

Denver Revised Municipal Code 2-98 Emergency rules – Any adopting authority may adopt rules without following the notice and hearing requirements of this article if such action is necessary to comply with state, local or federal law or if it is deemed necessary by the adopting authority to protect immediately the public health, safety or welfare. After adoption, the complete text of rules so adopted shall be filed with the city clerk and a notice of adoption shall be published. Rules adopted in such cases shall take effect on the date of adoption, or such later date as stated in the notice of adoption of the rules. However, such rules shall not continue in effect for more than one hundred eighty (180) days after the date of their adoption and may not be re-adopted in the same or substantially the same form without meeting the rule-making requirements described in other sections of this article.

EMERGENCY RULE REVISION 16-10 A

TO: Appointing Authorities, Managers, and Employees
FROM: Karen Niparko, OHR Executive Director
DATE: March 26, 2020
SUBJECT: Emergency adoption of revisions to Career Service Rule 16-10 A Service of Written Notice and Computation of Time

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p>Written notices required to be served on an employee under this Rule 16 shall be served on the employee either in person with a certificate of hand delivery; by first class U.S. mail, with a certificate of mailing to the employee’s last known address; or by e-mail if the employee requests service by e-mail in writing.</p>	<p>Written notices required to be served on an employee under this Rule 16 shall be served on the employee by one or more of the following:</p> <ol style="list-style-type: none"> 1. In person with a certificate of hand delivery; 2. By first class U.S. mail, with a certificate of mailing to the employee’s last known address; or 3. By email, delivery receipt requested, to the employee’s City email address or the employee’s personal email address. <p>This rule does not require that a delivery receipt be received in order to effect service.</p>	<p>Rule 16-10 A</p>	<p>The revisions remove the requirement that an employee request service by e-mail in writing in order for service of a notice regarding discipline, disqualification or investigatory leave by e-mail to be deemed valid. The revised rule allows for such notices to be served on the employee by e-mail, delivery receipt requested, using the employee’s work email address or personal email address. It also makes clear that a delivery receipt does not have to be received in order to effect proper service.</p> <p>These revisions were necessitated by the COVID-19 pandemic, which has resulted in employees working from home and/or abiding by social distancing requirements at work, and by stay in place orders issued for Denver and for the State</p>

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			of Colorado, all of which made it challenging to effect service of notices on employees in person or by U.S. mail.

DELETIONS ARE INDICATED BY strike through AND ADDITIONS ARE INDICATED BY **bold, italics, and underline.**

Section 16-10 Service of Written Notice and Computation of Time

- A. Written notices required to be served on an employee under this Rule 16 shall be served on the employee **by one or more of the following:** either in person with a certificate of hand delivery; by first class U.S. mail, with a certificate of mailing to the employee's last known address; or by e-mail if the employee requests service by e-mail in writing:
- 1. In person with a certificate of hand delivery;**
 - 2. By first class U.S. mail, with a certificate of mailing to the employee's last known address; or**
 - 3. By email, delivery receipt requested, to the employee's City email address or the employee's personal email address. This rule does not require that a delivery receipt be received in order to effect service.**
- B. The computation of any time period stated in days in these rules shall be as follows:
1. The time period begins on the day after the event that triggers the time period.
 2. The time period shall include all calendar days including weekends and holidays.
 3. The time period ends at the close of business on the final day of the time period.
 4. If the final day of the time period falls on a weekend day, a holiday, or other day when the department or agency in question is not open for business, the time period shall end on the next working day.

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(Emergency Rule Revision Effective March 26, 2020, expires September 22, 2020)