

MEMORANDUM

REVISION 26 SERIES D

TO: Holders of Career Service Rule Books

FROM: Career Service Board

DATE: May 12, 2017

SUBJECT: Revision of Career Service Rule 13 **PAY FOR PERFORMANCE**

The following changes and revisions to Rule 13 were approved by the Career Service Board on April 20, 2017:

Please refer to the following tables for information on the former rule description, the revised rule description and the intended impact of the revisions for Rule 13. Also included are new rule pages to replace outdated information along with insertion instructions for Career Service Rule Books.

Rule 13 Pay for Performance			
CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
Refers to employee performance plans as Performance Enhancement Plans (PEPs) and Performance Enhancement Plan Reviews (PEPRs)	Removes references to “PEPs” and “PEPRs” and replaces with “goal setting” or “individual goals” and “performance reviews”	Throughout the new Rule 13	The changes in titles of these processes reflects a broader, general understanding of how performance is evaluated, and is consistent with the terminology in Workday.
Describes how interim PEPRs are administered when an employee changes supervisors, no matter the type of personnel action.	Rather than requiring a former supervisor to issue an interim rating, the new rule requires the former supervisor to merely evaluate the employee’s performance against his or her goals.	13-24	
Requires former supervisor to evaluate and rate the employee for the interim period, and the current supervisor to consider that	Retains the responsibility of next level manager to provide this interim evaluation when the former supervisor fails to do so.		

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
<p>rating when the final PEPR is issued at the end of an evaluation year. When former supervisor is not available to produce an interim PEPR, the next level manager has this responsibility.</p>	<p>Employees will be provided electronic access to this evaluation.</p>		
<p>Changes rating labels and their definitions from:</p> <p>5. Outstanding: Consistently delivers outcomes not often achieved by others; always exceeds standards.</p> <p>4. Exceeds expectations: Consistently performs well above expected job requirements. Outcomes frequently surpass expectations.</p> <p>3. Successful: Consistently achieved performance standards.</p>	<p>The rating labels and definitions are proposed to change as follows:</p> <p>5. Exceptional: Consistently delivers outcomes rarely achieved by others. Always exceeds standards. This rating is a special commendation for the employee who offers truly outstanding overall performance.</p> <p>4. Exceeds Expectations: Consistently exceeds expected job requirements and frequently surpasses established goals. Delivers outcomes that are superior the majority of the time. This rating recognizes overall performance that consistently exceeds standards.</p> <p>3. Successful: Consistently achieves expected job requirements and established goals. Employee is a solid contributor to the success of the department and the City and County of Denver by completing expected outcomes.</p>	<p>13-31</p>	<p>Some supervisors are currently over-rating performance. The new definitions provide clearer direction on the meaning of the ratings, and ultimately, leads to more accurate ratings.</p> <p>It is expected that most employees should receive ratings of Successful or Exceeds Expectations. Accompanying job aids will be provided that give examples of how to use the new ratings.</p>

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
<p>2. Below expectations: Meets many, but not all job requirements. Outcomes are generally less than expected, with improvement required in one or more specific areas.</p> <p>1. Failing: Work does not meet expectations in most, if not all, areas.</p>	<p>2. Below expectations: Meets many, but not all established goals and job requirements. Outcomes are generally less than expected, with improvement required in one or more specific area affecting their performance or behavior.</p> <p>1. Unacceptable: Work does not meet job expectations in most, if not all, areas. This is considered a rating where significant improvements are immediately required in overall performance.</p>		<p>“Failing” is a very negative term in that it is sometimes taken personally. Changing the term to “Unacceptable” focuses on performance rather than the person.</p>

	<u>Page Number</u>	<u>Issuance Dates</u>
<u>Remove:</u> Entire Rule 13	5-7 9.A-1 13-1 through 13-5 13.A-1 16-6 through 16-8 18-3 19-2 19-4	November 18, 2015 January 7, 2013 November 7, 2016 November 7, 2016 February 12, 2016 February 12, 2016 February 12, 2016 January 7, 2013

	<u>Page Number</u>	<u>Issuance Dates</u>
<u>Replace with:</u> Entire Rule 13	5-7 9.A-1 13-1 through 13-6 13.A-1 16-6 through 16-8 18-3 19-2 19-4	May 12, 2017

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

B. Duration of employment probation:

Except as provided below, the minimum period of employment probation shall be six (6) months.

1. The minimum period of employment probation for employees in Deputy Sheriff classifications shall be twelve (12) months.
2. The minimum period of employment probation for employees in the Aviation Emergency Dispatcher, Emergency Communications Operator, Police Dispatcher, and Staff Probation Officer classifications shall be nine (9) months.

C. An employee's end of probation date shall be calculated by adding the required amount of months (six, nine or twelve months) to the employee's hire date and subtracting a day.

D. Required training:

1. All Career Service employees serving employment probation are required to complete training programs during their probationary period that address the following topics:
 - a. New employee orientation;
 - b. Ethics and accountability;
 - c. Preventing harassment and workplace violence; and
 - d. Any other training required by the DRMC and applicable Executive Orders.
2. Employees appointed or re-allocated to positions with supervisory or managerial duties are required to complete new manager training that addresses the following topics:
 - a. The performance review program and performance reviews; (Revised May 12, 2017; Rule Revision Memo 26D)
 - b. Preventing harassment and workplace violence (for managers); and
 - c. Employment laws, the Career Service Rules, and discipline.

Employees who are serving employment probation as a result of being appointed to a position with supervisory or managerial duties are required to complete the required supervisory training during their probationary period.

APPENDIX 9.A.

TELECOMMUTING GUIDELINES (REFERRED TO IN RULE 9-80 F)

- A. The position for which telecommuting is proposed shall be suitable for such an assignment, with the ability to provide high quality service to the public while telecommuting being the most significant determining factor.
- B. There shall not be any disruption of service or decline in the quality of services provided by the department or agency to the public as a result of telecommuting.
- C. No employee may telecommute unless their most recent performance rating is "Successful" or higher.
- D. If an employee subsequently receives a performance rating of "Unacceptable" or "Below expectations," the employee's authorization to telecommute shall cease. (Revised May 12, 2017; Rule Revision Memo 26D)
- E. The employee shall agree not to engage in employment activities other than for the agency or department during telecommuting hours.
- F. The employee must designate a primary workspace at home that is maintained in safe condition, free from hazards. As an extension of the City's work site, the same insurance and workers' compensation coverage applies.
- G. When the employee uses his or her own equipment, the employee is responsible for maintenance and repair of that equipment.
- H. The employee will take all necessary precautions to secure department or agency information and equipment in his or her home and to prevent unauthorized access to any department or agency system or information.
- I. Employees must receive prior written approval to telecommute from their appointing authority.
- J. An employee's status, benefits, compensation, and work responsibilities shall not change due to telecommuting.
- K. Representatives from the City's Office of Technology Services, the OHR, and Workers' Compensation section, a designated City supervisor or the individual appointed by the employee's appointing authority for such purpose may inspect an employee's home for a business purpose related to this program upon giving reasonable notice to the employee.

RULE 13
PAY FOR PERFORMANCE
(Revised May 12, 2017; Rule Revision Memo 26D)

Purpose statement:

The purpose of this rule is to explain the performance review program and how the individual performance of eligible Career Service employees is evaluated, reported and rewarded with merit increases and merit payments.

Section 13-10 Definitions:

- A. Eligible Employee: All Career Service employees are eligible for merit increases and merit payments as provided in this Rule, except:
1. On-call employees;
 2. Employees holding positions in the Training pay schedule, which only has one pay rate;
 3. Employees who hold positions in classifications contained in the Undersheriff pay schedules; and
 4. Employees hired in the Career Service after September 30th of the previous year.
- B. Merit Increase: Periodic increase to an employee's base rate of pay as determined by an employee's performance rating and location in the applicable pay range.
- C. Merit Payment: Lump sum payment is a percentage of an employee's current annual base salary. A merit payment will not increase an employee's base rate of pay.
- D. Performance Improvement Plan ("PIP"): A document which may be used at any time during an employee's evaluation period to supplement the employee's individual goals that may include, but is not limited to, levels of performance that must be achieved to obtain a successful rating, current performance deficiencies, support that may be provided by the department or agency, actions the employee must take to address the performance deficiencies, and a timeline for completion of the actions.

Section 13-20 Goal Setting and Performance Reviews

13-21 Purpose

The purposes of goal setting and performance reviews are to outline job expectations, establish performance outcomes and measures, encourage and support professional development, provide ongoing performance feedback, and evaluate performance in a timely manner.

13-22 Written Goal Setting

An eligible employee's supervisor shall work with the employee to identify the goals for the performance outcomes and measures against which the employee's performance is evaluated every year. This shall be done annually for current employees, as well as upon appointment to a new position, or the assignment of substantially different duties to an employee. These goals shall be provided to the employee in writing.

13-23 Performance Reviews

- A. All eligible employees shall have their performance for the previous calendar year formally evaluated and rated in a written performance review. This evaluation shall occur once every year according to the schedule attached as Appendix A.
1. Eligible employees who have been absent from their position for less than a calendar year shall have their performance evaluated based on the time they were present at work.
 2. Eligible employees who have been on a leave of absence from their position for all of the preceding calendar year shall have their pay adjusted to reflect what they would have received with a "Successful" merit increase set at the mid-point of the applicable range for the quartile containing the employee's pay rate.
- B. Whenever an eligible employee changes supervisors, the employee's former supervisor should evaluate the employee's performance in relation to the employee's goals. Each goal should be rated individually, and no overall rating is required. If the change in supervisors is the result of the employee's former supervisor terminating employment with the City, the next level manager is responsible for evaluating the employee's performance. These ratings shall cover the period from the beginning of the year until the effective date of the change in supervisors.
1. The employee's current supervisor, as well as the employee, will receive the interim evaluation electronically.
 2. At the end of the evaluation year, the employee's current supervisor shall prepare a performance review for the entire calendar year. This performance rating should take into account the information provided by the previous supervisor, and the employee's current performance in proportion to the time spent in each assignment.

Section 13-30 Performance Review Process

13-31 Performance Ratings

- A. An eligible employee's overall performance shall be evaluated in an employee's review as one of the following:

Rating	Rating Name	Definition
5	Exceptional	Consistently delivers outcomes rarely achieved by others. Always exceeds standards. This rating is a special commendation for the employee who offers truly outstanding overall performance.
4	Exceeds Expectations	Consistently exceeds expected job requirements and frequently surpasses established goals. Delivers outcomes that are superior the majority of the time. This rating recognizes overall performance that consistently exceeds standards.
3	Successful	Consistently achieves expected job requirements and established goals. Employee is a solid contributor to the success of the department and the City and County of Denver by completing expected outcomes.
2	Below Expectations	Meets many, but not all established goals and job requirements. Outcomes are generally less than expected, with improvement required in one or more specific area affecting their performance or behavior.
1	Unacceptable	Work does not meet job expectations in most, if not all, areas. This is considered a rating where significant improvements are immediately required in overall performance.

B. "Unacceptable" Rating Procedure:

1. If an eligible employee's annual performance evaluation rating is expected to be "Unacceptable," the department or agency shall advise the employee of the expected rating a reasonable time in advance, but not less than seven (7) calendar days prior to the date of the meeting scheduled to discuss the employee's performance review, and shall allow representation at this meeting in accordance with the provisions of Rule 16 **CODE OF CONDUCT AND DISCIPLINE**.
2. The employee shall be provided with a PIP no later than ten (10) calendar days after the date of the meeting regarding the employee's "Unacceptable" rating.

13-32 Merit Increases and Merit Payments

- A. The funding for merit increases and merit payments is provided in the annual appropriation ordinance. The pay increase associated with a particular performance rating shall be reviewed annually and adjusted as necessary to reflect prevailing practices in the community. The award of merit increases and merit payments is contingent upon this annual appropriation being approved by City Council and the Mayor. In case of a conflict between ordinance and these rules, the ordinance will prevail.
- B. 1. Departments and agencies are responsible for determining the percentage increase associated with each employee rating within each quartile. The percent increase for all eligible employees shall average 3.3% for merit increases and merit payments delivered in 2017.
2. When there is a change to an employee's pay rate on the same effective date as the merit increase, the merit increase will be applied before any other pay rate change(s).
- C. Merit Table:
1. Eligibility for merit increases and merit payments is based on an eligible employee's overall annual performance rating as measured by a performance review and the quartile in which the employee's salary is found in accordance with the following table:

<u>Performance Rating Category</u>	<u>Merit Increases for Salaries in the 1st Quartile</u>	<u>Merit Increases for Salaries in the 2nd Quartile</u>	<u>Merit Increases for Salaries in the 3rd Quartile</u>	<u>Merit Increases for Salaries in the 4th Quartile</u>	<u>Salaries at or Above Pay Range Maximum</u>
5. Outstanding (Exceptional for 2017 ratings)	3.7-4.5%	4.3-5.1%	3.7-4.5%	3.1-3.9%	2.5% - 3.3% Lump Sum Merit Payment
4: Exceeds Expectations	3.1-3.9%	3.7-4.5%	3.1-3.9%	2.5-3.3%	1.9% - 2.7% Lump Sum Merit Payment
3: Successful	2.5-3.3%	3.1-3.9%	2.5-3.3%	1.9-2.7%	0.0%
2: Below Expectations	0.0%	0.0%	0.0%	0.0%	0.0%
1: Failing (Unacceptable for 2017 ratings)	0.0%	0.0%	0.0%	0.0%	0.0%

2. No eligible employee shall receive a merit increase that exceeds the range maximum of the pay grade assigned to the employee's job classification. If the application of this sub-paragraph results in an employee receiving a merit increase that is less than the percentage increase awarded to the employee, the employee shall receive the difference between the merit increase awarded and the merit increase received in the form of an additional merit payment.
- D. In the case of a declared fiscal emergency by the Mayor, and upon the request of the Mayor, there will be no merit increases or merit payments awarded for increments of at least one year. During the declared fiscal emergency appointing authorities, managers and supervisors shall complete performance reviews for eligible employees, but no merit increases or merit payments will be awarded during this time.

13-33 Pro-ration for New Hires

Employees hired after January 1st and on or before September 30th will have their merit increase pro-rated to the employee's start date.

13-34 Effective Date of Merit Increase

- A. Merit increases and merit payments will be calculated from an employee's annual base salary as of the Saturday before the first Sunday of the calendar year and be effective on the first Sunday of the calendar year for eligible employees who were employed in the Career Service on December 31st of the previous year.
- B. An employee's merit increase shall not be included as part of another pay change (such as a promotional increase), and must be applied as a separate merit increase.

13-35 Performance Review Schedule

Departments and agencies shall submit proposed merit increases and merit payments to the Office of Human Resources ("OHR") as provided in the schedule attached as Appendix A.

13-36 Review of Performance with Employee

Each employee's written performance review shall be reviewed with the employee as provided in the schedule attached as Appendix A.

13-37 Official Records

The annual performance review and any supporting documentation shall be made a permanent part of the employee's official personnel record.

13-38 Discipline

The written performance review and/or PIP(s) may be used as a basis for disciplinary action under Rule 16 **CODE OF CONDUCT AND DISCIPLINE**, up to and including dismissal, if an employee's performance fails to comport with the standards set forth in any of these documents.

13-39 Grievances and Appeals Relating to Performance Reviews

- A. An eligible employee may grieve any performance rating pursuant to Rule 18 **DISPUTE RESOLUTION**.
- B. An eligible employee may appeal a grievance of an "Unacceptable" rating in accordance with Rule 19 **APPEALS**. Appeals of grievances of other ratings are not permitted.
- C. An eligible employee may not grieve or appeal any other aspect of the performance review program.

APPENDIX 13.A

2016 PERFORMANCE REVIEW SCHEDULE

DUE DATE	TASK
December 16, 2016	Deadline for performance evaluations for the 2016 calendar year to be completed by supervisors and managers.
January 13, 2016	Deadline for appointing authorities to submit merit increase and merit payment recommendations to the OHR. All eligible employees must be accounted for in these recommendations. The percent increase for all eligible employees in a department or agency should average 3.3% for merit increases and merit payments delivered in 2017.
February 24, 2017	Merit increases and merit payments appear on employee paychecks.
March 10, 2017	Merit increases and merit payments are paid retroactively for the period from January 1 st until March 10th.

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

- C. Employees shall not engage in the following activities at any time:
 - 1. Taking any action or making any promise or threat of action to any employee because of the employee's giving or the withholding of a political contribution or service; or
 - 2. Engaging in solicitation or politically motivated behavior that is harassing or discriminatory.

16-27 Employee Organizations and Representation

- A. Career Service employees shall have the right to join or refrain from joining any organization of employees. No employee or applicant may be discriminated against, harassed or retaliated against because such person belongs, or does not belong, to a union or other employee organization.
- B. Employees shall not:
 - 1. Coerce or attempt to coerce any other employee to join or refrain from joining a union or other employee organization; or
 - 2. Accept or offer gratuities, prizes, or other valuable items for influencing any employee to join or refrain from joining, or to vote for or against, a union or employee organization.
- C. Employees in supervisory or management positions shall not make any effort to obtain members or votes for a union or any employee association.
- D. The representative of an employee, including officers and business agents of unions or other associations to which an employee belongs, shall be given the same rights to speak on behalf of the employee as would be given the employee at the following meetings:
 - 1. Contemplation of discipline meetings required under this Rule 16;
 - 2. Contemplation of disqualification meetings required under Rule 14 **SEPARATION OTHER THAN DISMISSAL**; and
 - 3. Meetings to discuss an "Unacceptable" rating required under Rule 13 **PAY FOR PERFORMANCE**. (Revised May 12, 2017; Rule Revision Memo 26D)

This right to representation does not extend to meetings related to the normal business activities of the department or agency, such as staff meetings.

- E. The complainant and the accused may each have a representative present while being interviewed during an investigation conducted pursuant to Rule 18 **DISPUTE RESOLUTION**. However, the representative may not answer interview questions on behalf of the interviewee unless requested to do so by the interviewer.

F. Counseling Employees During Working Hours

A representative of an employee organization may visit an employee during working hours if the representative obtains the permission of the employee's immediate supervisor and such visitation does not interfere with the work of the agency.

G. Designation of Representative

1. Employees shall identify, in writing, to the person who signed the contemplation of discipline letter and the agency human resources representative, agents to represent them in a contemplation of discipline meeting, a contemplation of disqualification meeting, a meeting to discuss an "Unacceptable" rating, or in presenting a grievance or appeal. (Revised May 12, 2017; Rule Revision Memo 26D)
2. No employee may be compelled to act as the representative of another employee.
3. If the representative is also a City employee, he or she shall be allowed, with the prior approval of his or her supervisor, to take up to a maximum of four (4) hours of approved administrative leave per pay period and use any accrued paid time off, vacation leave or compensatory time, or to take leave without pay to represent employees. Any such leave shall not adversely impact the agency or department and must be approved in advance.

16-28 Recording Devices in the Workplace

Employees shall not record audio or video during work hours, when on City premises, when speaking to a City employee by phone, or when on City business without the prior permission of the employee's appointing authority.

16-29 Grounds for Discipline

The following may be cause for the discipline or dismissal of a Career Service employee:

- A. Neglect of duty or carelessness in performance of duties and responsibilities.
- B. Theft, destruction, or neglect in the use of City property; or property or materials of any other person or entity.
- C. Unauthorized operation or use of any vehicles, machines, or equipment of the City, or of any entity having a contract with the City, including, but not limited to, the unauthorized use of the internet, e-mail, or telephones.
- D. Any act of dishonesty, which may include, but is not limited to, lying, or improperly altering or falsifying records, examination answers, or work hours.
- E. Accepting, soliciting, or making a bribe, or using official position or authority for personal profit or advantage, including kickbacks.
- F. Failing to comply with the lawful orders of an authorized supervisor or failing to do assigned work which the employee is capable of performing.
- G.
 - 1. Failing to meet established standards of performance including either qualitative or quantitative standards. When citing this subsection, a department or agency must describe the specific standard(s) the employee has failed to meet, such as standards in the employee's individual goals or in a Performance Improvement Plan (PIP). (Revised May 12, 2017; Rule Revision Memo 26D)
 - 2. Any employee who receives an "Unacceptable" performance rating and fails to correct his or her performance in the subsequent PIP (or PIPs), is considered to have been given an adequate opportunity to correct his or her behavior and may be dismissed without his or her appointing authority first being required to resort to progressive discipline. (Revised May 12, 2017; Rule Revision Memo 26D)
- H. Intimidation or retaliation against an individual who has been identified as a witness, party, or representative of any party to any hearing or investigation relating to any disciplinary procedure, or any violation of a city, state, or federal rule, regulation or law, or against an employee who has used the dispute resolution process in good faith.
- I. Failure to maintain satisfactory working relationships with co-workers and other individuals the employee interacts with as part of his or her job.
- J. Being charged with or convicted of a crime, or entering a plea of guilty or nolo contendere to a crime. Before imposing discipline under this subsection, the department or agency shall follow the guidelines contained in subsection 16-24.

Section 18-30 Grievance Procedure

A. Defined:

A grievance is an allegation made by a Career Service employee regarding discrimination, harassment, retaliation, or violence in the workplace, or relating to actions/inactions taken by the employee's supervisor/manager that violate the employee's rights under the Rules, the City Charter, ordinances relating to the Career Service, executive orders, or written agency policies. Notwithstanding the above definition, the following shall not be grieved:

1. Issues for direct appeal (see Rule 19 **APPEALS**);
2. Any aspect of the performance review program other than an employee's performance rating; (Revised May 12, 2017; Rule Revision Memo 26D)
3. Bonus or incentive payments, or the lack thereof, or the criteria used by an agency or department to make or not make such payments, or any other aspect of the bonus or incentive program;
4. The mediation process;
5. A contemplation of discipline or disqualification notice or meeting; or
6. The assignment to or removal from an acting role, working out of class assignment, or Senior Command Staff status (as defined in Rule 5 **APPOINTMENTS AND STATUS**).

B. Filing of Grievance:

In order to file a grievance an employee must:

1. Prepare and complete all sections of the current OHR grievance form.
2. Deliver the grievance to the appointing authority or an HR representative of the employee's department or agency within twenty-one (21) calendar days after notification of the action or inaction which gives rise to the grievance. If the grievance is mailed or e-mailed, it must be received within the twenty-one (21) calendar days.
3. Employees must use their own personal time when preparing grievances unless they are granted permission by their supervisors to use paid work time.

C. Responding to Grievance:

The department or agency shall consider the grievance and within twenty-one (21) calendar days following receipt of the grievance provide the employee a dated, written notice of a decision. The written decision shall contain a certificate of delivery which indicates the date the decision was sent or delivered to the employee.

2. Grievances: An employee may file an appeal following a formal grievance only as described below:
 - a. Only the following grievances can be appealed;
 - i. A grievance which alleges a violation of the Career Service Rules ("Rules"), the City Charter, ordinances relating to the Career Service, executive orders, or written agency policies which negatively impacted the employee's pay, benefits or status, and has not been resolved to the satisfaction of the employee;
 - ii. A grievance of a performance review with an overall rating of "Unacceptable." Grievances of any other rating may not be appealed. The only basis for reversal of an "Unacceptable" rating shall be an express finding that the rating was arbitrary, capricious or without rational basis or foundation. (Revised May 12, 2017; Rule Revision Memo 26D)
 - iii. A grievance of alleged discrimination, harassment, retaliation, or violence in the workplace that is not subject to a direct appeal, may be appealed if:
 - A formal grievance was filed in accordance with Rule 18 **DISPUTE RESOLUTION**, and
 - The action taken by the department or agency as a result of the investigation (if any) did not result in stopping or otherwise addressing the alleged discrimination, harassment, retaliation, or violence in the workplace.
 - iv. A grievance in which the agency/department has failed to implement the remedy granted and the grievant has notified the agency of the intent to file an appeal in accordance with Rule 18 **DISPUTE RESOLUTION**; or
 - v. A grievance in which the agency/department failed to respond according to Rule 18 **DISPUTE RESOLUTION**.
 - b. The grievance must be in conformance with and processed pursuant to the requirements of Rule 18 **DISPUTE RESOLUTION**.
 - c. Notwithstanding the above provisions, written reprimands may not be appealed.

(Revised February 12, 2016; Rule Revision Memo 18D)

- d. The appeal period ends at 5:00 p.m. (close of business) on the final date for appeal.

B. Form of Appeal:

1. Every appeal shall be on the form prescribed by the Hearing Office and shall include the name and address of the employee filing the appeal, the action which is the subject of the appeal, the reason for the appeal, and a statement of the remedy sought.
2. For any appeal filed pursuant to 19-10 A.2.a.iii, the employee must identify the alleged discrimination, harassment or retaliation that has not been stopped or otherwise addressed. An appeal may be dismissed if the employee fails to comply.
3. For any appeal filed pursuant to 19-10 A.2.a.i., the employee must identify the alleged violation of the Rules, the City Charter, ordinances relating to the Career Service, executive orders or written agency policies, and how the employee's pay, benefits or status were impacted. An appeal shall be dismissed if the appellant fails to comply.
4. For any appeal filed pursuant to 19-10 A.2.a.ii, the employee must identify why the employee asserts the "Unacceptable" rating was arbitrary, capricious and without rational basis or foundation. An appeal shall be dismissed if the employee fails to comply. (Revised May 12, 2017; Rule Revision Memo 26D)

Section 19-25 Alternative Dispute Resolution Available

- A. A party may request mediation pursuant to Rule 18 **DISPUTE RESOLUTION** anytime during the appeal process. Requesting mediation shall not suspend the time limitation for filing an appeal. Scheduling the matter for mediation will not affect the appeal process or the appeal hearing date, except by agreement of the parties. If the parties mutually determine that an extension of time or a stay of the appeal is necessary to facilitate mediation, the parties shall file a motion for such relief with the Hearing Office.
- B. All mediation proceedings are considered confidential. This confidentiality shall be specifically acknowledged and agreed to by each party to mediation prior to the commencement of mediation. No testimony concerning discussions had at or during the mediation shall be admissible in any Career Service hearing. The nature and scope of the confidentiality of discussions, documents and other materials presented at the mediation shall be governed by the terms of the Colorado Dispute Resolution Act, C.R.S. 13-22-307, Sections 1 through 4 inclusive, as it may be amended.