

Career Service Board Meeting #2402

Minutes

Thursday, October 21, 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 - Absent
David Hayes
LaNee Reynolds

I. Opening: *The meeting was called to order at 9:03am by Co-Chair Karen DuWaldt. Ms. Brown was absent today. All other members of the Career Service Board were present in addition to Bob Wolf, Sr. Asst. City Attorney to the Board, and, Rory McLuster & Cindy Bishop, Co-Interim Executive Directors, Office of Human Resources (“OHR”).*

1. Approval of the Agenda for the October 21, 2021 Board Meeting.

Board Member David Hayes made a motion, seconded by Board Member Patricia Barela Rivera, to approve the agenda for the October 21, 2021 meeting, which was approved unanimously by the Board.

2. Approval of the Minutes for the September 16, 2021 Board Meeting.

Ms. DuWaldt noted a correction in the minutes under Section 6 – Director’s Briefing, in which a reference was noted as Mr., rather than Ms. Board Member Patricia Barela Rivera made a motion, seconded by Board Member David Hayes, to approve the minutes for the September 16, 2021 meeting with the one correction, which was approved unanimously by the Board.

II. Board Comments: *None.*

III. Public Comments: *None.*

IV. Public Hearing:

1. Appointment of Career Service Board Co-Chairs

Board Co-Chair Karen DuWaldt noted the Board needed to elect a Co-Chair to fill the current vacancy. Ms. DuWaldt indicated David Hayes was willing to serve in this role and asked if any other board member wished to be considered.

There being no other indication of interest, Ms. DuWaldt made a motion, seconded by LaNee Reynolds, to appoint Mr. Hayes as Co-Chair, which was approved unanimously by the Board.

2. Public Hearing Notice No. 657 – Prevailing Wage: Fuel Handler Series

Alena Duran, Sr. Classification & Compensation Analyst, presented Public Hearing Notice No. 657 to adopt a change in the pay and/or fringe benefits of the wage classification series of “Fuel Handlers” in accordance with section 20-76(c)(3) of the Denver Revised Municipal Code.

	<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>
Fuel Facility Operator	\$23.41	\$7.30	\$30.71	\$23.41	\$7.70	\$30.71
Lead Fuel Facility Operator				\$24.48	\$7.42	\$31.90
Fuel Distribution System Mechanic	\$30.74	\$8.09	\$38.83	\$30.74	\$8.15	\$38.89
Lead Fuel Distribution System Mechanic	\$32.14	\$8.25	\$40.39	\$32.14	\$8.31	\$40.45

Board Member Patricia Barela Rivera asked how many employees are affected by the Notice, to which Ms. Duran noted prevailing wage notices impact employees of contractors doing business with the City, not city employees.

A motion was made by Board Member Patricia Barela Rivera, which was seconded by Board Co-Chair Karen DuWaldt, to approve Public Hearing Notice 657, which was unanimously approved by the Board.

3. Public Hearing Notice No. 658 – Proposed Revision to Career Service Rule 2-40C

Margaret Tharp, Asst. City Attorney, and Ashley Kelliher, Sr. Asst. City Attorney, presented a proposed revision to Career Service Rules 2-40C.

Ms. Tharp noted the revision added clarification the Board will select an Interim Executive Director in the event of any vacancy in the position, whereas the language currently provides appointment in the event of an absence of more than sixty (60) days.

In addition, new language specifying the Board may appoint multiple persons as Interim Executive Director was added. Ms. Tharp stated there was nothing in the rule precluding the Board from appointing multiple persons, however, the CAO felt specific additional language was appropriate.

A motion was made by Board Co-Chair Karen DuWaldt, which was seconded by Board Member Patricia Barela Rivera, to approve Public Hearing Notice 658, which was unanimously approved by the Board.

4. Public Hearing Notice No. 654 – Proposed Revision to Career Service Rule 3-41

Alena Duran, Sr. Classification & Compensation Analyst, presented a proposed change to Career Service Rule 3-41.

Ms. Duran stated the current rule provision requires two years of appropriate experience may be substituted for each required year of college education for manager classifications. OHR has determined this requirement is limiting the city's ability to hire and promote. The proposed change will limit this requirement to director classifications only.

Board Co-Chair Karen DuWaldt commented there are certain positions where the substitute of experience for education is not allowed. Ms. Duran replied in the affirmative, noting the rule specifies which classifications and related expertise require the education requirement must be fulfilled.

A motion was made by Board Co-Chair David Hayes, which was seconded by Board Member LaNee Reynolds, to approve Public Hearing Notice 654, which was unanimously approved by the Board.

5. Public Hearing Notice No. 655 – Proposed Revision to Career Service Rule 9-65

Nicole de Gioia-Keane, Director of Classification & Compensation, presented proposed changes to Career Service Rule 9-65.

Ms. de Gioia-Keane stated the minimum time for working out-of-classification would be established at one month. Clarifying language will be added stating any pay change begins the next available Sunday, which is the beginning of the work week, and pay cannot be set below the minimum of the range for the classification.

Board Member LaNee Reynolds asked why one month was selected as the minimum time for working out-of-class. Ms. de Gioia-Keane replied the spirit of the rule is to cover a longer-term vacancy, and not a short-term occurrence due to leave.

A motion was made by Board Member LaNee Reynolds, which was seconded by Board Member Patricia Barela Rivera, to approve Public Hearing Notice 655, which was unanimously approved by the Board.

6. Public Hearing Notice No. 656 – Proposed Revision to Career Service Rule 13-32

Nicole de Gioia-Keane, Director of Classification & Compensation, and John Hoffman, Sr. Classification & Compensation Analyst, presented proposed changes to Career Service Rule 13-32.

Ms. de Gioia-Keane noted there was no merit opportunity in 2021 due to the city's budget constraints from the COVID-19 pandemic. For 2022, the Budget & Management Office had agreed to a 3.02% average merit increase and lump-sum payment for approval by the City Council.

The merit tables referenced in the rule are being updated to reflect the ranges based on each agency's allocation method for employees' performance ratings. In addition, Appendix 13.A is updated to reflect due dates for completion of performance reviews and submission of merit increases/payments.

Board Co-Chair David Hayes asked for clarification on the retroactive merit payment in 2022. Mr. Hoffman noted merit increases and lump sum payments are effective the first Sunday in January, however, it takes time to audit the files and load into Workday, which Ms. de Gioia-Keane stated is done on February 15th and is effective on the February 18th payroll.

Board Co-Chair Karen DuWaldt asked if performance reviews are due by February, to which Ms. de Gioia-Keane responded the reviews must be completed and ratings finalized by December 31st. The agency appointing authorities can then complete their merit calibration discussions. The performance discussion with employees begins in January and is separate from notification of merit increases.

Ms. DuWaldt made a motion, which was seconded by Mr. Hayes, to approve Public Hearing Notice 656, which was unanimously approved by the Board.

V. Director's Briefing:

1. Mandatory Employee Vaccination Update

Rory McLuster, Co-Interim Executive Director, was joined by Shelby Felton, Sr. Asst. City Attorney, to present an update to the Board regarding the mandatory employee vaccination public health order for all city employees. Ms. McLuster noted there was good news to share, as 99% of all city employees have complied with the vaccination mandate.

Ms. McLuster stated the priority going forward was to ensure compliance with the conditions of those employees (approximately 5%) who received an exemption from vaccination due to religious or medical reasons. As discussed in previous meetings, these employees must wear a mask and be tested weekly with their results uploaded into Workday every five days, or be subject to disciplinary action.

The majority of these employees have been complying and approximately 30 withdrew their exemption request and become vaccinated instead. Board Co-Chair Karen DuWaldt asked how many employees comprise 5%, to which Ms. McLuster replied was approximately 600.

Ms. McLuster stated there were six dismissals and eight resignations to-date as a result of non-compliance, while noting that disciplinary processes were still continuing, but the expectation is there will be minimal additional actions.

Board Member LaNee Reynolds asked what the turnaround times for test results have been averaging, to which Ms. Felton stated was about 48 hours, depending on the provider.

Ms. DuWaldt clarified that at-home testing is not permitted, which Ms. Felton replied in the affirmative, stating they are not accurate enough and do not detect asymptomatic illness.

Ms. McLuster stated there has been minimal additional turnover attributable to the mandate, however, there have been a slight uptake in resignations this year. The city's turnover rate has averaged about 14% over the last three years.

Board Co-Chair David Hayes asked if the turnover includes retirements, to which Ms. McLuster replied in the negative. Mr. Hayes asked if there was an increase in retirements this year, to which Chris Longshore, Director of HR Technology & Innovation, responded there was a large spike in October 2020 from employees who accepted the special retirement incentive, but the trend has remained normal since.

Board Member LaNee Reynolds asked if certain agencies had higher levels of exemptions, to which Ms. McLuster replied the Department of Transportation & Infrastructure and Denver Human Services have a significant amount. Ms. Felton noted Sheriffs and the Police Department had the highest level of all agencies.

Mr. Hayes asked Cindy Bishop, Co-Interim Executive Director, if there has been any impact observed with recruiting from the mandate, to which Ms. Bishop stated has been minimal, with some withdrawals at the offer stage. Ms. Bishop noted there is significant tracking required of both Recruiting and HRTI staff to verify candidates' vaccination status.

Tyson Martens, Interim Director of Marketing & Communications, noted there are continuing CORA requests from the media for detailed vaccination compliance numbers from the city. Ms. Felton stated there are requests for the actual disciplinary and exemption documents, which the city is objecting to and asserting as protected information.

Ms. DuWaldt stated she wished to commend the tremendous work done by OHR and the City Attorney's Office in implementing the vaccine mandate and the continuing monitoring of exemptions.

VI. Executive Session:

The Board went into executive session at 9:44am and discussed several OHR issues with Rory McLuster and Cindy Bishop. The Board also met with George Branchaud, OHR Administrator, to discuss the open Executive Director and Hearing Officer positions and other agency matters.

VII. Adjournment: Adjournment was at 10:40am.