

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

Public Hearing Notice - No. **537**

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

The scheduled time for the public hearing is **THURSDAY, December 15, 2016, 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:

Dani Brown  
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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."

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

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**RULE PROPOSAL 451B**

**TO:** Appointing Authorities, Managers, and Employees  
**FROM:** Karen Niparko, OHR Executive Director  
**DATE:** December 1, 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, December 15, 2016, at 9:00 A.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.

OHR is currently proposing revisions to Career Service Rule 3 **RECRUITMENT**. These changes are designed to:

- Hire the best talent faster
- Improve and clarify the competitive hiring process as well as roles and responsibilities
- Deliver a positive experience throughout the recruitment and selection process for both the applicant and the hiring manager by streamlining processes, increasing communications and clarifying expectations.
- Support employee engagement by eliminating agency-only posted openings, thereby broadening employee opportunities for promotion consideration
- Retain merit system principles and practices as required by City Charter
- Maintain the right to work in an environment free of discrimination and harassment
- Align recruiting and selection workflow with Workday, the city's new human resource enterprise software system

Please refer to the following table for additional information on the former rule description, the revised rule description and the intended impact of the revisions to Rule 3.

A public hearing has been scheduled before the Career Service Board on Thursday, December 15, 2016 to consider this proposal and hear public comments about the proposed revisions.

Rule 3 **RECRUITMENT AND SELECTION**

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

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
Title of Rule 3 is currently RECRUITMENT	Change title of Rule 3 to RECRUITMENT AND SELECTION		The new title is a better description of the content of the rule since its covers both recruitment and selection matters.
Purpose statement is focused on administering a merit system and non-discrimination and non-harassment.	<p>Retains those concepts and adds that the purpose is to provide for an efficient and consistent competitive hiring process that promotes a highly productive, engaged workforce.</p> <p>Updated non-discrimination and non-harassment language to be consistent with the recent changes to CSR 16 CODE OF CONDUCT AND DISCIPLINE.</p> <p>Describes accommodation pursuant to the Americans with Disabilities Act (ADA). OHR makes a good faith effort to make necessary reasonable accommodation during the application, assessment, test, interview, and any other aspect of the hiring process. A documented need by a medical provider may be required.</p>		<p>An engaged workforce is a productive workforce; we need this in addition to hiring based on merit and ability while retaining an environment free of discrimination and harassment.</p> <p>The discrimination and harassment protections have expanded relatively frequently in recent years, and a broader description captures any status protected by local, state, or federal laws.</p> <p>Modernizes language to ensure compliance with the ADA</p>

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
Definitions	<p>Re-ordered alphabetically for ease of use.</p> <p>Modifies some of our current definitions. For example, a new concept includes “evergreen requisitions” which are perpetually open, and the new rule refers to “jobs” rather than “positions.”</p>	3-10	Terminology aligns with new recruitment strategy and establishes better consistency in terminology.
OHR Executive Director may delegate any authority given under Rule 3 to a designee.	Adds requirement that when the designee is an appointing authority outside of OHR, a formal written agreement is signed by both the appointing authority and the OHR Executive Director prior to the delegation of authority.	3-20	Denver’s City Charter specifically gives OHR responsibility for upholding the merit system. These new details are designed to make clear the terms and conditions of the delegation of authority to all parties under this Rule 3 by making a formal, written agreement. It also requires designees to follow the Career Service rules, and OHR’s policies, practices, and governance.
Describes OHR’s responsibility in the recruitment and selection process.	Describes a collaborative process involving both the OHR and the Hiring Authority and/or Hiring Manager.	3-25	<p>Emphasizes collaboration amongst OHR and Hiring Managers.</p> <p>Provide flexibility for differences in roles / responsibilities.</p>

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
Describes notice of job opening process	<p>Limits types of recruitments to 2: External and internal (open to everyone) and Internal (City-only); eliminated Department-only</p> <p>Eliminates mandatory closing date for job postings and instructions to apply online</p> <p>Adds 3-month maximum a job posting can be open – mandatory for continuous postings to be refreshed</p> <p>Expands requirements in job posting to include: business title, position type, and pre-employment screenings, assessments and tests</p>	3-30	<p>Promotes competitive hiring and internal mobility opportunities; similar to how other employers post/recruit</p> <p>Flexibility to close when appropriate; easier to re-open or re-post if needed</p> <p>Eliminates stale job postings and improves accuracy of reporting data and metrics</p> <p>Provides additional critical information to the candidate about the job itself and manages expectations about the hiring process</p>
Describes types of assessments	Expands description to include applicant and candidate evaluation methods	3-40	<p>Provides much needed clarification regarding how candidates should be evaluated and by whom. This helps ensure reliability and validity of the content of tests and assessments.</p> <p>Informs that there are multiple methods for evaluating a candidate beyond assessments (such as tests, interviews, past performance, and references).</p>

<b>CURRENT RULE</b>	<b>REVISED RULE</b>	<b>NEW RULE NUMBER</b>	<b>REVISION INTENTION &amp; IMPACT</b>
Describes substitution of experience for education as it relates to post-high school education.	Adds permissible substitutions for high school (GED, HiSET, TASC or one year of the appropriate type and level of education and/or experience may be substituted).	3-41	Recognizes occasions when people gain valuable experience for which the appropriate type and level of experience can be equivalent to high school education.
Disqualification of applicants and candidates	<p>Moves up and merges all disqualification measures into one section.</p> <p>Modernizes the language and adds two additional situations when disqualification may occur: 1) the hiring authority did not follow the requirements of this Rule 3, and 2) Employees who refuse an offer of re-instatement after a layoff.</p>	3-42	Clear explanation of all factors for disqualification.
Veteran's preference requirements	Eliminates detail and instead refers to Colorado Constitution	3-43	Rule is always up to date and in compliance; process is outlined in OHR/TA's internal process and procedures guidelines.
Scheduling assessments, including situations when deferred tests/assessments are permitted, minimum scores, and requests for review of results.	<p>Expands the rule to create a section for all assessment and test- related policies (not just scheduling assessments), to include the role and responsibility of OHR and agencies/departments in the test/assessment function.</p> <p>Clarifies how scores are used and the confidentiality of scores.</p>	3-44 and 3-45	Re-arrangement is easy to follow and addresses critical components without providing too much detail or restricting the flexibility needed to address changes in testing practices.

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
<p>Provides detailed process explaining that positions may only be filled with qualified candidates as provided by the OHR.</p> <p>Hiring Manager must interview at least three candidates from the list unless filling the position with transfer, demotion, re-promotion, or re-employment; or trainee, intern or apprentice; or an ADA reassignment.</p> <p>Details what happens to the re-instatement list after a layoff has occurred.</p>	<p>Retains current requirements and removes some details such as the process for an emergency referral; the appropriate use of alternative lists; and when names that have been removed from a list for cause, are/are not restored. These details are incorporated into an internal process and procedures guidelines document for the recruiting team.</p> <p>Highlights Ethics Code requirement that hiring managers may not appoint, hire, or be in a direct line of supervision of an immediate family member as defined in the Ethics Code; waivers must come from the Ethics Board.</p> <p>OHR and Agency jointly determine best qualified candidate and are not required to provide a specific reason for not selecting any candidate.</p>	3-50	<p>Retains Rule-of-3 for referral and interview to protect and support our competitive merit system.</p> <p>Makes clear the expectation that background checks and reference checks must be performed.</p> <p>Supports Executive Order 135 (pertains to background checks) by requiring hiring managers to review current or former employee's official file records (which includes all official personnel files whether or not electronic), conducting reference checks, and reviewing past performance when a conditional offer of employment is made.</p>
<p>Explains how education and experience may be substituted for classifications that require a degree</p>	<p>Adds new language that explains how education and experience may be substituted for classifications that <i>do not</i> require a degree</p>	3-41	<p>Addresses situations when people gain valuable experience for which the appropriate type and level of experience can be equivalent to formal education achieved or completed.</p>
<p>None</p>	<p>Adds language that explains CCD does not <i>sponsor</i> work visas.</p> <p>The City hires employees who have work visas, but it does not sponsor them.</p>	3-41 C.	<p>Adds current practice into rule. Since there has been no governing document as to how work visas are managed, people are</p>

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
	Employees with work visas must keep them current as a condition of continued employment.		easily confused as to how to navigate.
Explains which employees are placed on a reinstatement list after layoff.	Moves language to Rule 14 which details the layoff process.	3-52	Rule 3 no longer details the types of lists on which candidates are placed. Moving this to Rule 14 details the circumstances by which employees impacted by a layoff are placed on a reinstatement list.
None	<p>Adds language pertaining to the requirements of extending a conditional job offer:</p> <ul style="list-style-type: none"> <li>• Contingent on the verification of credentials, including criminal background checks, education/experience verification, motor vehicle records, drug tests, physicals</li> <li>• Cross references additional information regarding compensation, including Recruitment Premium and Relocation Premium from Career Service Rule 9 PAY ADMINISTRATION.</li> </ul>	3-60	Ensures that all offers are properly vetted before being presented to a candidate.
<p>Defines <u>working title</u> as:</p> <p>The business title of a position, which may</p>	<p>Updates the term “working title” to “business title” and updates the definition to:</p> <p>The functional or working title of a position, which</p>	7-10 Q.	<p>Better reflection of evolving terminology for this concept.</p> <p>In addition, Workday uses the term</p>

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
differ from the classification title, used in a given agency for operating purposes, or by the Office of Human Resources (“OHR”) for recruiting purposes.	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.		“business title” and providing consistent terminology reduces confusion about what is meant.
Explains how employees are re-instated after layoff	Move to Career Service Rule 14-57	Move 3-42 to Rule 14-57	Keeps information relating to layoff in the same rule.
Updates the definition for “reinstatement list” in Rule 1 DEFINITIONS and moves it to Rule 14 SEPARATION OTHER THAN DISMISSAL	Adds “A list of employees who were laid off and are eligible for a re-instatement appointment” to the definition.		The current definition is an explanation of process rather than a true definition. The update makes it a true definition.  Moving it to Rule 14 places it in the rule that discusses reinstatement lists.

**NOTE: A clean version of this proposal follows the redlined version on this document.**

**RULE 3**  
**RECRUITMENT AND SELECTION**  
(Effective January 20, 2012; Rule Revision Memo 57C)

Purpose statement:

*The purpose of this rule is to provide policy and practices for an efficient and consistent competitive hiring process that promotes equal employment opportunity and a highly productive, engaged workforce.*

*As defined in the City Charter, the Office of Human Resources (OHR) oversees and administers hiring principles and practices, made on the basis of merit and ability for all jobs in the Career Service personnel system.*

*Career Service employees have a right to work in an environment free of discrimination and harassment because of any status protected by federal, state or local laws (see Rule 16 CODE OF CONDUCT AND DISCIPLINE).*

~~As provided in the City charter (See Appendix to Rule 2 **OFFICE OF HUMAN RESOURCES**), the Office of Human Resources (“OHR”) 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.~~

**3-5 Accommodation for Disabled Candidates: *Pursuant to the Americans with Disabilities Act (ADA):***

- ~~1. The 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.~~
- ~~2. In instances where established assessment procedures are not appropriate for such candidates, their eligibility shall be determined by alternate assessment procedures which accurately measure their ability to perform the essential functions of the position with or without reasonable accommodation.~~

*Upon request, the OHR will work with a qualified individual with a disability, as defined in the ADA, in a good faith effort to make necessary reasonable accommodations related to the application, assessment, test, interview, and any other aspect of the hiring process. A documented medical need for accommodation, prepared and signed by a health care provider, may be required.*

Section 3-~~5~~**10** Definitions

- A. *Agency Hiring Authority: The person in an agency or department who is responsible for the final hiring decision.***
- B. *Agency Hiring Manager: The person in an agency or department who is the primary contact for the OHR throughout the recruit-to-hire process.***

- AC.** Applicant: A ~~The~~ person who has submitted submits an application ***for employment in to the OHR City's applicant tracking system*** in connection with a posted job opening.
- BD.** Assessment: A ***tool to measure competencies and work behaviors that predict successful performance on the job such as customer focus and reliability*** competitive examination of competence that the OHR is required by the City Charter to conduct on candidates for posted job openings.
- CE.** Candidate: An ~~An~~ ***The*** applicant ***who meets qualifications and is referred by OHR to an Agency Hiring Authority and/or Hiring Manager*** has been determined by the OHR to have met the minimum qualifications for ***review and consideration for*** a posted job opening.
- ~~D.~~ ***Eligible candidate:*** A candidate for a posted job opening within the Career Service who meets the criteria required for placement on an eligible list.
- F. Evergreen Requisition: A requisition that typically remains perpetually open for continuous hiring due to high-turnover, high volume jobs, or to proactively build our talent pool.***
- G. Merit-Based System: As described in the City Charter, a set of principles designed to ensure fair employment practices and selection of hires based on merit and ability, free of political influence, favoritism, or discrimination.***
- H. Minimum Qualifications: The amount, type, and level of education, work experience, licensure, and/or certification as minimally required to be considered and/or hired into a job as specified in the OHR job classification specification.***
- ~~E.~~ ***Promotion:*** 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 higher than the range minimum of the pay range of the classification previously held.
- ~~F.~~ ***Referral:*** The act of providing an appointing authority with one or more lists of candidates eligible to be hired into a particular vacancy.
- I. Referred List: A list of candidates that meet the qualifications for the job opening which is sent to the Agency Hiring Authority and/or Agency Hiring Manager.***
- J. Test: A tool to measure specific skills needed for the job such as Microsoft Word® or data entry.***

### Section 3-4020 Delegation of Authority by the OHR Executive Director

The OHR Executive Director may delegate any authority given under this rule to a designee ***subordinate employee or to a designee (an appointing authority outside of OHR).***

***When the designation is outside of OHR, a formal agreement must be written and signed by both the OHR Executive Director and the designee prior to the delegation of authority. The designee shall act as an extension of the OHR and operate in accordance with Career Service rules, and OHR's policies, practices and governance. At the discretion of***

**the OHR Executive Director, the designee is subject to regular compliance reviews and the delegation may be revoked at any time and for any reason.**

**Section 3-1525 Responsibilities in the Recruitment and Selection Process**

~~A. The 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.~~ **The OHR and Agency Hiring Authority and/or Agency Hiring Manager work collaboratively on the following steps in the recruitment and selection process for Career Service jobs:**

- ~~1. Advertising job openings;~~
- ~~2. Assessment of candidates;~~
- ~~3. Referral of re-instatement and eligible lists to appointing authorities; and~~
- ~~4. Any other services related to the recruitment process requested by the appointing authority and agreed to by the OHR.~~

**A. Review job classification specifications and identify targeted qualifications for the posting;**

**B. Outline the recruitment strategy, action plan, and timeline;**

**C. Advertise a job opening and source applicants;**

**D. Oversee and administer pre-employment assessments and tests;**

**E. Review and evaluate applicants in accordance with the job classification specifications and targeted qualifications to identify candidates for interviews;**

**F. Schedule and conduct candidate interviews;**

**G. Select a candidate for hire;**

**H. Extend a conditional verbal offer to the selected candidate;**

**I. Prepare a conditional offer letter and send to the selected candidate;**

**J. Facilitate the necessary pre-employment screening of the selected candidate;**

**K. Upon successful completion of pre-employment screening, contact and confirm start date with the new hire;**

**L. Notify candidates who were interviewed and not selected; and**

**M. Update the status of all applicants in the applicant tracking system.**

~~B. Except as delegated by the OHR Executive Director in writing, departments and agencies are not authorized to administer pre-employment or on-the-job assessments to applicants, candidates or employees.~~

~~Section 3-20~~**30** Notice of Job Openings ***Types of Recruitments and Posting a Job***

***A. A recruitment for a job opportunity in the Career Service may be either an:***

- 1. External and internal recruitment: Open to all applicants; or***
- 2. Internal recruitment: Open only to applicants who are currently City employees, including anyone who has been laid off from a Career Service job within the past twelve (12) months.***

***A.B.*** ~~Job opportunities in the Career Service~~ ***1. A job opportunity that is announced*** must be posted in the OHR and on the City's web site for at least two (2) business days ***and may not be posted for more than three (3) months.*** Such notices may also be posted in other places where potential applicants would be likely to see them. ***Posting a notice of a job opening for a transfer, demotion, re-promotion, or re-instatement appointment is not required.***

***2. Continuously-posted evergreen requisitions must be refreshed at least every three (3) months.***

***B.C.*** Content of Job Postings Notices:

- 1.*** The notice must contain the job ***classification*** title, ***business title***, pay grade ***range, position type (limited/unlimited/on-call), job description***, dates the recruitment will open and close, minimum qualifications requirements, ***target qualifications, physical requirements (where applicable), information on assessments and/or tests, pre-employment screening, and probation requirements***, and instructions on how to apply.
- 2. Evergreen requisitions must state whether the job is open continuously and if a job opening is currently available.***

3-21 Restricted Recruitments

~~A. Appointing authorities may request that recruitments be open only to applicants who:~~

~~1. Are:~~

~~a. Current City employees; or~~

~~b. Career Service employees eligible for promotion; or~~

~~c. Career Service employees in the appointing authority's department or agency or in a consolidation code in the department or agency, eligible for promotion; or~~

~~d. Career Service employees eligible for transfer, demotion, and re-promotion, and former employees eligible for re-employment, as defined in Rule 5 **APPOINTMENTS AND STATUS.**~~

- ~~2. Possess specific education, experience, knowledge, skills, abilities, and competencies necessary to perform a particular job, in addition to the minimum requirements in a classification specification; or~~
- ~~3. Fall within one of the categories in subsection 1 and possess the special qualifications required under subsection 2.~~

~~B. An individual who has been separated as a result of a lay-off, and whose name still appears on a re-instatement list, shall be eligible to compete for recruitments that are otherwise restricted to current City employees as if he or she were still an employee.~~

~~Section 3-30~~ **40 Assessment Applicant and Candidate Evaluation Methods**

~~A. The OHR may give one or more of the following kinds of assessments: Applicants and candidates are evaluated on one or more of the following:~~

- ~~4A. Evaluation of experience and education;~~
- ~~2B. Written Pre-employment assessments and tests;~~
- ~~3C. Skill-based Interviews;~~
- ~~4D. Interview References and performance history of current or former employees; or~~
- ~~5E. Any other appropriate measures based on the requirements of the job.~~

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

~~3-34~~ **41 Substitution of Experience for Education**

~~**The City recognizes that there are occasions when people gain valuable experience for which the appropriate type and level of experience can be equivalent to formal education achieved or completed. Therefore, one**~~

~~A. One year of the appropriate type and level of experience may be substituted for each required year of post-high school education for all classifications, subject to the limitations below:~~

~~**A.** Two years of the appropriate type and level of experience may be substituted for each required year of post-high school education for all classifications at or above the type and level of a first-level manager, such as the classification title of "Manager-4."~~

~~**B.** No substitution of experience for education will be permitted for:~~

1. Classifications that require a college degree or graduate degree in order to obtain a license or certification to practice within the discipline. Examples include, but are not limited to, physicians, pharmacists, **engineers**, and attorneys;
2. Classifications that require a college degree to provide optimum successful performance at the time of job entry. Examples include, but are not limited to, accounting, environmental and scientific occupations; or
3. Classifications where ~~college~~, vocational, or other specialized education beyond high school is required to meet certification or licensure requirements. Examples include, but are not limited to, licensed and certified skilled trades workers, **and** paralegals, ~~paramedics~~, and various ~~other medical technicians~~.

**C. One year of the appropriate type and level of education and/or experience may be substituted for a high school diploma or its equivalent for classifications that require a high school diploma. Acceptable equivalents are:**

1. **GED (General Education Development);**
2. **HiSET (High School Equivalency Test); or**
3. **TASC (Test Assessing Secondary Completion).**

### 3-32**42** Disqualification of Applicants and Candidates

~~A. Applicants and candidates may be disqualified from further consideration in the recruitment process for any valid reason, including, but not limited to, submission of a late or incomplete application or resume; or the failure to submit other required documents on time.~~

Applicants and candidates shall be disqualified from further consideration in the recruitment **and selection** process for the following reasons **any valid reason including, but not limited to, the following:**

- A. Failure to meet minimum **qualifications** education, experience and/or licensing or certification requirements **as defined in the job classification specification;**
- B. Failure to attain the required minimum **passing** score on an assessment **(s) or test(s);**
- C. Unsuitability for the position, including certain criminal convictions **The candidate did not pass the required pre-employment background screening, or provided false information on the background screening documents;**
- D. **Acting unprofessionally or inappropriately such as** ~~committing~~, or threatening to commit, **any** acts of violence against City employees involved in

the recruitment **and selection** process, including intimidation, threats, or **other behavior perceived as** hostile behavior;

- E. Dismissal from **employment for any reason from the City and County of Denver in the last five years** the Career Service. Employees dismissed from the Career Service are not eligible to be assessed for five years after the date of dismissal; or
- F. Providing false information in an application or resume, or falsification of assessment scores or records, or cheating, taking or participating in taking assessments **or tests** for which the candidate **applicant** is not the registered candidate **applicant**; This conduct may result in the candidate being barred from future examinations.
- G. If a former employee refuses an offer of re-instatement to the layoff unit as described in Rule 14 SEPARATION OTHER THAN DISMISSAL, s/he is no longer eligible for that specific opening but can remain in consideration for other jobs; or**
- H. The Agency Hiring Authority and/or Agency Hiring Manager did not follow this Rule 3 in the recruitment and selection process.**

### **3-43 Veterans' Preference**

**Veterans' preference for applicants will be provided under the terms as set forth in the Colorado Constitution (see Appendix 3.A).**

### **3-44 Scheduling of Pre-Employment Assessments and Tests**

- A. **The OHR is solely responsible for overseeing, developing, and/or approving all pre-employment assessments and tests.**
- B. **Departments and agencies, other than the OHR, are not authorized to develop, acquire, revise or administer pre-employment or on-the-job tests or assessments as part of the selection process. Performance-based skills tests may be administered by the department supervisor or subject matter expert if approved in advance by the OHR Executive Director in writing.**
- C. **The OHR Executive Director determines what classifications require an assessment or test, how assessments and tests are scored, the appropriate passing score and the applicability of current scores for future recruitments.**
  - 1. **Multiple part assessments and tests: The OHR may decide that failing one part of a multiple part assessment or test determines an overall failing result. In this case, the applicant is considered to have failed the full assessment or test and the other parts of the assessment or test cannot be taken.**
  - 2. a. **Reusing assessment and test results: Applicant assessment**

**and test results may be applied to future recruitments. The applicability of assessment and test results is at the discretion of the OHR and depends on various factors including but not limited to: duties and responsibilities of the job, assessment or test content and duration, length of time elapsed since last assessment or test, changes in industry standards, and/or changes in job classification specifications.**

**b. The creation of a new or revised assessment or test may require all applicants to take and pass the new assessment or test to gain eligibility.**

**3. Retaking assessments and tests:**

**a. A waiting period may apply before retaking certain assessments or tests. Applicants' eligibility to retake a test or assessment will be determined based on OHR testing guidelines.**

**b. Assessment and test results are valid for the duration of a recruitment. If a job is posted, closed and re-opened, applicants may not reapply or retest for that position since their application and test or assessment is already attached to the recruitment for that position. To retake an assessment or test, applicants must wait for a new job opening.**

**4. Applicant access to assessment and test results:**

**a. All applicants can view their assessment and test results by accessing their personal profile in the applicant tracking system.**

**b. Current employees may request feedback on their assessment or test results from the OHR.**

**5. Confidentiality of assessment and test results: A confidential record of assessment and test results are kept by the OHR. Results are only shared with the Agency Hiring Authority and/or Agency Hiring Manager in conjunction with a job vacancy unless otherwise requested by the applicant.**

3-33**45** **Scheduling of Assessments and Tests**

~~A. Every effort shall be made to plan assessments so as to prevent the disruption of department or agency operations.~~

~~B. Unless another date and time is available prior to the end of the scheduled assessments for the announced opening, all assessments must be taken when scheduled, or returned by the due date, as appropriate.~~

**A.** **All assessments and tests must be taken by applicants when scheduled for an in-person appointment or completed by the due date as specified for online assessments and tests.**

**C.B.** Notwithstanding the previous section **Under certain circumstances**, deferred assessments **or tests** are permissible for candidates **applicants** who miss a scheduled assessment or due date. **At the discretion of the OHR Executive Director, a request for deferral may be granted** for the following reasons **when supported by**, and provide appropriate documentation:

1. ~~\_\_\_\_\_~~ The candidate was ordered into military service;

**21.** The candidate **applicant** has jury duty;

**32.** The candidate **applicant** has been subpoenaed to appear in court **or before an administrative tribunal**;

**43.** The candidate **applicant** has been ordered to perform City business; or

**54.** The candidate **applicant** is a City employee who has a work-related injury, which renders the candidate unable to take the assessment when scheduled; **or**

**5.** **Any other good cause in the OHR Executive Director's judgment.**

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

**E.C.** **A deferred assessment or test must be taken within seven (7) days of the approval of the deferment. An applicant that takes and successfully passes a deferred assessment or test after the seven (7) days will be eligible at that point in the recruitment process only if a candidate has not yet been selected.** Referral of a list resulting from the assessment shall not be delayed if the deferred assessment cannot be scheduled within seven (7) calendar days of the end of scheduled assessment.

### 3-34 How Assessments are Given

~~A. \_\_\_\_\_~~ Except as provided in part B of this subsection, the same, or equivalent, assessments will be given to all candidates assessed.

### 3-35 Assessment Scores

~~A. \_\_\_\_\_~~ **Minimum Score:** The OHR Executive Director must decide how assessments are scored and what score is needed to pass.

~~B. \_\_\_\_\_~~ **Multiple part assessments:** The 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.

- C. ~~Final Rating:~~ Final ratings must be based on the total or combined assessment score.
- D. ~~Veterans' Points:~~ Points must be added to passing scores of eligible candidates, who are not employees, as required by the Veterans' Preference provision of the Colorado Constitution (relevant portions are attached as an Appendix).
- E. ~~Notice to candidates:~~ Each candidate shall be provided with access to their assessment scores.
- F. ~~Confidentiality of score:~~ Assessment scores are confidential and shall not be made available to any person outside the OHR except the appointing authority in connection with a referral, and the candidate. The candidate assessed may, in writing, allow 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.

### 3-37 Request for review

Applicants and candidates for employment or promotion in the Career Service who are dissatisfied with the results of the assessment process may notify the recruiter of their concerns in writing or by e-mail within three (3) business days from the date of the notice.

### Section 3-40 **50 Candidate Referral List and Interviews** (Revised November 18, 2015; Rule Revision Memo 15D)

**A department or agency may request any number of eligible candidates to be included on the Referred List for a job vacancy. However, at least three (3) eligible candidates will be provided and must be interviewed. If there are less than three (3) eligible candidates on the list, the department or agency must interview all the candidates on the list.**

**A. The OHR and Agency Hiring Authority and/or Agency Hiring Manager will jointly determine the best qualified candidate for a job and are not required to provide a specific reason for not selecting any candidate.**

**B. 1. To avoid favoritism in hiring, the City's Code of Ethics prohibits an employee from appointing, hiring, or being in a direct line of supervision over a member of his or her immediate family for any type of employment. The Board of Ethics must approve any waivers to this requirement. Refer to the Denver Code of Ethics, as it may be amended from time to time.**

**2. Immediate family in this context means spouse, child (and step-child), parent (and step-parent), grandparent, grandchild, sibling, domestic partner, any person with whom he or she is cohabiting, and any person to whom he or she is engaged to be married.**

### 3-51 Selecting a Candidate for Hire

**A.** **An Agency Hiring Authority and/or Agency Hiring Manager may** Appointing authorities can only fill **a** vacant Career Service positions **job** with eligible **a** candidates whose names appear**s** on the **Referred List** lists referred to the appointing authority **provided** by the OHR as described in this section of this Rule 3, or who fall**s** within one of the following exceptions:

- A1.** Career Service employees who are eligible for re-promotion, transfer, or demotion appointments (including employees who are eligible for an ADA re-assignment under Rule **12 LEAVE FOR EXTENDED ILLNESSES AND INJURIES**), or former employees who are eligible for re-employment, as defined in Rule 5 **APPOINTMENTS AND STATUS**.
- ~~**B.** City employees who are eligible for an ADA re-assignment under Rule 5 **APPOINTMENTS AND STATUS**.~~
- C2.** Paid trainees and paid interns who have successfully completed the training or internship as provided in Rule 5 **APPOINTMENTS AND STATUS** may be promoted into the position **job that** the trainee or intern was being trained to perform.
- ~~**D3.** Trades apprentices who meet the minimum qualifications of the applicable trade's classification **specification** and have successfully completed the required apprenticeship training **program requirements** (as documented by the employee's department or agency and verified by the OHR) may be promoted into the applicable trades classification.~~
- E4.** Employees in positions in classifications in the Deputy Sheriff pay schedule **classifications** who are appointed to Deputy Sheriff Major and Deputy Sheriff Division Chief positions **jobs** after May 31, 2014. ~~(Effective June 1, 2014; Rule Revision Memo 8D)~~

**B.** **If the candidate is a current or former city employee, the Agency Hiring Authority and/or Agency Hiring Manager must work with the OHR to review the employee's past performance after completion of the interviews and before a conditional offer of employment is made. The Agency Hiring Authority and/or Agency Hiring Manager will contact the employee's current supervisor for a reference, and review the employee's official personnel records. This requirement does not apply to candidates being reassigned under the ADA.**

**C.** **Work Visas– Eligibility of Foreign Nationals to Work in the Career Service System**

**The City and County of Denver does not provide any employment based non-immigrant or immigrant visa sponsorship.**

**Employees with work visas must keep the visa current as a condition of continued employment. Failure to retain a current work visa will result in disqualification from employment in accordance with Rule 14 SEPARATION OTHER THAN DISMISSAL.**

3-41 52 Re-instatement *After Layoff* List

*Employees or former employees who have been laid off within the past twelve (12) months shall be re-instated to the job classification within the layoff unit from which they were terminated in accordance with Rule 14 SEPARATION OTHER THAN DISMISSAL.*

- ~~A. Employees or former employees shall be placed on the re-instatement list for the classification from which they have:~~
- ~~1. Been laid off;~~
  - ~~2. Transferred in lieu of lay-off when the employee has been moved from an unlimited position to a limited or on-call position, or from a full-time position to a part-time position; (Revised November 18, 2015; Rule Revision Memo 15D)~~
  - ~~3. Demoted in lieu of lay-off;~~
  - ~~4. Voluntarily resigned in lieu of lay-off; or~~
  - ~~5. Voluntarily demoted in lieu of lay-off.~~
- ~~B. The names of eligible employees or former employees shall be added to this list as soon as administratively feasible, with the effective date being the effective date of the lay-off or action in lieu of lay-off.~~
- ~~C. Eligible employees or former employees will be listed for one year unless removed for cause.~~
- ~~D. Eligible employees or former employees shall be listed by seniority, or by proficiency (to the extent it was used as a basis for the employee's lay-off) so that the employee with the longest length of service, as defined in Rule 14 **SEPARATION OTHER THAN DISMISSAL**, is higher on the list.~~
- ~~E. Re-instatement lists shall only be used within the Lay-off Unit (as defined in Rule 14 **SEPARATION OTHER THAN DISMISSAL**) that the employee or former employee was in when the lay-off took place.~~
- ~~F. Referral from the re-instatement list is mandatory and exclusive. No other referral shall be made while any eligible employees or former employees remain on this list. Referral shall consist of the highest ranking eligible employee or former employee, or if there are ties, all those at the highest ranking.~~
- ~~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 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-instatement list.~~

~~H. Any re-instatement list may be abolished at any time by the OHR Executive Director if the classification specification is abolished or revised.~~

### 3-42 Eligible List

~~A. An eligible list is comprised of all eligible candidates for a particular job opening.~~

~~B. Referral:~~

~~1. The department or agency may request that any number of eligible candidates on the eligible list be referred for a vacancy. However, at least three (3) eligible candidates shall be referred (unless there are less than three (3) eligible candidates on the list).~~

~~2. A minimum of three (3) eligible candidates from a referred eligible list must be interviewed by the department or agency when filling a vacant position, unless there are less than three (3) eligible candidates on the list, in which case, the department or agency must interview all of the eligible candidates on the list.~~

~~3. At the request of the department or agency, 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 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 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.~~

### 3-45 Referral Restrictions by Appointing Authorities

~~An appointing authority may request that referral be restricted to eligible candidates who:~~

- A. ~~Possess specific education, experience, knowledge, skills, abilities, or competencies necessary to perform a particular job;~~
- B. ~~Are current City employees. Eligible candidates who have been separated as a result of a lay-off and whose names appear on a re-instatement list shall be treated as if they were still City employees for purposes of this subsection.~~

### Section 3-50 List Management

#### 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 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 OHR Executive Director.~~

#### 3-52 Re-opening Recruitments

~~An eligible list may be re-opened for recruitment at any time during the life of the list in order to add additional eligible candidates to the list. When new eligible candidates are being added to an existing list, the same assessment plan that was used to create the original list must be used. Eligible candidates already on the eligible list are not permitted to re-take the assessment for the re-opened recruitment. Candidates who originally failed the assessment used to create an eligible list that is subsequently re-opened are not permitted to re-apply.~~

#### 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 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 OHR Executive Director, provided that list eligibility remains:~~

- A. ~~The eligible candidate does not answer when asked by the City if available or ready to work, or the eligible candidate cannot be reached for two consecutive days.~~

- ~~B. The eligible candidate turned down a referral or a job offer for reasons that would make it impossible to take other jobs in the same job classification.~~
- ~~C. The employee or former employee on a re-instatement list refuses an offer of re-instatement to a position equivalent in terms of duration and hours worked to the position the employee or former employee was in immediately prior to the lay-off.~~
- ~~D. The eligible candidate requested that his or her name be removed from the list.~~
- ~~E. The eligible candidate did not pass the appropriate post-employment offer health assessment.~~
- ~~F. Evidence has been produced that the eligible candidate no longer meets minimum qualification requirements.~~
- ~~G. The eligible candidate did not report for work after being hired. The names of eligible candidates who did not report for work after being hired will not be added to any lists for five (5) years.~~

### 3-55 Removal of Names from Referral Lists: Restoration Not Permitted

The name of an eligible candidate shall be removed from all applicable lists for the reasons listed below. Restoration is not permitted when:

- ~~A. Evidence has been produced that the eligible candidate should not have been admitted to the assessment.~~
- ~~B. An eligible candidate who was not a City employee has been appointed to an unlimited position in the Career Service.~~
- ~~C. A re-instatement list eligible candidate has been appointed to an unlimited Career Service position at the same or higher pay grade than the classification from which the eligible candidate was laid off or demoted from in lieu of lay-off.~~
- ~~D. The name of an eligible candidate who has been promoted to a higher classification is removed from all lists at or below the level of the promotional classification.~~
- ~~E. The eligible candidate has been dismissed from the Career Service. The names of dismissed employees will not be added to any lists for five (5) years after the date of dismissal.~~

### **Section 3-60 Extending a Conditional Job Offer to a Candidate**

**An offer of employment is contingent on the verification of credentials and other information required by law and City policies, including the successful completion of a background check. Candidates must pass a criminal background check and other verifications required for the position which may include, but are not limited to, employment and/or education verification, motor vehicle record check, drug test, and/or physical.**

**For more information on compensation, including Recruitment Premium and Relocation Premium, please refer to Rule 9 PAY ADMINISTRATION.**

**APPENDIX 3.A.**

**CONSTITUTION OF COLORADO  
ARTICLE XII, SECTION 15. VETERANS' PREFERENCE**

- (1) (a) (I) The minimum requirements for a candidate to be placed on an eligible list for a position shall be the same for each candidate for appointment or employment in the state personnel system or in any comparable civil service or merit system of any agency or political subdivision of the state, including any municipality chartered or to be chartered under article XX of this constitution.
- (II) If a numerical method is used for the comparative analysis based on objective criteria, applicants entitled to preference under this section shall be given preference in accordance with paragraphs (b) to (e) of this subsection (1). If a nonnumerical method is used, applicants entitled to preference under this section shall be added to the interview eligible list.
- (b) Five points shall be added to the comparative analysis score of each candidate who is separated under honorable conditions and who, other than for training purposes, (i) served in any branch of the armed forces of the United States during any period of any declared war or any undeclared war or other armed hostilities against an armed foreign enemy, or (ii) served on active duty in any such branch in any campaign or expedition for which a campaign badge is authorized.
- (c) Ten points shall be added to the comparative analysis score of any candidate who has so served, other than for training purposes, and who, because of disability incurred in the line of duty, is receiving monetary compensation or disability retired benefits by reason of public laws administered by the department of defense or the veteran's administration, or any successor thereto.
- (d) Five points shall be added to the comparative analysis score of any candidate who is the surviving spouse of any person who was or would have been entitled to additional points under paragraph (b) or (c) of this subsection (1) or of any person who died during such service or as a result of service-connected cause while on active duty in any such branch, other than for training purposes.
- (e) No more than a total of ten points shall be added to the comparative analysis score of any such candidate pursuant to this subsection (1).
- (2) The certificate of the department of defense or of the veteran's administration, or any successor thereto, shall be conclusive proof of service under honorable conditions or of disability or death incurred in the line of duty during such service.

\* \* \* \* \*

- (5) No person shall receive preference pursuant to this section with respect to a promotional opportunity. Any promotional opportunity that is also open to persons other than employees for whom such appointment would be a promotion, shall be considered a promotional opportunity for the purposes of this section.
- (6) Repealed.
- (7) This section shall be in full force and effect on and after July 1, 1971, and shall grant veterans' preference to all persons who have served in the armed forces of the United States in any declared or undeclared war, conflict, engagement, expedition, or campaign for which a campaign badge has been authorized, and who meet the requirements of service or disability, or both, as provided in this section. This section shall apply to all public employment examinations, except promotional examination, conducted on or after such date, and it shall in all respects be self-executing.

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

14-57 Re-instatement **After Layoff**

- A. ~~Re-instatement appointments: The right of a former employee who was laid off, to be re-instated is set forth in Rule 3~~ **RECRUITMENT.**
- B. ~~Promotional re-instatement appointments: The right of an employee, who was given a demotion in lieu of lay off, to be re-instated is set forth in Rule 3~~ **RECRUITMENT.**
- C. ~~Restoration of the balance of sick leave hours upon re-instatement shall be in accordance with Rule 10~~ **PAID LEAVE.**
- A. Employees or former employees shall be placed on **a** the re-instatement list for the classification from which they have:
1. Been laid off;
  2. Transferred in lieu of lay-off when the employee has been moved from an unlimited position to a limited or on-call position, or from a full-time position to a part-time position; (Revised November 18, 2015; Rule Revision Memo 15D)
  3. Demoted in lieu of lay-off;
  4. Voluntarily resigned in lieu of lay-off; or
  5. Voluntarily demoted in lieu of lay-off.
- B. ~~The names of eligible employees or former employees shall be added to this list as soon as administratively feasible, with the effective date being the effective date of the lay-off or action in lieu of lay-off.~~
- C. Eligible employees or former employees will be listed for one year unless removed for cause.
- D. Eligible employees or former employees shall be listed by seniority, or by proficiency (to the extent it was used as a basis for the employee's lay-off) so that the employee with the longest length of service, ~~as defined in Rule 14~~ **SEPARATION OTHER THAN DISMISSAL**, is higher on the list.
- E. Re-instatement lists shall only be used within the Lay-off Unit (~~as defined in Rule 14~~ **SEPARATION OTHER THAN DISMISSAL**) that the employee or former employee was in when the lay-off took place.
- F. Referral from the re-instatement list is mandatory and exclusive. No other referral shall be made while any eligible employees or former employees remain on this list. Referral shall consist of the highest ranking eligible employee or former employee, or if there are ties, all those at the highest ranking.
- G. If a re-instatement list exists for a classification in which the department or agency has a position **job** with a special qualification which has been approved by the 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-instatement list.

- H. Any re-instatement list may be abolished at any time by the OHR Executive Director if the classification specification is abolished or revised.

**I. Restoration of the balance of sick leave hours upon re-instatement shall be in accordance with Rule 10 PAID LEAVE.**

**CLEAN VERSION OF THIS DRAFT**  
**RULE 3**  
**RECRUITMENT AND SELECTION**

Purpose statement:

The purpose of this rule is to provide policy and practices for an efficient and consistent competitive hiring process that promotes equal employment opportunity and a highly productive, engaged workforce.

As defined in the City Charter, the Office of Human Resources (OHR) oversees and administers hiring principles and practices, made on the basis of merit and ability for all jobs in the Career Service personnel system.

Career Service employees have a right to work in an environment free of discrimination and harassment because of any status protected by federal, state or local laws (see Rule 16 CODE OF CONDUCT AND DISCIPLINE).

Section 3-5 Accommodation Pursuant to the Americans with Disabilities Act (ADA):

Upon request, the OHR will work with a qualified individual with a disability, as defined in the ADA, in a good faith effort to make necessary reasonable accommodations related to the application, assessment, test, interview, and any other aspect of the hiring process. A documented medical need for accommodation, prepared and signed by a health care provider, may be required.

Section 3-10 Definitions

- A. Agency Hiring Authority: The person in an agency or department who is responsible for the final hiring decision.
- B. Agency Hiring Manager: The person in an agency or department who is the primary contact for the OHR throughout the recruit-to-hire process.
- C. Applicant: The person who submits an application for employment in the City's applicant tracking system.
- D. Assessment: A tool to measure competencies and work behaviors that predict successful performance on the job such as customer focus and reliability.
- E. Candidate: The applicant who meets qualifications and is referred by OHR to an Agency Hiring Authority and/or Hiring Manager for review and consideration for a job opening.
- F. Evergreen Requisition: A requisition that typically remains perpetually open for continuous hiring due to high-turnover, high volume jobs, or to proactively build our talent pool.
- G. Merit-Based System: As described in the City Charter, a set of principles designed to ensure fair employment practices and selection of hires based on merit and ability, free of political influence, favoritism, or discrimination.

- H. Minimum Qualifications: The amount, type, and level of education, work experience, licensure, and/or certification as minimally required to be considered and/or hired into a job as specified in the OHR job classification specification.
- I. Referred List: A list of candidates that meet the qualifications for the job opening which is sent to the Agency Hiring Authority and/or Agency Hiring Manager.
- N. Test: A tool to measure specific skills needed for the job such as Microsoft Word® or data entry.

### Section 3-20 Delegation of Authority by the OHR Executive Director

The OHR Executive Director may delegate any authority given under this rule to a subordinate employee or to a designee (an appointing authority outside of OHR).

When the designation is outside of OHR, a formal agreement must be written and signed by both the OHR Executive Director and the designee prior to the delegation of authority. The designee shall act as an extension of the OHR and operate in accordance with Career Service governance, rules, policies and practices. At the discretion of the OHR Executive Director, the designee is subject to regular compliance reviews and the delegation may be revoked at any time and for any reason.

### 3-25 Responsibilities in the Recruitment and Selection Process

The OHR and Agency Hiring Authority and/or Agency Hiring Manager work collaboratively on the following steps in the recruitment and selection process for Career Service jobs:

- A. Review job classification specifications and identify targeted qualifications for the posting;
- B. Outline the recruitment strategy, action plan, and timeline;
- C. Advertise a job opening and source applicants;
- D. Oversee and administer pre-employment assessments and tests;
- E. Review and evaluate applicants in accordance with the job classification specifications and targeted qualifications to identify candidates for interviews;
- F. Schedule and conduct candidate interviews;
- G. Select a candidate for hire;
- H. Extend a conditional verbal offer to the selected candidate;
- I. Prepare a conditional offer letter and send to the selected candidate;
- J. Facilitate the necessary pre-employment screening of the selected candidate;

- K. Upon successful completion of pre-employment screening, contact and confirm start date with the new hire;
- L. Notify candidates who were interviewed and not selected; and
- M. Update the status of all applicants in the applicant tracking system.

#### Section 3-30 Types of Recruitments and Posting a Job

- A. A recruitment for a job opportunity in the Career Service may be either an:
  - 1. External and internal recruitment: Open to all applicants; or
  - 2. Internal recruitment: Open only to applicants who are currently City employees, including anyone who has been laid off from a Career Service job within the past twelve (12) months.
- B.
  - 1. A job opportunity that is announced must be posted on the City's web site for at least two (2) business days and may not be posted for more than three (3) months. Posting a notice of a job opening for a transfer, demotion, re-promotion, or re-instatement appointment is not required.
  - 2. Continuously-posted evergreen requisitions must be refreshed at least every three (3) months.
- C. Content of Job Postings:
  - 1. The notice must contain the job classification title, business title, pay range, position type (limited/unlimited/on-call), job description, minimum qualifications, targeted qualifications, physical requirements (where applicable), information on assessments and/or tests, pre-employment screening, and probation requirements.
  - 2. Evergreen requisitions must state whether the job is open continuously and if a job opening is currently available.

#### Section 3-40 Applicant and Candidate Evaluation Methods

Applicants and candidates are evaluated on one or more of the following:

- A. Evaluation of experience and education;
- B. Pre-employment assessments and tests;
- C. Interviews;
- D. References and performance history of current or former employees; or
- E. Any other appropriate measures based on the requirements of the job.

### 3-41 Substitution of Experience for Education

The City recognizes that there are occasions when people gain valuable experience for which the appropriate type and level of experience can be equivalent to formal education achieved or completed. Therefore, one year of the appropriate type and level of experience may be substituted for each required year of post-high school education for all classifications, subject to the limitations below:

- A. Two years of the appropriate type and level of experience may be substituted for each required year of post-high school education for all classifications at or above the type and level of a first-level manager, such as the classification title of "Manager."
- B. No substitution of experience for education will be permitted for:
  - 1. Classifications that require a college degree or graduate degree in order to obtain a license or certification to practice within the discipline. Examples include, but are not limited to, physicians, pharmacists, engineers, and attorneys;
  - 2. Classifications that require a college degree to provide optimum successful performance at the time of job entry. Examples include, but are not limited to, accounting, environmental and scientific occupations; or
  - 3. Classifications where vocational, or other specialized education beyond high school is required to meet certification or licensure requirements. Examples include, but are not limited to, licensed and certified skilled trades workers, and paralegals.
- C. One year of the appropriate type and level of education and/or experience may be substituted for a high school diploma or its equivalent for classifications that require a high school diploma. Acceptable equivalents are:
  - 1. GED (General Education Development);
  - 2. HiSET (High School Equivalency Test); or
  - 3. TASC (Test Assessing Secondary Completion).

### 3-42 Disqualification of Applicants and Candidates

Applicants and candidates shall be disqualified from further consideration in the recruitment and selection process for any valid reason including, but not limited to, the following:

- A. Failure to meet minimum qualifications and/or licensing or certification requirements as defined in the job classification specification;

- B. Failure to attain the required minimum passing score on an assessment(s) or test(s);
- C. The candidate did not pass the required pre-employment background screening, or provided false information on the background screening documents;
- D. Acting unprofessionally or inappropriately such as committing, or threatening to commit, any acts of violence against City employees involved in the recruitment and selection process, including intimidation, threats, or other behavior perceived as hostile;
- E. Dismissal from employment for any reason from the City and County of Denver in the last five years;
- F. Providing false information in an application or resume, falsification of assessment scores or records, cheating, taking assessments or tests for which the applicant is not the registered applicant;
- G. If a former employee refuses an offer of re-instatement to the layoff unit as described in Rule 14 **SEPARATION OTHER THAN DISMISSAL**, s/he is no longer eligible for that specific opening but can remain in consideration for other jobs; or
- H. The Agency Hiring Authority and/or Agency Hiring Manager did not follow this Rule 3 in the recruitment and selection process.

### 3-43 Veterans' Preference

Veterans' preference for applicants will be provided under the terms as set forth in the Colorado Constitution (see Appendix 3.A).

### 3-44 Pre-Employment Assessments and Tests

- A. The OHR is solely responsible for overseeing, developing, and/or approving all pre-employment assessments and tests.
- B. Departments and agencies, other than the OHR, are not authorized to develop, acquire, revise or administer pre-employment or on-the-job tests or assessments as part of the selection process. Performance-based skills tests may be administered by the department supervisor or subject matter expert if approved in advance by the OHR Executive Director in writing.
- C. The OHR Executive Director determines what classifications require an assessment or test, how assessments and tests are scored, the appropriate passing score and the applicability of current scores for future recruitments.
  - 1. Multiple part assessments and tests: The OHR may decide that failing one part of a multiple part assessment or test determines an overall failing result. In this case, the applicant is considered to have failed the full assessment or test and the other parts of the assessment or test cannot be taken.

2.
  - a. Reusing assessment and test results: Applicant assessment and test results may be applied to future recruitments. The applicability of assessment and test results is at the discretion of the OHR and depends on various factors including but not limited to: duties and responsibilities of the job, assessment or test content and duration, length of time elapsed since last assessment or test, changes in industry standards, and/or changes in job classification specifications.
  - b. The creation of a new or revised assessment or test may require all applicants to take and pass the new assessment or test to gain eligibility.
3.
  - a. Retaking assessments and tests: A waiting period may apply before retaking certain assessments or tests. Applicants' eligibility to retake a test or assessment will be determined based on OHR testing guidelines.
  - b. Assessment and test results are valid for the duration of a recruitment. If a job is posted, closed and re-opened, applicants may not reapply or retest for that position since their application and test or assessment is already attached to the recruitment for that position. To retake an assessment or test, applicants must wait for a new job opening.
4.
  - a. Applicant access to assessment and test results: All applicants can view their assessment and test results by accessing their personal profile in the applicant tracking system.
  - b. Current employees may request feedback on their assessment or test results from the OHR.
5. Confidentiality of assessment and test results: A confidential record of assessment and test results are kept by the OHR. Results are only shared with the Agency Hiring Authority and/or Agency Hiring Manager in conjunction with a job vacancy unless otherwise requested by the applicant.

### 3-45 Scheduling of Assessments and Tests

- A. All assessments and tests must be taken by applicants when scheduled for an in-person appointment or completed by the due date as specified for online assessments and tests.
- B. Under certain circumstances, deferred assessments or tests are permissible for applicants who miss a scheduled due date. At the discretion of the OHR Executive Director, a request for deferral may be granted for the following reasons when supported by appropriate documentation:
  1. The applicant has jury duty;

2. The applicant has been subpoenaed to appear in court or before an administrative tribunal;
  3. The applicant has been ordered to perform City business;
  4. The applicant is a City employee who has a work-related injury, which renders the candidate unable to take the assessment when scheduled; or
  5. Any other good cause in the OHR Executive Director's judgment.
- C. A deferred assessment or test must be taken within seven (7) days of the approval of the deferment. An applicant that takes and successfully passes a deferred assessment or test after the seven (7) days will be eligible at that point in the recruitment process only if a candidate has not yet been selected.

### Section 3-50 Candidate Referral List and Interviews

A department or agency may request any number of eligible candidates to be included on the Referred List for a job vacancy. However, at least three (3) eligible candidates will be provided and must be interviewed. If there are less than three (3) eligible candidates on the list, the department or agency must interview all the candidates on the list.

- A. The OHR and Agency Hiring Authority and/or Agency Hiring Manager will jointly determine the best qualified candidate for a job and are not required to provide a specific reason for not selecting any candidate.
- B. 1. To avoid favoritism in hiring, the City's Code of Ethics prohibits an employee from appointing, hiring, or being in a direct line of supervision over a member of his or her immediate family for any type of employment. The Board of Ethics must approve any waivers to this requirement. Refer to the Denver Code of Ethics, as it may be amended from time to time.
2. Immediate family in this context means spouse, child (and step-child), parent (and step-parent), grandparent, grandchild, sibling, domestic partner, any person with whom he or she is cohabiting, and any person to whom he or she is engaged to be married.

### 3-51 Selecting a Candidate for Hire

- A. An Agency Hiring Authority and/or Agency Hiring Manager may only fill a vacant Career Service-job with a candidate whose names appears on the Referred List provided by the OHR as described in this Rule 3, or who falls within one of the following exceptions:
1. Career Service employees who are eligible for re-promotion, transfer, or demotion appointments (including employees who are eligible for an ADA re-assignment under Rule **12 LEAVE FOR EXTENDED ILLNESSES AND INJURIES**), or former employees who are eligible for re-employment, as defined in Rule **5 APPOINTMENTS AND STATUS**.

2. City employees who are eligible for an ADA re-assignment under Rule 12 **LEAVE FOR EXTENDED ILLNESSES AND INJURIES.**
  3. Paid trainees and paid interns who have successfully completed the training or internship as provided in Rule 5 **APPOINTMENTS AND STATUS** may be promoted into the job that the trainee or intern was being trained to perform.
  4. Trades apprentices who meet the minimum qualifications of the applicable trade's classification specification and have successfully completed the required apprenticeship program requirements (as documented by the employee's department or agency and verified by the OHR) may be promoted into the applicable trade.
  5. Employees in the Deputy Sheriff pay schedule classifications who are appointed to Deputy Sheriff Major and Deputy Sheriff Division Chief jobs after May 31, 2014.
- B. If the candidate is a current or former city employee, the Agency Hiring Authority and/or Agency Hiring Manager must work with the OHR to review the employee's past performance after completion of the interviews and before a conditional offer of employment is made. The Agency Hiring Authority and/or Agency Hiring Manager will contact the employee's current supervisor for a reference, and review the employee's official personnel records. This requirement does not apply to candidates being reassigned under the ADA.
- C. Work Visas– Eligibility of Foreign Nationals to Work in the Career Service System

The City and County of Denver does not provide any employment based non-immigrant or immigrant visa sponsorship.

Employees with work visas must keep the visa current as a condition of continued employment. Failure to retain a current work visa will result in disqualification from employment in accordance with Rule 14 **SEPARATION OTHER THAN DISMISSAL.**

### 3-52 Re-instatement After Layoff

Employees or former employees who have been laid off within the past twelve (12) months shall be re-instated to the job classification within the layoff unit from which they were terminated in accordance with Rule 14 **SEPARATION OTHER THAN DISMISSAL.**

### Section 3-60 Extending a Conditional Job Offer to a Candidate

An offer of employment is contingent on the verification of credentials and other information required by law and City policies, including the successful completion of a background check. Candidates must pass a criminal background check and other verifications required for the position which may include, but are not limited to, employment and/or education verification, motor vehicle record check, drug test, and/or physical.

For more information on compensation, including Recruitment Premium and Relocation Premium, please refer to Rule 9 **PAY ADMINISTRATION**.

**APPENDIX 3.A.**

**CONSTITUTION OF COLORADO  
ARTICLE XII, SECTION 15. VETERANS' PREFERENCE**

- (1) (a) (I) The minimum requirements for a candidate to be placed on an eligible list for a position shall be the same for each candidate for appointment or employment in the state personnel system or in any comparable civil service or merit system of any agency or political subdivision of the state, including any municipality chartered or to be chartered under article XX of this constitution.
- (II) If a numerical method is used for the comparative analysis based on objective criteria, applicants entitled to preference under this section shall be given preference in accordance with paragraphs (b) to (e) of this subsection (1). If a nonnumerical method is used, applicants entitled to preference under this section shall be added to the interview eligible list.
- (b) Five points shall be added to the comparative analysis score of each candidate who is separated under honorable conditions and who, other than for training purposes, (i) served in any branch of the armed forces of the United States during any period of any declared war or any undeclared war or other armed hostilities against an armed foreign enemy, or (ii) served on active duty in any such branch in any campaign or expedition for which a campaign badge is authorized.
- (c) Ten points shall be added to the comparative analysis score of any candidate who has so served, other than for training purposes, and who, because of disability incurred in the line of duty, is receiving monetary compensation or disability retired benefits by reason of public laws administered by the department of defense or the veteran's administration, or any successor thereto.
- (d) Five points shall be added to the comparative analysis score of any candidate who is the surviving spouse of any person who was or would have been entitled to additional points under paragraph (b) or (c) of this subsection (1) or of any person who died during such service or as a result of service-connected cause while on active duty in any such branch, other than for training purposes.
- (e) No more than a total of ten points shall be added to the comparative analysis score of any such candidate pursuant to this subsection (1).
- (2) The certificate of the department of defense or of the veteran's administration, or any successor thereto, shall be conclusive proof of service under honorable conditions or of disability or death incurred in the line of duty during such service.

\* \* \* \* \*

- (5) No person shall receive preference pursuant to this section with respect to a promotional opportunity. Any promotional opportunity that is also open to persons other than employees for whom such appointment would be a promotion, shall be considered a promotional opportunity for the purposes of this section.
- (6) Repealed.
- (7) This section shall be in full force and effect on and after July 1, 1971, and shall grant veterans' preference to all persons who have served in the armed forces of the United States in any declared or undeclared war, conflict, engagement, expedition, or campaign for which a campaign badge has been authorized, and who meet the requirements of service or disability, or both, as provided in this section. This section shall apply to all public employment examinations, except promotional examination, conducted on or after such date, and it shall in all respects be self-executing.

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

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## Section 14-57 Re-instatement After Layoff

- A. Employees or former employees shall be placed on a re-instatement list for the classification from which they have:
  - 1. Been laid off;
  - 2. Transferred in lieu of lay-off when the employee has been moved from an unlimited position to a limited or on-call position, or from a full-time position to a part-time position; (Revised November 18, 2015; Rule Revision Memo 15D)
  - 3. Demoted in lieu of lay-off;
  - 4. Voluntarily resigned in lieu of lay-off; or
  - 5. Voluntarily demoted in lieu of lay-off.
- B. Eligible employees or former employees will be listed for one year unless removed for cause.
- C. Eligible employees or former employees shall be listed by seniority, or by proficiency (to the extent it was used as a basis for the employee's lay-off) so that the employee with the longest length of service is higher on the list.
- D. Re-instatement lists shall only be used within the Lay-off Unit that the employee or former employee was in when the lay-off took place.
- E. Referral from the re-instatement list is mandatory and exclusive. No other referral shall be made while any eligible employees or former employees remain on this list. Referral shall consist of the highest ranking eligible employee or former employee, or if there are ties, all those at the highest ranking.
- F. If a re-instatement list exists for a classification in which the department or agency has a job with a special qualification which has been approved by the 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-instatement list.
- G. Any re-instatement list may be abolished at any time by the OHR Executive Director if the classification specification is abolished or revised.
- H. Restoration of the balance of sick leave hours upon re-instatement shall be in accordance with Rule 10 **PAID LEAVE**.

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From Career Service Rule 1 DEFINITIONS to Career Service Rule 14-5 Definitions:

Re-instatement List: **A list of employees who were laid off and are eligible for a re-instatement appointment.** Employees shall be placed on the re-instatement list for the classification they have been laid off from, demoted in lieu of lay-off from, or have voluntarily resigned or voluntarily demoted in lieu of lay-off from. The re-instatement list shall only be used within the Lay-off Unit the employee was in when the lay-off took place (Effective May 4, 2007; Rule Revision Memo 18C).

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From Career Service Rule 7-10 Q.

~~Working~~ **Business** title: The **business functional or working** 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.