



Career Service Board Meeting #2338

Minutes

Thursday, June 21, 2018, 9:00am

Webb Municipal Building

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

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

I. Opening: *Meeting was called to order at 9:04am*

1. **Approval of the Agenda for the June 21, 2018 Board Meeting.**
The Board unanimously approved the agenda for the June 21, 2018 meeting.
2. **Approval of the Minutes for the June 7, 2018 Board Meeting.**
The Board unanimously approved the minutes for the June 7, 2018 meeting.

II. Board Comments: *None.*

III. Public Comments: *None.*

IV. Public Hearing:

1. Classification Notice No. 1566 – New Technology Services IT Classifications

Greg Thress, Classification & Compensation Analyst, presented Classification No. 1566 to amend the Classification & Pay Plan by creating new classifications of IT Asset Management Associate Analyst, IT Asset Management Senior Analyst, IT Web Associate Administrator, IT Associate Middleware Engineer, IT Senior Middleware Engineer, IT Associate Database Developer, IT Senior Database Developer, IT Associate Enterprise Architect, and IT Senior Enterprise Architect. This proposed change also amends the Classification and Pay Plan by changing the class title of Webmaster to IT Senior Web Administrator.

The proposed new job classifications are part of a Classification Study undertaken this year in Technology Services ("TS"). TS needed to review and update their job specifications to keep up with changes in the evolving information technology field. As new types of IT jobs have been created at the City, new hires were placed into the most reasonable job specification that was available, which no longer aligns with the current market.

Classification & Compensation worked with TS to update and create new job classification series based on current needs and market trends. This will be very beneficial during the recruitment process by ensuring that candidates are applying to the appropriate job classification. This will also be beneficial in retaining current employees knowing they are in the correct job classification and are being compensated based on market data for the correct responsibilities and job title.

Mr. Thress noted the Board had asked at the June 7th meeting for Classification & Compensation to consult with the City Attorney's Office ("CAO") to review the FLSA status of the new classifications. Mr. Thress confirmed the CAO Employment Section had approved the FLSA status of these positions.

The Career Service Board unanimously approved Classification Notice No. 1566.

2. Public Hearing Notice No. 579 – 2019 Health Insurance Plans Offering

Heather Britton, Director of Benefits & Wellness, presented Public Hearing Notice No. 579 in compliance with the Denver Revised Municipal Code (the "DRMC") of the City and County of Denver (the "City"), section 18-2, subsection (a), part (3). Ms. Britton noted the City's Employee Health Insurance Committee (the "Committee"), established by DRMC section 18-181, is responsible for advising the Career Service Board and the Office of Human Resources ("OHR") regarding any recommended changes to the employee medical, life, dental and long-term disability insurance benefit programs. Eligible employees are those defined in DRMC section 18-171.

Before beginning the presentation, Ms. Britton introduced two Fellows who are working with OHR's Wellness & Benefits Team for the summer, Gillian Christie and Natalie Triedman. Ms. Niparko noted Ms. Christie and Ms. Triedman are part of the Bloomberg Harvard Government Initiative, which is funded by former NYC Mayor Michael Bloomberg's foundation. Ms. Niparko also introduced Marti White, who has worked for OHR as an Intern this summer and recently graduated with her Master's Degree from CU-Boulder. The Board welcomed Ms. Christie and Ms. Triedman and congratulated Ms. White.

For the 2019 plan year, the Committee recommends the City continue to partner with Kaiser Permanente, United Health Care, and Denver Health Medical Plan as the City's three contracted medical insurance providers. The Committee also recommended the City continue to provide employees with the same choice of providers and options to pay for services.

Ms. Britton noted the City would continue to offer one high deductible health plan ("HDHP") and one deductible HMO ("DHMO") per health insurance provider, for a total of six medical plans. There are minimal changes for 2019 versus 2018, with the City's contribution to DHMO plan premiums decreasing by 1%, and HDHP plan premiums to .5% to fund a higher contribution amount to employees' HSA accounts.

Ms. Britton noted 70% of the City's employees are enrolled in one of the HDHP Plans, with the City making an additional contribution to an HSA account to help offset the cost of the deductible and co-insurance. For employees who prefer a more traditional HMO, the City continues to offer a deductible HMO with co-pays for doctor's visits and prescriptions. Ms. Britton stated these plans are more expensive in term of higher premium deductions for employees, however, some prefer to pay less at point of service.

Ms. Britton noted the one major change for 2019 was for Denver Health Medical Plan's ("DHMP") HDHP offering. DHMP introduced an enhanced network in 2016, adding Children's Hospital and the University Hospital, as well as the Cofinity network of external providers. The hope was these enhancements would drive additional business to Denver Health, however, the opposite has occurred. As a result, in 2019, the cost to use a provider outside of Denver Health will be significantly higher to employees.

Ms. Britton noted DHMP is presently paying out 50 cents more in claims for each premium dollar received from the City. Board Co-Chair Neil Peck asked how much of that 50 cents will be covered by the changes to the DHMP plan offering, to which Ms. Britton stated is unknown at present.

Ms. Britton noted additional changes to DHMP's DHMO prescription co-pays, network tier definitions, deductibles, and co-insurance to align the offering with other commercial plans. Board Co-Chair Patti Klinge asked how many employees are currently enrolled in DHMP, to

which Ms. Britton replied was very small at about 350 out of 9,500.

Ms. Britton noted 2019 will be the second year of a rate guarantee provided by Kaiser and United Healthcare, which has been financially beneficial to the City. The Committee conducted a Request for Proposal in 2017, at which Kaiser and United Healthcare both offered the City a two-year rate guarantee.

For 2019, Kaiser is capped at a 5.4% increase, versus a projected rate increase of 15% based on the City's utilization, and United Healthcare is capped at 5.65% versus a projected rate increase of 13.7%. Ms. Britton stated the City did not negotiate a rate cap with DHMP, however, the changes next year to network tiers, cost-sharing, and co-pays reduced the premium increase to 7.7%, versus 13.2% had the plan design remained the same. Ms. Klinge asked if a new negotiation was necessary for the 2020 plan year, which Ms. Britton confirmed was correct, noting she is concerned future premium increases from Kaiser and United Healthcare will be substantial based on the City's current claims experience.

Ms. Klinge asked if the City's high utilization is related to the older demographic of our workforce. Ms. Britton responded two factors drove costs in 2017, one of which was unusually high hospitalization expenses from several large dollar claims, the other from higher prescription costs due to drugs for Hep C and other conditions that are very expensive to treat.

Ms. Niparko asked Ms. Britton to elaborate for the Board the measures OHR is reviewing to help mitigate future costs, such as self-funding. Ms. Britton noted the City's health care plans are all fully-insured, in which the City pays each health insurance carrier a premium based on an estimate of claims experience. If the City's claims are lower than projected, the carrier retains the excess premium as a profit, while higher claims than projected results in a loss for the carrier. The main advantage to being fully-insured is the liability and risk is on the carrier, not the employer, which was highly beneficial this year for the City due to the negotiated rate caps.

Ms. Britton stated being self-insured would result in the City paying all claims directly, while using a third-party administrator insurance carrier to manage the plan. Ms. Britton noted she and Ms. Niparko have discussed the self-insured option with the Committee and the Budget & Management Office over the last two years. Mr. Peck asked if OHR would need additional infrastructure to handle being self-insured, which Ms. Britton confirmed was correct.

The two main challenges for the City to become self-insured are: (1) managing the financial risk and funding involved, and (2) 60% of the City's employees are enrolled in Kaiser Permanente, which operates as a closed network HMO and does not self-insure very well.

Ms. Britton noted that unless Kaiser offers a better self-insured program, the City's only option would be United Healthcare, which currently covers approximately 35% of employees. Ms. Britton stated the City would have more flexibility and financial levers to encourage wellness and healthy practices, as well as directly controlling costs, but this would be limited to a smaller enrolled population.

Ms. Britton illustrated the wellness opportunity by noting that 30% of the City's employees have a chronic health condition related to weight (diabetes, high blood pressure, coronary disease), and this cohort drives 70% of the City's healthcare usage.

Ms. Britton summarized the following:

(1) Denver Health Medical Plan's prescription copays, network tier definitions, deductibles, and coinsurance will change.

(2). No changes to Kaiser Permanente and United Healthcare Plans.

(3). For Civilian and Sheriff employees, the City should subsidize the monthly premiums as follows: (a) For enrollees in the HDHP plans, the City should pay 94.5% of the employee only premium, 87% of the employee plus spouse premium, 89.5% of the employee plus child(ren)

premium, and 84.5% of the family premium. (b). For enrollees in the DHMO plans, the City should pay monthly: 84% of the employee only premium, 76.5% of the employee plus spouse premium, 79% of the employee plus child(ren) premium and 74% of the family premium.

(4) Health Savings Accounts (“HSA”) No changes to the HSA contribution offered to employees enrolled in the HDHP Plans. The Wellness Incentive will provide eligible DHMO civilian and sheriff participants who complete the established requirements of the wellness program prior to the program deadline of November 30, 2018 a \$50 per month premium reduction in 2019. Eligible HDHP civilian and sheriff participants who complete the established requirements will receive an annual contribution of \$600 to their HSA accounts in 2019.

The Committee agreed to pay the HSA wellness incentive amount of \$600 in a lump-sum at the beginning of 2019, rather than over each pay period. Ms. Britton noted many employees had complained about the payment being spread out and the Committee agreed it should be changed for 2019. Ms. Klinge noted this means employees who leave the City will take this money with them, however, it was important that employees feel a benefit is beneficial.

(5) Dental & Other Benefits: No changes to the plans or premiums offered to eligible employees in the carriers, premiums or plan designs for dental, vision, disability or life insurance for 2019.

The Career Service Board unanimously approved Public Hearing Notice No. 579.

3. Public Hearing Notice No. 580 – Proposed Revision to Career Service Rule 16

Lauren Locklear, HR Compliance Officer, and Kristen Merrick, Senior Assistant City Attorney, presented Public Hearing Notice No. 580 regarding proposed revisions to Career Service Rule 16-Code of Conduct & Discipline and related rules. Ms. Locklear stated the purpose of the revisions was to clarify and strengthen the language prohibiting discrimination, harassment, and retaliation in the workplace. Additionally, these changes will provide more details of the procedures for reporting any allegations of discrimination, harassment, and retaliation. Ms. Locklear reviewed the proposed changes to the rules and the intended impact to Rule 13-23 as noted in the summary table.

Bob Wolf, City Attorney to the Board, asked whether a definition of “creed” could be added to the language in Section 16-22A as some people do not understand the term. Ms. Locklear agreed to add a definition.

Board Co-Chair Patti Klinge asked what definitions under Section 16-22C for harassment and hostile work environment employees have expressed confusion about. Ms. Locklear stated employees do not know whether a hostile work environment is created by one act or multiple acts. Ms. Merrick noted employees tend to use the term generically when it is related to protected characteristics.

Board Member Karen DuWaldt asked if there is a mechanism in-place for employees to report allegations anonymously under Section 16-23. Ms. Locklear responded OHR does not currently have a hotline in-place given the difficulty of investigating those types of complaints, although it is a continuing dialogue and the question is often asked. Ms. Merrick noted the City Attorney’s Office (“CAO”) occasionally receives anonymous complaints, but often there is not enough information provided to follow-up and investigate.

Ms. DuWaldt asked if any thought had been given to setting up a hotline whereas employees would have to provide certain identifying information to file a complaint if they felt uncomfortable going through their supervisor. Ms. Locklear asked the OHR Investigation Team to respond. Kathy Billings and Krista Judd, Employee Relations Specialists, introduced themselves.

Ms. Billings stated there is an email link on the OHR website for employees to file a complaint, which is sent to the OHR Investigation Team only. Ms. Billings noted they do receive anonymous complaints occasionally and these are always investigated if there is

enough information provided to do so. Ms. DuWaldt stated it can be helpful for employees to have information as to where they can go to report allegations, to which Ms. Billings stated there is an email address on the grievance form and the website. Cindy Bishop, Deputy Director of OHR, noted employees can also choose to call the Ethics Line.

Ms. DuWaldt stated it would be helpful if the rule language included some of the specific options previously mentioned to make the information clear. Ms. Locklear agreed Section 16-23 (a)1a could be modified with additional details. Mr. Wolf stated OHR should make sure Michael Henry, Executive Director of the Ethics Board, is aware employees may choose to use the line for these types of complaints, to which Ms. Klinge agreed.

Ms. Locklear noted both the Ethics Board and the Fraud Division turn these complaints over to the OHR Investigations Team, but she would follow up to ensure a procedure is in-place. Ms. Locklear stated she does not recommend adding information in the rule language about the Ethics hotline.

Suzanne Iverson, HR Director, noted OHR recently restructured certain functions to create a new Employee Relations unit to consolidate investigations in one place and remove the individual agency HR Business Partners from the investigation role. Ms. Iverson stated all current procedures and methods of reporting will be reviewed.

Ms. Klinge asked if language should be added in the rule reflecting the new unit. Ms. Locklear stated the restructuring was a realignment of internal resources under one director and there may be an opportunity to focus on improving the current methods of reporting. Ms. DuWaldt suggested adding some language under subsection (a)1b referring in a general way to employee relations or other similar reference, rather than just a supervisor or human resources representative, which Ms. Klinge noted would reduce the need to change the rule if a future reorganization takes place.

Ms. Locklear concluded by noting changes regarding violence in the workplace under Executive Order 112, moving reporting procedures to Rule 16, and updating the protected characteristics language in Rules 2 and 3 to match the revised language in Rule 16. Board Member Tracy Winchester asked where the new language is located under Rule 16, which Ms. Locklear stated was under Section A.

Ms. Klinge noted Kim Desmond, Director of the Denver Office on Women & Families and Staff Liaison to the Women & African-American Commissions, had signed up to speak on the Notice. Ms. Desmond stated she would first like to express her thanks for the work done by Ms. Locklear and Ms. Merrick and for their cooperation in working with the commissions in reviewing the ordinances and explaining the rule-making process.

Ms. Desmond stated she would like to go through the proposed sections of the Rules where the language could be made more inclusive to the concerns of the LGBTQI and Women's Commissions, even though she understood the changes as proposed by OHR and the CAO are in compliance with Colorado state law and the City Charter.

Under Section A, Ms. Desmond noted the City is in the process of revising the anti-discrimination language of protected characteristics in the ordinance to include "ethnicity", even though the statute's intent was to cover this characteristic under "national origin". Ms. Desmond stated the community is using the term "ethnicity" and the ordinance will be expanded to include the term.

Ms. DuWaldt asked how ethnicity differs in terminology from the nomenclature used in the statute at present. Ms. Desmond responded national origin can refer to a person born in another country, while ethnicity encompasses someone whose identity may span multiple origins, using the example of someone who may be born in the U.S., but has strong ties to Mexico and its culture. Ms. Desmond recommended reviewing how the U.S. Census Bureau defines ethnicity as a model for what the City should do.

Board Co-Chair Neil Peck asked if "national origin" refers to where you were born, which Ms. Desmond responded is a question people often ask. Mr. Peck noted you could be born in the

United States, but your ethnicity could be characterized as Hispanic. Ms. Winchester stated the comment illustrates the need to put in the term “ethnicity” in the rules language to distinguish between where you may have been born and what your ethnicity is.

Board Member Karen DuWaldt stated the definition of ethnicity is covered in the language already, but asked if the word “ancestry” could be replaced it, or added as a slash reference. Ms. Locklear and Ms. Merrick noted ancestry was in the Colorado Anti-Discrimination Act. Ms. Desmond thought adding ethnicity would be appropriate and more articulate.

Ms. Klinge asked Ms. Locklear and Ms. Merrick to articulate what their objection is to adding ethnicity to the rule language. Ms. Merrick stated the proposed language for protected characteristics comes from Title VII and the Colorado Anti-Discrimination Act, which reflect the areas under the law for which an employee could make a discrimination claim. Ms. Merrick noted ethnicity is not a category someone could legally claim discrimination; however, someone could claim discrimination under the terms national origin, ancestry, race, or color which encompasses ethnicity as well.

Ms. Klinge stated she thought the definition in the language was inclusive, however, to address Ms. Desmond’s concerns, she asked if the word “ethnicity” could be included in the definition. Ms. Locklear responded they thought it was covered under the term “ethnic group”, but if the word has meaning, they could find a way to add it.

Ms. DuWaldt stated the rule language should clearly reference that behavior may not violate local, state, or federal law, while the protected characteristics definition did not necessarily have to tie exactly what the current law states. Ms. Merrick stated she thought adding ethnicity to the definition language would be a solution.

Ms. Klinge asked Ms. Locklear and Ms. Merrick to investigate and consider adding the word as she felt Ms. Desmond’s point regarding ethnicity was well-taken. Ms. Locklear responded she thought they could add it without any issue. Ms. Desmond commented the ordinance will soon change to include ethnicity in the City’s protected characteristics, therefore aligning with local law. Ms. Locklear noted city employees are exempt from the statute, however, there is no reason not to align the Career Service Rules language.

Ms. Desmond also reviewed the proposed language referencing sexual orientation, which mirrors the state statute language, however, the LBTQI Commission feels linking transgender status with sexual orientation is offensive and outdated as these are separate states of being. Ms. Desmond suggested the language be changed to reflect a separate definition for transgender status, which does not link with sexual orientation.

Ms. Klinge and Ms. DuWaldt stated they were unclear what the request was as transgender status was already notated in the protected characteristics definition. Ms. Desmond stated it was the reference to transgender status under the sexual orientation paragraph which is at issue. After further discussion, Ms. Merrick agreed there was no reason for the language to be defined under the subparagraph and it would be removed. Ms. Klinge asked Ms. Desmond if that satisfied the concern and Ms. Desmond agreed removal is appropriate.

Ms. Desmond referenced Section C-1, which defines and details the type of harassment and the associated conduct which is considered hostile to individuals in protected characteristics. Ms. Desmond suggested the language be expanded to include imitating, or mocking, accents associated with specific ethnic groups or nationalities, as the City of Los Angeles recently expanded its protected characteristics with similar language.

Ms. Winchester asked what the differences were in the proposed language for the rule and the language being suggested by Ms. Desmond. Ms. Desmond stated the main one was mocking or imitating accents based on ethnic group or nationality. Ms. Locklear stated she felt this category was adequately defined in the proposed language referencing derogatory comments, mocking or slurs. Ms. Locklear noted she believed the proposed language in the draft was more robust than the City of Los Angeles language and specific situations using examples should be addressed with training, instead of trying to expand the definitions.

Mr. Peck stated, as a matter of prudent legal drafting, it was not a good idea to try and include every possible behavior or incident, especially since the proposed language already includes the phrase "among other forms of conduct". Ms. DuWaldt stated she agreed with Mr. Peck the language should be more general, however, she would like to see discrimination training specifically include imitating accents and mocking behavior as this is increasingly being cited in discrimination claims. Ms. Desmond noted the Respectful Training course did not include reference to this behavior and she felt the language needed to be broader to address the behavior.

Ms. Locklear commented the Respectful Training course that all employees recently took was to address sexual harassment only and would be updated to include many other forms of discrimination. Ms. Locklear stated she would work with Ms. Desmond to review the material to ensure the commissions' concerns were being addressed.

Ms. Winchester stated her concern was an employee who failed to take the training might be able to review the Rules and state there was no reference to specific behaviors such as imitating accents as being discriminatory. Ms. Klinge and Mr. Peck stated this was already covered under mocking and slurs. Ms. Merrick stated the CAO felt it was not appropriate to list every behavior because it was an opportunity for claims to be made based on categories that were not listed. Ms. DuWaldt suggested adding the word imitating, which Mr. Peck responded was already covered under mocking.

Ms. Klinge stated a general HR practice is not to include a laundry list of every inappropriate behavior to reduce the legal liability that can arise if something is not included. Ms. Klinge noted, however, it was important for employees to feel the list is inclusive for the type of behavior they may experience in their lives and if adding the word "imitating" helps that, she has no objection.

Ms. Desmond stated her final comment was related to exploring options for creating an anonymous channel for employees to record observations and complaints regarding discrimination. Ms. Desmond noted employees generally fear retaliation when using email and having an anonymous option would really help people feel more comfortable. Ms. Klinge stated she agreed and noted OHR would explore options in this area.

Ms. DuWaldt noted her agreement and stated OHR should investigate a way for employees to report anonymously, as even though this presents major challenges in investigating the allegations, it can be very helpful in putting someone on notice their behavior is being observed.

The Board agreed to change the proposed language in Rule 16-22 to include a definition of creed, to add the term "ethnicity" in the protected characteristics definition, to add the word "imitating" under hostile work environment, and to remove the language under the definition of sexual orientation referring to transgender status or an employee's perception thereof.

Nancy Reichman, member of the Women's Commission, asked the definition language under National Origin/Ancestry to be changed to say "or" after place of origin of the employee's ancestors, rather than "and" to be more inclusive. The Board agreed to the change.

Ms. Locklear re-summarized the language changes and noted OHR would revisit the respectful workplace training specifics and investigate options for adding an anonymous reporting channel for workplace related complaints.

The Career Service Board unanimously approved Public Hearing Notice No. 580 with the changes noted to the proposed language.

V. Director's Briefing:

1. Mediation Update – Steve Charbonneau

Steve Charbonneau, Executive Director & Principal Mediator of Community Mediation Concepts, presented an update to the Board on his workplace mediation activities in the City.

Mr. Charbonneau noted the workplace mediation requests come to him through the grievance form, the Hearings Office, and by request from employees, directors, managers, or supervisors. Mr. Charbonneau stated there have been 50 requests to-date in 2018, which is about average, and approximately 50% of the requests originated from a grievance appeal, with the other half coming from managers or directors.

Mr. Charbonneau stated the advantages of his firm is they are third-party and non-profit and do not represent the City, which is the most often question he is asked by employees requesting mediation. The other advantage is their service fall under the confidentiality clause under state law, allowing a safe place for people to feel comfortable discussing a variety of issues.

Mr. Charbonneau stated he is a low-cost provider, has good relationships with various HR managers, and often can reach an agreement between the parties, especially with various appeals, which has saved the City a significant amount of money. Mr. Charbonneau noted he included a 2011 Auditor's Office Report encouraging mediation be expanded due to the advantages involved, as well as several recommendations that were never followed up on, for the Board's additional review.

Mr. Charbonneau indicated one recommendation was to explore mandatory mediation, which he was not sure the Board wanted to discuss, and some roadblocks that he experiences that he feels does not serve employees well. Mr. Charbonneau concluded by stating he welcomes whatever questions the Board may have.

Ms. Klinge asked how many of the average 50 to 60 requests per year are related to a matter that would be handled by a hearing. Mr. Charbonneau responded about 50% of the requests originated during a hearing in which the parties agreed to mediation. Mr. Peck noted Colorado law requires attorneys to advise their clients of alternate forms of dispute resolution, including mediation, and asked if Mr. Charbonneau is seeing that obligation being met, given the same law firms handle most of the appeals to the Hearing Office.

Mr. Charbonneau responded he often works with the same attorneys and they will ask him to mediate the case to settlement, although he cannot be sure if the attorneys are meeting the obligation or if the clients reject mediation. Mr. Charbonneau noted he is concerned that certain agencies automatically and consistently reject mediation requests, while others are always open to it.

Ms. Klinge stated she has heard that issue come up before the Board before and asked Mr. Charbonneau if he was actively working with OHR to address the resistance among agencies. Mr. Charbonneau stated he was not as some areas of HR work well with him, while others do not, noting there was work to be done on both sides to build a relationship.

Mr. Peck asked if the City Attorney's Office was working with him as they represent the agencies in appeals. Mr. Charbonneau in some instances the City Attorneys are terrific to work with, while others are resistant, noting he cannot be sure if the resistance is coming from the attorney or the agency they represent in the matter. Mr. Charbonneau noted there is a pattern with certain agencies that should be addressed further, to which Mr. Peck agreed.

Mr. Peck noted he is in favor of fostering an environment of encouraging mediation as this lowers costs for the City and can be beneficial to both parties. Mr. Charbonneau stated he would like to take that recommendation and go back to the City Attorneys and agencies that often resist as a catalyst. Mr. Peck asked the Board for additional comments.

Ms. DuWaldt stated that could be construed as a breach of confidentiality and affect his neutrality, while Mr. Peck stated it would be helpful to know which agencies consistently resist mediation, which Ms. Klinge stated they already know from experience and the Board can be briefed by OHR if necessary. Laura Hammock of the Hearings Office stated she would bring that data to the next briefing scheduled on July 19th.

Ms. Klinge stated she would follow-up with OHR to discuss whether there is resistance to mediation coming from the HR Managers and Business Partners, which would be concerning. Mr. Charbonneau responded he thought it would be helpful to have the conversation with the agencies as well, if the Board supports it.

Ms. Klinge asked Mr. Charbonneau if he knew why certain agencies resist mediation, and he responded he thought it was a lack of information about the benefits, including agencies worrying it will interfere with the disciplinary process and the work involved in getting to a certain point.

Board Member Tracy Winchester asked for clarification about Mr. Charbonneau's arrangement with the City and how he is being compensated as a non-profit. Mr. Charbonneau stated he is funded through the Human Rights & Community Partnership Agency and is under a flat-rate contract. Ms. Winchester asked how much he was being paid, to which Mr. Charbonneau responded about \$138,000 last year, which encompassed about 600 cases in total, a small portion of which was workplace related.

Ms. Klinge asked the Board if they were in favor of mandatory mediation, to which Mr. Peck stated he was not. Mr. Charbonneau stated he would like to see more opportunities to educate people about the benefits of mediation, but mandatory mediation rarely works well, other than mandating a conversation about it should always take place.

Ms. DuWaldt stated she is not in favor of mandatory mediation but did support additional education about it, to which Ms. Klinge agreed, while noting she feels there is more work to be done in reviewing the issue. Mr. Peck suggested Mr. Charbonneau could meet with the CAO to discuss the benefits of mediation.

Ms. Klinge asked whether OHR wished to make a comment regarding the mediation discussion. Suzanne Iverson, HR Director, stated she recommended a vigorous discussion take place with the HR Business Partners and Managers to gain their perspective, which Ms. Klinge agreed should take place.

The Board thanked Mr. Charbonneau for his presentation.

VI. Pending Cases:

1. 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.
2. Eric Givens vs. Denver Sheriff's Department, Appeal No. A037-17
The Career Service Board affirmed the Hearing Officer's decision, written order to follow.
3. Carlos Hernandez and Bret Garegnani vs. Denver Sheriff's Department, Consolidated Nos. A025-17A and A026-17A
The Career Service Board, in a 2-1 decision, reversed the Hearing Officer's decision and re-imposed the original discipline, written order to follow.
4. Erika Gajarszki, Dawn Havens, and Iwona Meaney vs. Denver Sheriff's Department, Consolidated Appeals Nos. 30-17A, 32-17A, and 033-17A
The Career Service Board affirmed the Hearing Officer's decision, written order to follow.

5. Cristella Rodriguez vs. Denver Parks & Recreation, Appeal No. 60-17A
The Career Service Board modified the Hearing Officer's decision, re-instating the appellant to a non-supervisory position without back pay, written order to follow.

VII. Executive Session:

The Board went into executive session at 10:43am.

The following matter was adjudicated:

1. Donald DeMello vs. Denver Sheriff's Department, Appeal No. A02-18 – Petition to Stay the Hearing Officer's Decision
The Career Service Board denied the Appellant's Motion to Stay the Hearing Officer's Decision, written order to follow.

The Board re-convened the meeting at 10:47am.

VIII. Adjournment: *Adjournment was at 10:50am.*