

RULE 2
CAREER SERVICE AUTHORITY
(Effective December 23, 2005; Rules Revision Memo 1C)

Purpose statement:

The purpose of this rule is to establish how the Career Service Board (“Board”) will carry out its duties provided for under the authority of the City Charter and the Denver Revised Municipal Code.

Section 2-10 Career Service Board

2-11 Officers and Duties

A. Duties and Organization of the Board:

1. The five-member Board shall foster and maintain a merit-based personnel system for the Career Service and shall be committed to equal employment opportunity in accordance with the City Charter and the Denver Revised Municipal Code. The Board shall carry out all other duties delegated by the Denver Revised Municipal Code or ordinance.
2. The Board’s primary functions are to oversee the Career Service Authority (“CSA”), oversee the Career Service Hearing Office, and serve as a quasi-judicial body to decide appeals of decisions of the Career Service Hearing Officers (“Hearing Officers”).
3. The Board shall have two Co-Chairpersons who shall be elected on an annual basis from the members of the Board.

B. Duties of the Co-Chairpersons:

1. One of the Co-Chairpersons shall preside at all meetings of the Board and each Co-Chairperson shall perform such other duties as may be assigned or delegated by the Board, but shall have no authority to act on behalf of the Board or in its name in any respect whatever except by special authorization of the Board. Such authorization shall be entered in the minutes of the Board meeting where such authorization was given.
2. The Co-Chairpersons may vote on all questions before the Board.
3. The Board shall designate, at its discretion, which Co-Chairperson shall have primary responsibility for presiding at Board meetings. In the absence of the Co-Chairperson assigned to preside, the other Co-Chairperson shall preside.

4. If neither Co-Chairperson is present, the remaining members of the Board shall designate a Chairperson pro tem.

C. Minutes and Record-Keeping:

1. The minutes of all meetings of the Board, and all correspondence, documents and files relating to the business of the Board shall be kept in accordance with applicable state and local records retention requirements.
2. The Career Service Personnel Director (“Personnel Director”) shall be the official custodian of all such correspondence, documents and files.

D. Appointments:

The Board is responsible for appointing and overseeing the Personnel Director, Hearing Officers, and other appointees as allowed by the City Charter and Denver Revised Municipal Code.

2-12 Meetings

A. Quorum

Three members shall constitute a quorum at any meeting of the Board, provided, that no action or order of the Board shall be valid unless concurred in by at least three members of the Board.

B. Meetings:

1. The Board shall meet on the first and third Thursdays of the month, or as deemed necessary by the Board.
2. In addition, the Personnel Director may call special meetings of the Board when directed to do so by a Co-Chairperson or by two or more members of the Board or when the Personnel Director deems it necessary.
3. All meetings shall be public in accordance with the open meetings requirements of the Denver Revised Municipal Code, unless an executive session or private meeting is otherwise authorized.

C. Notice:

1. Advance notice of all public meetings of the Board shall be given in accordance with the open meetings requirements of the Denver Revised Municipal Code. Such notice shall be posted at least forty-eight (48) hours in advance of such meetings.
2. Such notice shall be posted in the public area of the CSA and on a bulletin board provided for such notices on the first floor of the City and County Building.

3. The notice shall include the date, time and place of the meeting and a general description of the subject or subjects to be discussed. No subjects other than those specified in the notice may be addressed.
4. The Board may cancel any meeting without notice if there is insufficient business to warrant a meeting, or if there is the absence of a quorum.

D. Disqualification of a Board Member:

1. Members of the Board shall disqualify themselves in any proceeding in which the Board member's impartiality might be reasonably questioned, including but not limited to, instances where the Board member:
 - a. Has a personal bias or prejudice concerning a party, or personal knowledge of disputed facts concerning the matter;
 - b. Served as an attorney or witness in the matter;
 - c. Is likely to be a material witness in the matter; or
 - d. Has a pecuniary or non-pecuniary interest that could be substantially affected by the outcome of the proceeding.
2. Members of the Board may disqualify themselves at any time for any other good reason.

2-13 Communications with the Board

- A. Written communications and requests to the Board shall be directed to the Personnel Director or to one of the Co-Chairpersons.
- B. Such written communications or requests shall be provided to all members of the Board.
- C. If any action is taken as a result of a written communication to the Board, notice of such action shall be given the individual or agency concerned.
- D. Verbal communications to the Board will be allowed during scheduled meetings of the Board or as otherwise directed by the Board.

2-14 Pilot Programs

The Board may authorize the Personnel Director to implement new and innovative compensation/performance management programs on a pilot basis within selected agencies. If the pilot program achieves its objectives, the Board may approve citywide implementation of the new policy or rule. If the pilot program does not achieve its objectives, the Board may end the program.

2-15 Investigations by the Board

The Board or its designee may, at its discretion or as requested by any City department or agency, conduct personnel-related investigations. The Board has the authority under the City Charter to issue subpoenas as may be necessary to conduct an investigation.

Section 2-20 Adoption, Amendment or Repeal of Career Service Rules ("Rules")

- A. Changes to the Rules may be proposed by appointing authorities, employees, or other interested citizens. Such proposals shall be in writing and shall be directed to the Personnel Director or one of the Board Co-Chairpersons.
- B. When the Board or the Personnel Director considers that a change in the Rules is necessary or desirable, the procedure shall be as follows:
 - 1. The Personnel Director shall submit to the City Attorney the proposed rule change for review, including a ruling as to legality, at any time prior to posting for public comment by the Board and before final publication.
 - 2. The proposed rule change shall be posted on bulletin boards and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule change shall be posted with the proposed rule change.
 - 3. A final proposed rule change, incorporating comments received during the public comment period which are deemed appropriate by the Personnel Director shall be posted with the Board Agenda for the meeting in which the public hearing will be held.
 - 4. A public hearing on the proposed rule change shall be held by the Board.
 - 5. The Board shall then accept, reject or modify the proposed rule change. If the Board modifies a proposed rule change, the Board need not re-post the Rule for public comment unless the Board, in its own discretion, determines that reposting is necessary.
 - 6. When a Rule is adopted, amended or repealed by the Board, such Rule shall be made available to appointing authorities, employees and the public as promptly as possible.
 - 7. The effective date of the rule change shall not be more than thirty (30) days after the date of adoption, amendment or repeal by the Board unless another date is designated by the Board.
 - 8. The following changes to the Rules may be made by the Personnel Director without following the above-stated procedure: re-numeration; spelling and typographical error corrections; and revision and updating of internal references, appendices, and/or table of contents. Such changes may be published as administrative changes without the approval of the Board.

Section 2-30 Public Hearings by the Board

2-31 Types of Public Hearings

- A. Mandatory Public Hearings: The Board shall hold a public hearing on the following:
1. Proposed changes to classification titles and/or attendant pay rates covered by the classification and pay plan resulting from:
 - A. Annual pay survey recommendations; or
 - B. Normal maintenance and administration of the classification and pay plan and classifications attendant to it. (Effective May 3, 2006; Rules Revision Memo 8C)
 2. Proposed changes to employee benefits prior to the Personnel Director making any recommendations to the Mayor and City Council as provided in the Denver Revised Municipal Code
 3. Adoption, amendment or repeal of a fund consolidation or de-consolidation for lay-off purposes;
 4. Determination of prevailing wages, in accordance with the Denver Revised Municipal Code;
 5. Adoption, amendment or repeal of a Rule, except for changes that are administrative.
- B. Discretionary Public hearings: The Board may hold a public hearing, at its discretion, on any matter within the jurisdiction of the Board.

2-32 Notice and Conduct

- A. Notice of Hearings:
1. Notice of public hearings by the Board shall be given at least thirteen (13) calendar days in advance of the hearing, and shall state the time, date, place, and subject of the hearing, who may be heard, and how to arrange to be heard.
 2. Such notice shall be posted in the public area of the CSA and on a bulletin board provided for such notices on the first floor of the City and County Building.

B. Special Additional Notice Requirements:

1. When the subject of a hearing is proposed fund consolidations or de-consolidations for purposes of lay-off, the department or agency affected by the proposed consolidation or de-consolidation shall post the notices in such locations that employees affected by the consolidation or de-consolidation shall be given reasonable notice of the time, date, place and subject of the hearing.
2. When the subject of a hearing is a proposed pay plan adjustment or a proposed Rule change, CSA shall provide electronic or facsimile copies of the notice of public hearing to appointing authorities who shall post such notices in conspicuous locations in the work places.

C. Conduct of Hearings by the Board

1. Persons wishing to speak at a hearing shall have their names placed on the agenda in advance of the hearing. The Board, in its discretion, may, at any time, admit more speakers preceding or during the hearing. The Board may, in its discretion, place reasonable limitations on the hearing.
2. Proceedings of a mandatory hearing shall be recorded and retained for a period of six (6) years, but need not be transcribed unless required in litigation. If a transcript is required, the party requesting the transcript shall pay the costs.
3. In the discretion of the Board, hearings may be continued for good and sufficient cause.

Section 2-40 Personnel Director

A. Powers and Duties

The Personnel Director shall serve at the pleasure of the Board, report directly to the Board, and perform all duties and responsibilities as directed by the Board, including those contained in the Rules, and as delegated by the Denver Revised Municipal Code. In addition, the Personnel Director's powers and duties are:

1. To interpret and enforce the Rules adopted by the Board;
2. To prepare and hold examinations, pass upon qualifications of applicants, establish eligible lists and certify eligible applicants to appointing authorities to fill vacancies;
3. To establish and maintain a roster of all Career Service employees;
4. To establish and maintain such records, forms and procedures as necessary to control personnel transactions;
5. To consider suggestions from appointing authorities, the public, and employees or their representatives, pertaining to any phase of the personnel program;
6. To delegate to a designee such duties as, in his/her opinion are appropriate, unless otherwise specifically provided in these rules;
7. To administer the Tuition Refund Program in accordance with the Denver Revised Municipal Code; and
8. To perform such other duties as may be necessary to foster and maintain a merit-based personnel system for the Career Service, further equal employment opportunity, or otherwise ensure the efficient operation of CSA.

B. Normal Working Hours

The Personnel Director shall keep the office of CSA open for business from 8:00 a.m. to 5:00 p.m. Monday through Friday of each week, holidays excepted, unless good cause warrants a temporary or permanent change.

C. Acting Personnel Director:

1. When the Personnel Director is going to be absent for sixty (60) days or less, the Personnel Director shall designate a suitable and competent person as acting Personnel Director, unless the Board elects to designate one instead.
2. If the absence is going to be more than sixty (60) days, the Board shall designate an acting Personnel Director.

APPENDIX 2.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 2.B.

RELEVANT PROVISIONS FROM THE DENVER REVISED MUNICIPAL CODE, CHAPTER 18, EMPLOYEE AND OFFICER BENEFITS, ARTICLE I, CAREER SERVICE AUTHORITY

Sec. 18-1. Career Service Authority created.

There shall be and hereby is created a Career Service Authority which shall be the central human resources agency for City employees in the Career Service personnel system. The Career Service Authority shall be directed by the Career Service Board and the Career Service Personnel Director, exercising the powers and duties set forth in the Charter and in this Article I. The Career Service Board, the Career Service Personnel Director, and the Career Service Authority shall maintain and foster a merit-based personnel system for employees in the Career Service and shall be committed to equal employment opportunity. Members of the Career Service Board shall be appointed as provided in the Charter and shall serve for staggered five-year terms.

Sec. 18-3. Powers and duties of Career Service Board.

- (a) In addition to executing the powers and duties assigned to the Career Service Board by the Charter or by any other ordinance of the City, the Career Service Board shall:
 - (1) Appoint a Career Service Personnel Director to perform the duties set forth in ordinance and such other duties as may be assigned by the Board.
 - (2) Conduct or obtain annually surveys of generally prevailing pay rates as required by the Charter, and recommend to the Mayor and City Council classification and pay plan adjustments as provided in Section 18-7(a) on the basis of the survey results after conducting at least one public hearing on any such recommendation.
 - (3) Conduct at least one public hearing on any proposed change to employee benefits prior to the Director making any recommendation to the Mayor and City Council as provided in Section 18-7(b).
- (b) In addition to exercising the rulemaking authority set forth in the Charter, the Career Service Board may also adopt and maintain rules related to the administration of pay and benefits, terms and conditions of employment, and employee conduct; provided, however, that any such rule shall be consistent with the Charter and ordinances of the City.

Sec. 18-3.1 Powers and duties of the Career Service Personnel Director

The Career Service Personnel Director shall serve at the pleasure of the Board, shall administer the Career Service Authority and shall be the appointing authority for all employees of the authority, except Career Service hearing officers and any other appointee serving at the pleasure of the Board as provided in the Charter. The Career Service Personnel Director shall:

- (a) Assist the Career Service Board in carrying out the powers and duties set forth in section 18-3.
- (b) Develop, maintain and administer job classifications and attendant pay plans and pay practices for all positions in the Career Service and those positions not in the Career Service, excluding those positions excepted in section 18-7 (a).
- (c) Upon request of the Mayor or the City Council, directly assist the Mayor or City Council in formulating alternatives to implementing the Career Service Board's annual recommendations regarding modification of the classification and pay plan.
- (d) From time to time recommend to the Mayor and City Council other modifications to the classification and pay plan in order to promote the City's policy of providing generally prevailing compensation to employees in the Career Service and ensuring like pay for like work.
- (e) Conduct benefit surveys when requested by the Mayor, the City Council, or the Career Service Board as required by the Charter.
- (f) Recommend to the Mayor and City Council changes to employee benefits as described in section 18-7 (b) after the Career Service Board conducts at least one public hearing on the proposed change
- (g) Administer any duly adopted employee benefits programs.
- (h) Develop and administer, in cooperation with other City departments and agencies, employee training and organizational development programs.
- (i) Develop and administer, in cooperation with other City departments and agencies, publications, surveys, advisory boards, and other measures for communication to and from employees on matters of compensation, conditions of employment, and administration of the merit system.
- (j) Perform all other functions appropriate to a central human resource agency for employees in the Career Service, except those functions specifically reserved to the Career Service Board or to other officers, departments or agencies by the Charter or ordinances of the City.

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