

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. 506

A Career Service Board Public Hearing has been scheduled regarding the proposed combination of Career Service Rules 7 and 8 into Rule 7 **CLASSIFICATION AND COMPENSATION**.

The scheduled time for the public hearing is **THURSDAY, SEPTEMBER 3, 2015, 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 OHR staff regarding this notice, please contact:

Pete Garritt
HR Supervisor
Office of Human Resources
201 West Colfax, 4th Floor
Department 412
Denver, Colorado 80202

(720) 913-5671

Peter.Garritt@denvergov.org

Comments regarding this notice should be submitted no later than **12:00 noon on TUESDAY, SEPTEMBER 1, 2015**.

If anyone wishes to address the Board regarding this notice please contact Alisha Gronniger at (720) 913-5650 or at Alisha.Gronniger@denvergov.org no later than **12:00 noon on TUESDAY, SEPTEMBER 1, 2015** to get on the agenda.

PLEASE POST ON ALL BULLETIN BOARDS

AS SOON AS POSSIBLE

RULE PROPOSAL 441B

TO: Appointing Authorities, Managers, and Employees

FROM: Karen Niparko, OHR Executive Director

DATE: August 20, 2015

SUBJECT: Proposed combination of Career Service Rules 7 and 8 into Rule 7 CLASSIFICATION AND COMPENSATION

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

**THURSDAY, September 3, 2015, at 5:00 P.M.
Webb Building Room 4.G.2**

Here is a summary of this proposed rule change:

- **Combination of Rule 7 CLASSIFICATION and Rule 8 COMPENSATION into Rule 7 CLASSIFICATION AND COMPENSATION. These rules are administered by one unit of OHR, and related to each other enough that it makes sense to put them together in one rule.**
- **Removal of requirement that requests to audit employees into supervisory or managerial classifications not be considered until the employee has completed the supervisory training required by Rule 6 EMPLOYEE TRAINING AND ORGANIZATIONAL DEVELOPMENT.**
- **Minor revisions to terminology to make rules more consistent with current classification and compensation practices.**

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.

RULE 7
CLASSIFICATION AND COMPENSATION

Purpose Statement:

The purpose of this rule is to provide a process and create a framework to ensure like pay for like work within the City's merit-based personnel system through the use of a systematic method of individual or group classification reviews, **and to provide generally prevailing compensation to City employees.**

Section 7-10 Definitions

- A. Allocation: The formal process of assigning a new position to its proper classification on the basis of the duties to be performed and the responsibilities to be exercised.
- B. Audit: A fact-finding investigation of the work performed by the incumbent of a given position, including work processes, materials processed, actions taken, tools used, supervision exercised, and supervision received for the purpose of analyzing the kind and level of duties and responsibilities of the position.
- C. Benchmark classification: A classification within an occupational group for which external pay data can be readily collected.**
- ⊖ **D. Classification**: One or more positions so nearly alike in the essential character of their duties and responsibilities that the same pay grade, title and specification can be applied, and such that they can fairly and equitably be treated alike under like conditions for all other personnel purposes.
- ⊖ **E. Classification specification**: A written statement that sets forth the characteristic duties and responsibilities that distinguish a given classification from other classifications, and the minimum education, experience and licensure/certification requirements necessary for appointment to a position in that classification. Classification specifications are intended to provide a basic framework for recruitment, compensation, performance management and employee development. They also provide a means of determining the allocation of work, lines of authority, and other relationships between positions.
- ≡ **F. Classification title**: The designation of a classification which becomes the official title of all positions allocated to that classification.
- ≡ **G. Classification and pay plan**: A list of classification titles and attendant pay rates covering all classifications in the Career Service and all classifications not in the Career Service except Charter officers, the ranks of the classified service in the Police and Fire Departments, Deputy Sheriffs, Deputy Sheriff Majors, Deputy Sheriff Division Chiefs, and the Undersheriff.
- H. Market survey: The collection, analysis and reporting of external pay data for a number of benchmark classifications.**

- I. Occupational groups: Groupings of classifications that are so similar in the nature of the work performed that the same pay survey adjustments can be applied.
- J. Pay survey adjustment: A change in the pay structure resulting from a market survey.
- K. Pay grades: Identifying numbers for pay ranges within a pay schedule.
- L. Pay ranges: The range of pay in a pay grade beginning at the range minimum and extending to the range maximum of the pay grade.
- M. Pay schedules: A pay schedule is a listing of the pay grades, and the corresponding pay ranges.
- ↻ N. Position: The aggregate composition of duties and responsibilities performed by one employee.
- ≡ O. Provisional classification: A proposed change to the classification and pay plan that results in a new classification or changed pay rate for an existing classification that has been approved by the Career Service Board (“Board”) but not by the City Council. Provisional classifications may be utilized without City Council approval for up to six months after the effective date of the Board approval or until the City Council disapproves the proposed change.
- ‡ P. Re-allocation: The formal process of assigning an existing position to its proper classification on the basis of the predominant duties performed and the responsibilities exercised.
- ⚡ Q. Working title: The business title of a position, which may differ from the classification title, used in a given agency for operating purposes, or by the Office of Human Resources (“OHR”) for recruiting purposes.

Section 7-20 Classification and Pay Plan

The 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 OHR Executive 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 OHR Executive Director shall be approved, modified or rejected by the Board after a public hearing as provided in Rule 2 **OFFICE OF HUMAN RESOURCES**.
- C. Any changes to the classification and pay plan require submission to the City Council for approval.

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 OHR Executive Director without a public hearing before the Board.

Section 7-30 Classification of Positions

7-31 Responsibility for the Establishment of Positions and Assignment of Duties

Appointing authorities may initiate the creation of new positions and have the responsibility to assign duties to such positions. Appointing authorities may also change duties that are assigned to positions under their authority regardless of whether those positions are filled or vacant. Duty assignments may be temporary or regular, incidental or essential, and may include changes in location of work and changes in equipment and tools.

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 OHR on the basis of the ~~essential~~ **predominant** 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

- A. When the duties of an existing position are changed to the extent that the position is more similar to positions in other classifications than to positions in its ~~own~~ **current** classification, the position should be re-allocated to a more appropriate classification in accordance with this Rule 7.
- B. In order to maintain the classification and pay plan, the OHR may re-allocate:
 - 1. Vacant positions on the basis of the essential duties of the position; and
 - 2. Filled positions by conducting audits or maintenance studies.

7-34 Audits

- A. An appointing authority may submit a request for, or the OHR may initiate, an audit of a filled position to determine if it is correctly classified, when there has been:
 - 1. A significant change in the type or level of duties and responsibilities;
 - 2. A re-organization affecting a number of employees, which may involve significant additions of new equipment, or substantial changes in methods or procedures; or
 - 3. A maintenance study resulting in changed classification specifications.

- B. Appointing authorities are encouraged to submit audit requests to the OHR as soon as possible after the duties of a position have been permanently changed. Requests must be made using the OHR Request for Classification Consideration form.
- C. When an appointing authority requests re-allocation of a position to a supervisory or managerial classification ~~(as described in Appendix A to Rule 6 **EMPLOYEE TRAINING AND ORGANIZATIONAL DEVELOPMENT**)~~ from a classification that is not a supervisory or managerial classification:
1. The appointing authority shall provide a list of the position numbers, classification titles, and names of subordinate staff; and
 2. The audit request will not be accepted by the 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.

~~(Revised January 22, 2010; Rule Revision Memo 45C)~~

- D. Audit requests will not be granted in the following situations:
1. For limited positions that are not budgeted or not anticipated to be budgeted past the fiscal year in which the audit was requested;
 2. For on-call positions, unless re-allocation responsibility has been delegated to the appointing authority under the Progressive Classification Series Program;
 3. When there is a vacant position in the incumbent's work unit which is in the classification to which the audit request seeks to re-allocate the incumbent's position;
 4. For any positions currently included in a maintenance study;
 5. As an alternative to promotion; or
 6. As a substitute for disciplinary procedure.
- 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 OHR. The OHR may choose to initiate an audit or maintenance study if warranted under this Rule 7.
- F. Progressive Classification Series Program:
1. A progressive classification series consists of ~~entry, developmental and full performance level~~ classifications where the levels of the duties are different, but the types of duties and nature of the work are the same.

2. Under the progressive classification series program, re-allocation responsibility is delegated by 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 the OHR. These criteria shall be reflected in the Progressive Classification Series Re-allocation Form developed by appointing authorities and the OHR for each classification in a progressive classification series. This form will be used to process re-allocations under this program.
4. 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. 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.
- B. When an appointing authority creates a new position or changes the duties assigned to an existing position ~~in connection with a re-organization~~, those positions shall be allocated or re-allocated to the appropriate classification simultaneously with the implementation of the ***maintenance study*** ~~re-organization~~ whenever possible.

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 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.
- B. An incumbent with career status who has been found eligible to remain in the re-allocated position shall acquire career status in the new classification as of the effective date of the re-allocation. If the incumbent has probationary status, the employee shall complete the remainder of such probationary period before attaining career status in the new classification.

7-37 Effective Dates

- A. If it is determined, as a result of an audit or maintenance study, that changes to the classification and pay plan are necessary, the effective date of any resulting changes to the classification and pay plan shall be the beginning of the first work week following approval by the Mayor or by the City Council over the Mayor's veto. Provisional classifications resulting from changes to the classification and pay plan may be used upon approval by the Board, but use for longer than six months is contingent upon City Council approval (~~Revised February 22, 2013; Rule Revision Memo 4D~~).
- 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 OHR.
- C. If a position is to be re-allocated under the progressive classification series program, the effective date shall be the beginning of the first work week following the date of the appointing authority's signature on the Progressive Classification Series Re-allocation Form.

Section 7-40 Requests for Administrative Review

An appointing authority may ask the 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 OHR Executive Director or designee shall review the decision and provide a written response to the appointing authority.

~~RULE 8~~ **~~COMPENSATION~~**

~~(Effective January 1, 2006; Rule Revision Memo 2G;
Revised July 1, 2009; Rule Revision Memo 38C)~~

~~Section 8-10 Definitions~~

- ~~A. **Benchmark classification:** A classification that is representative of several classifications within an occupational group for which external pay data can be readily collected.~~
- ~~B. **Classification:** One or more positions so nearly alike in the essential character of their duties and responsibilities that the same pay grade, title and specification can be applied, and such that they can fairly and equitably be treated alike under like conditions for all other personnel purposes.~~
- ~~C. **Market survey:** The collection, analysis and reporting of external pay data for a number of benchmark classifications.~~
- ~~D. **Occupational groups:** Groupings of classifications that are so similar in the nature of the work performed that the same pay survey adjustments can be applied.~~

~~E. Pay survey adjustment: A pay survey adjustment is a change in the pay structure resulting from a comparison with the pay prevailing in the Denver Metropolitan Area.~~

~~F. Pay grades: Identifying numbers for pay ranges within a pay schedule.~~

~~G. Pay ranges: The range of pay in a pay grade beginning at the range minimum and going to the range maximum of the pay grade. A pay range is assigned to a classification by the classification and pay ordinance (Revised October 17, 2010; Rule Revision Memo 47C).~~

~~H. Pay schedules: A pay schedule is a listing of the pay grades, and the corresponding pay ranges (Revised October 17, 2010; Rule Revision Memo 47C).~~

Section ~~8-20~~ 7-50 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 Office of Human Resources ("OHR") will:

- A. Perform market surveys to ensure the City's external market competitiveness;
- B. Provide like pay for like work within classifications; and
- C. Utilize pay for performance plans.

Section ~~8-30~~ 7-60 Establishing and Maintaining Pay Schedules

- A. The OHR shall establish the following pay schedules in order to facilitate the City's compensation policy:
 - 1. Non-exempt salary schedules: applicable to those classifications not exempt from overtime pursuant to the provisions of the Fair Labor Standards Act (FLSA);
 - 2. Community rate schedules: applicable to classifications in the sports and entertainment field which do not have traditional year-round or seasonal schedules. These classifications are non-exempt under the FLSA;
 - 3. Short-range schedules: applicable to certain classifications comprised solely of on-call positions used on a seasonal basis. All classifications in the short range schedule are non-exempt under the FLSA;
 - 4. Training ~~ee~~ and intern schedules: applicable to trainee or intern classifications included in the Trainee Program. These are single rate classifications that do not have ranges. ~~The FLSA exemption varies according to the type of work performed;~~ and
 - 5. Exempt salary schedules: applicable to those classifications exempted from overtime under the FLSA.

- B. Each occupational group shall have one or more of these pay schedules assigned to it as appropriate.
- C. Classifications shall be assigned to a pay grade within the appropriate pay schedule.

Section ~~8-40~~ 7-70 Pay and Benefit Survey Process

~~8-41~~ 7-71 Establishing Pay for Classifications

- A. The pay for a classification shall be set at generally prevailing rates of pay for comparable jobs ~~in the Denver Metropolitan Area~~ using the market survey process described below.
- B. 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 this 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 the OHR (see Appendix).

~~8-42~~ 7-72 Market Surveys

In order to provide generally prevailing compensation to employees, 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.

- A. Benchmark classifications shall be identified in each occupational group. Market data shall be used to analyze these classifications in order to determine what pay survey adjustments, if any, should be recommended.
- B. The local market shall be defined as the “Denver Metropolitan Area” which includes Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson counties.
- C. The use of other geographical area data will be determined on a case-by-case basis for a classification. When other geographic areas are selected to be used in a survey, several factors are considered such as, but not limited to, the market where such jobs are recruited for, comparable organizations, populations and cost of living factors.
- D. Whenever salary and related information is furnished to the OHR on the condition that such material remains confidential, the individual pay data ~~by organization~~ in such surveys shall not be disclosed.
- E. The OHR shall establish written criteria for selecting surveys, which must be published and followed. Before changing the criteria for selecting surveys, the OHR must inform the Board at a public meeting (see Appendix).

~~8-43~~ **7-73** Implementation of Pay Survey Recommendations

- A. In accordance with Rule 2, the Career Service Board (“Board”) shall hold a public hearing to determine whether to accept, reject, or modify the pay survey recommendations.
- B. The Board provides their recommendations to the Mayor and City Council as required by ordinance.
- C. City Council and the Mayor may accept, reject, or modify the recommendations.
- D. The OHR shall implement the pay survey adjustments as approved by City Council and the Mayor and as provided in the DRMC.

~~8-44~~ **7-74** Employee Benefits

- A. Upon request of the Mayor, City Council, or the Board, the OHR Executive 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 OHR Executive Director making any recommendations to the Mayor and City Council.

APPENDIX ~~8~~ 7.A.

**OHR PRACTICES FOR DETERMINING INTERNAL RELATIONSHIP COMPARISONS
BETWEEN CITY AND COUNTY OF DENVER JOB CLASSIFICATIONS
(REFERRED TO IN RULE ~~8-44~~ 7-71 C.)**

These comparisons will include, but not be limited to items such as the:

1. Duties and responsibilities of the job;
2. Level of decision making;
3. Level of supervision exercised and received;
4. Level of difficulty;
5. Minimum qualifications.

This Appendix is provided for informational purposes and is not considered a part of the Rules.

APPENDIX ~~8~~ 7.B.

CRITERIA FOR SELECTING MARKET SURVEYS (REFERRED TO IN RULE ~~8-42~~ 7-72 E.)

The following criteria shall be used to select published surveys:

1. The survey should provide written documentation of the methodology used to select the sample of the organizations surveyed; match the type of work performed; and collect, analyze, and report the data.
2. The methodology outlined should meet professionally accepted compensation standards.
3. The survey should provide written documentation showing that only organizations meeting criteria established in these rules were surveyed.
4. The survey should provide a list of the organizations surveyed.
5. The survey must provide descriptions of work in sufficient detail to ensure comparable jobs are being matched.
6. The survey must provide an effective date for all data reported.
7. The survey should provide rate structure data, actual rates of pay by quartile, median, and/or weighted average; and the number of organizations and rates the results represent.
8. The number of firms surveyed must provide a large enough sample to be considered representative of the generally prevailing wage.

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., the OHR must inform the Board at a public meeting.

RELATED RULES

2-11 Officers and Duties

- B. The Board is responsible for adopting, administering and enforcing rules necessary to foster and maintain this merit-based personnel system including, but not limited to rules providing:
4. For like pay for like work ~~and (Rule 7 **CLASSIFICATION**);~~
 - ~~5.~~ for the payment of generally prevailing compensation and benefits to Career Service employees (Rule ~~7~~ **CLASSIFICATION AND COMPENSATION**);
 - ~~5~~ **6**. For 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 (Rule 15 **CODE OF CONDUCT**);
 - ~~6~~ **7**. That dismissals, suspensions or disciplinary demotions of non-probationary employees in the Career Service shall be made only for cause, including the good of the service (Rule 16 **DISCIPLINE AND DISMISSAL**);
 - ~~7~~ **8**. For grievance procedures (Rule 18 **DISPUTE RESOLUTION**); and
 - ~~8~~ **9**. For appeals from actions of appointing authorities (Rule 19 **APPEALS**).

9-35 Re-allocation

- C. When a classification is changed to a different occupational group, pay grade, and/or pay range as the result of a re-allocation as described in Rule 7 **CLASSIFICATION AND COMPENSATION**, the pay for employees in that classification shall remain the same as it was before the re-allocation. In no event shall an employee receive less than the range minimum of the pay range of the new classification.