

Career Service Board Meeting #2401

Minutes

Thursday, September 16, 2021, 9:00am

Webb Municipal Building

201 W. Colfax Ave, First Floor, Career Service Hearings Office

Karen DuWaldt (Co-Chair)
Patricia Barela Rivera
Erin Brown
David Hayes
LaNee Reynolds

I. Opening: *The meeting was called to order at 9:04am by Co-Chair Karen DuWaldt. 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 September 16, 2021 Board Meeting.

Board Member Patricia Barela Rivera made a motion, seconded by Board Member David Hayes, to approve the agenda for the September 16, 2021 meeting, which was approved unanimously by the Board.

2. Approval of the Minutes for the August 19, 2021 Board Meeting.

Board Member LaNee Reynolds made a motion, seconded by Board Member Patricia Barela Rivera, to approve the minutes for the August 19, 2021 meeting, which was approved unanimously by the Board.

II. Board Comments: *Board Co-Chair Karen DuWaldt welcomed Erin Brown to the Board, who was recently appointed by the Mayor to replace Neil Peck and serve out the remainder of his term. Ms. DuWaldt noted Ms. Brown’s deep knowledge and experience with the city as the Mayor’s former Deputy Chief of Staff is extremely valuable and thanked her for joining.*

Ms. Brown thanked everyone for the warm welcome and stated she looked forward to contributing and serving the Career Service as a member of the Board.

Ms. DuWaldt also noted the Board and the city was saying good-bye to Karen Niparko, Executive Director of OHR, who has resigned with her last day being October 5th; today is Ms. Niparko’s last board meeting. On behalf of the Board, Ms. DuWaldt thanked Ms. Niparko for her extraordinary and dedicated performance over the last seven years.

Although Ms. Niparko had handled many challenges over the years, possibly the most challenging was the COVID-19 pandemic during the last eighteen months, which Ms. Niparko had performed with great service to the city. Ms. DuWaldt thanked Ms. Niparko for the dedication and energy she brought to the role.

Ms. Niparko has created a very strong leadership team and Ms. DuWaldt stated the Board has complete confidence they will move forward without missing a beat.

III. Public Comments: *Karen Niparko, Executive Director of OHR, thanked Ms. DuWaldt for her comments, noting what an honor it has been to serve the city, and to work with OHR's extremely talented and dedicated staff, who make a difference every day through the extraordinary work they do.*

IV. Appointment of Co- Interim Executive Directors: *The Board unanimously agreed to appoint Deputy Directors Rory McLuster and Cindy Bishop, as Co-Interim Executive Directors of OHR while a search is conducted for a new Executive Director.*

Board Co-Chair Karen DuWaldt announced David Hayes and Erin Brown will manage the Board's search efforts and thanked Ms. McLuster and Ms. Bishop for stepping up to serve as Interim Executive Directors.

V. Public Hearing:

1. Public Hearing Notice No. 652 – Prevailing Wage: Parking Electronics Technician

Conor Wildt, Sr. Classification & Compensation Analyst, presented Public Hearing Notice No. 652 to adopt a change in the pay and/or fringe benefits of the wage classification series of "Parking Electronics Technician" in accordance with section 20-76(c)(3) of the Denver Revised Municipal Code.

The following pay and fringe benefits revision was proposed, based on the service contract method:

	<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>
Parking Electronics Technician	\$26.54	\$7.60	\$34.14	\$26.84	\$7.70	\$34.54

A motion was made by Board Member David Hayes, which was seconded by Board Member Barela Rivera, to approve Public Hearing Notice 652, which was unanimously approved by the Board.

2. Public Hearing Notice No. 653 – Prevailing Wage: Furniture Movers

Conor Wildt, Sr. Classification & Compensation Analyst, presented Public Hearing Notice No. 653 to adopt a change in the pay and/or fringe benefits of the wage classification series of "Furniture Movers" in accordance with section 20-76(c)(3) of the Denver Revised Municipal Code.

The following pay and fringe benefits revision was proposed, based on the service contract method:

	<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>
Furniture Mover	\$17.36	\$6.54	\$23.90	\$17.36	\$6.60	\$23.96
Furniture Driver/Packer	\$18.44	\$6.67	\$25.11	\$19.12	\$6.81	\$25.93
Lead Furniture Mover	\$19.28	\$6.76	\$26.04	\$19.99	\$6.91	\$26.90

Board Member Erin Brown asked why the prevailing wage notice shows a total, including the fringe benefit cost, when the actual rate of pay is what matters to the employee.

Alena Duran, Sr. Classification & Compensation Analyst, responded these Notices only apply to contractors, not city employees, and fringe benefits are not necessarily offered by a particular company to their employees, so the focus is usually on the actual wage rate being offered.

A motion was made by Board Member Patricia Barela Rivera, which was seconded by Board Member LaNee Reynolds, to approve Public Hearing Notice 653, which was unanimously approved by the Board.

VI. Director's Briefing:

1. Workforce Update – Mandatory Vaccination Public Health Order

Karen Niparko, Executive Director of OHR, was joined by Deputy Directors Rory McLuster and Cindy Bishop, Tony Gautier, HR Service Team Manager, and Tyson Martens, Interim Director of Marketing & Communications, to present an update to the Board regarding the mandatory vaccination public health order issued on August 2nd for all city employees.

Ms. Niparko noted the public health order requires all city employees to have received either one dose of the Johnson & Johnson vaccine, or two doses of the Pfizer or Moderna vaccines, plus two weeks to build antibodies, by September 30th, of which yesterday, September 15th, was the last day for employees to have received their first shot, if applicable, to comply with the order.

Ms. Niparko stated a significant portion of today's presentation will be shared tomorrow with the City Council, who are particularly concerned about the impact to city services if a large number of employees are separated from employment.

Mr. Gautier shared the current vaccination compliance rate was approximately 75.2%, or 10,449 of city employees. Among the larger agencies, the airport is at 86.5%, Transportation & Infrastructure is at 78%, Denver Human Services is at 85.7%, Parks & Recreation is at 54.2%, which is skewed by the large number of on-call, seasonal employees in the agency. Among the Safety agencies, the Police are at 68.1%, the Sheriffs' are at 56.2%, and the Fire Department is at 84.3%.

For the city's boards and commissions, Mr. Gautier noted a combination of Teams and in-person verification meetings are being used to review vaccination cards for the appointed members, which is at about 50%. Heather Britton, Director of Benefits & Wellness, has been leading the drive to ensure all members are being vaccinated, which has been a little bit slower than employees, but is tracking positively.

The HRTI team is actively reporting out dashboards to the agencies and the appointing authorities on a weekly basis so they are aware of any hot spots and are updated on the latest statistics for their staff.

Board Co-Chair Karen DuWaldt asked if the information being provided includes names, to which Mr. Gautier replied in the affirmative for individuals who are not currently in compliance. Ms. Niparko clarified the information includes a list of employees who have applied for an exemption and the status of the review.

Board Member LaNee Reynolds asked what the breakdown is between medical and religious exemptions. Suzanne Iversen, Director of Employee Relations & Compliance, stated it was 90% was religious, with 10% being medical. Ms. Iversen noted this was for non-safety employees only, which was about 338 requests. Ms. Niparko stated the Department of Safety has another 200-300 exemption requests as well.

Mr. Gautier noted OHR would hire an on-call HR Technician to assist the team with tracking the testing requirements for those employees who have an approved exemption, as well as those employees who have received a first dose by the deadline and must obtain their second dose in order for disciplinary action to be stopped.

Ms. DuWaldt asked if there has been an increase in compliance since the President announced additional mandates. Mr. Gautier replied it's difficult to be sure as HRTI has been receiving a higher volume of cards as the deadline approaches.

Ms. Reynolds asked if Fire, Police, and Sheriff populations are increasing in overall compliance. Mr. Gautier stated there has been a significant increase in Police and Fire, however, the Sheriffs are lagging a bit.

Ms. McLuster commented with regard to the on-call population at Parks & Recreation, in which these employees come and go throughout the year and may not be currently active, the solution will be simply not to schedule them if they do not comply.

Board Member Erin Brown asked if there has been a notable increase in resignations among employees who are not granted an exemption, to which Mr. Gautier replied it has not been a significant amount. Ms. McLuster said there have been some employees who are choosing to retire at this time, but it is not a large number.

Ms. Martens reviewed the communications plan, including using all channels and levels, to continue encourage and remind employees and their managers of the mandate and deadlines. Most of these communications are through e-mail, with the information permanently posted on Denver Hub. Regarding media inquiries, the statistics are updated every Friday on the public-facing website.

Board Member Patricia Barela Rivera asked if there are comments or inquiries from the public regarding the mandate. Ms. Martens stated most of the commentary can be found on social media, which OHR will occasionally assist with answering a question.

Ms. Reynolds noted Technology Services is on the lower side and asked if there was any insight as to why that is. Ms. McLuster replied OHR is not entirely sure why, however, the expectation is there will be a flood of employees coming into compliance over the next two weeks as the deadline gets closer. Ms. Brown commented Tech Services is also mostly remote at this time.

Ms. Niparko thanked Ms. Martens, noting she is currently serving as Interim Director with Wade Balmer's departure and is doing a great job. Ms. Brown asked if the interviewing process has begun yet, to which Ms. Niparko replied in the affirmative.

Ms. McLuster reiterated the goal of the city is to encourage all employees to come into compliance with the vaccination mandate, and not to have to implement the disciplinary process to suspend or separate employees. That said, the proscribed discipline is the same regardless of whether the employee holds Career Service, Civil Service, or at-will status.

Any employee who has not uploaded a vaccine card after September 30th will receive a contemplation of discipline letter, stating they have not complied with the public health order and scheduling a meeting with their HR representative and manager seven days later.

At the meeting, there will be one of three possible paths. One is the employee states they are willing to become vaccinated, at which point they will be suspended without pay for 10 days, during which they must receive their first dose, or one dose of the Johnson & Johnson vaccine.

A second option is available in which the employee may choose to take their paid vacation or PTO time to become vaccinated, provided they sign a stipulation agreement confirming their intent and relinquishing their right to appeal, if applicable.

If the employee indicates they will not comply with the mandate, they will receive a letter the following day confirming their dismissal from the city.

Ms. McLuster noted there are approximately 700 employees as of today who have not yet complied, which means that many individual discipline meetings may need to occur. In most cases, these meetings will be facilitated by an HR Business Partner, Manager, or Director as well as the employee's manager. It should be noted, however, these numbers change, and the overall trend has been very positive, with more employees coming into compliance.

Ms. McLuster noted safety is the primary concern due to the highly charged nature of the discipline meetings. In most cases, the discipline meetings will be conducted via Teams, rather than in-person, which has alleviated a lot of concerns.

Ms. McLuster stated for employees who are granted an exemption, they are required to wear a mask while in the office, practice social distancing of six feet, and be tested weekly with a PCR test, with the results uploaded into Workday. Employees who are not compliant will also be subject to discipline, up to and including dismissal.

Board Member David Hayes asked what the position of the collective bargaining units covering safety employees has been with the mandate. Ms. Niparko noted this group has been the most difficult to ensure compliance with, however, they are now complying. Bob Wolf, Sr. Asst. City Attorney to the Board, commented the unions cannot collectively bargain discipline per the Charter.

Ms. DuWaldt asked if any of the unions have taken a public position on the vaccination mandate, to which Mr. Wolf stated the Police and Fire unions have been relatively neutral on the issue.

Ms. Niparko stated the unions originally had co-written a letter to the Mayor requesting their members be allowed to individually decide whether to become vaccinated, and if they did not, be permitted to wear a mask and get tested. The Mayor and the Public Health Administrator rejected this proposal.

Ms. McLuster noted a final point is the possibility of a large volume of appeals from Career Service and Civil Service employees in the event of suspension and/or termination to the Career Service Hearings Office or the Civil Service Commission. Ms. McLuster also reviewed the due process requirements of presumptive discipline to ensure the employee has appropriate deliberative time to reach a decision.

Ms. DuWaldt asked if managers are concerned about managing the compliance of employees who are granted an exemption, to which Ms. McLuster replied in the affirmative, noting that process is also being created at this time.

Mr. Wolf commented he may need to consult with the City Attorney's Office ("CAO") to discuss whether any rule changes are required to the code of conduct or disciplinary process, to which Ms. McLuster noted they have been closely involved in the plan. Ms. Niparko noted the CAO has already ruled employees do not have the right to appeal an exemption decision.

Ms. Bishop noted BMO began releasing frozen positions in April for agencies to post and fill, with a significant increase in posted positions by May. The back log of open requisitions has continued to increase monthly, with the hiring demand exceeding Talent Acquisition's staffing capacity, especially over the last two months.

As a result, OHR has requested restoration and unfreezing of recruitment positions from BMO, which has been granted and our expectation is all 13 positions will be filled by the end of October. While it is not possible to predict at this time how many more positions will be added to the current number from disciplinary action, we are hopeful the filling of our recruiting open roles will be sufficient.

Ms. Bishop stated the market remains very tight for labor, making the recruiting process more difficult for the city regardless of the position. It is taking much longer to fill open roles due to the lack of candidates.

Ms. Brown asked if Talent Acquisition had ever gone through the LEAN process to evaluate hiring process efficiencies, to which Ms. Bishop replied there may be an opportunity to look at it again. Ms. Bishop noted the time-to-hire was 94 days when she was hired to approximately 47 days today, which is very good compared to the private sector. However, there is always room for improvement.

Ms. Bishop noted they are working very closely with agencies to ensure recruiters remain focused on the priority hires and to ensure they are aware of the pipeline. Talent Acquisition has also been able to restore hiring contracts with LinkedIn and other similar online services to increase the channels of candidates.

Ms. Bishop has also been increasing the direct hire model with entry-level positions, in which the agency allows Talent Acquisition to screen, interview, and hire new employees without agency approval. Career fairs have also been re-started with the hiring freeze lifted, as well as additional advertising campaigns aimed at diverse communities.

Ms. Brown asked if the advertising campaigns aimed at diversity are using the suggestive wording provided by UC Berkeley, to which Ms. Bishop replied in the negative, but noting a broader campaign has been created than in the past. Ms. Barela Rivera also had some additional suggestions for leadership positions.

Ms. Bishop reviewed the overall statistical data over the last few years, which shows an overall positive trend with hiring metrics. Ms. Bishop stated she believes any additional hiring from the mandate discipline can be managed appropriately.

VII. Executive Session:

The Board went into executive session at 10:31am and discussed several OHR issues with Karen Niparko. The Board also met with Bruce Plotkin, Career Service Hearings Officer, to discuss the vacancy of his position from retiring on November 1, 2021.

In addition, the following appeals were adjudicated:

1. Jeffrey James vs. Denver Sheriff's Department, Appeal No. A035-20
The Career Service Board affirmed the Hearing Officer's decision, written order to follow.
2. Brandon Hudson vs. Denver Sheriff's Department, Appeal No. A016-20A
The Career Service Board affirmed the Hearing Officer's decision, written order to follow.

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