

MEMORANDUM

REVISION 46 SERIES C

TO: Holders of CSA Rule Books
FROM: Career Service Board
DATE: September 9, 2010
SUBJECT: Revision to Career Service Rules

The Career Service Board has approved the following revision of Rule 16-61 Contemplating or Imposing Discipline on an Employee Convicted of or Charged with a Crime. Career Service Rule 16-61 establishes a procedure that must be followed before an employee can be disciplined for being convicted of or charged with a crime. The changes to this rule are intended to make it clear that while this process must take place before discipline is imposed, it does not have to take place until after the pre-disciplinary meeting. This proposal also deletes language which had been interpreted to require a finding that the crime (or alleged crime) rendered the employee unfit to perform their job. However, the rule still requires that the agency consider other factors related to the severity of the crime and its relation to the employee's job before imposing discipline.

	<u>Page Number</u>	<u>Issuance Dates</u>
Remove:	16-6	January 22, 2010
Replace	16-6	September 9, 2010

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

- Y. Conduct which violates the Rules, the City Charter, the Denver Revised Municipal Code, Executive orders, or any other applicable legal authority.
- Z. Conduct prejudicial to the good order and effectiveness of the department or agency, or conduct that brings disrepute on or compromises the integrity of the City.

16-61 Contemplating or Imposing Discipline on an Employee Convicted of or Charged with a Crime (Revised effective September 9, 2010; Rules Revision Memo 46C)

After notification that an employee has been charged with or convicted of a crime, the appointing authority shall follow the guidelines described below:

- A. If an employee has been charged with a crime, before imposing discipline, the department or agency must determine there is a preponderance of evidence demonstrating that the employee engaged in the conduct which forms the factual basis for the crime with which the employee is charged. The department or agency must also consider: the nature and type of the conduct which supports the charge; the nature of the position the employee holds in the City and the relationship of the position to the facts underlying the charge; and the impact of the facts on the employee's ability to perform the position.
- B. If an employee has been convicted of a crime, before imposing discipline, the department or agency must consider: the nature and type of crime for which the person has been convicted; the facts underlying the crime; the nature of the position the employee holds in the City and the relationship of the position to the crime; the impact of the facts on the employee's ability to perform the position; and any evidence of rehabilitation.
- C. Conviction of a crime or the facts underlying a charged crime may be grounds for any form of discipline outlined in this Rule 16, up to and including dismissal.

Section 16-70 Disciplinary procedures

Appointing authorities may designate agents to act for them in imposing discipline under this Rule 16.

16-71 Verbal reprimand

Verbal reprimands must be accompanied by a notation in the supervisor's file and the agency's file on the employee. The employee shall be notified that a verbal reprimand is being documented in their file.