

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. 484

A Career Service Board Public Hearing has been scheduled regarding the proposed revision of the Career Service Rules to allow the Denver Sheriff to appoint his senior command staff as provided in the recently revised §2.6.4 of the City Charter.

The scheduled time for the public hearing is **THURSDAY, May 15, 2014, 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, May 12, 2014.**

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, May 12, 2014** to get on the agenda.

**PLEASE POST ON ALL BULLETIN BOARDS**

**AS SOON AS POSSIBLE**

**RULE PROPOSAL 434B**

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

**FROM:** Natalie Landau, OHR Deputy Director, and Melissa Fisher, Interim OHR Deputy Director

**DATE:** May 1, 2014

**SUBJECT:** Proposed revision of Career Service Rules

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

**THURSDAY, May 15, 2014, at 9:00 A.M.  
Webb Building Room 4.G.2**

The OHR has proposed a revision of the Career Service Rules regarding Senior Command Staff in the Denver Sheriff's Department. The Denver City Charter was amended by the Denver voters in November 2013 to allow the Sheriff to:

- **Appoint Division Chiefs and Majors (Senior Command Staff) without having to follow Career Service Rules regarding recruiting and promotions; and**
- **Remove Senior Command Staff so appointed without having to follow Career Service Rules regarding discipline and involuntary demotion.**

In order to implement this Charter change, several rule changes are necessary. Here is a summary of the proposed rule changes:

- **Appointments to Senior Command Staff positions in the Denver Sheriff's Department are exempted from the requirements of Career Service Rule 3 RECRUITMENT;**
- **A new employee status, Senior Command Staff status, will be created to cover employees appointed to Senior Command Staff positions in the Denver Sheriff's Department after May 31, 2014;**
- **Employees in Senior Command Staff status will not serve a probationary period, and may be returned to their former classification at any time;**
- **Employees may not grieve or appeal removal from Senior Command Staff status.**

It should be noted that these rule changes are not intended to affect employees who are currently holding positions as Division Chiefs and Majors in the Denver Sheriff's Department.

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.**

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 OHR as described in this section of this Rule 3, or who fall within one of the following exceptions:

- A. Career Service employees who are eligible for re-promotion, transfer, demotion, or re-assignment appointments, or former employees who are eligible for re-employment, as defined in Rule 5 **APPOINTMENTS AND STATUS**.
- B. City employees who are eligible for re-assignment under Rule 5-84, Reasonable Accommodations for Individuals with Disabilities Policy.
- C. Trainees and paid interns who have successfully completed the trainee or intern probationary period as provided in Rule 5 **APPOINTMENTS AND STATUS** may be promoted into the position the trainee or intern was being trained to perform.
- 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 OHR) may be promoted into the applicable trades classification.
- E. Employees in positions in classifications in the Deputy Sheriff pay schedule who are appointed to Deputy Sheriff Major and Deputy Sheriff Division Chief positions after May 31, 2014.**

Section 5-40 Employee Status

(Effective November 1, 1980; Rule Revision Memo 127A: Revised April 1, 2006; Rule Revision Memo 6C)

5-41 General

Every Career Service employee shall hold one of the following employee status identifications; determined by position characteristics, probation requirements, or both:

- A. Employment probationary status;
- B. Career status;
- C. Promotional probationary status;
- D. Non-career status;
- E. Trainee or intern probationary status;
- F. Senior Command Staff status.**

## 5-42 How Status is Attained

- A. Employment probationary: Every person when first appointed or re-employed to a full time or part time, limited or unlimited Career Service position, that is not a trainee or intern position, shall hold employment probationary status for the probation period required for the class.
- B. Career:
1. General: Employees attain career status through:
    - a. Successful completion of-the probationary period, and the training programs required by Rule 6 **EMPLOYEE TRAINING AND ORGANIZATIONAL DEVELOPMENT**; or
    - b. Re-instatement after lay-off.
  2. Promotion while on employment probation: An employee promoted while on employment probation shall attain career status in the former class upon satisfactory completion of the number of months required in that former class. In order to achieve career status in the class to which promoted, the employee shall serve the remaining probationary period required for that class in promotional probationary status.
- C. Promotional probationary: Every career status employee who receives a promotional appointment (including re-promotion) shall hold promotional probationary status for the full probationary period of the new class. A promotional probationary employee who transfers from career status to non-career status and back again shall have promotional probationary status as of the date immediately preceding the initial transfer.
- D. Non-career: Every person who is appointed to an on-call position shall hold non-career status for the duration of the appointment and shall not serve a probationary period.
- E. Trainee or intern probationary: Every person who is appointed to a trainee or intern position shall hold trainee or intern probationary status for the duration of the appointment, as required for the applicable trainee or intern classification specification. The Public Safety Cadet classification is considered a trainee classification under these rules.
- F. *Senior Command Staff: Every employee in a position in a classification in the Deputy Sheriff pay schedule who is appointed to a position in the Deputy Sheriff Major or Deputy Sheriff Division Chief classifications after May 31, 2014 shall hold Senior Command Staff status for the duration of the appointment and shall not serve a probationary period. However, such employee shall retain career status attained in his or her former classification and be entitled to return to a position in that classification when the employee's Senior Command Staff status ends.***

**5-66 Employees in Senior Command Staff Status**

**An employee in Senior Command Staff status retains the rights, privileges, and benefits the employee had by virtue of his or her status prior to the appointment, except that the employee:**

- A. May be returned to a position in his or her former classification at any time. Upon returning, the employee shall receive the same rate of pay he or she was receiving prior to his or her appointment to a position in the Deputy Sheriff Major or Deputy Sheriff Division Chief classifications (Senior Command Staff position), after taking into account the effect of any pay changes or classification changes to the employee's former position and classification that occurred during the period between the appointment and the return; and**
- B. May not grieve or appeal his or her removal from a Senior Command Staff position;**

**Employees who were appointed to Senior Command Staff positions prior to June 1, 2014 shall not be considered to have Senior Command Staff status.**

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**5-72 Appointments of Employees Who Are in the Career Service**  
(Effective May 4, 2007, Rule Revision Memo 18C)

- A. **Promotional appointment:** An appointment of an employee to a position in a classification in which the range minimum of the pay range for the new classification is higher than the range minimum of the pay range for the employee's current classification (Revised October 17, 2010; Rule Revision Memo 47C).
- B. **Promotional re-instatement appointment:** An appointment of an employee who has been demoted in lieu of lay-off which is made as a result of referral from a re-instatement list in accordance with Rule 3 **RECRUITMENT** (Effective January 20, 2012, Rule Revision Memo 57C).
- 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:
  - 1. Appointments that are promotional re-instatements are not re-promotions;
  - 2. In order to determine eligibility for re-promotion into a successor classification, the OHR Executive Director may, on a case-by-case basis, review the duties previously performed as well as classification and pay; and
  - 3. An employee who is re-promoted shall serve in a promotional probationary status.

D. Transfer appointment: An appointment of an employee from a position in one classification to a different position in a classification with the same range minimum:

1. In a different agency; or
2. In a different classification in the same agency.

(Revised October 17, 2010; Rule Revision Memo 47C)

E. Demotion appointment: An appointment of an employee to a position in a classification in which the range minimum of the pay range of the new classification is lower than the range minimum of the pay range of the classification previously held. However, this transaction shall not apply when an employee returns from promotional probation (Revised October 17, 2010; Rule Revision Memo 47C).

F. Return from promotional probation appointment: Change of a career status employee serving promotional probation to a position in the class from which promoted within the agency from which promoted (Effective December 3, 1981, Rule Revision Memo 25B).

G. End of training or internship probationary period:

1. The department or agency shall report to the 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 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 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 (Effective January 20, 2012; Rule Revision Memo 57C).

**H. *Senior command staff appointment: An appointment of an employee in a position in a classification in the Deputy Sheriff pay schedule to a position in the Deputy Sheriff Major or Deputy Sheriff Division Chief classifications after May 31, 2014.***

## Section 18-10 Definitions

For the purposes of the Career Service Rules (“Rules”), the following terms apply:

C. Grievance:

An issue raised by a Career Service employee relating to actions/inactions taken by the employee’s supervisor/manager that violate the employee’s rights under the Rules, the City Charter, ordinances relating to the Career Service, executive orders, or written agency policies. Notwithstanding the above definition, the following may not be grieved:

1. Issues for direct appeal (see Rule 19 **APPEALS**);
2. Complaints of discrimination, harassment or retaliation, because there is a separate process for an employee to follow to bring a complaint involving discrimination, harassment or retaliation (see Rule 15 **CODE OF CONDUCT**);
3. Verbal reprimands;
4. Any aspect of the Performance Enhancement Program other than an employee’s performance rating (Revised January 1, 2011; Rule Revision Memo 51C);
5. Bonus or incentive payments, or the lack thereof, or the criteria used by an agency or department to make or not make such payments, or any other aspect of the bonus or incentive program; ~~and~~
6. The mediation process; *and*
- 7. *The removal of an employee from Senior Command Staff status (as defined in Rule 5 APPOINTMENTS AND STATUS).***



Section 19-10 Actions Subject to Appeal  
(Revised October 2, 2007; Rule Revision Memo 22C)

- A. An employee who holds career status may appeal the following:
1. Direct Appeals: An employee or former employee must file an appeal directly with the Hearing Office in order to challenge the following action(s) of an appointing authority:
    - a. Dismissal;
    - b. Suspension or temporary reduction in pay;
    - c. Involuntary demotion with an attendant loss of pay. **However, the removal of an employee from Senior Command Staff status (as defined in Rule 5 APPOINTMENTS AND STATUS) is not considered an involuntary demotion and is not appealable;**
    - d. Disqualification;
    - e. Lay-off; or
    - f. A retaliatory adverse employment action, as defined by the City's "Whistleblower Protection" ordinance (attached as an appendix).

It is not necessary that a complaint be filed or an investigation be conducted prior to the filing of a direct appeal where it is alleged that the action being appealed involved discrimination, harassment or retaliation, or violation of the City's "Whistleblower Protection" ordinance.