

R U L E S & R E G U L A T I O N S

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 shall be subject to the same rules and regulations as all other applicants or employees for the same eligibility list.

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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, 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. Compensation and Classification of Commissioners
 - 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.

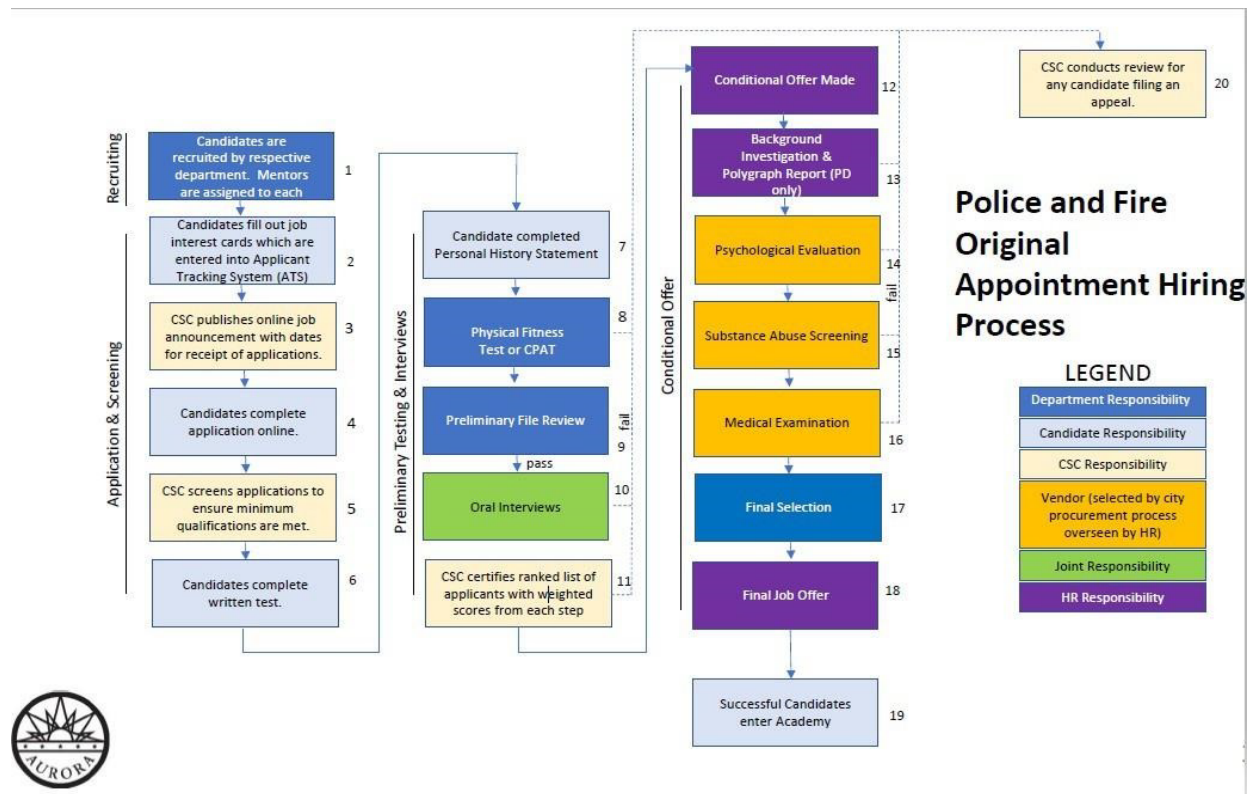
e. Minutes. A record, in the form of minutes, shall be kept at each meeting of the Commission. Minutes shall note time and place of meeting, names of Commission members present and absent, and all official acts of the Commission during the meeting. A draft of the minutes shall be transcribed and distributed 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. ORIGINAL APPOINTMENTS: ENTRY-LEVEL, LATERAL, REINSTATEMENT, WORK FORCE REDUCTION.

Section Summary: Applicants for original appointment including Entry-Level, Lateral, and Reinstatement appointments to Civil Service positions of the Aurora Fire Rescue or Aurora Police Department shall be subject to qualification and examination procedures stated in the following paragraphs. All applicants who possess the minimum qualifications established by the Commission shall be allowed to participate in the initial examination process. This process seeks to provide the Aurora Fire Rescue, Aurora Police Department, and all Aurora citizens with the most qualified applicants irrespective of the applicant's race, creed, color, gender, age, national origin, sexual orientation, religion, or political opinions or affiliations.

The full process effective for the Academies beginning after July 1, 2023 is detailed in the flowchart below. The Civil Service Commission Rules and Regulations lay out the responsibilities of the Civil Service Commission. Please note the Legend lays out the responsibilities of other city departments throughout the hiring processes which has been discussed with all stakeholders.



Application and Screening Section

1. JOB ANNOUNCEMENT. Box #3 from flowchart:

- a. The Civil Service Commission publishes the online job announcement with dates for receipt of applications based on the job descriptions, including application and testing deadlines, provided by the respective departments, and reviewed by Human Resources.
- b. The Civil Service Commission shall initiate a process to create a Certified Eligibility List for one or more Academies as described below.

2. SCREENING APPLICATIONS. Box #5 from flowchart: Civil Service Commission screens applications to ensure minimum qualifications are met.

- a. The Civil Service Commission shall determine the minimum qualifications for original appointment to include:
 - i) Entry-Level Police applicants shall be 21 years old by the projected end date of the Academy. Entry-level Fire applicants shall be 18 years old by the projected start date of the Academy. Proof of age shall be either a copy of a state, or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
 - ii) 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 shall be either a copy of a state or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
 - iii) Have completed a minimum education of high school completion, or GED equivalency. Proof shall 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. 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 shall be determined that they have met all the above education requirements.
 - iv) Must have a valid driver's license and if not a Colorado driver's license, be able to obtain a Colorado driver's license by the start of the Academy.
 - v) Be able to perform minimum essential job functions of the recruit position.
- b. The Civil Service Commission shall determine automatic grounds for disqualification from the hiring process to include:
 - i) 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.

- ii) 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.)
- iii) Conviction of, deferred judgement for, or combination of any misdemeanor causing disqualification under POST standard 24-31-305. (For Police Officer Applicants only.)
- iv) 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.
- c. The Commission shall notify any applicant whose application has been disqualified during the application screening process via the applicant tracking system (ATS) and shall identify the Commission Rule(s) for such disqualification.
- d. Applicants who have been disqualified due to factual errors in their applications may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).

3. ENTRANCE EXAMINATION. Box #6 from flowchart: Candidates complete written test.

- a. The Civil Service Commission shall collaborate with the departments and Human Resources to choose the written examination, the testing vendor, and the minimum passing score and deadlines for the examination period.
- b. The Civil Service Commission shall receive the testing results and notify Human Resources of all candidates with passing scores.
- c. The Commission shall notify any candidate whose application has been disqualified during the entrance examination via the ATS.
- d. Candidates who have been disqualified may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).

Preliminary Testing and Interview Section

4. PRELIMINARY FILE REVIEW. Box #9 from flowchart:

- a. Candidates who have been disqualified during the preliminary file reviews conducted by the respective department may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).

5. ORAL INTERVIEWS. Box #10 from flowchart: Department led interview panels administered by Human Resources.

- a. At the discretion of the Civil Service Commission, Commissioners may elect to; 1) score applicants as board members, 2) serve as a non-scoring monitor on each interview panel, or 3) decline participation.
- b. The number and content of interview questions, number of interview panels and assessors for each panel shall be determined through collaboration with the Commission, the applicable Department, and Human Resources.
- c. Oral Interviews shall have a minimum combined passing score of 70%.
- d. Candidates who have been disqualified may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).

6. CERTIFIED ELIGIBILITY LIST. Box #11 from flowchart: Civil Service Commission certifies ranked list of qualified entry-level applicants for original appointment.

- a. Each entry-level applicant who successfully completes each step of the testing process to this point shall be given a position in rank order by final score on a certified eligibility list.
- b. The applicant's position on the certified eligibility list shall be determined by averaging the passing entrance examination score with the passing oral interview score. Preference points shall then be added to this averaged score. The relative scoring weights of each component of the final score shall be determined by the Civil Service Commission in collaboration with the respective department and Human Resources. For illustration purposes, the following formula represents the final combined score calculation: Passing Entrance Exam score X .5 (50%) + Passing Oral Interview score X .5 (50%) + any applicable preference points = Applicant's final combined score for ranking on the certification list.
- c. Preference points, as determined by the Civil Service Commission, shall be applied to the candidate's passing combined score in accordance with the following policies outlining these points:
 - i) Veteran's Preference points shall be added in accordance with the provisions of Section 15, Article XII of the Colorado State Constitution prior to final ranking.
 - ii) [Language Proficiency Preference points](#) shall be added in accordance to the policy outlining these points and qualifications.

- iii) [Aurora Police Explorer Preference points](#) shall be added in accordance to the policy outlining these points and qualifications.
 - iv) [Aurora Fire Explorer Preference points](#) shall be added in accordance to the policy outlining these points and qualifications. [Colorado POST Certifiable Preference points](#) shall be added in accordance to the policy outlining these points and qualifications.
- d.** In the event a tie final score occurs, rank order priority shall be based on the date and time the application was received with the earlier taking precedence.
 - e.** The certified eligibility list shall be reviewed and signed by the Civil Service Commission. The list shall be published to the respective department and Human Resources.
 - f.** Civil Service shall notify candidates of their ranking on the eligibility list.
 - g.** Candidates on the certified eligibility list may request a deferment from the Civil Service Commission to a future Academy. Candidates shall provide the request in writing along with appropriate backup documentation detailing the reasons for the request.
 - h.** When considering the request for deferment, the Commission may consider any candidate testing results, number of recruits needed by the department for the academy, the validity of the reasons for the request, and any other information deemed of value to the Commission.
 - i.** If approved, the deferred candidate may be re-certified on the next certified eligibility list (following the deferral period) in a position corresponding to the ranking based on the candidate's final combined score.

Conditional Job Offer, Background Investigation, and Final Job Offer Section

At this point forward the respective departments shall utilize the rank ordered certified eligibility list prepared by the Civil Service Commission.

- 7. POST CONDITIONAL JOB OFFER TESTING.** Box #12 through #16 from flowchart:
 - a. Background investigation and post conditional job offer examinations are determined and conducted by Human Resources.
 - b. Candidates who have been disqualified may appeal their disqualification to the Civil Service Commission under the established appeal procedures in Section II Rule (9).
- 8. FINAL SELECTION AND FINAL JOB OFFER.** Box #17 through #19 from flowchart:
 - a. The respective department, with assistance from Human Resources, shall determine and administer the final selection process.
 - b. Remaining candidates shall receive a final job offer in the order in which they are certified on the eligibility list. The respective Chief of the department shall have the final say on which candidates are selected to receive a final job offer.
 - c. Candidates not selected to receive a final job offer are not eligible to appeal to the Civil Service Commission.
- 9. APPEAL PROCEDURE.** Box #20 from flowchart: Civil Service Commission conducts review for any candidate filing an appeal.
 - a. Any candidate disqualified from the entry-level application process may file an appeal with the Civil Service Commission.
 - b. Candidates shall provide the appeal in writing along with appropriate backup documentation detailing the reasons for the appeal.
 - c. The appeal must be received by the Commission within seven (7) business days from the date of the notice of disqualification to the candidate.
 - d. A copy of the appeal shall be provided to Human Resources. Human Resources shall provide a summary of the testing results of the candidate and any additional information for the Commission to consider within (10) ten business days from the date the appeal is received by the Commission.
 - e. Commissioners having any personal conflict-of-interest concerns shall recuse themselves from the appeal process for that candidate.
 - f. The appeal shall be reviewed by a majority of remaining Commissioners within five (5) business days of receipt of the summary of testing results and any additional information provided by Human Resources.
 - g. The Commission may seek guidance on an appeal from the City Attorney's Office representative assigned to the Civil Service Commission.
 - h. A majority of Commissioners shall decide one of the following options to resolve the appeal;

- i) Additional or clarifying information is needed from either the applicant or Human Resources with deadlines for such information to be decided by the Commission based on the complexity of the information requested.
- ii) To reinstate the candidate into the application process at the point of disqualification.
- iii) To uphold the disqualification of the candidate from the testing process.
- i. A summary of the Commission's decision on the appeal shall be provided in writing to the candidate and Human Resources. The appeal decision of the Commission shall be final.

10. REPORTING REQUIREMENTS.

- a. The Civil Service Commission shall receive reports from Human Resources on disparate impact on protected classes, if any, from assessments of minimum qualifications and disqualifications at each testing step.
- b. Human Resources shall be deemed to be the custodian of all candidate testing records including all applications, personal history statements, interview materials, background investigations, external vendor reports, and medical records.

11. LATERAL ENTRY.

- a. 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."
- b. At the time of application, unless otherwise noted, applicants for lateral- entry appointment to Civil Service fire and police positions shall;
 - i) Lateral Police applicants shall be 21 years old by the projected end date of the Academy for which they are applying. Lateral Fire applicants shall be 18 years old by the projected start date of the Academy for which they are applying. Proof of age shall be either a copy of a state, or municipality-issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
 - ii) 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 shall be either a copy of a state or municipality- issued original Birth Certificate, Passport of the United States of America, or evidence of Naturalization.
 - iii) Have completed a minimum education of high school completion, or GED equivalency. Proof shall 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.

- iv) 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.
- v) Be able to perform the essential functions of the position.
- c. 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.
- d. All applicants who meet the minimum qualifications established by the Civil Service Commission shall form the unranked pool of qualified individuals.
- e. Qualified individuals in the unranked pool shall then be subject to appropriate testing by the Chiefs of the respective Departments, with assistance from Human Resources, 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.
- f. No person can remain on the lateral entry appointment list for more than two (2) years without reapplication.
- g. The Commission shall notify any applicant whose application has been disqualified for failing to meet the minimum qualifications via the ATS.
- h. The Chiefs of the respective Departments, with assistance from Human Resources, shall notify any applicant whose application has been disqualified as a result of testing and/or the review process.
- i. Human Resources shall be deemed to be the custodian of all lateral applicant testing records including all applications, personal history statements, interview materials, background investigations, external vendor reports, and medical records.

12. REINSTATEMENT.

- a. 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 shall 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.)

13. 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 shall 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.

14. 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.

15. 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?

16. 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 shall be increased, the Commission shall 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 shall 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 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. 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.

17. SERVICE IN THE ARMED FORCES.

- a. 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 III. PROMOTION WITHIN CIVIL SERVICE RANKS

- 1. 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. The department Chief or designee will also supply at least 2-3 Subject Matter Experts (SME's) to the Commission whose responsibility it will be to determine a reading list and content of the assessment center in conjunction with the Consultant and assisted by CSC staff. 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.
- 2. 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.
- 3. 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	EDUCATION	TRAINING
3 years regular service with Aurora Fire Rescue AND Currently holding the rank of Firefighter Grade I or Fire Medic.	No college requirement for this position.	Successful completion of the Aurora Fire Department Acting Driver / Operator Training Program.

Fire Lieutenant

SERVICE	EDUCATION	TRAINING
5 years regular service with 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 1, Fire Medic, or Engineer.	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.	Successful completion of the Aurora Fire Department Development Program or the Acting Officer Program on record with Fire Administration AND Successful completion of the Aurora Fire Department Officer 1 Program, or equivalent as approved by the CMCB Board of Directors.

Fire Captain

SERVICE	EDUCATION	TRAINING
7 years regular service with Aurora Fire Rescue. 2 years as an Aurora Fire Lieutenant. Currently holding the rank of Aurora Fire Lieutenant.	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.	Successful completion of the CMCB Fire Officer 2 program, or equivalent as approved by the CMCB Board of Directors.

Police Agent

SERVICE	EDUCATION
3 years as Police Officer AND Currently holding the rank of Police Officer, Grade I.	No college requirement for this position.

Police Sergeant

SERVICE	EDUCATION
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 <i>and</i> 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 requirement, see right)	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

Police Lieutenant Service and Education Option A	
SERVICE	EDUCATION
2 years in grade as Sergeant, AND Currently holding the rank of Sergeant, AND (Education requirement, see right)	A Bachelor's Degree from an accredited college or university.

Police Lieutenant Service and Education Option B	
SERVICE	EDUCATION
4 years in grade as Sergeant AND Currently holding the rank of Sergeant AND (Education requirement, see right)	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	EDUCATION
2 years in grade as Lieutenant, AND Currently holding the rank of Lieutenant AND (Education requirement, see right)	A Bachelor's Degree from an accredited college or university.

4. SCORING WEIGHTS FOR PROMOTIONAL EXAMINATION:

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%

EXAMINATIONS FOR PROMOTIONAL APPOINTMENT

- 5. 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.** Written 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.

- 6. 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.
- 7. ASSESSMENT CENTERS.** An assessment center panel (two separate panels are utilized) for promotional testing shall consist of three (3) to five (5) members, optimally: one (1) Aurora citizen selected by the Commission be used (on non-technical panels only), 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. 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. All assessment center results are final. There shall be no further appeal to the Commission.

- 8. 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.
- 9. 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.

10. 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.

11. 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.

ELIGIBILITY LISTS FOR PROMOTIONAL APPOINTMENT AND PROBATIONARY PERIOD FOLLOWING APPOINTMENT.

12. 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.

13. 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.

14. POLICE CHIEF BYPASS OF A CANDIDATE ON CERTIFIED PROMOTION LIST.

For police promotions the Chief of Police, for a specific reason(s) without consideration of any legally protected characteristics pursuant to applicable federal, state, or local law, has the authority to bypass any candidate on the promotion eligibility list and move to consider the next candidate on the eligibility list. If a candidate on the eligibility list is bypassed by the Chief of Police and not promoted, the candidate may appeal the Chief's decision to the Civil Service Commission.

15. APPEAL PROCESS FOR POLICE CHIEF BYPASS OF A CANDIDATE ON CERTIFIED PROMOTION LIST.

Within 10 days of a candidate becoming eligible for promotion based on an open position and the candidate's position on the certified eligibility list, the Police Chief shall file a written Declaration Of Bypass with the Civil Service Commission and the candidate to be bypassed. The Declaration Of Bypass shall contain the specific reason(s) for the bypass of the candidate. Once a Declaration of Bypass has been filed, that promotion spot on the certified eligibility list shall be held until the conclusion and outcome of the appeal process. If the candidate wishes to appeal the bypass, the candidate shall file a written appeal to the Commission within ten (10) days of the Declaration Of Bypass. Within ten (10) days after the receipt of the written appeal from the candidate, the Commission

shall review both the Declaration Of Bypass and the appeal from the candidate and approve or deny the Chief's action. In making the determination, the Commission shall evaluate if there was a valid specific reason(s) identified by the Police Chief in arriving at the decision to bypass the candidate, without consideration of any legally protected characteristic(s) pursuant to applicable federal, state or local law. The Commission shall notify the Police Chief and the candidate of their decision in writing. The Commission may either overturn the Chief's decision and the candidate would be placed back on the certified promotion list in the order in which they were certified, or the Commission may uphold the Chief's decision and the candidate would be removed from the certified promotion list. Nothing in the Commission's ruling on this appeal would prevent the candidate from participating in future promotional opportunities, provided the applicant meets all requirements to test for that process. Upon completion of any appeal from a bypassed candidate, promotions may then resume from the certified eligibility list.

SECTION IV. APPEAL OF DISCIPLINARY ACTIONS: FILING PROCEDURES, RULES OF PROCEDURE FOR APPEAL HEARINGS.

Section Summary: These rules and regulations establish a community review, through the Civil Service Commission, of disciplinary decisions of Civil Service members of each department. These rules and regulations are intended to inspire public confidence and ensure transparency while providing due process to Civil Service members through de novo hearings in appeals of discipline.

The full process for disciplinary appeals is detailed in the flowchart below:

Current APD/AFR Civil Service members who receive a discipline greater than a written reprimand may appeal that discipline to the Commission within 10 business days from the date of the reprimand.

The appeal shall be in writing and contain a copy of the discipline, a summary of reasons for the appeal, and whether the appellant desires an open or closed hearing.

The Commission shall set a hearing date 15-30 days from the date the appeal is received by the Commission. This date may be continued upon agreement of all parties or good cause shown to the Commission.


Parties shall participate in Discovery as guided by the Commission's Rules and Regulations.

Pre-hearing conferences are held by the Commission's Hearings Counsel. The conferences are intended to create a list of stipulated facts to present to the Commission at the hearing and limit testimony only to those facts in dispute.


Flowchart continued on next page.

The full process for disciplinary appeals is continued in the flowchart below:


Witness lists and exhibits are exchanged 7 days prior to the hearing. Subpoenas may be issued by the Commission for service by the party seeking the subpoena.



De Novo hearings follow trial procedure with opening and closing statements, witness testimony, offering of evidence, and live transcription.



After conclusion of the hearing, the Commission deliberates with their Hearings Counsel. Written findings are issued typically 1-2 weeks following the conclusion of the hearing.



Records of appeals, pleadings and findings of the Commission are published on the Commission's webpage at auroragov.org.

1. 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.

2. FILING PROCEDURES FOR DISCIPLINARY APPEALS.

- a. 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.
- b. 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.
- c. 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.
- d. The petition for appeal shall state whether the appellant desires to have the hearing open or closed to the public, a brief summary of the reasons for this position, and include the requirements outlined in Section IV Rule 6 Pleadings, of these Rules and Regulations.
- e. Upon receipt of an appeal, the Commission shall promptly provide a copy of the appeal to the office of the City Attorney. The City Attorney's Office shall have five (5) business days to provide any response opposing the position of the appellant for the desire to have the hearing be open or closed to the public with a brief summary of the reasons for this position.
- f. In the event the parties agree that the hearing shall be open or closed to the public, the Civil Service Commission shall accept this agreed upon position. In the event the parties disagree whether the hearing shall be open or closed to the public, the Civil Service Commission shall decide following the procedure outlined below in Section IV, Rule 11 Motions.
- g. 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.

3. PROCESSING DISCIPLINARY APPEALS.

- a. 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.
- b. 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.

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

4. OTHER LEGAL MATTERS.

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. Any dispute over the admissibility of recommendations or conclusions of the IRB shall be resolved by motion prior to the hearing.
- f. 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.

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

Rules of Procedure For Disciplinary Hearings

5. 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 IV of the Commission Rules and Regulations as well as other provisions of the Aurora City Charter.

6. PLEADINGS.

- a. The appeal to the Commission shall be initiated by a petition for appeal. In addition to the requirements set forth in Section IV, Rule 2 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 except as otherwise noted in determining whether a hearing will be open or closed to the public.

7. HEARING DATES AND CONTINUANCES.

- a. 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.
- b. The Civil Service Commission shall reserve a minimum of two continuous days each month in a calendar year for a potential hearing. These reserved hearing dates shall be provided to the City Attorney's Office and hearings counsel for the respective labor groups by the end of November for the subsequent year. Any hearing shall be completed in succession once started regardless of how many days it takes.
- c. Upon receipt of a petition for an appeal of discipline, the next available set of previously reserved days shall become the days for the hearing for that petition. A Notice of Hearing shall then be provided to all parties.
- d. 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.
- e. 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.
- f. At the time of setting, each party shall be responsible for informing the Commission if they believe the hearing would last more than two continuous

days. The Commission shall attempt to set such dates in consultation with the parties or their representatives.

- g.** 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.

8. 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.

9. SUBPOENAS.

- a. 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.
- b. 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.
- c. 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.

10. WITNESSES AND EXHIBITS.

- a. No later than seven (7) days before the hearing each party shall provide the opposing party or their representative with a list of each witness they intend to call and a copy of each exhibit they intend to introduce.
- b. 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.
- c. 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.
- d. 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.

- e. Copies of all exhibits, preferably arranged in a notebook, shall be provided to the Commission members at the time of the hearing.
- f. 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.

11. MOTIONS.

- a. 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.
- b. 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 so desired. No reply shall be permitted by the moving party, except with the express consent of the Commission or hearing counsel.
- c. 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.
- d. 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.
- e. In the discretion of the Commission, motions may be ruled on prior to commencement of the hearing.
- f. 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.

12. PRE-HEARING CONFERENCES.

- a. 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.
- b. 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.

13. OPENING AND CLOSING STATEMENTS.

- a. 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.
- b. 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.

14. ORDER OF PRESENTATION.

- a. 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.
- b. 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.

15. EVIDENCE.

- a. All witnesses shall take an oath or be sworn by the reporter or by hearing counsel for the Commission.
- b. 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.
- c. 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.

- d. The Commission may also consider any disciplinary matrix adopted by, as applicable, the Police or Fire Department.
- e. 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.

16. QUESTIONS BY THE COMMISSION.

- a. Commissioners shall be permitted to ask questions during a hearing of any witness, party, or representative of a party.

17. TEMPLATE FOR FINDINGS

- a. The template contained in Appendix B shall be utilized for all disciplinary hearing findings of the Civil Service Commission

18. PUBLICATION OF CIVIL SERVICE COMMISSION DISCIPLINARY DOCUMENTS.

- a. The Civil Service Commission shall publish all petitions for appeals of discipline received on the webpage within the City of Aurora website dedicated to the Civil Service Commission. The associated pleadings and discipline decisions and all requests for continuances shall also be published. Specific identification of what is not public and the basis for keeping it not public shall also be published.
- b. The Civil Service Commission shall announce at their public meetings any new receipt of a petition for appeal of discipline as well as any newly published findings.

19. 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.

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 template shall be utilized for all disciplinary hearing findings of the Civil Service Commission:

CIVIL SERVICE COMMISSION, CITY OF AURORA, COLORADO

FINDINGS, CONCLUSIONS AND ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST: _____, A MEMBER OF THE AURORA CIVIL SERVICE, AURORA _____ DEPARTMENT, Petitioner.

[SUMMARY OF APPEAL] This matter involves Officer/Firefighter _____'s appeal of discipline imposed by Aurora _____ Chief _____ based on allegations that Petitioner violated Directive(S) _____, _____, resulting in Chief _____ imposing _____ as discipline.

Date and place of hearing:

The Petitioner elected to have the hearing be open/closed.

Commissioner's present:

Parties and their counsel:

1. PROCEDURAL HISTORY

Date of disciplinary order:

Discipline imposed:

Date of filing appeal petition:

2. DIRECTIVES INVOLVED

a. First Directive

(1) Title of Directive

(2) Relevant text of Directive:

b. Second Directive

(1) Title of Directive:

(2) Relevant text of Directive:

3. FINDINGS AND CONCLUSIONS

a. Whether the City established that Petitioner violated the First Directive

[Insert findings and conclusions based on the evidence presented as to the first Directive]

Accordingly, the violation of the First Directive, Directive _____ – _____, is SUSTAINED/NOT SUSTAINED.

b. Whether the City established that Petitioner violated the Second Directive

[Insert findings and conclusions based on the evidence presented as to the Second Directive]

Accordingly, the violation of the Second Directive, Directive _____ – _____, is SUSTAINED/NOT SUSTAINED.

4. DISCIPLINE

a. After giving due consideration to the Chief’s need for administrative control over the Department, was the discipline imposed by the Chief appropriate for the sustained violations?

[Insert findings based on evidence presented]

b. If the discipline imposed by the Chief was not appropriate, what lesser discipline should be imposed?

[Insert findings based on evidence presented]

5. ORDER

Based on the foregoing findings and conclusions, the Commission hereby [sustains/does not sustain] the violations and [approves the Chief ’s discipline/orders that Petitioner’s discipline be modified as follows: _____].

ENTERED THIS _____ DAY OF _____, 202_.

AURORA CIVIL SERVICE COMMISSION

Chair