



JOHN W. HICKENLOOPER
Mayor

CITY AND COUNTY OF DENVER

CIVIL SERVICE COMMISSION

POLICE AND FIRE DEPARTMENTS

1570 GROVE STREET
DENVER, COLORADO 80204-1930

PHONE: 720-913-3370

FAX: 720-913-3373

COMMISSIONERS

Anna Flores
Elizabeth I. Kiofsky
Cecilia E. Mascarenas
Christopher H. Olson
Samuel Williams

EXECUTIVE DIRECTOR

Earl E. Peterson

PLEASE POST: February 17 – March 11, 2005

PROPOSED CHANGES RULE VII


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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: February 17, 2005



Public Hearing: March 11, 2005 at 8:30 a.m.


RULE ~~VH7~~ 

EXAMINATION LISTS, AND ELIGIBLE REGISTERS
~~FOR ORIGINAL APPOINTMENTS~~
~~ELIGIBLE REGISTERS FOR PROMOTIONAL APPOINTMENTS~~

 ¹Section 1. ~~Registers Kept by the Commission.~~

~~A. Examination Lists.~~

A. An examination list shall be established after the initial test phases of an examination process. It shall be made up of the names, in rank order, of those applicants ² or  candidates ³ who have ~~obtained a passing grade on all scored test phases successfully completed and/or passed all initial test phases in the examination.~~ The names shall be listed in rank order as determined by the ranking system specified in the examination announcement. An examination list shall contain such additional information as specified in Commission Rule 13. 

B. Examination lists shall be working documents for internal Commission use only and ~~shall contain the scores from all scored test phases, veteran's preference points and points awarded as a result of special supplemental examinations (if any), final ranking, and any other information deemed necessary by the Commission.~~ Examination lists ⁴ shall be considered confidential, except as required by law. 

 ⁵C. Examination lists for original appointment:

1. An applicant's name shall remain on an examination list for original appointment for no longer than twelve (12) months following the date of initial testing, unless the applicant has been selected for further participation in the additional

¹ In the proposed Rule 7, the provisions governing Examination Lists, Eligible Registers for Original Appointment, and Eligible Registers for Promotional Appointment have been expanded and are each covered in a separate Section.

² As used in this Rule, the word "applicant" refers to an individual participating in the examination, screening, and/or selection process for original appointment.

³ As used in this Rule, the word "candidate" refers to an individual participating in the examination, screening, and/or selection process for promotional appointment.

⁴ The deleted language regarding the specific content of examination lists will be covered in revised Rule 13, as noted in the last sentence of proposed Section 1 (A).

⁵ The proposed language updates and clarifies administrative provisions generally applicable only to examination lists for original appointment. The provisions take into account the fact that certain original appointments may arise out of ongoing testing and ongoing eligible registers. The language also provides for circumstances whereby applicants may be permitted to participate in testing for original appointment more than once per year. It also adds provisions to correspond with the establishment of separate eligible registers applicable to original appointments.



examination and screening phases⁶. If selected for further participation, the applicant's name shall remain on the examination list until approved for placement on the respective eligible register, or effectively denied approval by disqualification or Commission action.

2. If any applicant is permitted by Commission Rule and the pertinent examination regulations to retest for a particular position/rank while his/her name remains on the examination list, then the following shall apply:

a. If the applicant has not been already selected for additional examination and screening phases, when the applicant's name is again merged on to the examination list, the applicant's most recent test results shall replace the prior test results. The most recent test results will then be used to determine a new rank order placement of the applicant's name on the examination list, as provided by the examination regulations.

b. If the applicant has been already selected for additional phases, when the applicant's name is again merged on to the examination list, the prior test results used for rank order placement, and the applicant's selection for further participation in the examination, shall stand. The applicant's name will then be placed on the examination list an additional time, in new rank order, according to the results of the applicant's most recent testing cycle.

3. Separate examination lists may be established from any examination for original appointment in order to provide for the establishment of separate eligible registers for original appointment to a particular rank and grade, as provided herein below in Section 2 (B)(1-3).



4. At the discretion of the Commission, any examination list for original appointment may be frozen and/or dissolved and subsequently replaced with a new examination list established through an examination process.



Section 2.B. Eligible Registers for Original Appointment.

A. An eligible register for original appointment ~~s, composed of those persons from the~~ shall contain a rank order listing of the names of approved applicants from the corresponding examination list. Only those applicants: 1) who have successfully completed and/or passed all phases of the entry-level examination and screening process required for

⁶ See Commission Rule 5 § 2 (8-31-04) on Selection of Applicants for Additional Examination and Screening Phases.

⁷ This provision is added for informational purposes to clarify the Commission's existing authority.

⁸ The existing language in this section is drawn from current Section 1 (B). New language updates and clarifies administrative provisions and requirements from Rule 5, Examinations for Original Appointment. New provisions are also added to this Section 2 to reflect, distinguish, and clarify administrative procedures for handling ongoing eligible registers and also for handling the separate eligible registers applicable to original appointments.

~~original appointment~~ the particular rank and grade; 2) who meet any special qualifications or requirements related to the particular register; and 3) who have been approved by the Commission (based on the background review), shall be placed on the eligible register.



⁹ B. Eligible registers for original appointment shall be established and maintained to accommodate anticipated personnel needs of the Department of Safety. Separate eligible registers for original appointment to the same entry-level rank and grade shall/may be established as follows, based on applicable eligibility requirements or special skill requirements:

1. Separate eligible registers shall be established for original appointment to the rank and grade of Police Officer Recruit as an entry-level civilian, cadet, certified peace officer, and as a Reserve Police Officer.
2. Separate eligible registers shall be established for original appointment to the rank and grade of Firefighter Fourth Grade as an entry-level civilian and as a cadet.
3. Separate eligible registers may be established for original appointment to the rank and grade of Fire Systems Technical Specialist V for each particular skill area as may be established within that rank.



¹⁰ C. ~~The order in which the~~ An applicant's names appear on such shall be listed on an eligible register ~~shall be determined by the ranking system specified in the examination announcement. Eligible registers for original appointments shall contain the name of every candidate who has successfully passed all the phases of the examination process, the date the candidate's name was added to the register, their respective examination scores, their standing on the register, their veteran points or points awarded as a result of special supplemental examinations (if any), the date the register was established by the Commission, and such other information as the Commission may deem necessary.~~ in rank order according to the final examination score, as determined by the scoring system specified in the examination announcement, and in conformance with the provisions of the Commission Rule 5 regarding examinations for original appointment. Eligible registers for original appointment shall contain such additional information as specified in Commission Rule 13.

D. At the sole discretion of the Commission, any eligible register for original appointment may be designated, at the time it is established, as an ongoing eligible register with names of applicants to be added and merged into the register over time, in the appropriate rank order, as additional applicants are approved for placement onto the register from a corresponding ongoing examination list.

⁹ New provisions are added to clarify the establishment of separate eligible registers. See also Charter § 9.3.11(C).

¹⁰ Provisions from current Section 1(B) are revised and updated. Provisions regarding the specific contents of eligible registers are deleted and will be moved, with updates, to Commission Rule 13.

E. Any one applicant may have his/her name entered on an ongoing eligible register for original appointment more than once. If an applicant has appropriately and successfully completed all phases of a subsequent examination cycle for a position, and if the applicant is approved for placement on the ongoing eligible register based on that subsequent examination cycle, the applicant's name shall be entered onto and merged into the register, in the appropriate rank order, without regard to and without requiring removal of any prior entry of the applicant's name onto the same register.

F. The name of an applicant not receiving original appointment shall remain on an ongoing eligible register for original appointment for no longer than 24 months following the date of approval for entry of the name on to the register. When an applicant's name has been entered on an eligible register more than once, this time limitation shall be applied separately to each entry.

G. At the discretion of the Commission, any ongoing eligible register for original appointment may be frozen and/or dissolved and subsequently replaced with a new eligible register established through a new or modified examination process. However, any ongoing eligible register for original appointment shall remain in existence for a minimum of one year, unless exhausted. In the event that a new eligible register is established at any time after the first year, the existing ongoing eligible register becomes void.



H. If an eligible register for original appointment is not an ongoing register, it shall remain in existence for a minimum of one year, unless the register is exhausted. If a new eligible register is not established at the end of one year, through an examination process, the eligible register shall automatically extend into the second year. A new eligible register for original appointment to a particular rank may be established, through an examination process, at any time after the first year of the life of an existing eligible register, or prior thereto if the register has been exhausted. In the event that a new eligible register is established at any time after the first year, the existing eligible register becomes void. All such eligible registers that are not ongoing registers and are not replaced (by a new eligible register established through an examination process) shall automatically expire at the end of the second year of their existence.



Section 3.C. Eligible Registers for Promotional Appointment.

A. When an announced examinations for promotion have been completed, the Commission shall establish, ~~in anticipation of personnel needs therefor, an a~~ corresponding eligible register for promotional appointment to the rank for which the examination was held. The name of any candidate who has successfully completed

¹¹ This new section incorporates the current provisions of Section 1 (C) with additions and updates for clarification. Details regarding the contents of eligible registers are deleted from proposed paragraph B and will be moved, with updates, to Commission Rule 13.

and/or passed all phases of the examination process shall be placed on the corresponding register.



~~B. Names of Candidates candidates who have achieved passing scores shall be listed in rank order accordance with the ranking system according to their final examination score as determined by the scoring system specified in the examination announcement. and in conformance with provisions regarding promotional examinations contained in Commission Rule 6. ~~No veteran's preference points shall be given in promotional appointments pursuant to Article XII, Section 15 of the Colorado State Constitution.~~ Eligible registers for promotional appointments shall contain ~~the name of every candidate who has successfully passed all phases of the examination process, their respective examination scores, their standing on the register, the date the register was established by the Commission, and such other information the Commission deems necessary.~~ such additional information as specified in Commission Rule 13.~~



¹²~~C. Section 8. — Expiration of Eligible Register.~~ An new eligible register for a particular position promotional appointment may be established at any time after the first year of life of an existing eligible register, through the examination process. shall remain in existence for a minimum of one year. In the event that If a new eligible register is not established at the end of one year, through an examination process, the eligible register shall automatically extend into the second year. A new eligible register for promotional appointment to a particular rank may be established, through the examination process, at any time after the first year of the life of an existing eligible register. In the event that a new eligible register is established at any time after the first year, the previous eligible register becomes void. All such eligible registers that are not replaced (by a new eligible register established through the an examination process) shall automatically expire at the end of the second year of their existence. In accordance with C5.64 of the Charter, an official Commission vote is not required to extend the life of an eligible register into the second year in the event that a new examination is not given.



¹³Section 24. **In Case of Tie ~~or Placement in the Same Scores~~ Band.**

A. Entry-Level Examinations.

When two or more applicants in an examination for original appointment to a position have received the same ~~total~~ final examination score, ~~or are placed in the same score band,~~ such tie or ties shall be broken randomly.

B. Promotional Examinations.

In all promotional examinations given under the provisions of these Rules, the ~~applicant~~ candidate with the greatest seniority in rank shall have priority in the case of a tie in final examination scores ~~or placement in the same score band~~. Should two or more ~~applicants~~ candidates with the same score ~~or in the same score band~~ have the same seniority in rank, the person with the greatest seniority in service shall have priority.

¹² This subsection incorporates provisions from current Section 8, *Expiration of Eligible Register*, with updates.

¹³ This section incorporates current Section 2, with updates.

Should ~~applicants~~ candidates have the same date of appointment, the person who ranked highest ~~on the eligible list~~ based on final examination score for original appointment shall have priority.

¹⁴ ~~Section 3. Reserved.~~

 ¹⁵ ~~Section 45.~~ On Notice of Change of Address or Phone Number.

~~An Applicants~~ applicant or candidate whose names ~~are~~ is placed on an examination list and/or eligible register shall immediately notify the Commission in writing of any change of address or phone number. Failure to do so may result in disqualification from the examination and/or certification process.

 ¹⁶ ~~Section 56.~~ Can Be Placement on More Than One Eligible Register.


~~An Applicants~~ applicant or candidate may submit to any examination for which he/she is eligible and his/her name may be placed on more than one eligible register. ~~In no event may any member of the classified service take the examination for any rank which he or she currently holds in a probationary or permanent status.~~

 ¹⁷ ~~Section 6. May Accept Emergency Appointment.~~

~~Any applicant may accept an emergency appointment without losing an acquired position on any eligible register.~~

 ¹⁸ ~~Section 7. Removal of Names from an Eligible Register.~~

A. The Names name of an applicant or candidates may be removed/stricken from an eligible register for original or promotional appointment, respectively, for any of the following reasons:

 ¹⁹ 1. When, due to a temporary circumstance, or due to becoming temporarily incapable of performing the duties of the position, an applicant or candidate:

¹⁴ This reserved section is being deleted.

¹⁵ The proposed revision incorporates current Section 4 with updates to cover phone numbers and the possible penalty of disqualification for failure to notify the Commission of changes.

¹⁶ Incorporates the provisions of current Section 5 with updates to language. Eliminates some language as redundant to provisions of Rule 5.

¹⁷ Current Section 6 is deleted. The corresponding Charter provision allowing emergency appointments was repealed.

¹⁸ Current Section 7 has been revised to include two subsections. The first, (A), covers the permissive removal of names from an eligible register. The second, (B), covers mandatory removal of names from an eligible register.

¹⁹ A new specific procedure is established to cover situations wherein an individual may be only temporarily unable to accept certification for appointment or appointment.

- a. Provides notice that he/she is unavailable for certification or for appointment; or
 - b. Following certification for appointment, he/she provides notice of unavailability for appointment or declines appointment to the position for which certified;
- Then, such applicant or candidate shall be notified in writing that any failure to meet the following requirements will result in removal from the eligible register:
- c. No later than fifteen (15) calendar days after the date of mailing of the notice, the individual shall file a signed and dated statement with the Commission requesting that his/her name be retained on the eligible register.
 - d. The statement shall specify, with particularity, the reason(s) for unavailability or declining the appointment.
 - e. The statement shall fully describe the temporary nature of the circumstance or condition that was the basis for unavailability or declining the appointment; and shall include any documentation, witness statements, and/or other evidence that the individual would like the Commission to consider in support of the request.
 - f. The statement shall indicate the approximate date when the individual believes that he/she will be available and capable of accepting an appointment.
 - g. Any such request and the supporting evidence must be acceptable to the Commission. In the case of declining an appointment, it must also be acceptable to the Manager of Safety.



²⁰ A2. Any ~~Failure~~ failure to respond to a written notice of offer of ~~employment~~ original or promotional appointment within a minimum of ~~five (5)~~ seven (7) calendar days after notification by the Commission following the date of mailing by the Manager of Safety, or by the department to which the applicant or candidate has been certified, when the notice specifies the deadline and manner for a response.



²¹ L3. Any false, incomplete, misleading or misrepresentative statements or any omissions of fact relevant to a determination of qualifications and/or suitability, on any documents or in any interviews associated with the respective application, registration and/or examination process.





²² C4. For original appointment only, the ~~Inability~~ inability of the Postal Service to deliver mail because of an incorrect mailing address on file and/or an unknown mailing or forwarding location address.


²⁰ The provisions from current Section 7 (A) are updated with more specific provisions.


²¹ The provisions from current Section 7 (L) are updated to correspond with the provisions in other recently updated Rules.

²² The provisions from current Section 7 (C) are incorporated with revisions.

 ²³ **B.** The name of an applicant or candidate shall be removed/stricken from an eligible register for original or promotional appointment, respectively, for any of the following reasons:


 ²⁴ **B1.** Declining an appointment without reasons ~~satisfactory~~ acceptable to the Commission and the Manager of Safety as provided in Section 7(A)(1) above.


 ²⁵ **E2.** ~~Applicant's conviction of a crime as in Rule III, Section 1, or obtaining~~ Obtaining the applicant's or candidate's position on the register by fraud, deceit, or misrepresentation.

 ²⁶ **F3.** Information becomes available of such a nature ~~which~~ that had it been known prior to placing the name of applicant or candidate on an eligible register, it would have resulted in the exclusion/disqualification of ~~an applicant~~ the individual from further participation in the hiring or promotion process.

 ²⁷ **H4.** Upon written request of the applicant or candidate.

And, for original appointment only:

 ²⁸ **J5.** Evidence is presented to the Commission, ~~Prior~~ prior to the applicant's ~~initial~~ original appointment to the classified service, ~~evidence is presented to the Commission~~ indicating that the applicant does not meet the qualifications for application set forth in ~~C5.61, Charter § 9.4.1 or the qualifications for application~~ and original appointment set forth in Commission Rule 3, to include any ~~K. If the applicant no longer meets the qualifications for original appointment in the classified service. D. Applicant becoming incapable of necessary to performing~~ the duties essential functions of the position.

 ²⁹ **I6.** Rejection of the applicant by the Manager of Safety, after certification for original appointment, for reasons sufficient to satisfy the Commission that the applicant is not qualified.

²³ Several provisions from current Section 7 that were previously permissive reasons for removal are revised and updated to become mandatory reasons for removal of names from an eligible register.

²⁴ Incorporates the provisions of current Section 7 (B) with revisions to become a mandatory basis for removal.

²⁵ Incorporates the provisions of current Section 7 (E) with revisions to become a mandatory basis for removal.

²⁶ Incorporates the provisions of current Section 7 (F) with revisions to become a mandatory basis for removal.


²⁷ Incorporates the provisions of current Section 7 (H) with revisions to become a mandatory basis for removal.

²⁸ Incorporates the provisions of current Section 7 (J) (K), and (D) with revisions to become a mandatory basis for removal for original appointment applicants only.

²⁹ Incorporates the provisions of current Section 7 (I) with revisions to become a mandatory basis for removal.

 ³⁰ ~~G. Failure to meet the medical requirements.~~

 ³¹ 7. The applicant has been passed over for original appointment by the Manager of Safety on two separate occasions following certification.

 ³² 8. The applicant has not received original appointment from an ongoing eligible register within 24 months of the date of approval by the Commission for entry of his/her name on the eligible register.

 ³³ **C. Notice Required:**

Upon removal of an applicant's or candidate's name from an eligible register for any of the foregoing ~~causes~~reasons as provided in Sections 7 (A) or (B) above, except for Section 7 (B)(8), the Commission shall notify ~~such applicant of such fact. The Commission may, prior to removing an applicant's name from the register and upon its own initiative, invite an applicant to appear before the Commission.~~the individual in writing of the removal of his/her name and the reasons(s) for removal.

 ³⁴ **~~Section 8. Expiration of Eligible Register.~~**

~~A new eligible register for a particular position may be established at any time after the first year of life of an existing eligible register, through the examination process. In the event that a new eligible register is established at any time after the first year, the previous eligible register becomes void. All eligible registers that are not replaced (by a new eligible register established through the examination process) automatically expire at the end of the second year of their existence. In accordance with C5.64 of the Charter, an official Commission vote is not required to extend the life of an eligible register into the second year in the event that a new examination is not given.~~

³⁰ This provision is deleted as being redundant to proposed Section 7 (B)(5).

³¹ New provisions added for administrative purposes to eliminate continuing re-certification of individuals already deemed by the Manager of Safety to be not the best qualified or best suitable for appointment.

³² New provisions added for administrative purposes. It is felt that any applicant not appointed within 24 months should retest for the position and be re-screened. See also Section 2 (F).

³³ Incorporates existing language of this Section 7, with updates and revisions.

³⁴ Deleted provisions are moved and incorporated into Section 2 (H) and Section 3 (C), with revisions.