

**REVISION OF CAREER SERVICE RULE 3 RECRUITMENT
AND RELATED RULES**

PLEASE READ AS SOON AS POSSIBLE

TO: Appointing Authorities, Managers and Employees

FROM: Pete Garritt, HR Supervisor, Employee Relations and Records

DATE: January 20, 2012

SUBJECT: Revision of Career Service Rule 3 RECRUITMENT and related rules

The Career Service Board has approved the following revisions to Career Service Rule 3 RECRUITMENT. These changes are intended to simplify the recruiting process and make it more responsive to individual agency needs while still maintaining merit system principles:

- Re-organize Rule 3 for better flow.
- Revise the Rule 3 purpose statement.
- Standardize terminology by making the following changes:
 - 'Selection' to 'recruitment'
 - 'Examination' to 'assessment'
 - 'Certification' to 'referral'
- Remove redundant definitions that can be found in other rules.
- Clarify meanings of the terms 'applicant', 'candidate', and 'eligible candidate'.
- Allow recruitments to be restricted to a consolidation code within a department or agency.
- Allow agencies to hire employees who are eligible for transfer, demotion, re-promotion or re-employment from other City agencies even if their names do not appear on a referral list. New hires and promotions still must be taken from referred lists.
- Allow trainees, interns, and apprentices who have successfully completed their training to move into the positions they have trained for without being on a referral list. Trainees, interns and apprentices still have to go through a competitive process to be appointed to their respective trainee, intern or apprentice positions.
- Clarify provisions relating to re-instatement.
- Eliminate the rule mandating that only twenty names can be referred to a vacancy. Agencies are now allowed to determine in advance how many names will be referred to them.
- Clarify rule provisions relating to list duration, re-opening recruitments, and re-use of examination scores.

MEMORANDUM

REVISION 57 SERIES C

TO: Holders of CSA Rule Books

FROM: Career Service Board

DATE: January 20, 2012

SUBJECT: Revision of Career Service Rule 3 RECRUITMENT

The Career Service Board has approved the following revisions to Career Service Rule 3 RECRUITMENT and related rules:

	<u>Page Number</u>	<u>Issuance Dates</u>
Remove:	1-4 2-1, 2-7 3-1, 3-2, 3-2.1 3-3 3-4, 3-5 3-6, 3-7, 3-7.1 3-8, 3-9 3-10, 3-11 5-7, 5-9, 5-11, 5-12 9-2 14-2, 14-9, 14-11	December 29, 2009 January 22, 2010 October 14, 2010 January 23, 2009 May 4, 2007 January 23, 2009 June 8, 2007 May 4, 2007 October 14, 2010 June 17, 2011 September 21, 2010
Replace:	1-4 2-1, 2-7 3-1 through 3-10 5-7, 5-9, 5-11, 5-12 9-2 14-2, 14-9, 14,11	January 20, 2012

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

Employment appointment:

One which is made as the result of referral from an employment list (Effective January 20, 2012; Rules Revision Memo 57C).

Employment probationary status:

The initial status of an employee receiving an employment appointment or a re-employment appointment. (Effective September 18, 1980; Rules Revision Memo 127A).

Entry level professional class:

Any class where the principal minimum qualifications for education and experience are a college degree and no experience. These are identified as entry level by the word "staff" as part of the title. (Effective September 1, 1989; Rules Revision Memo 129B).

Executive class:

A class in which the duties and responsibilities meet the following criteria:

- A. Primary duty consists of the management of the agency or appropriation account, or of a customarily recognized subdivision or section thereof; and
- B. Regular direction of the work of two or more other employees therein, and
- C. Authority to hire or fire other employees, or suggestions or recommendations as to the advancement and promotion or any other change of status of other employees will be given particular weight, and
- D. Regular exercise of discretionary powers, and
- E. No more than 20% of hours worked in a work week are devoted to activities which are not directly and closely related to the performance of the work described in paragraphs a) through d) above; provided that this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated establishment. (Effective May 1, 1974; Rules Revision Memo 83A)

Fringe benefits:

Paid time off, vacation leave, holiday leave, sick leave, payments for injuries or sickness received in the line of duty, health insurance, life insurance, pensions, termination pay, uniform and equipment allowances, dependents' benefits, longevity pay, and any other financial or economic benefits which are found by the Career Service to be the prevailing practice in the Denver metropolitan area. (Revised effective January 1, 2010; Rules Revision Memo 42C).

RULE 2
CAREER SERVICE AUTHORITY
(Effective December 23, 2005; Rules Revision Memo 1C)

Purpose statement:

The purpose of this rule is to establish how the Career Service Board (“Board”) will carry out its duties provided for under the authority of the City Charter and 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 or ordinance.
2. The Board’s primary functions are to oversee the Career Service Authority (“CSA”), 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**);
2. That appointments and promotions of employees in the Career Service shall be made on the basis of merit and ability (Rule 3 **RECRUITMENT**);
3. For probationary periods (Rule 5 **APPOINTMENTS AND STATUS**);
4. For like pay for like work (Rule 7 **CLASSIFICATION**);
5. For the payment of generally prevailing compensation and benefits to Career Service employees (Rule 8 **COMPENSATION**);

Section 2-40 Personnel Director

A. Powers and Duties

The Personnel 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 the Rules, and as delegated by the Denver Revised Municipal Code. In addition, the Personnel 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 effective January 22, 2010; Rules Revision Memo 44C);
2. To prepare and hold examinations, pass upon qualifications of applicants, establish eligible lists and refer eligible applicants to appointing authorities to fill vacancies (Revised effective January 20, 2012; Rules Revision Memo 57C);
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 transactions;
5. To consider 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 Tuition 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, or otherwise ensure the efficient operation of CSA.

B. Normal Working Hours

The Personnel Director shall keep the office of CSA open for business from 8:00 a.m. to 5:00 p.m. Monday through Friday of each week, holidays excepted, unless good cause warrants a temporary or permanent change.

C. Acting Personnel Director:

1. When the Personnel Director is going to be absent for sixty (60) days or less, the Personnel Director shall designate a suitable and competent person as acting Personnel Director, unless the Board elects to designate one instead.
2. If the absence is going to be more than sixty (60) days, the Board shall designate an acting Personnel Director.

**RULE 3
RECRUITMENT**

(Effective January 20, 2012; Rules Revision Memo 57C)

Purpose statement:

As provided in the City charter (See Appendix), the Career Service Authority (“CSA”) administers a merit-based personnel system in which appointments and promotions of employees are made on the basis of merit and ability. Further, applicants and employees are entitled to equal employment opportunity without regard to race, color, creed, religion, national origin, gender, sexual orientation, marital status, military status, age, disability, or political affiliation or any other status protected by federal, state or local laws.

Section 3-5 Definitions

- A. Applicant: A person who has submitted an application to the CSA in connection with a posted job opening.
- B. Assessment: A competitive examination of competence that the CSA is required by the City Charter to conduct on candidates for posted job openings.
- C. Candidate: An applicant who has been determined by the CSA to have met the minimum qualifications for a posted job opening.
- D. Eligible candidate: A candidate for a posted job opening within the Career Service who meets the criteria required for placement on an eligible list.
- E. Promotion: An appointment of an employee to a position in a classification in which the range minimum of the pay range of the new classification is higher than the range minimum of the pay range of the classification previously held.
- F. Referral: The act of providing an appointing authority with one or more lists of candidates eligible to be hired into a particular vacancy.

Section 3-10 Delegation of Authority by Personnel Director

The Career Service Personnel Director (“Personnel Director”) may delegate any authority given under this rule to a designee.

Section 3-15 Responsibilities in the Recruitment Process

- A. The CSA shall be responsible for the following steps in recruiting for job openings in the Career Service (including vacant trainee, paid intern, and apprentice positions):
 - 1. Advertising job openings;
 - 2. Assessment of candidates;
 - 3. Referral of re-instatement and eligible lists to appointing authorities; and
 - 4. Any other services related to the recruitment process requested by the appointing authority and agreed to by the CSA.
- B. Except as delegated by the Personnel Director, departments and agencies are not authorized to administer pre-employment or on-the-job assessments to applicants, candidates or employees.

Section 3-20 Notice of Job Openings

- A. Job opportunities in the Career Service must be posted in the CSA office and on the City web site for at least two (2) business days. Such notices may also be posted in other places where potential applicants would be likely to see them.

B. Content of Job Posting Notices

The notice must contain the job title, pay grade, dates the recruitment will open and close, minimum qualification requirements, and instructions on how to apply.

3-21 Restricted Recruitments

- A. Appointing authorities may request that recruitments be open only to applicants who:
 - 1. Are:
 - a. Current City employees; or
 - b. Career Service employees eligible for promotion; or
 - c. Career Service employees in the appointing authority's department or agency or in a consolidation code in the department or agency, eligible for promotion; or
 - d. Career Service employees eligible for transfer, demotion, and re-promotion, and former employees eligible for re-employment, as defined in Rule 5 **APPOINTMENTS AND STATUS**.

2. Possess specific education, experience, knowledge, skills, abilities, and competencies necessary to perform a particular job, in addition to the minimum requirements in a classification specification; or
 3. Fall within one of the categories in subsection 1 and possess the special qualifications required under subsection 2.
- B. An individual who has been separated as a result of a lay-off, and whose name still appears on a re-instatement list, shall be eligible to compete for recruitments that are otherwise restricted to current City employees as if he or she were still an employee.

Section 3-30 Assessment

- A. The CSA may give one or more of the following kinds of assessments:
1. Evaluation of experience and education;
 2. Written;
 3. Skill-based;
 4. Interview; or
 5. Any other appropriate measures.
- B. The CSA shall decide the weight of each phase of the assessment. Weights and phases may be changed as conditions warrant.

3-31 Substitution of Experience for Education

- A. 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.
- B. 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 Manager 1.
- C. 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, 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 college, 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, paralegals, paramedics, and various other medical technicians.

3-32 Disqualification of Applicants and Candidates

- A. Applicants and candidates may be disqualified from further consideration in the recruitment process for any valid reason, including, but not limited to, submission of a late or incomplete application or resume; or the failure to submit other required documents on time.
- B. Applicants and candidates shall be disqualified from further consideration in the recruitment process for the following reasons:
 1. Failure to meet minimum education, experience and/or licensing or certification requirements;
 2. Failure to attain the required minimum score on an assessment;
 3. Unsuitability for the position, including certain criminal convictions;
 4. Committing, or threatening to commit, acts of violence against City employees involved in the recruitment process, including intimidating, threatening or hostile behavior;
 5. Dismissal from the Career Service. Employees dismissed from the Career Service are not eligible to be assessed for five years after the date of dismissal; or
 6. Providing false information in an application or resume, or falsification of assessment scores or records, or cheating, taking or participating in taking assessments for which the candidate is not the registered candidate. This conduct may result in the candidate being barred from future examinations.

3-33 Scheduling of Assessments

- A. Every effort shall be made to plan assessments so as to prevent the disruption of department or agency operations.
- B. Unless another date and time is available prior to the end of the scheduled assessments for the announced opening, all assessments must be taken when scheduled, or returned by the due date, as appropriate.

- C. Notwithstanding the previous section, deferred assessments are permissible for candidates who miss a scheduled assessment or due date for the following reasons, and provide appropriate documentation:
 - 1. The candidate was ordered into military service;
 - 2. The candidate has jury duty;
 - 3. The candidate has been subpoenaed to appear in court;
 - 4. The candidate has been ordered to perform City business; or
 - 5. The candidate is a City employee who has a work related injury, which renders the candidate unable to take the assessment when scheduled.
- D. The Personnel Director may also approve a request for a deferred assessment on other grounds for good cause shown.
- E. Referral of a list resulting from the assessment shall not be delayed if the deferred assessment cannot be scheduled within seven (7) calendar days of the end of scheduled assessment.

3-34 How Assessments are Given

- A. Except as provided in part B of this subsection, the same, or equivalent, assessments will be given to all candidates assessed.
- B. Accommodation for Disabled Candidates:
 - 1. The CSA will provide reasonable accommodations in the assessment process, upon request, for candidates who are qualified individuals with a disability under the Americans with Disabilities Act.
 - 2. In instances where established assessment procedures are not appropriate for such candidates, their eligibility shall be determined by alternate assessment procedures which accurately measure their ability to perform the essential functions of the position with or without reasonable accommodation.

3-35 Assessment Scores

- A. Minimum Score: The Personnel Director must decide how assessments are scored and what score is needed to pass.
- B. Multiple part assessments: The Personnel Director may decide that by failing one part of a multiple part assessment, a candidate has failed the assessment and the other parts of the assessment cannot be taken.
- C. Final Rating: Final ratings must be based on the total or combined assessment score.

- D. Veterans' Points: Points must be added to passing scores of eligible candidates, who are not employees, as required by the Veterans' Preference provision of the Colorado Constitution (relevant portions are attached as an Appendix).
- E. Notice to candidates: Each candidate shall be provided with access to their assessment scores.
- F. Confidentiality of score: Assessment scores are confidential and shall not be made available to any person outside the CSA except the appointing authority in connection with a referral, and the candidate. The candidate assessed may, in writing, allow CSA to release his or her assessment scores to others. Assessment scores may also be released pursuant to court order or an appropriate subpoena.

3-37 Request for review

Applicants and candidates for employment or promotion in the Career Service who are dissatisfied with the results of the assessment process may notify the recruiter of their concerns in writing or by e-mail within three (3) business days from the date of the notice.

Section 3-40 Referral

Appointing authorities can only fill vacant Career Service positions with eligible candidates whose names appear on lists referred to the appointing authority by the CSA as described in this section of this Rule 3, or who fall within one of the following exceptions:

- A. Career Service employees who are eligible for re-promotion, transfer, demotion, or re-assignment appointments, or former employees who are eligible for re-employment, as defined in Rule 5 **APPOINTMENTS AND STATUS**.
- B. City employees who are eligible for re-assignment under Rule 5-84, Reasonable Accommodations for Individuals with Disabilities Policy.
- C. Trainees and paid interns who have successfully completed the trainee or intern probationary period as provided in Rule 5 **APPOINTMENTS AND STATUS** may be promoted into the position the trainee or intern was being trained to perform.
- D. Trades apprentices who meet the minimum qualifications of the applicable trades classification and have successfully completed the required apprenticeship training (as documented by the employee's department or agency and verified by the CSA) may be promoted into the applicable trades classification.

3-41 Re-instatement List

- A. Employees or former employees shall be placed on the re-instatement list for the classification from which they have:
1. Been laid off;
 2. Transferred or re-assigned 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. The names of eligible employees or former employees shall be added to this list as soon as administratively feasible, with the effective date being the effective date of the lay-off or action in lieu of lay-off.
- C. Eligible employees or former employees will be listed for one year unless removed for cause.
- D. 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, as defined in Rule 14 **SEPARATION OTHER THAN DISMISSAL**, is higher on the list.
- E. Re-instatement lists shall only be used within the Lay-off Unit (as defined in Rule 14 **SEPARATION OTHER THAN DISMISSAL**) that the employee or former employee was in when the lay-off took place.
- F. 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.
- G. If a re-instatement list exists for a classification in which the department or agency has a position with a special qualification which has been approved by the Personnel 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.
- H. Any re-instatement list may be abolished at any time by the Personnel Director if the classification specification is abolished or revised.

3-42 Eligible List

- A. An eligible list is comprised of all eligible candidates for a particular job opening.
- B. Referral:
 - 1. The department or agency may request that any number of eligible candidates on the eligible list be referred for a vacancy. However, at least three (3) eligible candidates shall be referred (unless there are less than three (3) eligible candidates on the list).
 - 2. A minimum of three (3) eligible candidates from a referred eligible list must be interviewed by the department or agency when filling a vacant position, unless there are less than three (3) eligible candidates on the list, in which case, the department or agency must interview all of the eligible candidates on the list.
 - 3. At the request of the department or agency, CSA shall provide an analysis of the results of the assessment (s) taken by eligible candidates whose names are referred to the department or agency in order to assist the department or agency in making appointments on the basis of merit and ability.

3-43 Use of Appropriate Alternative Lists

When the existing referral list for a job opening does not have a sufficient number of names, the Personnel Director may allow a list for a different classification to be used instead of or to supplement the existing referral list, provided the classification chosen has an equal or higher beginning pay rate than the job opening, and that the eligible candidates on the new list meet the minimum qualifications of the job opening's classification.

3-44 Emergency Referral

If the Personnel Director determines an emergency exists, a list of eligible candidates may be given to the hiring department or agency at any time, even before all candidates have been assessed. Only eligible candidates who can be reached immediately in person or by any other available means will be considered ready to work.

3-45 Referral Restrictions by Appointing Authorities

An appointing authority may request that referral be restricted to eligible candidates who:

- A. Possess specific education, experience, knowledge, skills, abilities, or competencies necessary to perform a particular job;
- B. Are current City employees. Eligible candidates who have been separated as a result of a lay-off and whose names appear on a re-instatement list shall be treated as if they were still City employees for purposes of this subsection.

Section 3-50 List Management

3-51 Eligible List Duration

- A. Eligible candidates may be listed on an eligible list until the list is inactivated. Eligible lists may be inactivated at the discretion of the Personnel Director.
- B. Eligible candidates on an eligible list may be referred during the life of the eligible list. However, at the request of an appointing authority, eligible candidates may be excluded from subsequent referrals to the same department or agency from the same list if approved by the Personnel Director.

3-52 Re-opening Recruitments

An eligible list may be re-opened for recruitment at any time during the life of the list in order to add additional eligible candidates to the list. When new eligible candidates are being added to an existing list, the same assessment plan that was used to create the original list must be used. Eligible candidates already on the eligible list are not permitted to re-take the assessment for the re-opened recruitment. Candidates who originally failed the assessment used to create an eligible list that is subsequently re-opened are not permitted to re-apply.

3-53 Re-use of Assessment Scores

After an eligible list is inactivated, candidates who were formerly on the list may re-use passing assessment scores in other recruitments for a period of time designated by the Personnel Director. The period of time may vary based on the subject matter contained in the assessment. A candidate may request the use of a passing assessment score for all recruitments for which the candidate has applied and for which the same assessment is used. The creation of a new or revised assessment for a classification may require all candidates to take and pass the new assessment to gain eligibility.

3-54 Removal of Names from Referral Lists: Restoration Permitted

The name of an eligible candidate shall be removed from all lists for the reasons listed below, but may be restored if the eligible candidate provides a satisfactory explanation to the Personnel Director, provided that list eligibility remains:

- A. The eligible candidate does not answer when asked by the City if available or ready to work, or the eligible candidate cannot be reached for two consecutive days.
- B. The eligible candidate turned down a referral or a job offer for reasons that would make it impossible to take other jobs in the same job classification.
- C. The employee or former employee on a re-instatement list refuses an offer of re-instatement to a position equivalent in terms of duration and hours worked to the position the employee or former employee was in immediately prior to the lay-off.

- D. The eligible candidate requested that his or her name be removed from the list.
- E. The eligible candidate did not pass the appropriate post-employment offer health assessment.
- F. Evidence has been produced that the eligible candidate no longer meets minimum qualification requirements.
- G. The eligible candidate did not report for work after being hired. The names of eligible candidates who did not report for work after being hired will not be added to any lists for five (5) years.

3-55 Removal of Names from Referral Lists: Restoration Not Permitted

The name of an eligible candidate shall be removed from all applicable lists for the reasons listed below. Restoration is not permitted when:

- A. Evidence has been produced that the eligible candidate should not have been admitted to the assessment.
- B. An eligible candidate who was not a City employee has been appointed to an unlimited position in the Career Service.
- C. A re-instatement list eligible candidate has been appointed to an unlimited Career Service position at the same or higher pay grade than the classification from which the eligible candidate was laid off or demoted from in lieu of layoff.
- D. The name of an eligible candidate who has been promoted to a higher classification is removed from all lists at or below the level of the promotional classification.
- E. The eligible candidate has been dismissed from the Career Service. The names of dismissed employees will not be added to any lists for five (5) years after the date of dismissal.

5-62 Employees in Career Status

An employee in career status:

- A. May be disciplined or dismissed only for cause, in accordance with Rule 16, **DISCIPLINE AND DISMISSAL**;
- B. May file a grievance or appeal for any reason specified in Rule 18 **DISPUTE RESOLUTION** or Rule 19 **APPEALS**;
- C. Is entitled to the full benefit of leave provisions in accordance with Rule 10 **PAID LEAVE** (Revised effective January 1, 2010; Rules Revision Memo 42C);
- D. May earn merit increases and merit payments in accordance with Rule 13 **PAY FOR PERFORMANCE**; (Effective September 1, 1989; Rules Revision Memo 129B)
- E. Is entitled to lay-off protection specified in Rule 14 **SEPARATION OTHER THAN DISMISSAL** except for employees appointed to limited positions after January 16, 2004; (Revised March 19, 2004; Rules Revision Memo 247B);
- F. May receive re-instatement appointments (as provided in Rule 3 **RECRUITMENT**), re-assignments, transfer appointments or demotion appointments without serving a new probationary period (Revised March 19, 2004; Rules Revision Memo 247B);
- G. May have continuous service credits earned prior to lay-off restored if such employee is re-instated or re-employed while still on the re-instatement list (Effective December 18, 1980; Rules Revision Memo 01, Series B); and
- H. Is entitled to such other rights, privileges and benefits as set forth in these rules.

5-63 Employees in Promotional Probationary Status

(Revised effective October 2, 2007; Rules Revision Memo 22C)

An employee in promotional probationary status, whether attained through promotional or re-promotional appointment, has the rights, privileges, and benefits of an employee in career status, except that if the employee does not perform at or above "Successful" on a Performance Enhancement Program Report during the promotional probationary period, the employee shall be returned to a position in the class from which promoted within the department or agency from which promoted. A return from promotional probation may not be appealed except on the grounds of alleged discrimination or violation of the City's "Whistleblower Protection" ordinance.

Section 5-70 Types of Appointments

5-71 Appointments of Applicants Who Are Not in the Career Service

(Effective May 4, 2007, Rule Revision Memo 18C; revised effective January 20, 2012, Rule Revision Memo 57C)

- A. Employment appointment: An appointment made as a result of referral of an employment list in accordance with Rule 3 **RECRUITMENT**.
- 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**.
- 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;
 - 3. In order to determine eligibility for re-employment into a successor classification, the Personnel 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.

(Revised effective October 17, 2010; Rules Revision Memo 47C)

5-72 Appointments of Employees Who Are in the Career Service

(Effective May 4, 2007, Rule Revision Memo 18C)

- 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 current classification (Revised effective October 17, 2010; Rules Revision Memo 47C).
- 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** (Effective January 20, 2012, Rule Revision Memo 57C).

G. End of training or internship probationary period:

1. The department or agency shall report to the CSA, in writing, at the conclusion of the trainee or intern probationary period, whether the trainee or intern has successfully completed the probationary period by acquiring the competencies, knowledge, skills and abilities necessary to satisfactorily perform the duties of the position.
2. An appointing authority may request, in writing to the Personnel Director, that the trainee or intern be deemed to have successfully completed the probationary period prior to the employee's completion of the trainee or intern probationary period.
3. Upon a determination by CSA that the trainee or intern has successfully completed the trainee or intern probationary period, the department or agency may promote the trainee or intern into the position the trainee or intern was being trained to perform (Effective January 20, 2012, Rule Revision Memo 57C).

5-73 Transfer Appointment

(Effective May 4, 2007, Rule Revision Memo 18C)

- A. An employee may be given a transfer appointment provided that the employee and the receiving appointing authority consent, and that the requirements of Rule 3 **RECRUITMENT** are satisfied. The employee's status shall not be affected by this type of transfer appointment except as provided in paragraph C Transfer transition period.
- B. Effective date of transfer: Unless otherwise agreed upon, a transfer appointment between departments or agencies becomes effective thirty (30) calendar days after the releasing department or agency is notified that the employee and the receiving department or agency have both consented to the transfer. However, the time may be shortened if the effective date is set jointly by the releasing appointing authority and the receiving appointing authority.
- C. Transfer transition period:
 1. Definition: A transfer transition period is a ninety-day (90) period following the effective date of a transfer during which the appointing authority of the receiving agency may initiate a return from transfer.
 2. Eligibility: A transfer transition period applies except in either of the following circumstances:
 - a. The employee has employment probation status on the effective date of the transfer; or

- b. The transfer was either in lieu of layoff or anticipation of layoff.
3. Effect of returning from transfer: If a return from transfer is initiated during the transfer transition period, the employee shall be returned to a position in the same classification in the same department or agency as prior to the transfer.

5-74 Demotion Appointments

(Effective May 4, 2007, Rule Revision Memo 18C)

- A. Reasons for demotion: An appointing authority may give a demotion appointment in the following instances:
 1. In lieu of lay-off: When a position is to be abolished, in accordance with Rule 14 **SEPARATION OTHER THAN DISMISSAL**.
 2. In lieu of separation for disqualification: When an employee is not performing satisfactorily, in accordance with Rule 14 **SEPARATION OTHER THAN DISMISSAL**.
 3. In lieu of separation during employment probationary status: When an employee fails to perform satisfactorily, in accordance with subsection 5-61 Employees in Employment Probationary Status.
 4. Voluntary: When an employee requests assignment to work of less difficulty or responsibility or accepts a voluntary demotion in lieu of lay-off as defined in Rule 14 **SEPARATION OTHER THAN DISMISSAL**.
- B. Notice to employee: Before the demotion appointment is effective, the appointing authority shall furnish the employee a written statement containing the reasons for the demotion. If the demotion is voluntary, the statement should be signed by the employee. A copy of the statement shall be sent to the CSA before the demotion is effective.
- C. CSA approval: Voluntary demotions must satisfy the requirements of Rule 3 **RECRUITMENT**. For all other types of demotions, the CSA shall approve the demotion appointment if it finds that the employee meets the minimum qualifications for the new class.

5. Specialization of education;
 6. Quality/quantity of education.
 7. Internal equity;
 8. Level of responsibility accepted;
- G. Promotion: An appointment of an employee to a position in a classification in which the range minimum of the pay range of the new classification is higher than the range minimum of the pay range of the classification previously held.
- H. Re-allocation: The formal process of assigning an existing position to its proper classification on the basis of the duties performed and the responsibilities exercised.
- I. Promotional re-instatement: A promotion of an employee resulting from referral from a re-instatement list (Effective January 20, 2012, Rule Revision Memo 57C).
- J. Re-instatement: An appointment of a laid off employee resulting from referral from a re-instatement list (Effective January 20, 2012, Rule Revision Memo 57C).
- K. Re-promotion: 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 former classification. Appointments that meet the definition of a promotional re-instatement are not re-promotions.
- L. Transfer: An appointment of an employee to one classification from another, if the range minimum of the pay range of the new classification is the same as the range minimum of the pay range of the classification previously held.

Section 9-6 Designees

Appointing authorities, including the Career Service Personnel Director (“Personnel Director”), may delegate any authority given to them under this Rule 9 to a subordinate employee.

Section 9-10 Pay practices

- A. Pay practices include, but are not limited to items such as pay when first employed, changes in pay resulting from changes in position or classification, differentials, overtime pay, standby pay, merit increases and merit payments.
- B. The kind and level of pay practices for Career Service employees shall be determined by the Career Service Board (“Board”) following a survey of other employers or based on the City’s needs.
- C. Applicability to Deputy Sheriffs: None of the provisions of this Rule 9 shall apply to employees who hold positions in classifications in the Undersheriff pay schedules.

14-22 Grounds for Disqualification
(Effective 3/2/82; Rules Rev. 30B)

An employee shall be deemed to be disqualified if any of the following conditions occur:

- A. Pre-employment physical examination: When an applicant is appointed before the final report of a pre-employment health examination is received, and the final report shows that the employee is not physically qualified to perform the duties of the position;
- B. Physical or mental impairment or incapacity: When an employee becomes unable to perform the essential functions of the position because of mental or physical impairment or incapacity;
- C. Licensure, certification and other legal requirements: When laws require a license, certification, or other authorization by a federal, state or local governmental entity to perform the duties of a position and the employee does not have the required authorization.

14-23 Procedure

The appointing authority shall follow the procedures for pre-disciplinary meetings before taking any action on the disqualification. The final notice of disqualification shall contain the same statement of the reason for the disqualification as contained in the pre-disqualification letter.

Substantial amendments or additions are permitted only by repeating the pre-disqualification notice and meeting procedure. The final notice shall also contain a notice that the employee may appeal the disqualification.

However, an employee shall be relieved immediately of any duties requiring a license, certification, or other legal authorization if the employee lacks such license, certification, or other legal authorization. This change in duties shall in no way affect the employee's pay or classification prior to the completion of the disqualification proceedings.

14-24 Re-employment
(Effective May 4, 2007, Rule Revision Memo 18C)

Employees who have been separated as a result of a disqualification may be eligible for re-employment according to the provisions of Rule 3 **RECRUITMENT**.

Section 14-30 Termination During Employment Probationary Status
(Effective November 1, 1980; Rules Revision Memo 127A)

14-31 Basis

An employee holding employment probationary status may be terminated at any time in accordance with Rule 5 **APPOINTMENTS AND STATUS**.

14-46 Notice of Lay-Off

- A. Layoff planning: Layoff planning, including actions in lieu of layoff, is the responsibility of the appointing authority. However, the CSA 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 layoff is given in accordance with paragraph 14-46 C Thirty-day notices, a written lay-off plan for the lay-off unit shall be submitted to CSA and shall have been audited and approved in writing by the Personnel Director for conformance to Section 14-40 Lay-Off of the Personnel Rules, including all subsections thereof. (Revised Eff. 3/19/04, Rule Rev. 247B)
- C. Thirty-day notices: The appointing authority shall give final notice of lay-off to affected employees a minimum of thirty (30) calendar days before the effective date of the lay-off. A copy of each such notice shall be sent to the CSA. The period of time shall be computed in accordance with Rule 19 **APPEALS**. (Effective April 1, 1982; Rules Revision Memo 348; Revised Eff. 3/19/04, Rule Rev. 247B)

14-47 Effect on Leave

(Revised effective January 1, 2010; Rules Revision Memo 42C)

- A. Compensatory time and vacation leave: An employee shall be paid for all eligible leave and compensatory time credits in accordance with Rule 9 **PAY ADMINISTRATION** and Rule 10 **PAID LEAVE**.
- B. Sick leave: Pay for eligible sick leave credits and restoration of the balance of sick leave credits upon re-instatement shall be in accordance with Rule 10 **PAID LEAVE**.

14-48 Re-employment or Re-instatement Rights

(Effective May 4, 2007, Rule Revision Memo 18C)

The ability of a former unlimited employee, or limited employee appointed to their position before January 16, 2004, who was laid off, to be re-employed or re-instated are set forth in Rule 3 **RECRUITMENT**.

14-49 Appeal

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

- D. Abandonment of position: An employee shall be deemed to have abandoned his or her position if the employee fails to report for his or her assigned shift and fails to notify his or her immediate supervisor of the absence prior to the start of his or her shift for three (3) consecutive work days. This situation shall be termed "job abandonment." The required signature of the employee on the resignation shall be waived. Instead, the appointing authority shall file a statement indicating that the conditions of this paragraph have been met.

14-52 Re-employment
(Effective May 4, 2007, Rule Revision Memo 18C)

Employees who resign may be eligible for re-employment according to the provisions of Rule 3 **RECRUITMENT**.

Section 14-60 Retirement
(Effective May 4, 2007, Rule Revision Memo 18C)

Any employee in the Career Service may retire, at his own or her request, when he or she meets the eligibility requirements of the Denver Employees Retirement Plan.

Section 14-70 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 Personnel 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 signed the personnel action form separating the employee, or his successor shall be authorized to request a change in the type of separation. A copy of the Personnel Director's written approval shall be attached to the personnel action form which shall show under remarks the type of change and the reason for the change.