

MEMORANDUM

REVISION 23 SERIES D

TO: Holders of Career Service Rule Books
FROM: Career Service Board
DATE: January 3, 2017
SUBJECT: Revision of Career Service Rule 3 **RECRUITMENT**

The Career Service Rules Review Project continues to make progress. The project updates the rules, removes duplication and redundancies, clarifies the meaning of current language, and consolidates rules wherever possible.

The following is a summary of the rule changes, their intention and impact. The following changes and revisions to Rule 3 **RECRUITMENT** were approved by the Career Service Board on Thursday, December 15, 2016 and go into effect January 3, 2017. Also included are new rule pages to replace outdated information along with insertion instructions for Career Service Rule Books.

Please refer to the following table for additional information on the former rule description, the revised rule description and the intended impact of the revisions to Rule 3.

Rule 3 RECRUITMENT AND SELECTION			
CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
Title of Rule 3 is currently RECRUITMENT	Change title of Rule 3 to RECRUITMENT AND SELECTION		The new title is a better description of the content of the rule since its covers both recruitment and selection matters.

Rule 3 RECRUITMENT AND SELECTION

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
<p>Purpose statement is focused on administering a merit system and non-discrimination and non-harassment.</p>	<p>Retains those concepts and adds that the purpose is to provide for an efficient and consistent competitive hiring process that promotes a highly productive, engaged workforce.</p> <p>Updated non-discrimination and non-harassment language to be consistent with the recent changes to CSR 16 CODE OF CONDUCT AND DISCIPLINE.</p> <p>Describes accommodation pursuant to the Americans with Disabilities Act (ADA). OHR makes a good faith effort to make necessary reasonable accommodation during the application, assessment, test, interview, and any other aspect of the hiring process. A documented need by a medical provider may be required.</p>		<p>An engaged workforce is a productive workforce; we need this in addition to hiring based on merit and ability while retaining an environment free of discrimination and harassment.</p> <p>The discrimination and harassment protections have expanded relatively frequently in recent years, and a broader description captures any status protected by local, state, or federal laws.</p> <p>Modernizes language to ensure compliance with the ADA</p>

Rule 3 RECRUITMENT AND SELECTION

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
Definitions	<p>Re-ordered alphabetically for ease of use.</p> <p>Modifies some of our current definitions. For example, a new concept includes “evergreen requisitions” which are perpetually open, and the new rule refers to “jobs” rather than “positions.”</p>	3-10	Terminology aligns with new recruitment strategy and establishes better consistency in terminology.
OHR Executive Director may delegate any authority given under Rule 3 to a designee.	Adds requirement that when the designee is an appointing authority outside of OHR, a formal written agreement is signed by both the appointing authority and the OHR Executive Director prior to the delegation of authority.	3-20	Denver’s City Charter specifically gives OHR responsibility for upholding the merit system. These new details are designed to make clear the terms and conditions of the delegation of authority to all parties under this Rule 3 by making a formal, written agreement. It also requires designees to follow the Career Service rules, and OHR’s policies, practices, and governance.
Describes OHR’s responsibility in the recruitment and selection process.	Describes a collaborative process involving both the OHR and the Hiring Authority and/or Hiring Manager.	3-25	<p>Emphasizes collaboration amongst OHR and Hiring Managers.</p> <p>Provide flexibility for differences in roles / responsibilities.</p>

Rule 3 RECRUITMENT AND SELECTION

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
<p>Describes notice of job opening process</p>	<p>Limits types of recruitments to 2: External and internal (open to everyone) and Internal (City-only); eliminated Department-only</p> <p>Eliminates mandatory closing date for job postings and instructions to apply online</p> <p>Adds 3-month maximum a job posting can be open – mandatory for continuous postings to be refreshed</p> <p>Expands requirements in job posting to include: business title, position type, and pre-employment screenings, assessments and tests</p>	<p>3-30</p>	<p>Promotes competitive hiring and internal mobility opportunities; similar to how other employers post/recruit</p> <p>Flexibility to close when appropriate; easier to re-open or re-post if needed</p> <p>Eliminates stale job postings and improves accuracy of reporting data and metrics</p> <p>Provides additional critical information to the candidate about the job itself and manages expectations about the hiring process</p>

Rule 3 RECRUITMENT AND SELECTION

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
Describes types of assessments	Expands description to include applicant and candidate evaluation methods	3-40	Provides much needed clarification regarding how candidates should be evaluated and by whom. This helps ensure reliability and validity of the content of tests and assessments. Informs that there are multiple methods for evaluating a candidate beyond assessments (such as tests, interviews, past performance, and references).
Describes substitution of experience for education as it relates to post-high school education.	Adds permissible substitutions for high school (GED, HiSET, TASC or one year of the appropriate type and level of education and/or experience may be substituted).	3-41	Recognizes occasions when people gain valuable experience for which the appropriate type and level of experience can be equivalent to high school education.
Disqualification of applicants and candidates	Moves up and merges all disqualification measures into one section. Modernizes the language and adds two additional situations when disqualification may occur: 1) the hiring authority did not follow the requirements of this Rule 3, and 2) Employees who refuse an offer of re-instatement after a layoff.	3-42	Clear explanation of all factors for disqualification.

Rule 3 RECRUITMENT AND SELECTION

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
Veteran's preference requirements	Eliminates detail and instead refers to Colorado Constitution	3-43	Rule is always up to date and in compliance; process is outlined in OHR/TA's internal process and procedures guidelines.
Scheduling assessments, including situations when deferred tests/assessments are permitted, minimum scores, and requests for review of results.	<p>Expands the rule to create a section for all assessment and test-related policies (not just scheduling assessments), to include the role and responsibility of OHR and agencies/departments in the test/assessment function.</p> <p>Clarifies how scores are used and the confidentiality of scores.</p>	3-44 and 3-45	Re-arrangement is easy to follow and addresses critical components without providing too much detail or restricting the flexibility needed to address changes in testing practices.
<p>Provides detailed process explaining that positions may only be filled with qualified candidates as provided by the OHR.</p> <p>Hiring Manager must interview at least three candidates from the list unless filling the position with transfer, demotion, re-promotion, or re-employment; or</p>	Retains current requirements and removes some details such as the process for an emergency referral; the appropriate use of alternative lists; and when names that have been removed from a list for cause, are/are not restored. These details are incorporated into an internal process and procedures guidelines document for the recruiting team.	3-50	<p>Retains Rule-of-3 for referral and interview to protect and support our competitive merit system.</p> <p>Makes clear the expectation that background checks and reference checks must be performed.</p> <p>Supports Executive Order 135 (pertains to background</p>

Rule 3 RECRUITMENT AND SELECTION

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
<p>trainee, intern or apprentice; or an ADA reassignment.</p> <p>Details what happens to the re-instatement list after a layoff has occurred.</p>	<p>Highlights Ethics Code requirement that hiring managers may not appoint, hire, or be in a direct line of supervision of an immediate family member as defined in the Ethics Code; waivers must come from the Ethics Board.</p> <p>OHR and Agency jointly determine best qualified candidate and are not required to provide a specific reason for not selecting any candidate.</p>		<p>checks) by requiring hiring managers to review current or former employee's official file records (which includes all official personnel files whether or not electronic), conducting reference checks, and reviewing past performance when a conditional offer of employment is made.</p>
<p>Explains how education and experience may be substituted for classifications that require a degree</p>	<p>Adds new language that explains how education and experience may be substituted for classifications that <i>do not</i> require a degree</p>	<p>3-41</p>	<p>Addresses situations when people gain valuable experience for which the appropriate type and level of experience can be equivalent to formal education achieved or completed.</p>
<p>None</p>	<p>Adds language that explains CCD does not <i>sponsor</i> work visas.</p> <p>The City hires employees who have work visas, but it does not sponsor them without OHR Executive Director approval.</p> <p>Employees with work visas must keep them current as a condition of continued employment.</p>	<p>3-41 C.</p>	<p>Adds current practice into rule. Since there has been no governing document as to how work visas are managed, people are easily confused as to how to navigate.</p>

Rule 3 RECRUITMENT AND SELECTION

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
Explains which employees are placed on a reinstatement list after layoff.	Moves language to Rule 14 which details the layoff process.	3-52	Rule 3 no longer details the types of lists on which candidates are placed. Moving this to Rule 14 details the circumstances by which employees impacted by a layoff are placed on a reinstatement list.
None	<p>Adds language pertaining to the requirements of extending a conditional job offer:</p> <ul style="list-style-type: none"> • Contingent on the verification of credentials, including criminal background checks, education/experience verification, motor vehicle records, drug tests, physicals • Cross references additional information regarding compensation, including Recruitment Premium and Relocation Premium from Career Service Rule 9 PAY ADMINISTRATION. 	3-60	Ensures that all offers are properly vetted before being presented to a candidate.

Rule 3 RECRUITMENT AND SELECTION			
CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
<p>Defines <u>working title</u> as:</p> <p>The business title of a position, which may differ from the classification title, used in a given agency for operating purposes, or by the Office of Human Resources (“OHR”) for recruiting purposes.</p>	<p>Updates the term “working title” to “business title” and updates the definition to:</p> <p>The functional or working title of a position, which may differ from the classification title, used in a given agency for operating purposes, or by the Office of Human Resources (“OHR”) for recruiting purposes.</p>	7-10 Q.	<p>Better reflection of evolving terminology for this concept.</p> <p>In addition, Workday uses the term “business title” and providing consistent terminology reduces confusion about what is meant.</p>
Explains how employees are re-instated after layoff	Move to Career Service Rule 14-57	Move 3-42 to Rule 14-57	Keeps information relating to layoff in the same rule.
Updates the definition for “reinstatement list” in Rule 1 DEFINITIONS and moves it to Rule 14 SEPARATION OTHER THAN DISMISSAL	Adds “A list of employees who were laid off and are eligible for a re-instatement appointment” to the definition.		<p>The current definition is an explanation of process rather than a true definition. The update makes it a true definition.</p> <p>Moving it to Rule 14 places it in the rule that discusses reinstatement lists.</p>

	<u>Page Number</u>	<u>Issuance Dates</u>
<u>Remove:</u> Entire Rule 3, except Appendix	1-5 3-1 through 3-5 3-6 3-7 3-8 through 3-11 5-1 5-2 7-1, 7-2 12-8 14-1, 14-2, 14-9 through 11	May 9, 2016 January 7, 2013 May 9, 2016 November 18, 2015 January 7, 2013 May 9, 2015 November 18, 2015 September 25, 2015 May 9, 2016 September 15, 2016

	<u>Page Number</u>	<u>Issuance Dates</u>
<u>Replace with:</u> Entire Rule 3	1-5 3-1 through 3-9 5-1, 5-2 7-1, 7-2 12-8 14-1, 14-2, 14-9 through 11	January 3, 2017

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

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; Rule Revision Memo 30B)
 - 3. Teaching, tutoring, instructing, or lecturing in the activity or imparting knowledge, as a teacher in the school system or educational establishment or institution; and
- B. Work requires the consistent exercise of discretion and judgment in its performance; and
- C. Work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and
- D. No more than 20% of hours worked in the work week are devoted to activities which are not an essential part of and necessarily incident to work described in paragraphs a) through c) above.
(Effective May 1, 1974; Rule Revision Memo 83A).

Re-instatement List:

A list of employees who were laid off and are eligible for a re-instatement appointment. Employees shall be placed on the re-instatement list for the classification they have been laid off from, demoted in lieu of lay-off from, or have voluntarily resigned or voluntarily demoted in lieu of lay-off from. The re-instatement list shall only be used within the Lay-off Unit the employee was in when the lay-off took place (Revised January 3, 2017; Rule Revision Memo 23D).

Staggered work schedule:

The assignment of differing reporting times to individual employees (Effective November 14, 1978; Rule Revision Memo 104A).

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 equal employment opportunity and a highly productive, engaged workforce.

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, re-promotion, or re-instatement appointment is not required.
 - 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, position type (limited/unlimited/on-call), job description, minimum qualifications, physical requirements (where applicable), information on assessments and/or tests, pre-employment screening, and probation requirements.
 - 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 first-level manager, such as the classification title of "Manager."
- 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 spouse, child (and step-child), parent (and step-parent), grandparent, grandchild, sibling, domestic partner, any person with whom he or she is cohabiting, and any person to whom he or she is engaged to be married.

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 re-promotion, transfer, or demotion appointments (including employees who are eligible for an ADA re-assignment under Rule 12 **LEAVE FOR EXTENDED ILLNESSES AND INJURIES**), or former employees who are eligible for re-employment, as defined in Rule 5 **APPOINTMENTS AND STATUS**.
 - 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 schedule classifications who are appointed to Deputy Sheriff Major and Deputy Sheriff Division Chief jobs after May 31, 2014.
- 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**.

RULE 5
APPOINTMENTS AND STATUS
(Revised May 9, 2016; Rule Revision Memo 19D)

Purpose statement:

The purpose of this rule is to identify:

- A. Types of appointments (the process of moving employees into vacant positions) and the process of making appointments;
- B. Types of positions and employee status;
- C. Medical groups and standards following a conditional offer of employment;
- D. Dual incumbency and dual employment; and
- E. Compliance with the Immigration Reform and Control Act of 1986.

(Revised May 9, 2016; Rule Revision Memo 19D)

Section 5-10 Appointments

- A. The Career Service shall comprise all employees of the City and their positions, subject to the exceptions in the City Charter.
- B. Appointing authorities, including the Office of Human Resources (“OHR”) Executive Director, may delegate any authority provided under this Rule 5 to a subordinate employee.

5-11 Appointments of Applicants Who Are Not in the Career Service

- A. Employment appointment: An appointment made as a result of referral of an employment list in accordance with Rule 3 **RECRUITMENT AND SELECTION.**
- B. Re-instatement appointment: An appointment of a former employee who had been laid off or who resigned in lieu of a lay-off, which is made as a result of referral from a re-instatement list in accordance with Rule 3 **RECRUITMENT AND SELECTION.**

- C. Re-employment appointment: An appointment of a former employee to a position in the classification in which the employee was previously employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same or lower range minimum than the former classification, subject to the following conditions:
1. Former employees whose separation was the result of a dismissal are not eligible for re-employment;
 2. An appointment that is a re-instatement is not a re-employment appointment;
 3. In order to determine eligibility for re-employment into a successor classification, the OHR Executive Director may, on a case-by-case basis, review the duties previously performed as well as classification and pay; and
 4. A former employee who is re-employed shall serve in an employment probationary status.

5-12 Appointments of Employees Who Are in the Career Service

- A. Promotional appointment: An appointment of an employee to a position in a classification in which the range minimum of the pay range for the new classification is higher than the range minimum of the pay range for the employee's previous classification.
- B. Promotional re-instatement appointment: An appointment of an employee who has been demoted in lieu of lay-off which is made as a result of referral from a re-instatement list in accordance with Rule 3 **RECRUITMENT AND SELECTION**.
- C. Re-promotional appointment: A promotion of an employee to a position in a higher classification in which the employee was previously employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same or intervening range minimum as the previous classification subject to the following conditions:
1. Appointments that are promotional re-instatements are not re-promotions; and
 2. In order to determine eligibility for re-promotion into a successor classification, the OHR Executive Director may, on a case-by-case basis, review the duties previously performed as well as classification and pay.

RULE 7
CLASSIFICATION AND COMPENSATION
(Effective September 25, 2015; Rule Revision Memo 14D)

Purpose Statement:

The purpose of this rule is to provide a process and create a framework to ensure like pay for like work within the City's merit-based personnel system through the use of a systematic method of individual or group classification reviews, and to provide generally prevailing compensation to City employees.

Section 7-10 Definitions

(Revised January 3, 2017; Rule Revision Memo 23D)

- A. Allocation: The formal process of assigning a new position to its proper classification on the basis of the duties to be performed and the responsibilities to be exercised.
- B. Audit: A fact-finding investigation of the work performed by the incumbent of a given position, including work processes, materials processed, actions taken, tools used, supervision exercised, and supervision received for the purpose of analyzing the kind and level of duties and responsibilities of the position._
- C. Benchmark classification: A classification within an occupational group for which external pay data can be readily collected.
- D. Business title: The functional or working title of a position, which may differ from the classification title, used in a given agency for operating purposes, or by the Office of Human Resources ("OHR") for recruiting purposes. (Revised January 3, 2017; Rule Revision Memo 23D)
- E. Classification: One or more positions so nearly alike in the essential character of their duties and responsibilities that the same pay grade, title and specification can be applied, and such that they can fairly and equitably be treated alike under like conditions for all other personnel purposes.
- F. Classification specification: A written statement that sets forth the characteristic duties and responsibilities that distinguish a given classification from other classifications, and the minimum education, experience and licensure/certification requirements necessary for appointment to a position in that classification. Classification specifications are intended to provide a basic framework for recruitment, compensation, performance management and employee development. They also provide a means of determining the allocation of work, lines of authority, and other relationships between positions._
- G. Classification title: The designation of a classification which becomes the official title of all positions allocated to that classification._
- H. Classification and pay plan: A list of classification titles and attendant pay rates covering all classifications in the Career Service and all classifications not in the Career Service except Charter officers, the ranks of the classified service in the Police and Fire Departments, Deputy Sheriffs, Deputy Sheriff Majors, Deputy Sheriff Division Chiefs, and the Undersheriff.

- I. Market survey: The collection, analysis and reporting of external pay data for a number of benchmark classifications.
- J. Occupational groups: Groupings of classifications that are so similar in the nature of the work performed that the same pay survey adjustments can be applied.
- K. Pay survey adjustment: A change in the pay structure resulting from a market survey.
- L. Pay grades: Identifying numbers for pay ranges within a pay schedule.
- M. Pay ranges: The range of pay in a pay grade beginning at the range minimum and extending to the range maximum of the pay grade.
- N. Pay schedules: A pay schedule is a listing of the pay grades, and the corresponding pay ranges.
- O. Position: The aggregate composition of duties and responsibilities performed by one employee.
- P. Provisional classification: A proposed change to the classification and pay plan that results in a new classification or changed pay rate for an existing classification that has been approved by the Career Service Board (“Board”) but not by the City Council. Provisional classifications may be utilized without City Council approval for up to six months after the effective date of the Board approval or until the City Council disapproves the proposed change.
- Q. Re-allocation: The formal process of assigning an existing position to its proper classification on the basis of the predominant duties performed and the responsibilities exercised.

Section 7-20 Classification and Pay Plan

The OHR is responsible for developing, maintaining, and administering classifications and attendant pay plans for all positions covered by the classification and pay plan.

7-21 Changes to the Classification and Pay Plan

- A. The OHR Executive Director shall recommend changes to the classification and pay plan to the Board.
- B. Recommended changes to the classification and pay plan proposed by the OHR Executive Director shall be approved, modified or rejected by the Board after a public hearing as provided in Rule 2 **OFFICE OF HUMAN RESOURCES**.
- C. Any changes to the classification and pay plan require submission to the City Council for approval.

12-42 ADA Definitions

- A. ADA Coordinator: Person or persons designated by the OHR Executive Director to act on behalf of the OHR in the Interactive Process (IAP).
- B. Vacant position: An empty position that a department or agency is authorized to fill and intends to fill.

12-43 Interactive Process (IAP)

A department or agency shall provide a reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless it can be demonstrated that the accommodation would impose an undue hardship on the operation of the department or agency, or pose a direct threat to any person. These determinations with regard to employees shall be made through the IAP. The process for accommodating applicants can be found in Rule 3 **RECRUITMENT AND SELECTION**.

- A. The City shall initiate an IAP when:
 - 1. An employee provides notice that the employee needs a reasonable accommodation to perform the essential functions of the employee's position; or
 - 2. The employee's department or agency has actual or constructive notice that an employee may have a disability for which the employee needs reasonable accommodation.
- B. The IAP shall be a flexible, informal process that involves the department or agency, the employee and the ADA Coordinator, and requires the good faith participation of all parties. The ADA Coordinator may terminate the IAP if the employee fails to cooperate in the process.
- C. The purpose of the IAP shall be to determine if:
 - 1. The employee has a disability within the meaning of the ADA;
 - 2. If so, whether the employee needs a reasonable accommodation to perform the essential duties of his or her job, or another job; and
 - 3. If so, whether the employee can be reasonably accommodated.
- D. In order to make this determination, the ADA Coordinator may request and review medical records and other documentation in the possession, custody, or control of the employee's health care providers. The ADA Coordinator may also obtain an independent medical evaluation for the purpose of gathering information needed to make this determination. Such examinations and evaluations shall be reasonable and paid for by the department or agency where the employee is presently employed.

RULE 14
SEPARATION OTHER THAN DISMISSAL
(Revised September 16, 2016; Rule Revision Memo 20D)

Purpose Statement:

The purpose of this rule is to define the circumstances and processes by which an employee in the Career Service may be separated from employment other than by dismissal.

Section 14-10 Types of Separation Other Than Dismissal

- A. The separation of an employee from the Career Service other than by dismissal shall be designated one of the following:
1. Resignation;
 2. Retirement;
 3. Death;
 4. Disqualification;
 5. Separation of employees holding at-will, trainee or intern probationary, or employment probationary status;
 6. Lay-off.
- B. 1. Written notices required under this Rule 14 shall be served on the employee either in person or by courier with a certificate or proof of delivery; by first class U.S. mail or other commercial delivery service, with a certificate of mailing to the employee's last known address; or by e-mail if the employee requests service by e-mail in writing.
2. If documents are delivered by email, the party sending the email shall retain both an electronic and a hard copy of the email including the sender, date, subject, and the address to which the email was sent.
- C. The personnel action shall show the type of separation and the employee's last day as a City employee. The effective date of the separation shall be the day after the employee's last day as a City employee.
- D. Employees who separate from employment with the City shall receive payment for all compensatory time, paid time off, and vacation and sick leave, for which they are eligible according to the provisions of Rule 9 **PAY ADMINISTRATION** and Rule 10 **PAID LEAVE**.
- E. A separation of an employee under this Rule 14 is considered to be a separation without fault. An employee who has been separated under this Rule 14 may be considered for re-employment without examination as provided in Rule 3 **RECRUITMENT AND SELECTION**.

Section 14-15 Designees

Appointing authorities, including the Office of Human Resources (“OHR”) Executive Director, may delegate any authority given to them under this Rule 14 to a subordinate employee except the authority to sign and submit lay-off plans to the OHR.

Section 14-20 Resignation

- A. Resignation is the voluntary separation by an employee from the Career Service.
- B. Notice to supervisor: It is the responsibility of an employee who plans to resign in good standing from the Career Service to provide written notice to his or her immediate supervisor at least ten (10) calendar days in advance of the employee’s last day as a City employee. The appointing authority may waive this requirement for good and sufficient reasons.
- C. Job abandonment: An employee’s failure to report for his or her assigned shift and notify his or her immediate supervisor of the absence prior to the start of his or her shift for three (3) consecutive work days may be called “job abandonment” and treated like a resignation. The required signature of the employee on the resignation shall be waived. Instead, the appointing authority shall file a statement indicating how the conditions of this paragraph have been met.
- D. Appointing authorities are responsible for approving or disapproving employee requests to use paid or unpaid leave (unless otherwise provided in these rules) between the time notice of resignation is given and the employee’s last day as a City employee.

Section 14-21 Retirement

Any employee in the Career Service may designate his or her resignation as a retirement when he or she meets the eligibility requirements of the Denver Employees Retirement Plan.

Section 14-25 Death

In the case of a separation caused by the death of an employee, the employee’s last day as a City employee shall be the date of death.

Section 14-30 Disqualification

Disqualification is an involuntary, no-fault separation of an employee, based on a legal, physical, or mental impairment or incapacity of the employee, occurring or discovered after appointment, which prevents performance of the essential functions of the position with or without accommodation.

14-31 Grounds for Disqualification

An employee may be disqualified if any of the following conditions occur:

- A. Physical or mental impairment or incapacity:

53 Length of Service must be greater than that of at least one (1) of the incumbents in the class; or there must be a vacancy in the class.

2. Effect on incumbent of position to which demotional appointment is made: When it has been determined that a demotional appointment to a filled position in the lay-off unit which meets the criteria in subparagraph 14-55 B.1 General, should take place, the person in the class of such position who has the shortest length of service as defined in subsection 14-53 Length of Service shall be the employee who is laid off. The employee in the lower class shall be entitled to actions in lieu of lay-off pursuant to this subsection 14-55.
- C. Effect of special qualifications: If a vacancy in a position in a pay grade with the same job rate, or if the position in the class to which such employee is to be given a demotional appointment, is one which requires a special skill as defined in paragraph 14-52 F Effect of special qualification on lay-off group, The OHR Executive Director, after thorough review and investigation, may designate the possession of such skill as a qualification for a demotional appointment to that position.
- D. Effect of position type: If the person designated to be laid off holds a full-time unlimited position, and the position which meets the provisions of paragraphs 14-55 A or B.1 is a part-time, on call, or limited position, the employee shall be offered a choice of the part-time, on call, or limited position, or the highest available full-time unlimited position meeting the qualifications of paragraph 14-55 B.1, for which qualified.
- E. Reassignment to limited position: If there are limited positions in the same class in the lay-off unit, an employee selected to be laid-off shall be given the choice of being reassigned to a limited position in lieu of lay-off, even though it is necessary to separate another employee from that position. This offer shall be made regardless of the length of service of the employee in the limited position. This reassignment shall not result in removal of the employee from the re-instatement list or lists as defined in Rule 3 **RECRUITMENT AND SELECTION**.
- F. Voluntary action in lieu of lay-off: Employees who demote to a position other than the one described in paragraph 14-55 B or who resign during a period of agency lay-offs, and these actions occur prior to the actual lay-off date, may retain their re-instatement rights pursuant to the following procedure:
 1. All demotions and separations during periods of lay-off will be examined to determine the causes of the transaction. Appointing authorities are asked to aid this process by entering an appropriate statement in the Remarks Section of the Personnel Action when a voluntary demotion or separation is the direct result of current lay-off proceedings.
 2. If the OHR determines that the demotion or separation is in lieu of lay-off, it will place the employee's name on the appropriate re-instatement list.

3. Such actions in lieu of lay-off shall be considered to be voluntary actions and pay shall be set in accordance with the provisions of Rule 9 **PAY ADMINISTRATION** governing voluntary demotions.

14-56 Notice of Lay-Off

- A. Lay-off planning: Lay-off planning, including actions in lieu of lay-off, is the responsibility of the appointing authority. However, the OHR is available for procedural assistance and consultation as soon as the appointing authority has decided the number of positions by class to be abolished.
- B. Audit and approval of lay-off plan: Before an official notice of lay-off is given in accordance with this Rule 14, a written lay-off plan for the lay-off unit signed by the appointing authority shall be submitted to the OHR and shall have been audited and approved in writing by the OHR Executive Director for conformance to Section 14-50 Lay-Off of these rules, including all sub-sections thereof. In the case of a lay-off in the OHR, the lay-off plan shall be signed by the manager responsible for the lay-off unit affected by the lay-off.
- C. Thirty-day notices: The appointing authority shall give final written notice of lay-off to an affected employee a minimum of thirty (30) calendar days before the employee's last day as a City employee. A copy of each such notice shall be sent to the OHR. The period of time shall be computed in accordance with Rule 19 **APPEALS**.

14-57 Re-instatement

(Revised January 3, 2017; Rule Revision Memo 23D)

- A. Employees or former employees shall be placed on a re-instatement list for the classification from which they have:
 1. Been laid off;
 2. Transferred in lieu of lay-off when the employee has been moved from an unlimited position to a limited or on-call position, or from a full-time position to a part-time position;
 3. Demoted in lieu of lay-off;
 4. Voluntarily resigned in lieu of lay-off; or
 5. Voluntarily demoted in lieu of lay-off.
- B. Eligible employees or former employees will be listed for one year unless removed for cause.

- C. Eligible employees or former employees shall be listed by seniority, or by proficiency (to the extent it was used as a basis for the employee's lay-off) so that the employee with the longest length of service is higher on the list.
- D. Re-instatement lists shall only be used within the Lay-off Unit that the employee or former employee was in when the lay-off took place.
- E. Referral from the re-instatement list is mandatory and exclusive. No other referral shall be made while any eligible employees or former employees remain on this list. Referral shall consist of the highest ranking eligible employee or former employee, or if there are ties, all those at the highest ranking.
- F. If a re-instatement list exists for a classification in which the department or agency has a job with a special qualification which has been approved by the OHR Executive Director, referral shall consist of the highest ranking eligible employee or former employee 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 eligible employees or former employees have the required special qualification, a referral shall be made in accordance with the rules applicable when there is no re-instatement list.
- G. Any re-instatement list may be abolished at any time by the OHR Executive Director if the classification specification is abolished or revised.
- H. Restoration of the balance of sick leave hours upon re-instatement shall be in accordance with Rule 10 **PAID LEAVE**.

14-58 Appeal

An employee who is laid off or who is demoted in lieu of lay-off may appeal the action in accordance with Rule 19 **APPEALS**.

Section 14-60 Change in Type of Separation

When additional facts are revealed that substantially alter the basis for the original decision as to type of separation, the type of separation may be changed. The OHR Executive Director, upon receipt of a written request together with documentation of the reasons for the change, will approve or disapprove the requested change in writing. Only the appointing authority who authorized the personnel action separating the employee, or his or her successor shall be authorized to request a change in the type of separation. A copy of the OHR Executive Director's written approval shall be attached to the personnel action which shall show the type of change and the reason for the change.