

**Career Service Board Meeting #2424**  
**Minutes**  
**Thursday, March 16, 2023, 9:00am**  
**201 W. Colfax Ave, First Floor, Career Service Hearings Office**  
**Microsoft Teams**

**Erin Brown**  
**Michelle Devoe**  
**Ashley Kilroy**

- I. Opening:** *The meeting was called to order at 9:03am by Board member Erin Brown. Members of the Career Service Board were present, are listed above, in addition to Bob Wolf, Sr. Asst. City Attorney to the Board, and Kathy Nesbitt, Executive Director, Office of Human Resources (“OHR”).*
- 1. Approval of the Agenda for the March 16, 2023 Board Meeting.**  
*Board Member Erin Brown made a motion, seconded by Board Member Michelle Devoe, to approve the agenda for the March 16, 2023, meeting, which was approved unanimously by the Board.*
  - 2. Approval of the Minutes for the February 21, 2023 Board Meeting.**  
*Board member Erin Brown made a motion, seconded by Board Member Michelle Devoe, to approve the minutes for the February 21, 2023 meeting, which was approved unanimously by the Board.*
- II. Board Comments:** *Welcome to the Career Service Board member, Ashley Kilroy. Mrs. Kilroy was a Career Service Board member about six years under Mayor Wellington Webb and under Mayor John Hickenlooper. Mrs. Kilroy indicated she served as a Career Service Board member along with Mrs. Kristin Rozansky, new OHR Director, Compliance, which served as Co-Chair of the Career Service Board most of that time. Mrs. Kilroy quit her job in the city and took a year off with her husband. Returning to Denver in January and reached out to Mayor Hancock to express her interest to continue to be active in the city. Mrs. Kilroy expressed her gratitude to be appointed as member to the Career Service Board. Board Member Erin Brown on behalf of the Board welcomed Mrs. Kilroy to this Board.*
- Kathy Nesbitt introduced Mrs. Kristin Rozansky, new OHR Director, Compliance. Mrs. Rozansky came from Colorado State where she served for more than 25+ years. Mrs. Nesbitt had the opportunity to work with Mrs. Rozansky while at the State, she described her as a dynamic attorney, with profound experience of the Career Service Board. Mrs. Rozansky served as an Assistant Attorney General, representing the State Personnel Board and licensing board. She also, worked as COO for the Department of Personnel & Administration, overseeing the department’s accounting, budget, human resources, policy, communications, and procurement teams. Mrs. Rozansky will be the HR for OHR Director and will be leading all city’s employees’ investigations. Mrs. Nesbitt expressed her excitement to have Mrs. Rozansky as part of her team.*
- III. Public Comments:** *Board Member, Erin Brown acknowledged written comments of Mr. Will Bockman (Evening Court Division Supervisor) on Public Notice No. 684. Written comments only acknowledge and reviewed by the Board.*
- IV. Public Hearing:**
1. Classification Notice No. 1760 - Probation Officer I, II, III, Judicial Assistant II, III and IV

Jon Hoffman, Sr. Classification & Compensation Analyst, presented Classification Notice No. 1760 which at the request of Denver County Court, the Office of Human Resources Classification and Compensation Division conducted a pay study for the Probation Officer and Judicial Assistant classifications to ensure competitive pay ranges. The proposed change amends the Classification and Pay Plan by changing the pay grade of Probation Officer I-III, and Judicial Assistant II as well as changing the title and pay grade of Judicial Assistant III and IV. Market data for Probation Officers and Judicial Assistants was obtained from a custom survey and published local survey data. This collective market data revealed that the Probation Officer classification series is lagging the market by one pay grade and that the pay grades for the Judicial Assistant classification series are market competitive.

Based on the results of the custom survey and local survey market data, it is recommended to increase the pay grades of the Probation Officer classifications by one grade each.

**PROPOSED PAY GRADE/RANGE**

<u>Job Code</u>	<u>Classification Title</u>	<u>Current Grade</u>	<u>Proposed Pay Grade/Pay Range</u>
CN2054	Probation Officer I	NE-11	NE-12 (\$23.48 – \$29.35 – \$35.22)
CN1829	Probation Officer II	NE-13	NE-14 (\$25.87 – \$32.99 – \$40.10)
CN2034	Probation Officer III	NE-15	NE-16 (\$29.07 – \$37.06 – \$45.06)
CC2316	Judicial Assistant II	NE-11	NE-12 (\$23.48 – \$29.35 – \$35.22)

However, the Office of Human Resources and the Denver County Court also conducted a comprehensive review of job duties performed by the Judicial Assistant III (NE-13) and the Paralegal I (NE-15) classifications, and the predominant duties are essentially the same, yet executed in different job settings (law court versus law office). Therefore, it is proposed to align the Judicial Assistant III to the same pay grade as the Paralegal I at NE-15 and also revised the classification title to Judicial Associate I and Judicial Assistant IV classification title to Judicial Associate II. The Judicial Associate proposed classifications would also be reassigned from the Clerical to the Legal Job Family.

**PROPOSED CLASSIFICATION TITLE AND PAY GRADE CHANGE**

<u>Current Classification Code/Title/Grade</u>	<u>Proposed Classification Code/Title/Grade/Pay Range</u>
CC2317 /Judicial Assistant III /NE-13	CL2317/ Judicial Associate I / NE-15 (\$27.43 – \$34.97 – \$42.52)
CL2318 /Judicial Assistant IV/NE-14	CL2318 / Judicial Associate II / NE-16 (\$29.07 – \$37.06 – \$45.06)

Board member Erin Brown made a motion, which was seconded by Board Member Michelle Devoe to approve Classification Notice No. 1760, which was unanimously approved by the Board.

- Public Hearing Notice No. 684 – Proposed Adoption of Revisions to Career Service Rule 9-102 Commuter Stipend

Heather Britton, OHR Director, Benefits & Wellness presented Public Hearing Notice 684 for the Commuter Stipend. Mrs. Britton indicated this is a Rule “cleanup” found by Cinthia Febres-Sutherland while reading the rules noticed this specific rule was outdated and asked for advice on how to proceed. Mrs. Britton mentioned that last Fall the Budget Management Office (BMO) came to the Board to request authorization to grant the employees a commuter stipend, but funding was for a certain period. Now, that funding has ended, therefore it is time to remove it from the Rules. In addition, BMO requested to grant employees a free EcoPass, but EcoPass is not administered by Career Service Rules, but administered by Salary Redirection Committee, which is the City’s Flexible Spending Account. By federal law, all City’s pretax programs need to have a committee formed. It is the Salary Redirection Committee’s responsibility is to administer the EcoPass price, they have already set the price at zero, therefore Career Service Board does not need to do so. Therefore, through this public notice, there is a removal of the free EcoPass as part of the Career Service Rules. In addition, Mrs. Britton addressed the written comment Mr. Will Bockman asking as of why we are coming into the office when it’s costing the city so much? Mrs. Britton shared she have been with the city for about 22 years, and she has ridden the bus and has incrementally been longer for her to get to work as her bus was removed from its route and now, she must take two busses instead to get to work. Mrs. Britton also commented that based on RTD’s data there are two most popular routes for our employees: dropped off at Civic Center Station and now both busses are gone from this route.

Kathy Nesbitt added that when she first started with the city was part of the conversation of the commuter stipend as they were thinking about the return to work and what we could do to alleviate some of the stress on staff. Mrs. Nesbitt commented that this is a budgetary hit, if it were to keep it. But the administration also was able to provide \$600 to employees at the end of last year and so there were some opportunities to help alleviate some of that stress.

*This year, Mrs. Nesbitt has not been part of an ongoing conversation about this item. But Mrs. Nesbitt confirmed this is not to say they won't discuss it in the future. Mrs. Nesbitt wanted to put on record that there were additional considerations provided as \$600 bonus and let the commuter stipend expired.*

*Board member Erin Brown commented that in thinking from a retention perspective and job market is still tightened as employees are looking for the balance of a hybrid model while searching for other perks that encourage them to work in downtown, is this something "off the table" or open for discussion? Mrs. Brown acknowledged that this request has a budgetary impact to the city. Kathy Nesbitt responded yes, it could be considered as ongoing discussions, but also added that OHR is looking to different strategies around retention, trying to deploy and being focused on the needs of a particular departments to impact the metrics to right direction. Mrs. Nesbitt will be sharing with the Board later. In addition, Mrs. Nesbitt added that OHR are looking for those positions that have significant turnover and address that. Mrs. Nesbitt indicated is difficult to identify solutions that are spread like "peanut butter" across an organization to impact the metrics in the right direction. For example, they are looking the top five-positions that have significant turnover: fleet technician, social case worker 1 & 2, operations technicians. This does not suggest that won't be strategies to look at for all city employees. But in terms of retention, OHR is trying to be specific and focus on how to deploy these strategies on these jobs categories.*

*Board member, Erin Brown asked if OHR knows the budgetary impact if they keep the commuter stipend in place, in which Mrs. Nesbitt responded she did not have this information at the moment. Board member, Michelle Devoe asked if there will be any value to leave the rule as is and come back to the Board? Mrs. Britton responded they will have to modify the rule either way as the rule was effective from July 1 until December 31, 2022. Mrs. Nesbitt added they need to remove because the rule has expired, and they will need to consult with Finance and or the Mayor's office to determine a new date. Mrs. Britton commented she guessed there is no additional funds because of the migrant sheltering Mrs. Britton added there was excess in the budget last year because the city had some vacant positions, and they are unsure of any kind of reimbursement for the migrant sheltering.*

*Board member Ashley Kilroy asked if OHR is looking overall at policy methods to reduce turnover and this be one, but at this moment it not one you are focusing on and if it arises to the top, OHR could go back and talk to the Mayor's office, talk to Finance. Is this a correct policy direction? Mrs. Nesbitt affirmed Mrs. Kilroy's clarifying question.*

*A motion was made by Board member Erin Brown, which was seconded by Board Member Michelle Devoe to approve Public Notice No. 684, which was unanimously approved by the Board.*

3. Public Hearing Notice No. 685 – Proposed Adoption of Revisions to Career Service Rule 10-91 Amount of Care Hours - Available

*Heather Britton, OHR Director, Benefits & Wellness presented Public Hearing Notice 685 Proposed Adoption of Revisions to career Service Rule 10-91 Amount care Hours- Available. Mrs. Britton commented that on November 2020, the state run, voter approved paid family leave benefit called FAML. FAML allows local governments to decline participation. In August 2020, OHR and City Council declined participation in the State's FAML plan, but mandate OHR create an equivalent internally administered plan. OHR created an 8-week (320 hour) Care bank through Career Service Rules effective 01/01/2023 instead that supposed to aligned with FMLA. The FMLA is a state or federal benefit that's been in place for decades and allows employees to take up to 12 weeks of unpaid leave and it's just job protected leave. All OHR did with the care bank is provide up to 8 weeks of that leave paid. Sot, it just a paid portion of FMLA.*

*Mrs. Britton indicated that OHR has had a hefty use of this program. The numbers are about double of last year for FMLA and she commented will provide the numbers to the Board. City Council asked OHR to create this program as similar as FMLA as possible. One of the unintended consequences of the Care Bank, Rule 9-91 allows employees to get overtime for any time worked over 40 hours. In the definition of hours worked are PTO, sick, Care Bank, etc. The revision to 10-91. B.3 is to modify rule for employees using care hours will not be compensated for any time exceeding their standard work week as defined in Rule -71 Standard Work Week. Mrs. Britton indicated she will be coming back to the Board more often as they modify the care bank because the city is ahead of the state as state has not even given benefits yet. The city started on 01/01/2023. Mrs. Britton reiterated city council asked them to align the program to FAML, but FAML does even allow that, and state regulations do not allow this. Mrs. Britton gave the Board the regulations on slide #3 of her presentation. Mrs. Nesbitt provided the Board with exact numbers for the Care Bank program as of 02/22/2023, Care Bank hours used in January 2023 were 12,233 hours with a total 275 employees. Cases increased from 549 cases to 650 cases, which is a 21.7% increase. From the same period last year, it was 487 cases to 582 cases.*

*In summary, OHR ended in January 2023, had exceeded as the beginning of this month last year's January numbers. Mrs. Nesbitt asked the Leave team to provide monthly updates to understand and monitor the trends. Mrs. Nesbitt commented it's a great benefit, but that it has been a significant increase in leave cases. Mrs. Nesbitt thanked, the Leave team under the leadership of Marilyn Koerner-Carroll for their hard work. OHR posted for another position in the Leave team to assist with the increase of cases. This position was already budgeted in anticipation of the increase with the implementation of the Care Bank program. Mrs. Nesbitt commented she would like to have additional due diligence in how many employees are currently using the Care Bank that would not have been eligible an addition to the Leave team has been he would like to have additional due diligence how many employees have access to this program and are using it, that would not have been eligible before because we have increased the eligibility requirements.*

*Heather Britton reiterated Mrs. Nesbitt sentiment that the program is a great benefit to employees in addition is a great addition for recruitment and retention purposes, especially new moms as they will needed to use their accumulated sick or PTO to have a full paid leave.*

*Board member Michelle Devoe asked if this benefit is retroactive, in which Heather Britton confirmed the benefit is not retroactive.*

*In addition, Mrs. Britton made a correction for the records, that the rule revision was to add the language as CSR 10-91.C not CS Rule 10-91. B.3.*

*Kathy Nesbitt added that it will be beneficial to have a conversation around how the city calculates overtime, to include "entitlement time" (as Mrs. Nesbitt refers to) which is a generous benefit for the city. Mrs. Nesbitt mentioned this not really seen in the marketplace and that the city should consider it as part total compensation package. Mrs. Nesbitt reiterated this is not to suggest removing this at this point but if it is decided to keep it then the city ought to leverage it in terms of the city building to the job market. Since there are so many vacancies in the city and employees are pushed to overtime what it cost 2-3 years is far exceeding where the city is now.*

*Board member Ashley Kilroy commented this is benefit that nurse only to benefit to the employees who are subject to overtime to begin, this will need to be look at in terms of equity & fairness.*

*A motion was made by Board member Erin Brown made, which was seconded by Board Member Michelle Devoe, to approve Public Hearing Notice No. 685, which was unanimously approved by the Board.*

## **V. Director's Briefing:**

### OHR Update – Kathy Nesbitt

*Mrs. Nesbitt started by sharing the OHR monthly Mayor's Report and indicated she will start sharing the report via email with the Board or during the Career Service Board monthly meetings. Mrs. Nesbitt commented that Mrs. Patti Rowe, Director Learning & Development was not present at the meeting because she was hosting a mental health webinar for city employees. These webinars have been successful as it allows employees to be opened and to learn more about OHR's mental health offerings but also self-care around this topic. Mrs. Nesbitt indicated during the Sr. Leadership Retreat was about how to engage the city workforce around this specific topic. As part of Patti Rowe and Heather Britton's goals is to have a specific metric tight to mental health awareness. OHR is also looking the Vitality points (city Wellness program app) to drive more people to the activities tied under the vitality app.*

*Mrs. Nesbitt indicated there have been a lot of work done around classification & compensation such as adjusting the pay tables for 2024 which be coming up in August. Also, Class & Comp is wrapping up its annual market analysis which yields two results and will be preparing to bring forth recommendations.*

*Regarding Learning & Development, they formed a team to reduce 1<sup>st</sup> year turnover from 89% to 50% focusing on the five positions that make up half of the citywide first year turnover Utility Worker I & II, Equipment Operator I & II, Eligibility Tech, Social Case Worker, and Fleet Technical I. The team will conduct focus groups within these positions, which Mrs. Nesbitt talked to Jack Davies, Director Service Teams DOTI to compare the DOTI workers and the DEN workers who have the same job title, but different type of work performed. Mrs. Nesbitt wanted to understand the difference are they different, what attracts individuals to apply for these jobs and what OHR can do to make these positions more attractive. These positions are customer facing positions, therefore the hybrid model not necessarily feasible, but OHR is looking to creative ways to look at different schedules that would likely*

attract more candidates (i.e., 4 days -10 hrs.) These focus groups are aiming to target recruiting and retention efforts.

Mrs. Nesbitt commented that if they decreased the number of turnover on these specific positions, they will be able to impact the turnover rate overall citywide. Board member, Ashley Kilroy asked within how much time the team will target to reduce 89% to 50% first year turnover rate, in which Mrs. Nesbitt responded by the end- of the year. Mrs. Kilroy commented that might be overly ambitious target and to keep team morale Mrs. Kilroy recommended for the team reconsidered. Mrs. Nesbitt indicated the team assured and confirmed to her that was the target they would like to aim for the first-year turnover rate. In addition, Kathy Nesbitt indicated she will talk to the Board about her personal goals during executive session.

Mrs. Nesbitt asked the Board to approve for Heather Britton their approval on the renewal of Mrs. Britton's appointment to the DERP advisory board for another term, which the Board approved unanimously. Mrs. Britton commented that the Career Service Board asked for this appointment about 12 years ago with the purpose of having sight into DERP at that time. Although, this appointment does not have any vote on the committee, it allows for provide guidance to committee decisions, especially when increasing contributions.

#### Hearing Office Update – Ryan Brand & Edward Tilbury

Mr. Ryan Brand and Mr. Edward Tilbury introduced themselves as the Hearing Officers for the Career Service Hearing Office (CSA). Mr. Brand and Mr. Tilbury shared the following highlights:

#### CSA Appeal Activity

- Shared Hearings: Mr. Brand indicated that as of last year they had a slightly fewer appeals than normal, it was a bit under average. But the Hearing Office decision were higher than normal, which means to them that fewer cases are settling. Mr. Brand reiterated they had more decision than they had in the last three years. Mr. Brand commented that part of the reason was the COVID vaccination cases that the Hearing Office had, which would not been seeing any longer. In addition, Mr. Brand commented that is cyclical, and that obviously they do not have control over how many appeals they receive. So far into 2023-Q1, they have 18 and they are on track to see about 80, which Mr. Tilbury confirmed the number to be 86.4, which Mr. Tilbury added this number is higher than the last nine years. Mr. Tilbury indicated it might turn out they do not get these many cases. But he asserted in the next four week, they have four Career Service hearings, and set for hearings., which represent 40% of the career service hearings of last year in one month.

Board member, Ashley Kilroy asked Mr. Tilbury to repeat the statistical increase seen for the year, which Mr. Brand responded that last year was 48 number of appeals and based on the trend that Mr. Tilbury stated and if the same trend continues, they estimate 86.4 cases. Board member Ashley Kilroy asked what they attribute the trend to. Mr. Tilbury commented that 2020-2021, most of employees were at home. It is harder to find discipline when you do not see the employees. Now, that employees returned to work, there are more opportunities for conflict or discipline or at least observe discipline. Board member, Ashley Kilroy asked what does this compared to pre-pandemic years? Mr. Brand responded he has been in the city for 10 years and he has seen the trend come and go. In part, he attributed that their appeal basis has shrunk. For example, last month, another appeal basis was removed under the performance ratings when the. If you had a performance review as non-acceptable, you were able to submit an appeal. Hearing Office received 4-5 a year on this type of cases. Mr. Brand commented they used to received discrimination claims (without accompanied with discipline), grievance appeals based on discrimination with not appeal basis, these cases have shrunk. Mr. Tilbury added the change in the sheriffs' cases, where in 2018 changed to from the burden on the agency to prove the case and now is the burden is on the sheriffs to prove that is clearly erroneous, which is significantly harder to proof. The sheriff's cases have decreased about 25-30%, but these types of cases still about 30-40% of the total amount of appeals received. As far as 2021, the number from 59 to 73, most of these cases were vaccine mandate, and 10-15 appeals received only 4-5 cases went to hearing. Mr. Brand reiterated the increase in 2021, was due to the vaccine mandate despite employees working from home, because the mandate went to effect in the middle of the year.

Board member, Ashley Kilroy requested from Bob Wolf guidance moving forward when she should recuse herself from a decision on appeal cases of the Department of Excise & Licenses due that she was the Executive Director, Excise and Licenses.

Mr. Tilbury indicated that in 2022, the Career Service Hearing Office heard 94 hearings assigned by the Department of Excise and Licenses. Brand and Mr. Tilbury had a scheduled meeting with the Department of Excise and Licenses to discuss scheduling moving forward. Hearing Office will be receiving 22 hearing cases this month from this department. In late 2022, with your permission we signed a Memorandum of Understanding to preside over Denver Department of Public Health and Environment (DDPHE) hearings, which they are estimated 72 cases a year. Mr. Tilbury added they do also a few hearings for the Department of Park & Recreation, and they continue a trend of increase in hearing cases. Mr. Tilbury indicated this is a great way to provide public service at a low cost. Mr. Brand commented that DDPHE opened a hearing officer position, so they'll hope to have more hearing officers in that agency. Currently, the Career Service Hearing Office is near capacity before even taking on DDPHE hearings with 22 from them a month, Mr. Brand estimates this will be about 69% of their total volume. Mr. Brand & Mr. Tilbury they do not get by the hour like contract hearing officers, Mr. Brand indicated that this saves the city 10 hours at \$75 an hour or 20 hours. Or however many hours. They are just a flat reimbursement 4 hours no matter how long the hearing is.

- Mediations: In Calendar 2022, Community Mediation Concepts, the City's outside mediation provider retained by City Council through their civil rights division. When individuals agree to mediation (which Mr. Brand indicated that is about 80% of the time or so) it settles successfully for the party. They highly recommend mediation, but they can't mandate it. Mr. Brand commented that it is amazingly successful when their hearings do not go to trial, largely because they ended up settling with mediation. HR feels comfortable and employees as well because they have neutral party to provide the mediation.

Board member, Ashley Kilroy, asked if it was Steve Charbonneau, Executive Director at Community Mediation Concepts, which Mr. Brand responded affirmatively. Mr. Kilroy asked if the peer-to-peer mediation program the city used to have, still in place. In this program city employees that have skilled mediation skills, hear a mediation between employees that kind of the same job classification, which Mr. Bob Wolf indicated that this program has not been used in recent years. Mrs. Kathy Nesbitt indicated that when she started, they used to have a mediation agreement with a vendor that may have one or two employees, but she have not seen really getting utilized since. Board member Ashley Kilroy asked to Mr. Brand and Mr. Tilbury to consider this tool to develop employees as the city used to pay for these employees to get meditation courses and get certified. Then these employees participated in mediation within the city. Mr. Brand indicated that this program was discontinued by Karen Niparko, former OHR Executive Director in 2016 to shift to a corporate approach, which Kathy Nesbitt indicated she would look into it. Mr. Brand indicated that this might be found in CSR 18 in 2016.

- Budget- Including reimbursements from other Agencies that use our services, the Career Service Hearing Office came in approximately 40% under budget in 2022. This resulted in nearly \$300,000 savings to the City's General Fund, which can be used in 2023 to assist the City with other projects. Mr. Brand indicated their office is 99% salaried and they hardly ever spent money on training.
- Administrative Projects- The Career Service Hearing Office is conducting virtual hearing for every agency Mr. Brand indicated that everyone loves it as they used to have individuals sitting in a conference room while being paid by the city for five hours until they were called. Mr. Brand indicated they used to do one hearing a day, now, they conduct two hearing a day. Employees can join the hearing wherever they are located and had saved the city a significant amount of funds. Board member Erin Brown asked if their hearing were 100% virtual, in which Mr. Brand affirmed it. Mr. Tilbury commented this is a great benefit to the city as it provides access to justice at a reduced cost for parties, including the community. Mr. Brand indicated the Career Service Hearing Office's website is in the final stages of being updated. Mrs. Raquel Trujillo, Paralegal for the Hearing Office, was trained on it and Mr. Brand and Mr. Tilbury thanked her for her hard and excellent work in their website.

## **VI. Executive Session:**

The Board went into executive session at 9:58am and approved the 2023 personal goals & objectives for Mrs. Kathy Nesbitt, OHR Executive Director.

## **VII. Adjournment:** Adjournment was at 10:19am.