

Career Service Authority Board Meeting #2081
Minutes
Thursday, September 20, 2007
9:00 A.M.
Webb Municipal Building
201 W. Colfax, Fourth Floor, Room 4.F.6 and 4.G.2

Board Members: Co-Chair Nita Henry
Luis Toro
Kit Williams
Tom Bonner (*absent*)

I. Board Meeting Opened at 9:03 a.m.

A. Approval of the Agenda for the September 20, 2007 Board Meeting

The Board approved unanimously the agenda for the September 20, 2007 Board meeting.

B. Approval of the Minutes for the September 6, 2007 Board Meeting

The Board asked that the Norman-Curry case listed under New Cases be stricken from the September 6, 2007 minutes, it was placed on the Agenda in error because information was not received by the Board. With this correction, the Board approved unanimously the minutes for the September 6, 2007 Board meeting.

II. Board Comments: None

III. Director's Briefing:

- A.** Acting CSA co-Director Dani Brown addressed the Board and because she has been summoned for Jury Duty on September 25, 2007, she will not be attending the City Council meeting for Career Service Authority Budget.
- B.** Acting CSA co-Director Bruce Backer reviewed with the Board the information received regarding the City and County of Denver's privatizing the contingent workforce, commonly referred to as "on-call employees" and "contract employees." Doing so will benefit the City by providing contingent workforce quickly and efficiently, benefit the employees by getting them paid in a timely manner and providing more employment opportunities and access to health benefits. The City will not privatize career status positions, only the contingent workforce is affected. Each position will be reviewed for consideration regarding prevailing wage and/or business objectives. Each agency will be responsible for paying for their contingent workforce from their existing budget. The contingent workforce will be employees of a vendor, distinct from the City and County of Denver employees.

Currently, contingent workers are hired either through the on-call merit system process or through the personnel contract process. On-call employees are recruited and tested identically to permanent employees. Agencies must interview and select candidates from a certification list. Contract employees are generally individuals who possess specific skills and qualifications that are hired to fill specialized needs on a short-term basis without a competitive process. Such employees are required to enter into a legal contract that typically takes 6-8 weeks of preparation time. In both situations, Managers must plan well in advance of need in order to hire temporary workers. The City wants a flexible, efficient process that provides qualified temporary workers to managers within 48 hours of receipt of a work order.

The City is looking for a vendor that can provide the following services:

1. Payrolling of workers supplied to the City as temporary workers. The vendor will be responsible for verifying eligibility to work in the United States; federally required documentation (I-9, W-2); scheduling, recording and verifying hours worked; payroll; State and Federal taxes; HR; and workers' compensation and unemployment payments.
2. Background checks
3. Reference checks
4. Drug testing when specified

5. Screened for working with/around children
6. Testing/skill evaluation and certification (i.e. CDL).
7. Performance Management including: discipline, salary considerations such as pay increases, terminations, and accountability for negligence.
8. Management of contracts to ensure they **do not exceed** a one-year period and provide notification to CSA and Controller of requests to extend past one year.
9. Benefit eligibility for contingent workers
10. The City anticipates needing contingent workers with skills in the areas of:
 - Administrative support
 - Library support
 - Recreational field
 - Park seasonal laborers
 - TV production support
 - Utility workers
 - Ushers

Agencies will provide to the vendor a work order with the skills needed, duties to be performed, the rate of pay and the dates to be worked. The vendor will provide the contingent worker(s) and services necessary to payroll them. The vendor will send one bill to the City monthly, broken down by agency.

Questions for RFP respondents:

1. Whose insurance covers the worker if they operate City equipment?
2. Does someone from the City need to be on duty when workers are assigned to work on the weekend or a holiday?
3. Will the same worker be assigned to the agency for the specified time period?
4. Do you have procedures in place in the event a worker is injured on the job? A designated health provider?

The Controller's Office has been asked by the Parks and Recreation management about outsourcing for a couple of classifications, and also question on how we can bring back retirees without impacting their retirement benefit. Board member Toro asked why this would effect retirement, and Mr. Backer said this would not affect the retiree if the contractor would hire and place them with us. Board member Williams asked if we have outsourcing. And have we ever used outsourcing? Mr. Backer explained that currently we usually hire contract or on-call classes with no benefits, and we may have used the purchasing office for this type of work, but is not aware of this service.

IV. Public Comments: No Public Comment

V. Approval to Post:

A. Approval to post Notice of Public Hearing to consider Department of Finance's request to deconsolidate appropriation account under Rule 14-42 b).

Peter Garritt (CSA Employee Relations) received a memo from Chief Financial Officer Claude Pumilia requesting the deconsolidation of its appropriation accounts. This is in anticipation of implementing the voter-approved Charter change that creates a Department of Finance effective January 1, 2008. Several appropriations from across City agencies were combined into one appropriation under the Department of Finance in January 2007, and Mr. Pumilia is requesting that they be split apart according to functional areas. The City hired a Chief Financial Officer and has developed an organizational structure for the new department. A separate consolidation is requested for each of the following budgets: Assessment Division, Treasury Division, Motor Vehicle Division, Budget and Management, Office of the Controller, Risk Management Office, Denver Office of Accountability and Reform, Business Process Analysis and Workers' Compensation Internal Service Fund.

The Career Service Rules require a public hearing for the Board to approve this request, and the Board can group together or break consolidation codes apart.

Board member Toro asked where the codes exist. Mr. Garritt explained that the codes are not currently matched to the divisions mentioned above but are matched to the whole department. They are in the People Soft system, and are based on funding. Board member Williams asked what the advantage is and why would we do this. Mr. Garritt gave an example of a layoff. If a department needed to cut costs and had to do so through layoff, seniority would be determined by an individual division rather than the entire agency if the funding codes were broken down by division rather than by the whole department.

The Board unanimously approved to post the Department of Finance's request to deconsolidate appropriation account under Rule 14-42 b).

The Board Members unanimously approved to take a break at 9:23 a.m., and to reopen at 9:30 a.m. for the Public Hearings.

VI. Items for Public Hearing:

- A. Public Hearing Notice 352** – In compliance with the Revised Municipal Code of the City and County of Denver, Section 20-76, subsection (c), part (3), "Determination of Prevailing Wages", the Career Service Board gives notice for the public hearing on prevailing wage for **“Tree Trimmer & Sign Erector”**.

Hameed Pousti, Compensation Analyst presented the two (2) prevailing wage issues. The first one was for Sign Erector. In accordance with the Denver Revised Municipal Code, Section 20-76 (c) (3), a yearly review was conducted concerning the pay and fringe benefits for the prevailing wage classification of “Sign Erector”. On August 31, 2007, information was received that the pay and/or fringe benefits for this prevailing wage classification was changed since the last review conducted in September 2006.

Current		Proposed	
<u>Base Wage</u>	<u>Fringes</u>	<u>Base Wage</u>	<u>Fringes</u>
\$17.83/hr.	\$3.42/hr.	\$19.92/hr.	\$3.80/hr.

The second prevailing wage was for Tree Trimmer. In accordance with the Denver Revised Municipal Code, Section 20-76 (c) (3), a yearly review was conducted concerning the pay and fringe benefits for the prevailing wage classification of Tree Trimmer. On August 31, 2007, information was received that the pay and fringe benefits for this prevailing wage class of work has been changed. Notice of the proposed increase was posted in the Daily Journal as well as all designated bulletin boards on September 6, 2007.

Current		Proposed	
<u>Base Wage</u>	<u>Fringes</u>	<u>Base Wage</u>	<u>Fringes</u>
\$15.21/hr.	\$2.12/hr.	\$15.64/hr.	\$2.12/hr.

No speakers were in attendance at the meeting.

The Board approved unanimously Public Hearing Notice 352.

- B. Public Hearing Notice 354** – Proposed Revision of Career Service Rule 19-10 A. Direct Appeals, and related provisions in Rules 5, 16 and 19.

Peter Garritt, HR Supervisor - Employee Relations and Records reviewed with the Board that the reason for this proposed rule change is to be consistent with Denver City Council's recently passed “Whistleblower Protection” ordinance and to update other sections relating to direct appeals under the current rules. The summary of the proposed changes are:

- Rules 5-61, 5-64 and 5-65 (dealing with employees without Career Status)
 1. Adds ‘violation of “Whistleblower Protection” ordinance’ as a basis for appealing employment decisions.
 2. Edits language in each section so that it is consistent with the language in the other two sections.

- Adds 'violation of "Whistleblower Protection" ordinance' as a basis for appealing a return from promotional probation under Rule 5-63.
- Adds language to Rule 16-60 N that includes violation of the City's "Whistleblower Protection" ordinance as a basis for discipline for employees who are found to have committed a retaliatory adverse employment action in violation of the ordinance.
- Rule 19-10 Actions subject to appeal;
 1. Makes it clear that former employees can file direct appeals.
 2. Makes it clear that appellants don't need to pursue a complaint before filing a direct appeal, even if they are alleging that the action being appealed was the result of discrimination, harassment or retaliation.
 3. Makes it clear that non-career status employees can file direct appeals if discrimination or violation of the whistleblower ordinance is alleged.
 4. Adds violations of the "Whistleblower Protection" ordinance as grounds for direct appeals to the Hearing Officer.
- Adds language allowing employees 30 days after action being appealed to bring whistleblower appeal, while retaining existing 15 days after notice for all other appeals.
- Attaches "Whistleblower Protection" ordinance as an appendix to the end of Rule 19.

Mr. Garritt stated that this information was approved for legality by Robert Nespor, Assistant City Attorney, City and County of Denver.

Ms. Shirley Martinez from Technology Services requested to speak at this hearing. She stated she was a whistleblower about 3 years ago, and will take 50% of blame, and was happy to see the City protecting whistleblowers. She said sometimes employees look at this as a threat. Within the last 3 years, and talking to people she has received good advice, and when she was going through her situation, it was a big learning experience. She said "we all make mistakes", and she thought she was doing the right thing at the time, and it is good that the City is placing this in line. Board member Henry thanked her for sharing her experience.

The Board approved unanimously Public Hearing Notice 354.

- C. Classification Notice No. 1250** – The proposed change amends the Classification and Pay Plan by adding Landside Service Agent I (612-N), changing the title and pay grade of Landside Operations Agent (613-N) to Landside Service Agent II (616-N) and Landside Operations Supervisor (806-N) to Landside Service Supervisor (807-N). CSA is also abolishing Landside Operations Manager.

Board Member Toro asked if the budget impact of these changes have been discussed with the agency (DIA). Classification Analyst Steve Adkison said he had met with Aviation Manager Turner West and he has signed off on this change.

The Board approved unanimously Classification Notice No. 1250.

- D. Classification Notice No. 1251** – The proposed change amends the Classification and Pay Plan by adding Project Manger I and Project Manager II. CSA is also abolishing Parks and Recreation Project Manager.

Pat Anderson, Classification Analyst spoke on this proposal to the board. CSA has created Project Manager Classes and placed them in three different occupational groups. This process mirrors the management series in that the new project manager classes will be located in three different occupational groups and linked to the specific area of specialization; professional, engineering and science, and fiscal. Creating project manager classes was the recommendation of an employee on the Job Evaluation Committee. The committee member felt that the city needed generic project management classes that could be used by all city agencies. This recommendation has been shared and discussed with a number of employees and managers within the City and all agreed that project manager classes would be advantageous to the city and employees.

Currently, the only project manager classes in the city are in the Engineering and Science and Information Technology Occupational Groups. The creation of these classes will expand an agencies ability to assign project management work and compensate employees properly for performing this type of work. CSA reviewed pay survey data from both Mountain States Employers Council and Watson Wyatt Data Services and no matches were found for the new project manager classes. Therefore, internal equity was used to determine the compensation rates.

The Parks and Recreation Project Manager class will be replaced by the Project Manager II class in the Engineering and Science Occupational Group. Currently, the Parks and Recreation Project Manager class is compensated at 815 E. This is one pay grade less than the Senior Engineer class that is compensated at 816 E. Both classes perform project management on large, complex projects. Therefore, it is recommended that the Project Manager II class in the Engineering and Science Occupational Group be compensated at the 815 E. This is a -1 pay grade difference from the Senior Engineer and takes into account that a Senior Engineer is required to possess a Professional Engineer License; whereas, the Project Manager II class does not require a license.

It is recommended that the Project Manager I class in the Engineering and Science Occupational Group be compensated at 813 E. This is based on CSA practice of allowing a two pay grade differential between professional level classes in a series where duties and responsibilities build upon each other. As for the other project manager classes in different occupational groups, CSA wants to keep the compensation rate for all of the classes relatively close due to the fact that the work the incumbents will perform is very similar just in different occupational groups.

It is recommended that the Project Manager II class in the Professional Occupational Group be compensated at 813 A. The Project Manager II can be compared to the Strategic Advisor class in the Professional Occupational Group which is compensated at pay grade 813 A. Both classes have a strategic focus, work on projects/issues that may be sensitive, controversial, and/or highly visible, act as a technical expert in a specific field and provide leadership, focus, and direction, and consult with managers, elected officials, and other stakeholders to determine and establish plans and goals. Additionally, in setting the pay for the Project Manager II at 813 A, there is a 3.7% difference from the Project Manager II class in Engineering and Science which is less than one pay grade.

The recommendation for Project Manager I class in the Professional Occupational Group be compensated at 811 A. This is based on CSA practice of allowing a two pay grade differential between professional level classes in a series where duties and responsibilities build upon each other. The Project Manager I class can be compared to the Human Resources Specialist in the Professional Occupational Group which is also compensated at 811 A. Both classes manage and coordinate projects/studies, determine how the projects/studies will be conducted, resolve problems/barriers by identifying strategies and approaches to overcome problems, and coordinate project/study goals with management and/or other interested parties. Additionally, in setting the pay for the Project Manager I at 811 A, there is a 3.7% difference between the Project Manager I in the Engineering and Science Occupational Group and the Project Manager I in the Professional Group which is less than one pay grade.

The recommendation for Project Manager II class in the Fiscal Occupational Group is compensated at 814 V. The Project Manager II class can be compared to the Agency Controller class in the Fiscal Occupational Group which is compensated at 814 V. Both classes have strategic focus, develop budgets for the assigned functions/projects, and consult with managers and/or other stakeholders to determine function/project plans and goals. Additionally, in setting the pay at 814 V, there is a 1.4% difference from the Project Manager II class in Engineering and Science Occupational Group which is less than one pay grade.

The recommendation for Project Manager I class in the Fiscal Occupational Group be compensated at 812 V. This is based on CSA practice of allowing a two pay grade differential between professional level classes in a series where duties and responsibilities build upon each other. The Project Manager I class can be compared to the Financial and Policy Analysis Administrator in the Fiscal Occupational Group which is also compensated at 812 V. Both classes coordinate and implement projects, resolve budget issues, and work with city agencies and managers to resolve problems and determine priorities. Additionally, in setting the pay at 812 V,

there is a 1.5% difference between the Project Manager I in the Engineering and Science Occupational Group and the Project Manager I in the Fiscal Group which is less than one pay grade.

There are two employees in the Parks and Recreation Project Manager class. Both employees will move to the Project Manager II class in the Engineering and Science Occupational Group. This will not affect the employees pay or pay grade. There is one employee who will be reallocated into the Project Manager I class in the Engineering and Science Occupational Group, and the budget increase of \$1,068.00 per year. This is because of the reallocation from a different occupational group and the amounts in the pay ranges are different.

Ms. Elizabeth Hamilton Sr. Architect/Engineer from Facilities Planning and Management spoke for this change and asked the Board to recommend the creation of a Project Manager 3. This class could be used when a position opens and it could be an either or position for a licensed engineer or architect. This would allow qualified employees in the department to apply. currently we have a job listed as Sr Engineer which could be either an Engineer or Architect. The Board member Toro asked if this was possible. Ms. Anderson spoke and said she would like to create a Project Manager 3, but would like to do this comprehensively, and wait for public works to reorganize.

The Board approved unanimously Classification Notice No. 1251.

Public Hearing was closed at 10:00 a.m. and the Board went directly into executive session to review cases and other personnel matters.

VII. Pending Cases:

- A. **Ray S. Stevenson**, Appellant vs. Department of Public Works – Street Maintenance, and the City and County of Denver, a municipal corporation. Appeal No. 15-07.
The Board moved unanimously to the October 4, 2007 meeting.
- B. **John Encinias**, Appellant vs. Department of Public Works, Wastewater Management Division, and the City and County of Denver, a municipal corporation. Appeal No. 02-07.
The Board moved unanimously to the October 4, 2007 meeting.
- C. **Christine Warren-Wesley**, Appellant vs. Department of Public Works, Street Maintenance Division, City and County of Denver. Appeal No. 92-06.
The Board approved unanimously the Appellant's motion to withdraw her appeal.

VIII. Executive Session reopened 10:29 – Because of the length of time taken to reappoint Ashley Kilroy, and to keep the continuity with the recruitment for the Career Service Director, with the advice from Assistant City Attorney Linda Davison, the Board motioned to approve Ashley Kilroy as a non-paid voluntary consultant for the recruitment of the Career Service Director until reappointed.

The Board approved unanimously.

IX. The Board motioned to adjourned at 10:32 a.m.