

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. 647

A Career Service Board Public Hearing has been scheduled regarding the proposed adoption of the revisions to **Career Service Rule 3 - Recruitment** and **Career Service Rule 9 - Pay Administration**.

A Career Service Board Meeting regarding Public Hearing Notice No. 647 is scheduled for **Thursday, August 19, 2021**. The public hearing starts at **9:00 AM** and will be conducted through a provided conference call number and available digital link through public notice of the agenda, released no later than two days prior to the scheduled meeting.

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

George Branchaud  
Administrator  
Office of Human Resources  
(720) 913-5650  
[george.branchaud@denvergov.org](mailto:george.branchaud@denvergov.org)

Comments regarding this notice should be submitted no later than **12:00 P.M. on Monday, August 16, 2021**.

If anyone wishes to address the Board regarding this notice please contact George Branchaud at (720) 913-5650 or at [george.branchaud@denvergov.org](mailto:george.branchaud@denvergov.org), no later than **12:00 P.M. on Wednesday, August 18, 2021** 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 REVISION PROPOSAL 69D**

**TO:** Appointing Authorities, Managers, and Employees  
**FROM:** Karen Niparko, OHR Executive Director  
**DATE:** Friday, August 6, 2021  
**SUBJECT:** Proposed adoption of the revisions to Career Service Rule 3-Recruitment and Rule 9-Pay Administration

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

**AUGUST 15, 2021, at 9:00 A.M.**

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p>RULE 1 DEFINITIONS</p> <p>Re-promotional appointment:</p> <p>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.</p>	<p>RULE 1 DEFINITIONS</p> <p><u><i>Abolish Definition</i></u></p>	<p>1-0</p>	<p>The definition “re-promotional appointment” will be eliminated from this rule as an employee’s previous work at a higher level will no longer be a consideration for promotional pay setting.</p>
<p>Section 3-30 Types of Recruitments and Posting a Job</p> <p>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, <del>re-promotion</del>, or re-instatement appointment is not required.</p>	<p>Section 3-30 Types of Recruitments and Posting a Job</p> <p>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, or re-instatement appointment is not required.</p>	<p>3-30.B.1</p>	<p>The word “re-promotion” was deleted from reference in this rule.</p>

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p>3-51 Selecting a Candidate for Hire</p> <p>A.1. Career Service employees who are eligible for <del>re-promotion</del>, transfer, or demotion appointments (including employees who are eligible for an ADA re-assignment under Rule 12 <b>LEAVE AND ACCOMMODATIONS FOR PREGNANCY AND EXTENDED ILLNESSES AND INJURIES</b>, or former employees who are eligible for re-employment, as defined in Rule 5 <b>APPOINTMENTS AND STATUS</b>)</p>	<p>3-51 Selecting a Candidate for Hire</p> <p>A.1. Career Service employees who are eligible for transfer, or demotion appointments (including employees who are eligible for an ADA re-assignment under Rule 12 <b>LEAVE AND ACCOMMODATIONS FOR PREGNANCY AND EXTENDED ILLNESSES AND INJURIES</b>, or former employees who are eligible for re-employment, as defined in Rule 5 <b>APPOINTMENTS AND STATUS</b>)</p>	<p>3-51.A.1</p>	<p>The word “re-promotion” was deleted from reference in this rule.</p>
<p>5-12 Appointments of Employees Who Are in the Career Service</p> <p>C. Re-promotional appointment:</p> <ol style="list-style-type: none"> <li>1. Appointments that are promotional reinstatements are not re-promotions; and</li> <li>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.</li> </ol>	<p>5-12 Appointments of Employees Who Are in the Career Service</p> <p><u><b>Abolish Definition</b></u></p>	<p>5-12.C 1-2</p>	<p>This section of the rule is being eliminated as a “re-promotion” is no longer a consideration for appointment.</p>

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p>Section 9-5 Definitions</p> <p>K. Re-promotion: A promotion of an employee to a position in a higher classification as further defined in Career Service Rule 1</p> <p><b>DEFINITIONS.</b></p> <p>Appointments that meet the definition of a promotional re-instatement are not re-promotions.</p>	<p>Section 9-5 Definitions</p> <p><u><b>Abolish Definition</b></u></p>	<p>9-5 K</p>	<p>Section “K” of this rule’s definitions will be eliminated as the concept of a “re-promotion” will no longer be a consideration for hiring or pay setting.</p>
<p>9-31 Promotion and re-promotion</p> <p>B. Demotion and subsequent re-promotion:</p> <ol style="list-style-type: none"> <li>1. If an employee demotes without a loss in pay, that employee is not eligible for an increase in pay upon re-promotion if such re-promotion occurs within twelve months following the date of the demotion.</li> <li>2. In all other circumstances, an employee being re-promoted will have their pay set under the provisions of paragraph 9-31A.</li> </ol>	<p>9-31 Promotion</p> <p><u><b>Abolish Definition</b></u></p>	<p>9-31 &amp; 9-31.B.1-2</p>	<p>Section “B” of this rule is being eliminated and the word “re-promotion” was deleted from all reference in this rule.</p>
<p>12-64 Re-assignment:</p> <p>B. Reassignment is not available:</p> <ol style="list-style-type: none"> <li>1. To a position that constitutes a promotion. <del>If the employee originally took a demotion as an ADA reassignment, the ADA Coordinator may consider positions above the employee’s current pay grade if the employee is eligible for re-promotion (as defined in Rule 5</del></li> </ol> <p><b>APPOINTMENTS</b></p>	<p>12-64 Re-assignment:</p> <p>B. Reassignment is not available:</p> <ol style="list-style-type: none"> <li>1. To a position that constitutes a promotion. This does not preclude an employee from applying for promotions within the Career Service; and</li> <li>2. To job applicants who are not currently City employees.</li> </ol>	<p>12-64.B.1</p>	<p>This section of the rule will be amended to eliminate “re-promotion” as a consideration for ADA assignments.</p>

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p><del>AND STATUS) to that position and is able to perform the essential functions of that position with or without accommodations.</del> This does not preclude an employee from applying for promotions within the Career Service; and</p> <p>2. To job applicants who are not currently City employees.</p>			
<p>Section 3-30 Types of Recruitments and Posting a Job</p> <p>C. Content of Job Postings:</p> <p>1. The notice must contain the job classification title, business title, pay range, position type (limited/unlimited/on-call), job description, minimum qualifications, target qualifications, physical requirements (where applicable), information on assessments and/or tests, pre-employment screening, and probation requirements.</p>	<p>Section 3-30 Types of Recruitments and Posting a Job</p> <p>C. Content of Job Postings:</p> <p>1. The notice must contain the job classification title, business title, pay range, <u>benefits</u>, position type (limited/unlimited/on-call), job description, minimum qualifications, target qualifications, physical requirements (where applicable), information on assessments and/or tests, pre-employment screening, and probation requirements.</p>	3-30	<p>This revision adds the word “benefits” to align with the Colorado Equal Pay for Equal Work Act. Note: the city’s job postings include a link that applicants may click on to review all benefits offered.</p>
<p>Section 9-5 Definitions</p> <p>F. Pay Factors:</p> <p>When setting pay, appointing authorities shall base their decision on the following pay factors:</p> <ol style="list-style-type: none"> <li>1. <del>Market conditions;</del></li> <li>2. Related experience;</li> <li>3. Previous work record;</li> <li>4. Education and/or certification;</li> <li>5. Internal equity; and</li> <li>6. Level of responsibility accepted.</li> </ol>	<p>Section 9-5 Definitions</p> <p>F. Pay Factors:</p> <p>When setting pay, appointing authorities shall base their decision on the following pay factors, which are not listed in any particular rank order:</p> <ol style="list-style-type: none"> <li>1. Related experience;</li> <li>2. Previous work record;</li> <li>3. Education and/or certification;</li> <li>4. Internal equity; and</li> <li>5. Level of responsibility accepted.</li> <li>6. <u>Merit system</u></li> </ol>	9-5	<p>Revisions:</p> <ul style="list-style-type: none"> <li>• Adds a disclaimer to note that this list of pay factors is not in any particular rank order.</li> <li>• Eliminates the first pay factor “market conditions” and adds the sixth pay factor “merit system” to align with the Colorado Equal Pay for Equal Work Act.</li> </ul>

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p>9-32 Transfers</p> <p><del>When an employee transfers positions within the same classification, or transfers from one classification to another classification with the same range minimum, the employee shall receive the same pay as before the transfer, unless the employee is transferring from on-call status to limited or unlimited status or vice versa and internal equity warrants a pay adjustment.</del></p> <p>If the employee's pay upon transfer will be more than the range maximum of the new pay range of the new classification the employee's pay shall be set at the range maximum of the pay range of the new classification.</p>	<p>9-32 Transfers</p> <p>When an employee transfers positions from one classification to another classification with the same <u>pay</u> range minimum, the <u>employee's pay shall be set by the appointing authority in accordance with the pay factors defined in this Rule 9.</u></p> <p>If the employee's pay upon transfer will be more than the range maximum of the new pay range of the new classification, the employee's pay shall be set at the range maximum of the pay range of the new classification.</p>	<p>9-32</p>	<p>The current rule does not allow for a review of pay upon transfer, whereas the amended rule will allow for pay reviews in accordance with Rule 9 pay factors.</p>
<p>9-39 Pay adjustment within the salary range</p> <p>A. An appointing authority may adjust pay for an employee, within that employee's current salary range, if the purpose is to eliminate a pay disparity, so long as that employee's pay is being compared with the pay of another <del>employee in the same department or agency</del> who is:</p> <ol style="list-style-type: none"> <li>1. In the same classification; or</li> <li>2. In the same classification series; or</li> <li>3. In a classification within the same job family performing comparable types of duties; or</li> <li>4. Subordinate to the existing employee in that employee's chain of command.</li> </ol> <p>B. <del>If such a comparator employee does not exist within the same department or agency, OHR</del></p>	<p>9-39 Pay adjustment within the salary range</p> <p>A. An appointing authority may adjust pay for an employee, within that employee's current salary range, if the purpose is to eliminate a pay disparity, so long as that employee's pay is being compared with the pay of another employee who is:</p> <ol style="list-style-type: none"> <li>1. In the same classification; or</li> <li>2. In the same classification series; or</li> <li>3. In a classification within the same job family performing comparable types of duties; or</li> <li>4. Subordinate to the existing employee in that employee's chain of command.</li> </ol> <p>B. OHR Classification and Compensation <u>will</u> review employees' pay across departments or agencies within the same classification(s), within the same classification</p>	<p>9-39.A-B</p>	<p>Revisions:</p> <ul style="list-style-type: none"> <li>• In section "A" eliminates the requirement to compare an employee's pay with another employee within the same agency or department.</li> <li>• Section "B" eliminates the same language as in section "A" in order to make these two sections congruent, so that pay comparisons can be made across organizations.</li> </ul>

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p>Classification and Compensation <del>may</del> review employees' pay across departments or agencies within the same classification(s), within the same classification series, or within the classification(s) with the same career path with comparable duties.</p>	<p>series, or within the classification(s) with the same career path with comparable duties</p>		
<p>9-65 Work Assignment Outside of Job Classification</p> <p>A. An appointing authority may temporarily assign the duties of a vacant or temporarily unoccupied position in a higher-level classification to an employee in a lower level classification for a period of up to one year in accordance with the criteria established in this rule. <del>Assignments for periods longer than one year require the approval of the OHR Executive Director.</del></p>	<p>9-65 Work Assignment Outside of Job Classification</p> <p>A. An appointing authority may temporarily assign the duties of a vacant or temporarily unoccupied position in a higher-level classification to an employee in a lower level classification for a period of up to one year in accordance with the criteria established in this rule. <u>An extension not to exceed six months may be considered, with sound business rationale, for approval by the OHR Executive Director.</u></p>	9-65.A	<p>This revision further clarifies the duration of working out of class extensions.</p>
<p>9-65 Work Assignment Outside of Job Classification</p> <p><del>B.</del></p> <p>1. Employees are eligible for additional pay for such assignments when they have been assigned <del>all</del> of the duties and responsibilities of the vacant or temporarily unoccupied position in the higher-level classification;</p> <p>2. Additional pay for work outside of an employee's job classification shall start at the beginning of the work week <del>following the fifteenth day of the temporary assignment and</del> continue for the duration of the assignment.</p>	<p>9-65 Work Assignment Outside of Job Classification</p> <p><u>A.</u></p> <p>1. Employees are eligible for additional pay for such assignments when they have been assigned <u>a majority (70% or more)</u> of the duties and responsibilities of the vacant or temporarily unoccupied position in the higher-level classification;</p> <p>2. <u>Assignments of duties from any vacant or temporarily unoccupied position in a higher classification may be assigned to one employee only; multiple employees may not share a working out of classification assignment and qualify for additional pay;</u></p>	9-65.B.1-2	<p>Revisions:</p> <ul style="list-style-type: none"> <li>• Section "B" will be joined with the above section "A" and the subsequent sections will adjust in accordance with lettering naming convention.</li> <li>• a majority, 70%, of work must be assigned to qualify for this provision in the rule</li> <li>• only one employee may be assigned to a higher-level vacant position</li> <li>• 3. Was added to clarify the working out of class assignment and pay will start at the beginning of a work week.</li> </ul>

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
	<p>3. <u><i>The additional work and additional pay for work outside of an employee’s job classification shall start at the beginning of a work week; the additional pay shall continue for the duration of the assignment.</i></u></p>		
<p>9-65 Work Assignment Outside of Job Classification</p> <p><del>C. The employee shall receive additional pay equal to eight percent (8.0%) above their regular base pay, unless the employee is receiving equipment differential.</del></p>	<p>9-65 Work Assignment Outside of Job Classification</p> <p><u><i>B. Working out of classification pay shall be set by the appointing authority with consideration given to the number of pay grade differences and the percentage of work being performed of the higher-level classification as follows:</i></u></p> <p><u><i>Working out of Classification Scenario</i></u></p> <p><u><i>The vacant higher-level classification is 1 or 2 pay grades higher</i></u></p> <p><u><i>Pay Increase 8%</i></u></p> <p><u><i>The vacant higher-level classification is more than 2 pay grades higher</i></u></p> <p><u><i>Pay Increase 12%</i></u></p> <p><u><i>If the employee’s current classification is non-exempt and the employee will perform higher-level duties of an exempt classification, the employee retains their non-exempt status for overtime pay purposes.</i></u></p> <p><u><i>If the employee is non-exempt and performing the work of an exempt classification, contact your OHR Classification and Compensation Analyst who will determine the pay grade difference.</i></u></p>	<p>9-65.C</p>	<p>Revisions:</p> <ul style="list-style-type: none"> <li>• Section “C” will become section “B” as the previous section “B” was joined with section “A” and the subsequent sections will adjust in accordance with lettering naming convention.</li> <li>• add a level of working out of class pay increase at 12% for employees assigned to a vacant higher-level classification that is more than 2 pay grades above their current pay grade.</li> <li>• clarify current practice that non-exempt employees performing exempt work will remain non-exempt in order to be eligible for overtime.</li> <li>• clarify that managers may contact their Classification and Compensation Analyst who will inform them of the proper pay grade when a non-exempt employee is being temporarily assigned to perform work in an exempt classification.</li> </ul>



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

## Rule 1 Definitions

### ~~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.~~

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

- 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.

## 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 AND ACCOMMODATIONS FOR PREGNANCY AND EXTENDED ILLNESSES AND INJURIES, or former employees who are eligible for re-employment, as defined in Rule 5 APPOINTMENTS AND STATUS.

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

### ~~C. Re-promotional appointment:~~

- ~~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.~~

## Section 9-5 Definitions

~~K. Re-promotion: A promotion of an employee to a position in a higher classification as further defined in Career Service Rule 1 DEFINITIONS. Appointments that meet the definition of a promotional re-instatement are not re-promotions.~~

### 9-31 Promotion and ~~re-promotion~~

~~B. Demotion and subsequent re-promotion:~~

- ~~1. If an employee demotes without a loss in pay, that employee is not eligible for an increase in pay upon re-promotion if such re-promotion occurs within twelve months following the date of the demotion.~~
- ~~2. In all other circumstances, an employee being re-promoted will have their pay set under the provisions of paragraph 9-31A.~~

### 12-64 Re-assignment:

B. Reassignment is not available:

1. To a position that constitutes a promotion. ~~If the employee originally took a demotion as an ADA reassignment, the ADA Coordinator may consider positions above the employee's current pay grade if the employee is eligible for re-promotion (as defined in Rule 5 APPOINTMENTS AND STATUS) to that position and is able to perform the essential functions of that position with or without accommodations.~~ This does not preclude an employee from applying for promotions within the Career Service; and
2. To job applicants who are not currently City employees.

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

C. Content of Job Postings:

1. The notice must contain the job classification title, business title, pay range, *benefits* position type (limited/unlimited/on-call), job description, minimum qualifications, target qualifications, physical requirements (where applicable), information on assessments and/or tests, pre-employment screening, and probation requirements.

## Section 9-5 Definitions

F. Pay Factors: When setting pay, appointing authorities shall base their decision on the following pay factors, *which are not listed in any particular rank order:*

- ~~1. Market conditions;~~
  1. Related experience;
  2. Previous work record;
  3. Education and/or certification;
  4. Internal equity; and,

5. Level of responsibility of accepted; and,
6. Merit system

### 9-32 Transfers

When an employee transfers positions ~~from within the same classification, or transfers from~~ one classification to another classification with the same pay range minimum, the employee's pay shall be set by the appointing authority in accordance with the pay factors defined in this Rule 9. ~~receive the same pay as before the transfer, unless the employee is transferring from on-call status to limited or unlimited status, or vice versa, and internal equity warrants a pay adjustment.~~

If the employee's pay upon transfer will be more than the range maximum of the new pay range of the new classification the employee's pay shall be set at the range maximum of the pay range of the new classification.

### 9-39 Pay adjustment within the salary range

- A. An appointing authority may adjust pay for an employee, within that employee's current salary range, if the purpose is to eliminate a pay disparity, so long as that employee's pay is being compared with the pay of another employee ~~in the same department or agency~~ who is:
  1. In the same classification; or
  2. In the same classification series; or
  3. In a classification within the same job family performing comparable types of duties; or (Revised April 9, 2021, Rule Revision 66D)
  4. Subordinate to the existing employee in that employee's chain of command.
- B. ~~If such a comparator employee does not exist within the same department or agency,~~ OHR Classification and Compensation will may review employees' pay across departments or agencies within the same classification(s), within the same classification series, or within the classification(s) with the same career path with comparable duties.

### 9-65 Work Assignment Outside of Job Classification

- A. An appointing authority may temporarily assign the duties of a vacant or temporarily unoccupied position in a higher-level classification to an employee in a lower level classification for a period of up to one year in accordance with the criteria established in this rule. ~~Assignments for periods longer than one year require the approval of the OHR Executive Director.~~ An extension not to exceed six months may be considered, with sound business rationale, for approval by the OHR Executive Director.
  1. Employees are eligible for additional pay for such assignments when they have been assigned ~~at~~ a majority (70% or more) of the duties and responsibilities of the vacant or temporarily unoccupied position in the higher-level classification;
  2. Assignments of duties from any vacant or temporarily unoccupied position in a higher classification may be assigned to one employee only; multiple employees may not share a working out of classification assignment and qualify for additional pay;

3. ~~2.~~ The additional *work and the additional* pay for work outside of an employee’s job classification shall start at the beginning of the a work week; ~~following the fifteenth day of the temporary assignment~~ the additional pay shall and continue for the duration of the assignment.

B. ~~The employee shall receive additional pay equal to eight percent (8.0%) above their regular base pay, unless the employee is receiving equipment differential.~~ Working out of classification pay shall be set by the appointing authority with consideration given to the number of pay grade differences and the percentage of work being performed of the higher-level classification as follows:

<u>Working Out of Classification Scenario</u>	<u>Pay Increase %</u>
<u>The vacant higher-level classification is 1 or 2 pay grades higher</u>	<u>8%</u>
<u>The vacant higher-level classification is more than 2 pay grades higher</u>	<u>12%</u>

If the employee’s current classification is non-exempt and the employee will perform higher-level duties of an exempt classification, the employee retains their non-exempt status for overtime pay purposes.

If the employee is non-exempt and performing the work of an exempt classification, contact your OHR Classification and Compensation Analyst who will determine the pay grade difference.

1. The employee’s job classification will not change as a result of a temporary assignment of higher-level job duties and responsibilities. Employees receiving additional pay for working outside of their assigned classification shall not be eligible for re-allocation to the higher-level classification.
2. If an employee receives a merit increase during the temporary assignment, the pay for the work assignment outside of job classification shall be re-calculated based on the employee’s base pay including the merit increase. The re-calculated pay shall be effective on the effective date of the merit increase