

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules ("Rules"). When the Board or the OHR Executive Director determines that a change in the Rules is necessary or desirable, the procedure shall be as follows: ... 2) The proposed rule change shall be posted on the same bulletin boards as the local, state, and federal- mandated posters, as well as the Career Service Board's internet page, and made available to appointing authorities, employees, and the general public for comments and suggestions.

A short summary of the proposed rule change and the reason(s) for the proposed change shall be posted with the proposed rule change... 4) A public hearing on the proposed rule change shall be held by the Board.

PLEASE POST ON ALL BULLETIN BOARDS AS SOON AS POSSIBLE

Public Hearing Notice - No. 697

A Career Service Board Public Hearing has been scheduled regarding the proposed adoption of revisions to **Career Service Rule 9 (Pay Administration)**.

A Career Service Board Meeting regarding Public Hearing Notice No. 697 is scheduled for **Thursday, August 21, 2025**. The public hearing starts at **9:00 a.m.** and will be held at the Career Service Hearings Office, located on the 1st floor in the Wellington Webb Municipal Building at 201 W. Colfax Ave., Denver, Colorado.

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

Career Service Board
c/o Lori Smith
Phone: 720.337.6185
csbrulemaking@denvergov.org

Employees are strongly encouraged to submit written comments regarding these rule changes. This provides members of the Career Service Board an opportunity to review your comments prior to the rulemaking hearing on August 21, 2025. Comments regarding this notice should be submitted **no later than 12:00 p.m. on Friday, August 15, 2025.**

If anyone wishes to address the Board during the hearing regarding this notice please contact the Career Service Board at CareerServiceBoard@denvergov.org, **no later than 12:00 p.m. on Friday, August 15, 2025** to get on the Board's agenda. Please note that you are encouraged to submit written comments regarding the subject matter of your testimony at this time so that the Board has time to adequately consider your input.

PLEASE POST ON ALL BULLETIN BOARDS AS SOON AS POSSIBLE

RULE REVISION PROPOSAL 95D

TO: Appointing Authorities, Managers, and Employees
FROM: Kathy Nesbitt, OHR Executive Director
DATE: Thursday, August 7, 2025
SUBJECT: Proposed adoption of the revisions to Career Service Rule 9

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

Thursday, August 21, 2025, at 9:00 a.m.

DELETIONS ARE INDICATED BY ~~strike through~~ AND ADDITIONS ARE INDICATED BY underline.

RULE 9

Pay Administration ~~AY ADMINISTRATION~~

Section 9-5 Definitions

~~(Revised August 19, 2021; Rule Revision Memo 69D)~~

A. Pay Factors: When setting pay, appointing authorities, in alignment with OHR, shall base their decision on the following pay factors, which are not listed in any particular rank order: (Revised August 19, 2021; Rule Revision Memo 69D)

1. Related experience.
2. Previous work record.
3. Education and/or certification.
4. Internal equity.
5. Level of responsibility of accepted; and
6. Merit system.

Section 9-20 Pay When First Employed

~~(Revised December 21, 2012; Rule Revision Memo 66C)~~

- A. An appointing authority, in alignment with OHR, should hire an employee at the range minimum if the employee minimally meets the position requirements.
- B. An appointing authority, in alignment with OHR, may set pay for a new employee higher than the range minimum ~~(but not to exceed the range maximum of the applicable pay range) if necessary to obtain the services of an unusually well-qualified person~~ and up to the range midpoint if the appointing authority determines that one or more pay factors defined in this Rule 9 **Pay Administration** justify such a starting salary.

- C. ~~The~~ An appointing authority, in alignment with OHR, may set pay for a new ~~decide to appoint an~~ employee at a pay rate higher than the range midpoint and up to the range maximum- ~~minimum~~ if the applicant substantially exceeds the minimum requirements for the position and the appointing authority determines that one or more pay factors defined in this Rule 9 Pay Administration justify such a starting salary. ~~appointing authority determines that one or more of the pay factors defined in this Rule 9 justify such a starting salary. In any event, qualifications of the new employee should exceed the minimum qualifications stated in the classification specification, and internal equity shall be considered.~~

Section 9-30 Changes in Classification and Pay

~~(Revised October 17, 2010; Rule Revision Memo 47C)~~

- A. A change in an employee's classification may occur through promotion, transfer, demotion, re-allocation, or promotional reinstatement. (Revised November 18, 2015; Rule Revision Memo 15D)
- B. Retroactive pay changes shall not extend into the prior fiscal year, unless approved by the OHR Executive Director or designee. (Revised November 7, 2016; Rule Revision Memo 22D)
- C. An employee must pass probation before they may apply for a promotion or a transfer to a position in the same or another classification.

9-31 Promotion

~~(Revised November 18, 2021; Rule Revision Memo 77D)~~

Upon promotion an employee's pay shall be set by the appointing authority in accordance with the pay factors defined in this Rule 9. The pay shall not be lower than the range minimum, or greater than the range maximum of the pay range for the new classification. The increase in pay from the promotion shall be up to 15% or the range minimum, whichever is greater. When setting the increase in pay, internal equity shall be considered for other substantially similar workers.

9-32 Transfers

~~(Revised August 19, 2021; Rule Revision Memo 69D)~~

When an employee transfers positions from one classification to another classification with the same pay range minimum, the employee's pay shall be set by the appointing authority, in alignment with OHR, in accordance with the pay factors defined in this Rule 9.

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

An employee transferring to a position within the same

classification for budgetary reasons shall not receive an increase in their pay. Otherwise, the increase in pay shall not be more than 5% if transferring to a different classification at the same pay grade.

An employee must remain in the position into which they were hired until they have passed probation.

9-35 Re-allocation ~~(Revised April 9, 2021; Rule Revision Memo 66D)~~

- A. When an individual position is re-allocated to another classification at the request of the appointing authority pursuant to Rule 7-34, the incumbent employee shall receive the same pay as before the re-allocation, subject to the following exception:
1. If the new classification has the same or a higher pay grade, the incumbent employee's pay shall be reviewed by OHR, in consultation with the appointing authority, as part of the reallocation process.
If, as a result of such a review, OHR and the appointing authority both agree that the employee's pay should be increased in accordance with Rule 9-39, the reallocation and accompanying increase in pay shall take effect on the same date. In no case shall employees be paid less than the range minimum of the pay range of the new classification.
- B. When a classification is changed to a different pay grade, and/or pay range as the result of a classification study pursuant to Rule 7-35, the employees in that classification shall receive the same pay as before the re-allocation.
1. If the employee's current pay is less than the range minimum of the pay range of the new classification, the employee's pay shall be set at the range minimum of the pay range of the new classification.
 2. If the employee's current pay is higher than the range maximum of the pay range of the new classification, the employee's pay shall remain the same until such time that either:
 - a. The employee changes positions; or
 - b. The pay range of the new classification is adjusted to the point that the range maximum exceeds the employee's current pay.
 3. If the new classification has the same or a higher pay grade, the incumbent employee's pay may be reviewed by OHR, in accordance with Rule 9-39 and the process associated with 9-39, in consultation with the appointing authority, as part of the reallocation process.

9-36 Re-instatement or Promotional Re-instatement Appointment

Upon re-instatement or promotional re-instatement, either after lay-off or after demotion in lieu of lay-off, an employee's pay shall be set at the rate of pay the employee received immediately prior to such lay-off or demotion in lieu of lay-off. If payment at this rate would result in a decrease in pay for a current City employee, the pay rate shall be set at the employee's present rate of pay. In no event shall the pay rate be lower than the range minimum of the pay range.

9-37 Counteroffer (Revised April 9, 2021, Rule Revision Memo 66D):

A A counteroffer may be made for any of the reasons listed below:

1. To retain an employee whose skills, knowledge or abilities are deemed essential to the mission of the City or a department or agency.
2. To avoid recruiting and training costs when those costs clearly exceed the costs of a counteroffer.
3. When it has been determined that turnover rates in a classification exceed the calculated turnover rate for that job family, or classification and pay has been determined to be a significant cause; or,
4. When the vacancy rate within a classification reaches a level where additional loss of personnel may interfere with the City's ability to provide adequate levels of services to the public.

B An appointing authority may make a counteroffer to an employee when the following conditions have been met:

1. The base salary and employee benefits the employee will receive at the prospective employer are greater than the base salary and employee benefits the employee is currently receiving from the City.
2. The counteroffer does not exceed the range maximum of the pay range the employee occupies at the time the offer is extended (Revised October 17, 2010; Rule Revision Memo 47C).
3. The prospective employer is not a department or agency of the City; and
4. The appointing authority has verified the authenticity of all job offers which constitute the basis for a counteroffer.

C The appointing authority shall submit a copy of the written offer of employment from the prospective employer with the Personnel Action Form.

9-38 Interim pay practices

(Revised November 16, 2023; Rule Revision Memo 91DD)

- A The OHR Executive Director may, on a temporary basis, create or temporarily adjust a pay practice for any type of employee (e.g. career service, on-call, etc.), to increase pay, if any of the following conditions exist:
1. Recruitment and Retention Difficulties: If the following factors apply to one or more classifications within an agency or division of an agency:
 - a. Numerous vacancies exist in the classification(s) that will be affected by the proposed pay practice.
 - b. Recruitment has not been effective.
 - c. Retention rate is low; and
 - d. Market driven personnel shortages in the classification(s) are causing difficulty in fulfilling an essential mission of the City.
 2. City-wide Emergency: The Mayor has declared a city-wide emergency and the employees' regular or temporarily assigned duties are critical to address the emergency; or
 3. Mayoral Request: The Mayor requests the OHR Executive Director to create or adjust the pay practice on the basis of exigent circumstances or compelling operational needs.
- B At the next regular Board meeting the OHR Executive Director must inform the Board of the interim pay practice and the basis for the interim pay practice. If the Board does not agree with the interim pay practice then, upon a majority vote of a quorum of the Board members attending the meeting, the interim pay practice shall be suspended immediately or within a specified time period designated by the Board.
- C An interim pay practice shall remain in effect for the time specified by the OHR Executive Director or the Board or for a period of six (6) months, which ever is shorter, and may be extended by the OHR Executive Director for such increments of time not to exceed ~~six (6) months~~ two (2) years total. The OHR Executive Director shall follow the process set forth in subparagraph B, above, with respect to each approved extension.

9-39 Pay adjustment within the salary pay range

(Revised August 19, 2021; Rule Revision Memo 69D)

A. An appointing authority may request a pay equity review for consideration to have an employee's pay adjusted ~~pay for an employee,~~ within that employee's current salary pay range, if as long as the purpose is to eliminate a pay disparity ~~for which an,~~ ~~so long as that~~ employee's pay is being compared with the pay of another employee who is performing substantially similar work that is:

1. In the same classification; or
2. In the same classification series; or
3. In a classification within the same job family performing comparable types of duties; or (Revised April 9, 2021, Rule Revision 66D)
4. Subordinate to the existing employee in that employee's chain of command.

If OHR does not find an existing pay disparity, then the adjustment shall not be implemented.

B. ~~OHR Classification and Compensation will review employees' pay across departments or agencies within the same classification(s), within the same classification series, or within the classification(s) with the same career path and comparable duties. (Revised August 19, 2021; Rule Revision 69D)~~ The appointing authority's request shall explain:

1. The reason the pay inequity exists between or among the employee(s) performing substantially similar work including information about how pay factors (as listed in Rule 9-5 F and/or Appendix 7.A.) have contributed to the pay inequity; and
2. How the employee's duties are substantially similar to the identified comparator; and
3. If applicable, why employees in the same classification in the same work group are not being considered in the request. This explanation should include information about how the excluded employees are not affected by the pay factors as listed in Rule 9-5 F and/or Appendix 7.A.

C. Substantially similar work most often exists within the employee's immediate work group but may be found within the employee's department or agency.

~~G.~~ D. A pay equity adjustment within the salary pay range requires the approval of the OHR Executive Director. The effective date of any such pay adjustment shall be the beginning of the work week following approval by the OHR Executive Director.

In the case of extraordinary circumstances, and with the approval of the OHR Executive Director, the effective date of

the pay adjustment may be for a retroactive date at the beginning of a work week. However, no retroactive pay adjustment shall extend into the prior fiscal year.

- D. E. Pay adjustment requests cannot be implemented after the last Sunday of November nor before the first Sunday of March. (Revised July 21, 2022; Rule [Revision](#) Memo 79D)

~~E.—The appointing authority’s request for approval shall explain:~~

- ~~1.—The reason the pay inequity exists, including information about how pay factors (as listed in Rule 9-5F and/or Appendix 7.A) have contributed to the pay inequity; and~~
- ~~2.—If applicable, why employees in the same classification in the same work group are not being considered in the request. This explanation should include information about how the excluded employees are not affected by the pay factors (as listed in Rule 9-5F and/or Appendix 7.A).~~

Section 9-70 Hours of Work

- A. 9-71 Standard Workweek
- B. The five (5) day forty (40) hour week shall be the standard work week for employees of the Career Service. Exempt employees may be expected to work more than forty (40) hours to accommodate the operational needs of their agency.
- C. Standard work hours shall be eight (8) hours per day, excluding the meal period. In certain cases, because of the character of the work, it may be necessary for an employee to be required to eat a meal while working. When the meal period is spent predominantly for the benefit of the City, the employee shall be paid for the entire meal period (Effective October 10, 2008; Rule Revision Memo 32C).

Section 9-101 Retention Bonus

~~(Revised November 23, 2023; Rule Revision Memo 91D)~~

- A. In order to retain a highly qualified employee(s) whose skills, knowledge and/or abilities are deemed essential to the mission and operations of the City, a department or agency may, upon approval of the OHR Executive Director, pay a retention bonus to a current employee(s) at the end of a specified period of time.
- B. The payment of any retention bonus must be justified in writing and submitted by the appointing authority to the OHR Executive Director for approval.
- C. The following standards shall apply to an appointing authority’s request for approval to pay a retention bonus:
 - 1. The success (or lack thereof) of recent efforts to recruit external

candidates for the same positions, using indicators such as job offer acceptance rates, the length of time required to fill similar positions, turnover rates, and the probable cost of additional recruitment efforts if the current employee(s) resigns;

2. Employment trends and competition in the local labor market that make it difficult to recruit candidates for the same positions or that entice current employees to resign from the city;
 3. The degree to which essential services have been disrupted;
 4. Special qualifications or competencies (i.e., knowledge, skills, abilities, education, etc.) required for the position. These competencies must be applicable to a vast majority of the duties and responsibilities of the job and/or be of critical importance to the job;
 5. The desirability of the duties, work, or organizational environment of the position;
 6. The employee's work history, including length of employment with the city, performance ratings, and disciplinary record; and
 - a) A retention bonus will not be considered for any employee that has been formally disciplined in the 12 months preceding the appointing authority's request for approval to pay a retention bonus;
 - b) A retention bonus will not be given to any employee that received a Development Needed or Unacceptable performance rating in the prior year performance evaluation period.
 - c) To receive a retention bonus, an employee must have been employed with the Agency in the same classification for a minimum of ~~12~~ 26 months prior to the start of the retention period. Exceptions may be made for on-call employees.
 - d) A retention bonus will not be given to any employee who received a recruitment bonus for the same classification.
 - e) A retention bonus will not be given to an employee working out of class.
 7. Any other supporting factors.
- D. No retention bonus may exceed \$5,000 to any employee in single or multiple payments and the amount of any payment should be scaled in proportion to the position, the level of need, and the length of the retention period. The amount of the bonus will not be grossed-up to cover taxes and other deductions on behalf of the employee.
- E. No retention bonus shall be offered to an employee prior to final approval by the OHR Executive Director. The appointing authority's request for approval to pay a retention bonus indicates sufficient existing budget funds to cover the expense.
- F. If payment of a retention bonus is approved, the agency or department will enter into an agreement with the employee(s) in which the employee(s) agrees to continue to be employed in their current position for a specified period of time in exchange for receiving the

retention bonus at the end of that specified period of time. Payment of a retention bonus and the employee's acceptance of these terms shall not constitute an employment contract. The terms of the agreement must include the following:

1. The agreement does not prohibit the agency or department from applying and enforcing the Career Service Rules, including Rule 16, during the retention period.
2. If the employee receives a suspension, a temporary reduction in pay, or is terminated or involuntarily demoted pursuant to Rule 16 prior to the end of the specified retention period, the employee shall forfeit the bonus.
3. If the employee takes leave without pay for two or more weeks (consecutively and/or intermittently), resigns, retires, promotes, transfers, works out of class, or voluntarily demotes during the retention period, the employee will forfeit their right to the retention payment.

REVISION INTENTION and IMPACT

The intention of these revisions is to update pay administration in response to the recommendations by Comp Connections during their 2024 audit of the City and County of Denver's pay practices. This includes hiring employees at the range minimum when they only meet minimum qualifications and paying above that if defined pay factors are met. All employees must pass probation before they promote or transfer to any other position and increases in pay due to a promotion shall be either up to 15% or range minimum – whichever is greater. Transfers between classifications within the same pay grade shall have the increase in pay limited to no more than 5%. Pay equity reviews are limited to other employees performing substantially similar work and the appointing authority must provide an explanation of the pay in equity, how the duties between the employees are substantially similar, and why other employees in the same classification and work group are not being considered. There is clarification that exempt employees may be expected to work more than 40 hours a week. The length of time an employee must be with the city before being considered for a retention bonus is reduced from 12 to 6 months.