



DENVER
THE MILE HIGH CITY

**REVISED CAREER SERVICE RULE REGARDING
VACATION AND SICK LEAVE**

Career Service Authority

Denver's Human Resource Agency

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PLEASE READ AS SOON AS POSSIBLE

TO: Appointing Authorities, Managers and Employees

FROM: Jeff Dolan, CSA Director

DATE: October 10, 2008

SUBJECT: Revision of Career Service Rule 11 LEAVE

The Career Service Board has approved the revision of the provisions of Career Service Rule 11 LEAVE relating to vacation and sick leave. The following changes have been made to this rule:

- Add purpose statement.
- Re-organize list of leave types to reflect their order of appearance in Rule 11.
- Replace outdated quotes from ordinances with summaries of pertinent ordinances.
- Combine vacation and sick leave provisions to eliminate redundant provisions.
- Re-organize vacation and sick leave rules so that provisions regarding earning leave, using leave, donated sick leave and leave pay-outs are grouped together.
- Clarify partial leave accrual rule to make it clear that if the combination of hours worked and paid leave used by an employee in a month is less than 140 hours, the amount of vacation and sick leave earned will be adjusted accordingly.
- Removal of the requirement that vacation and sick leave cannot be taken in less than 30 minute increments.

MEMORANDUM

REVISION 33 SERIES C

TO: Holders of CSA Rule Books
FROM: Career Service Board
DATE: October 10, 2008
SUBJECT: Revision to Career Service Rules

The Career Service Board has approved the revision of Career Service Rule 11 LEAVE. The effective date of this revision is October 10, 2008.

	<u>Page Number</u>	<u>Issuance Dates</u>
Remove	11-1 11-2 11-2.1 11-3 11-3.1 11-4 11-5, 11-5.1 11-6 11-7 11-8, 11-9, 11-9.1 11-9.2	March 17, 2006 July 9, 1991 March 26, 1986 September 23, 1998 December 22, 1983 December 24, 1985 February 8, 2005 April 1, 2008 February 8, 2005
Replace	11-1 through 11-9	October 10, 2008

PLEASE INSERT IN YOUR RULE BOOK AS SOON AS POSSIBLE. THANK YOU.

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. Family Medical Leave ("FML")
 11. 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:				
A. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week;				
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				
C. Employees who hold positions in classifications in the Undersheriff pay schedules.				
Source: D.R.M.C. §18-121 and §18-131				
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
Eligible employees who began employment with the City before January 1, 1981 may be entitled to earn vacation leave at a higher rate.				
A proportionate amount shall be allowed eligible employees working part-time.				
Source: D.R.M.C. §18-122 (b) and §18-132 (1)				
THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.				

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)

**THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES
AND IS NOT CONSIDERED A PART OF THE RULES.**

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)
THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.

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

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, and for qualifying conditions under the Family and Medical Leave Act ("FMLA").

11-26 Donated Sick Leave

A Career Service employee may donate sick leave to another Career Service employee provided that all of the following conditions are met:

- A. Donor requirements: The employee donating sick leave must retain a sick leave balance of at least two hundred forty (240) hours after the donation;
- B. Recipient requirements: In order to use donated sick leave, an employee must have
 - 1. Exhausted his or her accumulated sick and vacation leave; and
 - 2. Need to use sick leave for a personal or immediate family sickness, or other qualifying FMLA condition.
- C. The amount of sick leave to be credited to the recipient's account shall be computed as follows:
 - 1. Multiply the number of hours of sick leave being donated by the hourly rate of pay of the donor employee;
 - a. Divide the result by the hourly rate of pay of the recipient; and
 - b. Round the result down to the closest full hour.
 - 2. The computations made in paragraph C.1. shall be reported to the Department of Finance in accordance with procedures to be established by that office.
- D. 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.

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.