

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules. When the Board or the OHR Executive Director considers that a change in the Rules is necessary or desirable, the procedure shall be as follows: ... 2) The proposed rule change shall be posted on bulletin boards and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule changes shall be posted with the proposed rule change. 4) A public hearing on the proposed rule change. shall be held by the Board."

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

Public Hearing Notice - No. 539

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, February 16, 2017, 9:00 A.M.**, Webb Municipal Building, 201 West Colfax Avenue, Room 4.G.2.

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

Dani Brown  
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[Danielle.Brown@denvergov.org](mailto:Danielle.Brown@denvergov.org)

Comments regarding this notice should be submitted no later than 12:00 p.m. on **Monday, February 13, 2017**.

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 p.m. on **Monday, February 13, 2017** 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.

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

**RULE PROPOSAL 453B**

**TO:** Appointing Authorities, Managers, and Employees  
**FROM:** Karen Niparko, OHR Executive Director  
**DATE:** January 26, 2017  
**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, February 16, 2017 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. The following information provides an update on the most recent rules change proposal.

OHR is currently proposing revisions to Career Service Rule 1 **DEFINITIONS**

A public hearing has been scheduled before the Career Service Board on February 16, 2017 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 1.

<b>Rule 1 DEFINITIONS</b>			
<b>CURRENT RULE</b>	<b>REVISED RULE</b>	<b>NEW RULE NUMBER</b>	<b>REVISION INTENTION &amp; IMPACT</b>
None	Adds purpose statement for Rule 1; adding a purpose statement is consistent with each of the previous Career Service Rule updates.		The purpose of this rule is to provide meaning to terms that are generally used throughout these Career Service Rules.
Administrative class, Executive class, and Professional class definitions from the Fair Labor Standards Act (FLSA)	Remove these definitions		These terms are not in the rules. In addition, these terms are already defined in federal law, so there is no need to replicate them here. They can be referenced in OHR's Classification Manual as needed.

<b>Rule 1 DEFINITIONS</b>			
<b>CURRENT RULE</b>	<b>REVISED RULE</b>	<b>NEW RULE NUMBER</b>	<b>REVISION INTENTION &amp; IMPACT</b>
Defines "City" as the City and County of Denver	Remove this definition		There is no need to keep this definition, as the definition of Career Service is being amended to make it clear that the language comes from the Denver City Charter.
Documented performance: A verifiable assessment of an individual's work performance, including PEPR ratings, disciplinary actions, and safety violations.	Remove this definition		This is no longer used as a term of art, so there is no longer a need for this definition.
Lay-offs are defined in 14-51 and in Rule 1; definitions are slightly different.	Keep definition of lay-off in Rule 1 DEFINITIONS, using the definition currently used in 14-51.		Provides a single definition for lay-off.  Locates the definition in Rule 1 since it is used in multiple rules.
Lay-off unit is defined in both Rule 14-52 A. and in Rule 1; definitions are different.	Keep definition of lay-off in Rule 1 DEFINITIONS, using the definition currently used in 14-52 A. Reference the definition in 14-52 A.		Provides a single definition for lay-off unit.  Locates the definition in Rule 1 since it is used in multiple rules.
Promotions are defined in 5-12 A., and 9-5 G.; not all have the same wording.	Move definition of promotion to Rule 1 DEFINITIONS, using the definition currently used in 5-12 A. Provide reference to this definition in 9-5 G.		Provides a single definition for promotion.  Locates the definition in Rule 1 since it is used in multiple rules.

<b>Rule 1 DEFINITIONS</b>			
<b>CURRENT RULE</b>	<b>REVISED RULE</b>	<b>NEW RULE NUMBER</b>	<b>REVISION INTENTION &amp; IMPACT</b>
Transfers are defined in 9-5 L. and 5-12 D.; definitions are different.	Move definition of transfer appointment to Rule 1 DEFINITIONS, using the definition currently used in 5-12 D.		Provides a single definition for transfer.  Locates the definition in Rule 1 since it is used in multiple rules.
Demotions are defined in 9-5 B. and 5-12 E.; definitions are different.	Move definition of demotion appointment to Rule 1 DEFINITIONS, using the definition currently used in 9-5 B.		Provides a single definition for demotion.  Locates the definition in Rule 1 since it is used in multiple rules.
Continuous service date is essentially defined as the latter of: employment or re-employment appointment --or-- appointment from re-instatement list after layoff.	Adds the following: <b><u>For purposes of leave and layoffs, the continuous service date is</u></b> <del>the</del> effective date of an employment appointment or a re-employment appointment ...”		Clarifies that the definition of continuous service only applies to leave and layoffs. It is not meant to define years of service with the City.

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

**RULE 1  
DEFINITIONS**

(Revised May 9, 2016; Rule Revision Memo 19D)

~~These definitions shall apply wherever the following terms are used in the personnel rules:~~

**Purpose:**

**The purpose of this rule is to provide meaning to terms that are used throughout these Career Service Rules.**

**Administrative class:**

~~A class in which the duties and responsibilities meet the following criteria:~~

~~A. — Performance of office or non-manual work directly related to management policies or general business operations; and~~

~~B. — Regular exercise of discretion and independent judgment; and~~

~~C. — 1 — Regular and direct assistance to a bona fide executive or administrator; or~~

2. ~~Performance, under only general supervision, of work along specialized or technical lines requiring special training, experience, or knowledge; or~~
3. ~~Execution, under only general supervision, of special assignments and tasks; and~~

D. ~~No more than 20% of hours worked in a work week are devoted to activities which are not directly and closely related to the performance of the work in paragraph a) through c) above (Effective May 1, 1974; Rule Revision Memo 83A).~~

Agency:

A unit of government identified by a "fund organization" number in an appropriation ordinance (Effective December 15, 1988; Rule Revision Memo 118B).

Appointing authority:

A municipal official designated by the annual appropriation ordinance to approve expenditures for a given appropriation; hence the official authorized to appoint employees to be paid from such appropriation. Such an official may designate an agent **within the agency or department** to act ~~for him~~ as an appointing authority (Effective May 16, 1956; Rule Revision Memo 16A).

Appropriation:

An authorization by the City Council to a specified agency to expend a specified sum of money from a specified fund during a specified period for a specified purpose (Effective May 16, 1956; Rule Revision Memo 16A).

Appropriation sub-account:

Includes all divisions of appropriations recognized by the Office of Budget and Management, up to and including the lowest level of the account code at which expenditures and revenues are recorded, ~~the tracking level~~ (Effective March 19, 2004, Rule Revision Memo 247B).

Break in service:

Any lapse of working time between the official separation of an employee and his subsequent re-hiring (Effective May 16, 1956; Rule Revision Memo 16A).

Career Service:

All employees of the City and their positions subject to the exceptions in the **Denver** City Charter ~~(relevant sections have been attached as an appendix to Rule 5 APPOINTMENTS AND STATUS)~~ (Effective June 8, 2007; Rule Revision Memo 19C).

Career Service Board:

The board created by the Denver City Charter to direct the Career Service. **See Rule 2 OFFICE OF HUMAN RESOURCES for additional information about the Board's responsibilities.** (Effective August 15, 1979; Rule Revision Memo 113A).

Career Service employee:

The incumbent of a position in the Career Service (Effective May 16, 1956; Rule Revision Memo 16A).

City:

~~City and County of Denver (Effective December 15, 1988; Rule Revision Memo 118B).~~

Classification series:

The arrangement in sequence of classes that are alike in ~~the~~ kind but not in level. For the purposes of **market adjustments and** lay-off ~~s~~, a **classification** series shall include first line supervisors and lead workers, if so designated for the class series (Effective May 16, 1956, Rule Revision Memo 16A; Revised March 19, 2004, Rule Revision Memo 247B).

Continuous service date:

**For purposes of leave and layoffs, the continuous service date is** ~~±~~ the effective date of an employment appointment or a re-employment appointment in the career service, whichever is later; or the effective date of appointment from a re-instatement list plus credits for service prior to lay-off. This definition does not affect employee rights to paid time off, sick leave and vacation leave as established in the Revised Municipal Code or the Career Service Rules (Revised January 1, 2010; Rule Revision Memo 42C).

Documented performance:

~~A verifiable assessment of an individual's work performance, including PEPR ratings, disciplinary actions, and safety violations (Effective March 19, 2004; Rule Revision Memo 247B).~~

**Demotion:**

**An appointment of an employee to a position in a classification in which the range minimum of the pay grade of the new classification is lower than the range minimum of the classification previously held.**

Effective date:

The date when a personnel action takes effect (Revised May 7, 2012; Rule Revision Memo 62C).

Entry level professional class:

~~Any class where the principal minimum qualifications for education and experience are a college degree and no experience. These are identified as entry level by the word "staff" as part of the title (Effective September 1, 1989; Rule Revision Memo 129B).~~

Executive class:

~~A class in which the duties and responsibilities meet the following criteria:~~

- ~~A. Primary duty consists of the management of the agency or appropriation account, or of a customarily recognized subdivision or section thereof; and~~
- ~~B. Regular direction of the work of two or more other employees therein, and~~
- ~~C. Authority to hire or fire other employees, or suggestions or recommendations as to the advancement and promotion or any other change of status of other employees will be given particular weight, and~~
- ~~D. Regular exercise of discretionary powers, and~~
- ~~E. No more than 20% of hours worked in a work week are devoted to activities which are not directly and closely related to the performance of the work described in paragraphs a) through d) above; provided that this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated establishment (Effective May 1, 1974; Rule Revision Memo 83A).~~

Fringe **B**enefits:

~~Paid time off, vacation leave, holiday leave, sick leave, payments for injuries or sickness received in the line of duty, health insurance, life insurance, pensions, termination pay, uniform and equipment allowances, dependents' benefits, longevity pay, and any other financial or economic benefits **as determined by the Office of Human Resources** which are found by the Office of Human Resources to be the prevailing practice in the Denver metropolitan area (Revised January 1, 2010; Rule Revision Memo 42C).~~

Incumbent:

~~The current occupant of a position in the Career Service (Effective May 16, 1956; Rule Revision Memo 16A).~~

Lay-off:

~~The involuntary separation of a career status unlimited employee, or a limited employee resulting from the abolishment of a **filled** position (Effective September 18, 1980; Rule Revision Memo 127A; Revised March 19, 2004; Rule Revision Memo 247B).~~

Lay-off unit:

An appropriation account, appropriation sub-account, combinations of appropriation sub-accounts, or combinations of appropriation accounts **which have been consolidated or de-consolidated in accordance with Rule 14-52 B. Consolidation of Appropriation Accounts** for the purposes of lay-off (Effective November 1, 1979; Rule Revision Memo 115A: Revised March 19, 2004; Rule Revision Memo 247B).

Length of Service:

Total number of years, months and days of continuous service, ~~(for examination purposes)~~ including time an employee is on unpaid leave, but exclusive of service in on-call status positions (Revised May 9, 2016; Rule Revision Memo 19D).

Month of service:

The period of time between a given date in one month and the preceding day in the following month (e.g., April 16 through May 15) (Effective October 12, 1981; Rule Revision Memo 19B).

Office of Human Resources:

The agency created by the Denver Revised Municipal Code to administer the Career Service (Effective January 7, 2013, Rule Revision Memo 1D).

Professional class:

~~A class in which the duties and responsibilities meet the following criteria:~~

~~A. Primary duties consist of the performance of:~~

- ~~1. Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes; or~~
- ~~2. Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee; or (Effective March 2, 1982; Rule Revision Memo 30B)~~
- ~~3. Teaching, tutoring, instructing, or lecturing in the activity or imparting knowledge, as a teacher in the school system or educational establishment or institution; and~~

~~B. Work requires the consistent exercise of discretion and judgment in its performance; and~~



- C. ~~Work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and~~
- D. ~~No more than 20% of hours worked in the work week are devoted to activities which are not an essential part of and necessarily incident to work described in paragraphs a) through c) above.~~  
(Effective May 1, 1974; Rule Revision Memo 83A).

**Promotional appointment:**

**An appointment of an employee to a position in a classification in which the range minimum of the pay range for the new classification is higher than the range minimum of the pay range for the employee's previous classification.**

**Promotional re-instatement appointment:**

**An appointment of an employee who has been demoted in lieu of lay-off which is made as a result of referral from a re-instatement list.**

**Re-instatement List:**

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).

**Re-promotional appointment:**

**A promotion of an employee to a position in a higher classification in which the employee was previously employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same or intervening range minimum as the previous classification.**

**Staggered work schedule:**

The assignment of differing reporting times to individual employees (Effective November 14, 1978; Rule Revision Memo 104A).

**Transfer appointment:**

An appointment of an employee from a position in one classification to a different position in the same classification or a classification with the same range minimum for which the employee meets the minimum qualifications.

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5-11 Appointments of Applicants Who Are Not in the Career Service

**The following is a list of the types of appointments of applicants who are not in the Career Service as defined in Career Service Rule 1 DEFINITIONS:**

- A. Employment appointment: An appointment made as a result of referral of an employment list in accordance with Rule 3 **RECRUITMENT**.
- B. Re-instatement appointment: An appointment of a former employee who had been laid off or who resigned in lieu of a lay-off, which is made as a result of referral from a re-instatement list in accordance with Rule 3 **RECRUITMENT**.
- A. Re-employment appointment: An appointment of a former employee to a position in the classification in which the employee was previously employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same or lower range minimum than the former classification, subject to the following conditions:
  - 1. Former employees whose separation was the result of a dismissal are not eligible for re-employment;
  - 2. An appointment that is a re-instatement is not a re-employment appointment;
  - 3. In order to determine eligibility for re-employment into a successor classification, the OHR Executive Director may, on a case-by-case basis, review the duties previously performed as well as classification and pay; and
  - 4. A former employee who is re-employed shall serve in an employment probationary status.

5-12 Appointments of Employees Who Are in the Career Service

**The following is a list of the types of appointments of employees who are in the Career Service as defined in Career Service Rule 1 DEFINITIONS:**

- A. Promotional appointment: ~~An appointment of an employee to a position in a classification in which the range minimum of the pay range for the new classification is higher than the range minimum of the pay range for the employee's previous classification.~~

- B. ~~Promotional re-instatement appointment: An appointment of an employee who has been demoted in lieu of lay-off which is made as a result of referral from a re-instatement list in accordance with Rule 3 **RECRUITMENT**.~~
- C. ~~Re-promotional appointment: A promotion of an employee to a position in a higher classification in which the employee was previously employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same or intervening range minimum as the previous classification subject to the following conditions:~~
1. Appointments that are promotional re-instatements are not re-promotions; and
  2. In order to determine eligibility for re-promotion into a successor classification, the OHR Executive Director may, on a case-by-case basis, review the duties previously performed as well as classification and pay.
- D. ~~Transfer appointment: An appointment of an employee from a position in one classification to a different position in the same classification or a classification with the same range minimum for which the employee meets the minimum qualifications.~~
1. An employee may be given a transfer appointment between departments or agencies provided that the employee and the receiving appointing authority consent.
  2. Unless otherwise agreed upon, a transfer appointment between departments or agencies becomes effective thirty (30) calendar days after the releasing department or agency is notified that the employee and the receiving department or agency have both consented to the transfer. However, the time may be shortened if the effective date is set jointly by the releasing appointing authority and the receiving appointing authority.
- E. ~~Demotion appointment: An appointment of an employee to a position in a classification for which the employee meets the minimum qualifications and which the range minimum of the pay range of the new classification is lower than the range minimum of the pay range of the classification previously held.~~
1. Reasons for demotion: An appointing authority may give a demotion appointment in the following instances:
    - a. Voluntary:
      - i. When an employee requests the demotion, or accepts a voluntary demotion in lieu of lay-off as defined in Rule 14 **SEPARATION OTHER THAN DISMISSAL**; or
      - ii. When an employee accepts the offer of a position with lower pay and benefits as a reasonable accommodation in the ADA Interactive Process.

- b. In lieu of lay-off: When a position is to be abolished, in accordance with Rule 14 **SEPARATION OTHER THAN DISMISSAL**.
  - c. Involuntary:
    - i. Through disciplinary action in accordance with Rule 16 **DISCIPLINE AND DISMISSAL**; or
    - ii. In lieu of separation during employment probation in accordance with this Rule 5.
2. Notice to employee: Before a demotion appointment is effective, the following documentation shall be provided to the employee and submitted to the OHR:
- a. Written consent of the employee to a voluntary demotion; or
  - b. A written notice of demotion in lieu of lay-off as required by Rule 14 **SEPARATION OTHER THAN DISMISSAL**; or
  - c. A written notice of disciplinary demotion as required by Rule 16 **DISCIPLINE AND DISMISSAL**; or
  - d. A written notice of demotion in lieu of separation during employment probation, or during paid trainee or paid intern status.

Section 9-5 Definitions  
(Revised October 17, 2010; Rule Revision Memo 47C)

- B. Demotion: An appointment of an employee to a **lower classification as defined in Career Service Rule 1 DEFINITIONS**. ~~position in a classification in which the range minimum of the pay grade of the new classification is lower than the range minimum of the classification previously held.~~
  
- G. Promotion: An appointment of an employee to a **higher classification as defined in Career Service Rule 1 DEFINITIONS**. ~~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.~~
  
- H. Promotional re-instatement: A promotion of an employee resulting from referral from a re-instatement list **as further defined in Career Service Rule 1 DEFINITIONS** (Effective January 20, 2012, Rule Revision Memo 57C).
  
- I. Re-instatement: An appointment of a laid off employee resulting from referral from a re-instatement list **as defined in Career Service Rule 1 DEFINITIONS** (Effective January 20, 2012, Rule Revision Memo 57C).
  
- J. Re-promotion: A promotion of an employee to a position in a higher classification in which the employee was previously employed within the preceding five (5) years **as further defined in Career Service Rule 1 DEFINITIONS**; or to a successor classification; or to any classification for which the employee is qualified, with the same or intervening range minimum as the former classification. Appointments that meet the definition of a promotional re-instatement are not re-promotions.
  
- K. Transfer: An appointment of an employee to **a lateral classification as defined in Career Service Rule 1 DEFINITIONS** one classification from another, if the range minimum of the pay range of the new classification is the same as the range minimum of the pay range of the classification previously held.

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## Section 14-50 Lay-off

### 14-51 Definition

The separation of a Career Status, unlimited employee from the Career Service resulting from the abolishment of a filled position. **Layoffs are the abolishment of a filled position as further defined in Career Service Rule 1 DEFINITIONS.**

### 14-52 Order of Lay-off

- A. Lay-off unit: Lay-offs shall be determined by lay-off unit. ~~Lay-off units are appropriation accounts, appropriation sub-accounts, combinations of appropriation sub-accounts, or combinations of appropriation accounts which have been consolidated or de-consolidated in accordance with paragraph 14-52 B Consolidation of Appropriation Accounts.~~