

RULE 3
RECRUITMENT AND SELECTION
(Revised January 3, 2017; Rule Revision Memo 23D)

Purpose statement:

The purpose of this rule is to provide policy and practices for an efficient and consistent competitive hiring process that promotes both equal employment opportunity without regard to the Protected Characteristics as defined in Rule 16-22 and a highly productive, engaged workforce. (Revised June 22, 2018; Rule Revision Memo 43D)

As defined in the City Charter, the Office of Human Resources (OHR) oversees and administers hiring principles and practices, made on the basis of merit and ability for all Career Service system jobs.

Career Service employees have a right to work in an environment free of discrimination and harassment because of any status protected by federal, state or local laws (see Rule 16 **CODE OF CONDUCT AND DISCIPLINE**).

Section 3-5 Accommodation Pursuant to the Americans with Disabilities Act (ADA)

Upon request, the OHR will work with a qualified individual with a disability, as defined in the ADA, in a good faith effort to make necessary reasonable accommodations related to the application, assessment, test, interview, and any other aspect of the hiring process. A documented medical need for accommodation, prepared and signed by a health care provider, may be required.

Section 3-10 Definitions

- A. Agency Hiring Authority: The person in an agency or department who is responsible for the final hiring decision.
- B. Agency Hiring Manager: The person in an agency or department who is the primary contact for the OHR throughout the recruit-to-hire process.
- C. Applicant: The person who submits an application for employment in the City's applicant tracking system.
- D. Assessment: A tool to measure competencies and work behaviors that predict successful performance on the job such as customer focus and reliability.
- E. Candidate: The applicant who meets qualifications and is referred by OHR to an Agency Hiring Authority and/or Hiring Manager for review and consideration for a job opening.

- F. Evergreen requisition: A requisition that typically remains perpetually open for continuous hiring due to high-turnover, high volume jobs, or to proactively build our talent pool.
- G. Merit-based system: As described in the City Charter, a set of principles designed to ensure fair employment practices and selection of hires based on merit and ability, free of political influence, favoritism, or discrimination.
- H. Minimum qualifications: The amount, type, and level of education, work experience, licensure, and/or certification as minimally required to be considered and/or hired into a job as specified in the OHR job classification specification.
- I. Referred list: A list of candidates that meet the qualifications for the job opening which is sent to the Agency Hiring Authority and/or Agency Hiring Manager.
- J. Test: A tool to measure specific skills needed for the job such as Microsoft Word® or data entry.

Section 3-20 Delegation of Authority by the OHR Executive Director

The OHR Executive Director may delegate any authority given under this rule to a subordinate employee or to a designee (an appointing authority outside of OHR).

When the designation is outside of OHR, a formal agreement must be written and signed by both the OHR Executive Director and the designee prior to the delegation of authority. The designee shall act as an extension of the OHR and operate in accordance with Career Service Rules, and OHR's policies, practices and governance. At the discretion of the OHR Executive Director, the designee is subject to regular compliance reviews and the delegation may be revoked at any time and for any reason.

Section 3-25 Responsibilities in the Recruitment and Selection Process

The OHR and Agency Hiring Authority and/or Agency Hiring Manager work collaboratively on the following steps in the recruitment and selection process for Career Service jobs:

- A. Review job classification specifications and identify targeted qualifications for the posting;
- B. Outline the recruitment strategy, action plan, and timeline;
- C. Advertise a job opening and source applicants;
- D. Oversee and administer pre-employment assessments and tests;
- E. Review and evaluate applicants in accordance with the job classification specifications and targeted qualifications to identify candidates for interviews;
- F. Schedule and conduct candidate interviews;
- G. Select a candidate for hire;

- H. Extend a conditional verbal offer to the selected candidate;
- I. Prepare a conditional offer letter and send to the selected candidate;
- J. Facilitate the necessary pre-employment screening of the selected candidate;
- K. Upon successful completion of pre-employment screening, contact and confirm start date with the new hire;
- L. Notify candidates who were interviewed and not selected; and
- M. Update the status of all applicants in the applicant tracking system.

Section 3-30 Types of Recruitments and Posting a Job

- A. A recruitment for a job opportunity in the Career Service may be either an:
 - 1. External and internal recruitment: Open to all applicants; or
 - 2. Internal recruitment: Open only to applicants who are currently City employees, including anyone who has been the subject of a layoff within the past twelve (12) months.
- B.
 - 1. A job opportunity that is announced must be posted on the City's web site for at least two (2) business days and may not be posted for more than three (3) months. Posting a notice of a job opening for a transfer, demotion, or re-instatement appointment is not required. (Revised August 19, 2021; Rule Revision 69D)
 - 2. Continuously posted evergreen requisitions must be refreshed at least every three (3) months.
- C. Content of Job Postings:
 - 1. The notice must contain the job classification title, business title, pay range, benefits, position type (limited/unlimited/on-call), job description, minimum qualifications, target qualifications, physical requirements (where applicable), information on assessments and/or tests, pre-employment screening, and probation requirements. (Revised August 19, 2021; Rule Revision 69D)
 - 2. Evergreen requisitions must state whether the job is open continuously and if a job opening is currently available.

Section 3-40 Applicant and Candidate Evaluation Methods

Applicants and candidates are evaluated on one or more of the following:

- A. Evaluation of experience and education;
- B. Pre-employment assessments and tests;
- C. Interviews;
- D. References and performance history of current or former employees; or
- E. Any other appropriate measures based on the requirements of the job.

3-41 Substitution of Experience for Education

The City recognizes that there are occasions when people gain valuable experience for which the appropriate type and level of experience can be equivalent to formal education achieved or completed. Therefore, one year of the appropriate type and level of experience may be substituted for each required year of post-high school education for all classifications, subject to the limitations below:

- A. Two years of the appropriate type and level of experience may be substituted for each required year of post-high school education for all classifications at or above the type and level of a director, such as the classification title of "Director." (Revised October 21, 2021; Rule Revision Memo 73D)
- B. No substitution of experience for education will be permitted for:
 - 1. Classifications that require a college degree or graduate degree in order to obtain a license or certification to practice within the discipline. Examples include, but are not limited to, physicians, pharmacists, engineers, and attorneys;
 - 2. Classifications that require a college degree to provide optimum successful performance at the time of job entry. Examples include, but are not limited to, accounting, environmental and scientific occupations; or
 - 3. Classifications where vocational, or other specialized education beyond high school is required to meet certification or licensure requirements. Examples include, but are not limited to, licensed and certified skilled trades workers and paralegals.

- C. One year of the appropriate type and level of education and/or experience may be substituted for a high school diploma or its equivalent for classifications that require a high school diploma. Acceptable equivalents are:
 - 1. GED (General Education Development);
 - 2. HiSET (High School Equivalency Test); or
 - 3. TASC (Test Assessing Secondary Completion).

3-42 Disqualification of Applicants and Candidates

Applicants and candidates shall be disqualified from further consideration in the recruitment and selection process for any valid reason including, but not limited to, the following:

- A. Failure to meet minimum qualifications and/or licensing or certification requirements as defined in the job classification specification;
- B. Failure to attain the required minimum passing score on an assessment(s) or test(s);
- C. The candidate did not pass the required pre-employment background screening, or provided false information on the background screening documents;
- D. Acting unprofessionally or inappropriately such as committing, or threatening to commit, any acts of violence against City employees involved in the recruitment and selection process, including intimidation, threats, or other behavior reasonably perceived as hostile;
- E. Dismissal from employment for any reason from the City and County of Denver in the last five years;
- F. Providing false information in an application or resume, falsification of assessment scores or records, cheating, taking assessments or tests for which the applicant is not the registered applicant;
- G. If a former employee refuses an offer of re-instatement to the layoff unit as described in Rule 14 **SEPARATION OTHER THAN DISMISSAL**, that former employee is no longer eligible for that specific opening but can remain in consideration for other jobs; or
- H. The Agency Hiring Authority and/or Agency Hiring Manager did not follow this Rule 3 in the recruitment and selection process.

3-43 Veterans' Preference

Veterans' preference for applicants will be provided under the terms as set forth in the Colorado Constitution (see Appendix 3.A).

3-44 Pre-Employment Assessments and Tests

- A. The OHR is solely responsible for overseeing, developing, and/or approving all pre-employment assessments and tests.
- B. Departments and agencies, other than the OHR, are not authorized to develop, acquire, revise or administer pre-employment or on-the-job tests or assessments as part of the selection process. Performance-based skills tests may be administered by the department supervisor or subject matter expert if approved in advance by the OHR Executive Director in writing.
- C. The OHR Executive Director determines what classifications require an assessment or test, how assessments and tests are scored, the appropriate passing score and the applicability of current scores for future recruitments.
 - 1. Multiple part assessments and tests: The OHR may decide that failing one part of a multiple part assessment or test determines an overall failing result. In this case, the applicant is considered to have failed the full assessment or test and the other parts of the assessment or test cannot be taken.
 - 2. Reusing assessment and test results:
 - a. Applicant assessment and test results may be applied to future recruitments. The applicability of assessment and test results is at the discretion of the OHR and depends on various factors including but not limited to: duties and responsibilities of the job, assessment or test content and duration, length of time elapsed since last assessment or test, changes in industry standards, and/or changes in job classification specifications.
 - b. The creation of a new or revised assessment or test may require all applicants to take and pass the new assessment or test to gain eligibility.

3. Retaking assessments and tests:
 - a. A waiting period may apply before retaking certain assessments or tests. Applicants' eligibility to retake a test or assessment will be determined based on OHR testing guidelines.
 - b. Assessment and test results are valid for the duration of a recruitment. If a job is posted, closed and re-opened, applicants may not reapply or retest for that position since their application and test or assessment is already attached to the recruitment for that position. To retake an assessment or test, applicants must wait for a new job opening.
4. Applicant access to assessment and test results:
 - a. All applicants can view their assessment and test results by accessing their personal profile in the applicant tracking system.
 - b. Current employees may request feedback on their assessment or test results from the OHR.
5. Confidentiality of assessment and test results: A confidential record of assessment and test results are kept by the OHR. Results are only shared with the Agency Hiring Authority and/or Agency Hiring Manager in conjunction with a job vacancy unless otherwise requested by the applicant.

3-45 Scheduling of Assessments and Tests

- A. All assessments and tests must be taken by applicants when scheduled for an in-person appointment or completed by the due date as specified for online assessments and tests.
- B. Under certain circumstances, deferred assessments or tests are permissible for applicants who miss a scheduled due date. At the discretion of the OHR Executive Director, a request for deferral may be granted for the following reasons when supported by appropriate documentation:
 1. The applicant has jury duty;
 2. The applicant has been subpoenaed to appear in court or before an administrative tribunal;
 3. The applicant has been ordered to perform City business;
 4. The applicant is a City employee who has a work-related injury, which renders the candidate unable to take the assessment when scheduled; or
 5. Any other good cause in the OHR Executive Director's judgment.

- C. A deferred assessment or test must be taken within seven (7) days of the approval of the deferment. An applicant that takes and successfully passes a deferred assessment or test after the seven (7) days will be eligible at that point in the recruitment process only if a candidate has not yet been selected.

Section 3-50 Candidate Referral List and Interviews

A department or agency may request any number of eligible candidates to be included on the Referred List for a job vacancy. However, at least three (3) eligible candidates will be provided and must be interviewed. If there are less than three (3) eligible candidates on the list, the department or agency must interview all the candidates on the list.

- A. The OHR and Agency Hiring Authority and/or Agency Hiring Manager will jointly determine the best qualified candidate for a job and are not required to provide a specific reason for not selecting any candidate.
- B.
 - 1. To avoid favoritism in hiring, the City's Code of Ethics prohibits an employee from appointing, hiring, or being in a direct line of supervision over a member of his or her immediate family for any type of employment. The Board of Ethics must approve any waivers to this requirement. Refer to the Denver Code of Ethics, as it may be amended from time to time.
 - 2. Immediate family in this context means immediate family as defined in the Denver Code of Ethics (**Source: D.R.M.C. § 2-52**). (Revised May 22, 2018; Rule Revision Memo 41D)

3-51 Selecting a Candidate for Hire

- A. An Agency Hiring Authority and/or Agency Hiring Manager may only fill a vacant Career Service job with a candidate whose names appears on the Referred List provided by the OHR as described in this Rule 3, or who falls within one of the following exceptions:
 - 1. Career Service employees who are eligible for transfer or demotion appointments (including employees who are eligible for an ADA re-assignment under Rule 12 **LEAVE AND ACCOMMODATIONS FOR PREGNANCY AND EXTENDED ILLNESSES AND INJURIES**, or former employees who are eligible for re-employment, as defined in Rule 5 **APPOINTMENTS AND STATUS**). (Revised August 19, 2021; Rule Revision Memo 69D)
 - 2. Paid trainees and paid interns who have successfully completed the training or internship as provided in Rule 5 **APPOINTMENTS AND STATUS** may be promoted into the job that the trainee or intern was being trained to perform.

3. Trades apprentices who meet the minimum qualifications of the applicable trade's classification specification and have successfully completed the required apprenticeship program requirements (as documented by the employee's department or agency and verified by the OHR) may be promoted into the applicable trade.
 4. Employees in the Deputy Sheriff pay table classifications who are appointed to Deputy Sheriff Major and Deputy Sheriff Division Chief jobs after May 31, 2014. (Revised April 9, 2021; Rule Revision Memo 66D)
- B. If the candidate is a current or former City employee, the Agency Hiring Authority and/or Agency Hiring Manager should work with the OHR to review the employee's past performance after completion of the interviews and before a conditional offer of employment is made. The Agency Hiring Authority and/or Agency Hiring Manager should contact the employee's current supervisor for a reference, and (if a former City employee) review the employee's official personnel records. This requirement does not apply to candidates being re-assigned under the ADA.
- C. Work Visas – Eligibility of Foreign Nationals to Work in the Career Service System:
1. The City and County of Denver does not provide any employment based non-immigrant or immigrant visa sponsorship.
 2. Subject to pre-approval by the OHR Executive Director, an exception may be granted to an appointing authority to sponsor a work visa for a foreign national.
 3. No manager has the authority to represent, promise, or commit to an employee or applicant that the City will sponsor or finance any portion of the visa application process.

3-52 Re-instatement After Layoff

Employees or former employees who have been laid off within the past twelve (12) months shall be re-instated to the job classification within the layoff unit from which they were terminated in accordance with Rule 14 **SEPARATION OTHER THAN DISMISSAL**.

Section 3-60 Extending a Conditional Job Offer to a Candidate

An offer of employment is contingent on the verification of credentials and other information required by law and City policies, including the successful completion of a background check. Candidates must pass a criminal background check and other verifications required for the position which may include, but are not limited to, employment and/or education verification, motor vehicle record check, drug test, and/or physical.

For more information on compensation, including Recruitment Premium and Relocation Premium, please refer to Rule 9 **PAY ADMINISTRATION**.

APPENDIX 3.A.

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

- (1) (a) (I) The minimum requirements for a candidate to be placed on an eligible list for a position shall be the same for each candidate for appointment or employment in the state personnel system or in any comparable civil service or merit system of any agency or political subdivision of the state, including any municipality chartered or to be chartered under article XX of this constitution.
- (II) If a numerical method is used for the comparative analysis based on objective criteria, applicants entitled to preference under this section shall be given preference in accordance with paragraphs (b) to (e) of this subsection (1). If a nonnumerical method is used, applicants entitled to preference under this section shall be added to the interview eligible list.
- (b) Five points shall be added to the comparative analysis score of each candidate who is separated under honorable conditions and who, other than for training purposes, (i) served in any branch of the armed forces of the United States during any period of any declared war or any undeclared war or other armed hostilities against an armed foreign enemy, or (ii) served on active duty in any such branch in any campaign or expedition for which a campaign badge is authorized.
- (c) Ten points shall be added to the comparative analysis score of any candidate who has so served, other than for training purposes, and who, because of disability incurred in the line of duty, is receiving monetary compensation or disability retired benefits by reason of public laws administered by the department of defense or the veteran's administration, or any successor thereto.
- (d) Five points shall be added to the comparative analysis score of any candidate who is the surviving spouse of any person who was or would have been entitled to additional points under paragraph (b) or (c) of this subsection (1) or of any person who died during such service or as a result of service-connected cause while on active duty in any such branch, other than for training purposes.
- (e) No more than a total of ten points shall be added to the comparative analysis score of any such candidate pursuant to this subsection (1).
- (2) The certificate of the department of defense or of the veteran's administration, or any successor thereto, shall be conclusive proof of service under honorable conditions or of disability or death incurred in the line of duty during such service.

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- (5) No person shall receive preference pursuant to this section with respect to a promotional opportunity. Any promotional opportunity that is also open to persons other than employees for whom such appointment would be a promotion, shall be considered a promotional opportunity for the purposes of this section.
- (6) Repealed.
- (7) This section shall be in full force and effect on and after July 1, 1971, and shall grant veterans' preference to all persons who have served in the armed forces of the United States in any declared or undeclared war, conflict, engagement, expedition, or campaign for which a campaign badge has been authorized, and who meet the requirements of service or disability, or both, as provided in this section. This section shall apply to all public employment examinations, except promotional examination, conducted on or after such date, and it shall in all respects be self-executing.

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

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