RULE 10
PAID LEAVE
(Revised May 9, 2016; Rule Revision Memo 19D)

Purpose statement:

The purpose of this rule is to provide guidelines and policies for administering the City’s paid leave programs. For rules regarding leave for extended illnesses or injuries see Rule 12 ACCOMMODATIONS FOR DISABILITY, PREGNANCY, EXTENDED ILLNESS OR INJURY, AND LEAVE. (Revised June 24, 2019; Rule Revision Memo 54D)

Section 10-10 General

10-11 Definitions
(Revised May 22, 2018; Rule Revision Memo 41D)

A. Leave: Any absence during regularly scheduled work hours. The following types of paid leave are covered in this rule:

1. Paid time off (“PTO”);
2. Sick and vacation;
3. Bereavement
4. Holiday;
5. Compensatory;
6. Administrative;
7. Military;
8. Election;
9. Court;
10. Investigatory;
11. Training;
12. Occasional time off.

B. Domestic Partner: 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 or an individual with whom an employee has registered a domestic partnership with the municipality in which the individual resides or with the state, if applicable.
C. **Partner in a Civil Union**: As defined in section 14-15-103 (5) of the Colorado Revised Statutes.

D. **Immediate family**: Spouse, partner in a civil union or domestic partner ("partner"), child, parent, grandparent, grandchild, sibling, child-in-law, parent-in-law, sibling-in-law, and the child, parent, or sibling of the partner. The terms child, parent, and sibling shall apply equally to relationships by birth, adoption, marriage, foster care, or guardianship (e.g. step-children and step-parents). Child shall also include children for whom the officer or employee or the officer's or employee's spouse or partner provide day-to-day care or financial support, and a child lost through stillbirth. (Revised August 27, 2019; Rule Revision Memo 55D)

**Source: D.R.M.C. § 18-122.**

10-12 **Designees**

Appointing authorities, including the Office of Human Resources ("OHR") Executive Director, may delegate any authority given to them under this rule to a subordinate employee.

10-13 **Applicability to Deputy Sheriff Classifications**

None of the provisions of this Rule 10 (except election leave, donated leave and investigatory leave) shall apply to Career Service employees who hold positions in classifications in the Sheriff pay schedules (Deputy Sheriff, Deputy Sheriff Sergeant, Deputy Sheriff Captain, Deputy Sheriff Major, and Deputy Sheriff Division Chief).

10-14 **References to the Denver Revised Municipal Code ("DRMC")**

This Rule 10 incorporates parts of the DRMC solely for informational purposes as a convenience to readers of this rule. Excerpts from the DRMC will be clearly identified as such and are not intended to be made a part of this rule. DRMC excerpts include a reference to the applicable section and are labeled “**Source: DRMC § ____**.” Should the applicable provisions of the DRMC change, the reference to the that provision in this Rule 10 may be changed without going through the rule change process described in Rule 2 OFFICE OF HUMAN RESOURCES. In case of a conflict between the DRMC and the provisions of this rule, the DRMC will prevail.

**Section 10-20 Paid Time Off ("PTO")**

10-21 **Eligibility**

All eligible Career Service employees hired or re-employed by the City after December 31, 2009 shall receive PTO with the exception of:

A. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week; and

B. Employees occupying on-call positions.

**Source: D.R.M.C. §18-123**

Page issuance date: August 27, 2019
10-22 PTO Allowance

A. The amount of PTO earned by eligible full-time employees shall be calculated as follows:

<table>
<thead>
<tr>
<th>Years of consecutive service</th>
<th>0 &lt; 0.5</th>
<th>0.5 &lt; 5</th>
<th>5 &lt; 10</th>
<th>10 &lt; 15</th>
<th>&gt; 15</th>
</tr>
</thead>
<tbody>
<tr>
<td>PTO hours earned per month</td>
<td>10</td>
<td>12</td>
<td>15</td>
<td>18</td>
<td>19</td>
</tr>
</tbody>
</table>

B. A proportionate amount shall be allowed eligible employees working part-time.

Source: D.R.M.C. §18-125

10-23 Partial Leave Accruals

Full-time employees, eligible to earn PTO:

A. Who begin employment with the City after the first day of a month; or

B. Whose leave accruals stopped because of an extended absence from work and return to work after the first day of a month; or

C. Who separate from employment with the City before the last day of a month

Shall earn PTO in that particular month according to the following pro-ration schedule:

<table>
<thead>
<tr>
<th>Hrs. worked (including pd. lv) in the month</th>
<th>Years of service</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&lt; 0.5</td>
</tr>
<tr>
<td>0-39</td>
<td>0</td>
</tr>
<tr>
<td>40-79</td>
<td>2.5</td>
</tr>
<tr>
<td>80-119</td>
<td>5</td>
</tr>
<tr>
<td>120-139</td>
<td>7.5</td>
</tr>
<tr>
<td>&gt;140</td>
<td>10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PTO hours earned</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-3</td>
</tr>
</tbody>
</table>

10-24 Situations Where Approval of PTO Use is not Required

A. An employee may use PTO without requesting the approval of the employee’s appointing authority when the employee is incapacitated by sickness or injury; for necessary care and attendance during sickness of a member of the employee's immediate family, and for qualifying conditions under the Family and Medical Leave Act ("FMLA"). Such use shall be subject to reporting and investigation requirements set forth in this Rule 10.
B. Absences from work because of authorized medical examinations or treatment related to an occupational injury or occupational disease arising out of and within the course and scope of employment with the City for which the City has admitted liability or has agreed to permit medical treatment while investigating the claim shall be treated as time worked. The employee shall make a reasonable effort to schedule the examination or treatment so as not to unduly disrupt the operations of the department or agency.

10-25 All Other PTO Uses

A. All other uses of PTO require the approval of the employee’s appointing authority.

B. Appointing authorities shall approve such requests to use PTO 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 pre-approved PTO shall be given to employees in order of their total length of continuous employment in the Career Service; provided, however, that an employee who has been re-instated or re-employed following a lay-off shall be given credit for the period of continuous employment in the Career Service prior to the lay-off.

10-26 Maximum Accumulation and Pay-out of PTO

A. PTO earned by an employee shall be deposited in their PTO bank. PTO may not be accumulated in the PTO bank in excess of four hundred (400) hours. (Revised August 27, 2019; Rule Revision Memo 55D)

Source: D.R.M.C. §18-124 and 127(a)

B. Exceeding the PTO Accumulation Limit:

Ordinarily an employee at the PTO leave accumulation limit of four hundred (400) hours cannot accumulate any additional PTO. However, if the appointing authority is unable to allow an employee who has accumulated the maximum hours of PTO to use PTO because of workload, the appointing authority shall request that the OHR Executive Director allow the employee to exceed the maximum amount. The employee must use the excess over four hundred (400) hours in the employee’s PTO bank within one year of the approval date.
C. Employees who elected to voluntarily convert from sick and vacation leave to PTO leave on February 1, 2010 were required to convert their sick and vacation leave balances into a special leave bank. PTO used by an employee shall be debited from the employee’s PTO bank first unless it has been exhausted or if the employee requests that the special leave bank be used first. This special leave bank cannot:

1. Exceed 400 hours; or
2. Be replenished.

Source: D.R.M.C. §18-124

D. Upon separation, a PTO recipient shall be paid at their regular rate of pay for the unused portion of their accumulated PTO bank and special bank if applicable. (Revised August 27, 2019; Rule Revision Memo 55D)

Source: D.R.M.C. §18-127(b)

Section 10-30 Sick and Vacation Leave

10-31 Eligibility

All eligible Career Service employees who:

A. Were receiving paid sick and vacation leave on December 31, 2009;
B. Remain continuously employed by the city; and
C. Have not voluntarily elected to receive PTO benefits:

Shall be entitled to continue to receive paid sick and vacation leave so long as the officer or employee does not become:

A. A part-time employee who is regularly scheduled to work less than twenty (20) hours per week; or
B. An employee occupying an on-call position.

Source: D.R.M.C. §18-131
10-32 Sick and Vacation Leave Allowance

A. Eligible full-time employees shall accrue eight (8) hours of sick leave every month.

B. The amount of vacation leave earned by eligible full-time employees shall be calculated as follows:

<table>
<thead>
<tr>
<th>Years of consecutive service</th>
<th>0 &lt; 5</th>
<th>5 &lt; 10</th>
<th>10 &lt; 15</th>
<th>&gt;15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacation hrs. earned per month</td>
<td>8</td>
<td>10</td>
<td>12</td>
<td>14</td>
</tr>
</tbody>
</table>

C. Employees working part-time shall accrue a proportionate amount.

Source: D.R.M.C. §18-132

10-33 Partial Leave Accruals

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

A. Who begin employment with the City after the first day of a month; or

B. Whose leave accruals stopped because of an extended absence from work and return to work after the first day of a month; or

C. Who separate from employment with the City before the last day of a month

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

<table>
<thead>
<tr>
<th>Hrs. worked (including pd. lv) in the month earned</th>
<th>Vacation hours earned Years of service</th>
<th>Sick hrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-39</td>
<td>0 &lt; 5</td>
<td>5 &lt; 10</td>
</tr>
<tr>
<td>40-79</td>
<td>2</td>
<td>2.5</td>
</tr>
<tr>
<td>80-119</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>120-139</td>
<td>6</td>
<td>7.5</td>
</tr>
<tr>
<td>&gt;140</td>
<td>8</td>
<td>10</td>
</tr>
</tbody>
</table>
10-34 Using Sick and Vacation Leave

A. Sick leave:

1. 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 FMLA and as otherwise provided in these rules.

2. Absences from work because of authorized medical examinations or treatment related to an occupational injury or occupational disease arising out of and within the course and scope of employment with the City for which the City has admitted liability or has agreed to permit medical treatment while investigating the claim shall be treated as time worked. The employee shall make a reasonable effort to schedule the examination or treatment so as not to unduly disrupt the operations of the department or agency.

B. Vacation leave:

Vacation leave shall be taken at a time convenient to the department or agency. The department or agency will confer with employees and recognize 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, that an employee who has been re-instated or re-employed following a lay-off shall be given credit for the period of continuous employment in the Career Service prior to the lay-off.

Source: D.R.M.C. §18-132(b)(2)

10-35 Limits on Sick and Vacation Leave Accumulation

A. 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 may request that accumulated sick leave in excess of the eight hundred eighty (880) working hours be converted to vacation leave. Such conversions are in addition to the monthly amount of vacation leave allowed by this section. Employees may not convert sick leave to vacation leave if such a conversion would result in the employee's accumulated vacation leave exceeding the limits allowed by this Rule 10.

Source: D.R.M.C. §18-132(a)(2)
B. 1. Employees with up to ten (10) years of service may accumulate up to 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.

2. **Exceeding the Vacation Accumulation Limit:**

Ordinarily an employee at the vacation leave accumulation limit cannot accumulate any additional vacation leave. However, if the appointing authority is unable to allow an employee who has accumulated the maximum hours of vacation leave to use vacation leave because of workload, the appointing authority shall request that the OHR Executive Director allow the employee to exceed the maximum amount. The employee must use the excess over the vacation leave accumulation limit within one year of the approval date.

10-36 **Sick and Vacation Leave Pay Upon Separation**

A. **Sick leave:**

1. The following table applies to the pay-out of sick leave upon separation for any reason other than death or retirement:

<table>
<thead>
<tr>
<th>Full years of service</th>
<th>Payout formula</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;5</td>
<td>No pay out</td>
</tr>
<tr>
<td>5</td>
<td>Sick leave balance minus (5 X 40 hrs.) or 200 hrs.</td>
</tr>
<tr>
<td>6</td>
<td>Sick leave balance minus (6 X 40 hrs.) or 240 hrs.</td>
</tr>
<tr>
<td>7</td>
<td>Sick leave balance minus (7 X 40 hrs.) or 280 hrs.</td>
</tr>
<tr>
<td>8</td>
<td>Sick leave balance minus (8 X 40 hrs.) or 320 hrs.</td>
</tr>
<tr>
<td>9</td>
<td>Sick leave balance minus (9 X 40 hrs.) or 360 hrs.</td>
</tr>
<tr>
<td>&gt;10</td>
<td>Sick leave balance minus (10 X 40 hrs.) or 400 hrs.</td>
</tr>
</tbody>
</table>

2. Upon separation due to retirement or death, an employee shall be paid at their 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. (Revised August 27, 2019; Rule Revision Memo 55D)

B. **Vacation leave:**

Employees shall be paid at their regular rate of pay for the unused portion of their accumulated vacation leave upon separation from employment.

**Source:** D.R.M.C. §18-134
Section 10-40 Administration of Paid Time Off and Sick and Vacation Ordinances

10-41 Effect of Appointment to a Career Service Position

When an employee is appointed to a Career Service position from any other City department or agency which is governed by the PTO ordinance or the sick and vacation ordinance, the employee’s paid leave credits shall be transferred to the new position, so long as there is no break in service.

Source: D.R.M.C. §18-126 & §18-133

10-42 Length of Service

In computing length of service for the purpose of determining an employee’s PTO or vacation leave accrual rate, service in a paid position in any City department or agency other than the Classified Service of Police and Fire, the Denver Water Board, on-call positions, and contract positions, 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.

10-43 Using Paid Leave

A. The amount of PTO or sick and vacation leave used shall be the amount of time an employee is absent from their scheduled shift(s). (Revised August 27, 2019; Rule Revision Memo 55D)

B. PTO or sick and vacation leave shall not be used before it is accrued and posted to the employee’s account.

C. Employees may take PTO, sick leave, and vacation leave in increments of at least fifteen (15) minutes.

10-44 Reporting and Investigation of Leave Used for Sickness or Injury

A. If an employee is absent for reasons that entitles the employee to use PTO or sick leave without appointing authority approval, 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 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 workloads.

B. If an employee fails to notify the employee’s supervisor or agency head, no PTO or sick leave shall be authorized, except in unusual circumstances, to be determined by the appointing authority.
C. Appointing authorities may investigate the alleged illness of an employee using PTO or sick leave without appointing authority approval. False or fraudulent use of PTO or sick leave shall be cause for disciplinary action and may result in dismissal.

D. An employee who is using PTO or sick leave for more than three (3) days because of their own illness or that of a member of their 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 PTO or sick leave without appointing authority approval, of any duration. If an appointing authority, supervisor, or employee has reason to believe that the absence may be a qualifying event under the FMLA, they should contact human resources.

(Revised August 27, 2019; Rule Revision Memo 55D)

10-45 Donating Leave

A. 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. A Career Service employee may donate PTO to another Career Service employee provided that the employee donating PTO retains a PTO balance of at least eighty (80) hours after the donation.

C. A Career Service employee may donate PTO or sick leave to a non-Career Service City employee provided that the recipient employee’s department or agency and any applicable collective bargaining agreement allow employees to receive donations of leave from Career Service employees and provided that the applicable donor requirements have been met.

D. A Career Service employee may donate PTO or sick leave to, or receive donated sick leave from, an employee covered by the Sheriff pay schedules to the extent permitted by the applicable collective bargaining agreement and provided that the donor and recipient requirements applicable to the non-Sheriff employee have been met.

E. Recipient requirements:

1. Before an employee can receive donated leave, the employee (or the employee’s representative) must provide notice to the Department of Finance that the employee anticipates a need for donated leave. Such notice shall estimate how much donated 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 leave, an employee must:

   a. Have exhausted their accumulated compensatory time, sick leave and vacation leave or PTO or personal holiday, be absent from work and;

      i. Be receiving salary continuation leave, or temporary disability benefits under the provisions of the Workers’ Compensation Act. In either of these situations, the employee may only use donated 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. Be receiving leave as an accommodation because of the employee’s pregnancy, physical recovery from childbirth, or related condition;

      iii. Be receiving approved FMLA leave;

      iv. Be receiving approved FCA leave;

      v. Be receiving approved ADA leave; or

      vi. Have received written notice of a contemplation of medical disqualification meeting. The employee may use donated leave until medical disqualification occurs or until the end of the period in which a decision on medical disqualification must be issued, whichever occurs first.

(Revised August 27, 2019; Rule Revision Memo 55D)

3. Donated 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.

4. A Career Service employee may receive donated leave from a non-Career Service City employee provided that 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.
5. Employees who are eligible to receive donated leave may receive either donated PTO or donated sick leave regardless of whether the employee is enrolled in the PTO or sick and vacation leave plan.

F. Employees cannot use more than six hundred (600) hours of donated leave in a calendar year. Employees cannot receive donated leave to the extent that the donated leave will increase the employee’s PTO or sick leave bank over the applicable maximum accumulation limit.

G. 1. The amount of donated leave to be credited to the recipient’s account shall be computed as follows:
   a. Multiply the number of hours of 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 G.1. shall be reported to the Department of Finance in accordance with procedures to be established by that office.

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

10-46 Effect of Separation on Leave Accrual

Employees shall not earn PTO or sick and vacation leave after the employee’s last day as a City employee. Rule 14 SEPARATION OTHER THAN DISMISSAL and Rule 16 CODE OF CONDUCT AND DISCIPLINE provide this date for dismissals and other types of separations.

10-47 Re-instated Employees

Employees who were laid off while receiving paid sick and vacation leave benefits, and are re-instated under the Career Service Rules after December 31, 2009, will be enrolled in the PTO plan unless they elect in writing to continue in the paid sick and vacation plan. Such election must be made within thirty (30) days of the effective date of their re-instatement.

Source: D.R.M.C. §18-123 (c)
10-48 Effect of Re-instatement and Re-employment on PTO and Sick Leave Balance

An employee who is re-instated after a lay-off shall have sick leave that the employee was not paid for at the time of separation restored as follows:

A. Employees who are enrolled in the PTO plan upon re-instatement may be able to convert sick leave that was lost at the time of lay-off to the special PTO bank. The amount that may be converted is based on the employee’s accumulated sick leave at the time of separation. Up to one-half of this amount may be converted to the special PTO bank;

1. So long as the amount converted does not exceed four hundred (400) hours; and

2. After the sick leave the employee was paid for at the time of separation is deducted from this amount.

B. Employees who elect to receive sick and vacation leave after re-instatement shall have all sick leave that the employee was not paid for at the time of separation restored to the employee’s sick leave bank.

C. An employee who is re-employed while their name is on a re-instatement list shall also be entitled to restoration of eligible sick leave under the terms of this subsection.

(Revised August 27, 2019; Rule Revision Memo 55D)

Section 10-50 Bereavement Leave

A. Employees receiving PTO:

Employees who receive PTO benefits shall be granted up to forty (40) hours of paid bereavement leave because of the death of a member of the employee’s immediate family. This forty (40) hours of bereavement leave shall not count against the employee’s PTO bank.

Source: D.R.M.C. §18-128

B. Employees receiving sick leave:

Employees receiving sick leave 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.

C. Additional Bereavement Leave:

An appointing authority may grant additional paid or unpaid leave for bereavement.
Section 10-60 Paid Holiday Leave

10-61 Eligibility
(Revised October 19, 2018; Rule Revision Memo 46D)

A. All eligible Career Service employees shall receive paid holiday leave benefits as provided in these rules, with the exception of:

1. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week; and

2. Employees occupying on-call positions.

Source: D.R.M.C. §18-141

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

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

10-62 Designation of holidays

"Holidays" for the purposes of this rule shall mean eight (8) hours in the following days:

A. New Year's Day (January 1);
B. Martin Luther King Day (third Monday in January);
C. Washington's Birthday (observed on the 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. Personal holiday (one (1) personal holiday on date agreed upon by employee and the city to be used within the calendar year).

Source: D.R.M.C. §18-142
10-63 Observation of Holiday

A. Subject to the following provisions, all offices, agencies, commissions and
departments of the city are hereby authorized and directed to grant to
employees, with pay, the previously designated holidays.

1. If any of the holidays shall fall upon a Sunday, then the Monday following
shall be considered as the holiday. If any of the holidays shall fall upon a
Saturday, then the preceding Friday shall be considered as the holiday.

2. An employee may be required to work on a holiday in order to maintain
essential services to the public.

Source: D.R.M.C. §18-143

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

1. If the holiday falls on the first day off, it shall be observed on the
preceding workday.

2. If the holiday falls on the second or third regular day off, it shall be
observed on the next workday.

C. Appointing authorities who require an employee to work on an observed holiday
may schedule the employee's paid holiday leave to be taken on another day
during that holiday week as long as the employee is provided with adequate
notice of this change in advance of the holiday week.

10-64 Amount of Paid Holiday Leave Received

A. An eligible full-time employee shall receive eight (8) hours of paid holiday leave
in a week in which a holiday occurs.

B. An eligible part-time employee regularly scheduled to work at least twenty (20)
hours per week shall receive paid holiday leave as follows:

1. An employee who is regularly scheduled to work from twenty (20) to
twenty-nine (29) hours per week shall receive four (4) hours of paid
holiday leave.

2. An employee who is regularly scheduled to work from thirty (30) to thirty-
nine (39) hours per week shall receive six (6) hours of paid holiday leave.
10-65 Holiday Pay for Employees on Special Work Schedules

If the holiday falls on an employee’s regularly scheduled work day and the work day is scheduled to be more than eight hours long, one of the following choices shall be selected by the employee, subject to approval by the appointing authority, to make up for the difference between the length of the work day missed and the eight hours of paid holiday leave allowed:

A. Hours may be deducted from the employee’s administrative leave granted for exemplary performance, earned compensatory time, earned paid time off, or earned vacation leave;

B. The employee may work additional hours within the work week; or

C. The employee may take the hours as unpaid leave.

10-66 Compensation for Hours Worked in a Holiday Week

A. In a week in which a holiday occurs, full-time employees receive eight hours of holiday leave and are expected to work (or use leave) for the remaining thirty-two (32) hours. Part-time employees are expected to work (or use leave) during the time left after the employee’s paid holiday leave is deducted from the hours they are normally expected to work in a week.

B. In addition, employees in classifications in exempt pay schedules shall receive straight time holiday compensatory time for the hours the employee actually works:

1. a. On the day the employee is scheduled to observe the holiday that week, or

   b. On any of the employee’s scheduled days off in a week when a holiday occurs; and

The employee is not entitled, under Rule 9 PAY ADMINISTRATION, to receive overtime for working on the holiday or regularly scheduled day off in that holiday week. (Revised August 27, 2019; Rule Revision Memo 55D)

2. In no event shall an employee receive more hours of holiday compensatory time than the employee would have been entitled to receive as paid holiday leave in a holiday week.

3. Employees shall only receive holiday compensatory time to the extent that the combination of hours worked and paid leave used (including paid holiday leave) during a holiday week exceeds forty (40) hours.
4. At the discretion of the appointing authority, straight time pay may be substituted for the holiday compensatory time. Holiday compensatory time may be taken at any time mutually convenient to the employee and the appointing authority. However, all accrued holiday compensatory time shall be used by March 31st of each calendar year or paid out in cash by the final pay period of April of that year.

Section 10-70 Other Paid Leave

10-71 Compensatory Time
(Revised April 9, 2018; Rule Revision Memo 38D)

Compensatory time earned under the provisions of Rule 9 PAY ADMINISTRATION may be taken at any time mutually convenient to the employee and the appointing authority. However, all accrued compensatory time shall be used by March 31st of each calendar year or paid out in cash by the final pay period of April of that year. An eligible non-exempt employee who has accrued compensatory time in accordance with Section 9-90 shall receive payment for the unused portion of such accrual at the final regular rate of compensation received by such employee when the employee is separated from the Career Service.

10-72 Administrative Leave

A. Appointing authorities shall grant paid administrative leave for the following purposes:

1. To present grievances or appeals to an official of the City 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;

2. To participate in the Career Service Mediation Program. Administrative leave shall be granted to employees who participate in mediation either as a party or as the mediator; or

3. To represent another City employee at meetings with that employee’s supervisor or manager, as set forth in Rule 16 CODE OF CONDUCT AND DISCIPLINE. The representative shall be allowed to take up to a maximum of four (4) hours of administrative leave per pay period so long as the use of such leave does not adversely affect the representative’s department or agency and has been approved in advance by the employee’s supervisor.
B. Appointing authorities may grant paid administrative leave for the following purposes:

1. To compete for positions in the Career Service, including all related interviews and examinations;

2. To reward 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. The appointing authority may grant, and an employee may use up to twenty (20) hours of administrative leave per calendar year for exemplary performance; or

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 an extension of up to twenty (20) calendar days from the OHR Executive Director. The OHR Executive Director may approve the request for an extension for good cause shown.

Granting or failing to grant administrative leave under this paragraph B shall not be subject to grievance or appeal.

10-73 Paid Military Leave

A. All probationary and career status employees in the Career Service shall be eligible for up to fifteen (15) days, but not to exceed one hundred twenty (120) hours of paid military leave each calendar year for the time the employee is engaged in military training or service.

B. Notification Requirement: Employees engaged in military service or training requiring military leave shall provide notice in advance to their appointing authority, when possible. If the employee is unable to provide advance notice because of military necessity, the employee may give notice after starting duty.

C. Employees who continue in military service beyond the time for which paid military leave is allowed shall be placed on unpaid military leave, which is covered by Rule 11 UNPAID LEAVE.
10-74 Election Leave

Employees who are eligible to vote in an election are entitled to use up to two (2) hours of paid election leave for the purpose of voting during the time the polls are open, if an employee's work hours on the day of an election are such that there are less than three (3) hours between the time of opening and the time of closing of the polls during which the employee is not required to be on the job. Employees must request and receive approval for the leave prior to the election day. The appointing authority may specify the hours during which the employee may be absent, except that the employee shall be allowed to take the election leave at the beginning or end of the work shift if requested.

Source: C.R.S. §1-7-102

10-75 Court Leave

A. An employee shall be granted paid court leave during time the employee is regularly scheduled to work, if the employee is:

1. Required to serve as a juror in a court of law;

2. Subpoenaed by the City and County of Denver to testify in a court of law;

3. Subpoenaed to testify in a court of law or administrative proceeding concerning matters arising out of the course of their employment; or

4. Requested to serve as a witness in a court of law or administrative proceeding by their appointing authority or other authorized person to represent the City's interest in the legal proceedings.

B. Court leave is intended only to apply to those time periods when the employee is needed for court service and for reasonable travel time between court and work.

C. In order to receive court leave, an employee who is called for jury duty or to serve as a witness shall present the original summons or subpoena from the court to their supervisor 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.

D. 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.

(Revised August 27, 2019; Rule Revision Memo 55D)
10-76 Investigatory Leave

An appointing authority may place an employee on paid investigatory leave pending an investigation of a possible rule violation or failure to meet standards of performance as provided in Rule 16 CODE OF CONDUCT AND DISCIPLINE. Investigatory leave may be for no more than forty-five (45) calendar days, unless an extension of time has been approved by the OHR Executive Director.

10-77 Training Leave

A. Appointing authorities may grant paid training leave. 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 paid trainees and paid interns to arrange their work schedule if they need to attend classes during normal working hours. Paid trainees and paid interns are not entitled to training leave while attending classes for the degree or certificate program they are required to complete during their training or internship period. (Revised November 18, 2015; Rule Revision Memo 15D)

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 paid training leave 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.

F. Employees must present proof of attendance at any training for which they are authorized to receive training leave.

10-78 Occasional Time Off

Exempt employees may be allowed paid occasional time off to attend to personal affairs, at the discretion of the appointing authority.