

MEMORANDUM

REVISION 19, SERIES C

TO: Holders of CSA Rule Books
FROM: Career Service Board
DATE: June 8, 2007
SUBJECT: Election Commission transition rules

The Career Service Board has revised Career Service Rules 1, 3, 5 and 14 to facilitate the Election Commission transition. The effective date of this revision is June 8, 2007.

- Removes obsolete charter language from Rule 1 DEFINITIONS.
- Ensures that on-call definitions in Rules 1 and 5 are consistent.
- Waives the requirement that the Election Commission interview at least three candidates for the limited purposes of the July 16, 2007 transition.
- Makes it clear in the rules that Election Judges are not Career Service employees.
- Adds the Charter definition of Career Service employee as an appendix to Rule 5.
- Allows Election Commission employees who transition to the Career Service on July 16, 2007 to count non-Career Service Election Commission experience towards continuous service in the event of a lay-off for as long as they remain with the Election Commission.

	<u>Page Number</u>	<u>Issuance Dates</u>
Remove	1-2, 1-3 and 1-6 3-8 and 3-9 5-1 5-2 and 5-3	May 4, 2007 May 4, 2007 January 31, 2000 March 17, 2006
Replace	1-2, 1-3 and 1-6 3-8 and 3-9 5-1, 5-2, 5-3 and 5-3.1 5.A.-1 and 2 14-5.1	June 8, 2007

PLEASE INSERT IN YOUR RULE BOOK AS SOON AS POSSIBLE. THANK YOU.

Appropriation sub-account:

Includes all divisions of appropriations recognized by the Office of Budget and Management, up to and including the lowest level of the account code at which expenditures and revenues are recorded, the tracking level. (Effective March 19, 2004, Rule Revision Memo 247B)

Break in service:

Any lapse of working time between the official separation of an employee and his subsequent re-hiring. (Effective May 16, 1956; Rules Revision Memo 16A).

Career Service:

All employees of the City and their positions subject to the exceptions in the City Charter (relevant sections have been attached as an appendix to Rule 5 APPOINTMENTS AND STATUS). (Effective June 8, 2007; Rules Revision Memo 19C)

Career Service Authority:

The agency created by the Denver City Charter to administer the Career Service. (Effective August 15, 1979; Rules Revision Memo 113A).

Career Service Board:

The board created by the Denver City Charter to direct the Career Service. (Effective August 15, 1979; Rules Revision Memo 113A).

Career Service employee:

The incumbent of a position in the Career Service. (Effective May 16, 1956; Rules Revision Memo 16A)

Career status:

The status of a Career Service employee who has satisfactorily completed an employment probationary period or who has been reinstated after lay-off. (Effective September 18, 1980, Rules Revision Memo 127A).

City:

City and County of Denver (Eff. December 15, 1988; Rules Revision No. 118, Series B).

Class series:

The arrangement in sequence of classes that are alike in the kind but not in level. For the purposes of lay-off, a class series shall include first line supervisors and lead workers, if so designated for the class series. (Effective May 16, 1956, Rules Revision Memo 16A; Revised March 19, 2004, Rule Revision Memo 247B)

Continuous service date:

The effective date of an employment appointment or a re-employment appointment in the career service, whichever is later; or the effective date of appointment from a reinstatement list plus credits for service prior to lay-off. This definition does not affect employee rights to sick leave and vacation leave as established in the Revised Municipal Code or the Career Service Rules. (Eff. 12/15/83, Rules Rev. 51B; Revised 3/19/2004; Rules Rev. 247B)

Disabled individual:

An individual who (1) has a physical or mental impairment which substantially limits one or more major life functions; or (2) has a record of such impairment; or (3) is regarded as having such an impairment; or (4) has begun or successfully completed a supervised drug rehabilitation program and is no longer engaged in the illegal use of drugs. (Eff. 1/1/93; Rules Rev. 160B).

Disqualification:

An involuntary no-fault separation of an employee, or action in lieu thereof, based on a legal, physical, mental or emotional impairment or incapacity, occurring or discovered after appointment, which prevents satisfactory performance of the duties and responsibilities of the position. (Eff. 3/15/79; Rules Rev. 110A).

Documented performance:

A verifiable assessment of an individual's work performance, including PEPR ratings, disciplinary actions, and safety violations. (Eff. 3/19/2004, Rule Rev. 247B).

Domestic Partner:

An unmarried adult, unrelated by blood (closer than would prohibit marriage in Colorado pursuant to the Colorado Revised Statutes), with whom an unmarried employee has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses. (Eff. 3/16/95; Rules Rev. 178, Series B).

Effective date:

The date when a personnel action takes effect; in the case of separation, the employee's last day of work, exclusive of accrued vacation leave or compensatory time. (Eff. 5/16/56; Rules Rev. 16A).

Month of service:

The period of time between a given date in one month and the preceding day in the following month (e.g., April 16 through May 15). (Effective October 12, 1981; Rules Revision Memo 19B).

Non-career status:

The status of an employee who is appointed to an on-call position. Non-career status employees do not serve a probationary period. (Effective June 8, 2007; Rules Revision Memo 19C)

On-call position:

A position in which the incumbent works as needed. On-call positions may have routine or variable work patterns and are generally filled to accommodate seasonal or short term activities in various city agencies. (Effective June 8, 2007; Rules Revision Memo 19C)

Part-time position:

One in which an employee is scheduled to work less than forty (40) hours per week. (Effective September 18, 1980; Rules Revision Memo 127A).

Probationary period:

A period of time following employment appointment, promotional appointment, or re-employment which is a work-test period for the employee, and during which the employee is on a trial basis. (Effective September 18, 1980; Rules Revision Memo 127A).

Professional class:

A class in which the duties and responsibilities meet the following criteria:

- A. Primary duties consist of the performance of:
 - 1. Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or
 - 2. Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee, or (Effective March 2, 1982; Rules Revision Memo 30B)

- E. Re-instatement lists shall only be used within the Lay-off Unit (as defined in Rule 14, SEPARATION OTHER THAN DISMISSAL) that the employee was in when the lay-off took place.
- F. Certification from the re-instatement list is mandatory and exclusive. No other certification shall be made while any available eligible candidate remains on this list. Certification shall consist of the highest ranking available eligible candidate, or if there are ties, all those at the highest ranking.
- G. If a re-instatement list exists for a classification in which the department or agency has a position with a special qualification, which has been approved by the Personnel Director, certification shall consist of the highest ranking available eligible candidate who has the special qualification, or if there are ties, all those with the required special qualification at the highest ranking. If none of the available eligible candidates have the required special qualification, a certification shall be made in accordance with the rules applicable when there is no re-instatement list.
- H. Any re-instatement list may be abolished at any time by the Personnel Director if the classification specification is abolished or revised.

3-43 Employment List

- A. An employment list is comprised of all eligible candidates who have applied to and qualified for a particular classification.
- B. Certification:
 - 1. The requesting department or agency is entitled to have twenty (20) names of eligible candidates with the highest scores certified for each vacancy, unless fewer are qualified.
 - 2.
 - a. A minimum of three (3) eligible candidates from a certified employment list must be interviewed by the department or agency when filling a vacant position.
 - b. The three interview requirement imposed by the preceding subsection shall be waived for the limited purpose of transitioning employees of the Election Commission as of July 16, 2007 into the Career Service. (Effective June 8, 2007; Rules Revision Memo 19C)
 - 3. The department or agency may request additional names from the Personnel Director. Such a request shall be accompanied by a written justification explaining why the original certification was insufficient, and may be granted for good cause shown.
 - 4. Certification to an on-call vacancy from an on-call employment list may consist of one name or as many names as there are on the list, depending on a request from a department or agency.

5. CSA shall certify an employment list to the appointing authority containing the names of all eligible candidates for an applicable trainee or intern position.
- C. Candidates on employment lists may be re-certified during the life of the employment list. However, at the request of an appointing authority, eligible candidates may be excluded from re-certification to the same department or agency if approved by the Personnel Director.
- D. Employment lists may be abolished or extended at the discretion of the Personnel Director. Eligible candidates may be listed on:
 1. On-call employment lists as long as they are available for work, unless removed for cause, or unless the list is abolished; and
 2. All other employment lists for three months unless removed for cause, or unless the list is abolished or extended.
- E. Trades Apprentices

Career Service employees serving in the Career Service classification of Trades Apprentice who have satisfactorily completed apprenticeship training needed for entrance into a promotional classification, as evidenced by an appropriate statement of completion signed by their department or agency, and who meet the minimum qualification requirements of the promotional classification, may have their names added to the employment list for the classification and trade in which they have trained. They may be promoted without further certification. The trades involved are Carpentry, Electrical, Heating, Ventilating and Air Conditioning (HVAC), Heavy Equipment Mechanic, Painting and Plumbing.

3-44 Transfer, Demotion, Re-promotion, or Re-employment candidates

- A. All candidates who have applied for and are eligible for a transfer, demotion, re-promotion, or re-employment appointment into a vacancy shall be certified in addition to the employment list.
- B. No examination in addition to an evaluation of experience and education is necessary to be certified as a transfer, demotion, re-promotion, or re-employment candidate.
- C. The names of eligible candidates who have applied for and are eligible for a transfer, demotion, re-promotion, or re-employment appointment into a vacancy may be certified to vacancies for as long as the underlying employment list exists.

3-45 Use of Appropriate Alternative Lists

When full certification is not available for a given classification, the Personnel Director may declare a list for a different classification to be an appropriate list, provided the classification chosen has an equal or higher beginning pay rate than the original classification, and that the eligible candidates on the new list meet the minimum qualifications of the original classification.

**RULE 5
APPOINTMENTS AND STATUS**

Section 5-10 Appointment by Appointing Authority

The Career Service shall comprise all employees of the City and their positions, subject to the exceptions in the City Charter (relevant sections have been attached as an appendix to this rule). Election Judge positions are not part of the Career Service. Appointment to any position in the Career Service shall be made by an appointing authority, subject to local, state, and federal employment laws. (Effective June 8, 2007; Rules Revision Memo 19C)

Section 5-20 Medical examinations following a conditional offer of employment

- A. All classes in the career service shall be allocated to a medical group by the Personnel Director with approval of the Career Service Board. The medical groups are as follows:
1. Medical Group 1: Positions which demand a very high degree of physical fitness and health.
 2. Medical Group 2: Positions which demand considerable labor and exertion or in which safety considerations mandate a high degree of physical fitness and health.
 3. Medical Group 3: Positions which require little physical labor or exertion and an average degree of health.
- B. Applicants who are offered positions which are classified as group 1 or 2 will be required to submit to a medical examination after receiving a conditional offer of employment. The examination shall be administered by the occupational health and safety clinic at Denver Health Medical Center. The examination shall be completed after a conditional offer of employment has been given to the applicant and before the first day of work.
- C. Applicants who are offered positions which are classified as group 3 will not be required to submit to a post employment offer medical exam.

5-21 Adoption of Medical Standards

Medical standards for each medical group shall be proposed by Denver Health Medical Center. Proposed standards adopted by the Career Service Board shall be used as a guide in determining medical fitness. The Personnel Director may waive these standards at the request of an appointing authority when the Personnel Director determines that it is in the best interest of the City and County of Denver and when such employment will not constitute a hazard to the prospective employee's health or create a liability to the City.

Section 5-30 Types of Positions

(Effective November 1, 1980; Rules Revision Memo 127A).

5-31 General

All positions in the Career Service shall be identified by the following two (2) characteristics:

- A. Duration; and
- B. Number of hours worked.

5-32 Duration

The duration of each position in the Career Service shall be determined by one of the following definitions:

- A. Unlimited positions: A position which has no specified ending date.
- B. Limited position: A position which has a specified ending date. Examples are positions funded by grants, positions created to meet a special project or seasonal need, positions created to replace an employee on extended leave without pay, positions created to provide program continuity on an acting basis while recruitment is underway to fill a vacant position, and similar positions created with a time limitation for comparable specific purposes.

5-33 Number of Hours Worked

- A. Identification of Positions by Category: Each position in the Career Service shall be identified by one of the following working hours categories:
 - 1. Full time;
 - 2. Part time;
 - 3. On call.
- B. Criteria of Categories
 - 1. Full time: A full time position is one in which an employee is scheduled to work forty (40) hours per week. If a special work schedule is authorized under Rule 9 PAY ADMINISTRATION, a full time position shall include a work schedule of eighty (80) hours in two (2) weeks, when applicable.
 - 2. Part time: A part time position is one in which an employee is scheduled to work less than forty (40) hours per week.

3. On call: An on call position is one in which the employee works as needed. On-call positions may have routine or variable work patterns and are generally filled to accommodate seasonal or short term activities in various city agencies. Ushers are an example. Since Election Judges are not in the Career Service, they are not considered to be on-call Career Service employees. (Effective June 8, 2007; Rules Revision Memo 19C)

Section 5-40 Employee Status

(Effective November 1, 1980; Rules Rev. Memo 127A; revised effective April 1, 2006; Rules Revision Memo 6C)

5-41 General

Every Career Service employee shall hold one of the following employee status identifications; determined by position characteristics, probation requirements, or both:

- A. Employment probationary status;
- B. Career status;
- C. Promotional probationary status;
- D. Non-career status;
- E. Trainee or intern probationary status.

5-42 How Status is Attained

- A. Employment probationary: Every person when first appointed or re-employed to a full time or part time, limited or unlimited Career Service position, that is not a trainee or intern position, shall hold employment probationary status for the probation period required for the class.
- B. Career
 1. General: Employees attain career status through:
 - a. Successful completion of-the probationary period, and the training programs required by Rule 6 EMPLOYEE TRAINING AND ORGANIZATIONAL DEVELOPMENT; or
 - b. Re-instatement after layoff.
 2. Promotion while on employment probation: An employee promoted while on employment probation shall attain career status in the former class upon satisfactory completion of the number of months required in that former class. In order to achieve career status in the class to which promoted, the employee shall serve the remaining probationary period required for that class in promotional probationary status.

- C. Promotional probationary: Every career status employee who receives a promotional appointment (including re-promotion) shall hold promotional probationary status for the full probationary period of the new class. A promotional probationary employee who transfers from career status to non-career status and back again shall have promotional probationary status as of the date immediately preceding the initial transfer.
- D. Non-career: Every person who is appointed to an on-call position shall hold non-career status for the duration of the appointment and shall not serve a probationary period.
- E. Trainee or intern probationary: Every person who is appointed to a trainee or intern position shall hold trainee or intern probationary status for the duration of the appointment, as required for the applicable trainee or intern classification specification. The Public Safety Cadet classification is considered a trainee classification under these rules.

APPENDIX 5.A.

RELEVANT PROVISIONS FROM THE CITY CHARTER, ARTICLE IX, EMPLOYMENT, PART 1, CAREER SERVICE

§ 9.1.1 Career Service personnel system.

E. The Career Service shall comprise all employees of the City and their positions except:

- (i) elected officers;
- (ii) members of the Mayor's cabinet;
- (iii) the Director of Excise and Licenses;
- (iv) up to fifty employees appointed to serve at the pleasure of the Mayor in positions specifically designated or created by the Mayor in any department or agency of the City under the direct control of the Mayor;
- (v) county court judges and magistrates;
- (vi) members of the Classified Service of the Police and Fire Departments, the Police Chief if not a member of the Classified Service, and the Undersheriff;
- (vii) attorneys and part-time employees employed by the District Attorney, other employees of the District Attorney excluded from the Career Service and placed in an alternate merit personnel system pursuant to state law, and up to ten employees appointed to serve at the pleasure of the District Attorney in positions specifically designated or created by the District Attorney in the District Attorney's office;
- (viii) certified public accountants employed by the Auditor and up to five employees appointed to serve at the pleasure of the Auditor in positions specifically designated or created by the Auditor in the Auditor's Office;
- (ix) employees of the Denver Art Museum, the Denver Museum of Nature and Science, the Denver Zoological Gardens, and the Denver Botanical Gardens;
- (x) persons retained on a contractual basis to perform professional or technical services for limited periods of time;
- (xi) employees of the City Council, Library Commission, Civil Service Commission, Board of Adjustment, and Denver Water; and
- (xii) any hearing officers and up to two employees in positions specifically designated or created by the Career Service Board, appointed to serve at the pleasure of the Board.

- (xiii) any employee appointed to serve at the pleasure of the mayor for the purpose of monitoring internal investigations and disciplinary actions in the Department of Safety, and any employees appointed by the monitor to serve at the pleasure of the monitor. The appointment of any monitor by the mayor pursuant to this or any other provision of the charter shall require confirmation by the city council.
- (xiv) the Director of Elections and no more than one other employee in a position specifically designated or created by the Clerk and Recorder, appointed to serve at the pleasure of the Clerk and Recorder. Any employee of the Denver Election Commission as of July 16, 2007 and formerly excepted from the Career Service pursuant to this section shall retain his or her position as an employee of the Clerk and Recorder if the employee qualifies to retain the position in accordance with the rules of the Career Service Board.

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

- d) Election Commission transition: Election Commission employees who are appointed to Career Service Election Commission positions pursuant to the charter amendment effective July 16, 2007 shall be given credit for continuous service as follows:
- 1) At the time of the layoff, employees who hold positions in the Election Commission and have been continuously employed in this agency since July 16, 2007 shall have their length of service calculated from the date the employee's continuous service in a full or part-time position with the City began.
 - 2) After July 16, 2007, Election Commission employees who voluntarily accept an appointment to a position in another department in the City shall have their length of service calculated from the date of continuous service with the Career Service, provided that employees who are involuntarily moved to another department shall have their length of service calculated pursuant to the previous subparagraph. (Effective June 8, 2007; Rules Revision Memo 19C)