

**MEMORANDUM**

**REVISION 255, SERIES B**

**TO:** Holders of CSA Rule Books  
**FROM:** CS Board  
**DATE:** November 30, 2004  
**SUBJECT:** Deletion of Personnel Rule 9-62 (f)

The Career Service Board has adopted an amendment to Rule 9-62 deleting subsection f, that was published as Rule Proposal 344B. The effective date of this revision is November 30, 2004.

	<b><u>Page Number</u></b>	<b><u>Effective Dates</u></b>
<b>Remove</b>	9-5 through 9-14	
<b>Replace</b>	9-5 through 9-13	November 30, 2004

**PLEASE INSERT IN YOUR RULE BOOK IMMEDIATELY. THANK YOU.**

## 9-60 Changes in Class

### 9-61 Promotion

(Effective July 30, 2003; Rule Revision Memo 235B)

- (a) A promotion is an appointment of an employee to a classification in which step one of the pay range for the new classification pays a higher rate than step one of the pay range for the employee's current classification.
- (b) Upon promotion an employee shall be paid as follows:
  - 1) General: The employee shall receive a six and nine-tenths percent (6.9%) increase unless doing so would place the employee's pay beyond the highest step of the pay range for the new classification, in which case the pay shall be set at the highest step allocated for the classification. If there is no step in the new pay range that exactly matches the employee's pay with a 6.9% increase, the pay shall be set at the next higher step in the new pay range. In no event shall the new pay be lower than step one of the pay range for the new classification.
  - 2) Exception: Under appropriate circumstances, the provisions of Subsection 9-52 In-Grade Hires may be applied to promotions.
  - 3) Within the short range pay schedule: The employee shall receive a five percent (5%) increase not to exceed the highest step of the pay range for the new classification.

### 9-62 Transfers

- (a) Within a nonexempt schedule or an exempt schedule: Movement from one class to another class shall be treated as a transfer if the first three digits of the pay grades of both the old class and the new class are the same.
- (b) Between nonexempt and exempt pay schedules: Movement from one class to another class in a different pay schedule when either one is in a nonexempt schedule and the other is in an exempt schedule shall be treated as a transfer if the entry rate ("A" step) and the "K" step in the two classes are the same.
- (c) Within other schedules: Movement from one class to another class in the same schedule shall be treated as a transfer if the rate in the new class is the same as the rate in the old class.
- (d) Between classes with sectors and classes without sectors: Movement from one class to another class shall be treated as a transfer if the entry rate in the class with sectors is the same as the rate in the class without sectors.
- (e) Pay: When an employee transfers from one class to another class, he or she shall receive the same pay as before the transfer. If there is no step in the new pay grade which matches the pay received prior to the transfer, the pay shall be set at the closest higher step in the new pay range. In no event shall the new pay exceed the top of the growth sector (the "S" step) in a range in an exempt pay schedule, or the top of the range in any other pay schedule.

## 9-63 Demotion

As used in the following paragraphs, comparisons are made by using the first three digits of the pay grade numbers.

- a) Within the pay schedule: If an employee is appointed to a new class in the same pay schedule, which class has a lower pay grade number than the class previously held, such an appointment shall be considered a demotion.
- b) Between pay schedules: If the entry rate of the pay grade of the new class is lower than the entry rate of the class previously held, the appointment shall be considered a demotion.
- c) Setting pay: (Eff. 1/4/90; Rules Rev. 137B)
  - 1) Voluntarily demoting to a class previously occupied within the preceding five years: An employee who voluntarily demotes to a class previously occupied within the preceding five (5) years or a successor class shall have pay set as if: (Eff. 5/3/90; Rules Rev. 144B)
    - (a) the promotion or promotions had not occurred, and
    - (b) the employee had received "effective" ratings on the performance enhancement plan reports or their equivalents.
  - 2) Voluntarily demoting to a class not previously occupied or to a class previously occupied more than five years earlier: An employee who voluntarily demotes to a class not previously occupied or a class previously occupied more than five (5) years earlier shall have pay set in accordance with Section 9-50 Pay When First Employed. (Effective May 3, 1990; Rules Revision Memo 144B)
  - 3) Demotion in lieu of layoff: When an employee demotes in lieu of layoff, pay shall be maintained at the level received before the demotion, or at the top of the growth sector in a pay range in the exempt schedule (the "S" step) or the top of the grade in any other schedule, whichever is lower. If the level received before the demotion does not correspond to a step in the new pay grade, the closest higher step shall be paid. (Revised 3/19/04, 247B)

## 9-64 Reallocations

(Effective February 25, 2004; Rules Revision Memo 246B)

- A) Subject to the provisions of sub-paragraph 9-64 B), when a position is reallocated to another classification, the incumbent's pay shall be set at a step that is closest to the employee's existing rate of pay without losing pay. If this results in the employee's pay being over the pay range of the new class, the employee's pay shall remain at the employee's existing rate of pay until such time that either
  - 1) the employee changes positions, or

- 2) the pay range of the new class catches up to the employee's rate of pay when the pay range is adjusted.

In no event shall the employee receive less than the entry rate of the pay grade of the new class.

- B) When an employee meets the requirements to progress to a higher class in a current delegated progressive class series and the Career Service Authority Personnel Director or designee approves the progression to the higher classification, the employee's pay shall be set at a step that reflects a 2.25% increase in pay. In no event shall the employee receive less than the entry rate of the pay grade of the new class.

9-65 Reinstatement Appointment or Promotional Reinstatement Appointment  
(Effective September 1, 1989; Rules Revision No. 131B)

Persons receiving reinstatement appointments, either after layoff or after demotion in lieu of layoff, shall be paid at the step previously held of the pay range currently in effect for the class to which reinstated, unless such step would result in a decrease in pay for a current city employee. In the latter case, promotional reinstatement shall be at a rate equal to the employee's present rate of pay. (Revised 3/19/04, 247B)

9-66 Apprentice Appointment  
(Effective April 12, 1990; Rules Revision No. 142B)

Persons receiving apprentice appointments shall be paid in accordance with the following, as appropriate:

- Promotion - Subsection 9-61 Promotion
- Demotion - Subsection 9-63 Demotion
- Transfer - Subsection 9-62 Transfers

This provision shall not be construed as waiving the mandatory promotional probation required of all apprentices.

Section 9-70 Allowance in Kind

The following provisions shall govern allowances in kind furnished employees of the Career Service:

- a) Schedule required: No allowances in kind shall be granted except those listed in official schedules submitted to the Career Service Authority.
- b) Deduction from total pay: Allowances in kind granted to employees shall be deducted from the authorized total pay established by the Classification and Pay Plan.
- c) Amount of deduction: Deductions shall be made in accordance with the established values.

## Section 9-80 Eligibility for General Fringe Benefits

### 9-81 Policy

All Career Service employees are eligible to receive general fringe benefits subject to the provisions in these rules except employees (1) holding positions in classes in the short range pay schedule or (2) holding on-call positions in other classes. (Effective May 1, 1991; Rules Revision Memo 148B)

### 9-82 Prorated Insurance Benefits for Employees in Part Time Positions

- a) Medical health care insurance: An employee in a part-time position shall receive prorated employer contributions to medical health care insurance in accordance with the following work schedule, based on a total maximum scheduled work period of eighty (80) hours:

- 1) Under forty (40) hours - no contribution.
- 2) Forty (40) through fifty-nine (59) hours - half contribution.
- 3) Sixty (60) through seventy nine (79) hours - three quarter (3/4) contribution.

However, an employee in a part-time position shall contribute the balance of the premium cost for participation in the medical health care program in order to receive the employer's contribution.

- b) Life insurance: An employee in a part-time position shall receive life insurance coverage of one and one-half (1-1/2) times salary for regularly scheduled work.

## Section 9-90 Differentials

### 9-91 Shift Incentive Differential

#### A. Eligibility:

Shift incentive differentials shall be paid to eligible employees who work a shift. A shift is a period of work regularly scheduled by an agency or department (FOR EXAMPLE, AN AGENCY MAY HAVE THREE SHIFTS, ONE FROM 7:00 A.M. UNTIL 3:00 P.M., ONE FROM 3:00 P.M. UNTIL 11:00 P.M., AND ONE FROM 11:00 P.M. UNTIL 7:00 A.M.). Employees are eligible for shift incentive differential if they are:

1. Not in a position in the short range or community rate pay schedules; and
2. in a position in a class eligible for overtime; or
3. in an exempt position in a class where overtime is determined to be a prevailing practice in the community; or
4. in an exempt position whose primary duties are the supervision of others, but who has no subordinate supervisors who work regularly scheduled shifts. (6/6/96, 187B; 5/1/91, 148B; 6/10/03, 232B)

B. Effect of paid leave on eligibility:

A shift incentive differential shall not be paid during any period of paid leave such as vacation leave, sick leave, compensatory time off, or holidays.

C. Rate:

1. EVENING RATE: Eligible employees who work shifts that have more than fifty percent (50%) of their hours between 3:00 p.m. and 11:00 p.m. shall be paid seven percent (7%) or seventy-seven cents (\$.77) per hour differential, whichever is greater, for the hours worked during this entire shift.
2. NIGHT RATE: Eligible employees who work shifts that have more than fifty percent (50%) of their hours between 11:00 p.m. and 7:00 a.m. shall be paid twelve percent (12%) or one dollar and seventy cents (\$1.70) per hour differential, whichever is greater, for the hours worked during this entire shift. (6/10/03, 232B)

9-92 Equipment Differential

Equipment Differential shall be paid under the following conditions:

- a) The equipment being operated is on the Career Service Board's approved equipment list for payment of equipment differential.
- b) The employee is temporarily assigned to operate equipment, which is at a higher level classification than the employee's current classification.
- c) Assignment in the higher level class 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.
- d) Employees in on-call positions and in classifications listed in the short-range pay schedule shall be entitled to equipment differential.

The pay shall be ten percent (10%) of the current hourly rate of pay for each hour worked in the next higher level class. The pay shall be fifteen percent (15%) of the current hourly rate of pay for each hour worked in the second higher level class and above.

The total base pay for any pay period, excluding overtime and shift differential, shall not exceed the last step of the higher level class.

9-93 Health Care Differential

Certain health care classifications are eligible for a health care differential. The classes eligible to receive a health care differential are contained on the Career Service Board's approved list of classes.

Health care differential shall be paid under the following conditions:

- A. In addition to the shift differential authorized in paragraph 9-91 a) 1), of these personnel rules, employees on the health care differential list shall be paid at the rate of one dollar and thirty-one cents (\$1.31) per hour for any shift with at least fifty percent of its time between 3:00 p.m. and 10:59 p.m. In addition to the shift differential authorized in paragraph 9-91 a) 1), shifts with at least fifty percent of the time between 11:00 p.m. and 6:59 a.m. shall be paid at the rate of two dollars and fifty cents (\$2.50) per hour for the entire shift.

Any shift with fifty percent of its time between 3:00 p.m. and 10:59 p.m. and fifty percent of its time between 11:00 p.m. and 6:59 a.m. shall receive the health care differential rate of the 11:00 p.m. to 6:59 a.m. shift for the entire shift.

- B. Weekend health care differential: the listed classes shall also receive one dollar and eighty-five cents (\$1.85) per hour for weekend shifts. Any shift with at least fifty percent of its time between 11:00 p.m. Friday and 10:59 p.m. Sunday shall receive the weekend health care differential.

9-94 Standby Pay:

(Renumbered and Revised effective 4/12/04; 248B)

- A) Appointing authorities may schedule overtime eligible employees to be on standby only when there is a reasonable anticipation that the employee will have to respond and perform work immediately. Such 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, all of the following must exist:
- 1) The employee must be overtime eligible and be available by pager, cellular phone, or telephone;
  - 2) Be available to respond to a call and perform work within a designated amount of time not to exceed two hours;
  - 3) Be in a non-impaired condition that allows the employee to safely perform job duty assignments; and
  - 4) Be subject to disciplinary action if he or she does not respond to the call within the designated amount of time.

When an overtime 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 actually performs work.

- C) Call-out Duty: 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 when there is not an expectation for immediate response and/or an immediate requirement to perform work.

## Section 9-100 Market Adjustment

### 9-101 Basis for Market Adjustment

1. The career service board, following a recommendation by the personnel director, may make adjustments in pay practices, including fringe benefits, for reasons listed below:
  - a) To enable the city to attract highly qualified candidates to fill a position(s) within a particular job classification.
  - b) To retain highly qualified employees whose skills, knowledge or abilities contribute to the city's accomplishing its mission.
  - c) To remain a competitive employer in a market where the city competes for highly qualified candidates to fill essential positions.
  - d) When recruitment efforts fail to produce a sufficient pool of highly qualified candidates to fill existing city vacancies.
2. A department or agency head may pay a one-time bonus up to \$1,000 to attract a highly qualified candidate whose skills, knowledge and/or abilities are deemed essential to the mission of the city. The request must be approved by the Personnel Director and the budget and management office prior to extending the bonus offer.
3. A department or agency may pay relocation costs up to \$2,500.00 to attract a highly qualified candidate whose skills; knowledge and/or abilities are deemed essential to the mission of the city. The individual receiving the relocation assistance must serve in the position or stay employed by the city for two (2) years. If the individual voluntarily terminates employment prior to serving two (2) years, he or she must repay part of the relocation pay. The basis for repayment is the equivalent of \$104 for each month of service. The personnel director and the budget and management office must approve relocation pay.

### 9-102 Annual Market Review

On an annual basis as necessary, the personnel director may recommend to the career service board, a list of positions or job classifications, for market adjustment consideration.

### 9-103 Call Back Pay

Overtime eligible employees who have been called by the Appointing Authority or authorized designee, and who have reported back to work shall be paid a minimum amount equal to two (2) hours of work at the employees scheduled rate of pay from the time the employee begins work.

Such employees shall be paid their scheduled rate of pay for any work performed beyond the first two (2) hours.

### 9-104 Retention Pay

1. An appointing authority may make a matching salary offer to an employee who provides a written offer of employment from a prospective employer that is not an

agency of the City and County of Denver. A matching salary offer may be made for the reasons listed below, with approval of the Personnel Director.

- a. To retain an employee whose skills, knowledge or abilities are deemed essential to the mission of the City or a department;
  - b. To avoid recruiting and training costs when those costs clearly exceed the costs of a matching salary offer, as determined by the Personnel Director;
  - c. When turnover rates in a classification suggest that the employee's pay level is less than the current market rate offered to job candidates;
  - d. 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.
2. The Personnel Director will use the guidelines listed below in approving matching salary offers:
- a. A matching salary offer cannot exceed the last or top step in the salary range the employee occupies at the time the offer is extended.
  - b. Departments must fund any salary adjustments authorized by this section from their existing resources.
3. Determination of matching salary offers: The Personnel Director shall determine the basis for calculating matching salary offers. S/he shall use a total compensation approach. That is, s/he must factor, the base salary plus employee benefits the employee will receive at the prospective employer to compare with the City and County of Denver base salary and employee benefit package.
4. The Personnel Director or designee shall verify or confirm all job offers which constitute the basis for a matching salary offer.
5. The Personnel Director shall provide the Career Service Board with quarterly reports on all retention pay approvals.

Section 9-110 Pay for Bilingual Services  
(10/11/01, 219B)

The City serves a significantly large population that is non-English speaking and therefore recognizes that a limited number of employees must be bilingual to effectively perform their duties and serve citizens.

- A. When it is a requirement of the assignment to be bilingual, the Appointing Authority may request a pay adjustment. The CSA Director must approve all requests in advance for the differential pay based on a language skill.
- B. To qualify for the differential pay, the employee's position must require the use of a language skill more than 50% of the time in the performance of the duties of the position.

- C. The pay adjustment shall be a \$.60 per hour differential above the employee's regular pay.
- D. The differential pay shall be provided to frontline service workers who are required to use a language skill to converse with a non-English speaking population for the purpose of providing essential human services. Supervisors, managers and other exempt professional classes do not qualify for the differential pay.
- E. An employee must demonstrate competency in the applicable language prior to assignment to a position that requires bilingual skills. The Career Service Authority will do the assessment under procedures prescribed by the CSA Director.
- F. When an employee changes positions within or outside the classification where the language skill is required or the duties of the position change and the language skills are no longer a predominant part (50%) of the assignment, the differential pay shall cease.
- G. The differential pay does not entitle the employee to a vested right in the position or pay.