

**REVISION OF CAREER SERVICE RULE 11-120 DISABILITY LEAVE  
AND RELATED RULES**

**PLEASE READ AS SOON AS POSSIBLE**

**TO:** Appointing Authorities, Managers and Employees

**FROM:** Pete Garritt, HR Supervisor, Employee Relations and Records

**DATE:** June 11, 2012

**SUBJECT:** Revision of Career Service Rule 11-120 Disability Leave and related rules

This rule revision contains the following changes:

- Divides the rule into two parts; one dealing with disability leave (the first 90 days of a work-related injury, governed by City ordinance), and the other dealing with Workers' Compensation leave (which commences after disability leave ends);
- Employees on Workers' Compensation leave can only use paid leave to make up the difference between 80% of their base salary and the amount paid as temporary disability benefits (instead of the ability to use paid leave to pay entire salary regardless of temporary disability benefits as currently permitted in the rule). Employees on disability leave are not permitted to use other paid leave.
- Quotations and paraphrases of the Disability Leave Ordinance have been removed from the rule. A copy of the Disability Leave Ordinance will be attached as an appendix to Rule 11.
- Agencies will be required to place employees on disability leave or Workers' Compensation leave on FMLA leave at the same time if the requirements of the FMLA are met.
- The Rule now explains how employees on Workers' Compensation leave are treated with regard to leave accruals, paid holidays and payment of insurance premiums.
- Work absences caused by medical examinations or treatments related to an employee's Workers' Compensation claim will be treated as time worked

**MEMORANDUM**

**REVISION 63 SERIES C**

**TO:** Holders of CSA Rule Books

**FROM:** Career Service Board

**DATE:** June 11, 2012

**SUBJECT:** Revision of Career Service Rule 11-120 Disability Leave and related rules

	<b><u>Page Number</u></b>	<b><u>Issuance Dates</u></b>
<b>Remove:</b>	10-4 and 10-5 10-8 11-1 11-9 through 11-17 11.A.-1	December 29, 2009 May 7, 2012 December 29, 2009 December 29, 2009 March 16, 2012
<b>Replace:</b>	10-4, 5 and 5.1 10-8 and 10-8.1 11-1, 1.1, 1.2 11-9 through 11-15 11.A.-1 and 2 11.B.-1	June 11, 2012

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

10-21 Partial Leave Accruals

Full-time employees, eligible to earn PTO:

- A. Who begin employment with the City after the first day of a month; or
- B. Who separate from employment with the City before the last day of a month

Shall earn PTO in that particular month according to the following pro-ration schedule:

<b>Hrs. worked (including pd. lv) in the month</b>	<b>Years of service</b>				
	<b>≤ 0.5</b>	<b>0.5 &lt; 5</b>	<b>5 &lt; 10</b>	<b>10 &lt; 15</b>	<b>≥15</b>
<b>0-39</b>	0	0	0	0	0
<b>40-79</b>	2.5	3	3.75	4.5	4.75
<b>80-119</b>	5	6	7.5	9	9.5
<b>120-139</b>	7.5	9	11.25	13.5	14.25
<b>&gt;140</b>	10	12	15	18	19

**PTO hours earned**

10-22 Situations Where Approval of PTO Use is not Required  
(Revised effective June 11, 2012; Rules Revision Memo 63C)

- A. An employee may use PTO without requesting the approval of the employee's appointing authority when the employee is incapacitated by sickness or injury; for necessary care and attendance during sickness of a member of the employee's immediate family, and for qualifying conditions under the Family and Medical Leave Act ("FMLA"). Such use shall be subject to reporting and investigation requirements set forth in this Rule 10.
- B. Absences from work because of authorized medical examinations or treatment related to an occupational injury or occupational disease arising out of and within the course and scope of employment with the City for which the City has admitted liability or has agreed to permit medical treatment while investigating the claim shall be treated as time worked. The employee shall make a reasonable effort to schedule the examination or treatment so as not to unduly disrupt the operations of the department or agency.

#### 10-23 All Other PTO Uses

- A. All other uses of PTO require the approval of the employee's appointing authority.
- B. Appointing authorities shall approve such requests to use PTO 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 pre-approved PTO shall be given to employees in order of their total length of continuous employment in the Career Service; provided, however, that an employee who has been re-instated or re-employed following a lay-off shall be given credit for the period of continuous employment in the Career Service prior to the lay-off.
- C. Exceeding the PTO Accumulation Limit:

An appointing authority may not defer an employee's use of PTO to the extent that the employee will lose earned PTO. If the appointing authority is unable to allow an employee who has accumulated the maximum hours of PTO to use any of those hours because of workload, the appointing authority shall submit and the Personnel Director shall approve an emergency request to exceed the maximum amount. The employee must use the excess over four hundred (400) hours in the employee's PTO bank within one year of the approval date.

<b>SUMMARY OF THE PAID TIME OFF ORDINANCE -continued</b>
<b>5. Bereavement leave</b>
<p>Employees who receive PTO benefits shall be entitled to use up to forty (40) hours of paid bereavement leave because of the death of a member of the employee's immediate family. This forty (40) hours of bereavement leave shall not count against the employee's PTO bank.</p> <p><b>Source: D.R.M.C. §18-128</b></p> <p style="text-align: center;"><b>THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES</b></p>

10-24 Bereavement Leave

An appointing authority may, in addition to the forty (40) hours of bereavement leave permitted by ordinance, grant additional PTO, or may allow an employee receiving PTO to use other paid or unpaid leave because of unusual circumstances connected with the death of a member of the employee's immediate family.

<b>SUMMARY OF THE PAID TIME OFF ORDINANCE -continued</b>
<b>6. Effect of separation on PTO balance</b>
<p>Upon separation from the City, an employee shall be paid at his or her regular rate of pay for the unused portion of his or her accumulated PTO.</p> <p><b>Source: D.R.M.C. §18-127 (b)</b></p> <p style="text-align: center;"><b>THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES</b></p>

10-33 Using Sick Leave

(Revised effective June 11, 2012; Rules Revision Memo 63C)

- A. 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 FMLA and as otherwise provided in these rules.
- B. Absences from work because of authorized medical examinations or treatment related to an occupational injury or occupational disease arising out of and within the course and scope of employment with the City for which the City has admitted liability or has agreed to permit medical treatment while investigating the claim shall be treated as time worked. The employee shall make a reasonable effort to schedule the examination or treatment so as not to unduly disrupt the operations of the department or agency.

<b>SUMMARY OF SICK AND VACATION LEAVE ORDINANCES -continued</b>
<b>4. Granting vacation leave</b>
Vacation leave shall be taken at a time convenient to the appointing authority, provided that, every eligible employee shall be granted vacation leave during each twelve (12) month period of employment except where a deferment, not to exceed an additional twelve (12) months, is required for the good of the service.
<b>Source: D.R.M.C. §18-132 (b)(2)</b>
<b>THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.</b>

#### 10-34 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, 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.

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 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.

**RULE 11**  
**UNPAID AND EXTENDED LEAVE**  
(Revised effective January 1, 2010; Rules Revision Memo 42C)

Purpose statement:

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

Section 11-10 Leave Defined

(Revised effective June 11, 2012; Rules Revision Memo 63C)

Leave is defined as any absence during regularly scheduled work hours. The following types of unpaid and extended leave are officially established and shall be in effect unless otherwise provided by ordinance:

- A. Military;
- B. Disability leave and Workers' Compensation leave;
- C. Leave without pay;
- D. Unauthorized;
- 5. Parental involvement;
- E. Family Medical Leave ("FMLA").

Section 11-15 Designees

Appointing authorities, including the Career Service Personnel Director ("Personnel Director"), may delegate any authority given to them under this rule to a subordinate employee.

(Sections 11-20 through 11-30 reserved for future use)

Section 11-40 Disability Leave and Workers' Compensation Leave  
(Revised effective June 11, 2012; Rules Revision Memo 63C)

11-41 Disability Leave

- A. The City provides paid disability leave amounting to eighty percent (80%) of an employee's gross salary for up to ninety (90) consecutive calendar days from the date of injury for each occupational injury or occupational disease arising out of and within the course and scope of employment with the City (see Disability Leave Ordinance, attached as Appendix A).
- B. An employee on disability leave shall not be permitted to use other available paid leave concurrently with the disability leave.

11- 42 Workers' Compensation Leave

- A. An employee who remains unable to return to work after the disability leave allowed by the Denver Revised Municipal Code expires, and is receiving temporary disability benefits under the provisions of the Workers' Compensation Act of Colorado, as amended, Title 8, Articles 40-47, C.R.S. ("the Act"), will be permitted to use Workers' Compensation leave for absences from work resulting from the employee's occupational injury or occupational disease arising out of and within the course and scope of employment with the City, until it is determined that the employee is no longer eligible to receive temporary disability benefits pursuant to the Act.
- B. Workers' Compensation leave is unpaid leave, except to the extent an employee elects to use available paid leave to make up the difference between eighty percent (80%) of the employee's gross salary and the temporary disability benefits the employee receives under the provisions of the Act.

11-43 Applicability of Family Medical Leave Act

- A. The department or agency shall designate an employee's disability leave and/or Workers' Compensation leave as FMLA leave if the requirements of the applicable Career Service and Federal statutes and regulations are met.
- B. If an employee's disability leave and/or Workers' Compensation leave is also designated as FMLA leave, the disability leave and/or Workers' Compensation leave shall run concurrently with the FMLA leave.

#### 11-44 Maintenance of Benefits

An employee who is absent from work on disability leave or Workers' Compensation leave is:

- A. Eligible to earn PTO, or sick and vacation leave as provided in section 11-80 of this Rule 11;
- B. Eligible to receive paid holiday leave for holidays observed during the period of disability and/or Workers' Compensation leave as provided in Rule 10 **PAID LEAVE**;
- C. Eligible to have the City continue paying its share of the employee's medical, dental, and life insurance premiums during the period of disability and/or Workers' Compensation leave, so long as the employee continues to pay his or her share of the insurance premiums.

#### 11-45 Termination of Disability Leave or Workers' Compensation Leave Eligibility

- A. Employees who are no longer eligible for temporary benefits under the Act are not eligible to continue receiving disability leave or Workers' Compensation leave.
- B. If the employee's permanent restrictions prohibit the employee from returning to work full-time and/or full-duty after having reached Maximum Medical Improvement, the appointing authority shall initiate the interactive process as provided in Rule 5 **APPOINTMENTS AND STATUS**, within twenty (20) days of the expiration of the employee's eligibility for disability leave or Workers' Compensation leave, unless the employee is also on FMLA leave.

## Section 11-90 Unauthorized Absence for Non-exempt Employees

- A. Non-exempt employees: A non-exempt employee who is absent from duty without approval shall receive no pay for the duration of the absence. Such denial of pay shall not affect the right of the City or any of its agencies to invoke any form of disciplinary action which it deems appropriate, up to and including dismissal.
- B. Exempt employees: Subject to the exceptions provided below, an employee need not be paid for any work week in which he or she performs no work.
1. The pay of exempt employees shall be reduced, on an hourly basis, for absences of less than a day when the absence is due to sickness or personal reasons, and
    - a. The employee did not request leave; or
    - b. A request for leave was denied; or
    - c. The employee has no available leave; or
    - d. The employee requested, and was granted, leave without pay.
  2. Exempt employees may be allowed occasional time off with pay to attend to personal affairs, at the discretion of the appointing authority.

(Sections 11-100 through 11-120 reserved for future use)

## Section 11-130 Parental Involvement Leave

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 (12) 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 (18) hours of parental involvement leave in an academic year.
  2. Part-time eligible employees are entitled to use a percentage of the eighteen (18) hours of parental involvement leave that corresponds to the percentage of a forty (40) 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 (7) 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 (7) 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 (6) 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 (3) 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 PTO, sick leave, donated leave, vacation leave or other accrued paid leave for unpaid parental involvement leave.

(Section 11-140 reserved for future use)

## Section 11-150 Family & Medical Leave Act Policy

It is the policy of the Career Service Board to provide leave under the Family & Medical Leave Act of 1993 ("FMLA") to eligible employees. The purpose of FMLA leave is to provide up to twelve weeks of job-protected leave in a twelve-month period to eligible employees for specified immediate family and medical reasons. This rule is intended to comply with and be interpreted consistent with the FMLA and its corresponding regulations. To the extent an issue is not addressed herein, the FMLA and its corresponding regulations shall govern.

### 11-151 When Leave Under the Family & Medical Leave Act May be Used

FMLA leave shall only be available:

- A. For the birth and care of a newborn child of the employee (including a newborn child born into a domestic partnership);
- B. For placement with the employee or the employee's domestic partner of a child for adoption, foster care or legal guardianship;
- C. To care for an employee's immediate family member with a serious health condition; or
- D. To take leave when the employee is unable to perform the functions of the employee's job because of a serious health condition.

### 11-152 Eligibility for FMLA leave

Any employee who has been employed by the City for at least twelve (12) months and who has worked at least twelve hundred and fifty (1,250) hours in the twelve (12) months preceding the beginning of the leave shall be eligible for FMLA leave.

### 11-153 Requesting FMLA leave

- A. An employee may expressly request FMLA leave, or may merely state that he or she needs leave for a reason which the appointing authority knows is a qualifying reason for FMLA leave. In either instance, the appointing authority shall notify the employee that the leave may qualify as FMLA leave and request and provide information in accordance with this rule.
- B. In any situation where the need for FMLA leave is foreseeable, an employee shall provide thirty (30) days' notice or such notice as is practicable.
- C. In any situation where the need for FMLA leave is not foreseeable, the employee shall provide such notice as is practicable. Such notice may be provided by the employee or the employee's spokesperson if the employee is unable to do so personally. The employee or the employee's spokesperson will provide more information as required by the appointing authority when it can be readily accomplished as a practical matter.

- D. An employee requesting FMLA leave must provide to the appointing authority all information necessary to determine if such leave is appropriate, including:
1. The reasons for the leave so as to allow the appointing authority to determine if the conditions identified in 11-151 have been met.
  2. The anticipated start of the leave.
  3. The anticipated duration of the leave.
  4. Whether or not the employee has a spouse or domestic partner who is also an employee of the City and County of Denver.
  5. A health care provider certification on a form provided by the appointing authority consistent with the FMLA.

Information provided to the appointing authority regarding an employee's FMLA leave shall be maintained in a confidential file separate from the employee's personnel file.

- E. A request for FMLA leave which does not satisfy the conditions identified in 11-151 may be denied or delayed.
- F. A denial of a request for FMLA leave shall not preclude granting PTO or sick leave if the conditions identified in these rules are met.

11-154 Use of FMLA leave

- A. No more than twelve (12) workweeks of FMLA leave may be used in any twelve (12) month period. The twelve (12) month period shall begin when FMLA leave was first used by an employee.
- B. FMLA leave shall be granted consecutively, intermittently or on a reduced leave schedule, as provided for under the FMLA. Provided, however, if an employee requests FMLA leave intermittently or on a reduced leave schedule after the birth or placement of a child for adoption, foster care or legal guardianship, such leave shall be granted if it is consistent with the reasonable operational necessity of the agency, as determined by the appointing authority.
- C. It is the appointing authority's responsibility to designate qualifying leave as FMLA leave and the appointing authority shall notify the employee of such designation and provide other required information about FMLA leave. An employee may not refuse to allow the appointing authority to designate qualifying leave as FMLA leave.

- D. FMLA leave is unpaid leave, unless an employee elects to substitute available paid leave for unpaid FMLA leave, subject to the limitations in this Rule 11 on the use of paid leave while on disability leave or Workers' Compensation leave (Revised effective June 11, 2012; Rules Revision Memo 63C).
- E. In the case where both spouses or domestic partners are employees, the amount of FMLA leave available shall be determined as follows:
  - 1. When the leave is because of birth, adoption, foster care or legal guardianship of a child, or serious health condition of a member of either employee's immediate family (other than a child, spouse or domestic partner), the FMLA leave available shall be the combined total of twelve (12) weeks of FMLA leave during any twelve (12) month period.
  - 2. When the leave is because of a serious health condition of either or both employees or a child, twelve (12) weeks of FMLA leave may be used by each employee in any twelve (12) month period.

11-155 Secondary employment during FMLA leave

Appointing authorities may deny secondary employment during FMLA leave.

11-156 Investigation of Use of FMLA leave

Appointing authorities may investigate the use of FMLA leave consistent with the FMLA, including by a requiring a second opinion and third opinion, if appropriate.. Misuse of FMLA leave may be cause for disciplinary action up to and including dismissal. An appointing authority may not discipline an employee for appropriate use of FMLA leave.

11-157 Re-assignment

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on the planned medical treatment for the employee or an immediate family member, or if the appointing authority agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption, foster care or legal guardianship, the appointing authority may require the employee to transfer temporarily, during the period the intermittent or reduce leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

11-158 Maintenance of Benefits

- A. It shall be the responsibility of an employee on unpaid FMLA leave to provide that share of payment(s) necessary to maintain health insurance coverage as directed by the appointing authority.

- B. During any FMLA leave, the City must maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

11-159 Return from FMLA Leave

- A. An employee returning from FMLA leave due to his or her own serious health condition shall provide a certification from the employee's health care provider that the employee is able to resume work. An employee further may be required to report periodically on the employee's status and intent to return to work.
- B. An employee returning from FMLA leave shall be returned to the same position the employee held when leave began or to an equivalent position which is defined by the FMLA regulations as a position that is virtually identical to the employee's former position in terms of pay, benefits and working conditions.
- C. An employee need not be reinstated if the employee would not otherwise have been employed at the time reinstatement is requested.
- D. When an employee returning from FMLA leave is not qualified or able to perform the essential functions of the position to which the employee was returned, the employee shall be given a reasonable opportunity in which to become qualified or seek accommodation so long as such accommodation is required by and consistent with the Americans with Disabilities Act ("ADA").
- E. If the employee is unable to return to work at the conclusion of FMLA leave, the appointing authority shall initiate the interactive process as provided in Rule 5 **APPOINTMENTS AND STATUS**, within twenty (20) days of the expiration of the employee's FMLA leave, unless the employee is also on disability leave or Workers' Compensation leave (Revised effective June 11, 2012; Rules Revision Memo 63C).

11-160 Additional information regarding the FMLA

Appointing authorities shall post information and otherwise provide information regarding the FMLA as required by the FMLA. In addition, information may be found on the United States Department of Labor's website, [www.dol.gov](http://www.dol.gov).

**APPENDIX 11.A.  
DENVER REVISED MUNICIPAL CODE  
CHAPTER 18 – EMPLOYEE AND OFFICER PAY AND BENEFITS  
ARTICLE V. – LEAVE AND HOLIDAYS  
DIVISION 4. – DISABILITY LEAVE**

**Sec. 18-151. Definitions.**

The following words and phrases, when used in this division, shall have the meanings respectively ascribed to them:

- (1) *Disability* shall mean physical inability of an eligible employee or appointed Charter officer to perform the duties of the position or any other position within or outside the city due to injury or occupational disease incurred in the course of employment with the city.
- (2) *Disability leave* shall mean the difference between the employee's temporary disability rate as established in the Workers' Compensation Act of Colorado, Title 8, Articles 40 - 47, C.R.S., as amended, ("the Act") and eighty (80) percent of his/her gross salary.
- (3) *Eligible employees and charter officers* shall mean any persons occupying either full-time or part-time positions in the employ of the city or any of the departments thereof, and officers as defined in section 9.2.1 of the charter, with the exception of the following:
  - a. Members of the classified service of the police and fire departments;
  - b. Certain trainees as defined in the career service rules;
  - c. Persons occupying or employed in on-call, temporary, seasonal, or contract positions, or positions in which the incumbent is paid according to the community rate schedule; and
  - d. Employees in the deputy sheriff classifications.
- (5) *Temporary disability benefits* shall mean the disability indemnity payable as wages to an eligible employee or appointed Charter officer under the provisions of the Workers' Compensation Act for the duration of the temporary total or partial disability.

This Appendix is provided for informational purposes and is not considered a part of the Rules.

**Sec. 18-152. Disability leave allowance.**

Subject to the following provisions, eligible employees and appointed Charter officers shall be granted disability leave with pay for a period not to exceed ninety (90) consecutive calendar days for each occupational injury or occupational disease:

- (1) Disability leave shall begin with the first day of disability provided, however, that disability leave shall be granted only if:
  - a. A claim for temporary disability benefits has been allowed without a penalty for failure to use a safety device, failure to follow a safety rule, injury because of intoxication, or other penalty as may be provided by law; and
  - b. The disability continues for more than three (3) shift periods.
- (2) Every employee who sustains an injury shall immediately notify their supervisor of the injury and shall provide written notice to the supervisor within four (4) days of its occurrence, unless the employee shall be physically or mentally unable to do so, or unless the foreman, superintendent, manager or other person in charge shall have actual notice of the injury. If the employee shall fail to report the injury, the employee shall lose one (1) day's disability leave for each day's failure to so report. If anyone shall report the accident for the injured employee within the time above specified, then the injured employee shall be relieved from reporting the accident.
- (3) If the disability extends beyond the date of mandatory retirement of an eligible employee or appointed Charter officer, such date shall terminate the disability leave with pay.

**Sec. 18-153. Career service rules.**

The career service rules shall include provisions implementing this division relating to disability leave.

This Appendix is provided for informational purposes and is not considered a part of the Rules.

**APPENDIX 11.B.**  
**DENVER REVISED MUNICIPAL CODE**  
**Sec. 18-164. Military pay differential.**

- (a) Employees in the career service and members of the classified service of the police and fire departments called to active military duty in time of war or national emergency are eligible for a military pay differential.
- (b) The military pay differential is a benefit and not an entitlement, and applies only to employees in the career service and members of the classified service of the police and fire departments who are uniformed service members and who are called to active duty with written orders for military service exceeding one hundred seventy-nine (179) days in time of war or national emergency, and who are actually engaged in active military duty after December 31, 2005. A uniformed service member is defined as any member of the Army, Navy, Marines, Air Force, Coast Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve, Army National Guard and the Air National Guard.
- (c) The military pay differential shall consist of the difference between the total compensation received by the employee while engaged in active military service and the amount of base salary the employee would have earned from the city had the employee not been called to active duty. In no event shall the military pay differential, coupled with the employee's military compensation, exceed the base salary the employee would have received had the employee not been called to active duty and remained in his or her position of employment with the city.
- (d) The manager of safety and the career service board shall establish written policies and procedures for administration of the military pay differential. The city attorney shall approve these policies and procedures prior to implementation.
- (e) This section 18-164 is automatically repealed at 11:59 p.m. on December 31, 2012.