



Office of Human Resources

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Career Service Board Meeting #2389

Minutes

Thursday, October 15, 2020, 9:00am

Conference Call

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

- I. Opening:** *Meeting was called to order at 9:00am. Neil Peck, Board Co-Chair, asked for a roll call of those present for the record.*

All members of the Career Service Board were present, in addition to Bob Wolf, Sr. Asst. City Attorney to the Board, and Karen Niparko, Executive Director, Office of Human Resources ("OHR").

- 1. Approval of the Agenda for the October 15, 2020 Board Meeting.**
Board Member Patricia Barela Rivera made a motion, seconded by Board Member David Hayes, to approve the agenda for the October 15, 2020 meeting, which was approved unanimously by the Board.
- 2. Approval of the Minutes for the September 17, 2020 Board Meeting.**
Board Co-Chair Neil Peck made a motion, seconded by Board Member LaNee Reynolds, to approve the minutes for the September 17, 2020 meeting, which was approved unanimously by the Board.

II. Board Comments: *None.*

III. Public Comments: *None.*

IV. Public Hearing: *No notices.*

V. Director's Briefing

- 1. Prevailing Wage Audit Recommendation**

Karen Niparko, Executive Director, Office of Human Resources, ("OHR"), noted the Auditor recently conducted an audit of the city's prevailing wage process, which resulted in a number of recommendations for OHR to consider. Ms. Niparko noted OHR formally disagreed with some of the recommendations, as they were in conflict with OHR's role in the process as proscribed in ordinance.

OHR did agree with the recommendation regarding updating the surveys used by Classification & Compensation in determining prevailing wages. Ms. Niparko stated OHR is seeking the Board's approval today to use additional survey data

Nicole de Gioia-Keane, Director of Classification & Compensation, noted the Auditor's recommendation that OHR should consider the appropriateness of using a third-party survey for prevailing wage rates for classifications not covered by the Davis-Bacon Act.

The outside consultant, Clifton Larson Allen, recommended OHR seek approval from the Career Service Board to ensure the Board's agreement a third-party survey source should be used to determine the prevailing wage for these non-covered positions.

The vast majority of the classifications reviewed by Class & Comp fall under the Davis-Bacon Act, which determines the prevailing wage as required by ordinance. If a classification does not fall under Davis-Bacon, the Labor Service Contract method required by the Department of Labor is followed.

There are six prevailing wage classifications (QC & Assurance Tech, Building Engineer, Entry Support Mechanic, Machinery Maintenance Mechanic, Control System Tech, and Tree Trimmer) which are brought to the Board annually, which OHR uses a third-party compensation survey, Employers Council, Denver/Boulder location data to determine prevailing wages.

The Service Contract Act is used for 19 classifications, while collective bargaining agreements are used for four classifications. Board Co-Chair Karen DuWaldt asked if there are other third party surveys available to use in reviewing these classifications.

Ms. de Gioia-Keane is the most robust data source available, although the Colorado Municipal League also has data, which is limited to public sector positions.

Ms. DuWaldt asked if there was any reason not to look at both sources, to which Alena Duran, Sr. Classification & Compensation Analyst, replied in the affirmative.

Board Member David Hayes noted there was a challenge from an airport contractor in the last board meeting regarding the prevailing wage data provided by Employers Council and asked if using additional survey data addresses the concern. Ms. de Gioia-Keane replied the issue was related to the market data not yet reflecting the impact of COVID-19 on wages.

Ms. DuWaldt asked if OHR had guidance for the Board regarding the Auditor's recommendation of establishing an appeal process to address wage stagnation. Ms. de Gioia-Keane stated OHR's position was the Auditor has responsibility for the prevailing wage process, not the Career Service Board, and a task force can be formed to explore future changes to ordinance.

Ms Duran noted the wage stagnation is related to Davis-Bacon covered classifications, since these are updated every three years. The other classifications are generally updated annually and use third-party data.

Bob Wolf, Sr. Asst. City Attorney to the Board, noted the ordinance requires OHR to follow Davis-Bacon, which limits the ability to address wage stagnation without a change to these requirements. In addition, creating an appeals process would create tremendous challenges and administrative burden.

Ms. DuWaldt asked if there was a need for the Board to respond to the Auditor's press release regarding OHR considering the wage stagnation issue, to which Ms. Niparko and Mr. Wolf agreed was not necessary at this time. Mr. Wolf reiterated prevailing wage compliance resides with the Auditor, not the Career Service Board, under ordinance.

Board Co-Chair Karen DuWaldt made a motion the Office of Human Resources ("OHR") is authorized to consider other appropriate data surveys, as permitted by ordinance, for non-Davis Bacon prevailing wage determinations, which was seconded by Board Co-Chair Neil Peck, and unanimously approved by the Career Service Board.

VI. Executive Session:

The Board went into executive session at 9:30am and discussed several OHR issues with Karen Niparko.

The Board granted the Agency's Motion to Withdraw the Appeal in the matter of Mustapha Bouzaida vs. General Services, 005-20A.

VII. Adjournment: *Adjournment was at 10:25am.*