

## RULE 3 SELECTION

(Effective May 4, 2007; Rules Revision Memo 18C)

### Purpose statement:

The Career Service Authority (“CSA”) selection process is intended to provide City departments and agencies with the best qualified employees by publicizing job opportunities, examining applicants, identifying those with the greatest merit and providing their names to the various departments and agencies for hire or promotion.

### Section 3-5 Definitions

- A. Certification: The act of providing an appointing authority with one or more lists of candidates eligible to be hired into a particular vacancy.
- B. Demotion: An appointment of an employee to a position in a classification in which the entry rate of the pay grade of the new classification is lower than the entry rate of the classification previously held.
- C. Eligible candidate: An applicant for a vacant position who meets the criteria required for placement on a list.
- D. Examination: The Career Service Board is authorized to adopt, administer and enforce rules concerning competitive examinations of competence by the City Charter (See Appendix). The CSA may give one or all of the following kinds of examinations:
  - 1. Evaluation of experience and education;
  - 2. Written;
  - 3. Skill-based;
  - 4. Assessment interview; or
  - 5. Any other appropriate measures.
- E. Promotion: An appointment of an employee to a position in a classification in which the entry rate of the pay range for the new classification is higher than the entry rate of the pay range for the employee’s current classification.
- F. Recruitment: The process by which CSA solicits individuals to apply for positions within the Career Service.
- G. Re-employment: An appointment of a former employee to a position in the classification in which the employee was previously employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same entry rate or a lower entry rate as the former classification, subject to the following conditions:

1. Former employees whose separation was the result of a dismissal are not eligible for re-employment.
  2. An appointment that meets the definition of a re-instatement in Rule 5 APPOINTMENTS AND STATUS is not a re-employment appointment.
  3. In order to determine eligibility for re-employment into a successor classification, the Career Service Personnel Director ("Personnel Director") may, on a case-by-case basis, review the duties previously performed as well as classification and pay.
- H. Re-promotion: A promotion of an employee to a position in a higher classification in which the employee was previously employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same entry rate or an intervening entry rate as the former classification. Appointments that meet the definition of a promotional re-instatement in Rule 5 APPOINTMENTS AND STATUS are not re-promotions.
- I. Transfer: An appointment of an employee from a position in one classification to a different position in a classification with the same entry rate:
1. In a different department or agency; or
  2. In a different classification in the same department or agency.

#### Section 3-10 Delegation of Authority by Personnel Director

The Personnel Director may delegate any authority given under this rule to a subordinate employee.

#### Section 3-15 Selection Responsibilities

##### 3-16 CSA Responsibility

- A. The CSA shall be responsible for:
1. Recruiting;
  2. Examination;
  3. Certification; and
  4. Any other services related to the selection process requested by the appointing authority and agreed to by the CSA.
- B. Except as delegated by the CSA, departments and agencies are not authorized to administer pre-employment or on-the-job examinations to applicants or eligible candidates.

### 3-17 Trainees, Interns, and Apprentices

The CSA is responsible for recruiting, reviewing and approving applications, examining and certifying eligible candidates for vacant trainee, paid intern, and apprentice positions.

## Section 3-20 Recruitment

### 3-21 Notice of Job Opportunities

(Effective January 23, 2009; Rules Revision Memo 34C)

Job opportunities in the Career Service must be posted in the CSA office and on the City web site for at least two (2) business days. Such notices may also be posted in other places where potential applicants would be likely to see them.

### 3-22 Content of Notices

The notice must contain the job title, hiring range, pay grade, dates the recruitment will open and close, minimum qualification requirements, and instructions on how to apply.

### 3-23 Restricted Recruitments

- A. Appointing authorities may request that recruitments be open only to applicants who:
  - 1. Are:
    - a. Current City employees; or
    - b. Career Service employees eligible for promotion; or
    - c. Career Service employees in the appointing authority's department or agency eligible for promotion; or
    - d. Career Service employees eligible for transfer, demotion, and re-promotion, and former employees eligible for re-employment.
  - 2. Possess specific education, experience, knowledge, skills, abilities, and competencies necessary to perform a particular job, in addition to the minimum requirements in a classification specification; or
  - 3. Fall within one of the categories in subsection 1 and possess the special qualifications required under subsection 2.
- B. An individual who has been separated as a result of a lay-off, and whose name still appears on a re-instatement list, shall be eligible to compete for recruitments that are otherwise restricted to current City employees as if he or she were still an employee.

### Section 3-30 Examination

- A. Applicants for posted job opportunities may be examined by the CSA to predict how well the applicant may perform a job, and to allow the CSA to compare the people competing for a job with each other so the best qualified applicants may be identified.
- B. The CSA shall decide the weight of each phase of the examination. Weights and phases may be changed as conditions warrant.

### 3-31 Substitution of Experience for Education

- A. One year of the appropriate type and level of experience may be substituted for each required year of post-high school education for all classifications, subject to the limitations below;
- B. Two years of the appropriate type and level of experience may be substituted for each required year of post-high school education for all classifications at or above the type and level of a first-level manager, such as Manager 1;
- C. No substitution of experience for education will be permitted for:
  - 1. Classifications that require a college degree or graduate degree in order to obtain a license or certification to practice within the discipline. Examples include, but are not limited to, physicians, pharmacists, and attorneys;
  - 2. Classifications that require a college degree to provide optimum successful performance at the time of job entry. Examples include, but are not limited to, accounting, environmental and scientific occupations; or
  - 3. Classifications where college, vocational, or other specialized education beyond high school is required to meet certification or licensure requirements. Examples include, but are not limited to, licensed and certified skilled trades workers, paralegals, paramedics, and various other medical technicians.

### 3-32 Disqualification of Applicants

- A. Applicants may be disqualified from further consideration in the selection process for any valid reason.
- B. Applicants shall be disqualified from further consideration in the selection process for the following reasons:
  - 1. Late or incomplete application or resume; or the failure to submit other required documents by their due date;
  - 2. Failure to meet minimum education, experience and/or licensing or certification requirements;
  - 3. Failure to attain the required minimum score on an examination;

4. Unsuitability for the position, including certain criminal convictions;
5. Committing, or threatening to commit, acts of violence against City employees involved in the selection process, including intimidating, threatening or hostile behavior;
6. Dismissal from the Career Service. Employees dismissed from the Career Service are not eligible to be examined for five years after the date of dismissal; or
7. Providing false information in an application or resume, or falsification of examination scores or records, or cheating, taking or participating in taking examinations for which the applicant is not the registered applicant. This conduct may result in the applicant being barred from future examinations.

### 3-33 Scheduling of Examinations

- A. Every effort shall be made to plan examinations so as to prevent any disruption of work schedules in operating departments or agencies.
- B. Unless another date and time is available prior to the end of the scheduled examinations for the announced opening, all examinations must be taken when scheduled, or returned by the due date, as appropriate.
- C. Notwithstanding the previous section, deferred examinations are permissible for applicants who miss a scheduled examination or due date for the following reasons, and provide appropriate documentation:
  1. The applicant or employee was ordered into military service;
  2. The applicant or employee has jury duty;
  3. The applicant or employee has been subpoenaed to appear in court;
  4. The employee has been ordered to perform City business; or
  5. The employee has a work related injury, which renders the employee unable to take the examination when scheduled.
- D. The Personnel Director may also approve a request for a deferred examination on other grounds for good cause shown.
- E. Certification of a list resulting from the examination shall not be delayed if the deferred examination cannot be scheduled within seven (7) calendar days of the end of scheduled examinations.

### 3-34 How Examinations are Given

- A. Except as provided in part B of this subsection, the same, or equivalent, examinations will be given to all applicants examined.

B. Accommodation for Disabled Applicants:

1. The CSA will provide reasonable accommodations in the examination process, upon request, for applicants who are qualified individuals with a disability under the Americans with Disabilities Act.
2. In instances where established examination procedures are not appropriate for such applicants, their eligibility shall be determined by alternate examination procedures which accurately measure their ability to perform the essential functions of the position with or without reasonable accommodation.

3-35 Examination Scores

- A. Minimum Score: The Personnel Director must decide how examinations are scored and what score is needed to pass.
- B. Multiple part examinations: The Personnel Director may decide that by failing one part of a multiple part examination, an applicant has failed the examination and the other parts of the examination cannot be taken.
- C. Final Rating: Final ratings must be based on the total or combined examination score.
- D. Re-use of Passing Score: Passing examination scores may be re-used for a period of time designated by the Personnel Director. The period of time may vary based on the subject matter contained in the examination. An applicant may request the use of a passing examination score for all classifications for which the applicant has applied and the examination applies. The creation of new or revised examinations for a classification may require all applicants to take and pass the new examination to gain eligibility.
- E. Veterans Points: Points must be added to passing scores of eligible candidates, who are not employees, as required by the Veteran' Preference provision of the Colorado Constitution (relevant portions are attached as an Appendix).
- F. Notice to applicants: Each applicant shall be provided with access to their examination scores, either in writing or on-line.
- G. Confidentiality of score: Examination scores are confidential and shall not be made available to any person outside the CSA except the appointing authority, at the time of certification, and the applicant. The applicant examined may, in writing, allow CSA to release his or her examination scores to others. Examination scores may also be released pursuant to court order or an appropriate subpoena.

### 3-36 Re-opening Examination

(Effective January 23, 2009; Rules Revision Memo 34C)

- A. Re-opening: A classification may be re-opened for recruiting at any time, unless it is determined that a sufficient list of eligible candidates exists.
- B. Applicants who have taken an examination may retake the same examination if a classification is re-opened for recruiting or if the same examination is used in a recruitment for another classification.
- C. Re-application: If a classification is re-opened for recruiting, eligible candidates whose names are already on the list may elect to remain on the list for the duration of their eligibility or to apply for the new examination. If they elect to re-apply, their prior eligibility shall be cancelled and their score is determined from the results of the most recent examination.

### 3-37 Request for review

Applicants for employment or promotion in the Career Service who are dissatisfied with the results of the examination process may notify the recruiter of their concerns in writing or by e-mail within three (3) business days from the mailing of notice of the examination.

## Section 3-40 Certification

### 3-41 Request for Certification

Appointing authorities can only fill vacant Career Service positions with eligible candidates who have been certified by the CSA, or with individuals who fall within one of the following exceptions:

- A. Employees of the department or agency with the vacancy who are eligible for re-promotion, transfer, demotion, or re-assignment appointments, or former employees who are eligible for re-employment, as defined in this Rule and under Rule 5, APPOINTMENTS AND STATUS,
- B. City employees who are eligible for re-assignment under Rule 5-84, Reasonable Accommodations for Individuals with Disabilities Policy, may be appointed to a Career Service position.

### 3-42 Re-instatement List

- A. Employees shall be placed on the re-instatement list for the classification from which they have:
  - 1. Been laid off;
  - 2. Demoted in lieu of lay-off;
  - 3. Voluntarily resigned in lieu of lay-off; or
  - 4. Voluntarily demoted in lieu of lay-off.
- B. The names of eligible employees shall be added to this list as soon as administratively feasible, with the effective date being the effective date of the lay-off, demotion in lieu of lay-off, or resignation in lieu of lay-off.
- C. Eligible candidates will be listed for one year unless removed for cause.
- D. Eligible candidates shall be listed by seniority so that the employee with the longest length of service, as defined in Rule 14 SEPARATION OTHER THAN DISMISSAL, is higher on the list.

- E. Re-instatement lists shall only be used within the Lay-off Unit (as defined in Rule 14, SEPARATION OTHER THAN DISMISSAL) that the employee was in when the lay-off took place.
- F. Certification from the re-instatement list is mandatory and exclusive. No other certification shall be made while any available eligible candidate remains on this list. Certification shall consist of the highest ranking available eligible candidate, or if there are ties, all those at the highest ranking.
- G. If a re-instatement list exists for a classification in which the department or agency has a position with a special qualification, which has been approved by the Personnel Director, certification shall consist of the highest ranking available eligible candidate who has the special qualification, or if there are ties, all those with the required special qualification at the highest ranking. If none of the available eligible candidates have the required special qualification, a certification shall be made in accordance with the rules applicable when there is no re-instatement list.
- H. Any re-instatement list may be abolished at any time by the Personnel Director if the classification specification is abolished or revised.

### 3-43 Employment List

- A. An employment list is comprised of all eligible candidates who have applied to and qualified for a particular classification.
- B. Certification:
  - 1. The requesting department or agency is entitled to have twenty (20) names of eligible candidates with the highest scores certified for each vacancy, unless fewer are qualified.
  - 2.
    - a. A minimum of three (3) eligible candidates from a certified employment list must be interviewed by the department or agency when filling a vacant position.
    - b. The three interview requirement imposed by the preceding subsection shall be waived for the limited purpose of transitioning employees of the Election Commission as of July 16, 2007 into the Career Service. (Effective June 8, 2007; Rules Revision Memo 19C)
  - 3. The department or agency may request additional names from the Personnel Director. Such a request shall be accompanied by a written justification explaining why the original certification was insufficient, and may be granted for good cause shown.
  - 4. Certification to an on-call vacancy from an on-call employment list may consist of one name or as many names as there are on the list, depending on a request from a department or agency.

5. CSA shall certify an employment list to the appointing authority containing the names of all eligible candidates for an applicable trainee or intern position.
- C. Candidates on employment lists may be re-certified during the life of the employment list. However, at the request of an appointing authority, eligible candidates may be excluded from re-certification to the same department or agency if approved by the Personnel Director.
- D. Employment lists may be abolished or extended at the discretion of the Personnel Director. Eligible candidates may be listed on:
  1. On-call employment lists as long as they are available for work, unless removed for cause, or unless the list is abolished; and
  2. All other employment lists for three months unless removed for cause, or unless the list is abolished or extended.
- E. Trades Apprentices

Career Service employees serving in the Career Service classification of Trades Apprentice who have satisfactorily completed apprenticeship training needed for entrance into a promotional classification, as evidenced by an appropriate statement of completion signed by their department or agency, and who meet the minimum qualification requirements of the promotional classification, may have their names added to the employment list for the classification and trade in which they have trained. They may be promoted without further certification. The trades involved are Carpentry, Electrical, Heating, Ventilating and Air Conditioning (HVAC), Heavy Equipment Mechanic, Painting and Plumbing.

#### 3-44 Transfer, Demotion, Re-promotion, or Re-employment candidates

- A. All candidates who have applied for and are eligible for a transfer, demotion, re-promotion, or re-employment appointment into a vacancy shall be certified in addition to the employment list.
- B. No examination in addition to an evaluation of experience and education is necessary to be certified as a transfer, demotion, re-promotion, or re-employment candidate.
- C. The names of eligible candidates who have applied for and are eligible for a transfer, demotion, re-promotion, or re-employment appointment into a vacancy may be certified to vacancies for as long as the underlying employment list exists.

#### 3-45 Use of Appropriate Alternative Lists

When full certification is not available for a given classification, the Personnel Director may declare a list for a different classification to be an appropriate list, provided the classification chosen has an equal or higher beginning pay rate than the original classification, and that the eligible candidates on the new list meet the minimum qualifications of the original classification.

### 3-46 Emergency Certification

If the Personnel Director determines an emergency exists, a list of eligible candidates may be given to the hiring department or agency at any time, even before all applicants have been examined. Only eligible candidates who can be reached immediately in person or by any other available means will be considered ready to work.

### Section 3-50 Restrictions Concerning Certification

#### 3-51 Restrictions by Appointing Authorities

An appointing authority may request that certification be restricted to eligible candidates who:

- A. Possess specific education, experience, knowledge, skills, abilities, or competencies necessary to perform a particular job.
- B. Reside in a prescribed area of the city when knowledge of the area and the ability to relate to residents of that area are essential requirements of the job; or
- C. Are current City employees. Eligible candidates who have been separated as a result of a lay-off and whose names appear on a re-instatement list, shall be treated as if they were still City employees for purposes of this subsection.

#### 3-52 Restrictions by Eligible Candidates

Eligible candidates on employment lists may restrict their eligibility:

- A. To employment in specific departments or agencies;
- B. To hours, days of the week, or shifts to be worked;
- C. Until the eligible candidate notifies CSA that he or she is available to work;
- D. To full-time, part-time, on-call, unlimited and limited positions;
- E. To vacancies that meet the eligible candidate's salary requirements; or
- F. To other conditions as may be authorized by the CSA.

### Section 3-60 Removal and Restoration of Names on Lists

#### 3-61 Restoration Permitted

The name of an eligible candidate shall be removed from all lists for the reasons listed below. Names may be restored upon providing a satisfactory explanation to the Personnel Director, provided that list eligibility remains.

- A. The eligible candidate does not answer when asked by the City if available or ready to work, or the eligible candidate cannot be reached for two consecutive days.

- B. The eligible candidate turned down certification or a job offer for reasons that would make it impossible to take other jobs in the same job classification.
- C. The employee or former employee on a re-instatement list refuses an offer of re-instatement.
- D. The eligible candidate requested that his or her name be removed from the list.
- E. The eligible candidate did not pass the appropriate post-employment offer health examination.
- F. Evidence has been produced that the eligible candidate no longer meets minimum qualification requirements.
- G. The eligible candidate did not report for work after being hired. The names of eligible candidates who did not report for work after being hired will not be added to any lists for five (5) years.

### 3-62 Restoration Not Permitted

The name of an eligible candidate shall be removed from all applicable lists for the reasons listed below. Restoration is not permitted when:

- A. Evidence has been produced that the eligible candidate should not have been admitted to the examination.
- B. An eligible candidate who was not a City employee has been appointed to an unlimited position in the Career Service.
- C. A re-instatement list eligible candidate has been appointed to an unlimited Career Service position at the same or higher pay grade than the classification from which the eligible candidate was laid off or demoted from in lieu of layoff.
- D. The name of an eligible candidate who has been promoted to a higher classification is removed from all lists at or below the level of the promotional classification.
- E. The eligible candidate has been dismissed from the Career Service. The names of dismissed employees will not be added to any lists for five (5) years after the date of dismissal.

## **APPENDIX 3.A.**

### **RELEVANT PROVISIONS FROM THE CITY CHARTER, ARTICLE IX, EMPLOYMENT, PART 1, CAREER SERVICE**

#### **§ 9.1.1 Career Service personnel system.**

- A. There shall be and is hereby created a Career Service personnel system, which shall be directed by a Career Service Board of five members appointed by the Mayor and confirmed by the City Council for staggered terms fixed by ordinance. The Board shall, pursuant to its own rulemaking procedures, adopt, administer and enforce rules necessary to foster and maintain a merit-based personnel system according to the principles set forth in this Part 1, including but not limited to rules concerning the conduct of competitive examinations of competence, probationary periods, grievance procedures, and appeals from actions of appointing authorities to the Board and any hearing officers appointed by the Board. The Board and any hearing officers appointed by the Board shall have the power to issue subpoenas. The Board shall perform such other duties in relation to the Career Service personnel system as may be assigned by ordinance consistent with this Charter.
  
- B. All appointments and promotions of employees in the Career Service shall be made solely on the basis of merit and ability. Dismissals, suspensions or disciplinary demotions of non-probationary employees in the Career Service shall be made only for cause, including the good of the service. The Career Service personnel system shall provide for equal employment opportunity without regard to race, color, creed, national origin, gender, sexual orientation, age, disability, or political affiliation or any other status protected by federal, state or local laws.

This Appendix is provided for informational purposes and is not considered a part of the Rules.

**APPENDIX 3.B.**

**CONSTITUTION OF COLORADO  
ARTICLE XII, SECTION 15. VETERANS' PREFERENCE**

- (1) (a) The passing grade on each competitive examination shall be the same for each candidate for appointment or employment in the personnel system of the state or in any comparable civil service or merit system of any agency or political subdivision of the state, including any municipality chartered or to be chartered under article XX of this constitution.
  - (b) Five points shall be added to the passing grade of each candidate on each such examination, except any promotional examination, who is separated under honorable conditions and who, other than for training purposes, (i) served in any branch of the armed forces of the United States during any period of any declared war or any undeclared war or other armed hostilities against an armed foreign enemy, or (ii) served on active duty in any such branch in any campaign or expedition for which a campaign badge is authorized.
  - (c) Ten points shall be added to the passing grade of any candidate of each such examination, except any promotional examination, who has so served, other than for training purposes, and who, because of disability incurred in the line of duty, is receiving monetary compensation or disability retired benefits by reason of public laws administered by the department of defense or the veterans administration, or any successor thereto.
  - (d) Five points shall be added to the passing grade of any candidate of each such examination, except any promotional examination, who is the surviving spouse of any person who was or would have been entitled to additional points under paragraph (b) or (c) of this subsection (1) or of any person who died during such service or as a result of service-connected cause while on active duty in any such branch, other than for training purposes.
  - (e) No more than a total of ten points shall be added to the passing grade of any such candidate pursuant to this subsection (1).
- (2) The certificate of the department of defense or of the veteran's administration, or any successor thereto, shall be conclusive proof of service under honorable conditions or of disability or death incurred in the line of duty during such service.
- \* \* \* \* \*
- (5) Any examination which is a promotional examination, but which is also open to persons other than employees for whom such appointment would be a promotion, shall be considered a promotional examination for the purposes of this section.
  - (6) Any other provision of this section to the contrary notwithstanding, no person shall be entitled to the addition of points under this section for more than one appointment or employment with the same jurisdiction, personnel system, civil service, or merit system.

- (7) This section shall be in full force and effect on and after July 1, 1971, and shall grant veterans' preference to all persons who have served in the armed forces of the United States in any declared or undeclared war, conflict, engagement, expedition , or campaign for which a campaign badge has been authorized , and who meet the requirements of service or disability, or both, as provided in this section. This section shall apply to all public employment examinations, except promotional examination, conducted on or after such date, and it shall in all respects be self-executing.

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