

MEMORANDUM

RULE REVISION 59D

TO: Appointing Authorities, Managers, and Employees
FROM: Karen Niparko, OHR Executive Director
DATE: November 19, 2020
SUBJECT: Adoption of Revisions to Career Service Rule 1, Definition of “Appointing Authority”

The revisions to Career Service Rule 1, Definition of “Appointing Authority” were approved by the Career Service Board on November 19, 2020 and are effective November 19, 2020.

FORMER RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p>Appointing authority: A municipal official designated by the annual appropriation ordinance to approve expenditures for a given appropriation; hence the official authorized to appoint employees to be paid from such appropriation. Such an official may designate an agent within the department or agency to act as an appointing authority.</p>	<p>Appointing authority: A municipal official appointed or elected to serve as the head of a department or agency; hence, and except as otherwise provided herein, the official authorized to appoint, supervise, manage, discipline and terminate employees of such department or agency. In accordance with § 2.6.4 of the Denver Charter, the Director of Safety is the appointing authority for purposes of hiring, disciplining and terminating deputy sheriffs and other employees of the Sheriff Department. Such an official may designate another official or employee within the department or agency to act as an appointing authority.</p>	<p>1</p>	<p>The overall intention behind this revision is to provide a clearer and more practical definition of the term “appointing authority” that is no longer tied to the official’s authority to approve expenditures from an appropriation in order to appoint employees to be paid from that appropriation. The revisions to the first sentence support this intention by identifying the official as the head of a department or agency, rather than by reference to a designation in the annual appropriations ordinance; and by more broadly describing the official’s authority vis-a-vis employees of the department or agency to also include (with an exception noted) supervision, management, discipline and termination. Aside from making the definition of this key term easier to understand, this revision will benefit the City financially at a critical time. Currently, several general fund departments/agencies (e.g., DFD, CAO) that provide dedicated services to non-general fund departments/agencies (e.g., DEN, DDHS) absorb the associated payroll expenses for the entire fiscal year,</p>

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			<p>after which they receive reimbursement. This rule revision will allow the City to shift those payroll expenses directly to the non-general fund departments/agencies, without impermissibly changing which official is the “appointing authority” over the affected employees.</p> <p>The second sentence was added to explain that the Charter designates the Director (or Manager) of Safety, rather than the Sheriff, as the appointing authority over uniformed and non-uniformed employees of the Sheriff Department for purposes of hiring, discipline and termination.</p> <p>The third sentence was revised to remove the word “agent” and substitute the more commonly used terminology “official or employee.”</p>

**RULE 1
DEFINITIONS**

(Revised November 19, 2020; Rule Revision Memo 59D)

Purpose:

The purpose of this rule is to provide meaning to terms that are used throughout these Career Service Rules.

Agency:

A unit of government identified by a "fund organization" number in an appropriation ordinance.

Appointing authority:

A municipal official appointed or elected to serve as the head of a department or agency; hence, and except as otherwise provided herein, the official authorized to appoint, supervise, manage, discipline and terminate employees of such department or agency.

In accordance with § 2.6.4 of the Denver Charter, the Director of Safety is the appointing authority for purposes of hiring, disciplining and terminating deputy sheriffs and other employees of the Sheriff Department.

Such an official may designate another official or employee within the department or agency to act as an appointing authority.

Appropriation:

An authorization by the City Council to a specified agency to expend a specified sum of money from a specified fund during a specified period for a specified purpose.

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, uniform and equipment allowances, dependents' benefits, and any other financial or economic benefits as determined by the Office of Human Resources.

Break in service:

Any lapse of working time between the official separation of an employee and his subsequent re-hiring.

Career Service:

All employees of the City and their positions subject to the exceptions in the Denver City Charter.