



Career Service Board Meeting #2366
Minutes
Thursday, August 15, 2019, 9:00am
Webb Municipal Building
201 W. Colfax Ave, Fourth Floor, Room 4.G.2

Karen DuWaldt (Co-Chair)
Neil Peck (Co-Chair)
David Hayes
Patricia Barela Rivera
Tracy Winchester

I. Opening: *Meeting was called to order at 9:00am*

- 1. Approval of the Agenda for the August 15, 2019 Board Meeting.**
The Board unanimously approved the agenda for the August 15, 2019 meeting.
- 2. Approval of the Minutes for the July 18, 2019 Board Meeting.**
The Board unanimously approved the minutes for the July 18, 2019 meeting.

II. Board Comments: *None.*

III. Public Comments: *None.*

IV. Public Hearing:

- 1. Classification Notice No. 1613 – Department of Finance – Assessment Classifications**

John Hoffman, Sr. Classification & Compensation Analyst, presented Classification Notice No. 1613 to amend the Classification and Pay Plan by creating a new classification series for various assessment technician positions in the Department of Finance, and abolishing the current classifications of Assessment Information Technician, Personal Property Analyst I, Personal Property Analyst II, Personal Property Analyst III.

The Department of Finance – Assessment Division requested a study of its property transfer, geographic information systems, and personal property appraisal classifications since these classifications have not been reviewed in over 10 years. There was also concerns about market conditions and competitive pay.

Classification & Compensation worked with the Assessment Division to design and develop new classification series to better align with the duties and responsibilities being performed within these respective work groups. The following classifications are being proposed:

NEW CLASSIFICATIONS

<u>Job Code</u>	<u>Proposed Class Title</u>	<u>Proposed Pay Grade & Range</u>
CV3167	Assessment Information Tech I	V-616 (\$18.47-\$22.72-\$26.97)
CV3168	Assessment Information Tech II	V-615 (\$20.19-\$24.84-\$29.48)
CV3169	Assessment Information Supervisor	V-811 (\$64,090-\$83,317-\$102,544)

CV3170	Assessment GIS Technician I	V-616 (\$21.11-\$25.97-\$30.82)
CV3171	Assessment GIS Technician II	V-618 (\$23.07-\$28.38-\$33.68)
CV3172	Assessment GIS Supervisor	V-811 (\$64,090-\$83,317-\$102,544)
CV3173	Personal Property Appraiser I	V-614 (\$19.31-\$23.75-\$28.19)
CV3174	Personal Property Appraiser II	V-616 (\$21.11-\$25.97-\$30.82)
CV3175	Personal Property Appraiser III	V-618 (\$23.07-\$28.38-\$33.68)
CV3176	Personal Property Appraiser Supervisor	V-811 (\$64,090-\$83,317-\$102,544)

ABOLISHED CLASSIFICATIONS

CV2360	Assessment Information Technician
CV2730	Personal Property Analyst I
CV1991	Personal Property Analyst II
CV2731	Personal Property Analyst III

The is no negative impact to employees from these changes. All employees will move pay-to-pay within the new classifications and there is no budget impact.

The Career Service Board unanimously approved Classification Notice No. 1613.

2. Public Hearing Notice No. 605 – Proposed Revision to Career Service Rule 10

Heather Britton, Director of Benefits & Wellness, presented Public Hearing Notice No. 605 regarding proposed revisions to Career Service Rule 10-Paid Leave.

The definition of “immediate family” under Rule 10-10 is revised to align with Section 18-22 of the Denver Revised Municipal Code, which is being updated be gender neutral to reflect the composition of the modern family. Ms. Britton noted the Office of Human Resources (“OHR”) also polled various other municipalities to review their immediate family definitions under bereavement leave.

The revision provides employees will be entitled to bereavement leave in the event of the death of a partner in a civil union, and the child, parent, sibling of a partner in a civil union, step-relatives (child, parent, sibling), half-siblings, and the parent, child, sibling through adoption, foster care, or guardianship, and children lost through stillbirth.

In addition, gender references in the rule using the terms “his or hers”, or “he and she” are replaced with the terms “the employee” or “their” to make the terminology gender neutral.

On January 1, 2020, the Legal Secretary classification will increase by one grade to be aligned with the market. In order to maintain the current pay relationship with this classification, the Judicial Assistant job series classification, which are used primarily by the Denver County Court, is proposed to also receive a pay grade adjustment.

The Career Service Board unanimously approved Public Hearing Notice No. 605.

3. Public Hearing Notice No. 606 – Prevailing Wage: Building Engineers

Alena Duran, Sr. Classification & Compensation Analyst, presented Public Hearing Notice No. 605 to adopt a change in the pay and/or fringe benefits of the wage classification series of, “Building Engineer” in accordance with section 20-76(c)(3) of the Denver Revised Municipal Code.

Based on this review, the following pay and fringe benefits revision was proposed, based on the base and fringe rates for Building Engineer. The Employers Council 2019 Colorado Benchmark Compensation Survey was used to determine the base wage. The Service Contract method was used to determine the fringe benefits.

	<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	\$28.67	\$7.72	\$36.39	\$29.55	\$7.89	\$37.44

The Career Service Board unanimously approved Public Hearing Notice No. 606.

4. Public Hearing Notice No. 607 – Davis-Bacon Classifications: New Minimum Wage

Alena Duran, Sr. Classification & Compensation Analyst, presented Public Hearing Notice No. 607 to adopt a change in the pay and/or fringe benefits of various Davis-Bacon wage classifications currently below the new minimum wage of \$13.00 per hour, in accordance with section 20-76(c)(3) of the Denver Revised Municipal Code.

Based on this review, the current base wage for all of the classifications noted below will increase to the new minimum wage of \$13.00 per hour.

<i>Plaster/Tender</i>	<i>\$10.79</i>
<i>Water proofer</i>	<i>\$12.71</i>
<i>Laborers: Common</i>	<i>\$11.22</i>
<i>Laborers: Flagger</i>	<i>\$ 8.91</i>
<i>Laborers: Landscape</i>	<i>\$12.56</i>
<i>Form builder/Form setter</i>	<i>\$12.78</i>
<i>Laborers: Brick Finishers/Tenders</i>	<i>\$11.25</i>
<i>Laborers: Common</i>	<i>\$ 8.86</i>
<i>Laborers: Concrete/Mason Tenders</i>	<i>\$10.00</i>
<i>Power Equipment Operator: Backhoe</i>	<i>\$12.98</i>
<i>Guard Rail Installer</i>	<i>\$12.89</i>
<i>Highway Parking Lot Striping: Painter</i>	<i>\$12.62</i>
<i>Laborer: Landscape & Irrigation</i>	<i>\$12.26</i>
<i>Laborer: Traffic Control (Flagger)</i>	<i>\$ 9.55</i>
<i>Laborer: Traffic Control (Excludes flaggers)</i>	<i>\$12.43</i>
<i>Truck Driver: Truck Mounted Attenuator</i>	<i>\$12.43</i>

Board Member Patricia Barela Rivera asked how many people are impacted by this change. Ms. Duran responded Class & Comp does not track that information as the Auditor's Office is responsible for the prevailing wage ordinance.

Board Co-Chair Karen DuWaldt clarified this Notice does not apply to any city employees, which Ms. Duran affirmed. Board Member Tracy Winchester asked if we had any idea what the actual impact is in terms of pay for contracted personnel. Ms. Duran replied Jeff Garcia of the Auditor's Office would likely have this information, but was not present today.

Ms. Duran noted the Board had already approved the minimum wage increase notice for all impacted city employee classifications. Prevailing wage notices are required to be approved by the Board under ordinance. It is necessary to present the impacted contractor titles in order for the Auditor's office to ensure contractors doing business with the city are paying the new minimum wage rate.

The Career Service Board unanimously approved Public Hearing Notice No. 607.

V. Director's Briefing:

1. Career Service Hearings Office – 2019 Mid-Year Report

Federico Alvarez and Bruce Plotkin, Career Service Hearing Officers, presented the 1st and 2nd Quarter Hearings Office Report. Mr. Plotkin noted the Board had received a summary report and case data, of which he would like to present some highlights.

Mr. Plotkin noted there were 28 new appeals were filed during the first two quarters. Six were dismissed for lack of jurisdiction, two were settled, three were withdrawn before hearing,

six were continued, two are awaiting hearing, and four were heard, with decisions were issued. A total of nine decisions were issued, including cases carried over from year-end 2018.

Mr. Plotkin noted the majority of the appeals filed cited discrimination, followed by retaliation, whistleblower, and denial of grievances. The majority of the nine decisions were appeals from the Denver Sheriff's Department ("DSD"), with the rest from a variety of agencies. Mr. Plotkin stated this was a continuance of the trend and there was nothing different to report. The majority of mediation requests were from DSD, which also had the highest number of rejected requests (five out of twelve), followed by Public Works, which rejected three out of four.

Mr. Plotkin noted the Hearings Office continued to update their online case digest, which is an extremely helpful tool for end users regarding the cases. The online digest should be completely updated by the end of the month, including adding a reference search by DSD rules. The website also includes an updated Pro-Se guide and related forms.

Board Member Patricia Barela Rivera asked if all of the city's employees are aware of the website, which Mr. Plotkin answered doubtfully, noting the Hearings Office did a survey a few years ago which revealed most employees are not familiar with the office or its role, nor their rights for filing grievances or appeals. Ms. Barela Rivera commented it was very important for employees to be aware.

Karen Niparko, Executive Director of the Office of Human Resources ("OHR"), noted this information could be communicated through the Denver Employees Bulletin ("DEB") and suggested a quarterly reminder could be added, which Ms. Barela Rivera agreed was helpful. Mr. Alvarez noted employees are also provided the information as part of new hire orientation, however, there is a lot of information to absorb.

Board Co-Chair Karen DuWaldt asked if employees are notified of their rights upon termination, which Mr. Alvarez confirmed was the case. Bob Wolf, City Attorney to the Board, commented the notification is required under the Rules as part of the disciplinary process.

Mr. Plotkin stated the idea of having the Hearings Officers periodically meet with agencies and provide a brief presentation of the grievance and hearing process has been discussed before, noting caution to ensure it is not construed as giving legal advice or encouraging the filing of grievances.

Board Member Tracy Winchester responded she thought meeting with agencies would be burdensome, but suggested it might be helpful to have a video presentation posted on the website outlining the process. Ms. DuWaldt agreed this would be ideal, rather than visiting different agencies. Mr. Peck suggested Diane Vertovec and her team could assist with producing a video, which Ms. Niparko agreed.

Mr. Peck asked if the Hearing Officers feel comfortable projecting the second half of the year would mirror the first six months in terms of the number of appeals being filed. Mr. Plotkin responded they can never predict or be certain what the future appeals volume will be, however, it was reasonable to expect the trend to continue, with no more than 52 cases filed for the year, which is substantially less than prior years.

Ms. DuWaldt asked if the decline in the caseload is attributable to the addition of Rule 20, changing the burden of proof in appeals filed by the Deputy Sheriff, to which Mr. Plotkin responded in the affirmative, or is there also a decline in the number of termination for all city agencies. Ms. Niparko stated she believed it was related to the new Rule as the vast majority of appeals are from DSD.

Mr. Plotkin commented he wondered if the Board should investigate whether the change in the burden of proof under Rule 20 merely shifted the cases from the Hearings Office to the courts. Mr. Peck stated regardless of the answer, the end result is the same in terms of less appeals in the Hearings Office.

Mr. Wolf stated with regard to the Civil Service Commission, which handles appeals from the Police Department, they were now down to two hearings per year, which Ms. DuWaldt noted was helpful to know.

Mr. Peck asked how the office was doing with one less position, as the Operations Coordinator role was on-hold. Mr. Plotkin stated they were doing pretty good, although Ryan Brand, the Law Clerk, was very busy. Mr. Alvarez noted that while the work is getting done, he and Mr. Plotkin were now doing some things themselves with regard to legal research, which normally would be Law Clerk duties', in order to allow Mr. Brand to handle the administrative functions.

Mr. Peck asked if Mr. Brand was doing all of the work formerly handled by the coordinator role, to which Mr. Plotkin replied yes. Mr. Alvarez stated the present situation was viable due to the lower caseload, however, if the office takes on additional hearings for other agencies, it may not be in the future. Mr. Peck stated the office should continue to monitor the workload and notify the Board when and if the situation changes. Mr. Alvarez and Mr. Plotkin stated they are tracking Mr. Brand's time and the tasks.

Ms. DuWaldt noted if the office does take on hearings for Excise & License, it may be the agency's existing staff may be able to assume some of the administrative tasks in the future, which Ms. Winchester agreed should be explored. Mr. Alvarez stated the issue would need to be investigated further, which Mr. Plotkin noted could be explored if the centralization of hearings across the city is implemented.

Ms. Winchester commented she thought there was a required budget reduction, to which Mr. Wolf clarified was a portion of the Hearing Officers' salaries and benefits would be allocated to Excise & License once they start taking on the hearings for that agency.

The Board thanked Messrs. Plotkin and Alvarez for their presentation.

VI. Pending Cases: *None*

VII. Executive Session: *None*

VIII. Adjournment: *Adjournment was at 9:33am.*