

RULES & REGULATIONS

OF THE

CIVIL SERVICE COMMISSION

AURORA, COLORADO

The rules and regulations contained in this manual are intended to effectuate the purposes of the City of Aurora's Civil Service System. These rules are not intended to create any contractual rights for applicants or employees. These rules are subject to change at any time by formal action of the Civil Service Commission. All applicants for original appointment and all employees for promotion will be subject to the same rules and regulations as all other applicants or employees for the same eligibility list.

For a list of recently amended rules, [CLICK HERE](#).

SECTION I. GENERAL INTENT AND STRUCTURE OF THE CIVIL SERVICE COMMISSION.

For Additional detail, please see Appendix A

- 1. CIVIL SERVICE COMMISSION.** The Aurora Civil Service Commission (hereinafter referred to as the "Commission") was created in 1967 by the City Charter of Aurora, Colorado (hereinafter referred to as the "Charter") and is charged with the responsibility of administering a separate Civil Service system for uniformed members of the Fire and Police departments. The Commission is committed to the support of the City of Aurora's policy of equal employment opportunity as well as upholds the Civil Service Commissioner Code of Ethics (Resolution No. R2000-81, signed November 27, 2000, reference Appendix, when hearing disciplinary appeals).
- a. **Members.** The Commission is composed of not less than three (3), nor more than five (5) members, as determined by the Aurora City Council (hereinafter referred to as "City Council") by Charter. Commissioners shall be residents of and registered electors of the City of Aurora, Colorado, prior to their appointment as Commissioners. Should a Commissioner cease to be a resident

or elector of the City of Aurora, the Commissioner must resign. According to the Charter, no member of the Commission may hold any other position in the City of Aurora for which he/she receives either a per diem or salary compensation. A waiver of any such per diem or salary compensation may not circumvent this provision, nor may any member of the Commission be an appointive member of any other Board or Commission serving the City of Aurora.

- b. **Commissioner Term.** All Commissioner appointments shall be for a three-(3) year period, up to three-(3) consecutive terms. Commissioners shall be selected and appointed by a majority vote of the City Council.
- c. **Duties.** The Commission is responsible for establishing rules and regulations to administer the separate Civil Service system of the Fire and Police departments. It is responsible for:
 - (1) Establishing qualifications and service requirements, examination and certification of all applicants for original (cadet and entry-level) and lateral-entry appointment to the Civil Service system; and
 - (2) Promotional appointment within the Civil Service system; and
 - (3) Conducting Civil Service disciplinary review hearings.
- d. **Compensation and Classification of Commissioners**

Commissioners are compensated as set forth in Section 102-69 of the City Code. Pursuant to IRS regulations and a 1995 legal opinion, Commissioners are classified as employees of the City of Aurora.

e. **Compensation and Classification of Commission Staff**

Pursuant to City Charter, the City's Personnel Policies and Procedures Manual, and legal opinions, most recently July 2014, Commission Staff are "at will" employees subject to the Policies and Procedures established by the Civil Service Commission. The Commission sets its own classification and compensation system for their staff. Commission staff shall receive the same benefits as Career Service employees (annual and sick leave, medical, retirement contributions, etc.), although they are not able to appeal any discipline to the Career Service Board. Oversight for this compensation system comes only from the City Council as part of the annual budget proposal process.

2. COMMISSION MEETINGS. Regular meetings shall be held as determined by a majority of Commissioners. The Chairperson may call special meetings at any time, provided each Commissioner is given twenty-four (24) hours notice thereof and the provisions of the Colorado Sunshine Act, C.R.S. 24-6-402, are met. A meeting will be called if requested by a majority of Commissioners, subject to the twenty-four-(24) hour notice requirement.

a. **Notice of Meetings.** Meetings at which a majority of the Commission is in attendance, or is expected to be in attendance, and at which the adoption of any proposed policy, position, rule, regulation, or formal actions are expected or occurs shall be held only after full and timely notice to the public. Full and timely notice shall be deemed to have been given when the notice of the meeting is posted within the boundaries of the Commission offices and/or forwarded for posting in the City of Aurora Municipal Building in the normal location for such posting no less than twenty-four (24) hours prior to the

holding of the meeting. Individual electronic notification will specifically be given to the Deputy City Manager, Police and Fire Chiefs.

- b. **Quorum.** Two (2) Commission members shall constitute a quorum with a three-member Commission, and three (3) members shall constitute a quorum with a four or five member Commission. Any vote cast shall constitute "one vote." All actions determining Commission policy shall require a majority vote of the full body.
- c. **Agendas.** Agendas of regular meetings shall be prepared in advance by the Commission staff. Any Commissioner may place items on the agenda. Items may be placed on the agenda at regular meetings with concurrence of the majority of Commissioners present at the meeting.
- d. **Procedure for Meetings.**
 - 1) At the first meeting in December, or at the earliest possible date thereafter, the Commission shall elect a Chairperson and Vice Chairperson from its members by a majority vote of those Commission members present. The Chairperson and Vice Chairperson shall serve for that calendar year. If the position of Chairperson or Vice Chairperson becomes vacant between annual elections, an election will be held as soon as possible by a majority vote of the remaining Commissioners to fill such vacancy.
 - 2) The Chairperson shall preside at all Commission meetings and shall direct the business and affairs of the Commission in an orderly manner, as approved by Commission members. In the absence of the Chairperson, the Vice-Chairperson shall preside at meetings, sign necessary documents, and perform other duties ordinarily performed by the

Chairperson. Should both Chairperson and Vice Chairperson be unavailable for conduct of Commission business including, but not limited to, chairing meetings and signing correspondence, the remaining Commissioners may, by majority vote, elect an Acting Chairperson from their number for conduct of such business.

- 3) The Chairperson or Vice Chairperson may be removed from such position during term of office by a majority vote of Commissioners at a special meeting convened for that purpose.

- e. **Minutes**. A record, in the form of minutes, shall be kept at each meeting of the Commission. Minutes shall note time and place of meeting, names of Commission members present and absent, and all official acts of the Commission during the meeting. A draft of the minutes shall be transcribed and distributed to Commissioners prior to the next regular meeting via email, and shall be approved by Commission members as presented or amended. After Commission approval, minutes shall be signed by the Chairperson, attested to by the staff member appointed by the Commission acting as recording secretary, and permanently maintained in Commission files.

3. **COMMISSION OFFICE HOURS**. Commission business shall normally be conducted Monday through Friday, from 8:00 a.m. to 5:00 p.m., and shall be closed on Saturdays, Sundays, certain off-site testing dates, and City recognized holidays. The Commission must specifically approve changes to this schedule.

SECTION II. REQUIREMENTS FOR ENTRY-LEVEL APPOINTMENT.

For Additional detail, please see Appendix B

4. GENERAL. Applicants for original appointment (in reference to both Entry-Level and Cadet appointments) to Civil Service positions of the Fire or Police department shall be subject to qualification and examination procedures stated in the following paragraphs. The Commission is the sole judge of qualifications of applicants for original appointment. All applicants who possess the minimum qualifications established by the Commission will be allowed to participate in the examination process. Should the Commission determine that an applicant is not suitable for employment, the applicant will be denied the opportunity for examination and informed of the reason for the disqualification. Applicants disqualified twice because of Background Investigations shall be prohibited from applying again for a period of 10 years.

5. APPLICATION FORMS. All applications for entry:

- 1) shall be submitted online at www.auroragov.org/civilservice. Such a document will be deemed by the Commission to be certified by the applicant as complete and as accurate as supplied.
- 2) will be final and answer changes to supplemental questions by the applicant after submittal will be accepted pursuant to the disqualification appeal process outlined in Rule 11.

6. APPLICATION DEADLINES AND PROCEDURES. Applications for original appointment shall be accepted at the Commission's sole discretion to allow a sufficient number of applicants to participate in and complete testing to meet projected department vacancy requirements. The Commission shall establish an

application deadline in order to meet projected staffing requirements. All applications received by the application deadline will be accepted and reviewed by the Commission to ensure that the applicant meets all minimum qualifications; has no grounds for disqualification; and all proper documents and/or forms have been provided as required. Applications cannot be accepted outside the application period, however, open recruiting may be conducted year-round once application periods are announced.

7. MINIMUM QUALIFICATIONS FOR ORIGINAL APPOINTMENT. At the time of application, unless otherwise noted, applicants for original appointment in the Civil Service system shall: (Note: copies of original documents must be provided by a deadline announced when testing begins).

- a. Entry-Level Police applicants shall be 21 years old by the projected end date of the Academy for which they are applying. Entry-level Fire applicants shall be 18 years old by the projected start date of the Academy for which they are applying. Proof of age will be either a copy of a state, or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
- b. Be a citizen of the United States of America or a person who is lawfully admitted for permanent residence in accordance with the Immigration and Nationality Act. Proof of citizenship will be either a copy of a state or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
- c. Have completed a minimum education of high school completion, or GED equivalency. Proof will be a copy of the High School Diploma, copy of the GED Certificate, or successful completion letter from an accredited school/s

Principal or District Superintendent, or other documentation approved by the Commission. Candidates who have completed any credit hours from an accredited college/university **must** also include a copy of college transcripts from all post-secondary schools attended along with any of the accepted documentation above when requested by the Commission. **NOTE:** If home-schooled, documentation must meet the standards of the state of matriculation. If the home-schooled candidate has been accepted in any accredited post-secondary institution, it will be determined that they have met all of the above education requirements.

- d. Your Motor Vehicle Record and Credit History are subject to review as part of the background investigation.
- e. Copy of DD214(s), copy 4 (prior military only). Current military members must provide a letter from their commander or personnel office stating their anticipated date of separation (DOS) and that their service up to now has been honorable.
- f. Eligibility letter from the Veterans Administration with disability award or copy of orders or certificate awarding the Purple Heart if claiming a service-incurred disability.
- g. Return a completed Commission-provided Personal History Statement for use in a background investigation.
- h. Be able to perform minimum essential job functions of the recruit position.
- i. Have correctable visual acuity of 20/20, and normal field, night, peripheral, distance vision and acceptable color vision. For Police applicants: Acceptable color vision will be determined by the administration of a PIP test during post

conditional offer testing. Candidates who fail the PIP test will be administered the Farnsworth D-15 test. Those who fail the D-15 will be disqualified. For Fire applicants:

Acceptable color vision will be determined by the administration of a PIP test during post conditional offer testing. Those who fail the PIP test will be administered the thermal imaging vision test. Those who fail the thermal imaging vision test will be disqualified.

- j. Have ability to speak, hear, write and understand English and meet all minimum physical, mental and medical standards.
- k. Must have a valid driver's license.
- l. Meet such other requirements established by the Commission.

8. DOCUMENTS VERIFYING MINIMUM QUALIFICATIONS.

Specified documents showing proof that an applicant meets the minimum qualifications will be required at a deadline determined by the Commission.

9. GROUNDS FOR DISQUALIFICATION OF ORIGINAL APPOINTMENT. The Commission is the sole judge for the disqualification of applicants for original appointment.

A. The following **are** grounds for disqualification. There will be no appeal.

- 1) Failure to meet any of the minimum qualifications.

- 2) Conviction of, or deferred judgment for, a crime which is a felony under state or federal law; or military conviction by a court-martial that is comparable to a felony conviction.
- 3) Conviction of any crime or ordinance violation, which would bar the applicant from possessing a firearm or ammunition under Federal or [Colorado law](#). *(For Police Officer Applicants only.)*
- 4) Conviction of, deferred judgement for, or combination of any misdemeanor causing disqualification under [POST standard 24-31-305](#). *(For Police Officer Applicants only.)*
- 5) Illegal distribution of any controlled substances or drugs, including steroids, in the last (3) years. Frequency of behavior, quantity of drugs involved, and type are considered at time of background. Effective for application periods beginning after August 9, 2016.

B. The following **may be** grounds for disqualification. In making its decision, the Commission may consider any mitigating factors.

- 1) Termination from any law enforcement agency or any fire department.
- 2) Voluntary separation from law enforcement or fire employment to prevent, or in lieu of, possible disciplinary action or termination.
- 3) Conviction of or deferred judgement for a misdemeanor crime under Federal or State law, or of a violation of a municipal or county ordinance, in which the offense involved the use, attempted use, or the

threatened use of a deadly weapon or physical force against any person.

- 4) A member of any organization that engages in acts of force or violence, illegal activity, and/or advocates the violent overthrow of the Constitution or Government of the United States of America.
- 5) Inability to locate applicant including e-mail returned as undeliverable.
- 6) Solicitation, or attempted solicitation, in connection with application and testing for employment, of preferential treatment and/or intervention on behalf of the applicant from any member of the City Council, the department and its employees, the Commission and its employees, or other City officials and employees. Personal references and letters of recommendation or commendations may be provided during the background investigation.
- 7) Illegal possession, including illegal use or experimentation, of any prescribed drug by an applicant.
- 8) Discharged from any branch of military service under other than honorable conditions.
- 9) Discharged from any branch of military service under dishonorable conditions.
- 10) Overall conduct or character of the applicant that demonstrates an undesirable behavior pattern which may include one or more of the following, but not limited to this list, poor interpersonal skills,

employment terminations, financial irresponsibility, thefts and/or illegal activities or a combination of such conduct and/or activities.

11) Unable to qualify for state EMT certification, if necessary.

13) Failure to submit a complete application or comply with procedures established for such application including, but not limited to: responding to all items; providing explanations when required; supplying requested documents; or complying with other established procedures.

14) Falsification, misleading statements, omissions, misstatements, conflicting information, or discrepancies of information required on the application and/or on other forms or documents in any portion of the examination process; or evidence of falsification, fraud or deceit in any portion of the application and examination process.

15) Conviction of, deferred judgement for, or combination of:

- a. two (2) or more misdemeanor crimes or petty offenses, other than traffic offenses, under Federal or State law, or violations of municipal or county ordinance within the last five years.
- b. seven (7) or more violations while operating a motor vehicle in the last seven years; four (4) or more violations while operating a motor vehicle in the last three (3) years; or three (3) violations in the last year. *(For Police Officer Applicants only.)*

- c. any reckless driving violation within the last three (3) years; or two (2) or more violations within the last seven (7) years. (*For Police Officer Applicants only.*)
 - d. any driving offense within the last three years that was caused by alcohol, controlled substances, drugs, or other illegal substances, including, but not limited to, DUI and/or DWAI; or two (2) or more convictions or deferred judgements within the last seven (7) years.
- 16) Suspension or revocation of driver's license in the last two (2) years; or two (2) or more suspensions or revocations in the last five (5) years, except when done for administrative purposes (i.e. non-payment of child support: All administrative suspensions must be PAST and reinstated with no current suspensions). The intent of this rule is to distinguish between applicants with a pattern of bad driving resulting in suspension or revocation versus actions taken by motor vehicle departments for other reasons. (*For Police Officer Applicants only.*)
- 17) Any possession or use of marijuana or its derivatives in any form within the last year from date of application. Also includes abuse of toxic vapors as defined by [CRS 18-18-412](#). Effective for application periods beginning after August 9, 2016.
- 18) Illegal possession, including illegal use or experimentation, of any controlled substance, other than marijuana, to include narcotics, steroids, ecstasy, or other controlled drugs within the last three (3) years from date of application. (NOTE: Illegal possession and use of a prescribed drug is covered in the next section).

- 19) Failure to supply required documents by the deadline established by the Commission.
- 20) Failure to schedule or successfully complete any portion of the Commission's required examinations by the deadline established by the Commission.
- 21) Violation of any Commission rule, regulation, policy or directive.
- 22) Dishonesty and/or integrity issues.

10. DISQUALIFICATION NOTICE. The Commission shall notify any applicant whose application has been disqualified during the application, testing and/or review processes in writing, by e-mail, or as otherwise determined by the Commission, and shall identify the Commission Rule(s) for such disqualification.

11. APPEAL OF DISQUALIFICATION. An applicant disqualified for reasons under Section II Rule 7, Minimum Qualifications for Original Appointment, and Section II 9B, Grounds for Disqualification of Original Applicants, may file an appeal with the Commission. Appeals will not be considered for disqualifications under Section II, Rule 9A. The appeal procedure shall be as follows:

- a. The applicant shall request in writing that the Commission reconsider his/her disqualification. The request for reconsideration must include any

pertinent documentation that the applicant desires to be considered for mitigation by the Commission. The request for reconsideration must be received in the Commission office no later than seven (7) business days from the date of the Commission's notice of disqualification.

- b. Upon receipt, the applicant's request for reconsideration will be processed expeditiously. The applicant shall be notified in writing, via e-mail, or as otherwise determined by the Commission of the FINAL decision of the Commission. There shall be no further appeals to the Commission.
- c. If the outcome of the appeal is favorable to the applicant, the applicant will be allowed to continue in the testing process based on the requirements of the department.
- d. Nothing in this paragraph shall be construed to guarantee an appointment to any academy class.

SECTION III. EXAMINATIONS FOR ORIGINAL APPOINTMENT.

- 12. GENERAL.** The Commission shall be responsible for determining the types of examinations to be used. Examinations may include a written, oral, assessment center, fitness test, substance abuse, polygraph, job suitability assessment, background investigation, medical, and/or any other examination which the Commission determines may be helpful in evaluating the applicant's ability to serve in the fire or police position.
- a. Examinations for original appointment shall take place whenever the Commission and department Chief determines that it is appropriate to conduct testing in order to meet departmental staffing requirements. The Commission shall determine the relative weight and passing scores for each portion of the examination series as required.
 - b. In accordance with the Americans with Disabilities Act (ADA), some examinations may be administered prior to a job offer (hereinafter known as "pre-job offer" examinations) and some examinations may be conducted only after a conditional offer of employment is made (hereinafter known as "post-job offer" examinations). Pre-job offer examinations may include a polygraph, fitness test, substance abuse screening, job suitability assessment (written and oral) and a background investigation and/or any other examinations deemed appropriate by the Commission. Post-job offer examinations may include a medical examination and/or any other examinations deemed appropriate by the Commission.
 - c. The Commission shall review written complaints regarding any errors or alleged errors made by examiners or consultants, and may order a correction or reexamination where, in the sole discretion of the Commission, it appears proper. No hearing shall be afforded the applicant.

- d. The Commission may, at its sole discretion, cancel or postpone any examination as long as such action is not in conflict with applicable Charter provisions.
- e. Applicants are expected to be on time for all scheduled examination appointments. However, the Commission understands that occasionally there are mitigating circumstances that may prevent the applicant from making his/her scheduled appointments. The Commission has established procedures for each of the original examinations in those instances when an applicant arrives after his/her scheduled appointment time. Refer to the specific examination section for possible appeal opportunities.
- f. The Commission shall conduct a final review of the applications, testing results, and background information of all applicants who participate in testing prior to making a conditional offer of employment.
- g. Procedures outlined for the conduct of the written examination shall be used as guidance to conduct all other original examinations unless otherwise specified by the Commission.

13. WRITTEN EXAMINATION. Written examinations may be administered prior to establishing the Prospective Employment List and shall be conducted in accordance with the following procedures:

- a. The written examination shall be held at specified dates and times as determined by the Commission. Examination dates and times shall be fixed and published prior to the examination as determined by the Commission.

- 1) Applicants with a condition covered under the Americans with Disabilities Act (ADA) of 1990 may request an “accommodation in testing” by submitting a separate, written request to the Commission. The request may be submitted anytime during the application process, but must be received by the Commission no later than seven days after notification of the date of the written examination, and will include:

- ◆ The specific condition covered under the ADA.
- ◆ The specific accommodation requested (more time, larger print, etc.).
- ◆ A medical doctor’s, or other recognized professional healthcare provider’s signed statement describing the extent of the disability and a recommendation for the accommodation.

Note: At the Commission’s sole discretion, a separate testing date may be established for the applicant to ensure adequate preparation for the accommodation.

- b. The Commission expects applicants to arrive on time for the written examination. Applicants arriving after the posted start time may be disqualified from further testing. The decision of the Commission is final. There shall be no further appeal to the Commission.
- c. Examinations will be administered in the presence of a Commissioner or Commission designee.
- d. Only testing materials and equipment furnished or approved by the Commission shall be used during the examination. Applicants shall not use books, references or other data, except as expressly authorized by the Commission.

- e. Examination booklets and supplies shall be distributed at the time of the examination. Should the applicant be required to bring personal items, such as a calculator, etc., to the examination, the applicant will be instructed to do so in the written notice of the time and location of the examination.
- f. Applicants shall not confer with each other during the examination.
- g. Each applicant shall return all testing materials, equipment furnished, and supplies at the conclusion of the test.
- h. Written examinations may have a minimum passing score. Passing scores may be weighted in conjunction with other tests and the weights may vary between processes and between the Police and Firefighter tests. Applicants will be informed whether they passed or failed the written examination at the written examination, or at the earliest reasonable time as determined by the Commission. Any applicant who receives a failing score on the written examination shall be disqualified from further consideration in the current examination process. The decision of the Commission is final. There shall be no further appeal to the Commission.
- i. No other information regarding the written examination scores will be discussed with applicants. The scores will be provided to the applicant in writing, via e-mail or as otherwise determined with the applicant's final ranking if determined after the written examination.
- j. In the event of any irregularity or suspected irregularity, the test administrator shall file a written report with the Commission as soon as

possible, but no later than five (5) business days after the irregularity is discovered.

14. ORAL EXAMINATION. Oral examinations/interviews may be used for original testing at the sole discretion of the Commission and, if used, shall be administered prior to establishing the Prospective Employment List. The number and type of questions or exercises, the number of evaluator panels, and the number and qualifications of evaluators required for each panel shall be determined at the sole discretion of the Commission. Oral examinations may have a minimum passing score. Passing scores may be weighted in conjunction with other tests being given and the weights may vary between processes and between the Police and Firefighter tests.

- a. Original Oral Board panels normally shall consist of three (3) members, optimally: one (1) Aurora citizen, and two (2) Firefighters or Police Officers, preferably one individual in a supervisory capacity. Commissioners may elect to score applicants as board members or serve as the monitor for the oral examination, whichever the Commission deems appropriate. Variations in panel makeup must be approved by the Commissioner who is present.
- b. Board members shall make an independent rating of each applicant interviewed. Ratings shall be averaged to determine the final oral examination score.
- c. Applicants will be informed of the results of the oral examination at the oral examination, in writing or via e-mail at the earliest reasonable time as determined by the Commission. If the oral examination is used in determining the final score, notification will include the applicant's final ranking. Any applicant who receives a failing score on the oral examination shall be disqualified from further consideration in the current examination process. The

decision of the Commission is final. There shall be no further appeal to the Commission.

- d. Applicants will not be granted interviews, but will be provided their scores after the examination.
- e. The oral examination shall be held at specified dates and times as determined by the Commission. The Commission may allow an applicant who arrives for the oral examination no more than five (5) minutes after his/her scheduled appointment time to participate in the examination based on extenuating circumstances reviewed and approved by a majority of the Commissioners present at the examination, but only if the applicant can be accommodated.

15. ASSESSMENT CENTER. Assessment centers may be used for original testing at the sole discretion of the Commission and shall be administered prior to establishing the Prospective Employment List. With the approval of the Commission, the number and type of exercises in the assessment centers, and the number of assessment center panels shall be determined by the test consultant and/or Commission. An assessment center panel for original testing normally shall consist of three (3) members, optimally: one (1) Aurora citizen, and two (2) Firefighters or Police Officers, preferably one individual in a supervisory capacity. Commissioners may elect to score applicants as board members or serve as the monitor for the oral examination, whichever the Commission deems appropriate. Applicants will be informed of the results of the assessment center in writing at the earliest reasonable time as determined by the Commission. Any applicant who receives a failing score on the assessment center shall be disqualified from further consideration in the current examination process. Applicants will not be granted interviews or furnished feedback pertaining to their assessment center scores. Applicants arriving for the assessment center after their scheduled appointment time shall be disqualified from further testing. The

decision of the Commission is final. There shall be no further appeal to the Commission.

16. FITNESS TEST. The Commission may require all original applicants to demonstrate physical ability through a fitness test. The fitness test will employ nationally recommended standards and be scored on a pass/fail basis. The Commission will inform applicants of the results of the fitness test in the manner deemed most appropriate at the testing site. The Commission may schedule an additional and final pass/fail fitness test to approved candidates immediately prior to an academy start date. Any applicant failing the fitness test shall be offered a second administration prior to an academy start date. Any applicant who fails the second administration, or declines the second administration, shall be disqualified from further consideration in the current examination process. The decision of the Commission is final. There shall be no further appeal to the Commission. The Commission, at its sole discretion, may allow an applicant who arrives at the fitness test after his/her scheduled appointment time to participate in the test based on extenuating circumstances reviewed and approved by a majority of Commissioners present provided the applicant can be accommodated.

17. POLYGRAPH. Polygraph examinations may be used for original testing at the sole discretion of the Commission. The Commission and the department Chief will use the information obtained from the polygraph as an investigative tool in a confidential manner in conjunction with other tests and information gathered. Polygraph testing, when directed by the Commission, shall be at the Commission's expense, unless otherwise specified.

- a. Polygraph questions will include involvement in any criminal activity; current and past employment; military and personal history; driving record; current and past financial status; and other areas deemed appropriate by the Commission.

- b. Applicants shall complete those forms and answer all such questions required by the Commission, and/or the Commission's representative/consultant.
- c. The Commission will be advised in writing of all polygraph results by the consultant conducting the test.
- d. Applicants will not be granted interviews or furnished feedback pertaining to their polygraphs.
- e. Applicants who arrive after the scheduled appointment time for the polygraph may participate in the examination provided the consultant can accommodate them.

18. SUBSTANCE ABUSE SCREENING. Substance abuse screening shall be required before appointment and final certification to original fire and police positions, as directed by the Commission. Substance abuse screening, when directed by the Commission, shall be conducted to determine current use or abuse and shall be at the Commission's expense, unless otherwise specified. Applicants shall complete those forms and answer all such questions required by the Commission, and/or the Commission's representative/consultant, who obtains the specimen sample. The testing of the substance abuse sample shall be performed by a laboratory as determined by the City of Aurora.

- a. Substance abuse test results shall be returned to the Commission's representative/consultant, who obtains the specimen sample. The Commission will be advised in writing by its representative/consultant of all substance abuse screening results, both negative and positive. If an applicant receives a positive substance abuse test result, the representative/consultant who conducts substance abuse screening will so certify the results in writing

to the Commission, and will identify the type drug used, and if applicable, the quantity measured. Applicants who fail or refuse to sign the consent form or refuse to submit to testing, fail to follow the testing procedure, tamper with the test or test results, or register a positive on the substance abuse test constitutes grounds for disqualification.

- b. Applicants disqualified for a positive substance abuse result will be notified in writing at the earliest reasonable time as determined by the Commission.
- c. If an applicant is taking an over-the-counter or medically prescribed drug, he/she may have the opportunity to discuss their medical history with the designated Medical Review Officer (MRO). Appropriately used prescription and/or over-the-counter medications would be reported as a negative result, and would not be cause for rejection.
- d. The applicant may also request that the original sample be re-tested. The procedure for requesting reconsideration shall be as follows:
 - 1) The applicant shall request in writing that the Commission reconsider his/her disqualification. The request must include the reason(s) the applicant believes the positive substance abuse test result was in error and a statement whether the applicant is requesting a re-test of the original sample at the applicant's expense. The written request must be received in the Commission office within seven (7) business days from the date of the Commission's notice of disqualification.
 - 2) Upon review of the applicant's written request and receipt of payment for re-test, the Commission shall instruct its representative/consultant conduct a second verification (using the same specimen) of the alleged substance abuse positive test result which shall be performed by a

laboratory approved by the City. The representative/consultant shall certify the results of the second verification in writing to the Commission.

- 3) The applicant shall be advised in writing of the FINAL decision made by the Commission. There shall be no further appeals to the Commission.
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- e. To retain the original position on the current Prospective Employment List, an applicant's appeal must be resolved in the applicant's favor no later than ten (10) business days prior to the start of an academy class. (Exception: if the appeal is resolved in the applicant's favor after the ten (10) business days, but prior to the start of an academy class, the applicant may be appointed to the class if an opening occurs as determined by the Commission.)
 - f. If the appeal is not resolved within ten (10) business days prior to the start of an academy class, and if appointment is not made based on the exception outlined in the above subparagraph, the applicant will not be certified for the academy class. However, the Commission shall continue to process the appeal.
 - g. If the outcome of the appeal is favorable to the applicant, and the applicant's position on the Prospective Employment List (PEL) corresponding to his/her original ranking of the PEL would have granted an appointment to a previous academy class, the applicant may be certified for the next scheduled academy, contingent on the applicant successfully re-testing on those examinations as may be deemed appropriate by the Commission. If the outcome of the appeal is favorable to the applicant, but the applicant's position on the PEL corresponding to his/her original ranking on the PEL would NOT have granted an appointment to a previous academy class, the applicant shall remain on the PEL in his/her position corresponding to his/her original ranking on the PEL until certified into a subsequent academy or until the PEL expires. Entrance to

a subsequent academy is contingent on the applicant successfully re-testing on those examinations as may be deemed appropriate by the Commission.

- h. Applicants who arrive after the scheduled appointment time for the substance abuse screening may participate in the examination provided the consultant can accommodate them.
- i. Nothing in this paragraph shall be construed to guarantee a subsequent appointment to the next academy class.

19. JOB SUITABILITY ASSESSMENT. A pre-job offer job suitability assessment may be required before original appointment, as directed by the Commission. Job suitability assessments shall be designed to evaluate the personality characteristics deemed necessary to perform the essential job functions of the position being tested. The job suitability assessment shall not address mental health or other issues prohibited by law. Job suitability assessments shall be developed and conducted in the following manner:

- a. The Commission shall select a professionally qualified person to perform the job suitability assessment based upon the individual's education and experience in designing and performing these type of evaluations and who is qualified to interpret such job suitability assessment results. As the Commission's consultant, this professional shall make recommendations to the Commission as to the testing instruments, including oral interviews and/or written examinations that should be included in the examination process to determine job suitability. Upon Commission approval, these testing instruments shall be incorporated into the job suitability assessment process.
- b. Job suitability assessments shall be at the Commission's expense, unless otherwise specified. Applicants shall complete all forms and answer all

questions required to complete the assessment. Failure to fully cooperate with the Commission and/or the Commission's consultant will constitute grounds for disqualification.

- c. Applicants will be scheduled for the written and oral portions of the job suitability assessment at specified dates and times as determined by the Commission. An applicant arriving after the scheduled appointment time for any portion of the job suitability assessment may be disqualified from further testing. However, the Commission, at its sole discretion, may allow an applicant who arrives after the scheduled starting time for the written portion of the job suitability assessment that is conducted by Commission staff, or Consultant, to participate in the examination provided the applicant can be accommodated.
- d. Upon completion of the job suitability assessment, the examining consultant shall provide a written report to the Commission regarding the applicant's suitability to perform the essential functions of the job. Prior to making a recommendation as to the applicant's suitability to the Commission, the examining consultant may seek a second opinion, as he/she deems necessary, for any part of the assessment.
- e. The Commission shall disqualify an applicant based on the recommendation rating of the examining consultant that the applicant is not suitable to perform the essential job functions of the position being examined. For candidates receiving a recommendation rating of suitable, the Commission may integrate the job suitability assessment results with other testing and background information gathered about the applicant to determine if the applicant is qualified for the position. After a review of all testing and background information compiled on the applicant, the Commission may still disqualify the applicant if it is determined the applicant is poorly qualified for the position.

- f. Applicants disqualified for job suitability reasons shall be notified in writing or via e-mail at the earliest reasonable time as determined by the Commission.

20. MEDICAL EXAMINATION. A medical examination shall be required before original appointment, as directed by the Commission. Medical examinations may include psychological evaluations. Medical examinations directed by the Commission shall be at the Commission's expense, unless otherwise specified.

- a. Medical examinations shall be conducted by a physician/psychologist of the Commission's choice and cover medical standards as the Commission may direct. Applicants shall complete those forms and answer all questions required by the Commission and/or the examining physician/psychologist.
- b. Following Commission rules and medical standards, the examining physician/psychologist shall certify in writing to the Commission that the applicant is, or is not, medically qualified to perform the job based on job requirements. The medical examination shall be evaluated on a pass/fail basis. The examining physician may seek a second opinion, as deemed necessary, prior to making a written recommendation for acceptance or disqualification of an applicant to the Commission.

- c. Applicants will be scheduled for the medical examination at specified dates and times as determined by the Commission. Applicants arriving after the scheduled appointment time for the medical may be disqualified from further testing.
- d. Applicants disqualified for medical reasons will be notified in writing at the earliest reasonable time as determined by the Commission. Any applicant disqualified for medical reasons shall be disqualified from further consideration in the current examination process.

21. MEDICAL APPEAL PROCEDURE. Any applicant disqualified for failing to meet the minimum medical requirements may file an appeal with the Commission. The appeal procedure shall be as follows:

- a. The applicant shall request in writing that the Commission reconsider his/her disqualification. The request must include the reasons in support of his/her eligibility for the position, and must be received in the Commission office within seven (7) business days from the date of the Commission's notice of disqualification.
- b. Upon review of the reasons, the Commission shall request that the applicant obtain a second opinion regarding the medical condition at the applicant's own expense from a physician of his/her choice. The applicant's physician shall submit a full report of the findings to the Commission within fifteen (15) business days from the date of the Commission's approval and request for a second medical opinion.

- c. The Commission may require the applicant to undergo an examination by a third independent physician at the expense of the Commission. Failure to fully cooperate with the physician will constitute grounds for disqualification.
- d. The applicant shall be advised in writing of the FINAL decision made by the Commission. There shall be no further appeals to the Commission.
- e. To retain the original position on the Prospective Employment List, an applicant's appeal must be resolved in the applicant's favor no later than ten (10) business days prior to the start of an academy class. (Exception: if the appeal is resolved in the applicant's favor after the ten (10) business days but prior to the start of an academy class, the applicant may be appointed to the class if an opening occurs as determined by the Civil Service Commission).
- f. If the appeal is not resolved within ten (10) business days prior to the start of an academy class, and if appointment is not made based on the exception outlined in the above subparagraph, the applicant will not be certified for the academy class. However, the Commission shall continue to process the appeal.
- g. If the outcome of the appeal is favorable to the applicant, and the applicant's position on the Prospective Employment List (PEL) corresponding to his/her original ranking of the PEL would have granted an appointment to a previous academy class, the applicant may be certified for the next scheduled academy, contingent on the applicant successfully re-testing on those examinations as may be deemed appropriate by the Commission. If the outcome of the appeal is favorable to the applicant, but the applicant's position on the PEL corresponding to his/her original ranking on the PEL would NOT have granted an appointment to a previous academy class, the applicant shall remain on the PEL in his/her position corresponding to his/her original ranking on the PEL.

until certified into a subsequent academy or until the PEL expires. Entrance to a subsequent academy is contingent on the applicant successfully re-testing on those examinations as may be deemed appropriate by the Commission.

- h. Nothing in this paragraph shall be construed to guarantee a subsequent appointment to the next academy class.

22. BACKGROUND INVESTIGATION. The Commission may conduct background investigations on all applicants. Applicants will not be granted interviews or furnished feedback information pertaining to their backgrounds. Records of the investigation will not be released to applicants pursuant to C.R.S. 24-72-204 (2)(a)(I) except upon advice from the City Attorney. Applicants wishing to withdraw from the testing process may do so prior to the initial background interview without prejudice.

23. OTHER EXAMINATIONS. At its sole discretion, the Commission may use any other recognized methods of examination or combination of examinations. This includes, but is not limited to Essay Writing Examination and Reading Grade-Level Evaluation Testing. Candidates going on to further testing after the Written Examination, Oral Examination and/or Assessment Center will be notified as to when and where the testing will take place. The Commission shall determine what information the applicants will be provided concerning such examinations, as well as to what the passing score/level will be.

24. COMMISSION'S FINAL REVIEW. Upon completion of all pre-job offer testing and background investigation, the Commission shall conduct a final review of the complete application file and testing results to ensure the applicant meets all minimum qualifications and has no grounds for disqualification prior to offering an applicant a conditional job offer. The Commission may disqualify an applicant based on the consideration of all information available on the applicant that leads the Commission to determine the applicant unfit for the position being tested. An applicant disqualified during the final review will be notified in writing of the reason for disqualification at the earliest reasonable time. Any applicant disqualified during the final review shall be disqualified from further consideration for a 24-month period. The decision of the Commission is final. There shall be no further appeal to the Commission.

25. TIE BREAKING PROCEDURE. In the event a tie score results after veteran's points have been added, as appropriate, to the entry-level applicant's score, the following tie-breaking procedure will be used in determining applicant's ranking on the Prospective Employment List: Rank order priority shall be based on date and time the applications are received by the Commission, with the earlier taking precedence.

26. NOTIFICATION TO APPLICANT. Applicants for original appointment will be informed of the results of all examinations in which they participate in the manner deemed appropriate by the Commission. Substance abuse and medical results may be subject to appeal pursuant to paragraphs 18 and 21, respectively. All other Commission decisions pertaining to examination results are final and are not subject to review.

27. EXAMINATION RECORD RETENTION. All examination papers and results thereof shall be retained in Commission files in accordance with Colorado State

Archives and Colorado Open Records Act, as revised. Results of examinations will be released only to applicants pursuant to the Colorado Open Records Act, C.R.S. 24-72-204. Copies of applications, pertinent documents and transcripts of applicants to be hired shall be transferred from Commission files to the Human Resources Department upon final certification and hiring.

SECTION IV. ELIGIBILITY LISTS FOR ORIGINAL APPOINTMENT.

28. PROSPECTIVE EMPLOYMENT LISTS.

- a. An entry-level applicant who successfully completes initial testing as deemed appropriate by the Commission shall be given a position on a Prospective Employment List (PEL) based on his/her examination test scores, and/or any other combination of examination scores which the Commission deems necessary. Testing to establish the Prospective Employment List shall take place whenever the Commission determines it is necessary to meet department staffing requirements. Veteran's points, Language points and Aurora Explorer points shall be verified prior to establishing the Prospective Employment List.
- b. **Preference Points for the following will be added prior to posting the PEL:**
 1. **Veteran's Preference points** shall be added to the final passing score of any applicant who is eligible under the provisions of Section 15, Article XII of the Colorado State Constitution prior to final ranking.
 2. **Language Proficiency Preference points** shall be added in accordance to the policy outlining these points and qualifications.
 3. **Aurora Police Explorer Preference points** shall be added in accordance to the policy outlining these points and qualifications.
 4. **Aurora Fire Explorer Preference points** shall be added in accordance to the policy outlining these points and qualifications.
 5. **Colorado POST Certifiable Preference points** shall be added in accordance to the policy outlining these points and qualifications.

29. CERTIFIED ELIGIBILITY LISTS.

- a. **Entry-Level:** The Commission shall initiate appropriate testing to establish a Certified Eligibility List of qualified entry-level applicants to fill expected

department vacancies only after receipt of written notification from the department Chief, with written approval of the City Manager, announcing the start date of the next academy class. The written notification shall include the number of new hires to be certified. The following conditions establish when the department notification should be received by the Commission to allow for completion of pre-job offer and post-job offer examinations: (These are guidelines and the Commission recognizes that other conditions such as attrition, funding, or city management may cause reduced times for notification).

- (1) If the current Prospective Employment List contains a sufficient number of applicants to fill the expected department vacancies for the next academy class, as determined by the Commission after consultation with the Chief, the Chief's written notification of an Academy date must be received by the Commission at least one hundred eighty (180) days prior to the scheduled academy start date.
- (2) If the current Prospective Employment List does not contain a sufficient number of applicants to fill the expected department vacancies for the next academy class, as determined by the Commission after consultation with the Chief, the Chief's written notification should be received by the Commission at least eight (8) months prior to the scheduled academy start date to allow for the development of an application and testing schedule that can be supported by all parties involved in the process. The Commission may elect to exhaust the current Prospective Employment List and at the same time establish an application and testing schedule to establish a new Prospective Employment List.
- (3) The Certified Eligibility List shall be developed by taking entry-level applicants from the current Prospective Employment List, beginning with the top-ranked applicant and continuing numerically down the list, until

enough applicants successfully complete all remaining examinations (pre-job offer and/or post-job offer) to fill the department vacancies. The Certified Eligibility List shall contain a list of "approved for hire" applicants in rank order, as determined by the Commission. If the Commission elects to exhaust the current Prospective Employment List in an attempt to fill department vacancies, individuals certified from this current List shall receive seniority over individuals certified from a new Prospective Employment List established for the same academy class. Applicants will be hired by the City in the order of their ranking on the Certified Eligibility List with seniority determined at time of Academy graduation.

- b. Records of such information on original appointments made from any Certified Eligibility List shall be retained in Commission files permanently.

30. REQUEST FOR DEFERMENT.

- a. Any applicant whose ranking on a Prospective Employment List makes him/her eligible to be certified for a scheduled fire or police academy class, and who requests a deferment in writing, along with appropriate backup documentation, because of military commitments or other extenuating circumstances deemed reasonable and legitimate by the Commission, may be considered for deferment to a subsequent academy class, at the sole discretion of the Commission. If approved, the deferred applicant may be re-certified for the next scheduled academy (following the deferral period) in a position corresponding to his/her original ranking on the Prospective Employment List, contingent on the applicant successfully re-testing on those examinations as may be deemed appropriate by the Commission. However, the Commission will not guarantee an academy class position for any applicant who is granted a deferment since any subsequent academy is contingent upon the department's personnel needs and successful completion of current testing. Any applicant who believes he/she may have a legitimate need for a deferment must immediately submit his/her request for deferment to the Commission. The Commission shall ensure that an applicant is not using the request for deferment simply to miss a scheduled testing process. In no circumstance may a request for deferment be used by the applicant as a reason for not participating in a scheduled examination after the examination has been conducted.
- b. If an applicant requests a deferment after being certified on a Certified Eligibility List and the Commission approves the deferment, the deferred applicant may be certified for the next scheduled academy (after the deferment period) in a position relating to the remaining sequence order of his/her ranking on the original Prospective Employment List, contingent on

the applicant successfully re-testing on those examinations as may be deemed appropriate by the Commission. However, the Commission will not guarantee an academy class position for any applicant who is granted a deferment since any subsequent academy is contingent upon the department's personnel needs and successful completion of current testing. The request for deferment must be in writing and the applicant must provide appropriate backup documentation. Nothing in this paragraph shall be construed to guarantee a subsequent appointment to the next academy class.

- c. Effective January 1, 2016, if an applicant requests a deferment after starting the Academy, but is still on probation, and the Chief of the Department, with the consent of the Civil Service Commission, approves the deferment, the deferred applicant may be certified for the next scheduled Academy (after the deferment period) in a position relating to the remaining sequence order of his/her ranking on the original Prospective Employment List, contingent on the applicant successfully re-testing on those examinations as may be deemed appropriate by the Civil Service Commission. However, the Civil Service Commission will not guarantee an Academy class position for any applicant who is granted a deferment since any subsequent Academy is contingent upon the department's personnel needs and successful completion of current testing. The request for deferment must be in writing and the applicant must provide appropriate backup documentation. Nothing in this paragraph shall be construed to guarantee a subsequent appointment to a future Academy class.

31. REMOVAL FOR CAUSE FROM ELIGIBILITY LIST. An applicant may be removed for cause from an eligibility list (Prospective Employment List or Certified Eligibility List) if the applicant:

- (1) is found in violation of any of the Grounds for Disqualification under these Commission Rules; or

- (2) is found to be unsuitable for employment under any other circumstances under the Commission Rules and Regulations.

Removal of an applicant from an eligibility list requires a majority decision by the full Commission. Applicants removed from an eligibility list will be notified in writing of the Commission's decision.

SECTION V. REQUIREMENTS FOR LATERAL-ENTRY APPOINTMENT.

32. GENERAL. In accordance with the City Charter, Article III, Section 3-16, paragraph (10), the Civil Service Commission establishes the following conditions and regulations which shall apply to Lateral-entry appointment. The Civil Service Commission strongly encourages each Department to adhere to this following stipulation from Ordinance Number 89-88, "WHEREAS, lateral entry will also assist the Police and Fire Departments in implementing their affirmative action programs."

Applicants for lateral-entry appointment to Civil Service positions of the Fire or Police departments shall be subject to the application, qualification and examination procedures stated in the following paragraphs. The application process shall be open to all applicants who possess the following minimum qualifications established by City Charter:

33. MINIMUM QUALIFICATIONS FOR LATERAL-ENTRY APPLICANTS. At the time of application, unless otherwise noted, applicants for lateral-entry appointment to Civil Service fire and police positions shall: (Note: copies of original documents must be provided by a deadline announced when testing begins).

- a. Be at least twenty-one (21) years old by time of Training Academy start date. Proof will be either a copy of state or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
- b. Be a citizen of the United States of Be a citizen of the United States of America or a person who is lawfully admitted for permanent residence in accordance with the Immigration and Nationality Act. Proof of citizenship

will be either a copy of a state or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.

- c. Have completed a minimum education of high school completion, or GED equivalency. Proof will be a copy of the High School Diploma, copy of the GED Certificate, or successful completion letter from an accredited school's Principal or District Superintendent, or other documentation approved by the Commission.
- d. For Police Applicants only: Have three (3) years previous related experience in good standing within the four (4) year period immediately preceding the application. ~~Related experience shall consist of full-time paid employment as a Police Officer in a full-service Police department.~~ (The previous sentence is suspended until 07/25/2025) For Fire Applicants only: Have three (3) years paid related experience in good standing within the four (4) year period at the time of application.
- e. Be able to perform the essential functions of the position.

34. SELECTION PROCEDURE FOR LATERAL-ENTRY APPLICANTS.

Per City Charter, the Civil Service Commission shall establish an unranked pool of qualified individuals who meet the minimum qualifications. To establish this unranked pool of qualified individuals, the Civil Service Commission shall accept applications for Lateral-entry employment. All applicants who meet the minimum qualifications established by the Civil Service Commission shall form the unranked pool of qualified individuals. This will then end the Civil Service Commission's involvement in the Lateral program and begin the involvement by the Chiefs of the respective Departments. Qualified individuals in the unranked pool shall then be subject to appropriate testing by the Chiefs of the respective Departments, which may include, but not necessarily consist of a medical, background,

polygraph and psychological examinations. The Chiefs of the respective Departments may, at their sole discretion, select qualified individuals from the remaining unranked pool of individuals. No person can remain on the lateral entry appointment list for more than two (2) years without reapplication.

35. DISQUALIFICATION NOTICE. The Civil Service Commission shall notify any applicant in writing whose application has been disqualified at the time of application. The Chiefs of the respective Departments shall notify any applicant in writing whose application has been disqualified as a result of testing and/or the review process.

36. EXAMINATION RECORD RETENTION. For all applicants to be hired, all examination papers and results thereof shall be transferred from the respective Departments to the Civil Service Commission to be retained in Commission files in accordance with Colorado State Archives and Colorado Open Records Act, as revised. Copies of applications, pertinent documents and transcripts of applicants to be hired shall be transferred from Commission files to the City of Aurora Human Resources Department upon final certification and hiring.

For all applicants not hired, all application packages shall be transferred to the City of Aurora Municipal Records Department by the respective Department for storage and disposal in accordance with the Permanent Records Control Schedule Authorization.

SECTION VI. ELIGIBILITY LISTS FOR LATERAL-ENTRY APPOINTMENT

37. CERTIFIED ELIGIBILITY LIST FOR LATERAL-ENTRY APPOINTMENT.

The Chiefs of the respective Departments will use the following procedures to establish the Certificate of Eligibility List for Lateral-Entry appointment. Ranking of applicants is the sole discretion of the department Chief.

- a. The Chief will select a sufficient number of applicants from the List for post-job offer testing in rank order to fill the lateral-entry quota for the academy class. No more than half of the applicants hired at any given time shall be lateral-entry. The Charter permits the Police Department to run lateral-only Academies provided that at least the same number of entry-level applicants be hired during the same calendar year.
- b. The Chief may also identify an additional number of applicants to ensure that enough applicants are available to successfully complete the remaining post-job offer tests to fill the lateral-entry quota for the academy class should some applicants withdraw. These applicants are considered alternate applicants.
- c. The Chief of the respective department shall extend a bona fide conditional offer of employment to all applicants identified by the Chief and shall administer any required post-job offer examination.
- d. The Chief shall provide to the Commission the required number of applicants, in final rank order, who successfully completed post-job offer examination needed to fill the lateral-entry quota for the academy. Alternate applicants will not be rank-ordered.
- e. The Lateral-Entry Certified Eligibility List shall be a listing of the final rank-ordered applicants created and signed by the Chief, beginning with the top-ranked applicant and continuing numerically down the list as identified by the

Chief. Applicants will be hired in the order of their ranking on the Certified Eligibility List.

- f. Individuals hired from the Lateral-Entry Certified List shall receive seniority over individuals hired from the Entry-Level Certified Eligibility Lists for the same academy class.
- g. At his sole discretion, the department Chief may select one of the alternate applicants to replace a rank-ordered applicant who withdraws or is disqualified prior to the academy. The alternate applicant shall be ranked in the last position on the Lateral Certified Eligibility List. Alternates not selected for the Academy are not guaranteed appointment to future Academies.

38. REQUEST FOR DEFERMENT. An applicant may request a deferment should he/she encounter some unforeseen circumstance, military commitments or other extenuating circumstances deemed reasonable and legitimate by the Chief that will prevent the applicant from continuing in the testing/certification/hiring process. The applicant must immediately submit his/her request for deferment to the Chief in writing, with appropriate back-up documentation.

39. GRADE CLASSIFICATION AND PROMOTION FOR LATERAL-ENTRY.

- a. A person hired under the lateral-entry program shall be classified at such rank and grade as determined by the Chief of the respective department, but no higher rank than Grade I per City Charter, pursuant to departmental policy concerning years of experience and level of education.

- b. Notwithstanding the reclassification to a higher grade provided herein, the first year of employment shall be a probationary period.
- c. A Police Officer or Firefighter must serve in his or her originally classified grade throughout the training period. Subsequent reclassifications or upgrades shall be pursuant to the respective departmental policy.
- d. Persons hired through the lateral-entry appointment program are not eligible to apply for a promotional examination for ranks above Police Officer, Grade I, or Firefighter, Grade I, until an entry-level person hired at the same time, from all Certified Eligibility Lists for original appointment to the same academy, is or would be eligible to apply for the same promotional examinations.

SECTION VII. REQUIREMENTS FOR PROMOTIONAL APPOINTMENT.

40. GENERAL. The Commission is required by City Charter to conduct testing for all promotional ranks in the Fire and Police departments. The department Chief shall notify the Commission of his/her intent to create, abolish or modify a current promotional rank, as soon as possible, but no later than 4 months prior to the recommended effective date so that the Commission may evaluate the impact of the proposed change and adjust its rules, policies, procedures and processes. Members of the Civil Service system who desire to participate in promotional testing for Fire or Police positions shall be subject to the qualification and examination procedures stated below. Promotional appointment lists will be created as follows:

- a. Examinations for promotional appointment shall take place no less than once per year for each promotional rank. Applicants who are successful in completing all examination requirements will have their names placed on a certified list for promotional appointments in rank order.
- b. Each certified list for promotional appointments shall expire after one year from date of certification, except that in the event a vacancy should exist in one of the Departments and the certified list for that position is scheduled to expire and a new list is not available, the Civil Service Commission may extend the list, one time only, for a period not to exceed ninety (90) days.

41. APPLICATION PROCEDURES. Civil Service members of the Fire and Police departments who desire to participate in promotional testing shall register with the Commission by the closing date that is published on the posting. An official college or university transcript(s) must be in possession of the Commission, if applicable to the tested rank, prior to the commencement of testing, per the official posting. Other documents, as determined by the

Commission, may be required for each promotional examination. The Civil Service member has sole responsibility to ensure his/her registration and applicable documents are received by the Commission.

42. PROMOTION ELIGIBILITY REQUIREMENTS. All Civil Service ranks of the Fire and Police departments above the rank of Police Officer and Firefighter shall be filled by promotion from within the respective departments under service and educational requirements, and examination procedures outlined by the Commission. Any Civil Service member with cumulative discipline equal to or greater than an 80 hour suspension, to include involuntary demotion, within the two (2) year period preceding the first day of testing shall be ineligible to test. Civil Service members with appeals pending to the Civil Service Commission of cumulative discipline equal to or greater than an 80 hour suspension, to include involuntary demotion, shall be ineligible to test. The date of the discipline shall be the date of the Disciplinary Order. To be eligible for promotional examinations, candidates for the rank being examined, must meet the following service, certification, education, and training requirements as of the first day of testing in the promotional series:

Fire Engineer

SERVICE:

·3 years regular service with Aurora Fire Rescue

AND

·Currently holding the rank of Firefighter Grade I or Fire Medic.

TRAINING:

·Successful completion of the Aurora Fire Department Acting Driver/Operator Training Program.

EDUCATION: No college requirement for this position.

Fire Lieutenant

SERVICE:

·5 years regular service with the Aurora Fire Rescue

AND

·2 years as an Aurora Firefighter, Grade 1, Fire Medic, Engineer, or any combination thereof totaling 2 years

AND

·Currently holding the rank of Aurora Firefighter, Grade I, Fire Medic, or Engineer.

EDUCATION:

·60 earned semester or 90 earned quarter hours of college level course work from an accredited college or university.

·Minimum cumulative GPA of 2.0 on a 4.0 scale.

TRAINING:

·Successful completion of the Aurora Fire Department Officer Development Program or the Acting Officer Program on record with Fire Administration

AND

·Successful completion of the CMCB Fire Officer 1 program, or equivalent as approved by the CMCB Board of Directors.

Fire Captain

SERVICE:

·7 years regular service with Aurora Fire Rescue.

·2 years as an Aurora Fire Lieutenant.

·Currently holding the rank of Aurora Fire Lieutenant.

TRAINING:

·Successful completion of the CMCB Fire Officer 2 program, or equivalent as approved by the CMCB Board of Directors.

EDUCATION:

·60 earned semester or 90 earned quarter hours of college level course work from an accredited college or university.

·Minimum cumulative GPA of 2.0 on a 4.0 scale.

Police Agent

SERVICE:

- 3 years as Police Officer
- AND
- Currently holding the rank of Police Officer, Grade I.

EDUCATION:

- No college requirement for this position.

Police Sergeant

SERVICE:

- 2 years as Agent or Police Officer, Grade I, or any combination thereof
- AND
- A minimum of 5 years regular, continuous service
 - Lateral officers are eligible with at least 3 years regular continuous service with the Aurora Police Department *and* at least 5 years as a full-time paid officer in good standing in any jurisdiction.
- AND
- Currently holding the rank of either Police Officer I, or Agent
- AND

EDUCATION:

- 60 earned semester or 90 earned quarter hours of college level course work from an accredited college or university.
- Minimum cumulative GPA of 2.0 on a 4.0 scale.

Police Lieutenant

SERVICE:

- 2 years in grade as Sergeant, and
- Currently holding the rank of Sergeant, and
- AND

EDUCATION:

- A Bachelor's Degree from an accredited college or university.
- OR

SERVICE:

- 4 years in grade as Sergeant
- AND
- Currently holding the rank of Sergeant
- AND

EDUCATION:

- 60 earned semester or 90 earned quarter hours of college level course work from an accredited college or university.
- Minimum cumulative GPA of 2.0 on a 4.0 scale.

Police Captain

SERVICE:

- 2 years in grade as Lieutenant, and
- Currently holding the rank of Lieutenant
- AND

EDUCATION:

- A Bachelor's Degree from an accredited college or university.

SECTION VIII. EXAMINATIONS FOR PROMOTIONAL APPOINTMENT.

43. GENERAL. Examinations shall be open to all candidates who meet the minimum established qualifications. The Commission shall be responsible for the types of examinations to be used, which may include written, oral, assessment center, practical, records evaluation, or any combination thereof, and any other examination which the Commission may consider helpful in evaluating the candidate's ability to serve in the position. All examinations for promotion shall be competitive among such members of each department as are qualified and desire to submit themselves to examination. The following procedures shall be used as guidance for the conduct of all promotional examinations unless otherwise specified by the Commission.

- a. If it is determined by the Commission that not enough applicants with the required qualifications sign up to take a specific examination, the Commission may invite additional promotional ranks to test or lower regular service requirements for only that particular promotional examination.
- b. At its sole discretion, the Commission shall determine the relative weight for each portion of the examination series and shall set minimum passing scores. Failure in any portion of the examination series shall be grounds for disqualifying the candidate from further participation in the current examination process.
- c. Examinations shall be held on specified dates and at times determined by the Commission. Rules for starting time, scoring and conducting an examination shall be posted prior to the examination.

- d. Examinations shall be administered in the presence of a Commissioner, Chief Examiner or designee.
- e. Requests for exceptions from the testing schedule, which may include changes to time, date, place, and examiner, will be considered only if the request is submitted in writing at least three (3) working days prior to the first day of testing and (1) the candidate is assigned to military duty, or (2) the candidate is assigned by the department for specialized training or public duty during the time the written test is to be administered. For all requests for exception from the testing schedule, the Commission will consider factors involved in arranging proctoring, etc., in each individual case before granting or denying a request. Applicable USERRA provisions shall be considered in attempting to accommodate promotional candidates assigned to military duty, however all testing shall be completed prior to establishing the certification list.
- f. The Commission may, at its sole discretion, make the following exceptions for failure to appear at the scheduled time for promotional written examinations only provided the candidate can be rescheduled during the normal conduct of the examination. However, the Commissioner(s) present at the examination also may use his/her/their sole discretion to excuse an applicant after the examination has begun if one of the following should occur:
 - 1) a candidate's supervisor (Battalion Chief, Police Captain or above) contacts the Commission office prior to commencement of the examination to indicate the candidate is on duty and, due to an emergency situation, cannot be removed from his or her duty location.
 - 2) a candidate is hospitalized or suffering from a serious illness, and provides written documentation from a treating physician stating that the candidate is incapacitated. Notification must be provided to the

Commission prior to the commencement of the scheduled examination.
If approved, the candidate must submit medical documentation to the Commission confirming an improved health condition before the examination is administered.

- g. Candidates shall not use books, references or other data, except as expressly authorized by the Commission, and shall not confer with each other during the examination.
- h. The Commission may review complaints regarding any errors or alleged errors made by examiners or consultants and may order a correction or reexamination where it appears proper.
- i. Candidates for promotion will be required to acknowledge confidentiality statements for each examination in the promotional testing series indicating that testing materials and results are confidential until such results are formally released in writing by the Commission. Any candidate who breaches, or attempts to breach, the confidentiality on any examination, or any candidate who uses such information in any manner prior to the proper release of the information by the Commission, may be disqualified from further consideration for promotion in the current testing cycle. In addition, such an individual may be removed from the current certification list for promotional appointment, if already certified.
- j. Examination results will be posted by the Commission at the earliest reasonable time as determined by the Commission. Examination results shall be provided to candidates by email prior to posting. Any candidate who does not successfully complete any examination for the promotional position shall be disqualified from further consideration in the current testing process. The

decision of the Commission is final. There shall be no further appeal to the Commission.

- k. Final examination results certified eligibility lists will be posted at the earliest practical date as determined by the Commission after completion of all examinations. Per City Charter, the Commission shall submit to the appointing authority the list with the names of all members who have satisfactorily passed the entire examination, in the order in which their grades placed them.
- l. The Commission may, at its discretion, cancel or postpone an examination as long as such action is not in conflict with applicable Charter provisions.
- m. The Commission may establish such other examination rules or regulations as are deemed necessary to carry out its duties under the Charter and Ordinances of the City of Aurora.

44. WRITTEN EXAMINATION. Written examinations shall be conducted by the Commission in accordance with the following procedures:

- a. Examination starting and ending times shall be fixed. Individuals arriving for the examination after the starting time will not be allowed to take the examination at that time except under the conditions outlined in the "General" paragraph above.
- b. Only testing material and equipment furnished or approved by the Commission shall be used during the examination. Should the candidate be required to bring personal items, such as a calculator, etc., to the examination, the candidate will be instructed to do so in the written notice of the time and location of the examination.

- c. All tests and supplies shall be distributed at the time of the examination.
- d. Candidates shall be assigned an identification number (I.D.) which shall be the only personal identifying mark to appear on the examination papers. This identification number shall be used to identify the candidate throughout the promotional testing process. The Commission may prescribe additional safeguards, as deemed necessary, to ensure examination papers remain anonymous.
- e. Candidates shall return all testing materials and supplies at the conclusion of the test.
- f. In the event of any irregularity or suspected irregularity, the test administrator shall file a written report with the Commission as soon as possible, but no later than five (5) business days after the irregularity is discovered.
- g. Promotional candidates who participate in a written examination may be granted a maximum of one hour to review their examination and results by notifying the Commission. The Commission office must receive requests for review by the deadline established by the Commission.
- h. In the event a question is challenged, the candidate shall complete a dispute form provided by the Commission stating the reasons in support of his/her challenge. A separate dispute form must be submitted for each question challenged by the candidate. The candidate shall further submit to the Commission by the deadline established by the Commission, any written documentation from the references listed on the reading list for each question challenged that support his/her challenge. The Commission will consider only written documentation submitted by the deadline.

45. ORAL EXAMINATION. Promotional oral examination boards shall consist of Police Officers or Firefighters from other jurisdictions with similar organizations and capabilities. There shall be at least one (1) Commissioner, or designee, monitoring each exam. Boards will generally consist of three (3) to five (5) raters with a minimum of two (2) raters required at all times. Evaluators should come from the immediate geographical area as determined by the Commission, when possible, and meet the qualifications of the Commission.

- a. Each board member present shall make an independent rating of each candidate interviewed. Ratings shall be averaged to determine the final oral examination score for each candidate. If, for any reason, only one oral board member can rate the candidate, the Commissioner monitoring the board may substitute for the absent board member. The Commissioner's rating will be used in place of the absent board member.
- b. A promotional candidate who participates in an oral board examination may be granted an interview to review the oral examination by requesting such an interview in writing. The request for interview must be received in the Civil Service Commission office within five (5) business days from the date of notice of examination results. If the oral board examination was not video recorded, reviews will be summary in nature and the anonymity of the ratings and comments of the individual oral board members shall be preserved. If the oral board examination was video recorded, the promotional candidate may review the recording one time for training purposes, but the ratings and comments of the individual oral board members will not be part of that video review. One observer of the candidate's choosing may attend the video review. NOTE: Video recording is provided for training purposes only; the Commission is not responsible for mechanical failures of the equipment, quality of the recording, power failures, tape malfunction, or operator error.

- c. Oral examination starting and ending times for candidates shall be fixed. Examinations will not be cancelled or delayed because of a lack of selected evaluators provided that the minimum number is present. Should an evaluator leave due to emergency, the oral examination will continue. Individuals arriving for the examination after the starting time will not be allowed to take the examination.

46. ASSESSMENT CENTERS. An assessment center panel for promotional testing shall consist of three (3) to five (5) members, optimally: one (1) Aurora citizen selected by the Commission, and two (2) Firefighters or Police Officers, from another jurisdiction and ranked at or above the position level being tested selected by the assessment center consultant. Evaluators should come from the immediate geographical area as determined by the Commission, when possible, and meet the qualifications of the Commission. The test consultant, with the approval of the Commission, shall determine the number of assessment center panels, for each promotional process. Ratings shall be averaged to determine the final assessment center score for each candidate. Assessment Center scheduled start times for candidates shall be established in advance. Assessment Centers will not be cancelled or delayed because of the lack of selected evaluators provided that the minimum number is present. Individuals arriving for the examination after the starting time may not be eligible to participate in the examination, at the discretion of the Commission. Whenever practical, feedback will be provided to all candidates participating in the assessment center under the guidelines in paragraph 45 b. above. All assessment center results are final. There shall be no further appeal to the Commission.

47. PRACTICAL EXAMINATION. A practical examination shall be conducted for the Engineer-Driver promotional rank. Practical examinations will generally consist a minimum of one (1) rater observing each graded part of the examination.

The Commission may utilize one of its Commissioners, the Chief Examiner, or their designee to monitor each part of the practical examination.

- a. Each rater present shall make an independent rating of each candidate observed. Ratings shall be averaged to determine the final practical examination score for each candidate. Candidates shall be required to achieve a passing score, as determined by the Commission, on each part of the practical examination to be certified as eligible for promotion.
- b. A promotional candidate who participates in a practical examination will receive written feedback regarding their performance. Feedback will be summary in nature and the anonymity of the ratings and comments of the individual raters shall be preserved.
- c. Practical examination starting times for candidates shall be fixed. Individuals arriving for the examination after the starting time will not be allowed to take the examination.

48. RECORDS EVALUATION.

- a. Records evaluations may differ between Police and Fire promotional candidates. Fire Candidates ONLY will not be required to submit anything to the Civil Service Commission. A Civil Service staff member will obtain all documents needed through Fire Administration and score the Records Evaluation accordingly. Police candidates will be required to submit a standardized record evaluation document containing information regarding job performance, and other areas as specified by the Commission. Specific requirements and procedures for the candidate-testing file will be published by the Commission to include: formatting, content and submittal instructions.
Note: Some promotional positions may require extensive departmental training; in that case the Commission may elect to validate the training record and promote in lieu of any other testing.
- b. Additional information voluntarily submitted by the candidate will be removed and not considered for scoring.
- c. At the Commission's option either a staff member (for Fire), or experienced personnel from outside agencies (for either Fire or Police), at a rank at or above that being tested, will score the records evaluations books based on the method established by the Commission.
- d. The candidates' scores will be submitted to the Commission for inclusion in the overall scoring process for promotion.
- e. A passing score is not currently established by the Commission for the records evaluation document.

49. EXAMINATION RECORD RETENTION. All examination papers and results thereof shall be retained in Commission files in accordance with Colorado State Archives and Colorado Open Records Act, as revised. Results of examinations will be released only to applicants pursuant to the Colorado Open Records Act, C.R.S. 24-72-204.

50. TIE BREAKING. In case of a tie for promotional appointment, prior to certification, seniority in the department as members of the Civil Service shall be considered first.

**SECTION IX. ELIGIBILITY LISTS FOR PROMOTIONAL APPOINTMENT AND
PROBATIONARY PERIOD FOLLOWING APPOINTMENT.**

51. CERTIFICATE OF ELIGIBILITY LISTS FOR PROMOTION.

- a. Certificate of Eligibility Lists for promotion to positions in the Civil Service shall contain the names of all candidates who satisfactorily passed all required examinations in the order in which their scores placed them.
- b. Certificate of Eligibility Lists for promotional positions shall expire one (1) year from the date of certification. However, in the event a position vacancy should exist in one of the departments and the list for that position is scheduled to expire or a new list is not available, the Commission may extend such list, one time only, for a period not to exceed ninety (90) days.
- c. Certificate of Eligibility Lists for promotion to positions in the Civil Service are considered confidential until officially released in writing by the Commission. Any candidate who breaches, or attempts to breach, the confidentiality on any examination, or any candidate who uses such information in any manner prior to the proper release of the information by the Commission, may be disqualified from further consideration for promotion in the current testing cycle. In addition, such an individual may be removed from the current certification list for promotional appointment, if already certified.
- d. Once completed, the Commission shall submit to the appointing authority the Certificate of Eligibility List, and the appointing authority, after having received a list duly certified, shall make promotions in the order in which the names appear.
 - 1) Any member of the civil service may decline promotion from the Certificate of Eligibility List when that member is the next to be promoted.

That individual must indicate that he/she intends to decline the pending promotion in writing to the Civil Service Commission through the Chief of the Department. The declination of promotion must take place before the effective date of the promotion.

- 2) If it is the declining individual's first request from the list, it shall be without prejudice, and the individual will remain in the same position on the list and eligible for the next following promotion should one be available before the list expires. The Chief of the Department will then promote the next individual(s) in rank order after the declining individual. Multiple promotions may occur on the same date and will not affect the declining individual's position of remaining at the top of the list. The next subsequent date that promotions are to be made off the list shall constitute a new promotion opportunity and the rules under paragraphs d. 3) through d. 5) apply.
- 3) If an individual who has requested a first declination of promotion requests a second declination from the same list (following procedures outlined in d. 1) above), that individual will then be automatically placed at the end of the Certificate of Eligibility List.
- 4) If an individual is in the final remaining rank order next to be promoted and declines the promotion, the list will then be declared exhausted without the promotion taking place.
- 5) Upon notification in writing by the Department Chief that an individual has declined a promotion, the Civil Service Commission shall republish the promotion eligibility list, reflecting the new order of candidates, or, if applicable, deem the current list exhausted.

52. PROBATIONARY PERIOD FOLLOWING PROMOTIONAL APPOINTMENT. A person receiving a promotional appointment shall complete a one (1) year probationary period after appointment, at the end of which they shall either be permanently appointed to said grade or rank or be demoted to the rank or grade that he/she previously held. (NOTE: If an individual decides to

voluntarily vacate a promotion during the probation period, the individual will revert to the last rank held and must retest for any future promotional rank because the action falls outside of the voluntary demotion rules). In the event an individual, in the opinion of the Chief of the department, fails to satisfactorily perform the duties of the position to which promoted, the Chief shall have the right to serve such individual with an order of demotion in accordance with Charter provisions. A copy of the demotion order shall be filed with the Commission. Within ten (10) days after receipt of an order of demotion, the Commission shall approve or deny the Chief's action. The decision of the Commission in this matter shall be final, subject only to judicial review.

SECTION X. DEMOTION, SEPARATION, REINSTATEMENT.

53. VOLUNTARY DEMOTION. The City Charter requires that all ranks in the Civil Service of the Fire and Police departments above the grades of Police Officer, Grade I, and Firefighter, Grade I, shall be filled by promotion under such requirements and examination procedures as outlined by the Civil Service Commission. The Charter further requires that all promotions be made by appointing the first person on the eligibility list for the promotional position as certified by the Civil Service Commission. However, the Commission determined it was necessary to establish procedures for Civil Service members of the Fire and Police departments holding a higher promotional rank or grade who may desire to voluntarily demote to a lower rank or grade within the department. The following procedures apply only to Civil Service members who have held their current higher promotional rank for the required probation period for that rank or grade and have been permanently appointed to their current higher promotional rank by the department Chief. They do not apply to Civil Service members who are serving during the required twelve months probation period for a promotional rank or for members who have received sustained discipline from the department Chief.

54. PROCEDURES FOR VOLUNTARY DEMOTION. The following applies to civil service members of the Fire and Police departments who hold a promotional rank or grade and desire to voluntarily demote to a lower rank or grade, except for Police Officer, Grade I, or Firefighter, Grade I:

- a. Members desiring to demote to a lower rank or grade, that they previously tested for and held, may do so at the discretion of the Chief of the department by submitting a letter of request to that Chief and an information copy to the Civil Service Commission. If an opening does not exist at the lower desired

rank or grade, the Chief may deny the demotion, defer it up to 120 days, or assign the member to a non-testing rank or grade.

b. Members desiring to demote to a lower rank or grade to which the member has not been tested for and promoted to through the civil service system must first inform the Chief of the department of their intention and indicate they are going to test for that position. The member must then:

(1) Resign his/her higher current rank or grade by submitting a resignation in writing through the department Chief to the Civil Service Commission, and

(2) Revert to a rank or grade that was previously tested for and held, and is below the rank or grade being tested for, and

(3) Successfully test for the new desired position, then

(4) The member will be placed on the promotion list according to the rank order of this final score.

55. REINSTATEMENT. Any former Civil Service member of the Fire or Police departments who successfully completed the probationary period as defined in Section 3-16 of City Charter and was in good standing at the time of resignation, (satisfactory performance reports and no pending disciplinary actions), may apply in writing to the Commission for reinstatement to the department within thirty-six (36) months from the effective date of resignation or retirement. Any member of the Civil Service who resigns or retires from the Fire or Police departments must meet all minimum qualifications for original applicants, to include education, at the time the former member submits his/her request for reinstatement. No applicant will be reinstated without the specific approval and testing of the

Commission. An applicant may be reinstated only once in a lifetime. The decision of the Commission shall be final. (Note: At the Commission's discretion, any officer may have the time limit extended to allow for continuity of City government, or in the event of contingencies, disasters, emergency staffing requirements, or military service obligations.)

56. REINSTATEMENT PROCEDURES. The Commission recognizes that there may be delays in the reinstatement process because of weather, availability of key personnel or examiners; however an effort should be made to complete the reinstatement procedures within a reasonable time frame. The procedures for reinstatement are as follows:

- a. The applicant's written request for reinstatement must be accompanied by letters of favorable recommendation from the Deputy City Manager and the Chief of the department and must be received by the Commission within the eighteen-month period stated above.
- b. The Commission may conduct a personal interview with the Chief of the appropriate department, and review with him the applicant's official personnel file.
- c. The Commission may conduct a personal interview with the applicant.
- d. The applicant may be required to undergo any or all of the following examinations prior to reinstatement: polygraph, substance abuse screening, fitness test, full or partial medical, a background investigation, and any other examination deemed appropriate by the Commission. The applicant must meet the standards of entry-level applicants on all examinations, as required by the Commission.

- e. The applicant shall be notified in writing of the Commission's FINAL decision. A copy of the notification shall be forwarded to the Chief of the appropriate department. There shall be no further appeals to the Commission.
- f. If approval is granted by the Commission, reinstatement must become effective within 180 days of the Commission's approval for hire. No individual may be reinstated after this 180-day period. Such individual, when reinstated, shall retain the rank held at the time of resignation, except that in no case shall an individual be reinstated at any rank higher than Police Officer or Firefighter, Grade I, or Rescue Technician. The reinstated officer will be eligible to test with the Civil Service Commission for the next higher rank in the first scheduled promotion testing following reinstatement, provided time and service requirements for testing are met. In the event an applicant declines reinstatement when it is offered, such applicant shall not be offered an opportunity for reinstatement again.
- g. Should there not be a vacancy at the time a reinstatement request is approved; the Chief of the appropriate department must notify the Commission in writing of the anticipated date of the first available Civil Service vacancy, which must be no later than 180 days following the Commission's approval for hire.

57. WORK FORCE REDUCTION (LAYOFF). Work force reductions may apply to Civil Service members of the Fire and Police departments whose job position is removed or eliminated through any budgetary consideration upon review and approval of City Council and implementation by the City Manager. The respective department Chief shall notify the Commission of any work force reduction of Civil Service members. Any work force reduction of Civil Service members in either department must be in accordance with the City Manager's Work Force Reduction (Layoff) Plan and Layoff Rules outlined in the City of Aurora Personnel Policies and Procedures Manual, with the following exceptions:

- a. When the Civil Service work force in either department is reduced through budgetary consideration which has been reviewed and approved by City Council and implemented by the City Manager, the Civil Service member last certified for employment to such department shall be the first laid off. For purposes of this rule, Civil Service members on the same certified list shall be laid off in reverse order of their original certification for employment, except members not eligible for veteran's preference under Article XII, Section 15 of the Colorado Constitution shall be separated before those so entitled.
- b. When the Civil Service work force in such department is increased, Civil Service members laid off shall be reinstated in the order of their original certification for employment in accordance with paragraph 79, Reinstatement Procedures for Work Force Reductions, provided the member has notified the Civil Service Commission in writing of his/her desire to be reinstated.

58. APPEAL PROCEDURES FOR WORK FORCE REDUCTION. Civil Service members of the Fire and Police departments who wish to have a hearing before the Civil Service Commission to appeal their work force reduction (layoff) must submit a written request to the Commission no later than seven (7) business days following the effective date of the work force reduction. The request for hearing before the Commission must include a summary of the reasons for the appeal based on the following considerations. Hearings on such appeals shall be scheduled in accordance with the practices of the Commission. The Commission shall base its decision on the following considerations:

- a. Is there evidence that the City Manager's expressed reasons for affecting the lay-off are not the actual reasons?
- b. Were there procedural defects in executing the layoff, or in granting retention rights, which were detrimental to the employee?

- c. Was the layoff affected in an arbitrary and unreasonable fashion?

59. REINSTATEMENT PROCEDURES FOR WORK FORCE REDUCTION. A

former Civil Service member who is terminated because of a work force reduction may be reinstated by the Commission provided the member meets all minimum medical and fitness qualifications of the position to which the member is seeking reinstatement.

- a. Upon receiving written notification from the Chief of the appropriate department, accompanied by approval from the City Manager, that the department's Civil Service work force will be increased, the Commission will send such notification by registered mail to the Civil Service member's last known official residence address on file with the City of Aurora Human Resources Department. Former Civil Service members who were terminated under a work force reduction shall be responsible for ensuring their current residence addresses are on file.
- b. The former Civil Service member must express a desire to be reinstated to the Commission in writing within ten (10) business days from the date of receipt of the Commission's notice that the department's Civil Service work force will be increased. Former Civil Service members who do not respond during the specified time period shall be ineligible for reinstatement, and no further consideration shall be given, unless otherwise directed by the Commission. If the member was serving during the original appointment probation period when laid off, the member shall complete the remaining portion of such probation period.
- c. The applicant may be required to undergo any or all of the following examinations: polygraph, substance abuse screening, fitness, full or partial

medical, background investigation, and any other examination deemed appropriate by the Commission, prior to reinstatement.

- d. The Commission may also conduct a personal interview with the applicant.
- e. The applicant will be notified in writing of the Commission's FINAL decision. A copy of the notification will be forwarded to the Chief of the appropriate department. There shall be no further appeals to the Commission.
- f. Upon Commission approval, reinstatement shall be effective on the date established in the department's notification letter pertaining to an increase in the Civil Service work force, or a subsequent date agreed to by the department, the Commission, and the member.

60. SERVICE IN THE ARMED FORCES. A Civil Service member of either department who enters upon active duty or in active duty for training in the Armed Forces of the United States in response to an order or call to active duty shall be entitled to reemployment rights and may be reinstated to the department in accordance with appropriate federal statutory guidelines. If the probation period following an original appointment was interrupted by service in the Armed Forces, the Civil Service member, upon reinstatement, shall complete the remaining portion of such probation period before permanent appointment. The Civil Service member must request reinstatement in accordance with appropriate federal statutory guidelines. The request must include a copy of the member's military discharge, DD Form 214, and a copy of the official notification letter ordering the member to active duty.

SECTION XI. APPEAL OF DISCIPLINARY ACTIONS, FILING PROCEDURES FOR APPEALS, PROCESSING DISCIPLINARY APPEALS, AND OTHER LEGAL MATTERS.

61. DISCIPLINARY ACTIONS SUBJECT TO APPEAL. Civil Service members of the departments may appeal any disciplinary action, except written and oral reprimands, to the Commission. Written and oral reprimands are not subject to the Commission appeal and hearing procedure.

62. FILING PROCEDURES FOR DISCIPLINARY APPEALS. Any member of the Civil Service against whom a covered disciplinary order has been issued, and who desires to appeal, shall have ten (10) business days, as defined in Article III, Section 3-16(8)(e) of the City Charter, from the date of service of the disciplinary order in which to file an appeal of the order with the Commission. The petition for appeal shall be in writing; contain the name and address of the appellant; a copy of the written command order being appealed; and a brief summary of the reasons for the appeal. The petition for appeal shall state whether the appellant desires to have the hearing closed to the public and include the requirements outlined in Section XIII, Paragraph 88, Rule 1, Pleadings, of these Rules and Regulations. Upon receipt of an appeal, the Commission shall promptly provide a copy of the appeal to the office of the City Attorney.

63. PROCESSING DISCIPLINARY APPEALS. Upon receipt of an appeal of a disciplinary action, the Commission shall set a date for a hearing on the appeal, to be held no less than fifteen (15) calendar days nor more than thirty (30) calendar days from the date the appeal is received by the Commission. After a hearing date has been set, it may be continued only upon agreement of all the parties or upon good cause shown to the Commission. Commission staff will notify the parties of the new hearing date within ten (10) working days of the Commission approving the continuance. Failure of the member to cooperate in

the resetting may result in a finding that the member has waived his/her right to appeal. The new date shall be set within 60 days of the granting of the continuance unless good cause is shown to the Commission.

- a. A member of the Civil Service system who has filed an appeal may be represented by someone of his/her choosing. The representative's name and mailing address shall be provided, in writing, to the Commission prior to scheduling a hearing date.
- b. Commission hearings may be conducted by less than all of its members, but in no event will a hearing be conducted by less than a majority of its members.
- c. The hearings shall be recorded by a court reporter or an electronic recording device. When the Commission deems it advisable, the hearings may be chaired by the attorney for the Commission.
- d. The Notice of Hearing will be provided by mail, or by hand delivery, to the City Manager, appropriate department Chief, Assistant City Attorney representing the department, the member of the Civil Service system filing the appeal and the member's representative, if any. The Commission will comply with the Open Meetings Act, C.R.S. 24-6-402 in determining whether a hearing shall be open or closed to the public.
- e. When an appeal is filed by a Civil Service member, copies of the following documents shall be transmitted by the Chief of the department to the Commission within five (5) business days from receipt of the Notice of Hearing:
 - 1) Specification of charges.
 - 2) Written report of evidence supporting charges.

- 3) Member's disciplinary record summary, if any.
- 4) Member's transcribed statement made during the pre-disciplinary hearing in response to the charges, and the written report, if any.
- 5) Member's written statement to the Chief submitted after the pre-disciplinary hearing, if any.

64. OTHER LEGAL MATTERS. When an appeal concerning a disciplinary action is filed with the Commission, or when there is a subsequent judicial appeal from a decision of the Commission, the Commission may retain an attorney to render impartial advice and/or advocate the Commission's position before the reviewing court. When the Commission renders its decision concerning the disciplinary action originally imposed by the City on a civil service member, and there is an appeal filed by the civil service member, the Commission may request that the City Attorney represent the Commission before the reviewing court, unless the City has filed or intends to file an appeal based upon the Commission's modification of the disciplinary action. In situations where either the City is appealing a decision of the Commission or where both parties are appealing the decision, the Commission shall retain its own attorney. Nothing stated herein shall infringe upon the Commission's right to exercise at any time its discretion to retain legal counsel concerning any matter.

The Civil Service Commission recognizes the Independent Review Board (IRB) as a process that encourages open and frank discussions between the parties, their representatives, and within the IRB board itself. To facilitate the use of the IRB without limiting the Commission's consideration of disciplinary appeals as authorized by Charter, recommendations or conclusions of the IRB shall not be presented or disclosed during a disciplinary appeal hearing before the Commission, as long as it is clear that the existence of the IRB does not interfere

with an Officer's access to appeal a discipline to the Commission and that the ability of the Civil Service Commission to conduct a fair and impartial hearing is preserved. Any dispute over the admissibility of recommendations or conclusions of the IRB shall be resolved by motion prior to the hearing. Consistent with a *de novo* presentation of evidence to the Civil Service Commission during disciplinary appeal hearings, a witness who testifies before the IRB can testify in a Commission disciplinary hearing without impeachment from their testimony to the IRB.

Under no circumstances will settlement discussions between the parties be admitted during Commission disciplinary hearings.

SECTION XII. RULES OF PROCEDURE FOR DISCIPLINARY APPEAL HEARINGS.

65. GENERAL. Rules of procedure governing the conduct of Disciplinary Appeal Hearings follow. These Rules are intended to be supplemental to and not in derogation of the provisions set forth in Section XII, Appeal of Disciplinary Actions, Filing Procedures for Appeals, and Processing Disciplinary Appeals, of the Commission Rules and Regulations as well as other provisions of the Aurora City Charter.

66. RULE 1 - PLEADINGS.

- a. The appeal to the Commission shall be initiated by a petition for appeal. In addition to the requirements set forth in Section XI, paragraph 62 of these Rules and Regulations, the Petition shall conclude with a concise paragraph describing with specificity, each reason the Petitioner asserts the disciplinary action was incorrect.
- b. Any issue not specifically raised in the Petition will not be heard by the Commission. The Petition may be amended to include additional issues identified as a result of discovery and preparation for the hearing, but such amendments must be made in a timely manner. Copies of the Petition, as well as any amendments must be provided to the City. No written response to the Petition or any amendments is required by the City.

67. RULE 2 - HEARING DATES AND CONTINUANCES. The City Charter requires the Commission to conduct a hearing on the appeal not less than fifteen (15) nor more than thirty (30) days after receipt of a petition for appeal. The

Charter further provides that after a hearing date has been set, it may be continued only upon agreement of all parties or upon good cause shown to the Commission. Continuances are discouraged. Where possible, the Commission shall attempt to set all hearing dates in consultation with the parties or their representatives. However, it may be necessary for the Commission to reschedule a hearing. If the date for a hearing was cleared in advance with the parties or their representatives, no continuance will be granted except upon a showing of good cause, which could not reasonably have been foreseen at the time the hearing date was initially set.

68. RULE 3 - DISCOVERY.

- a. **Initial disclosures.** Each party shall, without awaiting a discovery request, provide to the other party:
 - 1) The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to the issues set forth in the Petition or the underlying event that resulted in disciplinary action; and
 - 2) A listing, together with a copy of, or a description by category and location of all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to the issues set forth in the Petition or that relate to the underlying event that resulted in disciplinary action.

Such initial disclosures shall be provided by the earlier of (a) twenty (20) days of the date the Commission receives the petition for appeal, or (b) ten (10) days before the date of the appeal hearing.

- b. **Supplemental discovery.** In addition to the initial disclosures, either party may file a request for production of documents. Written responses must be provided to such requests by the earlier of (a) twenty-five (25) days of the date of such request for production of documents, or (b) ten (10) days before the date of the appeal hearing, unless some other date is mutually agreed to by both parties.
- c. **Claims of Privilege or Protection of Trial Preparation Materials.** If a party, in connection with its initial disclosure or in response to a supplemental discovery request, withholds information required to be disclosed by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable the other party to assess the applicability of the privilege or protection.
- d. **Duty to Supplement Disclosures or Responses.** A party is under a duty to supplement its disclosures and responses when the party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other party during the disclosure or discovery process.
- e. **Signing of Disclosures and Responses.** Every disclosure, supplemental discovery request or discovery response, including objections thereto, made pursuant to the provisions of this Rule shall be signed by at least one attorney of record in the attorney's individual name. A party not represented by an attorney shall sign the disclosure and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the disclosure is complete and correct as of the time it is made and that the

request, response or objection is made in good faith and not interposed for any improper purpose such as to harass the other party, or delay the proceeding or needlessly increase the cost of the hearing.

- f. **Filing of Disclosures, Supplemental Discovery Requests and Responses.** Initial disclosures by the parties, supplemental discovery requests and discovery responses need not be filed with the Commission unless a dispute arises which requires the Commission's involvement to resolve.
- g. **Discovery Disputes.** The parties are encouraged to conduct discovery informally and freely exchange materials without involving the Commission. If it becomes necessary for a party to file a formal motion to compel discovery with the Commission, such request shall include a certification by the party or their representative that all reasonable efforts have been made to resolve the discovery issue informally between the parties.

69. RULE 4 - SUBPOENAS. Upon request of either party or their representative, the Chair or Vice Chair or the Commission shall issue subpoenas to desired witnesses requiring their attendance at the hearing. It shall be the responsibility of the party seeking the subpoena, to have it served on the witness, in the manner provided by the Colorado Rules of Civil Procedure. If a witness has been properly subpoenaed and fails to appear for the hearing, the Commission may apply to a court of competent jurisdiction for issuance of a subpoena, enforceable through the contempt powers of the Court.

70. RULE 5 - WITNESSES AND EXHIBITS. No later than seven (7) days before the hearing each party shall provide the opposing party or their representative a

list of each witness they intend to call and a copy of each exhibit they intend to introduce. Any witness not disclosed to the opposing party shall not be permitted to testify at the hearing, except upon a showing of good cause for such failure. Any exhibit not disclosed to the opposing party shall not be admitted at the hearing, except upon a showing of good cause for such failure. All exhibits shall be marked in advance of the hearing. The City shall mark their exhibits using numbers and the Petitioner shall mark their exhibits using letters. Copies of all exhibits, preferably arranged in a notebook, shall be provided to the Commission members at the time of the hearing. Parties are encouraged to stipulate to the admissibility of as many exhibits as possible in advance of the hearing and through their cooperative efforts to avoid duplication of exhibits.

71. RULE 6 - MOTIONS. In general, written motions are discouraged, but permitted. One copy of the motion and any attachments must be filed with the Commission. In addition an electronic copy of the motion and attachments must be provided to the Commission and the opposing party. All written motions must be filed no less than ten (10) days before the hearing, unless good cause is shown for the failure to do so. The opposing party shall have five (5) days to file a written response to the motion, if it desires to do so. In addition to the printed copy of the response filed with the Commission, an electronic copy of the response must be provided to the Commission and the opposing party. No reply shall be permitted by the moving party, except with the express consent of the Commission or hearing counsel. In their discretion the Commission or hearing counsel may request oral argument or an evidentiary presentation on the motion or they may resolve the motion based solely on the written submissions by the parties. In the discretion of the Commission, motions may be ruled on prior to commencement of the hearing. The Commission may, in its discretion, delegate resolution of pre-hearing motion to hearing counsel. Any decision or ruling by hearing counsel may be revised by the Commission prior to the hearing.

72. RULE 7 - PRE-HEARING CONFERENCES. The parties or their representatives shall be required to attend, either by phone or in person, a pre-hearing conference to be conducted by hearing counsel for the Commission. The Commission may or may not be present at such pre-hearing conference. The parties shall be prepared to address the following issues at the pre-hearing conference:

- 1) Procedural issues, including but not limited to timing and availability of witnesses, whether the hearing will be open or closed, and anticipated length of hearing.
- 2) Discovery issues
- 3) Exhibits
- 4) Issues to be presented at the hearing. Parties shall be prepared to identify and confirm, with specificity, the actual issues to be presented to the Commission at the hearing. All issues that a party no longer intends to pursue shall be identified and eliminated from the proceedings.
- 5) Stipulation as to undisputed facts. Upon request of hearing counsel, prior to the pre-hearing conference the parties shall exchange lists of disputed and undisputed facts that they believe are relevant to their case or defense. A party shall stipulate to any fact that they do not have a good faith, articulable basis for disputing
- 6) Motions. Hearing counsel may resolve all motions at or as a result of the pre-hearing conference.

- 7) Other pre-hearing matters requested by the parties or raised by hearing counsel. Such pre-hearing conferences may be conducted at any time prior to the hearing.

73. RULE 8 - OPENING AND CLOSING STATEMENTS. Opening statements are to be limited to ten (10) minutes per party, unless a greater amount of time has been granted to the party in advance by the Commission. Closing statements will generally be permitted to be made orally, but should be kept as concise as possible. In its discretion, the Commission may request that closing arguments be submitted in writing.

74. RULE 9 - ORDER OF PRESENTATION. The City has the burden of persuasion and shall present its case in chief first. This shall be followed by the case in chief of the Petitioner. In the discretion of the Commission either party may be permitted to provide rebuttal evidence. The Commission may inquire into the purpose of rebuttal evidence prior to its presentation.

75. RULE 10 - EVIDENCE. All witnesses shall take an oath or be sworn by the reporter or by hearing counsel for the Commission. In general, the Colorado Rules of Evidence shall govern the admissibility of evidence presented to the Commission. However, the Commission may receive and consider evidence not admissible under such Rules if it possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs, and if the Commission concludes such evidence is necessary to enable the Commission to ascertain the facts affecting the substantial rights of the parties. The Commission may consider discipline imposed upon other civil service personnel on matters of a similar nature if it possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. All comparisons shall indicate the Chief that imposed the discipline. Deference shall be given to discipline

imposed by the same Chief of Police or Fire Chief who imposed the discipline which is on appeal. The Commission may also consider any disciplinary matrix adopted by, as applicable, the Police or Fire Department. Hearing counsel for the Commission shall initially rule on all evidentiary matters during the hearing or, for the purposes of judicial economy, prior to the hearing. If any Commissioner disagrees with the ruling of hearing counsel to the Commission, then the issue will be resolved by a vote of a majority of the Commissioners presiding over the hearing. All votes taken shall be on the record. In the event of a tie vote, the evidence or material will be admitted. A record may be made setting forth the reasoning behind a dissenting vote.

76. RULE 11 - QUESTIONS BY THE COMMISSION. Commissioners shall be permitted to ask questions during a hearing of any witness, party, or representative of a party.

77. RULE 12 - TRANSCRIPT ON APPEAL.

- a. In accordance with the Colorado Rules of Civil Procedure, if a party chooses to appeal the Commission's decision, such appeal shall be filed in the District Court. If an appeal is filed, the Commission is required by the court to file the record of such disciplinary hearing. The cost of preparing the record, including the transcript fee, shall be advanced by the appellant, unless the Court otherwise orders.
- b. Upon receipt by the Commission of written notice that an appeal has been filed in District Court, the Commission shall transmit to the appellant an estimate of the cost of preparing the record. The appellant shall advance to the Commission the estimated cost of preparing the record, including the transcript fee. Upon receipt of such payment, the Commission shall prepare the record,

including the transcript, and submit it to the District Court, as provided by the Colorado Rules of Civil Procedure. Failure of the appellant to tender the requisite fee in a timely manner may be brought to the attention of the Commission, who may then recommend appropriate action including requesting dismissal of the appeal for failing to tender the requisite fee in a timely manner.

**SECTION XIII. GRIEVANCE PROCEDURE UNDER AMERICANS WITH
DISABILITIES ACT.**

78. GENERAL. The following grievance procedures are adopted by the Commission in compliance with the Americans with Disabilities Act and complies with the City of Aurora's Administrative Policy pertaining to the Americans with Disabilities Act.

79. PROCEDURE FOR CIVIL SERVICE MEMBER. A Civil Service member who believes he/she has been discriminated against with regard to job opportunities or employment on the basis of a disability, and who desires to file or present a grievance under the Americans with Disabilities Act, shall be subject to and comply with the grievance procedures outlined in paragraph VI, of the City of Aurora Administrative Policy Memorandum No. 3-13, Subject: Americans With Disabilities Act Grievance Procedure. It shall be the member's responsibility to initiate any action under the Policy. Department Chiefs should ensure that any grievance filed under the Americans With Disabilities Act Grievance Procedure is resolved prior to completing final disciplinary action against the employee.

80. PROCEDURE FOR APPLICANTS FOR CIVIL SERVICE APPOINTMENT.
Any applicant applying for Civil Service positions who believes he/she has been discriminated against with regard to job opportunities or employment on the basis of a disability, and who desires to file or present a grievance under the Americans with Disabilities Act, may do so according to the following procedures:

- a. Within seven (7) **business** days of when the applicant knows or reasonably should have known of the alleged discriminatory action, a written complaint must be submitted to the Civil Service Commission for resolution. The complaint must include: (1) the name, address and telephone number of the

applicant; (2) the date, description/subject of grievance and position (Fire/Police) for which the applicant applied; (3) suggested resolution(s) offered by the applicant; and (4) date and signature of applicant.

- b. Within ten (10) business days from receipt of the written complaint, the Commission shall issue a written decision to the applicant. This decision is final and terminates the internal grievance process under the Americans with Disabilities Act.
- c. The applicant's rights to prompt and equitable resolution of the complaint must not be impaired by his/her pursuit of other remedies. Utilization of this grievance procedure is not a prerequisite for pursuing other remedies such as filing a complaint with the U.S. Department of Justice or Equal Employment Opportunity Commission or other federal or state remedies. The applicant will not be discriminated against, harassed, intimidated or suffer reprisal in any way as a result of filing a complaint or participating in the investigation of a complaint by providing information, testimony or assistance in the investigation.

SECTION XIV. AMENDMENTS, REVISIONS, AND PRECEDENCE.

- 81. AMENDMENTS OR REVISIONS.** These Rules and Regulations may be amended, revised, and/or new rules may be adopted by the Commission under proper notification to all Commissioners of the meeting at which these changes are to be considered. Any changes must be approved by a majority vote of the full Commission.
- 82. PRECEDENCE.** If any provision of these rules is deemed to be in conflict with the Charter or Ordinances of the City of Aurora, the Charter and/or Ordinance shall take precedence.

APPENDIX A

The following supplements the information contained in Section I of these Rules and Regulations pertaining to "General Intent and Structure of the Civil Service Commission":

1. **Attendance Standards** - Commissioners shall attend 80% of regular meetings during their term. With a minimum of one Commissioner per testing series, each Commissioner shall attend one written exam, one assessment center and one additional exam per year. Three Commissioners are required, as a minimum, for each disciplinary appeal hearing. Three Commissioners are required, as a minimum, for each Approval/Disapproval of entry-level candidate files.
2. **Press/Public Policy** - The Chair, on behalf of the Commission, shall conduct all interviews with members of the press, authorize statements, and be the primary media contact. Requests to address, or Commissioner initiatives to attend groups, shall be referred to and coordinated with the Chair. In the absence of the Chair, the Vice-Chair may speak to the press on behalf of the Commission. Due to the sensitive and confidential nature of Public Safety information, only publicly available information should be discussed with the Press/Public.
3. **Organizational Structure** – Pursuant to the Aurora City Charter, the Commission shall hire an Administrator who serves at the pleasure of the Commission. The Administrator shall be responsible for hiring the staff and assigning tasks and duties in any manner that will ensure the successful completion of Charter requirements. The staff works for, and is responsible to, the Administrator although hiring and termination of staff employees shall be at the recommendation of the Administrator with approval from the Commission. The Commission shall direct requests for special projects to the Administrator who will determine how best to accommodate such requests. The Commission, as a whole, shall function as the Department Director. Issues regarding staff conflicts and complaints shall be resolved by the Administrator with the Chair and/or Legal representative involved when full resolution is not possible.

4. **Overtime Compensation for Exempt Employees** – The City of Aurora and Civil Service Commission recognize that there are certain times when employees who are classified as “exempt” for purposes of the Fair Labor Standards Act should receive compensation for hours worked beyond the normal 40-hour work week. Compensation shall be only in the form of compensatory time and will not be granted on a direct hour-to-hour basis but will be determined by the Administrator. In the event an employee terminates his or her employment with the City, the employee shall not be compensated for any compensatory time not used.
5. **Procedure for Violations of these Policies** – Alleged violations of these Policies and subsequent remedial steps shall be determined by the Commission with assistance, as necessary, from other Departments within the City as requested by the Commission.

APPENDIX B

The following supplement the information contained in the Sections II-VIII relating to Requirements, Examinations, and Eligibility Lists for Entry-Level, Lateral-Entry and Promotional Appointments:

1. **Expiration of Examinations for Entry-Level and Lateral-Entry Appointments:**

All examinations must be current prior to Commission approval of the Certificate of Eligibility List according to the below timelines. The Commission may approve exceptions upon request from the consultant completing the examination, investigation or testing, with the concurrence of a majority of the Commission.

Examination	Expiration Policy
Second Language Assessment	Administered within 36 months of hire date
Fire Fitness Certification	Administered within 12 months of hire date
Job Suitability Assessment	Administered within 12 months of hire date
Polygraph Examination	Administered within 12 months of hire date
Background Investigation	Administered within 12 months of hire date
Post-Offer Psychological Examination	Administered within 12 months of hire date
Physical Medical Examination	Administered within 12 months of hire date
Substance Abuse Testing	Administered within 6 months of hire date

2. Scoring Weights for Promotional Examinations:

The following are examinations administered by the Civil Service Commission with the following scoring percentage weights applied to determine the final score. All exercises in the Assessment Center and Practical are weighted equally in compiling the final score with the overall pass-point set at 70%, unless otherwise determined by the Commission.

FIRE DEPARTMENT			
Position	Written Exam	Assessment Center or Practical Exam	Records Evaluation
Engineer-Driver	35%	50%	15%
Investigator Tech	30%	55%	15%
Lieutenant	30%	55%	15%
Captain	30%	55%	15%

POLICE DEPARTMENT			
Position	Written Exam	Assessment Center or Practical Exam	Records Evaluation
Agent	30%	55%	15%
Sergeant	30%	55%	15%
Lieutenant	25%	60%	15%
Captain	N/A	85%	15%

3. **Removal of Oral Board or Assessment Center Member:**

Although the Commission makes every effort to prevent it, a situation may exist or arise where a candidate and/or an examiner may have prior knowledge of each other which could result in a possible scoring bias. In instances of this nature, the following policy is provided:

1. EXAMINER

- A. Prior to start of the exercise, the Commission Monitor or Consultant will establish if any examiner is personally acquainted with any applicant who will be interviewed before their Board well enough to prevent the examiner from rendering a fair and impartial evaluation.
- B. The Commission Monitor or Consultant will address this issue prior to commencing the exercise and, if necessary, dismiss the examiner and note this on the scoring sheet. If possible, the candidate may be re-scheduled to a different board.

2. CANDIDATE

- A. Upon bringing the candidate before the Board, the Commission Monitor or Consultant will ask the candidate if he/she is personally acquainted with any examiner well enough to believe the examiner may not render an impartial evaluation.
- B. If yes, the Commission Monitor will excuse the examiner from evaluating the candidate. The examiner will be asked to leave the examination room and the Commission Monitor will note this on the scoring sheet.

In all instances of removal of an examiner, oral examination board composition must adhere to the requirements stated in the Civil Service Rules and Regulations and the

Guidelines for Selection and Testing established by the American Psychological Association.

4. Police and Fire Department Assistance:

During the testing process for entry, lateral, and promotional examinations, the Civil Service Commission will request personnel and/or equipment from the respective departments to monitor testing, participate in assessments, or practical examinations and any other areas identified by the Commission. In order to standardize the methods for requesting assistance, the following procedures will be utilized:

- A. All requests for assistance will be forwarded to the respective Department Chief or his/her designated representative. The Commission will determine the number and type of personnel and/or equipment needed for assistance.
- B. The Department will provide logistic support (equipment) at no expense to the Commission. The Commission will also need managerial/supervisory support to ensure proper equipment usage and to provide adequate and timely replacement in the event of equipment breakdown. Equipment provided should be fully operational and be "in-service" ready in order to provide for the most realistic testing environment. Backup equipment shall be reserved and available on day(s) of testing. If unique equipment is required, the Commission will pay this expense.
- C. Personnel Support. Departments should first consider on-duty personnel to assist in test monitoring, assessments, physical ability examinations, practical examinations or any other areas identified by the Commission. If it is not feasible for the Department to provide on-duty personnel to support the Commission, off-duty volunteers will be used. An honorarium will be provided to these off-duty volunteers.

5. Professional Code for Evaluators, Subject Matter Experts, Consultants, Commissioners and Staff:

To ensure that each candidate is rated objectively, it is important that everyone conform to the following Professional Code of Behavior during testing:

1. Evaluators should not converse with the candidates at any time outside of the evaluation room. This includes prior to, during, and after the evaluation.
2. Performance of any candidate should not be discussed until the candidate has left the examination room, and not be discussed in the presence of other candidates. Evaluators should exercise discretion in keeping all rating sheets covered, preventing candidates from viewing scores and/or comments.
3. Evaluators should not interview friends or acquaintances. If for any reason an Evaluator is unable to objectively rate a candidate, he/she should excuse himself/herself from the rating process and refrain from making comments about the candidate so as not to influence the other Evaluators on the panel.
4. Evaluators should not accept letters of reference or any other personal papers from the candidates. Questions should be referred to the Commission Monitor.
5. Everyone should always conduct themselves in a professional manner at all times and especially in view of the candidates.
6. Everyone should be well groomed, and wear either professional business attire or uniform.
7. Evaluators should always take an active role in the examination process, be mentally alert, and appear to be genuinely interested in the examination process.

8. Everyone should refrain from making any remarks that may be construed as racist, sexist, or prejudicial to any group.