



Career Service Board Meeting #2450

Minutes

Thursday, May 15, 2024, 9:00 a.m.

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

(This meeting has been recorded and the recording is available to the public)

Board Attendance: Michelle DeVoe, June Taylor, Jorge Avendaño-Curiel, and Lynnea Hutton, Board Members; Bob Wolf, Assistant City Attorney Section Supervisor, Kathy Nesbitt, Executive Director of Office of Human Resources. Ashley Kilroy - absent

Call to Order: The public meeting was called to order at 9:05 a.m. by June Taylor.

I. Agenda/Minutes

A. Approval of the Agenda for the May 15, 2025 - Board Meeting

Michelle DeVoe moved to approve the May Agenda; Lynnea Hutton seconded. The motion was approved by unanimous consent.

B. Approval of the Amended Minutes for the March 27, 2025 - Board Meeting

Amendment - congratulations to Ryan Brand on the birth of his baby. June Taylor moved to approve the amended March Minutes; Lynnea Hutton seconded. The motion was approved by unanimous consent.

II. Board Comments

None

III. Public Comments

None

IV. Public Hearing

A. CN 1859 Project Manager Title Changes - Blair Malloy - HR Classification and Compensation Supervisor

1. Proposed title updates for consistency purposes regarding Project Managers I and II Engineering; Project Manager I -and II; IT Project Manager I – III; and OT Project Manager III hourly with no budget impact, no pay or grade changes. 155 employees are aware of the title changes. Lynnea Hutton moved to approve the title updates for CN 1859 - Project Manager Title Changes. Jorge Avendaño-Curiel seconded. The motion was approved by unanimous consent.

B. CN 1860 TV & Media Support Technician Grade Change – John Hoffman – Senior Analyst

1. Proposed change of the current Community Rate Pay Grades and Ranges for on-call employees under CN 1860 – TV & Media Support Technicians. Technology and Media Services requested a Grade and Pay change due the lack of pay competitiveness and to align with the market rate. Current grade classification is TV & Media Support Technician. Current employees are in Pay Grade CR-10 and would add proposed Pay Grades CR-14 (with pay ranges of \$25.55 to \$35.00); CR-15 (with pay range of \$26.83 to \$36.76) and CR-16 (with pay range of \$28.17 to \$38.59) Based on the custom survey, recommended that the current Television and Video Production Support Technician

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employees be moved to CR-16's minimum pay range of \$28.17/hour. This would result in an estimated annual cost of \$39,657 which would go into effect the Sunday after the Mayor signs the ordinance into effect. The CR-14 and CR-15 were added because to close the gap on the market pay range Lynnea Hutton moved to approve the pay grade and ranges for CN 1860. Jorge Avendaño-Curiel seconded. The motion was approved by unanimous consent.

C. CN 1861 Safety and Industrial Job Classification Study & Presentation – Blair Malloy - HR Classification and Compensation Supervisor and Karla Pierce, City Attorney's Office

1. Background: In 2024, OHR initiated a citywide classification study of workplace safety position exemption statues as defined by the Federal Fair Labor Standards ACT (FLSA).
2. Received 6 initial position audit requests from one agency to reclassify 5 Safety & Industrial Hygiene Professional II and one Safety & Industrial Hygiene Administrator II positions to the Safety & Industrial Hygiene Administrators. Employees in same classifications around the city in the same classifications were asked to complete PDQs.
3. OHR and CAO attorneys specializing in FLSA reviewed Employee Description Questionnaires and found that the duties were inconsistent with the requirements of an exempt job. Overall, inconsistency with FLSA requirements were found.
4. Karla Pierce from the City Attorney's Office then provided detailed information regarding the issues arising out of the misclassification of the positions covered under CN 1861. The closest potential exemption from FLSA would be under the professional exemption and typically requires a higher level of education typically at the level of a bachelor's or master's degree. Saying an employee does not fit within this exemption is not judgement of the type of work the employee is performing. This type of exemption is a specific legal analysis and if the employee is misclassified then it exposes to the city to a tremendous legal risk. If an employee files a lawsuit and it is determined the employee is misclassified as exempt and should have been non-exempt, the city could potentially owe attorney fees and liable for backpay for double the backpay for two years and, if there is a reckless disregard, then it is for three years. It would be potentially hundreds of thousands of dollars, especially given that the CAO has now taken the position that the employees should be classified as non-exempt.
5. A number of analysts in Class & Comp and attorneys in the CAO reviewed these changes and all agreed with the proposed changes to make the positions non-exempt.
6. Proposed classification changes:
 - a. Change to an equivalent non-exempt (NE) pay grade and change titles of Safety and Industrial Hygiene Professional II to Safety and Industrial Hygiene Specialist II (Ex-11 To NE-20) and Safety and Industrial Hygiene Administrator to Safety and Industrial Hygiene Specialist III. Pay grade changes were determined by converting current EX annualized range midpoints to hourly rates and assigning closest hourly midpoints from NE pay tables; this classification will maintain their current market pricing. (EX-13 to NE-23).
 - b. Add a new NE-23 non-exempt pay range to best align the current hourly equivalent rate of the Safety and Industrial Hygiene Specialist III.
 - c. Change titles of Safety and Industrial Hygiene Professional I to Safety and Industrial Hygiene Specialist I and Safety Manager to Safety and Industrial Hygiene Manager with no changes to pay grades.
7. Employee Changes:
 - a. Five departments: DEN, DHS, DOF, DOTI, AND DPR) with a total of 30 employees in the Safety and Industrial Hygiene classification series.
 - b. 25 employees classified as Safety and Industrial Hygiene Professional II or Administrator who will move into a non-exempt pay grade/range and receive a title change to Safety and Industrial Hygiene Specialist II or III with no budget impact.

- c. Five employees classified as Workplace Safety Manager would receive a title change to Safety and Industrial Hygiene Manager only. All unfilled positions will be updated accordingly.
8. Timeline:
- a. 2024 – August through November: OHR received the audit requests and PDQs, partnered with CAO on developing the citywide study plan and collected all employee PDQs.
 - b. 2025 – January through March: PDQs reviewed by OHR and CAO; OHR and CAO discussion and review outcome; study outcomes shared with both department/agency management and employees.
9. Board Members' Questions
- a. Gathering of Information on Duties – reliance on information provided by employees as to their job duties
 - b. Calculation of Backpay – would look at badging but had not looked at it too closely because did not want to pre-judge
 - c. Exempt Duties – would they be removed? Can be doing exempt duties but would look at what employee was doing a majority of the time
 - d. Job Categories and Individual Employees – looked at both the job categories and each individual employee's job duties
10. Speakers (each were allowed to speak for two minutes):
- a. Ken Roberts: Asking CSB to hold off on deciding to change the job classification and pay.
Current position: Safety and Industrial Hygiene Administrator, DEN
Basis: Took questionnaire last year, determined his position was exempt, what changed? If changed to non-exempt from exempt, would the city pay overtime – would set up the program for failure because of the constraints on their schedule. Not a fan of unions, this could be the reason why they are coming. (Submitted his comments in writing).
 - b. Janet Bressler: Incorrect determination.
Current position: Director, Risk Management and Construction Safety, DEN
Basis: Stated the information used to make the decision to reclassify, the construction safety staff, from exempt to nonexempt contains errors, information gaps and misinterpretations stemming from a process failure to get clarification from direct supervisors to ensure accuracy.
 - c. John Saturley: Concerned about the CAO's regulatory misinterpretations
Current position: Chief Safety Officer, DOTI
Basis: Professionalism is competency, integrity and consideration of others and contributes to a positive work environment for others. Lack of competence, integrity, and consideration of others by the CAO's office. There is a history of poor conduct by the CAO's office. Cited instances of poor communication with the CAO. Customer service from the CAO is poor on this issue, citing to meetings with the CAO. There will be difficulty recruiting and retaining employees going forward and should do an analysis of the cost to pay overtime versus paying if sued. (Submitted his comments in writing).
 - d. Jason Baker: Asking Board to table the proposed changes and pay
Current position: Risk and Safety, DEN
Basis: More thorough position evaluation can be performed. His wife is in an HR position with a national agency and views his position as an exempt employee under the FLSA. (Submitted written statement). (Submitted his comments in writing).
 - e. Martin Kiertzer: Consider recommendation to move to non-exempt
Current position: Risk and Safety, DEN
Basis: New to city within the last three months. Was not non-exempt when hired and would have considered the position because it prevents him from fully doing his job by constraining him within a 40-hour work schedule. In the private sector was always considered an exempt employee and does not know anyone in the profession who is not exempt.
 - f. Danielle Chavez: Asking Board to pause and reevaluate the proposed changes.

Current Position: Safety IT Administrator, DEN

Echoing everything stated prior to her and what the rules and the complexity of the job. CAO and OHR have not through reviewed their position duties.

- g. Russell McCrimmon: Concerned about becoming specialist

Current Position: Senior Construction Safety Professional, DEN

Basis: Is a nationally known safety speaker. In his classification he is required to have 50 hours of CEU per year while others must have more. Employee Survey that just came out stated that most people are not staying an additional year and not recommending others to work for the city (Submitted written statement).

- h. Suezann Bohner: Requested that her testimony be taken in closed session due to concerns for city liability. Denied by the Board. Concerned about the changes to the status and requesting the Board table the discussion.

Current position: Construction Safety Manager, DEN

Basis: Filed grievance in 2017 that safety positions at Public Works were non-exempt and they were forwarding after hours calls to their 811 number. Making them operators all night long. The hearing office referred her to the Department of Labor stating the hearing officer was unable to rule on her exempt status. The board removed the 811 forwarding and said she was exempt. Have not changed duties of the classifications. None of her team were asked clarifying questions. Upset because she views processes followed in these types of cases as inconsistent and not transparent. (Submitted her comments in writing).

- i. Julie Wolfkill: Echoing statements by others

Current position: Safety and Industrial Hygiene Administrator, DOTI (Safety Team)

Basis: Will impact the level of people who would want to apply for the positions in safety and is concerned that it will impact the safety of city employees because we are only able to employ front-line employees.

Serves primarily with the Solid Waste Division. Has a master's degree in industrial Hygiene which required classes in Organic Chemistry, Epidemiology, Sampling Methods, Statistics and Toxicology. Many in these positions do have professional degrees. Gets calls from 6a to 7:30p that she needs to take and can't say she is off the clock.

- j. Additional comments:

1. Russell McCrimmon (additional comments after previous testimony) – unable to document all the calls he has taken over the years. Changes are being proposed without asking the employees in these jobs what they do. Denver has a program that works with small, disadvantaged businesses and helps them to plan and better ways to do things so they are able to go home to their families every day.
2. Kathy Nesbitt, Executive Director stated that she had thought she had asked the right questions to get to a resolution in this situation. She is now recommending allowing the Office of Human Resources to go back and take the time to do the due diligence to hear from the people who are doing the work.
3. Nicole DeGioia-Keane – Class and Comp Director – When the initial position descriptions came to her group, they expressed concerns about the red flags they saw to the CAO. The CAO then Class and Comp to collect questionnaires from workers who were doing work in these job classes. There were several back-and-forth discussions and eventually it was decided it needed to be brought to the Board.
4. John Saturley – wanted to express his appreciation to Class and Comp to how they listened to the agency as to the title suggestions for the positions.
5. David Barboza, Safety and Industrial Hygiene Administrator with DPR – outlined a scenario where he was calling someone at 5a to deal with a safety situation
6. John Scott, Safety and Industrial Hygiene Administrator with DPR – the PDQs did not capture a fraction of the duties covered by their positions.
7. Devron McMillin, Director of Risk Management and Workers' Compensation – in response to a question by Jorge Avendaño-Curiel as to whether the city would allow overtime, stated that given

the budget deficit, there would have to be a request for it and Finance would be very much resistant to it.

Michelle DeVoe moved to table the discussion on CN 1861 until further analysis is completed by the OHR. Lynnea Hutton seconded. The motion was approved by unanimous consent.

Board amended the agenda and moved into Executive Session (see below)

V. Executive Director's Briefing

A. Career Service Hearing Office Annual Report – Ryan Brand and Edward Tilbury, CSHO Career Service Hearing Officers

1. 2024:

- a. 90 decisions were issued by the Career Service Office.
- b. We had a lesser number of appeals filed, but statistically similar number of decisions issued, which then means there's obviously a higher percentage of matters going to.
- c. We had more EXL cases and more DPR cases.

2. 2025:

- a. A significant uptick in Career Services Appeals. Currently, at 36% of the way through 2025; we are 69% of the totals appeals compared to last year.
- b. Wage theft has been added as a client.

B. OHR Update –Kathy Nesbitt, Executive Director, Office of Human Resources

(Note: The PowerPoint presentation for this portion of the Board meeting may be found in the official Board packet, which is available to the public)

1. New Division Director Introduced

- a. Heidi Schramm, Labor Relations Director, former labor relations employee with the Veteran's Administration

2. OHR Sponsored External Events:

a. Future Fest 2025 Information:

1. 3,500 participants.
2. 21+ city departments and agencies.
3. 40+ activities showcasing careers at the City and County of Denver
4. 7 live interviews on local TVC news stations.

b. New Employee Welcome

1. Attendees

- 50+ newly hired employees.
- 20 city departments and agencies represented.
- Mayor gave remarks.

2. City Resources who were represented:

- Benefits, Wellness, and leave.
- Learning and Development.
- Talent and Acquisition and Onboarding.
- HRBP's and Compliance.
- Payroll and Department of Finance
- Technology Services.
- Mayor's Office

3. Positive feedback was provided by the attendees.

- 81% answered favorably to the question, "Did you feel a sense of belonging and support after attending today's event."

3. Highlights from the OneHR Q2 All Employee meeting:

a. Awards:

1. Kathy Nesbitt was awarded the 2024/2025 Pillar Award for Organizational Effectiveness from the Rocky Mountain People and Strategy Pillar Awards in May 2025.

2. OHR MarComm was awarded Outstanding Communication and Engagement Award from Ragan Employee Communications Awards in April 2025. In addition, they were also winners in the categories of: Best Brand Ambassador Program and Best Employee E-Letter along with Honorable Mention for Brand Champion video Series.
- b. Shout Outs to OHR Employees:
1. On behalf of Jack Davies: Outstanding leadership to Kristin Saltarelli, Maital Mehrian, and Debbie Hanley for the DPR Mentorship Program. Six successful cohorts with 16 pairs that participated.
 2. On behalf of Lisa Korock and Anne Carter: Stacy Sitz, Dimitri Clarke, Anne Carter and the Benefits team and Kevin Krug for launched a new Death Resource page for families and updating internal process document and overview map.

VII. Executive Session

Lynnea Hutton moved to amend the agenda to proceed into Executive Session and return to Public Session upon completion. Michelle DeVoe seconded. The motion was approved by unanimous consent. Executive Session began at 10:45am. Executive Session ended at 11:15am. Public Session resumed at 11:15am.

VIII. Pending Appeals

IX. Adjournment

The Career Service Board meeting adjourned at 12:14pm. June Taylor moved to adjourn the Public Session of the Career Service Board; Jorge Avendaño-Curiel seconded. The motion carried by unanimous consent.