

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules ("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. 613

A Career Service Board Public Hearing has been scheduled regarding proposed provisional revisions to **Career Service Rules 1, 2, and 14.**

The scheduled time for the public hearing is **THURSDAY, NOVEMBER 21, 2019 at 9:00 A.M.**, in the **Hearing Office, First Floor**, Webb Municipal Building, 201 West Colfax Avenue.

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

Lauren Locklear
HR Compliance Officer
Office of Human Resources
201 West Colfax, 4th Floor
Department 412
Denver, Colorado 80202
(720) 913-5618
lauren.locklear@denvergov.org

Comments regarding this notice should be submitted no later than **12:00 P.M. on MONDAY, NOVEMBER 18, 2019.**

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 **12:00 P.M. on MONDAY, November 18, 2019** 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 486B

TO: Appointing Authorities, Managers, and Employees
FROM: Karen Niparko, OHR Executive Director
DATE: November 7, 2019
SUBJECT: Proposed revisions of Career Service Rules 1, 2, and 14

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

**THURSDAY, November 21, 2019, at 9:00 A.M.
Webb Municipal Building Hearing Office, First Floor**

The Office of Human Resources is proposing revisions to the Career Service Rules relating to Career Service Board meeting frequency and to lay-off group organization. The lay-off changes reflect a new lay-off unit structure based on functional organizational groups (divisions), as documented in the City and County of Denver’s Human Resource Information System, rather than appropriation accounts.

Rule 1 DEFINITIONS			
CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
Defines appropriation sub-account; defines lay-off unit as a combination of appropriation accounts and sub-accounts	Removes definition of appropriation sub-account; defines lay-off unit as a division within an agency or department	Rule 1	Divisional lay-off units are tracked in the City’s HRIS system (Workday); Police, Fire, and Sheriff departments are each one lay-off unit to align with historical practice; If a group of individuals in a lay-off unit are not in a division, the next highest organizational unit in Workday defines the lay-off unit for those individuals
Rule 2 CAREER SERVICE BOARD			
CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
The Career Service Board meets on the first and third Thursday of each month, or as deemed necessary by the Board.	The Career Service Board meets on the third Thursday of each month, or as deemed necessary by the Board	Rule 2-12 A	Due to a decrease in the number of Career Service Board appeals, and a streamlined approval process for classification and compensation notices, the Board is adjusting its meeting cadence to once, rather than twice, a month

Requires a public hearing for the adoption, amendment, or repeal of consolidation or deconsolidation of funds for lay-off purposes	Removes this requirement	Rule 2-31 A.3	As lay-off units are no longer tied to funds, this rule is no longer necessary
Requires agencies and departments to post notices of hearings regarding fund consolidations and deconsolidations in locations that affected employees would see	Removes this requirement	Rule 2-32	As consolidations and deconsolidations will no longer require a hearing, this rule is no longer necessary

Rule 14 SEPARATION OTHER THAN DISMISSAL

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
Describes consolidation and deconsolidation of appropriation accounts into lay-off units	Removes this provision	Rule 14-52 B.	As lay-off units will no longer be based on appropriation accounts, this rule is no longer necessary
Describes continuous service dates for employees in the Office of Telecommunications as of July 31, 2011 who were appointed to Career Service positions in Technology Services	Removes this provision	Rule 14-53 E.	No current City employees fall under this provision so it is no longer necessary

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

**RULE 1
DEFINITIONS**

(Revised February 21, 2017; Rule Revision Memo 25D)

Purpose:

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

Agency:

A unit of government identified by a "fund organization" number in an appropriation ordinance.

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 department or agency to act as an appointing authority.

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.

~~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.~~

Benefits:

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, uniform and equipment allowances, dependents' benefits, and any other financial or economic benefits as determined by the Office of Human Resources.

Break in service:

Any lapse of working time between the official separation of an employee and his subsequent re-hiring.

Career Service:

All employees of the City and their positions subject to the exceptions in the Denver City Charter.

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.

Career Service employee:

The incumbent of a position in the Career Service.

Classification series:

The arrangement in sequence of classes that are alike in kind but not in level. For the purposes of market adjustments and lay-offs, a classification series shall include first line supervisors and lead workers, if so designated for the class.

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.

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.

Incumbent:

The current occupant of a position.

Lay-off:

The involuntary separation of a career status unlimited employee resulting from the abolishment of a filled position.

Lay-off unit:

A division within an agency or department as set forth in the City's Human Resource Information System, except the Fire, Police, and Sheriff departments shall each be one lay-off unit. If an agency or department is not organized by division, or an individual is not a member of a division, the next highest organizational unit will define the 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.~~

Length of Service:

Total number of years, months and days of continuous service, including time an employee is on unpaid leave, but exclusive of service in on-call status positions.

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).

Office of Human Resources:

The agency created by the Denver Revised Municipal Code to administer the Career Service.

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-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.

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.

2-12 Meeting Requirements

A. Meetings:

1. The Board shall meet on the ~~first~~ and third Thursday of each month, or as deemed necessary by the Board.
 2. The OHR Executive Director shall call special meetings of the Board when directed to do so by a Co-Chairperson, or by two or more members of the Board, or when the OHR Executive Director deems it necessary.
 3. All meetings shall be public in accordance with the open meetings requirements of the Denver Revised Municipal Code, unless an executive session or private meeting is otherwise authorized.
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Section 2-30 Public Hearings by the Board

2-31 Types of Public Hearings

A. Mandatory Public Hearings: The Board shall hold a public hearing on the following:

1. Proposed changes to the classification and pay plan, including changes resulting from annual pay survey recommendations, subject to the exceptions for interim adjustments in Rule 7-21 subsection D; (Revised April 20, 2018; Rule Revision Memo 39D)
2. Proposed changes to employee benefits prior to the OHR Executive Director making any recommendations to the Mayor and City Council as provided in the Denver Revised Municipal Code;
3. ~~Adoption, amendment or repeal of a fund consolidation or deconsolidation for lay-off purposes;~~
4. ~~3.~~ Determination of prevailing wages, in accordance with the Denver Revised Municipal Code;
5. ~~4.~~ Adoption, amendment or repeal of a rule, except for changes that are administrative.

B. Discretionary Public hearings: The Board may hold a public hearing, at its discretion, on any matter within the jurisdiction of the Board.

2-32 Notice and Conduct

A. Notice of Hearings:

1. Notice of public hearings by the Board shall be given at least thirteen (13) calendar days in advance of the hearing, and shall state the time, date,

place, and subject of the hearing, who may be heard, and the process to be heard.

2. Such notice shall be posted in the public area of the OHR on a bulletin board provided for such notices, on the first floor of the City and County Building, and on the Board's internet page.

B. Special Additional Notice Requirements:

- ~~1. When the subject of a hearing is proposed fund consolidations or de-consolidations for purposes of lay-off, the department or agency affected by the proposed consolidation or de-consolidation shall post the notices in such locations that employees affected by the consolidation or de-consolidation shall be given reasonable notice of the time, date, place and subject of the hearing.~~
2. When the subject of a hearing is a proposed pay plan adjustment or a proposed rule change, the OHR shall provide electronic copies of the notice of public hearing to appointing authorities who shall post such notices in conspicuous locations in the work places.

C. Conduct of Hearings by the Board:

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

Section 14-50 Lay-off

14-51 Definition

(Revised February 21, 2017; Rule Revision Memo 25D)

A layoff is the **elimination** ~~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. (Revised February 21, 2017; Rule Revision Memo 25D)

~~B. Consolidation of Appropriation Accounts:~~

~~1. The Career Service Board ("Board") may consolidate appropriation accounts or appropriation sub-accounts within a department into one lay-off unit if it can be shown that there is a high correlation between the activities of one unit of the department and others proposed to be consolidated.~~

~~2. The Board may reverse the consolidation of appropriation accounts or appropriation sub-accounts making up one lay-off unit, or break a lay-off unit consisting of one appropriation account into sub-accounts or combinations of sub-accounts, based on business functions demonstrated by the department or upon a showing that circumstances giving rise to the consolidation are no longer applicable.~~

~~3. A request for such consolidation or de-consolidation of appropriation accounts may be initiated by appointing authorities, employees, or the OHR Executive Director and shall be determined by the Board only after interested parties have been given an opportunity to be heard at a public hearing in accordance with Rule 2 **OFFICE OF HUMAN RESOURCES**.~~

~~4. Changes to lay-off units must be approved a minimum of forty-five (45) days prior to the effective date of the lay-off.~~

~~B. Appointing authority designates positions: The appointing authority shall determine the number of positions by class which are to be **eliminated** ~~abolished~~ within the lay-off unit.~~

~~C. Relation of positions to incumbents in lay-off: When lay-off is involved, there is no relation between the positions which are **eliminated** ~~abolished~~ and the incumbents of those positions. The order of lay-off is according to this Rule 14.~~

~~D. Establishment of lay-off groups: After separating all at-will status employees and **eliminating** ~~abolishing~~ all vacant positions in the class, the appointing authority shall **request a report from the Office of Human Resources dividing** ~~divide~~ the employees in the class where positions are being **eliminated** ~~abolished~~ into the following groups:~~

Group A - Employees whose total length of service is up to five years;

Group B - Employees whose total length of service is **from** five years ~~and up to~~ ten years;

Group C - Employees whose total length of service is **from** ten years ~~and up to~~ fifteen years;

Group D - Employees whose total length of service is fifteen (15) years or more.

These lay-off groups are for the purpose of determining proficiency adjustments as covered in paragraph 14-54 C. Effect of Proficiency.

F.E. Effect of special qualification on lay-off group: When an employee possesses a significant and unique skill which cannot readily be learned by another employee and which is essential for the performance of the duties of the position, the OHR Executive Director, after thorough review and investigation, may determine that the possession of such a skill shall justify excusing the employee from the operation of this lay-off rule. If two or more employees are determined to possess this skill, the other provisions of this subsection 14-52 Order of Lay-off shall apply to determine which employee(s) will be affected by the lay-off.

14-53 Length of Service

- A. General rule: For lay-off purposes, length of service shall mean the total number of years, months, and days of continuous service in any class under career service. This computation shall include time on leave, including unpaid leave, but shall not include service in any on-call or limited position.
- B. Additional length of service credits from military service: Pursuant to the Colorado Constitution, Article XII, Section 15 (See Appendix A), military service shall be added to the length of service for lay-off purposes under the following conditions:
1. General provision on military service credits eligibility: The amount of military service credited shall be the total number of years, months, and days served in the following situations, other than for training purposes:
 - a. Service 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
 - b. Service on active duty in any such branch in any campaign or expedition for which a campaign badge is authorized.
 2. Other provisions regarding military service credits:
 - a. For employees who have completed twenty (20) or more years of active military service, no military service shall be counted in determining length of service for lay-off purposes.

- b. For employees who have completed less than twenty (20) years of active military service, eligible military service credits shall not exceed ten (10) years.
 - c. Employees who were granted a leave of absence without pay for the purpose of serving on active military duty as defined in paragraph 14-53 B Additional length of service credits from military service shall not be credited with military service time, but shall have the leave of absence without pay included in determining their length of service.
 - d. To be eligible for military service credits, employees must have been separated from such service under honorable conditions.
 - e. Employees whose spouse died while serving or as a result of a service-connected cause are also eligible for military service credits as defined and limited above.
3. Proof of eligibility for military service credits: Proof of eligibility for military service credits shall be established in accordance with the provisions of Article XII, Section 15 (2) of the Colorado Constitution.
- C. Former Merit System employees: Employees transitioned from the merit system to Career Service under the Human Services Department transition charter amendment effective January 1, 1999 shall be given credit for continuous service as follows:
- 1. At the time of the lay-off, employees who are assigned to the Department of Human Services and have been continuously assigned to said department since January 1, 1999 shall have their length of service calculated from the date the employee was employed with the merit system.
 - 2. After January 1, 1999, employees who voluntarily transfer to another department in the city shall have their length of service calculated from the date of continuous service with the City and County of Denver, provided that employees who involuntarily transfer to another department shall have their length of service calculated pursuant to the previous subparagraph.
- D. Election Commission transition: Election Commission employees who are appointed to Career Service Election Division positions pursuant to the charter amendment effective July 16, 2007 shall be given credit for continuous service as follows:
- 1. At the time of the lay-off, employees who hold positions in the Election Division and have been continuously employed in this agency since July 16, 2007 shall have their length of service calculated from the date the employee's continuous service in a full or part-time position with the City

began.

2. After July 16, 2007, Election Division employees who voluntarily accept an appointment to a position in another department in the City shall have their length of service calculated from the date of continuous service with the Career Service, provided that employees who are involuntarily moved to another department shall have their length of service calculated pursuant to the previous subparagraph.

~~E. Office of Telecommunications transition: Employees of the Office of Telecommunications as of July 31, 2011, who are subsequently appointed to Career Service positions in Technology Services shall be given credit for continuous service as follows:~~

- ~~1. At the time of the lay-off, such employees who hold positions in Technology Services and have been continuously employed in this office since August 1, 2011 shall have their length of service calculated from the date the employee's continuous service in a full or part-time position with the City began.~~
- ~~2. After August 1, 2011, such employees of Technology Services who voluntarily accept an appointment to a position outside of Technology Services shall have their length of service calculated from the date of continuous service with the Career Service, provided that employees who are involuntarily moved to another department shall have their length of service calculated pursuant to the previous subparagraph.~~