

**RULE 14**  
**Separation Other Than Dismissal**

Purpose Statement:

The purpose of this rule is to define the circumstances and processes by which an employee in the Career Service may be separated from employment other than by dismissal.

Section 14-10 Types of Separation Other Than Dismissal

- A. The separation of an employee from the Career Service other than by dismissal shall be designated one of the following:
1. Resignation;
  2. Retirement;
  3. Death;
  4. Disqualification;
  5. Separation of employees holding at-will, trainee or intern probationary, or employment probationary status;
  6. Layoff.
- B. Written notices required under this Rule 14 shall be served on the employee by one or more of the following:
1. In person with a certificate of hand delivery;
  2. By first class U.S. mail, with a certificate of mailing to the employee's last known address; or
  3. By e-mail, delivery receipt requested, to the employee's City email address or the employee's personal email address. This rule does not require that a delivery receipt be received in order to effect service. (Revised retroactively to August 15, 2025)
- C. The personnel action shall show the type of separation and the employee's last day as a City employee shall be the effective date of separation. (Revised August 19, 2021; Rule Revision 72D)
- D. Employees who separate from employment with the City shall receive payment for all compensatory time, paid time off, and vacation and sick leave, for which they are eligible according to the provisions of Rule 9 **Pay Administration** and Rule 10 **Paid Leave**.

- E. A separation of an employee under this Rule 14 is considered to be a separation without fault. An employee who has been separated under this Rule 14 may be considered for re-employment without examination as provided in Rule 3 **Recruitment and Selection**.

#### Section 14-15 Designees

Appointing authorities, including the Office of Human Resources (“OHR”) Executive Director, may delegate any authority given to them under this Rule 14 to a subordinate employee except the authority to sign and submit lay-off plans to the OHR.

#### Section 14-20 Resignation

- A. Resignation is the voluntary separation by an employee from the Career Service.
- B. Notice to supervisor: It is the responsibility of an employee who plans to resign in good standing from the Career Service to provide written notice to his or her immediate supervisor at least ten (10) calendar days in advance of the employee’s last day as a City employee. The appointing authority may waive this requirement for good and sufficient reasons.
- C. Job abandonment: An employee’s failure to report for his or her assigned shift and notify his or her immediate supervisor of the absence prior to the start of his or her shift for three (3) consecutive work days may be called “job abandonment” and treated like a resignation. The required signature of the employee on the resignation shall be waived. Instead, the appointing authority shall file a statement indicating how the conditions of this paragraph have been met.
- D. Appointing authorities are responsible for approving or disapproving employee requests to use paid or unpaid leave (unless otherwise provided in these rules) between the time notice of resignation is given and the employee’s last day as a City employee.

#### Section 14-21 Retirement

Any employee in the Career Service may designate his or her resignation as a retirement when he or she meets the eligibility requirements of the Denver Employees Retirement Plan.

#### Section 14-25 Death

In the case of a separation caused by the death of an employee, the employee’s last day as a City employee shall be the date of death.

#### Section 14-30 Disqualification

Disqualification is an involuntary, no-fault separation of an employee, based on a legal, physical, or mental impairment or incapacity of the employee, occurring or discovered after appointment, which prevents performance of the essential functions of the position with or without accommodation.

##### 14-31 Grounds for Disqualification

An employee may be disqualified if any of the following conditions occur:

A. Physical or mental impairment or incapacity:

1. When an employee is unable to perform the essential functions of the position because of mental or physical impairment or incapacity, with or without reasonable accommodation.
2. Before an employee can be disqualified because of a physical or mental impairment or incapacity, the employee's department or agency must have initiated the interactive process under the Americans with Disabilities Act of 1990 (ADA), as amended (described in Rule 12 **Leave and Accommodations for Pregnancy and Extended Illnesses or Injuries**), and the ADA Coordinator must have concluded the process and referred the employee's case back to the department or agency without making an accommodation because no reasonable accommodation was available or an offered reasonable accommodation was refused by the employee.

B. Licensure, certification and other legal requirements:

1. When laws require a license, certification, or other authorization by a federal, state or local governmental entity to perform the essential functions of a position and the employee does not have the required authorization.
2. An employee shall be relieved immediately of any duties requiring a license, certification, or other legal authorization if the employee lacks such license, certification, or other legal authorization. If the license, certification, or other legal authorization is required to perform the essential functions of the position, the employee shall be immediately placed on unpaid leave, unless the employee elects to substitute available paid leave for the unpaid leave. The employee's pay or classification shall not otherwise be affected prior to the completion of the disqualification proceedings.

14-32 Procedure

- A. The appointing authority shall follow procedures similar to contemplation of discipline meetings before taking any action on the disqualification.
- B. The final notice of disqualification shall contain the same statement of the reason for the disqualification as contained in the contemplation of disqualification letter. Substantial amendments or additions are permitted only by repeating the contemplation of disqualification notice and meeting procedure. The final notice shall also contain a notice that the employee may appeal the disqualification.
- C. The appointing authority shall give the employee written notice of disqualification on or before the employee's last day as a City employee.

Section 14-40 Separation of Employees Holding At-will, Trainee or Intern Probationary, or Employment Probationary Status

(Revised September 16, 2016; Rule Revision Memo 20D)

- A. An employee holding at-will, trainee or intern probationary, or employment probationary status may be separated at any time in accordance with Rule 5 **Appointments and Status**. Such separation may only be appealed when the employee has alleged a violation of the City's "Whistleblower Protection" ordinance, in accordance with Rule 19 **Appeals**.
- B. The employee shall be given written notice of separation on or before the employee's last day as a City employee.
- C. Employees holding on-call, trainee or intern probationary, or employment probationary status may also be dismissed as provided in Rule 16 **Code of Conduct and Discipline**.

## Section 14-50 Layoff

### 14-51 Definition

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

### 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.

### 14-53 Length of Service

- A. General rule: For 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 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:
  - 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 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)
  - d. To be eligible for military service credits, employees must have been separated from such service under honorable conditions.
  - 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.
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 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 1455 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 delegatee 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**.

#### Section 14-59 Change in Type of Separation

When additional facts are revealed that substantially alter the basis for the original decision as to type of separation, the type of separation may be changed. The OHR Executive Director, upon receipt of a written request together with documentation of the reasons for the change, will approve or disapprove the requested change in writing. Only the appointing authority who authorized the personnel action separating the employee, or his or her successor shall be authorized to request a change in the type of separation. A copy of the OHR Executive Director's written approval shall be attached to the personnel action which shall show the type of change and the reason for the change.

## **APPENDIX 14.A.**

### **Constitution of Colorado**

#### **Article XII, Section 15, Veterans' Preference**

(1)(a)(I) The minimum requirements for a candidate to be placed on an eligible list for a position shall be the same for each candidate for appointment or employment in the state personnel system or in any comparable civil service or merit system of any agency or political subdivision of the state, including any municipality chartered or to be chartered under article XX of this constitution.

(II) If a numerical method is used for the comparative analysis based on objective criteria, applicants entitled to preference under this section shall be given preference in accordance with paragraphs (b) to (e) of this subsection (1). If a nonnumerical method is used, applicants entitled to preference under this section shall be added to the interview eligible list.

(b) Five points shall be added to the comparative analysis score of each candidate who is separated under honorable conditions and who, other than for training purposes, (i) served 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 (ii) served on active duty in any such branch in any campaign or expedition for which a campaign badge is authorized.

(c) Ten points shall be added to the comparative analysis score of any candidate who has so served, other than for training purposes, and who, because of disability incurred in the line of duty, is receiving monetary compensation or disability retired benefits by reason of public laws administered by the department of defense or the veterans administration, or any successor thereto.

(d) Five points shall be added to the comparative analysis score of any candidate who is the surviving spouse of any person who was or would have been entitled to additional points under paragraph (b) or (c) of this subsection (1) or of any person who died during such service or as a result of service-connected cause while on active duty in any such branch, other than for training purposes.

(e) No more than a total of ten points shall be added to the comparative analysis score of any such candidate pursuant to this subsection (1).

(2) The certificate of the department of defense or of the veterans administration, or any successor thereto, shall be conclusive proof of service under honorable conditions or of disability or death incurred in the line of duty during such service.

(3)(a) When a reduction in the work force of the state or any such political subdivision thereof becomes necessary because of lack of work or curtailment of funds, employees not eligible for preference under subsection (1) of this section shall be separated before those so entitled who have the same or more service in the employment of the state or such political subdivision, counting both military service for which such preference is given and such employment with the state or such political subdivision, as the case may be, from which the employee is to be separated.

(b) In the case of such a person eligible for preference who has completed twenty or more years of active military service, no military service shall be counted in determining length of service in respect to such retention rights. In the case of such a person who has completed less than twenty years of such military service, no more than ten years of service under subsection (1)(b)(i) and (ii) shall be counted in determining such length of service for such retention rights.

(4) The state personnel board and each comparable supervisory or administrative board of any such civil service or merit system of any agency of the state or any such political subdivision thereof shall implement the provisions of this section to assure that all persons entitled to preference in a comparative analysis and retention shall enjoy their full privileges and rights granted by this section.

(5) No person shall receive preference pursuant to this section with respect to a promotional opportunity. Any promotional opportunity that is also open to persons other than employees for whom such appointment would be a promotion, shall be considered a promotional opportunity for the purposes of this section.

(6) Repealed

(7) This section shall be in full force and effect on and after July 1, 1971, and shall grant veterans' preference to all persons who have served in the armed forces of the United States in any declared or undeclared war, conflict, engagement, expedition, or campaign for which a campaign badge has been authorized, and who meet the requirements of service or disability, or both, as provided in this section. This section shall apply to all public employment opportunities, except as set forth in subsection (5) of this section, conducted on or after such date, and it shall be in all respects self-executing.

**Appendix 14.B.**

**This Appendix is provided for informational purposes and is not considered a part of the Rules**  
 This Appendix is intended to comply with the publication requirement in Rule 14-55 B.1.a, which states:

- 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. [emphasis added].

Listed below are four separate scenarios for calculating performance reviews when ranking employees in an affected classification as part of the layoff process. Scenarios 2 through 4 set forth the formula to be used when calculating fewer than three performance review(s).

1. All of an employee’s available performance raw scores from their three most recent annual performance reviews history will be used to compute an average performance score.

Reviews	2022	2023	2024	2022-2024 Average
Employee has all three performance reviews	2.55	2.79	2.40	2.58

2. Employees who received at least one, but fewer than three, annual performance reviews in the previous three years will have their average calculated based on the raw performance score(s) they received.

Reviews	2022	2023	2024	2022-2024 Average
Employee only has two performance reviews	-	2.79	2.40	2.60
Employee only has one performance review	-	-	2.40	2.40

3. Employees who had a break in service during the previous three years will have their average calculated based on the raw performance scores that are available.

Reviews	2022	2023	2024	2022-2024 Average
Employee only has two performance reviews from 2022 & 2023	2.55	2.79	-	2.67
Employee only has one performance review from 2023	-	2.79	-	2.79

4. Employees who have not received an annual performance review within the previous three years will be allotted a raw performance score based upon the average raw score of career service employees who received a Thriving rating during the performance year immediately preceding the year in which the layoff is occurring. That score will serve as their overall average.

Reviews	2022	2023	2024	2022-2024 Average
Employee has no performance reviews.	-	-	-	2.20 (based on average 2024 thriving performance score)