

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules. When the Board or the OHR Executive 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. 475

A Career Service Board Public Hearing has been scheduled regarding the proposed revision of Career Service Rule 16-73 Disciplinary Action Following Pre-Disciplinary Meeting and related rules.

The scheduled time for the public hearing is **THURSDAY, November 21, 2013, at 9:00 A.M.**, in **Room, 4.G.2.**, Webb Municipal Building, 201 West Colfax Avenue.

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

Pete Garritt  
HR Supervisor  
Office of Human Resources  
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 noon on **Monday, November 18, 2013.**

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 noon on **Monday, November 18, 2013** to get on the agenda.

**PLEASE POST ON ALL BULLETIN BOARDS**

**AS SOON AS POSSIBLE**

**RULE PROPOSAL 432B**

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

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

**DATE: November 8, 2013**

**SUBJECT: Proposed revision of Career Service Rule 16-73 Disciplinary Action Following Pre-Disciplinary Meeting and related rules**

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

**THURSDAY, November 21, 2013, at 9:00 A.M.  
Webb Building Room 4.G.2**

**Rule 16-73 requires that a disciplinary action shall be served on the affected employee within fifteen calendar days of the pre-disciplinary meeting. It differs from the rules setting deadlines for grievances, grievance responses, and appeals in that it does not provide for an automatic extension to the next business day when day fifteen falls on a day the OHR is closed. This inconsistency has led to some confusion about when disciplinary actions should be served on employees. This rule change proposal addresses this issue by making the language in all three rules consistent by mandating that when a deadline falls on a day the OHR office is closed, the deadline will be extended to the next working day. This rule change proposal also makes other changes to the wording and organization of Rule 16-73 for the sake of clarity.**

**If you would like to schedule a meeting with a member of the OHR 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.***

16-73 Disciplinary Action Following Pre-disciplinary Meeting

- B. ***A written notice of the*** disciplinary ***decision and the reasons for the disciplinary*** action based on the pre-disciplinary meeting and other pertinent information obtained by the appointing authority shall be ***served on the employee*** ~~taken~~ within fifteen (15) calendar days after the meeting. ***The notice shall be considered served on the date shown on the certificate of hand delivery or mailing. If the fifteenth day falls on a day the OHR is not open for business, the appointing authority has until the next working day to serve the notice of discipline.***
- C.*** However, if an appointing authority presents to the OHR Executive Director documented extenuating circumstances requiring additional time, the 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 OHR Executive Director prior to the expiration of the ***time for taking disciplinary action*** ~~fifteen (15) day time period~~. If disciplinary action is not taken within the ~~fifteen (15) day~~ ***initial*** time period and a request for extension of time is not timely submitted to the OHR Executive Director, the agency must repeat the steps contained in section 16-40 before disciplinary action may be taken.
- ~~C. A written notice of the disciplinary decision and the reasons for the disciplinary action being taken shall be served on the employee. The notice shall be considered served on the date shown on the certificate of hand delivery or mailing.~~

## Section 18-40 Grievance Procedure

If a work-related issue was not taken to or resolved through the open door policy or mediation, and a Career Service employee has a grievance as defined in paragraph 18-10 C of this rule, the following procedures shall apply:

### D. Computation of Time:

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

1. The date of notification of the action or inaction shall be the date the employee knew or should have known of the action or inaction.
2. The period of time for filing the grievance starts on the day following the date of notice of the action or inaction.
3. The date for responding to a grievance starts on the day following receipt of the grievance.
4. If the final date for filing or responding to a grievance falls on a day the OHR is not open for business, the final date shall be ~~construed to be~~ the next working day.
5. The grievance filing or response period ends at 5:00 p.m. on the final date.

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## Section 19-20 Filing of Appeal

### A. Time Limitation:

2. The computation of the period of time for filing an appeal shall be as follows (all time periods are calendar days):
  - a. The date of notice of the action shall be the date on the certificate of hand-delivery if hand-delivered to the appellant or the date on the certificate of mailing of the notice if sent by U.S. mail or interoffice mail.
  - b. The period of time for filing the appeal starts on the day following the date of:
    - i. The alleged retaliatory adverse employment action in the case of an appeal brought under the "Whistleblower Protection" ordinance; or
    - ii. The notice of the action or date of inaction in all other cases.
  - c. If the final date of the appeal period falls on a day the Hearing Office is not open for business, the final date for appeal shall be ~~construed to be~~ the next working day.