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Constitutional Amendment, Law,
Rules and Regulations



Approved by
STATE CIVIL SERVICE COMMISSION
March 1, 1949

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State
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Approved by
STATE CIVIL SERVICE COMMISSION

March 1, 1949

Publication Approved by James A. Noonan, Controller

**C O L O R A D O
C I V I L S E R V I C E
R U L E S A N D R E G U L A T I O N S**

Constitutional Amendment

**Article XII, Sec. 13 of the Constitution
of the State of Colorado**

Appointments and employments in and promotions to offices and places of trust and employment in the classified civil service of the State shall be made according to merit and fitness, to be ascertained by **competitive tests** of competence, the person ascertained to be the most fit and of the highest excellence to be first appointed. All appointees shall be qualified electors of the State of Colorado, except to those offices or positions held by the Civil Service Commission to require special training and technical qualifications, in which cases competitive tests need not be limited to qualified electors and may be held without the State.

The classified civil service of the State shall comprise all appointive public officers and employees and the places which they hold, except the following: Judges of courts of record and one stenographer for each judge, one clerk for each court of record, persons appointed to perform judicial functions, receivers, jurors, members of boards or commissions appointed by the Governor and serving without pay, members of the State Industrial Commission, of the Public Utilities Commission and of the State Civil Service Commission, the Governor's private sec-

retary and three confidential employees of his office, appointees to fill vacancies in elective offices; one deputy of each elective officer, the position involving the duties incident at present to the position of that deputy of the Secretary of State, known as Deputy Commissioner of Labor and the incumbent thereof, officers and teachers in educational institutions not reformatory or charitable in character, all attorneys-at-law serving as such, and the officers and employees of the General Assembly.

Persons in the classified service shall hold their respective positions during efficient service and shall be graded and compensated according to standards of efficient service which shall be the same for all persons having like duties. They shall be removed or disciplined only upon written charges, which may be filed by the head of a department or by any citizen of the State, for failure to comply with such standards or for the good of the service, to be finally and promptly determined by the Commission upon inquiry and after an opportunity to be heard. No person shall be discharged for a political or a religious reason. In cases of emergency or for employment of an essentially temporary character, the Commission may authorize temporary employment without a competitive test.

Laws shall be made to enforce the provisions of this section and to establish a State Civil Service Commission to consist of three members who shall be appointed for overlapping terms by the Governor alone and who shall be persons of known devotion to the merit system. The first three Commissioners appointed hereunder

shall hold for two, four and six years respectively. Thereafter the term of a Commissioner shall be six years, except when an appointment is made to fill an unexpired term. A salary of not less than \$2,500.00 per annum shall be paid to each commissioner. The making and enforcement of rules to carry out the purposes of this amendment and of the laws enacted in pursuance hereof, the alteration and rescission of such rules, the conduct of all competitive tests, the determination of all removal or disciplinary cases, the standardization of all positions, the determination of standards of efficient service and the determination of the grades of all positions in the classified service shall be vested in the Commission. No person in the classified service shall be paid until a certificate is furnished by the Commission that the appointment has been made pursuant to law.

Adequate appropriations shall be made to carry out the purposes of this section and in the absence of such adequate appropriations the salaries and expenses of the Commission shall be paid as are the salaries and expenses of the Executive officers of the State government.

All persons holding positions in the classified service as herein defined when this section takes effect shall retain their positions until removed under the provisions of the laws enacted in pursuance hereof.

This section shall be self-executing.

Approved by the People November 5, 1918.

Proclaimed by the Governor December 31, 1918.

Chapter 20
Session Laws 1919

ENABLING ACT

TO APPLY THE MERIT SYSTEM TO APPOINTMENTS IN THE CIVIL SERVICE OF THE STATE OF COLORADO, PURSUANT TO ARTICLE XII, SECTION 13, OF THE CONSTITUTION OF THE STATE OF COLORADO.

Section 1. That pursuant to Article XII, Section 13, of the Constitution of Colorado, a State Civil Service Commission created by said Article is hereby established; to consist of three members appointed for overlapping terms by the Governor alone and who shall be persons of known devotion to the merit system. The three Commissioners heretofore appointed under said Article XII, Section 13, of the Constitution of Colorado shall hold for two, four, and six years respectively. Thereafter the term of a Commissioner shall be six years, except where an appointment is made to fill an unexpired term. Each Commissioner shall receive as compensation for his services an annual salary of Three Thousand Dollars, payable monthly, and his actual necessary expenses incurred in the performance of his duties; the Commission is hereby authorized to appoint a secretary at a salary of Twenty-four Hundred Dollars per annum.

Section 2. Appointments and employments in and promotions to offices and places of trust and employment in the classified civil service

of the State as provided by Article XII, Section 13 of the Constitution of the State of Colorado shall be made according to merit and fitness, to be ascertained by competitive tests of competence, the person ascertained to be the most fit and of the highest excellence to be the first appointed. All appointees shall be qualified electors of the State of Colorado, except as to those offices or positions held by the Civil Service Commission to require special training and technical qualifications, in which case competitive tests need not be limited to qualified electors and may be held without the State as provided in Article XII, Section 13, of the Constitution of the State of Colorado.

Section 3. The **classified** civil service of the State shall comprise all appointive public officers and employees and the places which they hold, except the following: Judges of courts of record and one stenographer of each judge, one clerk for each court of record, persons appointed to perform judicial functions, receivers, jurors, members of boards or commissions appointed by the Governor and serving without pay, members of the State Industrial Commission, of the Public Utilities Commission and of the State Civil Service Commission, the Governor's private secretary and three confidential employees of his office, appointees to fill vacancies in elective offices, one deputy of each elective officer, the position involving the duties incident at present to the position of that deputy of the Secretary of State, known as Deputy Commissioner of Labor and the incumbent thereof, officers and teachers in educational institutions not reformatory or charitable in

character, all attorneys-at-law serving as such, and the officers and employees of the General Assembly.

Section 4. Persons in the classified service shall hold their respective positions during efficient service and shall be graded and compensated according to standards of efficient service which shall be the same for all persons having like duties. They shall be removed or disciplined only upon written charges, which may be filed by the head of a department or by any citizen of the State, for failure to comply with such standards, or for the good of the service, to be finally and promptly determined by the Commission upon inquiry and after an opportunity to be heard. No person shall be discharged for a political or a religious reason. In cases of emergency or for employment of an essentially temporary character, the Commission may authorize temporary employment without a competitive test.

Section 5. The making and enforcement of rules to carry out the purposes of the constitutional provision and of this act; the alteration and rescission of such rules, the conduct of all competitive tests, the determination of all removal or disciplinary cases, the standardization of all positions, the determination of standards of efficient service, and the determination of the grades of all positions in the classified service shall be vested in the Commission. No person in the classified service shall be paid until a certificate is furnished by the Commission that the appointment has been made pursuant to law.

Section 6. All persons holding positions in the classified service as defined in the constitutional amendment pursuant to which this act is drawn, when said Article became effective, shall retain their positions until removed under the provisions of said constitutional amendment and this act.

Section 7. Whoever makes an appointment to office, or selects a person for employment contrary to, or discharges an employee otherwise than in accordance with the provisions of Article XII, Section 13, of the Constitution of the State of Colorado, or of this Act, or of any rule of the Commission, or refuses or otherwise neglects to comply with the provisions of Article XII, Section 13, of the Constitution of the State of Colorado, or of this Act or of any rule of the Commission, shall be deemed guilty of misdemeanor and for each and every offense shall, upon conviction, be punished by a fine not to exceed one thousand dollars.

Four times the amount of any payment contrary to the provisions of Article XII, Section 13, of the Constitution of the State of Colorado, or of this Act or of any rule of the Commission may be recovered from any member of a board or officer signing or countersigning any warrant therefor or paying any such warrant, or from the sureties on the official bonds of any such officer, or member, or from the officer and his said sureties, in an action brought by the State, or by any taxpayer. The amount of such judgment shall be paid to the State.

Section 8. It shall be the duty of the Commission to investigate all alleged breaches of Article XII, Section 13, of the Constitution, of this

Act, and of its rules, and in the course of such investigation they, or any of them, may subpoena witnesses, administer oaths, compel the testimony of witnesses, and the production of books, papers and records relevant to such inquiry; and it shall be the duty of any person subpoenaed to appear and testify, and to produce such books, papers, and records as are called for in such subpoena. The same compensation shall be allowed for the attendance of witnesses and service of papers by officers as is allowed by law in the district courts of the respective counties in which such investigations shall be held, and the Commission shall certify such amounts to the Auditor of the State, for payment from the fund which shall be appropriated for the purpose of carrying Article XII, Section 13, of the Constitution, this Act and the rules of the Commission into effect.

Section 9. The Commission shall keep records of its proceedings and of all examinations held by it, or under its authority. All records and documents filed with the Commission shall be preserved as public records. The minutes of the proceedings of the Commission and all eligible lists, shall be open at all reasonable times to public inspection.

The Commission shall, on or before the first day of December preceding each regular session of the General Assembly, make a report to the Governor of its work during the preceding two years, including all rules adopted, and any suggestions for legislation to carry out the purposes of Article XII, Section 13, of the Constitution and of this Act. This report shall be printed and distributed as a public document.

Section 10. Every applicant for examination shall pay the Commission a fee of one dollar (\$1.00), for the purpose of defraying, so far as possible, the expense of conducting said examination and other expenses of the Commission. All moneys received or collected by the Commission shall be paid into the State Treasury daily, and shall be by the State Treasurer placed in a separate account to the credit of the Commission to be paid out only on order of the Commission, for the purpose of paying expenses incurred by the Commission, and no person shall be examined or certified to any eligible list until such fee has been paid.

Section 11. If any section, sub-section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed the Act, and each section, sub-section, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Section 12. An Act of the General Assembly, entitled "An Act concerning Civil Service and to repeal an Act entitled 'An Act in relation to Civil Service in the State Institutions and municipalities,' approved March 30, 1907, and to repeal an Act entitled "An Act to amend an Act entitled "An Act in relation to Civil Service in State Institutions and Municipalities," approved March 30, 1907, so that the title will read "An Act relating to Civil Service" and to amend Sections 3, 10, 17 and 21, and to repeal Section 11 of said Act' adopted by the people of

the State of Colorado, effective January 22, 1913," approved April 10, 1915, known as Chapter 51, Laws of 1915, be and the same is hereby repealed, as well as all other acts and parts of acts inconsistent with the provisions of this Act.

Section 13. The General Assembly hereby declares this Act necessary for the immediate preservation of the public peace, health and safety.

Section 14. Whereas, in the opinion of the General Assembly an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved: April 9, 1919—1:20 p.m.

Amended: April 26, 1947.

Section 1, p. 325—S.L. '47.

RULES AND REGULATIONS

ARTICLE I—DEFINITIONS

These definitions and terms shall constitute an essential part of the Rules and Regulations of the Colorado State Civil Service Commission. Whenever used in these rules or in any regulations or orders issued thereunder, these terms shall be construed as follows:

1. "Commission" or "State Commission" means the State Civil Service Commission as established pursuant to the provisions of Article XII, Section 13, of the Constitution of the State of Colorado.

2. "Classified Service" means the classified Civil Service of the State, and shall comprise all appointive public officers and employees and the places or positions which they hold, except those specifically exempted under the provisions of Article XII, Section 13, of the Constitution.

3. "Class" or "Class of Positions" means a group of positions in the classified civil service sufficiently similar in duties, authority, responsibilities, and minimum requirements of training, experience, or skill, that the same title, the same tests of fitness, and the same salary range may be applied to each position in the group.

4. "Series" or "Series of Positions" means a group of classes of positions of similar duties performed by varying in degree or supervision exercised or required, minimum requirements of training, experience or skill, and such other characteristics, that different tests of fitness and different schedules of compensation may be required for positions in the various classes within the series but that the logical line of promotion is from a lower to a higher class within the series.

5. "Minimum Qualifications" means the requirements of training and experience, and other qualifications, as prescribed for a given class in order to take an examination or for appointment.

6. "Compensation" means the annual salary of the position or its equivalent when stated by the day, week, or month, and shall include proper allowance for lodging and/or board when furnished as a part of such compensation.

7. "Test of fitness" means any examination procedure or method or measure that may be applied to determine the merit and fitness of a candidate for an appointment, employment or promotion to an office or place of trust in the classified service.

8. "Most fit and of the highest excellence" means the eligible who holds the highest rank as the result of a competitive test on an eligible, promotional or reemployment list.

9. "Eligible List" means an officially-promulgated list of eligibles for a class of position in the order of their final ratings as a result of open-competitive examination as described in Article VI of these regulations.

10. "Reemployment List" means an eligible list of persons who, having previously been permanently appointed to positions in the classified service, have been separated from their positions through no fault of their own or for reasons deemed by the Commission for the good of the service.

11. "Promotional List" means a list of eligibles established for a class of position as a result of a competitive examination limited to permanent employees of lower classes or grades in the classified service.

12. "Temporary appointment" means an appointment as described in Article VIII, Section 4.

13. "Emergency appointment" means an appointment as described in Article VIII, Section 3.

14. "Provisional appointment" means an appointment as described in Article VIII, Section 2.

15. "Promotion" means a change in status of an employee from a position in one class to a position in another class having a higher entrance salary, as described in Article IX.

16. "Demotion" means a reduction in employment status to a class having a lower minimum rate of pay, as described in Article X.

17. "Transfer" means a change from one position to another in the same class or another class having the same entrance salary, as described in Article X.

18. "Seniority" means length of service in any position or positions in the classified Civil Service.

19. "Qualified elector" means any person qualified under the laws of Colorado to vote as a citizen of the State.

20. "Veterans" refers to those persons covered by Article XII of the Constitution of the State of Colorado, Relating to Civil Service, as amended. (See Article V, Section 14 below.)

21. "Laborer" or "Unskilled Laborer" shall be construed as applying only to persons employed at ordinary manual labor and shall not include mechanics, artisans, tradesmen or other skilled laborers and may be employed only on a per diem basis.

22. "Administrative agency" means any State office, department, board, commission, institution, division, bureau or other branch or unit, now existing or hereafter created, of the government of the State, that exercises any functions of the government of the State, and that includes positions in the classified service.

23. "Appointing authority" means the person or group of persons vested by law, or by lawfully-delegated authority, with power to make appointments to positions in the classified service.

24. "Appointment" means the designation of a person, by due authority, to a position and his induction into employment in such position.

25. The masculine pronoun "he" and its derivatives shall include the feminine pronoun "she" and its derivatives.

26. "Functions" means the jurisdiction, powers, rights, duties, and obligations conferred or imposed upon, or vested in, any agency by law, or exercised, performed, or discharged by any agency without contravention of any provision of law.

27. "Position" means an office or employment in the classified service (whether part-time or full-time, temporary or permanent, occupied or vacant) com-

posed of specific duties to be performed and responsibilities to be exercised.

28. "Hearing" refers to the opportunity to be heard by the Commission, on any matter properly brought before it, and requiring a decision by the Commission.

29. "Proper notice" means written notice sent to the last-known address of the person, by first class mail, with the return address of the Commission on the envelope.

30. An "Acting Provisional" appointment is one in which a certified employee who is qualified to hold the position is appointed to a position higher than his present grade, to serve until an eligible list is established for such position. Should he fail the higher examination, in order to preserve his Civil Service status, it will be necessary that he return to his former position.

31. "Employee" shall include employee and officer, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine.

32. "Efficient Service"—The standard of efficient service for a position in the classified service is recognized by the Civil Service Commission as the satisfactory performance of the duties and responsibilities required for a position as outlined in the class specifications, the job description, or as specified by law or the rules and regulations of the Commission.

Elements to be considered and the method to be used in measuring an individual's performance are set forth in the Merit and Efficiency Rating Plan as adopted by the Commission. The Commission recognizes that this standard may change with the passage of time, and that it may vary to some degree for each position.

The Commission, in hearing charges against an individual, may give due consideration to the recorded rating of the individual, but does not consider itself restricted by this rating in arriving at a decision as supported by all the facts brought out in the investigation.

ARTICLE II—DUTIES AND RESPONSIBILITIES OF STATE CIVIL SERVICE COMMISSION

In accordance with Article XII, Section 13, of the Constitution of the State of Colorado and the State Civil Service Law, Section 5, the following duties and responsibilities shall be vested in the Commission:

1. To make and enforce rules to carry out the purposes of the constitutional provision and of the laws enacted in pursuance thereof;
2. To alter and rescind such rules;
3. To evaluate the qualifications of applicants for examination;
4. To direct and conduct all competitive tests of fitness;
5. To establish eligible lists;
6. To certify names of eligibles to appointing authorities for appointment to positions;
7. To grade and standardize all positions;
8. To devise and establish a service rating system;
9. To conduct hearings and render decisions in all removal or disciplinary cases;
10. To approve or disapprove appointments, separations, transfers, service ratings, leaves of absence, vacations, allocations, rates of pay, seniority ratings, certification of pay roll and other employment matters.

ARTICLE III—CLASSIFICATION PLANS

Section 1—Preparation of Plans

The Civil Service Commission shall adopt and approve complete classification plans for State classified service. These plans shall be based on investigation and analysis of the duties and responsibilities of each position, and each position shall be allocated to its proper class in the classification plan.

Section 2—Allocation of Positions

Every position in the agencies or departments shall be allocated to one of the classes established by the classification plans.

The duties of a permanently-appointed employee shall not be materially changed from those indicated

by the title under which certification is made for a period of more than 10 days without the written consent of the Commission. The assignment of a permanently-certified employee to a position other than that to which he was certified and which would jeopardize his skill shall be considered a violation of this regulation.

Section 3—Revision of Plans

The classification plan shall be considered as a part of the rules and regulations of the Commission. Existing classes of positions may be abolished or changed or new classes added only by the same processes as any other amendments made to the rules and regulations of the Civil Service Commission.

ARTICLE IV—COMPENSATION PLAN

Section 1—Preparation of Plans

Paragraph 1.—The Civil Service Commission shall adopt and approve complete and comprehensive compensation plans for the classified Civil Service. The plans shall include salary schedules for the various classes, with the salary for each class consistent with the functions outlined in the job specifications. Initial, intervening and maximum rates of pay for each class shall be established to provide for steps in salary advancement without change of duty, in recognition of meritorious service. The plans established by the Commission for the different State departments, agencies, and institutions shall, insofar as feasible, be consistent.

Paragraph 2.—Insofar as practicable, all classes for positions which are common to the agency shall have the same salary ranges.

Section 2—Administration of Plans

Paragraph 1.—The approved compensation plans shall constitute the official schedules of salaries for all classes of positions in the respective agencies. No salaries shall be approved by the Commission unless they conform to the approved compensation plans and are at one of the salary levels for the class. The entrance salary for any employee shall be at the minimum salary for the class to which he is appoint-

ed, except a provisional employee who becomes certified to the same position shall be permitted to continue at the same salary he received in a provisional capacity. An employee who is certified to a position from a promotional list shall enter at the entrance salary for the classification to which promoted or at a salary the same as paid in the previous position, whichever is the higher.

Section 3—Revision of Plans

The compensation plan shall be considered as a part of the rules and regulations of the Commission. Existing salary ranges may be changed, or ranges for new classes added only by the same processes as any other amendments made to the rules and regulations of the Civil Service Commission.

ARTICLE V—APPLICATIONS AND EXAMINATIONS

Section 1—Character of Examinations

Paragraph 1.—Examinations for entrance to the classified service shall be conducted under the direction of the Commission on an open competitive basis. The combination of tests of fitness for an examination shall be determined by the Commission before the examination is announced, and shall be stated in the examination announcement. The tests of fitness which may be used are those listed under paragraph 4, below.

Paragraph 2.—Examinations for promotion in the classified service shall be open to employees of the agency concerned or may be open to all employees in the classified service. An employee, to be eligible for promotion, must have permanent status of at least 6 months and must meet the minimum qualifications as to training and experience for the class of position. A promotional examination shall consist of any combination of tests of fitness enumerated under paragraph 4.

Paragraph 3.—Whenever, in its opinion, any position to be filled in the competitive class has a fiduciary or executive character, the Commission may require, as a part of the examination, such special certificates by reputable and responsible citizens as to the

character, trustworthiness, and business experience of an applicant or eligible as it may deem proper and expedient. All such special certificates shall be properly filed and retained as records in the office of the Commission. When the position to be filled involves fiduciary responsibility, the appointing officer may require the appointee to furnish a bond in such amount as the Commission may deem reasonable. When a license is required by statute for a person to hold a particular position in the classified service, a copy of such license must be presented to the Commission, or, in the event that eligibility for licensure admits a person to candidacy, such license must be procured with least practicable delay. Failure in this regard is cause for rejection, or the voiding of any certification awarded to the candidate.

Paragraph 4.—Examinations shall be any combination of the following tests of fitness:

- a. Written tests.
- b. A rating of training and experience.
- c. Oral examinations, by individual or group methods.
- d. Performance tests.
- e. Recorded merit ratings.

Paragraph 5.—The Commission shall assign definite weights to each part of the examination prior to its public announcement.

Paragraph 6.—In preparing the questions to be used in an examination, the Commission may consult with the head of the department or with qualified persons in regard to the duties of the positions to be filled. The questions to be used shall be kept absolutely secret at all times.

Section 2—Notice of Examination

Paragraph 1.—The Commission shall cause to be maintained an official bulletin board in a place accessible to the public during business hours, upon which shall be posted such notices as the Commission may deem of interest to others. The posting of any required notice upon such official bulletin board shall be deemed requisite public notice thereof, unless some other form of notice is required in a particular instance by law or by these rules.

Section 3—Applications and Fees

Paragraph 1.—Applicants for examination must file applications on forms prescribed by the Commission. An application may be filed with the Commission at any time. When a prescribed time limit is set for an examination, only those acceptable applications on file at that time will be considered for the examination. For applications filed after an announcement deadline, or for those filed where there has been no announcement, the applications will be kept on file in the office of the Commission until such future time as the examination for the position is announced.

Paragraph 2.—A separate application must be filed for each examination which the applicant desires to take. Applicants will not be considered candidates for examination until the application for each examination has been accepted and approved by the Commission.

Paragraph 3.—A fee of \$1.00 shall be paid at the time of filing of each application.

Paragraph 4.—Applications, when presented, shall be dated and recorded in the order of their receipt. An application which is defective in its execution shall be returned for correction, but if not properly executed and returned within a given time, it will be rejected. No application will be returned a second time for correction or completion. Applications which are rejected will be retained in the files of the Commission until the establishment of the eligible list, after which such application will be destroyed by order of the Commission. An application that has been accepted and filed shall not be returned for any reason to the applicant.

Paragraph 5.—Official notice of the time and place of examination will be given to all candidates whose applications have been properly filed and accepted.

Section 4—Disqualification of Applicants

Paragraph 1.—If, in the judgment of the Commission, such action would be for the good of the service, the Commission may refuse to examine an applicant or, after examination, may disqualify such applicant or remove his name from the eligible list. The Com-

mission may refuse to certify any eligible on eligible list if:

a. He is found to lack any of the preliminary requirements established for the examination for the class of position;

b. He is so disabled as to be rendered unfit for the performance of the duties of the class;

c. He is not a qualified elector of the State of Colorado, unless he is a candidate for those offices or positions held by the Civil Service Commission to require special training and qualifications as provided in Article XII, Section 13, of the State constitution;

d. He has made a false statement of material fact in his application;

e. He has, within the past two years, been dismissed from a position in the classified service after a hearing on charges of delinquency, misconduct, or other similar cause, or has resigned from a position while under suspension or while charges were pending against him;

f. He has been convicted of any infamous crime or other crime involving moral turpitude;

g. He is addicted to the use of narcotics or the habitual use of intoxicating liquors to excess;

h. He has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment;

i. He has directly or indirectly obtained information regarding examinations to which, as an applicant, he is not entitled;

j. He has taken part in the compilation, administration, or correction of the examination;

k. He has failed to submit his application correctly or within the prescribed time limits;

l. He has not paid the Commission an examination fee of \$1;

m. He has otherwise violated provisions of this rule.

Paragraph 2.—A disqualified applicant shall be promptly notified of such action, and an applicant who is not admitted to an examination because of failure to meet the preliminary requirements shall be

notified by letter to his last-known address sufficiently in advance of the examination to allow for an appeal from rejection as provided in Article XII, Section 1.

Section 5—Conduct of Examinations

Paragraph 1.—Written tests shall be conducted simultaneously in as many places as are necessary for the convenience of the applicants and as are practicable for proper administration. The Commission may designate such monitors as may be necessary to conduct examinations under instructions prescribed by the Commission, and may also arrange for the use of buildings in which to conduct the examinations. The Commission shall provide for the compensation of monitors in accordance with the approved budget for the purpose.

Paragraph 2.—The identity of persons taking competitive assembled examinations shall not be disclosed to the examiners. Before proceeding to answer the questions in the examination, candidates will be required to fill out and sign a declaration sheet and seal the same in an official envelope. It is the responsibility of the candidate to see that this envelope is turned in at the close of the examination with all other papers. Failure to do so will prohibit grading of papers. If any name or other means of identification is found on any papers or envelope, the papers will not be graded. In case of rejection, the Commission shall promptly notify the applicant.

Section 6—Rating Examinations

Paragraph 1.—The Commission shall determine a final score for each applicant's examination, computed in accordance with the weights for the several parts established by the Commission as set forth in the announcement. Failure in any part of an examination shall disqualify the applicant in the entire examination and shall disqualify him from participation in subsequent parts of the examination. All applicants for the same position shall be accorded uniform and equal treatment in all phases of the examination procedure.

Section 7—Rating Training and Experience

If training and experience form a part of the total examination, the Commission shall determine a procedure for the evaluation of the training and experience qualifications of the various applicants. The formula used in appraisal shall give due regard to recency and quality as well as quantity of experience, and to the pertinency of the training. This procedure shall allow for the substitution of training for experience, and experience for training, within limits stated in the class specifications.

Section 8—Investigations

Statements of experience pertaining to specific examination in which a person is competing set forth in applications must be true and complete. Before rating training and experience or prior certification from the eligible list, the Commission (may) (shall) investigate the applicant's training and experience to verify the statements contained in his application form and to adduce evidence regarding his character and fitness. If this investigation produces information affecting the rating of training and experience, the Commission shall rate or rerate the applicant's record accordingly, and make the necessary adjustments in the eligible list. The Commission shall also promptly notify the applicant of such rerating.

Section 9—Oral Examinations

When an oral examination forms part of a total examination for a position, the Commission shall appoint one or more Oral Examination Boards as needed. An Oral Examination Board shall consist of two or more members who shall be known to be interested in the improvement of public administration and in the selection of efficient government personnel, and at least one of whom shall be technically familiar with the character of work in the position for which the applicant will be examined. An officer or employee of the agencies, or any person holding political office or any officer or committee member of any political organization, or any person actively engaged in the work of any political organization, shall not serve as a member of any such board. If practicable, all applicants qualifying for the oral

examination for the same class shall be rated by the same Oral Examination Board. A member of an examination board shall disclose each instance in which he knows the applicant personally and shall not rate such applicant.

Section 10—Notice of Examination Results

Each applicant passing all parts of the examination shall be notified by the Commission of this final rating as soon as the rating of the examination has been completed and the eligible list established. An eligible, upon written request and presentation of proper identification, shall be entitled to information concerning his relative position on an eligible list. No applicant is entitled to inspect other candidates' scores or test results, nor the names or ranks of others on an eligible list. An applicant who fails any part of the examination, or the total examination, shall be notified of his failure.

Section 11—Special Examinations

No applicant shall be given a special examination unless the Commission by formal and recorded action finds that the applicant's failure to take or complete an examination was due to an obvious error for which the Commission or any of its employees is responsible. The Commission's findings and recommendations shall be recorded. No claim for a special examination shall be allowed unless it is filed in writing with the Commission within 10 days after the date of the original examination. Any special examination shall be constructed on a pattern similar to the original examination.

Section 12—Physical Examinations

Whenever physical qualifications are of prime importance in the proper discharge of duties in any position, applicants must pass a physical examination and be certified as qualified in such respect, either before admission to examination, or before establishment of eligible lists, or before certification for appointment, as the Commission may determine. Physical examinations, when deemed necessary, shall be conducted by physicians designated by the Commission.

Section 13—Examination Records

The Commission shall be responsible for the maintenance of all records pertinent to the examination program. Applications and other necessary examination records shall be kept during the life of the eligible list. Examination records of appointees shall be kept permanently, but examination records of other applicants, not appointed, may be destroyed 30 days after the register expires. All notices of changes of address shall be filed, by applicants and eligibles, with the Commission. Applications which have been approved and all examination papers of competitors form a part of the official records of the Commission and cannot, under any circumstances, be returned to the applicants.

Section 14—Veterans' Preference

Amendment to Article XII of Constitution of State of Colorado:

"In each and every examination held or conducted by the State Civil Service Commission, the State Merit Council, the civil service commission of any political subdivision of the State, including cities, towns and cities and counties chartered or to be chartered under the XXth amendment to the Constitution of the State of Colorado, or by the successors of any such commissions or council having all or a part of the duties thereof, or held or conducted by any other officer, agency, department of the State or employee thereof, for appointment and employment in and promotions to offices and places of trust and employment in the classified civil service of the State, or in the civil service of any of its political subdivisions as aforesaid, the passing grade for each candidate shall be the same. Five points shall be added to the grades of candidates receiving a passing grade who served in the armed forces of the United States in time of war and who were honorably discharged therefrom, and also to the grades of candidates who are widows of those who so served and were so discharged or who died during their service. Ten points shall be added to the grades of candidates receiving a passing grade who incurred disability in the line of duty while so serving, and who were so discharged. Eligibility lists shall be kept and main-

tained for reasonable periods of all who have made passing grades in such examinations and the candidates placed thereon in the order of the grades received by them, including any points added as herein provided. The persons on said lists shall be deemed the most fit and of the highest excellence, and shall be appointed or promoted in accordance with their order thereon.

"The times of war above referred to are the period of the Spanish-American War; the period of the Philippine Insurrection; the period from April 6, 1917, to November 11, 1918, both dates inclusive; the period from December 7, 1941, to the date proclaimed by the Congress or President of the United States as the end of the war declared by the United States on December 8, 1941, both dates inclusive; and the period of any war in which the United States may hereafter engage. The armed forces above referred to are the United States Army, the United States Navy, and the United States Marine Corps; and shall include those who served in the United States Coast Guard during the period commenced December 7, 1941, and ending as aforesaid, and in any future war in which said Guard shall be actively engaged.

"The certificate of the War Department, the Navy Department or of the United States Veterans Administration, or of any of the successors thereof, shall be conclusive proof of service, of honorable discharge, or of disability incurred in line of duty during such service."

ARTICLE VI—ELIGIBLE LISTS

Section 1—Establishment of Eligible Lists

Paragraph 1.—After each examination the Commission shall prepare a list of persons with passing grades. The names of such persons shall be placed on the list in the order of their final ratings, starting with the highest. On such list shall be noted the date of examination, the date on which the name was entered on the list, and the final rating; also such other information as the Commission shall deem essential. If two or more eligibles have final ratings which are identical, the names shall be arranged on the list in the order of their ratings on the written

part of the examination. If the ratings on the written part of the examination should also be identical, the person who filed his application first, or, if the examination be for promotion, the person who was appointed first in the department, shall have priority.

Paragraph 2.—The Civil Service Commission shall pass upon the appropriateness of an eligible list as a source from which appointment must be made to a given position. If a vacancy exists in a class of position for which there is no appropriate list, the Commission may prepare an appropriate list for the class from one or more existing related lists, provided (a) that the related lists be for classes for which the minimum qualifications, examinations, and entrance salaries are similar to or higher than those required for the class in which the vacancy exists; (b) that persons on the substituted list be offered appointment in the order of their rank on the list; (c) that the Commission may, if necessary, rerate training and experience in accordance with Article V, Section 7, on the basis of the minimum qualifications required for the class in which the vacancy exists; and (d) that acceptance of such appointment shall mean removal of the person's name from the original list and that all future rights of such appointee depend upon his progress in the position to which appointed.

Paragraph 3.—The names of applicants for examination shall not be made public except with the unanimous consent of the Commission and not until after announcement of final results of examination. Names of candidates failing in examination shall not be made public.

Section 2—Duration of Lists

The life of each list shall be one year from the date of its establishment except in the case of a reemployment list, but this period may be reduced or extended by the Commission. Upon the exhaustion of a list, or if the Commission reduces the life of a list, each eligible remaining on such list shall be notified of this action by mail to his last-known address. The Commission shall be responsible for determining the adequacy of existing lists and for the establishment and maintenance of appropriate lists for all positions in the agencies, exclusive of exempt positions.

Section 3—Removal of Names from Lists

Paragraph 1.—The Commission may remove the name of an eligible from a list:

(a) For any of the causes stipulated in Article V, Section 4;

(b) On evidence that the eligible cannot be located by the postal authorities;

(c) On receipt of a statement from the eligible declining an appointment and stating that he no longer desires consideration for a position in the classified service;

(d) If three offers of a permanent appointment to the class for which the list was established have been declined by the eligible.

Paragraph 2.—The Commission shall notify the eligible by mail to his last-known address of this action and the reason therefor. An eligible's name may be reinstated upon the eligible list upon showing of cause satisfactory to the Commission in accordance with a decision of the Commission upon appeal.

Paragraph 3.—Any person whose name appears upon an eligible list may at any time withdraw it from such list by notifying the Commission in writing of his desire to do so.

Section 4—Military Service

References in these rules to a definite period of time as the normal life of an eligible list shall in no way be construed as affecting the statutory rights conferred by Chapter 95, Session Laws of 1941, which provides that any civil service status attained by a person entering the armed forces of the United States in the time of war, shall be maintained throughout the period of induction and for one year thereafter.

Section 5—Reemployment List

Paragraph 1.—Names placed on a reemployment list of eligibles shall normally be retained for 2½ years, but this period may be reduced or extended by the Commission. At the discretion of the Commission, a reemployment list may be declared applicable to positions approximately within the same salary range as the positions originally held by former em-

ployees upon the list and may be used for certification to such positions. Before certifying an individual from a Reemployment List to a position in a class other than the one in which he previously served, the Commission shall pass upon the qualifications of the individual for such position. The Commission shall base its decision on application and former examinations, service ratings, and such other data with regard to qualifications as may be in its possessions. No individual shall be certified to a position for which he does not meet the minimum requirements of training and experience, as outlined in the specification for the class. If the Commission deems it advisable or necessary, the individual may be required to pass an oral or other examination.

Paragraph 2.—Persons whose names are placed on the Reemployment List shall be entitled to certification with their full and original rights whenever the position to which they were originally certified is reestablished, whether by actual title or by duties or functions, or both, providing such reestablishment of position occurs in the period during which names are normally retained on such reemployment list. Certification to another position during this period shall not affect this right.

Section 6—Promotional List of Eligibles

Promotional lists shall be established, consisting of those employees listed in the order of their examination rating who have passed a promotional examination given in accordance with the provisions of Article V, Section 1, Paragraph 2, of these rules.

ARTICLE VII—REQUISITIONS AND CERTIFICATIONS

Section 1—Request for Certification

Paragraph 1.—Whenever a position in the classified service is to be filled, the appointing authority shall submit a requisition to the Commission upon a prescribed form. This requisition shall state the number of positions to be filled in each class; the titles of positions to be filled; the duties involved; the monthly salary; whether with or without maintenance; whether the appointment is permanent, temporary,

or emergency; and any other special qualifications, such as sex. The requisition shall also state whether employment will be in Denver or elsewhere in the State, and the date upon which the agency desires to make the appointment effective. In requisitioning eligibles, the appointing authority should take into consideration the time required to contact persons on the proper eligible list, and should also allow reasonable time for eligibles to report for duty. Requisitions should be sent to the Commission at least one week prior to the desired induction date.

Paragraph 2.—No person shall be debarred from certification because of sex unless the position is for institutional, custodial, or other type of work, the nature of which requires sex selection. Every exception to this rule shall be determined by the Commission after due inquiry and the reason therefor set forth in its minutes.

Section 2—Certification Methods

Paragraph 1.—Upon receipt of a requisition, the Commission shall certify and submit in writing to the appointing authority, the name of the person standing highest upon the appropriate eligible list. The Commission shall first ascertain the availability of eligibles on appropriate promotional and reemployment lists, from which appointments shall be made whenever possible. Notification of such certification shall be sent to the person eligible and such certification must be accepted or rejected within three days, if eligible resides in Denver, or within five days, if eligible resides outside of Denver, from date of mailing of such notice of certification. Failure of an eligible to respond within that time shall be sufficient cause for removal of his name from the eligible list unless it is subsequently shown that delay in response was beyond his control. If telegraphic notice of certification is sent, a reply must be made within 48 hours in addition to the time required for transmission of the inquiry to the eligible's last known address for his reply.

Paragraph 2.—If more than one vacancy is to be filled, the Commission shall certify additional names to the appointing authority, but appointments shall be made in the order of standing on the eligible lists.

Paragraph 3.—When persons certified to positions in the classified service report for work, it shall be the duty of the appointing authority to notify the Commission immediately in writing of the effective date of the appointment.

ARTICLE VIII—APPOINTMENTS

Section 1—Original Appointments

Paragraph 1.—The appointing authority shall appoint the eligible certified by the Commission in accordance with Article VII, unless that person failed to answer and declined appointment, or unless the appointing authority offers an objection in writing, within ten days of date of certification, based on Article V, Section 4, and this objection is sustained by the Commission.

Paragraph 2.—If the eligible selected declines the appointment, evidence of declination and other such data shall be transmitted to the Commission for permanent record. An eligible may be considered by the Commission as having declined appointment if he failed to reply after 5 days in addition to the time allowed for transmission of letter or telegram and return of reply. If an eligible accepts an appointment and fails to present himself for duty at the time and place specified, without giving reasons for the delay satisfactory to the appointing authority and the Commission, he shall be deemed to have declined appointment and his name shall be removed from the eligible list.

Section 2—Provisional Appointments

If, in the opinion of the appointing authority, there are urgent reasons for filling a position and there are no eligibles on an appropriate promotional or reemployment list, or on a list established as a result of an examination for the position, and no other appropriate promotional list or other appropriate list exists, the appointing authority may submit to the Commission the name of a person to fill the position, pending examination and establishment of a list. If such person's qualifications are certified by the Commission as meeting the minimum qualifications as to training and experience for the position, such persons may be

provisionally appointed to fill the existing vacancy until an appropriate list is established and appointment made from it. No provisional appointment shall be made until the position has been classified and minimum qualifications established for it in accordance with this rule. No provisional appointment shall be continued for more than 30 days after an appropriate list has been established for the class of position.

Section 3—Emergency Appointments

Whenever an emergency exists which requires the immediate services of one or more persons, the appointing authority, upon requisition to the Commission, may select for such service any person on an appropriate eligible list without regard to his standing on such list. If it is not possible to secure such persons from appropriate lists, the appointing authority may appoint a person or persons without regard to other provisions of this rule governing appointments. Each emergency appointment shall, when the appointment is made, be reported in writing by the appointing authority to the Commission.

Section 4—Temporary Appointments

If an employee is needed for a temporary period, the Commission may appoint a person who has indicated willingness to accept temporary employment.

Section 5—Inmates and Students of State Institutions

Inmates or students at the State institutions may be assigned by the lawful authorities without examination to such minor duties in their respective institutions as they are fitted to perform; but the compensation of such inmate or student for such services shall not exceed fifty dollars in any month.

Section 6—Laborers

No person shall be deemed a laborer unless duties and facts relating to the work to be done by such person are presented to the Commission and the Commission shall make determination that the duties indicate the position may be filled by an unskilled laborer.

ARTICLE IX—PROMOTIONS

Paragraph 1.—As far as is practicable and feasible, a vacancy in the classified service shall be filled by promotion of a qualified permanent employee, based upon individual performance as evidenced by recorded service ratings, with due consideration for length of service and upon capacity for the new position. No person shall be eligible for promotion who has served less than 6 months as a permanently certified employee. Preference in promotions may be given to employees within the agency, and all interagency promotions must be approved by the appointing authorities concerned.

Paragraph 2.—A candidate for promotion must be certified by the Commission to possess the qualifications for the position as set forth in the specifications for the class of position for which he is a candidate. He shall be required by the Commission to qualify for the new position by promotional competitive examination which shall be given under the direction of the Commission as provided in Article V, Section 1, Paragraph 2.

Paragraph 3.—An increase in salary shall not be construed as a promotion nor a change of title to conform to duties performed be considered a promotion.

Paragraph 4.—If a promotional and an original list exist for a position, the Commission shall certify for each position the name of a person from each list in accordance with Article VII. While the appointing authority may make a selection from the names submitted from either list, such preference shall be given to present employees as the good of the service will permit.

ARTICLE X—TRANSFERS AND DEMOTIONS

Section 1—Transfers

Paragraph 1.—A transfer of an employee from a position in one organizational sub-division of an agency to a position of the same class in another organizational sub-division of the same or another agency may be made at any time upon determination

by the Commission that such transfer is for the good of the service, otherwise the transfer of employees between positions of the same class within the agency is at the discretion of the department head. All interagency transfers must also be certified by the Commission.

Paragraph 2.—A transfer of a permanent employee from a position in one class to a position in another class having the same entrance salary shall be made only upon certification of the Commission with the approval of the appointing authorities concerned. The Commission shall require that the employee have the minimum qualifications as to training and experience for the position in the new class. The Commission may also require a qualifying examination.

Paragraph 3.—A transfer from a lower to a higher class of position is a promotion and shall be made only in the manner prescribed in Article IX. No transfer shall be made to a position which in the opinion of the Commission may be adequately filled by promotion.

ARTICLE XI—SEPARATIONS, TENURE, REINSTATEMENT

Section 1—Resignations

An employee who resigns shall present the reasons therefor in writing to the appointing authority. The resignation shall be forwarded to and recorded by the Commission, and a copy should be retained in the files of the appointing authority.

Section 2—Dismissals for Cause

A permanently certified employee may be removed from his position for inefficiency, if found to be negligent or unfit to perform his duties; if found to be guilty of gross misconduct; or convicted by a court of proper jurisdiction of a felony. When such conviction is final, the employee shall have no recourse to appeal to the Commission. Violation of any of the provisions of Article XII, Section 13, of the Constitution of the State of Colorado, of the Civil Service Law, or of rules and regulations of the Civil Service Commission, by any person occupying a position in the classified service, shall be considered good cause for the dis-

cipline or dismissal of such person from the classified service.

Charges, when filed with the Commission, must be filed in triplicate; and before hearing is held, the employee against whom charges are filed shall be given a copy of charges and an opportunity to make an answer.

Both the complainant and the respondent shall be notified reasonably in advance of hearing and shall have the right to present witnesses and give evidence before the Commission.

Any person refusing, neglecting or otherwise failing to appear in response to notice of hearing shall forfeit all rights to a hearing, and the Commission shall thereupon issue default decision without further inquiry.

Proper notice of all hearings shall be given to any person or persons who may be required to appear at such hearing, either to sustain or refute charges, or to give testimony.

Section 3—Suspension

Paragraph 1.—The Commission may, at any time, suspend without pay for ten days any employee who, in its judgment, is guilty of any misconduct or breach of discipline; the Commission, upon request of the appointing authority, may suspend without pay for a period of ten days an employee, but charges must be filed with the Commission within that time or suspension shall be vacated and employee returned to his position, without prejudice.

Paragraph 2.—If charges are filed, the Commission shall promptly conduct investigation and hearing and issue forthwith its findings and order.

The Commission may extend the time set for a hearing. The suspension shall continue during such time. If the decision of the Commission is appealed to the Courts, the suspension shall continue until a final decision is reached.

Section 4—Reduction of Force

Paragraph 1.—The appointing authority may, with the consent of the Commission, separate an employee from the classified service without prejudice, because

of lack of funds or curtailment of work. No permanent employee, however, shall be separated while there are emergency, temporary, or provisional employees serving in the same class of position in the administrative agency where curtailment is necessary. The order of separations due to reduction of force shall be based upon seniority, and efficiency and service ratings shall be given consideration, under a formula established by the Commission. All such separations shall be reported to the Commission prior to the effective date of such separation and must be approved by the Commission.

Paragraph 2.—The names of persons whose services are terminated under the provisions of this article shall be placed on the Reemployment List and shall, in the order in which their names were placed on the reemployment list, be reinstated to similar positions in the classified service as vacancies occur.

Section 5—Tenure of Office

The tenure of office of every permanent employee shall be during good behavior and the satisfactory performance of his duties as recorded by his service rating. This provision, however, shall not be interpreted to prevent the separation of an employee for cause, or the separation of an employee because of lack of funds or curtailment of work, when made in accordance with this rule.

Section 6—(Rescinded 3/21/45)

Section 7—Reinstatement to List

Paragraph 1.—Retention on an eligible list of a person declining certification to a position shall be permitted only if declination was because of illness or other emergency beyond the control of the eligible, residence in a county other than the one in which the duties of the position would have to be performed, or because the compensation offered is insufficient.

Paragraph 2.—An eligible will not be permitted to decline more than three permanent certifications for any reason. Should an eligible whose name has been removed from the list—except for causes stipulated in Article V, Section 4—appeal to the Commission for reinstatement, such reinstatement shall be considered by the Commission and if allowed, the name of such person shall be placed at the bottom of the list.

ARTICLE XII—APPEALS

Section 1—Appeals from Examination Rejection

Paragraph 1.—Any applicant whose application for admission to an entrance or promotional examination has been rejected may appeal to the Commission for consideration of his qualifications. The Commission shall consider such appeal, if in writing, provided it has been received not later than one week after the notice of rejection has been sent by the Commission.

Paragraph 2.—Applicants may be admitted to an examination by the Commission pending a consideration of the written appeal. Admission to a written examination under such circumstances, however, shall not constitute the assurance of a passing grade in training and experience.

Section 2—Review of Examination Rating

Paragraph 1.—Any applicant who has taken an examination may appeal to the Commission for review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly. Such appeal must be filed in writing with the Commission within 5 days after the date on which notification of the results of such examination was mailed to the applicant.

Paragraph 2.—A rating in any part of an examination shall not be changed unless it is found by the Commission that a substantial error has been made. The decision of the Commission with respect to a review or change shall be final and shall be entered in its minutes.

Section 3—Appeal from Removal from List

An eligible whose name has been removed from a list for any of the reasons specified in Article VI, Section 3, may appeal to the Commission for reconsideration. Such appeal must be filed in writing with the Commission within 10 days after the date on which notification was mailed to the applicant. The Commission, after investigation, shall make its decision, and the eligible shall be notified by the Commission in writing.

ARTICLE XIII—ATTENDANCE AND LEAVE

Section 1—Annual Leave

Paragraph 1.—Vacation with pay will be accumulated to the credit of each employee in the State service at the rate of one and one-fourth working days per month from the date of employment in such State service, but no vacation can be used until after the completion of one year of employment, and only such vacation can be used as has been accumulated up to the beginning of such leave.

Paragraph 2.—Annual leave shall be cumulative for not more than thirty working days. Leave shall be granted by the department head at such time, or times, as will least interfere with the efficient operation of the agency.

Paragraph 3.—The amount of unused annual leave to the credit of each employee at the end of any calendar year shall be certified to the Commission by February first of each year by the head of the Department or by the employee. Failure to report such unused leave by specified date will mean the forfeiture of such carry-over leave.

Paragraph 4.—On separation from the service, except as provided in Paragraph 5 hereof, all annual leave accumulated to date of such separation shall be granted. Leave for the year of separation shall be calculated at the rate of one and one-fourth working days per month from January first of that year to date of separation.

Paragraph 5.—An employee dismissed as provided by Section 2, Article XI, may in the discretion of the Commission, forfeit all earned annual leave. Annual leave shall not accrue or accumulate during leave of absence without pay.

Paragraph 6.—Employees shall not forfeit earned annual leave when promoted or transferred from one department to another.

Section 2—Sick Leave

Paragraph 1.—Each employee in the classified service shall be entitled to sick leave with pay at the rate of one and one-fourth working days per month for

each month of service up to the time of the illness for which such allowance is claimed. Sick leave is allowable only for bona fide illness and may not be approved as additional annual leave. Allowance chargeable to sick leave for illness of three days or less may be approved by the department head. Request for allowance of more than three consecutive days must be accompanied by a certificate of such illness and verified by a person professionally and legally qualified to issue same.

Paragraph 2.—The amount of unused sick leave to the credit of each employee shall be certified to the Commission by February first of each year by the Head of the Department or by the employee. Failure to report such unused leave by specified date will mean the forfeiture of such carry-over leave.

Paragraph 3.—Employees shall not forfeit earned sick leave when promoted or transferred from one department to another.

Section 3—Leave of Absence Without Pay

A permanent employee, upon application in writing to and upon written approval by the administrative head of the agency concerned and the Commission, may obtain a continuous leave of absence without pay not to exceed 30 days or, in case of illness, may in exceptional instances be further extended with the consent of the Commission. At the expiration of such leave, the employee shall be reinstated in the service without loss of any rights except earned vacation as provided in Article XIII, Section 1, Paragraph 5. Failure on the part of an employee to report promptly at the expiration of the leave of absence, except for satisfactory reasons submitted in advance, shall be cause for discipline or dismissal. Leave of absence without pay, however, will not be granted until after all of the employee's accumulated annual leave has been exhausted, and if leave without pay is granted on account of illness, until all of his accumulated sick leave has also been exhausted. Leave without pay for a provisional employee may not be granted for any purpose in excess of thirty days. Should extended leave be necessary, the services of employee must be terminated. Any future reappointment will be made in accordance with Commission rules. If leave taken

is for educational purposes, credit will be allowed for previous services for sick and annual leave calculations.

Section 4—Military Leave

Any permanent employee who enlists or is inducted into the military, naval, air, or other armed forces of the United States Government, in time of war, shall be entitled to leave of absence without pay for the duration of such war and one year thereafter.

Section 5—Reinstatement of Employees After Extended Leave

Upon return of any employee after an extended leave of absence, any necessary reductions in staff shall be made in the manner provided in Article XI, Section 4 of these rules.

Section 6—Penalties

Whenever the Commission has proof that an employee in the classified service obtained a leave of absence through misrepresentation, fraud or deceit, such employee shall be given an opportunity to show cause why he should not be dismissed from the service.

Section 7

Paragraph 1.—The absence of an employee from his duties for a period of five or more consecutive days without the permission of both the head of the department involved and the Civil Service Commission will be considered a violation of the rules, and the offending employee may be subject to such penalties as the Commission may determine.

Section 8—Court and Jury Leave

(a) Upon application in writing, a permanent, provisional or temporary employee may be granted leave of absence as indicated below:

1. When, in obedience to a subpoena or direction by proper authority, he appears as a witness for the Federal Government, the State of Colorado, or a political sub-division thereof, he shall be entitled to leave of absence for such duty and for such period of

required absence to the difference between his regular compensation and the compensation or fees received as a witness.

2. When he is subpoenaed in private litigation by some party other than the Federal Government, the State of Colorado, or a political sub-division thereof, to testify, not in his official capacity but as an individual, the time absent by reason thereof shall be taken as annual leave, or leave without pay.

3. When an employee serves upon a jury he shall be entitled to leave of absence for such duty and for such period of required absence to the difference between his regular compensation and the amount received for jury duty.

(b) Attendance in court in connection with an employee's usual official duties, and time required in going and returning shall not be considered as absence from duty.

ARTICLE XIV—SERVICE RATINGS

Paragraph 1.—The Civil Service Commission shall establish, in all departments and state institutions, suitable systems for rating the employees upon the actual performance of their work and suitability for promotion. Insofar as practicable, the system of service ratings in the agencies shall be uniform. Such ratings shall be prepared and recorded for all employees at regular intervals not to exceed six (6) months. Service ratings shall be considered in determining salary advancements and in making promotions, demotions, dismissals, and in determining the order of separations due to reduction in force. An employee shall be notified of his service rating by the agency.

Paragraph 2.—An employee may appeal to the Commission from his service rating received from the agency, according to method outlined in merit rating plan adopted by the Commission.

ARTICLE XV—POLITICS AND RELIGION

Section 1—No Interference with Elections

No employee of the agencies of the Commission shall use his official authority or influence for the

purpose of interfering with an election or affecting the result of an election. All persons occupying positions other than those exempt under the provisions of Article XII, Section 13, of the Constitution, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns.

No person in the classified service shall be subject to any assignment of any political party or individual representing any party or candidate for any public office. However, nothing in this section shall be construed to prohibit or prevent any such person from becoming or continuing to be a member of a political club or organization, or from attendance upon political meetings.

Section 2—No Disclosures or Discriminations

No questions in any application form or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations and all disclosures thereof shall be discountenanced. No discriminations shall be exercised, threatened, or promised by any person in the employ of the agencies or the Commission against or in favor of any applicant, eligible, or employee because of his political or religious opinions or affiliations.

Section 3—Recommendations Not Considered

No recommendation of any applicant, eligible, or employee involving a disclosure of his political or religious opinions or affiliations shall be considered or filed by the agencies, the Commission or any other officer or employee concerned in making appointments or promotions.

ARTICLE XVI—OTHER EMPLOYMENT

No employee shall hold other public office or have conflicting employment while in the employ of the agencies. Determination of such conflict shall be made by the State agency and the Commission.

ARTICLE XVII—PAY ROLL CERTIFICATION

It shall be the duty of every administrative head to submit monthly to the Commission a pay roll signed by the administrative head and the appointing authority containing the name, title, salary and number of days worked by every person under his jurisdiction occupying a position in the classified service. Any changes which may affect the employment status of the persons whose names appear on pay rolls must be submitted in writing to the Commission for its approval before proper certification of such pay roll will be made.

Acceptance of and certification by the Commission of a properly executed pay roll shall be the certificate of the Commission, giving due notice that the persons whose names appear thereon have been appointed pursuant to Article XII, Section 13, of the Constitution and are entitled to the salaries appearing thereon opposite their names.

The Commission shall withhold certification of those names and amounts not in accordance with the records in the office of the Commission and shall place a red "x" opposite such names and amounts.

The Commission may, in its discretion, withhold the approval of payment of the salary of the head of any department who is in the classified service, if in its opinion, said head of a department has, by approval of a pay roll, attempted to circumvent the enforcement of Article XII, Section 13 of the Constitution, the Civil Service Law, and these rules.

ARTICLE XVIII—RECORDS AND REPORTS

The Commission shall establish and maintain an official roster for each employee showing name, title, administrative agency, organizational unit, salary, changes in status, service rating, and such personnel information as may be considered pertinent.

ARTICLE XIX—OBSERVANCE AND ENFORCEMENT

Section 1

The hours of employment shall be 38 hours per week.

Section 2

The Commission recognizes regular legal holidays as follows:

- | | |
|--------------------------|--|
| 1. New Year's Day | 7. Labor Day |
| 2. Lincoln's Birthday | 8. Columbus Day |
| 3. Washington's Birthday | 9. Armistice Day |
| 4. Memorial Day | 10. Thanksgiving Day |
| 5. July Fourth | 11. Christmas Day |
| 6. Colorado Day | 12. Election Day, in even-numbered years |

Any other holidays proclaimed by the Governor.

Section 3

Administrative heads of all agencies are hereby charged with a strict observance and enforcement of all the laws and rules and regulations of the Commission.

Section 4

Any violation of any of the rules and regulations of the Commission by any employee within the classified service, when proven to the satisfaction of the Commission, will subject the offender to such penalties as the Commission may determine.

ARTICLE XX—AMENDMENTS

If and when it appears desirable in the interest of good administration, the Commission may make additions to, or amend these rules. No amendment to these rules shall be adopted by the Commission at the same meeting at which it is proposed, and no final action shall be taken on any new rule or any amendment in less than 5 days after its proposal.

ARTICLE XXI—EFFECTIVE DATE

The Colorado State Civil Service Commission hereby repeals all other rules and regulations in effect prior to March 1, 1949. These rules shall become effective March 1, 1949.

A P P E N D I X

POSITIONS NOT IN THE CLASSIFIED SERVICE

A. Judges of courts of record, and one stenographer for each judge; one clerk for each court of record; persons appointed to perform judicial functions, receivers and jurors.

B. Members of boards or commissions appointed by the Governor and serving without pay.

C. Designated paid Boards or Commissions:

1. Members of State Industrial Commission
2. Members of Public Utilities Commission
3. Members of Civil Service Commission
4. Members of State Land Board

D. Confidential employees of the Governor's Office:

1. Secretary
2. Director of Revenue
3. State Purchasing Agent
4. Stenographer
5. Messenger

E. Appointees to fill vacancies in the elective offices.

F. All elective officers and one deputy for each such officer.

G. Officers and teachers in Educational Institutions:

1. Colorado A. & M. College, Fort Collins, Colorado
2. State School for Deaf and Blind, Colorado Springs, Colorado
3. Colorado State College of Education, Greeley, Colorado
4. Colorado School of Mines, Golden, Colorado
5. Adams State Teachers College, Alamosa, Colorado
6. Western State College, Gunnison, Colorado

7. Fort Lewis School (College of Agriculture), Hesperus, Colorado
 8. State Board of Vocational Education and Vocational Rehabilitation, Denver, Colorado
 9. State Board of Industries for the Blind, Denver, Colorado
 10. Colorado State Museum, Denver, Colorado
- H. Attorneys-at-Law, when serving as such:
1. Assistant Attorneys General
- I. Officers and employees of the General Assembly.

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