

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. 461

A Career Service Board Public Hearing has been scheduled regarding the proposed revision of the Career Service Rules to change the name of the Career Service Authority to the Office of Human Resources.

The scheduled time for the public hearing is **THURSDAY, JANUARY 3, 2012, at 5:00 P.M.**, in **Room, 4.G.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, DECEMBER 28, 2012.**

If anyone wishes to address the Board regarding this notice please contact Fran Trujillo at (720) 913-5168 or at [Frances.Trujillo@denvergov.org](mailto:Frances.Trujillo@denvergov.org) no later than **12:00 noon on MONDAY, DECEMBER 31, 2012** to get on the agenda.

**PLEASE POST ON ALL BULLETIN BOARDS**

**AS SOON AS POSSIBLE**

**RULE PROPOSAL 428B**

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

**FROM: Nita Mosby Henry, CSA Executive Director**

**DATE: December 20, 2012**

**SUBJECT: Proposed revision of the Career Service Rules to change the name of the Career Service Authority to the Office of Human Resources**

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

**THURSDAY, January 3, 2013, at 5:00 P.M.  
Webb Building Room 4.G.2**

**CSA is proposing the revision of the Career Service Rules as follows:**

- **Change the name of the Career Service Authority to the Office of Human Resources**
- **Change the name of the Career Service Personnel Director to the Office of Human Resources Executive Director**

**It is anticipated that the Denver Revised Municipal Code (DRMC) will be amended to reflect these changes before the end of 2012. If this change occurs as anticipated, the Career Service Rules will need to be revised so that the terminology in the Rules is consistent with the terminology in the DRMC.**

**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.**

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

## RULE 1 DEFINITIONS

~~Career Service Authority~~ ***Office of Human Resources:***

The agency created by the Denver ***Revised Municipal Code*** ~~City Charter~~ to administer the Career Service.

Fringe benefits:

Paid time off, vacation leave, holiday leave, sick leave, payments for injuries or sickness received in the line of duty, health insurance, life insurance, pensions, termination pay, uniform and equipment allowances, dependents' benefits, longevity pay, and any other financial or economic benefits which are found by the ~~Career Service~~ ***Office of Human Resources*** to be the prevailing practice in the Denver metropolitan area.

**RULE 2**  
~~CAREER SERVICE AUTHORITY~~ **OFFICE OF HUMAN RESOURCES**

Section 2-10 Career Service Board

2-11 Officers and Duties

A. Duties and Organization of the Board:

2. The Board's primary functions are to oversee the ~~Career Service Authority~~ **Office of Human Resources** ("**OHR**" "~~CSA~~"), oversee the Career Service Hearing Office, and serve as a quasi-judicial body to decide appeals of decisions of the Career Service Hearing Officers ("Hearing Officers").

D. Minutes and Record-Keeping:

2. The ~~Career Service Personnel~~ **OHR Executive** Director (~~"Personnel Director"~~) shall be the official custodian of all such correspondence, documents and files.

E. Appointments:

The Board is responsible for appointing and overseeing the ~~Personnel~~ **OHR Executive** Director, Hearing Officers, and other appointees as allowed by the City Charter and Denver Revised Municipal Code.

2-12 Meetings

A. Meetings:

2. In addition, the ~~Personnel~~ **OHR Executive** Director may call special meetings of the Board when directed to do so by a Co-Chairperson or by two or more members of the Board or when the ~~Personnel~~ **OHR Executive** Director deems it necessary.

C. Notice:

2. Such notice shall be posted in the public area of the ~~CSA~~ **OHR** and on a bulletin board provided for such notices on the first floor of the City and County Building.

2-13 Communications with the Board

- A. Written communications and requests to the Board shall be directed to the ~~Personnel~~ **OHR Executive** Director or to one of the Co-Chairpersons.

## 2-14 Pilot Programs

The Board may authorize the ~~Personnel~~ **OHR Executive** Director to implement new and innovative compensation/performance management programs on a pilot basis within selected agencies. If the pilot program achieves its objectives, the Board may approve citywide implementation of the new policy or rule. If the pilot program does not achieve its objectives, the Board may end the program.

## Section 2-20 Adoption, Amendment or Repeal of Career Service Rules ("Rules")

- A. Changes to the Rules may be proposed by appointing authorities, employees, or other interested citizens. Such proposals shall be in writing and shall be directed to the ~~Personnel~~ **OHR Executive** Director or one of the Board Co-Chairpersons.
- B. When the Board or the ~~Personnel~~ **OHR Executive** Director considers that a change in the Rules is necessary or desirable, the procedure shall be as follows:
  - 1. The ~~Personnel~~ **OHR Executive** Director shall submit to the City Attorney the proposed rule change for review, including a ruling as to legality, at any time prior to posting for public comment by the Board and before final publication.
  - 3. A final proposed rule change, incorporating comments received during the public comment period which are deemed appropriate by the ~~Personnel~~ **OHR Executive** Director shall be posted with the Board Agenda for the meeting in which the public hearing will be held.
  - 8. The following changes to the Rules may be made by the ~~Personnel~~ **OHR Executive** Director without following the above-stated procedure: re-numeration; spelling and typographical error corrections; and revision and updating of internal references, appendices, and/or table of contents. Such changes may be published as administrative changes without the approval of the Board.

## 2-31 Types of Public Hearings

- A. Mandatory Public Hearings: The Board shall hold a public hearing on the following:
  - 2. Proposed changes to employee benefits prior to the ~~Personnel~~ **OHR Executive** Director making any recommendations to the Mayor and City Council as provided in the Denver Revised Municipal Code

## 2-32 Notice and Conduct

- A. Notice of Hearings:
  - 2. Such notice shall be posted in the public area of the ~~CSA~~ **OHR** and on a bulletin board provided for such notices on the first floor of the City and County Building.

B. Special Additional Notice Requirements:

2. When the subject of a hearing is a proposed pay plan adjustment or a proposed Rule change, ~~CSA~~ **the OHR** shall provide electronic or facsimile copies of the notice of public hearing to appointing authorities who shall post such notices in conspicuous locations in the work places.

Section 2-40 ~~Personnel~~ **OHR Executive** Director

A. Powers and Duties

The ~~Personnel~~ **OHR Executive** Director shall serve at the pleasure of the Board, report directly to the Board, and perform all duties and responsibilities as directed by the Board, including those contained in the Rules, and as delegated by the Denver Revised Municipal Code. In addition, the ~~Personnel~~ **OHR Executive** Director's powers and duties are:

8. To perform such other duties as may be necessary to foster and maintain a merit-based personnel system for the Career Service, further equal employment opportunity, or otherwise ensure the efficient operation of ~~CSA~~ **the OHR**.

B. Normal Working Hours

The ~~Personnel~~ **OHR Executive** Director shall keep ~~the office of CSA~~ **the OHR** open for business from 8:00 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. Acting ~~Personnel~~ **OHR Executive** Director:

1. When the ~~Personnel~~ **OHR Executive** Director is going to be absent for sixty (60) days or less, the ~~Personnel~~ **OHR Executive** Director shall designate a suitable and competent person as acting ~~Personnel~~ **OHR Executive** Director, unless the Board elects to designate one instead.
2. If the absence is going to be more than sixty (60) days, the Board shall designate an acting ~~Personnel~~ **OHR Executive** Director.

## RULE 3 RECRUITMENT

### Purpose statement:

As provided in the City charter (See Appendix), the ~~Career Service Authority~~ **Office of Human Resources** ("**OHR**" "~~CSA~~") administers a merit-based personnel system in which appointments and promotions of employees are made on the basis of merit and ability. Further, applicants and employees are entitled to equal employment opportunity without regard to race, color, creed, religion, national origin, gender, sexual orientation, marital status, military status, age, disability, or political affiliation or any other status protected by federal, state or local laws.

### Section 3-5 Definitions

- A. Applicant: A person who has submitted an application to the ~~CSA~~ **OHR** in connection with a posted job opening.
- B. Assessment: A competitive examination of competence that the ~~CSA~~ **OHR** is required by the City Charter to conduct on candidates for posted job openings.
- C. Candidate: An applicant who has been determined by the ~~CSA~~ **OHR** to have met the minimum qualifications for a posted job opening.

### Section 3-10 Delegation of Authority by ~~Personnel~~ **OHR Executive** Director

The ~~Career Service Personnel~~ **OHR Executive** Director (~~"Personnel Director"~~) may delegate any authority given under this rule to a designee.

### Section 3-15 Responsibilities in the Recruitment Process

- A. The ~~CSA~~ **OHR** shall be responsible for the following steps in recruiting for job openings in the Career Service (including vacant trainee, paid intern, and apprentice positions:
  - 4. Any other services related to the recruitment process requested by the appointing authority and agreed to by the ~~CSA~~ **OHR**.
- B. Except as delegated by the ~~Personnel~~ **OHR Executive** Director, departments and agencies are not authorized to administer pre-employment or on-the-job assessments to applicants, candidates or employees.

### Section 3-20 Notice of Job Openings

- A. Job opportunities in the Career Service must be posted in the ~~CSA~~ **OHR** office and on the City web site for at least two (2) business days. Such notices may also be posted in other places where potential applicants would be likely to see them.

### Section 3-30 Assessment

- A. The ~~CSA~~ **OHR** may give one or more of the following kinds of assessments:

CSA name change, prepared for public hearing, 12/20/12

- B. The ~~CSA~~ **OHR** shall decide the weight of each phase of the assessment. Weights and phases may be changed as conditions warrant.

### 3-33 Scheduling of Assessments

- D. The ~~Personnel~~ **OHR Executive** Director may also approve a request for a deferred assessment on other grounds for good cause shown.

### 3-34 How Assessments are Given

#### B. Accommodation for Disabled Candidates:

1. The ~~CSA~~ **OHR** will provide reasonable accommodations in the assessment process, upon request, for candidates who are qualified individuals with a disability under the Americans with Disabilities Act.

### 3-35 Assessment Scores

- A. Minimum Score: The ~~Personnel~~ **OHR Executive** Director must decide how assessments are scored and what score is needed to pass.
- B. Multiple part assessments: The ~~Personnel~~ **OHR Executive** Director may decide that by failing one part of a multiple part assessment, a candidate has failed the assessment and the other parts of the assessment cannot be taken.
- F. Confidentiality of score: Assessment scores are confidential and shall not be made available to any person outside the ~~CSA~~ **OHR** except the appointing authority in connection with a referral, and the candidate. The candidate assessed may, in writing, allow ~~CSA~~ **the OHR** to release his or her assessment scores to others. Assessment scores may also be released pursuant to court order or an appropriate subpoena.
- G. If a re-instatement list exists for a classification in which the department or agency has a position with a special qualification which has been approved by the ~~Personnel~~ **OHR Executive** Director, referral shall consist of the highest ranking eligible employee or former employee who has the special qualification, or if there are ties, all those with the required special qualification at the highest ranking. If none of the eligible employees or former employees have the required special qualification, a referral shall be made in accordance with the rules applicable when there is no re-in statement list.
- H. Any re-instatement list may be abolished at any time by the ~~Personnel~~ **OHR Executive** Director if the classification specification is abolished or revised.

### Section 3-40 Referral

Appointing authorities can only fill vacant Career Service positions with eligible candidates whose names appear on lists referred to the appointing authority by the ~~CSA~~ **OHR** as described in this section of this Rule 3, or who fall within one of the following exceptions:



- 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 ~~CSA~~ **OHR**) may be promoted into the applicable trades classification.

#### 3-42 Eligible List

##### B. Referral:

3. At the request of the department or agency, ~~CSA~~ **the OHR** shall provide an analysis of the results of the assessment (s) taken by eligible candidates whose names are referred to the department or agency in order to assist the department or agency in making appointments on the basis of merit and ability.

#### 3-43 Use of Appropriate Alternative Lists

When the existing referral list for a job opening does not have a sufficient number of names, the ~~Personnel~~ **OHR Executive** Director may allow a list for a different classification to be used instead of or to supplement the existing referral list, provided the classification chosen has an equal or higher beginning pay rate than the job opening, and that the eligible candidates on the new list meet the minimum qualifications of the job opening's classification.

#### 3-44 Emergency Referral

If the ~~Personnel~~ **OHR Executive** Director determines an emergency exists, a list of eligible candidates may be given to the hiring department or agency at any time, even before all candidates have been assessed. Only eligible candidates who can be reached immediately in person or by any other available means will be considered ready to work.

#### 3-51 Eligible List Duration

- A. Eligible candidates may be listed on an eligible list until the list is inactivated. Eligible lists may be inactivated at the discretion of the ~~Personnel~~ **OHR Executive** Director.
- B. Eligible candidates on an eligible list may be referred during the life of the eligible list. However, at the request of an appointing authority, eligible candidates may be excluded from subsequent referrals to the same department or agency from the same list if approved by the ~~Personnel~~ **OHR Executive** Director.

### 3-53 Re-use of Assessment Scores

After an eligible list is inactivated, candidates who were formerly on the list may re-use passing assessment scores in other recruitments for a period of time designated by the ~~Personnel~~ **OHR Executive** Director. The period of time may vary based on the subject matter contained in the assessment. A candidate may request the use of a passing assessment score for all recruitments for which the candidate has applied and for which the same assessment is used. The creation of a new or revised assessment for a classification may require all candidates to take and pass the new assessment to gain eligibility.

### 3-54 Removal of Names from Referral Lists: Restoration Permitted

The name of an eligible candidate shall be removed from all lists for the reasons listed below, but may be restored if the eligible candidate provides a satisfactory explanation to the ~~Personnel~~ **OHR Executive** Director, provided that list eligibility remains:

Section 5-15 Delegation of Authority by ~~Personnel~~ **OHR Executive** Director

The ~~Career Service Personnel~~ **Office of Human Resources (“OHR”) Executive** Director (~~“Personnel Director”~~) may delegate any authority given under this rule to a subordinate employee.

5-21 Medical Groups

All classifications in the Career Service shall be allocated to a medical group by the ~~Personnel~~ **OHR Executive** Director. The medical groups are as follows:

5-22 Adoption of Medical Standards

Medical criteria for each medical group or for individual classifications within a medical group shall be proposed by the Center for Occupational Safety and Health at Denver Health or by another designated provider (as defined in Chapter 18, Article VII of the Denver Revised Municipal Code – Treatment of Occupational Injury or Disease), if selected by the appointing authority. Approval of the proposed medical criteria shall be the responsibility of the ~~Personnel~~ **OHR Executive** Director. Medical criteria must be job-related and consistent with business necessity. Medical criteria shall be used as a guide in determining an applicant's ability to perform the essential physical functions of a position either with or without reasonable accommodations.

5-52 Duration of Probation

B. Extension of probation:

1. At the request of an appointing authority, the ~~Personnel~~ **OHR Executive** Director may approve the extension of an employment and promotional probationary period up to six (6) months if the ~~Personnel~~ **OHR Executive** Director considers the best interests of the City to be served thereby.
2. Employees serving employment or promotional probation who have not completed training programs required by Rule 6 **EMPLOYEE TRAINING AND ORGANIZATIONAL DEVELOPMENT** as a condition of passing probation will have their probationary periods automatically extended until the training programs have been completed and documentation evidencing such completion has been provided to the **OHR** ~~Career Service Authority (“CSA”)~~. This paragraph shall not affect a department or agency's ability to end probation at any time.

#### 5-53 End of Probation Notification

B. Effective dates for end of probation notification:

1. End of probation notification: Employee performance during a probationary period shall be documented by the completion of a notification form prepared by the employing agency in a format authorized by the ~~CSA~~ **OHR**. If the employee fails to pass probation, a letter notifying the employee, copied to the ~~CSA~~ **OHR**, shall substitute for the notification form. In either case, it shall be due before the effective date of attainment of career status.

- C. Failure to file an end-of-probation notification letter or form: An employee who has completed the required probationary period and the training programs required by Rule 6 **EMPLOYEE TRAINING AND ORGANIZATIONAL DEVELOPMENT** shall attain career status unless the required notification letter or form stating successful completion or failure in completing the probationary period has been received at ~~CSA~~ **the OHR** prior to the end of the probationary period.

#### 5-71 Appointments of Applicants Who Are Not in the Career Service

- C. Re-employment appointment: An appointment of a former employee to a position in the classification in which the employee was previously employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same or lower range minimum than the former classification, subject to the following conditions:
3. In order to determine eligibility for re-employment into a successor classification, the ~~Personnel~~ **OHR Executive** Director may, on a case-by-case basis, review the duties previously performed as well as classification and pay; and

#### 5-72 Appointments of Employees Who Are in the Career Service

- C. Re-promotional appointments: A promotion of an employee to a position in a higher classification in which the employee was previously employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same or intervening range minimum as the former classification subject to the following conditions:
2. In order to determine eligibility for re-promotion into a successor classification, the ~~Personnel~~ **OHR Executive** Director may, on a case-by-case basis, review the duties previously performed as well as classification and pay; and

G. End of training or internship probationary period:

1. The department or agency shall report to the ~~CSA~~ **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 ~~Personnel~~ **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 ~~CSA~~ **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.

5-74 Demotion Appointments

- B. Notice to employee: Before the demotion appointment is effective, the appointing authority shall furnish the employee a written statement containing the reasons for the demotion. If the demotion is voluntary, the statement should be signed by the employee. A copy of the statement shall be sent to the ~~CSA~~ **OHR** before the demotion is effective.
- C. ~~CSA~~ **OHR** approval: Voluntary demotions must satisfy the requirements of Rule 3 **RECRUITMENT**. For all other types of demotions, the ~~CSA~~ **OHR** shall approve the demotion appointment if it finds that the employee meets the minimum qualifications for the new class.

5-84 Reasonable Accommodations for Individuals with Disabilities Policy

It is the policy of the ~~CSA~~ **OHR** to provide equal employment opportunity to individuals with disabilities. This rule is intended to comply with and be interpreted consistently with the Americans with Disabilities Act of 1990 ("ADA"), as amended.

C. Qualification standards and direct threat:

It is not a violation of this policy for ~~CSA~~ **the OHR** to apply qualification standards, tests, or selection criteria or for an department or agency to apply selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability if such standards, tests, or selection criteria have been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation.

E. Interactive process:

1. If an employee (1) provides notice that the employee needs a reasonable accommodation to perform the essential functions of the employee's position; or (2) the department or agency has actual or constructive notice that an employee may have a disability for which the employee needs reasonable accommodation, the department or agency shall initiate an interactive process within twenty (20) calendar days or a longer period, if approved by the ~~Personnel~~ **OHR Executive** Director or designee and reasonable under the circumstances. The interactive process shall be a flexible, informal process that involves both the department or agency, the employee and the ~~CSA~~ **OHR** designee. The purpose of the interactive process shall be to determine if the employee (1) is disabled within the meaning of the ADA; and (2) if so, whether the employee can be reasonably accommodated in his or her position. The interactive process requires good faith participation from both the employee and the department or agency. The ~~CSA~~ **OHR** designee shall make the final determination, after consulting with the department or agency, as to whether the employee is disabled under the ADA and can be accommodated in his or her position.
2. In making the determination that an employee has a disability within the meaning of this rule, the ~~CSA~~ **OHR**, department, or agency may request and review medical records and other documentation in the possession, custody, or control of the employee or his or her health care providers. The ~~CSA~~ **OHR**, the department, or agency also may obtain an independent medical evaluation for the purpose of gathering information needed to make this determination. Such examinations and evaluations shall be reasonable and paid for the department or agency where the employee is presently employed.
4. If the employee is determined to be disabled as defined in this rule, the ~~CSA~~ **OHR**, department or agency, and the employee shall endeavor to identify any reasonable accommodations the employee may need to perform the essential functions of his or her position. The preferred option always shall be a reasonable accommodation that allows the employee to remain in his or her existing job.

F. Re-assignment:

1. If it is determined during an interactive process that a disabled employee cannot be reasonably accommodated in his or her position and the employee expresses an interest in remaining employed with the City, the ~~CSA~~ **OHR**, with the assistance of the department or agency, shall explore re-assignment to a vacant position as a possible reasonable accommodation. A vacant position is one that has been requisitioned by an appointing authority to be filled.

2. The disabled employee shall be offered a re-assignment to a vacant position that is equivalent in terms of pay and benefits or, if none is available, to a position of lower pay and benefits. The disabled employee must meet the minimum qualifications and requirements for the position as determined by the ~~CSA~~ **OHR**. The employee does not need to be the best-qualified individual for the position in order to obtain it as a re-assignment.

The ~~CSA~~ **OHR** first shall attempt to identify a vacant position that is equivalent in terms of pay and benefits within the employee's department or agency. If none exist, the ~~CSA~~ **OHR** shall attempt to identify a vacant position that is equivalent in terms of pay and benefits within another department or agency. If no equivalent position exists, the ~~CSA~~ **OHR** shall attempt to identify a position of lower pay and benefits, first in the employee's department or agency, and then in another department or agency. The ~~CSA~~ **OHR** designee shall provide to the employee a list of all vacancies for which the employee is qualified to perform. The employee may express his or her preference regarding the selection of a re-assignment position. However, the ~~CSA~~ **OHR** designee is free to choose the re-assignment position to be offered to the employee. A department or agency to which a disabled employee is being re-assigned is required to cooperate with the re-assignment process coordinated by the ~~CSA~~ **OHR** but may file a request to the ~~Personnel~~ **OHR Executive** Director to review the re-assignment placement within five (5) calendar days of the re-assignment notice if the department or agency reasonably believes that the employee will not be able to perform the essential functions of the position with or without reasonable accommodation.

If the employee is re-assigned to a vacant position, the employee shall be provided any reasonable accommodation necessary for the employee to perform the essential functions of the re-assignment position.

From the date that the employee expresses an interest in continued employment with the City, the ~~CSA~~ **OHR** shall look for vacant positions for a period of three (3) months. If no vacant position becomes available during the three-month period, disqualification proceedings may be initiated. The responsibility to engage in the interactive process may terminate earlier if the employee withdraws his or her request for a reasonable accommodation.

During the interactive process, a disabled employee may decline a demotion re-assignment position and request the ~~CSA~~ **OHR** to continue looking for comparable vacant positions within the three-month time period. However, if an employee declines an offer of a comparable position in terms of salary and benefits, the interactive process will cease. The ~~CSA~~ **OHR** shall not be required to continue looking for suitable re-assignment positions and disqualification proceedings may be initiated. If no vacant position becomes available during the three-month period, disqualification proceedings may be initiated.

3. In identifying a vacant position to which a disabled employee may be re-assigned, the ~~CSA~~ **OHR** shall analyze the employee's specific experience, skills and background, and the specific job duties of the vacant position by consulting with the department or agency in which the vacancy exists. If determined necessary, the ~~CSA~~ **OHR** designee shall perform a job analysis of the vacant position.
4. If a disabled employee is re-assigned to a vacant position and the department or agency subsequently determines that the disabled employee is unable to perform the essential functions of the position, with or without reasonable accommodation, the interactive process will be resumed from the beginning and the ~~CSA~~ **OHR** shall attempt to identify another vacant position to which the disabled employee can be re-assigned for a period not to exceed three (3) months. If an employee originally took a demotion, ~~CSA~~ **the OHR** will look for positions at the original pay grade if the employee is able to perform the essential functions of that position with or without accommodations. The interactive process need not be resumed if the employee has performance problems in the position that are unrelated to his or her disability, or if the employee is dismissed as a corrective measure for misconduct.
5. Before rejecting or denying a reasonable accommodation by re-assignment to a job on the basis that the individual poses a direct threat to the health and safety of the employee or others, the ~~CSA~~ **OHR** shall perform an individualized assessment of that individual's ability to perform safely the essential functions of the re-assignment position. In making this determination, a number of factors shall be considered, including but not limited to the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm. The ~~CSA~~ **OHR** will consider input from the individual, the experience of that individual in previous similar positions, medical judgment that relies on the best available objective evidence, the opinions of medical doctors and other health care providers, professionals or associates who have expertise in the medical condition involved, and/or direct knowledge of that individual's qualifications or ability to perform the job.
6. If the ~~CSA~~ **OHR** believes that an individual with a disability poses a direct threat to himself or herself or others, the employee shall be advised of the reasons for the proposed rejection, including each essential function of the job which it has been determined the individual cannot safely perform and the reasons why the individual cannot safely perform those functions.

The ~~CSA~~ **OHR** shall invite the individual to provide, within a reasonable time, additional information regarding his or her ability to safely perform the job, with or without reasonable accommodation, including but not limited to information from other physicians and information about the individual's current and recent physical capabilities. The ~~CSA~~ **OHR** shall maintain records of all factors considered in reaching its final decision.



5-112 New Hires

No person hired on or after May 21, 1987 shall be employed for more than three (3) working days unless such employee has submitted to the ~~CSA~~ **OHR** the documentary evidence of identity and authorization to work required by the Immigration Reform and Control Act of 1986 and federal regulations based on that Act.

5-113 Installation

Persons employed between November 6, 1986 and May 21, 1987 shall provide to the ~~CSA~~ **OHR** by May 30, 1987, documents required by the Immigration Reform and Control Act and regulations based on that Act, establishing identity and authority to work.

5-114 When Documents Required

The ~~Personnel~~ **OHR Executive** Director may establish the time and place for review of documents, provided the provisions of subsections 5-112 New Hires, and 5-113 Installation are met.

### Section 6-10 Responsibility

- B. The ~~Career Service Authority~~ **Office of Human Resources** ("**OHR**" "~~CSA~~"), in cooperation with other City departments and agencies, shall develop and make available to employees the City-wide training programs required by this Rule 6, as well as any other training programs it deems are necessary.
- C. ~~CSA~~ **The OHR**, in cooperation with departments and agencies, shall establish program standards, and document and maintain records of achievement for all ~~CSA~~ **OHR** sponsored training and career development programs. ~~CSA~~ **The OHR** shall also be responsible for the coordination, evaluation and monitoring of these programs.

### Section 6-20 Mandatory Programs

- F. Employees who have completed the required training within the three years prior to the effective date of appointment, promotion, or the submittal of a the re-allocation request are not required to take the training again as a condition of passing probation or of having ~~CSA~~ **the OHR** consider a re-allocation request.
- G. Departments or agencies may conduct training to fulfill the requirements established above, with the approval of the ~~Career Service Personnel~~ **OHR Executive** Director. Departments or agencies that conduct such training shall provide ~~CSA~~ **the OHR** with documentation evidencing the completion of the required training. Such documentation shall include the course title, the names of employees who have completed the training, and the date of completion.

## Section 7-10 Definitions

- J. Working title: The title of a position, which may differ from the classification title, used in a given agency for operating purposes, or by the ~~Career Service Authority~~ **Office of Human Resources** ("**OHR**" "~~CSA~~") for recruiting purposes.

## Section 7-20 Classification and Pay Plan

The ~~CSA~~ **OHR** is responsible for developing, maintaining, and administering classifications and attendant pay plans for all positions covered by the classification and pay plan.

### 7-21 Changes to the Classification and Pay Plan

- A. The ~~Career Service Personnel~~ **OHR Executive** Director (~~"Personnel Director"~~) shall recommend changes to the classification and pay plan to the Board.
- B. Recommended changes to the classification and pay plan proposed by the ~~Personnel~~ **OHR Executive** Director shall be approved, modified or rejected by the Board after a public hearing as provided in Rule 2 ~~CAREER SERVICE AUTHORITY~~ **OFFICE OF HUMAN RESOURCES**.

### 7-22 Changes to Classification Specifications

Changes to classification specifications that do not involve changing classification titles and/or attendant pay rates do not require City Council approval, and may be made by the ~~Personnel~~ **OHR Executive** Director without a public hearing before the Board.

### 7-32 Allocation Of New Positions

Every position covered by the classification and pay plan shall be allocated to a classification in that plan. Such allocation shall be made by the ~~CSA~~ **OHR** on the basis of the essential duties of the position and in accordance with generally accepted personnel standards and procedures and as set forth in this Rule 7.

### 7-33 Re-Allocation Of Existing Positions

- B. In order to maintain the classification and pay plan, ~~CSA~~ **the OHR** may re-allocate:

### 7-34 Audits

- A. An appointing authority may submit a request for, or ~~CSA~~ **the OHR** may initiate, an audit of a filled position to determine if it is correctly classified, when there has been:
- B. Appointing authorities are encouraged to submit audit requests to ~~CSA~~ **the OHR** as soon as possible after the duties of a position have been permanently changed. Requests must be made using the ~~CSA~~ **OHR** Request for Classification Consideration form.

- C. 2. The audit request will not be accepted by the ~~CSA~~ **OHR** until the incumbent has taken the supervisory training required by Rule 6 **EMPLOYEE TRAINING AND ORGANIZATIONAL DEVELOPMENT**, and passed the applicable first-line supervisor test.
  
- E. An employee may petition an appointing authority for the purpose of asking for reconsideration of an appointing authority's denial to request an audit. The employee may send a copy of the petition to the ~~CSA~~ **OHR**. The ~~CSA~~ **OHR** may choose to initiate an audit or maintenance study if warranted under this Rule 7.
  
- F. Progressive Classification Series Program:
  - 2. Under the progressive classification series program, re-allocation responsibility is delegated by ~~CSA~~ **the OHR** to an appointing authority.
  
  - 3. Appointing authorities may re-allocate employees within the progressive classification series once they meet criteria established by the appointing authority and agreed to in advance by ~~CSA~~ **the OHR**. These criteria shall be reflected in the Progressive Classification Series Re-allocation Form developed by appointing authorities and ~~CSA~~ **the OHR** for each classification in a progressive classification series. This form will be used to process re-allocations under this program.
  
  - 4. ~~CSA~~ **The OHR** retains the responsibility of reviewing completed Progressive Classification Series Re-allocation Forms prior to processing a re-allocation to ensure compliance with the pre-established criteria.

#### 7-35 Maintenance Studies

- A. ~~CSA~~ **The OHR** may initiate and conduct maintenance studies, covering multiple positions in one or more classifications, in order to maintain the classification and pay plan.

#### 7-36 Effect of Re-allocation on Incumbents

- A. An employee whose position is re-allocated must meet the minimum education, experience, and licensure/certification requirements of the new classification. The ~~Personnel~~ **OHR Executive** Director may substitute other appropriate factors for the minimum education and experience requirements of the position, based on the circumstances presented by a particular situation, but may not make a substitution for licensure or certification requirements.

#### 7-37 Effective Dates

- B. If a position is to be re-allocated as a result of an audit or maintenance study without requiring changes to the classification and pay plan, the effective date shall be the beginning of the first work week following the classification decision by the ~~CSA~~ **OHR**.

### Section 7-40 Requests for Administrative Review

An appointing authority may ask the ~~Personnel~~ **OHR Executive** Director for an administrative review of a classification decision within ten (10) calendar days of the date of notice of the audit or maintenance study results. The ~~Personnel~~ **OHR Executive** Director or designee shall review the decision and provide a written response to the appointing authority.

## Section 8-20 Compensation Policy

The policy of the City and County of Denver is to provide generally prevailing compensation to City employees as provided by the City Charter and the Denver Revised Municipal Code ("DRMC"). This compensation policy is designed to attract, retain and motivate employees in order to support and reinforce the City's vision, values, and strategic business goals. To implement this compensation policy the ~~Career Service Authority~~ **Office of Human Resources** ("**OHR**" "~~CSA~~") will:

## Section 8-30 Establishing and Maintaining Pay Schedules

- A. ~~CSA~~ **The OHR** shall establish the following pay schedules in order to facilitate the City's compensation policy:

### 8-41 Establishing Pay for Classifications

- B. ~~CSA~~ **The OHR** shall perform an annual market analysis to determine what pay survey adjustments, if any, should be recommended for occupational groups and/or classifications covered by the classification and pay plan (as defined in Rule 7 **CLASSIFICATION**).
- C. If market survey data are inadequate or inappropriate for a statistical analysis, pay for a classification will be determined based on internal relationship comparisons to other City and County of Denver classifications according to practices established by ~~CSA~~ **the OHR** (see Appendix).

### 8-42 Market Surveys

In order to provide generally prevailing compensation to employees ~~CSA~~ **the OHR** shall use market surveys which include a sample of public and private sector employers and jobs throughout the local market or other appropriate geographical areas.

- D. Whenever salary and related information is furnished to ~~CSA~~ **the OHR** on the condition that such material remains confidential, the individual pay data by organization in such surveys shall not be disclosed.
- E. ~~CSA~~ **The OHR** shall establish written criteria for selecting surveys, which must be published and followed. Before changing the criteria for selecting surveys, ~~CSA~~ **the OHR** must inform the Board at a public meeting (see Appendix).

### 8-43 Implementation of Pay Survey Recommendations

- D. ~~CSA~~ **The OHR** shall implement the pay survey adjustments as approved by City Council and the Mayor and as provided in the DRMC.

#### 8-44 Employee Benefits

- A. Upon request of the Mayor, City Council, or the Board, the ~~Career Service Personnel~~ **OHR Executive** Director (~~“Personnel Director”~~) shall survey and recommend changes to employee benefits as necessary to attract and retain a qualified and competent workforce and to maintain the city’s policy to provide generally prevailing compensation to employees.
- B. The Board shall conduct at least one public hearing on any proposed changes to employee benefits prior to the ~~Personnel~~ **OHR Executive** Director making any recommendations to the Mayor and City Council.

#### APPENDIX 8.B.

#### CRITERIA FOR SELECTING MARKET SURVEYS (REFERRED TO IN RULE 8-42 E.)

~~CSA~~ **The OHR** is required to establish written criteria for selecting market surveys by the Career Service Rules. These criteria must be published in the Appendix to this Rule 8 and followed. Before changing this Appendix 8.B., ~~CSA~~ **the OHR** must inform the Board at a public meeting.

## Section 9-5 Definitions

- F. Pay Factors: Appointing authorities who wish to hire employees at higher than the range midpoint, or increase the salary of promoted employees by more than 8.0%, or provide an equity adjustment, must provide ~~Career Service Authority~~ **Office of Human Resources** ("**OHR**" "~~CSA~~") with documentation explaining how any or all of the following pay factors affected their decision:

## Section 9-6 Designees

Appointing authorities, including the ~~Career Service Personnel~~ **OHR Executive** Director ("~~Personnel Director~~"), may delegate any authority given to them under this Rule 9 to a subordinate employee.

### 9-33 Demotion

- A. Voluntary demotion:
2. When an employee voluntarily demotes, pay shall be set by the appointing authority and shall not be decreased by more than six and nine-tenths percent (6.9%), unless doing so is necessary to keep the employee's pay from exceeding the range maximum of the pay range of the new classification. Before the pay can be set at a pay rate higher than the employee's current pay rate, the ~~Personnel~~ **OHR Executive** Director's prior approval will be required.

### 9-35 Re-allocation

- B. When an employee meets the requirements to progress to a higher classification in a current delegated progressive classification series and the ~~Personnel~~ **OHR Executive** Director approves the progression to the higher classification, the employee's pay shall be increased by two and one quarter percent (2.25%). In no event shall the employee receive less than the range minimum of the pay range of the new classification.

## Section 9-40 Work Assignment Outside of Job Classification

- A. An appointing authority may temporarily assign the duties of a vacant position in a higher level classification to an employee in a lower level classification for a period of one year in accordance with the criteria established in this rule. Assignments for periods longer than one year require the approval of the ~~Personnel~~ **OHR Executive** Director.



## Section 9-50 Recruitment and Retention Pay

### E. Pay adjustment within the salary range

1. An appointing authority may adjust pay for an existing employee, within that employee's current salary range, if the purpose is to eliminate pay inequity created by external market conditions, so long as the existing employee's pay is being compared with the pay of a subsequent hire from outside the City in the same department or agency if the following conditions are met:
  - c. The effective date of the subsequent hire's employment occurred no more than one year before the request for the pay adjustment is made to the ~~Personnel~~ **OHR Executive** Director. Exceptions to this limitation may be granted by the ~~Personnel~~ **OHR Executive** Director upon good cause shown.
2. A pay adjustment within the salary range requires the approval of the ~~Personnel~~ **OHR Executive** Director. The effective date of any such pay adjustment shall be the beginning of the work week following approval by the ~~Personnel~~ **OHR Executive** Director.

### 9-61 Shift Differential

#### A. Employee eligibility:

4. The ~~Personnel~~ **OHR Executive** Director, upon the request of an appointing authority, may allow a department or agency to exclude otherwise eligible employees from receiving shift differential based on community practice. Requests based on other reasons require submission by the ~~Personnel~~ **OHR Executive** Director to and approval by the Board.

### 9-66 Bilingual Services Differential

- A. An appointing authority may pay an employee bilingual services differential if the following conditions have been met:
  3. The employee demonstrates a proficiency in the second language, according to procedures established by the ~~Personnel~~ **OHR Executive** Director.
- B. The effective date of the bilingual services differential shall be the beginning of the first work week following receipt of an appointing authority's request to determine bilingual proficiency by ~~CSA~~ **the OHR**, or following the employee's demonstration of proficiency in a second language, whichever date is later.

9-68 Heavy Equipment Mechanic Trainer Differential

- C. 1. The appointing authority shall provide a training plan which shall include the criteria that will be used for selecting HEM trainers to the ~~Personnel~~ **OHR Executive** Director for approval.
- 2. The appointing authority shall provide the name(s) of any eligible employee(s) to the ~~CSA~~ **OHR** prior to payment of the differential.
- D. An appointing authority may terminate the assignment of training duties to an employee at any time. The appointing authority shall notify the ~~CSA~~ **OHR** when an employee is no longer assigned training duties.

Section 9-80 Special Work Schedules

- A. Deviations from the standard workweek, eight (8) hour work-day or designation of special work schedules may be made so long as they are in accordance with the provisions of this section. The appointing authority must provide written notification to the ~~Personnel~~ **OHR Executive** Director of any change to the standard workweek or the designation of special work schedules for employees.
- B. Establishment:
  - 3. When an appointing authority determines that the special work schedule has not served the best interests of the City, the appointing authority may discontinue the special work schedule and shall provide written notification to the ~~Personnel~~ **OHR Executive** Director.
- F. Telecommuting:
  - 4. Permission to telecommute shall be conditioned on compliance with the telecommuting guidelines established by the ~~Personnel~~ **OHR Executive** Director (see Appendix).

9-93 Overtime Exceptions

Employees in overtime exempt classes as defined by the FLSA shall not receive overtime pay, except in the following situations:

- A. Based on community practice, the ~~Personnel~~ **OHR Executive** Director may recommend an exception to the overtime exclusion for a designated classification or classifications to the Board for approval.
- C. Upon the request of an appointing authority, the ~~Personnel~~ **OHR Executive** Director may grant an exception to overtime exclusion for a specified period of time when the employee will provide services for the City during declared emergency conditions. Such exception shall apply to a position or group of positions within a classification where the working conditions are distinctly different than working conditions of other positions in the same classification and shall apply to the hours attributed to the emergency condition.

## Section 9-110 Record Keeping

- A. Responsibility for maintaining time and compensation records may be vested in the Department of Finance, the ~~CSA~~ **OHR**, or the agencies, as may be agreed among them from time to time.
- B. The content of these records shall be governed by guidelines established by ~~CSA~~ **the OHR** (see Appendix).

### **APPENDIX 9.A.**

#### **TELECOMMUTING GUIDELINES (REFERRED TO IN RULE 9-80 F)**

- K. Representatives from the City's Office of Technology Services, ~~CSA~~ **the OHR**, and Workers' Compensation section, a designated City supervisor or the individual appointed by the employee's appointing authority for such purpose may inspect an employee's home for a business purpose related to this program upon giving reasonable notice to the employee.
- Q. Training will be available from the ~~CSA~~ **OHR** for all employees, supervisors and managers interested in telecommuting.

## Section 10-15 Designees

Appointing authorities, including the ~~Career Service Personnel~~ **Office of Human Resources (“OHR”) Executive** Director (~~“Personnel Director”~~), may delegate any authority given to them under this rule to a subordinate employee.

### 10-23 All Other PTO Uses

#### C. Exceeding the PTO Accumulation Limit:

An appointing authority may not defer an employee’s use of PTO to the extent that the employee will lose earned PTO. If the appointing authority is unable to allow an employee who has accumulated the maximum hours of PTO to use any of those hours because of workload, the appointing authority shall submit and the ~~Personnel~~ **OHR Executive** Director shall approve an emergency request to exceed the maximum amount. The employee must use the excess over four hundred (400) hours in the employee’s PTO bank within one year of the approval date.

### 10-34 Granting Vacation Leave

#### B. Exceeding the Vacation Leave Accumulation Limit:

An appointing authority may not defer an employee’s use of vacation leave to the extent that the employee will lose earned vacation leave. If the appointing authority is unable to allow an employee who has accumulated the maximum hours of vacation leave to use any of it because of workload, the ~~Personnel~~ **OHR Executive** Director shall approve an emergency request by the appointing authority to exceed the maximum amount. The employee must use the excess over two hundred-eighty-eight (288) hours or three hundred thirty-six (336) hours, whichever applies, within one year of the approval date.

### 10-64 Investigatory Leave

An appointing authority may place an employee on paid investigatory leave pending an investigation of a possible rule violation or failure to meet standards of performance as provided in Rule 16 **DISCIPLINE AND DISMISSAL**. Investigatory leave may be for no more than forty-five (45) calendar days, unless an extension of time has been approved by the ~~Personnel~~ **OHR Executive** Director.

10-67 Administrative Leave

- A. Appointing authorities shall grant paid administrative leave for the following purposes:
  - 2. To participate in the Career Service **Mediation** Authority ~~alternative dispute resolution~~ Program. Administrative leave shall be granted to employees who participate in mediation either as a party or as the mediator and to an employee who attends mediator training; or
  
- B. Appointing authorities may grant paid administrative leave for the following purposes:
  - 3. When the appointing authority deems there is a business necessity, for a maximum of ten (10) calendar days per calendar year. The appointing authority may request an extension of up to twenty (20) calendar days from the ~~Personnel~~ **OHR Executive** Director. The ~~Personnel~~ **OHR Executive** Director may approve the request for an extension for good cause shown.

## Section 11-15 Designees

Appointing authorities, including the ~~Career Service Personnel~~ **Office of Human Resources** (**"OHR"**) **Executive** Director (~~"Personnel Director"~~), may delegate any authority given to them under this rule to a subordinate employee.

### 11-53 Military Pay Differential

- B. A written request for military pay differential shall be made by an eligible employee to the employee's department or agency as soon as possible after the employee's return to City employment using the application form prepared by the **OHR** ~~Career Service Authority ("CSA")~~. Requests for military pay differential may also be made while the employee is on military leave.
- C. The employee shall provide copies of the following documents:
  - 4. Any other documentation deemed necessary to process the request by the ~~Personnel~~ **OHR Executive** Director, which may include documentation that the Department of Finance advises the ~~Personnel~~ **OHR Executive** Director is necessary.

### 11-82 Granting Voluntary Leave Without Pay

Voluntary leave without pay shall be subject to the following provisions:

- E. Notification of ~~CSA~~ **the OHR**: The ~~CSA~~ **OHR** shall be advised, in writing, of leave without pay granted for fifteen (15) consecutive calendar days or more.

### 13-35 Enforcement of PEPR Schedule

- A. Departments and agencies shall submit proposed merit increases and merit payments to ~~CSA~~ **the Office of Human Resources ("OHR")** as provided in the schedule attached as Appendix A.
  
- B.
  - 1. If a supervisor's or manager's failure to meet the deadlines set forth in Appendix A is a contributing reason to an appointing authority's failure to meet the deadline for submitting recommended merit increases and merit payments to ~~CSA~~ **the OHR** for all of the appointing authority's eligible employees, the supervisor's or manager's rating shall be reduced as follows:
  
  - 2. An appointing authority may request that the ~~Career Service Personnel~~ **OHR Executive** Director grant a supervisor or manager who is more than one week late in meeting a deadline set forth in Appendix A, relief from the operation of this paragraph 13-35 B, due to a showing of extenuating circumstances beyond the reasonable control or advance knowledge of the employee.

### **APPENDIX A 2011 PEPR SCHEDULE**

First day for appointing authorities to submit merit increase and merit payment recommendations for all agency employees to ~~CSA~~ **the OHR**. The percent increase for all eligible employees in a department or agency should average 2.1% for merit increases and merit payments delivered in 2012.

Supervisors may begin meeting with employees to review PEPRs and merit increase amount once ~~CSA~~ **the OHR** has reviewed and approved merit increase and merit payment recommendations.

Deadline for appointing authorities to submit merit increase and merit payment recommendations to ~~CSA~~ **the OHR**. All eligible employees must be accounted for in these recommendations.

## Section 14-15 Designees

Appointing authorities, including the ~~Career Service Personnel~~ **Office of Human Resources** (**"OHR"**) **Executive** Director (~~"Personnel Director"~~), may delegate any authority given to them under this Rule 14 to a subordinate employee except the authority to sign and submit lay-off plans to the **OHR** ~~Career Service Authority~~ (~~"CSA"~~).

### 14-42 Order of Lay-off

#### B. Consolidation of appropriation accounts:

3. A request for such consolidation or de-consolidation of appropriation accounts may be initiated by appointing authorities, employees, or the ~~Career Service Personnel~~ **OHR Executive** Director (~~"Personnel Director"~~) and shall be determined by the Board only after interested parties have been given an opportunity to be heard in accordance with Rule 2 ~~CAREER SERVICE AUTHORITY~~ **OFFICE OF HUMAN RESOURCES**.

- F. Effect of special qualification on lay-off group: When an employee possesses a significant and unique skill which cannot readily be learned by another employee and which is essential for the performance of the duties of the position, the ~~Personnel~~ **OHR Executive** Director, after thorough review and investigation, may determine that the possession of such a skill shall constitute an exception for lay-off purposes only; provided, however, that should another employee possess such a skill, such employee scheduled to be laid off shall displace the incumbent.

### 14-44 Sequence of Lay-offs

#### C. Effect of proficiency:

2. Within layoff groups, the appointing authority may choose to rank employees on their knowledge, skills, abilities, expertise and/or documented performance ("proficiency") and place employees with greater proficiency above employees with longer length of service who are not eligible for military service credits. In no event may a more proficient employee be placed higher than an employee with longer length of service who is eligible for military service credits. ~~Career Service Authority~~ (~~"CSA"~~) **The OHR** must review and approve the criteria and procedures used to determine proficiency as part of its responsibility to audit and approve the lay-off plan as set forth in paragraph 14-46 B.

### 14-45 Actions In Lieu of Lay-off

- C. Effect of special qualifications: If a vacancy in a position in a pay grade with the same job rate, or if the position in the class to which such employee is to be given a demotional appointment, is one which requires a special skill as defined in paragraph 14-42 F Effect of special qualification on lay-off group, the ~~Personnel~~ **OHR Executive** Director, after thorough review and investigation, may designate the possession of such skill as a qualification for a demotional appointment to that position.



- F. Voluntary action in lieu of lay-off: Employees who demote to a position other than the one described in paragraph 14-45 B or who resign during a period of agency lay-offs, and these actions occur prior to the actual lay-off date, may retain their reinstatement rights pursuant to the following procedure:
2. If the ~~CSA~~ **OHR** determines that the demotion or separation is in lieu of layoff, it will place the employee's name on the appropriate reinstatement list.

#### 14-46 Notice of Lay-Off

- A. Layoff planning: Lay-off planning, including actions in lieu of lay-off, is the responsibility of the appointing authority. However, the ~~CSA~~ **OHR** is available for procedural assistance and consultation as soon as the appointing authority has decided the number of positions by class to be abolished.
- B. Audit and approval of lay-off plan: Before an official notice of lay-off is given in accordance with this Rule 14, a written lay-off plan for the lay-off unit signed by the appointing authority shall be submitted to ~~CSA~~ **the OHR** and shall have been audited and approved in writing by the ~~Personnel~~ **OHR Executive** Director for conformance to Section 14-40 Lay-Off of these Rules, including all sub-sections thereof. In the case of a lay-off in the ~~CSA~~ **OHR**, the lay-off plan shall be signed by the manager responsible for the lay-off unit affected by the lay-off.
- C. Thirty-day notices: The appointing authority shall give final written notice of lay-off to an affected employee a minimum of thirty (30) calendar days before the employee's last day as a City employee. A copy of each such notice shall be sent to the ~~CSA~~ **OHR**. The period of time shall be computed in accordance with Rule 19 **APPEALS**.

#### Section 14-60 Change in Type of Separation

When additional facts are revealed that substantially alter the basis for the original decision as to type of separation, the type of separation may be changed. The ~~Personnel~~ **OHR Executive** Director, upon receipt of a written request together with documentation of the reasons for the change, will approve or disapprove the requested change in writing. Only the appointing authority who authorized the personnel action separating the employee, or his or her successor shall be authorized to request a change in the type of separation. A copy of the ~~Personnel~~ **OHR Executive** Director's written approval shall be attached to the personnel action which shall show the type of change and the reason for the change.

## Section 15-15 Employee Responsibility to Report Charges or Convictions

### A. Offenses that must be reported:

3. Additional reporting requirements may be established by a department or agency consistent with business necessity. Such additional requirements must first be approved by the ~~Career Service Authority~~ **Office of Human Resources** ("**OHR**" "~~CSA~~"), and approved for legality by the City Attorney's Office.

## Section 15-70 Drug-Free Workplace Policy

The Career Service Board has a special concern about the use and abuse of illegal drugs (controlled substances) because illegal drugs can affect an employee's productivity and efficiency; jeopardize the safety of the employee, co-workers, and the public; and harm the reputation of the City and its employees. Employees are subject to pre-employment, post accident and/or random drug and alcohol testing if there is reasonable suspicion that the employee is in violation of this rule. Accordingly, the Career Service Board strictly enforces the following rules

- B. ~~Career Service Authority~~ **The OHR** presents a drug-free awareness education program for all employees at all levels on a periodic basis.

### 15-103 Action of Individual Experiencing Unlawful Harassment

Individuals who experience unlawful harassment are urged to:

- B. Report such conduct to their supervisor so that the agency may investigate and resolve the problem. If the complaint involves an employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee may go to another supervisor, to his or her agency human resource representative or directly to the ~~Career Service Authority~~ **OHR** Employee Relations Section.

### 15-104 Investigation

The agency or ~~Career Service Authority~~ **the OHR** will immediately undertake effective, thorough, and objective steps concerning the allegation of harassment or discrimination. If an investigation is deemed necessary, it will be completed and a determination regarding alleged harassment will be made and communicated to the employee as soon as practicable. Agency staff conducting harassment or any other type of workplace investigation will be required to complete a training program on investigation techniques as developed by the ~~Career Service Authority~~ **OHR** Training Section.

### 15-111 Reporting

- B. In a non-emergency situation, if the employee feels that he or she has been subjected to any type of violence or threat of violence, or has observed or has knowledge of any violation of this rule, the employee shall immediately report the incident to his or her supervisor, the agency human resource representative or safety officer, or to the ~~Career Service Authority~~ **OHR** Employee Relations Section.

### Section 15-120 Open Door Policy

The Career Service Board supports an open door policy. If an employee has a problem or concern that arises in the scope or course of his or her employment, the employee should discuss the concern with his or her immediate supervisor, manager, appointing authority, human resource representative, or a member of the ~~Career Service Authority~~ **OHR** Employee Relations Section. The City will not tolerate retaliation of any kind against any employee who utilizes the open door policy in good faith.

### Section 15-130 Reporting Violations

Any alleged violation of this rule should be reported to the appropriate supervisor, manager, agency human resource representative, appointing authority, or the ~~Career Service Authority~~ **OHR** Employee Relations Section.

Any alleged ethics violation covered under this rule should be reported to the appropriate supervisor, manager, appointing authority, human resource representative, or the ~~Career Service Authority~~ **OHR** Employee Relations Section. The employee may also contact the Board of Ethics.

## Section 16-5 Disclaimer

This Rule 16 pertaining to discipline and dismissal does not create or constitute any contractual rights between or among the City, the Career Service Board ("Board"), the ~~Career Service Authority~~ **Office of Human Resources** ("**OHR**" "**CSA**") and any employee. This Rule 16 may only be modified, rescinded, or revised, in writing, by the Board, which reserves the right to unilaterally modify, rescind, or revise Rule 16 at any time consistent with its rule-making process.

## Section 16-30 Investigatory Leave with Pay

- B. If the investigation has not been completed within the forty-five (45) calendar day time period, the appointing authority may request from the ~~Career Service Personnel~~ **OHR Executive** Director (~~"Personnel Director"~~) an extension of time appropriate to complete the investigation and render a decision. The ~~Personnel~~ **OHR Executive** Director may approve a request for an extension for good cause shown. Additional extensions may be granted at the discretion of the ~~Personnel~~ **OHR Executive** Director. The appointing authority shall notify the employee of any extension that is granted by the ~~Personnel~~ **OHR Executive** Director.

## 16-72 Form for Written Reprimand, and Notices of Discipline

- C. A written reprimand, notice of suspension, notice of involuntary temporary reduction of pay, notice of involuntary demotion and notice of dismissal shall be sent to the ~~CSA~~ **OHR** for inclusion in the employee's personnel file, along with the completed personnel action form, if required.

## 16-73 Disciplinary Action Following Pre-disciplinary Meeting

- B. Disciplinary action based on the pre-disciplinary meeting and other pertinent information obtained by the appointing authority shall be taken within fifteen (15) calendar days after the meeting. However, if an appointing authority presents to the ~~Personnel~~ **OHR Executive** Director documented extenuating circumstances requiring additional time, the ~~Personnel~~ **OHR Executive** Director may extend the date for taking disciplinary action for an additional ten (10) calendar days. A request for an extension of time must be sent to the ~~Personnel~~ **OHR Executive** Director prior to the expiration of the fifteen (15) day time period. If disciplinary action is not taken within the fifteen (15) day time period and a request for extension of time is not timely submitted to the ~~Personnel~~ **OHR Executive** Director, the agency must repeat the steps contained in section 16-40 before disciplinary action may be taken.

## 16-75 Procedure for Dismissal

- C. Dismissed employees are not eligible for future employment in the Career Service for a minimum of five years following such dismissal. The ~~Personnel~~ **OHR Executive** Director shall establish procedures governing how dismissed employees may be placed on eligible lists after the five years have elapsed.

### Section 18-20 Open Door Policy Process

- 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 ~~Career Service Authority~~ **Office of Human Resources** ("**OHR**" ~~CSA~~) Employee Relations Unit.

### Section 18-40 Grievance Procedure

B. Filing of Grievance

In order to file a grievance an employee must:

1. Prepare and complete all sections of the official ~~CSA~~ **OHR** grievance form.

D. Computation of Time:

The period of time shall be computed as follows (all time periods are calendar days):

4. If the final date for filing or responding to a grievance falls on a day the ~~CSA~~ **OHR** office is not open for business, the final date shall be construed to be the next working day.

#### 19-62 Filing of Petition for Review

A petition for review shall be filed with the Board at the ~~Career Service Personnel~~ **Office of Human Resources** ("**OHR**") Director's (~~"Personnel Director's"~~) office in the **OHR** ~~Career Service Authority~~ ("**CSA**") within fifteen (15) calendar days after the date of the mailing of the Hearing Officer's decision. If the due date falls on a day that the ~~CSA~~ **OHR** is not open for business, the due date shall be construed as the next business day. The request shall be in writing, and shall contain the following:

#### 19-65 Briefs

- D. Extensions of Time to File Brief: If either party needs an extension of time to file a brief, the party may file a motion with the Board supported by good cause and the Personnel Director may, on behalf of the Board, grant an extension of up to ten (10) calendar days. The ~~Personnel~~ **OHR Executive** Director shall notify the parties in writing of any extensions granted.