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**Career Service Board Meeting #2380  
Emergency Session**

**Minutes**

**Thursday, March 26, 2020, 10:30am**

**Conference Call**

**Karen DuWaldt (Co-Chair)  
Neil Peck (Co-Chair)  
David Hayes  
LaNee Reynolds  
Patricia Barela Rivera**

- I. **Opening:** *Meeting was called to order at 10:30am. Board Co-Chair Neil Peck asked for a roll call of those present for the record.*

*All members of the Career Service Board were present. Other attendees were:*

*Karen Niparko, Executive Director, Office of Human Resources*

*Karla Pierce, Assistant Director, Employment Section, City Attorney's Office*

*Bob Wolf, Section Supervisor, City Attorney to the Board*

*George Branchaud, Operations Coordinator, Office of Human Resources*

1. **Approval of the Agenda for the March 26, 2020 Emergency Board Meeting.**

*The Board unanimously approved the agenda for the March 26, 2020 emergency meeting, noting the date (March 25) was incorrect.*

II. **Proposed Emergency Amendments to CSR 9-73 and 16-10**

*Karen Niparko, Executive Director, Office of Human Resources ("OHR"), noted two Career Service Rules needed to be amended in light of the COVID crisis, which has greatly impacted the normal operation of the city's workforce.*

*Ms. Niparko noted the Rules did not contemplate a situation in which a large number of employees are either working from home or being redeployed to other duties as a result of an extended emergency. CS Rule 9-73, which outlines how employees are paid in the event of an emergency in which they are redeployed, and CS Rule 16-10, which outlines how employees are served with disciplinary notices, needed to be changed in light of current circumstances.*

*Karla Pierce of the City Attorney's Office stated CS Rule 9-73B provides for a pay provision for employees who have experienced a work interruption during a city-wide emergency, and are subsequently redeployed to other duties. For example, all of the city's recreation centers have been closed and the recreation coordinators are available to redeploy to assist in the city's shelter system or provide food deliveries to those in-need.*

*Ms. Pierce noted under the current pay rule non-exempt employees are entitled not only to their regular rate of pay, but an additional premium for the hours worked in a redeployed role which are counted towards a 40-hour work week. As a result, non-exempt employees would receive two and a half times their hourly rate for each hour worked while redeployed. Due to the rapid decline in sales and use taxes, the city's budget is unable to sustain paying premium pay to a large number of employees over an extended period of time.*

*Ms. Pierce stated the intent of the Rule was not to address an extended emergency status in which the impact to the city's budget was significant and growing, but a brief work interruption situation such as a blizzard. The proposed amendment would provide employees, both exempt and non-exempt, be paid their normal straight rate of pay during the work interruption in which they are redeployed.*

*There is also an additional small language change regarding employees on an approved leave during work interruption, which states that if they are called back to work, the remaining hours of leave are re-credited to their banks.*

*Board Co-Chair Karen DuWaldt asked what happens when an employee is either redeployed to a position that has a higher pay grade, and/or is deployed to hazardous duty. Ms. DuWaldt asked if an employee would be eligible to receive hazard pay or another type of shift differential.*

*Ms. Pierce responded that most employees who are redeployed are either doing the same duties, or performing lower level tasks not currently defined in a classification, such as delivering food. Employees who are redeploying to a hazardous situation are screened first for any physical or medical limitations, and provided appropriate personal protection equipment as needed.*

*Board Co-Chair Neil Peck asked whether more specific language should be added to the rule stating employees can only be redeployed to duties for which they are qualified. Mr. Peck stated he is concerned there is nothing in the rules delineating under what conditions and which duties employees may be reassigned to.*

*Ms. Pierce noted there are existing written procedures outlining the city's emergency operations, including redeployment of employees, however, she was uncomfortable with adding qualifications as it is a very fluid situation. In many cases, the duties being assigned do not have a classification to refer to. Mr. Peck reiterated if there is a written set of procedures for emergency redeployment of employees, there should be some reference in the rules to these guidelines.*

*Ms. Niparko responded OHR has provided written guidance to all managers, both the current and new manager of the impacted employee, of all required tasks in redeployments. In addition, these guidelines require a description of the new job duties and must specify what, if any, safety requirements, however, these are not formal job classifications as defined in the rules.*

*Ms. Niparko noted OHR is generally redeploying managers to manager-level duties only at this time, however, all other employees are performing lower level tasks and receive their current rate of pay. Ms. Niparko stated she did propose hazard pay to the Mayor's Office, however, the city's budget does not currently have the ability to support it. Ms. Niparko stated most other cities and municipalities she communicates with do not provide this pay.*

*Ms. DuWaldt suggested language be added to the rule allowing for hazard pay to be authorized in the event the city's budget allows for it, which Ms. Niparko and Ms. Pierce agreed was a good suggestion.*

*Mr. Peck asked what happens if an employee declines their new assignment, stating they would prefer to do other duties. Ms. Niparko replied this has happened on several occasions already and the rule is been interpreted, with agreement from the City Attorney and Mayor's Offices, as to require employees to accept redeployment as needed during the emergency situation.*

*If the employee still declines to do so, OHR provides the option of taking paid leave using their existing PTO, sick, or vacation time, or unpaid leave as there is no work to perform at this time.*

*Board Member Patricia Barela Rivera asked what type of jobs employees are being redeployed to. Ms. Niparko responded the number one priority of the Mayor at the present time was supporting the homeless population, therefore, employees are being asked to help in the city's shelters with general work and food delivery. Uniformed services cadets are being deployed to the parks to ensure and enforce social distancing. Ms. Niparko stated this is a very fluid situation which changes frequently.*

*Bob Wolf, City Attorney to the Board, asked whether the proposed change to CS Rule 9-73 is intended to be retroactive to two weeks ago when employees began redeployment. Ms. Pierce responded that all employees currently redeployed will be paid in accordance with the current provisions of the rule.*

*Ms. Pierce also clarified the ordinance granting the Board emergency powers to adopt or modify rules requires changes to be effective immediately and provide they automatically expire in 180 days.*

*Board Member David Hayes asked what type of communication is planned to explain to employees why the rule is being changed, as some will be upset they are no longer being paid under the current provisions. Ms. Niparko stated OHR is currently working on it and agreed it is challenging to explain.*

*Mr. Peck asked how many employees are currently redeployed and which agencies they work in. Ms. Niparko replied there are 129 employees, most of whom are from Denver Human Services and Denver Parks & Recreation. Ms. Pierce stated all agencies are being asked to redeploy their staff as necessary.*

*Ms. Pierce stated CS Rule 16-10 requires any disciplinary notices be served to employees by either hand-delivery or via U.S. mail. Electronic mailing is only permitted if the employee has provided consent in writing. With the vast majority of the city's workforce currently sheltering-in-place and working from home, this service requirement is impractical at this time.*

*The revision to the rule would allow the electronic delivery of all notices, with return delivery acknowledgment requested, to a city-issued or personal e-mail address to satisfy the notice requirement. The Board agreed this revision is appropriate and practical under the present circumstances.*

*Mr. Hayes asked if any of these changes will eventually be brought before the Board in the future as permanent, or is the intent these are only temporary up to 180 days. Ms. Pierce stated the change to CS Rule 16-10 is certainly something that makes sense, while the change to CS Rule 9-73B would be reviewed at some point, but no decisions have been made at this time.*

*Mr. Peck asked Mr. Wolf to formally advise the Board for the record the ordinance grants the authority to the Career Service Board to adopt emergency rules, to which Mr. Wolf confirmed in the affirmative.*

*A motion was made and duly seconded by the Career Service Board, pursuant to Denver Revised Municipal Code § 2-98, that with a quorum present and upon unanimous vote, the Board has adopted the proposed emergency rule revisions to Career Service Rules 9-73.B and 16-10.A, as amended during the meeting, as necessary to immediately protect the public health, safety or welfare.*

*These emergency rule revisions, as adopted, will remain in effect for no more than 180 days from March 26, 2020, and duly recorded with the Clerk & Recorder of the City & County of Denver.*

**III. Adjournment:** *Adjournment was at 11:11am.*