

505.00 - PERSONNEL ISSUES AND PROCEDURES

505.01 Days Off

- (1) The Denver Police Department work year shall consist of thirteen (13) twenty-eight (28) day periods. A work week begins on Sunday at 0001 hours and ends on Saturday at 2400 hours.
 - a. Officers shall be credited with attendance for the calendar day on which they report for duty.
- (2) In the event that the department adopts a fourteenth (14th) period during any calendar year, officers working eight-hour (8-hour) shifts shall receive an additional two (2) regular days off, and officers working ten-hour (10-hour) shifts shall receive an additional three (3) regular days off.
- (3) Shift changes and transfers will take place on the first (1st) or fifteenth (15th) day of a work period, unless special circumstances require immediate changes.
 - a. Shift assignment and regular days off shall be granted at the discretion of the Unit Commander.
 - b. Shift length shall be determined by the Chief of Police.
- (4) The shift length shall remain the same throughout an entire work period.
 - a. During each work period, the normal work cycle shall be one hundred sixty (160) hours, inclusive of authorized leave time. During each work period, officer working eight-hour (8-hour) shifts shall receive eight (8) regular days off and officer working ten-hour (10-hour) shifts shall receive twelve (12) regular days off.
 1. All officers receive eight (8) hours off each year for their birthdays, scheduling of which is subject to the approval of their commanding officer based on staffing needs.
 2. The time off taken will be marked on the TeleStaff calendar with the work code Birthday.
 3. All Saved Holiday time must be used before November 30th of the same calendar year or the time will be lost.
 4. Birthday or Saved Holiday taken off will be recorded on the TeleStaff calendar with the correct work code.
 - c. When submitting day off requests prior to the work period in which a holiday falls, officers who have not elected one or more of the holidays off in a block must declare a preference of pay or time for the upcoming holiday. When two (2) holidays fall within a work period, they may be split. An officer may elect pay for one (1), and time for the other.
 1. An officer who elects time will be entitled to eight (8) additional hours off during the work period, or sixteen (16) additional hours off in work periods in which there are two (2) holidays. These will be voted by seniority as regular days off.
 2. Officers, who request pay and work the actual holiday, will receive the holiday pay, as well as premium pay for actual the hours worked on the holiday.
 - d. Posting of Days Off
 1. The days off schedule, including shift assignment hours, must be signed and posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule will be signed by the commanding officer or designee and the date and time of the posting shall be noted. The schedule shall be posted in a location within the unit of command where it may be viewed by officers assigned to that duty location.

2. An officer's normal shift is established upon official notification of posting of days off. An officer whose shift is changed after notification may be entitled to premium pay overtime except in emergency circumstances, as specified in Article 19, Change of Shift, of the Collective Bargaining Agreement. "An emergency under article 19.3 shall be defined as an unexpected urgent circumstance the prevention of which could not have been reasonably foreseen. The circumstances of the emergency will be brought to the attention of the appropriate Division Chief by the Commanding officer of the District, Bureau or Unit involved as soon as possible after the circumstance becomes evident. The nature of the emergency and those officers affected by the scheduling change will be documented in writing and forwarded via the Chain of Command to the appropriate Deputy Chief for review. The Chief of Police or the Deputy Chief has the authority to grant the emergency exception and still authorize pay or comp time as provided in Article 19.3 at their discretion."
 - a. Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer's previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).
 - b. In the event an officer is required to work on his or her previously scheduled day off, and in the further event the officer does not receive a substitute day off during the same work period, the officer shall receive overtime compensation at the rate of one and one half (1½) times the officer's regular rate of pay for all hours worked on the officer's previously scheduled day off.
 - c. Officers shall not be entitled to overtime pay for changes in days off unless it falls within the provision of Article 15, of the Collective Bargaining Agreement, and less than eight (8) hours of relief is provided between shifts.
 - d. A letter from the supervisor/commander who changed the shift shall be forwarded through the chain of command to Payroll outlining the reason for the change of shift, if the officer requests cash payment.
- (5) Hours worked in excess of one hundred seventy-one (171) in a work period must be considered overtime in accordance with FLSA. It shall be incumbent upon commanders to arrange for compensatory time off for officers who are approaching the one hundred seventy-one (171) hour limit, prior to the end of each work period.
- (6) Vacation, Accumulated Sick Leave, Sick, Injured, and Line of Duty Injury are considered as working time and shall be reflected on the Attendance Records with the appropriate designations.
- (7) All Sick, Injury in the Line of Duty, and Injury Not in the Line of Duty shall be carried on the Attendance Records with the appropriate designations. For officers on limited duty, who are working less than an eight (8) hour shift see OMS 502.02(7).
- (8) Suspensions, without pay, are non-working time and will be reflected in the Attendance Record.
 - a. Periods of suspension will be identified in the Attendance Record and notation made in the comments to explain any days off forfeited.
 - b. Commanders will consult with the Human Resource Management Bureau to determine the number of regular days off allowed during the suspension period.

505.02 Vacation

(1) Officers hired after January 1, 1996, shall accrue vacation as follows:

<u>Length of Employment</u>	<u>Annual Leave Hours Accrued Each Year of Regular Time Worked</u>
a. 1 st through 4 th year	112 hours
b. 5 th through 9 th year	136 hours
c. 10 th through 14 th year	144 hours
d. 15 th through 19 th year	168 hours
e. 20 th through 24 th year	184 hours
f. 25 th year and thereafter	200 hours

Officers hired prior to January 1, 1996, shall continue to receive their vacation entitlement pursuant to the schedule in effect in 1995, except that effective January 1, 1996, officers with twenty (20) or more years of service accrue twenty-three (23) days; effective January 1, 1997, officers with twenty-five (25) or more years of service accrue twenty-five (25) days

- (2) Vacation shall be accrued for each month of service, prorated on the above schedule.
- (3) Subject to the limitations of 9.3.1 vacation time must be used in the calendar year in which it is received except that an officer may carry over up to one-hundred forty-four (144) hours of vacation time to be used subsequent to the time of accrual. Officers may, solely at the Chief's discretion, use their excess accrued vacation in increments of eight (8) or ten (10) hours dependent upon the officer's regularly scheduled duty shift.
 - a. Officers shall not be entitled to use accrued vacation time during the calendar year of their year of hire.
- (4) Upon the separation of an officer from service for any reason other than for cause, the officer shall be entitled to a lump sum payment for all accrued and unused vacation time calculated at his or her base rate of pay pursuant to Article 33. Upon the death of an officer, such lump sum payment shall be paid to the officer's estate. Payment due under this article shall be made within sixty (60) days of the date of the officer's separation from the department or within sixty (60) days from the officer's death or the appointment of a personal representative on behalf of the officer's estate.
- (5) Vacation voting for the upcoming year shall take place during the last quarter of the preceding year.
- (6) Vacation shall be voted based on seniority in accordance with this article. Vacation shall be voted by the work period or half work period. Officers who vote to split their vacation are entitled to take the first fourteen (14) days or the last fourteen (14) days of a work period subject to the availability of accrued time. If the vacation is split, both the first half and second half will be voted by seniority provided that the split vacation voting does not increase leaves which have been allotted through proportional scheduling. Officers shall be required to pre-select either a full vacation or a split vacation. Officers may, however, split their accrued vacation time only if the aggregate of their accrued or saved vacation time is eighty (80) hours or more. When vacation time is split, during any two (2) week vacation period officers working ten (10) hour shifts shall use five (5) regular days off and officers working eight (8) hour shifts shall use three (3) regular days off, whenever possible, in addition to the split vacation time. Any additional accrued time available to the officer may be used to extend the officer's period of vacation subject to the needs of the department and the Chief's discretion.
- (7) Officers voting full period vacations who are entitled to in excess of twenty-eight (28) days, including vacation days and regular days off, shall be granted the days preceding or following the twenty-eight (28) day period at the discretion of the Commander.
- (8) Transfers after vacation voting:
 - a. When the transfer is requested by the officer, all rights to the original vacation voting are relinquished. Vacation time will be granted strictly at the convenience of the Commander of the Bureau/District to which the officer is assigned until the next vacation voting period.
 - b. When the transfer has not been requested by the officer, insofar as it is possible without affecting the efficient operations of the unit, the unit commander will attempt to honor the original vote.
- (9) In the event a vacation or accumulated sick leave time slot becomes available, the commanding officer shall post notice of such available time for a period of fifteen (15) days, provided a fifteen-day period exists prior to the available time slot. If less than fifteen days is available, the commanding officer shall post notice of such available time shall be awarded to officers on a priority based on seniority subject to procedures to be established by the Department.
- (10) Except in an emergency under procedures determined by the Chief, no part of vacation time voted in a full work period or half work period will be cancelled, nor shall an officer be called back during his/her use of such voted vacation time.
- (11) The use of vacation time shall be voted by seniority as follows:

- a. Throughout the department, voting in each Bureau/District shall be according to seniority in rank. Rank includes the following positions: Captain, Lieutenant, Sergeant, and Police Officer. The appointive positions of detective, corporal, and technician are not Civil Service ranks. Division chiefs may permit voting within individual units subject to the approval of the Deputy Chief of the affected area of Operations or Administration. The Chief of Police may establish exceptions to this rule as he deems necessary for the efficient operation of the department.

505.03 Overtime

- (1) All officers up to and including the rank of Lieutenant shall be paid at the overtime rate of time and one-half (½) of the officer's base rate for all hours worked in excess of their daily work shift or for all hours actually worked in excess of one hundred seventy-one (171) in the work period. Captains shall be compensated for all hours worked in excess of their daily work shift at the normal rate.
- (2) All overtime will be reported on Officer's Overtime Authorization/Accumulated Time Returned, DPD 154, according to the provisions in OMS 109.02(2), DPD 154.
 - a. The form shall indicate the exact date and times during which the overtime was worked and a clear description of the reason for the overtime.
 - b. The form shall include the complete rank, signature, and serial number of the superior officer verifying the overtime.
- (3) Command officers shall ensure that a compensatory time record for every officer assigned to their command resides on a Department server designated by Technology Services (TS). Compensatory time records will not be maintained on the hard drive of any personal computer.
 - a. Security disks that are required for data entry or modification of compensatory time records will be stored in a secure location that is only accessible by the command officer responsible for approval and entry of compensatory time.
 - b. Command officers, with the rank of lieutenant or above, shall be the only officers authorized to enter compensatory time records into the computer system. All entries shall include the badge number of the command officer entering the information.
 - c. Compensatory time for command officers shall be approved and entered by their superior officer.
 - d. A summary indicating the compensatory time balance for each officer will be printed and forwarded to the Human Resource Management Bureau along with the Attendance Record following the completion of each Work Period.
 - e. Command officers will regularly compare the compensatory records, Attendance Records, and Secondary Employment information of officers under their command for any apparent conflicts or violations.
- (4) Officers shall not be required to declare their intention to request compensation in money or time off prior to overtime being assigned to perform unscheduled operational, investigative, or enforcement duties.
- (5) When an officer is assigned to work overtime, and where such overtime work is mandatory, the officer working the overtime may elect to be compensated in cash payment or compensatory time. The officer shall fill out DPD 154, and designate either cash payment or compensatory time. Supervisors shall follow the distribution instructions on DPD 154 for distribution of the form.
 - a. After working overtime, the officer must designate, on DPD 154, whether compensation is to be returned in time or pay. Supervisors shall follow the distribution instructions printed on the bottom of the form.
 - b. Officer's Overtime Authorization/Accumulated Time Returned, DPD 154, being forwarded to Payroll, Financial Services Bureau, for payment must be received within thirty (30) days, but must first be forwarded through the District/Bureau Commander.
 - c. The maximum amount of compensatory time that can be accrued by an officer is eighty (80) hours. Exceptions may be granted by the officer's Division Chief. In the absence of approved exceptions, any overtime worked after an officer has accumulated eighty (80) hours of compensatory time must be compensated in pay.

- d. Upon request of the officer, compensatory time may be used within a reasonable period after making the request, with the approval of the officer's commanding officer. Pre-approved vacations take precedence over requests to use compensatory time.
 - e. Officers on limited duty shall not be allowed to work overtime without prior approval of the Chief of Police.
 - f. Use of compensatory time will not be granted to any individual officer on a regularly scheduled basis for any purpose, including working Secondary Employment. See OMS 114.01.
 - 1. When the operational needs of the Department are not jeopardized, and when staffing permits, officers may seek prior written approval from their command officer to use compensatory time to work Secondary Employment. In such situations, commanders must document the nature of the circumstance on an Inter-Department Correspondence, DPD 200, and forward their justification to their Division Chief for review. The Division Chief will then forward the approved request to the Secondary Employment Unit for filing.
 - 2. When deciding to grant the use of compensatory time, command officers must adhere to the policy and principal that the officer's on-duty responsibilities have been met. Command officers must continually review the records of officer's under their command to ensure that during periods in which compensatory time has been granted, overtime was not routinely necessary to complete non-emergency duties.
 - 3. No detail shall go below minimum staffing levels to accommodate an officer working Secondary Employment. See OMS 114.04(9)
- (6) CALL BACK: Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's regular shift and within two (2) hours of the officer's next regularly scheduled shift shall be paid for two (2) hours at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's last regular shift and two (2) or more hours prior to the officer's next regularly scheduled shift shall be paid a minimum of three (3) hours or the actual time worked, whichever is greater, at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Captains shall be entitled to pay under this provision at their regular rate of pay. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately return to duty, when the officer's work assignment begins.
- a. An officer shall not be obligated to modify or flex the hours of his/her regularly scheduled duty shift in lieu of or as a method to avoid call back compensation.
 - b. Officers up to and including the rank of Lieutenant required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid at one and one-half times the officer's regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater. Captains required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid for two (2) hours at the officer's regular rate of pay or the actual time worked at the officer's regular rate of pay, whichever is greater.
 - c. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately report when the officer's work assignment begins.
- (7) Time worked in excess of one hundred seventy-one (171) hours in a Work Period is defined as overtime by the Fair Labor Standards Act and must be compensated in cash payment unless the officer has previously signed a waiver requesting compensatory time instead of cash payment.
- a. The waiver must be signed and sent to Human Resource Management Bureau before the time is worked in order to be effective.
- (8) Compensation for off-duty court appearances will be according to the provisions set forth in OMS 103.02(5). DPD 154 shall be turned in immediately upon the officer's return to duty.
- (9) Functions which will not be considered overtime will include court resulting from a non-police action, athletic events or programs, medical attention for work-related injuries and off-duty activities.

- (10) Actual overtime worked is to be converted to time and one-half to the nearest 1/10th hour using the overtime conversion chart available from the Human Resource Management Bureau.
- (11) There will be no negative reporting.
- (12) Whenever an officer separates from the department, a printout of an officer's Compensatory Time Record, DPD 156, will be forwarded to the Human Resource Management Bureau.
- (13) Change of Shift and Cancellation of Days Off
 - a. Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer's previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).
 - b. The schedule of voted days off, the schedule of shift assignment and hours of shift assignment shall be posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule shall be signed by the commanding officer or designee and the date and time of posting shall be noted. The schedule shall be posted in a location within the unit of command where it can be viewed by officers assigned to that duty location.
 - c. Except in an emergency under procedures determined by the Chief, anytime the posted schedule of days off is ordered changed by the commanding officer within seven (7) days of the date of an officer's scheduled day off, the officer(s) affected by the change shall receive four (4) hours of compensatory time or pay at his/her regular rate of pay. Any time the posted hours of a shift are changed within three (3) days of the commencement of the shift, the officer(s) affected by the change shall receive two (2) hours of compensatory time. The determination of an emergency situation shall not be subject to grievance or arbitration.
 - d. In the event an officer is required to work on his or her previously scheduled day off, and in the further event the officer does not receive a substitute day off during the same work period, the officer shall receive overtime compensation at the rate of one and one-half (1 ½) times the officer's regular rate of pay for all hours worked on the officer's previously scheduled day off.
 - e. Command Officers scheduling shift changes for their personnel shall be mindful of this requirement and of the need for their personnel to be afforded appropriate rest time before reporting for a new shift and shall, whenever possible, schedule time off in such a manner as to eliminate the need for officers to report back prematurely.

505.04 Sick Leave

- (1) Officers shall accrue Sick Leave at the rate of twelve (12) hours each month.
 - a. Officers working an eight-hour (8) shift will have eight (8) hours subtracted from their sick bank. Officers working a ten-hour (10) shift will have ten (10) hours subtracted from their sick bank. Supervisors must assure that the Absence Report, DPD 148, form clearly indicates whether the officer works an eight or ten (8 or 10) hour shift.
 - b. Days accrued in excess of a ninety (90) day bank will be taken annually as additional vacation time or compensated by salary payment at the discretion of the Chief of Police.
 - c. The maximum amount of Accumulated Sick Leave to be compensated in any one year is eighteen (18) days in excess of the ninety (90) day bank.
 - d. Accumulated Sick Leave shall be granted on the basis of seniority in rank and will be voted in the officer's district or assignment. ASL voting will take place after all vacations have been voted.
 - e. Upon termination of employment, the officer shall receive cash payment in full at the officer's regular rate of pay for all accumulated sick leave due.
 - f. Upon the death of an officer, cash compensation for all accumulated sick leave, as well as accumulated vacation leave, compensatory time, and other benefits, will be paid to the officer's surviving spouse or, if there is no spouse, to the officer's surviving children or, if there is no child, to the officer's estate.

505.05 Responsibility of Human Resource Management Bureau

- (1) The Human Resource Management Bureau shall be responsible for providing a departmental accounting system, adequate procedures and controls, and permanent records to maintain administrative control over overtime records and sick leave compensation in salary payment.
- (2) The Human Resource Management Bureau shall compute the overtime salary payments, and present the compilation to the Chief of Police.
- (3) The Chief of Police shall review these totals and either approves or disapproves the salary payment and/or order time off, for all such compensations or any portion thereof.
- (4) If the Chief of Police approves compensation in salary payment, such payment shall be made within thirty (30) days.

505.06 Military Absence

- (1) Officers who are absent from work for military service in one of the uniformed services and who are otherwise eligible under the Uniformed Services Employment and Reemployment Rights Act ("USERRA") shall be granted leaves of absence for such military service.
 - a. Officers shall give the Department advance written or verbal notice of an absence due to military service.
 - b. Officers shall be eligible for up to fifteen (15) days, not to exceed one hundred twenty (120) hours, of paid military leave each calendar year.
 - c. Any officer who remains in military service beyond the time for which paid military leave is allowed shall be placed on military leave without pay. However, an officer may elect to use any accrued vacation leave or compensatory time, in lieu of unpaid leave, for all or any portion of the officer's absence due to military service.
- (2) Officers absent on military leave for less than thirty-one (31) days are entitled to continued health and dental insurance coverage as provided by this Agreement. Officers who serve more than thirty (30) days in the military may elect continued health and dental insurance coverage for themselves and their dependents, at their own expense.
- (3) While on paid military leave, an officer's seniority and eligibility for pay increases and vacation and sick leave accrual shall not be affected. While on any unpaid military leave, an officer's seniority will not be affected.
- (4) During the term of this Agreement, officers shall receive military pay or benefits currently provided by D.R.M.C 18-164 or, subsequent to the expiration of said ordinance, in accordance with and at the level provided to any Civil Service or Career Service employee in any ordinance subsequently enacted in lieu or, to replace, or to supplement D.R.M.C 18-164. In the event D.R.M.C 18-164 expires and is not subsequently re-enacted, the level of benefits therein contained shall continue during the term of this Agreement.
- (5) Military days will appear on the attendance record when the officer was originally scheduled to work.

505.07 Applications for Leave

- (1) All applications for sick leave, vacations, accumulated sick leave, military leave, or leave of absence shall originate in the unit where the officer is assigned.
- (2) When Attendance Records are submitted to the Human Resource Management Bureau, every notation of sick leave, vacation, accumulated sick leave, military leave, or leave of absence taken must be accompanied by a Leave Report accounting for such leave.
- (3) Application for leave shall be reported on the appropriate form, DPD 148 or DPD 148A.
 - a. Vacation, Military Leave, Accumulated Sick Leave, Leave of Absence - The original copy of the Vacation - Sick Leave Request, DPD 148A, shall be attached to the Attendance Record for the Work Period during which the leave was taken. In cases where leave spans two or more work periods, the Leave Report shall be attached to the Attendance Record for the Work Period during which the leave began.

b. Sick Leave - For sick leave, off-duty injury, family medical leave, and absent without leave (AWOL), the Absence Report, DPD 148, will be attached to the Attendance Record for the Work Period in which the leave was used. A copy of the Absence Report will be provided to the officer. If the use of sick leave spans two or more Work Periods, a separate Absence Report must be completed for each Work Period, indicating the number of sick leave days taken in that work period, and attached to the appropriate Attendance Record. The nature of the illness or injury shall be specified on the Absence Report only in the case of line of duty injuries.

c. Line of Duty Injury - Refer to OMS 505.08 to 505.12.

- (4) The effective date on the Absence Report will be the actual date the officer was absent.
- (5) Return to duty date will be the date the officer physically reports for the first tour of duty.
- (6) Any officer who is on leave without pay, including suspension, for more than fifteen (15) days of a calendar month shall not accrue vacation time or sick leave for that calendar month. In addition, officers shall not accrue days off proportionate to the number of days of leave without pay. The Human Resource Management Bureau should be contacted regarding the number of regular days off to be forfeited.

505.08 Use of Sick Leave, Leave of Absence

(1) Statement of intent: The purpose of this OMS is to allow officers to achieve a balance between family responsibilities and work demands. Although the guidelines for use of sick leave have been broadened, each officer must recognize that the responsibility of the Denver Police Department is to provide a continuous high level of service to the public. Commanders, when granting such leave, shall insure that the police mission is not jeopardized.

(2) Use of Sick Leave

a. Officers using sick leave shall notify or have their commanding officers notified at least one (1) hour before the officer's reporting time, except that officers requesting leave for foreseeable medical treatment shall make such request at least thirty (30) days in advance, if possible.

b. Officers who are absent for personal illness, injury, or to care for an immediate family member shall contact their unit commanders at three-day (3) intervals to report condition and progress of recovery, unless hospitalized.

1. In the event that an officer is absent, due to personal illness, injury, or to care for an immediate family member, for more than three (3) days, the commanding officer shall notify the Human Resource Management Bureau.

2. Officers who are absent, due to personal illness, injury, or to care for an immediate family member, shall not leave the Denver metropolitan area without prior approval from their commanding officer.

c. Confirmation of Illness/Injury

1. Officers who are absent for personal illness, injury, or to care for an immediate family member, may be required to furnish a statement signed by an attending physician, or other proof of such illness satisfactory to their commanding officer. Such statement shall confirm that the officer's absence from duty was medically necessary.

2. Officers requesting leave under the provisions of the Family and Medical Leave Act may be required to provide certification of the illness or injury. This certification may include information from a physician stating the date the condition commenced, the probable duration of the condition, appropriate medical facts concerning the condition, and, when care is for a family member, the need to have the employee assist in that care and the estimated duration of the need.

3. If malingering is suspected, the commanding officer shall visit or have a supervisor visit the officer at the earliest reasonable time, during the hours of the reporting officer's normal duty hours, to verify the authenticity of the illness, injury, or for the care of an immediate family member.

4. Whenever the officer's commander believes that a physical examination is necessary to determine the condition of an officer who is off duty due to personal illness or injury; the officer shall submit to a physical examination as directed by the Department under the provisions set forth in OMS RR-1107. Officers who are off duty due to illness or injury shall authorize the attending physician to release information regarding their condition and ability to perform their duties to the Chief of Police.
- (3) Family and Medical Leave Act of 1993
- a. In addition to using sick leave when an officer is incapacitated by sickness or injury, the Family and Medical Leave Act of 1993 (FMLA) allows sick leave to be used for parental leave or for necessary care and attendance during the serious illness of a member of the officer's immediate family.
 - b. Definitions:
 1. Immediate Family is defined as spouse, son, daughter, mother, father, grandparents, grandchildren, brother, sister, in-laws, or domestic partner.
 2. Domestic Partner is defined as an unmarried adult, unrelated by blood (closer than would prohibit marriage in Colorado pursuant to the Colorado Revised Statutes), with whom an unmarried employee has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses.
 3. Serious Illness is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.
 4. Parental Leave is defined as leave for a birth or placement for adoption or foster care.
 - c. The provisions of this Act applies to officers who have completed twelve (12) months of continuous service and have completed 1,250 hours of work within the previous twelve (12) months.
 - d. The amount of sick leave granted for parental leave or for necessary care of a sick member of an employee's immediate family shall not exceed twelve (12) weeks per twelve-month (12) period without approval of the officer's commanding officer and the Chief of Police.
 - e. Up to twelve (12) weeks of parental leave may be granted to care for a child at the time of birth or adoption.
 - f. Officers who are married to each other are limited to a combined total of twelve (12) weeks taken for reasons other than personal illness, including parental leave.
 - g. In all but emergency cases, officers requesting Family and Medical Leave shall contact the Human Resource Management Bureau at least thirty (30) days in advance so that the eligibility process can begin.
 - h. Human Resource Management Bureau personnel will determine if the officer meets the eligibility requirements. See OMS 505.08(3)c.
 1. Officers who are not eligible for Family and Medical Leave will be notified in writing and will be advised to seek other leave type options.
 2. Officers who are eligible for Family and Medical Leave shall complete a Request for Leave Form. This form is available in the Human Resource Management Bureau and must be completed and submitted through the chain of command for approval.
 3. Human Resource Management Bureau will review the request and if approved, will forward an approval letter to the officer and the officer's commander.
 4. Human Resource Management Bureau will schedule a meeting with the officer to establish a calendar and discuss leave options.
 - i. Officers requesting leave under the provisions of the Family and Medical Leave Act have the option of using unpaid leave in lieu of paid leave.
 1. When paid leave is elected, officers may designate the type of leave to be used.
 2. Officers who require more than twelve (12) weeks, or who do not have a sufficient sick leave, vacation time, compensatory time, or saved time may:

- a. Apply to the Chief of Police for donated sick time. See OMS 505.15.
 - b. Petition the Chief of Police for a leave of absence without pay not to exceed one (1) month.
 - c. Petition the Civil Service Commission, through the chain of command, for a leave of absence without pay for longer than one (1) month. See OMS 505.08(6) and 505.14.
- j. Officers on leave under Family and Medical Leave for an extended period of absence may apply to the Chief of Police for a reduced or intermittent work schedule, i.e., a leave schedule that reduces the officer's usual number of hours per week, or hours per day. The Chief of Police may require the officer to transfer to another assignment to better accommodate the reduced work schedule.
- k. Officers on Family and Medical Leave are not permitted to perform any Secondary Employment or Non-Police Secondary Employment Work, without written authority from the Chief of Police.
- l. Officers using extended leave under the provisions of the Family and Medical Leave Act will return to work at their same position or equivalent.
- m. Return to work process:
1. Prior to returning to work, if the officer is out for a personal illness or injury, officers must submit a Fitness for Duty Pass from their health-care provider. The pass verifies that the officer is able to perform the essential functions of his or her position. Officers will not be allowed to return to work until Human Resource Management Bureau receives the Fitness of Duty Pass. See OMS 505.13(6).
 2. Officers are required to complete any missed firearms qualification or required weapons certifications and achieve a passing score on the course of fire specified by the Firearms Bureau, prior to, but no later than thirty (30) days after their return from Family and Medical Leave.
 3. Any officer who missed two or more shoot quarters while on Family and Medical Leave will attend Remedial Training if the officer fails to qualify upon their return. A copy of the Weapon Record (Score Card), DPD 487, shall be forwarded to Human Resource Management Bureau. See OMS 105.07(5)a2.
 4. Officers are required to contact the Training Bureau to schedule and make up any department mandated training that was instituted or provided during the time the officer was on leave.

(4) Extended Periods of Absence

- a. Non-disciplinary leaves of absence may be granted to members of the Police Department by the Chief of Police or a designee, at the sole discretion of the Chief or designee, for a period not to exceed, except as required by federal or state law, one (1) year. All such leaves of absence shall be without pay unless: (a) the leave qualifies as FLMA leave and the member has accrued vacation leave or sick leave which the member chooses, in writing, to apply to the leave or (b) if the leave does not qualify as FMLA leave, the member may use accrued vacation leave or sick leave provided the member requests, in writing, to use accrued vacation leave or sick leave, and such use of accrued vacation leave or sick leave is approved, in writing, by the Chief of Police. Except for paid leave, and as otherwise required by law, leaves of absence shall not count toward longevity or seniority in service, nor shall sick leave or annual leave time accumulate during this period. See OMS Appendix A - CBA Article 14, Leave of Absence.
1. To be eligible for an extended leave of absence, the member must have completed at least five (5) years of continuous service.
 2. If the request for leave of absence is denied, the reason for denial shall be provided to the officer in writing.
- b. All extended periods of absence, including personal and disciplinary, shall be subject to the following provisions:
 1. While on extended absence, all members of the classified service shall be held by the Chief of Police to the standard of conduct expected of an active member regardless of the length of absence.

2. Human Resource Management Bureau or the Internal Affairs Bureau will provide officers with an Extended Leave Questionnaire which must be completed prior to returning to work.
3. No member of the department who has been continuously absent for ninety (90) consecutive days or more shall be permitted to return to work until the reason for the extended period of absence and the responses to the Extended Leave Questionnaire are reviewed to determine if a Fitness for Duty evaluation is recommended.
4. A fitness for duty examination may include: a medical/physical examination; a psychological examination; a background investigation; a polygraph examination; and/or a drug/alcohol screen, as determined by the commander of the Internal Affairs Bureau.
5. The results of all examinations shall be reviewed by the Chief of Police for consideration of fitness for duty.
6. Any officer who missed two or more shoot quarters while on Family and Medical Leave will attend Remedial Training if the officer fails to qualify upon their return. A copy of the Weapon Record (Score Card), DPD 487, shall be forwarded to Human Resource Management Bureau. See OMS 105.07(5)a2.
7. Officers are required to contact the Training Bureau to schedule and make up any department mandated training that was instituted or provided during the time the officer was on leave.
8. Officers assigned to the Patrol Division may be assigned to work with a Field Training Officer for a period of time, at the discretion of their commanding officer.

505.09 Limited Duty Section

- (1) Transfer of officers to the Limited Duty Section.
 - a. An officer who becomes sick or injured will be transferred to the Limited Duty Section if that officer is expected to be off duty and/or on limited duty in excess of thirty (30) days.
 1. An officer who is expected to be off duty and/or on limited duty for less than thirty (30) days may be placed in a limited duty position in his present assignment. If a limited duty position is not available, the officer's supervisor/commander may contact the Limited Duty Section for assistance in locating a short term limited duty assignment.
 - b. A female officer who becomes pregnant shall proceed as follows:
 1. Upon receipt of a written report from her physician confirming her pregnancy and recommending a change in work status, a female officer will submit such report to the Safety Coordinator and her commanding officer and request temporary reassignment to a non-line function. The Division Chief will then, with permission of the Chief of Police, transfer the officer to the Limited Duty Section. The Department reserves its ability to assess whether an officer is able to perform the essential functions of her position, with or without reasonable accommodation, while pregnant and/or whether the officer poses a direct threat to the health and safety of herself or/and others.
 2. The temporary reassignment will continue as long as the officer's physician concurs and as long as she can effectively perform her assignment. The officer's temporary reassignment will be based solely on the staffing needs of the department and any medical restrictions submitted by the officer's physician or the Employees Medical Clinic.
 3. When directed by her physician to discontinue performing her temporary reassignment duties, the officer shall apply for leave. See OMS 505.08.
 - c. When assigned to the Limited Duty Section because of illness, injury, or pregnancy, officers shall come under the command of the Limited Duty Section. They shall report their whereabouts to the Limited Duty Section supervisor as per OMS 505.08(6) or as required by the Limited Duty Section supervisor.

- d. No officer assigned to the Limited Duty Section and on limited duty status will perform either Secondary Employment Police Work or Non-Police Work unless authorized to do so by the Chief of Police.
 - e. Officers must use all eight (8) regular days off in a work period while assigned to the Limited Duty Section.
 - f. Officers assigned to the Limited Duty Section due to a physical or mental limitation shall not perform their limited duty work in uniform nor shall they operate a marked police unit.
- (2) Returning to duty.
- a. All officers shall obtain a report from their physician stating their physical status.
 - b. If the officer is fully recovered, they may be transferred back to their full duty former assignment, at the discretion of their Division Chief.
 - c. If the officer is on a limited duty status, they will be assigned by the Limited Duty Section according to their physician's recommendations.
 - d. The officers will be assigned to the Limited Duty Section as long as they are on a limited duty status.
- (3) The Limited Duty Section supervisor will investigate all officers assigned to the unit and will cause them to be examined by the Limited Duty Section physician when there is any doubt as to their physical well being or status.
- (4) The Limited Duty Section will continually examine the assignments of limited duty officers to ensure that the individuals are returned to full duty assignments at the earliest possible date.

505.10 Line of Duty Injuries

- (1) All Classified Service members and CSA employees of the Denver Police Department who are injured while on duty are required to report or be transported to one of the two facilities designated by the City and County of Denver to provide an initial examination or medical treatment.
- a. Officers/employees with minor injuries who are also ambulatory shall report to the Occupational Health and Safety Clinic (O.H.S.C.) for evaluation and treatment. The O.H.S.C. facilities are open Monday through Friday, 7:00 a.m. until 4:30 p.m.
 - b. Officers/employees removed from the scene of an accident via ambulance will be transported to Denver Health Medical Center for treatment. The presence of life threatening injury AND the proximity to an adequate medical facility, or the availability of Denver Health Medical Center ambulances may alter this requirement on rare occasion.
 - 1. When paramedic personnel are at the scene, they shall evaluate the nature and extent of injuries. They may direct the injured officer/employee to be taken to the nearest adequate medical facility.
 - 2. Paramedic personnel may be advised that the "divert status" of Denver Health Medical Center operating rooms is in effect. The injured person will then be transported to a participating hospital.
 - 3. A supervisory or command officer may determine the need for medical attention so critical and the proximity to a physician or adequate medical facility close enough that waiting for a Denver Health Medical Center ambulance is not practical. A police car may be used to transport the injured person for medical assistance without delay.
 - 4. Natural or man-made emergencies could require the services of all available Denver Health Medical Center ambulances. A supervisory or command officer may authorize transportation of a critically injured officer or employee to the nearest adequate medical facility via police car.
 - c. ALL REFERRALS to a private physician or medical facility will be made by the O.H.S.C. It is necessary for O.H.S.C. personnel to be in possession of a COMPLETED Clinic Pass before a referral can be made.

1. The injured officer or employee, a supervisor, family member, or designated agent can hand carry the Clinic Pass to the O.H.S.C. The mail can also be used to get the Clinic Pass to the O.H.S.C., in which case the referral will be forwarded directly to the attending physician.
 2. Persons injured during times the O.H.S.C. is closed shall take those measures necessary for obtaining medical treatment without delay. A referral can then be requested during the next regularly scheduled O.H.S.C. hours.
 3. Persons requesting additional treatment by a private physician or at another medical facility must present themselves for such attention within twenty-four (24) hours of obtaining the referral.
- d. The Occupational Health & Safety Clinic shall be notified of EACH incident resulting in a LINE OF DUTY INJURY to an officer or employee whether initial medical treatment was provided by Denver Health Medical Center, another medical facility, or by a private physician. The injured person, a supervisor, or member of the family must notify the O.H.S.C. within seventy-two (72) hours of the incident. Such notification may be made in person, via the telephone or through the mails.
- e. When there is a recurrence of a line of duty injury that necessitates taking additional time off, the officer must notify the Occupational Health & Safety Clinic immediately upon each recurrence. Such notification may be made in person or by telephone.
1. Consecutive days off for recurrence of a line of duty injury are considered one recurrence. Days off separated by a return to work are considered separate recurrences.
- f. The City may provide coverage of medical costs for officers injured off duty if the injury resulted from the officer's discharging an official police action in which the officer acted in compliance with the Police Department Rules and Regulations.
- g. An injured officer/employee may not be reimbursed for medical treatment administered at any medical facility or by any individual unless the procedures outlined have been followed.
- (2) In the event of a line of duty injury, it is necessary for the following forms to be completed and processed:
- a. Employee Work-Injury Report, C/C Form ADM-4. This form is to be completed by the injured officer/employee within forty-eight (48) hours of the incident and must document the accident and the resulting injuries.
 1. The Employee Work Injury Report is to be completed by the officer/employee before being treated at the Occupational Health and Safety Clinic, (O.H.S.C.). In the event that the officer/employee is unable to complete the report due to injury or illness, the report may be completed by the employee's supervisor.
 2. If an officer/employee receives attention at a medical facility other than the O.H.S.C., (Denver Health Medical Center Emergency Room or other medical facility) the Work-Injury Report should be hand-carried or forwarded by inter-department mail to the O.H.S.C. mail code 1423.
 - b. Clinic Pass, C/C Form ADM 6. The upper portion of the form must be completed by the injured employee's supervisor, and is presented at Denver Health Medical Center, OHSC, or other medical facility, for treatment.
 1. In the event that an injured officer/employee is treated initially at a facility other than Denver Health Medical Center or the O.H.S.C., the treating facility is required to complete the lower portion of the Clinic Pass and return it to the person receiving treatment. The Clinic Pass is to be forwarded to the O.H.S.C.
 2. When treatment is administered at Denver Health Medical Center, the completed Clinic Pass can be forwarded to the O.H.S.C. by the attending physician.
 - c. Supervisor's Report of Employee Injury, C/C Form ADM-4A. The Supervisor's Report is completed by the injured employee's supervisor and forwarded to the Denver Police Department Safety Representative.
 - d. Return to Work Pass, Form F50-149, issued by the O.H.S.C. is required whenever:

1. An officer/employee is examined in the O.H.S.C.
 2. An officer/employee has an absence of one (1) or more days due to a line of duty injury.
- (3) It is the responsibility of the injured person's supervisor to make certain the following reports were completed:
- a. Employee's Work-Injury Report, C/C Form ADM 4.
 - b. Clinic Pass, C/C Form ADM 6.
 - c. Supervisor's Report of Employee Injury, C/C Form ADM-4A.
 - d. Return to Work Pass, Form F50-149.
 - e. Other reports or information pertinent to the line of duty injury.
- (4) Officers who may not be aware of injuries at the time of an incident but who experience some physical dysfunction later, should bring such matters to the attention of their supervisor without delay. Necessary forms should then be completed.
- (5) Necessary hospital security is a responsibility of the Police Department.
- a. An officer from the same division as the injured member of the Police Department shall be assigned to guard the hospitalized person as soon as is practical after an incident whenever the commanding officer deems it to be necessary for the safety and well being of the injured officer.
 - b. Personnel shall be assigned in a shift concept to provide this protection on a twenty-four (24) hour basis.
 - c. Termination of such protection shall be at the discretion of the Chief of the Division to which the injured officer is assigned.
- (6) Participation in athletic events
- a. Authorized athletic events
 1. Each event must have prior approval of the Chief of Police in order to qualify for line of duty coverage.
 2. Officers participating in authorized athletic events must have a physician's approval to participate on file with the Safety Representative. This approval must be renewed annually.
 3. Injuries incurred while training for intramural sports will not be considered as line of duty injuries.
 4. Officers in limited duty assignments or in the Limited Duty Section will not be allowed to participate in authorized athletic events.
 5. Officers participating in unauthorized events, or in authorized events without a physician's approval, do so at their own risk.
 - b. Officers injured while participating in athletic events authorized by the Chief of Police shall obtain medical treatment from their own physicians and submit claims to their own insurance carriers. This does not apply to athletic events that are part of assigned duties, such as in-service physical fitness.
 - c. If, as a result of the injury, an officer misses one (1) or more of his regularly scheduled work days, he shall respond to the Occupational Health & Safety Clinic within seventy-two (72) hours to substantiate the injury and the need to be off duty.
 1. The injury will be processed as a line of duty injury relative to loss of sick time only.
 2. Officers unable to work as a result of the injury will, with the assistance of their supervisors, complete the following reports and send them to the Denver Police Department Safety Representative.
 - a. Employee Work-Injury Report, C/C Form ADM 4S/C.
 - b. General Occurrence (GO) report, DPD 250.

- c. Clinic Pass, C/C Form ADM 6S/C.
 - d. Other reports or information pertinent to the injury
 - e. A Return to Work Pass, Form F50-149, issued by the O.H.S.C.
- (7) Upon returning to duty after being off injured, officers shall comply with the provisions in OMS 505.11, Applying to the Pension Board.
- (8) Any officer receiving a bill related to a line of duty injury shall contact the supervisor of the Limited Duty Section. The Limited Duty Section supervisor will assist in resolving responsibility for payment in a timely manner.

505.11 Applying to the Pension Board for Benefits

- (1) Upon returning to duty after being off injured from either an original injury or a recurrence of an original injury, officers must report to the Human Resource Management Bureau to apply for the return of lost sick time.
- (2) The following reports shall be properly completed and signed:
- a. Application to the Police Pension and Relief Board.
 - b. A copy of the attending physician's report. Chiropractors are not recognized as physicians by the Police Pension and Relief Board.
 - c. A copy of the Return to Work Authorization from the Occupational Health & Safety Clinic.
 - d. A copy of the Supplemental Report of Accident, Department of Labor and Employment for all original injuries, and when needed for recurrences.
 - e. Any reports regarding the injury that may be obtained from the Records Section.
- (3) All of the required reports shall be returned to the Human Resource Management Bureau within one hundred twenty (120) days after returning to duty.
- (4) The command or supervisory officer of the Human Resource Management Bureau shall forward all the material regarding the injury to the investigating committee of the Police Pension and Relief Board for consideration.

505.12 Injury in Line of Duty/Return to Duty

- (1) Pursuant to the collective bargaining agreement, an officer disabled by a "line of duty" injury is entitled to a paid leave of absence, not to exceed three hundred sixty-five (365) days, to recover. Every effort will be made to assist the officer during the recovery period. "Recover" is interpreted to mean that the officer returns to full duty status with or without reasonable accommodation.
- a. If an officer has the proper physician's medical release and can work in a limited duty assignment within the Department, and if such position is available, the injured officer will be placed in the assignment. If such position is not available, the officer's supervisor or commander shall contact the Department's Limited Duty Coordinator who will work with the Modified Duty Coordinator in the Worker's Compensation Unit who shall assist in locating a limited duty assignment.
 - b. An officer with a line of duty injury who receives medical attention for these injuries during times other than scheduled work hours shall receive no overtime payment or compensatory time. If the situation permits, the officer's commander may adjust the officer's work schedule to accommodate this treatment.
 - c. An officer with a line-of-duty injury or an off-duty illness or injury who receives medical attention for such illness or injury during scheduled work hours will do so in accordance with the Family and Medical Leave Act, if applicable, and the Americans with Disabilities Act, if applicable.
- (2) An officer returning to full duty after an injury will be returned to the same or a similar assignment as held prior to the injury. Because of personnel and budgetary limitations, it is not possible for any officer to be given a limited duty assignment on a permanent basis. The Department will NOT provide an officer with a permanent limited duty assignment.

- (3) After all the recovery time to which an officer is entitled has been exhausted, the officer shall return to full duty with a physician's release, or may seek reassignment to a vacant CSA position within the Career Service if the officer is disabled within the meaning of the ADA and/or may seek a disability pension. An officer who does not return to full duty within the required time shall not be further compensated and shall be removed from the payroll of the Denver Police Department.

505.13 Equal Employment Opportunity for Individuals with Disabilities

- (1) Policy
It is the policy of the Department to provide equal employment opportunity to individuals with disabilities. This Rule is intended to comply with and be interpreted consistent with the Americans with Disabilities Act of 1990 ("ADA"). This rule is also intended to comport with the requirements of the consent decree entered by the U.S. District Court in *United States v. City and County of Denver, et al.*, 96-K-370. CSA employees are governed by the Career Service Rule involving reasonable accommodation for individuals with disabilities.
- (2) Disability Discrimination
No member of the Department shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, or other terms, conditions, or privileges of employment.
- (3) Reasonable Accommodation
The Department shall provide a reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless it can be demonstrated that the accommodation would impose an undue hardship on the operation of the Department.
- (4) Qualification Standards and Direct Threat
It is not a violation of this policy for the Department to apply qualification standards, tests, or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability if such standards, tests, or selection criteria have been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation. Qualification standards may include a requirement that an individual shall not pose a direct threat to the health or safety of the individual or other individuals in the workplace. Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a reasonable accommodation.
- (5) Qualified Individual with a Disability
A disabled individual is an individual who has a physical or mental impairment that substantially limits one or more of the individual's major life activities. A qualified individual with a disability is an individual with a disability who can perform the essential functions of the position he or she holds or to which he or she seeks reassignment, with or without reasonable accommodation. Affecting a forcible arrest and shooting a weapon are essential functions of all Classified Service positions within the Department, regardless of rank or assignment. Other essential functions are included in the job descriptions for the Classified Service positions within the Department or otherwise defined by the commanding officers.
- (6) Interactive Process
The Department shall engage in the ADA interactive process upon notice of a police officer's need for reasonable accommodation. Such interactive process shall be a flexible, informal process that involves both the Department and the officer. The Career Service Authority may also be involved in the interactive process. The purposes of the interactive process shall be to determine if the officer (1) is a qualified individual with a disability within the meaning of the ADA; and (2) if so, whether the officer can be reasonably accommodated in his/her position as a Denver Police Officer, or in a vacant Career Service position. The interactive process requires good faith participation from both the officer and the Department. An officer who engages in bad faith in the interactive process may be denied a reasonable accommodation and, if applicable, disqualified from employment. The duty to engage in an interactive process is triggered within twenty (20) days of either of the following events (or a longer time if the officer is not available or able to participate):

- a. When an officer provides notice that he/she needs a reasonable accommodation for a physical or mental impairment including on or off the job injuries or illnesses, by suggesting to his/her superior officer, supervisor, manager, or personnel officer that he/she requires a reasonable accommodation or needs to change or modify the manner, extent, or method of his/her job duties or responsibilities. The officer may provide notice orally or in writing. The notice may be given in "plain English" and the officer does not have to use the words "reasonable accommodation," mention the ADA, or use any specific terminology to give notice; or
- b. When the Department has actual or constructive notice that a police officer may have a disability for which that officer needs a reasonable accommodation. The Department may be placed on such notice through its knowledge of the officer's hospitalization and treatment; placement of work restrictions on the officer by physicians; the officer's receipt of a permanent impairment rating under workers' compensation; or communication with family members, treating physicians, its own medical personnel, or medical personnel from Denver Health Medical Center or the Employees' Medical Clinic.
- c. Any superior officer, supervisor, or manager who receives notice of a request for reasonable accommodation shall contact either the Commander of the Human Resource Management Bureau or the Limited Duty Coordinator in writing within forty-eight (48) hours of receiving such notice.

(7) Disability determination

- a. In making the determination that an officer has a disability within the meaning of the ADA and any resulting limitations, the Commander of the Human Resource Management Bureau or his/her designee and/or the Career Service Authority may request and review medical records and other documentation in the possession, custody, or control of the officer who claims to have a disability or his/her health care providers. The Commander of the Human Resource Management Bureau or his/her designee and/or the Career Service Authority also may obtain an independent medical evaluation for the purpose of gathering information needed to make this determination. Such examinations and evaluations shall be reasonable and paid for by the Department.
- b. If the officer is determined not to be disabled as defined in this Rule, disqualification proceedings shall be initiated if the officer nevertheless is unable to perform the essential functions of position.

(8) Reasonable accommodation

If the officer is determined to be disabled within the meaning of Title I of the ADA, the Commander of the Human Resource Management Bureau or his/her designee and the employee shall endeavor to identify any reasonable accommodations the employee may need to perform the essential functions of his or her position. In order to determine whether an officer requires reasonable accommodation to perform the essential functions of his/her position, the Department shall undertake an individualized assessment of the officer's ability to perform the essential functions of his/her current job. This individualized assessment shall include consideration of all relevant factors including the individual's background, knowledge, skills, abilities, and experience, and shall determine whether the individual can perform the essential functions. The preferred option always shall be a reasonable accommodation that allows the employee to remain in his/her existing job as a Denver Police Officer.

(9) Reassignment to a Vacant Career Service Position

- a. If it is determined, during an interactive process, that a disabled officer cannot be reasonably accommodated in his/her position as a Denver Police Officer, the Commander of the Human Resource Management Bureau or his/her designee shall notify the officer of the availability of reassignment to a vacant Career Service position as a possible reasonable accommodation. The Career Service Authority is not required to offer an officer with a disability a vacant reassignment position unless the officer agrees to be reassigned or conveys to his/her Department a desire to remain employed despite his/her disability.

- b. The disabled officer shall be offered a reassignment to a vacant Career Service position which is equivalent in terms of pay and benefits or, if none is available, to a position of lower pay and benefits. The disabled officer must meet the minimum qualifications and requirements for the position as determined by the Career Service Authority. The officer does not need to be the best-qualified individual for the position in order to obtain it as a reassignment. If the officer is reassigned to a vacant position, the officer shall be provided any reasonable accommodation necessary for the officer to perform the essential functions of the reassignment position. The Career Service Authority first shall attempt to identify a vacant Career Service position which is equivalent in terms of pay and benefits within the Department. If none exists, the Career Service Authority shall attempt to identify a vacant position which is equivalent in terms of pay and benefits within another Career Service agency or department. If no equivalent position exists, the Career Service Authority shall attempt to identify a position of lower pay and benefits, first in the Department, and then in another Career Service agency or department. It is solely within the City's discretion as to which vacant position to offer the employee. A disabled police officer may exhaust all of his/her approved sick leave, recovery time authorized by the Collective Bargaining Agreement for line of duty injuries and other paid leave before requesting that the interactive process be initiated to explore reassignment to a vacant Career Service position as a form of reasonable accommodation. However, a disabled police officer may request reassignment to a vacant Career Service position as a form of reasonable accommodation prior to the exhaustion of all approved sick leave and other paid leave. The Career Service Authority's responsibility to reassign a disabled police officer to a vacant Career Service position ends two (2) months after the Career Service Authority has identified Career Service job classifications for which that officer is qualified. During the interactive process, an officer may decline a demotion reassignment position and request the Career Service Authority to continue looking for comparable vacant positions within the two-month (2) time period. However, if an officer declines an offer of a comparable position in terms of salary and benefits, the interactive process will cease and the Career Service Authority shall not be required to continue looking for suitable reassignment positions. If no vacant position becomes available during the two-month (2) period, disqualification proceedings shall be initiated. The responsibility to engage in the interactive process may terminate earlier if the officer withdraws his or her request for a reasonable accommodation.
- c. In identifying a vacant position to which a disabled officer may be reassigned, the Career Service Authority shall analyze the officer's specific experience, skills and background, and shall also analyze the specific job duties of the vacant position by consulting with the department or agency in which the vacancy exists. If determined necessary, the Career Service Authority shall have a job analysis performed of the vacant position.
- d. If a disabled officer is reassigned to a vacant position, and the department or agency subsequently determines that the disabled officer is unable to perform the essential functions of the position, with or without reasonable accommodation, the interactive process will be resumed and the Career Service Authority shall attempt to identify another vacant position to which the disabled employee can be reassigned for a period not to exceed three (3) months. The interactive process need not be resumed if the employee has performance problems in the position that are unrelated to his/her disability, or if the employee is dismissed as a disciplinary measure for misconduct.
- e. Before rejecting or denying a reasonable accommodation by reassignment to a job on the basis that the individual poses a direct threat to the health and safety of the employee or others, the Career Service Authority shall perform an individualized assessment of that individual's ability to perform safely the essential functions of the reassignment position. In making this determination, a number of factors shall be considered, including but not limited to the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm. The Career Service Authority will consider input from the individual, the experience of that individual in previous similar positions, medical judgment that relies on the best available objective evidence, the opinions of medical doctors and other professionals, or associates of the individual who have expertise in the medical condition involved, and/or direct knowledge of that individual's qualifications, or ability to perform the job.

- f. If the Career Service Authority believes that an individual with a disability poses a direct threat to himself or herself or others, the employee shall be advised of the reasons for the proposed rejection, including each essential function of the job which it has been determined the individual cannot safely perform, and the reasons why the individual cannot safely perform those functions. The Career Service Authority shall invite the individual to provide, within a reasonable time, additional information in regard to his/her ability to safely perform the job, with or without reasonable accommodation, including but not limited to information from other physicians and information about the individual's current and recent physical capabilities. The Career Service Authority shall maintain records of all factors considered in reaching its final decision.
- g. Reassignment shall not be to a position that constitutes a promotion.
- h. The Career Service Authority is not required to reassign an officer to a vacant position if the officer does not have a disability within the meaning of the ADA. Nor is the Career Service Authority required to reassign an officer who is totally disabled and unable to perform the essential functions, with or without reasonable accommodation, of any position in the Career Service.
- i. Reassignment is not available to officer applicants.
- j. The Career Service Authority is not required to reassign an officer to a vacant position if the officer can still perform the duties of his/her present position, with or without reasonable accommodation.
- k. The Career Service Authority is not required to create new positions for the purpose of reassigning an individual with a disability. Reassignment is limited to existing positions or to positions that become vacant in the Career Service within the two-month (2) time period.
- l. The Career Service Authority is not required to reassign an individual with a disability to a position for which the employee cannot perform the essential functions with or without reasonable accommodation or where the reasonable accommodation would pose an undue hardship.
- m. A reassignment to an employee, including recruits and officers in the Field Training Program, cannot be denied because he/she is designated as probationary. If, however, the probationary employee has never adequately performed the essential job functions, with or without reasonable accommodation, then the probationary employee is not entitled to reassignment because he/she was never qualified for the original position.
- n. Should an officer with a disability be reassigned to a vacant Career Service position as a form of reasonable accommodation, the officer will no longer be a Classified Service employee, but instead will be a new Career Service employee. Under this circumstance, the reassigned officer will be entitled to the pension given to Career Service employees after the appropriate number of years of service for vesting within the Career Service system. The reassigned officer is not entitled to retroactive vesting for this pension for his/her years of service as a Classified Service employee. This Rule does not prohibit the reassigned officer from purchasing service credits subject to procedures established by the Denver Employees Retirement Plan. The reassigned officer's vacation days that he/she accrued as a Classified Service employee will not be carried over to the new Career Service position; however, the reassigned officer will be given monetary payment for such leave upon separating from the Classified Service in accordance with the Operations Manual and the collective bargaining agreement then in effect. The reassigned officer shall accrue vacation leave as a new Career Service employee. If the reassigned officer so wishes, the reassigned officer's sick days that he/she accrued as a Classified Service employee will be carried over to the new Career Service position up to the maximum hours allowed by the Career Service Authority Rules, or the reassigned officer may elect to accept a monetary payment for the accrued sick days upon leaving the Classified Service. An officer seeking reassignment to a Career Service position may be eligible to receive a pension from the Fire and Police Pension Association if he/she qualifies under FPPA rules.
- o. If an officer is reassigned to either an equivalent or demotion position, the reassigned officer shall be paid at the step closest to the one he or she earned in the Classified Service position.

(10) Leave without Pay during Interactive Process

During the interactive process, if a disabled officer is unable to perform his/her existing job, the employee may use any available sick leave, vacation leave, compensatory leave, recovery time authorized by the Collective Bargaining Agreement for line of duty injuries and donated sick leave. If no such paid leave is available to the disabled officer, he/she shall be provided with authorized leave without pay during the interactive process. This policy does not grant any additional sick leave or other paid or unpaid leave beyond what an officer would ordinarily be entitled to under the Charter, Operations Manual, the Collective Bargaining Agreement in effect, or any other personnel rule.

(11) Retaliation and Coercion

- a. It is a violation of this Rule to discriminate against any individual because that individual has opposed any act or practice prohibited by this rule or because that individual filed a grievance or appeal, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision contained in this rule.
- b. It is a violation of this rule to coerce, intimidate, threaten, harass, or interfere with any individual in the exercise or enjoyment of, or because that individual aided or encouraged any other individual in the exercise of, any right granted or protected by this rule (including, but not limited to, making a request for a reasonable accommodation).

(12) Confidentiality and Record keeping

Information obtained during the interactive process regarding the medical history of an employee or applicant shall be collected and maintained on separate forms and in separate files and be treated as confidential, except that:

- a. Supervisors, managers, human resources personnel, and other City employees involved in the interactive process may obtain access to such information on a need to know basis.
- b. Supervisors, managers, human resources personnel, and other appropriate City employees may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations.
- c. First-aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.
- d. Information may be given to the state worker's compensation offices, and state second injury funds, in accordance with the state worker's compensation laws.

505.14 Donation of Time

(1) **Statement of Intent:** The purpose of this OMS is to allow officers of the Denver Police Department to assist a fellow officer who is facing the loss of salary because of a serious accident or illness, pregnancy/maternity, or any other emergency when the officer so affected requires an extended time away from work, but anticipates returning to work. This section shall not be construed to allow any unjust enrichment.

- a. A written request must be submitted through the chain of command to the Chief of Police identifying specifics of the situation necessitating Donated Sick Leave time and the expected duration of the leave.
- b. The Chief will either approve or disapprove the request. If approved, the request will be forwarded to the Human Resource Management Bureau for processing.

(2) **Definitions**

- a. Donor - the officer contributing time
- b. Donee - the officer receiving time
- c. Time - Sick Leave
- d. Officer - an active member of the Classified Service
- e. Donate - offer of the donor to transfer time
- f. Credited - entry of time into donee's time records

- (3) Any officer wishing to donate Sick Leave to a fellow officer must obtain a copy of Donation of Accumulated Sick Leave, DPD 3, from the Human Resource Management Bureau, complete it and return it to the Human Resource Management Bureau.
- (4) Any officer may donate time to another officer, provided that the following conditions are met:
 - a. The donor must retain a minimum of thirty (30) days of sick time.
 - b. The donor may not donate time from the current work period.
 - c. The donee officer may not receive time while off due to suspension, leave of absence, voluntary leave without pay or line of duty injury.
 - d. No officer using donated sick time will be allowed to save time.
 - e. Once a donation is made, it is considered irrevocable by the donor.
 - f. The donee may not accept donations until his sick leave bank consists of ten (10) days or less. All donated time credited to the donee becomes the donee's property and will be used by the donee according to procedures outlined in OMS 505.08 - Maternity, Sickness, Disability Procedures.
- (5) The donee, in accepting such donated time, waives any right granted under charter, ordinance or other law to have such time returned in cash.
- (6) Donation of sick leave between officers of different ranks will be converted to the pay scale of the donee.

505.15 Change of Shifts – DELETED 01/09 - Refer to OMS 505.03]

505.16 Holiday Pay

- (1) All officers shall receive additional compensation for eleven (11) specified holidays either in additional time off or pay. The holidays include:
 - a. New Year's Day (January 1)
 - b. Martin Luther King Day (third Monday in January)
 - c. Presidents Day (third Monday in February)
 - d. Cesar Chavez Day (last Monday in March)
 - e. Memorial Day (last Monday in May)
 - f. Independence Day (July 4)
 - g. Labor Day (first Monday in September)
 - h. Veterans Day (November 11)
 - i. Thanksgiving Day (fourth Thursday in November)
 - j. Christmas Day (December 25)
 - k. Officer's birthday (to be taken off in accordance with procedures issued by the Chief).
- (2) An officer may request an Additional Day Off in lieu of receiving pay for the holiday.
- (3) All officers who do not request an additional day off in the work period shall receive Holiday Pay, in addition to regular salary for the holiday at the straight time rate.
- (4) In addition to Holiday Pay, an officer will be paid one-half times (additional Holiday Premium Pay) the regular rate of pay for any time actually worked on a holiday.
- (5) Commanders shall arrange staffing assignments on the holidays according to workload requirements and prevent unnecessary payment of additional holiday premium pay.
- (6) Commanders are responsible that the completed Holiday Pay Report, DPD 180, be sent via the chain of command to the proper Division Chief within forty-eight (48) hours following the holiday, then immediately forwarded to the Financial Services Bureau.]

- (7) Officers are entitled to select up to four (4) holidays to be saved for later use. This selection must be made during the Vacation Vote. Officers may add this time to their vacation vote to allow for up to fourteen (14) days off, or may use them one day at a time, at their commander's discretion based on department needs.
- a. Holiday Saved Time usage will be approved based on the following priority level:
 - 1. Vacation/ASL
 - 2. Regular Days Off
 - 3. Holiday Saved Time (includes birthday)
 - 4. Compensatory Time
 - b. The holidays that may be saved are in the following order:
 - 1. Dr. Martin Luther King Day
 - 2. Presidents Day
 - 3. Cesar Chavez Day
 - 4. Veterans Day
 - c. Officers do not choose which holiday they will save. If they save one (1) day, it will be Dr. Martin Luther King Day. If they save two (2), they will save Dr. Martin Luther King Day and Presidents Day, etc.
 - d. At the discretion of the Chief, Holiday Saved Time must be used by November 30th of each year or the time shall be lost. The only exception is if the Saved Time is if the Saved Time is going to be used in conjunction with a vacation in December.

505.17 Hazard Duty Pay

- (1) Officers specially trained and assigned to Bomb Squad duties will receive special hazard pay in addition to their regular salaries.
 - a. Those officers assigned to the Bomb Squad will receive this pay each month.
 - b. Those officers available as backups for the Bomb Squad will receive this pay only in a month in which they officially act in the capacity of a bomb squad detective.
- (2) Officers trained and permanently assigned to ride two-wheeled motorcycles will receive special hazard pay in addition to their regular salaries.
 - a. Those officers permanently assigned to the motorcycle units in the Traffic Operations Bureau and to the Mall Motorcycle Unit in District Six will receive this pay each month.
 - b. Those officers assigned in other units of the Patrol and Special Operations Divisions where motorcycle duty is performed occasionally or semi-permanently will receive this pay only for months in which the motorcycle duty was actually performed for the majority of the month, i.e. for twelve (12) or more regular shifts during the month.
- (3) The Helicopter Chief Pilot and all Helicopter Pilots will receive special hazard pay in addition to their regular salaries.
- (4) Commanders of each bureau or district in which personnel are entitled to hazard pay shall provide a letter to the Human Resource Management Bureau each month which details those officers entitled to pay for that month.
 - a. Letters must reach the Human Resource Management Bureau by the twentieth (12th) of each month for payment on the last day of that month.
 - b. Commanders must exercise care to determine this benefit by the month, not by the Work Period. For those officers performing occasionally or semi-permanently, preparation of the letter may not be possible before the close of the month, and payment will occur at the end of the following month.
 - c. No officer will receive hazard pay for a month unless a letter is provided to the Human Resource Management Bureau.

505.18 Separation through Disqualification

- (1) Disqualification is the separation, without fault, of a member of the police department who is determined to have one (1) or more of the following conditions:
 - a. Post Appointment Incapacity: When a member becomes unable to perform the duties of the position because of mental or physical incapacity.
 - b. Necessary Special Requirement: When a job specification lists necessary special requirements and the member fails to meet those requirements.
 - c. Legal Requirements: When the law requires a license or other authorization to perform the duties of a position and the member does not have the required authorization.
- (2) Procedure
 - a. Prior to disqualifying a member of the police department, the department shall have offered the member applicable leave entitlement and shall, if such impairment is due to a qualifying disability as defined in the Americans with Disability Act, have attempted to make reasonable accommodations. Such reasonable accommodations may include, if appropriate, reassignment to a vacant CSA position within the meaning of the ADA.
 - b. When disqualification is contemplated, the following procedures shall be followed:
 1. The member shall be given written notification that disqualification is being considered. The notification shall include the reason for the disqualification considered, including the facts which are believed to justify the disqualification, and notice of a meeting at which the member will be given the opportunity to present information related to the contemplated action. The member shall also be notified that he may have a representative present.
 2. The written notification shall be:
 - a. Hand delivered to the member no less than five days prior to the meeting, or
 - b. Mailed to the member's last address of record no less than ten days prior to the meeting.
 3. The pre-disqualification meeting shall be presided over by the Chief of Police or a designee. Service of the written notification shall be reviewed and the member, or his/her representative, shall be given the opportunity to respond to the allegations of the contemplation letter and, if appropriate, present ideas for possible accommodation.
 - c. No more than fifteen (15) days after conclusion of the contemplation meeting, the Chief shall issue a written recommendation concerning the disqualification. Any recommendation to disqualify the member shall be sent, along with other relevant information, to the Manager of Safety for final approval.
 - d. The Manager of Safety shall make a determination on the disqualification within ten (10) days. No disqualification shall become effective without a written order of approval from the Manager of Safety.
- (3) Appeal:
A separation based on disqualification may be appealed in accordance with Rule XII of the Civil Service Commission Rules. However, the appeal shall not prevent the separation from becoming effective.
- (4) Re-Employment:
An officer who has been separated as a result of disqualification shall be entitled to the same re employment rights as an officer who has separated under honorable circumstances, pursuant to department rules and the Charter, provided that the former member demonstrates to the chief of the Department, the Manager of Safety, and a majority of the Civil Service Commission that the former officer can perform the essential functions of the position.
- (5) Confidentiality of Information:
Whenever information pertaining to a disability is gathered as part of a medical examination or to attempt an accommodation, such information shall not be disclosed except to medical personnel, supervisory or administrative personnel necessary to the implementation of this rule and the administration of the department.

505.19 Re-employment of Police Officers

- (1) Members of the classified service who were separated under honorable circumstances may be re-employed upon meeting each of the following criteria:
 - a. Obtain written approval by the Chief of Police, the Manager of Safety, a majority of the Civil Service Commission, and complete any other examination requirements as determined by Civil Service Commission rules, statutory requirements, and requirements of the Department of Safety.
- (2) Re-employed members shall be re-employed at the highest rank previously held, not higher than Police Officer 1st Grade.
- (3) Re-employed members shall retain the seniority they had at separation, but no seniority shall be granted for the time during which they were separated and service shall not be construed as continuous.
- (4) In the event the approval of the Chief of Police, the Manager of Safety, or the Civil Service Commission is not granted, the former member shall have no right to seek review of that decision before the Civil Service Commission, the Chief of Police, or the Manager of Safety.
- (5) Consideration for re-employment shall be based on the following:
 - a. Applicants will be considered for re-employment if they had reached 1st Grade and not exceeded three (3) years from the time of separation to the time of re-employment.
 - b. An applicant must apply before 2½ years of separation. If no vacancies are available, the applicant will be placed on a list not to exceed the three (3) year requirement for re-employment.
 - c. Application shall be in the form of a letter addressed to the Chief of Police requesting re-employment.
 - d. All applicants will be subject to a preliminary review of previous employment to determine their status at the time of separation.
 - e. Applicants must agree to comply with all employment conditions existing for new applicants at the time of application for re-employment. Examples of such conditions may include, but are not limited to, tobacco use, physical fitness contracts, etc.
 - f. Applicants being considered for re-employment shall be subject to a background investigation conducted by the Denver Police Department's Intelligence Bureau, including psychological and polygraph exams.
 - g. Officers who are re-employed by the Denver Police Department shall be assigned to a Field Training Officer upon assignment to a patrol district.
 1. Where the time between the separation and re-employment dates does not exceed one (1) year, the District Training Coordinator shall assess the needs of the individual and devise a documented training program sufficient to address those needs.
 2. Where the time between the separation and re-employment dates exceeds one (1) year, the Officer shall engage in the normal fourteen (14) week Recruit Field Training Program including full documentation.
 3. In either case, failure to successfully complete the designated re-training program will be grounds for immediate dismissal.

505.20 Notification of Death or Injury of Denver Police Officers

- (1) In the event that any officer of this department is wounded or killed in the line of duty, or dies under any other circumstances, it shall be the responsibility of the officer's commanding officer to notify the immediate family of the injury or death.
- (2) All such notifications shall be made in person.

505.21 Bilingual Officer Program

- (1) Policy Statement: Bilingual officers are often required to provide fluent use of non English languages on a continuing and frequent basis in order to meet the public service responsibilities of the Denver Police Department.
- (2) Definitions:
 - a. Bilingual officers are defined as those officers who are certified and designated as bilingual officers in accordance with procedures published by the Chief of Police or the Chief's designee.
 - b. Compensation Rate: Compensation will be in addition to the officer's rate of pay (per the current collective bargaining agreement) based on three (3) levels of demonstrated proficiency. Testing will also include proficiency in sign language.
 - c. Levels of Proficiencies:
 1. Level I - Initiate and maintain face-to-face conversations under limited demands (\$100 per month).
 2. Level II - Use the language with sufficient vocabulary for effective formal and informal conversations (\$150 per month).
 3. Level III - Use the language fluently and accurately, spoken and written (\$200 per month).
- (3) Proficiency levels will be professionally tested. The brief definitions listed above are basic guidelines only.
- (4) Officers who have multiple language skills are eligible to test for, and be certified in, more than one (1) non-English language but will only be compensated at a single level as determined by their most efficient language.
- (5) TESTING
 - a. Metropolitan State College and the Denver Police Department have entered into a Memorandum of Understanding. This agreement provides for MSCD to develop and administer a bilingual proficiency English/target languages examination program as needed that includes French, German, Japanese, Polish, and Spanish as the target languages. These examinations are intended to qualify DPD officers as bilingual proficient at three (3) skill levels.
 - b. For those officers who speak languages other than those mentioned above, qualified personnel, from outside the Denver Police Department, shall be contracted to administer a proficiency test and evaluate officers in their respective target languages.
 - c. Those officers who test at Level I or Level II have the option of re-testing the following year in an effort to place at a higher level. Officers, who test at Level III (advanced), shall be re-certified every three (3) years, or as directed by the Chief of Police.
 - d. Officers who test at Level III (advanced) may have their names placed on a call-out list. This list will be given to the Combined Communication Center and each command officer.
 - e. Officers may not test for the Bilingual Program until after completion of the Field Training Program.
- (6) Once certified, an officer receiving bilingual compensation shall respond to assist when a bilingual officer is needed, if available. A list of certified bilingual officers will be provided to each command officer and the Combined Communication Center. Failure to comply with provisions may result in removal from the bilingual program by the Chief of Police.

