

## **RULE 3 RECRUITMENT AND SELECTION**

### Purpose statement:

The purpose of this rule is to provide policy and practices for an efficient, consistent, and competitive hiring process that promotes equal employment opportunity without regard to the Protected Characteristics as defined in **Rule 16 Code of Conduct and Discipline** while enabling recruitment of the broadest possible pool of candidates. This rule supports collaboration with City and County of Denver agencies and departments to attract and build a highly talented, productive, and engaged workforce. (Revised June 22, 2018; Rule Revision Memo 43D)

As defined in the City Charter, the Office of Human Resources (OHR) manages and administers hiring principles and practices, made on the basis of merit and ability for all Career Service system jobs.

Career Service employees have a right to work in an environment free of discrimination and harassment because of any status protected by federal, state or local laws (see Rule 16 Code of Conduct and Discipline).

Tools used by the Office of Human Resources shall be focused on facilitating the recruitment and selection process to foster and maintain a merit-based personnel system.

### Section 3-5 Accommodation Pursuant to the Americans with Disabilities Act (ADA)

Upon request, the OHR will work with a qualified individual with a disability, as defined in the ADA, in a good faith effort to make necessary reasonable accommodations related to any aspect of the hiring process. A documented medical need for accommodation, prepared and signed by a health care provider, may be required.

### Section 3-10 Definitions

- A. Agency Hiring Authority: The person in an agency or department who is responsible for the final hiring decision.
- B. Agency Hiring Manager: The person in an agency or department who is the primary contact for the OHR throughout the recruit-to-hire process.
- C. Applicant: The person who submits a formal application for employment in the City's applicant tracking system.
- D. Assessment: A valid, job-related tool used to measure competencies that are associated with job performance.
- E. Candidate: The applicant who meets qualifications and is referred by the OHR to an Agency Hiring Authority and/or Hiring Manager for review and consideration for a job opening.

- F. Evergreen requisition: A requisition that typically remains perpetually open for continuous hiring due to high-turnover, high volume jobs, or to proactively build the City and County of Denver's talent pool.
- G. Merit-based system: As described in the City Charter, a set of principles designed to ensure fair employment practices and selection of hires based on merit and ability, free of political influence, favoritism, or discrimination.
- H. Minimum qualifications: The essential combination of work experience, licensure, certification, and/or education required for an applicant to be considered for and hired into a position, as outlined in the OHR job classification specification.
- I. Performance-based skills: An ability to perform a specific task that requires specialized knowledge, tools, or techniques related to a particular field or job function.
- J. Pre-employment contingencies: The conditions or requirements that ensure the selected candidate meets all necessary qualifications and legal requirements of a Career Service position. Pre-employment contingencies must be satisfied before a candidate is appointed or promoted to a Career Service position. Such contingencies may include, but are not limited to, background checks, medical evaluations, and the provision and/or completion of required pre-hire paperwork.
- K. Recommended list: A list of candidates that meet the minimum qualifications for the job opening which is sent to the Agency Hiring Authority and/or Agency Hiring Manager.
- L. Recruitment: The process of identifying, attracting and engaging qualified applicants for a Career Service position on the basis of merit and ability.
- M. Selection: The process of identifying a qualified candidate for appointment or promotion to a Career Service position on the basis of merit and ability.

#### Section 3-20 Delegation of Authority by the OHR Executive Director

The OHR Executive Director may delegate any authority given under this rule to a subordinate employee or to a designee (an appointing authority outside of the OHR).

When the designation is outside of the OHR, a formal agreement must be written and signed by both the OHR Executive Director and the designee prior to the delegation of authority. The designee shall act as an extension of the OHR and operate in accordance with Career Service Rules, and OHR's policies, practices and governance. At the discretion of the OHR Executive Director, the designee is subject to regular compliance reviews and the delegation may be revoked at any time and for any reason.

#### Section 3-25 Responsibilities in the Recruitment and Selection Process

The OHR and Agency Hiring Authority and/or Agency Hiring Manager work collaboratively on the following steps in the recruitment and selection process for Career Service jobs:

- A. Review job classification specifications and identify preferred qualifications for the posting;
- B. Outline the recruitment strategy, action plan, and timeline;
- C. Advertise a job opening and source applicants;
- D. Manage and administer pre-employment assessments;
- E. Review and evaluate applicants in accordance with the job classification specifications and preferred qualifications to identify candidates for interviews;
- F. Schedule and conduct candidate interviews;
- G. Select a candidate for hire;
- H. Set candidate pay and extend a conditional verbal offer to the selected candidate in conformance with Rule 9 Pay Administration;
- I. Prepare a conditional offer letter and send to the selected candidate;
- J. Facilitate the successful completion of the necessary pre-employment contingencies for the selected candidate;
- K. Upon successful clearance of pre-employment contingencies, contact and confirm start date with the Career Service employee;
- L. Notify candidates who were interviewed and not selected; and
- M. Update the status of all applicants in the applicant tracking system.

Section 3-30 Types of Recruitments and Posting a Job

- A. A recruitment for a job opportunity in the Career Service may be either an:
  - 1. External and internal recruitment: Open to all applicants; or
  - 2. Internal recruitment: Open only to applicants who are currently City employees, including anyone who has been the subject of a layoff and is eligible for reinstatement under **Rule 14-58**.
- B. Length of Posting
  - 1. A job opportunity that is announced must be posted on the City's web site for at least two (2) business days and may not be posted for more than three (3) months. Posting a notice of a job opening for a transfer, demotion, or re-instatement appointment is not always required. (Revised August 19, 2021; Rule Revision 69D)
- C. Content of Job Postings:

1. The notice must contain the job classification title, business title, pay range, benefits, position type (limited/unlimited/on-call), job description, minimum qualifications, preferred qualifications, physical requirements (where applicable), information on assessments, pre-employment contingencies, an application deadline and non-performance-based probation requirements. (Revised August 19, 2021; Rule Revision 69D)
2. Evergreen requisitions must indicate whether the posting is open continuously, specify the closing date once it is determined, and state whether there is a current job opening.

### Section 3-40 Applicant and Candidate Evaluation Methods

Applicants and candidates are evaluated on one or more of the following:

- A. Evaluation of experience, licensure, certification, and/or education as submitted by the applicant;
- B. Assessments;
- C. Interviews or screenings;
- D. References and performance history of current or former employees; or
- E. Any other appropriate measures based on the requirements of the job.

### Section 3-41 Substitution of Experience for Education

The City acknowledges that relevant professional experience may, in certain circumstances, be considered equivalent to formal education. Therefore, one year of the appropriate type and level of experience may be substituted for each required year of post-high school education for all classifications, subject to the limitations below:

- A. Two years of the appropriate type and level of experience may be substituted for each required year of post-high school education for all classifications at or above the type and level of a director, such as the classification title of "Director." (Revised October 21, 2021; Rule Revision Memo 73D)
- B. No substitution of experience for education will be permitted for:
  1. Classifications that require a college degree or graduate degree in order to obtain a license or certification to practice within the discipline.
  2. Classifications that require a college degree to provide optimum successful performance at the time of job entry.
  3. Classifications where vocational, or other specialized education beyond high school is required to meet certification or licensure requirements.

- C. If a degree is not required for licensure, the classification may accept the licensure as a substitution for any degree requirement.

#### Section 3-42 Disqualification of Applicants and Candidates

Applicants and candidates shall be disqualified from further consideration in the recruitment and selection process for any valid reason including, but not limited to, the following:

- A. Failure to meet minimum qualifications and/or licensing or certification requirements as defined in the job classification specification;
- B. Providing materially false information in an application or resume, falsification of assessment scores or records, cheating, taking assessments for which the applicant is not the registered applicant;
- C. If a former employee refuses an offer of re-instatement to the layoff unit as described in **Rule 14 Separation Other Than Dismissal**, that former employee is no longer eligible for that specific opening but can remain in consideration for other jobs consistent with their reinstatement rights under the layoff;
- D. The Agency Hiring Authority and/or Agency Hiring Manager did not follow this **Rule 3 Recruitment and Selection** in the recruitment and selection process.
- E. Acting in a harassing or threatening manner such as committing, or threatening to commit, any act of violence against City employees involved in the recruitment and selection process, including intimidation, threats, using inappropriate or derogatory language, or other behavior reasonably perceived as hostile;
- F. Dismissal from employment for any reason from the City and County of Denver in the last five years; or
- G. Providing materially false information on the pre-employment documents.

Applicants may be disqualified from further consideration in the recruitment and selection process for any valid reason including, but not limited to, the following:

- A. Failure to attain the required minimum passing score on an assessment(s); or
- B. The candidate did not pass the required pre-employment contingencies.

#### Section 3-43 Veterans' Preference

Veterans' preference for applicants will be provided under the terms as set forth in the Colorado Constitution (see Appendix 3.A).

#### Section 3-44 Pre-Employment Assessments

- A. The OHR is solely responsible for managing, developing, and/or approving all pre-employment assessments.
- B. Departments and agencies, other than the OHR, may not acquire, revise or administer pre-employment or on-the-job assessments as part of the selection process without prior written approval from the OHR Executive Director. If approved, such assessments must measure performance-based skills as defined in this Rule 3, and may be administered by a department supervisor or subject matter expert, and only if this administration is specifically authorized in writing by the OHR Executive Director. Requests for other types of assessments (beyond performance-based skills) may be considered and approved by the OHR only for certain high-touch Department of Safety classifications or other exceptional circumstances, as determined by the OHR.
- C. The OHR Executive Director determines what classifications may use an assessment, how assessments are scored, the appropriate passing score (if applicable) and the applicability of current scores for future recruitments. Agency appointing authorities may determine whether assessments are utilized on a division-wide basis for designated classifications. Such determinations must be utilized consistently on all hiring processes for the designated classification(s) and for all applicants for those designated classifications within that division.
  - 1. Multiple part assessments: All parts of the assessment must be considered unless the OHR decides that failing one part of a multiple part assessment determines an overall failing result. In this case, the applicant is considered to have failed the full assessment and the other parts of the assessment cannot be taken.
  - 2. Reusing assessment results: Applicant assessment results may be applied to future recruitments. The applicability of assessment results is at the discretion of the OHR and depends on various factors including but not limited to: duties and responsibilities of the job, assessment content and duration, length of time elapsed since last assessment, changes in industry standards, and/or changes in job classification specifications.
  - 3. Retaking assessments:
    - a. A waiting period may apply before retaking certain assessments. Applicants' eligibility to retake an assessment will be determined based on OHR assessment guidelines.
    - b. Assessment results are valid for the duration of a recruitment and selection process. If a job is posted, closed and re-opened, applicants may not reapply for that position since their application and assessment is already attached to the recruitment for that position. To retake an assessment, applicants must wait for a new job opening.
  - 4. Applicant access to assessment results: All applicants can view their assessment results by accessing their personal profile in the applicant tracking system.
  - 5. Current employees may request feedback on their assessment from the OHR. The OHR will summarize additional feedback from the assessment to employees

as needed. Confidentiality of assessment results: A confidential record of assessment results is kept by the OHR. Results are only shared with the Agency Hiring Authority and/or Agency Hiring Manager in conjunction with a job vacancy.

### Section 3-45 Scheduling of Assessments

- A. All assessments must be taken by applicants when scheduled for an in-person appointment or completed by the due date as specified for online assessments.
- B. Under certain circumstances, deferred assessments are permissible for applicants who miss a scheduled due date. At the discretion of the OHR Executive Director, a request for deferral may be granted for the following reasons when supported by appropriate documentation:
  - 1. The applicant has jury duty;
  - 2. The applicant has been subpoenaed to appear in court or before an administrative tribunal;
  - 3. The applicant has been ordered to perform City business;
  - 4. The applicant is a City employee who has a work-related injury, which renders the candidate unable to take the assessment when scheduled; or
  - 5. Any other good cause in the OHR Executive Director's judgment.
- C. A deferred assessment must be taken within the timeframe specified by the OHR Executive Director when approving the deferral. An applicant that takes and successfully passes a deferred assessment will be eligible at that point in the recruitment process only if a candidate has not yet been selected.

### Section 3-50 Recommended Candidate List and Interviews

A minimum of three (3) qualified candidates must be recommended and interviewed for each job requisition. If fewer than three (3) eligible candidates are available, the department or agency must interview all candidates on the recommended list. The OHR may refer fewer than three (3) candidates who meet minimum qualifications if unable to identify three candidates who meet both minimum qualifications and logistical position requirements such as schedule, hours, or work location.

- A. The OHR and Agency Hiring Authority and/or Agency Hiring Manager will jointly determine the best qualified candidate for a job and are not required to provide a specific reason for not selecting any candidate.
- B. To avoid favoritism in hiring, the City's Code of Ethics prohibits an employee from appointing, hiring, or being in a direct line of supervision over a member of his or her immediate family for any type of employment. The Board of Ethics must approve any waivers to this requirement. Refer to the Denver Code of Ethics, as it may be amended from time to time.

1. Immediate family in this context means immediate family as defined in the Denver Code of Ethics (**Source: D.R.M.C. § 2-52**). (Revised May 22, 2018; Rule Revision Memo 41D)
- C. If the agency hiring authority or agency hiring manager schedules a minimum of three (3) interviews and fewer than three candidates respond to the interview invitation using the contact information provided, or if scheduled candidates withdraw prior to their interview or fail to appear, resulting in fewer than three candidates being interviewed, the agency hiring authority or agency hiring manager may proceed with selecting a candidate for hire based on the interviews completed.
- D. Duration of Recommended Candidate List: If a posting closes and the selected candidate accepts an offer but fails to clear pre-employment contingencies, fails to report, or rescinds their acceptance before or on their start date, the hiring manager may use the Recommended Candidate List from that posting to hire a replacement candidate for up to three months from the date of written offer acceptance, in compliance with all applicable local ordinances and state and federal laws.

#### Section 3-51 Selecting a Candidate for Hire

- A. An Agency Hiring Authority and/or Agency Hiring Manager may only fill a vacant Career Service job with a candidate whose name appears on the Recommended Candidate List provided by the OHR as described in this **Rule 3**, or who falls within one of the following exceptions:
  1. Career Service employees who are eligible for transfer or demotion appointments (including employees who are eligible for an ADA re-assignment under **Rule 12 Leave and Accommodations for Pregnancy and Extended Illnesses and Injuries**, or former employees who are eligible for re-employment, as defined in **Rule 5 Appointments and Status**. (Revised August 19, 2021; Rule Revision Memo 69D)
  2. Paid trainees and paid interns who have successfully completed the training or internship as provided in **Rule 5 Appointments and Status** may be promoted into the job that the trainee or intern was being trained to perform.
  3. Trades apprentices who meet the minimum qualifications of the applicable trade's classification specification and have successfully completed the required apprenticeship program requirements (as documented by the employee's department or agency and verified by the OHR) may be promoted into the applicable trade.
  4. Employees in the Deputy Sheriff pay table classifications who are appointed to Deputy Sheriff Major and Deputy Sheriff Division Chief jobs after May 31, 2014. (Revised April 9, 2021; Rule Revision Memo 66D)
- B. If the candidate is a current or former City employee, the Agency Hiring Authority and/or Agency Hiring Manager should collaborate with the OHR to review the candidate's past performance after interviews have been completed and prior to extending a conditional

offer of employment. This review should include contacting the candidate's current supervisor for a reference; For former City employees, reviewing the candidate's official overall performance rating from the three (3) most recent performance cycles and any documented disciplinary actions, if available. This requirement does not apply to candidates being re- assigned under the ADA.

C. Work Visas – Eligibility of Foreign Nationals to Work in the Career Service System:

1. The City and County of Denver does not provide any employment-based non-immigrant or immigrant visa sponsorship.
2. Subject to pre-approval by the OHR Executive Director, an exception may be granted to an appointing authority to sponsor a work visa for a foreign national.
3. No manager has the authority to represent, promise, or commit to an employee or applicant that the City will sponsor or finance any portion of the visa application process.

Section 3-52 Re-instatement After Layoff

Employees or former employees who have been laid off within the past twelve (12) months shall be re-instated to the job classification within the layoff unit from which they were terminated in accordance with **Rule 14 Separation Other Than Dismissal**.

Section 3-60 Extending a Conditional Job Offer to a Candidate

An offer of employment is contingent on the verification of credentials and other information required by law and City policies, including the successful completion of a background check. Candidates must pass a criminal background check and other verifications required for the position which may include, but are not limited to, employment and/or education verification, motor vehicle record check, drug test, and/or physical.

For more information on compensation, including Recruitment Premium and Relocation Premium, please refer to **Rule 9 Pay Administration**.

## **APPENDIX 3.A.**

This Appendix is provided for informational purposes and is not considered a part of the Rules.

### **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 veteran's 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 veteran's 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.

*This Appendix is provided for informational purposes and is not considered a part of the Rules.*