



Career Service Board Meeting #2391
Minutes
Thursday, December 17, 2020, 9:00am

Microsoft Teams

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

- I. Opening:** *Meeting was called to order at 9:06am. Neil Peck, Board Co-Chair, asked for a roll call of those present for the record.*

Board Member Patricia Barela Rivera was absent. All other members of the Career Service Board were present, in addition to Bob Wolf, Sr. Asst. City Attorney to the Board, Karen Niparko, Executive Director, Office of Human Resources (“OHR”), Heather Britton, Director of Benefits & Wellness, Shelby Felton, and Jessica Allen, Sr. Asst. City Attorneys.

- 1. Approval of the Agenda for the December 17, 2020 Board Meeting.**
Board Member David Hayes made a motion, seconded by Board Co-Chair Neil Peck, to approve the agenda for the December 17, 2020 meeting, which was approved unanimously by the Board.
- 2. Approval of the Minutes for the November 19, 2020 Board Meeting.**
Board Co-Chair Karen DuWaldt made a motion, seconded by Board Member LaNee Reynolds, to approve the minutes for the November 19, 2020 meeting, which was approved unanimously by the Board.

II. Board Comments: *None.*

III. Public Comments: *None.*

IV. Public Hearing:

- 1. Public Hearing Notice No. 636 – Prevailing Wage: Custodians**

Alena Duran, Sr. Classification & Compensation Analyst, presented Public Hearing Notice No. 636 to adopt a change in the pay and/or fringe benefits of the wage classification series of “Custodian I and Custodian II” in accordance with section 20-76(c)(3) of the Denver Revised Municipal Code.

The following pay and fringe benefits revision was proposed:

<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>
Custodian I	\$15.98	\$6.53 (Employee)	\$22.51	\$16.43	\$6.18 (Employee)	\$22.61
		\$9.71 (EE + Children)	\$25.69		\$8.02 (EE + Children)	\$24.45
		\$10.41 (EE + Spouse)	\$26.39		\$7.74 (EE + Spouse)	\$24.17
		\$13.59 (Family)	\$29.57		\$10.15 (Family)	\$26.58
Custodian II	\$15.88	\$6.59 (Employee)	\$22.92	\$16.78	\$6.24 (Employee)	\$23.02
		\$9.76 (EE + Children)	\$26.09		\$8.08 (EE + Children)	\$24.86
		\$10.47 (EE + Spouse)	\$26.80		\$7.80 (EE + Spouse)	\$24.58
		\$13.65 (Family)	\$29.98		\$10.21 (Family)	\$26.99

The Service Employees International Union (“SEIU”) provided the base wages and fringe benefits for these classifications.

Board Member LaNee Reynolds made a motion, which was seconded by Board Member David Hayes, to approve Public Hearing Notice No. 636, which was unanimously approved by the Board.

2. Public Hearing Notice No. 637 – Prevailing Wage: Window Washers

Alena Duran, Sr. Classification & Compensation Analyst, presented Public Hearing Notice No. 637 to adopt a change in the pay and/or fringe benefits of the wage classification series of “Window Cleaner” in accordance with section 20-76(c)(3) of the Denver Revised Municipal Code.

The following pay and fringe benefits revision was proposed:

<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>
Window Cleaner	\$26.64	\$9.06 (Employee)	\$35.70	\$26.74	\$9.53 (Employee)	\$37.17
		\$10.63 (EE + Children)	\$37.27		\$11.37 (EE + Children)	\$39.01
		\$10.84 (EE + Spouse)	\$37.48		\$11.09 (EE + Spouse)	\$38.73
		\$12.94 (Family)	\$39.58		\$13.50 (Family)	\$41.14

The Service Employees International Union (“SEIU”) provided the base wages and fringe benefits for these classifications.

Board Member David Hayes asked if these positions represent window washers who work on high-elevation buildings, to which Ms. Duran replied in the affirmative.

Board Co-Chair Karen DuWaldt made a motion, seconded by Board Member David Hayes to approve Public Hearing Notice No. 637, which was unanimously approved by the Board.

3. Public Hearing Notice No. 638 – Prevailing Wage: Fuel Handlers

Alena Duran, Sr. Classification & Compensation Analyst, presented Public Hearing Notice No. 638 to adopt a change in the pay and/or fringe benefits of the wage classification series of “Fuel Handlers” in accordance with section 20-76(c)(3) of the Denver Revised Municipal Code.

The following wage and fringe benefits revisions were proposed:

	<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>
Fuel Facility Maintenance Technician				\$21.50	\$7.02	\$28.52
Fuel Facility Operator	\$23.41	\$7.18	\$30.59	\$23.41	\$7.24	\$30.65
Fuel Facility Electrician	\$24.48	\$7.36	\$31.84	\$26.44	\$7.59	\$34.03
Fuel Distribution System Mechanic	\$30.74	\$8.09	\$38.83	\$30.74	\$8.09	\$38.83
Lead Fuel Distribution System Mechanic	\$32.14	\$8.25	\$40.39	\$32.14	\$8.25	\$40.39

The Service Contract Act method was used to determine the base and fringe rates for these classifications.

Board Co-Chair Neil Peck made a motion, seconded by Board Member David Hayes, to approve Public Hearing Notice No. 638, which was unanimously approved by the Board.

4. Classification Notice 1665 - Internal Auditors

Greg Thress, Sr. Classification & Compensation Analyst, presented Classification Notice No. 1665 to amend the Classification & Pay Plan by adjusting the pay grades of Internal and Tax Auditor classifications.

Classification & Compensation conducted a review of the pay grades for the Internal and Tax Auditor classifications. The Auditor's Office ("AO") conducts performance, information technology, and financial audits across various city departments and agencies.

A custom national survey was sent to and compensation data collected from eleven U.S. cities and counties provided by the AO as these municipalities also conduct performance audits. Compensation data from eight national auditing firms was obtained as well.

After reviewing the data, Class & Comp determined the Internal Auditor classification is in the appropriate pay grade at this time. The Internal Auditor Senior, Lead, and Supervisor pay grades were determined to lag the market.

Class & Comp recommends the Senior Internal Auditor, Lead Internal Auditor, and Internal Auditor Supervisor job classifications be moved to the next higher pay grade. There is no benchmark data for the Tax Auditor classification, however, there is an internal pay relationship established between the Tax Auditor and Internal Auditor.

PAY GRADE CHANGES

<u>Classification Title</u>	<u>Proposed New Pay Grade/Range</u>
Senior Internal Auditor	V-812 (\$68,512 - \$89,066 - \$109,619)
Lead Internal Auditor	V-813 (\$73,239 - \$95,211 - \$117,182)
Internal Auditor Supervisor	V-815 (\$83,694 - \$108,802 - \$133,910)
Senior Tax Auditor	V-812 (\$68,512 - \$89,066 - \$109,619)
Lead Tax Auditor	V-813 (\$73,239 - \$95,211 - \$117,182)
Tax Auditor Supervisor	V-815 (\$83,694 - \$108,802 - \$133,910)

One (1) Senior Internal Auditor will be adjusted to the new range minimum with an annual budget impact of \$312. Two (2) Senior Tax Auditors will be adjusted to the new range minimum with an annual budget impact of \$4,136.

Board Member LaNee Reynolds asked how often the pay grades for all classifications are reviewed by Class & Comp, to which Mr. Thress responded annually.

Board Co-Chair Neil Peck made a motion, seconded by Board Member David Hayes, to approve Classification Notice No. 1665, which was unanimously approved by the Board.

5. Classification Notice 1666 - Fair Labor Standards Act (“FLSA”) Overtime Exemption Review

John Hoffman, Sr. Classification & Compensation Analyst, presented Classification Notice No. 1666 to amend the Classification & Pay Plan by changing the job title and/or overtime exemption category of certain classifications based on a review of duties and responsibilities.

Classification & Compensation worked with the City Attorney’s Office (“CAO”) to identify classifications where a review of the specific duties and responsibilities resulted in a change in job title and/or exemption from overtime.

The CAO concluded certain entry-level, currently non-exempt “staff” classifications should be changed to exempt status in order to align with other exempt classifications within the series career ladder.

In addition, title changes replacing any references which could imply non-exempt duties and responsibilities are being proposed. These title changes will better align the affected classifications with the city’s professional career track and will not change their exemption status.

All affected city departments and agencies were engaged to ensure the job specification language was current, represented the duties and responsibilities of their affected employees, and confirmed the affected employees are performing the specific duties and responsibilities of the classification.

NEW CLASSIFICATIONS

<u>New Job Code/Class Title</u>	<u>Proposed Pay Grade and Range</u>
CA3292 Management Analyst Staff Hourly	A-805 (44,746 – 58,170 – 71,594)
CA3285 Associate Claims Adjuster	A-807 (51,133 – 66,473 – 81,813)

PAY GRADE CHANGES (Non-Exempt to Exempt Status)

<u>Classification Title</u>	<u>Proposed New Pay Grade/Range</u>
CV2050 Staff Accountant	V-806 (45,909 – 59,682 – 73,455)
CA1004 Staff Buyer	A-804 (41,858 – 54,416 – 66,973)
LA1472 Staff Buyer	A-804 (41,858 – 54,416 – 66,973)
CA2153 Staff Claims Adjuster	A-805 (44,746 – 58,170 – 71,594)
CI1739 GIS Analyst	I-807 (49,839 – 64,791 – 79,742)
CV2238 Staff Internal Auditor	V-807 (49,077 – 63,800 – 78,523)
CI2865 Staff IT Data Architect	I-811 (65,085 – 84,611 – 104,136)
CI1447 Staff IT Developer	I-808 (53,278 – 69,262 – 85,245)
LI1574 Staff IT Developer	I-808 (53,278 – 69,262 – 85,245)
CI1717 Staff IT Systems Analyst	I-808 (53,278 – 69,262 – 85,245)
CA2251 Staff Management Analyst	A-805 (44,746 – 58,170 – 71,594)
CA2842 Staff Marketing and Communications	A-805 (44,746 – 58,170 – 71,594)
LA2847 Staff Marketing and Communications	A-805 (44,746 – 58,170 – 71,594)
YA3042 Staff Marketing and Communications	A-805 (44,746 – 58,170 – 71,594)
CV2234 Staff Tax Auditor	V-807 (49,077 – 63,800 – 78,523)

CLASSIFICATION TITLE CHANGES

Current Class Title

Proposed New Class Title

CA2153 Claims Adjuster I	Staff Claims Adjuster
CA1047 Claims Adjuster II	Senior Claims Adjuster
CA2544 Interpreter Coordinator	Court Interpreter Administrator
CA2842 Marketing & Comm. Professional I	Staff Marketing & Communications
LA2847 Marketing & Comm. Professional I	Staff Marketing & Communications
YA3042 Marketing & Comm. Professional I	Staff Marketing & Communications
CA2841 Marketing & Comm. Professional II	Associate Marketing & Communications
LA2846 Marketing & Comm. Professional II	Associate Marketing & Communications
YA3196 Marketing & Comm. Professional II	Associate Marketing & Communications
CA2843 Marketing & Comm. Professional II Hourly	Hr. Assoc. Marketing & Communications
CA2379 Operations Coordinator	Business Operations Administrator
LA2627 Operations Coordinator	Business Operations Administrator
MA2959 Operations Coordinator	Business Operations Administrator
FA3095 Operations Coordinator	Business Operations Administrator
CA3104 Operations Coordinator Hourly	Hrly. Business Operations Administrator
CA2831 Team Decision Making Coordinator	Team Decision Making Facilitator
CA2832 Team Decision Making Coordinator (Lead)	Lead Team Decision Making Facilitator
CA2459 Utilization Management Coordinator	Utilization Management Specialist
CA2460 Utilization Management Coordinator (Lead)	Lead Utilization Management Specialist
CA2988 Wellness Program Coordinator	Wellness Program Administrator

50 employees in 17 departments and agencies will be impacted by an overtime exemption change, seven (7) employees in six (6) departments will be impacted by both a change in title and exemption status, and 165 employees in 17 departments and agencies will have their title changed only.

Board Member David Hayes asked if there were any concerns raised from employees who will lose overtime opportunities. Mr. Hoffman replied payroll data was reviewed for the classifications and there was little overtime incurred.

Board Co-Chair Karen DuWaldt asked for clarification as to why certain classifications, which previously were determined to have non-exempt duties, are now being deemed exempt when only the title has changed.

Mr. Hoffman clarified the proposed title changes, such as replacing the word "coordinator" with "administrator", does not change the exempt status of the classification, and is removing references that could imply non-exempt duties.

Ms. DuWaldt asked which classifications are changing their overtime exemption status. Mr. Hoffman noted the staff entry-level positions cited in the notice which will become exempt. While the duties and responsibilities are less complex than higher level roles, the CAO determined these positions meet overtime exempt criteria under the FLSA.

Board Member LaNee Reynolds asked if any of the classifications were changed from exempt to non-exempt status, to which Mr. Hoffman replied in the negative.

Nicole de Gioia-Keane, Director of Classification & Compensation, noted today's notice reflects completion of phase one of the FLSA project, and the next phase will review exempt classifications for possible changes to non-exempt status, which will be brought to the Board in a future notice.

Board Member David Hayes made a motion, seconded by Board Member LaNee Reynolds, to approve Classification Notice No. 1666, which was unanimously approved by the Board.

6. Public Hearing Notice No. 631 – Proposed Revision to Career Service Rule 2-32B

Lori Schumann, Sr. Classification & Compensation Analyst, and Jessica Allen, Sr. Asst. City Attorney, presented Public Hearing Notice No. 631 proposing a change to Career Service Rule 2-32B.

Ms. Schumann noted the proposed change would eliminate the requirement under the rule for appointing authorities to physically post classification notices in conspicuous locations, which is difficult in light of the current pandemic. All classification notices are currently posted on the city's website and individuals may also sign up to receive notification of these postings via e-mail.

The City Attorney's Office is currently reviewing ordinance to determine whether eliminating the physical posting requirement should also apply to public hearing notices in the future, however, today's proposed change only applies to classification notices.

Board Co-Chair Karen DuWaldt made a motion, seconded by Board Co-Chair Neil Peck, to approve Public Hearing Notice No. 631, which was unanimously approved by the Board.

7. Public Hearing Notice No. 635 – Proposed Revision to Career Service Rule 10

Heather Britton, Director of Benefits & Wellness, presented Public Hearing Notice No. 635 proposing revisions to Career Service Rule 10 – Paid Leave. Ms. Britton also introduced Jessica Allen and Shelby Felton, Sr. Asst. City Attorneys, who joined the meeting today.

Ms. Britton noted for ease of simplicity, she would ask the Board to approve Public Hearing Notices No. 632, 633, 634, and 635 at the end of her consolidated presentation today.

The Colorado State Legislature passed the Healthy Families & Workplaces Act on July 14, 2020, which is effective on January 1, 2021. The new law requires all employers with more than 16 employees to provide one (1) hour of paid sick leave for every thirty hours worked.

The law also requires employers to allow employees to use sick leave for a range of purposes, including, but not limited to, physical and mental health conditions, preventative health care, and seeking medical and/or legal services for recovery from domestic abuse, sexual assault or harassment.

The new sick leave can be accrued up to 48 hours annually and all employees are eligible to accrue leave on their first day of employment. Unused leave can be carried over, subject to a maximum of 48 hours. In addition, the law adds prohibitions against retaliation or discrimination for use of the leave with civil damages to employers.

Currently, the city provides paid time off ("PTO") to all limited and unlimited employees working more than 20 hours per week who were hired after December 31, 2009. Employees hired before that date continue to receive sick and vacation leave banks, as do the deputy sheriffs. On-call and limited/unlimited employees working less than 20 hours per week are not granted any paid leave.

The proposed revisions to Career Service Rule 10 will include all of the changes mandated by state law to provide paid sick leave to on-call and part-time employees working fewer than 20 hours per week. This change will impact approximately 3,200 employees.

The language regarding authorized uses of paid time off or sick leave will be expanded in the rule to include the additional purposes mandated by statute, as well as how leave is requested, what notice must be provided, and documentation required.

In addition, a new section regarding a separate Public Health Emergency leave bank of 80 hours, which is available to all employees, will be added to the rule along with means of accrual and allowed uses. The city will be required to provide up to 80 additional hours of leave if an employee's sick leave or PTO bank is below 80 hours and they meet the criteria of using the new emergency leave.

Board Member LaNee Reynolds asked for clarification if seasonal employees are the same as temporary employees, which Ms. Britton stated are called on-call employees by the city.

Ms. Reynolds also asked why there is no reference to the six-month preservation requirement for temporary employees, which Ms. Britton stated is referenced in the rule for on-call employees who are hired back.

Ms. Britton summarized the proposed revisions as changes to Rules 10-23, 10-24, 10-25, 10-33, 10-34, 10-43, 10-80, 10-81, 10-82(D), and new sections, 10-83 and 10-85.

OHR will initiate supervisor/manager training on the new types of leave, the approvable reasons and documentation, and prohibition against retaliation and discrimination. Newly eligible employees will also be notified by letter of the new paid leave accruals.

8. Public Hearing Notices No. 632-634 – Proposed Revisions to Career Service Rule 11

Heather Britton, Director of Benefits & Wellness, presented Public Hearing Notices No. 632, 633, and 634 proposing revisions to Career Service Rule 11 – Unpaid Leave.

Ms. Britton noted a recent review of the measurement and stability period requirements under the Affordable Care Act (“ACA”) revealed employers must provide employees with 12 months of affordable medical coverage if they worked more than 1,560 hours in the previous 12 months, which was not fully addressed when the furlough provisions under the Rules were revised in September.

As a result, the benefits provisions for unpaid leave under Rule 11 must be revised to ensure compliance with the ACA requirement. These provisions require revisions to Rules 11-21, 11-24, 11-25, 11-27, and 11-31.

In the event of furloughs, the city will continue to pay its portion of all benefits (medical, dental, vision, and disability) for up to three (3) months. After three (3) months, but before twelve months, the city will continue to pay its portion of medical coverage only. Employees must pay their portion of the medical coverage and the full cost of any other benefits, or may terminate coverage. After twelve months, employees must pay the full cost of all benefits or terminate. The same provision will apply to military leaves.

Board Member David Hayes asked for clarification regarding how furloughs declared and defined under the rules. Ms. Britton noted agencies, such as Arts & Venues, may declare an extended furlough with the Mayor’s approval, to which Ms. Niparko clarified furloughs are meant to be temporary in nature, while layoffs are indicated when jobs are permanently eliminated.

Unpaid leave can be provided at the discretion of managers for any reason and there is no current time limit under the rule. Ms. Britton noted the revision to the rule would limit discretionary, unpaid leave to 180 days, and provide the city would continue to pay its portion of all benefits for 30 days only.

Board Member LaNee Reynolds asked if there was a minimum period of employment required before an employee is eligible for discretionary, unpaid leave, to which Ms. Britton replied in the negative.

Ms. Reynolds asked if this leave is used for employees who do not yet meet the requirements for FMLA leave, to which Shelby Felton, Sr. Asst. City Attorney, noted is usually addressed by using administrative or ADA leave instead.

Suzanne Iversen, Director of Employee Relations & Compliance clarified employees will first be vetted against the requirements of ADA, if not yet eligible for FMLA, and if they are eligible, the city continues to pay its share of the cost of all benefits.

Ms. Reynolds stated she is wondering more about employees who are yet not eligible for FMLA, but are caring for a loved one and if this type of leave would be applicable, to which

Ms. Iversen replied in the affirmative. Ms. Iversen also noted OHR works with newly hired employees in this particular circumstance to ensure they can use intermittent leave or PTO so their benefits are not affected by unpaid leave status.

Board Member David Hayes asked if the new public health emergency leave requirement under the law had a sunset provision, given these changes were passed in response to the current pandemic.

Jessica Allen, Sr. Asst. City Attorney, replied the leave provisions take effect on the date an emergency is declared by a public authority, but automatically end four (4) weeks after the emergency is declared over.

Mr. Hayes asked if the legislation is effective for a defined period of time, to which Ms. Allen replied in the negative, while noting the state's voters passed a new paid leave ballot initiative, which is effective in 2024. Ms. Allen stated the sick leave provisions would very likely be amended to align with new paid leave legislation.

The Board thanked everyone for their hard work on today's presentation of these complex changes.

9. Approval of Public Hearing Notices 632-635 – Proposed Revisions to CS Rules 10 & 11

Board Co-Chair Neil Peck made a motion, which was seconded by Board Co-Chair Karen DuWaldt, to approve Public Hearing Notices 632, 633, 634, and 635, which was unanimously approved by the Board.

VI. Executive Session:

The Board went into executive session at 10:19am and discussed several OHR issues with Karen Niparko. In addition, the following motions were considered:

1. Motion to Dismiss Petition for Review: Lindsay Hammond vs. Denver County Court, Appeal No. 042-20
The Career Service Board denied the Agency's Motion to Dismiss the Petition for Review, written order to follow.
2. Motion to Stay the Hearing Officer's Decision: Alfredo Hernandez vs. Denver Sheriff's Department, Appeal No. 021-20
The Career Service Board denied the Petitioner's Motion to Stay the Hearing Officer's Decision, written order to follow.

VII. Adjournment: *Adjournment was at 11:25am.*