

NOTICE OF ADOPTION

Amendments to: Rule 7 § 1 & 2

EXAMINATION LISTS and ELIGIBLE REGISTERS

Proposed Rule 7 § 1 & 2, Published: July 22, 2005

Posted: July 22, 2005 through August 12, 2005

Public Hearing: August 12, 2005

Amendments to Posted Rule 7 § 2(C)(2), Approved: August 12, 2005

Published: August 12, 2005 & Posted: August 15 – 21, 2005

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 July 22, 2005, a Notice of Public Hearing – Rule Making regarding proposed changes to Commission Rule 7 § 1 & 2, along with the full text of the proposed sections;

Posting said Notice and the full text of the proposed rule changes from July 22, 2005 through August 12, 2005, at the Commission's office and on the Commission's web site;

Forwarding on July 22, 2005, said Notice and full text of the proposed rule changes 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 August 12, 2005, a public hearing on the proposed rule changes;

FURTHER, on August 12, 2005, subsequent to the public hearing, the Commission unanimously approved for subsequent adoption the proposed changes to Rule 7 § 1, as published, and the proposed changes to Rule 7 § 2 with further amendments to Rule 7 § (2)(C)(2). The Commission hereby affirms that the following requirements were accomplished in full compliance with Commission Rule II, Section 4(A)(6):

Posting a notice and the text of the amendments to the proposed changes to Rule 7 § 2(C)(2) at the Commission's office and on the Commission's web site from August 12 through August 21, 2005.

Forwarding on August 12, 2005, a notice and the text of the approved amendments to the proposed changes to Rule 7 § 2(C)(2) to the Manager of Safety, to the representatives of the collective bargaining agents for members of the Classified service, and to interested parties, and to the administration of the Fire and Police Departments (with a request for posting throughout the departments).

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Rule 7 § 1 & 2
Examination Lists and Eligible Registers

NOW THEREFORE, under the authority of Commission Rule 2, § 4(A)(7), by this Notice Of Adoption, the subject proposed amendments to Rule 7 § 1 & 2 as provided in Attachment A, are hereby adopted to become effective August 23, 2005.

Dated this 22nd day of August, 2005.

City and County of Denver
CIVIL SERVICE COMMISSION

Christopher H. Olson
SS/ _____
By: Christopher H. Olson
Commission President

RULE 7 ¹

EXAMINATION LISTS AND ELIGIBLE REGISTERS ²

(Title Amended March 26, 2005)

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¹ **Editor’s Note:** The number designations for all Rules have been converted from Roman to Arabic numerals.

² **Rule Annotation:** See also: Rule 5 for *Examinations for Original Appointment*; Rule 6 for *Promotional Examinations*; Rule 8 for use of an Eligible Register in the process of *Certification* for appointment.

Section 1. Examination Lists.

*Adopted March 26, 2005*³

- A. An examination list shall be established after the initial test phases of an examination process. It shall be made up of the names, in rank order, of those applicants⁴ or candidates⁵ who have successfully completed and/or passed all initial test phases in the examination. The names shall be listed in rank order as determined by the ranking system specified in the examination announcement. An examination list shall contain such additional information as specified in Commission Rule 13.⁶
- B. Examination lists shall be working documents for internal Commission use only and shall be considered confidential, except as required by law.
- C. Examination lists for original appointment:
 - 1. An applicant's name shall remain on an examination list for original appointment for no longer than twelve (12) months following the date of initial testing, unless the applicant has been selected for further participation in the additional examination and screening phases.⁷ If selected for further participation, the applicant's name shall remain on the examination list until approved for placement on the respective eligible register, or effectively denied approval by disqualification or Commission action.
 - 2. If any applicant is permitted by Commission Rule and the pertinent examination regulations to retest for a particular position/rank while his/her name remains on the examination list, then the following shall apply:
 - a. If the applicant has not been already selected for additional examination and screening phases, when the applicant's name is again merged into the examination list, the applicant's most recent test results shall replace the prior test results. The most recent test results will then be used to determine a new rank order placement of the applicant's name on the examination list, as provided by the examination regulations.

³ **Editor's Note:** Incorporates and amends the provisions of Rule 7 § 1(A) existing prior to March 26, 2005. (Prior section *Amended July 2, 1990; March 27, 1998; October 27, 2000.*)

⁴ **Definition Annotation:** As used in this Rule, the word "applicant" refers to an individual participating in the application, examination, screening, and/or selection process for original appointment.

⁵ **Definition Annotation:** As used in this Rule, the word "candidate" refers to an individual participating in the application, examination, screening, and/or selection process for promotional appointment.

⁶ **Rule Annotation:** See also Commission Rule 13, Records and Reports, for details regarding the content of examination lists and confidentiality.

⁷ **Rule Annotation:** See Commission Rule 5 § 2 (9-01-04) on *Selection of Applicants for Additional Examination and Screening Phases.*

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- b. If the applicant has been already selected for additional phases, when the applicant's name is again merged into the examination list, the prior test results used for rank order placement, and the applicant's selection for further participation in the examination, shall stand. The applicant's name will then be placed on the examination list an additional time, in new rank order, according to the results of the applicant's most recent testing cycle.
3. Separate examination lists may be established from any examination for original appointment in order to provide for the establishment of separate eligible registers for original appointment to a particular rank and grade, as provided herein below in Section 2 (B).
4. At the discretion of the Commission, any examination list for original appointment may be frozen and/or dissolved and subsequently replaced with a new examination list established through an examination process.

Section 2. Eligible Registers for Original Appointment.

*(Adopted March 26, 2005)*⁸

- A. Eligible registers for original appointment shall be established and maintained to accommodate anticipated personnel needs of the Department of Safety.
 1. An eligible register for original appointment shall contain a rank order listing of the names of approved applicants from the corresponding examination list.
 2. Only those applicants: a) who have successfully completed and/or passed all phases of the Commission's entry-level examination and screening process required for the particular rank and grade, or for those applicants considered pursuant to an intergovernmental agreement, who have successfully completed and/or passed all selected phases of the entry-level examination and screening process required for the particular rank and grade;⁹ b) who meet any special qualifications or requirements related to the particular register; and c) who have been approved by the Commission (based on the background review), shall be placed on the eligible register.
(Amended May 24, 2005)
 3. Nothing in this section shall preclude the Commission from conducting an updated investigation and review of an applicant's background, as it deems necessary and appropriate, after the applicant has been placed on an eligible register.

⁸ **Editor's Note:** Incorporates and amends the provisions of Rule 7 § 1(B) prior to March 26, 2005. *(Prior section Amended March 26, 1987; July 2, 1990; October 13, 1995; October 27, 2000.)*

⁹ **Charter Annotation:** Charter § 9.3.11(E)(iii) adopted in election of May 3, 2005, authorized original appointment of fire department personnel pursuant to a duly approved intergovernmental agreement.

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- B. Separate Eligible Registers: Separate eligible registers for original appointment to the same entry-level rank, and grade (as applicable), shall/may be established as follows, based on applicable eligibility requirements or special skill requirements: ¹⁰
(Amended May 24, 2005)
1. Separate eligible registers shall be established for original appointment to the rank and grade of Police Officer Recruit as an entry-level civilian, cadet, certified peace officer, and as a Reserve Police Officer.
 2. Separate eligible registers shall be established for original appointment to the rank and grade of Firefighter Fourth Grade as an entry-level civilian and as a cadet, and when applicable, to the rank of Firefighter, regardless of Grade, as a lateral firefighter applicant pursuant to a duly authorized intergovernmental agreement.
(Amended May 24, 2005) ¹¹
 3. Separate eligible registers may be established for original appointment to the rank and grade of Fire Systems Technical Specialist V for each particular skill area as may be established within that rank.
 4. Separate deferred appointment eligible registers may be established for original appointment to the rank of Police Officer and Firefighter as provided in this Commission Rule 7 § 2.
- C. Deferred Appointment Eligible Registers: A separate deferred appointment eligible register may be established from any existing eligible register that was established to provide for original appointment to the rank of Police Officer or Firefighter. A deferred appointment eligible register may be established to provide for a limited and conditional “deferral” of the certification and consideration for original appointment of an applicant(s) for/from one academy class to the next academy class.
1. Eligibility Requirements: For an applicant to be placed on a deferred appointment eligible register the following special eligibility requirements shall be met:
 - a. At the time of approval for placement on the deferred appointment eligible register, the applicant shall be in good standing on the respective, existing (non-deferred) eligible register for original appointment to the subject rank.
 - b. The applicant shall have been recently certified to the Manager of Safety from that existing (non-deferred) eligible register for consideration for original appointment to that rank.
 - c. The Manager of Safety, at his/her sole discretion, has requested in writing that the applicant be placed on a respective deferred appointment eligible register.

¹⁰ **Charter Annotation:** See Charter § 9.3.11(C) regarding *Separate Eligible Registers*.

¹¹ **Charter Annotation:** See Charter § 9.3.11(E)(iii) and § 9.5.5(B) adopted in election of May 3, 2005.

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- d. The Manager of Safety's request shall certify that the following criteria have been met:
- i. The Manager anticipates that future academy vacancies will exist to enable additional original appointments to the respective rank within (12) months of the date of his request, and prior to both, 1) the date on which the applicant's name will be removed from the register (from which the applicant was certified) due to maximum time allowed on the register, and 2) the date, if any, that said register will expire; and
 - ii. The Manager had reviewed the applicant's file and determined that the applicant was fully suitable and well qualified for original appointment, and the applicant thus received a conditional offer of employment; and
 - iii. Following the conditional offer of employment, the applicant passed all phases of the medical evaluation, and the Manager would have provided a final offer of employment but for a lack of sufficient vacancies; or
 - iv. Following the conditional offer of employment the applicant passed all phases of the medical evaluation; the applicant has provided notice that he/she is unavailable for appointment due to a temporary circumstance or a temporary incapacity [with reasons and supporting evidence that are acceptable to the Manager as provided in this Commission Rule 7 § 7(A)], and the available information indicates the applicant should be able to accept appointment for the next anticipated academy; or
 - v. Following the conditional offer of employment, the applicant subsequently was placed in a medical deferral status pending completion of the medical evaluation and, as a result, was not available for the scheduled date of original appointment, and available information indicates the applicant should be able to accept appointment for the next anticipated academy; or
 - vi. Following the conditional offer of employment, the applicant has provided notice that he/she is unavailable for completion of the medical evaluation due to a temporary circumstance or a temporary incapacity [with reasons and supporting evidence that are acceptable to the Manager as provided in this Commission Rule 7 § 7(A)], and the available information indicates the applicant should be able to accept appointment for the next anticipated academy; or
 - vii. The applicant received a final offer of employment, the applicant subsequently provided notice that he/she is unavailable for appointment due to a temporary circumstance or a temporary incapacity [with reasons and supporting evidence that are acceptable to the Manager as provided in this Commission Rule 7 § 7(A)]; and the available information indicates the applicant should be able to accept appointment for the next anticipated academy.

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- e. The Commission has approved the Manager’s request that the applicant be placed on the respective deferred appointment eligible register. For any such applicant who has provided notice of unavailability for appointment due to temporary circumstance or temporary incapacity, the Commission’s approval shall include a determination that the reasons and supporting evidence for unavailability are acceptable to the Commission, as provided in this Commission Rule 7 § 7(A).
2. Removal of name from a Deferred Appointment Eligible Register: Notwithstanding any other provisions of this Commission Rule 7, an applicant’s name shall be removed from a deferred appointment eligible register if the applicant does not receive original appointment from the register prior to any one of the following:
 - a. The start date of the next academy class, for the subject rank, following the academy class for which the applicant was initially certified for consideration for original appointment and was deferred.
 - b. The removal of the applicant’s name from the (non-deferred) eligible register from which the applicant was initially certified for consideration for original appointment and was deferred.
 - c. The expiration, or termination by the Commission, of the (non-deferred) eligible register from which the applicant was initially certified for consideration for original appointment and was deferred.
 - d. After twelve (12) months from the date of the Commission’s approval for placement on the deferred appointment eligible register.
- D. An applicant’s name shall be listed on an eligible register in rank order according to the final examination score, as determined by the scoring system specified in the examination announcement, and in conformance with the provisions of the Commission Rule 5 regarding examinations for original appointment. Eligible registers for original appointment shall contain such additional information as specified in Commission Rule 13.¹²
 - E. At the sole discretion of the Commission, any eligible register for original appointment may be designated, at the time it is established, as an ongoing eligible register with names of applicants to be added and merged into the register over time, in the appropriate rank order, as additional applicants are approved for placement on the register from a corresponding ongoing examination list.

¹² **Rule Annotation:** See also Commission Rule 13, *Records and Reports*, for details regarding the content of eligible registers.

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- F. Any one applicant may have his/her name entered on an ongoing eligible register for original appointment more than once. If an applicant has appropriately and successfully completed all phases of a subsequent examination cycle for a position, and if the applicant is approved for placement on the ongoing eligible register based on that subsequent examination cycle, the applicant's name shall be entered on and merged into the register, in the appropriate rank order, without regard to and without requiring removal of any prior entry of the applicant's name on the same register.
- G. The name of an applicant not receiving original appointment shall remain on an ongoing eligible register for original appointment for no longer than 24 months following the date of approval for entry of the name on the register. When an applicant's name has been entered on an eligible register more than once, this time limitation shall be applied separately to each entry.
- H. At the discretion of the Commission, any ongoing eligible register for original appointment may be frozen and/or dissolved and subsequently replaced with a new eligible register established through a new or modified examination process. However, any ongoing eligible register for original appointment shall remain in existence for a minimum of one year, unless exhausted. In the event that a new eligible register is established at any time after the first year, the existing ongoing eligible register becomes void.
- I. If an eligible register for original appointment is not an ongoing register, it shall remain in existence for a minimum of one year, unless the register is exhausted. If a new eligible register is not established at the end of one year, through an examination process, the eligible register shall automatically extend into the second year. A new eligible register for original appointment to a particular rank may be established, through an examination process, at any time after the first year of the life of an existing eligible register, or prior thereto if the register has been exhausted. In the event that a new eligible register is established at any time after the first year, the existing eligible register becomes void. All such eligible registers that are not ongoing registers and are not replaced (by a new eligible register established through an examination process) shall automatically expire at the end of the second year of their existence.

(End of Section 2)