A Career Service Board Public Hearing has been scheduled regarding the Proposed Revision of Career Service Rule 11-26 Donated Sick Leave.

The scheduled time for the public hearing is **THURSDAY, MAY 7, 2009, at 9:15 a.m.,** in the **CSA Board Room, 4.F.6., Webb Municipal Building, 201 West Colfax Avenue.**

If anyone wishes to be heard by the Board on this item, please contact Leon Duran at 720-913-5168 no later than 12:00 Noon on **MONDAY, MAY 4, 2009.**

If anyone wishes to submit written comments, please submit them

**IN PERSON NO LATER THAN 12:00 NOON ON MONDAY, MAY 4, 2009, TO:**

Pete Garritt  
HR Supervisor  
Career Service Authority  
201 West Colfax, 4th Floor  
Denver, Colorado

**BY MAIL TO BE RECEIVED NO LATER THAN NOON ON MONDAY, MAY 4, 2009, ADDRESSED TO:**

Pete Garritt  
HR Supervisor  
Career Service Authority  
201 West Colfax, Department 412  
Denver, Colorado 80202

**BY FAX, TO BE RECEIVED NO LATER THAN NOON ON MONDAY, MAY 4, 2009 TO:** (720-913-5720)

**OR BY E-MAIL TO BE RECEIVED NO LATER THAN NOON ON MONDAY, MAY 4, 2009 TO:** Peter.Garritt@denvergov.org
RULE PROPOSAL 397B

TO: Appointing Authorities, Managers, and Employees

FROM: Jeff Dolan, CSA Director

DATE: April 20, 2009

SUBJECT: Proposed Revision of Career Service Rule 11-26 Donated Sick Leave

THIS PROPOSED REVISION TO THE CAREER SERVICE RULES IS BEING POSTED FOR PUBLIC COMMENT AND HEARING TO BE HELD ON

THURSDAY, MAY 7, 2009, at 9:15 A.M.

The Career Service Authority is proposing the revision of Career Service Rule 11-26 Donated Sick Leave as follows:

- The current rule allows employees to donate sick leave so long as the donation does not reduce their sick leave balance below 240 hours. This proposal adds a requirement that an employee be earning sick leave from the City for at least five years before they can donate sick leave to another employee.

- This proposal adds the requirement that recipients of donated sick leave must exhaust available compensatory time, as well as vacation and sick leave (as required under the current rule), before they can use donated sick leave.

- The current rule allows employees to use donated sick leave for a personal or immediate family sickness, or other qualifying FMLA condition. This proposal requires that employees either be on Family Medical Leave or interactive process leave before they can use donated sick leave. In both situations, documentation from the employee’s health care provider that the employee is unable to perform the duties of their job because of a medical condition is usually required before any leave is approved.

- There are no limits on the amount of donated sick leave an employee can use in the current rule. This proposal adds the requirement that employees cannot use more than 480 hours of donated sick leave in a calendar year.

- This proposal adds a requirement restricting employees from using donated sick leave while using the City’s workers’ compensation related disability leave or receiving temporary disability benefits under the Workers’ Compensation Act.
This proposal addresses the issue of employees receiving more donated sick leave than they are able to use by requiring employees who anticipate a need for donated sick leave to provide notice to the Department of Finance of the amount of donated sick leave they will need in a calendar year. Should the employee have a need for more donated sick leave in that year or in a subsequent year, additional notice will be required. The Department of Finance will monitor donations of sick leave to ensure that employees receive sick leave donations only as needed and that donations do not exceed the maximum limit.

This proposal has new language allowing non-Career Service employees to donate to or receive sick leave from Career Service employees so long as the non-Career Service employee's agency (and any applicable collective bargaining agreement) allows it.

Usage of sick leave that has already been donated will be subject to the terms of this new rule once it is approved and published.

If you would like to schedule a meeting with a member of Career Service Authority to discuss this proposal prior to the Public Hearing, please contact Pete Garritt at 720-913-5671.

11-26 Donated Sick Leave

A. **Donor requirements:** A Career Service employee may donate sick leave to another Career Service employee provided that all of the following conditions have been met:

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:

   a. Have exhausted his or her accumulated *compensatory time*, sick leave and vacation leave; and
b. Be on Family Medical Leave (“FML”) or interactive process leave. Need to use sick leave for a personal or immediate family sickness, or other qualifying FMLA condition.

C. Employees cannot

1. Use more than four hundred and eighty (480) hours of donated sick leave in a calendar year; or

2. Use donated sick leave while on disability leave, or while receiving temporary disability benefits under the provisions of the Workers' Compensation Act.

D. 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 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 City 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. A Career Service City employee may donate sick leave to or receive donated sick leave from a deputy sheriff to the extent permitted by the APPLICABLE COLLECTIVE BARGAINING AGREEMENT and provided that the recipient requirements listed above have been met.