

City and County of Denver
Civil Service Commission

NOTICE OF ADOPTION

Amendments to Rule VII § 1-8

March 25, 2005 - Effective Date of March 26, 2005

**Proposed Amendments Published February 16, 2005,
and as Amended March 11, 2005, as Rule 7 § 1-7**

EXAMINATION LISTS AND ELIGIBLE REGISTERS

THE COMMISSION HEREBY AFFIRMS the following was accomplished in full compliance with the requirements of Commission Rule II, Section 4(A), Rule Making:

Publishing on February 16, 2004, a Notice of Public Hearing – Rule Making regarding proposed changes to Commission Rule VII, Sections 1-8, along with the full text of the proposed rule;

Posting said Notice and the full text of the proposed rule from February 17 through March 11, 2005, at the Commission's office and on the Commission's web site;

Forwarding on February 16, 2005, said Notice and full text of the proposed rule to the Manager of Safety, the collective bargaining agents for members of the Classified Service, interested parties, and to the administration of the Fire and Police Departments (with a request for posting throughout the departments);

Conducting on March 11, 2005, a public hearing on the proposed rule changes;

FURTHER, on March 11, 2005, subsequent to the public hearing, the Commission unanimously approved for adoption the amended proposed Rule 7, as published February 16, 2005, with final amendments to Section 7(A)(1)(c) and Section 7(A)(2), all as noted in Attachment A.

SUBSEQUENT TO APPROVAL on March 11, 2005, of the final amendments to proposed Rule 7, Section 7, the Commission undertook the following:

Publishing on March 11, 2005, a Notice of Approved Amendments to Proposed Rule 7 Section 7(A)(1)(c) and Section 7(A)(2), along with the full text of those final approved amendments;

Posting said Notice, and the full text of the final amendments to Rule 7, Section 7(A)(1)(c) and Section 7(A)(2), from March 14 through March 18, 2005, at the Commission's office and on the Commission's web site; and

Forwarding on March 11, 2005, said Notice and full text of those final amendments to the Manager of Safety, the collective bargaining agents for members of the Classified Service, interested parties, and to the administration of the Fire and Police Departments (with a request for posting throughout the departments).

NOW THEREFORE, under the authority of Commission Rule II, Section 4(A)(7), by this Notice Of Adoption, the subject final proposed amendments to current Rule VII, Section 1-8, as provided in Attachment A, are hereby adopted to become effective March 26, 2005.

Dated this 25th day of March, 2005.

City and County of Denver
CIVIL SERVICE COMMISSION

SS/ *Christopher H. Olson*

By: Christopher H. Olson
Commission President

RULE 7

EXAMINATION LISTS AND ELIGIBLE REGISTERS

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¹**Section 1. Examination Lists.**

- A. An examination list shall be established after the initial test phases of an examination process. It shall be made up of the names, in rank order, of those applicants² or candidates³ who have successfully completed and/or passed all initial test phases in the examination. The names shall be listed in rank order as determined by the ranking system specified in the examination announcement. An examination list shall contain such additional information as specified in Commission Rule 13.
- B. Examination lists shall be working documents for internal Commission use only and shall be considered confidential, except as required by law.
- ⁴C. Examination lists for original appointment:
 - 1. An applicant's name shall remain on an examination list for original appointment for no longer than twelve (12) months following the date of initial testing, unless the applicant has been selected for further participation in the additional examination and screening phases⁵. If selected for further participation, the applicant's name shall remain on the examination list until approved for placement on the respective eligible register, or effectively denied approval by disqualification or Commission action.
 - 2. If any applicant is permitted by Commission Rule and the pertinent examination regulations to retest for a particular position/rank while his/her name remains on the examination list, then the following shall apply:
 - a. If the applicant has not been already selected for additional examination and screening phases, when the applicant's name is again merged on to the examination list, the applicant's most recent test results shall replace the prior

¹ In the proposed Rule 7, the provisions governing Examination Lists, Eligible Registers for Original Appointment, and Eligible Registers for Promotional Appointment have been expanded and are each covered in a separate Section.

² As used in this Rule, the word "applicant" refers to an individual participating in the examination, screening, and/or selection process for original appointment.

³ As used in this Rule, the word "candidate" refers to an individual participating in the examination, screening, and/or selection process for promotional appointment.

⁴ The proposed language updates and clarifies administrative provisions generally applicable only to examination lists for original appointment. The provisions take into account the fact that certain original appointments may arise out of ongoing testing and ongoing eligible registers. The language also provides for circumstances whereby applicants may be permitted to participate in testing for original appointment more than once per year. It also adds provisions to correspond with the establishment of separate eligible registers applicable to original appointments.

⁵ See Commission Rule 5 § 2 (8-31-04) on Selection of Applicants for Additional Examination and Screening Phases.

test results. The most recent test results will then be used to determine a new rank order placement of the applicant's name on the examination list, as provided by the examination regulations.

- b. If the applicant has been already selected for additional phases, when the applicant's name is again merged on to the examination list, the prior test results used for rank order placement, and the applicant's selection for further participation in the examination, shall stand. The applicant's name will then be placed on the examination list an additional time, in new rank order, according to the results of the applicant's most recent testing cycle.
3. Separate examination lists may be established from any examination for original appointment in order to provide for the establishment of separate eligible registers for original appointment to a particular rank and grade, as provided herein below in Section 2 (B)(1-3).
 - ⁶4. At the discretion of the Commission, any examination list for original appointment may be frozen and/or dissolved and subsequently replaced with a new examination list established through an examination process.

⁷**Section 2. Eligible Registers for Original Appointment.**

- A. An eligible register for original appointment shall contain a rank order listing of the names of approved applicants from the corresponding examination list. Only those applicants: 1) who have successfully completed and/or passed all phases of the entry-level examination and screening process required for the particular rank and grade; 2) who meet any special qualifications or requirements related to the particular register; and 3) who have been approved by the Commission (based on the background review), shall be placed on the eligible register.
- ⁸B. Eligible registers for original appointment shall be established and maintained to accommodate anticipated personnel needs of the Department of Safety. Separate eligible registers for original appointment to the same entry-level rank and grade shall/may be established as follows, based on applicable eligibility requirements or special skill requirements:

⁶ This proposed provision is added for informational purposes to clarify the Commission's existing authority.

⁷ The existing language in this section is drawn from current Section 1 (B). New language updates and clarifies administrative provisions and requirements from Rule 5, Examinations for Original Appointment. New provisions are also added to this Section 2 to reflect, distinguish, and clarify administrative procedures for handling ongoing eligible registers and also for handling the separate eligible registers applicable to original appointments.

⁸ Proposed new provisions are added to clarify the establishment of separate eligible registers. See also Charter § 9.3.11(C).

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1. Separate eligible registers shall be established for original appointment to the rank and grade of Police Officer Recruit as an entry-level civilian, cadet, certified peace officer, and as a Reserve Police Officer.
 2. Separate eligible registers shall be established for original appointment to the rank and grade of Firefighter Fourth Grade as an entry-level civilian and as a cadet.
 3. Separate eligible registers may be established for original appointment to the rank and grade of Fire Systems Technical Specialist V for each particular skill area as may be established within that rank.
- ⁹C. An applicant's name shall be listed on an eligible register in rank order according to the final examination score, as determined by the scoring system specified in the examination announcement, and in conformance with the provisions of the Commission Rule 5 regarding examinations for original appointment. Eligible registers for original appointment shall contain such additional information as specified in Commission Rule 13.
- D. At the sole discretion of the Commission, any eligible register for original appointment may be designated, at the time it is established, as an ongoing eligible register with names of applicants to be added and merged into the register over time, in the appropriate rank order, as additional applicants are approved for placement onto the register from a corresponding ongoing examination list.
- E. Any one applicant may have his/her name entered on an ongoing eligible register for original appointment more than once. If an applicant has appropriately and successfully completed all phases of a subsequent examination cycle for a position, and if the applicant is approved for placement on the ongoing eligible register based on that subsequent examination cycle, the applicant's name shall be entered onto and merged into the register, in the appropriate rank order, without regard to and without requiring removal of any prior entry of the applicant's name onto the same register.
- F. The name of an applicant not receiving original appointment shall remain on an ongoing eligible register for original appointment for no longer than 24 months following the date of approval for entry of the name on to the register. When an applicant's name has been entered on an eligible register more than once, this time limitation shall be applied separately to each entry.
- G. At the discretion of the Commission, any ongoing eligible register for original appointment may be frozen and/or dissolved and subsequently replaced with a new eligible register established through a new or modified examination process. However, any ongoing eligible register for original appointment shall remain in existence for a minimum of one year, unless exhausted. In the event that a new eligible register is

⁹ Provisions from current Section 1(B) are revised and updated. Provisions regarding the specific contents of eligible registers are deleted and will be moved, with updates, to Commission Rule 13.

established at any time after the first year, the existing ongoing eligible register becomes void.

- H. If an eligible register for original appointment is not an ongoing register, it shall remain in existence for a minimum of one year, unless the register is exhausted. If a new eligible register is not established at the end of one year, through an examination process, the eligible register shall automatically extend into the second year. A new eligible register for original appointment to a particular rank may be established, through an examination process, at any time after the first year of the life of an existing eligible register, or prior thereto if the register has been exhausted. In the event that a new eligible register is established at any time after the first year, the existing eligible register becomes void. All such eligible registers that are not ongoing registers and are not replaced (by a new eligible register established through an examination process) shall automatically expire at the end of the second year of their existence.

¹⁰**Section 3. Eligible Registers for Promotional Appointment.**

- A. When an announced examination for promotion has been completed, the Commission shall establish a corresponding eligible register for promotional appointment to the rank for which the examination was held. The name of any candidate who has successfully completed and/or passed all phases of the examination process shall be placed on the corresponding register.
- B. Names of candidates shall be listed in rank order according to their final examination score as determined by the scoring system specified in the examination announcement, and in conformance with provisions regarding promotional examinations contained in Commission Rule 6. Eligible registers for promotional appointment shall contain such additional information as specified in Commission Rule 13.
- ¹¹C. An eligible register for promotional appointment shall remain in existence for a minimum of one year. If a new eligible register is not established at the end of one year, through an examination process, the eligible register shall automatically extend into the second year. A new eligible register for promotional appointment to a particular rank may be established, through the examination process, at any time after the first year of the life of an existing eligible register. In the event that a new eligible register is established at any time after the first year, the previous eligible register becomes void. All such eligible registers that are not replaced (by a new eligible register established through an examination process) shall automatically expire at the end of the second year of their existence.

¹⁰ This proposed new section incorporates the current provisions of Section 1 (C) with additions and updates for clarification. Details regarding the contents of eligible registers are deleted from proposed paragraph B and will be moved, with updates, to Commission Rule 13.

¹¹ This proposed subsection incorporates provisions from current Section 8, *Expiration of Eligible Register*, with updates.

¹²**Section 4. In Case of Tie Scores.**

A. Entry-Level Examinations.

When two or more applicants in an examination for original appointment to a position have received the same final examination score, such tie or ties shall be broken randomly.

B. Promotional Examinations.

In all promotional examinations given under the provisions of these Rules, the candidate with the greatest seniority in rank shall have priority in the case of a tie in final examination scores. Should two or more candidates with the same score have the same seniority in rank, the person with the greatest seniority in service shall have priority. Should candidates have the same date of appointment, the person who ranked highest based on final examination score for original appointment shall have priority.

¹³**Section 5. Notice of Change of Address or Phone Number.**

An applicant or candidate whose name is placed on an examination list and/or eligible register shall immediately notify the Commission in writing of any change of address or phone number. Failure to do so may result in disqualification from the examination and/or certification process.

¹⁴**Section 6. Placement on More Than One Eligible Register.**

An applicant or candidate may submit to any examination for which he/she is eligible and his/her name may be placed on more than one eligible register.

¹⁵**Section 7. Removal of Names from an Eligible Register.**

A. The name of an applicant or candidate may be removed/stricken from an eligible register for original or promotional appointment, respectively, for any of the following reasons:

¹² This section incorporates current Section 2, with updates.

¹³ The proposed revision incorporates current Section 4 with updates to cover phone numbers and the possible penalty of disqualification for failure to notify the Commission of changes.

¹⁴ Incorporates the provisions of current Section 5 with updates to language. Eliminates some language as redundant to provisions of Rule 5.

¹⁵ Current Section 7 has been revised to include two subsections. The first, (A), covers the permissive removal of names from an eligible register. The second, (B), covers mandatory removal of names from an eligible register.

- ¹⁶1. When, due to a temporary circumstance, or due to becoming temporarily incapable of performing the duties of the position, an applicant or candidate:
 - a. Provides notice that he/she is unavailable for certification or for appointment; or
 - b. Following certification for appointment, he/she provides notice of unavailability for appointment or declines appointment to the position for which certified;

Then, such applicant or candidate shall be notified in writing that any failure to meet the following requirements will result in removal from the eligible register:

- c. No later than fifteen (15) calendar days after the date of mailing of the notice from the Commission, the individual shall file a signed and dated statement with the Commission requesting that his/her name be retained on the eligible register.
 - d. The statement shall specify, with particularity, the reason(s) for unavailability or declining the appointment.
 - e. The statement shall fully describe the temporary nature of the circumstance or condition that was the basis for unavailability or declining the appointment; and shall include any documentation, witness statements, and/or other evidence that the individual would like the Commission to consider in support of the request.
 - f. The statement shall indicate the approximate date when the individual believes that he/she will be available and capable of accepting an appointment.
 - g. Any such request and the supporting evidence must be acceptable to the Commission. In the case of declining an appointment, it must also be acceptable to the Manager of Safety.
- ¹⁷2. Any failure to respond to a written notice of offer of original or promotional appointment within the time limit and in the manner specified in the notice; provided that the notice allows at least seven (7) calendar days, from the date of mailing, in which to provide a response.
- ¹⁸3. Any false, incomplete, misleading or misrepresentative statement or any omissions of fact relevant to a determination of qualifications and/or suitability, on any documents or in any interviews associated with the respective application, registration and/or examination process.

¹⁶ A new specific procedure is proposed to cover situations wherein an individual may be only temporarily unable to accept certification for appointment or appointment.

¹⁷ The provisions from current Section 7 (A) are updated with more specific provisions.

¹⁸ The provisions from current Section 7 (L) are updated to correspond with the provisions in other recently updated Rules.

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¹⁹4. For original appointment only, the inability of the Postal Service to deliver mail because of an incorrect mailing address on file and/or an unknown mailing or forwarding address.

²⁰**B. The name of an applicant or candidate shall be removed/stricken** from an eligible register for original or promotional appointment, respectively, for any of the following reasons:

²¹1. Declining an appointment without reasons acceptable to the Commission and the Manager of Safety as provided in Section 7 (A)(1) above.

²²2. Obtaining the applicant's or candidate's position on the register by fraud, deceit, or misrepresentation.

²³3. Information becomes available of such a nature that had it been known prior to placing the name of applicant or candidate on an eligible register, it would have resulted in the exclusion/disqualification of the individual from further participation in the hiring or promotion process.

²⁴4. Upon written request of the applicant or candidate.

And, for original appointment only:

²⁵5. Evidence is presented to the Commission, prior to the applicant's original appointment to the classified service, indicating that the applicant does not meet the qualifications for application set forth in Charter § 9.4.1 or the qualifications for application and original appointment set forth in Commission Rule 3, to include any qualifications necessary to perform the essential functions of the position.

²⁶6. Rejection of the applicant by the Manager of Safety, after certification for original appointment, for reasons sufficient to satisfy the Commission that the applicant is not qualified.

¹⁹ The provisions from current Section 7 (C) are incorporated with revisions.

²⁰ Several provisions from current Section 7 that were previously permissive reasons for removal are revised and updated to become mandatory reasons for removal of names from an eligible register.

²¹ Incorporates the provisions of current Section 7 (B) with revisions to become a mandatory basis for removal.

²² Incorporates the provisions of current Section 7 (E) with revisions to become a mandatory basis for removal.

²³ Incorporates the provisions of current Section 7 (F) with revisions to become a mandatory basis for removal.

²⁴ Incorporates the provisions of current Section 7 (H) with revisions to become a mandatory basis for removal.

²⁵ Incorporates the provisions of current Section 7 (J), (K), and (D) with revisions to become a mandatory basis for removal for original appointment applicants only.

²⁶ Incorporates the provisions of current Section 7 (I) with revisions to become a mandatory basis for removal for original appointment applicants only.

²⁷7. The applicant has been passed over for original appointment by the Manager of Safety on two separate occasions following certification.

²⁸8. The applicant has not received original appointment from an ongoing eligible register within 24 months of the date of approval by the Commission for entry of his/her name on the eligible register.

²⁹**C. Notice Required:**

Upon removal of an applicant's or candidate's name from an eligible register for any of the foregoing reasons as provided in Sections 7 (A) or (B) above, except for Section 7 (B)(8), the Commission shall notify the individual in writing of the removal of his/her name and the reasons(s) for removal.

END

²⁷ New provisions added for administrative purposes to eliminate continuing re-certification of individuals already deemed by the Manager of Safety to be not the best qualified or best suitable for appointment.

²⁸ New provisions added for administrative purposes. It is felt that any applicant not appointed within 24 months should retest for the position and be re-screened. See also Section 2 (F).

²⁹ Incorporates existing language of this Section 7, with updates and revisions.