

Classified Personnel Council Meeting
Thursday December 13, 2018 12:30pm-2:00pm
Regular Monthly Meeting
LSC 308-310



**CLASSIFIED
PERSONNEL COUNCIL**
COLORADO STATE UNIVERSITY

Agenda

- Jim Abraham, Environmental Health Services
- Stacey Baumgarn, Facilities Management
- Leah Bosch, CVMBS
- Carol Carroll, Facilities Management
- Nancy Cowley, Lory Student Center
- Lourdes Zavala, The Access Center
- Joseph Gallegos, Facilities Management
- Brian Gilbert, ACNS
- Wayne Hall, ACNS
- Kelly Hixson, Housing and Dining Serv.
- Dan Kelso, Central Receiving
- Clint Kranz, Housing and Dining Serv.
- Randy Lamb, Housing and Dining Serv.
- Anselma Lopez, VP for Enrollment Acc.
- Adrian Macdonald, Statistics
- Dustin Pothour, Facilities Management
- Chuck Richards, CSU Police Department
- Will Schwab, Facilities Management
- Megan Skeehan, Dept of Accounting
- Laura Snowwhite, Business and Financial Serv.
- Kristen Stephens, Statistics

Ex-Officio Members & CPC Volunteers:

- Steven Dove, APC Representative
- Paige Flores, Department of Biology
- Eric Gardner, Housing and Dining Serv.
- Diana Prieto, Human Resources
- Robert Schur, Policy and Compliance

Guests: Martha Coleman
Dawn Rumley

Call-to-Order 1:01 PM

Announcements:

- *Happy Birthday* this month to: Brian Gilbert!

Special Guests:

- David Leathers and Liz Tetrault – Taxable Uniforms and clothing
 - History of the law goes back to 1980s. IRS has just started enforcing Tax Code Section 132 – Working Condition Fringe. University of Louisville was fined \$250k for this tax code violation. The law defines what is taxable, not what is not taxable. The clothing cannot be suitable for everyday wear. It is not enough where the employee wear distinctive clothing, it cannot be suitable for taking the place of regular clothing. Everything is taxable unless it has a distinct exclusion. Police uniforms are distinct. Facilities polo shirts are not.

- CSU will only enforce taxable items that were purchased or distributed after January 1, 2019. Any items purchased or provided prior to January 1, 2019, CSU will not look to review those purchases. CSU will only look to audit anything after January 1, 2019.
- Steel-toed boots are now everyday wear. This is not CSU's choice. We have to go by what the law says.

Jim – With respect to Steel - toed boots – we are required to wear steel-toed boots at our waste facility due to safety.

Dave – Do they walk through the waste?

Jim – It's radioactive and chemical waste, they don't walk through it, they are wearing the boots because of the safety of handling drums that are several hundred pounds.

Dave – OSHA had the best definition of steel - toed boots "Everyday wear"

Jim – CSU doesn't follow OSHA.

Dave – Doesn't matter.

Jim – So it is not enough for us (CSU) to require it? What if the employee is required to return the clothing item after their employment.

Dave – The employee still received the personal benefit of the clothing.

Kelly – But it's not a benefit if I'm required to wear it.

Dave – But you're replacing your personal clothing.

Kelly – I'm required to wear this clothing.

Dave – You wouldn't be able to identify you as different to anyone else if I moved you away far from this location.

Jim – I would be able to identify her as a Facilities employee.

Dave – That doesn't fit the definition of a "reasonable person" by the IRS standard. It has to be something that is not "everyday wear".

Jim – If we had a series of waste boots in different sizes for everyone to wear that would not be taken home, that would not be taxable?

Dave – That's correct.

Bob – We've had the question come up where there are articles of clothing that have to be left at work. Even though they can't be taken home, that doesn't mean they are not taxable. Leaving it at work is not enough. We need to have some FAQs to address these issues.

Dave – I've started a list of FAQs for this issue and I'm communicating with Housing and Dining as well as Facilities.

Dan – If we have shirts we've purchased (that are required for facilities personnel to wear) prior to January 1st that have not been distributed yet, will we have to issue those shirts as taxable?

Dave – Yes, anything that is distributed after January 1st needs to be tracked. Unless it is de minimis (less than \$50 and completely random) then it is taxable. It's random if you're handing out t-shirts to random people walking by ... but if I hand a random t-shirt to everyone in my department, then it is not de minimis – because I can track where that shirt went. The law says it has to be fair market value and we have to pay fair market value for all clothes that we can wear outside of work. Athletics will have to comply, but not anything that is a uniform.

Adrian – What about sneakers for a basketball player?

Dave – It is part of their uniform. We have people that are working in Alaska – they need a coat for the arctic – is that unique? Can you purchase it on Amazon? We will work with you and we'll look to see how we can make it work, but sometimes we'll have to just pay the tax.

Leah – Has there been a discussion as to what can be worn that would be identifiable and considered a uniform ?

Dave – That is up to the department on how they want to operate. Parking services is a great example, wearing shirts with parking services, but a traffic vest would not be considered everyday wear.

Lordes – If we were to issue a vest that does not identify a person and can be reused for orientation, that is not taxable ... but if we personalize the vest it is taxable ?

Dave – Correct.

Stacey – Is the onus on the department to keep track of what is distributed regarding clothing?

Dave – Correct. The reporting goes through HR.

Leah – How will this look on your W2 form?

Dave – It would show up in your box 1 value. We are working with PERA to make sure it is not PERA eligible with respect to retirement.

Jim – Back to the \$150 boots. What is added to the Box 1, is it the total value of the boots?

Dave – Yes, the full value of boots will be added to your Box 1 income.

Adrian – Would the IRS audit the individual or the University?

Dave – I don't know precisely, but it would depend.

Chuck – Why was the University of Louisville fined?

Dave – Mainly because of athletics and clothing that is worn during sporting events. The money for that uniform doesn't come to the University, but the University is responsible for the tax on that purchase or donation. So let's say a uniform is not taxable – but the t-shirt provided to wear underneath the uniform is taxable.

Megan – What about a plaque that is given as an award?

Bob – I think a one-time award for something that is provided that is less than \$50 is not taxable.

Stacey – We have a recognition committee, would awards provided cause an issue? We'll need a solution.

Dave – That is random and thus, not taxable as long as less than \$50. Anything over \$100 is not de minimis.

Jim – So there is been some talk about clothing purchased prior to January 1st not being able to be taken home. Is that the case?

Dave – We are not enforcing anything prior to January 1st.

Lourdes – A comment I have is that if a department requires a particular type of clothing, then a lower paid employee has no choice but to abide by the directive and then they are taxed on it.

Dave – That is correct.

Jim – What about new safety clothing. There are now chemical resistant clothing that can be worn in laboratories that look like regular clothing. Is that taxable.

Dave – That may be exempt. Talk to us about that one when you get a chance. Fire-retardant is taxable, but chemical retardant may be exempt.

Lourdes – This really speaks to the classism that exists with some State Classified employees.

Dave – Unfortunately, tax law doesn't take that into account. There can be many ways to get around this issue, but the uniform has to be something that cannot be worn as attire outside of work.

Leah – Question I have is there a way for us to have an employee put a deposit down for clothing and then get that money back when they return the clothing?

Dave – So it is not taxable – Yes, that would work, but the tracking of that money would be very tough to track and then return. We're also talking about typically low amounts of money.

Jim – What about the fact that Facilities is required to return shirts at the end of their employment. The shirt is not theirs.

Dave – Tracking that would require amortizing the value of the shirt over the term of their employment and for the small amounts of money - that is not feasible.

Megan – We're going to have to do this because the IRS is enforcing this. Thanks to Dave for coming in to explain this. It is much appreciated. I'll be following up as I have further questions. If we do our best to be as consistent as possible, that will help everyone enforce this in the best way.

Stacey – Megan, you may want to look into our recognition committee and ensure we look at clothing line items to make sure we're in compliance.

Dave – Ohio State University was fined \$52,000 for providing 7 executives shirts. The IRS has made this a priority for 2 years in row because it is easy money. We'll be happy to look at any different angles we can to address your concerns. Thank you.

Reports / Updates:

- Approval of CPC 2.14.2019 Meeting Minutes. Motion to approve by Brian. Second by Kelly. Motion Carried. Minutes approved.
- Adrian Financial Update – No money spent in February. We do have expenses for Employee recognition and everyday hero. Ads in CSU life will also be coming. Brown bag Lunch expense.

Megan – If your committee has any ideas for brown bag lunches or an expense you need, please reach out and we'll see if we can accommodate your request.

- Anselma Lopez – President Search update
We met with candidates and had airport interviews last week Monday, Tuesday and Wednesday. We sent recommendations to board of governors. There were a handful of candidates. There is no opportunity for public comment. Internal candidates were allowed to apply. We should know in the next several weeks who the board of Governors selects as the next President of CSU. There is no opportunity for public comment until a candidate has accepted the position and it is announced.
- Positive Action Award
Megan – was not able to finish the award due to extenuating circumstances. Will send it out to the committee for an email review. I will email it out to the CPC and I'll look for an email vote if everyone is OK with that.
- Recruiting CPC members for FY20 for 3 year terms – deadline to submit the self-nomination is March 29. Megan sent out an email to all department heads and deans about recruiting members. We've had 3 people so far send in self nominations. There are 5 people on CPC whose terms are expiring. There will be 11 open spots on CPC for next year. Please spread the word and invite them to a meeting.
- Outreach committee – Megan – this committee has not met in sometime. Will has been unavailable and is uncertain if he is going to remain on the CPC. I would like to propose if someone can step up and take the chair position for the Outreach committee, I think it would be helpful to have someone in that position. Please email Wayne if you are interested.

Stacey – When do you anticipate a call for elections for the CPC?

Megan – We'll be looking at doing this in our April Meeting, but a call for officers and if you want to run for any position on the Executive Committee, please submit your self nomination by March 29th.

Stacey – A Self-nomination should be done by then and included in the meeting packet so everyone can see prior to the meeting in April.

Megan – You can also self-nominate from the floor at the April meeting.

Dan – Is there anyone looking to leave from the executive committee ?

Megan – Everyone has indicated they want to return.

CPC Committee Reports:

- Communications – Leah Bosch – Article out in CSU Life. We updated the website with the brown bag lunch information. We will also put together an article on the tax information
- Employee Recognition – Nancy and Anselma – We are going around and taking pictures of winners and conducting interviews. Laura is on the committee for the CPC awards Luncheon as well.

Megan – Frank Boring is going to present at our luncheon as the guest speaker. He is the documentarian for the CSU sesquicentennial (150 years) celebration.

Stacey – List of invitees can be large. If we have more money than we've had in the past, let's invite more people. Can we bring a guest?

Megan – We will be in the Longs Peak room, which is a little smaller than what we've had in the past.

Stacey – Did we add the Education Assistance award winners to the list?

Megan – Yes we did.

Anselma – We gave out 8 every day hero awards. Can we invite those people?

Megan – We'll look to see what we can do.

- Legislative – Brian Gilbert – Jim and Adrian are compiling information for leave benefits for all 50 states. We should have that information soon.

Jim – we should have more information for you in the next couple of weeks.

Kelly – the 5 step review process has been put on hold due to the election, where are we on that?

Diana – the State is still putting people in place and they are still in transition. Jim, would you be willing to share the information for leave as a benchmark with HR?

Jim – Sure. Some preliminary info is that the State of Colorado is lower than most states for Sick Leave (SL) than any state in the union. For any state that was lower in SL than Colorado, they had personal days designated to compensate for the lack of Sick Leave.

- Outreach Events –
- Work Life – Kelly Hixson – We scheduled Brown Bag lunch presentations. Bob helped us with information from some of the classes he's put together. They are scheduled through April. We are allowing all folks to attend whether AP or SC or Faculty. Leah will add it to the Source. We have room for 30 people for each session. Brown Bag lunch schedule is also on the "Dates to remember" section of the agenda. Topics include On-line resources, taking charge of your credit, money management, and home-buying 101.
- Executive – Megan Skeehan – I sent a letter to Governor Polis to outline CPC concerns and priorities. I brought up our concerns on wages similar to the letter sent to Governor Hickenlooper. Recruiting and benefits were also highlighted in the letter. We will also be looking at CPC committee membership on university committees, as we are lacking membership on university committees.

Megan – any other items to discuss ?

Diana – We have a consultant company HRQ, that will be looking at how HR functions work within HR and departments around campus. We will have a meeting where the CPC will be invited to participate and examine how HR maps processes.

Meeting adjourned 3PM – **Thank you!**

Dates to remember:

- April 9th – CPC Brown Bag Lunch Comp Psych-Online Resources, LSC 376 12:00pm-1:00pm
- April 10 – Celebrate CSU
- April 16 – CPC Awards Luncheon 11:30 am – 1:30 pm
- April 19th - CPC Brown Bag Lunch Take Charge of your Credit. LSC 322 12:00pm-1:00pm
- April 23rd - CPC Brown Bag Lunch Money Management. LSC 322 12:00pm-1:00pm
- April 26th - CPC Brown Bag Lunch Home Buying 101. LSC 322 12:00pm-1:00pm

CPC Calendar

MARCH

- **COUNCIL** Encourage State Classified employees to submit a CPC membership self-nomination
- **EXECUTIVE** Review and update officer roles and responsibilities
- **CHAIR** Contact HR regarding date, time, etc. of State Classified Benefits Fair
- **CHAIR** Call for CPC member nominations; pinpoint departments on campus in need of CPC representation, ask VPUO to reach out to department heads and deans, and request department liaisons to re-circulate communications to State Classified in their areas
- **CHAIR** Assist with the creation of a ballot and nominate election tellers (if needed)
- **CHAIR/VICE CHAIR** Attend APC Recognition Luncheon
- **VICE CHAIR** Request Director of the Office of Policy and Compliance and the Deputy General Counsel attend June meeting to provide legislative update
- **OUTREACH** Host building parades (building specific visits) to build awareness about the Council and encourage State Classified employees to consider joining
- **OUTREACH** Finish planning Spring Outreach Event
- **OUTREACH** Start planning something for “I Love CSU Day”
- **RECOGNITION** Plaques, and other items for Positive Action, Outstanding achievement, Celebrate! CSU.

APRIL

- **COUNCIL** Attend Spring Employee Appreciation Event
- **COUNCIL** Attend Celebrate! CSU
- **COUNCIL** Attend CPC Legislative visit to the State Capitol
- **COUNCIL** Participate in CPC member elections (if necessary) and CPC officer elections
- **COUNCIL** Attend CPC Recognition Luncheon
- **EXECUTIVE** Finalize arrangements for CPC Recognition Luncheon: send invitations, catering order, purchase and pickup trophies and gifts, print program, etc.
- **EXECUTIVE** Host CPC Recognition Luncheon
- **EXECUTIVE** Attend annual meeting with University President, VPUO, and APC leadership
- **CHAIR** Sign letters for Outstanding Achievement Award nominees, recipients, and nominators

- **CHAIR** Present Outstanding Achievement Awards at Celebrate! CSU Awards ceremony
- **CHAIR** Announce election results and contact new CPC members: invite them to June meeting, new member orientation, and July retreat, and obtain preferred spelling for nametag, and supervisor info for letter from University President, etc.
- **LEGISLATIVE** Host CPC legislative field trip to the State Capitol
- **OUTREACH** Host Spring Outreach Event
- **OUTREACH** Coordinate CPC participation for “I Love CSU Day”
- **OUTREACH** Arrange for CPC to have a table at the State Classified Benefits Fair
- **RECOGNITION** Present Positive Action Award nominations to the council for vote, tally the votes, select a winner, and notify CPC chair; purchase plaque; create, sign and send letters to nominees and winners; submit story to SOURCE and update website

MAY

- **COUNCIL** Attend State Classified Benefits Fair
- **EXECUTIVE** Reserve location, catering and speaker for CPC Retreat
- **EXECUTIVE** Plan new member orientation
- **CHAIR** Update CPC calendar
- **VICE CHAIR** Host final committee chairs meeting
- **COMMITTEE CHAIRS** Attend committee chair meeting: discuss accomplishments, challenges, lessons learned, and suggestions for improvement; if necessary, plan committee chair transition; prepare list of accomplishments / year-end report for CPC Annual Report
- **COMMITTEE CHAIRS** Review and update committee roles and responsibilities
- **LEGISLATIVE** Prepare summary of legislative session
- **OUTREACH** Start planning Annual Employee Appreciation Event; work with CSU Events, APC, Faculty Council, the VPUO and President’s Office: discuss date, agree on event budget, select employee appreciation gift, determine when to send invitations (and who will do it), discuss vendors / tables / booths desired, determine activities, music, sponsors, other (CPC) giveaways, door prizes, etc.
- **OUTREACH** Reach out to School is Cool organizers

JUNE

- **EXECUTIVE** Spend remaining funds and closeout year-end account
- **EXECUTIVE** Complete officer transition
- **EXECUTIVE** Plan next year’s budget
- **EXECUTIVE** Order name tags for new members
- **EXECUTIVE** Host CPC new member orientation: discuss Constitution & Bylaws, budget, goals, vision, member expectations, etc.
- **CHAIR** Prepare the annual report for approval by the Council before submitting to President and designee
- **TREASURER** Prepare a fiscal year-end Treasurer’s Report
- **SECRETARY** Collect CPC Representative plaques from non-returning members
- **SECRETARY** Schedule meetings / reserve rooms for the next year
- **VICE CHAIR** Assign representatives to CPC and University committees

- **COMMITTEE CHAIRS** Send a summary of committee activities and accomplishments and an updated list of committee roles and responsibilities to the CPC Chair
- **UNIVERSITY COMMITTEES** Send a summary of committee activities and accomplishments to the CPC Chair
- **RECOGNITION** Review and update (if necessary) award criteria and processes for next year
- **OUTREACH** Work with CSU Events to finalize Annual Employee Appreciation Event details
- **OUTREACH** Figure out volunteer shifts for School is Cool