

**RULE 2
CAREER SERVICE BOARD**

The purpose of this rule is to establish how the Career Service Board (“Board”) carries out its duties as provided for under the authority of the City Charter § 9.1.1 and Chapter 18 of 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.
2. The Board’s primary functions are to oversee the Office of Human Resources (“OHR”), 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. The Board is responsible for adopting, administering and enforcing rules necessary to foster and maintain this merit-based personnel system including, but not limited to rules providing:

1. For the conduct of competitive examinations of competence (Rule 3 **RECRUITMENT AND SELECTION**);
2. That appointments and promotions of employees in the Career Service shall be made on the basis of merit and ability (Rule 3 **RECRUITMENT AND SELECTION**);
3. For probationary periods (Rule 5 **APPOINTMENTS AND STATUS**);
4. For like pay for like work and for the payment of generally prevailing compensation and benefits to Career Service employees (Rule 7 **CLASSIFICATION AND COMPENSATION**);
5. For equal employment opportunity without regard to race, color, religion, national origin, sex, sexual orientation, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, or any other status protected under federal, state and/or local law (see Rule 16 **CODE OF CONDUCT AND DISCIPLINE**) (Revised September 21, 2017; Rule Revision Memo 28D);

6. That 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 (Rule 16 **CODE OF CONDUCT AND DISCIPLINE**);
7. For grievance procedures (Rule 18 **DISPUTE RESOLUTION**); and
8. For appeals from actions of appointing authorities (Rule 19 **APPEALS**). (Revised February 12, 2016; Rule Revision Memo 18D)

C. 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 when such authorization is 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 term.

D. Minutes and Record Keeping:

The OHR Executive Director shall be the official custodian of all Board minutes, correspondence, documents and files.

E. Appointments:

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

2-12 Meeting Requirements

A. Meetings:

1. The Board shall meet on the third Thursday of each month, or as deemed necessary by the Board. (Revised November 25, 2019; Rule Revision Memo 57D)
2. The OHR Executive Director shall 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 OHR Executive 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.

B. Quorum:

The presence of at least three Board members shall be required at a Board meeting before a quorum exists and the Board can transact business legally. No action or order of the Board shall be valid unless at least three members of the Board concur. Board members shall be considered present at a Board meeting if physically present at the meeting, or if participating remotely to the extent that the Board member can hear Board proceedings and be heard by those at the Board meeting simultaneously.

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 OHR on a bulletin board provided for such notices, on the first floor of the City and County Building, and on the Career Service Board's internet page.
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 any 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 cause.

2-13 Communications with the Board

- A. Written communications and requests to the Board shall be directed to the OHR Executive 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 to the individual and/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 OHR Executive 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 and Subpoenas

The Board or its designee may, at its discretion or as requested by any City department or agency, retain a qualified investigator to 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 OHR Executive Director or one of the Board Co-Chairpersons.
- B. When the Board or the OHR Executive Director determines that a change in the Rules is necessary or desirable, the procedure shall be as follows:
 1. The OHR Executive Director may 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 the same bulletin boards as the local, state, and federal-mandated posters, as well as the Career Service Board's internet page, and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule change and the reason(s) for the proposed change shall be posted with the proposed rule change.
3. A final proposed rule change 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 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 published and 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 OHR Executive 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 the classification and pay plan, including changes resulting from annual market analysis recommendations, subject to the exceptions for interim adjustments in Rule 7-21 subsection D;

(Revised April 9, 2021; Rule Revision Memo 66D)

2. Proposed changes to employee benefits prior to the OHR Executive Director making any recommendations to the Mayor and City Council as provided in the Denver Revised Municipal Code;
3. Determination of prevailing wages, in accordance with the Denver Revised Municipal Code;
4. Adoption, amendment or repeal of a rule, except for changes that are administrative.

(Revised November 25, 2019; Rule Revision Memo 57D)

- 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 the process to be heard.
2. Such notice shall be posted by any means available, whether in electronic or physical format, including electronically on the public website of the Career Service Board, the public area of the OHR on a bulletin board provided for such notices, and on the first floor of the City and County Building. (Revised July 15, 2021; Rule Revision Memo 68D)

B. Special Additional Notice Requirements:

When the subject of a hearing is a proposed pay plan adjustment or a proposed rule change, the OHR shall provide electronic copies of the notice of public hearing to appointing authorities.

(Revised December 17, 2020; Rule Revision Memo 60D)

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, but need not be transcribed unless required in litigation. If a transcript is required, the party requesting the transcript shall pay the costs.
3. At the discretion of the Board, hearings may be continued for good cause.

Section 2-40 OHR Executive Director

A. Powers and Duties:

The OHR Executive 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 these Rules, and as delegated by the Denver Revised Municipal Code. In addition, the OHR Executive Director's powers and duties are:

1. To interpret and enforce the Rules adopted by the Board in such a manner as to promote and maintain the principles of a merit-based personnel system and the just, speedy and effective resolution of disputes (Revised January 22, 2010; Rule Revision Memo 44C);
2. To prepare and administer examinations, determine qualifications of applicants, establish eligible lists and refer 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 actions;
5. To consider reasonable 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 Education 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 for all employees and applicants without regard to the Protected Characteristics as defined in Rule 16-22, or otherwise ensure the efficient operation of OHR. (Revised June 22, 2018; Rule Revision Memo 43D)

B. Normal Working Hours:

The OHR Executive Director shall keep the OHR 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. Interim OHR Executive Director: (Revised October 21, 2021; Rule Revision Memo 76D)

1. When the OHR Executive Director will be absent for sixty (60) days or less, the OHR Executive Director shall designate a suitable and competent person as interim OHR Executive Director, unless the Board elects to designate one instead.
2. If the absence is going to be more than sixty (60) days, or there is a vacancy in the OHR Executive Director role, the Board shall designate an interim OHR Executive Director.
3. Nothing in this rule should be construed as preventing the designation of multiple persons to fill the interim OHR Executive Director role.

Section 2-50 Career Service Hearing Officers

A. Powers and Duties:

Career Service Hearing Officers serve at the pleasure of the Board, report directly to the Board, and perform all duties and responsibilities including those contained in these Rules, and as delegated by City Charter, to maintain a fair and efficient appeal process. In addition, the Hearing Officers' powers and duties are:

1. To ensure due process and to have authority to preside over all appeals permitted by Rule 19 **APPEALS** regarding employment disputes, and to perform the functions necessary to implement and maintain a fair, speedy, and efficient process for appeals.
 - a. Hear and evaluate testimony under oath or affirmation to determine case facts and maintain order and decorum, dispose of objections expressed, and permit questioning and cross-examination of witnesses.
 - b. Make rulings on motions; hold pre-hearing conferences; set hearing dates; grant continuances or stays; issue subpoenas; administer oaths; continue, dismiss, or rule on cases subject to appeal; research case law; render written decisions and orders; and related activities.
 - c. Take necessary action to control proceedings.
2. To administer the Alternative Dispute Resolution Program.