

1
2 **BY AUTHORITY**

3 ORDINANCE NO.
4 SERIES OF 2018

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:
Charter Review Committee

6
7 **A BILL**

8
9 For an ordinance submitting to a vote of the qualified and registered electors of the City
10 and County of Denver at a special municipal election to be held in conjunction with the
11 state general election of November 18, 2018, a proposed amendment to the Charter of
12 the City and County of Denver concerning the qualifications for lateral hires to the
13 Denver Police Department and Denver Fire Department

14
15 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

16
17 **Section 1.** There is hereby submitted to the properly qualified and registered electors of the
18 City and County of Denver for their approval or rejection at a special municipal election to be
19 conducted at the same time and in conjunction with the state general election to be held in the City
20 and County of Denver on November 6, 2018, a proposed amendment to the Charter of the City and
21 County of Denver, as follows:

22
23 **Effective upon publication and filing with the Secretary of State pursuant to the**
24 **Constitution and laws of the State of Colorado, the following sections of Article IV of**
25 **the 2002 Charter of the City and County of Denver shall be and are hereby amended to**
26 **read as follows:**

27
28 **Amend Part 3 of Article IX by deleting the language stricken and adding the language**
29 **underlined to read as follows:**

30 **§ 9.3.11 – Eligible registers, for original appointment and promotional appointment;**
31 **requisition and certification.**

32 (A) *Creation of eligible register.* Those examined shall be graded according to an announced
33 examination process. For those examined who have successfully completed the
34 examination and all other phases of the Commission's process, including a background
35 investigation for original appointment, their names and grades shall be entered on an eligible

1 register in rank order by examination grade. An eligible register shall be considered a public
2 document open to inspection.

3 (B) *Background investigation and review.* The Commission shall oversee background
4 investigations for original appointment. In no circumstance shall any individual be placed on
5 an eligible register for original appointment, or be approved for original appointment or
6 reemployment in the Classified Service, unless the Commission has reviewed the results of
7 the individual's background and has approved the individual's background. The results of
8 background investigations shall also be made available to the appointing authority for use in
9 determining whether to appoint or reemploy an individual.

10 (C) *Separate eligible registers.* The Commission shall have the separate eligible registers for
11 entry level cadet, certified peace officer, reserve and promotional candidates.

12 (D) *Removal of names from eligible register.* The Commission shall have the authority to
13 make rules concerning the removal of names from an eligible register.

14 (E) *Original appointment.* The Commission shall establish rules to provide for the requisition
15 by the Manager of Safety, and the certification to the Manager of Safety, of applicants for
16 original appointment.

17 ***(i) Appointment of certified peace officer and firefighter with a minimum of three***
18 ***years patrol experience of firefighter with a minimum of three years full-time***
19 ***firefighting experience.*** ~~An applicant to the Classified Service of the Denver Police~~
20 ~~Department who is currently certified as a peace officer and who has a minimum of three~~
21 ~~years of patrol experience as a law enforcement officer may receive original appointment in~~
22 ~~the Police Department upon meeting all qualification and examination standards~~
23 ~~established by the Commission and the Department of Safety, upon being certified to the~~
24 ~~Manager of Safety, and upon receiving written approval of the Chief of the Police~~
25 ~~Department and the Manager of Safety. An applicant to the Classified Service of the~~
26 ~~Denver Fire Department who has a minimum of three years of full-time firefighting~~
27 ~~experience may receive original appointment in the Fire Department upon meeting all~~
28 ~~qualification and examination standards established by the Commission and the~~
29 ~~Department of Safety, upon being certified to the Manager of Safety, and upon receiving~~
30 ~~written approval of the Chief of the Fire Department and the Manager of Safety. (ii)~~
31 ~~Appointment of an active Reserve Police Officer. An active Reserve Police Officer of the~~
32 ~~Denver Police Department who has met all of the qualifications and requirements of the~~
33 ~~Denver Police Department reserve officer training program and has been designated a~~
34 ~~Reserve Officer may receive original appointment in the Police Department upon meeting~~
35 ~~all qualification and examination standards established by the Commission and the~~
36 ~~Department of Safety, upon being certified to the Manager of Safety, and upon receiving~~
37 ~~written approval of the Chief of the Police Department and the Manager of Safety. An~~
38 ~~applicant to the Classified Service of the Denver Police Department who is currently~~
39 ~~certified as a Colorado peace officer or out-of-state equivalent, and has a minimum of 2~~
40 ~~years' experience on the date of application (not including time employed as a~~
41 ~~corrections/detention officer), excluding time served during prior police academy training.~~

1 may at the discretion of the Chief of Police or designee, start the Denver Police Academy at
2 the rate of pay for Police Officer 2nd grade. The recruit, after successful completion of the
3 Denver Police Academy, followed by continued employment as a Denver police officer for a
4 period of (9) months of service (following graduation), shall become a Police Officer 1st
5 grade at the start of the following pay period, regardless of the completion date in the 9th
6 month.

7
8 An applicant to the Classified Service of the Denver Police Department who is currently
9 certified as a Colorado peace officer or out-of-state equivalent and has a minimum of 4
10 years' experience on the date of application (not including time employed as a
11 corrections/detention officer), excluding time served in a prior police academy, may at the
12 discretion of the Chief of Police or designee, start the Denver Police Academy at the rate of
13 pay for Police Officer 1st grade.

14 The Chief of Police will evaluate applicants with prior law enforcement experience and
15 peace officer certification on a case-by-case basis in assessing and determining suitability
16 for hiring at an elevated pay grade.

17 An applicant to the Classified Service of the Denver Fire Department who has a minimum of
18 three years of full-time firefighting experience may receive original appointment in the Fire
19 Department upon meeting all qualification and examination standards established by the
20 Commission and the Department of Safety, upon being certified to the Manager of Safety,
21 and upon receiving written approval of the Chief of the Fire Department and the Manager of
22 Safety.

23 These appointments shall have no impact regarding required time served in the Denver Fire
24 or Police Departments for the purpose of seniority and promotional testing requirements of
25 the Civil Service Commission.

26 The standards set forth are separate from City Charter 9.5.5 (A)(B) and 9.6.6 (A)(B)(C)(D)
27 which addresses pay standards for those who do not qualify as a Lateral Firefighter or
28 Lateral Police Officer.

29
30 (iii) *Appointment of fire department personnel pursuant to intergovernmental agreement.*

31 Applicants to the Classified Service of the Denver Fire Department, who are applying
32 pursuant to a duly approved intergovernmental agreement which provides for the transition
33 of fire department services from a governmental or quasi-governmental agency to the City of
34 Denver, may receive original appointment in the Fire Department upon meeting all
35 qualification and examination standards established by the Commission and the Department
36 of Safety, upon being certified to the Manager of Safety, and upon receiving written approval
37 of the Chief of the Fire Department and the Manager of Safety.

38 (F) *Promotional appointment.* The Commission shall provide for promotion in the Classified
39 Service on the basis of an examination process announced by the Commission, which shall

1 include consideration of seniority in service, and shall provide in all cases, that vacancies
2 shall be filled by promotion. All examinations for promotion shall be competitive among such
3 members of each department as desire to submit themselves to examination. Eligible
4 registers for promotional appointment shall be established under the provisions of this
5 Section. The Commission shall certify to the appointing authority without delay the number
6 of names equal to the number of persons to be appointed, plus two, if there may be so
7 many, having the highest position on the register. The names shall remain on the register at
8 least one year. If a new register has not been completed at the end of one year, the register
9 will remain effective until a new register is established, but in no event shall a register for
10 promotional appointment be effective for more than two years.

11 **Section 2.** The voting machines and paper ballot for said election shall carry the following
12 designation, which shall be the title and submission clause:

13
14 **REFERRED QUESTION _____**

15
16 **Shall the Charter of the City and County of Denver be amended to promote greater**
17 **flexibility in the hiring of lateral recruits for classified service in the Denver Police and**
18 **Fire Departments**
19

20
21 **Section 3.** Each elector voting at the election and wishing to for or against the amendment
22 shall indicate the elector's choice by depressing the appropriate counter of the voting machine
23 which indicates the word "YES" or the word "NO", or by appropriate marking upon paper ballots
24 when used.

25 **Section 4.** The proper officials of the City and County of Denver as are charged with duties
26 relating to the election shall, before the election, issue such calls, make such certifications and
27 publications, give such notices, make such appointments, and do all such other acts and things in
28 connection with the submission of this Charter amendment to the registered electors of the City and
29 County of Denver at the election as are required by the Constitution and laws of the State of
30 Colorado and the Charter and ordinances of the City and County of Denver.

31 **Section 5.** The ballots cast at such election shall be canvassed and the results ascertained,
32 determined, and certified in accordance with the requirements of the Constitution and laws of the
33 State of Colorado and the Charter and ordinances of the City and County of Denver.

34 **Section 6.** If any section, paragraph, clause, or other portion of this ordinance is held to be
35 invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance shall

1 not be affected.

2

3 COMMITTEE APPROVAL DATE: _____, 2018.

4 MAYOR-COUNCIL DATE: _____, 2018.

5 PASSED BY THE COUNCIL _____ 2018

6 _____ - PRESIDENT

7 APPROVED: _____ - MAYOR _____ 2018

8 ATTEST: _____ - CLERK AND RECORDER,
9 EX-OFFICIO CLERK OF THE
10 CITY AND COUNTY OF DENVER
11

12 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2018; _____ 2018

13

14 PREPARED BY: _____; DATE: _____

15

16 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
17 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
18 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
19 3.2.6 of the Charter.
20

21 Kristin Bronson, City Attorney

22 BY: Kirsten J Crawford, Assistant City Attorney

23 DATE: _____

24

25

26

27