



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: January 24, 2022

TO: President Heather Graham and Members of City Council
CC: Mayor Nicholas A. Gradisar
VIA: Marisa Stoller, City Clerk
FROM: Manuel Alcala, Civil Service Administrator
SUBJECT: AN ORDINANCE AMENDING CIVIL SERVICE RULE 18 OF CHAPTER 13 OF TITLE VI OF THE PUEBLO MUNICIPAL CODE RELATING TO THE REQUIRED PERIOD OF NOTICE WITH RESPECT TO PROMOTIONAL EXAMS

SUMMARY:

Attached is an Ordinance making desired changes to Civil Service Rule 18 relating to the required period of notice with respect to promotional exams.

PREVIOUS COUNCIL ACTION:

Civil Service Rules are periodically amended and updated as necessary. The procedure for such amendment is set forth in Civil Service Rule 40 with public hearing before the Civil Service Commission culminating in a Civil Service Commission Report submitted to Council with the proposed amendments.

BACKGROUND:

See attached Civil Service Commission Report.

FINANCIAL IMPLICATIONS:

There are no financial implications because of this Ordinance.

BOARD/COMMISSION RECOMMENDATION:

See attached Civil Service Commission Report.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

City Council could elect not to pass the Ordinance and the Civil Service Rules would continue to be applied without the desired changes.

RECOMMENDATION:

The Civil Service Commission and staff recommend passage and approval of the proposed Ordinance.

Attachments:

Proposed Ordinance

Civil Service Commission Report.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CIVIL SERVICE RULE 18 OF
CHAPTER 13 OF TITLE VI OF THE PUEBLO MUNICIPAL
CODE RELATING TO THE REQUIRED PERIOD OF NOTICE
WITH RESPECT TO PROMOTIONAL EXAMS

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Civil Service Rule 18 of Chapter 13 of Title VI of the Pueblo Municipal Code is hereby amended to read as follows:

Rule 18. - Examinations; general.

- (a) All appointments and promotions in the classified service shall be made according to merit and fitness to be ascertained, so far as practicable by competitive examination.
- (b) Examinations shall be practical and shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the class or classes for which examinations are held. Each applicant shall be treated equally and tested solely on ability. Under all circumstances the Commission or the examiner shall exercise due diligence to prevent collusion, fraud or discrimination throughout the examination process.
- (c) All examinations shall be given pursuant to procedures to be adopted by the Commission. Examinations may consist of any of the following or any combination of the following which validly serves the need to discover the relative fitness of applicants:
 - (1) Written job-related aptitude or job knowledge tests;
 - (2) Appropriate professional licenses or certificates issued by proper authorized licensing authorities;
 - (3) Scored oral examinations or interviews designed to determine general fitness for the class;
 - (4) Nonwritten performance tests of skills or abilities, required by the class;
 - (5) Scored evaluations of education and experience. Such evaluations shall be objectively and uniformly applied and may be based on such factors as quantity, remoteness in time, quality and relevancy of the education and experience;
 - (6) Physical tests of strength, agility, stamina or dexterity appropriate to the class requirements; or
 - (7) Other forms deemed appropriate depending upon the duties of the class involved.
- (d) Time of Examinations. Regular promotional examinations for which there are applicants shall be given at least once a year for all ranks in the uniformed police and fire services, except for Deputy Police Chief, Police Captain, Deputy Fire Chief, Assistant Fire Chief and Fire Inspector. Regular promotional examinations for which there are applicants shall be given at least once every two (2) years for Assistant Fire Chief. Such examinations shall be given at times to be determined by the Commission. All other entrance, promotional and special examinations shall be given when necessary as determined by the Commission or at the request of the Mayor, and shall be scheduled at times determined by the

Commission, but in no event more than sixty (60) days after a request for such examination has been given by the Mayor.

- (e) notice. Notice of the time and date of an examination shall be given to each applicant by first class mail or **[by]** electronic mail when an electronic mail address has been provided by the applicant. Notice shall be mailed **[at least thirty (30) days prior to any regular promotional examination and]** at least fifteen (15) days prior to **[all other] any** examination[s]. The foregoing notice requirement shall not, however, be applicable with respect to any examination based on scored evaluations of education and experience.
- (f) Time Limits. The time allowed applicants to complete any one (1) subject and the time allowed to complete the entire examination shall be fixed by the Commission, or its designated representative conducting the examination, and shall be stated on the examination and announced prior to the commencement of the examination. Examination time will in no case be extended except upon special direction of the Commission.
- (g) Separate Examinations. Computer based examinations may be administered at separate times and places. For all other examinations, the Commission may provide for separate examinations at another time and place when the number of applicants is in excess of the number that can conveniently be examined at one (1) time and where placement of the applicants into separate groups is made randomly. All separate examinations shall be conducted and concluded within a forty-eight-hour period. The Commission may adopt additional safeguards deemed appropriate to assure the integrity of the examination process.
- (h) Applicant Identity and Exam Administration. Applicants shall be admitted to an examination only on presentation of a valid government-issued photo identification card.
 - (1) Computer based examinations which are administered and scored electronically shall be administered fairly and impartially with sufficient safeguards to ensure the integrity of examination answers and scores.
 - (2) All other written examinations shall identify applicants by number as herein provided. Upon entrance, each applicant shall receive an examination number which shall be unknown to the Commission. This number shall be placed by the applicant in a sealed envelope and shall remain unknown to the Commission until all test grades have been completed, at which time the envelopes shall be opened and examination papers identified by name. No applicant shall in any manner attempt to identify his or her paper other than by his or her examination number.
- (i) Form and Method. The form, manner and method of examining all applicants shall be determined by the Commission in accordance with the provisions hereof.
- (j) Substance and Preparation. Under the direction and supervision of the Commission, examinations shall be prepared in such manner as to secure the highest possible level of competence among the City's personnel. Toward this end, the Commission staff shall continually make studies to correlate testing procedures and position requirements and advise the Commission of improvements needed in the examination procedure.
- (k) Discrimination prohibited. No aspect of any examination shall in any manner relate to the political or religious beliefs or other affiliations of the applicants. Nor shall any appointment, retention, removal or promotion in any manner be influenced by such beliefs or affiliations.
- (l) Examiner. The Commission staff, and such other persons or agencies as the Commission shall authorize, may act as examiners to conduct all examinations, and shall act under the direction and supervision of the Commission.

SECTION 2.

The officers of the City are authorized to perform any and all acts consistent with the intent of this Ordinance to implement the policies and procedures described herein.

SECTION 3.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

Approved on _____.

Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of _____, on _____

Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk