

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. 446 [RE-POSTED]**

A Career Service Board Public Hearing has been scheduled regarding proposed revisions to Career Service Rule 14-20 Disqualification and related rules.

The scheduled time for the public hearing is **THURSDAY, JULY 19, 2012, at 9:00 A.M.**, in **Room, 4.I.2.**, Webb Municipal Building, 201 West Colfax Avenue.

If anyone wishes to submit written comments or talk to CSA staff regarding this notice, please contact:

Pete Garritt  
HR Supervisor  
Career Service Authority  
201 West Colfax, 4<sup>th</sup> Floor  
Department 412  
Denver, Colorado 80202

(720) 913-5671

[Peter.Garritt@denvergov.org](mailto:Peter.Garritt@denvergov.org)

Comments regarding this notice should be submitted no later than the close of business on **FRIDAY, JULY 13, 2012**.

If anyone wishes to address the Board regarding this notice please contact Debbie Saraceno at (720) 913-5609 or at [Debbie.Saraceno@denvergov.org](mailto:Debbie.Saraceno@denvergov.org) no later than **12:00 noon on MONDAY, JULY 16, 2012** to get on the agenda.

**PLEASE POST ON ALL BULLETIN BOARDS**

**AS SOON AS POSSIBLE**

**RULE PROPOSAL 423B**

**TO:** Appointing Authorities, Managers, and Employees  
**FROM:** Nita Mosby Henry, CSA Executive Director  
**DATE:** June 21, 2012  
**SUBJECT:** Proposed revision of Career Service Rule 14-20 Disqualification and related rules [RE-POSTED]

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

**THURSDAY, July 19, 2012, at 9:00 A.M.  
Webb Building Room 4.I.4**

Here is a summary of the proposed changes to this rule:

- Move the definition of “disqualification” from Rule 1 to Rule 14.
- Eliminates reference to involuntary demotions in lieu of disqualification in accordance with Rule 14 that was previously in Rule 5-74 A.2. Rule 14 does not provide a process for involuntary demotions in lieu of disqualification. This is also consistent with Rule 5-84 F.2 which treats demotions in lieu of disqualification, when in connection with the interactive process, as voluntary demotions.
- Re-organize the disqualification rule for better clarity.
- Former language regarding disqualifications of employees who were hired before the City receives the results of the employee’s post-offer medical examination has been deleted. Under the new rule, they will be treated like any other medical disqualification.
- Employees must be afforded an opportunity to participate in the interactive process before they can receive a medical disqualification.
- Employees must be immediately relieved of any duties requiring a license or other legal authorization if the employee does not possess the required license or authorization. If the license is required to perform essential functions of the employee’s position, the employee must be placed on unpaid leave. An employee’s failure to possess a license or other legal authorization required to perform the essential functions of a position may be grounds for the employee’s disqualification.

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

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

## RULE 1 DEFINITIONS

### Disqualification:

~~An involuntary no-fault separation of an employee, or action in lieu thereof, based on a legal, physical, mental or emotional impairment or incapacity, occurring or discovered after appointment, which prevents satisfactory performance of the duties and responsibilities of the position. (off. 3/15/79; rules rev. 11ea).~~

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### 5-74 Demotion Appointments

A. Reasons for demotion: An appointing authority may give a demotion appointment in the following instances:

~~2. In lieu of separation for disqualification: When an employee is not ***unable to*** performing satisfactorily ***the essential functions of his or her position***, in accordance with Rule 14 **SEPARATION OTHER THAN DISMISSAL.**~~

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### 9-33 Demotion

C. Involuntary demotion:

1. An involuntary demotion is a demotion initiated:

a. Through disciplinary action in accordance with Rule 16 **DISCIPLINE AND DISMISSAL**; or

~~b. In lieu of disqualification in accordance with Rule 14 **SEPARATION OTHER THAN DISMISSAL**; or~~

€ ***b.*** In lieu of separation during employment probation in accordance with Rule 5 **APPOINTMENTS AND STATUS.**

## Section 14-20 Disqualification

### **Disqualification is an involuntary, no-fault separation of an employee, based on**

#### **14-21 General**

~~An employee shall be separated without fault, hereinafter called a disqualification, if a legal, physical, **or** mental or emotional impairment or incapacity **of the employee**, occurring or discovered after appointment, **which** prevents satisfactory performance of the essential functions of the position. Prior to disqualification because of physical or mental impairment or incapacity, if it is determined pursuant to the rule on reasonable accommodations for individuals with disabilities that an employee is disabled within the meaning of the Americans with Disabilities Act of 1990 (ADA), the agency or department must have attempted to make a reasonable accommodation pursuant to that rule. If a reasonable accommodation cannot be provided or the employee rejects a reasonable accommodation, disqualification may be initiated.~~

~~If it is determined that an employee is not disabled within the meaning of the ADA, the agency or department need not attempt to make a reasonable accommodation and disqualification may be initiated.~~

#### **14-21 22 Grounds for Disqualification** (Effective 3/2/82; Rules Rev. 30B)

An employee shall be deemed to **may** be disqualified if any of the following conditions occur:

~~A. Pre-employment physical examination: When an applicant is appointed before the final report of a **post-offer medical** pre-employment health examination is received, and the final report shows that the employee is **unable** not physically qualified to perform the **essential functions** duties of the position **with or without reasonable accommodations**;~~

~~B. A. Physical or mental impairment or incapacity:~~

- ~~1. When an employee becomes **is** unable to perform the essential functions of the position because of mental or physical impairment or incapacity.~~
- ~~2. **Before an employee can be disqualified because of a physical or mental impairment or incapacity, the employee's department or agency must have initiated the interactive process under the Americans with Disabilities Act of 1990 (ADA), as amended (described in Rule 5 APPOINTMENTS AND STATUS), and the ADA Coordinator must have concluded the process and referred the employee's case back to the department or agency without making an accommodation.**~~

B. Licensure, certification and other legal requirements:

- 1.** When laws require a license, certification, or other authorization by a federal, state or local governmental entity to perform the **essential functions** ~~duties~~ of a position and the employee does not have the required authorization.
- 2.** **An employee shall be relieved immediately of any duties requiring a license, certification, or other legal authorization if the employee lacks such license, certification, or other legal authorization. If the license, certification, or other legal authorization is required to perform the essential functions of the position, the employee shall be immediately placed on unpaid leave, unless the employee elects to substitute available paid leave for the unpaid leave. The employee's pay or classification shall not otherwise be affected prior to the completion of the disqualification proceedings.**

14- ~~23~~ **22** Procedure

- A. The appointing authority shall follow the procedures for pre-disciplinary meetings before taking any action on the disqualification.
- B. The final notice of disqualification shall contain the same statement of the reason for the disqualification as contained in the pre-disqualification letter. Substantial amendments or additions are permitted only by repeating the pre-disqualification notice and meeting procedure. The final notice shall also contain a notice that the employee may appeal the disqualification.
- C. The appointing authority shall give the employee written notice of disqualification on or before the employee's last day as a City employee.
- ~~D. However, an employee shall be relieved immediately of any duties requiring a license, certification, or other legal authorization if the employee lacks such license, certification, or other legal authorization. This change in duties shall in no way affect the employee's pay or classification prior to the completion of the disqualification proceedings.~~