

RESOLUTION NO. 62-17

A RESOLUTION APPROVING AMENDMENTS TO THE RULES OF THE COLORADO SPRINGS CIVIL SERVICE COMMISSION FOR THE MUNICIPAL POLICE AND FIRE DEPARTMENTS

WHEREAS, City Charter, Art. XIV, § 14-10 establishes a Civil Service Commission and City Charter, Art. XIV, § 14-20 empowers the Civil Service Commission, with the approval of City Council, to make such rules and regulations for the proper conduct of its business as it shall find necessary or expedient;


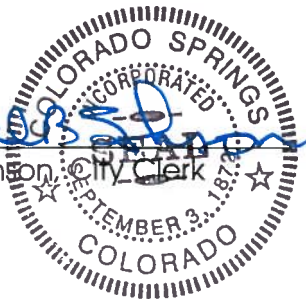
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. That the amendments to Rules 1.1, 1.2, 1.3, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.2, 3.4, 3.5, 4.1, 4.4, 4.5, 5.1, 5.4, 6.4, 6.5, 7.1, 7.2, 7.4, 7.5, 7.6, 8.1, 8.5, 8.6, 8.8, 10.1, 11.4, 11.5, and 11.6 of the Rules of the Colorado Springs Civil Service Commission for the Municipal Police and Fire Departments, approved by the Civil Service Commission on May 2, 2017 and attached hereto as Exhibit A and B are hereby approved.

DATED at Colorado Springs, Colorado, this 13<sup>th</sup> day of June 2017.

  
\_\_\_\_\_  
Council President

ATTEST:

  
Sarah B. Johnson, City Clerk  


Rules of the  
Colorado Springs  
Civil Service Commission  
for the  
Municipal Police  
and  
Fire Departments



March-2015May 2017

EXHIBIT A

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# RULE 1

## ORGANIZATION AND BASIC POWERS OF THE CIVIL SERVICE COMMISSION

### ***1.1 Appointment of Commission (1979, 2017)***

The Civil Service Commission consists of five (5) members who shall serve without compensation. The City Council shall appoint two (2) members to said Commission to serve for one (1) year, another two (2) members to said Commission to serve for two (2) years, and one (1) member to serve for three (3) years. Thereafter, as the initial terms of such appointments expire, Council shall appoint members whose terms shall be for a period of three (3) years. Members of the Civil Service Commission shall be allowed to be appointed for a second consecutive three-year term, but none thereafter. If a vacancy shall occur in the Commission, it shall be filled by appointment by the Council for the unexpired term. **At the discretion of the City Council, unexpired terms of less than eighteen (18) months may not be included in calculation of the maximum six-year service term.**

### ***1.2 Organization (2017)***

The Commission shall choose from its own membership a Chairman, who shall serve at the Commission's pleasure, and who, subject to the direction of the Commission, shall have such general authority and responsibility in the administration of these Rules as shall not be inconsistent with the powers reserved to the Commission by Article XIV~~III~~ of the Charter, or by these Rules, or vested directly in some other office.

### ***1.3 Office Facilities and Payment of Expenses (2014, 2017)***

The Mayor shall provide a suitable and properly furnished meeting place for the Civil Service Commission. An estimate of the anticipated expense of the Commission for the ensuing fiscal year shall be prepared by the Commission and presented to the Mayor at the appropriate time for inclusion in the Mayor's annual budgetary request. The Controller shall, from time to time, pay the **reasonable and appropriate** expenses of the Commission.

### ***1.4 Reports to City Council and the Mayor (2014)***

The Commission shall in January of each year make an annual report to the Mayor and City Council showing its own actions, the number of examinations held, the number of persons placed on employment lists, and other like information; and setting forth any suggestions it may approve for the more effectual enforcement and carrying out of the principles of sound personnel administration. Special reports shall be submitted as requested by the Mayor or City Council.

### ***1.5 Secretary to Commission (2015, 2017)***

The ~~Director of~~ Chief Human Resources Officer or such other person as the Commission shall designate shall serve as Secretary to the Commission. The Secretary shall administer the provisions of the Civil Service Rules under the direction of the Civil Service Commission and perform, as Secretary, such other duties as these Rules or the Commission may assign.

### ***1.6 Authority to Make Investigations***

The Commission shall have authority to make investigations, either sitting as a body or through a single Commissioner appointed by the Commission for that purpose, concerning all matters touching the enforcement and effect of the Civil Service provisions of the Charter and of these Rules.

## RULE 2 POLICE AND FIRE CLASSIFICATION PLAN

### ***2.1 Division of Service (1999, 2015, 2017)***

All salaried positions of the Police and Fire Departments of the City are divided into the **Celassified Civil Service** and the **Uunclassified Civil Sservices**. The **Uunclassified Civil Sservice** shall include the positions of Chief of Police, and Deputy Chiefs (Police), Chief of Fire and Deputy Chiefs (Fire), **as well as all Non-Permanent Classifications (which includes Police Officer Recruit and Firefighter Trainee; and Police Officer 4th Class, Firefighter 4th Class, and any lateral hire personnel during any probationary period established under Rule 7). With the exception of the Chief of Police, Deputy Chiefs (Police), Chief of Fire and Deputy Chiefs (Fire), and the Non-Permanent Classifications,** ~~the~~ **Celassified Civil Sservice** shall include all other positions of the Fire and Police Departments of the City service which are eligible for participation in the Police and Fire pension funds.

### ***2.2 Classification of Positions (2017)***

The Secretary shall ascertain the duties, authority, and responsibilities, of all positions in the **Celassified Civil Sservice and the Non-Permanent Classifications**. After consultation with departmental officials, the Secretary shall recommend to the Civil Service Commission a plan of position classification **for both the Classified Civil Service and the Non-Permanent Classifications** which shall group all positions ~~in the classified service~~ in classes based on their duties, responsibilities, and work requirements. The classification **plan** shall set forth for each class of positions a class title, a statement of duties, authority, and responsibilities thereof, and the qualifications that are necessary for the satisfactory performance of the duties of the class.

### ***2.3 Adoption of the Classification (2017)***

The Civil Service Commission shall, after hearing suggestions and recommendations which Department Heads, supervisors, employees, and other interested persons may present, approve and forward the plan of classification **of positions** and the allocation of positions thereto to the Secretary for inclusion in the **c**Citywide position classification plan.

### ***2.4 Interpretation of Class Specifications (2017)***

The Secretary shall prepare specifications for each class of positions **in the Classified Civil Service and the Non-Permanent Classifications**. Specifications will be interpreted in their entirety and in relation to **others positions** in the classification plan. Particular phrases or examples will not be isolated and treated as full definitions of a class. Specifications shall be deemed only as descriptive and explanatory of the kind of work required, in positions in the several classes, but not necessarily inclusive of all duties to be performed.

### ***2.5 Administration of Plan (2017)***

Revisions of class specifications, reallocations within the approved classifications, abolition of classes, the establishment of new classes and other changes, will be recommended by the Department Head as often as necessary in order that the classification **plan** will reflect current work situations **for both the Classified Civil Service and the Non-Permanent Classifications**.

### ***2.6 Use of Class Titles***

The class title set forth in the classification plan shall be used to designate positions in all official records, vouchers, payrolls and other communications. No person shall be appointed to or employed in a position under a class title which has not been approved by the Commission and included in the citywide classification plan.

## RULE 3 METHOD OF ESTABLISHING ENTRY LEVEL EMPLOYMENT LISTS

### ***3.1 Announcements of Examinations (1988, 1998, 2003, 2009, 2017)***

All examinations or selection processes for entry level and lateral entry and reserve entry positions in the **Unclassified Civil Service and Non-Permanent Classifications** shall be announced at least two weeks (14 days) in advance by advertisements placed in the news media or in any other manner deemed appropriate by the Commission. The announcement shall specify the title and salary range of the class for which the examination is announced; the weights given each part of selection procedure; the required qualifications; the duration of the employment list or, if applicable, the period that test scores will remain valid; the time, place, and manner of making applications; and the closing date, if applicable, for receiving applications.

### ***3.2 Application Forms (1989, 2003, 2015, 2017)***

Applications shall be made in a manner approved by the Commission. Such applications may require information covering **minimum** age, citizenship, residence, military service, training, experience, education, references, or other pertinent information. As a condition of appointment, candidates shall be required to submit proof **that they meet the minimum of their age requirement**, educational level completed, legal right to work within the United States, and military service. All applications must be signed by the person applying. In the case of continuous testing, an application shall be rejected if the applicant's test scores are **no longer still** valid.

### ***3.3 Disqualification (1982, 1990, 1998, 2009, 2015)***

The Police and Fire Department shall reject an application which indicates that the candidate does not meet the established minimum qualifications for the position. Applicants for Police Officer or Recruit shall be disqualified if they have been convicted of a felony or a crime involving moral turpitude. Candidates may also be rejected if they have made any false statements of any material fact; or practices, or attempts to practice any deception or fraud in their application for employment.

At any time after an application is submitted and prior to an offer of employment, a background investigation will be conducted of the applicant. Such investigation may include a polygraph examination. Any portion of the investigation that involves a medical examination and/or is likely to elicit information about a disability must be conducted after a conditional offer of employment is made. The results of this investigation may constitute grounds for disqualification by the Fire/Police Chief or Designee, respectively. Grounds for disqualification may include, but are not limited to: conviction of a crime; admission by the candidate of conduct of a criminal nature, whether or not resulting in a conviction, or other wrongful acts of a serious nature; use or sale of controlled substances; excessive use of alcohol; other evidence of bad character or irresponsible conduct of such a nature that in all likelihood would render the candidate unfit for employment in the Uniformed Police or Fire Service. If at any time during the course of the background investigation, information is discovered that disqualifies the applicant, the department may disqualify the applicant at that time without completing the investigation. The department is responsible for informing the applicants in writing that they have not been selected for appointment.

### **3.4 Competitive Examinations For Entry Level Positions (1989, 1994, 1998, 2000, 2017)**

In an effort to obtain the best possible individuals to fill the City's need for ~~classified~~ employees in **the Classified Civil Service and Non-Permanent Classifications**, all appointments to entry level positions shall be made in accordance with a valid selection procedure consisting of open-competitive examinations.

Under the direction of the Civil Service Commission, such examinations shall be prepared by the Secretary with technical assistance from Department Heads and consultant(s). Open-competitive examination plans shall be approved by the Civil Service Commission.

Examinations shall be based upon job analysis and shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the classes for which the examinations are held. Examination plans shall include, as a minimum, two components. A component is defined in terms of the job analysis and examination plan not in terms of the instrument or medium used to assess the critical knowledge, skill, ability or task competency. A component is further defined as a test element or procedure that assesses one or more important knowledge, skill, ability or task competency not assessed by any other component of the examination plan. Competitive examinations shall be open to all candidates who meet the qualifications fixed by the Secretary with approval of the Commission with regard to age, experience, education, physical condition, residence, and such other factors as may be related to the ability of the candidate to perform successfully the duties of the position.

The Commission shall control all examinations and may designate persons, either in or not in the service of the City, to act as examiners or assistants in examinations. If the persons so designated are in the City service, it shall be part of their official duty, without extra compensation, to conduct such examinations as the Commission may direct, and make return, and report thereof to the Commission. The Commission may, at any time, substitute any person in place of another designated as examiner or assistant. The Civil Service Commissioners may themselves act as examiners.

### **3.5 Physical and Medical Requirements (2017)**

All candidates for positions in the ~~Celassified~~ **Civil Sservice and Non-Permanent Classifications** are required to meet such physical and medical standards as may be required by regulations of the Commission. Physical tests and medical examinations shall be given by qualified examiners. The examiners shall report in writing those candidates who pass the minimum standards and those who fail to meet the minimum standards. Candidates who fail to meet minimum physical and medical standards shall be disqualified from further examination and shall not be eligible for appointment.

### **3.6 Method of Rating (1989)**

Professional measurement techniques and procedures shall be used in rating the results of examinations and determining the relative ranking of the candidates. In all examinations, the minimum score necessary to achieve eligibility shall be established by the Secretary and the Department Head, and approved by the Commission in accordance with established norms for that specific examination. The Secretary and the Department Head may employ the services of an outside consultant.

Candidates may be required to attain at least the minimum score on each part of the selection procedure in order to be eligible to take the next part. The final earned ranking of the candidates shall be determined by computing their score on each part of the selection procedure in accordance with the weights established for each part.



### **3.7 Rating, Training, Experience, Character, and Fitness (1989)**

Where a rating of experience and training are a part of the examination, the Commission shall develop such procedures as necessary for the evaluation of these factors that will serve to assist in the selection of the best qualified candidates. These procedures shall give due regard to the quality, recency and amount of experience, and to the pertinency and amount of training. The Secretary or the Department Head shall verify statements contained in the candidate's application and secure further information concerning character and fitness.

If, after an employment list is established, information which materially affects the rating of experience, training, character, or fitness of the candidate is received, the Secretary shall make a new rating of the candidate's examination and make the necessary adjustments in the lists. The Secretary shall promptly notify the candidate of any change made in the candidate's standing and the reasons therefore.

### **3.8 Veteran's Preference**

Preference shall be accorded veterans who are eligible for appointment to the extent required by the Constitution or Laws of the State of Colorado. No preference shall be accorded candidates unless they have successfully met the minimum requirements for appointment.

### **3.9 Notification of Examination Results (2012)**

Candidates who take an examination shall be given written notice as to whether they passed or failed the examination, or of their failure to attain a place on the employment list.

### **3.10 Lateral Entry Selection (1998, 2009)**

Under the direction of the Civil Service Commission, the Police and/or Fire Department may establish a separate lateral entry selection process for Police Officers or Firefighters from other jurisdictions.

## **RULE 4**

### **METHOD OF ESTABLISHING PROMOTIONAL EMPLOYMENT LISTS**

#### ***4.1 Announcement of Examinations (1988, 2017)***

All examinations for promotional positions within the ~~classified-service~~ **Classified Civil Service** shall be announced at least thirty (30) days in advance by placing announcements on all official bulletin boards within the Department, and in such other places as deemed appropriate by the Commission. The announcement shall specify: the title and the salary range of the class for which the examination is announced, the required qualifications, a list of subject matter to be covered on the examination (the list shall be inclusive of all subject matter to be included in the exam, however, not every listed subject need be covered on the exam), the method used to establish the minimum rating necessary to take the subsequent parts of the selection procedure, and the weight attributed to each part of the selection procedure.

##### **A. Reading List**

The reading list from which the written examination was developed shall be published in advance of the exam in accordance with a schedule approved by the Commission.

#### ***4.2 Application Forms (1989, 2015)***

Application shall be made in a manner approved by the Commission. Such forms may contain information covering length of service, education, in-service training, duty assignments, and other pertinent information as requested. All applications must be signed by the person applying.

#### ***4.3 Disqualification (2015)***

The Civil Service Commission may reject any application which indicates on its face that the candidate does not possess the established minimum qualifications required for the position. Applications may also be rejected if the candidates are: physically unfit to perform the duties of the position to which they seek appointment, make any false statement of any material fact, practice or attempt to practice any deception or fraud in their application, or fail to meet such other requirements as may be established by the Commission. Candidates may learn of the reason for their disqualification from the Department during business hours.

#### ***4.4 Competitive Examinations (1983, 1989, 1994, 2017)***

All appointments to promotional positions within the ~~Ce~~lassified ~~S~~ervice shall be made in accordance with a valid selection procedure comprised of open-competitive examinations designed specifically for the classes for which the examinations are held.

Under the direction of the Civil Service Commission, such examinations shall be prepared by the Secretary with technical assistance from Department Heads and consultant(s). Open-competitive examination plans shall be approved by the Civil Service Commission.

Examinations shall be based upon job analysis and shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the classes for which the examinations are held. Examination plans shall include, as a minimum, two components. A component is defined in terms of the job analysis and examination plan not in terms of the instrument or medium used to assess the critical knowledge, skill, ability or task competency. A component is further defined as a test element or procedure that assesses one or more important knowledge, skill, ability or task competency not assessed by any other component of the examination plan. In addition, promotional

examinations may, at the discretion of the Commission, take into consideration the individual's job performance (measured by the individual's performance ratings), or length of service (seniority), or both.

Competitive promotional examinations shall be open to all classified employees **within the Classified Civil Service** who meet the established qualifications and who are serving in an appropriate class as determined by the Commission.

The Commission shall control all examinations and may designate persons, either in or not in the service of the City, to act as examiners or assistants in examinations. If the persons so designated are in the City service, it shall be part of their official duty, without extra compensation, to conduct such examinations as the Commission may direct, and make return, and report thereof to the Commission. The Commission may, at any time, substitute any person in place of another designated as examiner or assistant. The Civil Service Commissioners may themselves act as examiners.

#### ***4.5 Physical and Medical Requirements (2017)***

All candidates for promotional positions in the **Classified Civil Service** are required to meet such physical and medical standards as may be required by regulations of the Commission. Physical tests and medical examinations shall be given by qualified examiners. Candidates who fail to meet the minimum physical and medical standards shall be disqualified from further consideration for the positions which they are seeking.

#### ***4.6 Method of Rating (1983, 2015)***

Professional measurement techniques and procedures shall be used in rating the results of examinations and determining the relative ranking of the candidates. In all examinations, the Commission shall determine the need for a cutoff score, and where applicable, shall determine the cutoff score necessary for the candidate to successfully pass any given part of the selection procedure.

##### **A. Written Examination (1988, 2015)**

Where written examinations are used, determination of eligibility to take the next part of the selection procedure shall be in accordance with the methodology approved by the Civil Service Commission on an examination-by-examination basis.

##### **B. Practical Tests (1989, 2015)**

Where practical tests are used as part of the selection procedure, a member of the Department may act as an independent timekeeper or judge to ascertain that all candidates are rated in a fair and impartial manner.

##### **C. Oral Examinations (2015)**

Where oral board examinations are part of the selection procedure, the Board shall be made up of such qualified individuals and may include Commission Members, as deemed necessary by the Commission to rate the qualifications of the candidates to perform the duties of the class for which the exam is held. Before rating each candidate, the oral board member may ask for and receive each candidate's application/resume and personnel file.

The final earned ranking of the candidates shall be determined by totaling their score on each part of the selection procedure in accordance with the weights established for each part before the date of the examination and announced in the notice of the examination.

#### ***4.7 Rating, Training, Experience, Character, and Fitness (1989)***

Where a rating of experience and training are a part of the examinations, the Commission shall develop such procedures as necessary for the evaluation of these factors that will serve to assist in the selection of the best qualified candidates. These procedures shall give due regard to the quality, recency and amount of experience, and to the pertinency and amount of training. The Secretary or the Department

Head may verify statements contained in the candidate's application and secure further information concerning character and fitness.

#### **4.8 *Veteran's Preference***

No veteran's preference shall be accorded to any person on any promotional examination.

#### **4.9 *Notification of Examination Results (1989, 2012)***

Candidates who take an examination shall be notified as to whether they pass or fail the examination, or of their failure to attain a place on the promotion list. After being notified of the written test results, candidates shall be entitled to review written test materials in accordance with the respective department guidelines and any legal requirements.

## **RULE 5 EMPLOYMENT LISTS**

### **5.1 Establishment of Promotional and Entry Level and Lateral Entry Employment Lists (1998, 2009, 2017)**

The Commission shall establish and maintain employment lists for the various classes of positions, as it deems necessary or desirable ~~to meet the needs of the classified service~~. On each list, the candidates shall be ranked in order of their ratings earned in the selection procedure used for the purpose of establishing such lists. In the case of ties in the final earned ratings, names shall be placed on the list in the order of the ratings earned on the part of the selection procedure given the greatest weight.

### **5.2 Availability of Candidates (2015)**

It shall be the responsibility of candidates (those persons on promotional or entry level lists) to notify the Department in writing of any change of address or other change affecting their availability for employment. However, the Department may circulate lists or use other methods to determine at any time the availability of candidates. Whenever candidates submit a written statement restricting the conditions under which they will be available for employment, that name may be withheld from all certifications which does not meet the conditions specified. Candidates may file a new written statement at any time within the duration of an employment list modifying any prior statement as to conditions under which they will be available for employment.

### **5.3 Duration of Lists or Test Scores (2003, 2009, 2014)**

A. For examination processes other than continuous testing, the time during which a list shall remain in force shall be as follows:

1). Employment Lists for Entry Level and Lateral Entry (1988, 1998, 2009, 2014)

An entry level and a lateral entry employment list, except as otherwise provided herein, shall be in force for a minimum of six (6) months from the date of which it was originally established by the Commission and the total period during which the list is in force shall not exceed two (2) years from the date it was originally established. The Commission may approve a one-time extension of a list not to exceed an additional two years.

2). Promotional Employment Lists (1983, 1992, 2008, 2014)

Promotional employment lists for Police Commanders shall be in force for a minimum of one (1) year from the date on which they were originally established by the Commission and shall not exceed two (2) years. All other promotional lists, except as otherwise provided herein, shall be in force for two (2) years from the date they were originally established by the Commission. The promotional employment lists may not be extended beyond the date originally established by the Commission. In the event that a promotional employment list is exhausted of all candidates before its scheduled expiration date, the Commission may call for a new list to be established. Employment lists will be retained by the Secretary for one (1) year after the date of their expiration. The Commission shall have the power to terminate any employment list prior to its expiration date, when it is deemed necessary and proper, and to call for a new list to be established. An order terminating a list prior to its expiration date shall be in writing from the Commission and shall be posted on all official bulletin boards of the affected department.

B. Continuous Testing Examination Process for Entry Level and Lateral Entry (2009)

An employment list will be maintained for the continuous testing process but is not subject to the timelines described in subsection A, above. For the examination process involving continuous testing, the time during which a candidate's score will remain valid on the employment list shall be twelve (12) months.

C. Continuous Testing Examination Process for Promotional Firefighter Paramedic (2014)

A promotional employment list for Firefighter Paramedic may, at the discretion of the Department, be maintained for the continuous testing process but is not subject to the timelines described in subsection A above. For the examination process involving continuous testing, the time during which a candidate's score will remain valid on the employment list shall be twelve (12) months. Once a passing score is established, candidates may not retest within the twelve (12) months of their scores being valid.

**5.4 Reemployment Lists (2000, 2009, 2017)**

Employees separated from the service due to a layoff may at their request be placed on a layoff reemployment list by filing a written request at the time of separation with the Police/Fire Chief and Secretary to the Civil Service Commission. The relative ranking of individuals on the list shall be determined in inverse order of layoff by appropriate rank as determined in Rule 10.1. Such individuals, when reinstated from layoff, shall retain the rank held when separated.

Regular employees who resign their positions may request to be placed on a resignation reemployment list by filing a written request, at the time of separation with the Police/Fire Chief and Secretary to the Civil Service Commission. It is within the sole discretion of the Police/Fire Chief as to whether he/she will grant the employee's request. If the Police/Fire Chief grants the employee's request, his or her name will remain on a resignation reemployment list for a period of three (3) years from the effective date of such resignation. This list shall be maintained separately from the reemployment list for individuals separated due to a layoff. The Police/Fire Chief will have sole discretion to determine who will be hired from the resignation reemployment list. Such individuals, when reinstated, shall retain the rank held at the time of resignation, except that in no case shall an individual be reinstated at a rank higher than Police Officer I or Firefighter I.

The City will comply with any state and federal requirements concerning leave-of-absence and job reentry.

Any employee selected under section 5.4 must be able to perform the duties of the position upon rehire, and meet minimum qualifications for that rank. ~~If the time period from the date of layoff to the date of rehire is less than six months, the individual and must successfully pass background screening in accordance with the Department's procedures. If the time period from the date of layoff to the date of rehire is greater than six months, the candidate must successfully pass background testing in accordance with the department's procedures.~~

## **RULE 6 METHOD OF FILLING VACANCIES**

### **6.1 Employee Requisitions**

When a vacancy occurs and the Department Head deems it necessary to fill the vacancy, the Department Head shall submit a requisition in the manner prescribed by the Commission providing the pertinent facts relative to the duties, responsibilities, and qualifications of the position which is to be filled. If a list of candidates is available, certification will be made in the manner prescribed.

### **6.2 Certification of Candidates (1983, 1998, 2009)**

The name certified to the Police/Fire Chief for appointment shall be selected from the proper employment list in a manner prescribed by the Civil Service Commission. If more than one vacancy exists, the Police/Fire Chief shall certify the number of candidates equal to the number of vacancies. Where the vacancy is in an entry-level position, the layoff reemployment list will have priority in filling vacancies. After this list has been exhausted, the Police/Fire Chief may, in no particular order, use the entry level, lateral level or resignation employment list to fill remaining vacancies, unless a different order is indicated by the Police/Fire Chief and approved by the Commission.

Where the vacancy is in promoted rank, the appropriate layoff reemployment list will have priority in filling vacancies. After this list has been exhausted, the appropriate promotional employment list shall be used to fill the vacancy.

If special skills and attributes are specified by the Police/Fire Chief in the requisition, and the Commission after investigation determines that the facts and reasons specified are conclusive as to the need for the special requirements for effective performance of the duties of the position, certification may be limited to a person or persons on the appropriate list who meet such requirements.

### **6.3 Appointment (2009)**

The Police/Fire Chief shall make the appointments of those individuals certified. The person or persons appointed shall be notified of the time and place that they are to report for duty.

### **6.4 Temporary Appointments (2010, 2011, 2015, 2017)**

A. When the Police/Fire Chief finds it essential to fill a vacant position and no employment list exists or there is no candidate on the appropriate list that is willing to accept the appointment, the Police/Fire Chief may fill the vacancy by means of a temporary appointment. A temporary appointment shall expire when an employment list has been prepared, or shall expire automatically six (6) months from the date of such appointment; except that the Commission may, where circumstances necessitate, approve the extension of a temporary appointment up to a maximum of twelve (12) months. Any period of employment under a temporary appointment shall not be counted as part of the probationary service period in case of a subsequent appointment to a permanent position. Temporary appointments shall be reported to the Secretary.

B. When the Police/Fire Chief determines the need for a Deputy Chief (Police and Fire), the Chief will have the authority to fill that position with candidates from the Rank/Title of Commander (Police)/Battalion Chief (Fire). It is within the sole discretion of the Chief as to how long the Commander/Battalion Chief will remain in the temporary position of Deputy Chief.

1. Since the Commander/Battalion Chief is only filling a temporary position, any decision of the Chief to return the employee to his **or her** regular assignment/position of Commander/Battalion Chief is not subject to appeal.

2. Any person occupying the temporary position of Deputy Chief will maintain all other rights that he or she is entitled to as a Commander/Battalion Chief under the Civil Service Rules including appeal rights set forth in Rule 8 and 9.

### ***6.5 Emergency Appointments (2009, 2017)***

When an emergency makes it impossible to fill a position in the **Celassified Civil Sservice or Non-Permanent Classifications**, the Police/Fire Chief may appoint any qualified person to such position in order to prevent stoppage of public business, or loss, or serious inconvenience to the public. Any such person shall be employed only during such emergency and for a period not exceeding thirty (30) days in any twelve (12) month period. A vacancy of which the Police/Fire Chief has had reasonable notice or any employment condition of which the Manager had, or might with due diligence have had previous knowledge, shall not be considered an emergency under this section. Emergency appointments shall be reported immediately to the Secretary.



## RULE 7 PROBATIONARY PERIOD

### **7.1 Objective/At-Will Employment (2017)**

The probationary period shall be regarded as an integral part of the selection process and shall be utilized by the Department Head for closely observing the employee's work ~~and, for securing the most effective adjustment of new or promoted employees to their position, and for rejecting any employee whose performance does not meet the required standards of performance.~~

**Except as provided by Rule 7.6 with regard to appointment from a promotional list, employment during a probationary period is at-will and the City may end the employment relationship of probationary employees at any time, without notice and without cause.**

### **7.2 Duration (1990, 1994, 2015, 2017)**

The established probationary period ~~is~~ for all appointments and promotions shall be one (1) year in length except as follows:

#### **A. Probationary Period for Recruit and Trainee Classifications (2017)**

The length of the probationary period for entry-level classifications such as Police Officer Recruit, or Firefighter ~~Recruit~~ **Trainee Recruit** and **lateral hire personnel** ~~promotional classifications such as Paramedic-Trainee~~ shall be based upon the amount of time that is necessary to complete any federal/state/local academy, training, and/or certification requirements.

Upon successful completion of such requirements, the ~~Police Officer Recruit~~ shall be appointed, or the ~~Firefighter Trainee~~ shall be promoted to the classification for which the recruit or trainee position was established. The probationary period for either the appointment, ~~or the promotion, or lateral hire placement following completion of any federal/state/local academy, training, and/or certification requirements~~ shall be at least one (1) year.

#### **B. Extension of Probationary Period (1998, 2009, 2015, 2017)**

The Department Head may approve an extension of the probationary period; however, the maximum length of probationary period **unless there is an interruption**, including any extensions, shall not exceed 18 months in length ~~in any particular position classification.~~

#### **C. Interruption of Probationary Period (2017)**

A probationary period interrupted for more than **thirty (30)** calendar days by a medical, injury, or military leave-of-absence, or a light/limited duty assignment shall be **stayed and the balance of the probationary period to include the time of absence from full duty shall be** completed upon the employee's return.

### **7.3 (removed 2015)**

### **7.4 Dismissal (1999, 2015, 2017)**

**Except as otherwise provided by Rule 7.6 with regard to appointment from a promotional list, a**At any time during the probationary period, the Police/Fire Chief, ~~with~~ **upon** notice to the Secretary, may discharge an employee **with or without notice or cause** ~~if, in the Police/Fire Chief's opinion, the employee is unable or unwilling to satisfactorily perform the duties of the position held, or that the habits and dependability do not merit continuance in the position.~~

An employee who is dismissed during the probationary period shall have no right of appeal of the dismissal **except as otherwise provided by Rule 7.6.** ~~An employee who is fined or suspended during the probationary period shall have such rights of appeal as are provided by Rules VIII and IX.~~

**7.5 Probationary Period Reports (2017)**

At least ten (10) days before the expiration of an employee's probationary period, the Department Head shall notify the Secretary in writing whether, ~~based on general observations and the service rating, the services of the employee have been satisfactory and will recommend the~~ continuance of the employee in the position **is recommended**.

**7.6 Restoration of Dismissed Employee Appointed from Promotional List (1977, 2017)**

An employee appointed from a promotional list who does not successfully complete his or her probationary period for the newly appointed position, shall be reinstated in a position in the class occupied by the employee immediately before the promotion. Such employee shall have no right of appeal for failure to successfully complete the probationary period, but shall have such rights of appeal for fines or suspension, during such probationary period, as are provided by Rules VIII and IX.

**7.7 Moved to Rule 7.4 (2015)**

## **RULE 8**

### **TERMINATIONS, SUSPENSIONS WITHOUT PAY, REDUCTIONS IN COMPENSATION OR IN GRADE/RANK**

#### ***8.1 Reasons For Suspension Without Pay, Termination, And Reduction In Compensation Or Grade/Rank (1998, 2007, 2017)***

The tenure of every employee in the ~~C~~lassified Civil Service shall be dependent on good behavior and efficient service. Any employee **in the Classified Civil Service** may be suspended, terminated, reduced in compensation or reduced in grade/rank for unsatisfactory job performance, harassment, workplace violence, inefficiency, dishonesty, drunkenness, use of illegal drugs, immoral conduct, insubordination, neglect of duty, or unexcused failure to report for duty; any violations of the provisions of the Charter, City Ordinances, the Civil Service Policy and Procedure manual, the Rules of the Police and Fire Departments, or Rules of the Civil Service Commission; any other failure of good behavior; any other act of misfeasance, malfeasance, or nonfeasance in office; or any other reasonable and just cause. Nothing in this Rule limits the actions that may be taken against a probationary employee as set forth in Rule VII or as otherwise specified in these rules.

#### **DISCIPLINARY ACTION**

#### ***8.2 Suspensions Without Pay (1998; 2004, 2005, 2007)***

A suspension without pay may be imposed for any reason identified in Rule 8.1. For Police personnel, a suspension without pay, not to exceed forty (40) hours, may be imposed by a Police Commander or Division Manager; or any suspension without pay exceeding forty (40) hours may be imposed by the Deputy Police Chief. For Fire Personnel, a suspension without pay, not to exceed forty (40) hours, for Fire staff personnel or seventy-two (72) hours for Fire line personnel may be imposed by a Fire Battalion Chief or Division Manager; or any suspensions without pay exceeding forty (40) hours for Fire staff personnel or seventy-two (72) hours for Fire line personnel may be imposed by a Deputy Fire Chief. Prior to a Commander, Division Manager or Battalion Chief imposing discipline, he or she will consult with his or her Deputy Chief. Written notice of any suspension without pay, as outlined in these rules, will be given to the employee concerned, with a copy to the Police/Fire Chief.

#### ***8.3 Reduction In Compensation, Rank/Grade Or Termination (1998, 2007)***

A reduction in compensation, rank/grade or termination may be imposed by a Deputy Police/Fire Chief for any reason identified in Rule 8.1. Prior to a Deputy Chief imposing discipline, he or she will consult with the Police/Fire Chief.

#### ***8.4 Pretermination Meeting (1998, 2007)***

No employee who has successfully completed probation shall be terminated or reduced in grade/rank or compensation without being afforded a pretermination/deprivation meeting.

##### **A. The Deputy Police/ Fire Chief in the employee's chain of command, or designee, shall conduct the meeting and provide:**

Advance written notice of the meeting;

An explanation of: the charges, the evidence supporting the charges and the proposed action to be taken; and an opportunity for the employee to respond to the charges and the evidence.

**B. The Deputy Police/Fire Chief or designee may conduct further investigation and request additional information from any or all of the parties, and shall consider the evidence supporting the charges and impose termination, reduction in grade/rank or compensation, a lesser form of discipline, or no discipline at all.**

### ***8.5 Notification Of Discipline (1998, 2004, 2007, 2017)***

**After completion of the probationary period, nNo employee shall be suspended without pay, terminated or reduced in rank/grade or compensation, without written notification.**

A written notification stating the specific violation and the discipline imposed shall be served in person to the employee or shall be sent by first class mail to the employee's last known address. A copy of the notification shall also be forwarded to the Secretary of the Commission. Any right to appeal an action is governed by Rule 8.6 and 8.7.

DISCIPLINARY APPEAL

### ***8.6 Probationary Employees (2007, 2017)***

**The rights of aA probationary employee's appointed from a promotional list right to appeal any action is are limited to and governed by Civil Service Rules 7.6 and 7.7. Nothing in Rules VIII and IX givesexpands a probationary employee's a right to appeal.**

### ***8.7 Appeal Of Suspension Without Pay, Reduction In Rank/Grade Or Compensation, Or Termination (1998, 1999, 2004, 2007, 2014)***

**A. Except for appeals governed by Rule 8.7.C, an employee may request that a Deputy Chief not in the employee's chain of command hear the appeal of the action or 2) request that the Board of Rights/Peer Review Panel be impaneled to hear the appeal or 3) appeal to the Police/Fire Chief as set forth in Rule 8.7.B. The make-up of the review panel shall be consistent with Police/Fire policy. Disciplinary action, pending appeal pursuant to this Rule, shall be stayed subject to the limitations set forth in Rule 8.8 E.**

**B. Appeal to the Police or Fire Chief** An employee may appeal the level of discipline imposed to the Police/Fire Chief. This review is solely limited to whether the amount of discipline imposed is appropriate. The employee must admit to the underlying policy violation(s) and the conduct that supported the violation(s). Such appeal will be comprised of a review of the investigatory file, employee's personnel file and oral argument by the employee as to why the imposed discipline should be reduced. The Police Department Commanding Officer of Internal Affairs or Fire Department Human Resources Manager or designee, will be present during the meeting between the Chief and subject employee. At the conclusion of the hearing, the Police/Fire Chief may affirm or decrease the discipline. The Police/Fire Chief's findings will be final, with no right to appeal to the Commission. An employee electing this appeal option will be required to knowingly and voluntarily waive certain rights including appeal to District Court pursuant to C.R.C.P. Rule 106 (a) (4) certiorari review, any rights to bring forward a lawsuit in a court of law based to the Chief's action, any rights set forth in these rules and the City Charter, the right to be represented by counsel, right to discovery, present witnesses, cross examine witness, present evidence, and appeal to the Civil Service Commission (as set forth in Rule IX). Upon the employee electing to appeal to the Chief, he/she must execute a waiver which outlines the rights that the employee must knowingly and voluntarily waive prior to proceeding under this subsection. The employee will be afforded five business days as defined in 8.16 to seek legal counsel and sign the waiver. Failure to timely sign and submit the waiver will result in the employee having to elect an alternate appeal option outlined in Rule 8.7.A. Such election shall occur within one business day of the waiver review period expiring.

**C. Appeals Involving Discrimination, Fitness for Duty, or Minimum Qualifications.** Appeals involving one of the following: 1) sustained complaints of unlawful discrimination, harassment, or

RULE 8

TERMINATIONS, SUSPENSIONS WITHOUT PAY, REDUCTIONS IN COMPENSATION OR IN GRADE/RANK

retaliation; 2) fitness for duty; or 3) failure to meet minimum qualifications of the position. An employee may: 1) request that a Deputy Chief not in the employee's chain of command hear the appeal of the action; or 2) appeal to the Police Chief or Fire Chief as set forth in Rule 8.7.B. Disciplinary action, pending appeal pursuant to this Rule, shall be stayed subject to the limitations set forth in Rule 8.8.E. Appeals involving termination based on a fitness for duty will proceed as set forth in Rule 8.7.D.

**D. Appeals Involving Fitness for Duty** An employee appealing a termination based upon a finding by the Police/Fire Department that the employee is not fit for duty shall have the option to obtain a second medical opinion by a licensed physician selected by the employee at the employee's expense. If the second medical opinion results in a conclusion that the employee is fit for duty, then the Police/Fire Department shall have the option to: 1) accept the second medical opinion; or 2) obtain a third medical opinion from a licensed physician selected by the Police/Fire Department at the Department's expense. If two of the three medical opinions find the employee fit for duty, the employee will be found fit for duty. If two of the three medical opinions find the employee not fit for duty, the employee will be found not fit for duty. An employee found not fit for duty shall have the appeal options set forth in Rule 8.7.C. The procedures for fitness for duty and second and third medical opinions will be determined by Police/Fire policy. The Police/Fire Departments comply with all requirements of the Americans with Disabilities Act.

### ***8.8 Appeal Timetables (1998, 2004, 2007, 2017)***

Appeal Of Discipline An employee who has received a suspension without pay, reduction in rank/grade, compensation or termination may appeal the discipline in accordance with Rule 8.7.

A. Employee's answer/notice of appeal shall be in writing to the Police/Fire Chief within three (3) days from the service on the employee of the written notification of discipline or within seven (7) days from the mailing of the written notification of discipline to the employee. The Police/Fire Chief or designee may, for good cause, grant an extension to the time allowed for filing the answer/notice of appeal. Granting or denying an extension is solely within the Police/Fire Chief's discretion.

B. Failure to timely file an answer/notice of appeal of the discipline within the original three (3) day time frame or extended time frame will constitute a waiver of the employee's right to appeal.

C. Not more than ten (10) days after filing an answer/notice of appeal, all discoverable information contained in the personnel investigation in question shall be made available for inspection by the affected employee. Within five (5) days from the release of this information, the employee shall make available for inspection by the department any discoverable information in the possession of the employee. Both parties shall have a continuing obligation to provide discoverable information after initial disclosure. With the exception of rebuttal evidence, neither party shall be entitled to introduce documents during the hearing if it failed to provide them to the opposing party prior to the start of the hearing.

D. Not more than thirty (30) days following initial release of such information by the department to the employee, an Appeal Hearing of the charges shall be held, unless a continuance is granted. Each party will be entitled to one (1) continuance, not to exceed twenty (20) days, so long as it is requested no later than five (5) days before the hearing. An employee or employer may ask for a second continuance (or first continuance if such request is made within five (5) days of the initial hearing date) so long as there is a showing of good cause as determined by the Review Panel/D.C. or Chief. Upon a showing of good cause, the continuance shall not exceed twenty (20) days. The employee and/or the employee's attorney shall be duly notified of the time and place of such hearing.

E. Any disciplinary action that has been stayed pursuant to Rule 8.7 shall expire at the time the appeal hearing commences or thirty (30) days following the department's initial release of discovery to the employee, whichever comes first. At such time, any loss of pay associated with the disciplinary action shall be implemented.

F. After the appeal hearing, the decision of the Review Panel/D.C. or Chief shall be communicated to the employee in writing, or his or her attorney, with a copy provided to the Police/Fire Chief and **Chief Human Resources Officer**~~Director~~ within ten (10) days after the close of the hearing.

### ***8.9 Administrative Leave Prior To Administrative Hearing (1998, 2004, 2007)***

At the Police/Fire Chief's, or Deputy Chief's, discretion, an employee may be placed on administrative leave with or without pay, if such employee is the subject of an ongoing personnel investigation involving any incident, on or off duty, which either has resulted in or in the opinion of the Police/Fire Chief or Deputy Chief may result in disciplinary action. Unless otherwise specifically stated by the Police/Fire Chief or Deputy Chief such leave shall mean leave from duty but without command or authority. Prior to placing an employee on leave without pay, the employee must be indicted for a felony or the filing of information for the same and the Police/Fire Chief or Deputy Chief must consult with the City Attorney's Office to ensure that the legal requirements have been met.

### ***8.10 Conduct Of Appeal Hearings To Review Panel/Deputy Chief (1998, 1999, 2004, 2007, 2014)***

The employee appealing discipline pursuant to Rule 8.7, shall have the right to counsel of the employee's choice at employee's expense, shall have the right to cross-examine all witnesses, and shall have the right to call witnesses on the employee's behalf. Any witness requested on behalf of the employee who is an employee of the City shall be required to be available to give testimony at the Hearing. If the employee appealing fails to attend the Hearing, the Review Panel/Deputy Chief, shall proceed to hear the evidence and render a decision. A full and complete verbatim record shall be kept of the proceedings before the Review Panel/Deputy Chief.

### ***8.11 Limitations On Reductions (1998, 2007)***

No reduction in grade/rank shall be made as a disciplinary measure, unless the employee to be demoted is eligible for employment in a lower class; and shall not be made if any regular employee in the lower class would be laid off by reason of this action.

### ***8.12 Reports To The Secretary (1998, 2007)***

Within five (5) days from the time of the initial order imposing discipline and/or an order following the appeal process, whichever is later, the Police/Fire Department shall file with the Secretary a copy of the specifications and notice, and the answer or notice of appeal, if any, of the employee.

### ***8.13 Effective Date Of Order (1998, 2007)***

Upon a finding on appeal, all discipline shall take effect when served upon the employee or the employee's attorney, or within seven (7) days from mailing the order of discipline by first class mail to the employee's last known address and/or employee's attorney. Other than termination, the Police/Fire Chief or Deputy Chief may, within his or her sole discretion, stay the discipline pending decision on appeal to the Civil Service Commission. A termination shall not be stayed pending appeal to the Civil Service Commission.

**8.14 Credit For Time Suspended (1998, 2007)**

If an employee receives a suspension without pay and serves all or part thereof, the employee shall be given credit on the order of suspension for the time previously served. If an employee charged with a felony is placed on administrative leave without pay and the employee receives a suspension less than the actual leave without pay, the employee shall be paid the difference between the unpaid leave and the suspension.

**8.15 Accrual Of Benefits During Suspension Without Pay (1998, 2007)**

During any period of suspension without pay under any of these Rules, the employee's benefits of life insurance, medical insurance, and credit for retirement shall remain in full force and effect for the first thirty (30) days or any greater amount of time if permitted by City policy. However, if the suspension without pay extends beyond these time frames, employer benefit contribution will stop on the following day of the unpaid leave period. The benefits of sick leave and vacation time shall not accrue during any period of suspension without pay.

**8.16 Time – Computation (1998, 2007)**

In computing any period of time prescribed or allowed by the Civil Service Rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or a legal holiday; in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday. As used in this Rule, legal holiday shall mean all holidays observed by the City of Colorado Springs.

## **RULE 9 APPEALS TO THE COMMISSION**

### ***9.1 Written Application Required (1999, 2004, 2007, 2009)***

The Commission: 1. shall review terminations and reductions in grade/rank and compensation and they shall have discretionary review relating to suspensions without pay, provided that the person desiring such an appeal was entitled to and has exhausted all appeal rights established in Rule VIII; 2. shall review terminations, reductions in grade/rank, and compensation pursuant to Rule 10.1. For all appeals, an employee shall make application to the Secretary by sworn petition as provided in Section 14-40 of the City Charter. Within ten (10) days after the order from which the appeal is made and served upon the employee and/or the employee's attorney, or within fourteen (14) days from mailing the order, by first class mail, to the employee's last known address and/or the employee's attorney, such application/petition shall be filed.

Upon receipt of the application/petition, the Secretary shall notify the Police/Fire Chief, who shall file with the Commission five (5) copies of the transcript of all evidence taken at the previous Rule VIII appeal hearing or the transcript of all evidence taken at the Rule 10.1 pre-termination meeting, within twenty-five days (25) days from the date of the employee making application to the Secretary, unless the Commission for good cause grants a continuance. Such transcripts shall be certified as true, full, and complete and shall be considered without being offered or introduced in evidence by any party.

In the event the Commission declines to review an order of suspension without pay, the suspension shall, for the purpose of these Rules, be considered final.

### ***9.2 Hearing Procedure (1999, 2004, 2007, 2009)***

If a written and sworn petition and application for review, meeting the requirements of Section 9.1 of this Rule has been filed within the time therein stated, and in cases of suspension without pay which the Commission has elected to review, the Commission shall hold a hearing in accordance with the following regulations:

- A. The Hearing shall be held within twenty (20) days after filing of the transcript with the Commission, unless the Commission for good cause grants a continuance.
- B. The Commission shall notify in writing the employee and/or employee's attorney and the Police/Fire Chief of the time and place of the hearing. Service of notice shall be in person or by first class mail.
- C. The time set for such hearing shall not be less than five (5) days after the serving of such notice or not less than ten (10) days after mailing the notice.
- D. 1. Rule VIII appeals: The employee shall have the right to make oral argument to the Commission, to counsel of the employee's choice at his or her own expense, and to present new and material evidence that was not available at the previous appeal hearing, including the right to call relevant witnesses on the employee's own behalf and to cross-examine all witnesses.

The affected department shall have the right to make oral argument to the Commission, the right to be represented by counsel, the right to cross-examine all witnesses, and the right to present relevant evidence (including the right to call relevant witnesses) to rebut any evidence provided by the employee during the course of the appeal to the Commission.



2. Rule 10.1 appeals: Employee shall have the right to counsel of his or her own choice, at his or her own expense. Employer shall have the right to be represented by counsel. Employee and the affected department shall have the right to make oral argument to the Commission, and to present relevant evidence including the right to call witnesses and to cross-examine all witnesses.

Any witness requested on behalf of the employee, who is an employee of the City, shall be required by the Commission to be available to give testimony at the hearing. If the employee appealing fails to attend the hearing, the Commission shall proceed to hear the evidence and make a decision thereon. A full and complete verbatim record shall be kept of the proceedings before the Commission.

E. 1. Rule VIII appeals: Upon consideration of the evidence, including evidence taken at the previous appeal hearing, and a review of the employee's service record, the Commission shall determine whether there is competent evidence to support the disciplinary action.

2. Rule 10.1 appeals: Upon consideration of the evidence, including evidence taken at the pretermination hearing, the Commission shall determine whether the City complied with the procedures set forth in Rule 10.1 A.

F. The Commission shall promptly and, in no event later than seventy-two (72) hours from the time of its order, file a written statement of: 1. its findings affirming, reversing or modifying the discipline, imposed pursuant to Rule VIII except that the Commission cannot increase a suspension without pay or 2. its findings affirming, reversing or modifying the action taken pursuant to Rule 10.1. Such findings shall be filed with the Police/Fire Chief and shall be served in person or by first class mail upon the employee or the employee's attorney. The Police/Fire Chief shall promptly effectuate the decision of the Commission. The specifications and complaint, all written documents which may have been considered by the Commission, a written verbatim transcript of the Commission hearing, and the findings and conclusions of the Commission shall be filed in the office of the City Clerk within thirty (30) days following the issuance of the Commission's finding, and shall be public record.

G. If the Commission upholds an order of suspension without pay, and the employee has served all or part thereof, the employee shall be given credit on the order of suspension for the time previously served.

### **9.3 Other Hearings (2004, 2007)**

Hearings on matters involved in the administration and enforcement of Civil Service matters as it pertains to the Charter provisions, City Ordinances, and these Rules, not involving disciplinary matters, may be held at the Commission's discretion. A written request to the Commission, setting forth the point at issue and the reason for such hearing, must be received by the Secretary within ten (10) days of the effective date of such action that has prompted the request.

### **9.4 Power To Administer Oaths, Subpoenas, And Demand Production Of Records (2007)**

In the course of any hearings, investigations, or tests of fitness conducted under the provisions of these Rules and Regulations, the Commission shall have the power to administer oaths, to subpoena, to require the attendance of witnesses, and the production by them of all documents pertinent to any matter of inquiry, and to examine such witnesses under oath, in relation to any matters properly involved in such proceedings.

### **9.5 Decision Of Commission Final (2007)**

The decision of the Commission, in all matters presented to them for hearing shall be final; subject, however, to any right of review under any law of the State of Colorado or of the United States. The decision of the Commission shall not be stayed pending review in the Courts.

**9.6 Time - Computation (2004, 2007)**

Computation of time for the purposes of this Rule shall be in accordance with Paragraph 8.16.

## **RULE 10 LAYOFFS REDUCTION IN GRADE/RANK OR COMPENSATION AND RESIGNATIONS**

### ***10.1 Layoffs (2010, 2014, 2017)***

The Mayor may authorize the lay off of an employee, reduce an employee in grade/rank or reduce the employee's compensation when it is deemed necessary by reason of shortage of funds, the abolition of the position, other material change in the duties or organization, or for other related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by any employee laid off may be reassigned to other employees already working who hold positions in appropriate classes/ranks. No regular employee shall be laid off while another person in ~~a classified position~~ is employed on a temporary basis in that class/rank in that department. No temporary or permanent separation of an employee from the service as a penalty or disciplinary action shall be considered as a layoff.

#### **A. Order of Layoff (2017)**

1. Order of Layoff for Non-Promoted Ranks: Layoff of employees in non-promoted ranks (i.e., police officer and firefighter ranks), in conformity with applicable State and Federal law, shall be made in inverse order of the date when the employee first graduated from the Training Academy of the department where the employee is currently employed. No probationary **employee in a promoted rank** or regular employee shall be laid off from any position while any temporary employee is still employed in the same class and in the Department. If it is found that two or more persons in the Department, in which a layoff is to be made have equal graduation dates, the order of layoff shall be determined by the graduating class rank, which is the seniority number assigned at the time of graduation. Seniority numbers will be adjusted by any leave of absence greater than thirty (30) consecutive days to the extent permitted by State and Federal law.

2. Order of Layoff for Promoted Ranks: Layoff of employees in promoted ranks, in conformity with applicable State and Federal Law, shall be made in inverse order of time in the currently held rank. Employees laid off in promoted ranks shall have the right to return (bump back) to a previously held rank for which the employee meets minimum qualifications and which he/she successfully completed the probationary period.

If there is no vacant position in the rank the promoted employee is bumping back to, then the employee within that rank with the least amount of time in the rank shall be subject to layoff, if the rank is also a promoted rank. If there is no vacant position in the rank the promoted employee is bumping back to and it is not a promoted rank, then the employee within that rank with the least sworn departmental seniority (as described above in A.1). shall be subject to layoff. An employee subject to layoff who elects to demote will be demoted to the rank, so long as the employee meets minimum qualifications and has successfully completed the probationary period.

#### **B. Notice of Layoff**

The Police/Fire Chief shall give written notice to the Secretary and to the employee of any proposed layoff and reasons therefore, at least two weeks before the effective date thereof.

#### **C. Pre-Termination Meeting**

No employee who has successfully completed probation shall be terminated or reduced in grade/rank or compensation pursuant to Rule 10.1, without being afforded a pre-termination/deprivation meeting before a Police/Fire Chief or his or her designee.

**D. Appeal of Termination, Reduction in Rank/Grade or Compensation**

An employee, other than a probationary employee, may: 1) accept the action described in this Rule; or 2) appeal the action to the Civil Service Commission in compliance with Rule IX.

## RULE 11 GENERAL PROVISIONS

### ***11.1 Service Ratings***

In cooperation with the Department Heads, the Commission shall establish a system of service ratings based on standards of performance.

### ***11.2 Records of the Commission***

All records of the Commission shall be subject to the Public Records Law of the State of Colorado or the City of Colorado Springs, whichever may be more restrictive.

### ***11.3 Reports of Personnel Changes***

The Secretary shall prescribe the necessary forms for reports of all personnel changes in the service. Such forms shall provide spaces for entering such supporting or otherwise pertinent information as the Secretary shall deem to be needed.

### ***11.4 Certification of Payroll (2017)***

No City disbursing or auditing officer shall make, approve, or take any part in making or approving any payment for personal services to any person subject to these Rules, unless the Personnel Action Form placing the individual on the payroll bears the certification of the ~~Personnel Director~~ **Chief Human Resources Officer** or the authorized agent, and the persons named therein have been appointed or employed in accordance with the provisions of these Rules.

### ***11.5 Dismissal of Illegal Appointees (2017)***

If the Commission shall find any person in the ~~Ce~~**classified Civil Service or Unclassified Civil Service** holding a position in violation of any portion of the City Charter or Ordinances of Colorado Springs, or of the amendments thereto, or of the rules and regulations of the Commission promulgated in accordance therewith, it shall, after notice to the person concerned and opportunity afforded for explanation, take appropriate action.

### ***11.6 General Prohibitions (2017)***

A. No appointment to any position shall be made or withheld by reason of **race, color, national origin, ancestry, sex, age, pregnancy status, religion, creed, disability, sexual orientation, genetic information, spousal or civil union status, veteran status, or any other status protected by applicable law**~~any religious beliefs, race, sex, political opinions, affiliations, or political services~~; and no appointment to, or selection for, or removal from any office or employment, and no transfer, promotion, reduction, reward, or punishment shall be in any manner affected by such attributes, opinions, affiliations, or services.

B. In no event shall any political endorsement be considered in connection with the appointment to a position in the ~~Ce~~**classified Civil Service or Unclassified Civil Service**. No person shall use or promise to use directly or indirectly any official authority or influence, whether possessed or anticipated, to secure or attempt to secure, for any reasons, an appointment or advantage in appointment to a position in the City service, or an increase in pay, promotion, or other advantage in employment in any such position, for the purpose of influencing the vote of political action for any purpose or for any other consideration.

C. No person shall willfully by themselves or in cooperation with one or more persons defeat, deceive, or obstruct any person in respect to his or her right of examination; falsely mark, grade, estimate or report upon the examination or proper standing of any person examined or registered hereunder, or aid

in so doing; make any false representation concerning the same or concerning the person examined or registered; furnish to any person any information concerning the examination whatever for the purpose of either improving or injuring the prospects of any person so examined or registered, or to be examined or registered; or impersonate another person, or permit or aid another person to impersonate them in any application, examination or registration.

D. No employees of the City under jurisdiction of the Commission shall use their official authority or influence for the purpose of interfering with any elections, whether municipal, county, state, or national or affecting the result thereof. Employees, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in City political management, or in City political campaigns, or elections **in their official capacity**.

E. No person, while holding any employment under the jurisdiction of the Commission, shall for the purpose of influencing the vote or political action of any person, or for any other corrupt purpose whatever; use or promise to use, directly or indirectly, any official authority or influence, whether then possessed or anticipated, to confer upon any person, or to assist any person in obtaining any municipal employment or nomination, confirmation, promotion, or increase in salary.

F. Any effort on the part of any employee to improperly influence any member of the Civil Service Commission will result in immediate termination.

### ***11.7 Compliance with Civil Service Rules***

All officers and employees of the City shall comply with and aid in all proper ways in carrying out the provisions of these Rules and official regulations of the Commission. Any officers or employees who shall fail to comply with any of the provisions of these Rules shall be subject to all penalties and remedies now or hereafter, provided by law for the failure of public officers or employees to do any act required of them by law.

### ***11.8 Notice of Changes in Rules***

Before making changes to these Rules, the Commission shall cause the text of the proposed changes to be posted on applicable departmental bulletin boards at least ten (10) working days prior to the effective date of such changes. Employees objecting to such proposed changes shall inform the Commission of their objections in writing. Upon receipt of objection to the proposed changes, the Commission shall hold at least one (1) meeting with employees to hear comments concerning such proposed changes. Such meeting shall be a Public Hearing. After such Hearing, the Commission shall either adopt the changes as proposed, make no changes to the existing Rules, or repost new proposed changes.

### ***11.9 Effective Date of Rules***

These Rules shall take effect upon the adoption by the Commission and approval by the City Council.

Rules of the  
Colorado Springs  
Civil Service Commission  
for the  
Municipal Police  
and  
Fire Departments



May 2017

EXHIBIT B

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# RULE 1

## ORGANIZATION AND BASIC POWERS OF THE CIVIL SERVICE COMMISSION

### ***1.1 Appointment of Commission (1979, 2017)***

The Civil Service Commission consists of five (5) members who shall serve without compensation. The City Council shall appoint two (2) members to said Commission to serve for one (1) year, another two (2) members to said Commission to serve for two (2) years, and one (1) member to serve for three (3) years. Thereafter, as the initial terms of such appointments expire, Council shall appoint members whose terms shall be for a period of three (3) years. Members of the Civil Service Commission shall be allowed to be appointed for a second consecutive three-year term, but none thereafter. If a vacancy shall occur in the Commission, it shall be filled by appointment by the Council for the unexpired term. At the discretion of the City Council, unexpired terms of less than eighteen (18) months may not be included in calculation of the maximum six-year service term.

### ***1.2 Organization (2017)***

The Commission shall choose from its own membership a Chairman, who shall serve at the Commission's pleasure, and who, subject to the direction of the Commission, shall have such general authority and responsibility in the administration of these Rules as shall not be inconsistent with the powers reserved to the Commission by Article XIV of the Charter, or by these Rules, or vested directly in some other office.

### ***1.3 Office Facilities and Payment of Expenses (2014, 2017)***

The Mayor shall provide a suitable and properly furnished meeting place for the Civil Service Commission. An estimate of the anticipated expense of the Commission for the ensuing fiscal year shall be prepared by the Commission and presented to the Mayor at the appropriate time for inclusion in the Mayor's annual budgetary request. The Controller shall, from time to time, pay the reasonable and appropriate expenses of the Commission.

### ***1.4 Reports to City Council and the Mayor (2014)***

The Commission shall in January of each year make an annual report to the Mayor and City Council showing its own actions, the number of examinations held, the number of persons placed on employment lists, and other like information; and setting forth any suggestions it may approve for the more effectual enforcement and carrying out of the principles of sound personnel administration. Special reports shall be submitted as requested by the Mayor or City Council.

### ***1.5 Secretary to Commission (2015, 2017)***

The Chief Human Resources Officer or such other person as the Commission shall designate shall serve as Secretary to the Commission. The Secretary shall administer the provisions of the Civil Service Rules under the direction of the Civil Service Commission and perform, as Secretary, such other duties as these Rules or the Commission may assign.

### ***1.6 Authority to Make Investigations***

The Commission shall have authority to make investigations, either sitting as a body or through a single Commissioner appointed by the Commission for that purpose, concerning all matters touching the enforcement and effect of the Civil Service provisions of the Charter and of these Rules.

## **RULE 2**

### **POLICE AND FIRE CLASSIFICATION PLAN**

#### ***2.1 Division of Service (1999, 2015, 2017)***

All salaried positions of the Police and Fire Departments of the City are divided into the Classified Civil Service and the Unclassified Civil Services. The Unclassified Civil Service shall include the positions of Chief of Police and Deputy Chiefs (Police), Chief of Fire and Deputy Chiefs (Fire), as well as all Non-Permanent Classifications (which includes Police Officer Recruit and Firefighter Trainee; and Police Officer 4th Class, Firefighter 4th Class, and any lateral hire personnel during any probationary period established under Rule 7). With the exception of the Chief of Police, Deputy Chiefs (Police), Chief of Fire and Deputy Chiefs (Fire), and the Non-Permanent Classifications, the Classified Civil Service shall include all other positions of the Fire and Police Departments of the City service which are eligible for participation in the Police and Fire pension funds.

#### ***2.2 Classification of Positions (2017)***

The Secretary shall ascertain the duties, authority, and responsibilities, of all positions in the Classified Civil Service and the Non-Permanent Classifications. After consultation with departmental officials, the Secretary shall recommend to the Civil Service Commission a plan of position classification for both the Classified Civil Service and the Non-Permanent Classifications which shall group all positions in classes based on their duties, responsibilities, and work requirements. The classification plan shall set forth for each class of positions a class title, a statement of duties, authority, and responsibilities thereof, and the qualifications that are necessary for the satisfactory performance of the duties of the class.

#### ***2.3 Adoption of the Classification (2017)***

The Civil Service Commission shall, after hearing suggestions and recommendations which Department Heads, supervisors, employees, and other interested persons may present, approve and forward the plan of classification of positions and the allocation of positions thereto to the Secretary for inclusion in the citywide position classification plan.

#### ***2.4 Interpretation of Class Specifications (2017)***

The Secretary shall prepare specifications for each class of positions in the Classified Civil Service and the Non-Permanent Classifications. Specifications will be interpreted in their entirety and in relation to other positions in the classification plan. Particular phrases or examples will not be isolated and treated as full definitions of a class. Specifications shall be deemed only as descriptive and explanatory of the kind of work required, in positions in the several classes, but not necessarily inclusive of all duties to be performed.

#### ***2.5 Administration of Plan (2017)***

Revisions of class specifications, reallocations within the approved classifications, abolition of classes, the establishment of new classes and other changes, will be recommended by the Department Head as often as necessary in order that the classification plan will reflect current work situations for both the Classified Civil Service and the Non-Permanent Classifications.

#### ***2.6 Use of Class Titles***

The class title set forth in the classification plan shall be used to designate positions in all official records, vouchers, payrolls and other communications. No person shall be appointed to or employed in a position under a class title which has not been approved by the Commission and included in the citywide classification plan.

## **RULE 3 METHOD OF ESTABLISHING ENTRY LEVEL EMPLOYMENT LISTS**

### ***3.1 Announcements of Examinations (1988, 1998, 2003, 2009, 2017)***

All examinations or selection processes for entry level and lateral entry and reserve entry positions in the Classified Civil Service and Non-Permanent Classifications shall be announced at least two weeks (14 days) in advance by advertisements placed in the news media or in any other manner deemed appropriate by the Commission. The announcement shall specify the title and salary range of the class for which the examination is announced; the weights given each part of selection procedure; the required qualifications; the duration of the employment list or, if applicable, the period that test scores will remain valid; the time, place, and manner of making applications; and the closing date, if applicable, for receiving applications.

### ***3.2 Application Forms (1989, 2003, 2015, 2017)***

Applications shall be made in a manner approved by the Commission. Such applications may require information covering minimum age, citizenship, residence, military service, training, experience, education, references, or other pertinent information. As a condition of appointment, candidates shall be required to submit proof that they meet the minimum age requirement, educational level completed, legal right to work within the United States, and military service. All applications must be signed by the person applying. In the case of continuous testing, an application shall be rejected if the applicant's test scores are no longer valid.

### ***3.3 Disqualification (1982, 1990, 1998, 2009, 2015)***

The Police and Fire Department shall reject an application which indicates that the candidate does not meet the established minimum qualifications for the position. Applicants for Police Officer or Recruit shall be disqualified if they have been convicted of a felony or a crime involving moral turpitude. Candidates may also be rejected if they have made any false statements of any material fact; or practices, or attempts to practice any deception or fraud in their application for employment.

At any time after an application is submitted and prior to an offer of employment, a background investigation will be conducted of the applicant. Such investigation may include a polygraph examination. Any portion of the investigation that involves a medical examination and/or is likely to elicit information about a disability must be conducted after a conditional offer of employment is made. The results of this investigation may constitute grounds for disqualification by the Fire/Police Chief or Designee, respectively. Grounds for disqualification may include, but are not limited to: conviction of a crime; admission by the candidate of conduct of a criminal nature, whether or not resulting in a conviction, or other wrongful acts of a serious nature; use or sale of controlled substances; excessive use of alcohol; other evidence of bad character or irresponsible conduct of such a nature that in all likelihood would render the candidate unfit for employment in the Uniformed Police or Fire Service. If at any time during the course of the background investigation, information is discovered that disqualifies the applicant, the department may disqualify the applicant at that time without completing the investigation. The department is responsible for informing the applicants in writing that they have not been selected for appointment.

### **3.4 Competitive Examinations For Entry Level Positions (1989, 1994, 1998, 2000, 2017)**

In an effort to obtain the best possible individuals to fill the City's need for employees in the Classified Civil Service and Non-Permanent Classifications, all appointments to entry level positions shall be made in accordance with a valid selection procedure consisting of open-competitive examinations.

Under the direction of the Civil Service Commission, such examinations shall be prepared by the Secretary with technical assistance from Department Heads and consultant(s). Open-competitive examination plans shall be approved by the Civil Service Commission.

Examinations shall be based upon job analysis and shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the classes for which the examinations are held. Examination plans shall include, as a minimum, two components. A component is defined in terms of the job analysis and examination plan not in terms of the instrument or medium used to assess the critical knowledge, skill, ability or task competency. A component is further defined as a test element or procedure that assesses one or more important knowledge, skill, ability or task competency not assessed by any other component of the examination plan. Competitive examinations shall be open to all candidates who meet the qualifications fixed by the Secretary with approval of the Commission with regard to age, experience, education, physical condition, residence, and such other factors as may be related to the ability of the candidate to perform successfully the duties of the position.

The Commission shall control all examinations and may designate persons, either in or not in the service of the City, to act as examiners or assistants in examinations. If the persons so designated are in the City service, it shall be part of their official duty, without extra compensation, to conduct such examinations as the Commission may direct, and make return, and report thereof to the Commission. The Commission may, at any time, substitute any person in place of another designated as examiner or assistant. The Civil Service Commissioners may themselves act as examiners.

### **3.5 Physical and Medical Requirements (2017)**

All candidates for positions in the Classified Civil Service and Non-Permanent Classifications are required to meet such physical and medical standards as may be required by regulations of the Commission. Physical tests and medical examinations shall be given by qualified examiners. The examiners shall report in writing those candidates who pass the minimum standards and those who fail to meet the minimum standards. Candidates who fail to meet minimum physical and medical standards shall be disqualified from further examination and shall not be eligible for appointment.

### **3.6 Method of Rating (1989)**

Professional measurement techniques and procedures shall be used in rating the results of examinations and determining the relative ranking of the candidates. In all examinations, the minimum score necessary to achieve eligibility shall be established by the Secretary and the Department Head, and approved by the Commission in accordance with established norms for that specific examination. The Secretary and the Department Head may employ the services of an outside consultant.

Candidates may be required to attain at least the minimum score on each part of the selection procedure in order to be eligible to take the next part. The final earned ranking of the candidates shall be determined by computing their score on each part of the selection procedure in accordance with the weights established for each part.

### ***3.7 Rating, Training, Experience, Character, and Fitness (1989)***

Where a rating of experience and training are a part of the examination, the Commission shall develop such procedures as necessary for the evaluation of these factors that will serve to assist in the selection of the best qualified candidates. These procedures shall give due regard to the quality, recency and amount of experience, and to the pertinency and amount of training. The Secretary or the Department Head shall verify statements contained in the candidate's application and secure further information concerning character and fitness.

If, after an employment list is established, information which materially affects the rating of experience, training, character, or fitness of the candidate is received, the Secretary shall make a new rating of the candidate's examination and make the necessary adjustments in the lists. The Secretary shall promptly notify the candidate of any change made in the candidate's standing and the reasons therefore.

### ***3.8 Veteran's Preference***

Preference shall be accorded veterans who are eligible for appointment to the extent required by the Constitution or Laws of the State of Colorado. No preference shall be accorded candidates unless they have successfully met the minimum requirements for appointment.

### ***3.9 Notification of Examination Results (2012)***

Candidates who take an examination shall be given written notice as to whether they passed or failed the examination, or of their failure to attain a place on the employment list.

### ***3.10 Lateral Entry Selection (1998, 2009)***

Under the direction of the Civil Service Commission, the Police and/or Fire Department may establish a separate lateral entry selection process for Police Officers or Firefighters from other jurisdictions.

## **RULE 4**

### **METHOD OF ESTABLISHING PROMOTIONAL EMPLOYMENT LISTS**

#### ***4.1 Announcement of Examinations (1988, 2017)***

All examinations for promotional positions within the Classified Civil Service shall be announced at least thirty (30) days in advance by placing announcements on all official bulletin boards within the Department, and in such other places as deemed appropriate by the Commission. The announcement shall specify: the title and the salary range of the class for which the examination is announced, the required qualifications, a list of subject matter to be covered on the examination (the list shall be inclusive of all subject matter to be included in the exam, however, not every listed subject need be covered on the exam), the method used to establish the minimum rating necessary to take the subsequent parts of the selection procedure, and the weight attributed to each part of the selection procedure.

##### **A. Reading List**

The reading list from which the written examination was developed shall be published in advance of the exam in accordance with a schedule approved by the Commission.

#### ***4.2 Application Forms (1989, 2015)***

Application shall be made in a manner approved by the Commission. Such forms may contain information covering length of service, education, in-service training, duty assignments, and other pertinent information as requested. All applications must be signed by the person applying.

#### ***4.3 Disqualification (2015)***

The Civil Service Commission may reject any application which indicates on its face that the candidate does not possess the established minimum qualifications required for the position. Applications may also be rejected if the candidates are: physically unfit to perform the duties of the position to which they seek appointment, make any false statement of any material fact, practice or attempt to practice any deception or fraud in their application, or fail to meet such other requirements as may be established by the Commission. Candidates may learn of the reason for their disqualification from the Department during business hours.

#### ***4.4 Competitive Examinations (1983, 1989, 1994, 2017)***

All appointments to promotional positions within the Classified Civil Service shall be made in accordance with a valid selection procedure comprised of open-competitive examinations designed specifically for the classes for which the examinations are held.

Under the direction of the Civil Service Commission, such examinations shall be prepared by the Secretary with technical assistance from Department Heads and consultant(s). Open-competitive examination plans shall be approved by the Civil Service Commission.

Examinations shall be based upon job analysis and shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the classes for which the examinations are held. Examination plans shall include, as a minimum, two components. A component is defined in terms of the job analysis and examination plan not in terms of the instrument or medium used to assess the critical knowledge, skill, ability or task competency. A component is further defined as a test element or procedure that assesses one or more important knowledge, skill, ability or task competency not assessed by any other component of the examination plan. In addition, promotional

examinations may, at the discretion of the Commission, take into consideration the individual's job performance (measured by the individual's performance ratings), or length of service (seniority), or both.

Competitive promotional examinations shall be open to all employees within the Classified Civil Service who meet the established qualifications and who are serving in an appropriate class as determined by the Commission.

The Commission shall control all examinations and may designate persons, either in or not in the service of the City, to act as examiners or assistants in examinations. If the persons so designated are in the City service, it shall be part of their official duty, without extra compensation, to conduct such examinations as the Commission may direct, and make return, and report thereof to the Commission. The Commission may, at any time, substitute any person in place of another designated as examiner or assistant. The Civil Service Commissioners may themselves act as examiners.

#### ***4.5 Physical and Medical Requirements (2017)***

All candidates for promotional positions in the Classified Civil Service are required to meet such physical and medical standards as may be required by regulations of the Commission. Physical tests and medical examinations shall be given by qualified examiners. Candidates who fail to meet the minimum physical and medical standards shall be disqualified from further consideration for the positions which they are seeking.

#### ***4.6 Method of Rating (1983, 2015)***

Professional measurement techniques and procedures shall be used in rating the results of examinations and determining the relative ranking of the candidates. In all examinations, the Commission shall determine the need for a cutoff score, and where applicable, shall determine the cutoff score necessary for the candidate to successfully pass any given part of the selection procedure.

##### **A. Written Examination (1988, 2015)**

Where written examinations are used, determination of eligibility to take the next part of the selection procedure shall be in accordance with the methodology approved by the Civil Service Commission on an examination-by-examination basis.

##### **B. Practical Tests (1989, 2015)**

Where practical tests are used as part of the selection procedure, a member of the Department may act as an independent timekeeper or judge to ascertain that all candidates are rated in a fair and impartial manner.

##### **C. Oral Examinations (2015)**

Where oral board examinations are part of the selection procedure, the Board shall be made up of such qualified individuals and may include Commission Members, as deemed necessary by the Commission to rate the qualifications of the candidates to perform the duties of the class for which the exam is held. Before rating each candidate, the oral board member may ask for and receive each candidate's application/resume and personnel file.

The final earned ranking of the candidates shall be determined by totaling their score on each part of the selection procedure in accordance with the weights established for each part before the date of the examination and announced in the notice of the examination.

#### ***4.7 Rating, Training, Experience, Character, and Fitness (1989)***

Where a rating of experience and training are a part of the examinations, the Commission shall develop such procedures as necessary for the evaluation of these factors that will serve to assist in the selection of the best qualified candidates. These procedures shall give due regard to the quality, recency and amount of experience, and to the pertinency and amount of training. The Secretary or the Department



Head may verify statements contained in the candidate's application and secure further information concerning character and fitness.

#### **4.8 *Veteran's Preference***

No veteran's preference shall be accorded to any person on any promotional examination.

#### **4.9 *Notification of Examination Results (1989, 2012)***

Candidates who take an examination shall be notified as to whether they pass or fail the examination, or of their failure to attain a place on the promotion list. After being notified of the written test results, candidates shall be entitled to review written test materials in accordance with the respective department guidelines and any legal requirements.

## **RULE 5 EMPLOYMENT LISTS**

### **5.1 Establishment of Promotional and Entry Level and Lateral Entry Employment Lists (1998, 2009, 2017)**

The Commission shall establish and maintain employment lists for the various classes of positions, as it deems necessary or desirable. On each list, the candidates shall be ranked in order of their ratings earned in the selection procedure used for the purpose of establishing such lists. In the case of ties in the final earned ratings, names shall be placed on the list in the order of the ratings earned on the part of the selection procedure given the greatest weight.

### **5.2 Availability of Candidates (2015)**

It shall be the responsibility of candidates (those persons on promotional or entry level lists) to notify the Department in writing of any change of address or other change affecting their availability for employment. However, the Department may circulate lists or use other methods to determine at any time the availability of candidates. Whenever candidates submit a written statement restricting the conditions under which they will be available for employment, that name may be withheld from all certifications which does not meet the conditions specified. Candidates may file a new written statement at any time within the duration of an employment list modifying any prior statement as to conditions under which they will be available for employment.

### **5.3 Duration of Lists or Test Scores (2003, 2009, 2014)**

A. For examination processes other than continuous testing, the time during which a list shall remain in force shall be as follows:

1). Employment Lists for Entry Level and Lateral Entry (1988, 1998, 2009, 2014)

An entry level and a lateral entry employment list, except as otherwise provided herein, shall be in force for a minimum of six (6) months from the date of which it was originally established by the Commission and the total period during which the list is in force shall not exceed two (2) years from the date it was originally established. The Commission may approve a one-time extension of a list not to exceed an additional two years.

2). Promotional Employment Lists (1983, 1992, 2008, 2014)

Promotional employment lists for Police Commanders shall be in force for a minimum of one (1) year from the date on which they were originally established by the Commission and shall not exceed two (2) years. All other promotional lists, except as otherwise provided herein, shall be in force for two (2) years from the date they were originally established by the Commission. The promotional employment lists may not be extended beyond the date originally established by the Commission. In the event that a promotional employment list is exhausted of all candidates before its scheduled expiration date, the Commission may call for a new list to be established. Employment lists will be retained by the Secretary for one (1) year after the date of their expiration. The Commission shall have the power to terminate any employment list prior to its expiration date, when it is deemed necessary and proper, and to call for a new list to be established. An order terminating a list prior to its expiration date shall be in writing from the Commission and shall be posted on all official bulletin boards of the affected department.

B. Continuous Testing Examination Process for Entry Level and Lateral Entry (2009)

An employment list will be maintained for the continuous testing process but is not subject to the timelines described in subsection A, above. For the examination process involving continuous testing, the time during which a candidate's score will remain valid on the employment list shall be twelve (12) months.

C. Continuous Testing Examination Process for Promotional Firefighter Paramedic (2014)

A promotional employment list for Firefighter Paramedic may, at the discretion of the Department, be maintained for the continuous testing process but is not subject to the timelines described in subsection A above. For the examination process involving continuous testing, the time during which a candidate's score will remain valid on the employment list shall be twelve (12) months. Once a passing score is established, candidates may not retest within the twelve (12) months of their scores being valid.

**5.4 Reemployment Lists (2000, 2009, 2017)**

Employees separated from the service due to a layoff may at their request be placed on a layoff reemployment list by filing a written request at the time of separation with the Police/Fire Chief and Secretary to the Civil Service Commission. The relative ranking of individuals on the list shall be determined in inverse order of layoff by appropriate rank as determined in Rule 10.1. Such individuals, when reinstated from layoff, shall retain the rank held when separated.

Regular employees who resign their positions may request to be placed on a resignation reemployment list by filing a written request, at the time of separation with the Police/Fire Chief and Secretary to the Civil Service Commission. It is within the sole discretion of the Police/Fire Chief as to whether he/she will grant the employee's request. If the Police/Fire Chief grants the employee's request, his or her name will remain on a resignation reemployment list for a period of three (3) years from the effective date of such resignation. This list shall be maintained separately from the reemployment list for individuals separated due to a layoff. The Police/Fire Chief will have sole discretion to determine who will be hired from the resignation reemployment list. Such individuals, when reinstated, shall retain the rank held at the time of resignation, except that in no case shall an individual be reinstated at a rank higher than Police Officer I or Firefighter I.

The City will comply with any state and federal requirements concerning leave-of-absence and job reentry.

Any employee selected under section 5.4 must be able to perform the duties of the position upon rehire, meet minimum qualifications for that rank and must successfully pass background screening in accordance with the Department's procedures.

## **RULE 6 METHOD OF FILLING VACANCIES**

### **6.1 Employee Requisitions**

When a vacancy occurs and the Department Head deems it necessary to fill the vacancy, the Department Head shall submit a requisition in the manner prescribed by the Commission providing the pertinent facts relative to the duties, responsibilities, and qualifications of the position which is to be filled. If a list of candidates is available, certification will be made in the manner prescribed.

### **6.2 Certification of Candidates (1983, 1998, 2009)**

The name certified to the Police/Fire Chief for appointment shall be selected from the proper employment list in a manner prescribed by the Civil Service Commission. If more than one vacancy exists, the Police/Fire Chief shall certify the number of candidates equal to the number of vacancies. Where the vacancy is in an entry-level position, the layoff reemployment list will have priority in filling vacancies. After this list has been exhausted, the Police/Fire Chief may, in no particular order, use the entry level, lateral level or resignation employment list to fill remaining vacancies, unless a different order is indicated by the Police/Fire Chief and approved by the Commission.

Where the vacancy is in promoted rank, the appropriate layoff reemployment list will have priority in filling vacancies. After this list has been exhausted, the appropriate promotional employment list shall be used to fill the vacancy.

If special skills and attributes are specified by the Police/Fire Chief in the requisition, and the Commission after investigation determines that the facts and reasons specified are conclusive as to the need for the special requirements for effective performance of the duties of the position, certification may be limited to a person or persons on the appropriate list who meet such requirements.

### **6.3 Appointment (2009)**

The Police/Fire Chief shall make the appointments of those individuals certified. The person or persons appointed shall be notified of the time and place that they are to report for duty.

### **6.4 Temporary Appointments (2010, 2011, 2015, 2017)**

A. When the Police/Fire Chief finds it essential to fill a vacant position and no employment list exists or there is no candidate on the appropriate list that is willing to accept the appointment, the Police/Fire Chief may fill the vacancy by means of a temporary appointment. A temporary appointment shall expire when an employment list has been prepared, or shall expire automatically six (6) months from the date of such appointment; except that the Commission may, where circumstances necessitate, approve the extension of a temporary appointment up to a maximum of twelve (12) months. Any period of employment under a temporary appointment shall not be counted as part of the probationary service period in case of a subsequent appointment to a permanent position. Temporary appointments shall be reported to the Secretary.

B. When the Police/Fire Chief determines the need for a Deputy Chief (Police and Fire), the Chief will have the authority to fill that position with candidates from the Rank/Title of Commander (Police)/Battalion Chief (Fire). It is within the sole discretion of the Chief as to how long the Commander/Battalion Chief will remain in the temporary position of Deputy Chief.

1. Since the Commander/Battalion Chief is only filling a temporary position, any decision of the Chief to return the employee to his or her regular assignment/position of Commander/Battalion Chief is not subject to appeal.

2. Any person occupying the temporary position of Deputy Chief will maintain all other rights that he or she is entitled to as a Commander/Battalion Chief under the Civil Service Rules including appeal rights set forth in Rule 8 and 9.

### **6.5 *Emergency Appointments (2009, 2017)***

When an emergency makes it impossible to fill a position in the Classified Civil Service or Non-Permanent Classifications, the Police/Fire Chief may appoint any qualified person to such position in order to prevent stoppage of public business, or loss, or serious inconvenience to the public. Any such person shall be employed only during such emergency and for a period not exceeding thirty (30) days in any twelve (12) month period. A vacancy of which the Police/Fire Chief has had reasonable notice or any employment condition of which the Manager had, or might with due diligence have had previous knowledge, shall not be considered an emergency under this section. Emergency appointments shall be reported immediately to the Secretary.

## **RULE 7 PROBATIONARY PERIOD**

### **7.1 Objective/At-Will Employment (2017)**

The probationary period shall be regarded as an integral part of the selection process and shall be utilized by the Department Head for closely observing the employee's work and for securing the most effective adjustment of new or promoted employees to their position.

Except as provided by Rule 7.6 with regard to appointment from a promotional list, employment during a probationary period is at-will and the City may end the employment relationship of probationary employees at any time, without notice and without cause.

### **7.2 Duration (1990, 1994, 2015, 2017)**

The established probationary period ~~is~~ for all appointments and promotions shall be one (1) year in length except as follows:

#### **A. Probationary Period for Recruit and Trainee Classifications (2017)**

The length of the probationary period for entry-level classifications such as Police Officer Recruit, Firefighter Trainee and lateral hire personnel shall be based upon the amount of time that is necessary to complete any federal/state/local academy, training, and/or certification requirements.

Upon successful completion of such requirements, the Police Officer Recruit shall be appointed, or the Firefighter Trainee shall be promoted to the classification for which the recruit or trainee position was established. The probationary period for appointment, promotion, or lateral hire placement following completion of any federal/state/local academy, training, and/or certification requirements shall be at least one (1) year.

#### **B. Extension of Probationary Period (1998, 2009, 2015, 2017)**

The Department Head may approve an extension of the probationary period; however, the maximum length of probationary period unless there is an interruption, including any extensions, shall not exceed 18 months in length in any particular position.

#### **C. Interruption of Probationary Period (2017)**

A probationary period interrupted for more than thirty (30) calendar days by a medical, injury, or military leave-of- absence, or a light/limited duty assignment shall be stayed and the balance of the probationary period to include the time of absence from full duty shall be completed upon the employee's return.

### **7.3 (removed 2015)**

### **7.4 Dismissal (1999, 2015, 2017)**

Except as otherwise provided by Rule 7.6 with regard to appointment from a promotional list, at any time during the probationary period, the Police/Fire Chief, with notice to the Secretary, may discharge an employee with or without notice or cause.

An employee who is dismissed during the probationary period shall have no right of appeal of the dismissal except as otherwise provided by Rule 7.6.

**7.5 Probationary Period Reports (2017)**

At least ten (10) days before the expiration of an employee's probationary period, the Department Head shall notify the Secretary in writing whether continuance of the employee in the position is recommended.

**7.6 Restoration of Dismissed Employee Appointed from Promotional List (1977, 2017)**

An employee appointed from a promotional list who does not successfully complete his or her probationary period for the newly appointed position, shall be reinstated in a position in the class occupied by the employee immediately before the promotion. Such employee shall have no right of appeal for failure to successfully complete the probationary period, but shall have such rights of appeal for fines or suspension, during such probationary period, as are provided by Rules VIII and IX.

**7.7 Moved to Rule 7.4 (2015)**

## **RULE 8**

### **TERMINATIONS, SUSPENSIONS WITHOUT PAY, REDUCTIONS IN COMPENSATION OR IN GRADE/RANK**

#### ***8.1 Reasons For Suspension Without Pay, Termination, And Reduction In Compensation Or Grade/Rank (1998, 2007, 2017)***

The tenure of every employee in the Classified Civil Service shall be dependent on good behavior and efficient service. Any employee in the Classified Civil Service may be suspended, terminated, reduced in compensation or reduced in grade/rank for unsatisfactory job performance, harassment, workplace violence, inefficiency, dishonesty, drunkenness, use of illegal drugs, immoral conduct, insubordination, neglect of duty, or unexcused failure to report for duty; any violations of the provisions of the Charter, City Ordinances, the Civil Service Policy and Procedure manual, the Rules of the Police and Fire Departments, or Rules of the Civil Service Commission; any other failure of good behavior; any other act of misfeasance, malfeasance, or nonfeasance in office; or any other reasonable and just cause. Nothing in this Rule limits the actions that may be taken against a probationary employee as set forth in Rule VII or as otherwise specified in these rules.

#### **DISCIPLINARY ACTION**

#### ***8.2 Suspensions Without Pay (1998; 2004, 2005, 2007)***

A suspension without pay may be imposed for any reason identified in Rule 8.1. For Police personnel, a suspension without pay, not to exceed forty (40) hours, may be imposed by a Police Commander or Division Manager; or any suspension without pay exceeding forty (40) hours may be imposed by the Deputy Police Chief. For Fire Personnel, a suspension without pay, not to exceed forty (40) hours, for Fire staff personnel or seventy-two (72) hours for Fire line personnel may be imposed by a Fire Battalion Chief or Division Manager; or any suspensions without pay exceeding forty (40) hours for Fire staff personnel or seventy-two (72) hours for Fire line personnel may be imposed by a Deputy Fire Chief. Prior to a Commander, Division Manager or Battalion Chief imposing discipline, he or she will consult with his or her Deputy Chief. Written notice of any suspension without pay, as outlined in these rules, will be given to the employee concerned, with a copy to the Police/Fire Chief.

#### ***8.3 Reduction In Compensation, Rank/Grade Or Termination (1998, 2007)***

A reduction in compensation, rank/grade or termination may be imposed by a Deputy Police/Fire Chief for any reason identified in Rule 8.1. Prior to a Deputy Chief imposing discipline, he or she will consult with the Police/Fire Chief.

#### ***8.4 Pretermination Meeting (1998, 2007)***

No employee who has successfully completed probation shall be terminated or reduced in grade/rank or compensation without being afforded a pretermination/deprivation meeting.

**A. The Deputy Police/ Fire Chief in the employee's chain of command, or designee, shall conduct the meeting and provide:**

Advance written notice of the meeting;

An explanation of: the charges, the evidence supporting the charges and the proposed action to be taken; and an opportunity for the employee to respond to the charges and the evidence.



**B. The Deputy Police/Fire Chief or designee may conduct further investigation and request additional information from any or all of the parties, and shall consider the evidence supporting the charges and impose termination, reduction in grade/rank or compensation, a lesser form of discipline, or no discipline at all.**

### **8.5 Notification Of Discipline (1998, 2004, 2007, 2017)**

After completion of the probationary period, no employee shall be suspended without pay, terminated or reduced in rank/grade or compensation, without written notification.

A written notification stating the specific violation and the discipline imposed shall be served in person to the employee or shall be sent by first class mail to the employee's last known address. A copy of the notification shall also be forwarded to the Secretary of the Commission. Any right to appeal an action is governed by Rule 8.6 and 8.7.

DISCIPLINARY APPEAL

### **8.6 Probationary Employees (2007, 2017)**

The rights of a probationary employee appointed from a promotional list are limited to and governed by Civil Service Rules 7.6. Nothing in Rules VIII and IX gives a probationary employee a right to appeal.

### **8.7 Appeal Of Suspension Without Pay, Reduction In Rank/Grade Or Compensation, Or Termination (1998, 1999, 2004, 2007, 2014)**

**A. Except for appeals governed by Rule 8.7.C, an employee may request that a Deputy Chief not in the employee's chain of command hear the appeal of the action or 2) request that the Board of Rights/Peer Review Panel be impaneled to hear the appeal or 3) appeal to the Police/Fire Chief as set forth in Rule 8.7.B. The make-up of the review panel shall be consistent with Police/Fire policy. Disciplinary action, pending appeal pursuant to this Rule, shall be stayed subject to the limitations set forth in Rule 8.8 E.**

**B. Appeal to the Police or Fire Chief** An employee may appeal the level of discipline imposed to the Police/Fire Chief. This review is solely limited to whether the amount of discipline imposed is appropriate. The employee must admit to the underlying policy violation(s) and the conduct that supported the violation(s). Such appeal will be comprised of a review of the investigatory file, employee's personnel file and oral argument by the employee as to why the imposed discipline should be reduced. The Police Department Commanding Officer of Internal Affairs or Fire Department Human Resources Manager or designee, will be present during the meeting between the Chief and subject employee. At the conclusion of the hearing, the Police/Fire Chief may affirm or decrease the discipline. The Police/Fire Chief's findings will be final, with no right to appeal to the Commission. An employee electing this appeal option will be required to knowingly and voluntarily waive certain rights including appeal to District Court pursuant to C.R.C.P. Rule 106 (a) (4) certiorari review, any rights to bring forward a lawsuit in a court of law based to the Chief's action, any rights set forth in these rules and the City Charter, the right to be represented by counsel, right to discovery, present witnesses, cross examine witness, present evidence, and appeal to the Civil Service Commission (as set forth in Rule IX). Upon the employee electing to appeal to the Chief, he/she must execute a waiver which outlines the rights that the employee must knowingly and voluntarily waive prior to proceeding under this subsection. The employee will be afforded five business days as defined in 8.16 to seek legal counsel and sign the waiver. Failure to timely sign and submit the waiver will result in the employee having to elect an alternate appeal option outlined in Rule 8.7.A. Such election shall occur within one business day of the waiver review period expiring.

**C. Appeals Involving Discrimination, Fitness for Duty, or Minimum Qualifications.** Appeals involving one of the following: 1) sustained complaints of unlawful discrimination, harassment, or

## **RULE 8 TERMINATIONS, SUSPENSIONS WITHOUT PAY, REDUCTIONS IN COMPENSATION OR IN GRADE/RANK**

retaliation; 2) fitness for duty; or 3) failure to meet minimum qualifications of the position. An employee may: 1) request that a Deputy Chief not in the employee's chain of command hear the appeal of the action; or 2) appeal to the Police Chief or Fire Chief as set forth in Rule 8.7.B. Disciplinary action, pending appeal pursuant to this Rule, shall be stayed subject to the limitations set forth in Rule 8.8.E. Appeals involving termination based on a fitness for duty will proceed as set forth in Rule 8.7.D.

**D. Appeals Involving Fitness for Duty** An employee appealing a termination based upon a finding by the Police/Fire Department that the employee is not fit for duty shall have the option to obtain a second medical opinion by a licensed physician selected by the employee at the employee's expense. If the second medical opinion results in a conclusion that the employee is fit for duty, then the Police/Fire Department shall have the option to: 1) accept the second medical opinion; or 2) obtain a third medical opinion from a licensed physician selected by the Police/Fire Department at the Department's expense. If two of the three medical opinions find the employee fit for duty, the employee will be found fit for duty. If two of the three medical opinions find the employee not fit for duty, the employee will be found not fit for duty. An employee found not fit for duty shall have the appeal options set forth in Rule 8.7.C. The procedures for fitness for duty and second and third medical opinions will be determined by Police/Fire policy. The Police/Fire Departments comply with all requirements of the Americans with Disabilities Act.

### **8.8 Appeal Timetables (1998, 2004, 2007, 2017)**

Appeal of Discipline. An employee who has received a suspension without pay, reduction in rank/grade, compensation or termination may appeal the discipline in accordance with Rule 8.7.

A. Employee's answer/notice of appeal shall be in writing to the Police/Fire Chief within three (3) days from the service on the employee of the written notification of discipline or within seven (7) days from the mailing of the written notification of discipline to the employee. The Police/Fire Chief or designee may, for good cause, grant an extension to the time allowed for filing the answer/notice of appeal. Granting or denying an extension is solely within the Police/Fire Chief's discretion.

B. Failure to timely file an answer/notice of appeal of the discipline within the original three (3) day time frame or extended time frame will constitute a waiver of the employee's right to appeal.

C. Not more than ten (10) days after filing an answer/notice of appeal, all discoverable information contained in the personnel investigation in question shall be made available for inspection by the affected employee. Within five (5) days from the release of this information, the employee shall make available for inspection by the department any discoverable information in the possession of the employee. Both parties shall have a continuing obligation to provide discoverable information after initial disclosure. With the exception of rebuttal evidence, neither party shall be entitled to introduce documents during the hearing if it failed to provide them to the opposing party prior to the start of the hearing.

D. Not more than thirty (30) days following initial release of such information by the department to the employee, an Appeal Hearing of the charges shall be held, unless a continuance is granted. Each party will be entitled to one (1) continuance, not to exceed twenty (20) days, so long as it is requested no later than five (5) days before the hearing. An employee or employer may ask for a second continuance (or first continuance if such request is made within five (5) days of the initial hearing date) so long as there is a showing of good cause as determined by the Review Panel/D.C. or Chief. Upon a showing of good cause, the continuance shall not exceed twenty (20) days. The employee and/or the employee's attorney shall be duly notified of the time and place of such hearing.

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E. Any disciplinary action that has been stayed pursuant to Rule 8.7 shall expire at the time the appeal hearing commences or thirty (30) days following the department's initial release of discovery to the employee, whichever comes first. At such time, any loss of pay associated with the disciplinary action shall be implemented.

F. After the appeal hearing, the decision of the Review Panel/D.C. or Chief shall be communicated to the employee in writing, or his or her attorney, with a copy provided to the Police/Fire Chief and Chief Human Resources Officer within ten (10) days after the close of the hearing.

### ***8.9 Administrative Leave Prior To Administrative Hearing (1998, 2004, 2007)***

At the Police/Fire Chief's, or Deputy Chief's, discretion, an employee may be placed on administrative leave with or without pay, if such employee is the subject of an ongoing personnel investigation involving any incident, on or off duty, which either has resulted in or in the opinion of the Police/Fire Chief or Deputy Chief may result in disciplinary action. Unless otherwise specifically stated by the Police/Fire Chief or Deputy Chief such leave shall mean leave from duty but without command or authority. Prior to placing an employee on leave without pay, the employee must be indicted for a felony or the filing of information for the same and the Police/Fire Chief or Deputy Chief must consult with the City Attorney's Office to ensure that the legal requirements have been met.

### ***8.10 Conduct Of Appeal Hearings To Review Panel/Deputy Chief (1998, 1999, 2004, 2007, 2014)***

The employee appealing discipline pursuant to Rule 8.7, shall have the right to counsel of the employee's choice at employee's expense, shall have the right to cross-examine all witnesses, and shall have the right to call witnesses on the employee's behalf. Any witness requested on behalf of the employee who is an employee of the City shall be required to be available to give testimony at the Hearing. If the employee appealing fails to attend the Hearing, the Review Panel/Deputy Chief, shall proceed to hear the evidence and render a decision. A full and complete verbatim record shall be kept of the proceedings before the Review Panel/Deputy Chief.

### ***8.11 Limitations On Reductions (1998, 2007)***

No reduction in grade/rank shall be made as a disciplinary measure, unless the employee to be demoted is eligible for employment in a lower class; and shall not be made if any regular employee in the lower class would be laid off by reason of this action.

### ***8.12 Reports To The Secretary (1998, 2007)***

Within five (5) days from the time of the initial order imposing discipline and/or an order following the appeal process, whichever is later, the Police/Fire Department shall file with the Secretary a copy of the specifications and notice, and the answer or notice of appeal, if any, of the employee.

### ***8.13 Effective Date Of Order (1998, 2007)***

Upon a finding on appeal, all discipline shall take effect when served upon the employee or the employee's attorney, or within seven (7) days from mailing the order of discipline by first class mail to the employee's last known address and/or employee's attorney. Other than termination, the Police/Fire Chief or Deputy Chief may, within his or her sole discretion, stay the discipline pending decision on appeal to the Civil Service Commission. A termination shall not be stayed pending appeal to the Civil Service Commission.

**8.14 Credit For Time Suspended (1998, 2007)**

If an employee receives a suspension without pay and serves all or part thereof, the employee shall be given credit on the order of suspension for the time previously served. If an employee charged with a felony is placed on administrative leave without pay and the employee receives a suspension less than the actual leave without pay, the employee shall be paid the difference between the unpaid leave and the suspension.

**8.15 Accrual Of Benefits During Suspension Without Pay (1998, 2007)**

During any period of suspension without pay under any of these Rules, the employee's benefits of life insurance, medical insurance, and credit for retirement shall remain in full force and effect for the first thirty (30) days or any greater amount of time if permitted by City policy. However, if the suspension without pay extends beyond these time frames, employer benefit contribution will stop on the following day of the unpaid leave period. The benefits of sick leave and vacation time shall not accrue during any period of suspension without pay.

**8.16 Time – Computation (1998, 2007)**

In computing any period of time prescribed or allowed by the Civil Service Rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or a legal holiday; in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday. As used in this Rule, legal holiday shall mean all holidays observed by the City of Colorado Springs.

## **RULE 9 APPEALS TO THE COMMISSION**

### ***9.1 Written Application Required (1999, 2004, 2007, 2009)***

The Commission: 1. shall review terminations and reductions in grade/rank and compensation and they shall have discretionary review relating to suspensions without pay, provided that the person desiring such an appeal was entitled to and has exhausted all appeal rights established in Rule VIII; 2. shall review terminations, reductions in grade/rank, and compensation pursuant to Rule 10.1. For all appeals, an employee shall make application to the Secretary by sworn petition as provided in Section 14-40 of the City Charter. Within ten (10) days after the order from which the appeal is made and served upon the employee and/or the employee's attorney, or within fourteen (14) days from mailing the order, by first class mail, to the employee's last known address and/or the employee's attorney, such application/petition shall be filed.

Upon receipt of the application/petition, the Secretary shall notify the Police/Fire Chief, who shall file with the Commission five (5) copies of the transcript of all evidence taken at the previous Rule VIII appeal hearing or the transcript of all evidence taken at the Rule 10.1 pre-termination meeting, within twenty-five days (25) days from the date of the employee making application to the Secretary, unless the Commission for good cause grants a continuance. Such transcripts shall be certified as true, full, and complete and shall be considered without being offered or introduced in evidence by any party.

In the event the Commission declines to review an order of suspension without pay, the suspension shall, for the purpose of these Rules, be considered final.

### ***9.2 Hearing Procedure (1999, 2004, 2007, 2009)***

If a written and sworn petition and application for review, meeting the requirements of Section 9.1 of this Rule has been filed within the time therein stated, and in cases of suspension without pay which the Commission has elected to review, the Commission shall hold a hearing in accordance with the following regulations:

- A. The Hearing shall be held within twenty (20) days after filing of the transcript with the Commission, unless the Commission for good cause grants a continuance.
- B. The Commission shall notify in writing the employee and/or employee's attorney and the Police/Fire Chief of the time and place of the hearing. Service of notice shall be in person or by first class mail.
- C. The time set for such hearing shall not be less than five (5) days after the serving of such notice or not less than ten (10) days after mailing the notice.
- D. 1. Rule VIII appeals: The employee shall have the right to make oral argument to the Commission, to counsel of the employee's choice at his or her own expense, and to present new and material evidence that was not available at the previous appeal hearing, including the right to call relevant witnesses on the employee's own behalf and to cross-examine all witnesses.

The affected department shall have the right to make oral argument to the Commission, the right to be represented by counsel, the right to cross-examine all witnesses, and the right to present relevant evidence (including the right to call relevant witnesses) to rebut any evidence provided by the employee during the course of the appeal to the Commission.

2. Rule 10.1 appeals: Employee shall have the right to counsel of his or her own choice, at his or her own expense. Employer shall have the right to be represented by counsel. Employee and the affected department shall have the right to make oral argument to the Commission, and to present relevant evidence including the right to call witnesses and to cross-examine all witnesses.

Any witness requested on behalf of the employee, who is an employee of the City, shall be required by the Commission to be available to give testimony at the hearing. If the employee appealing fails to attend the hearing, the Commission shall proceed to hear the evidence and make a decision thereon. A full and complete verbatim record shall be kept of the proceedings before the Commission.

E. 1. Rule VIII appeals: Upon consideration of the evidence, including evidence taken at the previous appeal hearing, and a review of the employee's service record, the Commission shall determine whether there is competent evidence to support the disciplinary action.

2. Rule 10.1 appeals: Upon consideration of the evidence, including evidence taken at the pretermination hearing, the Commission shall determine whether the City complied with the procedures set forth in Rule 10.1 A.

F. The Commission shall promptly and, in no event later than seventy-two (72) hours from the time of its order, file a written statement of: 1. its findings affirming, reversing or modifying the discipline, imposed pursuant to Rule VIII except that the Commission cannot increase a suspension without pay or 2. its findings affirming, reversing or modifying the action taken pursuant to Rule 10.1. Such findings shall be filed with the Police/Fire Chief and shall be served in person or by first class mail upon the employee or the employee's attorney. The Police/Fire Chief shall promptly effectuate the decision of the Commission. The specifications and complaint, all written documents which may have been considered by the Commission, a written verbatim transcript of the Commission hearing, and the findings and conclusions of the Commission shall be filed in the office of the City Clerk within thirty (30) days following the issuance of the Commission's finding, and shall be public record.

G. If the Commission upholds an order of suspension without pay, and the employee has served all or part thereof, the employee shall be given credit on the order of suspension for the time previously served.

### ***9.3 Other Hearings (2004, 2007)***

Hearings on matters involved in the administration and enforcement of Civil Service matters as it pertains to the Charter provisions, City Ordinances, and these Rules, not involving disciplinary matters, may be held at the Commission's discretion. A written request to the Commission, setting forth the point at issue and the reason for such hearing, must be received by the Secretary within ten (10) days of the effective date of such action that has prompted the request.

### ***9.4 Power To Administer Oaths, Subpoenas, And Demand Production Of Records (2007)***

In the course of any hearings, investigations, or tests of fitness conducted under the provisions of these Rules and Regulations, the Commission shall have the power to administer oaths, to subpoena, to require the attendance of witnesses, and the production by them of all documents pertinent to any matter of inquiry, and to examine such witnesses under oath, in relation to any matters properly involved in such proceedings.

### ***9.5 Decision Of Commission Final (2007)***

The decision of the Commission, in all matters presented to them for hearing shall be final; subject, however, to any right of review under any law of the State of Colorado or of the United States. The decision of the Commission shall not be stayed pending review in the Courts.

**9.6 Time - Computation (2004, 2007)**

Computation of time for the purposes of this Rule shall be in accordance with Paragraph 8.16.

## **RULE 10**

### **LAYOFFS REDUCTION IN GRADE/RANK OR COMPENSATION AND RESIGNATIONS**

#### **10.1 Layoffs (2010, 2014, 2017)**

The Mayor may authorize the lay off of an employee, reduce an employee in grade/rank or reduce the employee's compensation when it is deemed necessary by reason of shortage of funds, the abolition of the position, other material change in the duties or organization, or for other related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by any employee laid off may be reassigned to other employees already working who hold positions in appropriate classes/ranks. No regular employee shall be laid off while another person is employed on a temporary basis in that class/rank in that department. No temporary or permanent separation of an employee from the service as a penalty or disciplinary action shall be considered as a layoff.

#### **A. Order of Layoff (2017)**

1. Order of Layoff for Non-Promoted Ranks: Layoff of employees in non-promoted ranks (i.e., police officer and firefighter ranks), in conformity with applicable State and Federal law, shall be made in inverse order of the date when the employee first graduated from the Training Academy of the department where the employee is currently employed. No probationary employee in a promoted rank or regular employee shall be laid off from any position while any temporary employee is still employed in the same class and in the Department. If it is found that two or more persons in the Department, in which a layoff is to be made have equal graduation dates, the order of layoff shall be determined by the graduating class rank, which is the seniority number assigned at the time of graduation. Seniority numbers will be adjusted by any leave of absence greater than thirty (30) consecutive days to the extent permitted by State and Federal law.

2. Order of Layoff for Promoted Ranks: Layoff of employees in promoted ranks, in conformity with applicable State and Federal Law, shall be made in inverse order of time in the currently held rank. Employees laid off in promoted ranks shall have the right to return (bump back) to a previously held rank for which the employee meets minimum qualifications and which he/she successfully completed the probationary period.

If there is no vacant position in the rank the promoted employee is bumping back to, then the employee within that rank with the least amount of time in the rank shall be subject to layoff, if the rank is also a promoted rank. If there is no vacant position in the rank the promoted employee is bumping back to and it is not a promoted rank, then the employee within that rank with the least sworn departmental seniority (as described above in A.1). shall be subject to layoff. An employee subject to layoff who elects to demote will be demoted to the rank, so long as the employee meets minimum qualifications and has successfully completed the probationary period.

#### **B. Notice of Layoff**

The Police/Fire Chief shall give written notice to the Secretary and to the employee of any proposed layoff and reasons therefore, at least two weeks before the effective date thereof.

#### **C. Pre-Termination Meeting**

No employee who has successfully completed probation shall be terminated or reduced in grade/rank or compensation pursuant to Rule 10.1, without being afforded a pre-termination/deprivation meeting before a Police/Fire Chief or his or her designee.



**D. Appeal of Termination, Reduction in Rank/Grade or Compensation**

An employee, other than a probationary employee, may: 1) accept the action described in this Rule; or 2) appeal the action to the Civil Service Commission in compliance with Rule IX.

## **RULE 11 GENERAL PROVISIONS**

### **11.1 Service Ratings**

In cooperation with the Department Heads, the Commission shall establish a system of service ratings based on standards of performance.

### **11.2 Records of the Commission**

All records of the Commission shall be subject to the Public Records Law of the State of Colorado or the City of Colorado Springs, whichever may be more restrictive.

### **11.3 Reports of Personnel Changes**

The Secretary shall prescribe the necessary forms for reports of all personnel changes in the service. Such forms shall provide spaces for entering such supporting or otherwise pertinent information as the Secretary shall deem to be needed.

### **11.4 Certification of Payroll (2017)**

No City disbursing or auditing officer shall make, approve, or take any part in making or approving any payment for personal services to any person subject to these Rules, unless the Personnel Action Form placing the individual on the payroll bears the certification of the Chief Human Resources Officer or the authorized agent, and the persons named therein have been appointed or employed in accordance with the provisions of these Rules.

### **11.5 Dismissal of Illegal Appointees (2017)**

If the Commission shall find any person in the Classified Civil Service or Unclassified Civil Service holding a position in violation of any portion of the City Charter or Ordinances of Colorado Springs, or of the amendments thereto, or of the rules and regulations of the Commission promulgated in accordance therewith, it shall, after notice to the person concerned and opportunity afforded for explanation, take appropriate action.

### **11.6 General Prohibitions (2017)**

A. No appointment to any position shall be made or withheld by reason of race, color, national origin, ancestry, sex, age, pregnancy status, religion, creed, disability, sexual orientation, genetic information, spousal or civil union status, veteran status, or any other status protected by applicable law; and no appointment to, or selection for, or removal from any office or employment, and no transfer, promotion, reduction, reward, or punishment shall be in any manner affected by such attributes, opinions, affiliations, or services.

B. In no event shall any political endorsement be considered in connection with the appointment to a position in the Classified Civil Service or Unclassified Civil Service. No person shall use or promise to use directly or indirectly any official authority or influence, whether possessed or anticipated, to secure or attempt to secure, for any reasons, an appointment or advantage in appointment to a position in the City service, or an increase in pay, promotion, or other advantage in employment in any such position, for the purpose of influencing the vote of political action for any purpose or for any other consideration.

C. No person shall willfully by themselves or in cooperation with one or more persons defeat, deceive, or obstruct any person in respect to his or her right of examination; falsely mark, grade, estimate or report upon the examination or proper standing of any person examined or registered hereunder, or aid

Rules of the Colorado Springs Civil Service Commission for the Municipal Police and Fire Departments in so doing; make any false representation concerning the same or concerning the person examined or registered; furnish to any person any information concerning the examination whatever for the purpose of either improving or injuring the prospects of any person so examined or registered, or to be examined or registered; or impersonate another person, or permit or aid another person to impersonate them in any application, examination or registration.

D. No employees of the City under jurisdiction of the Commission shall use their official authority or influence for the purpose of interfering with any elections, whether municipal, county, state, or national or affecting the result thereof. Employees, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in City political management, or in City political campaigns, or elections in their official capacity.

E. No person, while holding any employment under the jurisdiction of the Commission, shall for the purpose of influencing the vote or political action of any person, or for any other corrupt purpose whatever; use or promise to use, directly or indirectly, any official authority or influence, whether then possessed or anticipated, to confer upon any person, or to assist any person in obtaining any municipal employment or nomination, confirmation, promotion, or increase in salary.

F. Any effort on the part of any employee to improperly influence any member of the Civil Service Commission will result in immediate termination.

### ***11.7 Compliance with Civil Service Rules***

All officers and employees of the City shall comply with and aid in all proper ways in carrying out the provisions of these Rules and official regulations of the Commission. Any officers or employees who shall fail to comply with any of the provisions of these Rules shall be subject to all penalties and remedies now or hereafter, provided by law for the failure of public officers or employees to do any act required of them by law.

### ***11.8 Notice of Changes in Rules***

Before making changes to these Rules, the Commission shall cause the text of the proposed changes to be posted on applicable departmental bulletin boards at least ten (10) working days prior to the effective date of such changes. Employees objecting to such proposed changes shall inform the Commission of their objections in writing. Upon receipt of objection to the proposed changes, the Commission shall hold at least one (1) meeting with employees to hear comments concerning such proposed changes. Such meeting shall be a Public Hearing. After such Hearing, the Commission shall either adopt the changes as proposed, make no changes to the existing Rules, or repost new proposed changes.

### ***11.9 Effective Date of Rules***

These Rules shall take effect upon the adoption by the Commission and approval by the City Council.