

RULE 11 LEAVE

Purpose statement:

(Effective October 10, 2008; Rules Revision Memo 33C)

The purpose of this rule is to provide guidelines and policies for administering time off through the City's leave programs.

Section 11-10 Definitions

(Effective October 10, 2008; Rules Revision Memo 33C)

A. Leave: Any absence during regularly scheduled work hours. The following types of leave are officially established and shall be in effect unless otherwise provided by ordinance:

1. Vacation and sick;
 - a. Donated sick
 - b. Bereavement
2. Administrative
3. Military
4. Election
5. Court
6. Leave without pay
7. Unauthorized
8. Training
9. Disability
10. Parental involvement (Revised effective August 5, 2009; Rules Rev. Memo 39C)
11. Family Medical Leave ("FML")
12. Holiday

Section 11-20 Vacation and Sick Leave
 (Effective October 10, 2008; Rules Revision Memo 33C)

SUMMARY OF VACATION AND SICK LEAVE ORDINANCES				
1. Types of Career Service employees not eligible for vacation and sick leave:				
<p>A. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week;</p> <p>B. Persons occupying or employed in on-call, temporary, or seasonal positions, or positions in which the incumbent is paid according to the community rate schedule; and</p> <p>C. Employees who hold positions in classifications in the Undersheriff pay schedules.</p> <p>Source: D.R.M.C. §18-121 and §18-131</p>				
2. Earning vacation and sick leave				
Years of consecutive service				
	0 – 5	>5 – 10	>10 – 15	>15
Vacation hrs. earned per month	8	10	12	14
Sick hours earned per month	8	8	8	8
<p>Eligible employees who began employment with the City before January 1, 1981 may be entitled to earn vacation leave at a higher rate.</p> <p>A proportionate amount shall be allowed eligible employees working part-time.</p> <p>Source: D.R.M.C. §18-122 (b) and §18-132 (1)</p> <p style="text-align: center;">THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.</p>				

11-21 Earning Vacation and Sick Leave

A. Partial Leave Accruals:

Full-time employees, eligible to earn vacation and sick leave:

1. Who have used unpaid leave in a month, unless the employee is using the first thirty days of consecutive voluntary leave without pay in a calendar year (see section 11-82 b) or
2. Who begin employment with the City after the first day of a month; or
3. Who separate from employment with the City before the last day of a month.

Shall earn vacation and sick leave in that particular month according to the following pro-ration schedule:

<u>Hrs. worked (including pd. lv) in the month</u>	<u>Vacation</u>				<u>Sick</u>
	<u>Years of service</u>				
	0 – 5	>5 – 10	>10 – 15	>15	N/A
0-39	0	0	0	0	0
40-79	2	2.5	3	3.5	2
80-119	4	5	6	7	4
120-139	6	7.5	9	10.5	6
≥140	8	10	12	14	8

B. Length of Service:

In computing length of service for the purpose of determining whether an employee is eligible to earn more than eight (8) hours of vacation leave, service in a position in any City office, agency, commission, or department other than the Classified Service of Police and Fire, the Denver Water Board, on-call positions, contact positions, and positions whose salaries are fixed in the charter, shall be counted as service, provided such service was performed continuously immediately prior to the employee's employment or re-employment appointment to the Career Service.

C. Limits on Vacation Leave Accumulation:

Employees with up to ten (10) years of service may accumulate as much as two-hundred-eighty-eight (288) hours of vacation leave. Employees with ten (10) or more years of service may accumulate up to three-hundred-thirty-six (336) hours of vacation leave.

SUMMARY OF VACATION AND SICK LEAVE ORDINANCES -continued

3. Limits on sick leave accumulation

Sick leave may be accumulated to a limit of nine hundred sixty (960) working hours. When the accumulation exceeds eight hundred eighty (880) working hours, an employee shall be granted eight (8) hours of vacation leave for each eight-hour day of sick leave accumulated beyond eight hundred eighty (880) hours up to the limit, in addition to the vacation to which the employee is otherwise entitled; provided, however, that the employee may elect to retain such sick leave credits to be used as sick leave if they do not discharge such credits by additional vacation leave.

Source: D.R.M.C. §18-132 (2)

4. Effect of appointment to another City position:

A. When an employee is appointed to a Career Service position from any other City department or agency which is governed by the vacation leave ordinance, the employee may, with the approval of the employing appointing authority, elect to transfer his or her vacation leave credits into the employing office, provided that the entrance on duty in the new position immediately follows the separation from the former position.

Source: D.R.M.C. §18-123 (1)

B. If the employee has served in a City position not in the Career Service for less than six (6) months, the employee's accumulated vacation leave shall be transferred into the Career Service upon appointment to a Career Service position, provided that the entrance on duty in the new position immediately follows the separation from the former position.

Source: D.R.M.C. §18-123 (2)

C. When an employee is appointed to a Career Service position from any other City department or agency which is governed by the sick leave ordinance, the employee's sick leave credits shall be transferred into the new department or agency, provided that the entrance on duty in the new position immediately follows the separation from the former position.

Source: D.R.M.C. §18-134 (3)

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11-22 Effect of Appointment to Another Career Service Position

When an employee is appointed to one Career Service position from another, the employee's accumulated vacation and sick leave shall be transferred to the new position.

11-23 Using Vacation and Sick Leave

- A. The amount of vacation and sick leave used shall be the exact amount of time an employee is scheduled to work when the leave is used.
- B. Vacation and sick leave shall not be used before it is posted to the employee's account.
- C. Appointing authorities may allow employees who have completed six (6) continuous months of service to use vacation leave as if it were sick leave when the employee has exhausted his or her sick leave.
- D. Use of vacation and sick leave shall not affect eligibility for a merit increase or merit payment.

SUMMARY OF VACATION AND SICK LEAVE ORDINANCES -continued
5. Granting vacation leave
A. An eligible employee who has served in a City position for less than six (6) months shall not be paid for any accumulated vacation leave. Source: D.R.M.C. §18-123 (2)
B. Vacation leave shall be taken at a time convenient to the appointing authority, provided that, every eligible employee shall be granted vacation leave during each twelve (12) month period of employment except where a deferment, not to exceed an additional twelve (12) months, is required for the good of the service. Source: D.R.M.C. §18-122 (c)
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11-24 Granting Vacation Leave

A. Appointing authorities shall grant leave on the basis of the work requirements of the agency after conferring with employees and recognizing their wishes where possible. Preference in the scheduling of vacation time shall be given to employees in order of their total length of continuous employment in the Career Service; provided, however, 1) that an employee who has been reinstated or reemployed following a layoff shall be given credit for the period of continuous employment in the Career Service prior to the layoff, and 2) that before the employee joins the agency, the provisions of this subsection shall not be effective until the next vacation schedule is prepared.

B. Exceeding the Vacation Leave Accumulation Limit:

An appointing authority may not defer an employee's use of vacation leave to the extent that the employee will lose earned vacation leave. If the appointing authority is unable to allow an employee who has accumulated the maximum hours of vacation leave to use any of it because of workload, the Career Service Personnel Director ("Personnel Director") shall approve an emergency request by the appointing authority to exceed the maximum amount. The employee must use the excess over two hundred-eighty-eight (288) hours or three hundred thirty-six (336) hours, whichever applies, within one year of the approval date.

11-25 Reasons for Using Sick Leave

(Revised effective August 5, 2009; Rules Revision Memo 39C)

Sick leave may be used when an employee is incapacitated by sickness or injury; for medical examinations, or treatment; for necessary care and attendance during sickness, or for death, of a member of the employee's immediate family, for qualifying conditions under the Family and Medical Leave Act ("FMLA") and as provided in this Rule 11.

11-26 Donated Sick Leave

(Effective May 13, 2009; Rules Revision Memo 37C)

- A. Donor requirements: A Career Service employee may donate sick leave to another Career Service employee provided that the employee donating sick leave:
1. Has been earning sick leave from the City continuously for the last five years; and
 2. Retains a sick leave balance of at least two hundred forty (240) hours after the donation.
- B. Recipient requirements:
1. Before an employee can receive donations of sick leave, the employee (or the employee's representative) must provide notice to the Department of Finance that the employee anticipates a need for donated sick leave. Such notice shall estimate how much donated sick leave the employee expects to use in the current calendar year. Should the employee need more donated leave beyond the original estimate, the employee shall provide notice of this to the Department of Finance before the employee can receive additional donations.

2. In order to use donated sick leave, an employee must:
(Revised effective August 5, 2009; Rules Revision Memo 39C)
 - a. Have exhausted his or her accumulated compensatory time, sick leave and vacation leave, be absent from work and;
 - i. Receiving disability leave, or temporary disability benefits under the provisions of the Workers' Compensation Act. In either of these situations, the employee may only use donated sick leave to make up the difference between the employee's base salary, and the total of other paid leave received and the temporary disability benefits the employee is receiving.
 - ii. Receiving FMLA leave;
 - iii. Receiving interactive process leave; or
 - iv. Have received written notice of a pre-disqualification meeting. The employee may use donated sick leave until disqualification occurs or until the end of the period in which a decision on disqualification must be issued, whichever occurs first.

or

- b. Have elected to substitute donated sick leave for unpaid parental involvement leave.
3. Donated sick leave can be used to cover absences that occur up to fifteen (15) calendar days before the leave was posted to a recipient's account so long as the other conditions of this section have been met
(Revised effective September 18, 2009; Rules Revision Memo 40C).
- C. Employees cannot use more than six hundred (600) hours of donated sick leave in a calendar year.
 - D.
 1. The amount of sick leave to be credited to the recipient's account shall be computed as follows:
 - a. Multiply the number of hours of sick leave being donated by the hourly rate of pay of the donor employee;
 - b. Divide the result by the hourly rate of pay of the recipient; and
 - c. Round the result down to the closest full hour.
 2. The computations made in paragraph D.1. shall be reported to the Department of Finance in accordance with procedures to be established by that office.

- E. Recipients of donated sick leave are not entitled to receive pay upon separation for unused donated sick leave. Unused donated sick leave may not be donated to another employee or returned to the donor.

- F.
 - 1. A Career Service employee may donate sick leave to a non-Career Service City employee provided that the donor requirements listed above have been met and that the recipient employee's department or agency and any applicable collective bargaining agreement allows employees to receive donations of sick leave from Career Service employees.

 - 2. A Career Service employee may receive donated sick leave from a non-Career Service City employee provided that the donor employee's department or agency and any applicable collective bargaining agreement allows employees to donate sick leave to Career Service employees and that the recipient requirements listed above have been met.

 - 3. City employees receiving paid time-off leave benefits may donate leave to Career Service employees to be used according to this donated sick leave rule provided the donor employee's department or agency allows employees to donate leave to Career Service employees and that the recipient requirements listed above have been met (Revised effective September 18, 2009; Rules Revision Memo 40C).

 - 4. A Career Service employee may donate sick leave to or receive donated sick leave from an employee covered by the Undersheriff pay schedule to the extent permitted by the applicable collective bargaining agreement and provided that the donor or recipient requirements listed above (as applicable to the Career Service employee) have been met.

11-27 Reporting and Investigation of Sick Leave

- A. Reporting of absence on sick leave: If an employee is absent for reasons that entitles the employee to use sick leave, the employee or a member of the employee's household shall notify the employee's supervisor as soon as possible but at least within two (2) hours after the employee's usual reporting time. Appointing authorities may establish sick leave reporting procedures which differ from the standard for an entire agency, for specific units, or for individual employees in order to meet special program needs or work loads. If an employee fails to notify the employee's supervisor or agency head, no sick leave shall be approved, except in unusual circumstances, to be determined by the appointing authority. Immediately upon returning to work, the employee shall submit a request to use sick leave indicating the duration of the leave, and the dates of departure and return.
- B. Investigation of use of sick leave: Appointing authorities may investigate the alleged illness of an employee absent on sick leave. False or fraudulent use of sick leave shall be cause for disciplinary action and may result in dismissal.
- C. Medical statement: An employee who is absent on sick leave for more than three (3) days because of his or her own illness or that of a member of his or her immediate family may be required to furnish a statement signed by attending physician, or other proof of illness satisfactory to the appointing authority. An appointing authority may require this statement or proof for an absence chargeable to sick leave of any duration. If an appointing authority has reason to believe that the absence may be a qualifying event under the FMLA, the FMLA medical certification requirements shall apply.

11-28 Bereavement Leave

Employees shall be entitled to use up to forty-eight (48) hours of sick leave because of the death of a member of an employee's immediate family. An appointing authority may grant additional sick leave, or may allow an employee to use other paid or unpaid leave because of unusual circumstances.

11-29 Last Day Worked

Employees shall not earn vacation or sick leave after the effective date of the employee's separation. Rule 1 DEFINITIONS, Rule 14 SEPARATION OTHER THAN DISMISSAL and Rule 16 DISCIPLINE AND DISMISSAL define the effective dates of dismissals and other types of separations.

11-30 Effect of Separation on Vacation Leave Balance

Upon separation from the City, an employee shall be paid for the unused portion of his or her accumulated vacation leave, provided that the employee has completed six (6) consecutive months of eligible service with the City.

SUMMARY OF VACATION AND SICK LEAVE ORDINANCES -continued		
6. Effect of separation on sick leave balance		
The following table applies to the pay-out of sick leave upon separation for any reason other than death or retirement:		
<u>Full years</u>		
<u>Of service</u>		<u>Payout formula</u>
<5	No pay out	
5	Sick leave balance minus	(5 X 40 hrs.) or 200 hrs.
6	Sick leave balance minus	(6 X 40 hrs.) or 240 hrs.
7	Sick leave balance minus	(7 X 40 hrs.) or 280 hrs.
8	Sick leave balance minus	(8 X 40hrs.) or 320 hrs.
9	Sick leave balance minus	(9 X 40hrs.) or 360 hrs.
≥10	Sick leave balance minus	(10 X 40hrs.) or 400 hrs.
Upon separation due to retirement or death, an employee shall be paid at his or her regular rate of pay for one-half (1/2) of all accumulated sick leave credits existing on the effective date of separation or death, or in accordance with the method described above, whichever is higher, but not to exceed five hundred sixty (560) working hours.		
Source: D.R.M.C. §18-134 (1-2)		
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11-31 Effect of Re-instatement and Re-employment on Sick Leave Balance

An employee who is re-instated after a lay-off shall have sick leave that he or she was not paid for at the time of separation restored. An employee who is re-employed while his or her name is on a re-instatement list shall also be entitled to restoration of eligible sick leave.

Section 11-40 Administrative Leave

11-41 Basis of Granting

- A. Administrative Leave for Grievances or Appeals: Appointing authorities shall grant an employee administrative leave with pay to present grievances or appeals to an official of the City and County or to represent an employee presenting a grievance or an appeal. However, if flexibility exists as to the exact date and time, the leave shall be granted at the convenience of the appointing authority.
- B. Administrative Leave for alternative dispute resolution proceedings: Appointing authorities shall grant an employee administrative leave with pay to participate in the Career Service Authority alternative dispute resolution program. Administrative leave with pay shall be granted to employees who participate in mediation either as a party or as the mediator and to an employee who attends mediator training.
- C. Administrative Leave for Exemplary Performance: An appointing authority may grant, and an employee may use up to twenty (20) hours of administrative leave with pay per calendar year for exemplary performance, such as Employee of the Quarter, Employee of the Year, or if the appointing authority wishes to recognize an employee's outstanding contribution to the agency. (Effective March 4, 2009; Rules Revision Memo 36C)
- D. Other Grounds for Administrative Leave: Appointing authorities may grant an employee administrative leave with pay for the following purposes:
1. To compete for positions in the Career Service, including all related interviews and examinations.
 2. To serve as a witness in a federal, state or municipal court or in an administrative proceeding, when requested by the appointing authority or other authorized person to represent the City's interest in the legal proceedings, when not eligible for court leave under subsection 11-71.
 3. When the appointing authority deems there is a business necessity, for a maximum of ten (10) calendar days per calendar year. The appointing authority may request from the Personnel Director an extension of not more than five (5) calendar days. The Personnel Director may approve the request for an extension for good cause shown. (Effective 3/19/04, 247B)

11-42 Effect of Administrative Leave on Eligibility for Merit Increase

Approved administrative leave shall not affect eligibility for a merit increase.

Section 11-50 Military Leave

(11/1/80, 127A; 10/11/01, 218B, 8/26/02, 227B)

It is the intention and purpose to comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act.

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11-51 Military Leave With Pay
(11/1/80, 127A; 12/22/03, 245B)

All Career Service probationary and career status employees shall be eligible for up to fifteen (15) days, not to exceed one hundred twenty (120) hours, of paid military leave each calendar year. Request for such leave shall be made in advance and in writing.

Military leave with pay shall be subject to the following provisions:

- A. Military Pay
(1/3/02, 221B)
Employees shall be placed on leave with pay for those days the employee is engaged in military training or service. The City shall pay the employee his or her full City pay annually for up to fifteen (15) days of military leave.
- B. Effect on eligibility for merit increase:
(9/1/89, 129B)
Military leave shall not affect eligibility for a merit increase.
- C. Effect on vacation and sick leave accruals:
Military leave with pay shall not affect eligibility for vacation or sick leave accrual

11-52 Military Leave Without Pay
(9/26/72, 78A; 11/1/80, 127A; 2/14/85, 71B)

- A. A career status or probationary employee who continues in military service beyond the time for which leave with pay is allowed shall be placed on military leave without pay. Such request for military leave without pay shall be made in advance, when possible, in writing or by oral notification. In the event of military necessity, if the employee is unable to provide advance notice, the employee may give notice after starting duty.
- B. An employee in military leave without pay status may be eligible for a military pay differential. A military pay differential is for employees who are called to active military duty with written orders for services exceeding one hundred and seventy nine (179) days because of war or national emergency.

11-53 Granting Military Leave Without Pay

Military leave without pay shall be subject to the following provisions:

- A. Duration:
Military leave without pay shall be granted for the duration of active military service not to exceed five (5) years plus ninety (90) days from the date of discharge, provided that extensions shall be granted where the employee is required to serve a longer period of time involuntarily because of a war or national emergency.
- B. Effect on vacation and sick leave:

Vacation and sick leave credits shall not be earned during military leave without pay that lasts over thirty (30) consecutive calendar days.

C. Effect on health & supplemental benefits:

During military leave without pay, the employer continues to subsidize an employee's group health care benefits for up to thirty (30) days. Employees absent on military leave without pay for thirty-one (31) days or longer, are eligible for health benefit coverage from the military. In addition, an employee on military leave without pay for thirty-one (31) days or longer can arrange to continue his or her individual and/or family coverage under the City's group health plan for the duration of military leave without pay. Employees opting for continuing coverage under the City's group health plan are responsible for paying 100% of the premium costs.

During military leave without pay, the employee can arrange to continue supplemental insurance coverage(s), such as dental, vision, short-term disability, and supplemental life insurance, for the duration of military leave without pay. Employees opting for continuing supplemental insurance coverage are responsible for paying 100% of the premium costs.

D. Break in service:

Military leave without pay shall not constitute a break in service.

E. Completion of probationary period: (11/1/80, 127A)

An employee who returns after thirty (30) days or longer from military leave without pay who held employment probationary status at the time of military leave without pay shall have attained career status upon returning to the City.

F. Effect on eligibility for a merit increase: (9/1/89, 129B)

Military leave without pay shall not affect eligibility for a merit increase.

11-54 Return From Military Leave Without Pay (3/1/90, 138B; Rev. eff. 1/1/06, 2C)

Employees returning from military leave without pay after an absence of ninety (90) days or less shall return to their former position. Employees returning after ninety-one (91) days or longer shall return to their former position or a job of equal status and pay that the employee would have attained with performance ratings of "Successful" had he or she not been on leave, subject to the following provisions:

A. Due date for notice of return:
(8/5/82, 37B)

The notice time for return from military leave without pay that is provided to the Appointing Authority is dependent upon the amount of time served.

1. The employee must make notice for return from military leave without pay within ninety (90) days from the date of discharge from

military service if the military duty lasted longer than one hundred eighty (180) days.

2. Employees who served thirty-one (31) to one hundred eighty (180) days shall give notice within fourteen (14) days of discharge.
3. Employees who serve less than thirty-one (31) days shall have three (3) days from discharge to give notice.

B. Certificate of satisfactory completion of military service:

A return from military leave without pay shall be conditional upon submission of a certificate of satisfactory completion of military service.

C. Effect of hospitalization for service connected medical condition:

In the event that the employee was hospitalized after discharge for medical conditions, which occurred during the military service, the employee's military leave without pay shall be extended not to exceed two (2) years. Application for return from military leave without pay must be made within ninety (90) days after discharge from hospitalization. Extensions may be granted due to circumstances beyond the employee's control.

D. Qualifications for return from military service:

The employee must be physically and mentally qualified and possess the necessary skills, knowledge and/or training to perform the essential functions with or without reasonable accommodations of the position to which the employee is returning. The City will provide appropriate training to returning employees.

E. Effect of service connected disability:

If the employee is not qualified to perform the essential functions with or without reasonable accommodations of the position left by reason of disability sustained during active military service, the appointing authority may transfer the employee to any other available position, the duties of which the employee is qualified to perform and which will provide like seniority, status and pay, or the nearest approximation thereof, as the employee achieved in the position from which he or she was granted military leave.

F. Effect of failure to give notice for return:

Failure to give notice for return from military leave without pay within the time limits stated shall be considered a resignation.

11-55 Military Pay Differential

(Effective January 1, 2006; Rules Revision Memo 4C)

- A. Career Service employees who are called to active military duty in time of war or national emergency are eligible for a military pay differential as provided by the Denver Revised Municipal Code. (See Appendix)
- B. A written request for military pay differential shall be made by an eligible employee to the employee's department or agency as soon as possible after the employee's return to City employment using the application form prepared by the Career Service Authority. Requests for military pay differential may also be made while the employee is on military leave.
- C. The employee shall provide copies of the following documents:
 - 1. Written military orders for reporting and/or discharge;
 - 2. Leave and earnings statements from the military;
 - 3. All military pay vouchers, including vouchers for temporary duty and travel; and
 - 4. Any other documentation deemed necessary to process the request by the Career Service Personnel Director, which may include documentation that the Department of Finance advises the Personnel Director is necessary. (Revised effective April 1, 2008; Rules Revision Memo 26C)
- D. Any overpayment of funds to the employee shall be reimbursed to the City in accordance with the City's Fiscal Accountability Rules.

Section 11-60 Election Leave

(Effective November 1, 1980; Rules Revision Memo 127A, renumbered and revised effective June 1, 2004, 249B)

Employees are urged to vote outside of working hours. If the employee's work schedule does not allow for two consecutive hours between either the opening of the polls and the start of work or after the end of work and the closing of the polls, employees shall be granted paid leave not to exceed two (2) hours in order to vote. Employees must apply for and receive approval for the leave prior to the election day.

Section 11-70 Court Leave

(4/27/56, 15A)

11-71 Policy

(9/1/82, 41B)

An employee who is required to serve as a juror in a Federal, State, or Municipal Court, or who is subpoenaed to testify concerning matters arising out of performance of his or her duties, shall be granted court leave with full pay to serve in that capacity.

11-72 Procedure

An employee who is called for witness or jury duty shall present to his supervisor the original summons or subpoena from the court and, at the conclusion of such duty, a signed statement from the Clerk of the Court or other evidence showing the actual time of attendance at court.

11-73 Fees
(9/1/82, 41B)

Fees received for jury service in a Federal, State, or Municipal court shall be in addition to, and irrespective of, an employee's regular salary.

11-74 Working When Excused
(9/1/82, 41B)

- a. Principle:
Court leave is intended only to apply to those time periods when the employee is needed for court service. It is not to be considered as paid leave during those periods when the employee has been excused from court service.

Paragraph 11-74 b)

- b. Employees who (a) are not entitled to shift differential under the provisions of Rule 9 PAY ADMINISTRATION, and (b) have been excused from jury service by the Jury Commissioner or other court official shall report to their regular city position when the following conditions are met: (Effective December 23, 1982; Rules Revision Memo 44B; Revised effective April 1, 2006; Rules Revision Memo 7C).
 - 1) The work site is within three (3) miles of the site of the jury service, and at least two (2) hours remains on the regular work day of the employee; or
 - 2) The work site is more than three (3) miles from the site of the jury service, but both sites are within the Denver metropolitan area, and the excused period is at least four (4) hours in duration.

- c. Employees (a) who are entitled to shift differential under the provisions of Rule 9 PAY ADMINISTRATION, and (b) who have reported for jury duty shall have the following city work schedule. (Effective December 23, 1982; Rules Revision Memo 44B; Revised effective April 1, 2006; Rules Revision Memo 7C).
 - 1) If such employee is held less than four (4) hours for jury service, he or she must report for the normal work shift that day, but will be required to work one-half of his or her scheduled work time.
 - 2) If such employee is held for four (4) hours or more for jury service, he or she shall be excused from work that day.

Section 11-80 Leave Without Pay

(Effective January 1, 1988; Rules Revision Memo 103B; February 08, 2005, Rules Revision Memo 257B.)

11-81 Policy

Leave without pay may be granted to an employee for any good cause when it is in the interest of the City and the employee to do so. An appointing authority may grant an employee leave without pay for up to 90 days. The agency or department head may approve 90 day extensions. Any appointment made to the position vacated by an employee on leave without pay shall be conditional upon the return of the employee on leave. If an employee's leave without pay is also designated as FMLA leave, the leave without pay and FMLA leave shall run concurrently.

11-82 Granting Voluntary Leave Without Pay

(Effective November 14, 1996, Rules Revision 189B)

Voluntary leave without pay shall be subject to the following provisions:

a) Return

At the expiration of leave without pay, the employee shall return to the position he or she held prior to the leave. Failure to report promptly at the expiration of a leave without pay shall be considered a resignation.

b) Pay Increase and Fringe Benefits

FIRST 30 DAYS WITHOUT PAY

The first 30 consecutive calendar days of voluntary leave without pay in a calendar year, which is approved by the employee's supervisor, shall have no effect on the following:

- 1) City contributions to health, dental, and life insurance; or
- 2) Vacation and sick leave credits, and holiday eligibility.

AFTER 30 DAYS BUT BEFORE 180 DAYS

After the first, 30 consecutive calendar days of voluntary leave without pay, City contributions to health, dental, and life insurance shall be discontinued, except for FMLA leave:

Only employees on FMLA leave may pay for the cost of contributing the health care benefits, dental benefits, and life insurance by:

- a) depositing monthly, the employee's share of the premium for such benefits with the payroll clerk for the unit from which the employee is on leave or;
- b) by taking at least one day of paid leave from which the cost of contributions to health, dental, and life insurance shall be deducted.

Failure to contribute to the cost of the benefits or insurance shall result in the discontinuance of such benefits or insurance consistent with the FMLA.

Employees on leave without pay who are not on FMLA leave may only maintain benefit coverage by depositing the full monthly premium for such benefits with the payroll clerk for the unit from which the employee is on leave.

AFTER 180 DAYS

After the first 180 consecutive calendar days of voluntary leave without pay, City contributions to health, dental, and life insurance shall be discontinued.

Employees on leave without pay for more than 180 consecutive calendar days may maintain benefit coverage by depositing the full monthly premium for such benefits with the payroll clerk for the unit from which the employee is on leave.

- c) No break in service: A leave without pay shall not constitute a break in service.
- d) During probationary period: Leave without pay for more than 180 consecutive calendar days during the probationary period shall not be counted as part of that period but the employee to whom such leave has been granted shall be allowed to complete his or her probationary period upon return from leave.
- e) Notification of Career Service Authority The Career Service Authority shall be advised, in writing, of leave without pay granted for 15 consecutive calendar days or more.

11-84 Budget Required Furlough
(Effective July 30, 2003; Rule Revision Memo 236B)

If the Mayor of the City and County of Denver decides to furlough employees within the Career Service due to budgetary reasons, the following Career Service Rule applies:

- a) This Rule is intended to comply with the Fair Labor Standards Act regulation 29 C.F.R. § 541.5d, which permits furloughs for budgetary reasons without affecting the exemption status of an overtime exempt employee except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.
- b) Furloughs of overtime exempt employees may be taken in work day or workweek increments. During the workweek in which an overtime exempt employee takes one or more furlough days, the furlough hours taken and the hours worked plus any leave taken by the exempt employee should not total more than 40 hours. A work day is eight (8) hours for the purposes of this rule. (11/25/03, 244B)
- c) Furloughs of non-exempt employees need not be taken in work day or work week increments but shall be debited in no less than two (2) hour increments.(11/25/03, 224B)
- d) The Mayor may exempt certain employees of the Career Service from a mandatory furlough in order to maintain essential City services or for other necessary business reasons.
- e) At the expiration of the furlough, the employee shall return to the position held prior to the furlough.
- f) During the period of time in which the Mayor has declared mandatory furloughs, employees, upon the agreement and prior approval of their Appointing Authority, may take additional voluntary furlough days, up to a maximum of forty-five (45) voluntary furlough days. Employees are not required to take voluntary furlough days. (11/25/2003, revision 244B)
- g) Pay increases and employees benefits:

A mandatory furlough or voluntary furlough shall have no effect on the following:

- 1. Performance evaluations or merit increases;
- 2. City contributions to health, dental and life insurance during the furlough period;
- 3. Vacation and sick leave credits accrued during the furlough period; or
- 4. Holiday eligibility (11/25/2003, 244B)

- h) Mandatory furlough or voluntary furlough shall not constitute a break in service. Failure to report promptly back to work after the expiration of a mandatory furlough or voluntary furlough may be grounds for discipline, up to and including dismissal from employment (11/25/2003, 244B).
- i) During the period of time in which there are mandatory furloughs, the first forty-five (45) days of unpaid FMLA or ADA Interactive Process Leave shall be treated as voluntary furlough days (11/25/2003, 244B).
- j) Nothing herein precludes the mayor from designating specific furlough days or otherwise determining how to implement mandatory furloughs (11/25/2003, 244B)

Section 11-90 Unauthorized Absence for Non-exempt Employees

(Effective August 16, 1985; Rules Revision Memo 74B; Revised June 1, 2004; 249B)

- A) Non-exempt employees: A non-exempt employee who is absent from duty without approval shall receive no pay for the duration of the absence. Such denial of pay shall not affect the right of the City or any of its agencies to invoke any form of disciplinary action which it deems appropriate, up to and including dismissal.
- B) Exempt employees: Subject to the exceptions provided below, an employee need not be paid for any work week in which he or she performs no work.
 - 1) The pay of exempt employees shall be reduced, on an hourly basis, for absences of less than a day when the absence is due to sickness or personal reasons, and
 - a) the employee did not request leave; or
 - b) a request for leave was denied; or
 - c) the employee has no available leave; or
 - d) the employee requested, and was granted, leave without pay.
(Effective April 6, 1995; 180B)
 - 2) Exempt employees may be allowed occasional time off with pay to attend to personal affairs, at the discretion of the appointing authority.

Section 11-100 Procedure for Requesting Leave

(Effective November 1, 1980; Rules Revision Memo 127A)

For all leaves except sick leave, a written request indicating the kind of leave, duration, and dates of departure and return shall be approved prior to the taking of the leave. In the case of sick leave, the written request shall be completed and submitted for approval immediately upon the employee's return to duty. Unless an absence is substantiated by a written request approved by the supervisor in accordance with this section, an employee shall not be paid for any absence from scheduled work hours.

Section 11-110 Training Leave

(Effective April 1, 2006; Rules Revision Memo 6C)

- A. Appointing authorities may grant training leave with pay. Any training program for which such leave is granted must be job-related, which includes career development training that will prepare the employee for advancement with the City.
- B. Appointing authorities may grant training leave for the purpose of attending institutes, seminars, or educational courses related to an employee's work for extended periods of time, at the appointing authority's discretion.
- C. Appointing authorities shall allow trainees or interns to arrange their work schedule if they need to attend classes during normal working hours. Trainees or interns are not entitled to training leave while attending classes for the degree or certificate program they are required to complete during their trainee or intern probationary period.
- D. Use of training leave by employees shall be arranged whenever possible during regularly scheduled work hours. Appointing authorities who require attendance at training activities during off-duty hours that are designed to increase the competencies, knowledge, skills and abilities of employees for the position which they presently occupy shall temporarily change the affected employee's standard work hours to include the training schedule. Employees who are required to attend such training during off-duty hours shall be granted training leave with pay for the time spent in training.
- E. For the purposes of this subsection on-line training courses shall be treated the same as classroom training sessions. (Revised effective January 12, 2007; Rules Revision Memo 13C)
- F. Employees must present proof of attendance at any training for which they are authorized to receive training leave.

Section 11-120 Disability Leave

(Effective September 1, 1968; Rules Revision Memo 59A)

11-121 Revised Municipal Code Provisions

(Effective 1974; Revised Municipal Code, 1982 codification, Section 18-287)

- A. The Revised Municipal Code provides that under certain conditions and after compliance with certain requirements "...eligible employees shall be granted disability leave with pay for a period not to exceed ninety (90) calendar days."
- B. Compensation during disability leave shall be eighty percent (80%) of gross salary. (Effective January 1, 1981; Revised Municipal Code, 1982 codification, Section 16-286).

11-122 Policy

(Effective November 1, 1980; Rules Revision 127A; February 08, 2005, Rules Revision Memo 257B)

All Career Service employees, except employees holding on-call positions, shall be granted disability leave with pay for each occupational injury or occupational disease incurred in the course of employment, provided that the period of disability exceeds three (3) calendar days. If an employee's disability leave is also designated as FMLA leave, the disability leave and FMLA leave shall run concurrently.

11-123 Eligibility for Disability Leave

(Effective January 1, 1993; Rules Revision 160B)

An employee shall be considered eligible for disability leave if such employee:

- A. Type of Position: Holds a full-time or part-time position but not an on-call position. (Effective November 1, 1980; Rules Revision 127A)
- B. Compliance with Ordinance: Has complied with the provisions of Sec. 18-287 of the Revised Municipal Code, 1982 codification, relating to reporting requirements and to examination and emergency treatment by the Employee's Medical clinic. (Effective December 15, 1983; Rules Revision 51B)
- C. Disability: Is physically or mentally unable to perform the duties of the employee's position or any other position within the City and County of Denver due to injury, occupational disease or accident experienced in the course of employment.

11-124 Granting of Disability Leave
(Eff. 12/16/74; Rules Rev. 88A)

Appointing authorities shall grant disability leave to eligible employees in accordance with the following provisions:

- a) Authority for disability leave pay: For absence in excess of three (3) calendar days, allowance of a claim for temporary disability benefits under the provisions of the Workmen's Compensation Act or the Occupational Disease Disability Act shall constitute authority for disability leave pay for a period of ninety (90) calendar days retroactive to the first day of disability.
- b) Notification of injury: Every employee who sustains an injury in the course of his employment shall notify his supervisor within two (2) days of its occurrence, unless:
 - 1) the employee is physically or mentally unable to do so; or
 - 2) someone else reports the accident within the specified time limit; or
 - 3) the supervisor or person in charge has actual notice of the injury.

If an employee fails to report an injury, he shall lose one (1) day's disability leave for each day's failure to do so; the number of penalty days established by the representative of the State Compensation Insurance Fund or Division of Labor shall constitute the number of disability leave days lost for late reporting.

For absences of three (3) calendar days or less and for penalty days deducted from disability leave because of late reporting, the provisions of Section 11-30 Sick Leave or Section 11-80 Leave Without Pay shall apply.

- c) Reimbursement to city for advances on benefits: Temporary disability benefits due the employee from the Workers Compensation Fund for the duration of the disability leave shall be deposited to the credit of the city.
- d) Required physical examination: Any employee on disability leave may be required to report to Denver General Hospital for periodic physical examinations. Compliance with such requirements shall be a condition for the continuation of an approved disability leave with pay. An employee shall report to Denver General Hospital for a physical examination prior to being returned to work from disability leave.
- e) Effect of reduced or disallowed claims: No disability leave with pay shall be granted if the employee's claim for temporary workers compensation benefits has been disallowed or reduced under the terms of the state laws cited above, except as provided in paragraph 11-123 b) Notification of Injury. In the instance listed above, an employee absent from duty may be granted accrued sick leave or leave without pay in accordance with Section 11-30 Sick Leave or 11-80 Leave Without Pay.

11-125 Expiration of Disability Leave

An employee who continues to be disabled beyond the maximum disability leave of ninety (90) calendar days may use his accrued sick leave and vacation leave at full benefits. In addition to the temporary disability compensation he receives from the Workmen's Compensation Fund.

Disability leave shall not be granted beyond the date of mandatory retirement of an employee.

11-126 Vacation and Sick Leave During Disability Leave

Employees who are granted disability leave shall continue to accrue vacation and sick leave credits for the duration of the disability leave.

11-127 Procedure for Disability Leave

A personnel action placing the employee on disability leave and its estimated duration shall be submitted to the Career Service Authority immediately upon notification of allowance of a claim for temporary disability benefits under the laws cited above. Upon return of the employee to work or expiration of the disability leave, a personnel action returning the employee from leave shall be submitted.

Section 11-130 Parental Involvement Leave
(Effective August 5, 2009; Rules Revision Memo 39C)

It is the policy of the Career Service Board to provide leave for academic activities as required under the Parental Involvement in K-12 Education Act (C.R.S. §8-13.3-101 et seq.).

A. Definitions

1. Academic activity: Means:
 - a. A parent-teacher conference; or
 - b. A meeting related to any of the following topics;
 1. Special education services;
 2. Response to intervention;
 3. Dropout prevention;
 4. Attendance;
 5. Truancy; or
 6. Disciplinary issues.

School activities not included on the list above, including, but not limited to athletic or artistic events, are not considered to be academic activities for the purposes of this rule.

2. Academic year: Means the period, not to exceed twelve consecutive months, allotted by a school for the completion of one grade level of study.
3. Eligible employee: Includes all Career Service employees.
4. Eligible employee's child: Means a child who is enrolled in a public school, private school, or in a non-public home-based educational program, in any grade between kindergarten and twelfth grade, for whom the eligible employee is parent, legal guardian, or is acting in the place of a parent.

- B. Amount of leave allowed: Eligible employees are entitled to use parental involvement leave in an academic year to attend academic activities for or with the eligible employee's child as follows:
1. Full-time eligible employees are entitled to use eighteen hours of parental involvement leave in an academic year.
 2. Part-time eligible employees are entitled to use a percentage of the eighteen hours of parental involvement leave that corresponds to the percentage of a forty hour work week that they are regularly scheduled to work.
- C. Notification requirements:
1. An employee shall provide the department or agency with notice of the need for leave at least seven calendar days in advance of the academic activity. Such notice shall include written verification from the school or school district of the academic activity.
 2. In the case of an emergency where the employee is not aware of the need for leave seven calendar days in advance, the employee shall provide the department or agency with notice of the leave as soon as possible after becoming aware of the academic activity. Written verification shall be provided upon the employee's return to work.
- D. Limitations on use
1. An employee shall make a reasonable attempt to schedule academic activities outside of regular work hours.
 2. Eligible employees are not entitled to use more than six hours of parental involvement leave in any one-month period. A department or agency may require that parental involvement leave be taken in no longer than three hour increments.
 3. A department or agency may limit the ability of an eligible employee to take parental involvement leave in cases of emergency, or where a person's health or safety may be endangered, or where the absence of the employee would result in a halt of service or production.
- E. Substitution of paid leave: Parental involvement leave is unpaid leave, unless an eligible employee elects to substitute sick leave, donated leave, vacation leave or other accrued paid leave for unpaid parental involvement leave.

Section 11-150 Family & Medical Leave Act Policy

(Effective December 2, 1993; Rules Revision 167B; February 08, 2005, Rules Revision Memo 257B.)

It is the policy of the Career Service Board to provide leave under the Family & Medical Leave Act of 1993 ("FMLA") to eligible employees. The purpose of FMLA leave is to provide up to twelve weeks of job-protected leave in a twelve-month period to eligible employees for specified immediate family and medical reasons. This rule is intended to comply with and be interpreted consistent with the FMLA and its corresponding regulations. To the extent an issue is not addressed herein, the FMLA and its corresponding regulations shall govern.

11-151 When Leave Under the Family & Medical Leave Act May be Used

FMLA leave shall only be available:

- a) for the birth and care of a newborn child of the employee (including a newborn child born into a domestic partnership);
- b) for placement with the employee or the employee's domestic partner of a child for adoption, foster care or legal guardianship;
- c) to care for an employee's immediate family member with a serious health condition; or
- d) to take leave when the employee is unable to perform the functions of the employee's job because of a serious health condition.

11-152 Eligibility for FMLA leave

Any employee who has been employed by the City for at least 12 months and who has worked at least 1250 hours in the 12 months preceding the beginning of the leave shall be eligible for FMLA leave.

11-153 Requesting FMLA leave

- a) An employee may expressly request FMLA leave, or may merely state that he or she needs leave for a reason which the appointing authority knows is a qualifying reason for FMLA leave. In either instance, the appointing authority shall notify the employee that the leave may qualify as FMLA leave and request and provide information in accordance with this rule.
- b) In any situation where the need for FMLA leave is foreseeable, an employee shall provide 30 days' notice or such notice as is practicable.
- c) In any situation where the need for FMLA leave is not foreseeable, the employee shall provide such notice as is practicable. Such notice may be provided by the employee or the employee's spokesperson if the employee is unable to do so personally. The employee or the employee's spokesperson will provide more information as required by the appointing authority when it can be readily accomplished as a practical matter.
- d) An employee requesting FMLA leave must provide to the appointing authority all information necessary to determine if such leave is appropriate, including:

- 1) The reasons for the leave so as to allow the appointing authority to determine if the conditions identified in 11-151 have been met.
- 2) The anticipated start of the leave.
- 3) The anticipated duration of the leave.
- 4) Whether or not the employee has a spouse or domestic partner who is also an employee of the City and County of Denver.
- 5) A health care provider certification on a form provided by the appointing authority consistent with the FMLA.

Information provided to the appointing authority regarding an employee's FMLA leave shall be maintained in a confidential file separate from the employee's personnel file.

- e) A request for FMLA leave which does not satisfy the conditions identified in 11-151 may be denied or delayed.
- f) A denial of a request for FMLA leave shall not preclude granting sick leave if the conditions identified in 11-32 are met.

11-154 Use of FMLA leave

- a) No more than 12 workweeks of FMLA leave may be used in any 12 month period. The 12-month period shall begin when FMLA leave was first used by an employee.
- b) FMLA leave shall be granted consecutively, intermittently or on a reduced leave schedule, as provided for under the FMLA. Provided, however, if an employee requests FMLA leave intermittently or on a reduced leave schedule after the birth or placement of a child for adoption, foster care or legal guardianship, such leave shall be granted if it is consistent with the reasonable operational necessity of the agency, as determined by the appointing authority.
- c) It is the appointing authority's responsibility to designate qualifying leave as FMLA leave and the appointing authority shall notify the employee of such designation and provide other required information about FMLA leave. An employee may not refuse to allow the appointing authority to designate qualifying leave as FMLA leave.
- d) FMLA leave is unpaid leave, unless an employee elects to substitute sick leave, donated leave, vacation leave or other accrued paid leave for unpaid FMLA leave.
 1. Sick leave, donated leave, vacation leave or other accrued paid leave substituted for unpaid FMLA leave shall be counted against available FMLA leave.

- e) In the case where both spouses or domestic partners are employees, the amount of FMLA leave available shall be determined as follows:
 - 1. When the leave is because of birth, adoption, foster care or legal guardianship of a child, or serious health condition of a member of either employee's immediate family (other than a child, spouse or domestic partner), the FMLA leave available shall be the combined total of 12 weeks of FMLA leave during any 12-month period.
 - 2. When the leave is because of a serious health condition of either or both employees or a child, 12 weeks of FMLA leave may be used by each employee in any 12-month period.

11-155 Secondary employment during FMLA leave

Appointing authorities may deny secondary employment during FMLA leave.

11-156 Investigation of Use of FMLA leave

Appointing authorities may investigate the use of FMLA leave consistent with the FMLA, including by requiring a second opinion and third opinion, if appropriate.. Misuse of FMLA leave may be cause for disciplinary action up to and including dismissal. An appointing authority may not discipline an employee for appropriate use of FMLA leave.

11-158 Reassignment

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on the planned medical treatment for the employee or an immediate family member, or if the appointing authority agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption, foster care or legal guardianship, the appointing authority may require the employee to transfer temporarily, during the period the intermittent or reduce leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

11-159 Maintenance of Benefits

- a) It shall be the responsibility of an employee on unpaid FMLA leave to provide that share of payment(s) necessary to maintain health insurance coverage as directed by the appointing authority.
- b) During any FMLA leave, the City must maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

11-160 Return from FMLA Leave

- a) An employee returning from FMLA leave due to his or her own serious health condition shall provide a certification from the employee's health care provider that the employee is able to resume work. An employee further may be required to report periodically on the employee's status and intent to return to work.

- b) An employee returning from FMLA leave shall be returned to the same position the employee held when leave began or to an equivalent position which is defined by the FMLA regulations as a position that is virtually identical to the employee's former position in terms of pay, benefits and working conditions.
- c) An employee need not be reinstated if the employee would not otherwise have been employed at the time reinstatement is requested.
- d) When an employee returning from FMLA leave is not qualified or able to perform the essential functions of the position to which the employee was returned, the employee shall be given a reasonable opportunity in which to become qualified or seek accommodation so long as such accommodation is required by and consistent with the Americans with Disabilities Act ("ADA").
- e) When an employee returning from FMLA leave is not able to perform the essential functions of the position to which the employee is returned, the appointing authority may disqualify the employee in accordance with Rule 14-20.

11-162 Additional information regarding the FMLA

Appointing authorities shall post information and otherwise provide information regarding the FMLA as required by the FMLA. In addition, information may be found on the United States Department of Labor's website, www.dol.gov.

Section 11-170 Holidays

(Effective April 27, 1956, 15A; Revised and Renumbered June 1, 2004, 249B)

11-171 Granting of Holidays

(Effective August 30, 1982; Rules Revision Memo 42B)

The following holidays are observed by the City as provided by ordinance. They shall be granted to all employees regularly scheduled to work on such days, except employees in the short range pay schedule classes and employees in on-call positions, provided that an employee may be required to work on a holiday if necessary to maintain essential services to the public; (Effective May 1, 1991; Rules Revision Memo 148B)

- 1) New Year's Day (January 1)
- 2) Martin Luther King Day (Third Monday in January)
(Effective December 19, 1985; Rules Revision Memo 82B)
- 3) President's Day (Third Monday in February)
- 4) Cesar Chavez Day (Last Monday in March)
(Effective January 3, 2002, Rules Revision 222B)
- 5) Memorial Day (Last Monday in May)
- 6) Independence Day (July 4)
- 7) Labor Day (First Monday in September)
- 8) Veteran's Day (November 11)
- 9) Thanksgiving Day (Fourth Thursday in November)

10) Christmas Day (December 25)

11) Personal Holiday: Appointing authorities shall grant this holiday on the basis of the work requirements of the agency after conferring with each employee and recognizing his/her wish where possible. This personal holiday shall not be carried forward past December 31 of each year. (Effective January 1, 1988; Rules Revision Memo 98B)

If any of these holidays falls on a Sunday, then the Monday following shall be considered as the holiday. If any of these holidays falls on a Saturday, the preceding Friday shall be considered as the holiday. (Effective March 15, 1990; Rules Revision Memo 139B)

11-172 Holiday Pay

(Effective August 30, 1982; Rules Revision Memo 42B; Renumbered June 1, 2004, Rules Revision Memo 249B; Revised effective April 1, 2006; Rules Revision Memo 6C)

- A. For Employees in Full Time Positions: An eligible full time employee shall receive eight (8) hours of holiday pay in a week in which a holiday occurs.
- B. For Employees in Part Time Positions: In a week in which a holiday occurs, the number of hours of holiday pay which an employee shall receive shall be determined as follows:
 - 1. An employee who is regularly scheduled to work less than twenty (20) hours shall receive no holiday pay.
 - 2. An employee who is regularly scheduled to work from twenty (20) to twenty-nine (29) hours shall receive four (4) hours of holiday pay.
 - 3. An employee who is regularly scheduled to work from thirty (30) to thirty-nine (39) hours shall receive six (6) hours of holiday pay.

11-173 Holiday on Days off

(Effective August 15, 1980; Rules Revision Memo 126A; Renumbered 06/01/04, 249B)

When a holiday falls on an employee's regular day off, it shall be observed as follows:

- A. If the holiday falls on the first day off, it shall be observed on the preceding workday;
- B. If the holiday falls on the second or third regular day off, it shall be observed on the next workday.

11-174 Holidays During Leave:

(Effective June 1, 2004; Rules Revision Memo 249B).

Unless otherwise provided in this Rule 11, to receive holiday pay an eligible employee must be at work or on an authorized, paid leave on the scheduled workdays immediately preceding and immediately following the day on which the holiday is observed.

11-175 Other Holidays:

(Renumbered effective June 1, 2004, 249B)

Religious or other holidays not observed by the City may be granted in accordance with the rules governing leave.

11-176 Appointment or Separation on a Holiday:

(Renumbered effective June 1, 2004, 249B)

The appointment or separation of an employee shall not be effective on a holiday unless it is a scheduled workday for the employee.

APPENDIX 11.A.

**Sec. 18-164. Military pay differential.
DENVER REVISED MUNICIPAL CODE**

(a) Employees in the career service and members of the classified service of the police and fire departments called to active military duty in time of war or national emergency are eligible for a military pay differential.

(b) The military pay differential is a benefit and not an entitlement, and applies only to employees in the career service and members of the classified service of the police and fire departments who are uniformed service members and who are called to active duty with written orders for military service exceeding one hundred seventy-nine (179) days in time of war or national emergency, and who are actually engaged in active military duty after December 31, 2005. A uniformed service member is defined as any member of the Army, Navy, Marines, Air Force, Coast Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve, Army National Guard and the Air National Guard.

(c) The military pay differential shall consist of the difference between the total compensation received by the employee while engaged in active military service and the amount of base salary the employee would have earned from the city had the employee not been called to active duty. In no event shall the military pay differential, coupled with the employee's military compensation, exceed the base salary the employee would have received had the employee not been called to active duty and remained in his or her position of employment with the city.

(d) The manager of safety and the career service board shall establish written policies and procedures for administration of the military pay differential. The city attorney shall approve these policies and procedures prior to implementation.

(e) This section 18-164 is automatically repealed at 11:59 p.m. on December 31, 2007.

This Appendix is provided for informational purposes and is not considered a part of the Rules.