

MEMORANDUM

REVISION 28 SERIES D

TO: Holders of Career Service Rule Books
FROM: Career Service Board
DATE: September 21, 2017
SUBJECT: Revision of Career Service Rules 2, 3, and 16

The following changes and revisions to Rules 2, 3, and 16 were approved by the Career Service Board on September 7, 2017:

Please refer to the following table for information on the former rule description, the revised rule description and the intended impact of the revisions for Rules 2, 3, and 16. Also included are new rule pages to replace outdated information along with insertion instructions for Career Service Rule Books.

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
	Adds equal opportunity statement throughout the Career Service Rules.	Sections: 2-11B5 2-40A8 Rule 3, Purpose Statement Rule 16, Purpose Statement	To inform employees of their right to be free from workplace discrimination and harassment.
	Adds the phrase "gender identity and expression" to equal employment opportunity statement.	Sections: 16-22A,B 16-29L	To be more inclusive of the LGBTQ community; to clarify that employees have a right to work in an environment free of discrimination and harassment because of gender identity and expression.

	<u>Page Number</u>	<u>Issuance Dates</u>
<u>Remove:</u>	2-1 2-7 3-1 16-1 16-3 16-9	October 7, 2016 October 7, 2016 January 3, 2017 February 12, 2016 February 12, 2016 February 12, 2016

	<u>Page Number</u>	<u>Issuance Dates</u>
<u>Replace with:</u>	2-1 2-7 3-1 16-1 16-3 16-9	September 21, 2017

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

**RULE 2
CAREER SERVICE BOARD**

Purpose statement:

The purpose of this rule is to establish how the Career Service Board (“Board”) carries out its duties as provided for under the authority of the City Charter § 9.1.1 and Chapter 18 of the Denver Revised Municipal Code.

Section 2-10 Career Service Board

2-11 Officers and Duties

A. Duties and Organization of the Board:

1. The five-member Board shall foster and maintain a merit-based personnel system for the Career Service and shall be committed to equal employment opportunity in accordance with the City Charter and the Denver Revised Municipal Code. The Board shall carry out all other duties delegated by the Denver Revised Municipal Code.
2. The Board’s primary functions are to oversee the Office of Human Resources (“OHR”), oversee the Career Service Hearing Office, and serve as a quasi-judicial body to decide appeals of decisions of the Career Service Hearing Officers (“Hearing Officers”).
3. The Board shall have two Co-Chairpersons who shall be elected on an annual basis from the members of the Board.

B. The Board is responsible for adopting, administering and enforcing rules necessary to foster and maintain this merit-based personnel system including, but not limited to rules providing:

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

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

Section 2-40 OHR Executive Director

A. Powers and Duties:

The OHR Executive Director shall serve at the pleasure of the Board, report directly to the Board, and perform all duties and responsibilities as directed by the Board, including those contained in these Rules, and as delegated by the Denver Revised Municipal Code. In addition, the OHR Executive Director's powers and duties are:

1. To interpret and enforce the Rules adopted by the Board in such a manner as to promote and maintain the principles of a merit-based personnel system and the just, speedy and effective resolution of disputes (Revised January 22, 2010; Rule Revision Memo 44C);
2. To prepare and administer examinations, determine qualifications of applicants, establish eligible lists and refer eligible applicants to appointing authorities to fill vacancies;
3. To establish and maintain a roster of all Career Service employees;
4. To establish and maintain such records, forms and procedures as necessary to control personnel actions;
5. To consider reasonable suggestions from appointing authorities, the public, and employees or their representatives, pertaining to any phase of the personnel program;
6. To delegate to a designee such duties as, in his/her opinion are appropriate, unless otherwise specifically provided in these rules;
7. To administer the Education Refund Program in accordance with the Denver Revised Municipal Code; and
8. To perform such other duties as may be necessary to foster and maintain a merit-based personnel system for the Career Service, further equal employment opportunity for all employees and applicants without regard to race, color, religion, national origin, sex, sexual orientation, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, or any other status protected under federal, state and/or local law, or otherwise ensure the efficient operation of OHR. (Revised September 21, 2017; Rule Revision Memo 28D)

B. Normal Working Hours:

The OHR Executive Director shall keep the OHR open for business from 8:00

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 without regard to race, color, religion, national origin, sex, sexual orientation, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, or any other status protected under federal, state and/or local law and a highly productive, engaged workforce. (Revised September 21, 2017; Rule Revision Memo 28D)

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.

**RULE 16
CODE OF CONDUCT
AND DISCIPLINE**

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

Purpose statement:

The purpose of this rule is to provide Career Service employees clear expectations for their conduct in an effort to maintain the public trust; to promote both public and workplace safety; to promote equal employment opportunity without regard to race, color, religion, national origin, sex, sexual orientation, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, or any other status protected under federal, state and/or local law; and to establish a progressive discipline process that is governed by the principles of due process, personal accountability, reasonableness and sound business practice. This rule contains information on the following topics:

- A. Delegation of authority
- B. Compliance with Code of Ethics and Executive Orders
- C. Harassment and discrimination
- D. Employee responsibility to report charges, convictions, and nolo contendere pleas
- E. Use of City facilities
- F. Political activities
- G. Employee organization and representation
- H. Recording devices in the workplace
- I. Grounds for discipline
- J. Investigatory leave
- K. Disciplinary process

(Revised September 21, 2017; Rule Revision Memo 28D)

Section 16-10 Service of Written Notice and Computation of Time

- A. Written notices required to be served on an employee under this Rule 16 shall be served on the employee either in person with a certificate of hand delivery; by first class U.S. mail, 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.

4. Any Executive Orders governing employee conduct including, but not limited to:
 - a. Executive Order No. 16 – Use of Electronic and Communication Devices and Services
Sets terms of employee use of computers, cell phones, Internet and e-mail.
 - b. Executive Order No. 55 – Department Information Centers
Regulates employee use of bulletin boards.
 - c. Executive Order No. 94 – City and County of Denver Alcohol and Drug Policy
Covers testing, training and discipline regarding employee drug and alcohol use.
 - d. Executive Order No. 112 – Violence in the Workplace
Defines improper behavior, establishes management responsibility, and discipline.

16-22 Harassment and Discrimination

(Revised September 21, 2017; Rule Revision Memo 28D)

- A. Career Service employees have a right to work in an environment free of discrimination and harassment because of the employee's race, color, religion, national origin, sex, sexual orientation, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, or any other status protected under federal, state, and/or local law.
- B. Types of Harassment

Harassment because of race, color, religion, national origin, sex, sexual orientation, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, or any other status protected under federal, state, and/or local law, includes but is not limited to:

 1. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments;
 2. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
 3. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work directed at an employee because of the employee's sex, race, or other protected basis; and
 4. Threats or demands to submit to sexual requests in order to keep a job or avoid some other loss, and offers of job benefits in return for sexual favors.

- K. Failure to report charges of, pleas to, or convictions of crimes as required by this Rule 16.
- L. Discrimination or harassment as defined in this Rule 16. This includes making derogatory statements based on race, color, religion, national origin, sex, sexual orientation, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, or any other status protected under federal, state, and/or local law. This prohibited conduct need not rise to the level of a violation of any relevant local, state or federal law before an employee may be disciplined and the imposition of such discipline does not constitute an admission that the City violated any law. (Revised September 21, 2017; Rule Revision Memo 28D)
- M. Unauthorized absence from work; or abuse of paid time off, sick leave, or other types of leave; or violation of any rules relating to any forms of leave.
- N. Unauthorized deviation from scheduled shift including reporting to work after the scheduled start time of the shift, leaving work before the end time of the shift, or working unauthorized overtime.
- O. Failure to use safety devices or failure to observe safety regulations.
- P. Engaging in a strike, sabotage, or work slowdown.
- Q. Divulging confidential or otherwise sensitive information to unauthorized individuals.
- R. Conduct which violates the Career Service Rules, the City Charter, the Denver Revised Municipal Code, Executive Orders, written departmental or agency regulations, policies or rules, or any other applicable legal authority. When citing this subsection, a department or agency must cite the specific regulation, policy or rule the employee has violated.
- S. Refusal to cooperate, including refusing to provide requested information and materials relevant to the investigation.
- T. Conduct which is or could foreseeably:
 - 1. Be prejudicial to the good order and effectiveness of the department or agency;
 - 2. Bring disrepute on or compromises the integrity of the City; or
 - 3. Be unbecoming of a City employee.