

PERSONNEL MERIT COMMISSION ANNUAL MEETING

Minutes May 6, 2013

Meeting Summary

The Commissioners are required by Chapter 2-12 of the Broomfield Municipal Code to meet at least once annually to elect a chairperson.

Roll Call

Present: Commissioners present at the meeting included Gary Berlin, Joshua Brand, Jerry Donahue and Alternate Aspen Villanueva.

Others in attendance: Director of Human Resources Suzanne Smith.

The meeting was called to order at 5:08 p.m. Each commissioner provided a brief personal history to the other members.

Agenda Minutes

<u>Disposition of Minutes:</u> There were no changes to the minutes of the June 22, 2012 meeting (Motion to approve minutes by Mr. Donahue; second by Mr. Brand. Unanimous approval).

Regular Business

<u>Election of Chairperson and Vice Chairperson:</u> Mr. Donahue made a motion to nominate Mr. Berlin for chairperson. The motion was seconded by Mr. Brand and, hearing no other nominations, the motion was unanimously approved. Mr. Donahue made a motion to nominate Mr. Brand for vice chairperson. The motion was seconded by Mr. Berlin and, hearing no other nominations, the motion was unanimously approved.

Roles and Responsibilities: Ms. Smith explained the roles and responsibilities of the Commission with regard to disciplinary action appeals.

Employees may appeal a disciplinary action (suspension without pay, demotion, termination) to the Commission within 10 work days of receipt of the decision notice from the appointing authority. Human Resources provides the Commissioners with a copy of the appeal form within five days of receipt of the appeal form. Ms. Smith explained the provisions within the Personnel Merit System relating to disciplinary action including the types of offenses for which an employee can receive discipline. Broomfield uses the concept of appropriate action rather than progressive action. Steps will vary depending on the circumstances and any mitigating factors. The supervisor considers the severity of the situation and/or actions taken previously to address conduct and performance issues.

The Commission determines if appeals are within the purview of the Commission and if the appeals are properly before the Commission. The Commission conducts a hearing similar to a civil court proceeding. The City and County has the burden of proof by any competent evidence for the imposition of a disciplinary action against an employee. The Commission determines if the discipline imposed was unjust or inappropriate in light of the severity of the offense, the employee's prior corrective or disciplinary action records, or mitigating factors. The Commission may sustain or overturn the decision and the Commission's decision is final and binding.

The hearing is conducted within 30 calendar days of receipt of the appeal form unless the Commission extends the deadline. The hearing is subject to Colorado's Open meeting law. The employee and/or the City may issue subpoenas and the hearing is recorded.

The Commission may receive all or part of the evidence in written format and the rules of evidence and requirements of proof generally conform to those used in civil non-jury cases. The Commission may exclude incompetent and unduly repetitious evidence. The Commission prepares a written decision within 30 days of the close of the hearing. If the discipline is overturned, relief is limited to back pay. Relief does not include attorney's fees, punitive costs and other costs.

Other Business: There was no other business. Adjournment The meeting was adjourned at 5:42 p.m. Approval	
Approved by	, Chairperson