

RULE 3

QUALIFICATIONS FOR ORIGINAL APPOINTMENT ¹

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¹ **Editor's Note:** All Rule numbers have been converted from Roman to Arabic numerals.

² **Editor's Note:** The Table of Contents was first added as an annotation on June 30, 2005.

Section 1. Character and Background. ³

- A. To be eligible for original appointment to a position in the classified service, an applicant must be of good moral character and a loyal citizen of the United States. *(Amended October 13, 1995; October 27, 2000)*
- B. Minimum Qualifications. To be eligible for both application and original appointment to a position in the classified service, an individual shall not have any legal impediments to their ability to perform the essential job functions of the position for which application is made. Further, except as otherwise provided in this Rule 3 § 1(D) below *(Review for Exemption from Disqualification for Behavior Prior to Age 18)*, any applicant or candidate shall be automatically disqualified from further consideration for a failure to meet the minimum qualifications listed herein, and will be notified of the reason(s) for disqualification. ⁴
(Adopted October 27, 2000) (Amended February 1, 2006)
1. No convictions or deferred judgments for a felony.
 2. No more than three (3) convictions or deferred judgments for a misdemeanor (non-traffic) within the period beginning from thirty-six (36) months prior to the date of application and running to and including the date of appointment.
 3. No convictions or deferred judgments for a misdemeanor (non-traffic) during any time employed as a law enforcement officer or firefighter, or in a sworn public safety position.
 4. No admission of or conviction of, or deferred judgment for, a misdemeanor involving domestic violence.
 5. No admission of or conviction of, or deferred judgment for, a misdemeanor involving sexual assault.
 6. No admission of or conviction of, or deferred judgment for, a misdemeanor involving intimidation or harassment of a person or group because of that person's or group's race, color, ancestry, religion, national origin, age, sexual orientation, or physical or mental disability.
 7. No admission of or conviction of, or deferred judgment for, a misdemeanor involving child abuse.

³ **Editor's Note:** The amendments of Oct. 27, 2000 involved a substantial revision of Rule 3 concerning the Character and Background qualifications for Original Appointment, including the establishment of specific disqualifying criteria. Sections 1(B) and (C) were newly adopted and gave consideration to the recommendations of the six member Mayor's Civil Service Commission Review Panel (*Blue Ribbon Panel*), as contained in the final report of August 1, 2000.

⁴ **Editor's Note:** The amendments of February 1, 2006 provide for the adoption of a new section 1(D).

8. No conviction of, or deferred judgment for, a DUI or DWAI offense within the period beginning from thirty-six (36) months prior to the date of application and running to and including the date of appointment.
9. No more than one conviction of, or deferred judgment for, a DUI or DWAI offense in the individual's lifetime.
10. No illegal sale, delivery, or manufacturing of drugs.
11. No use of hard drugs within the period beginning from sixty (60) months prior to the date of application and running to and including the date of appointment.
12. No use of soft drugs within the period beginning from thirty-six (36) months prior to the date of application and running to and including the date of appointment.
13. No use of soft or hard drugs during any time while employed in a prior law enforcement, fire fighter, or sworn public safety position.

(Adopted October 27, 2000)

- C. Case by Case Consideration. Other than as reason(s) for automatic disqualification as provided in this Rule 3 § 1(B) above, in determining whether any behavior(s) and/or situations regarding an applicant's history or current circumstance shall disqualify the applicant from further consideration in the examination and screening process, the Commission shall consider the available information regarding the individual's character and background on a case by case basis.⁵

(Adopted October 27, 2000) (Amended February 1, 2006)

D. Review for Exemption from Disqualification for Behavior Prior to Age 18:

(Adopted February 1, 2006)

1. As specifically provided in this Rule 3 § 1(D), the Commission may, upon an individual's timely written request, review the background of the individual for consideration and provision of an exemption from an automatic disqualification, or anticipated automatic disqualification, resulting from a failure to meet any of the minimum qualifications as provided in Rule 3 § 1 (B).
2. An exemption from automatic disqualification shall only be considered and/or provided if the behavior in question, or the underlying incident upon which legal action was initiated, occurred prior to the individual's eighteenth (18th) birthday, and only if the behavior or underlying incident occurred at least sixty (60) months prior to the date of application, or the date of a request for review that was made prior to application.

⁵ **Editor's Note:** The amendments of February 1, 2006 eliminated unnecessary detail.

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3. However, an exemption from automatic disqualification shall not be considered nor provided for any disqualification under the provisions of Rule 3 § 1(B)(1), concerning any conviction of a felony offense, when the applicant was charged and convicted as an adult.
4. For Police Officer applicants only: Unless the Colorado Police Officer Standards and Training (P.O.S.T.) Board provides the opportunity for an applicable waiver/exemption regarding P.O.S.T. disqualification from peace officer certification, an exemption from Commission disqualification, as provided for in this Rule 3 § 1(D), shall not be considered nor provided regarding any plea, any conviction, or any other disposition for a criminal offense, whether for a felony or a misdemeanor, and whether charged as a juvenile or as an adult, for which the individual may be denied certification as a peace officer by the P.O.S.T. Board or which serves as a legal barrier to employment as a Police Officer.
5. Any applicant seeking Commission review under this Rule 3 § 1(D), for exemption from an automatic disqualification, shall submit a written detailed request to the Commission's Executive Director, within forty-five (45) days of the date of the Commission's notice of disqualification, or it will not be considered. However, an individual seeking Commission review of grounds for a potential automatic disqualification may submit a detailed written request anytime prior to application or re-application.
 - a. The written request shall include a copy of an official document verifying the individual's date of birth, and shall also include copies of the relevant court or legal documents fully explaining the subject criminal charges, any related plea, and the final disposition, as applicable, or such request will not be considered. For an individual requesting Commission review prior to application or re-application, the written request shall also specify the position(s) for which the individual intends to apply.
 - b. Each proper and timely request for Commission review for exemption will be evaluated by the full Commission, or their delegate, for the granting of an exemption from the actual or potential automatic disqualification, as applicable.
 - c. Any applicant/individual requesting such exemption from Commission automatic disqualification under the minimum qualifications as provided in Rule 3 § 1(B) may be required to personally appear before the full Commission, or their delegate, for clarification or discussion.
 - d. An applicant or potential applicant for the position of Police Officer: Prior to granting any request for Commission exemption from automatic disqualification based on any Commission minimum qualification related to eligibility for peace officer certification by the P.O.S.T. Board, the Commission shall require that the individual first provide documentation verifying that he/she has obtained any needed exemption/waiver from the P.O.S.T. Board, as may be required to permit P.O.S.T. certification as a peace

officer, or verifying that he/she has in fact been granted peace officer certification by the P.O.S.T. Board, with its full knowledge of the applicant's criminal history.⁶

- e. An applicant or potential applicant for the position of Firefighter: Prior to granting any request for Commission exemption from automatic disqualification based on any Commission minimum qualification related to eligibility for certification as an Emergency Medical Technician (E.M.T.) by the Colorado Department of Health, the Commission shall require that the individual first provide documentation verifying that he/she has obtained any needed exemption/waiver from the Colorado Department of Health, as may be required to permit E.M.T. certification in Colorado, or verifying that he/she has in fact been granted E.M.T. Certification by the Colorado Department of Health, with its full knowledge of the applicant's criminal history.⁷
6. Each individual/applicant who has submitted a proper and timely written request for exemption from automatic disqualification shall be notified of the Commission's decision in writing. A person shall have no right of appeal to the Commission regarding any denial of a request for exemption or the resulting enforcement of a disqualification. Should a person's request for exemption be granted, he/she will then be allowed to proceed in the available application and/or testing/screening process, if otherwise eligible. The granting of any request for exemption from automatic disqualification shall not preclude the Commission from considering the subject criminal or behavioral issue(s) when reviewing individual's background and history in any subsequent preliminary file review or final background review.

Section 2 Citizenship and Residence.

- A. Applicants at the time of appointment shall be citizens of the United States and residents of the State of Colorado.
- B. All permanent and temporary members of the classified service who are originally appointed on or after January 1, 1979, shall as a condition of their employment and as a condition of their continued employment, comply with the residency requirements set forth in the Charter of the City and County of Denver, Section C5.12 et seq., as it may be amended from time to time.⁸
(Amended October 27, 2000)

⁶ **Editor's Note:** See C.R.S. 24-31-305 for statutory provisions regarding P.O.S.T. peace officer certification. See also P.O.S.T. Rules, including Rule 7 – Variances.

⁷ **Editor's Note:** See C.R.S. 25-3.5-203 for statutory provisions regarding E.M.T. state certification. Also see Colorado Department of Public Health and Environment, State Board of Health Rules Pertaining to Emergency Medical Services, 6 CCR 1015-3.

⁸ **Charter Note:** Charter § C5.12-1 was amended in election of Nov. 3, 1998, to permit residency in the six county Denver metro area. In the election of Nov. 6, 2001 Charter § C5.12 et seq. was repealed and as a result all residency restrictions under this subsection 2(B) of this Rule 3 were eliminated.

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- C. Applicants employed prior to January 1, 1979, in any other personnel system of the City and County of Denver who are appointed to positions in the classified service shall be exempt from the residency requirement set forth in B of this section, provided, however, that their employment with the City and County was continuous and involved no break in service.⁹
(Amended October 27, 2000)

Section 3. Age.

- A. Fire Department. Applicants for original appointment to the Fire Department must have reached 18 years of age on or before the day of application.
(Amended September 6, 1986; November 15, 1989; October 27, 2000)
- B. Police Officers. Applicants for original appointment as Police Officer must have reached 21 years of age on or before the day of application.
(Amended July 2, 1990; March 27, 1998; October 27, 2000)

Section 4. Education.

- A. Applicants for original appointment to the Fire or Police Departments must have a high school diploma or GED on or before the day of application.
(Amended November 15, 1989; March 27, 1998; October 27, 2000)
- B. In the case of applicants for the positions requiring technical, professional, or scientific knowledge and experience, or special qualifications, the Commission shall require such certificates of competence, or licenses, as required by law or Commission rule.
(Amended October 27, 2000)

Section 5. Driver's License

Applicants for original appointment must possess a valid automobile driver's license before placement on the eligible register.
(Adopted March 27, 1998)

⁹ **Editor's Note:** In the election of Nov. 6, 2001 Charter § C5.12 et seq. was repealed and as a result all residency restrictions under subsection 2(B) of this Rule 3 were eliminated.

Section 6. Physical, Mental & Psychological Qualifications

(Adopted October 27, 2000)

Applicants for original appointment must be physically, mentally, and psychologically qualified to perform, with or without reasonable accommodation, the essential job functions of the position for which application is made. ¹⁰

Section 7. Other Qualifications

Applicants for original appointment must also possess all other minimum qualifications as determined by job analyses or studies of the position to be filled.

(Adopted March 27, 1998) (Amended October 27, 2000)

Section 8. Documentation to Verify Minimum Qualifications. ¹¹

(Adopted March 27, 1998) (Amended October 27, 2000)

Specific documents providing proof that an applicant meets certain minimum qualifications will be required upon demand by the Commission. Such documents include:

(Adopted October 27, 2000)

- A. Proof of age. Acceptable proof of age shall include a birth certificate, passport, baptismal record (if it designates date of birth), or naturalization papers.
- B. Proof of United States citizenship. Acceptable proof of United States citizenship shall include a birth certificate from within the United States, naturalization papers, a United States passport, or a Certificate of Live Birth Abroad of a United States Citizen.
- C. Proof of high school graduation or equivalent. Acceptable proof of high school graduation or its equivalent shall include a high school diploma; a GED certificate; an original certified high school transcript bearing the official school seal and showing graduation date; or an original letter from the school on the school's stationery which verifies graduation date.
- D. Proof of honorable discharge from the military. Applicants for original appointment claiming veteran preference shall furnish copies of their DD-214 (Copy 4) and such other evidence of their rights to such preference as the Commission may require.

END

¹⁰ **Editor's Note:** Prior to the amendments of Oct. 27, 2000 the qualification of being physically capable of performing the essential job functions was referenced in Section 1, Character and Background.

¹¹ **Editor's Note:** Prior to the amendments of Oct. 27, 2000 this section was titled "Supporting Evidence."

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