

**PLEASE POST ON ALL BULLETIN BOARDS AS SOON AS POSSIBLE**

Public Hearing Notice - No. 529

A Career Service Board Public Hearing has been scheduled regarding proposed revisions to the Career Service leave rules.

The scheduled time for the public hearing is **THURSDAY, October 6, 2016, 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:

Dani Brown  
Office of Human Resources 201 West Colfax, 4th Floor Dept 412  
Denver, Colorado 80202  
(720) 857-9843  
[Danielle.Brown@denvergov.org](mailto:Danielle.Brown@denvergov.org)

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.

Comments regarding this notice should be submitted no later than 12:00 noon on **MONDAY, OCTOBER 3, 2016.**

If anyone wishes to address the Board regarding this notice please contact Alisha Gronniger at (720) 913-5650 or at [Alisha.Gronniger@denvergov.org](mailto:Alisha.Gronniger@denvergov.org) no later than 12:00 noon on **MONDAY, OCTOBER 3, 2016** to get on the agenda.

You are encouraged to submit written comments regarding the subject matter of your testimony at this time so that the Board has time to adequately consider your input.

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016

**PLEASE POST ON ALL BULLETIN BOARDS  
AS SOON AS POSSIBLE**

**RULE PROPOSAL 449B**

**TO: Appointing Authorities, Managers, and Employees**  
**FROM: Karen Niparko, OHR Executive Director**  
**DATE: September 22, 2016**  
**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, October 6, 2016, at 5:00 P.M.**  
**Webb Municipal Building Room 4.G.2**

The Career Service Rules review project continues to make progress. The project updates the rules, removes duplication and redundancies, clarifies the meaning of current language, and consolidates rules wherever possible. The following information provides an update on the most recent rules change proposal.

OHR is currently proposing revisions to Career Service Rule 2 **OFFICE OF HUMAN RESOURCES**

A public hearing has been scheduled before the Career Service Board on October 6, 2016 to consider this proposal and hear public comments about the proposed revisions.

Please refer to the following table for information on the former rule description, the revised rule description and the intended impact of the revisions to Rule 2.

<b>Rule 2 – Office of Human Resources</b>			
<b>CURRENT RULE</b>	<b>REVISED RULE</b>	<b>NEW RULE NUMBER</b>	<b>REVISION INTENTION &amp; IMPACT</b>
Title of Rule 2 is currently <i>OFFICE OF HUMAN RESOURCES</i>	Change title of Rule 2 to <i>CAREER SERVICE BOARD</i>		The new title is a better description of the content of the rule since its purpose is to establish how the Board carries out its duties.

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
<p>Details the types of discrimination that the Board shall adopt, administer, and enforce in its rules.</p>	<p>Rather than detail each type of discrimination, the new rule would state, "For equal employment opportunity without regard to any status protected by federal, state or local laws."</p>	<p>2-11 B. 5.</p>	<p>Since federal, state, and local laws change relatively frequently, broadening the description ensures that all types of discrimination will be covered, even when changes take place in these laws. This Rule 2 also references Rule 16 CODE OF CONDUCT AND DISCIPLINE which lists the protected statuses (see 16-22).</p>
<p>Board minutes, correspondence, records, and files will be kept in accordance with state and local records retention requirements. OHR Executive Director is the official custodian of these documents.</p>	<p>Retains OHR Executive Director's responsibility as the official custodian of these documents and removes the reference to retention requirements.</p>	<p>2-11 D.</p>	<p>Records retention requirements are both a citywide policy and process, so there is no need to specifically state that in this Rule 2.</p>

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
<p>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 OHR Executive Director deems it necessary.</p>	<p>States that the OHR Executive Director SHALL call special meetings of the Board.</p>	<p>2-12 A. 2.</p>	<p>Makes clear that the OHR Executive Director is expected to follow through with a Board directive.</p>
<p>The presence of at least three Board members shall be required at a Board meeting before the Board can transact business legally.</p>	<p>The presence of at least three Board members shall be required at a Board meeting before a quorum exists and the Board can transact business legally.</p>	<p>2-12 B.</p>	<p>Clarifies that at least three Board members must be present to create a quorum and to transact business legally.</p>
<p>Requires notices of the Board's public meetings to be posted in the public area of the OHR and on a bulletin board provided for such notices on the first floor of the City and County Building.</p>	<p>Adds that these public notices must also be posted on the Career Service Board's internet page.</p>	<p>2-12 C. 2. and 2-32 A. 2.</p>	<p>Provides greater opportunities for awareness and transparency. (Note: This process is followed currently; the change is a formality that makes it a requirement in the Rules.)</p>

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
<p>A Board member must disqualify him/herself when there is a personal bias or prejudice, served as a witness or attorney in the matter, is likely to be a material witness in the matter, or “has a pecuniary or non-pecuniary interest that could be substantially affected by the outcome of the proceeding.”</p>	<p>Replaces pecuniary or non-pecuniary with “any.”</p>	<p>2-12 D. 1. d.</p>	<p>“Pecuniary” is a word that is rarely used and most people don’t know its meaning. Replacing “pecuniary or non-pecuniary” with “any” makes the sentence easier to understand and does not change its meaning.</p>
<p>The Board or its designee may, at its discretion or as requested by any City department or agency, conduct personnel–related investigations.</p>	<p>The Board or its designee may, at its discretion or as requested by any City department or agency, retain a qualified investigator to conduct personnel–related investigations.</p>	<p>2-15</p>	<p>The City Attorney’s Office has experienced situations throughout the City when an investigation is conducted by a non-qualified individual which has led to unnecessary legal challenges.</p>
<p>The OHR Executive Director <del>shall</del> <u>may</u> 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.</p>	<p>Changes “shall” to “may.”</p>	<p>2-20 B. 1.</p>	<p>Currently, this is not always done and it is not always necessary.</p>

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
<p>Proposed rule changes 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 change shall be posted with the proposed rule change.</p>	<p>Adds the requirement that proposed Rules changes will be posted on the Board’s web page and that the proposed change contains the reason(s) for the proposed change. Removes the general reference to “bulletin boards.”</p>	<p>2-20 B. 2.</p>	<p>Provides greater opportunity for transparency and awareness of proposed Rules changes. (Note: These processes are followed currently; the change is a formality that makes them a requirement in the Rules.)</p> <p>It is unclear which “bulletin boards” are being referenced in the current rule. In addition, specific bulletin boards are already referenced for postings in Rule 2-12 C. 2.</p>
<p>A final proposed rule change, incorporating comments received during the public comment period which are deemed appropriate by the OHR Executive Director shall be posted with the Board Agenda for the meeting in which the public hearing will be held.</p>	<p>Removes “incorporating comments received during the public comment period which are deemed appropriate by the OHR Executive Director” from the sentence.</p>	<p>2-20 B. 3.</p>	<p>The OHR Director currently incorporates appropriate feedback as a natural part of the public process and is therefore unnecessary to place in the rule.</p>

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
<p>When the subject of a hearing is a proposed pay plan adjustment or a proposed rule change, 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.</p>	<p>Removes “or facsimile” from the sentence.</p>	<p>2-32 B. 2.</p>	<p>Facsimile’s are rarely, if ever, used for this purpose. Removing “or facsimile” does not change the meaning of the sentence, and it modernizes current language.</p>
<p>Proceedings of a mandatory hearing shall be recorded and retained for a period of six (6) years, but need not be transcribed unless required in litigation. If a transcript is required, the party requesting the transcript shall pay the costs.</p>	<p>Removes the 6 year records retention requirement.</p>	<p>2-32 C. 2.</p>	<p>Records retention requirements are both a citywide policy and process, so there is no need to specifically state that in this Rule 2.</p>
<p>Board hearings may be continued for good and sufficient cause.</p>	<p>Removes “and sufficient” from the sentence.</p>	<p>2-32 C. 3.</p>	<p>No standard exists as to what “and sufficient” means in this context, so removing it does not change its meaning.</p>

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
States that one of the OHR executive Director's powers and duties consist of preparing and holding examinations, pass upon qualifications of applicants, establishing eligible lists and referring eligible applicants to appointing authorities to fill vacancies.	Changes "pass upon" to "determine" and "hold" to "administer."	2-40 A. 2.	Clarifies the meaning of this responsibility of the OHR Executive Director.
Another of the OHR Executive Director's responsibilities is to establish and maintain such records, forms and procedures as necessary to control personnel transactions.	Changes "transactions" to "actions."	2-40 A. 4.	"Personnel actions" is a term that is commonly used and therefore more easily understood.
Yet another responsibility of the OHR Executive Director is to administer the Tuition Refund Program in accordance with the Denver Revised Municipal Code.	Changes "Tuition" to "Education."	2-40 A. 7.	An ordinance enacted by City Council changed the name of the Program from "Tuition" to "Education." Though the Program is currently unfunded, it is recommended that this language be retained in Rule 2 since the program itself still exists in ordinance.

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016



CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
Describes the responsibilities of the Board and OHR Executive Director when the OHR Executive Director is absent for extended periods of time.	Changes the term “acting” to “interim.”	2-40 C.	Modernizes the current language.
None	Adds language describing the powers and duties of the Career Service Hearing Officers.	2-50	This rule describes the duties and organization of the Board and the duties and powers of the OHR Executive Director but omits duties of the Hearing Officers. Since both the OHR Executive Director and the Hearing Officers are appointees of the Board, it makes sense to add their duties to this Rule 2.
Appendix 2.A. contains language from the City Charter referencing the Career Service personnel system, and Appendix 2.B. contains language from the Denver Revised Municipal Code.	Removes this language from the Rule.		City Charter and Ordinance language is referenced in the purpose of this Rule 2, so the reader is aware of its existence, making duplication in this Rule 2 unnecessary.

**ATTACHED BELOW YOU WILL FIND:  
Rule 2 – strikethrough version**

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016

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

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 Alisha Gronniger at (720) 913-5650 or at [Alisha.Gronniger@denvergov.org](mailto:Alisha.Gronniger@denvergov.org).

**RULE 2**  
**OFFICE OF HUMAN RESOURCES CAREER SERVICE BOARD**  
(Effective December 23, 2005; Rule Revision Memo 1C)

Purpose statement:

The purpose of this rule is to establish how the Career Service Board (“Board”) will carry out its duties **as** provided for under the authority of the City Charter **§ 9.1.1** and **Chapter 18 of** the Denver Revised Municipal Code.

Section 2-10 Career Service Board

2-11 Officers and Duties

A. Duties and Organization of the Board:

1. The five-member Board shall foster and maintain a merit-based personnel system for the Career Service and shall be committed to equal employment opportunity in accordance with the City Charter and the Denver Revised Municipal Code. The Board shall carry out all other duties delegated by the Denver Revised Municipal Code or ordinance.
2. The Board’s primary functions are to oversee the Office of Human Resources (“OHR”), 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”).
3. The Board shall have two Co-Chairpersons who shall be elected on an annual basis from the members of the Board.

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:

1. For the conduct of competitive examinations of competence (Rule 3 **RECRUITMENT**);
2. That appointments and promotions of employees in the Career Service shall be made on the basis of merit and ability (Rule 3 **RECRUITMENT**);
3. For probationary periods (Rule 5 **APPOINTMENTS AND STATUS**);
4. For like pay for like work and for the payment of generally prevailing compensation and benefits to Career Service employees (Rule 7 **CLASSIFICATION AND COMPENSATION**);
5. 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

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016

by federal, state or local laws (Rule 16 **CODE OF CONDUCT AND DISCIPLINE**);

6. 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 **CODE OF CONDUCT AND DISCIPLINE**);
7. For grievance procedures (Rule 18 **DISPUTE RESOLUTION**); and
8. For appeals from actions of appointing authorities (Rule 19 **APPEALS**). (Revised February 12, 2016; Rule Revision Memo 18D)

C. Duties of the Co-Chairpersons:

1. One of the Co-Chairpersons shall preside at all meetings of the Board and each Co-Chairperson shall perform such other duties as may be assigned or delegated by the Board, but shall have no authority to act on behalf of the Board or in its name in any respect whatever except by special authorization of the Board. Such authorization shall be entered in the minutes of the Board meeting ~~where~~ **when** such authorization ~~was~~ **is** given.
2. The Co-Chairpersons may vote on all questions before the Board.
3. The Board shall designate, at its discretion, which Co-Chairperson shall have primary responsibility for presiding at Board meetings. In the absence of the Co-Chairperson assigned to preside, the other Co-Chairperson shall preside.
4. If neither Co-Chairperson is present, the remaining members of the Board shall designate a Chairperson pro tem.

D. Minutes and Record- Keeping:

- ~~1. The minutes of all meetings of the Board, and all correspondence, documents and files relating to the business of the Board shall be kept in accordance with applicable state and local records retention requirements.~~
- 2 **1.** The OHR Executive Director shall be the official custodian of all such **Board minutes**, correspondence, documents and files.

E. Appointments:

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

## 2-12 Meetings **Requirements**

### A. Meetings:

1. The Board shall meet on the first and third Thursdays of the month, or as deemed necessary by the Board.
2. ~~In addition, the~~ **The** OHR Executive Director ~~may~~ **shall** 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 OHR Executive Director deems it necessary.
3. All meetings shall be public in accordance with the open meetings requirements of the Denver Revised Municipal Code, unless an executive session or private meeting is otherwise authorized.

### B. Quorum:

The presence of at least three Board members shall be required at a Board meeting before **a quorum exists and** the Board can transact business legally. No action or order of the Board shall be valid unless ~~concurred in by~~ at least three members of the Board **concur**. Board members shall be considered present at a Board meeting if physically present at the meeting, or if participating remotely to the extent that the Board member can hear Board proceedings and be heard by those at the Board meeting simultaneously.

### C. Notice:

1. Advance notice of all public meetings of the Board shall be given in accordance with the open meetings requirements of the Denver Revised Municipal Code. Such notice shall be posted at least forty-eight (48) hours in advance of such meetings.
2. Such notice shall be posted in the public area of the OHR, ~~and on a~~ bulletin board provided for such notices on the first floor of the City and County Building, **and on the Career Service Board's internet page**.
3. The notice shall include the date, time and place of the meeting and a general description of the subject or subjects to be discussed. No subjects other than those specified in the notice may be addressed.
4. The Board may cancel any meeting without notice if there is insufficient business to warrant a meeting, or if there is the absence of a quorum.

D. Disqualification of a Board Member:

1. Members of the Board shall disqualify themselves in any proceeding in which the Board member's impartiality might be reasonably questioned, including but not limited to, instances where the Board member:
  - a. Has a personal bias or prejudice concerning a party, or personal knowledge of disputed facts concerning the matter;
  - b. Served as an attorney or witness in the matter;
  - c. Is likely to be a material witness in the matter; or
  - d. Has a ~~pecuniary or non-pecuniary~~ **any** interest that could be substantially affected by the outcome of the proceeding.
2. Members of the Board may disqualify themselves at any time for any other good ~~reason~~ **cause**.

2-13 Communications with the Board

- A. Written communications and requests to the Board shall be directed to the OHR Executive Director or to one of the Co-Chairpersons.
- B. Such written communications or requests shall be provided to all members of the Board.
- C. If any action is taken as a result of a written communication to the Board, notice of such action shall be given **to** the individual **and/or** agency concerned.
- D. Verbal communications to the Board will be allowed during scheduled meetings of the Board or as otherwise directed by the Board.

2-14 Pilot Programs

The Board may authorize the 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.

2-15 Investigations by the Board

The Board or its designee may, at its discretion or as requested by any City department or agency, **retain a qualified investigator to** conduct personnel-related investigations. The Board has the authority under the City Charter to issue subpoenas as may be necessary to conduct an investigation.–

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 OHR Executive Director or one of the Board Co-Chairpersons.
- B. When the Board or the OHR Executive Director ~~considers~~ **determines** that a change in the Rules is necessary or desirable, the procedure shall be as follows:
1. The OHR Executive Director ~~shall~~ **may** 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.
  2. The proposed rule change shall be posted on ~~bulletin boards~~ **the Career Service Board's internet page**, and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule change **and the reason(s) for the proposed change** shall be posted with the proposed rule change.
  3. A final proposed rule change, ~~incorporating comments received during the public comment period which are deemed appropriate by the OHR Executive Director~~ shall be posted with the Board Agenda for the meeting in which the public hearing will be held.
  4. A public hearing on the proposed rule change shall be held by the Board.
  5. The Board shall ~~then~~ accept, reject or modify the proposed rule change. If the Board modifies a proposed rule change, the Board need not re-post the rule for public comment unless the Board, in its own discretion, determines that reposting is necessary.
  6. When a rule is adopted, amended or repealed by the Board, such rule shall be **published and** made available to appointing authorities, employees and the public as promptly as possible.
  7. The effective date of the rule change shall not be more than thirty (30) days after the date of adoption, amendment or repeal by the Board unless another date is designated by the Board.
  8. The following changes to the Rules may be made by the 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.

## Section 2-30 Public Hearings by the Board

### 2-31 Types of Public Hearings

- A. Mandatory Public Hearings: The Board shall hold a public hearing on the following:
1. Proposed changes to classification titles and/or attendant pay rates covered by the classification and pay plan resulting from:
    - a. Annual pay survey recommendations; or
    - b. Normal maintenance and administration of the classification and pay plan and **related** classifications ~~attendant to it~~ (Effective May 3, 2006; Rule Revision Memo 8C).
  2. Proposed changes to employee benefits prior to the OHR Executive Director making any recommendations to the Mayor and City Council as provided in the Denver Revised Municipal Code;
  3. Adoption, amendment or repeal of a fund consolidation or de-consolidation for lay-off purposes;
  4. Determination of prevailing wages, in accordance with the Denver Revised Municipal Code;
  5. Adoption, amendment or repeal of a rule, except for changes that are administrative.
- B. Discretionary Public hearings: The Board may hold a public hearing, at its discretion, on any matter within the jurisdiction of the Board.

### 2-32 Notice and Conduct

- A. Notice of Hearings:
1. Notice of public hearings by the Board shall be given at least thirteen (13) calendar days in advance of the hearing, and shall state the time, date, place, and subject of the hearing, who may be heard, and **the process** ~~how to arrange to be heard~~.
  2. Such notice shall be posted in the public area of the OHR, ~~and on a bulletin board provided for such notices on the first floor of the City and County Building,~~ **and on the Board's internet page.**



B. Special Additional Notice Requirements:

1. When the subject of a hearing is proposed fund consolidations or de-consolidations for purposes of lay-off, the department or agency affected by the proposed consolidation or de-consolidation shall post the notices in such locations that employees affected by the consolidation or de-consolidation shall be given reasonable notice of the time, date, place and subject of the hearing.
2. When the subject of a hearing is a proposed pay plan adjustment or a proposed rule change, 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.–

C. Conduct of Hearings by the Board:

1. Persons wishing to speak at a hearing shall have their names placed on the agenda in advance of the hearing. The Board, in its discretion, may, at any time, admit more speakers preceding or during the hearing. The Board may, in its discretion, place reasonable limitations on the hearing.
2. Proceedings of a mandatory hearing shall be recorded and retained for a period of six (6) years, but need not be transcribed unless required in litigation. If a transcript is required, the party requesting the transcript shall pay the costs.
3. ~~In~~ **At** the discretion of the Board, hearings may be continued for good and sufficient cause.

Section 2-40 OHR Executive Director

A. Powers and Duties:

The 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 OHR Executive Director's powers and duties are:

1. To interpret and enforce the Rules adopted by the Board in such a manner as to promote and maintain the principles of a merit-based personnel system and the just, speedy and effective resolution of disputes (Revised January 22, 2010; Rule Revision Memo 44C);
2. To prepare and hold **administer** examinations, ~~pass upon~~ **determine** qualifications of applicants, establish eligible lists and refer eligible applicants to appointing authorities to fill vacancies;
3. To establish and maintain a roster of all Career Service employees;

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016

4. To establish and maintain such records, forms and procedures as necessary to control personnel transactions ~~actions~~ **actions**;
5. To consider **reasonable** suggestions from appointing authorities, the public, and employees or their representatives, pertaining to any phase of the personnel program;
6. To delegate to a designee such duties as, in his/her opinion are appropriate, unless otherwise specifically provided in these rules;
7. To administer the ~~Tuition~~ **Education** Refund Program in accordance with the Denver Revised Municipal Code; and
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 OHR.

B. Normal Working Hours:

The OHR Executive Director shall keep 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 ~~Interim~~ OHR Executive Director:

1. When the OHR Executive Director is going to be absent for sixty (60) days or less, the OHR Executive Director shall designate a suitable and competent person as ~~acting~~ **interim** 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~~ **interim** OHR Executive Director.

**Section 2-50 Career Service Hearing Officers**

**A. Powers and Duties:**

**Career Service Hearing Officers serve at the pleasure of the Board, report directly to the Board, and perform all duties and responsibilities including those contained in the Rules, and as delegated by City Charter, to maintain a fair and efficient appeal process. In addition, the Hearing Officers' powers and duties are:**

- 1. To ensure due process and to have authority to preside over all appeals permitted by Rule 19 regarding employment disputes, and to perform the functions necessary to implement and maintain a fair, speedy, and efficient process for appeals.**

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016

a. Hear and evaluate testimony under oath or affirmation to determine case facts and maintain order and decorum, dispose of objections expressed, permit questioning and cross-examination of witnesses.

b. Make rulings on motions; hold pre-hearing conferences; set hearing dates; grant continuances or stays; issue subpoenas; administer oaths; continue, dismiss, or rule on cases subject to appeal; research case law; render written decisions and orders; and related activities.

c. Take necessary action to control proceedings.

2. To administer the Alternative Dispute Resolution Program.

**APPENDIX 2.A.**

**RELEVANT PROVISIONS FROM THE CITY CHARTER, ARTICLE IX, EMPLOYMENT, PART 1, CAREER SERVICE**

~~§ 9.1.1 Career Service personnel system.~~

~~A.—— There shall be and is hereby created a Career Service personnel system, which shall be directed by a Career Service Board of five members appointed by the Mayor and confirmed by the City Council for staggered terms fixed by ordinance.—— The Board shall, pursuant to its own rulemaking procedures, adopt, administer and enforce rules necessary to foster and maintain a merit based personnel system according to the principles set forth in this Part 1, including but not limited to rules concerning the conduct of competitive examinations of competence, probationary periods, grievance procedures, and appeals from actions of appointing authorities to the Board and any hearing officers appointed by the Board.—— The Board and any hearing officers appointed by the Board shall have the power to issue subpoenas.—— The Board shall perform such other duties in relation to the Career Service personnel system as may be assigned by ordinance consistent with this Charter.——~~

~~B.—— All appointments and promotions of employees in the Career Service shall be made solely on the basis of merit and ability.—— 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.—— The Career Service personnel system shall provide for equal employment opportunity without regard to race, color, creed, national origin, gender, sexual orientation, age, disability, or political affiliation or any other status protected by federal, state or local laws.——~~

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

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016

**APPENDIX 2.B.**

**RELEVANT PROVISIONS FROM THE DENVER REVISED MUNICIPAL CODE,  
CHAPTER 18, EMPLOYEE AND OFFICER BENEFITS, ARTICLE I, OFFICE OF  
HUMAN RESOURCES**

**Sec. 18-1. ~~Office of Human Resources created.~~**

~~There shall be and hereby is created an Office of Human Resources which shall be the central human resources agency for City employees in the Career Service personnel system. The Office of Human Resources shall be directed by the Career Service Board and the Office of Human Resources Executive Director, exercising the powers and duties set forth in the Charter and in this Article I. The Career Service Board, the Office of Human Resources Executive Director, and the Office of Human Resources shall maintain and foster a merit-based personnel system for employees in the Career Service and shall be committed to equal employment opportunity. Members of the Career Service Board shall be appointed as provided in the Charter and shall serve for staggered five-year terms.~~

**Sec. 18-2. ~~Powers and duties of Career Service Board.~~**

- (a) ~~In addition to executing the powers and duties assigned to the Career Service Board by the Charter or by any other ordinance of the City, the Career Service Board shall:~~
- ~~(1) Appoint an Office of Human Resources Executive Director to perform the duties set forth in ordinance and such other duties as may be assigned by the Board.~~
  - ~~(2) Conduct or obtain annually surveys of generally prevailing pay rates as required by the Charter, and recommend to the Mayor and City Council classification and pay plan adjustments as provided in Section 18-5(a) and (b) on the basis of the survey results after conducting at least one (1) public hearing on any such recommendation.~~
  - ~~(3) Conduct at least one (1) public hearing on any proposed change to employee benefits prior to the Director making any recommendation to the Mayor and City Council as provided in Section 18-5(c).~~
  - ~~(4) Develop, maintain and administer job classifications and attendant pay plans and pay practices for all positions in the career service and those positions not in the career service, excluding those positions excepted in [section 18-5](#) (a).~~
  - ~~(5) Certify that personnel actions involving employees in the career service personnel system, including hiring, promotional appointments, disciplinary actions, and terminations are taken in strict accordance with the career service provisions of the charter, career service rules, and any applicable ordinance of the city.~~

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016

- (b) — In addition to exercising the rulemaking authority set forth in the Charter, the career service board may also adopt and maintain rules related to the administration of pay and benefits, classifications, terms and conditions of employment, employee conduct, and any other rules necessary to foster and maintain a merit-based personnel system; provided, however, that any such rule shall be consistent with the Charter and ordinances of the city.—

**Sec. 18-3 Powers and duties of the Office of Human Resources Executive Director**

The Office of Human Resources Executive Director shall serve at the pleasure of the Board, shall administer the Office of Human Resources and shall be the appointing authority for all employees of the Office of Human Resources, except Career Service hearing officers and any other appointee serving at the pleasure of the Board as provided in the Charter.— The Office of Human Resources Executive Director shall:

- (a) — Assist the career service board in carrying out the powers and duties set forth in [section 18-2](#)—
- (b) — Upon request of the mayor or the city council, directly assist the mayor or city council in formulating alternatives to implementing the career service board's annual recommendations regarding modification of the classification and pay plan.—
- (c) — From time to time recommend to the mayor and city council other modifications to the classification and pay plan in order to promote the city's policy of providing generally prevailing compensation to employees in the career service and ensuring like pay for like work.—
- (d) — Conduct benefit surveys when requested by the mayor, the city council, or the career service board as required by the Charter.
- (e) — Recommend to the mayor and city council changes to employee benefits as described in [section 18-5](#)(c) after the career service board conducts at least one (1) public hearing on the proposed change.—
- (f) — Administer any duly adopted employee benefits programs.
- (g) — Develop and administer, in cooperation with other city departments and agencies, employee training and organizational development programs.—
- (h) — Develop and administer, in cooperation with other city departments and agencies, publications, surveys, advisory boards, and other measures for communication to and from employees on matters of compensation, conditions of employment, and administration of the merit system.—
- (i) — Obtain voluntary benefit plans and programs for eligible city employees, provided that such plans and programs are at no cost to the city and are fully funded by—

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016

~~employees.~~

- ~~(j) — Perform all other functions appropriate to a central human resource agency for employees in the career service including maintaining the official personnel records of career service employees, except those functions specifically reserved to the career service board or to other officers, departments or agencies by the Charter or ordinances of the city.~~

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

Proposal to revise Career Service leave rules, Public Hearing Notice, 9/22//2016