

**REVISED CAREER SERVICE RULE REGARDING
CHANGES IN THE SELECTION PROCESS**

PLEASE READ AS SOON AS POSSIBLE

TO: Appointing Authorities, Managers and Employees

FROM: Jeff Dolan, CSA Director

DATE: August 5, 2009

SUBJECT: Addition of Career Service Rule 11-130 Parental Involvement Leave and revision of related rules

The Colorado legislature recently passed the Parental Involvement in K-12 Education Act. This law takes effect on August 5, 2009, and applies to all employers in the state, including the City and County of Denver. In order to comply with this new law, the Career Service Board has approved an addition to Rule 11 that will incorporate its provisions into the Career Service Rules. Here is a brief summary of the provisions of this new rule:

- All full-time Career Service employees are allowed to use up to eighteen hours of parental involvement leave in an academic year. All part-time Career Service employees may use a percentage of this eighteen hour amount proportionate the number of hours they are regularly scheduled to work in a work week.
- Parental involvement leave may be used to attend an 'academic activity' with or for the eligible employee's child.
 - Academic activities mean parent-teacher conferences, and meetings related to special education services, response to intervention, dropout prevention, attendance, truancy or disciplinary issues.
 - An eligible employee's child means a child enrolled in any grade between kindergarten to 12th grade, for whom the eligible employee is parent, legal guardian or acting in the place of a parent.
- Prior notice of the need for parental involvement leave is required except in the case of emergency. Written verification of the meeting from the school or school district is required.
- No more than six hours of parental involvement leave may be used in a one month period. Agencies may limit usage to three hour increments. Agencies may also deny the use of leave under certain circumstances.
- Parental involvement leave is unpaid, but an employee may use paid leave in its place.

MEMORANDUM

REVISION 39 SERIES C

TO: Holders of CSA Rule Books
FROM: Career Service Board
DATE: August 5, 2009
SUBJECT: Revision to Career Service Rules

The Career Service Board has approved the addition of Career Service Rule 11-130 and the revision of several related rules. The effective date of these revisions is August 5, 2009.

	<u>Page Number</u>	<u>Issuance Dates</u>
Remove:	11-1 11-6 11-7 11-7.1	October 10, 2008 October 10, 2008 May 13, 2009 May 13, 2009
Replace	11-1 11-6 11-7 11-7.1 11-18.1 11-18.2	August 5, 2009

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

RULE 11 LEAVE

Purpose statement:

(Effective October 10, 2008; Rules Revision Memo 33C)

The purpose of this rule is to provide guidelines and policies for administering time off through the City's leave programs.

Section 11-10 Definitions

(Effective October 10, 2008; Rules Revision Memo 33C)

A. Leave: Any absence during regularly scheduled work hours. The following types of leave are officially established and shall be in effect unless otherwise provided by ordinance:

1. Vacation and sick;
 - a. Donated sick
 - b. Bereavement
2. Administrative
3. Military
4. Election
5. Court
6. Leave without pay
7. Unauthorized
8. Training
9. Disability
10. Parental involvement (Revised effective August 5, 2009; Rules Rev. Memo 39C)
11. Family Medical Leave ("FML")
12. Holiday

11-24 Granting Vacation Leave

A. Appointing authorities shall grant leave on the basis of the work requirements of the agency after conferring with employees and recognizing their wishes where possible. Preference in the scheduling of vacation time shall be given to employees in order of their total length of continuous employment in the Career Service; provided, however, 1) that an employee who has been reinstated or reemployed following a layoff shall be given credit for the period of continuous employment in the Career Service prior to the layoff, and 2) that before the employee joins the agency, the provisions of this subsection shall not be effective until the next vacation schedule is prepared.

B. Exceeding the Vacation Leave Accumulation Limit:

An appointing authority may not defer an employee's use of vacation leave to the extent that the employee will lose earned vacation leave. If the appointing authority is unable to allow an employee who has accumulated the maximum hours of vacation leave to use any of it because of workload, the Career Service Personnel Director ("Personnel Director") shall approve an emergency request by the appointing authority to exceed the maximum amount. The employee must use the excess over two hundred-eighty-eight (288) hours or three hundred thirty-six (336) hours, whichever applies, within one year of the approval date.

11-25 Reasons for Using Sick Leave

(Revised effective August 5, 2009; Rules Revision Memo 39C)

Sick leave may be used when an employee is incapacitated by sickness or injury; for medical examinations, or treatment; for necessary care and attendance during sickness, or for death, of a member of the employee's immediate family, for qualifying conditions under the Family and Medical Leave Act ("FMLA") and as provided in this Rule 11.

11-26 Donated Sick Leave

(Effective May 13, 2009; Rules Revision Memo 37C)

- A. Donor requirements: A Career Service employee may donate sick leave to another Career Service employee provided that the employee donating sick leave:
1. Has been earning sick leave from the City continuously for the last five years; and
 2. Retains a sick leave balance of at least two hundred forty (240) hours after the donation.
- B. Recipient requirements:
1. Before an employee can receive donations of sick leave, the employee (or the employee's representative) must provide notice to the Department of Finance that the employee anticipates a need for donated sick leave. Such notice shall estimate how much donated sick leave the employee expects to use in the current calendar year. Should the employee need more donated leave beyond the original estimate, the employee shall provide notice of this to the Department of Finance before the employee can receive additional donations.
 2. In order to use donated sick leave, an employee must:
(Revised effective August 5, 2009; Rules Revision Memo 39C)
 - a. Have exhausted his or her accumulated compensatory time, sick leave and vacation leave, be absent from work and;
 - i. Receiving disability leave, or temporary disability benefits under the provisions of the Workers' Compensation Act. In either of these situations, the employee may only use donated sick leave to make up the difference between the employee's base salary, and the total of other paid leave received and the temporary disability benefits the employee is receiving.
 - ii. Receiving FMLA leave;
 - iii. Receiving interactive process leave; or
 - iv. Have received written notice of a pre-disqualification meeting. The employee may use donated sick leave until disqualification occurs or until the end of the period in which a decision on disqualification must be issued, whichever occurs first.

or

- b. Have elected to substitute donated sick leave for unpaid parental involvement leave.
- C. Employees cannot use more than six hundred (600) hours of donated sick leave in a calendar year.
- D.
 - 1. The amount of sick leave to be credited to the recipient's account shall be computed as follows:
 - a. Multiply the number of hours of sick leave being donated by the hourly rate of pay of the donor employee;
 - b. Divide the result by the hourly rate of pay of the recipient; and
 - c. Round the result down to the closest full hour.
 - 2. The computations made in paragraph D.1. shall be reported to the Department of Finance in accordance with procedures to be established by that office.
- E. Recipients of donated sick leave are not entitled to receive pay upon separation for unused donated sick leave. Unused donated sick leave may not be donated to another employee or returned to the donor.
- F.
 - 1. A Career Service employee may donate sick leave to a non-Career Service City employee provided that the donor requirements listed above have been met and that the recipient employee's department or agency and any applicable collective bargaining agreement allows employees to receive donations of sick leave from Career Service employees.
 - 2. A Career Service employee may receive donated sick leave from a non-Career Service City employee provided that the donor employee's department or agency and any applicable collective bargaining agreement allows employees to donate sick leave to Career Service employees and that the recipient requirements listed above have been met.
 - 3. A Career Service employee may donate sick leave to or receive donated sick leave from an employee covered by the Undersheriff pay schedule to the extent permitted by the applicable collective bargaining agreement and provided that the donor or recipient requirements listed above (as applicable to the Career Service employee) have been met.

Section 11-130 Parental Involvement Leave
(Effective August 5, 2009; Rules Revision Memo 39C)

It is the policy of the Career Service Board to provide leave for academic activities as required under the Parental Involvement in K-12 Education Act (C.R.S. §8-13.3-101 et seq.).

A. Definitions

1. Academic activity: Means:
 - a. A parent-teacher conference; or
 - b. A meeting related to any of the following topics;
 1. Special education services;
 2. Response to intervention;
 3. Dropout prevention;
 4. Attendance;
 5. Truancy; or
 6. Disciplinary issues.

School activities not included on the list above, including, but not limited to athletic or artistic events, are not considered to be academic activities for the purposes of this rule.

2. Academic year: Means the period, not to exceed twelve consecutive months, allotted by a school for the completion of one grade level of study.
3. Eligible employee: Includes all Career Service employees.
4. Eligible employee's child: Means a child who is enrolled in a public school, private school, or in a non-public home-based educational program, in any grade between kindergarten and twelfth grade, for whom the eligible employee is parent, legal guardian, or is acting in the place of a parent.

- B. Amount of leave allowed: Eligible employees are entitled to use parental involvement leave in an academic year to attend academic activities for or with the eligible employee's child as follows:
1. Full-time eligible employees are entitled to use eighteen hours of parental involvement leave in an academic year.
 2. Part-time eligible employees are entitled to use a percentage of the eighteen hours of parental involvement leave that corresponds to the percentage of a forty hour work week that they are regularly scheduled to work.
- C. Notification requirements:
1. An employee shall provide the department or agency with notice of the need for leave at least seven calendar days in advance of the academic activity. Such notice shall include written verification from the school or school district of the academic activity.
 2. In the case of an emergency where the employee is not aware of the need for leave seven calendar days in advance, the employee shall provide the department or agency with notice of the leave as soon as possible after becoming aware of the academic activity. Written verification shall be provided upon the employee's return to work.
- D. Limitations on use
1. An employee shall make a reasonable attempt to schedule academic activities outside of regular work hours.
 2. Eligible employees are not entitled to use more than six hours of parental involvement leave in any one-month period. A department or agency may require that parental involvement leave be taken in no longer than three hour increments.
 3. A department or agency may limit the ability of an eligible employee to take parental involvement leave in cases of emergency, or where a person's health or safety may be endangered, or where the absence of the employee would result in a halt of service or production.
- E. Substitution of paid leave: Parental involvement leave is unpaid leave, unless an eligible employee elects to substitute sick leave, donated leave, vacation leave or other accrued paid leave for unpaid parental involvement leave.