

MEMORANDUM

REVISION 49 SERIES C

TO: Holders of CSA Rule Books
FROM: Career Service Board
DATE: September 21, 2010
SUBJECT: Revision to Career Service Rules

The Career Service Board has approved the following revisions to Career Service Rule 9-101 Holiday Compensatory Time for Overtime Exempt Employees and related rules. Under these revisions the Career Service Rules regarding compensation for working on City holidays have been revised and moved to Rule 10 so that all of the rules regarding City holidays are in one place. Additionally, Rule 9-101 Holiday Compensatory Time for Overtime Exempt Employees, has been amended (and moved to Rule 10) as follows:

- Agencies which need an employee to work on an observed holiday can temporarily change the employee's schedule so that the employee takes the holiday on another day during the holiday week.
- Exempt employees who work on a holiday or regular day off during a holiday week are entitled to holiday compensatory time (or straight time overtime) for hours worked on a holiday or regular day off during a holiday week:
 - Unless the employee is already receiving overtime for the hours worked;
 - To the extent that the combination of hours worked and paid leave used during the holiday week exceeds 40 hours;
 - So long as the holiday compensatory time does not exceed the amount of holiday leave the employee would otherwise be entitled to.

	<u>Page Number</u>	<u>Issuance Dates</u>
Remove:	9-13 9-14 9-15 9-19 10-1, 14 through 19	October 10, 2008 December 29, 2009 July 25, 2006 December 29, 2009 December 29, 2009
Replace	9-13, 14, 15, 19 10-1 10-14 through 21	September 21, 2010

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

9-72 Posting of Changes In Work Schedules

(Re-numbered October 10, 2008; Rules 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. The determination of an essential City service shall be at the discretion of the appointing authority (Revised effective September 21, 2010; Rules Revision Memo 49C).
- 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 Pay During City-wide Emergency

(Effective June 8, 2007; Rules Revision Memo 20C: Re-numbered October 10, 2008; Rules Revision Memo 32C)

- 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. Work Interruptions during a Citywide Emergency Declared by the Mayor

In addition to pay for the interrupted work hours, employees who work during the hours of a City-wide emergency declared by the Mayor are eligible for compensation for working during hours attributed to the emergency condition as follows:

- 1. Non-exempt employees shall also receive pay for the actual time they work during the City-wide emergency. For purposes of determining if an employee is entitled to overtime, the work hours interrupted by the City-wide emergency shall be counted as time worked in addition to time actually worked and other amounts, such as paid holidays, periods of paid leave, or any discharge of compensatory time, as provided by the overtime provisions of this rule.

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 Personnel 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 Personnel Director (see Appendix).

Section 9-90 Overtime

9-91 Policy

- 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, subject to the following exceptions:
 1. Non-career employees working for seasonal recreational establishments that do not operate for more than seven months in any calendar year shall be exempt from overtime pay and shall be paid the straight time hourly rate for all hours worked in a work week, including all hours worked in excess of forty (40) hours per week.
 2. Non-career employees whose rates of pay are set by the community rate schedule established by ordinance shall be paid overtime according to that schedule. If the community rate schedule makes no provisions for overtime, such employees shall be paid overtime in accordance with Subsection 9-100.
- B. If a paid holiday, a period of paid leave, or discharge 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 work day 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.

2. How paid: Earned overtime compensation for employees in hourly positions shall be paid in cash.

Section 9-110 Record Keeping

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

- A. Responsibility for maintaining time and compensation records may be vested in the Department of Finance, the CSA, 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 CSA (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.

**RULE 10
PAID LEAVE**

(Effective January 1, 2010; Rules Revision Memo 42C)

Purpose statement:

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

Section 10-10 Definitions

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

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

(Revised effective September 21, 2010; Rule Revision Memo 49C)

B. Immediate family: Husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, domestic partner, and the mother, father, son, daughter, brother, or sister of the domestic partner, as well as minor children for whom the employee or the employee's domestic partner provide day-to-day care and financial support.

SUMMARY OF THE PAID TIME OFF AND SICK AND VACATION ORDINANCES - continued
2. Re-instated employees
<p>Employees who were laid off while receiving paid sick and vacation leave benefits, and are re-instated under the Career Service Rules after December 31, 2009, will be enrolled in the PTO plan unless they elect in writing to continue to receive sick and vacation leave. Such election must be made within thirty (30) days of the effective date of the re-instatement.</p> <p>Source: D.R.M.C. §18-123 (c)</p> <p style="text-align: center;">THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.</p>

10-47 Effect of Re-instatement and Re-employment on PTO and Sick Leave Balance

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

- A. Employees who are enrolled in the PTO plan upon re-instatement may be able to convert sick leave that was lost at the time of lay-off to the special PTO bank. The amount that may be converted is based on the employee's accumulated sick leave at the time of separation. Up to one-half of this amount may be converted to the special PTO bank;
 - 1. So long as the amount converted does not exceed four hundred (400) hours, and
 - 2. After the sick leave the employee was paid for at the time of separation is deducted from this amount.
- B. Employees who elect to receive sick and vacation leave after re-instatement shall have all sick leave that he or she was not paid for at the time of separation restored to the employee's sick leave bank.
- C. An employee who is re-employed while his or her name is on a re-instatement list shall also be entitled to restoration of eligible sick leave under the terms of this subsection.

Section 10-50 Paid Holiday Leave
(Revised effective September 21, 2010; Rule Revision Memo 49C)

SUMMARY OF THE HOLIDAY ORDINANCE
1. Eligibility:
Excluded employees: A. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week; B. Persons occupying or employed in on-call, temporary, or seasonal positions, or positions in which the incumbent is paid according to the community rate schedule; and C. Employees who hold positions in classifications in the Undersheriff pay schedules. Source: D.R.M.C. §18-141
2. Paid holidays
A. New Year's Day (January 1); B. Martin Luther King Day (third Monday in January); C. Washington's Birthday (third Monday in February); D. Cesar Chavez Day (last Monday in March); E. Memorial Day (last Monday in May); F. Independence Day (July 4); G. Labor Day (first Monday in September); H. Veterans' Day (November 11); I. Thanksgiving Day (fourth Thursday in November); J. Christmas Day (December 25); K. Personal holiday (one (1) personal holiday on a date agreed upon by the employee and the City to be used within the calendar year). Source: D.R.M.C. §18-142
THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.

SUMMARY OF THE HOLIDAY ORDINANCE - continued
3. Observation of holiday
<p>A. If any of the holidays listed above falls on a Sunday, then the following Monday shall be considered as the holiday. If any of the holidays listed above falls on a Saturday, then the preceding Friday shall be considered as the holiday.</p> <p>B. An employee may be required to work on a holiday in order to maintain essential services to the public.</p> <p>Source: D.R.M.C. §18-143</p> <p style="text-align: center;">THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.</p>

10-51 Amount of Paid Holiday Leave Received

- A. An eligible full-time employee shall receive eight (8) hours of paid holiday leave in a week in which a holiday occurs.
- B. An eligible part-time employee regularly scheduled to work at least twenty (20) hours per week shall receive paid holiday leave as follows:
 - 1. An employee who is regularly scheduled to work from twenty (20) to twenty-nine (29) hours per week shall receive four (4) hours of paid holiday leave.
 - 2. An employee who is regularly scheduled to work from thirty (30) to thirty-nine (39) hours per week shall receive six (6) hours of paid holiday leave.

10-52 Observing Holidays

- A. When a holiday falls on an employee's regular day off, it shall be observed as follows:
 - 1. If the holiday falls on the first day off, it shall be observed on the preceding workday.
 - 2. If the holiday falls on the second or third regular day off, it shall be observed on the next workday.
- B. Appointing authorities who require an employee to work on an observed holiday may schedule the employee's paid holiday leave to be taken on another day during that holiday week as long as the employee is provided with adequate notice of this change in advance of the holiday week.

10-53 Eligibility for Paid Holiday Leave

- A. Unless otherwise provided in Rule 11 **UNPAID AND EXTENDED LEAVE**, an eligible employee must be at work or on an authorized, paid leave on the scheduled workdays immediately preceding and immediately following the day on which the holiday is observed in order to receive paid holiday leave.
- B. Religious or other holidays not observed by the City may be granted in accordance with the rules governing paid and unpaid leave.

10-54 Holiday Pay for Employees on Special Work Schedules

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

- A. Hours may be deducted from the employee's administrative leave granted for exemplary performance, earned compensatory time, earned paid time off, or earned vacation leave;
- B. The employee may work additional hours within the work week; or
- C. The employee may take the hours as unpaid leave.

10-55 Compensation for Hours Worked in a Holiday Week

- A. In a week in which a holiday occurs, full-time employees receive eight hours of holiday leave and are expected to work (or use leave) for the remaining thirty-two (32) hours. Part-time employees are expected to work (or use leave) during the time left after the employee's paid holiday leave is deducted from the hours they are normally expected to work in a week.
- B. In addition, employees in classifications in exempt pay schedules shall receive straight time holiday compensatory time for the hours the employee actually works:
 - 1. a. On the day the employee is scheduled to observe the holiday that week, or
 - b. On any of his or her scheduled days off in a week when a holiday occurs; and

The employee is not entitled, under Rule 9 **PAY ADMINISTRATION**, to receive overtime for working on the holiday or regularly scheduled day off in that holiday week.

2. In no event shall an employee receive more hours of holiday compensatory time than the employee would have been entitled to receive as paid holiday leave in a holiday week.
3. Employees shall only receive holiday compensatory time to the extent that the combination of hours worked and paid leave used (including paid holiday leave) during a holiday week exceeds forty (40) hours.
4. At the discretion of the appointing authority, straight time pay may be substituted for the holiday compensatory time. Holiday compensatory time may be taken at any time mutually convenient to the employee and the appointing authority. However, all accrued holiday compensatory time shall be used by March 31st of each calendar year or paid out in cash by the final pay period of April of that year.

10-56 Appointment or separation on a holiday

The appointment or separation of an employee shall not be effective on a holiday unless it is a scheduled workday for the employee.

Section 10-60 Other Paid Leave

(Re-numbered September 21, 2010; Rules Revision Memo 49C)

10-61 Paid Military Leave

- A. All probationary and career status employees in the Career Service shall be eligible for up to fifteen (15) days, but not to exceed one hundred twenty (120) hours of paid military leave each calendar year for the time the employee is engaged in military training or service.
- B. Notification Requirement: Employees engaged in military service or training requiring military leave shall provide notice in advance to their appointing authority, when possible. If the employee is unable to provide advance notice because of military necessity, the employee may give notice after starting duty.
- C. Employees who continue in military service beyond the time for which paid military leave is allowed shall be placed on unpaid military leave, which is covered by Rule 11 **UNPAID AND EXTENDED LEAVE**.

10-62 Election Leave

Employees who are eligible to vote in an election are entitled to use up to two (2) hours of paid election leave for the purpose of voting during the time the polls are open, if an employee's work hours on the day of an election are such that there are less than three (3) hours between the time of opening and the time of closing of the polls during which the employee is not required to be on the job. Employees must request and receive approval for the leave prior to the election day. The appointing authority may specify the hours during which the employee may be absent, except that the employee shall be allowed to take the election leave at the beginning or end of the work shift if requested. (Source: C.R.S. §1-7-102).

10-63 Court Leave

- A. An employee shall be granted paid court leave during time the employee is regularly scheduled to work, if the employee is:
 - 1. Required to serve as a juror in a court of law;
 - 2. Subpoenaed to testify in court of law or administrative proceeding concerning matters arising out of the course of his or her employment; or
 - 3. Requested to serve as a witness in a court of law or administrative proceeding by his or her appointing authority or other authorized person to represent the City's interest in the legal proceedings.
- B. Court leave is intended only to apply to those time periods when the employee is needed for court service and for reasonable travel time between court and work.
- C. In order to receive court leave, an employee who is called for jury duty or to serve as a witness shall present the original summons or subpoena from the court to his or her supervisor and, at the conclusion of such duty, a signed statement from the Clerk of the Court or other evidence showing the actual time of attendance at court.
- D. Fees received for jury service in a Federal, State, or Municipal court shall be in addition to, and irrespective of, an employee's regular salary.

10-64 Investigatory Leave

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

10-65 Training Leave

- A. Appointing authorities may grant paid training leave. Any training program for which such leave is granted must be job-related, which includes career development training that will prepare the employee for advancement with the City.
- B. Appointing authorities may grant training leave for the purpose of attending institutes, seminars, or educational courses related to an employee's work for extended periods of time, at the appointing authority's discretion.
- C. Appointing authorities shall allow trainees or interns to arrange their work schedule if they need to attend classes during normal working hours. Trainees or interns are not entitled to training leave while attending classes for the degree or certificate program they are required to complete during their trainee or intern probationary period.
- D. Use of training leave by employees shall be arranged whenever possible during regularly scheduled work hours. Appointing authorities who require attendance at training activities during off-duty hours that are designed to increase the competencies, knowledge, skills and abilities of employees for the position which they presently occupy shall temporarily change the affected employee's standard work hours to include the training schedule. Employees who are required to attend such training during off-duty hours shall be granted paid training leave for the time spent in training.
- E. For the purposes of this subsection, on-line training courses shall be treated the same as classroom training sessions.
- F. Employees must present proof of attendance at any training for which they are authorized to receive training leave.

10-66 Compensatory Time

Compensatory time earned under the provisions of Rule 9 **PAY ADMINISTRATION** may be taken at any time mutually convenient to the employee and the appointing authority. However, all accrued compensatory time shall be used by March 31st of each calendar year or paid out in cash by the final pay period of April of that year.

10-67 Administrative Leave

- A. Appointing authorities shall grant paid administrative leave for the following purposes:
1. To present grievances or appeals to an official of the City or to represent an employee presenting a grievance or an appeal. However, if flexibility exists as to the exact date and time, the leave shall be granted at the convenience of the appointing authority;
 2. To participate in the Career Service Authority alternative dispute resolution program. Administrative leave shall be granted to employees who participate in mediation either as a party or as the mediator and to an employee who attends mediator training; or
 3. To represent another City employee at meetings with that employee's supervisor or manager, as set forth in Rule 15 **CODE OF CONDUCT**. The representative shall be allowed to take up to a maximum of four (4) hours of administrative leave per pay period so long as the use of such leave does not adversely affect the representative's department or agency and has been approved in advance.
- B. Appointing authorities may grant paid administrative leave for the following purposes:
1. To compete for positions in the Career Service, including all related interviews and examinations;
 2. To reward exemplary performance, such as Employee of the Quarter, Employee of the Year, or if the appointing authority wishes to recognize an employee's outstanding contribution to the agency. The appointing authority may grant, and an employee may use up to twenty (20) hours of administrative leave per calendar year for exemplary performance; or
 3. When the appointing authority deems there is a business necessity, for a maximum of ten (10) calendar days per calendar year. The appointing authority may request an extension of up to twenty (20) calendar days from the Personnel Director. The Personnel Director may approve the request for an extension for good cause shown.
- Granting or failing to grant administrative leave under this subsection B shall not be subject to grievance or appeal.
- C. Approved administrative leave shall not affect eligibility for a merit increase or merit payment.

10-68 Occasional Time Off

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