

CHAPTER 13

Civil Service Rules

Article I Civil Service Commission

Rule 1. Meetings.

The Commission shall hold regular meetings at the City Hall at least once per month unless cancelled, and may hold additional meetings at any time. All such meetings shall be open to the public unless a closed meeting or executive session is required or permitted by law. Except in case of emergency, notice of each such public meeting shall be posted in the City Hall at least one (1) day in advance. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Rule 2. Quorum; procedure.

(a) Two (2) Commissioners shall constitute a quorum at any meeting, and the concurrence of at least two (2) Commissioners by vote or ratification shall be required to constitute official Commission action.

(b) All Commission meetings shall follow the procedures set out in Title I of this Code, unless a different procedure is authorized or permitted by law. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Rule 3. Office hours.

The office of Civil Service shall be open during the same hours as the office of City Manager. (Ord. No. 3781, 11-26-73)

Rule 4. Commission staff, duties.

(a) The Commission staff shall consist of such full-time positions in such classes, and such unclassified appointments as may be recommended by the Commission and approved by the City Manager and City Council. All permanent Commission staff shall be members of the classified service.

(b) A staff member or members shall be designated by the Commission to compile and maintain all Commission records, serve as secretary and clerk to the Commission, process applications, develop, conduct and score examinations, maintain eligible lists and perform all other lawful duties assigned by the Commission. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Rule 5. Records.

(a) Records concerning Commission hearings, and applications, examination or eligibility of applicants, candidates or eligibles shall be maintained by the Commission for at least two (2) years after the date such records are received or compiled, and may thereafter be destroyed unless their retention is required by law.

(b) All other City employee personnel records, or copies thereof, shall be filed in the office of the Department of Personnel. No such records shall be removed from either office or otherwise accessed except by express permission of the Commission or the Director of Personnel, respectively. Inspection of such records shall be regulated as otherwise provided by law. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Article II Applications; Regulations

Rule 6. Waiver or modification of application requirements.

(a) No application, examination or certification requirement set forth in these Rules shall be waived, suspended or modified unless the City Manager issues a written finding that a vacancy cannot be filled by strict adherence to such requirements.

(b) No such waiver, suspension or modification shall ever be used to certify any person not otherwise qualified for appointment to any position in the classified service, except for a trainee appointment made pursuant to Section 6-2-1(8) of this Title. (Ord. No. 3781, 11-26-73; Ord. No. 4021, 5-26-75; Ord. No. 5202, 1-28-85; Ord. No. 5350, 10-14-86)

Rule 7. General qualifications.

Applicants for any class shall meet all requirements contained in the class specification as of the date specified by the Commission. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Rule 8. Citizenship and residency.

(a) United States citizenship shall be an application requirement for Police Patrol Officer and for any other class affected with a compelling governmental interest.

(b) No person shall be appointed to the classified service as a peace officer as defined in Section 29-5-101, C.R.S., who is not at the time of appointment a bona fide resident of the State.

(c) No particular residency shall be required for admission to an examination or for probationary appointment. (Ord. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Rule 9. Education.

The Director, with the approval of the City Manager, may establish for each class a reasonable and job-related minimum requirement of education or experience or both, which shall be stated in the class specification. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Rule 10. History, background and moral character.

The Commission shall investigate the history, background and moral character of each applicant, candidate or eligible. If such investigation reveals that a person is unsuitable for appointment because of that person's history, background or moral character, such person shall be rejected from examination or removed from an eligible list, subject to rights of appeal as provided in these Rules. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Rule 11. Eligibility for promotional examination.

(a) Applicants for promotional examinations shall meet all requirements of the involved class on or before the application deadline date.

(b) Employee applicants for promotional examination for a class in a closed or restricted line of promotion shall have completed their probationary period in the requisite lower class on or before the application deadline date. (Ord. No. 3781, 11-26-73; Ord. No. 3879, 6-10-74; Ord. No. 5350, 10-14-86)

Rule 12. Additional requirements.

In addition to any requirements set forth herein, the Director, with the approval of the City Manager, may establish other requirements deemed advisable to ensure the competency of persons to perform the duties of any class, provided that no such requirement shall be arbitrary, discriminatory or in conflict with express requirements of the City Charter, this Code or other applicable law. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Editor's Note: Rule 13 was repealed in its entirety by Ord. No. 5350, passed and approved 10-14-86.

Rule 14. Disciplinary action bar to eligibility.

(a) If prior service in a particular class or classes is a requirement for admission to a promotional examination for any class, or for appointment to that class, such service shall be computed subject to Civil Service Rule 25.

(b) No classified service employee who has received any disciplinary action involving dismissal, demotion or suspension without pay in excess of two (2) working shifts or twenty-four (24) working hours, whichever is less, shall be admitted to any promotional examination held within two (2) years thereafter unless authorized by the Commission for good cause shown. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86; Ord. No. 5960, 4-24-95)

(11) Any candidate or eligible may be rejected or removed for any reason which would have warranted rejection of such person as an applicant under these Rules. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86; Ord. No. 5801, 4-26-93)

Rule 17.Rejection and appeal.

(a) Any applicant who is rejected from admission to an examination shall be given written notice specifying the reasons for rejection and advising the applicant that he or she may obtain review of the rejection within ten (10) days after the date of mailing of the notice.

(b) The Commission shall review the objections and issue a ruling thereon within ten (10) days after they are filed, provided that the Commission may in its discretion conduct a formal or informal hearing on the objections and issue its ruling within ten (10) days thereafter.

(c) Such applicant shall be admitted to the examination unless the Commission rules against the applicant before the examination is given. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Article III Examinations

Rule 18. Examinations; general.

(a) All appointments and promotions in the classified service shall be made according to merit and fitness to be ascertained, so far as practicable by competitive examination.

(b) Examinations shall be practical and shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the class or classes for which examinations are held. Each applicant shall be treated equally and tested solely on ability. Under all circumstances the Commission or the examiner shall exercise due diligence to prevent collusion, fraud or discrimination throughout the examination process.

(c) All examinations shall be given pursuant to procedures to be adopted by the Commission. Examinations may consist of any of the following or any combination of the following which validly serves the need to discover the relative fitness of applicants:

- (1) Written job-related aptitude or job knowledge tests;
- (2) Appropriate professional licenses or certificates issued by proper authorized licensing authorities;
- (3) Scored oral examinations or interviews designed to determine general fitness for the class;
- (4) Nonwritten performance tests of skills or abilities, required by the class;

(5) Scored evaluations of education and experience. Such evaluations shall be objectively and uniformly applied and may be based on such factors as quantity, remoteness in time, quality and relevancy of the education and experience;

(6) Physical tests or strength, agility, stamina or dexterity appropriate to the class requirements; or

(7) Other forms deemed appropriate depending upon the duties of the class involved.

(d) Time of Examinations. Regular promotional examinations for which there are applicants shall be given at least once a year at times to be determined by the Commission for all ranks in the uniformed police services, except for Deputy Police Chief and Police Captain. Regular promotional examinations for which there are applicants shall be given at least once every two (2) years, at times to be determined by the Commission, for all ranks in the uniformed fire service, except for Deputy Fire Chief. All other entrance, promotional and special examinations shall be given when necessary as determined by the Commission or at the request of the City Manager, and shall be scheduled at times determined by the Commission, but in no event more than sixty (60) days after a request for such examination has been given by the City Manager.

(e) Notice. The Commission shall give notice of the time and place for all examinations by posting the same in a conspicuous place in all departments, by notices published in newspapers of general circulation in the City, and by giving notice to the Colorado Department of Employment and such other governmental or private not-for-profit employment or referral agency as shall be designated by the Commission. Notice shall be given at least thirty (30) days prior to any regular promotional examination and at least fifteen (15) days prior to all other examinations. Each applicant shall be notified by mail by the Commission of the time and place of the examination.

(f) Time Limits. The time allowed applicants to complete any one (1) subject and the time allowed to complete the entire examination shall be fixed by the Commission, or its designated representative conducting the examination, and shall be stated on the examination and announced prior to the commencement of the examination. Examination time will in no case be extended except upon special direction of the Commission.

(g) Large Groups May Be Divided. When the number of applicants is in excess of the number that can conveniently be examined at one (1) time, the Commission may provide for separate examinations at another time and place. In such case, the applicants shall be given prior notice within a reasonable time of the time and place for examination, and different but equivalent examinations shall be given to each group.

(h) Applicants Identified by Number Only. Applicants shall be admitted to an examination only on presentation and surrender of the official card of notification sent them by the Commission. Upon entrance, each applicant shall receive an examination number which shall be unknown to the Commission. This number shall be placed by the applicant in a sealed envelope and shall remain unknown to the Commission until all test grades have been completed, at which time the envelopes shall be opened and examination papers identified by name. No applicant shall in any manner attempt to identify his or her paper other than by his or her examination number.

(i) Form and Method. The form, manner and method of examining all applicants shall be determined by the Commission in accordance with the provisions hereof.

(j) Substance and Preparation. Under the direction and supervision of the Commission, examinations shall be prepared in such manner as to secure the highest possible level of competence among the City's personnel. Toward this end, the Commission staff shall continually make studies to correlate testing procedures and position requirements, and advise the Commission of improvements needed in the examination procedure.

(k) Discrimination prohibited. No aspect of any examination shall in any manner relate to the political or religious beliefs or other affiliations of the applicants. Nor shall any appointment, retention, removal or promotion in any manner be influenced by such beliefs or affiliations.

(l) Examiner. The Commission staff, and such other persons or agencies as the Commission shall authorize, may act as examiners to conduct all examinations, and shall act under the direction and supervision of the Commission. (Ord. No. 3781, 11-26-73; Ord. No. 3906, 8-26-74; Ord. No. 5350, 10-14-86; Ord. No. 6879 §1, 8-26-02; Ord. No. 6970 §1, 4-14-03)

Rule 19. Conduct of written examination.

The examiner shall see that all examinations are carried out in accordance with the following rules and any special directives of the Commission:

- (1) Examinations shall be held in the presence of one (1) or more examiners.
- (2) Time limits for tests or complete examinations shall be announced to the candidates at the beginning of the examination.
- (3) Writing paper furnished by the Commission shall be used exclusively by the candidates. Unless otherwise specified in the announcement, pens, pencils, etc., shall be furnished by the candidates.
- (4) Books of reference or data of any kind shall not be brought into the examination room or used by any candidate unless otherwise specified in the announcement.
- (5) Written tests shall be done with pen and ink unless otherwise directed by the Commission or the examiner. Mathematical work shall be shown in full.
- (6) Individual explanations to candidates are prohibited.
- (7) Communication between candidates is prohibited.
- (8) Candidates shall not leave the examination room without permission from an examiner.

(b) Employee candidates, except firefighters or certified peace officers, who were reappointed to the classified service after a voluntary separation from such service, shall be credited only for those years of service completed since such reappointment. (Ord. No. 3781, 11-26-73; Ord. No. 4032, 6-9-75, Ord. No. 4466, 4-24-78; Ord. No. 5350, 10-14-86; Ord. No. 6773 §1, 1-28-02)

Rule 26. Veterans' preference.

(a) Grading.

(1) The passing grade on each competitive examination shall be the same for each candidate for appointment in the classified service.

(2) Five (5) points shall be added to the passing grade of each candidate on each such examination, except any promotional examination, who is separated under honorable conditions and who, other than for training purposes, a) served in any branch of the armed forces of the United States during the period of any declared war or any undeclared war or other armed hostilities against an armed foreign enemy, or b) served on active duty in any such branch in any campaign or expedition for which a campaign badge is authorized.

(3) Ten (10) points shall be added to the passing grade of any candidate on each such examination, except any promotional examination, 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.

(4) Five (5) points shall be added to the passing grade of any candidate on each such examination, except any promotional examination, who is the surviving spouse of any person who was or would have been entitled to additional points under Paragraph (2) or (3) above, 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.

(5) No more than a total of ten (10) points shall be added to the passing grade of any such candidate pursuant to this Rule.

(b) 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.

(c) Reduction; Retention.

(1) When a reduction in the work force of the City becomes necessary because of lack of work or curtailment of funds, employees not eligible for added points under Subsection (a) above shall be separated before those so entitled who have the same or more classified service with the City, counting both military service for which such points are added and such classified service with the City.

(2) In the case of such a person eligible for added points who has completed twenty (20) 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 (20) years of such military service, no more than ten (10) years of service under Subsection (a)(2) shall be counted in determining such length of service for such retention rights.

(d) The Commission shall implement the provisions of this Rule to assure that all persons entitled to added points and preference in examinations and retention shall enjoy their full privileges and rights granted by this Rule.

(e) Any examination which is a promotional examination, but which is also open to persons other than employees for whom such appointment would be a promotion, shall be considered a promotional examination for the purposes of this Rule.

(f) Any other provision of this Rule to the contrary notwithstanding, no person shall be entitled to the addition of points under this Rule for more than one (1) appointment or employment with the City.

(g) This Rule 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 Rule. This Rule shall apply to all competitive examinations, except promotional examinations, conducted on or after such date, and it shall be in all respects self-executing. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86; Ord. No. 5800, 4-26-93)

Article V Eligible Lists

Rule 27. Eligible register.

The Commission shall maintain an eligible register consisting of all certified and unexpired eligible lists. Each eligible list shall contain the date of examination, name, address, score and rank of each person who has qualified for placement on such list. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Rule 28. Ranking of eligibles.

The names of eligibles for each class shall be placed on the eligible list for that class in the rank order of their overall ratings. If any person with a given numerical rating is certified from an eligible list pursuant to Rule 32, then any or all other persons with that identical rating shall also be certified. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Rule 29. Life of eligible lists.

Police entry and sergeant promotional eligible lists shall expire after twelve (12) months, and all other eligible lists shall expire after twenty-four (24) months, from the date of their

certification by the Commission, unless a list is sooner exhausted, cancelled or withdrawn pursuant to Rules 6 and 32. (Ord. No. 3781, 11-26-73; Ord. No. 4033, 6-9-75; Ord. No. 5350, 10-14-86; Ord. No. 5795, 4-12-93; Ord. No. 6971 §1, 4-14-03)

Rule 30. Removal from eligible lists.

The Commission may remove any person from an eligible list for any of the reasons listed in these Rules or for any of the following causes:

- (1) When the person is appointed from the list;
- (2) When the person is appointed to a position with a pay grade higher than that of the eligible list class of positions, unless the person requests and the Commission approves retention for good and sufficient cause;
- (3) When the person, without valid reason, fails to report as directed for an employment interview or for an additional part or phase of an examination;
- (4) When the person, without valid reason, fails to comply with written instructions from the Commission or the Director;
- (5) When the person, without valid reason, declines appointment to a position he or she previously indicated he or she would accept;
- (6) When a person, without valid reason, fails to report for duty within two (2) weeks after referral or upon the date agreed to by the eligible and appointing authority;
- (7) On the expiration of the person's term on an eligible list;
- (8) Upon failure without valid reason to maintain a record of current address with the Commission as evidenced by return of mail sent to the last known address;
- (9) From promotional lists, upon transfer of the person to another department to which the eligible list is not applicable;
- (10) From promotional eligible lists, upon termination of the person's employment, except by lay-off;
- (11) From all eligible lists, upon the person reaching mandatory retirement age;
- (12) Any eligible may be removed for any reason which would have warranted removal of such person under these rules or related ordinances. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Rule 33.Appointments.

Each vacancy in the classified service shall be filled from the reinstatement list, if possible; otherwise by any of the following methods at the discretion of the involved department head with the approval of the City Manager: from the reemployment list; by transfer or demotion; or from an eligible list. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)

Rule 34. Reinstatement lists.

An employee who is separated from a position in the classified service due to a reduction in force or any other cause not involving resignation, unsatisfactory work or other fault of the employee shall be placed by the Commission on the reinstatement list for the class which includes that position and shall remain eligible for reinstatement for the period specified by Rule 36. Persons shall be reappointed from reinstatement lists in the order of their length of continuous service with the City determined at the time such persons were placed on the reinstatement list and computed under Rule 37, unless a different order is required under a collective bargaining agreement. (Ord. No. 3781, 11-26-73; Ord. No. 4987, 7-12-82)

Rule 35.Reemployment lists.

Any classified service employee with a satisfactory record who resigns from a position may on request be placed on the reemployment list for any class in which the employee formerly served. (Ord. No. 3781, 11-26-73; Ord. No. 4032, 6-9-75; Ord. No. 5350, 10-14-86)

Rule 36.Duration of reinstatement eligibility.

The reinstatement eligibility of a person who has been placed on a reinstatement list after separation from the classified service shall expire four (4) years after the date of separation. The reinstatement eligibility of a person who remains employed in the classified service after being placed on a reinstatement list shall continue for the duration of such employment or four (4) years, whichever is greater. (Ord. No. 3781, 11-26-73; Ord. No. 4032, 6-9-75; Ord. No. 5350, 10-14-86)

Rule 37.Computation of service.

Wherever in these Rules reference is made to this particular Rule or wherever reference is made in general to length of service or seniority, computation of such service shall include time the employee has been on military leave, sick leave or time off with pay due to injury in line of duty, but shall not include time the employee was on special leave without pay or absence without leave. (Ord. No. 3781, 11-26-73; Ord. No. 4794, 10-18-80)

Rule 38. Refusal of appointment.

Any eligible who fails to accept within seven (7) days after the date of its mailing an offer of appointment mailed to his or her last known address shown in the Commission records shall be deemed to have refused such appointment and shall be removed from the eligible list. (Ord. No. 3781, 11-26-73; Ord. No. 5350, 10-14-86)