

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules. When the Board or the Personnel Director considers that a change in the Rules is necessary or desirable, the procedure shall be as follows: ... 2) The proposed rule change shall be posted on bulletin boards and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule changes shall be posted with the proposed rule change. 4) A public hearing on the proposed rule change shall be held by the Board."

**PLEASE POST ON ALL BULLETIN BOARDS AS SOON  
AS POSSIBLE**

Public Hearing Notice - No. 416

A Career Service Board Public Hearing has been scheduled regarding **a proposed revision to Career Service Rule 16-61 Contemplating or Imposing Discipline on an Employee Convicted or Charged with a Crime.**

The scheduled time for the public hearing is **THURSDAY, SEPTEMBER 2, 2010, at 5:00 P.M.**, in the **CSA Board Room, 4.F.6.**, Webb Municipal Building, 201 West Colfax Avenue.

If anyone wishes to be heard by the Board on this item, please contact Leon Duran at 720-913-5168 no later than 12:00 Noon on **MONDAY, AUGUST 30, 2010.**

If anyone wishes to submit written comments, please submit them

**IN PERSON NO LATER THAN 12:00 NOON ON  
MONDAY, AUGUST 30, 2010, TO:**

Pete Garritt  
HR Supervisor  
Career Service Authority  
201 West Colfax, 4<sup>th</sup> Floor  
Denver, Colorado 80202

**BY MAIL TO BE RECEIVED NO LATER THAN 12:00 NOON ON  
MONDAY, AUGUST 30, 2010, ADDRESSED TO:**

Pete Garritt  
HR Supervisor  
Career Service Authority  
201 West Colfax, Department 412  
Denver, Colorado 80202

**BY FAX, TO BE RECEIVED NO LATER THAN 12:00 NOON ON  
MONDAY, AUGUST 30, 2010 TO: (720-913-5720)**

**OR BY E-MAIL TO BE RECEIVED NO LATER THAN 12:00 NOON ON  
MONDAY, AUGUST 30, 2010 TO: [Peter.Garritt@denvergov.org](mailto:Peter.Garritt@denvergov.org)**

**PLEASE POST ON ALL BULLETIN BOARDS**

**AS SOON AS POSSIBLE**

**RULE PROPOSAL 406B**

**TO: Appointing Authorities, Managers, and Employees**

**FROM: Jeff Dolan, CSA Director**

**DATE: August 20, 2010**

**SUBJECT: Proposed revision to Career Service Rule 16-61 Contemplating or Imposing Discipline on an Employee Convicted or Charged with a Crime**

**THIS PROPOSED REVISION TO THE CAREER SERVICE RULES IS BEING POSTED FOR PUBLIC COMMENT AND HEARING TO BE HELD ON**

**THURSDAY, SEPTEMBER 2, 2010, at 5:00 P.M.**

**Career Service Rule 16-61 establishes a procedure that must be followed before an employee can be disciplined for being convicted of or charged with a crime. A recent Career Service Hearing Officer decision interpreted this rule to require that this process must occur prior to the pre-disciplinary meeting. This rule change proposal deletes the language relied on in this decision, so that the rule will only require that this process be followed before discipline is imposed.**

**This proposal also deletes language which had been interpreted to require a finding that the crime (or alleged crime) rendered the employee unfit to perform their job. The rule still requires that the agency consider other factors related to the severity of the crime and its relation to the employee's job before imposing discipline.**

**If you would like to schedule a meeting with a member of Career Service Authority to discuss this proposal prior to the Public Hearing, please contact Pete Garritt at 720-913-5671.**

16-61 Contemplating or Imposing Discipline on an Employee Convicted of or Charged with a Crime.

~~Upon~~ **After** notification that an employee has been charged with or convicted of a crime, the appointing authority shall follow the guidelines described below:

- A. If an employee has been charged with a crime, before imposing discipline, the department or agency must determine there is a preponderance of evidence demonstrating that the employee engaged in the conduct which forms the factual basis for the crime with which the employee is charged. The department or agency must also consider: the nature and type of the conduct which supports the charge; the nature of the position the employee holds in the City and the relationship of the position to the facts underlying the charge; and the impact of the facts on the employee's ability to perform the position.
- B. If an employee has been convicted of a crime, before imposing discipline, the department or agency must consider: the nature and type of crime for which the person has been convicted; the facts underlying the crime; the nature of the position the employee holds in the City and the relationship of the position to the crime; the impact of the facts on the employee's ability to perform the position; and any evidence of rehabilitation.
- C. Conviction of a crime or the facts underlying a charged crime may be grounds for any form of discipline outlined in this Rule 16, up to and including dismissal; ~~when the conviction or facts underlying the charged crime renders the employee unfit to perform their job, brings disrepute upon the City or compromises the integrity of the City.~~
- ~~D. If the department or agency, after considering these factors, believes that discipline is appropriate, it shall proceed with the pre-disciplinary procedures contained in this Rule 16.~~