

RULE 11 ¹

**REDUCTION OF FORCE OR RANK,
LEAVE OF ABSENCE, RESIGNATION, REEMPLOYMENT,
RETURNING TO DUTY AFTER SUSPENSION OR DISABILITY,
AND FAMILY MEDICAL LEAVE**

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¹ **Editor’s Note:** The number designation of all rules has been converted from Roman to Arabic numerals.

² **Editor’s Note:** The *Table of Contents* was added with the annotations of June 30, 2005.

Section 1. Reduction In Force. ³

Whenever, for the lack of work or lack of funds or any other cause, it becomes necessary to reduce the number of members within departments of the classified service, the following shall apply:

(Amended March 27, 1998)

A. The Manager of Safety shall immediately notify the Commission, in writing, of said reduction in force.

(Amended October 13, 1995)

B. The person last appointed shall be laid off first.

C. The names of those so laid off shall be entered on an appropriate reinstatement register from which appointment was made.

D. When it is desired to increase the number of members in the classified service, the Executive Director of the Commission shall first certify all those laid off in the order of the reinstatement register; and a person so certified, who declines or who, after due notice has been given, fails to accept reinstatement shall be considered to be permanently separated from the classified service.

(Amended March 26, 1987; October 13, 1995)

E. Reinstatements herein are to be subject to such medical examination and other conditions consistent with these Rules as the Commission deems necessary.

F. Any persons reinstated after layoff shall be required to complete the remaining portion of their probationary periods before being permanently appointed.

(Adopted March 27, 1998)

Section 2. Leaves of Absence.

(Title amended November 20, 1998)

A leave of absence may be granted to a member of the classified service pursuant to the rules, regulations, or policies of the relevant department. Members returning to duty from a leave of absence of ninety (90) days or greater shall be required to undergo examination for fitness for duty pursuant to the rules, regulations, or policies of the relevant department.

(Amended September 6, 1986; July 2, 1990; October 13, 1995; November 20, 1998) ⁴

³ **Charter Note:** See Charter § 9.4.19, *Reduction and increase in force* (Charter 1960, C5.70; Charter 1904 § 201; Amended November 4, 1986, November 2, 1993). Recompiled in 2002.

⁴ **Editor's Note:** Provisions regarding Military Leave were repealed in 1998.

Section 3. Resignation.

- A. A member wishing to resign shall submit a resignation in writing to the Manager of Safety and the Chief of the department together with a copy to be forwarded to the Commission, giving the date the resignation is to become effective and the reason for the resignation.
(Amended October 13, 1995)

- B. The Manager of Safety shall acknowledge in writing each resignation without delay and shall inform the Commission of the action taken.
(Amended October 13, 1995)

- C. Failure to report for duty within five (5) days following the expiration of a leave of absence without just cause, or absence without leave for a period of five (5) days without just cause, shall be construed as a resignation, effective as of the first date of such absence. Written notice shall be personally served upon the member in accordance with the Colorado Rules of Civil Procedure or sent by registered mail to the last known address. The member affected by constructive resignation under this subsection, within ten (10) days after such notice, may request the Manager of Safety to prepare a written order and specifications in support thereof and furnish a copy to such member and allow the member ten (10) days from the date of the order to answer the same in writing. The member may appeal the decision of the Manager of Safety to the Civil Service Commission pursuant to these Rules and the Charter.
(Amended October 13, 1995)

Section 4. Reemployment.⁵

(Amended October 13, 1995; March 27, 1998)

- A. Members of the classified service who were separated under honorable circumstances may be reemployed upon meeting each of the following:
 - 1. Written approval by the chief of the department;
 - 2. Written approval by the Manager of Safety;
 - 3. Written approval of a majority of the members of the Civil Service Commission;
and
 - 4. Any other examination requirements as determined by Civil Service Commission rules, statutory requirements, and requirements of the Department of Safety.

⁵ **Charter Note:** See Charter § 9.4.3, *Reemployment* (Derived from Charter 1960, C5.61-1; Added March 25, 1991). Recompiled in 2002. Amended in election of May 6, 2003 to remove unnecessary detail from the Charter.

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- B. Reemployed members shall be reemployed at the highest rank previously held except that the rank when reemployed shall not be higher than firefighter 1st grade or police officer 1st grade. Reemployed members shall retain the seniority they had at separation, but no seniority shall be granted for the time during which they were separated and service shall not be construed as continuous.⁶ In the event the approval of either the chief of the department, the Manager of Safety, or the Civil Service Commission is not granted, the former member shall have no right to seek review of that decision before the Civil Service Commission, the department chief, or the Manager of Safety.
- C. If an individual seeking reemployment has been separated for at least ninety (90) days, the Commission will, at a minimum, expect the individual to successfully complete the following examinations to the satisfaction of the Commission: (1) a psychological evaluation or examination; (2) a background investigation, including a polygraph examination; and (3) a medical evaluation or examination, including a drug screen,

Section 5. Return to Duty from Suspensions.

All members who return to duty from suspensions of ninety (90) days or greater shall be required to undergo examination for fitness for duty pursuant to the rules, regulations, or policies of the relevant department.

(Adopted September 6, 1986) (Amended July 2, 1990; Oct. 13, 1995; November 20, 1998)

Section 6 Return to Duty from Disability Retirement.

Classified members returning to duty after a disability retirement/leave as ordered by the Fire and Police Pension Association or authority, shall be required to undergo a background investigation, which may include a polygraph examination; a psychological examination, and a drug screen.

Section 7. Family or Medical Leave.

(Adopted October 13, 1995) (Amended November 20, 1998)

Family or medical leave may be granted to a member of the classified service pursuant to the rules, regulations, or policies of the relevant department. Members returning to duty from family or medical leave may be required to undergo examination for fitness for duty pursuant to the rules, regulations, or policies of their department.

END

⁶ **Editor's Note:** See also Rule 6 § 6(B)(3) for provisions regarding *Credit for Seniority* in promotional exams.