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NOTICE OF ADOPTION

Amendments to: Rule 3 § 1B, 1C & 1D

QUALIFICATIONS FOR ORIGINAL APPOINTMENT

§ 1B, MINIMUM QUALIFICATIONS

§ 1C, CASE BY CASE CONSIDERATION

§ 1D, REVIEW FOR EXEMPTION FROM DISQUALIFICATION

Proposed Rules Published: January 5, 2006

Posted: January 5, 2006 through January 27, 2006

Public Hearing: January 27, 2006

Approved for Adoption: January 27, 2006

THE COMMISSION HEREBY AFFIRMS the following was accomplished in full compliance with the requirements of Commission Rule 2, Section 4(A), Rule Making:

Publishing on January 5, 2006, a Notice of Public Hearing – Rule Making regarding proposed changes to Commission Rule 3 § 1B, 1C & 1D, along with the full text of the proposed sections;

Posting said Notice and the full text of the proposed rule changes from January 5, 2006 through January 27, 2006, at the Commission's office and on the Commission's web site;

Forwarding on January 9, 2006, said Notice and full text of the proposed rule change to the Manager of Safety, the collective bargaining agents for members of the Classified Service, interested parties; and to the administration of the Fire and Police Departments (with a request for posting throughout the departments);

Conducting on January 27, 2006, a public hearing on the proposed rule changes;

FURTHER, on January 27, 2006, subsequent to the public hearing, the Commission unanimously approved for subsequent adoption the proposed changes to Rule 3 § 1B, 1C & 1D, as published.

Notice of Adoption
Commission Rule 3 § 1(B), 1(C) & 1(D)
Minimum Qualifications

NOW THEREFORE, under the authority of Commission Rule 2, § 4(A)(7), by this Notice Of Adoption, the subject proposed amendments to Rule 3 § 1B, 1C & 1D, as provided in Attachment A, are hereby adopted to become effective February 1, 2006.

Dated this 31st day of January, 2006.

City and County of Denver
CIVIL SERVICE COMMISSION

SS/ *Christopher H. Olson*

By: Christopher H. Olson
Commission President

APPROVED CHANGES TO RULE 3, SECTIONS 1(B), 1(C) & 1(D)
Proposed 12-28-05 – Approved 1-27-06 – Effective 2-1-06

RULE 3

QUALIFICATIONS FOR ORIGINAL APPOINTMENT ¹

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C.	<i>Proof of high school graduation or equivalent.</i>	<i>Error! Bookmark not defined.</i>
D.	<i>Proof of honorable discharge from the military.</i>	<i>Error! Bookmark not defined.</i>

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

² **Editor’s Note:** The Table of Contents is 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. (*Adopted October 27, 2000*) (*Amended _____*)
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.
 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.

³ 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.

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.

(Adopted October 27, 2000) (Amended _____)

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

(Adopted _____)

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.
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

ATTACHMENT A – Notice of Adoption
RULE 3 § 1(B), 1(C) & 1(D)
Approved 1-27-06

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.
 - 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.

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.