

MEMORANDUM

REVISION 247, SERIES B

TO: Holders of CS Rule Books

FROM: CS Board

DATE: March 19, 2004

SUBJECT: Personnel Rule Revision – Rule 14-40 Lay-off and all associated Career Service Rules

The Career Service Board has adopted an amendment to Rule 14-40; Rule 1 Definitions; Rule 4, Sections 4-30 Eligibility Lists Defined, 4-32 Lay-off Unit and General Reinstatement Lists, 4-33 Lay-off Referral List, 4-90 Exceptions to the Use of Employment Lists, and 4-93 Reemployment; Rule 5, Sections 5-62 Employees in Career Status, 5-71 Appointments of Applicants Who Are Not in the Career Service, 5-72 Appointments of Employees Who Are in the Career Service, and 5-74 Demotion Appointments; Rule 9, Sections 9-63 Demotion and 9-65 Re-instatement Appointment or Promotional Re-instatement Appointment; and Rule 11, Section 11-41 Basis of Granting that was published as Rule Proposal 341B. The effective date of this revision is March 19, 2004.

	<u>Page Number</u>	<u>Effective Dates</u>
Remove	Rule 1 Definitions (in its entirety)	
Replace	Rule 1 Definitions 1-1 through 1-15	March 19, 2004
Remove	Rule 4 Certification 4-1 through 4-5	
Replace	4-1 through 4-5	March 19, 2004



Remove	Rule 4 Certification 4-7 through 4-11	
Replace	4-7 through 4-11	March 19, 2004
Remove	Rule 5 Appointments and Status 5-6 through 5-11	
Replace	5-6 through 5-11	March 19, 2004
Remove	9-8	February 25, 2004
Replace	9-8	March 19, 2004
Remove	11-10	December 22, 2003
Replace	11-10	March 19, 2004
Remove	14-3 through 14-8	
Replace	14-3 through 14-8	March 19, 2004

PLEASE INSERT IN YOUR RULE BOOK IMMEDIATELY. THANK YOU.

RULE 1 DEFINITIONS

These definitions shall apply wherever the following terms are used in the personnel 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 bonafide 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; Rules Revision Memo 83A).

Age discrimination, protection from:

Limited to individuals who are at least forty (40) years of age and Deputy Sheriffs who are less than seventy (70) years of age and at least forty (40) years of age. (Effective June 11, 1987; Rules Revision Memo 99, Series B).

Agency:

A unit of government identified by a "fund organization" number in an appropriation ordinance. (Effective December 15, 1988; Rules Revision No. 118, Series B).

Allocation:

The formal process of assigning a vacant position to its proper class on the basis of the duties to be performed and the responsibilities to be exercised. (Effective December 18, 1978; Rules Revision Memo 107A).

Applicant:

A person who indicates an interest in taking an examination by filing an application, telephoning an intent to take an examination, or appearing at a scheduled examination. (Effective December 15, 1988; Rules Revision No. 118, Series B).

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 to act for him as an appointing authority. (Effective May 16, 1956; Rules 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; Rules 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; Rules Revision Memo 16A).

Candidate:

A person who has been determined to meet the minimum qualifications to take an examination. (Effective December 15, 1988; Rules Revision No. 118, Series B).

Career Service:

All employees and the aggregate of all positions as defined in Section C5.23 of the Denver City Charter. (Effective August 15, 1979; Rules Revision Memo 113A).

Career Service Authority:

The agency created by the Denver City Charter to administer the Career Service. (Effective August 15, 1979; Rules Revision Memo 113A).

Career Service Board:

The board created by the Denver City Charter to direct the Career Service. (Effective August 15, 1979; Rules Revision Memo 113A).

Career Service employee:

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

Career status:

The status of a Career Service employee who has satisfactorily completed an employment probationary period or who has been reinstated after lay-off. (Effective September 18, 1980, Rules Revision Memo 127A).

City:

City and County of Denver (Effective December 15, 1988; Rules Revision No. 118, Series B).

Class:

One or more positions so nearly alike in the essential character of their duties and responsibilities that the same pay grade, title and qualification requirements can be applied, and such that they can fairly and equitably be treated alike under like conditions for all other personnel purposes. (Effective May 16, 1956; Rules Revision Memo 16A).

Class series:

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

Class specification:

A written statement of the characteristic duties, responsibilities, and qualification requirements that distinguish a given class from other classes. (Effective May 16, 1956; Rules Revision Memo 16A).

Class title:

The designation of a class which becomes the official title of all positions allocated to that class for all personnel purposes. (Effective May 16, 1956; Rules Revision Memo 16A).

Classification action form:

The personnel form used to create or abolish a position and to effect changes in positions. (Effective May 16, 1956; Rules Revision Memo 16A).

Classification audit:

A fact-finding investigation of the work performed by the incumbent of a given position, including work processes, materials processed, actions taken, tools used, supervision exercised, and supervision received for the purpose of analyzing the kind and level of duties and responsibilities of the position. (Effective Sept. 1, 1989; Rules Revision 129B).

Classification plan:

A schematic list of classes, supported by class specifications. (Effective May 16, 1956; Rules Revision Memo 16A).

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Cocaine metabolite:

Benzoylecgonine, Ecgonine Methyl Ester, and or Ecgonine. (Effective December 31, 1994, Rules Revision Memo 177).

Community rate schedule:

The class titles, special hourly rates, working conditions, and fringe benefits applicable to specific classes related to entertainment activities. (Effective September 1, 1989; Rules Revision 129B).

Compensatory time off:

The hours absent from duty granted to compensate for authorized overtime worked. (Effective July 1, 1977; Rules Revision Memo 97A).

Compensatory time plan:

A plan approved by the Personnel Director which provides for the accrual of compensatory time on a straight time basis in certain periods of the year and its discharge in other periods of the year. (Eff. 7/1/77; Rules Rev. 97A).

Continuous service date:

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 reinstatement list plus credits for service prior to lay-off. This definition does not affect employee rights to sick leave and vacation leave as established in the Revised Municipal Code or the Career Service Rules. (Eff. 12/15/83, Rules Rev. 51B; Revised 3/19/2004; Rules Rev. 247B)

Demotion appointment:

One which changes an employee from a position in one class to a different position in another class if (1) the second class is in the same pay schedule, and the first three digits of the identification number of the pay grade in the second class are lower than the first three digits of the first class; or (2) in a different pay schedule, with a lower entry rate. (Eff. 9/1/89; Rules Rev. 129B).

Denver Metropolitan Area:

Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson Counties. (Eff. 08/25/03; Rule Rev. 239B).

Disabled individual:

An individual who (1) has a physical or mental impairment which substantially limits one or more major life functions; or (2) has a record of such impairment; or (3) is regarded as having such an impairment; or (4) has begun or successfully completed a supervised drug rehabilitation program and is no longer engaged in the illegal use of drugs. (Eff. 1/1/93; Rules Rev. 160B).

Disadvantaged:

As used in Rule 6 - Career Training Service, a person whose individual or family income falls below a given level established from time to time by the Personnel Director. (Eff. 1/1/88; Rules Rev. 101B).

Dismissal:

The separation of an employee for cause. (Eff. 3/15/79; Rules Rev. 110A).

Disqualification:

An involuntary no-fault separation of an employee, or action in lieu thereof, based on a legal, physical, mental or emotional impairment or incapacity, occurring or discovered after appointment, which prevents satisfactory performance of the duties and responsibilities of the position. (Eff. 3/15/79; Rules Rev. 110A).

Documented performance:

A verifiable assessment of an individual's work performance, including PEPR ratings, disciplinary actions, and safety violations. (Eff. 3/19/2004, Rule Rev. 247B)

Domestic Partner:

An unmarried adult, unrelated by blood (closer than would prohibit marriage in Colorado pursuant to the Colorado Revised Statutes), with whom an unmarried employee has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses. (Eff. 3/16/95; Rules Rev. 178, Series B).

Effective date:

The date when a personnel action takes effect; in the case of separation, the employee's last day of work, exclusive of accrued vacation leave or compensatory time. (Eff. 5/16/56; Rules Rev. 16A).

Eligible:

A person who has passed an examination and whose name is on an eligible list for certification. (Effective December 15, 1988; Rules Revision No. 118, Series B).

Eligible list:

A list of those who have met the requirements for a given class in the Career Service. (Effective May 16, 1956; Rules Revision Memo 16A).

Emergency:

A condition which meets any of the following criteria:
a) Fire, flood, catastrophe, or other unforeseen disaster;
b) A station must be manned and no other employee is available for work;
c) A significant work stoppage; or
d) Any other occurrence affecting the general public health, safety, welfare and convenience, which requires immediate action. (Effective December 18, 1978; Rules Revision Memo 107A).

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Employee:

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

Employment appointment:

One which is made as the result of certification from an employment list. (Effective September 18, 1980; Rules Revision Memo 127A).

Employment probationary status:

The initial status of an employee receiving an employment appointment or a re-employment appointment. (Effective September 18, 1980; Rules Revision Memo 127A).

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; Rules Revision Memo 129B).

Entry rate:

The "A" step of any pay range. (Effective January 1, 1980; Rules Revision Memo 114A).

Established pay rate:

The prevailing level of pay for a given pay indicator class within the Denver Metropolitan area. (Effective May 1, 1991; Rules Revision Memo 148B).

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; Rules Revision Memo 83A)

Exempt employee:

An employee, except as otherwise provided, who is not entitled to receive overtime pursuant to these Rules. (Effective August 16, 1985; Rules Revision Memo 74B).

Exempt pay schedules:

Schedules of pay grades in the pay plan applicable to those executive, administrative, professional and supervisory classes which are exempt from overtime under standards of the Fair Labor Standards Act, regardless of whether or not overtime is paid because of prevailing practice in the Denver Metropolitan area. (Effective September 1, 1989; Rules Revision Memo 129B).

Fringe benefits:

Vacation, holidays, 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 which are found by the Career Service to be the prevailing practice in the Denver metropolitan area. (Effective September 22, 1978; Denver City Charter, Section C5.26-1).

Full-time position:

One in which the employee is scheduled to work forty (40) hours per week or is scheduled to work eighty (80) hours in two (2) weeks under an authorized special work schedule. (Effective September 18, 1980; Rules Revision No. 127A).

General Reinstatement List:

Employees shall be placed on the general Reinstatement 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 General Reinstatement List shall be used City-wide. (Effective March 19, 2004, Rule Revision Memo 247B)

Immediate family:

Husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, domestic partner, and the mother, father, son, daughter, brother, or sister of the domestic partner, as well as minor children for whom the employee or the employee's domestic partner provide day-to-day care and financial support. (Effective March 16, 1995; Rules Revision No. 178, Series B).

Incumbent:

The current occupant of a position in the Career Service. (Effective May 16, 1956; Rules Revision No. 16A)

Lay-off:

The involuntary separation of a career status unlimited employee, or a limited employee appointed prior to January 16, 2004, resulting from the abolishment of a position. (Eff. 9/18/1980, Rules Rev. 127A; Revised 3/19/2004, Rule Rev. 247B).

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Lay-off unit:

An appropriation account, appropriation sub-account, combinations of appropriation sub-accounts, or combinations of appropriation accounts for the purposes of lay-off. (Eff. 11/01/1979, Rules Rev.115A; Revised 3/19/2004, Rule Rev. 247B).

Lay-off Unit Reinstatement List:

Employees shall be placed on the Lay-off Unit Reinstatement 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 Lay-off Unit Reinstatement List shall only be used within the Lay-off Unit the employee was in when the lay-off took place. (Effective March 19, 2004, Rule Revision Memo 247B)

Leave:

An authorized absence from regularly scheduled work hours which has been approved by proper authority. (Effective May 16, 1956; Rules Revision No. 16A).

Length of Service:

Total number of years, months and days of continuous service, (for examination purposes) including time an employee is on authorized leave of absence without pay, but exclusive of service in non-career status positions. (Effective December 15, 1988; Rules Revision No. 118B; Revised March 19, 2004, Rule Revision Memo 247B).

Limited position:

One which has a specified ending date. (Effective September 18, 1980; Rules Revision No. 127A).

Marijuana Metabolite:

Delta-9-Tetrahydrocannabinol-9-Carboxylic Acid. (Effective December 31, 1994; Rules Revision Memo 177).

Merit increase:

An increase in pay resulting from specified ratings on Performance Enhancement Program Reports, not to exceed the top of the pay range for the class. (Effective September 1, 1989; Rules Revision No. 129B).

Minimum qualifications:

The qualifications contained in the class specification which a person must possess in order to qualify or compete for a given class of positions in the Career Service. (Effective November 1, 1979; Rules Revision No. 115A).

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; Rules Revision Memo 19B).

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Non-career status:

The status of an employee who works as needed and who serves no probationary period. (Effective September 18, 1980; Rules Revision Memo 127A; Rev. 3/19/2004, Rule Rev. 247B).

Non-exempt employee:

An employee who is entitled to overtime pursuant to these Rules. (Effective August 16, 1985; Rules Revision Memo 74B).

Non-exempt pay schedules:

Schedules of pay grades in the pay plan applicable to those classes which receive overtime because of standards of the Fair Labor Standards Act. (Effective September 1, 1989; Rules Revision Memo 129B).

Occupational group:

One or more classes so nearly alike in the essential character of their duties and responsibilities that the same pay adjustments can be applied. (Effective November 2, 1989; Rules Revision Memo 134B).

On-call position:

A position which may have routine or variable work patterns and is normally only filled to accommodate seasonal or short term activities in various city agencies. (Effective May 1, 1991; Rules Revision Memo 148B).

Organizational title:

The title of a position, which may differ from the class title, used in a given agency for operating purposes. (Effective May 16, 1956; Rules Revision Memo 16A).

Overtime work:

Work performed by eligible employees in part-time or full-time positions in excess of eight (8) hours a day, or forty (40) hours a week, or in excess of the number of hours specified for a given period of time in a special work schedule adopted pursuant to Subsection 10-35 Special Work Schedules; or work performed by eligible employees in on-call positions in excess of forty (40) hours per week. (Effective February 14, 1985; Rules Revision Memo 71B).

Part-time position:

One in which an employee is scheduled to work less than forty (40) hours per week. (Effective September 18, 1980; Rules Revision Memo 127A).

Pay grade:

The identifying number of a range of pay rates established by the classification and pay ordinance. (Effective May 1, 1991; Rules Revision Memo 148B).

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Pay indicator class:

A class for which pay data is collected in a pay survey. (Effective September 1, 1989; Rules Revision Memo 129B).

Pay period:

The semi-monthly work period for which earnings of employees are computed. (Effective May 16, 1956; Rules Revision Memo 16A).

Pay plan:

The listing of pay rates for all pay ranges assigned by ordinance to each class of positions in the classification plan. (Effective May 1, 1991; Rules Revision Memo 148B).

Pay range:

The entry rate to the maximum rate of the pay grade established for a class by the classification and pay ordinance. (Effective September 1, 1989; Rules Revision Memo 129B).

Pay step:

A rate of pay within a pay range. (Effective September 1, 1989; Rules Revision Memo 129B).

Performance Enhancement Program:

A program identifying for each employee the job responsibilities of his or her position, expected accomplishments, and action plans for the specified time period. (Effective January 1, 1988; Rules Revision Memo 102B).

Performance Enhancement Program Report:

A written evaluation of the performance of an employee designed to inform the employee of the manner in which he or she is meeting expected accomplishments established by the Performance Enhancement Program. (Effective January 1, 1988; Rules Revision Memo 102B).

Position:

The aggregate of duties and responsibilities performed by one person. (Effective September 18, 1980; Rules Revision Memo 127A).

Position and personnel requisition form:

The form used by appointing authorities to create positions and to request certification of eligibles in order to make an appointment to a position. (Effective September 1, 1989; Rules Revision Memo 129B).

Position number:

The number assigned by an agency to each position within that agency. (Effective May 16, 1956; Rules Revision Memo 16A).

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Prevailing practice (fringe benefits):

The level of fringe benefits predominant among employers in the Denver Metropolitan area, as measured by the total value of such fringe benefits. (Effective September 1, 1989; Rules Revision Memo 129B).

Probationary period:

A period of time following employment appointment, promotional appointment, or re-employment which is a work-test period for the employee, and during which the employee is on a trial basis. (Effective September 18, 1980; Rules Revision Memo 127A).

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; Rules 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 is 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; Rules Revision Memo 83A).

Promotion:

The change of an employee from a position in one class to a different position in another class if (1) the second class is in the same pay schedule, and the first three digits of the identification number of the pay grade of the second class are higher than the first three digits of the first class; or (2) in a different pay schedule with a higher entry rate. (Effective September 1, 1989; Rules Revision Memo 1 29B).

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Promotional appointment:

One which moves an employee from a position in one class to a position in another class meeting the criteria for a promotion (Effective September 1, 1989; Rules Revision Memo 129B).

Promotional probationary status:

The initial status of an employee receiving a promotional appointment. (Effective September 18, 1980; Rules Revision Memo 127A).

Promotional reinstatement appointment:

An appointment which is made of an employee who has demoted in lieu of lay-off and who has been certified from a reinstatement list. (Effective September 1, 1989, Rules Revision Memo 129B; Rev. March 19, 2004, Revision Memo 247B).

Provisional class:

A class of positions established by the Career Service Board, subject to approval by the City Council within three months from the effective date of the action. (Effective May 16, 1956; Rules Revision Memo 116A).

Reallocation:

The formal process of assigning a filled position to its proper class on the basis of the duties performed and the responsibilities exercised. (Effective December 18, 1978; Rules Revision Memo 107A).

Reassignment:

The change of duties of an employee in a position in a class or the movement of an employee from a position in the same class within the same agency or within consolidated appropriation accounts.

Re-employment appointment:

One which is made of a former employee who has separated, other than by a dismissal, from the Career Service within the last five (5) years prior to the date of re-employment. (Effective September 18, 1980; Rules Revision Memo 127A).

Reinstatement appointment:

An appointment which is made of an employee who is not in the Career Service who has been certified from a reinstatement list. (Effective September 18, 1980; Rules Revision Memo 127A; Rev. March 19, 2004, Revision Memo 247B).

Reinstatement List:

The Reinstatement List shall be maintained in two forms: Lay-off Unit Reinstatement List and General Reinstatement list. (Eff. 3/19/04, Rule Rev. Memo 247B)

Re-promotion appointment:

One in which an employee is appointed to a different position (1) in a higher class in which such employee was previously employed, or a successor class; or (2) in any class for which qualified with the same entry rate or an intervening entry rate. A re-promotion appointment shall meet the following two requirements: (1) the re-promotion is not a reinstatement, and (2) the previous reemployment was within five (5) years preceding the re-promotional appointment. (Effective September 1, 1989; Rules Revision Memo 129B).

Return from promotional probation:

Change of a career status employee serving promotional probation to a position in the class from which promoted within the agency from which promoted. (Effective December 3, 1981; Rules Revision Memo 25B).

Resignation:

The voluntary separation of an employee from the Career Service. (Effective May 16, 1956; Rules Revision Memo 16A).

Retirement:

The separation of an employee from the Career Service who is required to retire because of mandatory retirement age or who is eligible to retire under the provisions of the Denver Employees' Retirement Plan. (Effective November 1, 1965; Rules Revision Memo 47A).

Separation:

The termination of employment by reason of probation, disqualification, lay-off, resignation, retirement, dismissal, or death. (Effective September 18, 1980; Rules Revision Memo 127A).

Serious health condition:

A physical or mental illness, injury, impairment or condition, including prenatal care, which involves inpatient care in a medical care facility or continuing treatment by a health care provider, or which prevents the employee from performing the functions of the position held. (Effective December 2, 1993; Rules Revision 167B).

Sexual harassment:

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment. (Effective March 22, 1984; Rules Revision 60B).

Short range pay schedule:

A schedule of pay grades in the pay plan applicable to those classes which are utilized to determine pay for "seasonal" or "on-call" positions. (Effective May 1, 1991; Rules Revision 148B).

Staggered work schedule:

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

Standard work week:

The five-day, forty-hour work week. (Effective May 16, 1956; Rules Revision 16A).

Subject to the effects of an illegal drug or drug metabolite:

Having the presence of an illegal drug or an illegal drug metabolite in an individual's system, as determined by appropriate testing of urine specimen that is equal to or greater than the levels specified below for the confirmation test.

- | | |
|---------------------------------------------|------------|
| a) Marijuana metabolite | 15 NG/ML |
| b) Cocaine metabolite(s) | 150 NG/ML. |
| c) Morphine and/or Codeine | 300 NG/ML |
| d) Phencyclidine (PCP) (and/or metabolites) | 25 NG/ML |
| e) Amphetamine and/or methamphetamine | 500 NG/ML |
- (Effective December 31, 1994; Rules Revision Memo 177).

Suspension:

An involuntary absence without pay imposed on an employee as a disciplinary action. (Effective March 15, 1979; Rules Revision 110A).

Trainee:

A student, apprentice or intern in the Career Training Service. (Effective January 1, 1988; Rules Revision 101B).

Transfer appointment:

One which moves an employee from a position in one class to a different position:

- a) in the same class in a different agency; or
- b) in a different class in the same pay schedule where the first three digits of the identification number of the pay grade are the same; or
- c) in a different class in a different pay schedule where the entry rates are the same. (Effective September 1, 1989; Rules Revision 129B).

Unlimited position:

One which has no specified ending date. (Effective September 18, 1980; Rules Revision 127A).

Verbal warning:

An oral statement telling an employee about a violation or failure to perform and advising of consequences of repeated acts or omissions. A verbal warning does not become a written reprimand merely because the supervisor makes a note of the event. (Effective March 15, 1979; Rules Revision 110A).

Work days:

The established or scheduled days an employee shall work. (Effective May 16, 1956; Rules Revision 16A).

Work week:

The total of scheduled work days in a seven (7) day period starting at 12:01 A.M. on Monday and ending on Sunday evening at 12:00 Midnight, unless a different period has been established in accordance with these rules. (Effective September 19, 1985; Rules Revision 75B).

Workmen's compensation:

Benefits received by an employee who is injured while carrying out his work assignment as determined by the Workmen's Compensation Act of Colorado. (Effective May 16, 1956; Rules Revision 16A).

Written reprimand:

A written statement of specific charges of violation or failure to perform, of the acts upon which such charges are based, and a warning of the consequences of repetition. To be a written reprimand under these Rules, the written statement shall be sent to the Career Service Authority for inclusion in the employee's personnel file. (Effective January 1, 1980; Rules Revision 114A).

RULE 4 CERTIFICATION

Section 4-10 Certification

Certification is the act of transmitting the names of eligibles to an appointing authority for the appointing authority's selection in making an appointment to a position.

Section 4-20 Request for Certification of Eligibles

4-21 General

When a vacancy in the career service is expected, the agency shall submit a position and personnel requisition as soon as possible. The Career Service Authority shall, when requested, give agencies lists of eligible candidates qualified to do the job. For purposes of certification, promotional and open competitive candidates shall be combined on one employment register.

Section 4-30 Eligibility Lists Defined

- A. Types of lists: Eligible lists include lay-off unit reinstatement, general reinstatement, lay-off referral, and employment. Eligibility lists will be maintained by job class. (Revised Eff. 3/19/04, Rule Rev. Memo 247B)
- B. Order of Eligibility Lists used in Certification
(Revised Eff. 3/19/04, Rule Rev. Memo 247B)
1. Lay-off unit reinstatement list
 2. General reinstatement list
 3. Lay-off referral list
 4. Employment list
 5. On-call clerical list
- C. Order of names on lists: For the employment list and the on-call clerical list, eligible candidates shall be listed by score order, highest score first.

For lay-off unit and general reinstatement lists and lay-off referral lists, eligible candidates shall be listed in reverse order of the effective date of their lay-off, or demotion in lieu of lay-off, or voluntary resignation in lieu of lay-off, or voluntary demotion in lieu of lay-off, with the most recently laid off higher on the list.
(Revised Eff. 3/19/04, Rule Rev. Memo 247B)

- D. Tie scores: For certification purposes, tie scores shall be considered the same rank.

4-32 Lay-off Unit and General Reinstatement Lists

- A. Establishment: These lists are composed of names of employees with career status who:
1. have been laid off
 2. demoted to avoid being laid off
 3. voluntarily resign or demote in lieu of layoff. (Revised 3/19/04, 247B)
- B. When names are added: As soon as administratively feasible, with the effective date being the effective date of the lay-off, demotion in lieu of lay-off, or resignation in lieu of lay-off. (Revised 3/19/04, 247B)
- C. List Life: Eligible candidates will be listed for one year unless removed for cause. This list may be extended for one year if the Personnel Director determines it is in the best interest of the City to do so.
- D. Certification from a Unit Layoff List:
1. Certification from the Lay-off Unit Reinstatement list is mandatory and exclusive. No other certification shall be made while any available eligible remains on this list. Certification shall consist of the highest ranking available eligible, or if there are ties, all those at the highest ranking. (Revised 3/19/04, 247B)
 2. Certification from the Lay-off Unit Reinstatement List to positions with special qualifications: If a Lay-off Unit Reinstatement List exists for a class in which the agency has a position with a special requirement, which was:
 - a) established at the time the position was previously filled or with written justification approved by the Personnel Director;
 - b) established, justified and approved by the Personnel Director at the time of the layoff; or
 - c) established, justified and approved by the Personnel Director subsequent to the time of layoff.

Certification shall consist of the highest ranking available eligible who has the special qualifications or if there are ties, all those with the required special qualification at the highest ranking. If no eligible appears to have the special preferred skills, the entire layoff unit reinstatement list for the class shall be submitted to the appointing authority. If the appointing authority rejects all names certified a certification shall then be made in accordance with the rules applicable when there is no layoff unit reinstatement list. (Revised 3/19/04, 247B)

- E. Certification from a General Reinstatement List: Certification from the General Reinstatement List is mandatory, but not exclusive. The number certified from this list shall be equal to the number of vacancies plus fourteen (14). (Revised 3/19/04, 247B)
- F. Abolishment of layoff list: Any layoff list may be abolished at any time by the Personnel Director if the job description is abolished or revised, or if the minimum qualification requirements are revised.

4-33 Lay-off Referral List

- A. Establishment: This list is composed of current employees with career status who have been notified that they are scheduled to be laid off or have been laid off and who have applied for and met minimum qualifications for classes at or below the level of their current or most recent classification.
- B. When names are added: The name of an eligible employee whose lay-off is pending shall be added to the lay-off referral list as soon as administratively feasible, after the employee requests placement on the List. In no event shall the effective date be later than the effective date of the lay-off, or demotion in lieu of lay-off, or voluntary resignation in lieu of lay-off, or voluntary demotion in lieu of lay-off. (Revised 3/19/04, 247B)
- C. List Life: Eligible candidates will be listed for one year unless removed for cause. This list may be extended for one year if the Personnel Director determines it is in the best interest of the City to do so.
- D. Certification from a Layoff Referral List: Certification from the Lay-off Referral List is mandatory, but not exclusive. The number certified from the layoff referral list shall be equal to the number of vacancies plus fourteen (14). (Revised 3/19/04, 247B)
- E. Abolishment of layoff referral list: The Personnel Director may abolish any layoff referral list at any time if the class job description is revised or the minimum qualification requirements are revised.

4-34 Employment List

- A. Establishment: This list is comprised of promotional and employment eligible candidates who have passed a career service examination or assessment.

- B. When names are added: names of eligible candidates are added on the date of the mailing of the notice to passing candidates.
- C. List life: Eligible candidates will be listed for one year unless removed for cause. This list may be extended if the personnel director determines it is in the best interest of the city to do so.
- D. Certification from an employment list
 - 1. Promotional only certification: For promotional only certification and appointments, (15) names of promotional candidates with the highest score will be certified to the requesting department for one vacancy unless fewer are qualified. For multiple vacancies, the number of certified will be (14) fourteen plus the number of vacancies.
 - 2. Combined promotional and employment certification: Fifteen (15) names of eligible candidates including promotional and/or employment with the highest scores will be certified to the requesting department for one vacancy unless fewer are qualified. For multiple vacancies, the number certified will be (14) fourteen plus the number of vacancies.
 - 3. Hiring interviews: of the (15) fifteen names certified, a minimum of (5) five candidates from the certification list must be interviewed by the agency when filling a vacant position. Where certification is to fill multiple vacancies, a minimum of one-third (1/3) of the certified candidates must be interviewed.
 - 4. Fewer than 15 names certified: if fewer than (15) fifteen names are on an employment eligible list, all names shall be certified.
 - 5. On-call clerical employees: on-call clerical employees are not eligible for promotion and shall only be certified from the employment list as open employment eligibles.
- E. Recertification: employment list eligibles may be recertified during the life of the employment list. However, at the request of an appointing authority, employment eligibles may be excluded from recertification to the same department if approved by the Personnel Director.

F. Special eligibility

1. Trades Apprentices

Career service employees serving in the career service class of Trades Apprentice who have satisfactorily completed apprenticeship training needed for entrance into a promotional class, as evidenced by an appropriate statement of completion signed by their agency, and who meet the minimum qualification requirements of the promotional class, may have their name added to the employment list for the class and trade in which they have trained. They may be promoted without further certification. The trades involved are Carpentry, Electrical, Heating, Ventilating and Air Conditioning (HVAC), Heavy Equipment Mechanic, Painting and Plumbing.

2. Candidates with Disabilities: In some instances, established testing procedures may not be appropriate for candidates with disabilities who request accommodation in the testing process. The eligibility of these candidates shall be determined by scored procedures which accurately measure the candidate's ability to perform the essential functions of the class. The names of passing candidates may be added to the employment list and certified in accordance with the certification rules employment list eligibles.

3. Trainees:

A trainee, intern, or public safety cadet employed in an career training service position may, upon completion of all entry-level requirements prescribed for a position including performance requirements, be certified at the entry level of a classification without examination.

4. Interns:

Special eligibility internships are created in the following categories:

- a) Aviation
- b) Budget and management
- c) Engineering
- d) Human resource management/personnel
- e) Information technology
- f) Public safety

G. Delayed Eligibility

An employee who is within (6) six months of meeting the minimum qualification requirements for a position at the time the exam is announced may petition to the Personnel Director to take the exam on a delayed eligibility basis. An employee who takes an examination on a delayed eligibility basis cannot be certified or appointed until he/she satisfies the minimum qualification requirements of the position.

H. Abolishment of employment list: The employment list may be abolished at any time if the Personnel Director determines it is in the best interest of the City to do so.

candidates who can be reached immediately in person or by any other available means will be considered ready to work

Section 4-70 Selection and notification Following Certification of Eligibles

- A. Selection by appointing authority
The appointing authority shall select one of the eligibles certified to a vacancy as provided for in these rules.
- B. Notification of Selection Decision: When the appointing authority has decided whom to hire, Career Service Authority shall be notified immediately. Eligibles not hired shall be notified promptly by the appointing authority.

Section 4-80 Cancellation of Certification and Requisitions Because of Inaction

Failure to Appoint: If the appointing authority fails to make an appointment within thirty (30) calendar days from the date of certification of the proper number of eligibles, the certification and the requisition upon which it is based shall be cancelled and the appointing authority notified.

An extension of time may be requested in writing and may be granted by the Personnel Director when such extension of time would be in the best interest of the City.

Section 4-90 Exceptions to the Use of Employment Lists

Unless provided otherwise, the following exceptions to the use of employment lists may be used at the discretion of the appointing authority and shall not be construed as guaranteeing the employment or employment consideration of any employee or former employee:

- A. Transfer or demotion (Subsection 4-91)
- B. Repromotion (Subsection 4-92)
- C. Reemployment (Subsection 4-93). (Revised 3/19/04, 247B)

Section 4-91 Transfer or Demotion

An employee who meets minimum qualification requirements of the class may transfer or demote to an existing vacancy at any time without concern for eligibility lists or may be transferred or demoted as a result of certification from an employment eligible list.

Section 4-92 Re-promotion

A present employee may be repromoted to a higher class in which such employee had previously been employed or to any class with the same beginning pay or at an intervening job rate for which the employee is qualified or may be repromoted as a result of certification from an employment list. To be repromoted, employment in a higher class must have been within the preceding five (5) years.

Such employee shall serve in a promotional probationary status, in accordance with Subsection 5-42 How Status Attained, paragraph c) Promotional Probationary. An "acting" promotion made in accordance with Subsection 7-78 "Working Out of Class Assignment" does not qualify an employee for repromotion.

Section 4-93 Reemployment

A former employee is eligible for reemployment if all the following conditions are met:

- A. Eligibility
 - 1. Cause of separation: The separation was not due to a dismissal.
 - 2. Duration of separation: The separation occurred during the preceding five (5) years.
 - 3. Qualifications: The Career Service Authority certifies the former employee meets the current minimum qualification requirements for the class in which reemployment is desired.

- B. Type of position for which eligible: The appointing authority may reemploy an eligible former employee in any position in any class formerly held by the person, or in any other class at the same or lower pay grade for which the person qualifies or the person may be reemployed as a result of certification from an employment eligible list. Former employees over age 70 may be reemployed as Deputy Sheriffs only in limited or on-call positions.

For purposes of this rule, to determine eligibility for reemployment, the Personnel Director may, on a case-by-case basis, review the duties previously performed as well as classification and pay. The determination of eligibility for reemployment shall be made in writing. (Renumbered 3/19/04, 247B)

- C. Employment probationary status: A former employee who is reemployed shall serve in an employment probationary status in accordance with Subsection 5-42 How Status Attained, paragraph a) Employment Probationary. (Renumbered 3/19/04, 247B)

Section 4-110 Restrictions Concerning Certification

4-111 Restrictions by Appointing Authorities

- A. Special qualifications: At the written request of the appointing authority and approval of the personnel director certification may be restricted to eligibles possessing specific job-related knowledges, skills, abilities, or special requirements determined by the Personnel Director to be necessary to perform the work. Any special qualifications required will be reflected in the job announcement.

- B. Area of the city: Subject to the approval of the Personnel Director the appointing authority may request that certification be restricted to eligible residents of a prescribed area of the city when knowledge of the area and the ability to relate to residents of that area are essential requirements of the job. This restriction shall apply only to employment eligibles.

4-112 Restrictions by Eligibles: Candidates on employment lists may restrict their eligibility as follows:

- A. Agency: For employment only in a specific agency or agencies.
- B. Time: For hours, days of the week, or shifts to be worked.
- C. Availability: For withdrawal of certification consideration until such eligible notifies Career Service Authority that he or she is available to work
- D. Type of employment: For type of employment including full-time, part-time, on-call, unlimited and limited position.
- E. Other: For such other conditions as may be authorized by the Career Service Authority.

4-113 Other Restrictions

- A. Employees serving employment probationary period: Employees serving a probationary period following employment appointment or reemployment shall be certified only to the agency where they are working.
- B. Under age 16: Eligibles under age sixteen (16) shall not be certified unless they have work permits.
- C. Deputy Sheriff's over age 70: Deputy Sheriff eligibles that have passed their seventieth (70th) birthday shall be certified only to an on-call or a limited position.
- D. Employees serving in on-call clerical positions may move to an unlimited position in a higher pay grade only as a result of certification from an employment eligible list.

Section 4-120 Removal and Restoration of Names on Eligible Lists

4-121 Removal

The name of a candidate shall be removed from an eligible list for the reasons listed below. Where indicated, names may be restored provided list eligibility remains.

- A. Failure to answer: The eligible does not answer when asked by the City if available or ready to work. Name may be restored upon written justification to the Personnel Director.
- B. Inability to locate: The eligible cannot be reached by telephone or mail. Name may be restored upon written justification to the Personnel Director.
- C. Declining certification or appointment: The eligible turned down certification or a job offer for reasons that would make it impossible to take other jobs in the class. Name may be restored upon written justification to the Personnel Director.

- D. Refusal of reinstatement: The employee or former employee on a layoff list refuses an offer of reinstatement to a position in the class from which laid off or demoted in lieu of layoff. Name may be restored upon written justification to the Personnel Director.
- E. Request from eligible: The eligible requested his or her name be removed from the eligible list. Name may be restored upon written justification to the Personnel Director.
- F. Ineligibility to take test: Evidence has been produced that the eligible should not have been admitted to the examination for any of the reasons outlined in paragraph 3-22 d) Reasons for application rejection. No restoration will be permitted.
- G. Failure to report for work: The eligible did not report for work after being hired. No restoration will be permitted.
- H. Failure to pass health examination: The eligible did not pass the appropriate post employment offer health examination. If physical condition changes, name may be restored upon written justification to the Personnel Director.
- I. Failure to maintain compliance with requirements: Evidence has been produced that the eligible no longer meets minimum qualification requirements. If proof of eligibility is furnished in written justification to the Personnel Director, name may be restored.
- J. Expiration of eligibility: The candidate's eligibility has expired. No restoration will be permitted.
- K. Appointment to a permanent position: An open competitive list eligible has been appointed to an unlimited position in the career service. No restoration will be permitted.
- L. Leaving City employment: A promotional eligible no longer works in a career service position.
- M. Leaving City employment due to end of temporary assignment other than on-call clerical: On-call employees, other than on-call clerical, may remain on promotional eligible lists as long as they remain in an on-call position, whether or not they are actively working. If their position ends, their names are removed from all promotion lists. If reemployed, their names may be restored to the appropriate promotional lists upon written justification to the Personnel Director.
- N. Appointment from reinstatement list: A reinstatement list eligible has been appointed to an unlimited career service position at the same or higher pay grade than the class from which the eligible was laid off or demoted in lieu of layoff. No restoration will be permitted.

- O. Promotion to a higher class: The name of an eligible that has been promoted to a higher class is removed from all eligible lists at or below the level of the promotional class. No restoration will be permitted.

- P. Failure to satisfactorily perform on-call assignments: Notice that an on-call employee has, failed to perform assigned duties may result in the removal of the name of the on-call individual from the on-call eligible list. For purposes of this rule, notice shall mean written notification by the employing agency to the Career Service Authority. Restoration will not be permitted during the one-year period.

- Q. Dismissal Less than five (5) years before: Former employees dismissed from a job less than five (5) years before are removed from all eligible lists. No restoration is permitted within (5) five years of the date of dismissal from their previous city position.

Section 5-60 Effect of Employment Status on Employee Rights, Privileges and Benefits. (Effective November 1, 1980; Rules Revision Memo 127A)

5-61 Employees in Employment Probationary Status
(Effective September 1, 1989; Rules Revision Memo 129B)

An employee in employment probationary status:

- 1) may be terminated or demoted at any time for any reason without cause except for discrimination as defined in Rule 19 APPEALS. (Effective December 3, 1981; Rules Revision Memo 25B)
- 2) may not appeal any decision relating to his or her employment, including terminations except for alleged discrimination;
- 3) is entitled to accumulate leave in accordance with Rule 11 LEAVE, except that such employee shall not be entitled to take vacation leave until completion of probation or completion of six (6) months of continuous service, whichever comes first;
- 4) is entitled to disability leave in accordance with Rule 11 LEAVE;
- 5) is entitled to such other rights, privileges, and benefits as set forth in these Rules.

5-62 Employees in Career Status

An employee in career status

- 1) may be disciplined or dismissed only for cause, in accordance with Rule 16, DISCIPLINE.
- 2) may file a grievance or appeal for any reason specified in Rule 18 GRIEVANCE PROCEDURE or Rule 19 APPEALS;
- 3) is entitled to the full benefit of leave provisions in accordance with Rule 11 LEAVE;
- 4) may earn merit increases in accordance with Rule 9 PAY ADMINISTRATION; (Effective September 1, 1989; Rules Revision Memo 129B)
- 5) is entitled to lay-off protection specified in Rule 14 SEPARATIONS OTHER THAN DISMISSAL except for employees appointed to limited positions after January 16, 2004; (Revised March 19, 2004; Rules Revision Memo 247B)
- 6) may receive reinstatement appointments as provided in Career Service Rule 14-40, reassignments, transfer appointments or demotion appointments without serving a new probationary period; (Revised March 19, 2004; Rules Revision Memo 247B)
- 7) may have continuous service credits earned prior to lay-off restored if such employee (a) is reinstated within two (2) years immediately following the lay-off; or (b) is reemployed within two (2) years after being laid off and is still on the reinstatement list. (Effective December 18, 1980; Rules Revision Memo 01, Series B)
- 8.) is entitled to such other rights, privileges and benefits as set forth in these Rules.

5-63 Employees in Promotional Probationary Status (Effective January 1, 1988; Rules Revision Memo 102B)

An employee in promotional probationary status, whether attained through promotional or repromotional appointment, has the rights, privileges, and benefits of an employee in career status, except that if the employee does not perform at or above "Effective" on a Performance Enhancement Program Report during the promotional probationary period, the employee shall be returned to a position in the class from which promoted within the agency from which promoted. A return from promotional probation may not be appealed except for alleged discrimination.

5-64 Employees in Non-Career Status

An employee in non-career status:

- 1) may be terminated at any time;
- 2) may not appeal any employment decision, except on grounds of discrimination;
- 3) may promote to a higher level class if qualified in accordance with these rules;
- 5) may be reassigned or transferred to another position in a class with the same job rate;
- 6) may demote to another position, if qualified;
- 7) is entitled to such other rights, privileges and benefits subject to such conditions as set forth in these Rules.

Nothing in Subsection 5-64 Employees in Non-Career Status shall affect the provisions of Rule 6 CAREER TRAINING SERVICE.

5-65 Employees in Apprentice Status: An employee in apprentice status:
(Effective April 12, 1990; Rules Revision No. 142B)

- 1) may be returned to a position in the class last held for failure to pass required examinations or for failure to maintain a Performance Enhancement Program rating of "effective" or higher;
- 2) may grieve employment decisions to the Apprenticeship Subcommittee and to the apprenticeship Administrative Committee in accordance with Rule 18 GRIEVANCE PROCEDURE;
- 3) may not appeal any employment decision, except on grounds of discrimination, or of gross abuse of discretion in completing a Performance Enhancement Program report;

- 4) is entitled to all rights and privileges of career status not inconsistent with this Subsection 5-65.

Section 5-70 Types of Appointments

(Effective November 1, 1980; Rules Revision Memo 127A)

5-71 Appointments of Applicants Who Are Not in the Career Service

- a) Employment appointment: An employment appointment is one made as a result of certification in accordance with Subsection 4- 55 Certification from an Employment List.
- b) Reinstatement appointment: A reinstatement appointment is one of a person who had been laid off or resigned in lieu of a lay-off and which is made as a result of certification in accordance with Subsection 4-32 D Certification from a Lay-off Unit Reinstatement List or Subsection 4-32 E Certification from a General Reinstatement List. (Revised 3/19/04, 247B)
- c) Re-employment appointment: A re-employment appointment is one which is made as a result of compliance with Subsection 4- 93 Re-employment.

5-72 Appointments of Employees Who Are in the Career Service

- a) Promotional appointment: A promotional appointment is one which is made as a result of certification in accordance with Subsection 4-54 Certification from a Promotional List.
- b) Promotional reinstatement appointment: A promotional reinstatement appointment is one of an employee who has been demoted in lieu of lay-off and which is made as a result of certification in accordance with Subsection 4-32 D Certification from a Lay-off Unit Reinstatement List or Subsection 4-32 E Certification from a General Reinstatement List. (Revised 3/19/04, 247B)
- c) Repromotional appointments: A repromotional appointment is one in which an employee is appointed to a different position in a higher class for which qualified with the same entry rate or an intervening entry rate. A repromotional appointment shall meet the following requirements: (Effective November 14, 1996, Rules Revision 188B.)
- 1) the repromotion is not a reinstatement and
 - 2) the previous employment was within five (5) years preceding the repromotional appointment.

For purposes of this rule, to determine eligibility for repromotion, the Personnel Director of the Career Service Authority, may, on a case-by-case basis, review the duties previously performed as well as classification and pay. The determination of eligibility for repromotion shall be made in writing. (Effective November 14, 1996, Rules Revision 188B.)

- d) Transfer appointment: A transfer appointment is one which moves an employee from a position in one class to a different position: (Effective February 14, 1985, Rules Revision Memo 71 B)

- 1) In the same class in a different agency; or
 - 2) In a different class in the same pay schedule where the first three digits of the identification number of the pay grade are the same; or (Effective October 19, 1989; Rules Revision Memo 132B.)
 - 3) In a different class in a different pay schedule where the entry rates are the same. (Effective October 19, 1989; Rules Revision Memo 132B)
- e) Demotion appointment: A demotion appointment is one in which the employee is changed from one position to another position with a lower job rate; it may be in the same or a different agency. However, this transaction shall not apply when an employee returns from promotional probation. (Effective December 3, 1981, Rules Revision Memo 25B).
- f) Return from promotional probation appointment: Change of a career status employee serving promotional probation to a position in the class from which promoted within the agency from which promoted. (Effective December 3, 1981, Rules Revision Memo 25B).

5-73 Transfer Appointment

- a) Between agency transfer appointment in the same class: An employee may be given a transfer appointment from a position in one agency or department to a position in the same class in another agency or department provided that the employee and the receiving appointing authority consent. The employee's status shall not be affected by this type of transfer appointment except as provided in paragraph e) Transfer transition period. (Effective July 6, 1989; Rules Revision 128B)
- b) Within grade transfer appointments in the same agency: An employee may be given a transfer appointment to a position in another class in the same agency, provided that the Career Service Authority finds that the employee meets the minimum qualifications for the new class. This review may include a health examination administered by the Employee's Medical Clinic. (Effective October 19, 1989; Rules Revision Memo 132B)
- c) Within grade transfer appointments between agencies: An employee may be given transfer appointment to a position in another class in a different agency provided that: (Effective October 19, 1989; Rules Revision Memo 132B)
- 1) Career Service Authority approval: The Career Service Authority finds that the employee meets the minimum qualifications for the new class. This review may include a health examination administered by the Employee's Medical Clinic.
 - 2) Consents required: The employee and the receiving appointing authority are required to consent before this type of transfer appointment can become effective. (Effective July 6, 1989; Rules Revision 128B)
- d) Effective date of transfer: Unless otherwise agreed upon, a transfer appointment

between agencies becomes effective thirty (30) calendar days after the releasing agency is notified that the employee and the receiving 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. (Effective July 6, 1989; Rules Revision 128B)

- e) Transfer transition period:
(Effective December 15, 1988; Rules Revision 117B)
- 1) Definition: A transfer transition period is a ninety-day(90) period following the effective date of a transfer during which the appointing authority of the receiving agency may initiate a return from transfer.
 - 2) Eligibility: A transfer transition period applies except in either of the following circumstances:
 - a) The employee has employment probation status on the effective date of the transfer; or
 - b) The transfer was either in lieu of layoff or anticipation of layoff.
 - 3) Effect of returning from transfer: If a return from transfer is initiated during the transfer transition period, the employee shall be returned to a position in the same class in the same agency as prior to the transfer.

5-74 Demotion Appointments

- a) Reasons for demotion: An appointing authority may give a demotion appointment in the following instances:
- 1) In lieu of lay-off: In lieu of lay-off when a position in the employee's lay-off unit is being abolished and the demotion is in accordance with Paragraph 14-43 and 14-45 b) Demotional Appointment. (Revised 3/19/04, 247B)
 - 2) In lieu of separation for disqualification: In lieu of separation for disqualification, when an employee is not performing satisfactorily, in accordance with Subsection 14-21 Disqualification, General
 - 3) In lieu of separation during employment probationary status: In lieu of separation during employment probationary status when an employee fails to perform satisfactorily, in accordance with Subsection 5-61 Employees in Employment Probationary Status. (Effective August 5, 1982; Rules Revision Memo 37B.)
 - 4) Voluntary: When an employee requests assignment to work of less difficulty or responsibility, or accepts a voluntary demotion in lieu of lay-off as defined in Paragraph 14-45 F) Voluntary action in lieu of lay-off. (Revised 3/19/04, 247B)
- b) Notice to employee: Before the demotion appointment is effective, the appointing authority shall furnish the employee a written statement containing the reasons for the demotion. If the demotion is voluntary, the statement should be signed by the employee. A copy of the statement shall be sent to the Career Service Authority before the demotion is effective.

- c.) Career Service Authority approval: The Career Service Authority shall approve the demotion appointment if it finds that the employee meets the minimum qualifications for the new class. This review may include a health examination administered by the Employee's Medical Clinic.
- d.) Appeal: All demotion appointments may be appealed under Rule 19 APPEALS; provided however:
 - 1) that demotion appointments in lieu of separation during probationary status or return from promotional probationary status or return from promotional probationary status may be appealed only on grounds of alleged discrimination; (Effective December 15, 1983; Rules Revision Memo 51)
 - 2) that voluntary demotion appointments may be appealed only on grounds of alleged coercion; and
 - 3) that demotion appointments resulting from a settlement of an appeal or grievance may be appealed only if the terms of the settlement have been violated.

5-75 Limitations on Appointment or Reassignment of Immediately Family Members (Effective January 1, 1982; Rules Revision Memo 21B)

- a) General: No employee or officer (including any appointment authority or his or her designated representative) shall supervise or be in a direct line of supervision over a member of his or her immediately family, as defined in Rule 1, DEFINITIONS.
- b) Exception: Career Service employees who were employed on May 19, 1976 shall be permitted to retain their positions and status, as held on that date, and may promote, demote, or transfer in accordance with Career Service rules governing these appointments without regard to the provisions of this Subsection 5-75 Limitations on Appointment or Reassignment of Immediately Family Members, subject to the following conditions:
 - 1) They are continuously employees under Career Service, and
 - 2) The supervisory relationship or the direct line of supervision relationship existed prior to January 1, 1982.
- c) If a supervisor or an employee or officer in a direct line of supervision becomes a member of the immediate family of a subordinate on or after January 1, 1982, the persons affected by this Rule shall have six (6) months to come into compliance.

Section 5-80 Reassignment
(Effective November 1, 1980; Rules Revision Memo 127A)

5-81 General

An appointing authority may assign or reassign an employee at any time to any position within the employee's classification in the same agency or within consolidated appropriation accounts except as provided below. (Effective October 5, 1995, Rules Revision Memo 184B).

- 2) Voluntarily demoting to a class not previously occupied or to a class previously occupied more than five years earlier: An employee who voluntarily demotes to a class not previously occupied or a class previously occupied more than five (5) years earlier shall have pay set in accordance with Section 9-50 Pay When First Employed. (Effective May 3, 1990; Rules Revision Memo 144B)
- 3) Demotion in lieu of layoff: When an employee demotes in lieu of layoff, pay shall be maintained at the level received before the demotion, or at the top of the growth sector in a pay range in the exempt schedule (the "18" step) or the top of the grade in any other schedule, whichever is lower. If the level received before the demotion does not correspond to a step in the new pay grade, the closest higher step shall be paid. (Revised 3/19/04, 247B)

9-64 Reallocations

(Effective February 25, 2004; Rules Revision Memo 246B)

- A) Subject to the provisions of sub-paragraph 9-64 B), when a position is reallocated to another classification, the incumbent's pay shall be set at a step that is closest to the employee's existing rate of pay without losing pay. If this results in the employee's pay being over the pay range of the new class, the employee's pay shall remain at the employee's existing rate of pay until such time that either
 - 1) the employee changes positions, or
 - 2) the pay range of the new class catches up to the employee's rate of pay when the pay range is adjusted.In no event shall the employee receive less than the entry rate of the pay grade of the new class.
- B) When an employee meets the requirements to progress to a higher class in a current delegated progressive class series and the Career Service Authority Personnel Director or designee approves the progression to the higher classification, the employee's pay shall be set at a step that reflects a 2.25% increase in pay. In no event shall the employee receive less than the entry rate of the pay grade of the new class.

9-65 Reinstatement Appointment or Promotional Reinstatement Appointment

(Effective September 1, 1989; Rules Revision No. 131B)

Persons receiving re-instatement appointments, either after lay-off or after demotion in lieu of lay-off, shall be paid at the step previously held of the pay range currently in effect for the class to which reinstated, unless such step would result in a decrease in pay for a current city employee. In the latter case, promotional re-instatement shall be at a rate equal to the employee's present rate of pay. (Revised 3/19/04, 247B)

9-66 Apprentice Appointment

(Effective April 12, 1990; Rules Revision No. 142B)

Persons receiving apprentice appointments shall be paid in accordance with the following, as appropriate:

Page Issuance Date: March 19, 2004

Section 11-40 Administrative Leave

11-41 Basis of Granting

- A. Administrative Leave for Grievances or Appeals:
Appointing authorities shall grant an employee administrative leave with pay to present grievances or appeals to an official of the City and County or to represent an employee presenting a grievance or an appeal. However, if flexibility exists as to the exact date and time, the leave shall be granted at the convenience of the appointing authority.
- B. Administrative Leave for alternative dispute resolution proceedings:
Appointing authorities shall grant an employee administrative leave with pay to participate in the Career Service Authority alternative dispute resolution program. Administrative leave with pay shall be granted to employees who participate in mediation either as a party or as the mediator and to an employee who attends mediator training.
- C. Administrative Leave for Exemplary Performance:
An appointing authority may grant an employee one day of administrative leave per year with pay for exemplary performance, such as Employee of the Quarter, Employee of the Year, or if the appointing authority wishes to recognize an employee's outstanding contribution to the agency.
- D. Other Grounds for Administrative Leave:
Appointing authorities may grant an employee administrative leave with pay for the following purposes:
1. To compete for positions in the Career Service, including all related interviews and examinations.
 2. To serve as a witness in a federal, state or municipal court or in an administrative proceeding, when requested by the appointing authority or other authorized person to represent the City's interest in the legal proceedings, when not eligible for court leave under subsection 11-71.
 3. When the appointing authority deems there is a business necessity, for a maximum of ten (10) calendar days per calendar year. The appointing authority may request from the Personnel Director an extension of not more than five (5) calendar days. The Personnel Director may approve the request for an extension for good cause shown. (Effective 3/19/04, 247B)

11-42 Effect of Administrative Leave on Eligibility for Merit Increase

Approved administrative leave shall not affect eligibility for a merit increase.

Section 11-50 Military Leave

(11/1/80, 127A; 10/11/01, 218B, 8/26/02, 227B)

It is the intention and purpose to comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act.

accordance with paragraph 16-42 Procedure for Dismissal or Separation During Probation. (Effective January 26, 1984; Rules Revision Memo 52B)

Section 14-40 Lay-off

(Eff. 8/01/1980, Rule Revision Memo 124A; Revised March 1, 2004, Rule Revision Memo 247B)

14-41 Definition

The separation of a Career Status, unlimited employee or a limited employee appointed prior to January 16, 2004 from the Career Service resulting from the abolishment of a position. (Revised Eff. 3/19/04, Rule Rev. 247B)

14-42 Order of Lay-off

- a) Lay-off unit: Layoffs shall be determined by layoff 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 14-42 b) Consolidation of appropriation accounts. (Revised Eff. 3/19/04, Rule Rev. 247B)
- b) Consolidation of appropriation accounts:
 - 1) The Career Service 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. (Revised Eff. 3/19/04, Rule Rev. 247B)
 - 2) The Career Service 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. (Rev'd Eff. 3/19/04, Rule Rev. 247B)
 - 3) A request for such consolidation or de-consolidation of appropriation accounts may be initiated by appointing authorities, employees, or the Personnel Director and shall be determined by the Board only after interested parties have been given an opportunity to be heard in accordance with Rule 2-61 a) 2) Mandatory Public Hearings.
 - 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. (Eff. 3/19/04, Rule Rev. 247B)
- c) Appointing authority designates positions: The appointing authority shall determine the number of positions by class which are to be abolished within the lay-off unit.
- d) Relation of positions to incumbents in layoff: When lay-off is involved, there is no relation between the positions which are abolished and the incumbents of those positions. The order of layoff is according to this Rule.

- e) Establishment of layoff groups: After separating all non-Career status employees and abolishing all vacant positions in the class, the appointing authority shall divide the employees in the class where positions are being 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 five years and up to ten years;

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

Group D - Employees whose total length of service is fifteen years and above. (Revised Eff. 3/19/04, Rule Rev. 247B)

These lay-off groups are for the purpose of determining proficiency adjustments as covered in paragraph 14-44 c) Effect of proficiency.

- f) 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 Personnel Director, after thorough review and investigation, may determine that the possession of such a skill shall constitute an exception for lay-off purposes only; provided, however, that should another employee possess such a skill, such employee scheduled to be laid off shall displace the incumbent.

14-43 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 leave without pay, but shall not include service in any on-call position.
- b) Additional length of service credits from military service: Pursuant to the Colorado Constitution, Article XII, Section 15 military service shall be added to the length of service for layoff 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. (Revised Eff. 3/19/04, Rule Rev. 247B)

- 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 leave of absence without pay for the purpose of serving on active military duty as defined in paragraph 14-43 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. (Revised Eff. 3/19/04, Rule Rev. 247B)
 - (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. (Revised Eff. 3/19/04, Rule Rev. 247B)
- 3) Proof of eligibility for military service credits: Proof of eligibility for military service credits shall be established in accordance with the provisions of paragraph 3-25 e) Proof of eligibility for veteran's preference.
- 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 layoff, 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 subparagraph a) above. (Eff. 3/19/04, Rule Rev. 247B)

14-44 Sequence of Lay-offs

- a) General: Unlimited employees and limited employees appointed to their positions before January 16, 2004 in Group A shall be laid off before employees in Group B, employees in Group B before employees in Group C, etc. (Revised Eff. 3/19/04, Rule Rev. 247B)
- b) Effect of military service credits: Employees eligible for military service credits, who have the same or greater length of service, shall be placed higher in rank order than employees who are not eligible for military service credits.
- c) Effect of proficiency:
 - 1) Employees eligible for military service credits shall have their rank order determined solely on the basis of seniority.
 - 2) Within layoff groups, the appointing authority may choose to rank employees on their knowledge, skills, abilities, expertise and/or documented performance ("proficiency") and place employees with greater proficiency above employees with longer length of service who are not eligible for military service credits. In no event may a more proficient employee be placed higher than an employee with longer length of service who is eligible for military service credits. Career Service Authority must review and approve the criteria and procedures used to determine proficiency as part of its responsibility to audit and approve the lay-off plan as set forth in CS Rule 14-46 b). (Revised Eff. 3/19/04, Rule Rev. 247B)
 - 3) Within layoff groups, the appointing authority may place below employees with the lesser length of service the less proficient employee. In no event, however, shall an employee eligible for military service credits be placed lower than an employee with lesser length of service.

14-45 Actions In Lieu of Lay-off

- a) Reassignment or transfer appointment: An employee selected to be laid off shall be given a transfer appointment to any vacancy for which qualified within the lay-off unit, subject to paragraphs 14-45 c), d) and e). (Revised Eff. 3/19/04, Rule Rev. 247B)
- b) Demotional Appointment
 - 1) General: An employee selected to be laid off shall be entitled to a demotional appointment to an existing position in the same layoff unit in a class below the employee's present class which is the highest ranking class meeting each of the following conditions:
 - (a) The employee possesses the knowledge, skills, ability, and expertise to perform the essential duties of the position;
 - (b) The class is in the same class series as the employee's present class, or the employee previously held a position in such class; and

- (c) The employee's total length of service as defined in Sub-section 14-43 Length of service must be greater than that of at least one (1) of the incumbents in the class; or there must be a vacancy in the class. (Revised Eff. 3/19/04, Rule Rev. 247B)

- 2) Effect on incumbent of position to which demotional appointment is made: When it has been determined that a demotional appointment to a filled position in the layoff unit which meets the criteria in paragraph 14-45 b) 1) General, should take place, the person in the class of such position who has the shortest length of service as defined in Subsection 14-43 Length of Service shall be the employee who is laid off. The employee in the lower class shall be entitled to actions in lieu of lay-off pursuant to this Subsection 14-45.

- c) Effect of special qualifications: If a vacancy in a position in a pay grade with the same job rate, or if the position in the class to which such employee is to be given a demotional appointment is one which requires a special skill as defined in paragraph 14-42 f) Effect of special requirement on lay-off group, the Personnel Director, after thorough review and investigation, may designate the possession of such skill as a qualification for a demotional appointment to that position.

- d) Effect of position type: If the person designated to be laid off holds a full-time unlimited position, and the position which meets the provisions of paragraph 14-45 a) or b) 1) is a part-time, on call, or limited position, the employee shall be offered a choice of the part-time, on call, or limited position, or the highest available full-time unlimited position meeting the qualifications of paragraph 14-45 b) 1), for which qualified.

- e) Reassignment to limited position: If there are limited positions in the same class in the layoff unit, an employee selected to be laid-off shall be given the choice of being reassigned to a limited position in lieu of lay-off, even though it is necessary to separate another employee from that position. This offer shall be made regardless of the length of service of the employee in the limited position, if appointed after January 16, 2004. This reassignment shall not result in removal of the employee from the reinstatement list or lists. (Revised Eff. 3/19/04, Rule Rev. 247B)

- f) Voluntary action in lieu of lay-off: Employees who demote to a position other than the one described in 14-45 b) or who resign during a period of agency lay-offs, and these actions occur prior to the actual lay-off date, may retain their reinstatement rights pursuant to the following procedure:
 - (1) All demotions and separations during periods of lay-off will be examined to determine the causes of the transaction. Appointing authorities are asked to aid this process by entering an appropriate statement in the Remarks Section of the Personnel Action when a voluntary demotion or separation is the direct result of current lay-off proceedings.

- (2) If the Career Service Authority determines that the demotion or separation is in lieu of layoff, it will place the employee's name on the appropriate reinstatement list.
- (3) Such actions in lieu of lay-off shall be considered to be voluntary actions and pay shall be set in accordance with CS Rule 9-63 c) 1) and 2). (Revised Eff. 3/19/04, Rule Rev. 247B)

14-46 Notice of Lay-Off

- a) Layoff planning: Layoff planning, including actions in lieu of layoff, is the responsibility of the appointing authority. However, the Career Service Authority is available for procedural assistance and consultation as soon as the appointing authority has decided the number of positions by class to be abolished.
- b) Audit and approval of lay-off plan: Before an official notice of layoff is given in accordance with paragraph 14-46 c) Thirty-day notices, a written lay-off plan for the lay-off unit shall be submitted to CSA and shall have been audited and approved in writing by the Career Service Personnel Director for conformance to Section 14-40 Lay-Off of the Personnel Rules, including all subsections thereof. (Revised Eff. 3/19/04, Rule Rev. 247B)
- c) Thirty-day notices:
The appointing authority shall give final notice of lay-off to affected employees a minimum of thirty (30) calendar days before the effective date of the lay-off. A copy of each such notice shall be sent to the Career Service Authority. The period of time shall be computed in accordance with sub-paragraph 19-22 a) 2). (Effective April 1, 1982; Rules Revision Memo 348; Revised effective February 27, 2004; Rules Revision Memo 447B; Revised Eff. 3/19/04, Rule Rev. 247B.)

14-47 Effect on Leave

- a) Compensatory time and vacation leave: An employee shall be paid for all eligible leave and compensatory time credits in accordance with Rule 11 LEAVE.
- b) Sick leave: Pay for eligible sick leave credits and restoration of the balance of sick leave credits upon reinstatement shall be in accordance with Rule 11 LEAVE.

14-48 Re-employment, Reinstatement, and Promotional Reinstatement Rights

- a) Re-employment or reinstatement appointments: The rights of a former unlimited employee, and limited employee appointed to their position before January 16, 2004, who was laid off to a re-employment appointment or reinstatement appointment are in accordance with Rule 4 CERTIFICATION. (Revised Eff. 3/19/04, Rule Rev. 247B)
- b) Promotional reinstatement appointment: The rights of an employee who was given a demotional appointment in lieu of lay-off to a promotional reinstatement are in accordance with Rule 4 CERTIFICATION.

14-49 Appeal

An employee who is laid off or who is demoted in lieu of layoff may appeal the action in accordance with Rule 19 APPEALS.