

## MEMORANDUM

### **RULE REVISION 93D**

**TO:** Interested Parties - Career Service Rules

**FROM:** Career Service Board

**DATE:** July 1, 2025

**SUBJECT:** Revision of Career Service Rules

- Rule 14-52: Purpose
- Rule 14-54: General
- Rule 14-55: Layoff Planning and Submission of Layoff Plan
- Rule 14-56: Notice of Layoff and Meeting with Employees
- Rule 14-57: Appeal
- Rule 14-58: Reinstatement

The above-mentioned Career Service Rules were revised and approved on July 1, 2025.

#### 14-52 Purpose

(Revised July 1, 2025; Rule Revision Memo 93D)

The purpose of this rule is to ensure that layoffs are implemented in a streamlined manner that is consistent with the merit-based career service personnel system, serves the best interests and operational needs of the involved department or agency and provides due process protections to the affected employees.

#### 14-54 General

(Revised July 1, 2025; Rule Revision Memo 93D)

- A. Appointing authorities are responsible for determining the number of positions by classification and position type (if applicable) to be eliminated within each layoff unit and for determining which employees in those positions are to be laid off in conformance with this Rule, Section 14-50.
- B. Prior to implementing layoffs, appointing authorities must take the necessary steps to separate any probationary employees in the affected classification and to abolish all vacant positions in the affected classification. An appointing authority may, however, request from the OHR Executive Director approval to exempt a probationary employee from the operation of this rule based on sufficient justification for allowing the probationary employee to be evaluated and ranked along with other employees in the affected classification.
- C. Layoffs shall be determined by layoff units, which are defined in Career Service Rule 1 **Definitions**.
- D. Layoffs may also be determined by position types. Appointing authorities shall have the discretion to:
  1. eliminate all limited, part-time and/or on-call positions in an affected classification before other position types; or

2. determine the number of limited, part-time and/or on-call positions in an affected classification to be eliminated and utilize the ranking process set forth in CSR 14-55.C to determine which employees in those positions are to be laid off; or
  3. evaluate all position types (unlimited, limited, full-time, part-time and/or on-call) in an affected classification together utilizing the ranking process set forth in CSR 14-55 C.
- E. In accordance with the Colorado Constitution, Article XII, § 15. Veteran's Preference, employees not entitled to military service credits shall be laid off before employees entitled to such credits who have the same or more length of service, including their military service credits.
- F. Except as otherwise provided in subparagraph E of this Rule 14-54, the order of layoffs shall be determined according to the ranking process set forth in Rule 14-55 B and C.
- G. Employees designated to be laid off are not entitled to be demoted, transferred or reassigned to other occupied or unoccupied positions.
- H. Employees designated to be laid off whose effective layoff date is within ninety (90) calendar days from the date they attain eligibility for normal or early retirement under DRMC § 18-408(a) and (b) shall, upon request, be allowed to submit an irrevocable notice of retirement effective as of their retirement eligibility date, or such later date as the appointing authority may approve, in lieu of being laid off. Such employees may be required to use paid and/or unpaid leave between the date their layoff would have been effective and the date of their retirement.

#### 14-55 Layoff Planning and Submission of Layoff Plan

(Revised July 1, 2025; Rule Revision Memo 93D)

- A. The appointing authority shall determine the number and, if applicable, the types of positions by classification to be eliminated within each layoff unit. The appointing authority shall provide this information to the OHR Executive Director or their delegee and request a report for each involved layoff unit that lists the employees in each affected classification in order of their length of service (including military service credits), along with their position types.
- B. As to each affected classification and position type, if applicable, within a layoff unit, the appointing authority or delegee, in consultation with their human resources team and supervisors or managers of the affected layoff unit, shall evaluate and rank each employee according to how that employee's performance history (including performance ratings and disciplinary history), skills, and abilities (as they best align with ongoing operational needs of the department or agency), and length of service. Prior to conducting the evaluation and ranking of a classification and position type, the appointing authority or delegee shall assign a percentage weight to each of these four factors as defined below and within the ranges listed in the table below. The application of the percentage weights shall be consistent throughout the layoff unit. If the appointing authority intends to first eliminate all limited and/or part-time positions in the affected classifications, the incumbents in those positions shall not be ranked. All evaluations and rankings shall be performed without regard to the employees' protected

characteristics, as listed and defined in CSR 16-22 A.

1. Definition of Evaluation and Ranking Factors:

- a. Performance History shall be a combination of a minimum of an employee's three most recent annual performance reviews along with a deduction for any discipline within the past three years. OHR must publish a statistically viable formula for calculating missing performance review(s) to be applied for all employees who have fewer than three performance reviews. Performance evaluation criteria must be applied consistently across all affected employees.
- b. Skills are tasks specific to a position and that require specialized knowledge, tools, or techniques relevant to the classification and the department's operational needs. Typically developed through on-the-job experience, training or education.
- c. Abilities include competencies which are foundational, often cognitive or interpersonal in nature, and encompass the capacity to perform job functions specific to a position, including but not limited to problem solving, decision making, communication, teamwork, adaptability, flexibility, initiative, accountability, leadership or influence.
- d. Length of Service, for purposes of evaluating and ranking an employee, shall be as defined in Rule 14-52. If there is a tie between employees in overall ranking at the end of the evaluation process under Rule 14-55 B and prior to applying the military service credits, then length of service shall serve as the tiebreaker.

2. Ranges:

<b>Factor</b>	<b>Range</b>
Performance History	10 % to 35%
Skills	10 % to 35%
Abilities	10 % to 35%
Length of Service	25%

- C. Employees with the lowest rankings shall be laid off before employees with higher rankings, unless one or more employees in the affected classification are entitled to military service credits. In that instance, the employees entitled to military service credits shall have their order in the layoff list determined in accordance with Rule 14-54 E.
- D. The appointing authority, in conjunction with their human resources team, shall prepare a layoff plan for each layoff unit using an approved template, which shall first be submitted, along with the worksheets supporting the rankings, to the City Attorney's Office (CAO) for legal review, before being submitted to the OHR Executive Director or delegee for final review and approval. Only after the CAO and OHR have reviewed and approved a layoff plan for conformance with this Rule 14-50 shall the appointing authority be authorized to issue Notice of Layoffs to the affected employees.

14-56 Notice of Layoff and Meeting with Employees  
(Revised July 1, 2025; Rule Revision Memo 93D)

A. The appointing authority shall give a final written notice of layoff to each affected employee a minimum of thirty (30) calendar days before the employee's last day as a City employee. A copy of each such notice shall be sent to the OHR. The period of time shall be computed in accordance with Rule 19 **Appeals**.

B. Employees who receive a notice of layoff shall, upon request, be entitled to meet with their supervisor, manager and/or assigned human resources personnel within ten (10) calendar days following receipt of the notice of layoff to state any concerns regarding the layoff decision and/or provide any information they believe should be taken into consideration, including their eligibility for normal or early retirement and/or military service credits.

14-57 Appeal  
(Revised July 1, 2025; Rule Revision Memo 93D)

An employee who is laid off may appeal the action in accordance with Rule 19 **Appeals**.

14-58 Reinstatement  
(Revised July 1, 2025; Rule Revision Memo 93D)

A. An employee who is laid off shall be placed on a reinstatement list for the classification from which they have been laid off or voluntarily resigned in lieu of layoff.

B. Employees who fall into any of the following categories shall not be included on or shall be removed from a reinstatement list:

1. An employee who had an overall rating of "Development Needed" (or the lowest rating category) in the most recent rating year prior to separation by reason of layoff;
2. An employee who had been placed on a Performance Improvement Plan during their final performance evaluation cycle and had not successfully completed that plan at the time of separation;
3. An employee who was on a Performance Improvement Plan when laid off and it was documented they were not successfully progressing through the plan at the time of separation;
4. A former employee who fails to respond to a referral within 2 business days of being contacted by the Office of Human Resources or the hiring manager; or
5. A former employee who turns down a referral by the Office of Human Resources.

C. Eligible former employees will be listed for one (1) year from the effective date of the final layoff within the employee's department or agency in a fiscal year, unless removed for cause.

D. Eligible former employees shall be listed by ranking so that the former employee with the highest ranking is higher on the list. If an employee with military service credit has been laid off, that former employee shall be ranked in accordance with Rule 14-54 E.

E. Reinstatement lists shall only be used within the layoff unit that the former employee was in when the layoff took place.

F. Referral from the reinstatement list is mandatory and exclusive. No other referral shall be made while any eligible former employees remain on this list. Referral shall consist of the highest ranking eligible former employee, or if there are ties, all those at the highest ranking.

G. If a reinstatement list exists for a classification in which the department or agency has a job with a special qualification which has been approved by the OHR Executive Director, referral shall consist of the highest ranking eligible former employee who has the special qualification, or if there are ties, all those with the required special qualification at the highest ranking. If none of the eligible former employees have the required special qualification, a referral shall be made in accordance with the rules applicable when there is no reinstatement list.

H. Any reinstatement list may be abolished at any time by the OHR Executive Director if the classification specification is abolished or revised.

I. Restoration of the balance of sick leave hours upon reinstatement shall be in accordance with Rule 10 **Paid Leave**.