

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. 5) The Board shall accept, reject or modify the proposed rule change. If the Board modifies a proposed rule change, the Board need not re-post the rule for public comment unless the Board, in its own discretion, determines that reposting is necessary.

**PLEASE POST ON ALL BULLETIN BOARDS AS SOON AS POSSIBLE**

**Third Revised Public Hearing Notice - No. 695**

The continuation of the Career Service Board Meeting regarding the proposed adoption of revisions to **Career Service Rule 14 (Separation Other Than Dismissal)**, Public Hearing Notice No. 695 is scheduled for **Tuesday, July 1, 2025**. The public hearing starts at **9:00 AM** and will be held in conference rooms 4.F.6 and 4.G.2, located on the 4<sup>th</sup> Floor in the Wellington Webb Municipal Building at 201 West Colfax, Denver, Colorado.

## REVISED RULE REVISION PROPOSAL 89D

TO: Appointing Authorities, Managers, and Employees  
FROM: Kathy Nesbitt, OHR Executive Director  
DATE: Friday, June 27, 2025  
SUBJECT: Proposed adoption of the revisions to Career Service Rule 14

THIS REVISED PROPOSED PROVISIONAL REVISION TO THE CAREER SERVICE RULES  
Tuesday, July 1, 2025, at 9:00 A.M.

- From the Public Hearing Notice – No. 695. DELETIONS ARE INDICATED BY ~~strike-through~~ AND ADDITIONS ARE INDICATED BY underline.
- From the Second Revised Public Hearing Notice – No. 695. NEW REVISIONS ARE INDICATED BY ~~strike-through~~ AND ADDITIONS ARE INDICATED BY underline.
- From the Third Revised Public Hearing Notice – No. 695. NEW REVISIONS ARE INDICATED BY ~~striketthrough~~ AND ADDITIONS ARE INDICATED BY underline.

### Section 14-50 Layoff

(Revised June 18, 2025; Rule Revision Memo 89D)

#### 14-51 Definition

A layoff is the elimination of a filled position as further defined in Career Service Rule 1  
**DEFINITIONS.**

#### 14-52 Purpose

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.

#### ~~14-52 Order of Lay-off~~

- ~~A. Lay-off unit: Lay-offs shall be determined by lay-off unit. (Revised February 21, 2017; Rule Revision Memo 25D)~~
- ~~B. Appointing authority designates positions: The appointing authority shall determine the number of positions by class which are to be eliminated within the lay-off unit.~~
- ~~C. Relation of positions to incumbents in lay-off: When lay-off is involved, there is no relation between the positions which are eliminated and the incumbents of those positions. The order of lay-off is according to this Rule 14.~~
- ~~D. Establishment of lay-off groups: After separating all at will status employees and eliminated all vacant positions in the class, the appointing authority shall request a report from the Office of Human Resources dividing the employees in the class where positions are being eliminated into the following groups:~~

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

~~Group B—Employees whose total length of service is from five years to ten years;~~

~~Group C—Employees whose total length of service is from ten years to fifteen years;~~

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

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

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

~~(Revised November 25, 2019; Rule Revision Memo 57D)~~

#### 14-53 Length of Service

A. General rule: ~~Length of service is only a factor in layoffs if one or more employees in the affected classification are eligible for military service credits.~~ For layoff purposes of this rule, length of service shall mean the total number of years, months, and days of continuous service in any class under career service. This computation shall include time on leave, including unpaid leave, but shall not include service in any on-call or limited position.

B. Additional length of service credits from military service: Pursuant to the Colorado Constitution, Article XII, Section 15 (See Appendix A), military service shall be added to the length of service for lay-off purposes under the following conditions:

1. General provision on military service credits eligibility: The amount of military service credited shall be the total number of years, months, and days served in the following situations, other than for training purposes:
  - a. Service in any branch of the armed forces of the United States during any period of any declared war or any undeclared war or other armed hostilities against an armed foreign enemy; or
  - b. Service on active duty in any such branch in any campaign or expedition for which a campaign badge is authorized.
2. Other provisions regarding military service credits:
  - c. 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.
  - d. For employees who have completed less than twenty (20) years of active military service, eligible military service credits shall not

exceed ten (10) years.

- e. Employees who were granted a leave of absence without pay for the purpose of serving on active military duty as defined in paragraph 14-53 B Additional length of service credits from military service shall not be credited with military service time but shall have the leave of absence without pay included in determining their length of service. (Revised November 25, 2019; Rule Revision Memo 57D)
- f. To be eligible for military service credits, employees must have been separated from such service under honorable conditions.
- g. Employees whose spouse died while serving or as a result of a service-connected cause are also eligible for military service credits as defined and limited above.

3. Proof of eligibility for military service credits: Proof of eligibility for military service credits shall be established in accordance with the provisions of Article XII, Section 15 (2) of the Colorado Constitution.

4. It is the responsibility of employees who may be eligible for military service credits, including employees whose spouses died serving in the military or due to service-connected causes, to ensure the OHR has the information and proof necessary to determine their eligibility and calculate any military service credits they may be entitled to in the event of layoffs.

C. Former Merit System employees: Employees transitioned from the merit system to Career Service under the Human Services Department transition charter amendment effective January 1, 1999 shall be given credit for continuous service as follows:

- 1. At the time of the lay-off, employees who are assigned to the Department of Human Services and have been continuously assigned to said department since January 1, 1999 shall have their length of service calculated from the date the employee was employed with the merit system.
- 2. After January 1, 1999, employees who voluntarily transfer to another department in the city shall have their length of service calculated from the date of continuous service with the City and County of Denver, provided that employees who involuntarily transfer to another department shall have their length of service calculated pursuant to the previous subparagraph.

D. Election Commission transition: Election Commission employees who are appointed to Career Service Election Division positions pursuant to the charter amendment effective July 16, 2007 shall be given credit for continuous service as follows:

- 1. At the time of the lay-off, employees who hold positions in the Election Division and have been continuously employed in this agency since July 16, 2007 shall have their length of service calculated from the date the employee's continuous service in a full or part-time position with the City began.
- 2. After July 16, 2007, Election Division employees who voluntarily accept an appointment to a position in another department in the City shall have their length

of service calculated from the date of continuous service with the Career Service, provided that employees who are involuntarily moved to another department shall have their length of service calculated pursuant to the previous subparagraph.

~~(Revised November 25, 2019; Rule Revision Memo 57D)~~

~~14-54 Sequence of Lay-offs~~

~~A. General: Employees in unlimited positions in Group A shall be laid off before employees in Group B, employees in Group B before employees in Group C, etc.~~

~~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 lay-off 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. The OHR 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 paragraph 14-56 B.~~

~~3. Within lay-off groups, the appointing authority may place the less proficient employee below employees with the lesser length of service. In no event, however, shall an employee eligible for military service credits be placed lower than an employee with lesser length of service.~~

14-54 General

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 § 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;
  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.
- ~~I. Employees or former employees who have been laid off are not entitled to reinstatement.~~

~~14-55-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 14-55 C, D and E.~~
- ~~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 lay-off 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 subsection 14-53 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.~~
- ~~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 lay-off unit which meets the criteria in subparagraph 14-55-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 14-53 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 14-55.~~
- ~~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 14-52 F Effect of special qualification on lay-off group, The OHR Executive 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 paragraphs 14-55-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 14-55-B.1, for which qualified.~~
- ~~E. Reassignment to limited position: If there are limited positions in the same class in the lay-off 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. This reassignment shall not result in removal of the employee from the re-instatement list or lists as defined in Rule 3~~ **RECRUITMENT AND SELECTION.**
- ~~F. Voluntary action in lieu of lay-off: Employees who demote to a position other than the one described in paragraph 14-55-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 re-instatement 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 OHR determines that the demotion or separation is in lieu of lay-off, it will place the employee's name on the appropriate re-instatement list.~~

~~3. Such actions in lieu of lay-off shall be considered to be voluntary actions and pay shall be set in accordance with the provisions of Rule 9 PAY ADMINISTRATION governing voluntary demotions.~~

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

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 best align with the ongoing operational needs of the department or agency. 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: perform 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: includes 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.

##### 2. Ranges:

<u>Factor</u>	<u>Range</u>
<u>Performance History</u>	<u>10% to 35%</u>
<u>Skills</u>	<u>10% to 35%</u>
<u>Abilities</u>	<u>10% to 35%</u>
<u>Length of Service</u>	<u>20%</u>

- 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 Lay-Off and Meeting with Employees

- ~~A. Lay-off planning: Lay-off planning, including actions in lieu of lay-off, is the responsibility of the appointing authority. However, the OHR is available for procedural assistance and consultation as soon as the appointing authority has decided the number of positions by class to be abolished. 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. Audit and approval of lay off plan: Before an official notice of lay off is given in accordance with this Rule 14, a written lay off plan for the lay off unit signed by the appointing authority shall be submitted to the OHR and shall have been audited and approved in writing by the OHR Executive Director for conformance to Section 14-50 Lay Off of these rules, including all sub-sections thereof. In the case of a lay off in the OHR, the lay off plan shall be signed by the manager responsible for the lay off unit affected by the lay off. 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 for military service credits.~~
- ~~C. Thirty-day notices: The appointing authority shall give final written notice of lay-off to an 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**.~~

~~Rule 14-57 Re instatement~~

~~(Revised January 3, 2017; Rule Revision Memo 23D)~~

- ~~A. Employees or former employees shall be placed on a reinstatement list for the classification from which they have:~~
- ~~1. Been laid off;~~
  - ~~2. Transferred in lieu of lay-off when the employee has been moved from an unlimited position to a limited or on-call position, or from a full-time position to a part-time position;~~
  - ~~3. Demoted in lieu of lay-off;~~
  - ~~4. Voluntarily resigned in lieu of lay-off; or~~
  - ~~5. Voluntarily demoted in lieu of lay-off.~~
- ~~B. Eligible employees or former employees will be listed for one year unless removed for cause.~~
- ~~C. Eligible employees or former employees shall be listed by seniority, or by proficiency (to the extent it was used as a basis for the employee's lay-off) so that the employee with the longest length of service is higher on the list.~~
- ~~D. Re-instatement lists shall only be used within the Lay-off Unit that the employee or former employee was in when the lay-off took place.~~
- ~~E. Referral from the re-instatement list is mandatory and exclusive. No other referral shall be made while any eligible employees or former employees remain on this list. Referral shall consist of the highest ranking eligible employee or former employee, or if there are ties, all those at the highest ranking.~~
- ~~F. If a re-instatement 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 employee or 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 employees or former employees have the required special qualification, a referral shall be made in accordance with the rules applicable when there is no re-instatement list.~~
- ~~G. Any re-instatement list may be abolished at any time by the OHR Executive Director if the classification specification is abolished or revised.~~
- ~~H. Restoration of the balance of sick leave hours upon re-instatement shall be in accordance with Rule 10 **PAID LEAVE**.~~

#### Rule 14-~~58~~57 Appeal

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

#### Rule 14-58 Reinstatement

- 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,” “Unacceptable,” or “Below Expectations” in any of the three rating years 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 6 months 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**.

## REVISION INTENTION and IMPACT

The intention of this revision is to ensure that layoffs are implemented in a more 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. The impact will be that layoffs will now be determined solely by ranking all employees in the affected classification based on a combination of factors that include performance, skills, abilities and length of service (with exceptions for excluding employees entitled to military service credits) ~~instead of a combination of seniority and performance~~, appointing authorities will have more flexibility in layoff planning, and employees will no longer be able to displace or "bump" other employees in lieu of being laid off ~~or be entitled to reinstatement~~. However, employees designated to be laid off who are close to attaining retirement eligibility will be allowed to remain employed long enough to retire.