman would be joining the forum and the focus would be on culture as a competitive advantage for the City. Ms. Rowe noted Mr. Coffman had done a lot of research in what leaders do in an engagement culture. Ms. Niparko stated Mr. Coffman used to part of the Gallup Organization and was the author of "First, Break all The Rules". Ms. Rowe noted the agenda would be very engaging and the hope was this would be something that could take place a couple of times a year.

Ms. Klinge asked how many people had been invited, to which Ms. Rowe replied 85. Ms. Klinge commended Ms. Rowe and Ms. Niparko for their great work and noted this was a great opportunity for leadership development.

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.
4. Gregory Gustin vs. Department of Aviation, Appeal No. 02-17A
The Career Service Board affirmed the Hearing Officer's decision, written order to follow.
5. Rhonda Casados vs. Denver Sheriff's Department, Appeal No. 45-17A
The Career Service Board denied the Agency-Petitioner's Motion to Dismiss and affirmed the Hearing Officer's decision, written order to follow.

VII. Executive Session:

The Board went into executive session at 6:00pm. Several OHR issues were discussed.

The following appeals were adjudicated:

1. Jerilyn Schofield vs. Denver District Attorney, Appeal No. 08-17A
The Career Service Board granted the Unopposed Motion to dismiss the Petition for Review.
2. Christiaan Kataukas vs. Denver Community & Planning Department, Appeal No. A072A-17A
The Career Service Board granted the Agency-Respondent's Motion to dismiss the appeal with prejudice for abandonment.
3. Phazaria Koonce vs. Denver Sheriff's Department, Appeal No. A034-17
The Career Service Board affirmed the Hearing Officer's decision, written order to follow.
4. James Johnson vs. Denver Sheriff's Department, Appeal No. A024-17A
The Career Service Board reversed the Hearing Officer's decision and re-imposed the original discipline, written order to follow.

The Board re-convened the meeting at 6:52pm.

VIII. Adjournment: *Adjournment was at 6:54pm.*