

NOTICE OF ADOPTION
August 31, 2004 - Effective Date of September 1, 2004
Amendments to Rule V, Sections 1-13
(Published as Rule 5, Sections 1-16)

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

Publishing on August 6, 2004, a Notice of Public Hearing – Rule Making regarding proposed changes to Commission Rule V, Sections 1-13, along with the full text of the proposed rule;

Posting said Notice and the full text of the proposed rule from August 6 through August 27, 2004, at the Commission's office and on the Commission's web site;

Forwarding on August 6, 2004, said Notice and full text of the proposed rule 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); and

Conducting on August 27, 2004, a public hearing on the proposed rule changes.

FURTHER, directly following the close of the public hearing, on August 27, 2004, the Commission unanimously approved for adoption the amendments to Rule V, Sections 1-13, as published, and as noted in Attachment A: Rule 5, Sections 1-16.

NOW THEREFORE, under the authority of Commission Rule II, Section 4(A)(7), by this Notice the subject amendments to Rule V, Section 1-13, are hereby adopted to become effective September 1, 2004.

Dated this 31st day of August, 2004.

City and County of Denver
CIVIL SERVICE COMMISSION

SS/ *Christopher H. Olson*

By: Christopher H. Olson
Commission President

RULE 5

**EXAMINATION, SCREENING AND OTHER REQUIREMENTS
FOR ORIGINAL APPOINTMENT**

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Section 1. Examinations for Original Appointment – General Provisions.

- A. All examinations for original appointment in the Classified Service shall be impartial and relate only to matters which shall test the qualifications of the persons examined for the rank/position being sought. Examinations for original appointment shall be provided and administered consistent with the general provisions regarding examinations contained in Commission Rule 15.
- B. The initial phase(s) of any examination process for original appointment shall be open to all those who meet the minimum qualifications and requirements set forth in the Charter and these Rules, whose applications are not rejected for cause, and who are not disqualified. However, examinations are not open to those who currently hold a position in the Classified Service in the rank (or in a higher rank in the line of promotion) for which the examination is being held.
- C. While examinations for original appointment are open examinations, the number of those to be examined may be limited, as determined by the Commission, based on the availability of testing slots and the personnel needs of the Police and Fire Departments.

Section 2. Selection of Applicants for Additional Examination and Screening Phases.

- A. As provided in Commission Rule 7, subject to successful completion of all those initial phases of an examination as required to establish relative ranking for placement on the respective examination list, applicants shall be placed onto, or periodically merged into the subject examination list, in rank order, based on final examination score.
- B. From among those entered on the respective examination list, applicants shall then be selected for further participation in the additional phases of the examination as well as the screening process. Applicants shall be selected based on their rank order on the examination list. Those with the highest standing shall be selected first except as may otherwise be provided by court mandate or decree.
- C. The timing of the selection of applicants to be invited for participation in the additional examination phases and the screening process, and the number of applicants to be selected, shall be at the sole discretion of the Commission. The Commission shall select and process applicants, as available, at a time and in a number sufficient to establish and/or maintain the respective eligible registers with a number of applicants sufficient to meet the planned hiring requirements of the Fire and Police Departments.
- D. The selected applicants shall be notified in writing of the scheduled dates, times and locations for further testing and/or screening. Any applicant who fails to show for further testing and/or screening, when so notified, may be stricken from the examination list and disqualified from further participation in the testing and/or screening process.

Section 3. Commission Examination Announcements.

- A. The Commission shall announce, at the time the examination is authorized, the nature of the examination and the passing score for each test phase of an examination, as applicable. Alternatively, the Commission shall announce that it will determine the passing score for any particular examination phase(s) (in accordance with the Commission Rules) after the examination phase has been scored. The Commission shall also announce the point value, if any, of each examination phase to be used in the ranking of applicants for the examination list and eligible register.
- B. The Commission shall also announce any additional phases in the screening and selection process that require successful completion for placement on the eligible register, and other post-certification requirements for original appointment to the rank in question.
- C. The announcement shall state the date on which the application period shall open, the date on which the application period shall close, and the scheduled date(s), time(s) and location of the administration of the initial examination test phases. For an examination that is continuous in nature, the announcement shall state how and where interested individuals can obtain updated information on the procedures and timetable for application, registration, and testing.
- D. The announcement shall contain information on the award of veteran preference points, and the award of special skill preference points, as applicable.
- E. The examination announcement and everything incorporated therein shall serve as the regulations of the particular examination process, screening process and other requirements. The regulations of an examination announcement shall have the same weight and authority as these Rules.
- F. Public notice of an examination for original appointment shall be provided in a manner as approved by the Commission. Public notice need not contain the content of the full examination announcement. However, public notice of an examination for original appointment shall contain information regarding the availability of the full examination announcement.

Section 4. Nature of Examination, Screening and Other Requirements for Original Appointment.

A. Nature of General Examination:

The Commission shall determine and specify the nature of any examination for original appointment. An examination may include the following phases: (1) written test, (2) video-based test, (3) practical test or oral interview assessment, (4) physical ability test, (5) special supplemental test, or (6) other tests deemed necessary by the Commission.

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The Commission shall also determine and specify the point value, if any, for each test phase of the examination.

B. Special Supplemental Examinations.

If deemed necessary in order to ascertain special skills, knowledge, or qualifications for any position for original appointment requiring examination, the Commission or its designee shall hold a special supplemental examination(s). Such examination shall be announced and all persons meeting eligibility requirements and other necessary qualifications shall be permitted to compete in such special examination. The results of such examination may be used in the award of skill preference points as provided in this Rule 5.

C. Nature of General Screening:

Over and above any examination test phases, the full selection process to be required prior to approval for placement on an eligible register, may include the following screening tools: (1) a non-medical written suitability assessment and interview, (2) the completion of a background investigation history form, (3) the completion of a behavioral questionnaire, (4) a preliminary file review, (5) a background investigation, (6) a polygraph evaluation, (7) a background review, and (8) any other screening tools deemed necessary by the Commission.

D. Other Requirements:

1. Under the jurisdiction and authority of the Manager of Safety, a departmental oral interview may be conducted following certification.
2. Under the jurisdiction and authority of the Manager of Safety, a medical evaluation, to include a medical examination, a psychological evaluation, and a drug screen, shall be conducted following a conditional job offer and prior to appointment.

E. Failure of Any Phase of the Examination or Screening Process:

Failure of any test phase of the examination designated by the Commission as pass/fail, or failure to achieve a passing score on any scored test phase with a set passing point, shall disqualify the applicant for original appointment from further participation in the examination process and/or screening process. Likewise, failure to successfully complete any phase in the screening process shall disqualify the applicant from further participation in the examination process, screening process, placement on the eligible register, and/or from original appointment to the rank in question, as applicable.

Section 5. Written Test.

A written test will be administered as part of the examination process for original appointment to the Classified Service. All applicants must achieve a passing score, as established by the Commission, to proceed further in the examination process.

Section 6. Video-based Test.

A video-based test may be administered as part of the examination process for original appointment to selected ranks. If the Commission establishes a passing score, all applicants must achieve the passing score to proceed further in the examination process.

Section 7. Practical Test or Oral Interview Assessment.

- A. As determined by the Commission, the examination process for original appointment to selected ranks may require a practical test of skill/ability and/or an oral interview assessment in order to evaluate the qualifications of the individual applicant for the position.
- B. Practical tests and oral interview assessments will be conducted by a number of competent and impartial assessors to be determined by the Commission. The assessors' function shall be to evaluate the qualifications of the individual applicant. A record of such evaluation shall become part of the applicant's examination record.
- C. In selecting oral interview panel members and in selecting individuals to serve as assessors in any practical test, the Commission shall consider the diversity of the citizens of the City and County of Denver.

Section 8. Physical Ability Test.

A physical ability test shall be administered as part of the examination process for the ranks of Police Officer and Firefighter, and may be administered as part of the examination process for other entry-level ranks, as deemed appropriate by the Commission. Physical ability tests shall be administered on a pass/fail basis. Applicants shall be required to meet an established minimum standard for successful completion of the particular physical ability test being administered, or they may not proceed further in the examination process.

Section 9. Suitability Assessment.

- A. Each applicant shall complete designated tests used in assessing suitability, and participate in a suitability interview with a designated psychologist. The suitability tests and interview are non-medical in nature, and are designed to assess an applicant's traits

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relevant to the respective public safety position. Based on the tests, interview, and other relevant material from an applicant's file, the psychologist will determine a suitability rating for the applicant and provide a non-medical suitability assessment report to the Commission.

- B. All suitability assessments shall be conducted at the Commission's expense. Any applicant may request from the Commission a copy of his/her suitability assessment report. An applicant who fails the suitability assessment may request in writing that the Commission direct the psychologist to review his or her findings with the applicant. Such a request must be filed within twenty (20) days of the mailing of the notification of the suitability assessment results, and can only be done at the applicant's expense.

Section 10. Polygraph Evaluation

A polygraph evaluation shall be administered as part of the full examination and screening process. Supplemental polygraph evaluations may be administered as deemed appropriate by the Commission. The results of the polygraph evaluation(s) shall be considered when reviewing an applicant for approval for placement on an eligible register.

Section 11. Preliminary File Review.

- A. At various times during the examination and/or screening process, an applicant's file will be reviewed by the Executive Director and/or designated Commission staff. An applicant will be subject to immediate disqualification for failure to meet the minimum qualifications and/or requirements related to suitability. Based on the information in the file, the Commission, or the Executive Director if so designated, will determine whether an applicant shall be disqualified from further consideration in the examination and/or screening process.
- B. Any applicant disqualified from further consideration as a result of preliminary file review will be so notified in writing. The applicant will also be notified of the reason(s) for disqualification if the disqualification is due to a failure to meet a stated minimum qualification.

Section 12. Background Investigation.

- A. Prior to approval for placement on an eligible register (or for re-employment in the Classified Service), all applicants shall be subject to a background investigation which may include, but is not limited to, inquiry regarding the applicant's character, conduct, driving history, use of illegal drugs, employment history, criminal history, credit history and references. The Commission or designee shall conduct the background investigation.

- B. The results of the background investigation shall be made available to the appointing authority for use in determining whether to appoint or re-employ an individual.
- C. The final background investigation report and the background investigator's working documents, including but not limited to all job and personal references and the applicant's behavioral questionnaire, shall be kept strictly confidential by the Commission and the Department of Safety. Such information shall not be released to the applicant or any third party unless release is otherwise required by law or regulation or ordered by the Commission.

Section 13. Background Review - Approval for Placement on an Eligible Register.

- A. In no circumstance shall any applicant be placed on an eligible register for original appointment, or be approved for original appointment in the Classified Service, unless the Commission has reviewed the results of the individual's background investigation and has approved the applicant as provided in this section.
- B. For each applicant who meets the established minimum qualifications, and who has completed all other requirements of an entry-level examination and screening process, the Commission will review the results of the background investigation, polygraph test, suitability assessment, and other information contained in the applicant's file related to qualifications and suitability. Following review, an applicant must then be approved by the Commission in order to be placed on the respective eligible register(s).

Section 14. Medical Evaluation (Medical Examination, Drug Screen and Psychological Evaluation).

A. Medical Evaluation Following Conditional Job Offer:

1. Following certification to the Manager of Safety, and issuance of a conditional job offer by the Manager of Safety, and prior to appointment, each applicant shall undergo a medical evaluation. The medical evaluation shall include a medical examination, drug screen, and psychological evaluation. The medical evaluation is conducted to provide that every applicant offered appointment to a position in the Classified Service shall possess the qualifications necessary to perform each of the essential job functions of the position.
2. The medical evaluation shall be conducted under the authority of the Manager of Safety or designee. All initial medical examinations, drug screens and psychological evaluations shall be conducted at the expense of the City and County of Denver, unless otherwise approved by the Commission.

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3. The medical evaluation, including all components thereof, shall be conducted in a manner to ensure compliance with the provisions of the Americans with Disabilities Act and other applicable federal or state laws.
4. Any applicant may be required to sign one or more releases authorizing the medical examiner(s) and/or psychologist to obtain medical and psychological records from the applicant's personal physician and/or psychologist, hospital, clinic, or other appropriate source.
5. The authority to make the final decision on any applicant, regarding a withdrawal of the conditional offer of employment, or extending a final offer of employment, rests with the Manager of Safety or designee.

B. Medical Examination:

A medical examination shall include a physical examination, a medical history, a vision test, a hearing test, and any other tests required by the Commission or deemed necessary by the medical examiner.

C. Drug Screen:

As part of the medical evaluation, a pre-employment hair analysis or other test to determine illegal drug use shall be required.

1. Prescription Drugs.
 - a. Where the use of a prescription drug is detected, the applicant may be required to offer proof that the drug has been prescribed by a physician for the applicant.
 - b. If the applicant is unable to provide proof that a detected drug has been prescribed by a physician for the applicant, the applicant may be disqualified.
 - c. The applicant may also be disqualified where future or continued use of a legally prescribed drug poses a risk to the safety, health or welfare of the public, co-workers, or the individual; or where it would impair the individual's ability to perform the essential functions of the job for which application is made. The question of future or continued use of a legally prescribed drug shall be referred to a medical examiner for an evaluation and recommendation.
 - d. The illegal use or the abuse of a prescription drug will be evaluated on a case by case basis and may be grounds for disqualification as provided in Commission Rule 3.
2. Illegal Drugs. The use of illegal drugs will be evaluated as noted in Commission Rule 3, and shall be grounds for automatic disqualification.

D. Psychological Evaluation:

1. Any psychological evaluation shall be conducted as part of the medical evaluation and shall be conducted by a psychologist approved by the Manager of Safety or designee. The psychological evaluation requires that the applicant completes a post-conditional job offer questionnaire and takes a prescribed psychological test(s), as approved by the Commission.
2. The assigned psychologist will then review the questionnaire responses, the psychological test results, and other information in the applicant's file deemed relevant to the evaluation. The psychologist may also contact the applicant for a telephonic or in-person interview, and may perform any other test(s), as he/she deems necessary.
3. An applicant who fails the psychological evaluation may request in writing that the Manager of Safety or designee direct the psychologist to review his or her findings with the applicant. Such a request must be filed within twenty (20) days of the mailing of the notification of the psychological evaluation results to the candidate, and can only be done at the applicant's expense.

Section 15. Preference Points.

A. Veteran Preference Points.

1. Veteran preference points shall be awarded pursuant to Article XII, Section 15 of the Constitution of the State of Colorado. Applicants must provide a copy of their DD-214 (Number 4 copy) to the Commission for veteran preference points consideration [or other proof as outlined under paragraphs A(3) and A(4) below]. Points shall be awarded only when proof is provided to the Commission. Any veteran preference points will be added only to an applicant's passing total score and will be added as soon as practicable. Applicants may submit proof of veteran status at any time during the application or examination process, or during the life of the eligible register.
2. Applicants for original appointment who have: A) honorably served in any branch of the armed forces of the United States, other than for training purposes, during any period of any declared war, or any undeclared war or other armed hostilities against an armed foreign enemy; or B) honorably served on active duty in any such branch in any campaign or expedition for which a campaign badge or expeditionary medal is authorized, as noted on their DD-214 (Number 4 copy); shall receive (5) five veteran preference points, added to their passing total score.
3. Ten (10) points shall be added to the passing total score of any applicant for original appointment, who has so served, other than for training purposes, and who, because of disability incurred in the line of duty, is receiving monetary

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compensation or disability retired benefits by reason of public laws administered by the Department of Defense or the Veterans Administration. A current letter from the Veterans Administration stating that the applicant is receiving monetary compensation or disability retired benefits because of a disability incurred in the line of duty shall constitute proof of a service-connected disability.

4. Five (5) points shall be added to the passing total score of any applicant for original appointment, who is the surviving spouse of any person who was, or would have been, entitled to additional points under paragraph A(2) or A(3) of this section or of any person who died during such service or as a result of service-connected cause while on active duty in any such branch, other than for training purposes. For a surviving spouse to receive veteran preference points, the surviving spouse must submit to the Commission a letter from the Veterans Administration verifying the marital relationship and proof that the deceased veteran would have qualified under paragraph A(2) or A(3) above.
5. No more than a total of ten (10) points shall be added to the total passing score of any applicant for original appointment qualifying for veteran preference points.
6. Veteran preference points shall be awarded to all those eligible, as provided herein.
7. Applicants currently serving on active duty are not veterans, unless they have previously separated from the armed forces of the United States. Active duty personnel may apply for veteran preference points after they have separated from the armed forces.

B. Special Skill Preference Points.

1. When the Commission determines that a special skill is desired and is sought in applicants for original appointment to the Classified Service, the Commission may designate up to a maximum of five (5) total points for special skill preference, provided that the examination announcement contains this provision.
2. Special skill preference points may only be awarded to an applicant with a passing examination score.
3. In order to award such preference points, the applicant for original appointment must successfully complete a special supplemental examination to ascertain the applicant's proficiency in the special skill, knowledge, or ability, or provide proof of current certification related to such special skill, knowledge, or ability, as determined by the Commission.
4. If necessary, the Commission or its designee shall hold a special examination(s) most appropriate to determine the level of proficiency of such skill, knowledge or ability. Such examination shall be announced and all persons meeting eligibility

requirements and other necessary qualifications shall be permitted to compete in such special examination.

Section 16. Eligibility to Retest.

The provisions of this subsection shall apply to each applicant for original appointment except as may be otherwise provided by the Commission for any particular group of applicants who are similarly situated. Individual applicants shall not be eligible to reapply or retest for the position/rank sought for a period of one (1) year from the date of the individual's first examination test phase. If an applicant chooses to retest, the applicant must reapply during an appropriate application period and retake all examination test phases and then successfully complete all screening phases.