

2009 RULES & REGULATIONS

OF THE

CIVIL SERVICE COMMISSION

AURORA, COLORADO

(Note: The 2006 edition was carried forward as valid in 2007 and 2008). The first printing since that edition was dated January 1, 2009. Changes that differ from the 2006(7 & 8) edition are shown in shaded background. All changes in the 2009 calendar year will be updated online and can be found at: www.auroragov.org/civilservice

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

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.

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. Minutes shall be transcribed and copies distributed prior to the next regular meeting **via email and/or fax**, 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, EXPLORER & CADET APPOINTMENT.

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. If the applicant has previously applied for any Aurora Civil Service position (fire and/or police) and was disqualified for failing the Substance Abuse Screening, Job Suitability Assessment or Background Investigation, the applicant will be denied further consideration for any public safety position for a 24-month period, as determined by the Commission. 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. 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 not be accepted even if by mistake.

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 can not 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. Be at least twenty-one (21) years old no later than the Academy start date. *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. *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. **The requirement to have a minimum of 60 semester credit hours of college is waived for this year.** However, 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. Provide a state issued Motor Vehicle Driver's Record issued within the last 60 days from each state for which you held a license in the last 7 years (A driver's record issued by the CCIC/NCIC, local police agencies, or third-party internet sites will not be accepted).
- e. Obtain a recent Credit History Report and forward to the Commission (Firefighter candidates ONLY).
- f. Copy of DD214(s), Form 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.
- g. 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.
- h. Return a completed Commission-provided Personal History Statement for use in a background investigation.
- i. Be able to perform minimum essential job functions of the recruit position.
- j. Have correctable visual acuity of 20/20, and normal field, night, peripheral, distance vision and acceptable color vision.
- 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. Firefighter applicants must have a current state certification for Emergency Medical Technician-Basic (EMT-B) or higher (EMT-P or EMT-I) from any state, province or territory and be current on their current EMT continuing education requirements. Proof shall be a copy of EMT-B certification or higher certification and evidence of current EMT continuing education training. *NOTE: The Civil Service Commission, from 1/1/2010 to 12/31/2010, waived The EMT certification requirement. This requirement may be reinstated on 01/01/2011 if hiring expectations are not met upon Commission review.*

- m. Meet such other requirements established by the Commission.

- o. **CADET ENTRY.** Police Cadet applicants may test only one time under the preferred Cadet entry program. Explorer applicants qualified for preference points may test as often as they remain qualified. Should a Police Cadet or Explorer applicant fail any of the Substance Abuse Screening, Job Suitability Assessment, or Background Investigation examinations, future applications may only be submitted to the Commission under the Entry-level program guidelines (24-month disqualification). Police Cadet applicants who fail only the written, oral, or physical fitness examinations do not have to wait the 24 – month period to reapply and may reapply in the next process.

In addition to all of the requirements in paragraphs 7a through 7i above, *Cadet* candidates must also:

- (1) Have participated a minimum of two (2) years in the Aurora Police Department cadet program; and

(2) Provide a written letter of recommendation from the Chief of Police.

p. **EXPLORER ENTRY.** Law Enforcement Exploring is a worksite-based program for young men and women between the ages of 14 and 21 years of age. Participants in the Explorer program who reach the age of 21 years while involved in the program are allowed to finish out the remaining year, but are required to leave the program within their 21st year. For purposes of the Aurora Civil Service requirements, only Explorers participating in the bona fide Aurora Police Department Explorer Post program will be considered for hiring bonus points during the hiring process. The following requirements shall be met for consideration of hiring bonus points for Explorers:

(1) Must have completed the Aurora Police Department Explorer Post #2024 Academy in its entirety.

a. Must have completed a minimum of two (2) years of service after completion of the Aurora Police Department Explorer Post #2024 Academy with satisfactory evaluations during the time period as documented by the program administrators.

(2) Must have completed a minimum of 100 hours of approved community service during each of the final two years of service in the Explorer program as tracked by the program administrators in the member's file.

(3) Must have left the Post in good standing, documented by the program administrators in the member's file.

(4) In order to get the full complement of three (3) hiring bonus points, the applicant must not have separated from the Explorer Program any longer than twelve (12) months prior to the application date.

a. Exceptions to the time limits will be made for members leaving the program and going directly into military service, or for those

members receiving a leave of absence approved and documented by program administrators.

- b. The time limits for acquiring the maximum number of points will begin upon separation from active duty military service, expiration of approved leave of absence, or reaching 21 years of age (except for continuous active duty military service or uninterrupted full-time undergraduate matriculation).

- (5) Except as provided for in 4(b), in order to get two (2) hiring bonus points, the applicant must not have separated from the Explorer Program any longer than twenty-four (24) months prior to the application date.
- (6) Except as provided for in 4(b), in order to gain one (1) hiring bonus point, the applicant must not have separated from the Explorer Program any longer than thirty-six (36) months prior to the application date.
- (7) Except as provided for in 4(b), any Explorer having left the Explorer Program more than thirty-six (36) months prior to the application date will not be considered for any hiring bonus points.
- (8) If an applicant desiring to obtain Explorer bonus hiring points fails any portion of the Substance Abuse Screening, Job Suitability Assessment, or Background Investigation portions of the testing process, any and all future testing shall be completed under the current restrictions for re-testing established by the Civil Service Commission and without the potential for earning any Explorer

hiring bonus points.

- a. If an applicant desiring to obtain Explorer bonus point fails only the written, oral, or physical fitness portion of the testing process, the applicant may reapply and still be eligible for the Explorer hiring bonus points. The applicant shall be eligible for the maximum number of hiring bonus points for subsequent testing processes just as he or she was at the time of the original testing process only for the next available testing process.
- b. If the applicant fails the written, oral or physical fitness portion of the testing process a second time, or decides not to participate in the next available testing process, any subsequent application and testing processes will provide only those points available based on time separated from the explorer program.

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. NOTE: Applicants requesting Veteran's Preference Points must provide DD Form 214 prior to Oral Boards. Applicants requesting Cadet or Explorer preference must provide certificate of completion or supporting documentation/letter from the Aurora Police Department prior to Oral Boards.

9. **GROUND 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) 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.
 - 3) Falsification, misleading statements, omissions, misstatements, mistakes (including mismarking application answers) 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.
 - 4) Conviction of, or deferred judgement 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.
 - 5) 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.)*
 - 6) 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.
 - c. any reckless driving violation within the last three (3) years; or two (2) or more violations within the last seven (7) years.
 - 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.
- 7) 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.
- 8) Illegal possession, including illegal use or experimentation, of marijuana within the last three (3) years from date of application.
- 9) 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 five years

from date of application. (NOTE: Illegal possession and use of a prescribed drug is covered in the next section).

- 10) Illegal sale or illegal distribution of any controlled substances or drugs, including steroids, in the last ten (10) years.
- 11) Discharged from any branch of military service under dishonorable conditions.
- 12) Failure to supply required documents by the deadline established by the Commission.
- 13) Failure to successfully complete any portion of the Commission's required examinations.
- 14) Violation of any Commission rule, regulation, policy or directive.
- 15) 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, interpersonal skills, dishonesty and/or integrity issues, repeated motor vehicle violations that indicate a disregard for the law, employment terminations, financial problems, thefts and/or illegal activities or a combination of such conduct and/or activities.
- 16) Unable to qualify for state EMT certification, if necessary.
- 17) Previous application for an Aurora Civil Service position and subsequent disqualification for failing the Substance Abuse Screening, Job Suitability

Assessment or Background Investigation within a 24-month period from the date of the original disqualification letter.

- 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) Failure to appear at the scheduled date and time for any appointment or examination.
 - 4) 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. Additional misdemeanor convictions included in Colorado SB01-16 that may be cause for revocation or denial of peace officer certification.
 - 5) 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.
 - 6) Inability to locate applicant including electronic correspondence (email) returned as undeliverable.
 - 7) Removal for cause from an eligibility list in the past 12-month period.
 - 8) 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.

9) Illegal possession, including illegal use or experimentation, of any prescribed drug by an applicant.

10) Discharged from any branch of military service under other than honorable conditions.

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 email, or as otherwise determined by the Commission, and shall identify the Commission Rule(s) for such disqualification.

11. **APPEAL OF DISQUALIFICATION FOR REASONS UNDER GROUNDS FOR DISQUALIFICATION**. An applicant disqualified for reasons under Paragraph 9B, Grounds for Disqualification of Original Applicants, 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 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 email, 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.

- n. 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 shall 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, Chief Examiner, 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 written examination score is used when computing applicant's final ranking. The scores will be provided to the applicant in writing, via email 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 email 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 who fails the fitness test 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.
-
- 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 shall 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 email at the earliest reasonable time as determined by the Commission. Any applicant disqualified for job suitability reasons shall be disqualified for a 24-month period. The decision of the Commission is final. There shall be no further appeal to the Commission. Applicants who are disqualified for job suitability reasons may request in writing to review their job suitability results with the Commission's consultant who conducted the job suitability assessment.

20. **MEDICAL EXAMINATION.** A medical examination shall be required before original appointment, as directed by the Commission. 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 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.
- b. Following Commission rules and medical standards, the examining physician 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.

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 procedures will be used in determining applicant's ranking on the Prospective Employment List. The first tie-breaking procedure to determine rank order priority will be the applicant's oral examination score. The second tie-breaking procedure to determine rank order priority will be the applicant's written examination score. If all tie scores are not resolved after applying the aforementioned tie-breaker, rank order priority shall then be based on time applications are received in the Commission offices, with the earlier date 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**. An entry-level applicant who successfully completes initial testing as deemed appropriate by the Commission shall be given a numerical 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.

Preference Points for the following will be added prior to posting the PEL:

Veteran's 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. Veteran's points, Language points and Aurora Explorer points shall be verified prior to establishing the Prospective Employment List.

A cadet applicant who successfully completes initial testing and successfully passes the Commission's final review shall be given an unranked position on a Cadet Prospective Employment List (PEL). Once established, the Commission shall provide this List to the Chief of Police.

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 based on examination scores, as determined by the Commission. If the Commission elects to exhaust the current Prospective Employment List in an attempt to fill expected 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.

- b. **Cadets:** Upon receipt of the Cadet Prospective Employment List and before a bona fide conditional offer of employment is made, the Chief of Police will review and rank candidates based on college grades, work history and testing results. The Commission shall extend a bona fide conditional offer of employment to cadet candidates as identified by the Chief, and shall administer any required post-job offer examination. Upon successful completion of any post-job offer examinations, the Cadet Certified Eligibility List shall be created beginning with the top-ranked applicant and continuing numerically down the list as identified by the Chief. No more than five (5) positions in any academy shall be reserved for cadet candidates. Individuals hired from the Cadet Certified Eligibility List shall receive seniority over individuals hired from the Entry-Level Certified Eligibility List for the same academy class.
- c. 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.

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**. Appointment to lateral-entry positions to the Civil Service positions (hereinafter referred to as “lateral-entry” appointment) of the City of Aurora Fire and Police departments is a privilege offered by the citizens of Aurora. Appointment shall be based on selection of the most qualified applicants who successfully complete all qualification and testing requirements as required by the Commission. 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 minimum qualifications established by the Commission.

33. **APPLICATION FORMS**. All applications for lateral-entry appointment shall be:

- (1) Submitted electronically on-line at www.auroragov.org
- (2) Such a document will be deemed by the Commission to be certified by the applicant as complete and accurate as supplied.

Applicants who apply for lateral-entry may also apply for entry-level consideration. However, the applicant shall be required to submit a separate entry-level application.

34. **APPLICATION DEADLINES AND PROCEDURES**. Applications for lateral-entry 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. The procedures for applying for lateral-entry follows:

- a. Individuals who desire to compete for lateral-entry appointment to Police Officer or Firefighter positions shall submit their applications to the Civil Service Commission on-line at www.auroragov.org.
- b. Open recruiting may be conducted during the application period.
- c. All applications received by the application deadline will be reviewed by the Commission to ensure the applicant meets all minimum qualifications; has no grounds for disqualification; and all proper documents and/or forms have been provided as required. Applications not received by the application deadline will be reviewed for the next examination process. Applications reviewed and approved by the Commission will be provided to the department Chief for review.
- d. From these applications, the Chief will select, at the Chief's sole discretion, a sufficient number of applicants to ensure that enough applicants successfully complete all of the Commission's testing requirements to fill the Chief's lateral-entry quota for the academy. These applicants shall be invited by the Commission to participate in testing to qualify for lateral-entry positions in the department.

35. **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 America. *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. **The requirement to have a minimum of 60 semester credit hours of college is waived for this year.** However, 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. Have three (3) years previous related experience in good standing within the four (4) year period immediately preceding the application deadline.

- e. Applicants are required to submit satisfactory performance ratings, letters of successful performance, or equivalent information for the last four years of previous related experience claimed **when requested by the Commission.**

- f. Be able to perform minimum essential functions of the position.

- g. Have correctable visual acuity of 20/20, and normal field, night, peripheral, distance vision and acceptable color vision.
- h. Have the ability to speak, hear, write and understand ordinary English and meet all other minimum physical, mental and medical standards.
- i. Must have a valid driver's license.
- k. Provide a state issued Motor Vehicle Driver's Record issued within the last 60 days from each state for which you held a license in the last 7 years (A driver's record issued by the CCIC/NCIC, local police agencies, or third-party internet sites will not be accepted).
- l. Obtain a recent Credit History Report and forward to the Commission (Firefighter candidates ONLY).
- m. Copy of DD214(s), Form 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.
- n. Return a completed Commission-provided Personal History Statement for use in a background investigation.
- o. Meet such other requirements established by the Commission.
 - 1) Related experience for Police Officer shall include:

- (a) Service within any police/law enforcement department/agency in the state of Colorado; OR
 - (b) If outside the State of Colorado, in a City of at least 75,000 population, OR
 - (c) In a City that is part of a Metropolitan Area with at least 150,000 population as defined by the U.S. Office of Management and Budget. Cumulative service shall include a minimum of two (2) years of uniform patrol duty (or a combination of patrol duty, Narcotics, Gang Task Force, or Investigations that equal two years) as a commissioned law enforcement officer; AND
 - (d) Validated evidence of successful completion of a related training academy certified by the appropriate state, federal or local regulatory or oversight agency. Military police, detention/correction officer, reserve officer, university or campus police, and federal law enforcement personnel will not be considered as previous related experience.
- 2) Related experience for Firefighter shall include service within a full service fire department which includes, but is not limited to,
- (a) Experience in:
 - ◆ structural fire suppression, or
 - ◆ emergency medical services, or
 - ◆ fire prevention, or
 - ◆ inspection, or
 - ◆ public education programs; AND

- (b) Validated evidence of successful completion of a related training academy certified by the appropriate state, federal or local regulatory or oversight agency. Reserve, volunteer and part-time experience will not be considered as related experience.

- (c) Firefighter applicants must have a current Emergency Medical Technician-Basic (EMT-B) certification or higher certification (EMT-I or EMT-P) from any state, province or territory and be current on their current EMT continuing education requirements. Proof shall be a copy of EMT-B certification or higher and evidence of current EMT continuing education training. NOTE: The EMT certification requirement was waived by the Civil Service Commission from 1/1/2010 to 12/31/2010. This requirement will automatically be reinstated on 01/01/2011 if hiring expectations are not met upon Commission review.

36. **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.

37. **GROUNDS FOR DISQUALIFICATION OF LATERAL-ENTRY APPLICANTS.** The Commission, shall be the sole judge in determining disqualification of applicants for lateral-entry. In addition, the Commission requires lateral-entry applicants meet the standards as established under [Section 9](#) and may find lateral-entry applicants unacceptable for reasons outside these Rules and Regulations. The Commission may request the advice and/or assistance of the department Chief in evaluating previous related experience and determining whether an applicant is suitable to fill a lateral-entry position.

A. The following factors are grounds for disqualification. There shall be no appeal.

- 1) Failure to meet any of the minimum qualifications, including previous related experience.
- 2) Failure to submit a complete application or comply with procedures established for such application including, but not limited to: signing the application (unless submitted electronically); responding to all items; providing explanations when required; supplying requested documents; or complying with other established procedures.
- 3) Falsification, misleading statements, omissions, misstatements, mistakes (including mismarking answers on the application), 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.
- 4) Conviction of, or deferred judgement for, a crime which is a felony under state or federal law; or a military conviction by a Court Martial that is comparable to a felony conviction.
- 5) 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.)*
- 6) Conviction of, or deferred judgement for, or a 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.
 - c. any reckless driving violation within the last three (3) years; or two (2) or more violations within the last seven (7) years.
 - 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.
- 7) 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). 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.
- 8) Illegal possession, including illegal use, or experimentation of marijuana ever during their commissioned/certified public safety career.

- 9) Illegal possession, including illegal use or experimentation of any controlled substance, other than marijuana, to include narcotics, ecstasy, steroids, etc., ever during their commissioned/certified public safety career.
- 10) Illegal sale or illegal distribution of any controlled substances or drugs, including steroids, ever during their commissioned/certified public safety career.
- 11) Discharged from any branch of military service under **dishonorable** conditions.
- 12) Failure to supply required documents by the deadline established by the Commission.
- 13) Failure to successfully complete any portion of the Commission's required examinations.
- 14) Violation of any Commission rule, regulation, policy or directive.
- 15) Overall conduct or character of the applicant that demonstrates an undesirable behavior pattern **which may include one or more of the following**, but **is** not limited to, interpersonal skills, dishonesty and/or integrity issues, repeated motor vehicle violations that indicate a disregard for the law, employment terminations, financial problems, thefts and/or other illegal activities or a combination of such conduct and/or activities.
- 16) Unable to qualify for state EMT certification, if necessary.

17) Previous application for an Aurora Civil Service position and subsequent disqualification for failing the Drug Abuse Screening, Job Suitability Assessment, or the Background Investigation within the past 24-month period.

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

- 1) 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.
- 2) Termination from any law enforcement agency or any fire department.
- 3) Voluntary separation from law enforcement or fire employment to prevent, or in lieu of, possible disciplinary action or termination.
- 4) Failure to appear at the scheduled date and time for any appointment or examination.
- 5) 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.
- 6) Inability to locate applicant including correspondence by letter, phone or email that is returned as undeliverable.

- 7) Removal for cause from any eligibility list in the past twelve-month period.
- 8) Solicitation, or attempted solicitation, in connection with application and testing for employment, of preferential treatment 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 commendation are to be provided during the background investigation.
- 9) Illegal possession, including illegal use or experimentation of any prescribed drug that was not prescribed to the applicant.
- 10) Discharge from any branch of military service under other than honorable conditions.

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

39. **APPEAL OF DISQUALIFICATION FOR REASONS UNDER GROUNDS FOR DISQUALIFICATION.**

An applicant disqualified for reasons under Paragraph 37B, Grounds for Disqualification of Lateral-Entry Applicants, of these Rules and Regulations 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 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 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 VI. EXAMINATIONS FOR LATERAL-ENTRY APPOINTMENT.

40. **GENERAL.** The Commission shall be responsible for determining the types of examinations used for lateral-entry. Solely the Commission, after receiving recommendations from the department Chief, will determine the number and type of examinations administered. Examinations may include substance abuse screening, fitness test, polygraph, job suitability assessment, medical, a background investigation, 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 lateral-entry 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 passing criteria for each portion of the examination series.
- b. The department Chief, at the Chief's sole discretion, shall select a number of applicants, in unranked order, from all applicants who meet minimum qualifications for lateral-entry, as approved by the Commission, to participate in testing for lateral-entry appointment to Civil Service positions of the Fire or Police departments. Only those applicants selected by the Chief will be invited by the Commission to participate in the examination process for lateral-entry appointment. All applicants who apply for lateral-entry will be notified by the Commission or the department of the status of their application.
- c. 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) 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.

- d. 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.
- e. The Commission may, at its sole discretion, schedule, cancel or postpone an examination as long as such action is not in conflict with applicable Charter provisions.
- f. 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 individual examinations in those instances when an applicant arrives after his/her scheduled appointment time. Refer to the specific examination section for possible appeal opportunities.
- g. 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.

41. **FITNESS TEST.** The Commission may require all lateral-entry applicants to demonstrate physical ability through a fitness test. The fitness test will employ

nationally recognized standards and will be scored on a pass/fail basis. Applicants will be informed of the results of the fitness test at the test in the manner deemed most appropriate by the Commission at the testing site. Any applicant who fails the fitness test 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 may, at its sole discretion, allow an applicant who arrives for 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.

42. **ORAL INTERVIEW**. The Commission and the department Chief may conduct a personal oral interview with applicants to assist in determining an applicant's qualifications. If the personal interview is conducted only by the department Chief and/or other members of the department, the Chief has sole discretion of whether the applicant passes or fails the interview. The Commission may request to observe the department Chief's interview in order to gather additional information to assist it in making its decision pertaining to qualifications of the applicants in lieu of conducting a separate oral interview. Observers shall be limited to one (1) commissioner per interview panel. When the Chief conducts the interview, the Chief will, at the Chief's sole discretion, determine whether applicants will be provided information concerning their interview. The Chief may, at the Chief's sole discretion, also accommodate an applicant who arrives for the oral interview after his/her scheduled appointment time, to participate in the interview. Oral interview scores, if computed, shall not be provided to applicants.

43. **POLYGRAPH**. Polygraph examinations may be used for lateral-entry 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 and the department Chief.
- 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 test 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 polygraph may participate in the examination provided the consultant can accommodate them.

44. **SUBSTANCE ABUSE SCREENING.** Substance abuse screening shall be required before appointment and final certification to lateral-entry 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 by its representative/consultant in writing of all substance abuse test 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 submit to testing, fail to follow the testing procedure, tamper with the test or test results, or registering a positive on the substance abuse 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 reviewing the applicant's written request and receipt of payment for re-test, the Commission shall instruct its 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.
- e. To retain the original position on the current Prospective Employment List, the applicant's appeal must be resolved in the applicant's favor no later 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, the applicant will not be certified for the current academy class. However, the Commission shall continue to process the appeal.
 - g. If the outcome of the appeal is favorable to the applicant, the applicant shall be placed on the next Prospective Employment List to be considered by the department Chief for the next scheduled academy. This decision is contingent on the applicant successfully re-testing on those examinations as

may be deemed appropriate by the Commission. If more than one applicant falls into this category, all applicants shall be placed on the next Prospective Employment List in unranked order.

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

45. **JOB SUITABILITY ASSESSMENT.** A pre-job offer job suitability assessment shall be required before lateral-entry 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 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.
- f. Applicants disqualified for job suitability reasons shall be notified in writing, including email, at the earliest reasonable time as determined by the Commission. Any applicant disqualified for job suitability reasons 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. Applicants who are disqualified for job suitability reasons may request in writing to review their job suitability results with the Commission's consultant who conducted the job suitability assessment.

46. **MEDICAL EXAMINATION.** A medical examination shall be required before lateral-entry appointment, as directed by the Commission. 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 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.
- b. Following Commission rules and medical standards, the examining physician 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 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.
- d. 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.

47. **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 as determined by the department Chief, 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 contained in 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, the applicant shall be placed on the next Lateral-Entry Prospective Employment List to be considered by the department Chief for the next academy contingent on the applicant successfully re-testing on those examinations as may be deemed appropriate by the Commission and providing the applicant's medical condition is favorable at the time of the next academy class. If more than one applicant falls into this category, the applicants shall be placed on the next Prospective Employment List in unranked order.
- h. Nothing in this paragraph shall be construed to guarantee a subsequent appointment to the next academy class.

48. **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.

49. **OTHER EXAMINATIONS.** At its sole discretion, the Commission may use other recognized methods of examination or combination of examinations. The Commission shall determine what information the applicants will be provided concerning such examinations.

50. **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 the Department Chief's review and subsequent offering of a conditional job offer to the applicant. 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 Commission Rule 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 from the date of the disqualification letter. The decision of the Commission is final. There shall be no further appeal to the Commission.

51. **NOTIFICATION TO APPLICANT.** All applicants for lateral-entry 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 are subject to appeal pursuant to paragraphs 44 and 47, respectively. All other Commission decisions pertaining to examination results are final and are not subject to review.

52. **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. 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. All application packages will be kept within the Commission for a period of two years and then transferred to the City of Aurora Municipal Records Department for storage and disposal in accordance with the Permanent Records Control Schedule Authorization.

SECTION VII. ELIGIBILITY LISTS FOR LATERAL-ENTRY APPOINTMENT.

53. **PROSPECTIVE EMPLOYMENT LIST.** The Commission shall conduct a final review of all application documents, testing results, background investigations, recommendations from the department Chief, and any other information available for all applicants participating in pre-job offer testing. Upon completion of the final review, the Commission will establish an unranked pool of fully qualified applicants, hereinafter known as the Lateral-Entry Prospective Employment List. Once established, the Commission shall provide this List to the department Chief.

54. **CERTIFIED ELIGIBILITY LIST FOR LATERAL-ENTRY APPOINTMENT.** The Commission will use the following procedures to establish the Certificate of Eligibility List. Ranking of applicants is the sole discretion of the department Chief.

- a. Upon receipt of the Lateral-Entry Prospective Employment List and before a bona fide conditional offer of employment is made, the Chief will review examination results of all applicants on the List. 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.
- 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 Commission 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, beginning with the top-ranked applicant and continuing numerically down the list as identified by the Chief. The Lateral-Entry Certified Eligibility List will contain the names of the applicants, the type of examinations administered, and the date examinations were administered. Applicants will be hired in the order of their ranking on the Certified Eligibility List. Records of lateral-entry appointments made from the Certified Eligibility List shall be retained in Commission files permanently.
- f. Individuals hired from the Lateral-Entry Certified List shall receive seniority over individuals hired from the Cadet and 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 Certified Eligibility List. Alternate applicants not selected to enter an academy may be placed on the next Lateral-Entry Prospective Employment List or be required to reapply for future academies. If the applicant is placed on the next Lateral-Entry Prospective Employment List, he/she may be required, at the discretion of the Commission upon recommendation from the department Chief, to update his/her application and application materials and participate in additional testing or re-testing as deemed appropriate by the Commission. In any case, these applicants will

be required to compete with other applicants who apply for future academies.

55. **REQUEST FOR DEFERMENT.** After being placed on either the Lateral-Entry Prospective Employment List or the Certified Eligibility List, 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 Commission 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 Commission in writing, with appropriate back-up documentation. If the Commission, based on favorable recommendation of the department Chief, approves the deferment, the applicant will be placed on the next Prospective Employment List in unranked order. However, the Commission will not guarantee an academy class position for any applicant who is granted a deferment. The Commission may, at the Commission's sole discretion, require the applicant to update his/her application and application materials, submit a new application and application materials, and/or successfully complete additional testing or re-testing as deemed appropriate by the Commission at the time of the next academy class. In any event, the applicant will be required to compete with other applicants who apply for future academies. Nothing in this paragraph shall be construed to guarantee a subsequent appointment to an academy class.

56. **REMOVAL FOR CAUSE FROM LATERAL-ENTRY CONSIDERATION OF HIRING.** After being placed on the certified lateral entry appointment list, an applicant may be removed from consideration of hiring if or when the applicant:

- (1) is found to be unsuitable by the Chief of the department; or
- (2) is found to be unsuitable for employment because of subsequent violation of, or unfavorable disclosure under, any of the Commission Rules and Regulations in effect during the original selection process.

Applicants so removed will be notified in writing or as otherwise determined by the Commission at the earliest reasonable time.

57. **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 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 the grade to which he/she was reclassified for a period of one (1) year from the date of reclassification. The Police Officer or Firefighter then may progress through the grades to Grade I, by moving up one grade on each anniversary date from the date he/she was originally reclassified upon completion of the training period.
- 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 VIII. REQUIREMENTS FOR PROMOTIONAL APPOINTMENT.

58. **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.
- b. Each certified list for promotional appointments shall expire after one year, 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.

59. **APPLICATION PROCEDURES**. Civil Service members of the Fire and Police departments who desire to participate in promotional testing shall submit a letter of intent to the Commission by the deadline date that is published in the Notice of Examination. An official college or university transcript(s) must be in possession of the Commission 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 letter of intent and applicable documents are received by the Commission.

60. **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. To be eligible for promotional examinations, candidates for the rank or grade being examined, must meet the following criteria:

- a. as of the first day of testing, be in the rank or grade immediately below the rank or grade being examined, for at least the probationary period.
- b. as of the first day of testing, meet the service requirements listed below as a Civil Service member in the Aurora Police or Fire Department, or the exception noted in the above item; and
- c. as of the first day of testing, meet the minimum higher education requirements and grade point average (GPA) for the promotional rank listed for all completed college level course work.
- d. 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 designate additional promotional ranks or lower regular service requirements for only that particular promotional examination.

Service, Certification and Education Requirements:

FIRE

SERVICE, CERTIFICATION AND EDUCATION REQUIREMENTS

Engineer-Driver

- 3 years regular service as a Firefighter, and
- Currently holding the rank of Firefighter Grade I, Investigator Technician, or Rescue Technician, and
- Successful completion of Aurora Fire Department Acting Driver/Operator Training Program
- No college requirement for this position.

Investigator Technician

- 3 years regular service as a Firefighter, and
- Currently holding the rank of Firefighter Grade I, Engineer-Driver, or Rescue Technician.
- No college requirement for this position.

Rescue Technician

- Successful completion of the Aurora Fire Department Recruit Academy as a Firefighter, and currently holding the rank of Firefighter Grade IV, III, II, or I, Engineer-Driver, or Investigator Technician, and
- Possess a current EMT-P Certificate, Advanced Cardiac Life Support (ACLS) card, and Cardio-Pulmonary Resuscitation-Healthcare Provider (CPR) card, and
- Successful completion of the AFD Paramedic Field Training Program, and satisfactory Performance Appraisals for up to the previous three years. No other college requirements for this position.

Lieutenant

- 2 years as Firefighter, Grade 1, or Investigator Technician, or Engineer-Driver, or Rescue Technician, or any combination thereof totaling 2 years, with a minimum of 5 years of regular service, and
- Successful completion of Aurora Fire Department Acting Officer Program or the AFD Officer Development Program.
- Currently holding the rank of one of the positions listed above, and
- 60 earned semester or 90 earned quarter hours of college level course work, with a minimum cumulative GPA of 2.0 on a 4.0 scale, from an accredited college or university.
- Effective beginning January 1, 2011--Fire Inspector I Certification (IFSAC, Pro-Board or ICC certified).

Captain

- 2 years in grade as Lieutenant, and
- Currently holding the rank of Lieutenant, with a minimum of 7 years service, and
- Must have 60 earned semester or 90 earned quarter hours of college level course work, with a minimum cumulative GPA of 2.0 on a 4.0 scale from an accredited college or university.
- Effective beginning January 1, 2011--Fire Inspector I Certification (IFSAC, Pro-Board or ICC certified).

POLICE

SERVICE, CERTIFICATION AND EDUCATION REQUIREMENTS

Agent

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

Sergeant

- 2 years as Agent or Police Officer, Grade I, or any combination thereof, and
- A minimum of 5 years regular, continuous service, and
- Currently holding the rank of either Police Officer I or Agent, and
- Must have 60 earned semester or 90 earned quarter hours of college level course work, with a minimum cumulative GPA of 2.0 on a 4.0 scale from an accredited college or university.

Lieutenant

- 2 years in grade as Sergeant, and
- Currently holding the rank of Sergeant, and
- Must have earned a Bachelor's Degree from an accredited college or university.

Captain

- 2 years in grade as Lieutenant, and
- Currently holding the rank of Lieutenant, and
- A Bachelor's Degree from an accredited college or university.

SECTION IX. EXAMINATIONS FOR PROMOTIONAL APPOINTMENT.

61. **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 designate additional promotional ranks 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 published 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 will be considered only for promotional written examinations. Requests for exceptions, 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. The Commission will consider factors involved in arranging proctoring, etc., in each individual case before granting or denying a request.

- 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 sign 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 published by the Commission in writing at the earliest reasonable time as determined by the Commission. The official posting of the results shall be located in each department's shared drive. No examination results shall be provided to candidates by telephone or fax 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 results and rankings and certificate of eligibility lists for successful candidates will be posted in writing at the earliest practical date as determined by the Commission after completion of all examinations by posting final results/ranking and the certification list in the department upon Commission approval.
- 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.

62. **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 within five (5) business days from the date written examination results are posted.
- 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 at the time of the review. The candidate shall further submit to the Commission within five (5) business days following his/her examination review, 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.

63. **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. For Police promotion boards (Sergeant through Captain), the Police Chief as well as the leadership of the union(s) may select one rater for each board from outside the city's jurisdiction. Evaluators should come from the immediate geographical area as determined by the Commission, 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.

64. **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. Additionally, for Police promotion boards (Sergeant through Captain), the Police Chief and the leadership from the union(s) may select one additional evaluator each for the panel(s), using the above criteria. Evaluators should come from the immediate geographical area as determined by the Commission, 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 63 b. above.

a. For Captain Promotion Boards Only: When all candidates' scores have been averaged and a composite score is determined for each, the names of the top three scoring candidates will be presented to the Police Chief but without their respective scores. The Chief **may** select one candidate to be awarded preference points based upon the candidate's merit, experience, and record of service. The Police Chief will have ten (10) business days from the receipt of the list of the top 3 candidates to award the preference points. At that time, the Commission will add three percent (3%) of the candidate's composite score and that will be the candidate's final score. The Commission will then rank all candidates by final score and publish the eligibility list.

65. **PRACTICAL EXAMINATION**. A practical examination shall be conducted for the Engineer-Driver promotional rank. Practical examinations will generally consist of two (2) raters observing each graded part of the examination, but when deemed appropriate, one (1) rater may be used. 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.

66. **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.

67. **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.

68. **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 X. ELIGIBILITY LISTS FOR PROMOTIONAL APPOINTMENT AND PROBATIONARY PERIOD FOLLOWING APPOINTMENT.

69. 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.

70. **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 XI. DEMOTION, SEPARATION, REINSTATEMENT.

71. **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.

72. **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.

73. **REINSTATEMENT.** Any former Civil Service member of the Fire or Police departments who attained at least Police Officer or Firefighter Grade III 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 eighteen (18) 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, or emergency staffing requirements.

74. **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 received by the Commission within the eighteen-month period stated above. The Chief of the respective department and the Deputy City Manager shall be notified of the applicant's reinstatement request.
- 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, and later desires reinstatement, such applicant shall be required to reapply subject to the foregoing rules for reinstatement.

- 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.

75. **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.

76. **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?

77. **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.

78. **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 XII. APPEAL OF DISCIPLINARY ACTIONS, FILING PROCEDURES FOR APPEALS, PROCESSING DISCIPLINARY APPEALS, AND OTHER LEGAL MATTERS.

79. **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.

80. **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.

81. **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.

82. **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.

SECTION XIII. RULES OF PROCEDURE FOR DISCIPLINARY APPEAL HEARINGS.

83. **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.

84. **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 XII, paragraph 84 of these Rules and Regulations, the Petition shall conclude with a concise paragraph describing the Petitioner's position as to why the disciplinary action was incorrect.
- b. Any issue not 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.

85. **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.

86. **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.

87. **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.

88. **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.

89. **RULE 6 - MOTIONS.** In general, written motions are discouraged, but permitted. Five copies of the motion and any attachments must be filed with the Commission and an additional copy must be provided to 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. No reply shall be permitted by the moving party, except with the express consent of the Commission. In its discretion the Commission may request oral argument on the motion or it 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. Copies of any supporting authority relied on in a motion shall accompany the motion.

90. **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 purpose of the pre-hearing conference shall include but not be limited to, resolving procedural issues, discovery

disputes and other pre-trial matters. Such pre-hearing conferences may be conducted at any time prior to the hearing.

91. **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.

92. **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.

93. **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. Hearing counsel for the Commission shall initially rule on all evidentiary matters during 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.

94. **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.

95. **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 XIV. GRIEVANCE PROCEDURE UNDER AMERICANS WITH
DISABILITIES ACT.**

96. **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.

97. **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.

98. **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 XV. AMENDMENTS, REVISIONS, AND PRECEDENCE.

99. **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.

100. **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.