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CIVIL SERVICE COMMISSION
ANNOUNCEMENT OF EXAMINATION
CAPTAIN
DENVER POLICE DEPARTMENT

December 6, 2010

Public notice is hereby given that the Civil Service Commission of the City and County of Denver shall hold an examination for the purpose of creating an Eligible Register for promotional appointment to the rank of Captain for the Denver Police Department. All dates, times, and locations contained within this announcement are subject to change. Any change in the dates, times, or locations contained within this announcement will be communicated in writing to all registered candidates.

The provisions contained in this Examination Announcement do not create or constitute any contractual rights between or among the Civil Service Commission, the City and County of Denver and any Police Department employee. The provisions of this Examination Announcement may be modified, rescinded, or revised, in writing, by only the Civil Service Commission, which reserves the right to unilaterally modify, rescind or revise the provisions of this Examination Announcement.

Beginning Annual Salary (January 1, 2011).....\$112,008.00

Abbreviated Examination Schedule	
Registration	December 6, 2010 – January 7, 2011
Orientation Sessions	January 19-20, 2011
Disciplinary History Assessment	February 1, 2011
Assessment Center	February 23-25, 2011

REASONABLE ACCOMMODATION PER THE AMERICAN WITH DISABILITIES ACT: Please see page 6.

REASONABLE ACCOMMODATION OF MILITARY LEAVE: Please see page 6.

JOB DESCRIPTION: A written job description for the rank of Captain is available at the Civil Service Commission office and throughout the Denver Police Department. Copies of the job description will be available for download at the time of registration.

ELIGIBILITY: To be eligible for the Captain examination, candidates must have been duly appointed to the rank of Lieutenant, Denver Police Department, must have held the rank of

Lieutenant for a continuous period of time of not less than twelve (12) months prior to the date of the Disciplinary History Assessment (tentatively scheduled for February 1, 2011) and must currently be a member of the classified service.

REGISTRATION: Registration for the Captain examination **begins at 7:00 a.m. on December 6, 2010, and ends at 5:00 p.m. on January 7, 2011.** Registration for this examination shall not be allowed after January 7, 2011 at 5:00 p.m. Eligible candidates must register online through the use of a computer on the City network. To register, go to denvergov.org/civilservice and select the “Promotional Police” link on the left side. There will be a link located under the 2011 Police Captain Examination Schedule to the registration page. Candidates may also register online at the Webb Municipal Office Building, 201 West Colfax Avenue, Civil Service Commission Office, 7th floor, in Denver. Office hours are 7:00 a.m. to 5:00 p.m., Monday – Friday, not including holidays. Phone 720-913-3370.

Computerized Data Verification, Confidentiality and Registration Form: To register for the examination, each candidate shall review, enter necessary corrections, and approve their computerized Data Verification, Confidentiality and Registration Form. The form lists name, address, and other data as it appears in the Commission’s database. In approving the form, the candidate verifies that the points to be awarded for seniority are final. Each candidate must identify and list any relatives who may also be sitting for the examination. Further, each candidate shall review and acknowledge the requirements for confidentiality. Candidates who fail to complete and approve their computerized Data Verification, Confidentiality and Registration Form by the registration deadline shall not be allowed to participate in the examination.

Every candidate is responsible for promptly notifying the Commission office, in writing, of any change of address. Failure to do so may result in disqualification.

Military Leave Accommodation: The noted deadlines for registration and completion of registration related documentation are subject to modification on an individual basis, based on an eligible candidate’s Military Leave status, as may be required to ensure compliance with the Uniformed Services Employment and Re-employment Rights Act of 1994. (See page 6.)

PREPARATION OF EXAMINATION: Pursuant to its rules, the Commission contracted with the firm of Jack Clancy Associates to assist in the development and administration of this examination. This firm has an extensive professional background in test development and has developed and administered numerous examinations for other police departments nationwide, including for the rank of Captain. Jack Clancy Associates will be working in consultation with the Commission Staff and Department Subject Matter Experts.

ORIENTATION SESSIONS: Two Orientation Sessions have been tentatively scheduled on Wednesday, January 19, 2011, from 9:00 a.m. to 11:00 a.m. and on Thursday, January 20, 2011, from 1:00 p.m. to 3:00 p.m., at the Webb Municipal Office Building, 201 West Colfax Avenue, on the 4th floor in room 4.F.6.

All registered candidates for this examination are strongly encouraged to attend at least one of the Orientation sessions, and may attend both if they elect to do so. Attendance is not mandatory.

Only registered candidates will be admitted, and those attending an Orientation session may be asked to present identification before being admitted.

The agenda for both Orientation sessions is identical, however, based on specific candidate questions, some content may vary. The Orientations will provide additional information not included in this Announcement. The Orientations will cover general information about the Disciplinary History Assessment, the Assessment Center, confidentiality requirements, and accommodations for those on Military Leave. A video of the Orientation Sessions will also be made available for review by candidates on a limited and scheduled basis.

EXAMINATION COMPONENTS: The total examination score shall consist of the following components:

COMPONENT	MAXIMUM POINT VALUES
Disciplinary History Assessment	Pass or Fail
Assessment Center	95 points maximum
Seniority	5 points maximum
TOTAL	100 points maximum

The maximum possible total examination score is 100 points. Of that, a maximum of ninety-five (95) points may be earned for the Assessment Center and a maximum of five (5) points may be awarded for Seniority. No points may be earned or awarded for the Disciplinary History Assessment. The allocation of points is explained further in the following paragraphs.

DISCIPLINARY HISTORY ASSESSMENT: Candidates **will not appear in person** for this component, which provides for an evaluation of a candidate's ascertained merit. The Disciplinary History Assessment is tentatively scheduled for February 1, 2011. The Assessment provides for a merit based evaluation of a candidate's disciplinary history. It will be conducted by Civil Service Commission staff. Staff will review the candidate's Internal Affairs Bureau (I.A.B.) computer printout which lists the candidate's history of Sustained Cases and, as necessary, will review departmental orders of disciplinary action. Only particular categories of Sustained Cases are considered in the Disciplinary History Assessment. The Assessment will be conducted by Civil Service Commission staff and is scheduled for February 1, 2011. The Disciplinary History Assessment component is graded on a pass/fail basis. Only those candidates who pass the Disciplinary History Assessment will be permitted to continue in the examination.

Only Three (3) Defined Categories of Sustained Rule Violations Are Considered: There are three (3) defined categories of sustained rule violations that are used in the Assessment. Only these three (3) particular categories of sustained disciplinary rule violations, as defined in Attachment A, will be considered in the Disciplinary History Assessment.

Must Pass the Assessment in All Three (3) Categories: A candidate must pass the assessment in all three (3) of the defined categories of sustained rule violations in order to pass the Disciplinary History Assessment. A candidate who fails in any one or more of the three categories will fail the Assessment. See Attachment A.

Each Category Is Reviewed on the Standards Specified for that Category: Each respective defined category of sustained rule violations will be reviewed on each of the standards specified for that category. A candidate must pass each and every standard specified for a category in order to pass that category. A candidate will either pass or fail each category. The specific standards for each assessment category are detailed in Attachment A.

Deferral of Assessment Based on an Active Disciplinary Appeal: In certain circumstances a candidate may, as a courtesy, be granted a deferral (temporary delay) in the administration of the Disciplinary History Assessment until such time as an active disciplinary appeal is resolved through a decision by the Hearing Officer and/or the Commission. If a deferral is granted, a candidate may proceed with the other examination component while awaiting a decision in his/her disciplinary appeal. The details regarding the eligibility for and granting of a deferral are provided in Attachment A.

Deadline to Correct the I. A. B. Computerized Data Base: Candidates are responsible for confirming that the information in the I.A.B. computerized data base regarding their history of sustained disciplinary cases is accurate. A candidate will have up to, but no later than, **5:00 p.m., Friday, January 28, 2011**, to contact the Internal Affairs Bureau, identify any errors in the database regarding his/her disciplinary history, provide I.A.B. personnel with the necessary documentation to correct any identified errors, and to confirm database corrections.

ASSESSMENT CENTER: The Assessment Center is tentatively scheduled to be administered **February 23-25, 2011**, at the Webb Municipal Building located at 201 West Colfax Avenue in Denver. The Assessment Center is tentatively scheduled to be held on the 7th floor. The Assessment Center will be administered to all candidates who follow all examination regulations and instructions.

On or around February 4, 2011, a random drawing will be held at the Civil Service Commission office to determine the date and time each candidate will participate in the Assessment Center. A non-participating representative of the Police Protective Association, and a non-participating representative of the Denver Police Department Administration will be asked to witness the drawing. Candidates are also invited to witness the drawing, if they desire. Any candidates related by blood, marriage or adoptions, who are participating in the Assessment Center, will be scheduled for the same Assessment Center session(s).

Assessment center exercises are designed to provide opportunities to evaluate candidates in areas of performance that are not easily assessed in written, multiple-choice tests. The Assessment Center will consist of job-related exercises designed to measure factors and dimensions from among those determined as a result of the job analysis to be essential or important to the successful performance of the duties and responsibilities of a Captain. A maximum of ninety-five (95) points of a candidate's total score shall be based on the candidate's score for the assessment center.

General information about the types of exercises and the dimensions to be rated by the assessors will be provided at the Orientation Sessions. All assessment center exercises for each candidate will be completed in one day. A panel of external assessors holding the rank equivalent to Captain or higher will evaluate and assign scores to each candidate's performance in a particular exercise.

Candidates may wear either their uniform or business attire to the Assessment Center. If a candidate elects to wear their uniform, all pins, medals, and other insignia, except the rank and badge, must be removed. Candidates will not be permitted to bring any items into the Assessment Center including previously prepared material. All necessary materials and supplies, such as paper, pens, reference materials, etc. will be provided.

The Commission will mail a feedback report to each candidate, evaluating the relative strengths and weaknesses of his/her performance in the Assessment Center. The feedback report is formulated and provided solely for the use of the candidate in identifying and evaluating opportunities for personal development. The report will not be considered nor used to formulate a candidate's official Assessment Center score, but instead is solely provided as a learning tool for the candidate. The date of the distribution of feedback reports is to be determined. It will be contingent upon completion of any and all delayed administrations of the examination due to the Military Leave status of otherwise eligible candidates.

All oral Assessment Center exercises will be videotaped. The assessors will not see the videos. The videos will be made for the Commission's records, and to allow a candidate the opportunity to review his/her performance after receiving the feedback report. Delayed individual administration of the Assessment Center, for accommodation of Military Leave, may involve the scoring of a candidate's videotaped exercises by the assessors.

SENIORITY: Each candidate who successfully completes all components of the examination shall receive one-tenth of one point for each full month of continuous service beyond twelve (12) full months of service in the Classified Service rank of Lieutenant in the Denver Police Department, following the candidate's most recent appointment to the Classified Service, until the maximum of five (5) points for seniority has been reached. Seniority shall be computed through January 31, 2011, or through and including the last day of the month preceding the month in which the first examination component is administered. Length of service shall be reduced for unpaid leaves of absence (not including family medical leave or military leave) and suspensions without pay, in aggregate greater than 30 days. Credit for Seniority shall be computed consistent with Commission Rule 6 § 6. However, for any candidate who has been re-employed under the provisions of Rule 11 § 4, the computation of length of service shall include both the seniority which he/she had at separation, which was retained under Rule 11 § 4(B), and the seniority accrued following reemployment, in spite of such combined service being considered noncontinuous.

TOTAL SCORE/ELIGIBLE REGISTER: The total examination score shall be the sum of the points earned from the Assessment Center and seniority. The Eligible Register shall contain in rank order, according to total score, only the names of candidates who have successfully completed all examination components. The Civil Service Commission will approve the Eligible Register on or about March 4, 2011. Once approved and notification to the Police Chief has occurred, copies of the Eligible Register will be available at the Commission office, will be distributed to various locations throughout the Department, and posted on the Commission's website.

The scoring procedures will be explained in further detail in the final notification letters that will be sent to all candidates. Each letter will contain the candidate's raw score on each component, as well as a description of the calculations used to obtain the candidate's total score. Ties shall be broken pursuant to Civil Service Commission Rule 7 § 4(B).

DATES AND LOGISTICS: All registered candidates for this examination will receive a confirmation notice by mail following the Disciplinary History Assessment. For candidates who pass, or are granted a deferral, in the Disciplinary History Assessment, this letter will confirm the exact date, time, and location of the Assessment Center. Candidates who pass or are granted a deferral of the Disciplinary History Assessment will receive further information at that time regarding the Assessment Center. Registered candidates who do not receive a confirmation letter from the Commission prior to any examination component are responsible for notifying the Commission and confirming the logistical details.

REASONABLE ACCOMMODATION: A candidate must request and describe, in writing, any reasonable accommodation(s) (per the American with Disabilities Act) he/she will need to participate in any component of the examination process noted herein, by the registration deadline of January 7, 2011, at 5:00 p.m. A medical statement documenting the candidate's medical restrictions that support the requested reasonable accommodation for the examination process must also be submitted by the registration deadline. Each request will be reviewed on a case-by-case basis. The submission of a request does not necessarily mean that the request will be granted.

REASONABLE ACCOMMODATION OF MILITARY LEAVE: Examination procedures and/or regulations have been instituted to ensure compliance with the non-discrimination provisions of the Uniformed Services Employment and Re-employment Rights Act of 1994. Opportunity for late registration and for delayed participation in this promotional examination process will be provided on an individual basis for those who are eligible to register and participate in the general administration of the examination components as noted herein, but who are unable to do so based on Military Leave status. Additional examination procedures and/or regulations have been implemented to maintain the confidentiality and integrity of the examination process throughout any extended period of examination administration.

Any candidate who is absent from duty and unable to register due to Military Leave must register for the examination no later than 30 calendar days following the date of their return to duty. Any requests for other specific accommodations are to be made in writing. Candidates can obtain further information about seeking and receiving reasonable accommodation based on Military Leave status by contacting Chanda Turnbull, as provided below.

ADDITIONAL INFORMATION: Any material misrepresentation of fact at the time of registration for this examination or during any examination component shall be grounds for disqualification of a candidate. Any violation by a candidate of the examination regulations or instructions shall be grounds for disqualification.

The examination shall be conducted in conformance with Commission Rules 6 and 15.

PROTEST OR CHALLENGE: Any protest or challenge to the content of this official announcement and the examination plan as set forth herein must be presented by a candidate, in writing, to the Executive Director of the Civil Service Commission. It must be received at the Civil Service Commission, Webb Municipal Office Bldg., 7th Floor, 201 W. Colfax, Dept. 1208 Denver, Colorado, 80202-5332, no later than 5:00 p.m. on January 7, 2011.

If you have any questions regarding this examination, please contact Chanda Turnbull, Associate H.R. Professional at 720-913-3356 or email her at chanda.turnbull@ci.denver.co.us.

CIVIL SERVICE COMMISSION

A handwritten signature in cursive script that reads "Earl E. Peterson". The signature is written in black ink and has a fluid, connected style.

Earl E. Peterson
Executive Director

ATTACHMENT A
ANNOUNCEMENT OF EXAMINATION
CAPTAIN - DENVER POLICE DEPARTMENT
December 6, 2010

DISCIPLINARY HISTORY ASSESSMENT: Candidates **will not appear in person** for this component, which provides for a merit based evaluation of a candidate's ascertained merit. See pages 3-4 of the Announcement. For all Assessment categories, "penalty date" shall be defined as the date the Manager of Safety signed the respective Departmental Order of Disciplinary Action.

Assessment Categories – Definitions and Standards for Review

Tier 1 Rule Violations

To **PASS**, a candidate cannot have any days suspended (may have fined days) within the two (2) years prior to the close of the examination registration period.

1) **Definition – Tier 1 Rule Violation:**

A Tier 1 Rule Violation is defined as: Any sustained disciplinary rule violation listed on the candidate's I.A.B. printout of Sustained Cases which: (1) has a **penalty of one or more days suspended** (not days fined); and (2) has a **penalty date during the period of January 8, 2009 through January 7, 2011, inclusive.**

[That is, any sustained rule violation with a penalty of one or more days suspended (not days fined) having a penalty date during the two (2) years prior to the close of the examination registration period.]

2) **Standard for Review - No Tier 1 Rule Violations:**

A candidate with **zero (0) Tier 1 Rule Violations** will **PASS** this assessment category. A candidate with **one (1) or more Tier 1 Rule Violations** will **FAIL** this assessment category.

Tier 2 Rule Violations

To **PASS**, a candidate cannot have sustained rule violations with combined penalties totaling more than 3 days fined and/or suspended within the four (4) years prior to the close of the examination registration period, **AND**

To **PASS**, a candidate cannot have more than two (2) sustained rule violations (which had a penalty of one or more days fined or suspended) with a penalty date within the four (4) years prior to the close of the examination registration period.

1) **Definition – Tier 2 Rule Violation:**

A Tier 2 Rule Violation is defined as: Any sustained disciplinary rule violation listed on the candidate's I.A.B. printout of Sustained Cases which: (1) has a **penalty of one or more days suspended or one or more days fined;** and (2) has a **penalty date during the period of January 8, 2007, through January 7, 2011, inclusive.**

[Any sustained rule violation with a penalty of one or more days fined, or one or more days suspended, having a penalty date during the **four (4) years prior** to the close of the examination registration period.]

2) **Standards for Review of Tier 2 Rule Violations:**

A. **Combined Total Number of Days Fined and Days Suspended:**

A candidate with a combined total number of **days fined and days suspended**, for all **Tier 2 Rule Violations**, which numbers **three (3) or less will PASS** this standard in the Assessment. A candidate with a combined total number of days fined and days suspended, for all **Tier 2 Rule Violations**, which numbers **four (4) or more will FAIL** this standard in the Assessment.

B. **Total Number of Tier 2 Rule Violations:** (Number of Rule Violations – Not Days)

A candidate with a total number of **Tier 2 Rule Violations** which numbers **two (2) or less will PASS** this standard in the Assessment. A candidate with a total number of **Tier 2 Rule Violations** which numbers **three (3) or more will FAIL** this standard in the Assessment.

Automatic Disqualifier Rule Violations

To **PASS**, a candidate cannot have any sustained violations of the specified departmental Rules and Regulations, with a penalty of one or more days fined or suspended, within the **five (5) years prior** to the close of the examination registration period; and cannot have any sustained rule violation resulting in any demotion in a Classified Service rank or grade during the five (5) years prior to the close of the examination registration period.

1) **Definition – Automatic Disqualifier Rule:**

An **Automatic Disqualifier Rule Violation** is defined as follows:

- A) Any sustained disciplinary rule violation listed on the candidate's I.A.B. printout of Sustained Cases which: (1) is for a **Rule and Regulation listed herein below under Automatic Disqualifier Rule**; (2) has a **penalty of one or more days suspended or one or more days fined**; and (3) has a **penalty date during the period of January 8, 2006, through January 7, 2011, inclusive**.
- B) Any sustained disciplinary rule violation listed on the candidate's I.A.B. printout of Sustained Cases which: (1) has a **penalty of a demotion in a Classified Service rank and/or grade**; and (2) has a **penalty date during the period of January 8, 2006, through January 7, 2011, inclusive**. Note: This does not include a demotion in any "appointed" rank such as Commander, Division Chief, Detective, Technician, or Corporal.

[A) Any sustained violation of a rule listed under **Automatic Disqualifier Rule**, with a penalty of one or more days fined or days suspended, having a penalty date during the **five (5) years prior** to the close of the examination registration period, or B) Any sustained rule violation having a penalty of a demotion in a Classified Service rank or

grade, and having a penalty date during the **five (5) years** prior to the close of the examination registration period.]

2) **Standard for Review - No Automatic Disqualifier Rule Violations**

A candidate who has **zero (0) Automatic Disqualifier Rule Violations will PASS** this standard in the Assessment. A candidate who has any **one (1) or more Automatic Disqualifier Rule Violations will FAIL** this standard of the Assessment.

3) **List of Automatic Disqualifier Rules:**

The specific Rules and Regulations applicable to this category include revisions to Department rules (see date connotations) and are the following:

a) ANY RULE VIOLATION resulting in any DEMOTION in a Classified Service Rank or Grade.

CONDUCT

- b) RR-102, OMS 8.08 Duties and Responsibilities of Supervisory Officers – Make Impartial Written Report (Prior to 10/1/2008)
- c) RR-102, OMS 8.24 Duties and Responsibilities of Supervisory Officers – Treatment of Prisoners (Prior to 10/1/2008)
- d) RR-102, OMS 8.25 Duties and Responsibilities of Supervisory Officers – Prisoner / Medical Attention (Prior to 10/1/2008)
- e) RR-102, OMS 8.26 Duties and Responsibilities of Supervisory Officers – Investigate All Complaints (Prior to 10/1/2008)
- f) RR-103 Aid Another to Violate Rule
- g) RR-106.2 Sexual Misconduct (Starting 10/1/2008)
- h) RR-109 Drinking on Duty (Prior to 10/1/2008)
- i) RR-109.3 Drinking on Duty (Starting 10/1/2008)
- j) RR-109.4 Under the Influence (Starting 10/1/2008)
- k) RR-111 Controlled Substances
- l) RR-112 Departing from the Truth (Prior to 10/1/2008)
- m) RR-112.2 Commission of a Deceptive Act (Starting 10/1/2008)
- n) *RR-115 Law Violations¹ (Prior to 10/1/2008)
- o) *RR-115.1 Conduct Prohibited by Law¹ (Starting 10/1/2008)

- p) *RR-115.2 Aggravated Conduct Prohibited by Law¹ (Starting 10/1/2008)
- q) RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law
- r) RR-120 Appropriating Property
- s) RR-123 Assault of Fellow Officer
- t) RR-130.2 Aiding and Protecting Fellow Officers – Intentional or Reckless (Starting October 1, 2008)
- u) RR-131 False Report (Prior to 10/1/2008)
- v) RR-138 Discrimination, Harassment, and Retaliation
- w) RR-139 Sexual Harassment (Prior to 10/1/2008)

REWARDS AND GRATUITIES

- x) RR-202 Soliciting or Accepting a Bribe

USE OF FORCE AND ARRESTS

- y) RR-306 Inappropriate Force
- z) RR-308 Aiding an Escapee
- aa) RR-311 Compromising Criminal Cases (Prior to 10/1/2008)
- bb) RR-311.1 Compromising Criminal Cases (Starting 10/1/2008)
- cc) RR-311.2 Interference with Prosecution (Starting 10/1/2008)
- dd) RR-312.2 Interfering with Internal Investigation/Questioning (Starting 10/1/2008)
- ee) RR-312.3 Failure to Provide Statement (Starting 10/1/2008)

REPORTS AND COMMUNICATIONS

- ff) RR-611 Giving Assistance to Criminals (Prior to 10/1/2008)

*POLITICAL ACTIVITIES ²

- gg) RR-704 Soliciting for Promotion, Appointment
- hh) RR-705 Soliciting for Promotion, etc. of Another (Prior to 10/1/2008)
- ii) RR-706 Soliciting for Appointment (Prior to 10/1/2008)

RR-704, 705, or 706, as listed on his/her I.A.B. printout of Sustained Cases, is for a violation which is not included among the automatic disqualifiers, it is the responsibility of the officer to provide supporting documentation, which clearly establishes the exception, to the Civil Service Commission no later than 5:00 p.m., Friday, January 28, 2011.

* If a Candidate asserts that any sustained violation of RR-115, RR-115.1, RR-115.2 or

1. Law Violations: For the purpose of an Automatic Disqualifier in this examination, any sustained violation of RR-115, RR-115.1, or RR-115.2 shall be limited to a violation based on an offense for which a conviction for the offense would rise to the level of a felony or a misdemeanor under Colorado statutes; except that, with respect to a misdemeanor offense for any vehicle or traffic related matter, the only misdemeanor offenses that shall be applicable are the following: an offense for which a conviction would be individually assessed eight (8) or more points under CRS 42-2-127(5); driving while license is under suspension, revocation, or in violation of a restriction; violation of vehicle registration provisions; and violation of compulsory insurance provisions.

2. Political Activities: For the purpose of an Automatic Disqualifier in this examination, sustained violations of the rules and regulations noted in this subsection shall be limited to circumstances involving solicitation of petitions either within or without the department, or promoting any political influence to be exerted from outside the department. Such activities are considered to be inconsistent with fostering promotion and appointment based on merit system principles.

Deferral of the Disciplinary History Assessment
Based on an Active Disciplinary Appeal

- 1) **Any candidate who believes he/she would otherwise pass the Disciplinary History Assessment**, but for consideration of a departmental disciplinary action for which an appeal is currently active before a Hearing Officer or the Commissioners, **may request that his/her Disciplinary History Assessment be deferred until the Hearing Officer's and/or the Commission's final decision has been rendered on the disciplinary appeal.**
- 2) A deferral may be requested only with respect to a disciplinary appeal which has been filed with the Commission on or before the closing date of registration (January 7, 2011), and for which a decision on the merits, or a final closing order, has not yet been issued at the Hearing Officer level and/or at the Commission level, as applicable.
- 3) A requested deferral which is granted based on a disciplinary appeal before a Hearing Officer shall be automatically continued should either party to the appeal timely file an appeal from the Hearing Officer's decision to the Commission.
- 4) A deferral may not be requested for a disciplinary appeal pending from a Hearing Officer's decision to the district court, or for an appeal seeking judicial review of the Commission's final decision in a disciplinary appeal.
- 5) A candidate shall be granted a requested deferral only if they are able to pass the Disciplinary History Assessment standards absent any consideration of the sustained discipline which is the subject of the respective disciplinary appeal(s).
- 6) A candidate who is denied a requested deferral will have his/her Disciplinary History Assessment completed as otherwise provided herein.
- 7) The Executive Director will provide written notification to a candidate indicating whether the requested deferral has been granted. Notification will occur after the scheduled administration of the Disciplinary History Assessment. The decision of the Executive Director shall be deemed a final action by the Commission. No appeal will be entertained.
- 8) **Any Request For Deferral Of The Disciplinary History Assessment must be received, in writing, at the office of the Commission, no later than 5:00 p.m. January 28, 2011** (close of registration).
- 9) Any Request For Deferral Of The Disciplinary History Assessment must include the following:
 - a) Candidate's name, address, phone number(s), and social security number;
 - b) Case number and caption of the subject disciplinary appeal(s), if assigned;
 - c) Copy of the Departmental Order Of Disciplinary Action that is at issue in the disciplinary appeal(s) in question;
 - d) A statement requesting that the candidate's Disciplinary History Assessment be deferred until the noted disciplinary appeal is resolved at the Hearing Officer and/or Commissioner level, as may be applicable;

- e) A statement that the candidate agrees and understands that there is no right to a deferral but rather it is a courtesy granted by the Commission;
 - f) A statement affirming that, to the best of the candidate's knowledge, information, and belief, the candidate would otherwise pass all of the standards of the Disciplinary History Assessment but for consideration of the sustained discipline which is the subject of the pending appeal(s);
 - g) A statement that the candidate agrees and understands that his/her examination for the rank of Police Captain shall not be deemed completed during the period of time that the candidate's Disciplinary History Assessment is being deferred;
 - h) A statement that the candidate agrees, understands and knowingly and voluntarily waives any claim regarding the facts that: (1) his/her score for the Assessment Center component of the examination will not be released during the period of time that the candidate's Disciplinary History Assessment is deferred; and (2) said score for this component will not be released and will be deemed null and void should the candidate ultimately fail the Disciplinary History Assessment;
 - i) A statement that the candidate agrees, understands and knowingly and voluntarily waives any claim regarding the facts that: (1) only if and when the candidate ultimately passes the Disciplinary History Assessment, and has successfully completed all other components of the examination, will his/her final score be computed and the results then be brought before the Commission for approval for the candidate's placement onto the Eligible Register at his/her appropriate rank order; and (2) the candidate shall not be eligible to be certified based on rank order to the Manager of Safety, for consideration for promotional appointment, until such time that he/she has been approved for placement onto the Eligible Register; and (3) based on successful completion of all components of this examination, the candidate may only become eligible for placement onto the Eligible Register that is established as a result of this examination.
 - j) The notarized signature of the candidate and the date of signature.
- 10) At such time as the Disciplinary History Assessment is administered for a candidate who has been granted a deferral, the Assessment shall reflect the final determination and orders of the Hearing Officer or the Commission, as applicable, with respect to the disciplinary violations and penalties in questions. For purposes of the Assessment only, the respective violation(s) and/or penalties on the I.A.B. list of Sustained Cases will, as necessary, be sustained, modified, or vacated to reflect the respective final determination in the disciplinary appeal.
