Career Service Board Meeting #2399
Minutes
Thursday, July 15, 2021, 9:00am

Microsoft Teams

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 Sherri Catalano, Sr. Asst. City Attorney, and Karen Niparko, Executive Director, Office of Human Resources (“OHR”).

1. Approval of the Agenda for the July 15, 2021 Board Meeting.
Board Member Patricia Barela Rivera made a motion, seconded by Board Member LaNee Reynolds, to approve the agenda for the July 15, 2021 meeting, which was approved unanimously by the Board.

2. Approval of the Minutes for the June 17, 2021 Board Meeting.
Board Co-Chair Neil Peck made a motion, seconded by Board Co-Chair Karen DuWaldt, to approve the minutes for the June 17, 2021 meeting, which was approved unanimously by the Board.

II. Board Comments: None.

III. Public Comments: None.

IV. Public Hearing:

1. Classification Notice 1682 – Pay Tables Market Adjustment

Blair Malloy, Sr. Classification & Compensation Analyst, presented Classification Notice 1882 to modify the city’s Classification & Pay Plan. As required by ordinance, OHR is presenting the results of the 2021 Market Analysis before August 1, 2021 to ensure the city’s pay tables and ranges are competitive with the market. All changes are effective January 1, 2022 upon approval of the Mayor and the City Council.

Ms. Malloy noted the World at Work 2020 Salary Budget Survey projected 2022 average market salary structure percent values would increase by 2%. The rate increase is applied to each pay range midpoint, with the minimum and maximum ranges recalculated accordingly to preserve the current range structure.
Pay table market adjustments do not generally result in a pay increase for employees, with the exception of those whose current salary or pay rate falls below the new range minimum for their classification. These increases to the new minimum range impacts 509 employees out of 8,624, at a cost of $200,108.

Board Member David Hayes asked what the impact is for the other 8,000 employees, to which Ms. Malloy replied the maximum range is higher, ensuring additional salary growth for those in the fourth quartile, or at/near their range maximum.

Board Member David Hayes made a motion, which was seconded by Board Member LaNee Reynolds, to approve Classification Notice No. 1682, which was unanimously approved by the Board.

2. Classification Notice 1683 – 2022 Minimum Wage Changes

Lori Schumann, Sr. Classification & Compensation Analyst, presented Classification Notice 1683 to modify the city’s Classification & Pay Plan, which includes pay range adjustments and changes to employee pay rates, effective January 1, 2022.

In 2019, the Mayor’s Office and the City Council established minimum wage policies for all employees and employers in the City & County of Denver. The minimum hourly wage rates were approved, with the current rate of $15.00 implemented on July 1, 2021, which is required to increase to $15.87 on January 1, 2022.

The following changes are recommended to the classification and pay plan to ensure employee pay rates are no less than $15.87, effective January 1, 2022.

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Board Member David Hayes asked what the timeline for the scheduled increases was, to which Ms. Schumann deferred to Nicole de Gioia-Keane, Director of Classification & Compensation. Ms. de Gioia-Keane noted the scheduled January 1st pay rate of $15.87 is the last specific increase required by ordinance, and future increases will based on the metro area inflation index.

Board Member Patricia Barela Rivera made a motion, which was seconded by Board Member LaNee Reynolds, to approve Classification Notice 1683, which was unanimously approved by the Board.

3. Public Hearing Notice 645 – Proposed Revision to Career Service Rule 5-31

Kathryn Barker, Director of Human Resources at Denver Human Services (“DHS”), introduced Mimi Scheuermann and Jude Liguori, Deputy Executive Directors of DHS, as well as Tammy Davis, Sr. HR Business Partner, and Shannon Flanagin, Sr. HR Data Analyst, who were joining today to present a proposed revision to Career Service Rule 5.

Ms. Barker noted a correction to the Notice, as the proposed revision is to Career Service Rule 5-34, not 5-31, as originally posted.

DHS is requesting an extended probationary period for the classifications; Social Case Worker, Eligibility Technician I, and Child Support Technician I. These classifications have a significant impact on public safety, and require more than six months for probationary employees to complete the required training and master the necessary skills to minimize potential harm to one of the city’s most vulnerable populations.
Mimi Scheuermann stated Colorado law requires Social Case Workers to complete specialized training and become certified by the state system within six months of hire. Ms. Scheuermann noted there is also county required training for transferring cases, which can take up to three months, depending on the training schedule and availability of staff to train new employees.

Once the state mandated training is complete and certification obtained, Social Case Workers can take on only five cases and another six months is needed to closely supervise and complete classroom training as new hires build up to 10+ cases.

As such, DHS is recommending a 12 month probationary period for the Social Case Worker classification, which is the same period of time the state requires for child welfare case worker positions.

Board Member David Hayes asked what the difference is in terms of probationary versus career service status employees. Ms. Barker responded the probation period is generally six months per rule, with some classifications granted longer periods of time, during which employees are at-will and can be separated at any time. Once the employee has passed probation, they gain property rights to their job.

Ms. Barker noted the probationary period is important in terms of assessing an employee’s performance in the role and assessing job fit. As such, it is critical there is a sufficient time to ensure adequate training and evaluation, which can be longer for some classifications.

Jay Morein, Chief Operating Officer of DHS, commented the proposed change in the probationary period for these classifications will only apply to new hires, not existing employees.

Mr. Hayes asked if employees who pass probation are no longer considered at-will, to which Karen Niparko, Executive Director of OHR, replied in the affirmative, noting once career service employees pass their probationary period, they reach career status per the rules and can no longer be terminated at-will.

Ms. Niparko stated the proposal to extend the probation period for certain DHS classifications has been an ongoing conversation for a number of years as these roles require more than six months to complete the necessary training to ensure the employees can handle the required caseloads.

Judi Liguori noted DHS was proposing an additional three months of probation for the Eligibility Technician I and Child Support Technician I classifications for a total probationary period of nine months. Ms. Liguori stated this is the minimum amount of time needed to complete the training process and assess whether the employee is a good fit.

The Eligibility Technician I classification requires a minimum of six months of training to learn the various systems which are accessed to determine eligibility for state and federal assistance programs. During this time, the employee will take on 2 to 4 cases per hour, with the goal of reaching 4 to 6 cases per hour as a full workload. Having an additional three months of assessment allows for corrective training and additional evaluation of whether the position is appropriate to the employee’s skills.

A similar premise applies to the Child Support Technician I classification, which also requires employees to become familiar with and access a wide variety of systems to ensure non-custodial parents are in compliance with the legal responsibility to support their children and reduce poverty. The additional probationary period is critical to ensuring the employees understand their role in enforcing court orders effectively.

This classification also requires mastering complex state and federal regulations, with 4 to 6 weeks of classroom training, which often is extended for employees. The state requires a number of certifications and training as well, at which point the employee is closely supervised for 3 to 4 weeks before they are permitted to take on their own caseload.

Board Member Patricia Barela Rivera asked how many employees are in each classification. Shannon Flanagin responded there are a total of 330 employees in all three classifications.
Ms. Barela Rivera asked what percentage of these employees are still in probation and how the onboarding is staggered so not everyone is in training at the same time. Ms. Scheuermann replied only new hires undergo the intensive training, and Ms. Flanagin stated there have been 70 new hires to-date this year for all three roles.

Board Co-Chair Neil Peck noted the chart showed the Child Support Technician I working towards 250 to 600 cases, or 6+ cases per day. Mr. Peck commented this math meant it would take an employee a minimum of 100 days to reach an appropriate caseload, which seems staggering and almost impossible to handle. Mr. Peck asked if there is concern about employee burnout as well.

Ms. Liguori noted there are three categories of child support cases which technicians work on, two of which require far less intervention and work on the part of the employee. While the number sounds very high, many of the cases require minimal intervention to maintain.

Mr. Peck commended the work being done and asked if there is a lot of burnout among employees. Ms. Liguori stated the work is highly supported by the various systems used and caseloads are mostly manageable as the work is more enforcement related, rather than intake and assessment oriented.

Board Co-Chair Karen DuWaldt noted her concern about extending the probationary period to nine months with these particular classifications, especially given the caseloads involved and the burden on other employees if the probationary employee is unsuccessful. Ms. DuWaldt asked how management assesses whether an employee is a good fit for the role versus someone who needs additional training.

Ms. Niparko commented the probationary period is also important for a new employee to learn about the city, complete their required training, and become oriented to their agency as part of settling into the role over six months. It is not just for management to assess whether the employee is a good fit for the job.

Ms. Barker responded DHS has considered asking for a rule change to extend the probation period of these classifications for a number of years in acknowledgement of the extensive training and orientation required to be successful in these roles. DHS will not extend probation for an employee who is not meeting the attendance requirements or demonstrating appropriate behaviors.

Ms. DuWaldt stated she was asking more about the employee who, despite all of the training and guidance, is not demonstrating the competence needed to be successful, and whether nine months is needed to reach a decision to separate, or is six months sufficient time.

Ms. Flanagin responded experience has shown that six months is the minimum needed to complete the initial training and take on a reduced case load, while the next three months are critical in determining if employee can reach the necessary caseload to be successful. The three months also provides the time needed to provide additional training for employees to ultimately perform at the level needed.

Ms. DuWaldt stated this makes sense and provides a good reason why three months is reasonable to extend the probationary period for the two classifications.

Mr. Hayes asked what the numbers are in terms of failure to pass probation in these roles. Ms. Flanagin stated 23 employees out of a total of 150 hired last year failed to complete probation.

Ms. Liguori noted this does not include the number of employees who pass initial probation to reach career status, but ultimately fail to meet expectations, requiring a more intensive disciplinary process to terminate which is very time consuming. Ms. Liguori stated it would be beneficial to have the additional assessment time during probation instead.

A motion was made by Board Co-Chair Karen DuWaldt, which was seconded by Board Co-Chair Neil Peck, to approve Public Hearing Notice 645, which was unanimously approved by the Board.
4. Public Hearing Notice 646 – Proposed Revision to Career Service Rule 2-32(A)

George Branchaud, OHR Administrator, presented Public Hearing Notice 646 to revise Career Service Rule 2-32(A).

Mr. Branchaud noted the City Council revised ordinance in July to modify the public notice requirements for council meetings, which also apply to all boards and commissions with similar requirements, in which the public notice of the meetings may be posted by any means possible, including electronically, rather than requiring a physical posting of the notice.

It was determined the physical posting requirement was impractical during the pandemic and any other future emergencies in which in-person gatherings might be limited or prohibited.

A motion was made by Board Co-Chair Neil Peck, which was seconded by LaNee Reynolds, to approve Public Hearing Notice 646, which was approved unanimously by the Board.

V. Director’s Briefing:

1. Equity, Inclusion, & Diversity Update – Rory McLuster & Lizzie Schoon

Rory McLuster, Deputy Director of OHR, noted she would be presenting OHR’s Equity, Inclusion, & Diversity Plan with Lizzie Schoon, Wellness Coordinator. Ms. McLuster stated she would be referring to this as the “EDI Plan” throughout today’s presentation.

Ms. McLuster stated as part of understanding the full scope of this initiative, it was important to talk about how the city got here. First was to understand what was driving the need for this work. In 2019, in response to the growing national tensions around race, the Mayor launched the Race and Social Justice Initiative, of which the purpose was two-fold.

One was for government leaders to pause and take a look at existing policies that perpetuate systemic racism; to take a step back and ask how to create more equitable outcomes for the community. The second point was to train employees to ensure they understand that race and equity is always an intentional consideration in the work being done.

As the city develops policies, budgets, and programs that interact with the workforce and the community, it is important to do so through the lens of equity. Each agency created an equity, diversity, and inclusion team to demonstrate a commitment to the work and identifying the goals and strategy to move the work forward for their particular agency.

Rory asked Ms. Schoon to move to the next slide, at which Board Co-Chair Neil Peck asked Rory to return to the prior slide. Mr. Peck asked if the Board could ask questions during the presentation, to which Ms. McLuster replied in the affirmative.

Mr. Peck stated his question was related to the first circle on the second slide, which was labeled “systemic and institutional racism”. Mr. Peck noted it sounded to him that Ms. McLuster had stated there was systemic and institutional racism to be addressed in the City of Denver.

Mr. Peck asked what facts or findings were used to determine there is systemic and institutional racism present, such as hearings held, or was this a general conclusion reached with the idea of dealing with it. Mr. Peck asked what specifics were found.

Ms. McLuster responded the specifics could be applied across the country to all governments, as race is an issue in all systems; whether you look at health care, industry, criminal law, or education, race is always a factor in these systems.

COVID-19 is an example of how disparities were revealed, in which data clearly shows how certain minority communities were more heavily impacted than others by the pandemic. Ms. McLuster noted this conclusion was widely discussed nationwide, which everyone could see or hear about.
Mr. Peck commented he always understood racism to mean that you are valuing one group of people over another. In other words, you are diminishing the worth of some people because of their skin color.

Mr. Peck stated if there is systemic and institutional racism across the country, such as in Portland, Oregon, which there may or may not be, he does not understand why Denver has to address institutional racism unless there is a clear indication that people are making deliberate decisions in managing the government, or other organizations or institutions within the county, based on race.

Using the example of COVID-19, Mr. Peck stated if Denver Health was not treating people of color, that would be racism. If people of color were having poorer outcomes from the virus, Mr. Peck asked if the assumption was automatically being made the reason is because they are people of color, and somebody has made the decision they should have a poorer outcome.

Mr. Peck stated he was frustrated and it sounded like the flavor of the month was there must be institutional racism in whatever happens. Mr. Peck noted there may be other explanations, and before devoting massive resources to changing things, there should be some specific findings.

An example would be in employment discrimination cases where the facts show a black employee was terminated in favor of a white employee being put into the job. Mr. Peck noted he is hearing there is institutional racism across the country and we need to do something about it.

Board Co-Chair Karen DuWaldt commented she feels there is some definitional confusion and it would be helpful to talk about it in order to avoid going down a non-productive path, to which Mr. Peck agreed.

Ms. DuWaldt noted Mr. Peck is referring to intentional racism, which gives rise to an employment discrimination claim under Title VII in federal law, and is how the law typically looks at these types of claims. Today’s presentation is talking about institutional racism, which refers to the unintentional effects of long-standing patterns of behaviors on certain groups of people, and what should be done about it.

Ms. DuWaldt commented she did not think anyone was making accusations of intentional decision-making, such as the example of Denver Health, but noting there are disparities that exist, which need to be addressed. Ms. DuWaldt asked Ms. McLuster if she captured what she meant, to which Ms. McLuster replied it was pretty close.

Mr. Peck thanked Ms. DuWaldt for her comments, but noted institutional racism was such a politically charged phrase, which does imply deliberate decision-making that create different outcomes for different people.

Ms. DuWaldt replied she disagreed, and the phrase does not need to become politically charged, as it is not a stretch to identify disparate outcomes for different groups of people as a problem that needs to be fixed.

While there might be a debate about the label being used, Ms. DuWaldt stated we can all agree there may be an issue, and she did not want to go down the path of having an inflamed discussion because of the label as opposed to trying address a problem.

Mr. Peck stated the label is important as it suggests evil intentions. It is not fair to the City & County of Denver to say there is institutional racism.

For example, it is important to state there are different COVID-19 outcomes for people of color versus white people or Hispanics, or among various religious groups, such as Jewish people, because some individuals chose not to be vaccinated. In this example, Mr. Peck pointed out no one is saying there is institutional racism against Hasidic Jews.

Mr. Peck emphasized the label is important because of the implication of certain words, and while he is happy for the city to identify certain inequities and determine how to eliminate them, it should not be done because the city is pleading guilty to institutional racism.
Ms. McLuster stated there is probably a separate discussion in which all the details could be provided, however, one thing that is very true is systemic and institutional racism exists and is real.

When discussing intent in embedding policies that cause disparate treatment, there is a history of policymaking which intentionally impacted people of color. And some of this is a carryover, such as when thinking about housing, in which certain practices became systemic. Restrictions in where people of color could live or buy a home are very real.

Ms. McLuster noted similar practices also applied to education, where many people of color and other minorities were given disparate treatment that resulted in limited access to education. This is not something to tiptoe around as these are very real examples.

Governments should be trying to address each of these sectors to ensure the impact of systemic racism does not result in practices which create predictable disparate treatment for marginalized communities. COVID-19 is a perfect example of how systemic practices have led to disparate treatment.

Board Member Patricia Barela Rivera commented that, while she understood what Mr. Peck was saying, it would be good to hear the presentation and then go back to some of the points brought up.

Mr. Peck stated he agrees with the point about the federal government, as after World War II the government implemented housing policies that embedded systemic racism and there is no doubt about it. Mr. Peck noted he acknowledges systemic racism as he is seen it; it is deplorable and must be rectified. However, Mr. Peck stated, did the City & County of Denver do that?

Mr. Peck noted he feels there should have been a preamble, stating certain policies adopted by the City & County of Denver over time, whether intentionally or not, led to what might be called systemic racism producing inequitable outcomes, rather than just jumping in with the statement the City & County is correcting systemic and institutional racism. Mr. Peck asked what is specifically causing the racism.

Ms. McLuster responded that while she appreciated Mr. Peck’s comments, she feels the discussion is just talking over each other. The point is for cities to look at their policies to see where they might be perpetuating systemic racism and what to do about it. The other point is to train employees in the city to look through the equity lens as they do their work, so that future policies and practices are not created that marginalize minority communities.

Ms. McLuster stated it might be helpful to go through the presentation and asked Ms. Schoon to go to the next slide. OHR’s Equity Strategies include: (1) Normalizing conversations on race; (2) Re-imagining hiring processes; and, (3) Improving access to wellness interventions.

Normalizing conversations on race is accomplished first, by conducting an intensive three-day race and social justice training for OHR’s staff, which had a 95% participation rate, discussing the historical basis of racism.

Secondly, the training led to smaller employee groups facilitating various discussions of their personal experiences, with employee champions volunteering to moderate teams. In addition, there was leadership training implemented to teach managers how to navigate conversations and show up in an appropriate manner.

Third, the HR Culture Clubs were created to expand and continue conversations with a different topic every month, with both internal and external subject matter experts. Average employee participation is 50 to 80 per meeting.

Lastly, many minority OHR employees were reaching out feeling emotionally exhausted by both the pandemic and the ongoing race and social justice movements happening nationally. Small self-care groups of no more than 10 individuals were created and facilitated by both Latino and African American clinical therapists.
The feedback was significant and led to a review of EAP practices, which indicated a poor experience for minority employees. As a result, Ms. McLuster and Heather Britton, Director of Benefits & Wellness, met with the EAP provider to discuss the feedback, which led to changes in their intake process that has resulted in an improved experience based on employee comments.

Ms. Barela Rivera asked if the race and social justice training had been mandatory for all employees and whether the same group of minority employees participate in the Culture Club.

Ms. McLuster responded the intention was to cross-populate both the training and the discussion forums to ensure all voices are being heard and encourage open participation, which has been very successful. Neither was mandatory, but the overall voluntary participation level remains very high.

Ms. Schoon commented a similar presentation was given recently to an all-staff meeting and the feedback was very positive, indicating to her OHR has come a long way toward normalizing conversations that in the past would have been unusual.

Ms. Schoon noted many municipalities have declared racism as a public health crisis over the past year, with many determinants of health determined by various conditions where people live, learn, work, and play that affect a wide range of health and quality of life risks/conditions. Examples include higher pollution levels, less access to fruits and vegetables, fewer parks, and safety issues like poor sidewalks or street lighting.

Health disparities attributable to systemic racism often stem from the fact many minorities have lower paying jobs which do not provide health insurance and there are fewer educational opportunities.

There are also fewer minority health care providers and many racial profiling and stereotyping can make it uncomfortable for minorities to access physical activity or obtain fitness. CDC statistics show Black, American Indian, and Hispanics individuals are twice as likely to die from COVID-19, and hospitalization rates are three times higher.

Ms. Schoon noted the history of workplace wellness at the city. The current programs were created to address healthcare costs, as the highest cost care is from conditions such as high blood pressure, high cholesterol, and diabetes, which can be attributable to poor diet and lack of exercise. Incentives were created for getting more physical activity, creating healthier eating habits, and tracking results through online portals such as Vitality.

Wellness data revealed a significant disparity between participation levels of White and Asian employee populations versus Black and Hispanic employees. There were also higher rates of participation among supervisors and exempt workers. Females also complete the incentive in 2020 at much higher levels than male employees.

The Wellness team worked with UC Berkeley to review the Vitality portal through an equity lens, which revealed inherent equity issues in terms of making assumptions about what people have access to and their ability to participate.

Modifying the behavioral nudges through messaging was done to increase registration and encourage more people to complete a mental health review. Additional research was conducted on the suggested activities and how points were weighed.

Ms. Schoon noted next steps included re-evaluating the incentive structure to make it more equitable and engaging, including possible changing to a more immediate reward and looking at salary-based adjustments to the incentive. In addition, more evaluation of the personnel data and survey satisfaction data to better understand the needs of minority employees as well as employees who are not earning the incentive at all.

Karen Niparko noted it was important for the Board to be aware of the work OHR has been doing in equity, inclusion, and diversity as each agency had created an EDI team to work with the Mayor’s Office of Race, Social Justice, and Inclusion.
Ms. Niparko stated the Mayor’s initiative was to ensure the city’s budgets and programs are equitable and serve all the city’s communities. OHR’s work in interviewing, hiring, training, managing, as well as creating the culture clubs, is critical to the Mayor’s initiative.

Ms. Barela Rivera thanked Ms. McLuster and Ms. Schoon for their presentation and noted it was so important for minority communities to be able to access fresh fruit and vegetables, especially in poorer areas of the city. Ms. Barela Rivera also noted the importance of addressing ageism in the workplace and ensuring inclusion for older workers in all spaces.

Ms. McLuster thanked Ms. Barela Rivera and noted this is a great topic to add to the culture clubs, which addressed a wide variety of issues.

Board Member LaNee Reynolds commented on the outstanding work being done and shared a comment a respected colleague made to her. People in the minority, which we all have been in at some point in time, just as we all have been in the majority at some point in time, have a greater lens of the disparity or differences between the minority and majority. But the reverse is not true, as the people in the majority have a harder time seeing the disparity.

Ms. Reynolds noted she often recalls this comment if she finds herself bubbling up when discussing this topic to remind herself that everyone is here to learn about the differences, and people flip back and forth between being in the majority, or being in the minority.

Ms. McLuster thanked Ms. Reynolds for her comments and noted that, while the Mayor’s initiative is focused on race and equity in specific areas, in order to do that work, you have to be able to talk about race openly.

With regard to the workplace specifically, space has to be created where all of the differences are comfortable being there, and a culture is built to support that. Having hard conversations where employees can talk about issues and show up differently is the goal in this culture-building.

Ms. Barela Rivera commented that people of color such as herself also need to learn how non-minority people feel as well. It is a give and take of learning from each other.

It is important to also acknowledge that many white people also feel very angry right now, which we need to talk about. Ms. McLuster agreed and stated everyone needs to have a voice, as it is not about arguing who is right or wrong, but rather deciding what to do about it.

Ms. Niparko thanked everyone for their participation in this very important topic.

2. Wade Balmer, Director of Marketing & Communications

Ms. Niparko introduced Wade Balmer to the Board and noted he was returning to OHR to replace Diane Vertovec, who has decided to retire from full-time work as the Director of Marketing & Communications for the agency. Ms. Vertovec hired Mr. Balmer and together they had built many of the great marketing initiatives and communications used by OHR.

Board Co-Chair Neil Peck noted Ms. Vertovec had done an outstanding job and asked Ms. Niparko to convey to her the Board’s appreciation for all she had done for the city.

Mr. Balmer presented his background and experience and stated he was pleased to be hired by OHR in this role after two years in General Services as the Public Information Officer.

VI. Executive Session:

The Board went into executive session at 10:40am and discussed several OHR issues with Karen Niparko.

VII. Adjournment: Adjournment was at 11:06am.