

RULE 6

PROMOTIONAL EXAMINATIONS AND REQUIREMENTS ^{1 2 3 4}

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¹ **Editor’s Note:** Commencing in 2004, as each Rule is amended the number designations are being converted from Roman numerals to Arabic numerals.

² **Rule Annotation:** See also Rule 15 for provisions regarding examinations in general.

³ **Editor’s Note:** The amendments effective February 12, 2005, involve a significant reorganization and renumbering of sections. This version supercedes the version effective February 20, 2003.
The prior Section 5, *Preparation of Examination* was rescinded, and the provisions were incorporated into Rule 15 § 2.

⁴ **Charter Annotation:** Charter § 9.6.7, concerning transition provisions for the ranks of Radio Engineer and Superintendent of Radio Engineer in the Police Department, was repealed as a result of completion of the transition of these positions out of the Classified Service. Therefore, reference to these ranks has been deleted from this Commission Rule 6.

Section 6. Credit For Seniority.^{5 6}

A. Credit for seniority shall be provided, calculated, and have such point value as the Commission shall determine and state in the official announcement of the examination, and as stipulated in this section. Credit for seniority shall be based on the length of continuous service in the rank immediately below the rank to be filled by promotion. Time spent on authorized paid leave, authorized unpaid family medical leave, and military leaves of absence shall be included in the length of continuous service. Time spent on other unpaid leaves of absence and/or on disciplinary suspension without pay, in an aggregate of more than 30 calendar days, shall not be included in the length of continuous service.

(Amended September 1987; October 13, 1995; October 27, 2000; January 24, 2003; February 12, 2005)

B. For the purpose of providing credit for seniority, continuous service is defined as the time in rank extending from the date of the classified member's most recent appointment to the rank. However:

(Adopted January 24, 2003; Amended February 12, 2005)

1. If as a result of a voluntary demotion a classified member who has been promoted reverts to a rank formerly held, the member's continuous service shall be defined as the sum of:
 - a. The time, prior to the promotion, in the rank formerly held;
 - b. The time in the promotional rank; and
 - c. The time in rank extending from the date of voluntary demotion.
2. If as a result of a disciplinary demotion a classified member who has been promoted reverts to a rank formerly held, the member's continuous service shall be defined as the sum of:
 - a. The time, prior to the promotion, in the rank formerly held; and
 - b. The time in rank extending from the date of disciplinary demotion.
3. If a member has been re-employed under the provisions of Charter § 9.4.3 the member shall retain the seniority he/she had at separation. Therefore, the member's continuous service shall be defined as the sum of:

⁵ **Case Law Annotation:** Pursuant to the settlement agreement in F.I.R.E. et al. v. Bach et al., credit for seniority for the position of Fire Lieutenant shall only be given for up to eight (8) years of service within the classified service of the Fire Department. The history of this case is as follows: The case was initially decided in F.I.R.E. et al. v. Bach et al., No. 78-K-119, (D. Colo. Sep. 24, 1981); it was then reversed and remanded in F.I.R.E. et al. v. Bach et al., Nos. 82-1612, 82-1613, 82-1687, (10th Cir. Apr. 3, 1984); and later settled through an Amended Settlement Agreement of 14 August 1987.

⁶ **Editor's Note:** Previously labeled as Section 9.

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- a. The time in rank (immediately below the rank to be filled by promotion) prior to separation;
 - b. The time in any higher rank prior to separation [consistent with the provisions of subsections B (1) and B (2) immediately above, as applicable]; and
 - c. The time in rank following re-employment [and the time in any higher rank following re-employment, consistent with the provisions of subsection B (1) immediately above, if applicable].
- C. For the purpose of calculating credit for seniority for promotion to the rank of Sergeant in the Police Department, the examination announcement for the Sergeant rank shall provide that credit for seniority shall ultimately be based ~~in~~on a candidate's date of original appointment to the rank of Police Officer, irrespective of original appointment as a civilian, cadet, certified peace officer, or reserve Police Officer. No candidate for promotion to Sergeant shall be eligible to receive more credit for seniority than could be received by any other candidate who did receive original appointment, or who would have received original appointment, on the same date in the same calendar year (with no reductions in length of service), irrespective of the Charter provision under which the original appointment was received.⁷
(Adopted January 24, 2003)

D. For the purpose of calculating credit for seniority for promotion to the ranks of Lieutenant and Engineer in the Fire Department, the examination announcement for the Lieutenant and Engineer ranks shall provide that credit for seniority shall ultimately be based on a candidate's date of original appointment to the rank of Firefighter, irrespective of original appointment as a civilian or as a lateral hire through an intergovernmental agreement. No candidate for promotion to Lieutenant or Engineer shall be eligible to receive more credit for seniority than could be received by any other candidate who did receive original appointment, or who would have received original appointment, on the same date in the same calendar year (with no reductions in length of service), irrespective of the Charter provision under which the original appointment was received.⁸

DE. Points for seniority, if any, shall only be added to the total examination score for those candidates who have successfully completed/passed all phases of the examination.
(Adopted February 12, 2005)

⁷ **Editor's Note:** The Charter § 9.3.5(I) [formerly § C5.59] previously contained provisions limiting eligibility for promotion to Sergeant in the Police Department for those receiving original appointment under the Charter provisions for "certified peace officer." This section of the Charter was repealed in the Charter revisions of May 6, 2003, with the prior understanding that the limitations on eligibility for promotion to Police Sergeant for those appointed as certified peace officers would be provided in Commission Rule.

⁸ Provides that a Firefighter receiving original appointment at a grade higher than 4th Grade, pursuant to an intergovernmental agreement, would not have benefit of greater seniority due to achieving the 1st Grade prior to the date he or she would have achieved 1st Grade had they been appointed under the usual original appointment process.

Section 8. Lines of Promotion and Prerequisites.⁹

A. The lines of promotion for the Fire and Police Departments for classifications/ranks that require an examination by the Civil Service Commission, together with the time in rank and/or grade required before a member is permitted to participate in a promotional examination, are listed in Schedule I and Schedule II of this section. A candidate's time in rank and/or grade, as used to determine eligibility to participate in a promotional examination, shall be calculated based upon a date that the Commission shall determine and state in the official announcement of the examination.

(Amended October 13, 1995; March 27, 1998; February 12, 2005)

B. With adequate notice to candidates, the Commission may establish additional prerequisites, beyond any minimum time in rank and/or grade, for participation in a promotional examination.

(Adopted February 12, 2005)

1. Such prerequisites may be based on one or more elements of a candidate's personnel record and/or related background qualifications, that may include but are not limited to education, training, certification, license, work history, disciplinary record, and/or experience.

2. Notice of any newly established prerequisite based on training, certification, and/or license shall be provided to potential candidates sufficiently in advance of its first inclusion in an announcement of examination to reasonably allow potential candidates adequate time and opportunity to obtain the prerequisite training, certification, and/or license.

3. Any prerequisite based on an educational requirement of a two-year or four-year college degree, or other specified college credit requirement, may only be established by Commission rule.

4. In determining whether a candidate possesses any established prerequisite the Commission shall utilize common criteria to ensure that the method of evaluation is competitive and impartial. (See also, Section 5, Ascertained Merit.)

⁹ **Editor's Note:** Previously labeled as Section 10.

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SCHEDULE I

FIRE DEPARTMENT - LINE OF PROMOTION

RANK PROMOTED TO	RANK/GRADE PROMOTED FROM	REQUIRED TIME IN RANK AND/OR GRADE
Assistant Chief	Captain	Must have held the rank of Captain continuously for one full year. ¹⁰
Captain	Lieutenant	Must have held the rank of Lieutenant continuously for one full year. ¹⁰
Lieutenant	Firefighter First Grade or Engineer	Must have held the rank of Firefighter First Grade or Engineer (or any combination thereof) continuously for one full year. ^{10 11} <u>Any member appointed under an inter-governmental agreement must also have held the rank of Firefighter for 48 months.</u>
Engineer	Firefighter First Grade	Must have held the rank of Firefighter First Grade continuously for one full year. ¹¹ <u>Any member appointed under an inter-governmental agreement must also have held the rank of Firefighter for 48 months.</u>
Superintendent of Fire Alarm	Assistant Superintendent of Fire Alarm	None. Must currently hold the rank of Assistant Superintendent of Fire Alarm.
Assistant Superintendent of Fire Alarm	Fire Systems Technical Specialist I	Must have held the rank of Fire Systems Technical Specialist I continuously for one full year.
Master Mechanic	Assistant Master Mechanic	None. Must currently hold the rank of Assistant Master Mechanic.
Assistant Master Mechanic	Mechanic I	Must have held the rank of Mechanic I continuously for one full year.

(Amended February 12, 2005)

¹⁰ **Case Law Annotation:** Pursuant to the settlement agreement in *F.I.R.E. et al. v. Bach et al.*, the Commission shall only require members to hold the rank immediately below the ranks of Assistant Chief, Captain, and Lieutenant in the Fire Department continuously for one full year before testing for those positions. The history of this case is as follows: The case was initially decided in *F.I.R.E. et al. v. Bach et al.*, No. 78-K-119, (D. Colo. Sep. 24, 1981); it was then reversed and remanded in *F.I.R.E. et al. v. Bach et al.*, Nos. 82-1612, 82-1613, 82-1687, (10th Cir. Apr. 3, 1984); and later settled through an Amended Settlement Agreement of 14 August 1987.

¹¹ **Charter Annotation:** Charter § 9.5.4 (B) - Classified members assigned to the position of Technician must hold the rank of Firefighter, First Grade. Consequently, time served as Technician counts as time served as Firefighter, First Grade.

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SCHEDULE II

POLICE DEPARTMENT - LINE OF PROMOTION¹²

RANK PROMOTED TO	RANK/GRADE PROMOTED FROM	REQUIRED TIME IN RANK AND/OR GRADE
Captain	Lieutenant	Must have held the rank of Lieutenant continuously for one full year. ¹³
Lieutenant	Sergeant	Must have held the rank of Sergeant continuously for one full year. ¹³
Sergeant	Police Officer, First Grade	Must have held the rank of Police Officer, for a period of forty-eight months ^{13 14} ; and must have held the rank of Police Officer First Grade continuously for a period of nine months. ¹⁵

(Amended February 12, 2005)

¹² **Editor's Note:** Prior Charter § 9.6.7, concerning transition provisions for the ranks of Radio Engineer and Superintendent of Radio Engineer in the Police Department, was repealed as a result of completion of the transition of these positions out of the Classified Service. Consequently, reference to these ranks has been deleted from this Commission Rule 6.

¹³ **Case Law Annotation:** Pursuant to the *Amended Memorandum Opinion and Order* of the court in Ortiz v. Bach et al., Civil Action No. 75-A-734 (D. Colo. 1976), the eligibility requirements for promotion to the rank of Sergeant shall be no longer than four years (total time on the force), and that the time in rank prerequisite for taking the promotional exam for other officer positions shall be one year. The Court further ordered that the Commission modify its rules accordingly.

¹⁴ **Editor's Note:** The Charter § 9.3.5(I) [formerly § C5.59] previously contained provisions limiting eligibility for promotion to Sergeant in the Police Department for those receiving original appointment under the Charter provisions for "certified peace officer." This section of the Charter was repealed in the Charter revisions of May 6, 2003, with the prior understanding that the limitations on eligibility for promotion to Police Sergeant for those appointed as certified peace officers would be provided in Commission Rule. This limitation is accomplished by requiring service for 48 months in the Rank of Police Officer, irrespective of the Grade held.

¹⁵ **Charter Annotation:** Charter § 9.6.5 - Classified members assigned to the positions of Technician, Detective, or Corporal must hold the rank of Police Officer, First Grade. Consequently, time served as Technician, Detective, or Corporal counts as time served as Police Officer, First Grade.