

SPECIAL CIVIL SERVICE COMMISSION MEETING		
MINUTES		
1:00 PM	FEBRUARY 28, 2023	AURORA ROOM and TEAMS
COMMISSIONERS PRESENT	Desmond McNeal	Chair
	Barb Cleland	Vice-Chair
	Barbara Shannon-Banister, Ph. D	Commissioner
	Matt Snider	Commissioner
	Scott Krob	Commission Counsel
STAFF PRESENT	Matt Cain	Administrator
	Emily Shuman	Senior Analyst
	Michelle Haines	Civil Service Analyst
	Heather Dearman	Civil Service Analyst
	Tom Cramer, Gary Hayes, Tonja Hayes, David Guscott, Jen Sloan, Gary Rogers	Civil Service Background Investigation Team
OTHERS PRESENT	Jason Batchelor	City Manager
	Julie Heckman, Megan Platt,	City Attorney's Office
	Ryan Lantz, Ron Hess	Internal Services
	Div. Chief Juul, Cmdr. McGhee, Sgt. Benedict, Ofc. Fisher, Ofc. Nguyen, Ofc. Syidi	Aurora Police Department
	Sgt. Thompson, Ofc. Cancino	Aurora Police Association
	Sgt. Sears	Fraternal Order of Police Lodge 49
	Interim Chief Robnett, Cmdr. Hays, Lt. Hancock, Eng. Holmes FF Barnes, FF Muldoon	Aurora Fire Department
	Tech. Pulliam	IAFF Local 1290
	Charlie Richardson	IAFF Counsel
	Jeff Schlanger, Erin Pinyak, Cassi Chandler	IntegrAssure
1) Chair Johnson called the Civil Service Commission meeting to order at 1:00 PM		
A. On a motion by Commissioner Cleland, seconded by Commissioner Shannon-Banister, the agenda was adopted as written.		
2) ITEMS FOR DISCUSSION or POSSIBLE VOTE		
A. Proposal Regarding the Fire Entry-Level Testing		Charlie Richardson, Local 1290
DISCUSSION	<p>Richardson passionately re-iterated that local 1290 does not agree with the consent decree regarding moving the hiring process to HR. A flowchart of the AFR entry-level hiring process proposal by Local 1290 was displayed. Richardson indicated that there was some initial willingness of the monitor to study the proposal, and expressed distain that the expert is now bringing up issues with it.</p> <p>Chair McNeal invited Dpty. Mgr. Batchelor to present the City's AFR and PD entry-level hiring process proposal. Batchelor stated, "Our proposed entry level hiring position largely follows the consent decree monitor, independent experts' recommendation, the proposal we believe meets the chart of requirements meets the consent decree requirements, provides for</p>	

transparency throughout the process and provides for appeals process to the Civil Service Commission to any applicant who is disqualified and does not move forward." Batchelor went through each of the phases and pointed out the distinctions between police and fire. He made additional points that all of the current Civil Service Commission FTE would remain in their current positions to administer their portion of the new hiring new hiring process, the promotions process, the appeals process and the disciplinary appeals process and there would be a need to discuss with the Civil Service administrator to determine if one or two background investigators are required to conduct review for minimum qualifications.

Chair McNeal asked for input from the departments. Interim Chief Robnett stated, "I've said to this panel before and every other panel, AFR is intently committed to meeting the provisions of the consent decree." Dpty. Chief Juul stated, "I haven't had a specific conversation with the Chief Acevedo referenced this yet, so I don't want to speak for him. However, when I when I see the proposal by the city, I think that it is consistent to with what we are looking at potentially." Chair McNeal asked if the PD would have a separate proposal. Schlanger asked for clarification on if the City's proposal was on behalf of the APD. Batchelor stated that he spoke with Chief Acevedo and he agreed with it.

Chair McNeal invited IntegrAssure for input on the union's proposal. Schlanger went through the comparison chart that they provided to the Commission and the city with their best advice on would or would not meet the consent decree mandates, and also what they thought would be best practice. He pointed out that to meet the consent decree requirement, the final say has to be with the respective departments.

Chair McNeal asked for input from the unions. Sgt. Sears (FOP) stated, "I have been able to have the opportunity to review this and its entirety and we do 100% agree and support the proposal that was given by the city."

There was a discussion about ranking and where that would be done in the process.

There was a discussion with ideas about oral boards and who would vote and what the tie breaker would be.

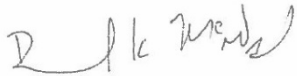
There was a discussion about what final say looked like in the proposals as well as a discussion about if final say is in the charter.

There was a discussion about ironing out the differences on the proposals and figuring out how to compromise. Vice-Chair Cleland made a motion to keep backgrounds with Civil Service for one year. Commissioner Shannon-Banister seconded the motion. Vice-Chair Cleland stated "For Matt and his staff and the people doing the backgrounds, they have to have some kind of clarity and they're sitting in limbo for the next, I don't know how long, because we can't come up with something. This at least gives them a year clarity." Chair McNeal stated, "...we sit here and say that we're going to hold them (background investigators) for a year and (it) might not be the final decision that gets made. It might be, but it may not be, so I think it's premature to throw out a motion that creates that for a yea... and we've been working on this ...this is not new. This is something that's been going on for a year and some change. I think we should hold off on that and make decisions. We need to figure out what is our final plan." Tonja Hays (CSC Lead Background Investigator) stated, "We need some decision made as to how we can get up to an adequate amount of staffing to accomplish what

	<p>you're asking us to accomplish. We're down 2 who went to HR. You're having a collision of police and fire at the same time and you want them all quickly, so we need to hire some investigators or figure out how you're going to accomplish that." Dpty. Mgr. Batchelor stated, "I would just like to point out one thing, which is, I think again going back to reiterate some of things have been said, nobody's saying the background investigations currently are done poorly or substandard. I think it is the city's proposal is largely around economies of scale. It is that consistency across that that there are backgrounds that have to be done outside of entry level hiring both for public safety...and so our intent in consolidating those is to have a larger background unit so that we can move through as quickly as possible."</p> <p>Cain suggested that the Commission try and go a little farther with addressing the differences in the proposals in order to meet the consent decree mandate. Vice Chair Cleland expressed that she needed more time to digest the proposals.</p> <p>There was a discussion about the Commission having an issue with the consent decree mandating that the Commission is not in the decision-making role. Heckman stated, "I think the consent decree, whether you agree with it or not, the consent decree says it needs to be a process where the departments have the final say, and if that is the issue, I would invite you to have that discussion." Shuman asked Heckman for clarification on who gets to decide if the consent decree violates charter regarding "Final say". Heckman stated "The City...the city has agreed to what's in the consent decree, the consent decree says in three different portions... that nothing in the consent decree is intended to, nor shall it through the implementation, be a violation of anything in the Charter. So that has already been said. That's been agreed to. That's been entered into the court. And so again, the consent decree monitor, who is the team that was selected by the parties is the one that needs to ensure that the consent decree gets implemented in a way that doesn't violate the Charter." Krob stated, "I really want to chime in, sort of in support of what Julie is saying, that there's a very basic fundamental question of whether the Commission feels that the final say question. Giving it to the departments is consistent with the Charter and you know with all due respect to the city, there's certainly lots of arguments to say that it's inconsistent with the Charter. That's a fundamental question that needs to be answered, and it's not a question that could be answered by anyone that's on the table, that's a strictly legal interpretation of what the Charter provides, frankly, that's probably a question that can only be answered by the Court.</p> <p>There was a discussion about having IntegrAssure update their comparison chart to include the City's proposal and the Commission coming up with their own proposal.</p>
<p>PROPOSALS/ CONCLUSIONS</p>	<p>Vice-Chair Cleland made a motion to keep backgrounds with Civil Service for one year. Commissioner Shannon Banister seconded the motion. The motion passed 3 to 1. IntegrAssure agreed to prepare a comparison chart that included the City's proposal for entry-level hiring.</p>
<p>B. Clarification of One Year Waiting Period</p>	<p>Commission</p>

DISCUSSION	Cain reminded the Commission of the December vote to eliminate the one-year waiting period for entry-level applicants to re-apply after being disqualified in the hiring process that was in Section II of the rule book. He pointed out that there were two other sections in the Commission rule book that included the language that was struck in December, and a vote is needed to update the rule book.
PROPOSALS/ CONCLUSIONS	Commissioner Shannon-Banister made a motion to update the rule book. Vice-Chair Cleland seconded the motion. The motion passed unanimously.
3) PUBLIC COMMENT- None Present	
4) _ADJOURNMENT – The meeting was adjourned 3:20 PM.	

ATTEST:



 Desmond McNeal, Chair



 Heather Dearman, Civil Service Analyst