

MEMORANDUM

REVISION 37 SERIES D

TO: Holders of Career Service Rule Books

FROM: Career Service Board

DATE: April 9, 2018

SUBJECT: Amendment to Career Service Rule 7-34 Audits

The amendment to Career Service Rule 7-34 was approved by the Career Service Board on April 5, 2018. Please insert the following pages in your rule book as soon as possible. Thank you.

<u>Page Numbers to Remove</u>	<u>Page Numbers to Insert</u>
Page 7-3 Page issuance date: September 25, 2015	Page 7-3 Page issuance date: April 9, 2018
Page 7-4 Page issuance date: September 21, 2017	Page 7-4 Page issuance date: April 9, 2018
Page 7-5 Page issuance date: September 25, 2015	Page 7-5 Page issuance date: April 9, 2018
Page 7-6 Page issuance date: May 31, 2017	Page 7-6 Page issuance date: April 9, 2018
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7-22 Changes to Classification Specifications

Changes to classification specifications that do not involve changing classification titles and/or attendant pay rates do not require City Council approval, and may be made by the OHR Executive Director without a public hearing before the Board.

Section 7-30 Classification of Positions

7-31 Responsibility for the Establishment of Positions and Assignment of Duties

Appointing authorities may initiate the creation of new positions and have the responsibility to assign duties to such positions. Appointing authorities may also change duties that are assigned to positions under their authority regardless of whether those positions are filled or vacant. Duty assignments may be temporary or regular, incidental or essential, and may include changes in location of work and changes in equipment and tools.

7-32 Allocation of New Positions

Every position covered by the classification and pay plan shall be allocated to a classification in that plan. Such allocation shall be made by the OHR on the basis of the predominant duties of the position and in accordance with generally accepted personnel standards and procedures and as set forth in this Rule 7.

7-33 Re-Allocation of Existing Positions

- A. When the duties of an existing position are changed to the extent that the position is more similar to positions in other classifications than to positions in its current classification, the position should be re-allocated to a more appropriate classification in accordance with this Rule 7.
- B. In order to maintain the classification and pay plan, the OHR may re-allocate:
 - 1. Vacant positions on the basis of the essential duties of the position; and
 - 2. Filled positions by conducting audits or maintenance studies.

7-34 Audits

(Revised April 9, 2018; Rule Revision Memo 37D)

- A. An appointing authority may submit a request for, or the OHR may initiate, an audit of a filled position to determine if it is correctly classified, when there has been:
 - 1. A significant change in the type or level of duties and responsibilities;
 - 2. A re-organization affecting a number of employees, which may involve significant additions of new equipment, or substantial changes in methods or procedures; or
 - 3. A maintenance study resulting in changed classification specifications.

- B. Appointing authorities are encouraged to submit audit requests to the OHR as soon as possible after the duties of a position have been permanently changed. Requests must be made using the OHR Request for Classification Consideration form.
- C. When an appointing authority requests re-allocation of a position to a supervisory or managerial classification from a classification that is not a supervisory or managerial classification:
 - 1. The audit request will not be accepted by the OHR until the incumbent has passed the applicable supervisor assessment and completed all required supervisor training courses; and
 - 2. The request shall include a list of the position numbers, classification titles, and names of subordinate staff.

(Revised September 21, 2017; Rule Revision Memo 29D)

- D. Audit requests will not be granted in the following situations:
 - 1. For limited positions that are not budgeted or not anticipated to be budgeted past the fiscal year in which the audit was requested;
 - 2. For on-call positions, unless re-allocation responsibility has been delegated to the appointing authority under the Progressive Classification Series Program;
 - 3. When there is a vacant position in the incumbent's work unit which is in the classification to which the audit request seeks to re-allocate the incumbent's position;
 - 4. For any positions currently included in a classification maintenance study, however an exception may be granted upon OHR Executive Director approval based on the circumstances surrounding the audit request;
 - 5. As an alternative to promotion; or
 - 6. As a substitute for disciplinary procedure.
- E. An employee may petition an appointing authority to reconsider a decision not to request an audit of the employee's position and may send a copy of the petition to the OHR Executive Director. The OHR may choose to initiate an audit or maintenance study if warranted under this Rule 7.
- F. Progressive Classification Series Program:
 - 1. A progressive classification series consists of classifications where the levels of the duties are different, but the types of duties and nature of the work are the same. A progressive classification series typically consists of

and is intended for non-exempt entry and development levels. It is used to re-allocate an employee in the progressive series who is fully performing at the higher level and has met the requirements to progress to the next level in the progressive series. Not only must the re-allocation factors and specific criteria for classification re-allocation be met, but the higher-level duties must also be assigned.

2. Under the progressive classification series program, re-allocation responsibility is delegated by the OHR to an appointing authority. The OHR works with departments and agencies to develop appropriate re-allocation factors and specific criteria (e.g., minimum time in position requirements) which appointing authorities and/or supervisors use to make classification re-allocation recommendations.
3. Appointing authorities may re-allocate employees within the progressive classification series once they meet criteria established by the appointing authority and agreed to in advance by the OHR. These criteria shall be reflected in the Progressive Classification Series Re-allocation Form developed by appointing authorities and the OHR for each classification in a progressive classification series. This form will be used to process re-allocations under this program.
4. Although an employee may meet the re-allocation factors and specific criteria reflected in the Progressive Classification Series Re-Allocation Form, appointing authorities reserve management discretion to delay re-allocation within a progressive classification series until an employee's performance is deemed to be at least satisfactory and no coaching conversations or progressive discipline are in progress.
5. The OHR retains the responsibility of reviewing completed Progressive Classification Series Re-allocation Forms prior to processing a re-allocation to ensure compliance with the pre-established criteria.

7-35 Maintenance Studies

- A. The OHR may initiate and conduct maintenance studies, covering multiple positions in one or more classifications, in order to maintain the classification and pay plan.
- B. When an appointing authority creates a new position or changes the duties assigned to an existing position, those positions shall be allocated or re-allocated to the appropriate classification simultaneously with the implementation of the maintenance study whenever possible.

7-36 Effect of Re-allocation on Incumbents

- A. An employee whose position is re-allocated must meet the minimum education, experience, and licensure/certification requirements of the new classification. The OHR Executive Director may substitute other appropriate factors for the minimum education and experience requirements of the position, based on the

circumstances presented by a particular situation, but may not make a substitution for licensure or certification requirements.

- B. An incumbent with career status who has been found eligible to remain in the re-allocated position shall acquire career status in the new classification as of the effective date of the re-allocation. If the incumbent has probationary status, the employee shall complete the remainder of such probationary period before attaining career status in the new classification.

7-37 Effective Dates

- A. If it is determined, as a result of an audit or maintenance study, that changes to the classification and pay plan are necessary, the effective date of any resulting changes to the classification and pay plan shall be the beginning of the first work week following approval by the Mayor or by the City Council over the Mayor's veto. Provisional classifications resulting from changes to the classification and pay plan may be used upon approval by the Board, but use for longer than six months is contingent upon City Council approval.
- B. If a position is to be re-allocated as a result of an audit or maintenance study without requiring changes to the classification and pay plan, the effective date shall be the beginning of the first work week following the classification decision by the OHR.
- C. If a position is to be re-allocated under the progressive classification series program, the effective date shall be the beginning of the first work week following the date of the appointing authority's signature on the Progressive Classification Series Re-allocation Form.

Section 7-40 Requests for Administrative Review

An appointing authority may ask the OHR Executive Director for an administrative review of a classification decision within ten (10) calendar days of the date of notice of the audit or maintenance study results. The OHR Executive Director or designee shall review the decision and provide a written response to the appointing authority.

Section 7-50 Compensation Policy

The policy of the City and County of Denver is to provide generally prevailing compensation to City employees as provided by the City Charter and the Denver Revised Municipal Code ("DRMC"). This compensation policy is designed to attract, retain and motivate employees in order to support and reinforce the City's vision, values, and strategic business goals. To implement this compensation policy the Office of Human Resources ("OHR") will:

- A. Perform market surveys to ensure the City's external market competitiveness;
- B. Provide like pay for like work within classifications; and
- C. Utilize pay for performance plans.

Section 7-60 Establishing and Maintaining Pay Schedules
(Revised May 31, 2017; Rule Revision Memo 27D)

- A. The OHR shall establish the following pay schedules in order to facilitate the City's compensation policy:
 - 1. Non-exempt salary schedules: applicable to those classifications not exempt from overtime pursuant to the provisions of the Fair Labor Standards Act (FLSA);
 - 2. Community rate schedule: applicable to certain classifications comprised solely of on-call positions used on a seasonal basis or in the sports and entertainment field which do not have traditional year-round or seasonal schedules. These classifications are non-exempt under the FLSA;
 - 3. Training and intern schedule: applicable to trainee or intern classifications. These are single rate classifications that do not have ranges; and
 - 4. Exempt salary schedules: applicable to those classifications exempted from overtime under the FLSA.
- B. Each occupational group shall have one or more of these pay schedules assigned to it as appropriate.
- C. Classifications shall be assigned to a pay grade within the appropriate pay schedule.

Section 7-70 Pay and Benefit Survey Process

7-71 Establishing Pay for Classifications

- A. The pay for a classification shall be set at generally prevailing rates of pay for comparable jobs using the market survey process described below.
- B. The OHR shall perform an annual market analysis to determine what pay survey adjustments, if any, should be recommended for occupational groups and/or classifications covered by the classification and pay plan (as defined in this Rule 7).
- C. If market survey data are inadequate or inappropriate for a statistical analysis, pay for a classification will be determined based on internal relationship comparisons to other City and County of Denver classifications according to practices established by the OHR (see Appendix).

7-72 Market Surveys

In order to provide generally prevailing compensation to employees, the OHR shall use market surveys which include a sample of public and private sector employers and jobs throughout the local market or other appropriate geographical areas.

- A. Benchmark classifications shall be identified in each occupational group. Market data shall be used to analyze these classifications in order to determine what pay survey adjustments, if any, should be recommended.
- B. The local market shall be defined as the “Denver Metropolitan Area” which includes Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson counties.
- C. The use of other geographical area data will be determined on a case-by-case basis for a classification. When other geographic areas are selected to be used in a survey, several factors are considered such as, but not limited to, the market where such jobs are recruited for, comparable organizations, populations and cost of living factors.
- D. Whenever salary and related information is furnished to the OHR on the condition that such material remains confidential, the individual pay data in such surveys shall not be disclosed.
- E. The OHR shall establish written criteria for selecting surveys, which must be published and followed. Before changing the criteria for selecting surveys, the OHR must inform the Board at a public meeting (see Appendix).

7-73 Implementation of Pay Survey Recommendations

- A. In accordance with Rule 2, the Career Service Board (“Board”) shall hold a public hearing to determine whether to accept, reject, or modify the pay survey recommendations.
- B. The Board provides their recommendations to the Mayor and City Council as required by ordinance.
- C. City Council and the Mayor may accept, reject, or modify the recommendations.
- D. The OHR shall implement the pay survey adjustments as approved by City Council and the Mayor and as provided in the DRMC.

7-74 Employee Benefits

- A. Upon request of the Mayor, City Council, or the Board, the OHR Executive Director shall survey and recommend changes to employee benefits as necessary to attract and retain a qualified and competent workforce and to maintain the City’s policy to provide generally prevailing compensation to employees.
- B. The Board shall conduct at least one public hearing on any proposed changes to employee benefits prior to the OHR Executive Director making any recommendations to the Mayor and City Council.