

**RULE 9  
PAY ADMINISTRATION**

Purpose statement:

The purpose of this rule is to explain the establishment and administration of pay practices (except merit increases and merit payments), and hours of work.

Section 9-5 Definitions

(Revised August 19, 2021; Rule Revision Memo 69D)

- A. Classification series: The arrangement in sequence of classes that are alike in the kind but not in level. For the purposes of a market adjustment within the salary range, a classification series shall include first line supervisors and lead workers.
- B. Demotion: An appointment of an employee to a position in a lower classification as defined in Career Service Rule 1 **DEFINITIONS**.
- C. Emergency: An emergency shall include the following events: fire, flood, catastrophe, severe weather conditions that impact public safety or essential services; other unforeseeable emergency where a station must be staffed and another employee is not available for work; or an occurrence affecting the general public which requires immediate action. A declared emergency shall mean an emergency declared by the Mayor or an appointing authority that complies with the definition of emergency stated above.
- D. Essential city services: The determination of what constitutes an essential City service shall be made at the discretion of appointing authorities.
- E. Market Conditions: Factors and trends in the market as determined by a compensation analysis that may affect compensation rates such as the supply and demand of workers.
- F. Pay Factors: When setting pay, appointing authorities shall base their decision on the following pay factors, which are not listed in any particular rank order: (Revised August 19, 2021; Rule Revision Memo 69D)
  - 1. Related experience.
  - 2. Previous work record.
  - 3. Education and/or certification.
  - 4. Internal equity.
  - 5. Level of responsibility of accepted; and
  - 6. Merit system.

- G. Promotion: An appointment of an employee to a position in a higher classification as defined in Career Service Rule 1 **DEFINITIONS**.
- H. Re-allocation: The formal process of assigning an existing position to its proper classification on the basis of the duties performed and the responsibilities exercised.
- I. Promotional re-instatement: A promotion of an employee resulting from referral from a re-instatement list as further defined in Career Service Rule 1 **DEFINITIONS**.
- J. Re-instatement: An appointment of a laid off employee resulting from referral from a re-instatement list as defined in Career Service Rule 1 **DEFINITIONS**.
- K. Transfer: An appointment of an employee to a position in a lateral classification as defined in Career Service Rule 1 **DEFINITIONS**.

#### Section 9-6 Designees

Appointing authorities, including the Office of Human Resources (“OHR”) Executive Director, may delegate any authority given to them under this Rule 9 to a subordinate employee.

#### Section 9-10 Pay Practices

- A. Pay practices include, but are not limited to, items such as pay when first employed, changes in pay resulting from changes in position or classification, differentials, overtime pay, standby pay, merit increases and merit payments.
- B. The kind and level of pay practices for Career Service employees shall be determined by the Career Service Board (“Board”) following a survey of other employers or based on the City’s needs.
- C. Applicability to Deputy Sheriffs: None of the provisions of this Rule 9 shall apply to employees who hold positions in classifications in the Undersheriff pay tables. (Revised April 9, 2021; Rule Revision Memo 66D)

#### Section 9-20 Pay When First Employed

(Revised December 21, 2012; Rule Revision Memo 66C)

- A. An appointing authority may set pay for a new employee higher than the range minimum (but not to exceed the range maximum of the applicable pay range) if necessary to obtain the services of an unusually well-qualified person.
- B. The appointing authority may decide to appoint an employee at a pay rate higher than the range minimum if the appointing authority determines that one or more of the pay factors defined in this Rule 9 justify such a starting salary. In any event, qualifications of the new employee should exceed the minimum qualifications stated in the classification specification, and internal equity shall be considered.

Section 9-30 Changes in Classification and Pay  
(Revised October 17, 2010; Rule Revision Memo 47C)

- A. A change in an employee's classification may occur through promotion, transfer, demotion, re-allocation, or promotional re-instatement. (Revised November 18, 2015; Rule Revision Memo 15D)
- B. Retroactive pay changes shall not extend into the prior fiscal year, unless approved by the OHR Executive Director or designee. (Revised November 7, 2016; Rule Revision Memo 22D)

9-31 Promotion  
(Revised November 18, 2021; Rule Revision Memo 77D)

Upon promotion an employee's pay shall be set by the appointing authority in accordance with the pay factors defined in this Rule 9. The pay shall not be lower than the range minimum, or greater than the range maximum of the pay range for the new classification.

9-32 Transfers  
(Revised August 19, 2021; Rule Revision Memo 69D)

When an employee transfers positions from one classification to another classification with the same pay range minimum, the employee's pay shall be set by the appointing authority in accordance with the pay factors defined in this Rule 9.

If the employee's pay upon transfer will be more than the range maximum of the new pay range of the new classification the employee's pay shall be set at the range maximum of the pay range of the new classification.

9-33 Demotion  
(Revised August 6, 2018; Rule Revision Memo 44D)

- A. Voluntary demotion:
  - 1. A voluntary demotion is a demotion initiated through the request or application of an employee.
  - 2. When an employee voluntarily demotes, pay shall be set by the appointing authority in accordance with the pay factors defined in this Rule 9, and shall not be lower or decreased by more than the range minimum, or greater than the range maximum of the pay range for the new classification.

Before the pay can be set at a rate lower than the employee's current pay rate, the employee must agree to the reduction. If the parties cannot agree on the amount of the reduction, the voluntary demotion will not occur.

- B. Demotion in lieu of lay-off: Upon a demotion in lieu of lay-off, the employee shall continue to receive the pay rate he or she earned before the demotion unless this exceeds the range maximum of the pay range of the new classification, in which case the employee shall receive the range maximum of the pay range of the new classification.
- C. Involuntary demotion:
1. An involuntary demotion is a demotion initiated:
    - a. Through disciplinary action in accordance with Rule 16 **DISCIPLINE AND DISMISSAL**; or
    - b. In lieu of separation during employment probation in accordance with Rule 5 **APPOINTMENTS AND STATUS**.
  2. When an employee is involuntarily demoted, pay shall be set by the appointing authority. At least an eight percent (8.0%) reduction shall be required, however pay shall not be lower than the range minimum or greater than the range maximum of the pay range for the new classification.

9-35 Re-allocation (Revised April 9, 2021; Rule Revision Memo 66D)

- A. When an individual position is re-allocated to another classification at the request of the appointing authority pursuant to Rule 7-34, the incumbent employee shall receive the same pay as before the re-allocation, subject to the following exception:
1. If the new classification has the same or a higher pay grade, the incumbent employee's pay shall be reviewed by OHR, in consultation with the appointing authority, as part of the reallocation process.  
If, as a result of such a review, OHR and the appointing authority both agree that the employee's pay should be increased in accordance with Rule 9-39, the reallocation and accompanying increase in pay shall take effect on the same date. In no case shall employees be paid less than the range minimum of the pay range of the new classification.
- B. When a classification is changed to a different pay grade, and/or pay range as the result of a classification study pursuant to Rule 7-35, the employees in that classification shall receive the same pay as before the re-allocation.
1. If the employee's current pay is less than the range minimum of the pay range of the new classification, the employee's pay shall be set at the range minimum of the pay range of the new classification.
  2. If the employee's current pay is higher than the range maximum of the pay range of the new classification, the employee's pay shall remain the same until such time that either:

- a. The employee changes positions; or
  - b. The pay range of the new classification is adjusted to the point that the range maximum exceeds the employee's current pay.
3. If the new classification has the same or a higher pay grade, the incumbent employee's pay may be reviewed by OHR, in consultation with the appointing authority, as part of the reallocation process.

9-36 Re-instatement or Promotional Re-instatement Appointment

Upon re-instatement or promotional re-instatement, either after lay-off or after demotion in lieu of lay-off, an employee's pay shall be set at the rate of pay the employee received immediately prior to such lay-off or demotion in lieu of lay-off. If payment at this rate would result in a decrease in pay for a current City employee, the pay rate shall be set at the employee's present rate of pay. In no event shall the pay rate be lower than the range minimum of the pay range.

9-37 Counteroffer (Revised April 9, 2021, Rule Revision Memo 66D):

- A. A counteroffer may be made for any of the reasons listed below:
  1. To retain an employee whose skills, knowledge or abilities are deemed essential to the mission of the City or a department or agency.
  2. To avoid recruiting and training costs when those costs clearly exceed the costs of a counteroffer.
  3. When it has been determined that turnover rates in a classification exceed the calculated turnover rate for that job family, or classification and pay has been determined to be a significant cause; or,
  4. When the vacancy rate within a classification reaches a level where additional loss of personnel may interfere with the City's ability to provide adequate levels of services to the public.
- B. An appointing authority may make a counteroffer to an employee when the following conditions have been met:
  1. The base salary and employee benefits the employee will receive at the prospective employer are greater than the base salary and employee benefits the employee is currently receiving from the City.
  2. The counteroffer does not exceed the range maximum of the pay range the employee occupies at the time the offer is extended (Revised October 17, 2010; Rule Revision Memo 47C).

3. The prospective employer is not a department or agency of the City; and
  4. The appointing authority has verified the authenticity of all job offers which constitute the basis for a counteroffer.
- C. The appointing authority shall submit a copy of the written offer of employment from the prospective employer with the Personnel Action Form.

9-38 Interim pay practices

(Revised April 9, 2021; Rule Revision Memo 66D)

- A. The Board may create or temporarily adjust a pay practice, if all of the following conditions exist:
1. Numerous vacancies exist in the classification(s) that will be affected by the proposed pay practice.
  2. Recruitment has not been effective.
  3. Retention rate is low; and
  4. Market driven personnel shortages in the classification(s) are causing difficulty in fulfilling an essential mission of the City.
- B. An interim pay practice shall remain in effect for up to six (6) months and may be extended per approval of OHR Executive Director for an additional six (6) months.

9-39 Pay adjustment within the salary range

(Revised August 19, 2021; Rule Revision Memo 69D)

- A. An appointing authority may adjust pay for an employee, within that employee's current salary range, if the purpose is to eliminate a pay disparity, so long as that employee's pay is being compared with the pay of another employee who is:
1. In the same classification; or
  2. In the same classification series; or
  3. In a classification within the same job family performing comparable types of duties; or (Revised April 9, 2021, Rule Revision 66D)
  4. Subordinate to the existing employee in that employee's chain of command.

- B. OHR Classification and Compensation will review employees' pay across departments or agencies within the same classification(s), within the same classification series, or within the classification(s) with the same career path and comparable duties. (Revised August 19, 2021; Rule Revision 69D)
- C. A pay adjustment within the salary range requires the approval of the OHR Executive Director. The effective date of any such pay adjustment shall be the beginning of the work week following approval by the OHR Executive Director.
- In the case of extraordinary circumstances, and with the approval of the OHR Executive Director, the effective date of the pay adjustment may be for a retroactive date at the beginning of a work week. However, no retroactive pay adjustment shall extend into the prior fiscal year.
- D. Pay adjustment requests will only be accepted by OHR from March 1 through October 31 of each year. Exceptions require the approval of the OHR Executive Director. The appointing authority's request for approval shall explain: (Revised April 9, 2021; Rule Revision Memo 66D)
1. The reason the pay inequity exists, including information about how pay factors (as listed in Rule 9-5F and/or Appendix 7.A) have contributed to the pay inequity; and
  2. If applicable, why employees in the same classification in the same work group are not being considered in the request. This explanation should include information about how the excluded employees are not affected by the pay factors (as listed in Rule 9-5F and/or Appendix 7.A).

Section 9-40 Pay Adjustment for On-Call Employees  
(Revised April 9, 2018; Rule Revision Memo 38D)

On-Call employees are not eligible for merit increases and merit payments. However, an appointing authority may grant on-call employees who have served a minimum of three hundred (300) hours in the year preceding the date of the proposed increase a pay increase not to exceed the average percentage merit increase established by the annual appropriation ordinance and **Rule 13 PAY FOR PERFORMANCE** for the year of the proposed increase. The pay increase permitted under this rule shall not exceed the range maximum of the applicable range and shall not be granted more than once in a year period from the pay increase effective date.

Section 9-50 Pay Differentials and Pay Practices  
(Re-numbered December 21, 2012; Rule Revision Memo 66C)

9-51 Shift Differential

(Revised March 11, 2019; Rule Revision Memo 51C, Revised April 9, 2021, Rule Revision 66D)

A. Employee eligibility:

1. Employees in classifications in non-exempt pay tables are eligible for shift differential, unless the employee is eligible for the health care differential as provided in this Rule 9 **PAY ADMINISTRATION**.
2. Employees in classifications in exempt pay tables are not eligible for shift differential, unless the employee is in a classification:
  - a. In which the OHR Executive Director has approved overtime based on community practice (unless also eligible for the health care differential as provided in this Rule 9 **PAY ADMINISTRATION**); or
  - b. That is a first-line supervisory classification and the employee's primary duties include directly supervising employees who have no subordinate supervisors and who are receiving shift differential for the time the employee (first-line supervisor) is supervising them.
3. Employees in classifications in community rate pay tables are not eligible for shift differential. (Revised May 31, 2017; Rule Revision Memo 27D)
4. The OHR Executive Director, upon the request of an appointing authority, may allow a department or agency to exclude otherwise eligible employees from receiving shift differential based on community practice. Requests based on other reasons require submission by the OHR Executive Director and approval by the Board.

B. The following rates shall be paid for shift differential:

1. Night rate: Twelve percent (12%) of the current hourly rate of pay.
2. Evening rate: Seven percent (7%) of the current hourly rate of pay.

C. Shift differential shall be paid for all hours worked by an eligible employee in a workday under the following conditions:

1. If at least half of the hours worked occur between 11 p.m. and 7 a.m. the employee shall receive the night rate.

2. If at least half of the hours worked occur between 3 p.m. and 11 p.m. the employee shall receive the evening rate, unless the other half of the hours worked occur between 11 p.m. and 7 a.m., in which case the employee will receive the night rate.
  3. If neither subparagraph 1 or 2 are applicable, but at least half of the hours worked occur between 3 p.m. and 7 a.m., the employee shall receive the applicable rate for the period in which a majority of the hours occur. If these hours are evenly divided between 3 p.m. and 11 p.m. and 11 p.m. and 7 a.m., the employee shall receive the night rate.
  4. If the employee's regularly scheduled shift is eligible for shift differential and that employee's shift is extended due to no fault of their own, such as through mandated overtime or late relief, and such extension would cause the employee to lose shift differential eligibility, the shift differential shall still be applied to the regularly scheduled shift worked.
- D. Shift differential shall not be paid during any period of paid or unpaid leave.

#### 9-52 Equipment Differential

A. Eligibility:

1. Equipment differential shall be paid to employees who are temporarily assigned to operate equipment, which is at a higher-level classification than the employee's current classification, and who are not receiving additional pay for a work assignment outside of job classification.
  2. Employees in on-call positions including classifications in community rate pay tables shall be entitled to equipment differential. (Revised May 31, 2017; Rule Revision Memo 27D, Revised April 9, 2021; Rule Revision 66D)
- B. Equipment differential shall be paid under the following conditions:
1. The equipment being operated is on the Board's approved equipment list for payment of equipment differential.
  2. Assignment in the higher-level classification must last for less than thirty (30) days. If all authorized limited positions for a term of nine (9) months or less are filled, the thirty (30) day limit is waived.
- C. The pay shall be ten percent (10%) of the current hourly rate of pay for each hour worked in the next higher-level classification. The pay shall be fifteen percent (15%) of the current hourly rate of pay for each hour worked in the second higher level classification and above.
- D. The total base pay for any pay period, excluding overtime and shift differential, shall not exceed the range maximum of the higher-level classification (Revised October 17, 2010; Rule Revision Memo 47C).

9-53 Health Care Differential

- A. Career Service employees who are employed by the Denver Health and Hospital Authority (“DHHA”) in classifications in the Healthcare job family are eligible for health care differentials paid to comparable classifications at DHHA. (Revised July 31, 2015; Rule Revision Memo 12D, Revised April 9, 2021; Rule Revision Memo 66D)
- B. The differentials, eligibility criteria, and rates shall be established by DHHA.

**9-54 RESERVED FOR FUTURE USE**

(Revised August 6, 2018; Rule Revision Memo 44D)

9-55 Standby Pay

(Revised July 25, 2006; Rule Revision Memo 11C)

- A. Appointing authorities may schedule employees to be on standby duty only when there is a reasonable anticipation that the employee will have to respond and perform work immediately. Eligible employees shall receive an amount equal to one and one half (1 1/2) hours of work at the employee’s straight time hourly rate for each eight hours the employee is on standby duty.
- B. To be eligible for standby pay, the employee must be:
  - 1. Eligible for overtime under the Fair Labor Standards Act (“FLSA”) or under paragraphs A, B or D of subsection 9-93 Overtime Exceptions.
  - 2. Scheduled to be available by pager, cellular phone, or telephone.
  - 3. Required to respond to a call and perform work within a designated amount of time not to exceed two hours.
  - 4. In a non-impaired condition that allows the employee to safely perform job duty assignments; and,
  - 5. Subject to disciplinary action if he or she does not respond to the call within the designated amount of time.
- C. When an eligible employee on standby is required to perform work, standby pay will be suspended and the employee will be paid basic pay or overtime pay, as appropriate, for the period the employee performs work.
- D. An employee who merely carries a cellular telephone or pager as a routine part of his or her job duties is not eligible for standby pay unless all the conditions set forth in paragraph B of this subsection are met.

9-56 Call Back Pay

- A. Overtime eligible employees required by the appointing authority to report back to the work site shall be paid a minimum amount equal to two (2) hours of work at the employee's scheduled rate of pay from the time the employee begins work.
- B. Employees who work more than two hours shall be paid for the actual time worked.

9-57 Swim Instruction Differential

(Effective February 22, 2013; Rule Revision Memo 3D)

- A. The Manager of Parks and Recreation will allow eligible employees to receive a Swim Instruction Differential for group or private swim lessons conducted at City-owned recreation facilities. The Department of Parks and Recreation retains the right to revoke eligibility for the differential for any business-related reason, at any time.
- B. In order to be eligible to receive the Swim Instruction Differential, an employee must:
  - 1. Be classified as a Lifeguard.
  - 2. Have current certifications for Water Safety Instructor (WSI), First Aid (adult/infant/child) and Cardiopulmonary Resuscitation for the Professional Rescuer (CPR/PR); and
  - 3. Be assigned to conduct the swim lesson(s) by management.
- C. Amount of Differential:
  - 1. Employees will receive their current hourly rate of pay for time spent conducting swim lessons.
  - 2. In addition, employees will receive the following swim lesson differential.
    - a. Fifty percent (50%) of the employee's current hourly rate of pay for time spent teaching a group swim lesson.
    - b. Seventy-five percent (75%) of the employee's current hourly rate of pay for time spent teaching a private swim lesson.

Section 9-60 Stipends and Other Payments

(Re-numbered December 21, 2012; Rule Revision Memo 66C)

9-61 Golf Lesson Stipend

(Effective March 12, 2007; Rule Revision Memo 16C:

Revised May 11, 2011; Rule Revision Memo 52C)

A. The Manager of Parks and Recreation may allow eligible employees to receive a Golf Lesson Stipend for lessons conducted at City-owned golf facilities, subject to the following conditions:

1. The employee must have passed either level one of the Professional Golf Association ("PGA"), Apprenticeship training, or the National Education Program 1 of the Ladies Professional Golf Association ("LPGA") apprenticeship program, and either be enrolled in the PGA or LPGA apprenticeship program or have a valid PGA or LPGA membership.
2. The Department of Parks and Recreation retains the right to revoke eligibility for the stipend for any business-related reason, at any time.
3. The employee has the responsibility for the following:
  - a. Selling and booking the lesson.
  - b. Collecting the fees; and
  - c. Conducting the lesson.
4. All lessons must be entered into and tracked by the golf course's point of sale system, or other tracking system as specified by management.
5. All lessons must be conducted at a time that does not interfere with the employee's job duties. The employee is responsible for completing their assigned schedule each week, not including time spent teaching lessons.
6. Golf Lesson Stipends will be considered as compensation and included as reportable income.

B. Amount of Stipend:

1. Exempt employees:
  - a. The only compensation the employee will receive for time spent teaching golf lessons is the Golf Lesson Stipend.
  - b. The City shall retain sixteen percent (16%) of the fee charged.

- c. Eighty-four percent (84%) of the fee will be paid to the employee as a Golf Lesson Stipend.
2. Non-exempt employees:
  - a. Non-exempt employees will receive their normal hourly rate of pay for time spent conducting lessons in addition to the Golf Lesson Stipend.
  - b. The City shall retain forty-five percent (45%) of the fee charged.
  - c. Fifty-five percent (55%) of the fee will be paid to the employee as a Golf Lesson Stipend.
3. The City portion of the fee will include the cost of golf balls.
4. Stipends will be paid on collected revenue only.

9-62 Protective Service Stipend

(Revised February 11, 2019; Rule Revision Memo 50D)

- A. Volumes 7 and 30 of the Code of Colorado Regulations require the Department of Human Services (DHS) to have staff available twenty-four hours a day to receive reports of abuse and neglect, conduct initial assessments of such reports that are deemed emergencies, and investigate those reports that are appropriate for child and adult protective services.

In order to meet this requirement, the Manager of Human Services (Manager) for the Department of Human Services may schedule eligible employees to be available to respond to emergency calls at night and on weekends, mandated furlough days, and holidays. Employees so scheduled will be entitled to receive a Child or Adult Protective Service Stipend (together referred to as "Protective Service Stipend" or "Stipend") depending on the type of work assigned. An employee who is scheduled to respond to emergency calls is expected to:

1. Be available by telephone.
2. Be in a non-impaired condition that allows the employee to safely perform job duty assignments; and
3. Respond to a call and perform work within time frames established by the DHS.

Employees who are scheduled to respond to emergency calls and fail to meet these expectations may be subject to disciplinary action, up to and including dismissal.

B. To be eligible for the Protective Service Stipend, the employee must be exempt from overtime under Federal law and the Career Service Rules (employees who are eligible for overtime may receive standby pay as provided in the Career Service Rules) and meet other eligibility requirements as stated below.

C. Protective Service Stipend Eligibility and Amounts

1. After-hours Administrator.

- a. An employee must be at the type and level of Administrator II to be assigned After-hours Administrator duties.
- b. An After-hours Administrator supervises the After-hours Supervisor, the After-hours Caseworker, the After-hours Placement Navigator, the After-hours Call Taker, and directly supervises any egregious and fatal or near fatal allegations needing response during nights, weekends, or holidays.
- c. Stipend: \$40 per shift worked; \$60 per shift worked on paid City holidays and mandated furlough days.

2. After-hours Supervisor.

- a. Child Welfare
  - i. An After-hours Supervisor supervises the After-hours Caseworker through monitoring of call logs and being available by phone to staff critical decisions and determine if immediate response is warranted.
  - ii. Stipend: \$75 per shift worked; \$100 per shift worked on paid City holidays and mandated furlough days.
- b. Adult Protective Services (“APS”)
  - i. Available by phone to APS After-hours Call Takers to make critical decisions and determine what level of response is warranted.
  - ii. Stipend: \$30 per shift worked; \$50 per shift worked on paid City holidays and mandated furlough days.

3. After-hours Caseworker.

- a. An After-hours Caseworker answers after-hours hotline calls, generates referrals, and determines an appropriate response after consulting with the After-hours Supervisor. If an immediate or in- person response is required, the Caseworker will respond in the field to gather additional information and assess for safety.

- b. Stipend: \$200 per shift worked on a weekday; \$300 per shift worked on a weekend day; \$350 per shift worked on paid City holidays and mandated furlough days.
- 4. After-hours Placement Navigator.
  - a. An After-hours Placement Navigator manages the placement of children in DHS custody or on a safety plan, including but not limited to, documenting placement efforts and ensuring requisite background checks are completed in a timely fashion.
  - b. Stipend: \$75 per shift worked; \$95 per shift worked on paid City holidays and mandated furlough days.
- 5. After-hours Call Taker (non-responder).
  - a. Child Welfare
    - i. An After-hours Call Taker is scheduled as needed to support increased hotline call volume in order to answer after-hours hotline calls, generate referrals, and determine an appropriate response after consulting with the After-hours Supervisor.
    - ii. Stipend: \$130 per standard shift worked; \$150 stipend per shift worked on paid City holidays and mandated furlough days.
  - b. Adult Protective Services
    - i. An After-hours Call Taker answers after-hours hotline calls, generates referrals, and acts as first point of contact for after-hours incidents and emergencies related to County wards. Responses can include additional information gathering via phone or coordinating with the APS After-hours Supervisor to determine if emergency medical or other decision-making is required.
    - ii. Stipend: \$70 per weekday shift worked; \$100 per weekend shift worked; \$120 per shift worked on paid City holidays and mandated furlough days.
- D. The City is required by Federal law to treat exempt employees like non-exempt employees during a week in which the exempt employee takes an unpaid furlough.

If an exempt employee is assigned after-hours emergency response duties during a week in which a mandated furlough is scheduled to occur, the employee shall be required to work on the mandated furlough day, and take an unpaid furlough day during another week that year in which the employee has not been assigned after-hours emergency response duties.

If an exempt employee does take a furlough day during a week in which the employee has been assigned after-hours emergency response duties, the employee will be paid for all time spent performing emergency response duties in addition to the stipend provided by this rule.

#### 9-63 Bilingual Services Stipend

(Revised February 11, 2019; Rule Revision Memo 50D)

- A. An appointing authority may pay an employee bilingual services stipend if the following conditions have been met:
  - 1. The employee's supervisor has determined that the employee's position requires that the employee use bilingual skills regularly to perform their work; and
  - 2. The classification specification for the employee's classification does not require bilingual skills for all incumbents of that classification; and
  - 3. The employee demonstrates a proficiency in the second language, according to procedures established by the OHR Executive Director.
- B. The effective date of the bilingual services stipend shall be the beginning of the work week following the employee's demonstration of proficiency in a second language.
- C. Employees who become eligible for bilingual services stipend after February 11, 2019 shall receive a stipend of fifty dollars (\$50) per pay period. Employees who were receiving a bilingual stipend prior to February 11, 2019 shall retain that stipend amount. However, if an employee receiving a bilingual stipend prior to February 11, 2019 loses eligibility for the stipend, upon regaining eligibility they will receive a stipend of fifty dollars (\$50) per pay period.
- D. When an employee changes positions and the language skills are not a requirement of the new position, the bilingual services stipend shall cease.

#### 9-64 Forensic Pathology Fellow Program Director Stipend

(Revised December 21, 2012; Rule Revision Memo 67C)

- A. The City and County of Denver's Office of the Medical Examiner operates a teaching fellowship program in which recent graduates of an accredited pathology program receive training in forensic pathology.

- B. The Chief Medical Examiner has the authority to assume the responsibility of directing this program or to assign this responsibility to any Forensic Pathologist who meets the criteria for program director established by the University of Colorado and the Accreditation Council for Graduate Medical Education (ACGME).
- C. As compensation for the additional duties required to direct this program, the Chief Medical Examiner may pay the Forensic Pathologist who is assigned and performing all of the duties of directing the Forensic Pathology Fellow Program additional pay equal to eight percent (8.0%) above his or her regular base pay. (Revised July 31, 2015; Rule Revision Memo 12D)
- D. The duties of the Forensic Pathology Fellow Program Director include:
  - 1. Ensuring that the Fellowship Program complies with University of Colorado and ACGME accreditation requirements.
  - 2. Recruiting Forensic Pathology Fellows for the program.
  - 3. Maintaining the program's educational curriculum; and
  - 4. Mentoring and supervising the Forensic Pathologist Fellow(s).

9-65 Work Assignment Outside of Job Classification  
(Revised October 21, 2021; Rule Revision Memo 69D)

- A. An appointing authority may temporarily assign the duties of a vacant or temporarily unoccupied position in a higher-level classification to an employee in a lower level classification for a period of no less than one month and up to one year in accordance with the criteria established in this rule. An extension of six months may be considered, with sound business rationale, for approval by the OHR Executive Director.
  - 1. Employees are eligible for additional pay for such assignments when they have been assigned a majority (70% or more) of the duties and responsibilities of the vacant or temporarily unoccupied position in the higher-level classification.
  - 2. Assignments of duties from any vacant or temporarily unoccupied position in a higher classification may be assigned to one employee only; multiple employees may not share a working out-of-classification assignment and qualify for additional pay.
  - 3. The additional work and additional pay for work outside of an employee's job classification shall start at the beginning of a work week, which is the next available Sunday. The additional pay shall continue for the duration of the assignment.
  - 4. Pay shall be set within the pay range of the assigned classification and cannot be below the range minimum or above the range maximum.

- B. Working out-of-classification pay shall be set by the appointing authority with consideration given to the number of grade differences, and the percentage of work being performed of the higher-level classification as follows:

Working Out-of-Classification Scenario	Pay Increase %
The vacant higher-level classification is 1 or 2 pay grades higher	8%
The vacant higher-level classification is more than 2 pay grades higher	12%

If the employee’s current classification is non-exempt and the employee will perform higher-level duties of an exempt classification, the employee retains their non-exempt pay status for overtime purposes.

If the employee is non-exempt and performing the work of an exempt classification, contact your OHR Classification and Compensation Analyst who will determine the pay grade difference.

- C. The employee’s job classification will not change as a result of a temporary assignment of higher-level job duties and responsibilities. Employees receiving additional pay for working outside of their assigned classification shall not be eligible for re-allocation to the higher-level classification.
- D. If an employee receives a merit increase during the temporary assignment, the pay for the work assignment outside of job classification shall be re-calculated based on the employee’s base pay including the merit increase. The re-calculated pay shall be effective on the effective date of the merit increase (Revised January 1, 2011; Rule Revision Memo 51C).
- E. Upon completion of the temporary assignment, the employee’s pay shall return to the employee’s base pay prior to the temporary assignment, including any merit increase awarded during the temporary assignment.
- F. Pay for work outside of an employee’s job classification does not impact subsequent pay for promotion, demotion, or any other personnel action.

9-66 Recruitment bonus

(Revised September 21, 2017; Rule Revision Memo 30D)

- A. A department or agency may pay a one-time recruitment bonus of up to \$10,000 according to the below schedule to attract a highly qualified external candidate whose skills, knowledge and/or abilities are deemed essential to the mission and operations of the City.
- B. The amount of the recruitment bonus must be justified in writing and submitted by the department or agency to the appointing authority and the OHR Executive Director for approval. The justification must clearly demonstrate that the position is difficult to fill in the absence of a recruitment bonus.

- C. The determination to pay a recruitment bonus must be based on criteria including, but not limited to:
1. The success (or lack thereof) of recent efforts to recruit external candidates for similar positions, using indicators such as job offer acceptance rates, the length of time required to fill similar positions, and the probable cost of renewed recruitment efforts.
  2. The current salary and fringe benefits package the candidate receives.
  3. Employment trends and competition in the local labor market that make it difficult to recruit candidates for similar positions.
  4. Special qualifications or competencies (i.e., knowledge, skills, abilities, education, etc.) required for the position. These competencies must be applicable to a vast majority of the duties and responsibilities of the job or be of critical importance to the job.
  5. The desirability of the duties, work, or organizational environment of the position; and
  6. Other supporting factors.

D. The below amounts may not be exceeded unless the agency appointing authority has justification to do so (e.g., has identified a critical candidate whose skills, knowledge, and/or abilities are essential to the mission and operations of the City) and the appointing authority has obtained the approval of the OHR Executive Director. However, no recruitment bonus may exceed \$10,000.

<b><u>Position Level of New Hire</u></b>	<b><u>Amount</u></b>
Below the level of Manager	Up to \$2,500
Manager	Up to \$5,000
Director	Up to \$10,000

The above amounts will not be grossed-up to cover taxes and other deductions on behalf of the candidate.

- E. A request to provide a recruitment bonus must be approved by the appointing authority and the OHR Executive Director before the recruitment bonus is included in an offer. The appointing authority's approval indicates sufficient existing budget funds to cover the expense.
- F. The candidate is eligible to receive the recruitment bonus as a one-time payment (less applicable taxes and other deductions) upon successful completion of employment probation. If the candidate does not successfully complete employment probation, the recruitment bonus will not be paid.
- G. The employee receiving the recruitment bonus must remain employed by the City for two (2) years. If the employee voluntarily terminates employment before serving two (2) years, the employee must repay part of the recruitment bonus.

The amount of the repayment shall be pro-rated for each year of service. The repayment of the recruitment bonus shall be deducted from the employee's final paycheck. Any remainder shall be paid by the employee to the City within 30 days of the employee's last day of employment with the City.

These terms must be included in the employment offer letter, and the employee receiving the recruitment bonus shall acknowledge acceptance of these terms when signing the employment offer letter. Payment of a recruitment bonus and the employee's acceptance of these terms shall not constitute an employment contract.

9-67 Relocation assistance

(Revised September 21, 2017; Rule Revision Memo 30D)

- A. A department or agency may pay relocation costs of up to \$7,500 to attract a highly qualified external candidate whose skills, knowledge, and/or abilities are deemed essential to the mission and operations of the City, provided that the candidate's new main job location is at least 50 miles farther from his or her former home than the candidate's old main job location was.
- B. The amount of the relocation assistance must be justified in writing and submitted by the department or agency to the appointing authority and the OHR Executive Director for approval. The justification must clearly demonstrate that the position is likely to be difficult to fill in the absence of relocation assistance.
- C. The determination to pay relocation assistance must be based on criteria including, but not limited to:
  - 1. The availability and quality of local candidates possessing the competencies required for the position, including the success of recent recruitment efforts to recruit external candidates for similar positions, using indicators such as job offer acceptance rates, the length of time required to fill similar positions, and the probable cost of renewed recruitment efforts;
  - 2. Employment trends and competition in the local labor market that make it difficult to recruit candidates for similar positions.
  - 3. Special qualifications or competencies (i.e., knowledge, skills, abilities, education, etc.) required for the position. These competencies must be applicable to a vast majority of the duties and responsibilities of the job or be of critical importance to the job.
  - 4. Personal and/or professional disruption that will occur as a result of relocation.
  - 5. The desirability of the duties, work, or organizational environment of the position; and
  - 6. Other supporting factors.

- D. An appointing authority may offer up to, but may not exceed, a relocation assistance payment of \$7,500. The amount of the offer is to be determined by the appointing authority with considerations given to the distance of the move, the size of the household involved in the move, etc. The relocation assistance payment will not be grossed-up to cover taxes and other deductions on behalf of the candidate.
- E. A request to provide relocation assistance must be approved by the appointing authority and the OHR Executive Director before relocation assistance is included in an offer. The appointing authority's approval indicates sufficient existing budget funds to cover the expense.
- F. The candidate is eligible to receive relocation assistance as a one-time payment (less applicable taxes and other deductions) within his or her first month of employment. The candidate is not required to submit qualifying expenses documentation to Accounts Payable, but the candidate should work with his or her tax advisor to appropriately declare the qualifying expenses to the IRS.
- G. The employee receiving relocation assistance must remain employed by the City for two (2) years. If the employee voluntarily terminates employment prior to serving two (2) years, the employee must repay part of the relocation assistance.

The amount of the repayment shall be pro-rated for each year of service. The repayment of the relocation assistance shall be deducted from the employee's final paycheck. Any remainder shall be paid by the employee to the City within 30 days of the employee's last day of employment with the City.

These terms must be included in the employment offer letter, and the employee receiving the relocation assistance shall acknowledge acceptance of these terms when signing the employment offer letter. Payment of relocation assistance and the employee's acceptance of these terms shall not constitute an employment contract.

9-68 Fleet Technician Certification Stipend  
(Revised August 6, 2018; Rule Revision Memo 44D)

- A. An appointing authority may pay an employee within eligible classifications the fleet technician certification stipend if the following conditions have been met:
  - 1. The employee is in a full-time, unlimited position.
  - 2. The appointing authority has determined that the employee's position requires that the employee use the skills obtained by the certification fifty percent (50%) or more of the time.
  - 3. The classification specification for the employee's classification does not require the certification for all incumbents of that classification; and

4. The employee demonstrates a proficiency in the area of certification by passing a test from the certifying organization, according to the procedure established by the appointing authority.

B. Eligibility for the stipend is based on the employee's classification title, type of certification, and whether the certification is issued by an approved national certification and testing board. The order of completion shall be established by the appointing authority based on the duties assigned to eligible positions.

Eligible classifications are:

1. Fleet Technician, including Fleet Technician I, Fleet Technician II, Fleet Technician III and Fleet Technician Lead. Eligible certification and testing boards and certifications include:

a. Automotive Service Excellence (ASE):

- i. Automobile & Light Truck Certification Tests (A1 –A9)
- ii. Medium-Heavy Truck Certification Tests (T1 –T8)
- iii. Collision Repair & Refinish Certification Tests (B2 –B5)
- iv. Alternate Fuels Certification Test (F1)
- v. Advanced Engine Performance Specialist Certification Test (L1)
- vi. Electronic Diesel Engine Diagnosis Specialist Certification Test (L2)
- vii. Light Duty Hybrid/Electric Vehicle Specialist Certification Test (L3)

b. Emergency Vehicle Technician Certification Commission Inc. (EVT):

- i. Ambulance Tests (E0 – E4)
- ii. Airport Rescue and Fire-Fighting Tests (A1 – A3, F1, F4)
- iii. Law Enforcement Vehicle Installation Test (L1)

c. CNG issued by Natural Vehicle Gas Institute (NVGi):

- i. Certified Natural Gas (CNG)

2. Fleet Collision Technician. Eligible certification and testing boards and certifications include:

a. I-CAR:

- i. Aluminum Structural Technician, Level 1 – 3
- ii. Estimator, Level 1 – 3
- iii. Non-Structural Technician, Level 1 – 3
- iv. Steel Structural Technician, Level 1 – 3
- v. Refinish Technician, Level 1 – 3
- vi. Production Management, Level 1 – 3
- vii. Electrical / Mechanical Technician, Level 1 – 3

b. Automotive Service Excellence (ASE):

i. Collision Repair & Estimating (B2 – B6)

- C. The effective date of the fleet technician certification stipend shall be the beginning of the first workweek following the appointing authority’s determination that the employee successfully passed the applicable certification test.

The employee must provide a copy of passing test results to their supervisor, and proof of renewal and recertification at the appropriate time in order to continue receiving the stipend. The employee is responsible for notifying their supervisor if a certification expires and they fail to renew it.

- D. Employees who are eligible for the fleet technician certification stipend shall receive a stipend per pay period based on the level of proficiency demonstrated by that employee:

# Certifications	Fleet Technician I	Fleet Technician II	Fleet Technician III / Fleet Collision Technician	Fleet Technician Lead
Successful Completion of four (4) Certifications	\$30	\$30	\$30	\$45
Successful Completion of eight (8) Certifications	N/A	\$50	\$50	\$90
Successful Completion of twelve (12) Certifications	N/A	N/A	\$75	\$135
Successful Completion of fifteen (15) Certifications	N/A	N/A	\$100	\$180

- E. When an employee changes positions and the skills are not a requirement of the new position, the fleet technician certification stipend shall cease.

- F. The appointing authority retains the right to revoke eligibility for the stipend for any business-related reason, at any time.

9-69 911 Communications Training Officer Stipend  
(Revised October 19, 2018; Rule Revision Memo45D)

- A. The appointing authority may pay a monthly stipend to employees who are enrolled in the 911 Communications Training Officer (CTO) program if the following eligibility conditions are met:

1. The employee is in a full-time, unlimited position.

2. The employee is a member of the 911 Emergency Communication Technician, 911 Dispatch Support Specialist, or 911 Police Dispatcher classifications.
  3. The employee has successfully completed the 911 CTO certification course.
  4. The employee was rated "Successful" or higher in the employee's most recent performance evaluation and continues to receive performance evaluations of "Successful" or higher while receiving the CTO stipend.
  5. The employee has not been on a Performance Improvement Plan in the preceding year nor is the employee currently on a Performance Improvement Plan; and
  6. The employee is available to train new hires as requested for the duration of their CTO assignment. All trainings must be tracked through the tracking system specified by management.
- C. Individuals enrolled in the CTO program will receive \$250.00 per month that they are enrolled, pro-rated for partial month enrollments, not to exceed \$3,000.00 annually.
- D. The appointing authority retains the right to revoke eligibility for the stipend for any business-related reason, at any time.

## Section 9-70 Hours of Work

### 9-71 Standard Work Week

- A. The five (5) day forty (40) hour week shall be the standard work week for employees of the Career Service.
- B. Standard work hours shall be eight (8) hours per day, excluding the meal period. In certain cases, because of the character of the work, it may be necessary for an employee to be required to eat a meal while working. When the meal period is spent predominantly for the benefit of the City, the employee shall be paid for the entire meal period (Effective October 10, 2008; Rule Revision Memo 32C).
- C. Appointing authorities shall be responsible for establishing daily work schedules.
- D. The work week shall begin on Sunday and end on Saturday, unless otherwise designated by the appointing authority.

9-72 Posting of Changes in Work Schedules  
(Re-numbered October 10, 2008; Rule Revision Memo 32C)

- A. If work schedules are changed, appointing authorities shall post such schedules so that affected employees are provided with adequate notice of the change in advance of the work week in which it is supposed to occur.

However, appointing authorities may require an employee to arrive early or stay beyond his or her regular work schedule or return to work to provide essential City services without such notice (Revised September 21, 2010; Rule Revision Memo 49C; and June 17, 2011; Rule Revision Memo 55C).

- B. Employees are permitted to request a temporary change in daily work schedules in order to accommodate personal needs. Appointing authorities have the discretion to grant this request based on the business needs of the department or agency.

9-73 Interruption of Work and City-wide Emergency Pay and Redeployment  
(Effective September 17, 2020; Rule Revision 58D)

- A. An employee who is excused from work for the day or any part of the day when the work program is interrupted (e.g., because of weather) shall be considered to have worked the number of hours included in his or her regular daily schedule. An on-call employee who is called to work and not assigned because of an interruption or change in the work program shall be considered to have worked two (2) hours on that day.
- B. Employees may be re-deployed to work in other capacities in their own agencies or in other City agencies to support core functions of the City during a City-wide emergency declared by the Mayor. Non-exempt employees shall be paid at their regular rate of pay for actual hours worked in a re-deployment assignment and shall be eligible for overtime in accordance with Section 9-90 Overtime.

Exempt employees eligible for overtime shall be paid their regular salaries during any workweek in which they are re-deployed and shall be eligible for overtime in accordance with 9-93 Overtime Exceptions. Exempt employees not eligible for overtime shall be paid their regular salaries during any workweek in which they are re-deployed.

Nothing in this rule prevents the City from authorizing additional pay for some or all employees working in redeployment assignments during a City-wide emergency declared by the Mayor.

Employees who were on other leave such as paid time off, vacation, compensatory time, sick, or unpaid leave at the time of a work interruption must use that leave unless called back to work. When called back to work, unused leave hours are returned to the banks and work hours are counted.

## Section 9-80 Special Work Schedules

A. Deviations from the standard workweek, eight (8) hour workday or designation of special work schedules may be made so long as they are in accordance with the provisions of this section. The appointing authority must provide written notification to the OHR Executive Director of any change to the standard workweek or the designation of special work schedules for employees.

B. Establishment:

1. When the work program of a department or agency is such that the interests of the City as well as the efficiency of the organization can better be served by a special work schedule, the appointing authority may establish one for specified units, individual employees, or the entire agency.
2. Employees affected by the proposed schedule should be consulted concerning their preferences prior to the establishment of the special work schedule, and their wishes should be recognized wherever possible. The final determination shall be within the discretion of the appointing authority.
3. When an appointing authority determines that the special work schedule has not served the best interests of the City, the appointing authority may discontinue the special work schedule and shall provide written notification to the OHR Executive Director.

C. Ten-hour schedule:

Under a ten-hour schedule, employees are scheduled to work ten (10) hours per day, four (4) days per work week. Days off shall be scheduled consecutively wherever possible, provided, however, that one of the three (3) days off may be scheduled on any day during the work week in order to prevent staff shortages on any workday.

D. Nine/eighty schedule:

Under a nine/eighty schedule, employees are scheduled to work nine (9) hours per day, four (4) days per work week, and four (4) hours on one day of the work week. The start and end date of the work week must be changed so that the work week does not contain more than forty (40) hours of scheduled work.

This is accomplished by having the work week begin in the middle of the day on which the four (4) hour shift is scheduled, and end in the middle of that day a week later. This day is the flex day, upon which the employee will work eight (8) hours every other week and will have off the rest of the time.

Days off shall be scheduled consecutively wherever possible, provided, however, that the flex day may be scheduled on any day during the work week in order to prevent staff shortages on any workday.

E. Alternate work schedules:

The appointing authority may establish an alternate work schedule when neither the standard work week nor any of the special work schedules set forth in this section permit the department or agency to provide necessary services.

F. Telecommuting:

1. Telecommuting is the practice of working at home or from a site other than a department or agency's central workplace. It is a work alternative which appointing authorities may offer to or require of employees.
2. Telecommuting is not an employee benefit but an alternative method of meeting the City's needs. Telecommuting is a privilege and an appointing authority has the right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time.
3. Employees may express a desire not to telecommute and appointing authorities should consider employees' wishes along with the needs of the City in making a final determination.
4. Permission to telecommute shall be conditioned on compliance with the telecommuting guidelines established by the OHR Executive Director (see Appendix).

G. Employee Volunteer Program

(Revised August 19, 2021; Rule Revision Memo 70D)

1. In accordance with the Employee Volunteer Program (EVP) guidelines, maintained and published by OHR on the EVP website, full-time or part-time, limited and unlimited Career Service employees, are eligible to volunteer up to eight hours per calendar year for projects pre-approved by OHR. On-call employees are not eligible to participate in the program. OHR will maintain an approved volunteer project list.
2. Participation in the EVP is a privilege, and a supervisor or manager has the right to refuse participation in the EVP at any time due to employee job performance, business need, or other appropriate reason. Employees must request approval from their supervisor or manager at least two (2) weeks prior to their anticipated volunteer date.
3. Employees participating in the EVP will receive their regular rate of pay for volunteer hours. EVP volunteer hours count towards hours worked in the workweek. EVP volunteer hours do not affect vacation leave, sick leave, or paid time off (PTO) accruals.

## Section 9-90 Overtime

### 9-91 Policy

(Revised April 9, 2018; Rule Revision Memo 38D)

- A. In accordance with the FLSA, all work performed in excess of forty (40) hours per week by non-exempt employees shall be designated overtime work for the purposes of compensation. Overtime compensation for non-exempt employees may be paid either in cash or in compensatory time off, at the discretion of the appointing authority. The appointing authority shall inform employees of the department's or agency's overtime compensation policy.
1. Non-exempt employees who work overtime and are paid in cash shall receive compensation at the rate of one and one-half (1½) times the regular rate of pay applicable to the position. The regular rate of pay shall be computed as follows:
    - a. Multiply the hourly rate by the employee's actual hours of work in the work week to determine the weekly salary equivalent.
    - b. Total the weekly salary equivalent plus all payments for differentials, standby, and any other compensation required by the FLSA to be included in the regular rate of pay for the work week, and divide by the number of hours the employee actually worked during that week.
  2. Non-exempt employees who work overtime and are paid in compensatory time off shall accrue compensatory time at the rate of one and one-half (1½) times the overtime hours worked.
  3. Nothing in this subsection A shall be construed to prevent the City from temporarily increasing the overtime rate to be paid to non-exempt and/or exempt employees, mandating that all such overtime be paid in cash, or otherwise administering overtime in a manner that is more generous to employees than the FLSA requires due to a city-wide emergency declared by the Mayor. (Emergency Rule Revision January 14, 2022; Expires July 14, 2022)
- B. If a paid holiday, a period of paid leave, or use of compensatory time occurs during a work week, such time shall be counted as time worked when determining whether an employee has worked overtime.
- Time spent taking courses outside of the normal workday shall not be counted as time worked, even if the employee receives paid training leave to take the courses, unless the city has required the employee to take the course.
- C. Unpaid leave shall not count as time worked.

- D. The hours worked as an election judge by an employee shall not be counted as time worked for the purposes of determining overtime eligibility. If an employee wishes to work as an election judge during a regularly scheduled shift, the employee must request leave from the appointing authority.

9-92 Criteria for Authorizing Overtime Work

- A. Overtime work shall be authorized to provide essential City services when such services cannot otherwise be provided by regular or special work schedules. Except in cases of emergency, overtime work shall be authorized and assigned in advance by an employee's supervisor or other designated individual. Working unauthorized overtime may be grounds for discipline, up to and including dismissal.
- B. When an employee has been assigned work outside of his or her normal work schedule, such overtime shall be subject to the same reporting requirements as regular work hours. Failure to report for such work may be cause for disciplinary action, up to and including dismissal.

9-93 Overtime Exceptions

(Revised April 9, 2018; Rule Revision Memo 38D, April 9, 2021; Rule Revision Memo 66D)

- A. Employees in overtime exempt classes as defined by the FLSA shall not receive overtime pay, except in the following situations:
  - 1. Based on community practice, the OHR Executive Director may grant an exception to the overtime exclusion for a designated classification or classifications. The overtime rate shall be one and one-half (1½) times the hourly rate of pay applicable to that position.
  - 2. Career Service employees who are employed by the City and County of Denver and work for DHHA in exempt classifications in the Healthcare job family shall receive the same exceptions to overtime exclusion as comparable classifications at DHHA, not in the Career Service.
  - 3. Upon the request of an appointing authority, the OHR Executive Director may grant an exception to the overtime exclusion for a specified period of time when the employee or employees will provide services for the City during declared emergencies or when compelling operational needs exist.

The overtime rate shall be the straight time hourly rate of pay applicable to that position, however if the employee performs greater than forty (40) hours of non-exempt services in the work week, the overtime rate shall be one and one-half (1½) times the hourly rate of pay applicable to that position.
  - 4. Based on community practice, as approved by the OHR Executive Director, FLSA overtime exempt, first level supervisory classes shall receive overtime only under the circumstances outlined below:

- a. Scheduled overtime occurring in a holiday week.
- b. Overtime related to after-hour emergency response duties.
- c. Publicly scheduled events requiring infrastructure support; and
- d. Snow removal activities.

The overtime rate shall be one and one-half (1½) times the hourly rate of pay applicable to that position.

- 5. Upon the request of an appointing authority, the Office of Human Resources may grant an exception to the overtime exclusion for employees assigned to a classification below Director when the employee will provide snow removal and snow operations duties for the City.

The overtime rate shall be the straight time hourly rate of pay applicable to that position, however if the employee performs greater than forty (40) hours of non-exempt services in the workweek, the overtime rate shall be one and one-half (1½) times the hourly rate of pay applicable to that position. (Revised August 6, 2018; Rule Revision Memo 44D)

- B. The hourly rate of pay for purposes of overtime compensation under Rule 9-93 shall be computed by dividing the employee's annual salary by 52 and then dividing by the regular weekly hours of the position.
- C. Overtime compensation for eligible exempt employees shall be paid in cash. Exempt employees eligible for overtime pay shall not accrue or use compensatory time in lieu of pay, except for Holiday Compensatory Time as defined in **Rule 10 PAID LEAVE**.

#### Section 9-100 Record Keeping

(Revised April 1, 2008; Rule Revision Memo 26C)

- A. Responsibility for maintaining time and compensation records may be vested in the Department of Finance, the OHR, or the agencies, as may be agreed among them from time to time.
- B. The content of these records shall be governed by guidelines established by the OHR (see Appendix).
- C. These records shall be retained for a minimum of six (6) calendar years, in a location where they would be available for inspection within seventy-two (72) hours from the date when requested by the Wages and Hours Administrator or designees.

## **APPENDIX 9.A.**

### **TELECOMMUTING GUIDELINES (REFERRED TO IN RULE 9-80 F)**

#### **OVERVIEW**

The City and County of Denver utilizes a hybrid model workplace where employees work where needed in a city site or telecommute remotely within the State of Colorado. The City considers telecommuting to be a viable, flexible, and productive work option when the position and the business function of the department/agency is suited to such an arrangement.

Telecommuting allows employees to work in a designated site other than a department's/agency's central workplace for all or part of their workweek/month on a regular recurring or an occasional basis or as needed during an emergency. The hybrid work arrangement may be established at-hire or at some point during the employee's tenure for a long-term or short duration depending upon the business requirements. The telecommuting arrangement could change as directed by management.

Telecommuting is not suitable for all positions, nor is it an entitlement or a benefit, nor does it change the terms and conditions of employment for any employee.

Telecommuting can benefit employees, departments/agencies, and the community in many ways, including:

- Provide for a flexible workforce and continuity of operations, including the ability to operate during an emergency when the regular worksite is inaccessible.
- Increased productivity and efficiencies.
- Cost efficiency and innovation.
- Recruitment and retention of highly qualified and in-demand skilled employees.
- Greater flexibility for employees and agencies.
- Improved employee morale and job satisfaction.
- Reduced employee absenteeism.
- Reduced employee commuting time and costs.
- Improved mobility and sustainability for the city resulting from decreased energy consumption, air pollution, traffic and parking congestions, and transit overcrowding, helping the city achieve its sustainability and climate goals.

## APPLICABLE RULES AND POLICIES

[Career Service Rule 9.80](#): Telecommuting

[Career Service Rule 16.28](#): Grounds for Discipline

[Executive Order No. 16](#): Use of Electronic and Communication Devices and Services

[Fiscal Accountability Rule 10.13](#): Time and Attendance

Telework and Ergonomic Guidance on [DenverHub](#)

## TELECOMMUTING CATEGORIES

Telecommuting can be informal, such as working remotely for a day or for a short-term project, or it can be a normal work arrangement, such as working remotely on a recurring partial or full-time basis.

There are three types of telecommuting:

1. **Recurring** telecommuting, where an employee **is regularly assigned to** work at a designated alternate work site or in the field on either a full-time or part-time basis. If part-time, the employee regularly works at both a designated alternate work site and a city location or in the field.
2. **Occasional** telecommuting- this is a temporary, short-term arrangement, which may be approved by a supervisor for special projects or for special circumstances.
3. **Emergency** telecommuting- this is a temporary arrangement that may be utilized during a city emergency, such as a pandemic, power outage, or inclement weather.

Either an employee or a supervisor can propose telecommuting as a possible formal work arrangement. However, the decisions around which type of work arrangement is most suitable for each position reside with the Appointing Authority and can be changed at any time.

## ELIGIBILITY

Employees may be eligible for any of the informal or formal types of telecommuting arrangements identified above, depending primarily on the suitability of their workgroup or the workforce strategy of the agency. Some agencies/departments may require employees in certain workgroups or who perform certain functions to telecommute on a regular basis.

All telecommuting arrangements must be approved in advance and are subject to change at any time. Telecommuting may be appropriate on a short-term or long-term basis, depending on the department/agency's particular business needs.

Telecommuting is not a benefit of employment. A decision to allow or not allow telecommuting is not subject to the grievance procedure or to any other review or appeal procedure unless there is alleged discrimination.

## EQUIPMENT AND SUPPLIES

Telecommuting is intended to be cost neutral. The city will provide, per Technology Services' ("TS") guidelines, one workstation set-up, either in the city site or in the employee's remote office.

The city is not required to provide telecommuting employees with materials or supplies needed to establish an additional alternate designated worksite (desk, chair, computer, software, cell phone, fax, copier, headphones, etc.), and assumes no responsibility for set-up or operating costs at an alternate designated worksite (telephone or internet services, etc.). Departments/agencies must follow Executive Order 16 when establishing telecommuting workspaces for their employees.

Departments/agencies providing equipment, software, or other supplies to telecommuting employees must reasonably allocate those resources based on operational and workload needs. All city rules regarding the use of computers and the internet apply while an employee is telecommuting.

Equipment supplied by the department/agency will be maintained by the department/agency (TS will maintain all technology-related items). Equipment supplied by the employee, if deemed appropriate by the department/agency, will be maintained by the employee. The city accepts no responsibility for damage or repairs to employee-owned equipment.

The city is entitled to, and may access, any personal equipment used while telecommuting, such as personal telephone, internet records, etc. The city reserves the right to make determinations as to appropriate equipment, subject to change at any time.

Equipment supplied by the department/agency is to be used for business purposes only. Employee agrees to take appropriate action to protect the items from damage or theft. The employee must immediately return all city equipment, software, and supplies at the conclusion of the telecommuting arrangement, at termination of employment, or at the department 's request.

Employees must contact their supervisors if equipment, connectivity, or other supply problems prevent them from working while telecommuting.

## **EMPLOYEE COMMITMENT**

Mutual trust and accountability are key components in shaping a hybrid flexible work environment. The success of this work arrangement requires that all participants have a clear understanding of performance expectations and work with their supervisor to ensure that business objectives are met.

Employees need to be aware of inter-department needs and ensure that, if they are unable to meet those needs while telecommuting, there is an appropriate back-up to meet the requirements of internal and/or external clients.

## **SECURITY OF CITY-OWNED PROPERTY/EQUIPMENT**

Consistent with the city's expectations of information security for employees working at a city location, telecommuting employees will be expected to ensure the protection of proprietary city information, equipment and network accessible from their remote office. Steps include the use of locked file cabinets and desks if applicable, regular password maintenance, and any other measures appropriate for the job and the environment including completing Technology Services' quarterly mandatory cyber security training on a timely basis.

## **ALTERNATE DESIGNATED WORKSITE**

The employee will establish an appropriate remote work environment suitable for conducting city business. Telecommuting employees must work in an environment that allows them to perform their duties safely, efficiently, and meet performance outcomes.

Employees are expected to maintain their workspace in a safe manner, free from safety hazards, and are responsible for ensuring their work areas comply with all health and safety requirements. Injuries sustained by the employee in a remote office location and in conjunction with the employee's regular work duties may be covered by workers' compensation laws. Benefits for these injuries may be reduced as a result of any unsafe practices or the employee's failure to comply with these guidelines.

Employees who suffer a work-related injury or illness while telecommuting must notify their supervisor and contact the "OUCH Line" immediately at 303.436.OUCH (6824). The city is not liable for any injuries sustained by visitors to the employee's remote worksite, nor is it liable for any injuries caused by third parties. The city is also not liable for damages to an employee's personal or real property while the employee is working at a remote worksite, or any worksite outside of a City and County of Denver offices or facilities.

## **OUT OF STATE TELECOMMUTING**

All telecommuting employees must primarily work at a designated worksite in the state of Colorado, unless the department/agency has received exception approvals from the Office of Human Resources and the Department of Finance and has paid for any additional associated costs, if applicable. The department/agency is also encouraged to consult with the City Attorney's Office prior to permitting an employee to work outside of Colorado.

## **TYPES OF TELECOMMUTING**

### **Occasional Telecommuting**

Occasional telecommuting is telecommuting that is not utilized on a regularly recurring or scheduled basis and may generally be limited to one business day. It is a flexible work option that may be offered to or required of certain employees. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance. The decision to allow occasional telecommuting is up to each department/agency and requires approval of the employee's supervisor.

### **Emergency Telecommuting**

Emergency telecommuting is telecommuting that is used out of necessity due to extraordinary circumstances, such as during a national emergency due to a pandemic, a snowstorm or other city emergency. These arrangements are declared by the city, with no expectation of ongoing continuance. Because of the extraordinary situation in which emergency telecommuting occurs, an employee may not be able to perform all of the position's essential functions.

### **Recurring Telecommuting**

Recurring telecommuting is telecommuting that occurs on a formal, recurring basis. The department/agency will identify all work groups where implementing telecommuting is consistent with the department/agency's workplace strategy. Only positions within these work groups will be eligible for recurring telecommuting. In general, the department/agency will look at the following areas:

1. **Position responsibilities.** The position for which telecommuting is proposed is suitable for such arrangement, given the department/agency workplace strategy, with the ability to provide high quality service to the public or internal clients/customers while telecommuting being the most significant determining factor.

There should be no disruption to service or decline in the quality of services being provided by the department/agency to the public or internal clients/customers as a result of telecommuting.

Generally, this will include positions that are: independent in nature, primarily knowledge-based, lend themselves to measurable deliverables, and do not require frequent in-person interactions or the employee's immediate presence at a regular worksite.

A department/agency may have additional telecommuting requirements, guidelines, or procedures, provided they are consistent with the intent of this policy.

Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of employment. Telecommuting employees must comply with all city rules, policies, practices, and instructions.

A telecommuting employee must perform work during scheduled hours and minimize any distractions. Although an individual employee's schedule may be modified to accommodate care needs, the focus of the telecommuting arrangement must remain on job performance and meeting business demands, and not on taking care of dependents.

In addition, the prohibitions against engaging in other employment or business activities during regular work hours or while using city resources also apply to employees who are telecommuting.

Expectations relating to performance, methods and frequency of regular communications, physical attendance at meetings, participation in virtual meetings, leave usage, etc. should be established as part of the discussion process between the employee and supervisor.

The employee should be accessible to the workplace during regular work hours via virtual meeting software, cellular phone, e-mail, or other means and be able to report to work when notified, or to respond immediately to communications from other staff, supervisors, supervisors, or clients.

The city may deny, modify, or end telecommuting for any business reason that is not arbitrary or capricious. Any suspected abuse of these guidelines will be investigated and may result in corrective action, up to and including dismissal.

**APPENDIX 9.B.  
GUIDELINES REGARDING TIME AND COMPENSATION RECORDS  
(REFERRED TO IN RULE 9-110)**

The following information shall be kept on time and compensation records for all employees, to the extent applicable:

- A. Name in full (same as shown on social security card).
- B. Identification number.
- C. Home address, including the zip code.
- D. Date of birth, if under 19.
- E. Sex.
- F. Classification.
- G. Time of day and day of the week on which the employees work week begins. If the employee is part of a work force all of whose workers have a work week beginning at the same time on the same day of the work week, a single notation of the time of the day and beginning day of the work week for the whole work force of the agency or unit will suffice. If, however, any employees or group of employees has a work week beginning or ending at a different time, a separate notation shall then be kept for that employee or group of employees.
- H. Hourly rate of pay for part-time, on-call, and non-exempt employees.
- I. Payroll period (i.e. bi-weekly).
- J. Amount and nature of each payment, such as tool and mileage allowances, excluded from the overtime rate of pay for non-exempt employees.
- K. Hours worked each workday and total hours worked each work week by non-exempt employees (for purposes of this clause, a "work day" shall be any consecutive 24 hours);
- L. Total daily or weekly straight-time earnings (including salaries, differentials, and standby).
- M. Total of daily and weekly overtime payments.
- N. Total additions to or deductions from wages paid during each pay period; additionally, a record of the dates, amounts, and nature of the items which make up the total additions and deductions shall be maintained in individual employee accounts.
- O. Total wages paid each pay period.
- P. Date of payment and the pay period covered by the payment; and
- Q. Basis on which wages are paid in sufficient detail to permit calculation for each pay period of the employee's total remuneration for employment, including fringe benefits.