

**RULE 3<sup>1</sup>**

**QUALIFICATIONS FOR APPLICATION AND ORIGINAL APPOINTMENT**

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<sup>1</sup> **Editor’s Note:** The Table of Contents, Dates of Adoption and Amendment, Footnotes and Attachments are annotations only and are not deemed to be part of the formal rule.

<sup>2</sup> **Editor’s Note:** The Table of Contents was first added as an annotation on June 30, 2005.

**Section 1. Qualifications for Application and Original Appointment.**

*(Adopted April 15, 2011) (Amended December 19, 2014)*

**A. At the time of application and appointment** to the Classified Service, an individual shall meet the qualifications established by the Charter of the City and County of Denver and the rules of the Civil Service Commission. In addition to a determination that an applicant<sup>3</sup> meets these minimum qualifications, the screening and examination of applicants shall provide for the selection of those applicants determined to be the best qualified and most suitable for appointment to the Classified Service.

*(Adopted April 15, 2011)*

**B. As provided by Charter and/or Commission Rule:**

*(Adopted April 15, 2011)*

1. Every applicant for original appointment shall also be subject to the examination, screening, and other requirements established by the Commission;
2. The qualifications of any applicant, including the character and background, shall be subject to review by the Commission;
3. Each applicant shall be approved by the Commissioners prior to placement on an eligible register, and such approval may be subject to background updates after placement on an eligible register; and
4. Any original appointment to the Classified Service shall be made by the Executive Director of Safety<sup>4</sup> (and when applicable, with the approval by the Chief of the Department).

*(Amended December 19, 2014)*

**C. Automatic Disqualification and Notice of Reason(s):** Any applicant who fails to meet the minimum qualifications established in this Rule 3 §§ 2-8 shall be automatically disqualified from further consideration. Any applicant subject to such automatic disqualification will be notified of the reason(s) for disqualification.

*(Adopted October 27, 2000) (Amended February 1, 2006; April 15, 2011; December 19, 2014)*<sup>5</sup>

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<sup>3</sup> **Definition Note:** As used in this Rule 3, the word “applicant” shall indicate an individual participating in the application, examination, screening, certification and/or appointment process for original appointment.

<sup>4</sup> **Editor’s Note:** Formerly titled “Manager of Safety”.

<sup>5</sup> **Editor’s Note:** New subsection title added 4/15/11. These provisions were previously in Section 1(B), *Minimum Qualifications*, of the 2000 and 2006 versions. The amendments of 2014 delete the reference to any provisions for an *Exemption from Automatic Disqualification for Behavior Prior to Age 18 and Occurring at Least 60 Months Prior to Date of Application*. That prior Section 7, initially adopted 02/01/2006, has been deleted from this Rule through the amendments of 12/19/2014.

**Section 2. Citizenship and Residency.**

*(Amended April 15, 2011)*

- A. Citizenship:** Applicants for original appointment to the Classified Service shall be citizens of the United States at the time of application.<sup>6</sup>  
*(Amended April 15, 2011)*
- B. Proof of United States Citizenship:** Acceptable proof of United States citizenship shall include a birth certificate from within the United States, naturalization papers, a United States passport, or a Certificate of Live Birth Abroad of a United States Citizen.  
*(Adopted March 27, 1998)*<sup>7</sup>
- C. Colorado Residency:**<sup>8</sup> Applicants for original appointment to the Classified Service shall be bona fide residents of the State of Colorado at the time of appointment,<sup>9</sup> and must maintain any statutory residency requirements.<sup>10</sup>  
*(Amended October 27, 2000; April 15, 2011)*

**Section 3. Age.**

- A. Fire Department – Age 21:** Effective November 1, 2015, applicants for original appointment to the Fire Department must have reached twenty-one (21) years of age on or before the day of application. Prior to November 1, 2015, applicants must have reached eighteen (18) years of age on or before the day of application.  
*(Amended September 6, 1986; November 15, 1989; October 27, 2000; April 15, 2011; December 19, 2014)*
- B. Police Department – Age 21:** Applicants for original appointment as a Police Officer must have reached twenty-one (21) years of age on or before the day of application. *(Amended July 2, 1990; March 27, 1998; October 27, 2000; April 15, 2011)*
- C. Proof of Age:** Acceptable proof of age shall include a birth certificate, passport, baptismal record (if it designates date of birth), or naturalization papers.  
*(Adopted March 27, 1998)*<sup>11</sup>

<sup>6</sup> **Charter Note:** Required by Charter § 9.4.1.

<sup>7</sup> **Editor’s Note:** Incorporates provisions from prior § 8(B) of the 2000 and 2006 versions of Rule 3 concerning *Documentation to Verify Minimum Qualifications – Proof of United States citizenship.*

<sup>8</sup> **Editor’s Note:** Charter § C5.12 was amended in the election of Nov. 3, 1998, to permit residency in the six county Denver metro area. In the election of Nov. 6, 2001 Charter § C5.12 et seq. was repealed and as a result all Charter related county residency restrictions under prior Rule 3 § 2(B) and 2(C) were eliminated.

<sup>9</sup> **Editor’s Note:** An “appointment” to the Classified Service is effective the first day of actual employment in the position. See Rule 1, “Appointment” and “Resident-Bona Fide”.

<sup>10</sup> **Editor’s Note:** There is a State statutory general requirement of Colorado residency for Peace Officer certification (CRS 29-5-101).

<sup>11</sup> **Editor’s Note:** Previously contained in Section 8(A), *Documentation to Verify Minimum Qualifications*, of the 2000 and 2006 versions of Rule 3.

**Section 4. Education.**

- A. High School Education:** All applicants for original appointment to the Fire or Police Departments shall have a high school diploma or a general equivalency diploma (GED certificate) on or before the day of application.

*(Amended November 15, 1989; March 27, 1998; October 27, 2000; April 15, 2011)*

- B. Technical or Special Qualifications:** For a position requiring technical, professional, or scientific knowledge and experience, or special qualifications, the Commission shall also require such certificate of competence, diploma, or license, as required by law, examination announcement or Commission rule.

*(Amended October 27, 2000; April 15, 2011)*

- C. Proof of Educational Attainment:**

*(Adopted April 15, 2011)*

1. Acceptable proof of a high school diploma or its equivalent shall include a high school diploma, a GED certificate, a certified high school transcript bearing the official school seal and showing graduation date, or a letter from the school on the school's stationery that verifies graduation date.<sup>12</sup>

*(Adopted March 27, 1998) (Amended April 15, 2011)*

- a. Police Officer Applicants: Any Police Officer applicant who has received a high school diploma or GED certificate but is unable to obtain and provide “acceptable proof” shall be required to obtain a written waiver of the high school diploma or GED certificate requirements from the Colorado Peace Officer Standards and Training (POST) Board.

*(Adopted April 15, 2011)*

- b. Fire Department Applicants: Any Fire Department applicant who has received a high school diploma or GED certificate but is unable to obtain and provide “acceptable proof” may request a waiver from the Commission, or their designee, if they provide acceptable proof of an Associates or higher level degree that supports a determination that they possess a level of general education at least equivalent to the high school level.

*(Adopted April 15, 2011)*

2. Credit for home schooling at the high school level shall not be accepted without a high school diploma or GED certificate. If the high school diploma is issued by the applicant's parent:

*(Adopted April 15, 2011)*

- a. The applicant will be required to provide supporting documentation to verify that the home-schooling program met State requirements; and

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<sup>12</sup> **Editor's Note:** Incorporated from § 8(C) of the 2006 version of Rule 3.

- b. An applicant for Police Officer shall also provide written verification from the POST Board that the home school diploma, with supporting documentation, is acceptable to the POST Board for the purpose of peace officer certification.
- 3. Acceptable proof of post-secondary educational attainment shall include a diploma or certificate; a certified technical school, college or university transcript bearing the official school seal, showing the date of award of the degree or diploma or certificate; or a letter from the school on the school’s stationary which verifies the diploma, certificate, or degree awarded and the date.  
*(Adopted April 15, 2011)*
- 4. The Commission reserves the right to reject any proof of educational attainment based on an evaluation of supporting documentation and the credentials or accreditation (or lack thereof) of the educational institution awarding the diploma, certificate, or degree.  
*(Adopted April 15, 2011)*

**Section 5. Driver’s License.**

Applicants for original appointment must possess a valid automobile driver’s license at the time of application and up to the date of appointment and must maintain any licensing requirements of the respective department.

*(Adopted March 27, 1998) (Amended April 15, 2011; December 19, 2014)*

**Section 6. Character and Background.<sup>13</sup>**

**A. To be eligible for original appointment** to a position in the Classified Service, an applicant shall be of good moral character as required by Charter § 9.4.1. In reviewing an applicant’s character and background, the Commission will consider the standards of ethical conduct, integrity and honesty that shall guide the behavior of a member of the respective Department.

*(Amended October 13, 1995; October 27, 2000; April 15, 2011)*

**B. Automatic Disqualification:**

- 1. An applicant shall be subject to automatic disqualification for any failure to meet the minimum qualifications related to character and background as provided below in this Rule 3 § 6(E-K).

*(Adopted April 15, 2011) (Amended December 19, 2014)*

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<sup>13</sup> **Editor’s Note:** Section 1 prior to October 2000. The amendments of October 27, 2000 involved a substantial revision of Rule 3 concerning the Character and Background related qualifications for Original Appointment, including the establishment of specific disqualifying criteria. The sections regarding particular misdemeanor disqualifiers and case by case consideration were newly adopted and gave consideration to the recommendations of the six-member Mayor’s Civil Service Commission Review Panel (*Blue Ribbon Panel*), as contained in the final report of August 1, 2000.

**RULE 3 (Annotated 12–19–14)**

2. With regard to any minimum qualifications concerning any felony offense, or certain misdemeanor or traffic offenses, as provided in this Rule 3 § 6, the phrase “*conviction of*” shall apply not only to any offense that has been the subject of a criminal or traffic court proceeding, but also to:  
(Adopted April 15, 2011) (Amended December 19, 2014)
  - a. Any juvenile offense adjudicated in a juvenile court when the offense would be classified as a felony or misdemeanor if committed by an adult; and
  - b. Any juvenile offense when the juvenile was charged as an adult.
  
- C. Case by Case Consideration:** Excluding the minimum qualifications established in this Rule 3 § 6(E-K) below, in determining whether an applicant’s *character and background* shall disqualify the applicant from further consideration in any *Preliminary File Review* or final *Background Review* process, the Commission, or their designee, shall consider the information available in the applicant’s file on a case by case basis. This shall include any information that has been provided by the applicant in writing, prior to the review, to further explain or clarify their qualifications and any matters that the applicant believes may be a character or background issue.  
(Adopted October 27, 2000) (Amended February 1, 2006; April 15, 2011; December 19, 2014)
  
- D. Expunged Adult Criminal or Juvenile Court Records and Sealed Juvenile Court Records:** Adult criminal or juvenile court records which have been expunged by an order of the Court, and juvenile court records which have been sealed by an order of the Court, will not be considered by the Commission for the purpose of evaluating the *Character and Background* of an applicant under this Rule 3 § 6.  
(Adopted December 19, 2014)
  
- E. No Legal Impediments:** To be eligible for application and for original appointment to a position in the Classified Service, an individual:
  1. Shall not have any legal impediments to their ability to perform the essential job functions of the position for which application is made;
  2. Shall have completed all court orders associated with any criminal conviction or plea;
  3. Shall not be subject to a current or active deferred sentence, deferred judgment or deferred prosecution related to any criminal charge; nor be currently subject to any court order or stipulation in connection therewith; and
  4. Shall not be incarcerated, on work release, on parole or on probation for any crime.  
(Adopted April 15, 2011) <sup>14</sup> (Amended December 19, 2014)

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<sup>14</sup> **Editor’s Note:** This subsection incorporates some provisions from Section 1(B), *Minimum Qualifications*, that was adopted on October 27, 2000 and maintained in the 2006 version.

**F. No Felony Offenses under any Federal or State Law:** To be eligible for application and for original appointment to a position in the Classified Service, an individual shall not have any conviction of a **felony offense during the individual’s lifetime**.

*[Amended: October 27, 2000 as § 1(B)(1); April 15, 2011; December 19, 2014]<sup>15</sup>*

**G. Certain Misdemeanor Offenses under any Federal, State, or Local Law:** To be eligible for application and for original appointment to a position in the Classified Service, an individual shall not have any of the noted misdemeanor offenses under the circumstances and time periods as specified below in this Subsection 6(G) (1-5).

*(Adopted April 15, 2011) (Amended December 19, 2014)*

*1.* An individual shall not have any conviction of a **misdemeanor offense, during the individual’s lifetime, involving any of the behaviors or offenses listed below:**

*[Adopted October 27, 2000 as § 1(B)( 4-7)] (Amended April 15, 2011; December 19, 2014)*

*a.* Domestic violence; *(Adopted October 27, 2000)*

*b.* Assault, menacing, or stalking; *(Adopted April 15, 2011)*

*c.* Sexual assault, unlawful sexual contact, or an offense that would require registration as a sex offender under Colorado law; *(Adopted October 27, 2000) (Amended April 15, 2011)*

*d.* Any offense based on unlawful sexual behavior not included above under Rule 3 § 6(G)(2)(c); *(Adopted April 15, 2011) (Amended December 19, 2014)*

*e.* An offense of child abuse (including child neglect) resulting in any injury to the child or to the child’s health; *(Adopted October 27, 2000) (Amended April 15, 2011)*

*f.* Harassment; *(Adopted April 15, 2011; Amended December 19, 2014)*

*g.* Any bias-motivated crime including harassment or intimidation of a person or group **because of** that person’s or group’s actual or perceived race, color, ancestry, national origin, religion, creed, age, gender, gender variance, sexual orientation, or physical or mental disability; *(Adopted Oct. 27, 2000) (Amended April 15, 2011; December 19, 2014)*

*h.* Cruelty to animals; *(Adopted April 15, 2011)*

*i.* Impersonating a peace officer, firefighter, or public servant; *(Adopted April 15, 2011)*

*j.* Obstruction of government operations; *(Adopted April 15, 2011)*

*k.* Obstruction of a peace officer, firefighter, emergency medical service provider, rescue specialist, or like volunteer; *(Adopted April 15, 2011)*

<sup>15</sup> **Editor’s Note:** This subsection F incorporates provisions from Section 1(B)(1) of the Amendments to Rule 3 of October 27, 2000.

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- l. False reporting to fire, emergency, or law enforcement authorities;  
*(Adopted April 15, 2011)*
  - m. Perjury. *(Adopted April 15, 2011)*
2. An individual shall not have any conviction of a **misdemeanor offense**, within the period beginning from **one hundred twenty (120) months (10 years)** prior to the date of application and up to the date of appointment, **involving any of the behaviors or offenses listed below**:  
*(Adopted April 15, 2011) (Amended December 19, 2014)*
- a. Any offense based on child abuse (including child neglect) that does not involve an injury to the child or to the child’s health;
  - b. Illegal use or possession of a firearm or an edged weapon (e.g. knife).<sup>16</sup>  
*(Adopted April 15, 2011) (Amended December 19, 2014)*
3. **Misdemeanor offenses involving fraud, forgery or theft.**<sup>17</sup>  
*(Adopted December 19, 2014)*
- a. **Within 84 months Prior to Application:** An individual shall not have any conviction of a **misdemeanor offense** involving **fraud, forgery or theft** within the period beginning from eighty-four (**84**) **months (7 years)** prior to the date of application and up to the date of appointment.
  - b. **More than 84 Months Prior to Application:** For any such misdemeanor conviction that occurred **more than eighty-four (84) months (7-years)** prior to the date of application, an individual shall be subject to a presumptive automatic disqualification. However, the **individual may request a case by case Commission review for exemption from disqualification** as provided below:
    - i. **For a Police Officer applicant:** A written request for review for exemption from disqualification must be provided to the Commission, in a format as prescribed by the Commission, along with a copy of the respective court records for the offense in question.
    - ii. **For a non-Firefighter Fire Department applicant:** A written request for review for exemption from disqualification must be provided to the Commission, in a format as prescribed by the Commission, along with a copy of the respective court records for the offense in question.

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<sup>16</sup> **Editor’s Note:** Prior to the amendments of 2014, this category of misdemeanor offense was previously adopted on April 15, 2011, as a “lifetime” disqualifier.

<sup>17</sup> **Editor’s Note:** Prior to the adoption of this subsection in 2014, these three categories of misdemeanor offenses (fraud, forgery and theft) were initially adopted on April 15, 2011, as “lifetime” disqualifiers.



**iii. For a Firefighter applicant:** A written request for review for exemption from disqualification must be provided to the Commission, in a format as prescribed by the Commission, along with a copy of the respective court records for the offense in question. In addition, a Firefighter applicant must also provide a copy of a current Colorado EMT certification.

4. An individual **shall not have more than one (1) conviction of any misdemeanor offenses** within the period beginning from **sixty (60) months (5 years)** prior to the date of application and up to the date of appointment.

*[Adopted October 27, 2000 as § 1(B)(3)] (Amended April 15, 2011; December 19, 2014)*

5. An individual **shall not have any conviction of any misdemeanor offense**, as provided below:

a. **While an employee or volunteer in any of the following positions:** law enforcement; peace officer; armed public safety; correctional officer; military police; firefighter; or medical first responder; and

b. **Within the period** beginning from **sixty (60) months (5 years)** prior to the date of application and up to the date of appointment.

This includes offenses arising **from conduct on or off the job**.

*[Adopted October 27, 2000 as § 1(B)(3)] (Amended April 15, 2011; December 19, 2014)*

**H. Traffic Related Infractions/Offenses:** To be eligible for application and for original appointment to a position in the Classified Service, an individual shall not have any conviction of, or driver license suspension for, a traffic related infraction or offense under the circumstances and time periods as specified below in this Subsection 6(H) (1- 5). *(Adopted April 15, 2011) (Amended December 19, 2014)*

1. An individual **shall not have more than one (1) conviction of a DUI (Driving Under the Influence) or DWAI (Driving While Ability Impaired) offense during an individual's lifetime.** (This includes all like infractions/offenses applicable to any means of motorized transport.)

*[Adopted October 27, 2000 as § 1(B)(9)] (Amended April 15, 2011; December 19, 2014)*

2. An individual **shall not have any conviction of a DUI or DWAI offense** within the period beginning from **sixty (60) months (5 years)** prior to the date of application and up to the date of appointment. (This includes all like infractions/offenses applicable to any means of motorized transport.)

*[Adopted October 27, 2000 as § 1(B)(8)] (Amended April 15, 2011; December 19, 2014)*

3. To be eligible for application and for original appointment to a position in the Classified Service, an individual **shall not have any** conviction of any of the **traffic infractions/offenses listed below**, within the period beginning from **sixty (60) months (5 years)** prior to the date of application and running to and including the date of appointment:  
*(Adopted April 15, 2011) (Amended December 19, 2014)*
    - a. Leaving the scene of an accident;
    - b. Eluding or attempting to elude a peace officer;
    - c. Engaging in a speed contest;
    - d. Reckless driving; or
    - e. A driving infraction or offense that states the violation resulted in a serious bodily injury or death.  
*(Amended December 19, 2014)*
  4. An individual **shall not have any driver’s license suspension, based on moving traffic violations/infractions**, within the period beginning from **thirty-six (36) months (3 years)** prior to the date of application and up to the date of appointment.  
*(Adopted April 15, 2011) (Amended December 19, 2014)*
  5. An individual **shall not have any** conviction of a traffic violation/infraction based on **operating a motor vehicle without insurance** within the period beginning from **twelve (12) months (1 year)** prior to the date of application and up to the date of appointment.  
*(Adopted April 15, 2011) (Amended December 19, 2014)*
- I. Drugs – Illegal Use, Purchase, Possession, Distribution, Sale or Manufacture:** To be eligible for application and for original appointment to a position in the Classified Service, an individual shall not have any illegal use, purchase, possession, distribution, sale or manufacture of **soft drugs<sup>18</sup>** or **hard drugs<sup>19</sup>**, **as prohibited under federal, state or local law**, and during the time periods and under the circumstances as specified below in this Subsection 6(I) (1-8).  
*(Adopted April 15, 2011) (Amended December 19, 2014)*
1. **Marijuana is a Schedule I controlled substance** under the federal Controlled Substances Act (21 USC Sec. 801 et. seq.). Therefore, any use, purchase, possession, distribution, sale or manufacture (including transportation for the purpose of distribution, sale or manufacture) of marijuana or its derivatives that

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<sup>18</sup> **Editor’s Note:** “Drug, Soft” is defined in Rule 1 to include Class V controlled substances, and marijuana in a single quantity of less than eight ounces.

<sup>19</sup> **Editor’s Note:** “Drug, Hard” is defined in Rule 1 to include Class I, II, III & IV controlled substances, the illegal use or possession of which would be classified as a felony; and to include marijuana concentrate where the use or possession of which would be classified as a felony; and also to include marijuana in a single quantity of eight ounces or more. See also the definition of “Drug, Prescription” in Rule 1.

would be regarded as illegal under the federal Controlled Substances Act (as determined at the sole discretion of the Commission) shall be regarded as “illegal”. No exception shall be provided for marijuana, or its derivatives, as a drug or substance that is prescribed, recommended or dispensed for medical purposes when such is prohibited under federal law.

*(Adopted April 15, 2011)*

**2. Misdemeanor Offenses Involving or Relating to Any Controlled Substance:**

*(Adopted December 19, 2014)*

- a Within 120 Months Prior to Application:** An individual **shall not have any conviction of any misdemeanor offense involving or relating to any controlled substance** (any hard drug or soft drug under Commission Rules) within the period beginning from **one hundred twenty (120) months (10 years)** prior to the date of application and up to the date of appointment.  
*(Adopted April 15, 2011) (Amended December 19, 2014)*
- b More than 120 Months Prior to Application:** For any such conviction that occurred **more than one hundred twenty (120) months (10 years)** prior to the date of application, an individual shall be subject to a presumptive automatic disqualification. However, the **individual may request a case by case Commission review for exemption from disqualification** as provided below:  
*(Adopted December 19, 2014)*
  - i. For a Police Officer applicant:** A written request for review for exemption from disqualification must be provided to the Commission, in a format as prescribed by the Commission, along with a copy of the respective court records for the offense in question, and a copy of a written waiver of any related peace officer certification requirements received from Colorado Peace Officer Standards and Training (POST) board for the offense in question;
  - ii. For a non-Firefighter Fire Department applicant:** A written request for review for exemption from disqualification must be provided to the Commission, in a format as prescribed by the Commission, along with a copy of the respective court records for the offense in question;
  - iii. For a Firefighter applicant:** A written request for review for exemption from disqualification must be provided to the Commission, in a format as prescribed by the Commission, along with a copy of the respective court records for the offense in question. In addition, a Firefighter applicant must also provide a copy of a current Colorado EMT certification.

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3. An individual shall not have any illegal distribution<sup>20</sup> (including delivery, transportation, transfer), sale or manufacture<sup>21</sup> of hard drugs or soft drugs at age twenty-one (21) or older.

*[Adopted Oct. 27, 2000 as § 1(B)(10)] (Amended April 15, 2011; December 19, 2014)*

4. An individual **shall not have any** illegal distribution<sup>20</sup> (including delivery, transportation, transfer), sale or manufacture<sup>21</sup> of **hard drugs**, as provided below:
- While **under the age of twenty-one (21)**; and
  - During the period beginning from **one hundred twenty (120) months (10 years)** prior to the date of application.

*(Adopted December 19, 2014)*

5. An individual **shall not have any** illegal distribution<sup>20</sup> (delivery, transportation, transfer), sale or manufacture<sup>21</sup> of **soft drugs**, as provided below:
- While **under the age of twenty-one (21)**; and
  - During the period beginning from **sixty (60) months (5 years)** prior to the date of application.

*(Adopted December 19, 2014)*

6. An individual **shall not have any** illegal use, purchase or possession of **soft drugs or hard drugs, as provided below**:
- While **an employee or volunteer in any of the following positions**: law enforcement; peace officer; armed public safety; correctional officer; military police; firefighter; or medical first responder; and
  - During the period beginning from **120 months (10 years)** prior to the date of application and up to the date of appointment.<sup>22</sup>

This includes conduct on or off the job.

*[Adopted October 27, 2000 as § 1(B)(13)] (Amended April 15, 2011; December 19, 2014)*

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<sup>20</sup> **Editor’s Note:** Regarding marijuana, “Distribution” is defined in Rule 1 to clarify that the distribution of one (1) ounce or less of marijuana, without any remuneration, barter or exchange, is considered to be “Use or Possession” and not “Distribution”. Also see Rule 3 § 6(I)(8).

<sup>21</sup> **Editor’s Note:** Regarding marijuana, “Manufacture” is defined in Rule 1 to include for any person to cultivate, grow, produce, prepare, or process marijuana (regardless of whether for personal use, distribution or sale).

<sup>22</sup> **Editor’s Note:** The amendments of December 19, 2014 modified the time period of automatic disqualification from “lifetime” to 120 months (10-year) (with case by case consideration for any offense older than 10 years prior).

7. An individual shall not have any illegal use, purchase, or possession of **hard drugs** within the period beginning from **sixty (60) months (5 years)** prior to the date of application and up to the date of appointment.

*[Adopted October 27, 2000 as § 1(B)(11)] (Amended April 15, 2011; December 19, 2014)*

8. An individual shall not have any illegal use, purchase, possession, distribution, sale or manufacture of **soft drugs** (including recreational or medical marijuana as prohibited under Federal law) within the period beginning from **twelve (12) months (1 year)** prior to the date of application and up to the date of appointment. All members of the Classified Service are expected to not engage in the illegal use, purchase, possession, distribution, sale or manufacture of soft drugs. An exemption from these standards is permitted as part of the employee’s official duties, in accordance with department policy and Executive Order No. 94.

*[Adopted October 27, 2000 as § 1(B)(12)] (Amended April 15, 2011; December 19, 2014; March 18, 2020) (Adopted June 11, 2020)*

**J. Additional Minimum Qualifications for Police Officer:** In addition to the minimum qualifications as provided in this Rule 3 § 6(A -I), to be eligible for application and for original appointment to a position in the Classified Service, any applicant for the position of Police Officer shall also meet the following minimum qualifications.

*(Adopted April 15, 2011) (Amended December 19, 2014)*

1. Except as provided in subsection J(2) below, an individual shall not have any conviction of any of those **specified misdemeanor offenses for which the Colorado Peace Officer Standards and Training (POST) Board shall deny certification** as provided under C.R.S. 24-31-305(1.5) as it may be amended from time to time.<sup>23</sup> This shall include any substantially similar misdemeanor offenses under any federal, state or local law.

*(Amended December 19, 2014)*

2. Except as provided under this Rule 3 § 6(I)(2)(b)(i), regarding Misdemeanor Offenses Involving or Related to Any Controlled Substance, there shall be no exemption from disqualification for offenses as provided in this Subsection 6(J)(1), regardless of any exemption or variance for peace officer certification having been granted by the POST Board or its Executive Director.

*(Amended December 19, 2014)*

**K. Additional Minimum Qualifications for Firefighter:** In addition to the minimum qualifications as provided in this Rule 3 § 6(A-I), to be eligible for application and for original appointment to a position in the Classified Service, any applicant for the position of Firefighter shall also meet the following additional minimum qualifications.

*(Adopted April 15, 2011) (Amended December 19, 2014)*

1. An individual shall not have any conviction of any **misdemeanor crime that is considered to present** (as determined at the sole discretion of the Commission) either an **unreasonable risk** or a **significant risk** to public health and safety under

### **RULE 3 (Annotated 12–19–14)**

<sup>23</sup> **Editor’s Note:** See Attachment A to Rule 3 – POST’s list of misdemeanors that will “affect” certification (unless a waiver is granted by POST) as derived from C.R.S. 24-31-305(1.5).

the Criminal Conviction Policy of the Emergency Medical and Trauma Services Section, CDPHE, as it may be amended from time to time.<sup>24</sup>  
(Adopted April 15, 2011) (Amended December 19, 2014)

2. Except as provided in subsection K(3) below, an individual shall not have any conviction of any misdemeanor crime that relates to the duties and responsibilities of an EMT and is considered to present good cause for possible denial of an Emergency Medical Technician (EMT) certificate under the Criminal Conviction Policy of the Emergency Medical and Trauma Services Section, Colorado Department of Public Health and Environment (CDPHE), as it may be amended from time to time.<sup>24</sup>  
(Adopted December 19, 2014)
3. Except as provided under this Rule 3 § 6(I)(2)(b)(iii), regarding Misdemeanor Offenses Involving or Related to Any Controlled Substance; and under this Rule 3 § 6(G)(3)(b)(iii), regarding Misdemeanor offenses involving fraud, forgery or theft; there shall be no exemption from disqualification for criminal offenses as provided in this Subsection 6(K)(2), regardless of any EMT certification having been granted by the CDPHE.  
(Adopted December 19, 2014)

### **Section 7. Physical, Mental & Psychological Qualifications.**

(Adopted October 27, 2000 as § 6)

Applicants for original appointment must be physically, mentally, and psychologically qualified to perform, with or without reasonable accommodation, the essential job functions of the position for which application is made.<sup>25</sup>

### **Section 8. Other Qualifications.**

(Adopted March 27, 1998 as § 6) (Amended October 27, 2000 as § 7)

Applicants for original appointment must also possess all other minimum qualifications as determined by job analyses or studies of the position to be filled.

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<sup>24</sup> **Editor’s Note:** See Attachment B to Rule 3 – CDPHE Emergency Medical and Trauma Services Section – Criminal Conviction Policy (selected sections only).

<sup>25</sup> **Editor’s Note:** Prior to the amendments of Oct. 27, 2000 the qualification of being physically capable of performing the essential job functions was referenced in the prior Section 1, Character and Background.

**Section 9. Documentation to Verify Qualifications Including Character and Background.**  
*(Adopted March 27, 1998 as § 7) (Amended October 27, 2000 as § 8; April 15, 2011)*

Documentation to be used to verify an applicant's qualifications, including an applicant's character and background, shall be provided by an applicant upon request by the Commission. A failure to provide any such requested documentation in a timely manner may result in disqualification.

*(Adopted October 27, 2000) (Amended April 15, 2011)*

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**Colorado Peace Officer Standards and Training Board**  
**MISDEMEANORS WHICH WILL AFFECT CERTIFICATION**

Effective 8/7/2013

| <b>C.R.S.</b>    | <b>Cite</b>  |
|------------------|--|
| 18-3-204         | Assault in the third degree  |
| 18-3-402         | Sexual Assault   |
| 18-3-404         | Unlawful sexual contact  |
| 18-3-405.5       | Sexual assault on a client by a psychotherapist  |
| 18-3-412.5       | Failure to register as a sex offender  |
| 18-6-403(3) b.5) | Sexual exploitation of a child (as it existed prior to July 1, 2006)   |
| 18-7-201         | Prostitution prohibited  |
| 18-7-202         | Soliciting for prostitution  |
| 18-7-203         | Pandering  |
| 18-7-204         | Keeping a place of prostitution  |
| 18-7-302         | Indecent exposure  |
| 18-7-601         | Dispensing violent films to minors   |
| 18-8-102         | Obstructing government operations  |
| 18-8-103         | Resisting arrest   |
| 18-8-104         | Obstructing a peace officer, firefighter, emergency medical services provider, rescue specialist, or volunteer |
| 18-8-108         | Compounding  |
| 18-8-109         | Concealing death   |
| 18-8-111         | False reporting to authorities   |
| 18-8-113         | Impersonating a public servant   |
| 18-8-114         | Abuse of public records  |
| 18-8-201         | Aiding escape  |
| 18-8-204.2       | Possession of contraband in the second degree  |
| 18-8-208         | Escapes  |
| 18-8-208.1       | Attempt to escape  |
| 18-8-212         | Violation of bail bond conditions  |
| 18-8-304         | Soliciting unlawful compensation   |

| <b>C.R.S.</b> | <b>Cite</b>  |
|---------------|--|
| 18-8-305      | Trading in public office   |
| 18-8-308      | Failing to disclose a conflict of interest   |
| 18-8-403      | Official oppression  |
| 18-8-404      | First degree official misconduct   |
| 18-8-503      | Perjury in the second degree   |
| 18-8-611      | Simulating legal process   |
| 18-8-612      | Failure to obey a juror summons  |
| 18-8-613      | Willful misrepresentation of material fact on juror questionnaire  |
| 18-8-614      | Willful harassment of juror by employer  |
| 18-8-802      | Duty to report use of force by peace officers  |
| 18-9-111      | Harassment   |
| 18-9-121      | Bias-motivated crimes  |
| 18-18-404     | Unlawful use of a controlled substance   |
| 18-18-405     | Unlawful distribution, manufacturing, dispensing, or sale  |
| 18-18-406     | Offenses relating to marijuana and marijuana concentrate   |
| 18-18-411     | Keeping, maintaining, controlling, renting, or making available property for unlawful distribution or manufacture of controlled substances |

|   |  |
|---|--|
| <b>Colorado Department of Public Health and Environment</b><br><b>Health Facilities and Emergency Medical Services Division</b><br><b>Emergency Medical and Trauma Services Section</b> |  |
| SUBJECT: <b>Criminal Conviction Policy</b>  |  |
| Date: July 1, 2005<br>Revised: July 1, 2011   | <input type="checkbox"/> Replacement page(s) Of Part _____<br><input type="checkbox"/> Addition of page(s) To Part _____<br><input type="checkbox"/> New |

EMTS Section Chief signature \_\_\_\_\_ Date \_\_\_\_\_

**Summary:**

EMS providers are placed in a position of the highest public trust. They have unsupervised, intimate, physical and emotional contact with patients at a vulnerable time, as well as unsupervised access to personal property. Consequently, the Department shall review and consider felony and misdemeanor convictions in making certification determinations.

**Policy:**

- A. The Department may deny, revoke, suspend, limit, modify, or refuse to renew a certificate, may impose probation on a certificate holder, or may issue a letter of admonition for **good cause**, in accordance with Department regulations at 6 CCR 1015-3, Chapter One: Rules Pertaining to EMS Education and Certification, and with the State Administrative Procedure Act (APA), section 24-4-101 *et seq.*, C.R.S. Individuals may appeal such actions pursuant to Department regulations and the APA.

**Good cause** includes conviction of, or a plea of guilty, or of no contest, to a felony or misdemeanor that relates to the duties and responsibilities of a certificate holder including patient care and public safety. For purposes of this paragraph, “conviction” includes the imposition of a deferred sentence. The following crimes set forth in the Colorado Criminal Code (Title 18, C.R.S.) are considered to relate to the duties and responsibilities of an EMS provider/applicant.

1. Offenses under Article 3 – Offenses against a person.
2. Offenses under Article 4 – Offenses against property.
3. Offenses under Article 5 – Offenses involving fraud.
4. Offenses under Article 6 – Offenses involving the family relations.

5. Offenses under Article 6.5 – Wrongs to At-Risk Adults.
  6. Offenses under Article 7 – Offenses related to morals. Offenses under Article 8 – Offenses – Governmental Operations.
  7. Offenses under Article 9 – Offenses against public peace, order and decency.
  8. Offenses under Article 17 – Colorado Organized Crime Control Act.
  9. Offenses under Article 18 – Uniform Controlled Substances Act of 1992.
- B. The offenses listed above are not exclusive. The Department may consider other pleas or criminal convictions, including those from other state, federal, foreign or military jurisdictions.
- C. Within the categories of criminal offenses listed above, certain crimes are considered to present an unreasonable risk to public health and safety, such that applications for certification or certification renewal presumably shall be denied or disciplinary sanctions shall be imposed unless, upon consideration of all the facts and circumstances, the Department determines otherwise. These crimes include:
1. Crimes involving sexual misconduct where the victim’s failure to affirmatively consent is an element of the crime.
  2. Crimes involving the sexual or physical abuse of children, the elderly or the infirm, such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, and assault on an elderly or infirm person.
  3. Any crime in which the victim is an out-of-hospital patient or a patient or resident of a health care facility including abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the EMS provider.
- D. Additionally, the following crimes and/or circumstances are considered to present a significant risk to public health and safety, such that applications for certification or certification renewal may be denied or disciplinary sanctions may be imposed, depending upon the facts and circumstances.
1. Conviction of or plea to crimes for which the individual is currently incarcerated, on work release, on probation or on parole, or has not yet completed all court orders associated with the conviction/plea.
  2. A continuing pattern of criminal conduct.

3. Conviction of or plea to crimes in the following categories:
    - a. Serious crimes of violence against persons, such as assault or battery with a dangerous weapon, aggravated assault and battery, murder or attempted murder, manslaughter except involuntary manslaughter, kidnapping, robbery of any degree; or arson.
    - b. Crimes involving controlled substances or synthetics, including unlawful use, possession or distribution, or intent to distribute unlawfully.
    - c. Serious crimes against property, such as grand larceny, burglary, embezzlement or fraud.
- E. In determining whether to deny, revoke, suspend, limit, modify, or refuse to renew a certificate, impose probation on a certificate holder, or issue a letter of admonition based on a criminal conviction, the Department may consider, but is not limited to, the following information:
1. The nature and seriousness of the crime.
  2. Whether the crime was against person or property and committed while in a position of trust.
  3. Whether the crime relates directly to the skills of emergency medical services and the delivery of patient care.
  4. The length of time elapsed since the crime was committed.
  5. Whether the crime involved violence to, or abuse of, another person.
  6. Whether the crime involved a minor or a person of diminished capacity.
  7. The applicant's/EMS provider's actions and conduct since the crime occurred.
  8. Compliance with all court orders associated with the conviction (court issued documents demonstrating fulfillment of all court orders shall be submitted for consideration).
  9. Subsequent criminal actions.

Policy Basis:

6 CCR 1015-3, Chapter 1: Rules Pertaining to EMS Education and Certification