

MEMORANDUM

REVISION 8 SERIES D

TO: Holders of Career Service Rule Books

FROM: Career Service Board

DATE: May 19, 2014

SUBJECT: Revision of the Career Service Rules to allow the Denver Sheriff to appoint senior command staff

The Career Service Board has approved the revision of Career Service Rules regarding Senior Command Staff in the Denver Sheriff's Department. The Denver City Charter was amended by the Denver voters in November 2013 to allow the Sheriff to:

- Appoint Division Chiefs and Majors (Senior Command Staff) without having to follow Career Service Rules regarding recruiting and promotions; and
- Remove Senior Command Staff so appointed without having to follow Career Service Rules regarding discipline and involuntary demotion.

In order to implement this Charter change, several rule changes are necessary. Here is a summary of these changes:

- Appointments to Senior Command Staff positions in the Denver Sheriff's Department are exempted from the requirements of Career Service Rule 3 **RECRUITMENT**;
- A new employee status, Senior Command Staff status, has been created to cover employees appointed to Senior Command Staff positions in the Denver Sheriff's Department after May 31, 2014;
- Employees in Senior Command Staff status will not serve a probationary period, and may be returned to their former classification at any time;
- Employees may not grieve or appeal removal from Senior Command Staff status.

It should be noted that these rule changes are not intended to affect employees who are currently holding positions as Division Chiefs and Majors in the Denver Sheriff's Department.

	<u>Page Number</u>	<u>Issuance Dates</u>
Remove:	3-7 5-3 and 5-4 5-12 18-2 19-1	January 7, 2013
Replace:	3-7 5-3 and 5-4 5-9.1 5-12 18-2 19-1	May 19, 2014

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

- 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 OHR) may be promoted into the applicable trades classification.
- E. Employees in positions in classifications in the Deputy Sheriff pay schedule who are appointed to Deputy Sheriff Major and Deputy Sheriff Division Chief positions after May 31, 2014. (Effective June 1, 2014; Rule Revision Memo 8D)

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.

5-33 Number of Hours Worked

A. Identification of positions by category: Each position in the Career Service shall be identified by one of the following working hours categories:

1. Full time;
2. Part time;
3. On call.

B. Criteria of categories:

1. Full time: A full time position is one in which an employee is scheduled to work forty (40) hours per week. If a special work schedule is authorized under Rule 9 **PAY ADMINISTRATION**, a full time position shall include a work schedule of eighty (80) hours in two (2) weeks, when applicable.
2. Part time: A part time position is one in which an employee is scheduled to work less than forty (40) hours per week.
3. On call: An on call position is one in which the employee works as needed. On-call positions may have routine or variable work patterns and are generally filled to accommodate seasonal or short term activities in various city agencies. Ushers are an example. Since Election Judges are not in the Career Service, they are not considered to be on-call Career Service employees. (Effective June 8, 2007; Rule Revision Memo 19C)

Section 5-40 Employee Status

(Effective November 1, 1980; Rule Revision Memo 127A: Revised April 1, 2006; Rule Revision Memo 6C)

5-41 General

Every Career Service employee shall hold one of the following employee status identifications; determined by position characteristics, probation requirements, or both:

- A. Employment probationary status;
- B. Career status;
- C. Promotional probationary status;
- D. Non-career status;
- E. Trainee or intern probationary status.
- F. Senior Command Staff status.
(Effective June 1, 2014; Rule Revision Memo 8D)

5-42 How Status is Attained

- A. Employment probationary: Every person when first appointed or re-employed to a full time or part time, limited or unlimited Career Service position, that is not a trainee or intern position, shall hold employment probationary status for the probation period required for the class.
- B. Career:
1. General: Employees attain career status through:
 - a. Successful completion of-the probationary period, and the training programs required by Rule 6 **EMPLOYEE TRAINING AND ORGANIZATIONAL DEVELOPMENT**; or
 - b. Re-instatement after lay-off.
 2. Promotion while on employment probation: An employee promoted while on employment probation shall attain career status in the former class upon satisfactory completion of the number of months required in that former class. In order to achieve career status in the class to which promoted, the employee shall serve the remaining probationary period required for that class in promotional probationary status.
- C. Promotional probationary: Every career status employee who receives a promotional appointment (including re-promotion) shall hold promotional probationary status for the full probationary period of the new class. A promotional probationary employee who transfers from career status to non-career status and back again shall have promotional probationary status as of the date immediately preceding the initial transfer.
- D. Non-career: Every person who is appointed to an on-call position shall hold non-career status for the duration of the appointment and shall not serve a probationary period.
- E. Trainee or intern probationary: Every person who is appointed to a trainee or intern position shall hold trainee or intern probationary status for the duration of the appointment, as required for the applicable trainee or intern classification specification. The Public Safety Cadet classification is considered a trainee classification under these rules.
- F. Senior Command Staff: Every employee in a position in a classification in the Deputy Sheriff pay schedule who is appointed to a position in the Deputy Sheriff Major or Deputy Sheriff Division Chief classifications after May 31, 2014 shall hold Senior Command Staff status for the duration of the appointment and shall not serve a probationary period. However, such employee shall retain career status attained in his or her former classification and be entitled to return to a position in that classification when the employee's Senior Command Staff status ends. (Effective June 1, 2014; Rule Revision Memo 8D)

5-66 Employees in Senior Command Staff Status
(Effective June 1, 2014; Rule Revision Memo 8D)

An employee in Senior Command Staff status retains the rights, privileges, and benefits the employee had by virtue of his or her status prior to the appointment, except that the employee:

- A. May be returned to a position in his or her former classification at any time. Upon returning, the employee shall receive the same rate of pay he or she was receiving prior to his or her appointment to a position in the Deputy Sheriff Major or Deputy Sheriff Division Chief classifications (Senior Command Staff position), after taking into account the effect of any pay changes or classification changes to the employee's former position and classification that occurred during the period between the appointment and the return; and
- B. May not grieve or appeal his or her removal from a Senior Command Staff position;

Employees who were appointed to Senior Command Staff positions prior to June 1, 2014 shall retain career status attained in that position and shall not be considered to have Senior Command Staff status.

G. End of training or internship probationary period:

1. The department or agency shall report to the OHR, 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 OHR Executive 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 the OHR 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)

H. Senior command staff appointment: An appointment of an employee in a position in a classification in the Deputy Sheriff pay schedule to a position in the Deputy Sheriff Major or Deputy Sheriff Division Chief classifications after May 31, 2014. (Effective June 1, 2014; Rule Revision Memo 8D)

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.

7. The removal of an employee from Senior Command Staff status (as defined in Rule 5 **APPOINTMENTS AND STATUS**). (Effective June 1, 2014; Rule Revision Memo 8D)

D. Supervisor/manager:

When the term “supervisor/manager” is used in this Rule 18 and in Rule 19 **APPEALS**, it shall mean any person has been granted or delegated decision-making authority to take action on behalf of the appointing authority.

Section 18-20 Open Door Policy Process

- A. The City encourages employees to informally and directly discuss work-related issues with their direct supervisors.
- B. If this does not resolve the concern, then the employee is encouraged to bring the issue to the attention of the employee’s manager/director, appointing authority, human resource representative, or a member of the Office of Human Resources (“OHR”) Employee Relations Unit.
- C. The utilization of the Open Door Policy Process does not suspend the timelines for filing a grievance.

Section 18-30 Mediation Process

If any employee or supervisor/manager has a work-related issue that was not taken to or resolved through the open door process, mediation may be requested.

- A. Requesting Mediation:
(Effective May 19, 2008; Rule Revision Memo 27C)
 1. An employee, supervisor or manager may request mediation by submitting a Mediation Request Form to the Career Service Mediation Program (“Mediation Program”). The Mediation Program will notify the other parties.
 2. Parties are encouraged to participate in mediation. If either party declines to participate in mediation, then the declining party must notify the other party, the appointing authority or designee and the Mediation Program in writing the reason(s) for declining within 10 calendar days of receiving notice of the request for mediation from the Mediation Program. The notification shall include a certificate of service.
 3. If all parties agree to mediation, the Mediation Program will assign a mediator.
 4. No less than seventy-two (72) hours prior to the date of the mediation all parties must be informed of any representatives attending the proceedings.

Page issuance date: May 19, 2014

Effective date: June 1, 2014

**RULE 19
APPEALS**

(Effective January 1, 2006; Rule Revision Memo 3C)

Purpose Statement:

The purpose of this rule is to describe the authority of and procedure for appeals before the Career Service Hearing Office ("Hearing Office") and the Career Service Board ("Board").

Section 19-10 Actions Subject to Appeal

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

A. An employee who holds career status may appeal the following:

1. Direct Appeals: An employee or former employee must file an appeal directly with the Hearing Office in order to challenge the following action(s) of an appointing authority:
 - a. Dismissal;
 - b. Suspension or temporary reduction in pay;
 - c. Involuntary demotion with an attendant loss of pay. However, the removal of an employee from Senior Command Staff status (as defined in Rule 5 **APPOINTMENTS AND STATUS**) is not considered an involuntary demotion and is not appealable; (Effective June 1, 2014; Rule Revision Memo 8D)
 - d. Disqualification;
 - e. Lay-off; or
 - f. A retaliatory adverse employment action, as defined by the City's "Whistleblower Protection" ordinance (attached as an appendix).

It is not necessary that a complaint be filed or an investigation be conducted prior to the filing of a direct appeal where it is alleged that the action being appealed involved discrimination, harassment or retaliation, or violation of the City's "Whistleblower Protection" ordinance.

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