

RULE 1¹

DEFINITIONS

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¹ **Editor’s Note:** The Table of Contents, Dates Adopted and Amended, Footnotes, and Cross Reference Entries are ANNOTATIONS ONLY and not part of the formal Rule. The Table of Contents was first added as an annotation on June 30, 2005.

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GENERAL PROVISIONS OF RULE 1.

(Adopted April 15, 2011)

A. The following words and phrases when they appear in the Commission Rules shall be defined as provided herein unless the context clearly indicates otherwise.

(Amended April 15, 2011)

B. Cross reference entries: Included with the formal defined terms are “cross-reference” entries which are terms without an associated definition that reference to one or more of the formal defined entries. These cross references entries are added as administrative annotations to assist in locating a defined term, and are not part of the formal rule. They are entered in italicized type. ²

(Adopted April 15, 2011)

ACTIVE DUTY – The actual performance of work or duties prescribed by ordinance, or work or duties recognized by law, or the actual performance of work or duties assigned by the superior or department head, or time spent in the armed services and required by law to be recognized as active duty.

ADJUDICATION – See “Conviction”

APPEAL – A request (or petition) in writing by a member within the Classified Service and filed with the Civil Service Commission, in the manner and within the time provided by the Charter and these Rules, seeking a review of any disciplinary action taken against the member other than a reprimand or the discharge of a probationary member; or seeking a review of a disqualification of the member from the Classified Service or from his appointed rank and/or grade.

(Amended October 13, 1995; November 20, 1998; April 15, 2011)

APPLICANT – (For any rule added or last amended on or after September 1, 2004) A person who is participating in the application, examination, screening, approval, requisition, certification and/or appointment process for original appointment to the Classified Service.

– (For any rule, or portion thereof, last amended prior to September 1, 2004) A person who has filed an application for examination, for an original or promotional appointment to a classification in the classified service. ³ *(Amended October 13, 1995; April 15, 2011)*

² **Editor’s Note:** As provided in this Rule, the “cross reference” entries are considered annotations only. They were first added to the Rule as annotations with the amendments to the Rule effective on 04-15-11.

³ **Editor’s Note:** Commencing with amendments to Commission Rule 5, effective 9-01-04, the word “applicant” distinguishes an individual who is participating in the application, examination, screening, approval, requisition, certification and/or appointment process for original appointment. This new meaning has been utilized in the subsequent amendments to Rule 6, Rule 7, and Rule 15, and will be used in all future amendments to Commission Rules. The word “candidate” distinguishes an individual in the promotional appointment process.

APPOINTEE – A member of the Classified Service.

APPOINTING AUTHORITY – Executive Director of Safety.

APPOINTMENT – The new hire or promotion of a person by the Executive Director of Safety to a vacant position within the Classified Service. The effective date of appointment shall be the first day of actual employment in the position. *(Amended October 13, 1995; April 15, 2011)*

ARMED PUBLIC SAFETY POSITION – Any Police Officer, Sheriff, Deputy Sheriff, Marshall, Deputy Marshall, Transportation Security, Security Guard, Border Patrol, Park Ranger, or other similar public safety position for which an incumbent is authorized to carry a weapon in the performance of his/her duties and who is employed by, or contracted to perform services for, a public or governmental entity on the federal, state or local government, special district, or school district level. *(Adopted April 15, 2011)*

ASCERTAINED MERIT – A test phase of a promotional examination that awards points to candidates based on their departmental performance evaluation ratings and/or based on an evaluation of their qualifications, background, education, training, work history, experience, documented performance, disciplinary record, commendation history, or any combination of these. *(Adopted March 27, 1998) (Amended October 27, 2000)*

ASSAULT – To knowingly or recklessly cause bodily injury to another person or with criminal negligence to cause bodily injury to another person by means of a deadly weapon, and as provided in C.R.S. 18-3-204 and as otherwise provided in C.R.S. 18-3-202, 203, 204, and 205 for assault in the first, second, or third degree and for vehicular assault, respectively, as they may be amended from time to time, and as provided in any similar federal, state or local law. *(Adopted April 15, 2011)*

AUTOMATIC DISQUALIFICATION – See “Disqualification, Automatic”

CADET ELIGIBLE REGISTER – See “Eligible Register For Original Appointment – Cadet Eligible Register”

CADET (POLICE OFFICER OR FIREFIGHTER) ENTRY – The process by which an applicant who is a current or former Denver Public Safety Cadet, and who has successfully completed the Public Safety Cadet program requirements for eligibility for original appointment, can apply, be tested and screened, and receive original appointment to the Denver Fire Department, or to Denver Police Department, from the respective Cadet Eligible Register, as provided by the Charter, Commission Rules and examination announcement. *(Adopted April 15, 2011)*

CANDIDATE – (For any rule added or last amended on or after September 1, 2004) A person who is participating in the application, examination, screening, approval, requisition, certification and/or appointment process for promotional appointment within the Classified Service.

– (For any rule last amended prior to September 1, 2004) A person who has filed an entry- level or promotional application for an appointment in the classified service and who is currently being processed, or who is eligible to be processed through the examination process. ⁴
(Adopted October 13, 1995) (Amended April 15, 2011)

RULE 1 (Annotated 4-15-11)

CAPACITY (Regarding a Probationary Member) – Giving consideration to factors such as training and opportunity, the degree to which a probationary member has demonstrated the knowledge, skills, abilities, attributes, ethics, values and other characteristics related to successful performance of the duties, responsibilities and essential functions of the classification held. *(Adopted April 15, 2011)*

CARELESS DRIVING – See “*Driving, Careless*”

CERTIFICATION – A written statement by the Commission, certified by its Executive Director, issued in response to a Requisition from the Executive Director of Safety requesting a list of the names of eligible applicants or candidates for the purpose of filling one or more vacancies in the Classified Service. The Certification advises the Executive Director of Safety that the persons named therein are the highest-ranking individuals on the corresponding current eligible register for original appointment to, or promotion within, the Classified Service; or that the individuals named therein are the highest-ranking individuals from the corresponding eligible register consistent with any requirements of an applicable court order or court approved consent decree.

The names listed in the Certification statement are arranged in ranked order, as provided by the corresponding eligible register, unless the provisions of an applicable court order or court approved consent decree require otherwise. *(Amended October 13, 1995; April 15, 2011)*

CERTIFICATION REGISTER – A record or list that is composed of the names of the applicants or candidates from a corresponding Eligible Register, arranged in ranked order, unless the provisions of any applicable court order or court approved consent decree require otherwise, who have been certified to the Executive Director of Safety for consideration, respectively, for original or promotional appointment.

The Certification Register is used to document the date(s) upon which individual eligible applicants or candidates have been certified to the Executive Director of Safety, the date of appointment, if applicable, and such other information as the Commission deems appropriate. *(Adopted October 27, 2000) (Amended April 15, 2011)*

⁴ **Editor’s Note:** Commencing with amendments to Commission Rule 5, effective 9-01-04, the word “candidate” distinguishes an individual who is participating in the application, examination, screening, approval, requisition, certification and/or appointment process for promotional appointment.

CHARTER – Charter of the City and County of Denver, as amended.

CHILD ABUSE (To include child neglect) – “Child abuse” includes “child neglect” and means an act or omission that threatens the health or welfare of a child as defined in C.R.S. 19-1-103(1)(a- b) as it may be amended from time to time, or any similar act or omission under any federal, state or local law.

This shall also include the following:

1. Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either: Such condition or death is not justifiably explained; the history given concerning such condition is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence.
2. Any case in which a child is subjected to unlawful sexual behavior.
3. Any case in which a child is a child in need of services because the child's parents, legal guardian, or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.
4. Any case in which a child is subjected to emotional abuse. As used in this subparagraph (4), "emotional abuse" means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development.
5. Any act or omission to include:
 - (a) A parent, guardian, or legal custodian has abandoned the child or has subjected him or her to mistreatment or abuse or a parent, guardian, or legal custodian has suffered or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring;
 - (b) The child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian;
 - (c) The child's environment is injurious to his or her welfare.
 - (d) Any case in which, in the presence of a child, or on the premises where a child is found, or where a child resides, a controlled substance is manufactured or attempted to be manufactured. *(Adopted April 15, 2011)*

CLASSIFICATION – The rank, title, and/or grade of an individual member's position within the Classified Service; also, the rank, title, and/or grade of an individual member in the Classified Service. *(Amended October 13, 1995; April 15, 2011)*

CLASSIFIED (POSITION - SERVICE) – All positions and their classifications which have been created by the Charter and are so designated as in the Classified Service or under the jurisdiction of the Civil Service Commission. *(Amended October 13, 1995; April 15, 2011)*

COMMISSION – The Civil Service Commission of the City and County of Denver as created by Charter. As the context provides, it may denote the duly appointed members of the Commission and/or the Executive Director and Commission staff acting under authority authorized by the Commissioners. *(Amended April 15, 2011)*

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CONVICTION (To include “Adjudication”) – The result of a criminal trial regarding any federal, state, or local law that ends in entry of a final judgment/sentence, following a verdict of guilty (by the court or jury), or following a plea of guilty or no contest.

“Conviction” shall include an “Adjudication” which is an entry of final judgment/ sentence following a determination by a juvenile court that it has been proven beyond a reasonable doubt to the trier of fact that the juvenile has committed an offense that would have been a crime had it been committed by an adult (i.e. commission of a delinquent act), or following an entry of a plea of guilty or no contest to a charge of committing such an offense.

“Conviction” does not include an entry of a final judgment/sentence that has been pardoned, reversed, set aside, or otherwise rendered null and void; or for which the criminal record thereof has been formally sealed, or the juvenile record thereof has been formally expunged, by order of the court. [Reference: C.R.S. 19-1-103 (2)](Adopted April 15, 2011)

CORRECTIONAL OFFICER – A professional or paraprofessional position serving in a jail, prison or other correctional facility, including a community corrections facility, whether armed or unarmed, having the primary duties and responsibilities of direct supervision, guarding, or monitoring of inmates or residents in the facility. (Adopted April 15, 2011)

CREED – Any firmly held moral or ethical belief. (Adopted April 15, 2011)

DAYS – Unless specified otherwise, the term days shall mean calendar days. (Amended October 13, 1995)

DEFERRED ADJUDICATION – See “Deferred Judgment / Sentence”

DEFERRED JUDGMENT/SENTENCE (Also “Deferred Adjudication”) – A circumstance in which the defendant in a criminal case has entered a plea of guilty or no contest and the court, accepting the plea, agreed to continue the case for a period of time for the purpose of deferring the final entry (pronouncement) of judgment and sentence; and with the written consent of the defendant, and his or her attorney of record, and the district attorney. It shall also mean a “Deferred Adjudication” in any juvenile court based on an offense that would have been a crime had it been committed by an adult.

Prior to entry of a plea of guilty or plea of no contest to be followed by deferred judgment and sentence, it is the usual case (or similar for a deferred adjudication) that the district attorney and defendant have entered into a written stipulation, to be signed by the defendant, the defendant's attorney of record, and the district attorney, under which the defendant is obligated to adhere to such stipulation. The conditions imposed in the stipulation are usually similar in all respects to conditions permitted as part of probation.

Such stipulation generally provides that, upon full compliance with such conditions by the defendant, the plea of guilty previously entered is withdrawn and the charge upon which the judgment and sentence of the court was deferred is dismissed with prejudice. Such stipulation also generally provides that, upon a breach by the defendant of any condition regulating the conduct of the defendant, the court shall enter judgment and impose sentence upon the entered guilty plea or plea of no contest.

“Deferred Judgment/Sentence” (or deferred adjudication) does not include a circumstance where the criminal record thereof has been formally sealed, or the juvenile record has been formally expunged, by order of the court. *[Reference: C.R.S. 18-1.3-102] (Adopted April 15, 2011)*

DEMOTION (Within the Classified Service) – A change in the employment status of a member of the Classified Service that results in a reduction in rank and/or grade within the Classified Service. *(Amended October 13, 1995; April 15, 2011)*

DISCHARGE – Act of terminating the services of or dismissing a member of the Classified Service. *(Amended October 13, 1995)*

DISCIPLINARY ACTION – A penalty imposed upon a member of the Classified Service by the Executive Director of Safety for a violation of departmental rules and regulations. For such violation a member shall be subject to oral or written reprimand, discharge, reduction in rank, reduction in grade, monetary fine, fine of paid time off and/or suspension with or without pay. *(Reference: Charter § 9.4.13; Commission Rule 12 § 2.A) (Amended October 13, 1995; April 15, 2011)*

DISQUALIFICATION (Of a Classified member) – Act of demotion, termination of the services of, or dismissal of a member of the Classified Service on the basis that the individual is no longer qualified to perform the essential functions of the classification he/she holds, with or without reasonable accommodation of a physical or mental impairment. *(Adopted April 15, 2011)*

DISQUALIFICATION, AUTOMATIC – “Automatic Disqualification” shall mean the administrative removal of an individual from further consideration in the application, examination, screening, selection, hiring or promotional process as a result of a failure of the applicant or candidate, respectively, to meet one or more of the minimum qualifications for application for, registration for or appointment to the position, as established in Commission Rules or through an Examination Announcement. Automatic Disqualification does not require review or approval by the Commissioners. It may include removal from the application, registration, testing or screening process, an examination list or an eligible register, as applicable. *(Adopted April 15, 2011)*

DISTRIBUTION (Hard or Soft Drugs) – “Distribution” or “To Distribute” means to deliver, transfer, or transport, or to attempt to deliver, transfer or transport, actually or constructively, from one person to another a controlled substance, either with or without remuneration, barter or exchange. However, the delivery, transfer or transportation of one ounce or less of marijuana, from one person to another; without involving any remuneration, barter or exchange; shall be deemed “use or possession.” It shall not be deemed distribution, unless the delivery or transfer is by a person eighteen years of age or older to a person under the age of fifteen.

The delivery or transfer of more than one ounce of marijuana from one person to another, either with or without remuneration, barter or exchange, shall be deemed distribution (and/or sale thereof). *(See also: “Use”, “Possession”, and “Sale”)* *(Adopted April 15, 2011)*

DOMESTIC VIOLENCE – “Domestic violence” shall mean an act or threatened act of violence (including but not necessarily limited to, the use or attempted use of physical force, or the threatened use of a deadly weapon) committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person currently or formerly

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similarly situated to a spouse, parent, or guardian of the victim. "Domestic violence" also includes any other crime against a person or against property, or any municipal ordinance violation against a person or against property, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

As used herein, "intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time. [Reference: C.R.S. 18-6-800.3(1); and, 18 USC § 921(33)](Adopted April 15, 2011)

DRIVING, CARELESS, Causing Serious Bodily Injury or Death – “Careless driving causing serious bodily injury or death” means a traffic violation/infraction involving driving in a careless and imprudent manner, without due regard for the particular conditions, in which the person’s actions are the proximate cause of serious bodily injury or death of another, as provided in C.R.S. 42-4-1402(1) and (2)(b)&(c), as it may be amended from time to time, or under any similar federal, state, or local law. (Adopted April 15, 2011)

DRIVING, RECKLESS – “Reckless driving” means a traffic violation/infraction involving a wanton or a willful disregard for the safety of persons or property as provided in C.R.S. 42-4- 1401, as it may be amended from time to time, or under any similar federal, state, or local law. (Adopted April 15, 2011)

DRIVING UNDER THE INFLUENCE (DUI) – “Driving under the influence” of alcohol and/or drugs (DUI), a traffic offense, means as defined under C.R.S. 42-4-1301(f), as it may be amended from time to time, or under any similar federal, state or local law. A conviction of, or deferred judgment for a DUI offense, as it relates to any presumption based on the amount of alcohol in the blood or breath, or the amount of drug or drug byproduct in the blood, shall be as defined by the jurisdiction in which the conviction or deferred judgment occurred.

The terms “driving under the influence” and “DUI” shall also include any like offenses under any federal, state, or local law applicable to other means of motorized transport, e.g. “Boating Under the Influence”. (Adopted October 27, 2000) (Amended April 15, 2011)

DRIVING WHILE ABILITY IMPAIRED (DWAI) – “Driving while ability impaired” by alcohol and/or drugs (DWAI), a traffic offense, means as defined under C.R.S. 42-4-1301(g), as it may be amended from time to time, or under any similar federal, state or local law. A conviction of, or deferred judgment for a DWAI offense, as it relates to any presumption based on the amount of alcohol in the blood or breath, or the amount of drug or drug by-product in the blood, shall be as defined by the jurisdiction in which the conviction or deferred judgment occurred.

The terms “driving while ability impaired” and “DWAI” shall also include any like offenses under any federal, state, or local law applicable to other means of motorized transport, e.g. “Boating While Ability Impaired”. (Adopted October 27, 2000) (Amended April 15, 2011)

DRUG, HARD (Schedule I, II, III or IV controlled substance) – “Hard drug” means any Schedule I, II, III or IV controlled substance, as defined by and listed in C.R.S. 18-18-203, 204, 205, and 206, respectively, as amended from time to time, the illegal use of which would be classified as a felony under C.R.S. 18-18-404, as amended from time to time, and/or the illegal possession of which would be classified as a felony under C.R.S. 18-18-405, as amended from time to time; except when a schedule II, III or IV

controlled substance is possessed or used pursuant to being dispensed by or under the direction of a person licensed or authorized by state and federal law to prescribe, administer, or dispense such controlled substance for bona fide medical or research needs;

~~Marijuana concentrate, the use or possession of which would be classified as a felony under C.R.S. 18-18-406⁵, as amended from time to time; and Marijuana in a single quantity of eight (8) ounces⁶ or more, the possession of which would be classified as a felony under C.R.S. 18-18-406. (Adopted October 27, 2000) (Amended April 15, 2011)~~

DRUG, PRESCRIPTION (Schedule II, III, IV, or V – legally dispensed) – “Prescription drug” means any Schedule II, III, IV, or V controlled substance or drug dispensed by or under the direction of a person licensed or authorized by state and federal law to prescribe, administer, or dispense such controlled substance for bona fide medical or research needs. (Adopted October 27, 2000) (Amended April 15, 2011)

~~“**Medical Marijuana**” (Schedule I – Not a prescription drug) – Marijuana is a Schedule I controlled substance. As such, it has no recognized, bona fide medical use under federal law. Marijuana, therefore, will not be considered a “prescription drug” under Commission Rules, regardless of any medical recommendation, prescription, dispensing, or administration under any state or local law. (Adopted April 15, 2011)~~

DRUG, SOFT (Schedule V ~~and Marijuana under 8 ounces⁶~~) – “Soft drug” means any Schedule V controlled substance, as defined by and listed in C.R.S. 18-18-207, as amended from time to time; the use of which would be classified as a misdemeanor under C.R.S. 18-18-404, as amended from time to time; except when the controlled substance is used pursuant to being dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense such controlled substance for bona fide medical needs; ~~and Marijuana in a quantity less than eight (8)⁷ ounces~~, the use or possession of which would be classified as a petty offense or misdemeanor under C.R.S. 18-18-406, as amended from time to time. (Adopted October 27, 2000) (Amended April 15, 2011))

DUI – See “Driving Under the Influence”

DWAI – See “Driving While Ability Impaired”

⁵ ~~Editor’s Note: C.R.S. 18-18-406 was amended effective August 11, 2010. The quantity of marijuana concentrate under possession that is needed to constitute a felony was changed to “more than three ounces” for offenses on or after the effective date.~~

⁶ ~~Editor’s Note: C.R.S. 18-18-406 was amended effective August 11, 2010. The quantity of marijuana under possession that is needed to constitute a felony was changed from “8 ounces or more” to “more than twelve ounces.” Therefore, Marijuana is considered a “hard drug” when under possession in a quantity of more than twelve (12) ounces, and a “soft drug” when under possession in a quantity of “no more than twelve ounces.”~~

⁷ ~~Editor’s Note: C.R.S. 18-18-406 was amended effective August 11, 2010. The quantity of marijuana under possession that constitutes a petty offense was changed to “two ounces or less.” The quantity of marijuana under possession that constitutes a class 2 misdemeanor was changed to “more than two ounces...but no more than six ounces.” The quantity of marijuana under possession that constitutes a class 1 misdemeanor was changed to “more than six ounces...but no more than twelve ounces.” Therefore, marijuana is considered a “soft drug” when under possession in a quantity of no more than twelve (12) ounces.~~

RULE 1 (Annotated 4-15-11)

EFFICIENCY RATING – A rating given to classified members by their supervisors through consideration and evaluation of a member’s job performance in accordance with a uniform rating system utilized by that member’s department for the classification in question. Any such rating system must include a departmental internal appeal process. *(Adopted March 27, 1998) (Amended October 27, 2000)*

ELIGIBLE REGISTER FOR ORIGINAL APPOINTMENT – A public record listing the names of those applicants [from the corresponding examination list(s)] who have successfully completed all phases of the examination process required for original appointment to the respective position in the Classified Service; who have been approved for placement on the register by the Commissioners; and arranged in ranked order in accordance with the examination scoring system as specified in the corresponding examination announcement. A register shall contain such other information as required by Commission Rule and as the Commission deems appropriate. A register may be of fixed duration or may be on-going in nature, as provided by Commission Rule. *(Amended October 13, 1995; October 27, 2000; April 15, 2011)*

CADET ELIGIBLE REGISTER – A separate “Eligible Register For Original Appointment”, as provided herein, one for appointment to the position of Police Officer, and one for appointment to the position of Firefighter, listing the names of only those respective applicants who also have successfully completed the Public Safety Cadet program requirements for eligibility for original appointment. *(See also: “Cadet Entry”)* *(Adopted August 15, 1989) (Amended October 13, 1995; October 27, 2000; April 15, 2011)*

DEFERRED APPOINTMENT ELIGIBLE REGISTER (For the rank of Police Officer or Firefighter) – A separate and discretionary “Eligible Register For Original Appointment”, as provided herein, listing the names of only those applicants who have been recently certified to the Executive Director of Safety from a Firefighter or Police Officer eligible register, and who have received a time limited and conditional deferral from the Executive Director of Safety, regarding their certification and their consideration for original appointment, from one academy class to the next academy class, as provided under Commission Rule 7. *(Adopted April 15, 2011)*

LATERAL FIREFIGHTER ELIGIBLE REGISTER (Appointment Pursuant to an Intergovernmental Agreement) – A separate “Eligible Register For Original Appointment”, as provided herein, listing the names of only those applicants who have also met the pre-requisition requirements for Original Appointment as a Firefighter pursuant to a specific Intergovernmental Agreement, as provided by the Charter, Commission Rules, and the applicable Intergovernmental Agreement. *(Adopted April 15, 2011)*

LATERAL POLICE OFFICER ELIGIBLE REGISTER – A separate “Eligible Register For Original Appointment”, as provided herein, listing the names of only those applicants who have also met the requirements for the Lateral Entry process for original appointment as a Police Officer as provided by the Charter, Commission Rules, examination announcement and any qualification standards established by the Department of Safety. *(See also: “Lateral Police Officer Entry”)* *(Adopted April 15, 2011)*

(ELIGIBLE REGISTER FOR ORIGINAL APPOINTMENT – Continued)

RESERVE POLICE OFFICER ELIGIBLE REGISTER – A separate “Eligible Register For Original Appointment”, as provided herein, listing the names of only those applicants who also are Denver Reserve Police Officers and who have met the requirements for the Reserve Police Officer Entry process for original appointment as provided by the Charter, Commission Rules, and examination announcement, to include all of the qualifications and requirements of the Denver Police Reserve Officer Training Program.

(See also: “Reserve Police Officer Entry”)

Adopted April 15, 2011)

ELIGIBLE REGISTER FOR PROMOTIONAL APPOINTMENT – A public record listing the names of those Classified members (from the corresponding examination list) who have successfully completed all phases of a promotional examination for a specific rank in the Classified Service, arranged in ranked order in accordance with the examination scoring system as specified in the corresponding examination announcement. A register shall contain such other information as required by Commission Rule and as the Commission deems appropriate. *(Amended October 13, 1995; October 27, 2000; April 15, 2011)*

ENTRY LEVEL – A term utilized to designate that an application, examination, list, register, classification, appointment and/or other matter pertains to an Original Appointment to the Classified Service. It is used in contrast to the designation of a matter as pertaining to a Promotional Appointment within the Classified Service. *(Adopted April 15, 2011)*

EXAMINATION – A series of test phases and screening phases, taken collectively, that are utilized to determine and evaluate the relative qualifications and suitability of an applicant or candidate for a particular classification within the Classified Service.

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

EXAMINATION LIST – A confidential working document listing and ranking those applicants or candidates for original or promotional appointment, respectively, who have successfully passed and/or completed any required initial test phases, including those initial test phases utilized for ranking in the examination, and which reflects the award of any other points as may be provided for in the examination process (such as veteran preference points for original appointment, or points awarded as a result of any special supplemental examination). The document tracks applicants or candidates as they complete the various test phases and screening phases required in the examination process as provided by Commission Rule and the examination announcement.

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

EXAMINATION REGULATIONS – The Rules of the Civil Service Commission, the Examination Announcement, examination instructions, anything incorporated therein, or any other rule established by the Commission regarding the examination, so long as proper notice was given. *(Adopted October 13, 1995)*

RULE 1 (Annotated 4-15-11)

EXAMINER – The Executive Director, staff person, or consultant in charge of an examination.
(Amended April 15, 2011)

EXECUTIVE DIRECTOR – The Executive Director of the Civil Service Commission of the City and County of Denver who may also serve as its Chief Examiner.

FALSE REPORTING – “False Reporting to fire, emergency, or law enforcement authorities” means to knowingly make or cause to be transmitted a false fire alarm or other emergency alarm or report; or a false report of a crime or information regarding a crime to a law enforcement authority; or to knowingly provide false identifying information to a law enforcement authority. “Identifying information” means a person’s name, address, birth date, social security number, driver’s license number, or other official state or federal identification number. *[Reference: C.R.S. 18-8-111] (Adopted April 15, 2011)*

FELONY – A criminal offense that is classified as a “felony” under the federal, state or local laws in the jurisdiction where the subject charge was filed; to also include any juvenile offense that would constitute a “felony” criminal offense in that jurisdiction if committed by an adult.
(Adopted April 15, 2011)

FINAL SCORE, FINAL EXAMINATION SCORE – See “Score, Final Examination”

FIREFIGHTER – A position held by an officer or member of a fire department or fire protection or fire-fighting agency of the federal government, a state, a municipality, a special district, or any other governmental entity, whether that person receives compensation for services rendered as such firefighter, or is a volunteer, and whose general duties and responsibilities would include fire prevention, investigation or suppression. *[Reference: C.R.S. 18-3-201(1)] (Adopted April 15, 2011)*

FORGERY – With intent to defraud, to falsely make, complete, alter or utter a written document, to include but not be limited to a legal document representing or affecting a legal right, claim, interest, obligation or status; officially issued or created by a public office or government agency; and as provided in C.R.S. 18-5-102, 103, 104 and 104.5, and as provided in any similar federal, state or local law. *(Adopted April 15, 2011)*

FRAUD – Intentional deception, perversion of the truth, false representation or the misrepresentation of a matter of fact, whether by words, conduct, concealment or omission for the purpose of inducing another, by reliance upon it, to part with some valuable thing belonging to him, or to surrender some legal right, or which is done or made for personal gain; and as provided in C.R.S. Title 18, Article 5, as it may be amended from time to time, or in any similar federal, state or local law. Fraud includes but is not limited to criminal offenses such as the following: Forgery; Check Fraud; Criminal Impersonation; Credit Card Fraud; Identity Theft; Mortgage Fraud; Consumer Fraud. *(Adopted April 15, 2011)*

GRADE (For Ranks within the Classified Service) – The Charter arrangement of distinct and separate classes which typically distinguish individuals within the rank of Firefighter, (Fire) Mechanic, Fire Systems Technical Specialist or Police Officer by the length of service in that rank. The grades of the rank of Firefighter are (lowest to highest) Fourth Grade, Third Grade, Second Grade and First Grade.

The grades of the ranks of Mechanic and Fire Systems Technical Specialist are (lowest to highest) V, IV, III, II and I.

The grades of the rank of Police Officer are (lowest to highest) Recruit, Fourth Grade, Third Grade, Second Grade and First Grade. *(See also: "Rank") (Adopted October 13, 1995) (Amended April 15, 2011)*

HARASSMENT – “Harassment” means a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose; or any act committed by a person, with intent to abuse (verbally), annoy, or alarm another person, in which he or she:

- a) Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact;
- b) In a public place directs obscene language or makes an obscene gesture to or at another person;
- c) Follows a person in or about a public place;
- d) Initiates communication with a person, anonymously or otherwise by telephone, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network, or computer system that is obscene;
- e) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation;
- f) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or
- g) Repeatedly insults, taunts, challenges, or makes communications in offensively coarse language to another, in a manner likely to provoke a violent or disorderly response; and

As provided in C.R.S. 18-9-111, as it may be amended from time to time, or as provided in any similar federal, state or local law. *(Adopted April 15, 2011)*

HARD DRUG – See “Drug, Hard”

IMPERSONATING A PEACE OFFICER, FIREFIGHTER OR PUBLIC SERVANT– “Impersonating a peace officer” means falsely pretending to be a peace officer as provided in C.R.S. 18-8-112, as it may be amended from time to time, or as provided in any similar federal, state or local law.

“Impersonating a firefighter or public servant” means falsely pretending to be a public servant as provided in C.R.S. 18-8-113, as it may be amended from time to time, or as provided in any similar federal, state or local law.
(Adopted April 15, 2011)

INTIMIDATION – “Intimidation” means a course of willful conduct directed at a specific person that causes such person to be placed in fear of bodily harm, and serves no legitimate purpose, and does not rise from some mere temperamental timidity of such person.

(Adopted April 15, 2011)

LATERAL FIREFIGHTER ELIGIBLE REGISTER – See “Eligible Register for Original Appointment – Lateral Firefighter”

LATERAL POLICE OFFICER ELIGIBLE REGISTER – See “Eligible Register for Original Appointment – Lateral Police Officer”

LATERAL POLICE OFFICER ENTRY – The process by which an applicant who is a certified peace officer with at least three (3) years of prior patrol experience may apply, be tested and screened, and receive Original Appointment to the Police Department from the Lateral Police Officer Eligible Register as provided by the Charter, Commission Rules, examination announcement and any qualification standards established by the Department of Safety.

(See also: “Eligible Register for Original Appointment – Lateral”)

(Adopted October 13, 1995) (Amended April 15, 2011)

LAW ENFORCEMENT POSITION – Means a “peace officer” or “reserve peace officer” position. That is, any position held by a “peace officer” as such is described in C.R.S. 18-1-901(3)(I)(I), (3)(I)(II), (3)(I)(III), and (3)(I)(IV.5), as amended from time to time. It shall include any like or comparable position held at the federal level, in another state, or in any other governmental jurisdiction whereby the individual holds the authority to enforce all of the laws of the subject jurisdiction while acting within the scope of his/her authority and in the performance of his/her duties. It shall further include any military police officer. *[Reference also: C.R.S. 24-31-301(5); C.R.S. 16-2.5-101](Adopted April 15, 2011)*

LAYOFF – The separation of a member of the Classified Service because of reduction in force.

(Amended October 13, 1995)

LEGAL IMPEDIMENT – Any element of an applicant’s criminal history that reasonably would have a significant impact on their ability to perform the essential functions of the position in question or that reasonably would have a significant impact on their ability to obtain any license or certification necessary to perform the essential functions of the position. *(Adopted April 15, 2011)*

MANUFACTURE (Of “Hard Drugs” or “Soft Drugs”) – “Manufacture” or “Manufacturing” means for any person to produce, prepare, propagate, compound, convert, or process a controlled substance, directly or indirectly, by extraction from substances of natural origin, chemical synthesis, or a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

With respect to marijuana and marijuana concentrate, “manufacture” means for any person to cultivate, grow, produce, prepare, process, or otherwise manufacture, or knowingly to allow such to be produced, processed, prepared or manufactured on land owned, occupied, or controlled by him. *[Reference: C.R.S. 18-18-102(17); C.R.S. 18-18-406 (8)(a)(I)](Adopted April 15, 2011)*

MARIJUANA – See "Drug, Soft", "Drug, Prescription" and "Drug, Hard"

MAY and SHALL – "May" is permissive and "Shall" is mandatory.

MEDICAL FIRST RESPONDER – An individual serving in the capacity of an employee or volunteer who is certified in basic or advanced life support skills, such as an Emergency Medical Technician (EMT) or Paramedic, and who is expected to respond to medical emergencies as a primary part of their duties and responsibilities. *(Adopted April 15, 2011)*

MEDICAL MARIJUANA – See "Drug, Prescription" and "Drug, Soft".

MEMBER (Of the Classified Service) – All regularly appointed members of the Classified Service of the Fire and Police Departments, except the Chief of the Police and the Chief of the Fire Department. *(Amended November 15, 1989; April 15, 2011)*

MENACING – By any threat or physical action, to knowingly place or attempt to place another person in fear of imminent serious bodily injury as provided in C.R.S. 18-3-206, either with or without the use of, or being armed with, a deadly weapon, or as provided in any similar federal, state or local law. *(Adopted April 15, 2011)*

MISDEMEANOR – A criminal offense that is classified as a "misdemeanor" under the federal, state or local law in the jurisdiction where the subject charge was filed; to also include any juvenile offense that would constitute a "misdemeanor" criminal offense in the jurisdiction if committed by an adult. *(Adopted April 15, 2011)*

MONTH – Unless otherwise specified, a period of consecutive days running from a particular date in one calendar month through and including the same date in the following, or in the preceding, calendar month. *(Adopted October 27, 2000)*

NOTICE – When the word "notice" is used, it shall mean, unless otherwise provided in these Rules, the giving of notice personally to the member or applicant (orally, by email or otherwise in writing, depending upon the requirement of the Rule) or upon the mailing of notice by United States mail to the last known address of record which was furnished to the Civil Service Commission by the member or applicant. Notice shall also mean constructive notice, as defined by law. Any of the above methods shall constitute "notice" and the receipt of notice. *(Amended October 13, 1995; April 15, 2011)*

OBSTRUCTION OF A PEACE OFFICER, FIREFIGHTER, ETC. – "Obstruction of a peace officer, firefighter, emergency medical service provider, rescue specialist or like volunteer" means a course of conduct whereby one knowingly obstructs, impairs or hinders such individual in the performance of their duties; and as provided in C.R.S. 18-8-104, as it may be amended from time to time, or as provided in any similar federal, state or local law. *(Adopted April 15, 2011)*

OBSTRUCTION OF GOVERNMENT OPERATIONS – "Obstruction of government operations" means a course of conduct whereby one intentionally obstructs the performance of a governmental function by a public servant and as provided in C.R.S. 18-8-102, as it may be amended from time to time, or as provided in any similar federal, state or local law. *(Adopted April 15, 2011)*

RULE 1 (Annotated 4-15-11)

ORIGINAL APPOINTMENT – In a manner as provided by Charter and Commission Rules, the appointment by the Executive Director of Safety of a non-member of the Classified Service of the Fire Department to a position within the Classified Service of the Fire Department; or, of a non-member of the Classified Service of the Police Department to a position within the Classified Service of the Police Department. *(Amended October 13, 1995; April 15, 2011)*

PEACE OFFICER POSITION – Means a “peace officer” or “reserve peace officer” position. That is, a position held by a “peace officer” as such is described in C.R.S. 18-1-901(3)(I)(I), (3)(I)(II), (3)(I)(III), and (3)(I)(IV.5), as it may be amended from time to time. It shall include any like or comparable position held at the federal level, in another state, or in any other governmental jurisdiction whereby the individual holds the authority to enforce all of the laws of the subject jurisdiction while acting within the scope of his/her authority and in the performance of his/her duties. *(Adopted April 15, 2011)*

PERMANENT MEMBER (Of the Classified Service) – An original appointee to the Classified Service who has satisfactorily completed the probationary period. *(Amended October 13, 1995; April 15, 2011)*

POSSESSION (Of “Hard Drugs” or “Soft Drugs”) – To knowingly have any quantity of “hard drug” or “soft drug” on one’s person or under one’s control; or to apply knowingly, one or more times, directly to one’s body, a “hard drug” or a “soft drug”, whether by injection, inhalation, ingestion, or any other means (i.e. “use” shall also be deemed to be “possession”). *(Adopted April 15, 2011)*

PRESCRIPTION DRUG – See “Drug, Prescription”

PROBATIONARY MEMBER – A member of the Classified Service who has not completed the probationary period following original appointment. *(Amended April 15, 2011)*

PROBATIONARY PERIOD – A specified length of time following an original appointment, as provided in the Charter and Commission Rules, during which a member is further evaluated as to the satisfactory nature of his/her conduct and capacity with respect to receiving a permanent appointment to the Classified Service. *(Reference: Charter § 9.4.6 and Commission Rule 9 § 1) (Amended October 13, 1995; April 15, 2011)*

PROMOTION – A change in the status of a member of the Classified Service to a position of higher classification through appointment by the Executive Director of Safety in a manner as provided by Charter and Commission Rules. *(Amended October 13, 1995; April 15, 2011)*

PURCHASE (Of “Hard Drugs” or “Soft Drugs”) – “Purchase” shall mean the acquisition, or acceptance into purchaser’s possession, of hard drugs or soft drugs in any quantity through a sale, barter, exchange or transfer, for the benefit of only the purchaser, and involving use of the assets of only the purchaser.

Any action on behalf of another (as the middleman or go-between) in an illegal sale or purchase of hard drugs or soft drugs, which includes being an active participant in the actual transfer of the drugs or assets involved, shall be deemed “Sale” and not “Purchase.” *(Adopted April 15, 2011)*

RANK (Within the Classified Service) – The Charter arrangement of separate and distinct classes

within the Classified Service which contain those positions which involve similar duties, responsibilities, and qualification requirements.

The ranks in the Fire Department are Assistant Chief, Captain, Lieutenant, Engineer and Firefighter; Master Mechanic, Assistant Master Mechanic and Mechanic; Superintendent of Fire Alarm, Assistant Superintendent of Fire Alarm and Fire Systems Technical Specialist. The ranks in the Police Department are Captain, Lieutenant, Sergeant and Police Officer. *(See also: "Grade") (Amended October 13, 1995; April 15, 2011)*

RECKLESS DRIVING – See *"Driving, Reckless"*

REDUCTION IN RANK OR GRADE – A lowering in the rank and/or grade of a member of the classified service to a position of lower classification. *(Adopted October 13, 1995) (Amended April 15, 2011)*

REEMPLOYMENT – As provided in the Charter, Commission Rules and in the rules and regulations of the Department of Safety and the Fire and Police Departments, the process for consideration, approval and reappointment to the same department of an individual who was previously employed as a member of the Classified Service. *(Adopted October 13, 1995) (Amended April 15, 2011)*

REGISTRATION – The process of enrolling qualified members of the Classified Service to participate in a promotional examination. *(Adopted October 13, 1995) (Amended April 15, 2011)*

REINSTATEMENT – The restoration to a position in the Classified Service.

REINSTATEMENT REGISTER – A public record listing the names of inactive classified members comprising those who have been subject to a reduction in force and laid-off in accordance with Commission Rule 11, arranged in the order prescribed by these Rules. *(Adopted October 13, 1995) (Amended April 15, 2011)*

RESERVE POLICE OFFICER ELIGIBLE REGISTER – See *"Eligible Register for Original Appointment – Reserve Police Officer"*

RESERVE POLICE OFFICER ENTRY – The process by which an applicant who is a current Denver Reserve Police Officer, who has met all of the qualifications and requirements of the Denver Police Reserve Officer Training Program, can apply, be tested and screened, and receive original appointment to the Denver Police Department from the Reserve Police Officer Eligible Register as provided by the Charter, Commission Rules and examination announcement. *(See also: "Eligible Register For Original Appointment – Reserve Police Officer") (Adopted October 13, 1995) (Amended April 15, 2011)*

RESIDENT – BONA FIDE (Of the State of Colorado) – "Bona Fide Resident" means a person who, with good intent and without fraud or deceit, resides in Colorado and maintains his/her principal or primary home or place of residence within the state. There is no minimum time period required for establishing Colorado residency. For additional guidance see C.R.S. 1-2-102(1)(a)(I) and (1)(b) - Rules for determining residence. *(Adopted April 15, 2011)*

RESIGNATION – The voluntary separation of a member from a position in the Classified Service.

RULE 1 (Annotated 4-15-11)

(Amended October 13, 1995)

SALE (Of “Hard Drugs” or “Soft Drugs”) – “Sale” means an illegal barter, exchange, or transfer for remuneration or promise of remuneration, of a controlled substance, and each such transaction made by any person, whether for the benefit of the seller or on behalf of another.

Any action on behalf of another (as the middleman or go-between acting for either the seller or the purchaser) in an illegal sale or purchase of a controlled substance, which includes being an active participant in the actual transfer of the drugs or assets involved, shall be deemed “Sale” and not “Purchase.”
(Adopted April 15, 2011)

SCORE, FINAL EXAMINATION – A “Final Score” or “Final Examination Score” is the ultimate score attained by an applicant or candidate in an examination process as computed from the sum of the relative point values earned in all test phases utilized for the purpose of ranking, plus the sum of all preference points and seniority points awarded, if any, as determined by the scoring system outlined in the respective examination announcement. *(See also: “Score, Total Test”)* *(Adopted April 15, 2011)*

SCORE, TOTAL TEST – A “Total Score” or “Total Test Score” is the score of achievement attained by an applicant or candidate in an examination test phase as computed from the relative point value earned in the test phase for the purpose of ranking, as determined by the scoring system outlined in the examination announcement.

Based on the context in which the term is used, it may also refer to the sum of the respective point values earned in two or more test phases of an examination process which are each utilized as part of the scoring system for the purpose of ranking.

A test phase may include any written test, video test, oral test, practical test, assessment center, or any other test phase of an examination, as may be provided by the respective examination announcement. It does not include examination phases in which preference points or seniority points are awarded. *(See also: “Score, Final Examination”)* *(Adopted October 13, 1995)* *(Amended October 27, 2000; April 15, 2011)*

SEXUAL ASSAULT – “Sexual Assault” means any knowing and unlawful act of sexual penetration or intrusion, and as variously provided for “sexual assault” in C.R.S. 18-3-402 etseq., as it may be amended from time to time, or under any similar federal, state or local law. An act of “sexual penetration” or “sexual intrusion” shall mean as provided in C.R.S. 18-3-401, as it may be amended from time to time. *(Adopted April 15, 2011)*

SEXUAL BEHAVIOR, UNLAWFUL – “Unlawful Sexual Behavior” means any act which would constitute a sexually related offense, or criminal attempt, conspiracy, or solicitation to commit a sexually related offense, as provided under C.R.S. 18-3-6 or 7, or under any similar federal, state, or local law, to include but not be limited to the following:

- a. Unlawful Sexual Behavior;
- b. Internet Sexual Exploitation;
- c. Invasion of Privacy for Sexual Gratification;
- d. Offenses Against Morals;
- e. Prostitution;
- f. Patronizing a Prostitute;

- g. Public Indecency;
 - h. Indecent Exposure;
 - i. Sexually Explicit Materials Harmful to Children; or
 - j. Criminal Invasion of Privacy (viewing or photography of private parts).
- (Adopted April 15, 2011)*

SEXUAL CONTACT, UNLAWFUL – “Unlawful Sexual Contact” means any knowing and unlawful touching of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or the knowing and unlawful touching of the clothing covering the immediate area of the victim's or actor's intimate parts if that sexual contact is for the purposes of sexual arousal, gratification, or abuse, and as variously provided in C.R.S. 18-3-404, as it may be amended from time to time, or under any similar federal, state or local law. "Intimate parts" shall mean as provided in C.R.S. 18-3-401, as it may be amended from time to time. *(Adopted April 15, 2011)*

SHALL and MAY – "Shall" is mandatory and "may" is permissive.

SOFT DRUG – See “Drug, Soft”

SUBPOENA DUCES TECUM – A legal document legally served which commands the recipient to appear with certain documents, items, and/or materials, at a certain time and place, to give testimony concerning those documents and facts therein. *(Adopted October 13, 1995)*

SUSPENSION – The temporary separation of a member from assigned duties, either with or without pay, as a disciplinary measure. *(Amended April 15, 2011)*

THEFT – The act of stealing; knowingly taking or exercising control over anything of value of another without authorization or consent, or by threat or deception, with the intent to deprive the other person permanently of the use or benefit of the thing of value; to use or conceal a thing of value with the intent to deprive the other person permanently of the use or benefit; and as provided in C.R.S. 18-4-401 et seq. as it may be amended from time to time, or in any similar federal, state or local law. Theft also includes but is not limited to such crimes as: larceny; embezzlement; shoplifting; swindling; theft by receiving; theft by deception. *(Adopted April 15, 2011)*

TITLE – Separate and distinct classifications which are not determined by Civil Service examination. Examples include Chief, Deputy Chief, Division Chief, Commander, Corporal, Technician, and Detective. *(Adopted October 13, 1995) (Amended April 15, 2011)*

TRAFFIC OFFENSE (VIOLATION/INFRACTION) – “Traffic Offense”, unless the context or use requires otherwise, shall mean a traffic offense, violation or infraction that involves the operation of a moving motor vehicle and that constitutes a traffic offense or infraction under C.R.S. Title 42, Article 4, Regulation of Vehicles and Traffic, or under any similar federal, state or local law. It does not include any “parking” violation or violation under a criminal statute. It does include any DUI or DWAI offense or like violation, whether the subject motor vehicle, or other means of motorized transport, was moving or was parked. *(Adopted April 15, 2011)*

TOTAL SCORE, TOTAL TEST SCORE – See “Score, Total Test”

UNLAWFUL SEXUAL BEHAVIOR – See “Sexual Behavior, Unlawful”

RULE 1 (Annotated 4-15-11)

UNLAWFUL SEXUAL CONTACT – See “*Sexual Contact, Unlawful*”

USE (Of “Hard Drugs” or “Soft Drugs”) – To apply knowingly, one or more times, directly to one’s body whether by injection, inhalation, ingestion, or any other means. “Use” shall also be deemed to be “Possession”. [*Reference: C.R.S. 18-18-102(1), “Administer”*] (*Adopted April 15, 2011*)

WEIGHT – The fixed numerical value given to each part of an examination designating the relative point value thereof and used in computing a total score as set forth in the official announcement of the examination. (*Amended October 13, 1995*)

YEAR – Unless otherwise specified, the term year refers to a period of twelve (12) consecutive months; that is, a period of consecutive days running from a particular date in one calendar year through and including the same date in the following, or in the preceding, calendar year. (*Adopted October 13, 1995*) (*Amended April 15, 2011*)

END