

CIVIL SERVICE COMMISSION MEETING		
MINUTES		
1:00 PM	MAY 9, 2023	ASPEN ROOM and TEAMS
COMMISSIONERS PRESENT	Desmond McNeal	Chair
	Barb Cleland	Vice-Chair
	Barbara Shannon-Banister, Ph. D	Commissioner
	Matt Snider	Commissioner
STAFF PRESENT	Matt Cain	Administrator
	Emily Shuman	Senior Analyst
	Michelle Haines	Civil Service Analyst
	Heather Dearman	Civil Service Analyst
	Scott Krob	Commission Appeals Counsel
OTHERS PRESENT	Jason Batchelor	Interim City Manager
	Julie Heckman, Pete Schulte, Kimberly Skaggs	City Attorney's Office
	Ryan Lantz, Ron Hess	Internal Services
	Interim Chief Acevedo, Interim Dpty. Chief Morris, Div. Chief Juul, Div. Chef Lanigan, Cmdr. McGhee, Sgt. Hummel, Agt. Longshore, John Schneebeck	Aurora Police Department
	Sgt. Sears, Sgt. Benedict	FOP
	Chief Oughton, Dpty. Chief Robnett, Cmdr. Hays, FF Barnes, Sherri Jo Stowell	Aurora Fire Department
	Charlie Richardson	IAFF Local 1290
	Erin Pilnyak, Jeff Schlanger	IntegrAssure
1) Chair McNeal called the Civil Service Commission meeting to order at 1:00 PM		
A. On a motion by Vice-Chair Cleland, seconded by Commissioner Snider, the agenda was adopted as written.		
B. On a motion by Commissioner Shannon-Banister, seconded by Commissioner Snider, the minutes for the regular meeting on April 11, and the special meeting on April 25, 2023, were unanimously approved.		
2) AGENDA ITEMS (Requires a vote)		
A. NONE		
3) ITEMS FOR DISCUSSION or POSSIBLE VOTE		
A. Cadet Preference Points for Police Officers		Division Chief Juul

<p>DISCUSSION</p>	<p>Chief Juul discussed a police cadet program in partnership with the Community College of Aurora, that the department would be presenting to Council. He indicated that it would be a structured program with metrics and expectations for participants, including maintaining GPAs, attendance, and volunteer service. He expressed that it would bridge the gap between Explorers, who age out, and finding a nice and diverse employment pool from the college.</p> <p>Juul stated that they would be requesting 10 preference be added for anyone who was a cadet. He also suggested increasing the points allocated for proficiency in languages from 5 to 10 points, considering the valuable service they provide to the community. There was a discussion about the language preference points policy regarding adding more languages and changing the point system.</p>
<p>B. Disciplinary Appeal Rules & Regulations Revision</p>	<p>Commission</p>
<p>DISCUSSION</p>	<p>Cain summarized the draft changes for disciplinary appeals: He stated that the Commission has been practicing the designation of hearing dates for each calendar year, specifically reserving Tuesday and Wednesday of the last month. There was a discussion on how to incorporate this practice into the rules according to the consent decree. There was a back and forth about the wording for this section to allow flexibility. The proposed amendment was to have the Civil Service Commission reserve a minimum of two consecutive days per month for potential hearings throughout the calendar year. These designated dates would be shared with the City Attorney's office and the Hearings Council for their respective labor groups. There was a suggestion to include a specific date in the rule, such as November of the preceding year, to establish a deadline for reserving hearing dates for the upcoming calendar year. There was a discussion about what would happen if the hearing lasted more than two days.</p> <p>Cain stated that the Commission has used a consistent format for its disciplinary appeal findings over the years. He stated that the current format has been reviewed and approved by the consent decree monitor and is suggested to be included in the rules as a template.</p> <p>Cain explained the publishing of appeal documents online. He added that since the consent decree went into effect, the practice of publishing findings, pleadings, and appeals of discipline filed by Civil Service members online has been in place. He stated that it is recommended that this practice be formalized and included in the rules.</p> <p>There was a discussion is about whether appeal hearings should be open or closed to the public. Cain stated that currently, the rule states that the Commission promptly provides the appeal to the city attorney's office with the appellant stating whether they want it to be opened or closed. He added that in practice, the Commission agrees with whatever the appellant wants. The proposed change suggests</p>

	that the city attorney's office would have five business days to respond to the appellant's position on whether the hearing should be open or closed. If the parties agree, the Commission accepts their position. However, if they disagree, the Commission follows a specified procedure to decide whether the hearing should be open or closed. There was a discussion amongst chiefs and unions regarding the transparency and public access to hearings. Some argued for a presumption of openness unless the appellant requests closure and provides reasons. Some expressed the importance of public trust and access to information in cases involving disciplinary actions. Others argued that privacy should be respected and that obtaining records through legal means should be sufficient for those interested.
PROPOSALS/ CONCLUSIONS	Chair McNeal made a motion to approve the amendments to hearing dates and continuances, continuing the practice of publishing the appeal, pleadings and findings online and the format of published opinions. Vice-Chair Cleland seconded the motion. The motion passed unanimously. The Commission tabled the discussion about open vs closed hearings.

4) REPORTS

A. COMMISSIONER REPORTS-

- Commissioner Snider stated that the Police academy graduation was an exciting day with some very fine officers. He added that he enjoys seeing the end product of all of the very difficult and challenging work that the Commission does.
- Chair McNeal stated that it was exciting to see all the men and women of the Aurora Fire Rescue being celebrated for their hard work at the Fire Awards ceremony.
- Vice-Chair Cleland summarized the amount of background file reviews and interviews that the Commission has done over the past couple of processes. Commissioner Snider expressed a notable lack of quality and information in the background files that have recently been done by the HR group.

B. LEGAL COUNSEL REPORTS-No comment

5) COMMENTS

A. FIRE DEPARTMENT – No comment

1.Chief or Designee – No comment

2.Union Designee –Union counsel Richardson noted that starting on July 1st, there would be no more comments blaming the Commission for a hired officer. He expressed that Krob should have been at the meeting today for discussion of disciplinary hearings and asked Heckman and Schulte for an update on Krob's status. Schulte encouraged Richardson to talk to Brotzman. Chair McNeal stated that it was an ongoing discussion.

B. POLICE DEPARTMENT

1.Chief or Designee – Interim Chief Acevedo stated that a new law has been passed allowing POST to accept DACA (Deferred Action for Childhood Arrivals). He expressed the need to start recruiting people and urged the Commission to change the rules.


2.Association Designee

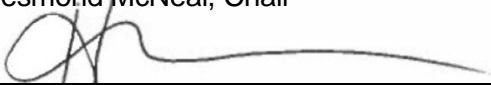
- APA – No Comment
- FOP – No Comment

C. CITY MANAGER DEPARTMENT –No comment

D. PUBLIC COMMENT- None Present

7) _ADJOURNMENT – The meeting was adjourned at 2:49 PM.

ATTEST: 

Desmond McNeal, Chair


Heather Dearman, Civil Service Analyst