

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules. When the Board or the OHR Executive Director determines 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 the same bulletin boards as the local, state, and federal-mandated posters, as well as the Career Service Board's internet page, and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule change and the reason(s) for the proposed change shall be posted with the proposed rule change. 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. 547 (re-posted)

A Career Service Board Public Hearing has been scheduled regarding proposed revisions to Career Service Rule 2 **CAREER SERVICE BOARD**, Rule 3 **RECRUITMENT AND SELECTION**, and Rule 16 **CODE OF CONDUCT AND DISCIPLINE**.

The scheduled time for the public hearing is **THURSDAY, SEPTEMBER 7, 2017, at 4:30 P.M.**, in **Room, 4.G.2.**, Webb Municipal Building, 201 West Colfax Avenue.

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

Heather Smith
Office of Human Resources
201 West Colfax, 4th Floor
Department 412
Denver, Colorado 80202
heather.smith@denvergov.org
(720) 913-5618

Comments regarding this notice should be submitted no later than **noon on TUESDAY, SEPTEMBER 5, 2017**.

If anyone wishes to address the Board regarding this notice please contact George Branchaud at (720) 913-5650 or at george.branchaud@denvergov.org no later than **noon on TUESDAY, SEPTEMBER 5, 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.**

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RULE PROPOSAL 456B

TO: Appointing Authorities, Managers, and Employees
FROM: Karen Niparko, OHR Executive Director
DATE: August 25, 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, September 7, 2017, at 4:30 P.M.
Webb Municipal Building Room 4.G.2**

OHR is currently proposing revisions to Career Service Rule 2 **CAREER SERVICE BOARD**, Rule 3 **RECRUITMENT AND SELECTION**, and Rule 16 **CODE OF CONDUCT AND DISCIPLINE**. 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 Rules 2, 3, and 16:

CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
	Adds equal opportunity statement throughout the Career Service Rules.	Sections: 2-11B5 2-40A8 Rule 3, Purpose Statement Rule 16, Purpose Statement	To inform employees of their right to be free from workplace discrimination and harassment.
	Adds the phrase "gender identity and expression" to equal employment opportunity statement.	Sections: 16-22A,B 16-29L	To be more inclusive of the LGBTQ community; to clarify that employees have a right to work in an environment free of discrimination and harassment because of gender identity and expression.

ATTACHED BELOW YOU WILL FIND A STRIKETHROUGH VERSION OF THE PROPOSED REVISIONS TO RULES 2, 3, and 16.

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

Section 2-10 Career Service Board

2-11 Officers and Duties

A. Duties and Organization of the Board:

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

B. The Board is responsible for adopting, administering and enforcing rules necessary to foster and maintain this merit-based personnel system including, but not limited to rules providing:

1. For the conduct of competitive examinations of competence (Rule 3 **RECRUITMENT AND SELECTION**);
2. That appointments and promotions of employees in the Career Service shall be made on the basis of merit and ability (Rule 3 **RECRUITMENT AND SELECTION**);
3. For probationary periods (Rule 5 **APPOINTMENTS AND STATUS**);
4. For like pay for like work and for the payment of generally prevailing compensation and benefits to Career Service employees (Rule 7 **CLASSIFICATION AND COMPENSATION**);
5. For equal employment opportunity without regard to race, color, religion, national origin, sex, sexual orientation, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, or any other status protected under by federal, state and/or local laws (see Rule 16 **CODE OF CONDUCT AND DISCIPLINE**);
6. That dismissals, suspensions or disciplinary demotions of non-probationary employees in the Career Service shall be made only for cause, including the good of the service (Rule 16 **CODE OF CONDUCT AND DISCIPLINE**);

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7. For grievance procedures (Rule 18 **DISPUTE RESOLUTION**); and
8. For appeals from actions of appointing authorities (Rule 19 **APPEALS**).

C. Duties of the Co-Chairpersons:

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

D. Minutes and Record Keeping:

The OHR Executive Director shall be the official custodian of all Board minutes, correspondence, documents and files.

E. Appointments:

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

Section 2-40 OHR Executive Director

A. Powers and Duties:

The OHR Executive Director shall serve at the pleasure of the Board, report directly to the Board, and perform all duties and responsibilities as directed by the Board, including those contained in these Rules, and as delegated by the Denver Revised Municipal Code. In addition, the OHR Executive Director's powers and duties are:

1. To interpret and enforce the Rules adopted by the Board in such a manner as to promote and maintain the principles of a merit-based personnel system and the just, speedy and effective resolution of disputes;
2. To prepare and administer examinations, determine qualifications of applicants, establish eligible lists and refer eligible applicants to appointing authorities to fill vacancies;
3. To establish and maintain a roster of all Career Service employees;
4. To establish and maintain such records, forms and procedures as necessary to control personnel actions;
5. To consider reasonable suggestions from appointing authorities, the public, and employees or their representatives, pertaining to any phase of the personnel program;
6. To delegate to a designee such duties as, in his/her opinion are appropriate, unless otherwise specifically provided in these rules;
7. To administer the Education Refund Program in accordance with the Denver Revised Municipal Code; and
8. To perform such other duties as may be necessary to foster and maintain a merit-based personnel system for the Career Service, further equal employment opportunity **for all employees and applicants without regard to race, color, religion, national origin, sex, sexual orientation, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, or any other status protected under federal, state and/or local law**, or otherwise ensure the efficient operation of OHR.

B. Normal Working Hours:

The OHR Executive Director shall keep the OHR open for business from 8:00 a.m. to 5:00 p.m. Monday through Friday of each week, holidays excepted, unless good cause warrants a temporary or permanent change.

C. Interim OHR Executive Director:

1. When the OHR Executive Director will be absent for sixty (60) days or less, the OHR Executive Director shall designate a suitable and competent person as interim OHR Executive Director, unless the Board elects to designate one instead.
2. If the absence is going to be more than sixty (60) days, the Board shall designate an interim OHR Executive Director.

**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 without regard to race, color, religion, national origin, sex, sexual orientation, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, or any other status protected under federal, state and/or local law 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 Career Service system jobs.

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**).

**RULE 16
CODE OF CONDUCT
AND DISCIPLINE**

Purpose statement:

The purpose of this rule is to provide Career Service employees clear expectations for their conduct in an effort to maintain the public trust; to promote both public and workplace safety; **to promote equal employment opportunity without regard to race, color, religion, national origin, sex, sexual orientation, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, or any other status protected under federal, state and/or local law;** and to establish a progressive discipline process that is governed by the principles of due process, personal accountability, reasonableness and sound business practice. This rule contains information on the following topics:

- A. Delegation of authority
- B. Compliance with Code of Ethics and Executive Orders
- C. Harassment and discrimination
- D. Employee responsibility to report charges, convictions, and nolo contendere pleas
- E. Use of City facilities
- F. Political activities
- G. Employee organization and representation
- H. Recording devices in the workplace
- I. Grounds for discipline
- J. Investigatory leave
- K. Disciplinary process

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16-22 Harassment and Discrimination

- A. Career Service employees have a right to work in an environment free of discrimination and harassment because of the employee's race, color, ~~creed,~~ religion, national origin, sex, **sexual orientation,** gender identity **and expression, disability, genetic information,** ~~sexual orientation, marital status,~~ military status, age, ~~disability,~~ **marital status,** political affiliation, or any **other** status protected **under** by federal, state, **and/** or local laws.

B. Types of Harassment

Harassment because of race, color, ~~creed,~~ religion, national origin, sex, **sexual orientation,** gender identity **and expression, disability, genetic information,** ~~sexual orientation, marital status,~~ military status, age, ~~disability,~~ or **marital status,** political affiliation, or any **other** status protected **under** by federal, state, **and/** or local laws, includes but is not limited to:

1. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments;
2. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
3. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work directed at an employee because of the employee's sex, race, or other protected basis; and
4. Threats or demands to submit to sexual requests in order to keep a job or avoid some other loss, and offers of job benefits in return for sexual favors.

16-29 Grounds for Discipline

The following may be cause for the discipline or dismissal of a Career Service employee:

- A. Neglect of duty or carelessness in performance of duties and responsibilities.
- B. Theft, destruction, or neglect in the use of City property; or property or materials of any other person or entity.
- C. Unauthorized operation or use of any vehicles, machines, or equipment of the City, or of any entity having a contract with the City, including, but not limited to, the unauthorized use of the internet, e-mail, or telephones.
- D. Any act of dishonesty, which may include, but is not limited to, lying, or improperly altering or falsifying records, examination answers, or work hours.
- E. Accepting, soliciting, or making a bribe, or using official position or authority for personal profit or advantage, including kickbacks.
- F. Failing to comply with the lawful orders of an authorized supervisor or failing to do assigned work which the employee is capable of performing.
- G.
 - 1. Failing to meet established standards of performance including either qualitative or quantitative standards. When citing this subsection, a department or agency must describe the specific standard(s) the employee has failed to meet, such as standards in the employee's individual goals or in a Performance Improvement Plan (PIP). (Revised May 12, 2017; Rule Revision Memo 26D)
 - 2. Any employee who receives an "Unacceptable" performance rating and fails to correct his or her performance in the subsequent PIP (or PIPs), is considered to have been given an adequate opportunity to correct his or her behavior and may be dismissed without his or her appointing authority first being required to resort to progressive discipline. (Revised May 12, 2017; Rule Revision Memo 26D)
- H. Intimidation or retaliation against an individual who has been identified as a witness, party, or representative of any party to any hearing or investigation relating to any disciplinary procedure, or any violation of a city, state, or federal rule, regulation or law, or against an employee who has used the dispute resolution process in good faith.
- I. Failure to maintain satisfactory working relationships with co-workers and other individuals the employee interacts with as part of his or her job.
- J. Being charged with or convicted of a crime, or entering a plea of guilty or nolo contendere to a crime. Before imposing discipline under this subsection, the department or agency shall follow the guidelines contained in subsection 16-24.
- K. Failure to report charges of, pleas to, or convictions of crimes as required by this Rule 16.

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- L. Discrimination or harassment as defined in this Rule 16. This includes making derogatory statements based on race, color, ~~creed~~, religion, national origin, sex, sexual orientation, gender identity and expression, disability, genetic information, ~~sexual orientation~~, ~~marital status~~, military status, age, marital status, ~~disability~~, or political affiliation, or any other status protected under by federal, state, and/or local laws. This prohibited conduct need not rise to the level of a violation of any relevant local, state or federal law before an employee may be disciplined and the imposition of such discipline does not constitute an admission that the City violated any law.
- M. Unauthorized absence from work; or abuse of paid time off, sick leave, or other types of leave; or violation of any rules relating to any forms of leave.
- N. Unauthorized deviation from scheduled shift including reporting to work after the scheduled start time of the shift, leaving work before the end time of the shift, or working unauthorized overtime.
- O. Failure to use safety devices or failure to observe safety regulations.
- P. Engaging in a strike, sabotage, or work slowdown.
- Q. Divulging confidential or otherwise sensitive information to unauthorized individuals.
- R. Conduct which violates the Career Service Rules, the City Charter, the Denver Revised Municipal Code, Executive Orders, written departmental or agency regulations, policies or rules, or any other applicable legal authority. When citing this subsection, a department or agency must cite the specific regulation, policy or rule the employee has violated.
- S. Refusal to cooperate, including refusing to provide requested information and materials relevant to the investigation.
- T. Conduct which is or could foreseeably:
 - 1. Be prejudicial to the good order and effectiveness of the department or agency;
 - 2. Bring disrepute on or compromises the integrity of the City; or
 - 3. Be unbecoming of a City employee.