

Rule V - Proposed Changes - Posted 08-06-04
CITY AND COUNTY OF DENVER



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PLEASE POST: August 6 – August 27, 2004

**PROPOSED CHANGES
RULE V**


PLEASE NOTE:

Deleted Text: Marked by ~~strikethrough~~ and in red type.

New Text: Marked by double underline and in blue type.

Existing Text: May be from the current paragraph or section or, if moved from another existing paragraph or section, it will usually be so noted in a footnote and/or a comment box.

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Posted: August 6, 2004

Public Hearing: August 27, 2004 at 8:30 a.m.

RULE ~~V~~5¹

**EXAMINATION, SCREENING AND OTHER REQUIREMENTS
FOR ORIGINAL APPOINTMENT**

Section 1. ~~Those Examined~~ Examinations for Original Appointment – General Provisions.



² A. All examinations for original appointment in the Classified Service shall be impartial and relate only to matters which shall test the ~~fitness~~ qualifications of the persons examined for the rank/position being sought. Examinations for original appointment shall be provided and administered consistent with the general provisions regarding examinations contained in Commission Rule 15.



³ B. The initial phase(s) of any examination process for original appointment ~~Examinations~~ shall be open to all those who meet the minimum ~~requirements and~~ qualifications and requirements as set forth in the Charter and these Rules, ~~and~~ whose applications are not rejected for cause, and who are not disqualified. However, examinations are not open to those who currently hold a position in the Classified Service in the rank (or in a higher rank in the line of promotion) for which the examination is being held.



⁴ C. While examinations for original appointment are open examinations, the number of those to be examined may be limited, as determined by the Commission, based on the availability of testing slots and the personnel needs of the Police and Fire Departments.

¹ All Rules are being renumbered from Roman numerals to Arabic numerals.

² Language in the first sentence of this proposed Rule 5 § 1(A) comes from the current Rule V § 3(A) (Nature of Examination), with revisions. The language of the second sentence is new.

³ Language in the first sentence of this proposed Rule 5 § 1(B) comes from the current Rule V § 1 (Those Examined), with revisions. The language of the second sentence is new.

⁴ Paragraph C of this Rule 5 § 1 is new. It is added for clarification.



⁵ ~~Section 2. Commission Examination Announcements.~~



⁶ Section 2. Selection of Applicants for Additional Examination and Screening Phases.

- A. As provided in Commission Rule 7, subject to successful completion of all those initial phases of an examination as required to establish relative ranking for placement on the respective examination list, applicants shall be placed onto, or periodically merged into the subject examination list, in rank order, based on final examination score.
- B. From among those entered on the respective examination list, applicants shall then be selected for further participation in the additional phases of the examination as well as the screening process. Applicants shall be selected based on their rank order on the examination list. Those with the highest standing shall be selected first except as may otherwise be provided by court mandate or decree.
- C. The timing of the selection of applicants to be invited for participation in the additional examination phases and the screening process, and the number of applicants to be selected, shall be at the sole discretion of the Commission. The Commission shall select and process applicants, as available, at a time and in a number sufficient to establish and/or maintain the respective eligible registers with a number of applicants sufficient to meet the planned hiring requirements of the Fire and Police Departments.
- D. The selected applicants shall be notified in writing of the scheduled dates, times and locations for further testing and/or screening. Any applicant who fails to show for further testing and/or screening, when so notified, may be stricken from the examination list and disqualified from further participation in the testing and/or screening process.

⁵ The current Rule V § 2 (Commission Examination Announcements) has been moved to the proposed Rule 5 § 3 (Commission Examination Announcements), with revisions and additions.


⁶ The proposed Rule 5 § 2 (Selection of Applicants...) is newly added to the Rules, for clarification.



~~7 Section 3. Nature of Examination.~~




~~8 Section 23. Commission Examination Announcements.~~

~~A. The Commission may shall announce, at the time the examination is authorized, the nature of the examination and the passing score(s) for each test phase of an the examinations, as applicable. or, aAlternatively, the Commission shall announce that it will determine the passing score(s) for any particular the examinations phase(s) will be determined by the Commission after the examinations have been scored, (in accordance with the ~~Civil Service~~ Commission Rules) after the examination phase has been scored. The Commission shall ~~determine and also~~ announce the ~~relative weight for point value, if any, of each part of the examination phase to be used in the ranking of applicants for the examination list and eligible register.~~ Failure of any phase of the examination process designated by the Commission as pass/fail shall disqualify the applicant for original appointment from further participation in the selection process. ⁹ ~~

B. The Commission shall also announce any additional phases in the screening and selection process that require successful completion for placement on the eligible register, and other post-certification requirements for original appointment to the rank in question.

C. The announcement shall state the date on which the application period shall open, the date on which the application period shall close, and the scheduled date(s), time(s) and location of the administration of the initial examination test phases. For an examination that is continuous in nature, the announcement shall state how and where interested individuals can obtain updated information on the procedures and timetable for application, registration, and testing.

D. The announcement shall contain information on the award of ~~V~~veteran's preference points, ~~or and the award of special skill preference points, as applicable. awarded as a result of special supplemental examinations, shall only be added to the total score of applicants passing all other scored phases of the examination.~~ ¹⁰ 

⁷ The provisions of the current Rule V § 3(A) (Nature Of Examination) have been moved and incorporated, with revisions, into the proposed Rule 5 § 1(A) (Examinations for Original Appointment...). The provisions of current Rule V § 3(B) and § 3(C) have been moved and incorporated, with revisions, into the proposed Rule 5 § 4 (Nature of Examination...).

⁸ The proposed Rule 5 § 3 (Commission Examination Announcements) incorporates the provisions of the current Rule V § 2 (Commission Examination Announcements) into paragraphs (A), (D) and (E) with reorganization and revisions. Paragraphs (B), (C) and (F) of this proposed Rule are new and provide additional clarification.

⁹ The language regarding “failure of any phase of the examination” has been deleted here. It has been moved and is incorporated into proposed Rule 5 § 4(E) (Failure of Any Phase of the Examination or Screening Process).

¹⁰ The language regarding the addition of preference points “to the total score of applicants passing” is deleted here. It has been moved, and is incorporated into the proposed Rule 5 § 15(A)(1) and § 15(B)(2), covering “Veteran Preference Points” and “Special Skill Preference Points” respectively.

E. The ~~E~~examination ~~A~~announcement and everything incorporated therein shall serve as the regulations of the particular examination process, screening process and other requirements. The regulations of an examination announcement shall have the same weight and authority as these Rules.

F. Public notice of an examination for original appointment shall be provided in a manner as approved by the Commission. Public notice need not contain the content of the full examination announcement. However, public notice of an examination for original appointment shall contain information regarding the availability of the full examination announcement.



~~11 Section 4. When Given.~~

~~Open competitive examinations for original appointments to the Police and Fire Departments shall be given as practicable and needed.~~



~~12 Section 34. Nature of Examination, Screening and Other Requirements for Original Appointment.~~

A. Nature of General Examination:



~~13 All examinations for original appointment shall be impartial and relate only to matters which shall test the fitness of the persons examined for the position sought. B. — The Commission shall determine and state, at the time an examination is authorized, specify the nature of the any examination for original appointment. An examination which may include the following phases: (1) written examination test, (2) video-based test, (3) oral examination (3) practical examination test or oral interview assessment (for certain positions in the Fire Department only), (4) physical ability test, (5) psychological evaluation or examination, (6) background investigation (7) polygraph examination, (8) medical evaluation or examination, (9) drug screen, (10) special supplemental test examinations, or (6) any combination of these other tests deemed necessary by the Commission. The Commission shall also determine and specify the weight or point value, if any, which shall be given for each portion test phase of the examination.~~



~~C~~B. Special Supplemental Examinations.

If deemed necessary in order to ascertain special skills, knowledge, or requirements qualifications for any position for original appointment requiring competitive examination, the Commission or its designee shall hold a special supplemental examination(s). Such examinations shall be announced and all persons meeting eligibility requirements and other necessary qualifications shall be permitted to compete in such special examinations. The results of such examination may be used in the award of skill preference points as provided in this Rule 5.

11 The provisions of the current Rule V § 4 (When Given) are being deleted as unnecessary.

12 The proposed Rule 5 § 4 incorporates the provisions contained in current Rule V § 3(B) & (C), with revisions. It also updates the language consistent with the current use of terminology. It also differentiates between components of an “examination” and the other “screening” steps and “requirements” of the full selection process.

13 The deleted language regarding “impartial” exams, from current Rule V § 3, was moved to proposed Rule 5 § 1(A), with revisions.

14 The items previously as noted “examination phases” that are being deleted from the language of current Rule V § 3(B) are moved. They are incorporated into proposed Rule 5 § 4 at paragraphs C (Nature of General Screening), and D (Other Requirements), with revisions and additional clarification.

C. Nature of General Screening:

Over and above any examination test phases, the full selection process to be required prior to approval for placement on an eligible register, may include the following screening tools: (1) a non-medical written suitability assessment and interview, (2) the completion of a background investigation history form, (3) the completion of a behavioral questionnaire, (4) a preliminary file review, (5) a background investigation, (6) a polygraph ~~examination~~ evaluation, (7) a background review, and (8) any other screening tools deemed necessary by the Commission.

D. Other Requirements:

1. Under the jurisdiction and authority of the Manager of Safety, a departmental oral interview may be conducted following certification.
2. Under the jurisdiction and authority of the Manager of Safety, a medical evaluation, to include a medical examination, a psychological evaluation, and a drug screen, shall be conducted following a conditional job offer and prior to appointment.

15 E. Failure of Any Phase of the Examination or Screening Process:

Failure of any test phase of the examination ~~process~~ designated by the Commission as pass/fail, or failure to achieve a passing score on any scored test phase with a set passing point, shall disqualify the applicant for original appointment from further participation in the ~~selection~~ examination process and/or screening process. Likewise, failure to successfully complete any phase in the screening process shall disqualify the applicant from further participation in the examination process, screening process, placement on the eligible register, and/or from original appointment to the rank in question, as applicable.

¹⁵ The proposed sub-paragraph (E) incorporates provisions regarding “failure of any phase” moved from current Rule V § 2.



¹⁶ ~~Section 5. Preparation of Examination.~~



¹⁷ Section 5. Written Test.

A written test will be administered as part of the examination process for original appointment to the Classified Service. All applicants must achieve a passing score, as established by the Commission, to proceed further in the examination process.



¹⁸ ~~Section 6. Oral Examinations.~~



¹⁹ Section 6. Video-based Test.

A video-based test may be administered as part of the examination process for original appointment to selected ranks. If the Commission establishes a passing score, all applicants must achieve the passing score to proceed further in the examination process.

¹⁶ The current Rule V § 5 (Preparation of Examination) is deleted here and has been moved. It has been incorporated into the proposed Rule 15 § 2 (Preparation of Examinations), with revisions.

¹⁷ The proposed Rule 5 § 5 (Written Test) is a new section. It is being added to the Rules for clarification.

¹⁸ The current Rule V § 6 (Oral Examinations) is deleted here and has been moved. It has been incorporated into the proposed Rule 5 § 7 (Practical Test or Oral Interview Assessment), with revisions.

¹⁹ The proposed Rule 5 § 6 (Video-based Test) is a new section. It is being added to the Rules for clarification.



²⁰ ~~Section 7. Psychological Examinations.~~



²¹ Section ~~67.~~ Practical Test or Oral Interview Examinations Assessment.

A. As determined by the Commission, the examination process for original appointment to selected ranks may require a practical test of skill/ability and/or an oral interview assessment in order to evaluate the qualifications of the individual applicant for the position.

B. Practical tests and Oral examinations, when ordered by the Commission interview assessments will be conducted by the number of competent and impartial examiners, assessors to be determined by the Commission. The examiners' assessors' function shall be to evaluate the fitness qualifications of the individual applicant for original appointment for the position. A record of such evaluation shall become part of the applicant's examination record.



²² ~~C. The membership of oral examiners shall reflect, as nearly as possible, the ethnic composition of the population.~~ In selecting oral interview panel members and in selecting individuals to serve as assessors in any practical test, the Commission shall consider the diversity of the citizens of the City and County of Denver.



²³ ~~Section 8. Background Investigations and Polygraph Examinations.~~



²⁴ Section 8. Physical Ability Test.

A physical ability test shall be administered as part of the examination process for the ranks of Police Officer and Firefighter, and may be administered as part of the examination process for other entry-level ranks, as deemed appropriate by the Commission. Physical ability tests shall be administered on a pass/fail basis. Applicants shall be required to meet an established minimum standard for successful completion of the particular physical ability test being administered, or they may not proceed further in the examination process.

²⁰ The current Rule V § 7 (Psychological Examinations) is deleted here and moved, with revisions. It is incorporated into the proposed Rule 5 § 14(D) (Psychological Evaluation).

²¹ This proposed Rule 5 § 7 (Practical Test or Oral Interview Assessment) incorporates the provisions of current Rule V § 6 (Oral Examinations), with revisions, and adds provisions regarding Practical Tests. (Practical Tests are presently used in assessing job related skills for some ranks in the Fire Department.)

²² The change in language regarding selection/composition of assessors mirrors the language of Charter § 9.3.2(C).

²³ The current Rule V § 8 (Background Investigation and Polygraph Examinations) is moved, revised and updated. The "Background" section is incorporated into proposed Rule 5 § 12 and § 13. The "Polygraph" section is incorporated into proposed Rule 5 § 10.

²⁴ The proposed Rule 5 § 8 (Physical Ability Test) is new and is provided for clarification.



²⁵ ~~Section 9. Medical-Physical Evaluation.~~



²⁶ Section 9. Suitability Assessment.

A. Each applicant shall complete designated tests used in assessing suitability, and participate in a suitability interview with a designated psychologist. The suitability tests and interview are non-medical in nature, and are designed to assess an applicant's traits relevant to the respective public safety position. Based on the tests, interview, and other relevant material from an applicant's file, the psychologist will determine a suitability rating for the applicant and provide a non-medical suitability assessment report to the Commission.

B. All suitability assessments shall be conducted at the Commission's expense. Any applicant may request from the Commission a copy of his/her suitability assessment report. An applicant who fails the suitability assessment may request in writing that the Commission direct the psychologist to review his or her findings with the applicant. Such a request must be filed within twenty (20) days of the mailing of the notification of the suitability assessment results, and can only be done at the applicant's expense.



²⁷ ~~Section 10. Waiver~~



²⁸ Section ~~8(B)~~10. Polygraph Examinations-Evaluation

A. Polygraph examinations evaluation of applicants may shall be administered as part of the background investigations full examination and screening process. Supplemental polygraph evaluations may be administered as deemed appropriate by the Commission. Where given, the results of such examinations the polygraph evaluation(s) shall be considered prior to an when reviewing an applicant's for approval for placement on the an eligible register.

²⁵ Current Rule V § 9 (Medical-Physical Evaluation) is deleted here and is revised and moved to proposed Rule 5 § 14 (Medical Evaluation – Medical Examination, Drug Screen and Psychological Evaluation).

²⁶ The proposed Rule 5 § 9 (Suitability Assessment) is new and is provided for clarification.

²⁷ The current Rule V § 10 (Waiver) is deleted here and is to be moved to proposed Rule 4 regarding application for original appointment.

²⁸ This proposed Rule 5 § 10 (Polygraph Evaluation) incorporates and updates the provisions of current Rule V § 8(B) (Polygraph Examinations).



²⁹ ~~Section 11. — Provisional and Emergency Appointments.~~

~~Should notice of examination fail to secure a sufficient number of applicants meeting all requirements, provisional and emergency appointments may be made in accordance with the provisions of Charter Sections C5.66 and C5.71.~~



³⁰ Section 11. Preliminary File Review.

A. At various times during the examination and/or screening process, an applicant's file will be reviewed by the Executive Director and/or designated Commission staff. An applicant will be subject to immediate disqualification for failure to meet the minimum qualifications and/or requirements related to suitability. Based on the information in the file, the Commission, or the Executive Director if so designated, will determine whether an applicant shall be disqualified from further consideration in the examination and/or screening process.

B. Any applicant disqualified from further consideration as a result of preliminary file review will be so notified in writing. The applicant will also be notified of the reason(s) for disqualification if the disqualification is due to a failure to meet a stated minimum qualification.

²⁹ Current Rule V § 11 (Provisional and Emergency Appointments) is rescinded and deleted in its entirety. The authorizing Charter provisions (§ 9.4.4 and § 9.4.5) were repealed in the election of May 6, 2003.

³⁰ This proposed Rule 5 § 11 (Preliminary File Review) is new and is being provided for clarification.



³¹ ~~Section 12. — Preference Points.~~



³² **Section 8(A)12. Background Investigations.**

- A. Prior to approval for placement on an eligible register (or for re-employment in the Classified Service), all Aapplicants shall be subject to a background investigation which may include, but is not limited to, inquiry regarding the applicant's character, conduct, driving history, use of illegal drugs, ~~and alcohol history, habits, environment,~~ employment history, criminal history, credit history and references. The Commission or designee shall conduct the background investigation. ~~shall be conducted by the Manager of Safety or designee.~~
- B. The ~~investigation~~ results of the background investigation shall be ~~reported~~ made available to the appointing authority for use ~~Commission where they shall be utilized by the Commission~~ in determining whether to appoint or re-employ an individual ~~applicants are placed on the eligible register. The results of the background investigation must meet the satisfaction of the Civil Service Commission for the applicant to proceed to subsequent test phases and in order to be placed on the eligible register.~~ ³³
- C. The final background investigation report and the ~~All information contained in and relied upon in~~ background ~~investigations~~ investigator's working documents, including but not limited to all job and personal references and the applicant's behavioral questionnaire, shall be kept strictly confidential by the Commission and the Department of Safety. ~~unless otherwise ordered by the Commission or as permitted~~ Such information shall not be released to the applicant or any third party unless release is otherwise required by law or regulation or ordered by the Commission.

³¹ The current Rule V § 12 (Preference Points) is deleted here and is moved, with reorganization and updates, to the proposed Rule 5 § 15 (Preference Points).

³² This proposed Rule 5 § 12 (Background Investigation), in conjunction with proposed Rule 5 § 13 (Background Review...), incorporates and updates the provisions of current Rule V § 8(A) (Background Investigations).

³³ The provisions regarding approval of the results of a background investigation by the Commission [currently contained in Rule V § 8(A)] are deleted here. They are revised, moved and incorporated into proposed Rule 5 § 13 (Background Review – Approval for Placement on an Eligible Register).




³⁴ ~~Section 13. Failing an Examination.~~



³⁵ Section 13. Background Review - Approval for Placement on an Eligible Register.

A. In no circumstance shall any applicant be placed on an eligible register for original appointment, or be approved for original appointment in the Classified Service, unless the Commission has reviewed the results of the individual's background investigation and has approved the applicant as provided in this section.

B. For each applicant who meets the established minimum qualifications, and who has completed all other requirements of an entry-level examination and screening process, the Commission will review the results of the background investigation, polygraph test, suitability assessment, and other information contained in the applicant's file related to qualifications and suitability. ~~The results of the background investigation must meet the satisfaction of the Civil Service Commission for the applicant to proceed to subsequent test phases and~~ Following review, an applicant must then be approved by the Commission in order to be placed on the respective eligible register(s). 

³⁴ Current Rule V § 13 (Failing an Examination) is deleted here. Its provisions are updated and clarified and moved to proposed Rule 5 § 16 (Eligibility to Retest).

³⁵ This proposed Rule 5 § 13 (Background Review – Approval for Placement on an Eligible Register) is new. In paragraph (B) it revises, updates and incorporates part of the provisions from the current Rule V § 8(A) (Background Investigations). See also the proposed Rule 5 § 12 (Background Investigation).



³⁶ Section 914. Medical-Physical Evaluation (Medical Examination, Drug Screen and Psychological Evaluation).

A. Medical Evaluation Following Conditional Job Offer:

1. Following certification to the Manager of Safety, and issuance of a conditional job offer by the Manager of Safety, and prior to appointment, each applicant shall undergo a medical evaluation. The medical evaluation shall include a medical examination, drug screen, and psychological evaluation. ~~Medical evaluations shall be done in compliance with the Americans with Disabilities Act and all other state or federal regulatory directives.~~³⁷ The medical evaluation is conducted to provide that ~~Every~~ applicant offered for appointment to a position in the ~~classified~~ Classified service ~~Service~~ shall possess the ~~necessary medical, physical, mental, and psychological~~ qualifications necessary to perform each of the essential job functions of the position, ~~for which application is made. A urinalysis or other test to determine illegal drug usage shall be a component of the medical examination.~~



~~B. All medical examinations shall be conducted by or under the direction of the medical examiner appointed by the Commission and shall include medical histories and such diagnostic tests and examination procedures from which reliable evaluation and determination of medical fitness can be accomplished, and may include a urinalysis.~~³⁸



2. The medical evaluation shall be conducted under the authority of the Manager of Safety or designee. All initial medical examinations, drug screens and psychological evaluations shall be conducted at the expense of the City and County of Denver, unless otherwise approved by the Commission.



³⁹ 3. ~~The Medical medical evaluations~~ evaluation, including all components thereof, shall be ~~done~~ conducted in a manner to ensure compliance with the provisions of the Americans with Disabilities Act and ~~all other~~ state or applicable federal ~~regulatory directives~~ or state laws.

C. ~~Each~~

4. Any applicant may be required to sign ~~a one or more~~ releases authorizing the medical examiner(s) and/or psychologist to obtain medical and psychological records from ~~said the~~ applicant's personal physician and/or psychologist, hospital, clinic, or other appropriate source.

³⁶ This proposed Rule 5 § 14 (Medical Evaluation – Medical Examination, Drug Screen and Psychological Evaluation) incorporates, reorganizes, updates and revises the provisions of the current Rule V § 7 (Psychological Examination) and Rule V § 9 (Medical-Physical Evaluation).

³⁷ The deleted text regarding compliance with the ADA, as noted in this proposed subparagraph Rule 5 § 14(A)(1), is moved to proposed subparagraph §14(A)(3), with revisions.

³⁸ Portions of this deleted text [from current Rule V § 9(B)]have been moved to this proposed Rule 5 § 14(B) (Medical Examination)

³⁹ The text regarding compliance with the ADA is deleted from proposed subparagraph § 14(A)(1) and was moved to this proposed subparagraph § 14(A)(3), with the noted revisions.

5. The authority to make the final decision on any applicant, regarding a withdrawal of the conditional offer of employment, or extending a final offer of employment, rests with the Manager of Safety or designee.

B. Medical Examination:

A medical examination shall include a physical examination, a medical history, a vision test, a hearing test, and any other tests required by the Commission or deemed necessary by the medical examiner.



- ~~D. The medical examiner may use, but shall not rely exclusively upon, the information obtained without performing an independent examination and evaluation.~~
- ~~E. The medical examiner may consult with a specialist concerning the condition of applicants and/or have a specialist examine applicants in order to complete the evaluation. When an applicant is examined by a specialist pursuant to the request of the medical examiner, the findings shall be submitted to the Commission in writing together with the evaluation and recommendations of the medical examiner.~~
- ~~F. Each applicant sent to the medical examiner shall complete a thorough medical history and shall be examined for each medical condition designated by the Commission and as otherwise deemed necessary by the examiner to evaluate medical fitness.~~
- ~~G. The medical history and each diagnostic finding shall be complete and recorded on the forms provided by the Commission.~~
- ~~H. Whenever the medical examiner determines an examinee has an abnormal medical (physical, mental or psychological) condition or a disease, said condition and/or disease shall be noted on the physical examination form, together with the diagnostic test utilized and the results deduced from them.~~
- ~~I. For each condition and/or disease diagnosed, the medical examiner shall evaluate and recommend whether the applicant should be medically qualified or disqualified. The medical examiner shall provide recommendations based upon the following factors:~~
- ~~1. The applicant's ability or inability to perform each of the essential job functions of the position applied for in accordance with the job analysis and studies provided by the Commission.~~
 - ~~2. The actual or potential risk of the condition or disease has upon the safety, health or liability of the public, co-workers, and applicant.~~

⁴⁰ This proposed Rule 5 § 14 results in the deletion of a number of procedural details now contained in the current Rule V § 9. It is deemed that such procedural details are more appropriately placed in Commission policies or procedures, or in agreements with, or directives to, the medical providers, rather than in Commission rule.

~~3.—The medical prognosis and debilitating factors for each condition and/or disease.~~

J.C. Drug Screens.:

As part of the medical evaluation, a pre-employment hair analysis or other test to determine illegal drug use Applicants shall be required. ~~to successfully undergo a drug screen. If the drug screen (urinalysis) shows the use of a controlled substance, that fact shall be cause for disqualification.~~

1. Prescription Drugs.

- a. Where the use of a prescription drug is detected, the applicant may be required to offer proof that the drug has been prescribed by a physician for the applicant.
- b. If the applicant is unable to provide ~~such~~ proof that a detected drug has been prescribed by a physician for the applicant, the applicant may be disqualified.
- c. The applicant may also be disqualified where future or continued use of a legally prescribed drug poses a risk to the safety, health or ~~liability-welfare~~ of the public, co-workers, or the individual; or where it would impair the individual's ability to perform the essential functions of the job for which application is made. The question of future or continued use of a legally prescribed drug shall be referred to a medical examiner for an evaluation and recommendation.
- d. The illegal use or the abuse of a prescription drug will be evaluated on a case by case basis and may be grounds for disqualification as provided in Commission Rule 3.

2. Illegal Drugs. The use of illegal drugs will be evaluated as noted in Commission Rule III, Section 1 herein, and ~~may~~ shall be grounds for automatic disqualification, ~~or for evaluation on a case by case basis. The illegal use/abuse of prescription drugs will be evaluated on a case by case basis and may also be grounds for disqualification as noted in Rule III.~~



⁴¹ **Section 7. D. Psychological Examinations** Evaluation.

A1. The ~~Any~~ psychological evaluation shall be conducted as part of the medical evaluation and shall be conducted by a psychologist approved by the Manager of Safety or designee. The psychological evaluation requires that the applicant completes a post-conditional job offer questionnaire and takes a prescribed psychological test(s), as approved consist of one or more written psychological tests and a personal interview with a licensed psychologist retained by the Commission. ~~Each applicant must, in order to be placed on the eligible register,~~

⁴¹ This proposed Rule 5 § 14 (Medical Evaluation – Medical Examination, Drug Screen and Psychological Evaluation) incorporates, reorganizes, updates and revises the provisions of the current Rule V § 7 (Psychological Examination) and Rule V § 9 (Medical-Physical Evaluation).

~~have an acceptable psychological profile by expert psychological examination. Each applicant may be required to sign a release authorizing the psychologist to obtain psychological records from said applicant's personal psychologist.~~

~~B2. The assigned psychologist will then review the questionnaire responses, the psychological test results, and other information in the applicant's file deemed relevant to the evaluation. The psychologist may also contact the applicant for a telephonic or in-person interview, and may perform any other test(s), as he/she deems necessary. All original psychological examinations shall be conducted at the Commission's expense.⁴² Any applicant may request of the Commission a copy of his/her psychological report from the psychological interview/evaluation.⁴³~~

3. An applicant who fails the psychological ~~examination~~ evaluation may request in writing that the ~~Commission~~ Manager of Safety or designee direct the psychologist to review his or her findings with the applicant. Such a request must be filed within twenty (20) days of the mailing of the notification of the psychological evaluation results ~~of~~ to the candidate, and can only be done at the applicant's expense.

~~K. All original medical examinations shall be at the Commission's expense.⁴⁴ Upon rejection, the applicant may choose to consult with a specialist regarding the condition at the applicant's own expense. The applicant must file with the Commission within thirty (30) days after the date of rejection a written request for review of the rejection together with the history, examination, diagnostic test, treatment and written findings of any specialist consulted. The findings of the applicant's specialist shall then be submitted to the Commission's medical examiner for review. The applicant shall then be available for further tests or examinations, if any, deemed necessary by the medical examiner at the Commission's expense. The medical examiner shall then provide the Commission with written findings and recommendations for the Commission's consideration. The Commission shall retain the authority to make the final decision regarding an applicant's suitability based upon medical, job analysis, and other evidence submitted.⁴⁵ The final determination by the Commission that an applicant be disqualified shall be stated in writing with the reasons in support thereof and sent to the applicant.~~

⁴² The provision regarding responsibility for the cost of the psychological evaluation are contained in this proposed Rule 5 § 14(A)(2).

⁴³ The provisions regarding general availability of the psychological evaluation report to the applicant are contained in current Rule XV § 5 and in proposed Rule 15 § 6, and availability is regulated by laws governing medical records.

⁴⁴ The provisions regarding responsibility for the cost of the medical examination are contained in this proposed Rule 5 § 14(A)(2).

⁴⁵ Under this proposed Rule 5 § 14(A)(5), it is clarified that the final decision making authority rests with the Manager of Safety or designee. All components of the medical evaluation are to be conducted post-conditional job offer.



⁴⁶ Section ~~12~~15. Preference Points.

A. Veteran Preference Points.

1. Veteran preference points shall be awarded pursuant to Article XII, Section 15 of the Constitution of the State of Colorado. Applicants must provide a copy of their DD-214 (Number 4 copy) to the Commission for veteran preference points consideration [or other proof as outlined under paragraphs A(3) and A(4) below]. Points shall be awarded only when proof is provided to the Commission. Any veteran preference points will be added only to an applicant's passing total score and will be added as soon as practicable. Applicants may submit proof of veteran status at any time during the application or examination process, or during the life of the eligible register. ⁴⁷

2. Applicants for original appointment who have: A) honorably served in any branch of the armed forces of the United States, other than for training purposes, during any period of any declared war, or any undeclared war or other armed hostilities against an armed foreign enemy; or B) honorably served on active duty in any such branch in any campaign or expedition for which a campaign badge or expeditionary medal is authorized, as noted on their DD-214 (Number 4 copy); shall receive (5) five veteran preference points, added to their passing total score. ~~Applicants must provide a copy of their DD-214 (Number 4 copy) to the Civil Service Commission for veteran preference points consideration.~~ ⁴⁸ ~~Points shall be awarded only when proof is provided.~~ ⁴⁸ ~~Applicants currently serving on active duty are not veterans, unless they have previously separated from the armed forces of the United States. Active duty personnel may apply for veteran preference points after they have separated from the armed forces.~~ ⁴⁹

23. Ten (10) points shall be added to the passing total score of any applicant for original appointment, 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. ~~Points shall be awarded only when proof is provided to the Civil Service Commission.~~ ⁴⁸ A current letter from the Veterans Administration stating that the applicant is receiving

⁴⁶ Proposed Rule 5 § 15 (Preference Points) incorporates, reorganizes, updates and revises the provisions of current Rule V § 12 (Preference Points).

⁴⁷ The provisions added to this paragraph § 15(A)(1) were deleted from other paragraphs of this subsection (A) and moved here.

⁴⁸ This deleted sentence was moved to paragraph § 15(A)(1).

⁴⁹ The provision regarding active duty personnel are deleted from this paragraph § 15(A)(2) and have been moved to paragraph A(7).

monetary compensation or disability retired benefits because of a disability incurred in the line of duty shall constitute proof of a service-connected disability.

- ~~34.~~ Five (5) points shall be added to the passing total score of any applicant for original appointment, who is the surviving spouse of any person who was, or would have been, entitled to additional points under paragraph ~~1.A(2)~~ or ~~2.A(3)~~ of this section 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. ~~Points for this section shall only be awarded when proof is provided to the Civil Service Commission.~~⁵⁰ For a surviving spouse to receive veteran preference points, the surviving spouse must submit to the Commission a letter from the Veterans Administration verifying the marital relationship and proof that the deceased veteran would have qualified under paragraph ~~1.A(2)~~ or ~~2.A(3)~~ above.
- ~~45.~~ No more than a total of ten (10) points shall be added to the total passing score of any applicant for original appointment qualifying for veteran preference points.
- ~~56.~~ ~~Applicants may submit proof of veteran status at any time during the life of the eligible register.~~⁵⁰ ~~The addition of the veteran preference points, if any, will be made when practicable.~~⁵⁰ Veteran preference points shall be awarded to all those eligible, as provided herein.
7. Applicants currently serving on active duty are not veterans, unless they have previously separated from the armed forces of the United States. Active duty personnel may apply for veteran preference points after they have separated from the armed forces.⁵¹

B. Special Skill Preference Points.

1. When the Commission determines that a special skill is desired and is sought in applicants for original appointment to the ~~classified~~-Classified serviceService, the Commission may designate up to a maximum of five (5) total points for special skill preference, provided that the examination announcement contains this provision.
2. Special skill preference points may only be awarded to ~~the~~-an applicant with a passing examination score.
3. In order to award such preference points, the applicant for original appointment must successfully complete ~~an~~ special supplemental examination to ascertain the applicant's proficiency in the special skill, knowledge, or ability, or provide proof of current certification related to such special skill, knowledge, or ability, as determined by the Commission.

⁵⁰ This deleted sentence was moved to paragraph § 15(A)(1).

⁵¹ This text was deleted from paragraph § 15(A)(2) and moved without revision to this paragraph § 15(A)(7)

4. If necessary, the Commission or its designee shall hold a special examination(s) most appropriate to determine the level of proficiency of such skill, knowledge or ability. Such examination shall be announced and all persons meeting eligibility requirements and other necessary qualifications shall be permitted to compete in such special examination.



⁵² **Section 1316. Failing an Examination-Eligibility to Retest.**

The provisions of this subsection shall apply to each applicant for original appointment except as may be otherwise provided by the Commission for any particular group of applicants who are similarly situated. Any Individual applicants for original appointment who fails any component of an examination, except special supplemental examinations, shall not be eligible to ~~retest~~ reapply or retest for the position/rank sought for a period of one (1) year ~~or as may be determined by the Commission.~~ from the date of the individual's first examination test phase. If an applicant chooses to retest, the applicant must reapply during ~~thean~~ appropriate application period and retake all ~~components of the examination.~~ examination test phases and then successfully complete all screening phases.

⁵² This proposed Rule 5 § 16 (Eligibility to Retest) incorporates, updates and clarifies the provisions of current Rule V § 13 (Failing an Examination).