

MEMORANDUM

RULE REVISION 66D

TO: Holders of Career Service Rule Books

FROM: Career Service Board

DATE: April 9, 2021

SUBJECT: Revisions to Career Service Rules 2, 3, 5, 7, 9, 10, 12 and 13

Career Service Rules 2, 3, 5, 7, 9, 10, 12 and 13 were revised on April 1, 2021. Please replace all the pages in your books for the rule as soon as possible. Thank you.

<u>Page Numbers to Remove</u>	<u>Page Numbers to Insert</u>
Page 2-5 CSR 2	Page 2-5 CSR 2 Page issuance date: April 9, 2021
Page 3-9 CSR 3	Page 3-9 CSR 3 Page issuance date: April 9, 2021
Page 5-10 CSR 5	Page 5-10 CSR 5 Page issuance date: April 9, 2021
All Pages (7-1 through 7.B-1) CSR 7	All Pages (7-1 through 7.B-1) CSR 7 Pages issuance date: April 9, 2021
All Pages (9-1 through 9.B-1) CSR 9	All Pages (9-1 through 9.B-1) CSR 9 Pages issuance date: April 9, 2021
Pages 10-2, 10-12 and 10-18 CSR 10	Pages 10-2, 10-12 and 10-18 CSR 10 Pages issuance date: April 9, 2021
Page 12-6 CSR 12	Page 12-6 CSR 12 Page issuance date: April 9, 2021
Page 13-1 CSR 13	Page 13-1 CSR 13 Page issuance date: April 9, 2021

2. The proposed rule change shall be posted on the same bulletin boards as the local, state, and federal-mandated posters, as well as the Career Service Board's internet page, and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule change and the reason(s) for the proposed change shall be posted with the proposed rule change.
3. A final proposed rule change shall be posted with the Board Agenda for the meeting in which the public hearing will be held.
4. A public hearing on the proposed rule change shall be held by the Board.
5. The Board shall accept, reject or modify the proposed rule change. If the Board modifies a proposed rule change, the Board need not re-post the rule for public comment unless the Board, in its own discretion, determines that reposting is necessary.
6. When a rule is adopted, amended or repealed by the Board, such rule shall be published and made available to appointing authorities, employees and the public as promptly as possible.
7. The effective date of the rule change shall not be more than thirty (30) days after the date of adoption, amendment or repeal by the Board unless another date is designated by the Board.
8. The following changes to the Rules may be made by the OHR Executive Director without following the above-stated procedure: re-numeration; spelling and typographical error corrections; and revision and updating of internal references, appendices, and/or table of contents. Such changes may be published as administrative changes without the approval of the Board.

Section 2-30 Public Hearings by the Board

2-31 Types of Public Hearings

- A. Mandatory Public Hearings: The Board shall hold a public hearing on the following:

1. Proposed changes to the classification and pay plan, including changes resulting from annual market analysis recommendations, subject to the exceptions for interim adjustments in Rule 7-21 subsection D;

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

3. Trades apprentices who meet the minimum qualifications of the applicable trade's classification specification and have successfully completed the required apprenticeship program requirements (as documented by the employee's department or agency and verified by the OHR) may be promoted into the applicable trade.
 4. Employees in the Deputy Sheriff pay table classifications who are appointed to Deputy Sheriff Major and Deputy Sheriff Division Chief jobs after May 31, 2014. (Revised April 9, 2021; Rule Revision Memo 66D)
- B. If the candidate is a current or former City employee, the Agency Hiring Authority and/or Agency Hiring Manager should work with the OHR to review the employee's past performance after completion of the interviews and before a conditional offer of employment is made. The Agency Hiring Authority and/or Agency Hiring Manager should contact the employee's current supervisor for a reference, and (if a former City employee) review the employee's official personnel records. This requirement does not apply to candidates being re-assigned under the ADA.
- C. Work Visas – Eligibility of Foreign Nationals to Work in the Career Service System:
1. The City and County of Denver does not provide any employment based non-immigrant or immigrant visa sponsorship.
 2. Subject to pre-approval by the OHR Executive Director, an exception may be granted to an appointing authority to sponsor a work visa for a foreign national.
 3. No manager has the authority to represent, promise, or commit to an employee or applicant that the City will sponsor or finance any portion of the visa application process.

3-52 Re-instatement After Layoff

Employees or former employees who have been laid off within the past twelve (12) months shall be re-instated to the job classification within the layoff unit from which they were terminated in accordance with Rule 14 **SEPARATION OTHER THAN DISMISSAL**.

Section 3-60 Extending a Conditional Job Offer to a Candidate

An offer of employment is contingent on the verification of credentials and other information required by law and City policies, including the successful completion of a background check. Candidates must pass a criminal background check and other verifications required for the position which may include, but are not limited to, employment and/or education verification, motor vehicle record check, drug test, and/or physical.

For more information on compensation, including Recruitment Premium and Relocation Premium, please refer to Rule 9 **PAY ADMINISTRATION**.

5-36 Senior Command Staff Status

- A. Every employee in a position in a classification in the Deputy Sheriff pay table who is appointed to a position in the Deputy Sheriff Major or Deputy Sheriff Division Chief classifications after May 31, 2014 shall hold Senior Command Staff status for the duration of the appointment and shall not serve a probationary period. However, such employee shall retain career status attained in his or her former classification and be entitled to return to a position in that classification when the employee's Senior Command Staff status ends. (Revised April 9, 2021; Rule Revision Memo 66D)
- B. An employee in Senior Command Staff status retains the rights, privileges, and benefits the employee had by virtue of his or her status prior to the appointment, except that the employee:
 - 1. May be returned to a position in his or her former classification at any time. Upon returning, the employee shall receive the same rate of pay he or she was receiving prior to his or her appointment to a position in the Deputy Sheriff Major or Deputy Sheriff Division Chief classifications (Senior Command Staff position), after taking into account the effect of any pay changes or classification changes to the employee's former position and classification that occurred during the period between the appointment and the return; and
 - 2. May not grieve or appeal his or her removal from a Senior Command Staff position.

Employees who were appointed to Senior Command Staff positions prior to June 1, 2014 shall retain career status attained in that position and shall not be considered to have Senior Command Staff status.

Section 5-40 Medical Examinations Following a Conditional Offer of Employment (Revised April 9, 2018; Rule Revision Memo 36D)

5-41 Medical Groups

All classifications in the Career Service shall be allocated to a medical group by the City's Risk Management Office. The medical groups are as follows:

- A. Sedentary (1): Work that involves lifting no more than 10 pounds at a time.
- B. Light (2): Work that involves lifting no more than 20 pounds at a time with frequent lifting or carrying of objects weighing up to 10 pounds.
- C. Medium (3): Work that involves lifting no more than 50 pounds at a time with frequent lifting or carrying of objects weighing up to 25 pounds.

RULE 7
CLASSIFICATION AND COMPENSATION
(Effective September 25, 2015; Rule Revision Memo 14D)

Purpose Statement:

The purpose of this rule is to provide a process and create a framework to ensure like pay for like work within the City's merit-based personnel system through the use of a systematic method of individual or group classification reviews, and to provide generally prevailing compensation to City employees.

Section 7-10 Definitions

(Revised January 3, 2017; Rule Revision Memo 23D)

- A. Allocation: The formal process of assigning a new position to its proper classification on the basis of the duties to be performed and the responsibilities to be exercised.
- B. Audit: A fact-finding investigation of the work performed by the incumbent of a given position, including work processes, materials processed, actions taken, tools used, supervision exercised, and supervision received for the purpose of analyzing the kind and level of duties and responsibilities of the position.
- C. Benchmark classification: A classification title for which external pay data can be readily collected. (Revised April 9, 2021; Rule Revision Memo 66D)
- D. Business title: The functional or working title of a position, which may differ from the classification title, used in a given agency for operating purposes, or by the Office of Human Resources ("OHR") for recruiting purposes. (Revised January 3, 2017; Rule Revision Memo 23D)
- E. Classification: One or more positions so nearly alike in the essential character of their duties and responsibilities that the same pay grade, title and specification can be applied, and such that they can fairly and equitably be treated alike under like conditions for all other personnel purposes.
- F. Classification specification: A written statement that sets forth the characteristic duties and responsibilities that distinguish a given classification from other classifications, and the minimum education, experience and licensure/certification requirements necessary for appointment to a position in that classification. Classification specifications are intended to provide a basic framework for recruitment, compensation, performance management and employee development. They also provide a means of determining the allocation of work, lines of authority, and other relationships between positions.
- G. Classification title: The designation of a classification which becomes the official title of all positions allocated to that classification.
- H. Classification and pay plan: A list of classification titles and attendant pay rates covering all classifications in the Career Service and all classifications not in the Career Service except Charter officers, the ranks of the classified service in the Police and Fire Departments, Deputy Sheriffs, Deputy Sheriff Majors, Deputy Sheriff Division Chiefs, and the Undersheriff

Page issuance date: April 9, 2021

- I. Job family: Groupings of classifications that are similar in the nature of the work performed. (Revised April 9, 2021; Rule Revision 66D)
- J. Market analysis: A study of external compensation data that may result in changes to the pay tables and/or market adjustments. (Revised April 9, 2021; Rule Revision 66D)
- K. Market analysis adjustment: A change in base pay resulting from an annual market analysis recommendation adopted by City Council. (Revised April 9, 2021; Rule Revision 66D)
- L. Market survey: The collection, analysis and reporting of external pay data for a number of benchmark classifications. (Revised April 9, 2021; Rule Revision 66D)
- M. Pay grades: Identifying numbers for pay ranges within a pay table. (Revised April 9, 2021; Rule Revision 66D)
- N. Pay ranges: The range of pay in a pay grade beginning at the range minimum and extending to the range maximum of the pay grade.
- O. Pay tables: A listing of the pay grades and the corresponding pay ranges. (Revised April 9, 2021; Rule Revision 66D)
- P. Position: The aggregate composition of duties and responsibilities performed by one employee.
- Q. Provisional classification: When an interim adjustment to the classification and pay plan that results in a new classification, or changed pay grade, title, or overtime eligibility for an existing classification, and the change has been approved by the OHR Executive Director or by the Career Service Board ("Board") but not yet by City Council, that classification shall be known as a provisional classification. Provisional classifications may be utilized without City Council approval for up to six months after the effective date of the OHR Executive Director's or Board's approval or until the City Council ratifies or disapproves the change. (Revised April 20, 2018; Rule Revision Memo 39D)
- R. Re-allocation: The formal process of assigning an existing position to its proper classification on the basis of the predominant duties performed and the responsibilities exercised.

Section 7-20 Classification and Pay Plan

The OHR is responsible for developing, maintaining, and administering classifications and attendant pay plans for all positions covered by the classification and pay plan.

7-21 Changes to the Classification and Pay Plan (Revised April 20, 2018; Rule Revision Memo 39D)

- A. For changes to the classification and pay plan that require a public hearing pursuant to Rule 2-31 A, the OHR Executive Director shall make a recommendation to the Board.

- B. Recommended changes to the classification and pay plan proposed by the OHR Executive Director to the Board as required in Rule 2-31 A shall be approved, modified or rejected by the Board after a public hearing as provided in Rule 2 **CAREER SERVICE BOARD**.
- C. Any changes to the classification and pay plan that are approved by the Board following a public hearing pursuant to Rule 2-31 A shall require submission to the City Council for approval following the public hearing.
- D. The OHR Executive Director is authorized to make the following interim adjustments to the classification and pay plan, subject to the exceptions provided in subparagraph 6:
 - 1. Abolishment of any existing classification;
 - 2. Creation of any new classification or classifications;
 - 3. Classification title changes;
 - 4. Classification overtime eligibility changes; or
 - 5. Classification pay grade increases.
 - 6. Interim adjustments shall not be authorized with regard to proposed changes to the classification and pay plan that involve:
 - a. Twenty-five (25) or more employees;
 - b. The creation of five (5) or more classifications at one time;
 - c. Employees in three (3) or more city departments or agencies; or
 - d. A projected annual cost of fifty thousand dollars (\$50,000.00) or more to the city in the first full year of implementation;
- E. Notice of the proposed interim changes to the classification and pay plan under this subparagraph D shall be given at least thirteen (13) calendar days prior to approval by the OHR Executive Director. Such interim changes shall be submitted to the Board for review and to City Council for ratification on a semi-annual basis.

7-22 Changes to Classification Specifications

Changes to classification specifications that do not involve changing classification titles and/or attendant pay rates do not require City Council approval, and may be made by the OHR Executive Director without a public hearing before the Board.

Section 7-30 Classification of Positions

7-31 Responsibility for the Establishment of Positions and Assignment of Duties

Appointing authorities may initiate the creation of new positions and have the responsibility to assign duties to such positions. Appointing authorities may also change duties that are assigned to positions under their authority regardless of whether those positions are filled or vacant. Duty assignments may be temporary or regular, incidental or essential, and may include changes in location of work and changes in equipment and tools.

7-32 Allocation of New Positions

Every position covered by the classification and pay plan shall be allocated to a classification in that plan. Such allocation shall be made by the OHR on the basis of the predominant duties of the position and in accordance with generally accepted personnel standards and procedures and as set forth in this Rule 7.

7-33 Re-Allocation of Existing Positions

- A. When the duties of an existing position are changed to the extent that the position is more similar to positions in other classifications than to positions in its current classification, the position should be re-allocated to a more appropriate classification in accordance with this Rule 7.
- B. In order to maintain the classification and pay plan, the OHR may re-allocate:
 - 1. Vacant positions on the basis of the essential duties of the position; and
 - 2. Filled positions by conducting audits or classification studies.
(Revised April 9, 2021; Rule Revision Memo 66D)

7-34 Audits

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

- A. An appointing authority may submit a request for, or the OHR may initiate, an audit of a filled position to determine if it is correctly classified, when there has been:
 - 1. A significant change in the type or level of duties and responsibilities;
 - 2. A re-organization affecting a number of employees, which may involve significant additions of new equipment, or substantial changes in methods or procedures; or
 - 3. A classification study resulting in changes to classification specifications.
- B. Requests for individual position audits will only be accepted by OHR between March 1 through October 31 of each year and must be made using the OHR Individual Position Audit Request Form.

Appointing authorities may request an exception outside of this period if there are extraordinary or compelling operational needs. Exceptions require the approval of the OHR Executive Director.

- C. When an appointing authority requests re-allocation of a position to a supervisory or managerial classification from a classification that is not a supervisory or managerial classification the request shall include a list of the position numbers, classification titles, and names of subordinate staff.
- D. Audit requests will not be granted in the following situations:
 - 1. For limited positions that are not budgeted or not anticipated to be budgeted past the fiscal year in which the audit was requested;
 - 2. For on-call positions;
 - 3. When there is a vacant position in the incumbent's work unit which is in the classification to which the audit request seeks to re-allocate the incumbent's position;
 - 4. For any positions currently included in a classification study; however, an exception may be granted upon OHR Executive Director approval based on the circumstances surrounding the audit request;
 - 5. As an alternative to promotion;
 - 6. As a substitute for disciplinary procedure;
 - 7. The incumbent has not passed the applicable assessment or test for the proposed classification; or
 - 8. The incumbent has not completed the required training for the proposed classification.
- E. An employee may petition an appointing authority to reconsider a decision not to request an audit of the employee's position and may send a copy of the petition to the OHR Executive Director. The OHR may choose to initiate an audit or classification study if warranted under this Rule 7.

7-35 Classification Studies (Revised April 9, 2021; Rule Revision Memo 66D)

- A. The OHR may initiate and conduct classification studies of multiple positions in one or more classifications in order to ensure that the classification and pay plan continues to provide generally prevailing compensation to employees holding those positions.
- B. When an appointing authority creates a new position or changes the duties assigned to an existing position, those positions shall be allocated or re-allocated to the appropriate classification simultaneously with the implementation of the classification study whenever possible.

7-36 Effect of Re-allocation on Incumbents

- A. An employee whose position is re-allocated must meet the minimum education, experience, and licensure/certification requirements of the new classification. The OHR Executive Director may substitute other appropriate factors for the minimum education and experience requirements of the position, based on the circumstances presented by a particular situation, but may not make a substitution for licensure or certification requirements.
- B. An incumbent with career status who has been found eligible to remain in the re-allocated position shall acquire career status in the new classification as of the effective date of the re-allocation. If the incumbent has probationary status, the employee shall complete the remainder of such probationary period before attaining career status in the new classification.

7-37 Effective Dates (Revised April 9, 2021; Rule Revision Memo 66D)

- A. If it is determined that changes to the classification and pay plan are necessary, the effective date of any resulting changes to the classification and pay plan shall be the beginning of the first work week following approval by the Mayor or by the City Council over the Mayor's veto. Provisional classifications resulting from changes to the classification and pay plan may be used upon approval by the OHR Executive Director or Board, but use for longer than six months is contingent upon City Council approval. (Revised April 20, 2018; Rule Revision Memo 39D)
- B. If a position is to be re-allocated as a result of an audit or classification study without requiring changes to the classification and pay plan, the effective date shall be the beginning of the first work week following the classification decision by the OHR.

Section 7-40 Requests for Administrative Review (Revised April 9, 2021; Rule Revision Memo 66D)

An appointing authority may ask the OHR Executive Director for an administrative review of a classification decision within ten (10) calendar days of the date of notice of the audit or classification study results. The OHR Executive Director or designee shall review the decision and provide a written response to the appointing authority.

Section 7-50 Compensation Policy (Revised April 9, 2021; Rule Revision Memo 66D)

The policy of the City and County of Denver is to provide generally prevailing compensation to City employees as provided by the City Charter and the Denver Revised Municipal Code ("DRMC"). This compensation policy is designed to attract, retain and motivate employees in order to support and reinforce the City's vision, values, and strategic business goals. To implement this compensation policy the Office of Human Resources ("OHR") will:

- A. Conduct market analyses to ensure the City's external market competitiveness;
- B. Provide like pay for like work within classifications; and
- C. Utilize pay for performance plans.

Page issuance date: April 9, 2021

Section 7-60 Establishing and Maintaining Pay Tables
(Revised May 31, 2017; Rule Revision Memo 27D,
Revised April 9, 2021; Rule Revision Memo 66D,)

- A. The OHR shall establish the following pay tables in order to facilitate the City's compensation policy:
1. Non-exempt salary tables: applicable to those classifications not exempt from overtime pursuant to the provisions of the Fair Labor Standards Act (FLSA);
 2. Community rate tables: applicable to certain classifications comprised solely of on-call positions used on a seasonal basis or in the sports and entertainment field which do not have traditional year-round or seasonal schedules. These classifications are non-exempt under the FLSA;
 3. Training and intern tables: applicable to trainee or intern classifications; and (Revised June 24, 2019; Rule Revision Memo 53D)
 4. Exempt salary tables: applicable to those classifications exempted from overtime under the FLSA.
- B. Classifications shall be assigned to a pay grade within the appropriate pay table.

Section 7-70 Pay and Benefit Survey Process

7-71 Establishing Pay for Classifications

- A. The pay for a classification shall be set at generally prevailing rates of pay for comparable jobs using the market survey process described below.
- B. The OHR shall perform an annual market analysis to determine what should be recommended for pay tables and/or market adjustments covered by the classification and pay plan (as defined in this Rule 7). (Revised April 9, 2021; Rule Revision 66D)
- C. If market survey data are inadequate or inappropriate for a statistical analysis, pay for a classification will be determined based on internal relationship comparisons to other City and County of Denver classifications according to practices established by the OHR (see Appendix).

7-72 Market Surveys

In order to provide generally prevailing compensation to employees, the OHR shall use market surveys which include a sample of public and private sector employers and jobs throughout the local market or other appropriate geographical areas.

- A. Benchmark classifications shall be identified in each job family. Market data shall be used to analyze these classifications in order to determine what market analysis adjustments, if any, should be recommended. (Revised April 9, 2021; Rule Revision 66D)

- B. The local market shall be defined as the “Denver Metropolitan Area” which includes Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson counties.
- C. The use of other geographical area data will be determined on a case-by-case basis for a classification. When other geographic areas are selected to be used in a survey, several factors are considered such as, but not limited to, the market where such jobs are recruited for, comparable organizations, populations and cost of living factors.
- D. Whenever salary and related information is furnished to the OHR on the condition that such material remains confidential, the individual pay data in such surveys shall not be disclosed.
- E. The OHR shall establish written criteria for selecting surveys, which must be published and followed. Before changing the criteria for selecting surveys, the OHR must inform the Board at a public meeting (see Appendix).

7-73 Implementation of Market Analysis Recommendations
(Revised April 9, 2021; Rule Revision 66D)

- A. In accordance with Rule 2, the Career Service Board (“Board”) shall hold a public hearing to determine whether to accept, reject, or modify the market analysis recommendations.
- B. The Board provides their recommendations to the Mayor and the City Council as required by ordinance.
- C. The City Council and the Mayor may accept, reject, or modify the recommendations.
- D. The OHR shall implement the market analysis adjustments as approved or modified by the City Council and the Mayor in accordance with the following:
 1. Pay table adjustments: When an adjustment is applied to the pay tables, the range minimum and range maximum shall be modified by a consistent percentage increment.

Each employee in the pay table’s adjusted pay grades shall maintain their current rate of pay and classification, except that no such employee shall receive less than the range minimum of the adjusted pay grade.

These adjustments shall take effect on January 1 of the immediate year following the year in which the recommendation is made.

2. Market adjustments: When the adjustment is applied to the pay of employees in a particular classification, the pay of those employees shall be increased based upon the calculated degree of market lag and the employee’s pay range quartile position.

This subsection shall only apply to employees who are in the affected classification on the effective date of the change. In no event shall such employees be paid in excess of the range maximum.

Employees who received an “Unacceptable” rating in the year preceding the effective date of the market adjustment are not eligible for a market adjustment. These adjustments shall take effect on January 1 following the year in which the recommendation is made.

7-74 Employee Benefits

- A. Upon request of the Mayor, City Council, or the Board, the OHR Executive Director shall survey and recommend changes to employee benefits as necessary to attract and retain a qualified and competent workforce and to maintain the City’s policy to provide generally prevailing compensation to employees.
- B. The Board shall conduct at least one public hearing on any proposed changes to employee benefits prior to the OHR Executive Director making any recommendations to the Mayor and City Council.

APPENDIX 7.A.

**OHR PRACTICES FOR DETERMINING INTERNAL RELATIONSHIP COMPARISONS
BETWEEN CITY AND COUNTY OF DENVER JOB CLASSIFICATIONS
(REFERRED TO IN RULE 7-71 C.)**

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

These comparisons will include, but not be limited to items such as the:

1. Duties and responsibilities of the job;
2. Level of decision making;
3. Level of supervision exercised;
4. Level of complexity;
5. Minimum qualifications.

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

Page issuance date: April 9, 2021

APPENDIX 7.B.

CRITERIA FOR SELECTING MARKET SURVEYS (REFERRED TO IN RULE 7-72 E.)

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

The following criteria shall be used to select published surveys:

1. The survey should provide written documentation of the methodology used to select the sample of the organizations surveyed; match the type of work performed; and collect, analyze, and report the data.
2. The methodology outlined should meet professionally accepted compensation standards.
3. The survey should provide written documentation showing that only organizations meeting criteria established in these rules were surveyed.
4. The survey should provide a list of the organizations surveyed.
5. The survey must provide descriptions of work in sufficient detail to ensure comparable jobs are being matched.
6. The survey must provide an effective date for all data reported.
7. The survey should provide pay range and structure data, actual rates of pay by quartile, median, and/or weighted average; and the number of organizations and rates the results represent.
8. The number of firms surveyed must provide a large enough sample to be considered representative of the generally prevailing wage.

The OHR is required to establish written criteria for selecting market surveys by the Career Service Rules. These criteria must be published in the Appendix to this Rule 7 and followed. Before changing this Appendix 7.B., the OHR must inform the Board at a public meeting.

**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 February 21, 2017; Rule Revision Memo 25D)

- 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: (Revised August 6, 2018; Rule Revision Memo 44D)
 - 1. Market conditions;
 - 2. Related experience;
 - 3. Previous work record;
 - 4. Education and/or certification;
 - 5. Internal equity; and;
 - 6. Level of responsibility of accepted;

- 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. Re-promotion: A promotion of an employee to a position in a higher classification as further defined in Career Service Rule 1 **DEFINITIONS**. Appointments that meet the definition of a promotional re-instatement are not re-promotions.
- L. 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 and re-promotion
(Revised August 6, 2018; Rule Revision Memo 44D)

- A. 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. The recommended increase upon promotion is eight percent (8%).
- B. Demotion and subsequent re-promotion:
 - 1. If an employee demotes without a loss in pay, that employee is not eligible for an increase in pay upon re-promotion if such re-promotion occurs within twelve months following the date of the demotion.
 - 2. In all other circumstances, an employee being re-promoted will have their pay set under the provisions of paragraph 9-31A.

9-32 Transfers
(Revised August 6, 2018; Rule Revision Memo 44D)

When an employee transfers positions within the same classification, or transfers from one classification to another classification with the same range minimum, the employee shall receive the same pay as before the transfer, unless the employee is transferring from on-call status to limited or unlimited status, or vice versa, and internal equity warrants a pay adjustment.

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 Counter offer (Revised May 20, 2008; Rule Revision Memo 28C: Re-numbered December 21, 2012; Rule Revision Memo 66C; Revised April 9, 2021, Rule Revision Memo 66D):

- A. A counter offer 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 counter offer;

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 counter offer 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 counter offer 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 counter offer.
- 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 February 11, 2019; Rule Revision Memo 50D)

- 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 in the same department or agency 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. If such a comparator employee does not exist within the same department or agency, OHR Classification and Compensation may 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 with comparable duties.
- 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 work day 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 subparagraphs 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 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 actually 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 of 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 December 10, 2018; Rule Revision Memo 49D)

- 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 up to one year in accordance with the criteria established in this rule. Assignments for periods longer than one year require the approval of the OHR Executive Director.
- B.
 - 1. Employees are eligible for additional pay for such assignments when they have been assigned all of the duties and responsibilities of the vacant or temporarily unoccupied position in the higher-level classification;
 - 2. Additional pay for work outside of an employee's job classification shall start at the beginning of the work week following the fifteenth day of the temporary assignment, and continue for the duration of the assignment.
- C. The employee shall receive additional pay equal to eight percent (8.0%) above their regular base pay, unless the employee is receiving equipment differential.
- D.
 - 1. 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.

2. 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.

Position Level of New Hire	Amount
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 procedures 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 must provide 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 Memo 45D)

- 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 June 8, 2007; Rule Revision Memo 20C: Re-numbered October 10, 2008; Rule Revision Memo 32C; Effective September 17, 2020; Rule Revision Memo 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 work-day 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 April 22, 2019; Rule Revision Memo 52D)

1. In accordance with the Employee Volunteer Program (EVP) guidelines, maintained and published by OHR on the EVP website, full-time unlimited employees, who have successfully completed their probationary period, are eligible to volunteer up to eight hours per calendar year for projects pre-approved by OHR. 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.

An employee who has accumulated eighty (80) hours of compensatory time and is required to work overtime shall only be paid for such overtime in cash.

- 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 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.
- 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 considers telecommuting to be a viable, flexible, and productive work option when the employee, the position, and the business function of the department/agency is suited to such an arrangement. Telecommuting allows for eligible employees/positions 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 recurring or an occasional basis or as needed during an emergency. This may be upon hire if a position has been identified as a telecommuting position or this may begin during employment for a short- or long- term duration. Telecommuting is not suitable for all employees/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:

- 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 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.

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 from home for a day or for a short-term project, or it can be a formal arrangement, such as working from home 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 or employee reside with the Appointing Authority.

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 based upon the supervisor's assessment of suitability, productivity and/or performance, or other factors. 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.

Any abuse of the telecommuting arrangement may result in termination of telecommuting, as well as corrective action, up to and including dismissal.

Recurring Telecommuting

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.

Recurring telecommuting arrangements are typically most suitable to Unlimited and Limited employees/positions but may also be appropriate for certain On-call employees/positions.

Before establishing a formal, recurring telecommuting arrangement, the employee and supervisor, with the guidance of human resources, should evaluate the suitability of such an arrangement, reviewing the following areas:

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.

Employee suitability. This involves assessing the needs and work habits of the employee, compared to traits customarily recognized as appropriate for success in a telecommuting arrangement. These traits include, among others, demonstrated accountability, effective communication, demonstrated motivation, ability to work independently, ability to prioritize work effectively, meeting required work outcomes, and good organizational/time management skills.

Supervisors will establish guidelines with their teleworking employees regarding metrics, goals, communication expectations, productivity, outcome expectations, and attendance.

Occasional Telecommuting

Occasional telecommuting is telecommuting that is not utilized on a regularly recurring or scheduled basis and is generally 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. Occasional telecommuting is most suitable to exempt employees but may be offered to non-exempt employees, where appropriate. 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 national emergency due to a pandemic. These arrangements are approved on an as-needed basis only, 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.

Both occasional and emergency telecommuting are considered informal telecommuting arrangements. Such telecommuting arrangements do not require formal agreement documents to be signed, but the same requirements identified under recurring telecommuting above are applicable.

EQUIPMENT

Each agency/department will determine, with information supplied by the employee and the supervisor, in consultation with Technology Services, the appropriate equipment needs (including hardware, software, modems, phone and broadband WIFI and other office equipment) for each telecommuting arrangement.

Equipment supplied by the department/agency/Technology Services is owned and will be maintained by the department/agency/Technology Services. Equipment supplied by the employee, if deemed appropriate by the department/agency, will be maintained by the employee.

ALTERNATE DESIGNATED WORKSITE

The employee will establish an appropriate work environment suitable for conducting city business. Telecommuting employees must work in an environment that allows them to perform their duties safely and efficiently. 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 home office location and in conjunction with the employee's regular work duties may be covered by workers' compensation laws.

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.

SECURITY OF CITY-OWNED PROPERTY/EQUIPMENT

Consistent with the city's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary city information, equipment and network accessible from their home 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-required cyber security training on a timely basis.

TIMEKEEPING FOR NON-EXEMPT (HOURLY-PAID) EMPLOYEES

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act (non-exempt employees) will be required to accurately record all hours worked in Kronos following the payroll procedures. Further, hours worked in excess of those scheduled per day and per workweek require the advance approval of the employee's supervisor. In addition, non-exempt employees may be required to take mandatory breaks and meal breaks.

**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 work day 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.

Page issuance date: July 31, 2015

- B. Domestic Partner: An unmarried adult, unrelated by blood (closer than would prohibit marriage in Colorado pursuant to the Colorado Revised Statutes); with whom an unmarried employee has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses or an individual with whom an employee has registered a domestic partnership with the municipality in which the individual resides or with the state, if applicable.
- C. Partner in a Civil Union: As defined in section 14-15-103 (5) of the Colorado Revised Statutes.
- D. Immediate family: Spouse, partner in a civil union or domestic partner (“partner”), child, parent, grandparent, grandchild, sibling, child-in-law, parent-in-law, sibling-in-law, and the child, parent, or sibling of the partner. The terms child, parent, and sibling shall apply equally to relationships by birth, adoption, marriage, foster care, or guardianship (e.g. step-children and step-parents). Child shall also include children for whom the officer or employee or the officer's or employee's spouse or partner provide day-to-day care or financial support, and a child lost through stillbirth. (Revised August 27, 2019; Rule Revision Memo 55D)

Source: D.R.M.C. § 18-122.

- E. Public Health Emergency: An act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly fatal infectious agent, for which:
 - 1. An emergency is declared by a federal, state or local public health agency; or
 - 2. A disaster emergency is declared by the governor; or
 - 3. A highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.

(Revised December 17, 2020; Rule Revision Memo 65D)

10-12 Designees

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

10-13 Applicability to Deputy Sheriff Classifications

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

None of the provisions of this Rule 10 (except election leave, donated leave and investigatory leave) shall apply to Career Service employees who hold positions in classifications in the Sheriff pay table (Deputy Sheriff, Deputy Sheriff Sergeant, Deputy Sheriff Captain, Deputy Sheriff Major, and Deputy Sheriff Division Chief).

10-45 Donating Leave (Revised December 17, 2020; Rule Revision Memo 65D)

- A. 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. A Career Service employee may donate PTO to another Career Service employee provided that the employee donating PTO retains a PTO balance of at least eighty (80) hours after the donation.
- C. A Career Service employee may donate PTO or sick leave to a non-Career Service City employee provided that the recipient employee's department or agency and any applicable collective bargaining agreement allow employees to receive donations of leave from Career Service employees and provided that the applicable donor requirements have been met.
- D. A Career Service employee may donate PTO or sick leave to, or receive donated sick leave from, an employee covered by the Sheriff pay table to the extent permitted by the applicable collective bargaining agreement and provided that the donor and recipient requirements applicable to the non-Sheriff employee have been met. (Revised April 9, 2021; Rule Revision Memo 66D)
- E. No other form of paid leave, including CHFWA Sick leave and CPHE leave, may be donated or received by Career Service or non-Career Service employees.
- F. Recipient requirements:
 - 1. Before an employee can receive donated leave, the employee (or the employee's representative) must provide notice to the Department of Finance that the employee anticipates a need for donated leave. Such notice shall estimate how much donated 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 leave, an employee must:
 - a. Have exhausted their accumulated compensatory time, sick leave and vacation leave or PTO or personal holiday, be absent from work and;

10-65 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.

10-66 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 tables shall receive straight time holiday compensatory time for the hours the employee actually works: (Revised April 9, 2021; Rule Revision Memo 66D)
 - 1. a. On the day the employee is scheduled to observe the holiday that week, or
 - b. On any of the employee's 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. (Revised August 27, 2019; Rule Revision Memo 55D)

- 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.

caregiver leave to care for that veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness; and

- b. has a serious illness or injury incurred or aggravated in the line of duty on active duty that rendered the servicemember unable to perform the duties of their office, grade, rank, or rating, or a condition for which the veteran received a VASRD of fifty percent or greater, or a condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service or would do so absent treatment, or an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
- B. Qualifying family members for military caregiver leave are as follows in this order: 1) any blood relative whom the covered servicemember has designated in writing; if none, then 2) all blood relatives with legal custody; if none, then 3) all brothers and sisters; if none, then 4) all grandparents; if none, then 5) all aunts and uncles; if none then 6) all first cousins.
 - C. Eligible employees who meet the FMLA criteria may take a combined total of 26 workweeks of leave for any FMLA-qualifying reason other than to care for a covered servicemember.
 - D. To be certified for military caregiver leave, an eligible employee must provide additional documentation and certifications beyond what is required for a standard FMLA leave.

Section 12-50 Salary Continuation Leave and Workers' Compensation Leave

12-51 Definitions (for the purposes of this Section 12-30)

- A. Disability: The physical inability of an eligible employee to perform the duties of their position, or any other position with the City.
- B. Eligible employee: Any Career Service employee except:
 - 1. Employees occupying on-call positions; and
 - 2. Employees who hold positions in classifications in the Sheriff pay tables (Deputy Sheriff, Deputy Sheriff Sergeant, Deputy Sheriff Captain, Deputy Sheriff Major, and Deputy Sheriff Division Chief). (Revised April 9, 2021; Rule Revision Memo 66D)

12-52 Salary Continuation Leave

- A. 1. The City provides paid disability leave (hereinafter "salary continuation leave") at the rate of eighty percent (80%) of an employee's gross salary for up to ninety (90) consecutive calendar days from the date of injury.

RULE 13
PAY FOR PERFORMANCE
(Revised May 12, 2017; Rule Revision Memo 26D)

Purpose statement:

The purpose of this rule is to explain the performance review program and how the individual performance of eligible Career Service employees is evaluated, reported and rewarded with merit increases and merit payments.

Section 13-10 Definitions:

- A. Eligible Employee: All Career Service employees are eligible for merit increases and merit payments as provided in this Rule, except:
1. On-call employees;
 2. Employees holding positions in the Training pay table, which only has one pay rate; (Revised April 9, 2021; Rule Revision Memo 66D)
 3. Employees who hold positions in classifications contained in the Undersheriff pay tables; and (Revised April 9, 2021; Rule Revision Memo 66D)
 4. Employees hired in the Career Service after September 30th of the previous year.
- B. Merit Increase: Periodic increase to an employee's base rate of pay as determined by an employee's performance rating and location in the applicable pay range.
- C. Merit Payment: Lump sum payment is a percentage of an employee's current annual base salary. A merit payment will not increase an employee's base rate of pay.
- D. Performance Improvement Plan ("PIP"): A document which may be used at any time during an employee's evaluation period to supplement the employee's individual goals that may include, but is not limited to, levels of performance that must be achieved to obtain a successful rating, current performance deficiencies, support that may be provided by the department or agency, actions the employee must take to address the performance deficiencies, and a timeline for completion of the actions.

Section 13-20 Goal Setting and Performance Reviews

13-21 Purpose

The purposes of goal setting and performance reviews are to outline job expectations, establish performance outcomes and measures, encourage and support professional development, provide ongoing performance feedback, and evaluate performance in a timely manner.