

**RULE 3 <sup>1</sup>**

**QUALIFICATIONS FOR ORIGINAL APPOINTMENT**

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<sup>1</sup> **Editor’s Note:** The Table of Contents, Dates of Adoption and Amendment, Footnotes and Attachments are Annotations only and not deemed to be part of the formal rule.

<sup>2</sup> **Editor’s Note:** The Table of Contents was first added as an annotation on June 30, 2005.

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**Section 1. Qualifications for Original Appointment.**

*(Adopted April 15, 2011)*

**A. At the time of application and appointment** to the Classified Service, an individual shall meet the qualifications established by the Charter of the City and County of Denver and the rules of the Civil Service Commission. In addition to a determination that an applicant<sup>3</sup> meets these minimum qualifications, the screening and examination of applicants shall provide for the selection of those applicants determined to be the best qualified and most suitable for appointment to the Classified Service.

*(Adopted April 15, 2011)*

**B. Automatic Disqualification and Notice of Reason(s) Therefore:** Except as otherwise provided in this Rule 3 § 7 below (*Review for Exemption from Automatic Disqualification for Behavior Prior to Age 18 and Occurring at least 60 Months Prior to the Date of Application*), any applicant shall be automatically disqualified from further consideration for a failure to meet the minimum qualifications established in this Rule 3 §§ 2-6 and 8-9. Any applicant subject to such automatic disqualification will be notified of the reason(s) for disqualification.

*(Adopted October 27, 2000) (Amended February 1, 2006; April 15, 2011)*<sup>4</sup>

**C. As provided by Charter and/or Commission Rule:**

*(Adopted April 15, 2011)*

1. Every applicant for original appointment shall also be subject to the examination, screening, and other requirements established by the Commission;
2. The qualifications of any applicant, including the character and background, shall be subject to review by the Commission;
3. Each applicant shall be approved by the Commissioners prior to placement on an eligible register, and such approval may be subject to background updates after placement on an eligible register; and
4. Any original appointment to the Classified Service shall be made by the Manager of Safety (and when applicable, with the approval by the Chief of the Department).

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<sup>3</sup> **Definition Note:** As used in this Rule 3, the word “applicant” shall indicate an individual participating in the application, examination, screening, certification and/or appointment process for original appointment.

<sup>4</sup> **Editor’s Note:** New subsection title. These provisions were previously in Section 1(B), *Minimum Qualifications*, of the 2000 and 2006 versions.

**Section 2. Citizenship and Residency.**

*(Amended April 15, 2011)*

**A. Citizenship:** Applicants for original appointment to the Classified Service shall be citizens of the United States at the time of application.<sup>5</sup>

*(Amended April 15, 2011)*

**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.

*(Adopted March 27, 1998)*<sup>6</sup>

**C. Colorado Residency:**<sup>7</sup> Applicants for original appointment to the Classified Service shall be bona fide residents of the State of Colorado at the time of appointment,<sup>8</sup> and must maintain any statutory residency requirements.<sup>9</sup>

*(Amended October 27, 2000; April 15, 2011)*

**Section 3. Age.**

**A. Fire Department – Age 18:** 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; April 15, 2011)*

**B. Police Department – Age 21:** Applicants for original appointment as a 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; April 15, 2011)*

**C. Proof of Age:** Acceptable proof of age shall include a birth certificate, passport, baptismal record (if it designates date of birth), or naturalization papers.

*(Adopted March 27, 1998)*<sup>10</sup>

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<sup>5</sup> **Charter Note:** Required by Charter § 9.4.1.

<sup>6</sup> **Editor’s Note:** Incorporates provisions from prior § 8(B) of the 2000 and 2006 versions of Rule 3 concerning *Documentation to Verify Minimum Qualifications – Proof of United States citizenship.*

<sup>7</sup> **Editor’s Note:** Charter § C5.12 was amended in the 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 Charter related county residency restrictions under prior Rule 3 § 2(B) and 2(C) were eliminated.

<sup>8</sup> **Editor’s Note:** An “appointment” to the Classified Service is effective the first day of actual employment in the position. See Rule 1, “Appointment” and “Resident-Bona Fide”.

<sup>9</sup> **Editor’s Note:** There is a State statutory general requirement of Colorado residency for Peace Officer certification (CRS 29-5-101).

<sup>10</sup> **Editor’s Note:** Previously contained in Section 8(A), *Documentation to Verify Minimum Qualifications*, of the 2000 and 2006 versions of Rule 3.

**Section 4. Education.**

**A. High School Education:** All applicants for original appointment to the Fire or Police Departments shall have a high school diploma or a general equivalency diploma (GED certificate) on or before the day of application.

*(Amended November 15, 1989; March 27, 1998; October 27, 2000; April 15, 2011)*

**B. Technical or Special Qualifications:** For a position requiring technical, professional, or scientific knowledge and experience, or special qualifications, the Commission shall also require such certificate of competence, diploma, or license, as required by law, examination announcement or Commission rule.

*(Amended October 27, 2000; April 15, 2011)*

**C. Proof of Educational Attainment:**

*(Adopted April 15, 2011)*

1. Acceptable proof of a high school diploma or its equivalent shall include a high school diploma, a GED certificate, a certified high school transcript bearing the official school seal and showing graduation date, or a letter from the school on the school's stationery that verifies graduation date.<sup>11</sup>

*(Adopted March 27, 1998) (Amended April 15, 2011)*

a. Police Officer Applicants: Any Police Officer applicant who has received a high school diploma or GED certificate but is unable to obtain and provide "acceptable proof" shall be required to obtain a written waiver of the high school diploma or GED certificate requirements from the Colorado Peace Officer Standards and Training (POST) Board.

*(Adopted April 15, 2011)*

b. Fire Department Applicants: Any Fire Department applicant who has received a high school diploma or GED certificate but is unable to obtain and provide "acceptable proof" may request a waiver from the Commission, or their designee, if they provide acceptable proof of an Associates or higher level degree that supports a determination that they possess a level of general education at least equivalent to the high school level.

*(Adopted April 15, 2011)*

2. Credit for home schooling at the high school level shall not be accepted without a high school diploma or GED certificate. If the high school diploma is issued by the applicant's parent:

*(Adopted April 15, 2011)*

a. The applicant will be required to provide supporting documentation to verify that the home schooling program met State requirements; and

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<sup>11</sup> **Editor's Note:** Incorporated from § 8(C) of the 2006 version of Rule 3.

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b. An applicant for Police Officer shall also provide written verification from the POST Board that the home school diploma, with supporting documentation, is acceptable to the POST Board for the purpose of peace officer certification.

3. Acceptable proof of post-secondary educational attainment shall include a diploma or certificate; a certified technical school, college or university transcript bearing the official school seal, showing the date of award of the degree or diploma or certificate; or a letter from the school on the school's stationary which verifies the diploma, certificate, or degree awarded and the date.

*(Adopted April 15, 2011)*

4. The Commission reserves the right to reject any proof of educational attainment based on an evaluation of supporting documentation and the credentials or accreditation (or lack thereof) of the educational institution awarding the diploma, certificate, or degree.

*(Adopted April 15, 2011)*

**Section 5. Driver's License.**

Applicants for original appointment must possess a valid automobile driver's license at the time of application and up to and including the date of appointment, and must maintain any licensing requirements of the respective department.

*(Adopted March 27, 1998) (Amended April 15, 2011)*

**Section 6. Character and Background.** <sup>12</sup>

**A. To be eligible for original appointment** to a position in the Classified Service, an applicant shall be of good moral character as required by Charter § 9.4.1. In reviewing an applicant's character and background, the Commission will consider the standards of ethical conduct, integrity and honesty that shall guide the behavior of a member of the respective Department.

*(Amended October 13, 1995; October 27, 2000; April 15, 2011)*

**B. Automatic Disqualification:** The minimum qualifications related to character and background for which an applicant shall be subject to automatic disqualification are provided below in Rule 3 § 6(D-J).

*(Adopted April 15, 2011)*

(Continued)

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<sup>12</sup> **Editor's Note:** Previously Section 1. The amendments of Oct. 27, 2000 involved a substantial revision of Rule 3 concerning the Character and Background related qualifications for Original Appointment, including the establishment of specific disqualifying criteria. The sections regarding particular misdemeanor disqualifiers and case by case consideration 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.

(Continued: *B. Automatic Disqualification*)

1. With regard to any minimum qualifications concerning any felony offense or certain misdemeanor offenses, as provided in Rule 3 § 6, the phrase “*conviction of, plea of guilty or no contest to, or deferred judgment/sentence for,*” or any part thereof, shall apply not only to any offense that has been the subject of an adult criminal court proceeding, but also to:
  - a. Any juvenile offense adjudicated in a juvenile court when the offense would be classified as a felony or misdemeanor if committed by an adult; and
  - b. Any juvenile offense when the juvenile was charged as an adult.
2. As provided in Rule 3 § 7, and upon an applicant’s request, an anticipated or actual automatic disqualification under Rule 3 § 6 may be subject to a *Review for Exemption from Automatic Disqualification for Behavior Prior to Age 18 and Occurring at least 60 Months Prior to the Date of Application.*

**C. Case by Case Consideration:** Excluding the minimum qualifications established in Rule 3 § 6(D-J) below, in determining whether an applicant’s character and background shall disqualify the applicant from further consideration in any *Preliminary File Review* or final *Background Review* process, the Commission, or their designee, shall consider the information available in the applicant’s file on a case by case basis. This shall include any information that has been provided by the applicant in writing, prior to the review, to further explain or clarify their qualifications and any matters that the applicant believes may be a character or background issue.  
(Adopted October 27, 2000) (Amended February 1, 2006; April 15, 2011)

**D. No Legal Impediments:** To be eligible for both application for 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, at time of application, and up to and including the date of appointment, an individual shall have completed all court orders associated with any criminal conviction, plea, deferred sentence/judgment or deferred prosecution, and shall not be incarcerated, on work release, on probation, or on parole for any crime.  
(Adopted April 15, 2011)<sup>13</sup>

**E. No Felony Offenses under any Federal or State Law:** No conviction of, plea of guilty or no contest to, or deferred judgment/sentence for a **felony offense during an individual’s lifetime.**  
[Amended: October 27, 2000 as § 1(B)(1); April 15, 2011]<sup>14</sup>

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<sup>13</sup> **Editor’s Note:** This subsection incorporates some provisions from Section 1(B), *Minimum Qualifications*, that was adopted on October 27, 2000 and maintained in the 2006 version.

<sup>14</sup> **Editor’s Note:** This subsection E incorporates provisions from Section 1(B)(1) of the Amendments to Rule 3 of October 27, 2000.

**F. Certain Misdemeanor Offenses under any Federal, State, or Local Law:**

*(Adopted April 15, 2011)*

1. **No conviction of, plea of guilty or no contest to, or deferred judgment/sentence for any misdemeanor offense (non-traffic), at any point during an individual's lifetime, while an employee or volunteer in any of the following positions:** law enforcement; peace officer; armed public safety; correctional officer; military police; firefighter; or medical first responder. (This includes offenses arising from conduct on or off the job.)

*[Adopted October 27, 2000 as § 1(B)(3)] ( Amended April 15, 2011)*

2. **No conviction of, plea of guilty or no contest to, or deferred judgment/sentence for a misdemeanor offense, during an individual's lifetime, involving any of the behaviors or offenses listed below:**

*[Adopted October 27, 2000 as § 1(B)( 4-7)] (Amended April 15, 2011)*

- a. Domestic violence; *(Adopted October 27, 2000)*
- b. Assault, menacing, or stalking; *(Adopted April 15, 2011)*
- c. Sexual assault, unlawful sexual contact, or an offense that would require registration as a sex offender under Colorado law; *(Adopted October 27, 2000) (Amended April 15, 2011)*
- d. An offense of child abuse (including child neglect) resulting in any injury to the child or to the child's health; *(Adopted October 27, 2000) (Amended April 15, 2011)*
- e. Harassment, including harassment or intimidation of a person or group because of that person's or group's actual or perceived race, color, ancestry, national origin, religion, creed, age, gender, gender variance, sexual orientation, or physical or mental disability; *(Adopted Oct. 27, 2000) (Amended April 15, 2011)*
- f. Cruelty to animals; *(Adopted April 15, 2011)*
- g. Impersonating a peace officer, firefighter, or public servant; *(Adopted April 15, 2011)*
- h. Obstruction of government operations; *(Adopted April 15, 2011)*
- i. Obstruction of a peace officer, firefighter, emergency medical service provider, rescue specialist, or like volunteer. *(Adopted April 15, 2011)*
- j. False reporting to fire, emergency, or law enforcement authorities; *(Adopted April 15, 2011)*
- k. Perjury; *(Adopted April 15, 2011)*
- l. Fraud or Forgery; *(Adopted April 15, 2011)*
- m. Theft; or *(Adopted April 15, 2011)*
- n. Illegal use or possession of a firearm or an edged weapon (e.g. knife). *(Adopted April 15, 2011)*

3. **No conviction of, plea of guilty or no contest to, or deferred judgment/sentence for a misdemeanor offense, within the period beginning from one hundred twenty (120) months (10 years) prior to the date of application and running to and including the date of appointment, involving any of the behaviors or offenses listed below:**

*(Adopted April 15, 2011)*

- a. Any offense based on unlawful sexual behavior not included above under Rule 3 § 6(F)(2)(c); or
- b. Any offense based on child abuse (including child neglect) that does not involve an injury to the child or to the child's health.

4. **No more than one (1) conviction of, plea of guilty or no contest to, or deferred judgment/sentence for any other misdemeanor offenses [non-traffic, not already listed under Rule 3 § 6(F)(2) or (3)] within the period beginning from sixty (60) months (5 years) prior to the date of application and running to and including the date of appointment.**

*[Adopted October 27, 2000 as § 1(B)(3)] (Amended April 15, 2011)*

- G. Traffic Related Offenses:** No conviction of, plea of guilty or no contest to, deferred judgment/sentence for, or license suspension for a traffic related offense as provided below: *(Adopted April 15, 2011)*

1. **No more than one (1) conviction of, plea of guilty or no contest to, or deferred judgment/sentence for a DUI (Driving Under the Influence) or DWAI (Driving While Ability Impaired) offense during an individual's lifetime.** (This includes all like offenses applicable to any means of motorized transport.)

*[Adopted October 27, 2000 as § 1(B)(9)] (Amended April 15, 2011)*

2. **No conviction of, plea of guilty or no contest to, or deferred judgment/sentence for a DUI or DWAI offense within the period beginning from sixty (60) months (5 years) prior to the date of application and running to and including the date of appointment.** (This includes all like offenses applicable to any means of motorized transport.)

*[Adopted October 27, 2000 as § 1(B)(8)] (Amended April 15, 2011)*

3. **No conviction of, plea of guilty or no contest to, or deferred judgment/sentence for any of the major traffic violations/ infractions listed below, within the period beginning from eighty-four (84) months (7 years) prior to the date of application and running to and including the date of appointment:** *(Adopted April 15, 2011)*

- a. Leaving the scene of an accident;
- b. Eluding or attempting to elude a peace officer;
- c. Engaging in a speed contest;
- d. Reckless driving; or
- e. Careless driving resulting in serious bodily injury or death.

4. **No conviction of, plea of guilty or no contest to, or deferred sentence/judgment for a traffic violation/infraction based on **operating a motor vehicle without insurance** within the period beginning from **twenty-four (24) months** (2 years) prior to the date of application and running to and including the date of appointment.**

*(Adopted April 15, 2011)*

5. **No driver's license suspension, based on moving traffic violations/infractions, within the period beginning from **twenty-four (24) months** (2 years) prior to the date of application and running to and including the date of appointment.**

*(Adopted April 15, 2011)*

**H. Drugs – Illegal Use, Purchase, Possession, Distribution, Sale or Manufacture:** No illegal use, purchase, possession, distribution, sale or manufacture of **soft drugs**<sup>15</sup> or **hard drugs**<sup>16</sup>, as prohibited under federal, state or local law, and during the time periods or under the circumstances as provided below.

*(Adopted April 15, 2011)*

1. **Marijuana is a Schedule I controlled substance** under the federal Controlled Substances Act (21 USC Sec. 801 et. seq.). Therefore, any use, purchase, possession, distribution, sale or manufacture (including transportation for the purpose of distribution, sale or manufacture) of marijuana or its derivatives that would be regarded as illegal under the federal Controlled Substances Act (as determined at the sole discretion of the Commission) shall be regarded as “illegal”. No exception shall be provided for marijuana, or its derivatives, as a drug or substance that is prescribed, recommended or dispensed for medical purposes when such is prohibited under federal law.

*(Adopted April 15, 2011)*

2. **No conviction of, plea of guilty or no contest to, or deferred sentence/judgment for any **felony or misdemeanor offense involving or relating to any controlled substance** (any hard drug or soft drug under Commission Rules) **during an individual's lifetime.****

*(Adopted April 15, 2011)*

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<sup>15</sup> **Editor's Note:** “Drug, Soft” is defined in Rule 1 to include Class V controlled substances, and marijuana in a single quantity of less than eight ounces.

<sup>16</sup> **Editor's Note:** “Drug, Hard” is defined in Rule 1 to include Class I, II, III & IV controlled substances, the illegal use or possession of which would be classified as a felony; and to include marijuana concentrate where the use or possession of which would be classified as a felony; and also to include marijuana in a single quantity of eight ounces or more. See also the definition of “Drug, Prescription” in Rule 1.

3. **No illegal distribution<sup>17</sup>, sale or manufacture<sup>18</sup> of hard drugs or soft drugs during an individual's lifetime.**  
*[Adopted Oct. 27, 2000 as § 1(B)(10)] (Amended April 15, 2011)*
4. **No illegal use, purchase or possession of soft drugs or hard drugs, at any point during an individual's lifetime, while an employee or volunteer in any of the following positions:** law enforcement; peace officer; armed public safety; correctional officer; military police; firefighter; or medical first responder. (This includes conduct on or off the job.)  
*[Adopted October 27, 2000 as § 1(B)(13)] (Amended April 15, 2011)*
5. **No illegal use, purchase, or possession of hard drugs** within the period beginning from **sixty (60) months** (5 years) prior to the date of application and running to and including the date of appointment.  
*[Adopted October 27, 2000 as § 1(B)(11)] (Amended April 15, 2011)*
6. **No illegal use, purchase, or possession of soft drugs** within the period beginning from **thirty-six (36) months** (3 years) prior to the date of application and running to and including the date of appointment.  
*[Adopted October 27, 2000 as § 1(B)(12)] (Amended April 15, 2011)*

**I. Additional Minimum Qualifications for Police Officer:** In addition to the minimum qualifications as provided in Rule 3 § 6(A, D-H), any applicant for the position of Police Officer shall also meet the following minimum qualifications.  
*(Adopted April 15, 2011)*

1. No conviction of, plea of guilty or no contest to, or deferred judgment/sentence for any of those **specified misdemeanor offenses for which the Colorado Peace Officer Standards and Training (POST) Board shall deny certification** as provided under C.R.S. 24-31-305(1.5) as it may be amended from time to time.<sup>19</sup> This shall include any substantially similar misdemeanor offenses under any federal, state or local law.
2. Except as may be provided under Rule 3 § 7 (behavior prior to age 18), there shall be no exemption from disqualification for offenses as provided in this subsection regardless of any exemption or variance having been granted by the POST Board or its Executive Director.

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<sup>17</sup> **Editor's Note:** Regarding marijuana, "Distribution" is defined in Rule 1 to clarify that the distribution of one (1) ounce or less of marijuana, without any remuneration, barter or exchange, is considered to be "Use or Possession" and not "Distribution". Also see Rule 3 § 6(H)(6).

<sup>18</sup> **Editor's Note:** Regarding marijuana, "Manufacture" is defined in Rule 1 to include for any person to cultivate, grow, produce, prepare, or process marijuana (regardless of whether for personal use, distribution or sale).

<sup>19</sup> **Editor's Note:** See Attachment A – POST's list of misdemeanors that will "affect" certification (unless a waiver is granted by POST) as derived from C.R.S. 24-31-305(1.5).

**J. Additional Minimum Qualifications for Firefighter:** In addition to the minimum qualifications as provided in Rule 3 § 6(A, D-H), any applicant for the position of Firefighter shall also meet the following additional minimum qualifications, regardless of any grant of Emergency Medical Technician (EMT) certification by the Colorado Department of Public Health and Environment (CDPHE).  
(Adopted April 15, 2011)

No conviction of, plea of guilty or no contest to, or deferred judgment/sentence for any **crime that is considered to present** (as determined at the sole discretion of the Commission) either **an “unreasonable risk” or a “significant risk” to public health and safety under the Criminal Conviction Policy** of the Emergency Medical and Trauma Services Section, CDPHE, as it may be amended from time to time.<sup>20</sup>

**Section 7. Review for Exemption from Automatic Disqualification – Behavior Prior to Age 18 and Occurring at least 60 Months Prior to the Date of Application.**  
[Adopted Feb. 1, 2006 as § 1(D)] (Amended April 15, 2011)

**A. General Provisions for an Exemption from Automatic Disqualification:** An exemption from automatic disqualification shall only be considered and/or provided by the Commission under the following circumstances:  
(Adopted April 15, 2011)

1. Prior to submitting an initial application (in any new application period), an individual anticipates being subject to automatic disqualification for a failure to meet one or more of the minimum qualifications under Rule 3 § 6, *Character and Background*, and files a written request for exemption as provided herein; or  
[Adopted February 1, 2006 as § 1(D)(1)] (Amended April 15, 2011)
2. Upon submitting an initial application (in any new application period) an applicant has been subject to automatic disqualification for a failure to meet one or more of the minimum qualifications under Rule 3 § 6, *Character and Background* and the applicant files a written request for exemption as provided herein; and  
[Adopted February 1, 2006 as § 1(D)(1)] (Amended April 15, 2011)

(Continued)

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<sup>20</sup> **Editor’s Note:** See Attachment B – CDPHE Emergency Medical and Trauma Services Section – Criminal Conviction Policy (selected sections only).

3. The behavior that establishes the basis for automatic disqualification, or the underlying incident upon which any subject legal proceeding was initiated:
  - a. Occurred prior to the individual's eighteenth (18<sup>th</sup>) birthday;
  - b. Occurred at least sixty (60) months (5 years) prior to:
    - i. the date of the written request for exemption that was made prior to initial application; or
    - ii. the date of the initial application that resulted in disqualification; and
  - c. Does not concern any conviction of, plea of guilty or no contest to, or deferred judgment/sentence for a felony offense for which the individual was charged as an adult.

*[Adopted February 1, 2006 as § 1(D)(2-3)] (Amended April 15, 2011)*

4. The particulars of the juvenile behavior or juvenile offense forming the basis for a request for exemption from automatic disqualification, along with the particulars of the written request for exemption from automatic disqualification, including any supporting documentation, shall be in conformance with the various requirements and special provisions as outlined in Rule 3 § 7(B-F).

*(Adopted April 15, 2011)*

5. For the purposes of Rule 3 § 7, the term "initial application" shall mean the very first application form completed in any new application period, for original appointment to a position in the Classified Service, in which the applicant is required to answer screening questions regarding minimum qualifications related to character and background as provided in Rule 3 § 6. Generally, the on-line application completed immediately prior to scheduling a test appointment is considered to be the "initial application".

*(Adopted April 15, 2011)*

**B. Individuals Requesting an Exemption from Automatic Disqualification Prior to Initial Application or after being Automatically Disqualified upon Initial Application – Special Provisions:**

*(Adopted April 15, 2011)*

1. At the sole discretion of the Executive Director or his designee, such a prospective applicant or applicant, whose request for exemption from disqualification is pending a decision, may be allowed to proceed in the respective application process and/or testing process, as it may be available. Should such prospective applicant or applicant be permitted to proceed in an available application and/or testing process while their request for exemption is pending, all results of testing shall be placed on hold until the notice of the Commission's decision is issued.
2. Any such prospective applicant or applicant whose written request for exemption from disqualification has been granted, and who is otherwise eligible, shall be allowed to proceed in the respective application and/or testing process, as it may be available.

**C. Applicants Requesting an Exemption after being Automatically Disqualified in any Application, Testing or Screening Process Occurring Subsequent to the Initial Application – Special Provisions:**

*(Adopted April 15, 2011)*

1. If (when first requested to do so in the “initial application” or at any other time) an applicant fails to disclose information that would have resulted in an automatic disqualification, and the applicant is subsequently automatically disqualified based on that information, such an applicant shall not be permitted to proceed in the application and testing cycle from which they were automatically disqualified.
2. If an applicant’s subsequent request for exemption from disqualification is granted by the Commission, the applicant shall be required to re-apply and retest during a new application and testing cycle in order to receive any further consideration. Commission rules regarding eligibility for re-application and retesting shall apply.

**D. An Applicant or Prospective Applicant for the Position of Police Officer – Special Provisions:**

*(Adopted April 15, 2011)*

1. Unless the Colorado Police Officer Standards and Training (POST) Board provides the opportunity for an applicable waiver/exemption regarding POST disqualification from peace officer certification, an exemption from Commission disqualification, as provided for in Rule 3 § 7, 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 POST Board or which serves as a legal barrier to employment as a Police Officer.  
*[Adopted February 1, 2006 as § 1(D)(4)] (Amended April 15, 2011)*
2. 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 POST Board, the Commission shall require that the individual first provide documentation verifying that he/she has obtained any needed exemption/waiver from the POST Board, as may be required to permit POST certification as a peace officer, or verifying that he/she has in fact been granted peace officer certification by the POST Board, with its full knowledge of the applicant’s subject juvenile criminal history.<sup>21</sup>  
*[Adopted February 1, 2006 as § 1(D)(5)(d)] (Amended April 15, 2011)*

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<sup>21</sup> **Editor’s Note:** See C.R.S. 24-31-305 for statutory provisions regarding POST peace officer certification. See also POST Rules, including Rule 7 – Variances.

**E. An Applicant or Prospective Applicant for the Position of Firefighter – Special Provisions:** Prior to granting any request for Commission exemption from automatic disqualification, as provided in Rule 3 § 7, based on any Commission minimum qualification related to eligibility for certification as an Emergency Medical Technician (EMT) by the Colorado Department of Public Health and Environment (CDPHE) under the Criminal Conviction Policy of the Emergency Medical and Trauma Services Section, the Commission shall require that the individual first provide documentation verifying that he/she has in fact been granted EMT certification by the CDPHE, with its full knowledge of the applicant’s subject criminal and juvenile court history.<sup>22</sup>  
*[Adopted February 1, 2006 as § 1(D)(5)(e)] (Amended April 15, 2011)*

**F. The Written Request for Exemption from Automatic Disqualification:** Any individual or applicant seeking a Commission exemption from automatic disqualification under Rule 3 § 7 shall submit a written detailed request as provided below.  
*[Adopted February 1, 2006 as § 1(D)(5)-(5)(a)] (Amended April 15, 2011)*

1. To minimize any potential delays in the application and/or testing process, any written request for exemption from automatic disqualification should be submitted as soon as an individual becomes aware that they will be (or actually have been) subject to an automatic disqualification under Rule 3 § 6, *Character and Background* (for behavior prior to age 18 and more than 5 years ago).
2. The written request for exemption shall be submitted to the attention of the Commission’s Executive Director at the Commission’s address of record.
3. The written request shall include the following information and documentation:
  - a. Clarification of the position for which the individual intends to apply or has applied;
  - b. A copy of an official document verifying the individual’s date of birth;
  - c. As applicable, a detailed and full explanation of the reason(s), basis, behavior(s), related circumstances, and juvenile court history on the basis of which the individual believes he/she will be disqualified should they submit an application, or on the basis of which the individual was disqualified upon submitting their initial application;
  - d. The explanation provided per subparagraph (c) above shall include all applicable date(s) of occurrence, listed by month(s) and year(s); and
  - e. As applicable, copies of the relevant court or legal documents detailing the subject criminal/juvenile charges, all offenses in question, any related plea(s), any deferred judgment/sentence, and the final disposition.

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<sup>22</sup> **Editor’s Note:** See C.R.S. 25-3.5-203 for statutory provisions regarding EMT 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, and the Criminal Conviction Policy. There is no CDPHE waiver provision.

**G. Commission's Review of an Exemption Request and Notice of the Decision:**

*(Adopted April 15, 2011)*

1. At the sole discretion of the Commission, the Commission may decline to consider or take any action on a request for exemption from automatic disqualification that does not include all of the requested information and documentation.

*[Adopted Feb. 1, 2006 in § 1(D)(5)(a)] ( Amended April 15, 2011)*

2. Any individual/applicant submitting a written request for exemption from automatic disqualification, as provided herein, may be required to personally appear before the Commission, or their designee, for additional clarification or discussion.

*[Adopted Feb. 1, 2006 in § 1(D)(5)( c)] ( Amended April 15, 2011)*

3. Each proper and complete written request for exemption from automatic disqualification will be reviewed and evaluated by the Commission, or their designee, for the granting or denial of an exemption from the potential or actual automatic disqualification, as applicable.

*[Adopted Feb. 1, 2006 in § 1(D)(5)(b)] ( Amended April 15, 2011)*

4. Each individual/applicant who has submitted a proper and complete written request for exemption from automatic disqualification shall be notified of the Commission's decision in writing.

*[Adopted Feb. 1, 2006 in § 1(D)(6)] ( Amended April 15, 2011)*

- H. No Right of Appeal:** A person shall have no right of appeal to the Commission regarding any denial of a request for exemption from automatic disqualification or the resulting enforcement of an automatic disqualification.

*[Adopted Feb. 1, 2006 in § 1(D)(6)] (Amended April 15, 2011)*

- I. Use of Information in Other Screening Phases and File Reviews:** The granting of any request for exemption from automatic disqualification shall not preclude the Commission, the respective Department or the Manager of Safety from considering the subject criminal or juvenile court records or behavioral issue(s) when reviewing an applicant's character, background and relative qualifications in any subsequent preliminary file review, suitability assessment, final background review, or in any other screening or selection process for appointment to the Classified Service.

*[Adopted Feb. 1, 2006 in § 1(D)(6)] (Amended April 15, 2011)*

**Section 8. Physical, Mental & Psychological Qualifications.**

*(Adopted October 27, 2000 as § 6)*

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.<sup>23</sup>

**Section 9. Other Qualifications.**

*(Adopted March 27, 1998 as § 6) (Amended October 27, 2000 as § 7)*

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

**Section 10. Documentation to Verify Qualifications Including Character and Background.<sup>24</sup>**

*(Adopted March 27, 1998 as § 7) (Amended October 27, 2000 as § 8; April 15, 2011)*

Documentation to be used to verify an applicant's qualifications, including an applicant's character and background, shall be provided by an applicant upon request by the Commission. A failure to provide any such requested documentation in a timely manner may result in disqualification.

*(Adopted October 27, 2000) (Amended April 15, 2011)*

**END**

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<sup>23</sup> **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 the prior Section 1, Character and Background.

<sup>24</sup> **Editor's Note:** Prior to the amendments of Oct. 27, 2000 this section was titled "Supporting Evidence."

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**MISDEMEANORS WHICH WILL AFFECT CERTIFICATION  
 AS A PEACE OFFICER IN COLORADO <sup>1</sup>**

(NOTE: This attachment is an annotation and not part of the formal CSC Rule 3.)

| C.R.S.           | Cite   |
|------------------|--|
| 18-3-204         | Assault in the third degree  |
| 18-3-402         | Sexual Assault   |
| 18-3-404         | Unlawful sexual contact  |
| 18-3-405.5       | Sexual assault on a client by a psychotherapist  |
| 18-3-412.5       | Failure to register as a sex offender  |
| 18-6-403(3)(b.5) | Sexual exploitation of children (See § 24-31-305(1.5)(g) “as it existed prior to July 1, 2006”                 |
| 18-7-201         | Prostitution prohibited  |
| 18-7-202         | Soliciting for prostitution  |
| 18-7-203         | Pandering  |
| 18-7-204         | Keeping a place of prostitution  |
| 18-7-208         | Promoting sexual immorality  |
| 18-7-302         | Indecent exposure  |
| 18-7-601         | Dispensing violent films to minors   |
| 18-8-102         | Obstructing government operations  |
| 18-8-103         | Resisting arrest   |
| 18-8-104         | Obstructing a peace officer, firefighter, emergency medical services provider, rescue specialist, or volunteer |
| 18-8-108         | Compounding  |
| 18-8-109         | Concealing death   |
| 18-8-111         | False reporting to authorities   |
| 18-8-112         | Impersonating a peace officer <b>(Misdemeanor before July 1, 2004; Felony on or after July 1, 2004)</b>        |
| 18-8-113         | Impersonating a public servant   |
| 18-8-114         | Abuse of public records  |
| 18-8-201         | Aiding escape  |

<sup>1</sup> The provided table is an excerpt from the 2010 *Colorado POST (Peace Officer Standards and Training) Manual*.

**Denver Civil Service Commission**

**Rule 3 – Attachment A**

**Added: 04-15-2011**

|            |   |
|------------|---|
| 18-8-204.2 | Possession of contraband in the second degree   |
| 18-8-208   | Escapes   |
| 18-8-208.1 | Attempt to escape   |
| 18-8-212   | Violation of bail bond conditions   |
| 18-8-304   | Soliciting unlawful compensation  |
| 18-8-305   | Trading in public office  |
| 18-8-308   | Failing to disclose a conflict of interest  |
| 18-8-403   | Official oppression   |
| 18-8-404   | First degree official misconduct  |
| 18-8-503   | Perjury in the second degree  |
| 18-8-611   | Simulating legal process  |
| 18-8-612   | Failure to obey a juror summons   |
| 18-8-613   | Willful misrepresentation of material fact on juror questionnaire   |
| 18-8-614   | Willful harassment of juror by employer   |
| 18-8-802   | Duty to report use of force by peace officers   |
| 18-9-111   | Harassment - stalking   |
| 18-9-121   | Bias-motivated crimes   |
| 18-18-404  | Unlawful use of a controlled substance  |
| 18-18-405  | Unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance   |
| 18-18-406  | Offenses relating to marihuana and marihuana concentrate  |
| 18-18-411  | Keeping, maintaining, controlling, renting, or making available property for unlawful distribution or manufacture of controlled substances. |

**END**

**Excerpt: CDPHE, EMT CRIMINAL CONVICTION POLICY**

(NOTE: This attachment is an annotation and not part of the formal CSC Rule 3)

**EXCERPT FROM:**

Colorado Department of Public Health and Environment  
Emergency Medical Services Section - EMTS Operations  
**CRIMINAL CONVICTION POLICY**  
Approved by D. Randy Kuykendall  
Chief, Emergency Medical and Trauma Services Section  
Revised: October 1, 2006

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**Summary:**

EMS practitioners are placed in a position of the highest public trust. They have unsupervised, intimate, physical and emotional contact with patients at a vulnerable time, as well as unsupervised access to personal property. Consequently, the Department shall review and consider felony and misdemeanor convictions in making certification determinations.

**Policy:**

- A. The Department may deny, refuse to renew, or may revoke, suspend, limit, or modify an EMT certificate or may impose probation on a certificate holder for good cause, in accordance with Department regulations at 6 CCR 1015-3: Rules Pertaining to Emergency Medical Services, and with the State Administrative Procedure Act (APA), section 24-4-101 et seq., C.R.S. Individuals may appeal such actions pursuant to Department regulations and the APA.

**Good cause includes** conviction of, or a plea of guilty, or of no contest, to a felony or misdemeanor that relates to the duties and responsibilities of an EMT, including patient care and public safety. For purposes of this paragraph, “conviction” includes the imposition of a deferred sentence. The following crimes set forth in the Colorado Criminal Code (Title 18, C.R.S.) are considered to relate to the duties and responsibilities of an EMT:

1. Offenses under Article 3 – Offenses against a person.
2. Offenses under Article 4 – Offenses against property.
3. Offenses under Article 5 – Offenses involving fraud.
4. Offenses under Article 6 – Offenses involving the family relations.
5. Offenses under Article 6.5 – Wrongs to At-Risk Adults.
6. Offenses under Article 7 – Offenses related to morals.
7. Offenses under Article 8 – Offenses – Governmental Operations.
8. Offenses under Article 9 – Offenses against public peace, order and decency.
9. Offenses under Article 17 – Colorado Organized Crime Control Act.
10. Offenses under Article 18 – Uniform Controlled Substances Act of 1992.

**Denver Civil Service Commission**

**Rule 3 – Attachment B**

**Added: 04-15-2011**

- B. The offenses listed above are not exclusive. The Department may consider other pleas or criminal convictions, including those from other state, federal, foreign or military jurisdictions.
- C. Within the categories of criminal offenses listed above, certain crimes are considered to present an **unreasonable risk to public health and safety**, such that applications for certification or certification renewal presumably shall be denied or disciplinary sanctions shall be imposed unless, upon consideration of all the facts and circumstances, the Department determines otherwise. These crimes include:
1. Crimes involving sexual misconduct where the victim's failure to affirmatively consent is an element of the crime.
  2. Crimes involving the sexual or physical abuse of children, the elderly or the infirm, such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, and assault on an elderly or infirm person.
  3. Any crime in which the victim is an out-of-hospital patient or a patient or resident of a health care facility including abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the EMS applicant/practitioner.
- D. Additionally, the following crimes and/or circumstances are considered to present a **significant risk to public health and safety**, such that applications for certification or certification renewal may be denied or disciplinary sanctions may be imposed, depending upon the facts and circumstances.
1. Conviction of or plea to crimes for which the individual is currently incarcerated, on work release, on probation or on parole, or has not yet completed all court orders associated with the conviction/plea.
  2. A continuing pattern of criminal conduct.
  3. Conviction of or plea to crimes in the following categories:
    - a. Serious crimes of violence against persons, such as assault or battery with a dangerous weapon, aggravated assault and battery, murder or attempted murder, manslaughter except involuntary manslaughter, kidnapping, robbery of any degree; or arson.
    - b. Crimes involving controlled substances or synthetics, including unlawful use, possession or distribution, or intent to distribute unlawfully.
    - c. Serious crimes against property, such as grand larceny, burglary, embezzlement or fraud.

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CDPHE Policy Basis:

6 CCR 1015-3: Rules Pertaining to Emergency Medical Services

National Registry of Emergency Medical Technicians *Felony Conviction Policy* – 2004, with their express permission.