

**MEMORANDUM**

**RULE REVISIONS 73D, 74D, 75D, & 76D**

**TO:** Holders of Career Service Rule Books

**FROM:** Career Service Board

**DATE:** October 22, 2021

**SUBJECT:** Revision of Career Service Rules 2, 3, 9, & 13

Career Service Rules 2, 3, 9, and 13 were revised on October 21, 2021. Please replace the pages in your books for the rules as soon as possible. Thank you.

<b><u>Page Numbers to Remove</u></b>	<b><u>Page Numbers to Insert</u></b>
Page 2-8 CSR 2-40C	Page 2-8 CSR 2-40C Page issuance date: October 22, 2021
Page 3-4 CSR 3-41A	Page 3-4 CSR 3-41A Page issuance date: October 22, 2021
Pages 9-17 through 9-18 CSR 9-65	Page 9-17 through 9-18 CSR 9-65 Pages issuance date: October 22, 2021
Page 13-4 CSR 13-32C	Page 13-4 CSR 13-32C Page issuance date: October 22, 2021
Page 13.A.-1 Appendix 13.A	Page 13.A.-1 Appendix 13.A Page issuance date: October 22, 2021

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. Interim OHR Executive Director: (Revised October 21, 2021; Rule Revision Memo 76D)

1. When the OHR Executive Director will be absent for sixty (60) days or less, the OHR Executive Director shall designate a suitable and competent person as interim OHR Executive Director, unless the Board elects to designate one instead.
2. If the absence is going to be more than sixty (60) days, or there is a vacancy in the OHR Executive Director role, the Board shall designate an interim OHR Executive Director.
3. Nothing in this rule should be construed as preventing the designation of multiple persons to fill the interim OHR Executive Director role.

Section 2-50 Career Service Hearing Officers

A. Powers and Duties:

Career Service Hearing Officers serve at the pleasure of the Board, report directly to the Board, and perform all duties and responsibilities including those contained in these Rules, and as delegated by City Charter, to maintain a fair and efficient appeal process. In addition, the Hearing Officers' powers and duties are:

1. To ensure due process and to have authority to preside over all appeals permitted by Rule 19 **APPEALS** regarding employment disputes, and to perform the functions necessary to implement and maintain a fair, speedy, and efficient process for appeals.
  - a. Hear and evaluate testimony under oath or affirmation to determine case facts and maintain order and decorum, dispose of objections expressed, and permit questioning and cross-examination of witnesses.
  - b. Make rulings on motions; hold pre-hearing conferences; set hearing dates; grant continuances or stays; issue subpoenas; administer oaths; continue, dismiss, or rule on cases subject to appeal; research case law; render written decisions and orders; and related activities.
  - c. Take necessary action to control proceedings.
2. To administer the Alternative Dispute Resolution Program.

### Section 3-40 Applicant and Candidate Evaluation Methods

Applicants and candidates are evaluated on one or more of the following:

- A. Evaluation of experience and education;
- B. Pre-employment assessments and tests;
- C. Interviews;
- D. References and performance history of current or former employees; or
- E. Any other appropriate measures based on the requirements of the job.

#### 3-41 Substitution of Experience for Education

The City recognizes that there are occasions when people gain valuable experience for which the appropriate type and level of experience can be equivalent to formal education achieved or completed. Therefore, 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:

- A. 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 director, such as the classification title of "Director." (Revised October 21, 2021; Rule Revision Memo 73D)
- B. 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, engineers, 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 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 and paralegals.

- B. The Chief Medical Examiner has the authority to assume the responsibility of directing this program or to assign this responsibility to any Forensic Pathologist who meets the criteria for program director established by the University of Colorado and the Accreditation Council for Graduate Medical Education (ACGME).
- C. As compensation for the additional duties required to direct this program, the Chief Medical Examiner may pay the Forensic Pathologist who is assigned and performing all of the duties of directing the Forensic Pathology Fellow Program additional pay equal to eight percent (8.0%) above his or her regular base pay. (Revised July 31, 2015; Rule Revision Memo 12D)
- D. The duties of the Forensic Pathology Fellow Program Director include:
  - 1. Ensuring that the Fellowship Program complies with University of Colorado and ACGME accreditation requirements.
  - 2. Recruiting Forensic Pathology Fellows for the program.
  - 3. Maintaining the program's educational curriculum; and
  - 4. Mentoring and supervising the Forensic Pathologist Fellow(s).

9-65 Work Assignment Outside of Job Classification  
(Revised October 21, 2021; Rule Revision Memo 69D)

- A. An appointing authority may temporarily assign the duties of a vacant or temporarily unoccupied position in a higher-level classification to an employee in a lower level classification for a period of no less than one month and up to one year in accordance with the criteria established in this rule. An extension of six months may be considered, with sound business rationale, for approval by the OHR Executive Director.
  - A. Employees are eligible for additional pay for such assignments when they have been assigned a majority (70% or more) of the duties and responsibilities of the vacant or temporarily unoccupied position in the higher-level classification.
  - B. Assignments of duties from any vacant or temporarily unoccupied position in a higher classification may be assigned to one employee only; multiple employees may not share a working out-of-classification assignment and qualify for additional pay.
  - C. The additional work and additional pay for work outside of an employee's job classification shall start at the beginning of a work week, which is the next available Sunday. The additional pay shall continue for the duration of the assignment.

- D. Pay shall be set within the pay range of the assigned classification and cannot be below the range minimum or above the range maximum.
- B. Working out-of-classification pay shall be set by the appointing authority with consideration given to the number of grade differences, and the percentage of work being performed of the higher-level classification as follows:

Working Out-of-Classification Scenario	Pay Increase %
The vacant higher-level classification is 1 or 2 pay grades higher	8%
The vacant higher-level classification is more than 2 pay grades higher	12%

If the employee's current classification is non-exempt and the employee will perform higher-level duties of an exempt classification, the employee retains their non-exempt pay status for overtime purposes.

If the employee is non-exempt and performing the work of an exempt classification, contact your OHR Classification and Compensation Analyst who will determine the pay grade difference.

- C. The employee's job classification will not change as a result of a temporary assignment of higher-level job duties and responsibilities. Employees receiving additional pay for working outside of their assigned classification shall not be eligible for re-allocation to the higher-level classification.
- D. If an employee receives a merit increase during the temporary assignment, the pay for the work assignment outside of job classification shall be re-calculated based on the employee's base pay including the merit increase. The re-calculated pay shall be effective on the effective date of the merit increase (Revised January 1, 2011; Rule Revision Memo 51C).
- E. Upon completion of the temporary assignment, the employee's pay shall return to the employee's base pay prior to the temporary assignment, including any merit increase awarded during the temporary assignment.
- F. Pay for work outside of an employee's job classification does not impact subsequent pay for promotion, demotion, or any other personnel action.

9-66 Recruitment bonus

(Revised September 21, 2017; Rule Revision Memo 30D)

- A. A department or agency may pay a one-time recruitment bonus of up to \$10,000 according to the below schedule to attract a highly qualified external candidate whose skills, knowledge and/or abilities are deemed essential to the mission and operations of the City.
- B. The amount of the recruitment bonus must be justified in writing and submitted by the department or agency to the appointing authority and the OHR Executive Director for approval. The justification must clearly demonstrate that the position is difficult to fill in the absence of a recruitment bonus.

13-32 Merit Increases and Merit Payments  
 (Revised October 21, 2021; Rule Revision Memo 75D)

- A. The funding for merit increases and merit payments is provided in the annual appropriation ordinance. The pay increase associated with a particular performance rating shall be reviewed annually and adjusted as necessary to reflect prevailing practices in the community. The award of merit increases, and merit payments is contingent upon this annual appropriation being approved by the City Council and the Mayor. In case of a conflict between ordinance and these rules, the ordinance will prevail.
  
- B.
  - 1. Departments and agencies are responsible for determining the percentage increase associated with each employee rating. The percent increase for all eligible employees shall average 3.02% for merit increases and merit payments delivered in 2022.
  
  - 2. When there is a change to an employee’s pay rate on the same effective date as the merit increase, the merit increase will be applied before any other pay rate change(s).
  
- C. Merit Table:
  - 1. Eligibility for merit increases and merit payments is based on an eligible employee’s overall annual performance rating as measured by a performance review.

2021 Performance Rating	2022 Merit Increase Percent	2022 Lump Sum Merit Payment Percent
5: Exceptional	2.40% - 5.00%	2.40% - 5.00%
4: Exceeds Expectations		
3: Successful		
2: Development Needed	0% - 2.00 %	0%
1: Unacceptable	0%	

- 2. An eligible employee whose current pay rate is within the pay range of the pay grade assigned to the employee’s job classification shall receive a merit increase in accordance with the above table.
  
- 3. An eligible employee whose current pay rate is at or above the pay range maximum of the pay grade assigned to the employee’s job classification shall receive a lump sum merit payment in accordance with the above table.

## APPENDIX 13.A

### 2021 PERFORMANCE REVIEW SCHEDULE

<b>DUE DATE</b>	<b>TASK</b>
<b>December 17, 2021</b>	Deadline for performance evaluations for the 2021 calendar year to be completed by supervisors, second level managers, and agency approvers.
<b>January 14, 2022</b>	Deadline for appointing authorities to submit merit increase and merit payment recommendations to OHR. All eligible employees must be accounted for in these recommendations. The percent increase for all eligible employees in a department or agency should average 3.02% for merit increases and merit payments delivered in 2022.
<b>February 18, 2022</b>	Merit increases and merit payments appear on employee paychecks, as well as retroactive merit increases and merit payments for the period from January 2 <sup>nd</sup> until February 12 <sup>th</sup> .

This Appendix is provided for informational purposes and is not considered a part of the Rules.