

RULE 2¹

ORGANIZATION

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¹ **Editor’s Note:** Section 1 only, *Election of President*, amended effective December 12, 2005. Section 4(A) only, *Rule Making*, amended November 7, 2003, effective December 2, 2003. Immediate prior amendments to portions of Sections 3, 4 and 5 occurred October 27, 2000, effective December 5, 2000.

² **Editor’s Note:** The Table of Contents was first included as an annotation on June 30, 2005.

Section 1. Election of President.

At the first regular meeting of the Commission in January of the even-numbered years, the Commission shall elect from its own membership a president, who shall serve at the pleasure of the Commission, and who, subject to the direction of the Commission, shall have such general authority and responsibility in the administration of the Rules which shall not be inconsistent with the powers reserved to the Commission, by the Charter, and these Rules. At the same meeting, the Commission shall designate one of its members as a vice president to serve in the absence of the President. In the event a vacancy should occur in the presidency of the Commission, the Commission shall elect a new president to complete the term. In the event a vacancy should occur in the vice-presidency of the Commission, the Commission shall designate a new vice president to complete the term.

(Adopted August 12, 1988) (Amended Oct. 13, 1995; March 27, 1998; December 12, 2005)

Section 2. Compensation.

Each member of the Civil Service Commission shall, as provided by ordinance, receive compensation and be paid necessary expenses actually incurred in the discharge of official duties. For the purposes of compensation, a meeting shall be defined as regular and special meetings called in accordance with Rule 2, Sections 3(A) and 3(B), and other Commission functions such as swearing in and promotional ceremonies, work and study sessions, and other similar meetings which Commissioners are expected to attend.

(Amended September 6, 1986)

Section 3. Meetings.³

- A. **Regular meetings** of the Commission shall be held at such times and places as the Commission may determine.
- B. **Special meetings** of the Commission may be called by the President, any other member, or the Executive Director, upon giving reasonable notice to each member of the Commission. Notice may be given in writing or by telephone and shall state the time and location of the meeting and the business to be considered. No business shall be considered except that included in the notice, except by and with the consent of all members of the Commission present at the meeting.
(Amended March 26, 1987; October 13, 1995)
- C. **Notice of meetings** shall be provided in conformance with Denver Revised Municipal Code, Article 3 § 2.31 et seq., as it may be amended from time to time.
(Adopted October 27, 2000)

³ **Editor's Note:** Several sub-sections were re-lettered with the amendments of October 27, 2000 due to the adoption of a new sub-section C dealing with *Notice of meetings*.

D. Rules of Order. "Robert's Rules of Order" shall guide the Commission in its proceedings, except as otherwise provided herein. All Commission members, including the President, shall have a vote and each may record in the minutes approval of or dissent from any action of the Commission, together with the reasons therefor. In the event of a tie vote, the motion made shall fail.

(Amended October 13, 1995)

E. Quorum. Three members of the Commission shall constitute a quorum.

F. Minutes. A record, in the form of minutes, shall be kept of each meeting and shall record the time and place of the meeting, the names of the Commission members present, all official acts of the Commission, and the votes of each Commissioner except when the acts are unanimous. A Commissioner may explain his or her vote and have such explanation made a part of the minutes. The minutes shall be transcribed and presented to the Commission at the next regular meeting at which time they shall be approved with amendments, if any. The minutes shall be signed by the members of the Commission, attested by the Executive Director, and shall be open to public inspection.⁴

(Amended March 26, 1987; October 13, 1995)

Section 4. Powers, Duties and Purposes of the Commission.⁵

These powers, duties and the purpose shall be:

A. Rule making. The Commission shall have the power to make, amend, or repeal any rule consistent with its rule-making process and its Charter-mandated duties, powers and responsibilities. The Commission's rule-making process shall be as provided below:

(Amended March 26, 1987; March 27, 1998; October 27, 2000; November 7, 2003)

1. The initiation of the Commission's formal rule-making process shall require Commission approval.
2. Prior to taking any final action on a proposed rule or rule change the Commission shall:
 - a. Request and obtain a ruling from the office of the City Attorney on the legality of the proposed rule;
 - b. Publish a notice of proposed rule-making and post the full text of the proposed rule;

⁴ **Rule Note:** See also Rule 13 § 1(D), *Permanent Records – Minutes*.

⁵ **Editor's Note:** Several sub-sections were re-lettered with the amendments of October 27, 2000 due to the adoption of a new Sub-section C titled *Equal employment opportunity and non-discrimination*, which incorporated language in a prior sub-section B, titled *Purpose*.

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- c. Hold a public hearing on the proposed rule, and hold the hearing no sooner than 21 days following the publishing of notice.
3. The publishing of a notice of proposed rule-making shall include:
 - a. Posting the notice at the office of the Commission.
 - b. Forwarding the notice to the administration of departments in the Classified service, with a request for posting throughout the department.
 - c. Forwarding the notice to the Manager of Safety, to the collective bargaining agent(s) for members of the Classified Service, and to interested parties.
4. Any notice of rule-making shall include the following information:
 - a. The date, time, place, purpose and subject of the rule-making public hearing;
 - b. A summary of the proposed rule or amendments to an existing rule;
 - c. Information on the posting and the availability of the full text of the proposed rule;
 - d. Any requirements and deadlines for submitting a request to present oral comment at the public hearing, to include any limitations on such participation; and
 - e. Any requirements and deadlines for submitting written comment prior to or at the time of public hearing.
5. Concurrent with the publishing of the notice of rule-making, the complete text of any proposed rule shall be:
 - a. Posted at the Commission office;
 - b. Posted on the Commission's web-site;
 - c. Forwarded to the administration of departments in the Classified Service; forwarded to the Manager of Safety, forwarded to the collective bargaining agent(s) for members of the Classified Service, and made available for public inspection.
6. Amendments made to a proposed rule subsequent to a public hearing shall be posted for a minimum of five (5) days prior to final adoption and will not require any additional public hearing.

7. Final adoption of a rule shall be effected by the dating and signing of a notice of adoption by the Commission, or at such later date as may be stated in the notice of adoption.
8. Current rules and amendments thereto shall be made available without charge to members of the Classified Service upon request, to the departments in the Classified Service, and to the Manager of Safety. Current rules and amendments thereto shall be made available for public inspection. The Commission may charge the public a reasonable fee for printed copies of the rules.
9. The Commission shall maintain a list of persons identified as interested parties for purposes of notification.

B. Purpose. It shall be the purpose of these Rules to establish procedures whereby all matters vested in the Commission by the Charter shall be conducted in such a manner as to ensure that the City and County of Denver shall be provided with the most qualified and suitable applicants for appointment and promotion.

(Amended March 27, 1998; October 27, 2000)

C. Equal employment opportunity and non-discrimination. The Commission's consideration and examination of all applicants for employment with the Commission, and all applicants and candidates for appointment and promotion in the classified service, shall be made without regard to race, color, religion or creed, sex, sexual orientation, age, national origin or ancestry, political affiliation, or disability for individuals otherwise qualified to perform the essential functions of the position with or without reasonable accommodation.

(Adopted October 27, 2000)

D. Staff. The Commission shall appoint an Executive Director and such professional and clerical staff as may be necessary to discharge its powers and duties.

E. Investigations. The Commission shall within its jurisdiction:

(Amended March 26, 1987; October 13, 1995)

1. Make such inquires and investigations as it may deem to be warranted regarding the administration of the provisions of the Charter as they relate to the Civil Service Commission and the Rules of the Civil Service Commission adopted in accordance with the Charter.

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2. Review upon appeal to the Commission:
(Amended November 20, 1998)
 - a. any disciplinary action by the Manager of Safety that involves the loss of time or money; or
 - b. any disqualification of a member from the classified service.
 3. Review any act of the Executive Director and the Commission involving the administration and enforcement of these Rules.
 4. Issue subpoenas of witnesses and subpoenas *duces tecum*, acting by and through its Executive Director, to compel the attendance and testimony of witnesses and the production of books and papers. Service shall be in the same manner as for a subpoena issued pursuant to the Colorado Rules of Civil Procedure. The Civil Service Commission, if necessary, may pursue enforcement of subpoenas through the Denver District Court.
(Adopted March 26, 1987)
 - a. Contempt. Any person subpoenaed to appear and give testimony or to produce books, papers, documents, or other tangible items, who fails or refuses to appear or produce such books, papers, documents, or other tangible items, or any person appearing but refusing to be duly sworn to testify or any person having been duly sworn to testify who refuses to answer any proper question shall be deemed to be in contempt of the Commission.
(Adopted March 26, 1987)
 - b. Contempt Procedure. A person may be cited for contempt of the Commission by court order requiring such person to show cause why he/she should not be held in contempt. The Commission may proceed to consider the citation and the response thereto and thereafter, shall promptly advise the court of its findings, conclusions, and recommendations with respect to the alleged contempt. Such penalties or sanctions as the court deems appropriate may be imposed.
(Adopted March 26, 1987)
- F. Recruitment.** The Commission or its designee may actively recruit or assist other agencies or departments in recruiting, according to law, the most qualified persons to meet the needs of the classified service. Recruitment activities should be undertaken in a manner to help ensure that the pool of qualified applicants for appointment to positions in the classified service reflect the diversity of the City and County of Denver.
(Amended October 13, 1995; October 27, 2000)

G. Examinations. The Commission shall control all examinations. It shall pass upon the qualifications and suitability of applicants and approve eligible registers from which names of eligible candidates can, upon requisition, be certified to the Manager of Safety.

(Amended October 13, 1995; October 27, 2000)

H. Record Keeping. The Commission shall keep an employment record of each member of the classified service concerning Commission related data, make necessary certifications to the Manager of Safety, and maintain any records necessary for performance of its duties.⁶

(Amended October 13, 1995; October 27, 2000)

I. Other Duties. The Commission shall discharge such other duties as are imposed upon it by the Charter.

J. Regulation and Policy Making. The Commission shall approve, modify, or reject regulations, policies, and amendments thereto, prepared by the Commission, or as recommended by the Executive Director, for carrying out duties of the Commission.

(Adopted March 27, 1998)

Section 5. Duties of Executive Director.⁷

(Amended March 26, 1987)

It shall be the duty of the Executive Director, under the supervision of the Commission, to:

A. Keep the minutes of the proceedings of the Commission.

B. Prepare, or arrange to have prepared, all examinations, administer all examinations, report the results to the Commission, and prepare eligible registers showing the relative ranking of all persons who have taken the examinations.

(Amended October 27, 2000)

⁶ **Rule Note:** See also Rule 13, Records And Reports: § 1, Permanent Records; § 2, Personnel Records; § 6, Any Other Records.

⁷ **Editor's Note:** Several sub-sections were re-lettered in the amendments of October 27, 2000 because the duty of reporting pay changes to the Auditor under Charter § C5.76 was obsolete and was deleted as a duty of the Executive Director. In 2002 the provisions of § C5.76 were recompiled as § 9.3.17. Ord. No. 676-02, § 1, adopted August 26, 2002, and approved by the electorate November 5, 2002, repealed § 9.3.17, which pertained to the Commission certifying names to the Auditor; and derived from the Charter of 1960, C5.76; and the Charter of 1904, § 208; amended November 4, 1986; and Ord. No. 428-02, adopted June 3, 2002, and approved by the electorate August 13, 2002.

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- C. Certify to the Manager of Safety candidates for appointment or promotion from eligible registers approved by the Commission.
(Amended October 13, 1995)
- D. Maintain personnel records and files on all members in the classified service.
- E. Arrange for hearings by the Commission.
- F. Make an annual report to the Commission which summarizes the activities of the Commission for the previous year not later than the first regular meeting in July.
(Amended November 15, 1989; October 13, 1995)
- G. Establish procedures reasonably necessary for the protection of Commission records and the prevention of unnecessary interference with the regular duties of the Commission, as official custodian of the Commission records.
- H. Inform the Commission on the status of the budget.
- I. Perform any other duties as the Commission may designate or as may be necessary for the efficient operation of the office.

END

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