

**MEMORANDUM**

**RULE REVISION 65D**

**TO:** Holders of Career Service Rule Books

**FROM:** Career Service Board

**DATE:** December 30, 2020

**SUBJECT:** Revision of Career Service Rule 10

Career Service Rule 10 was revised on December 17, 2020. Please replace all the pages in your books for the rule as soon as possible. Thank you.

<b><u>Page Numbers to Remove</u></b>	<b><u>Page Numbers to Insert</u></b>
All Pages (10-1 through 10-20) CSR 10	Pages 10-1 through 10-27 CSR 10 Page issuance date: December 30, 2020

## RULE 10 PAID LEAVE

### Purpose statement:

The purpose of this rule is to provide guidelines and policies for administering the City's paid leave programs, and to comply with the Colorado Healthy Families and Workplaces Act, effective January 1, 2021. For rules regarding leave for extended illnesses or injuries see Rule 12 **ACCOMMODATIONS FOR DISABILITY, PREGNANCY, EXTENDED ILLNESS OR INJURY, AND LEAVE**. (Revised December 17, 2020; Rule Revision Memo 65D)

### Section 10-10 General

#### 10-11 Definitions

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

- A. Leave: Any absence during regularly scheduled work hours. The following types of paid leave are covered in this rule:
1. Paid time off ("PTO");
  2. Sick and vacation;
  3. Bereavement;
  4. Holiday;
  5. Compensatory;
  6. Administrative;
  7. Military;
  8. Election;
  9. Court;
  10. Investigatory;
  11. Training;
  12. Occasional time off;
  13. Colorado Healthy Families and Workplaces Act ("CHFVA") Sick Leave; and
  14. Colorado Public Health Emergency ("CPHE") Sick Leave;

- 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

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 schedules (Deputy Sheriff, Deputy Sheriff Sergeant, Deputy Sheriff Captain, Deputy Sheriff Major, and Deputy Sheriff Division Chief).

10-14 References to the Denver Revised Municipal Code (“DRMC”)

This Rule 10 incorporates parts of the DRMC solely for informational purposes as a convenience to readers of this rule. Excerpts from the DRMC will be clearly identified as such and are not intended to be made a part of this rule. DRMC excerpts include a reference to the applicable section and are labeled “**Source: DRMC §\_\_\_\_.**” Should the applicable provisions of the DRMC change, the reference to the that provision in this Rule 10 may be changed without going through the rule change process described in Rule 2 **OFFICE OF HUMAN RESOURCES**. In case of a conflict between the DRMC and the provisions of this rule, the DRMC will prevail.

Section 10-20 Paid Time Off (“PTO”)

10-21 Eligibility

All eligible Career Service employees hired or re-employed by the City after December 31, 2009 shall receive PTO with the exception of:

- A. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week; and
- B. Employees occupying on-call positions.

**Source: D.R.M.C. §18-123**

10-22 PTO Allowance

- A. The amount of PTO earned by eligible full-time employees shall be calculated as follows:

Years of consecutive service					
	0 < 0.5	0.5 < 5	5 < 10	10 < 15	> 15
PTO hours earned per month	10	12	15	18	19

- B. A proportionate amount shall be allowed eligible employees working part-time.

**Source: D.R.M.C. §18-125**

10-23 Partial Leave Accruals

Full-time employees, eligible to earn PTO:

- A. Who begin employment with the City after the first day of a month; or
- B. Whose leave accruals stopped because of an extended absence from work and return to work after the first day of a month; or

C. Who separate from employment with the City before the last day of a month shall earn PTO in that particular month according to the following pro-ration schedule:

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

Hrs. worked (including pd. lv) in the month	Years of service				
	≤ 0.5	0.5 < 5	5 < 10	10 < 15	≥ 15
<b>0-29</b>	0	0	0	0	0
<b>30-79</b>	2.5	3	3.75	4.5	4.75
<b>80-119</b>	5	6	7.5	9	9.5
<b>120-139</b>	7.5	9	11.25	13.5	14.25
<b>&gt;140</b>	10	12	15	18	19

**PTO hours earned**

10-24 Using PTO (Revised December 17, 2020; Rule Revision 65D)

Employees must request and receive approval from their supervisor prior to using PTO, subject to the exceptions stated below.

- A. An employee may use PTO for any of the reasons listed below or for qualifying conditions under the Family and Medical Leave Act (“FMLA”) without requesting supervisory approval. Alternatively, such employees may request approval from their supervisor orally, in writing, or electronically (such as e-mail or text message).
1. The employee has a mental or physical illness, injury or health condition that prevents the employee from working;
  2. The employee needs to care for a family member who has a mental or physical illness, injury or health condition that prevents the employee from working;
  3. The employee or the employee’s family member needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or
  4. The employee or the employee’s family member needs to obtain preventative medical care.
  5. The employee or the employee’s family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to:

- a. Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;
  - b. Obtain services from a victim services organization;
  - c. Obtain mental health or other counseling;
  - d. Seek relocation due to the domestic abuse, sexual assault or harassment; or
  - e. Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.
6. Due to a public health emergency, a public health official has ordered closure of the school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.
- B. All such uses of PTO are subject to the requirements for reporting leave used for sickness or injury set forth in this Rule 10.
- C. When an employee's need to use PTO is foreseeable, including PTO use for the reasons stated in paragraph A above, such employee shall make a good-faith effort to provide notice to their supervisor in advance of using PTO and shall make a reasonable effort to schedule the use of the PTO in a manner that does not unduly disrupt the operations of the agency.
- D. All other uses of PTO are subject to supervisory approval based on the work requirements of the agency. Supervisors shall not unreasonably withhold approvals to use PTO, and are expected to confer with employees and recognize their wishes where possible. Preference in the scheduling of pre-approved PTO based on reasons other than those stated in Rule 10-24, Section A.1-6 shall be given to employees in order of their total length of continuous employment in the Career Service; provided, however, that an employee who has been re-instated or re-employed following a lay-off shall be given credit for the period of continuous employment in the Career Service prior to the lay-off.
- E. Absences from work because of authorized medical examinations or treatment related to an occupational injury or occupational disease arising out of and within the course and scope of employment with the City for which the City has admitted liability or has agreed to permit medical treatment while investigating the claim shall be treated as time worked. The employee shall make a reasonable effort to schedule the examination or treatment so as not to unduly disrupt the operations of the department or agency.

## 10-25 Maximum Accumulation and Pay-out of PTO

- A. PTO earned by an employee shall be deposited in their PTO bank. PTO may not be accumulated in the PTO bank in excess of four hundred (400) hours. (Revised August 27, 2019; Rule Revision Memo 55D)

**Source: D.R.M.C. §18-124 and 127(a)**

- B. Exceeding the PTO Accumulation Limit:

Ordinarily an employee at the PTO leave accumulation limit of four hundred (400) hours cannot accumulate any additional PTO. However, if the appointing authority is unable to allow an employee who has accumulated the maximum hours of PTO to use PTO because of workload, the appointing authority shall request that the OHR Executive Director allow the employee to exceed the maximum amount. The employee must use the excess over four hundred (400) hours in the employee's PTO bank within one year of the approval date.

- C. Employees who elected to voluntarily convert from sick and vacation leave to PTO leave on February 1, 2010 were required to convert their sick and vacation leave balances into a special leave bank. PTO used by an employee shall be debited from the employee's PTO bank first unless it has been exhausted or if the employee requests that the special leave bank be used first. This special leave bank cannot:

1. Exceed 400 hours; or
2. Be replenished.

**Source: D.R.M.C. §18-124**

- D. Upon separation, a PTO recipient shall be paid at their regular rate of pay for the unused portion of their accumulated PTO bank and special bank if applicable. (Revised August 27, 2019; Rule Revision Memo 55D)

**Source: D.R.M.C. §18-127(b)**

## Section 10-30 Sick and Vacation Leave

### 10-31 Eligibility

All eligible Career Service employees who:

- A. Were receiving paid sick and vacation leave on December 31, 2009;
- B. Remain continuously employed by the city; and
- C. Have not voluntarily elected to receive PTO benefits:

Shall be entitled to continue to receive paid sick and vacation leave so long as the officer or employee does not become:

- A. A part-time employee who is regularly scheduled to work less than twenty (20) hours per week; or
- B. An employee occupying an on-call position.

**Source: D.R.M.C. §18-131**

10-32 Sick and Vacation Leave Allowance

- A. Eligible full-time employees shall accrue eight (8) hours of sick leave every month.
- B. The amount of vacation leave earned by eligible full-time employees shall be calculated as follows:

<b>Years of consecutive service</b>				
	<b>0 &lt; 5</b>	<b>5 &lt; 10</b>	<b>10 &lt; 15</b>	<b>&gt;15</b>
<b>Vacation hrs. earned per month</b>	8	10	12	14

- C. Employees working part-time shall accrue a proportionate amount.

**Source: D.R.M.C. §18-132**

10-33 Partial Leave Accruals (Revised December 17, 2020, Rule Revision Memo 65D)

Full-time employees, eligible to earn sick and vacation leave:

- A. Who begin employment with the City after the first day of a month; or
- B. Whose leave accruals stopped because of an extended absence from work and return to work after the first day of a month; or
- C. Who separate from employment with the City before the last day of a month

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

Hours Worked (including paid leave) in the month earned	Vacation Hours Earned Years of Service			
	0 < 5	5 < 10	10 < 15	>15
0-39	0	0	0	0
40-79	2	2.5	3	3.5
80-119	4	5	6	7
120-139	6	7.5	9	10.5
≥140	8	10	12	14

And shall earn sick leave in that particular month according to the following pro-ration schedule:

Hours worked (including paid leave) in the month earned	Sick hours earned
0-29	0
30-79	2
80-119	4
120-139	6
≥140	8

10-34 Using Sick and Vacation Leave  
(Revised December 17, 2020, Rule Revision Memo 65D)

A. Sick leave:

1. Sick leave may be used for the reasons set forth below; when an employee is incapacitated by sickness or injury; for medical examinations, or treatment; for necessary care and attendance during sickness, or for death, of a member of the employee's immediate family, for qualifying conditions under the FMLA and as otherwise provided in these rules.
  - a. The employee has a mental or physical illness, injury or health condition that prevents the employee from working;
  - b. The employee needs to care for a family member who has a mental or physical illness, injury or health condition that prevents the employee from working;
  - c. The employee or the employee's family member needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition;

- d. The employee or the employee's family member needs to obtain preventative medical care;
- e. The employee or the employee's family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to:
  - 1) Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;
  - 2) Obtain services from a victim services organization;
  - 3) Obtain mental health or other counseling;
  - 4) Seek relocation due to the domestic abuse, sexual assault or harassment; or
  - 5) Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.
- f. Due to a public health emergency, a public health official has ordered closure of the school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.

B. Vacation leave:

Vacation leave shall be taken at a time convenient to the department or agency. The department or agency will confer with employees and recognize their wishes where possible. Preference in the scheduling of vacation time shall be given to employees in order of their total length of continuous employment in the Career Service; provided, however, that an employee who has been re-instated or re-employed following a lay-off shall be given credit for the period of continuous employment in the Career Service prior to the lay-off.

**Source: D.R.M.C. §18-132(b)(2)**

10-35 Limits on Sick and Vacation Leave Accumulation

- A. Sick leave may be accumulated to a limit of nine hundred sixty (960) working hours. When the accumulation exceeds eight hundred eighty (880) working hours, an employee may request that accumulated sick leave in excess of the eight hundred eighty (880) working hours be converted to vacation leave. Such conversions are in addition to the monthly amount of vacation leave allowed by this section. Employees may not convert sick leave to vacation leave if such a conversion would result in the employee's accumulated vacation leave exceeding the limits allowed by this Rule 10.

**Source: D.R.M.C. §18-132(a)(2)**

B. 1. Employees with up to ten (10) years of service may accumulate up to two hundred eighty-eight (288) hours of vacation leave. Employees with ten (10) or more years of service may accumulate up to three hundred thirty-six (336) hours of vacation leave.

2. Exceeding the Vacation Accumulation Limit:

Ordinarily an employee at the vacation leave accumulation limit cannot accumulate any additional vacation leave. However, if the appointing authority is unable to allow an employee who has accumulated the maximum hours of vacation leave to use vacation leave because of workload, the appointing authority shall request that the OHR Executive Director allow the employee to exceed the maximum amount. The employee must use the excess over the vacation leave accumulation limit within one year of the approval date.

10-36 Sick and Vacation Leave Pay Upon Separation

A. Sick leave:

1. The following table applies to the pay-out of sick leave upon separation for any reason other than death or retirement:

<b><u>Full years Of service</u></b>	<b><u>Payout formula</u></b>
<b>&lt;5</b>	No pay out
<b>5</b>	Sick leave balance minus (5 X 40 hrs.) or 200 hrs.
<b>6</b>	Sick leave balance minus (6 X 40 hrs.) or 240 hrs.
<b>7</b>	Sick leave balance minus (7 X 40 hrs.) or 280 hrs.
<b>8</b>	Sick leave balance minus (8 X 40hrs.) or 320 hrs.
<b>9</b>	Sick leave balance minus (9 X 40hrs.) or 360 hrs.
<b>&gt;10</b>	Sick leave balance minus (10 X 40hrs.) or 400 hrs.

2. Upon separation due to retirement or death, an employee shall be paid at their regular rate of pay for one-half (1/2) of all accumulated sick leave credits existing on the effective date of separation or death, or in accordance with the method described above, whichever is higher, but not to exceed five hundred sixty (560) working hours. (Revised August 27, 2019; Rule Revision Memo 55D)

B. Vacation leave:

Employees shall be paid at their regular rate of pay for the unused portion of their accumulated vacation leave upon separation from employment.

**Source: D.R.M.C. §18-134**

Section 10-40 Administration of Paid Time Off and Sick and Vacation Leave  
(Revised December 17, 2020; Rule Revision Memo 65D)

10-41 Effect of Appointment to a Career Service Position

When an employee is appointed to a Career Service position from any other City department or agency which is governed by the PTO ordinance or the sick and vacation ordinance, the employee's paid leave credits shall be transferred to the new position, so long as there is no break in service.

**Source: D.R.M.C. §18-126 & §18-133**

10-42 Length of Service

In computing length of service for the purpose of determining an employee's PTO or vacation leave accrual rate, service in a paid position in any City department or agency other than the Classified Service of Police and Fire, the Denver Water Board, on-call positions, and contract positions, shall be counted as service, provided such service was performed continuously, immediately prior to the employee's employment or re-employment appointment to the Career Service.

10-43 Using Paid Leave (Revised December 17, 2020, Rule Revision 65D)

- A. The amount of PTO or sick and vacation leave used shall be the amount of time an employee is absent from their regularly scheduled shift(s).

10-44 Reporting and Investigation of Leave Used for Sickness or Injury  
(Revised December 17, 2020; Rule Revision 65D)

- A. If an employee is absent for reasons that entitles the employee to use PTO, sick leave, or CHFVA Sick Leave without supervisory approval, the employee or a member of the employee's household shall notify the employee's supervisor as soon as possible but at least within two (2) hours after the employee's usual reporting time. Appointing authorities may establish reporting procedures which differ from the standard for an entire agency, for specific units, or for individual employees in order to meet special program needs or workloads.
- B. Appointing authorities may investigate any potential false or fraudulent uses of PTO, sick leave, or CHFVA Sick Leave. False or fraudulent use of PTO, sick leave, or CHFVA Sick Leave shall be cause for disciplinary action and may result in dismissal.
- C. If an employee is using PTO, sick leave, or CHFVA Sick Leave for four (4) or more consecutive work days, a supervisor may require reasonable documentation that the paid leave is for a purpose authorized by this Rule 10. An appointing authority, supervisor, or employee who has reason to believe that the absence may be a qualifying event under the FMLA should contact human resources.

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 schedules 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.
- 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;

- i. Be receiving salary continuation leave, or temporary disability benefits under the provisions of the Workers' Compensation Act. In either of these situations, the employee may only use donated leave to make up the difference between the employee's base salary, and the total of other paid leave received and the temporary disability benefits the employee is receiving;
- ii. Be receiving leave as an accommodation because of the employee's pregnancy, physical recovery from childbirth, or related condition;
- iii. Be receiving approved FMLA leave;
- iv. Be receiving approved FCA leave;
- v. Be receiving approved ADA leave; or
- vi. Have received written notice of a contemplation of medical disqualification meeting. The employee may use donated leave until medical disqualification occurs or until the end of the period in which a decision on medical disqualification must be issued, whichever occurs first.

(Revised August 27, 2019; Rule Revision Memo 55D)

- 3. Donated leave can be used to cover absences that occur up to fifteen (15) calendar days before the leave was posted to a recipient's account so long as the other conditions of this section have been met.
  - 4. A Career Service employee may receive donated leave from a non-Career Service City employee provided that the donor employee's department or agency allows employees to donate leave to Career Service employees and that the recipient requirements listed above have been met.
  - 5. Employees who are eligible to receive donated leave may receive either donated PTO or donated sick leave regardless of whether the employee is enrolled in the PTO or sick and vacation leave plan.
- G. Employees cannot use more than six hundred (600) hours of donated leave in a calendar year. Employees cannot receive donated leave to the extent that the donated leave will increase the employee's PTO or sick leave bank over the applicable maximum accumulation limit.
- H. 1. The amount of donated leave to be credited to the recipient's account shall be computed as follows:

- a. Multiply the number of hours of leave being donated by the hourly rate of pay of the donor employee;
  - b. Divide the result by the hourly rate of pay of the recipient; and
  - c. Round the result down to the closest full hour.
2. The computations made in paragraph G.1. shall be reported to the Department of Finance in accordance with procedures to be established by that office.
- I. Recipients of donated leave are not entitled to receive pay upon separation for unused donated leave. Unused donated leave may not be donated to another employee or returned to the donor.

10-46 Effect of Separation on Leave Accrual  
(Revised December 17, 2020; Rule Revision 65D)

Employees shall not earn PTO, sick and vacation leave, or CHFSPA Sick Leave after the employee's last day as a City employee. Rule 14 **SEPARATION OTHER THAN DISMISSAL** and Rule 16 **CODE OF CONDUCT AND DISCIPLINE** provide this date for dismissals and other types of separations.

10-47 Effect of Re-instatement and Re-employment Following Lay-off on PTO and Sick Leave Balance  
(Revised December 17, 2020; Rule Revision 65D)

Employees who were laid off while receiving paid sick and vacation leave benefits, and are re-instated under the Career Service Rules after December 31, 2009, will be enrolled in the PTO plan unless they elect in writing to continue in the paid sick and vacation plan. Such election must be made within thirty (30) days of the effective date of their re-instatement.

**Source: D.R.M.C. §18-123 (c)**

10-48 Effect of Re-instatement and Re-employment on PTO and Sick Leave Balance  
(Revised August 27, 2019; Rule Revision 55D)

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

- A. Employees who are enrolled in the PTO plan upon re-instatement may be able to convert sick leave that was lost at the time of lay-off to the special PTO bank. The amount that may be converted is based on the employee's accumulated sick leave at the time of separation. Up to one-half of this amount may be converted to the special PTO bank;

1. So long as the amount converted does not exceed four hundred (400) hours; and
  2. After the sick leave the employee was paid for at the time of separation is deducted from this amount.
- B. Employees who elect to receive sick and vacation leave after re-instatement shall have all sick leave that the employee was not paid for at the time of separation restored to the employee's sick leave bank.
- C. An employee who is re-employed while their name is on a re-instatement list shall also be entitled to restoration of eligible sick leave under the terms of this subsection.

#### Section 10-50 Bereavement Leave

A. Employees receiving PTO:

Employees who receive PTO benefits shall be granted up to forty (40) hours of paid bereavement leave because of the death of a member of the employee's immediate family. This forty (40) hours of bereavement leave shall not count against the employee's PTO bank.

**Source: D.R.M.C. §18-128**

B. Employees receiving sick leave, pursuant to Rule 10-32A:  
(Revised December 17, 2020, Rule Revision 65D)

Employees receiving sick leave pursuant to Rule 10-32A shall be entitled to use up to forty-eight (48) hours of sick leave because of the death of a member of an employee's immediate family.

C. Employees receiving CHFVA Sick Leave:  
(Revised December 17, 2020; Rule Revision 65D)

Employees who receive CHFVA leave shall not be entitled to receive bereavement leave or to use accumulated sick leave for bereavement purposes.

D. Additional Bereavement Leave:  
(Revised December 17, 2020; Rule Revision Memo 65D)

A supervisor may grant additional paid or unpaid leave for bereavement.

#### Section 10-60 Paid Holiday Leave

10-61 Eligibility  
(Revised October 19, 2018; Rule Revision Memo 46D)

A. All eligible Career Service employees shall receive paid holiday leave benefits as provided in these rules, with the exception of:

1. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week; and
2. Employees occupying on-call positions.

**Source: D.R.M.C. §18-141**

B. Unless otherwise provided in these rules, an eligible employee must be at work or on an authorized leave on the scheduled workdays immediately preceding and immediately following the day on which the holiday is observed in order to receive paid holiday leave.

C. Religious or other holidays not observed by the City may be granted in accordance with the rules governing paid and unpaid leave.

10-62 Designation of holidays

"Holidays" for the purposes of this rule shall mean eight (8) hours in the following days:

- A. New Year's Day (January 1);
- B. Martin Luther King Day (third Monday in January);
- C. Washington's Birthday (observed on the third Monday in February);
- D. Cesar Chavez Day (last Monday in March);
- E. Memorial Day (last Monday in May);
- F. Independence Day (July 4);
- G. Labor Day (first Monday in September);
- H. Veterans' Day (November 11);
- I. Thanksgiving Day (fourth Thursday in November);
- J. Christmas Day (December 25);
- K. Personal holiday (one (1) personal holiday on date agreed upon by employee and the city to be used within the calendar year).

**Source: D.R.M.C. §18-142**

#### 10-63 Observation of Holiday

- A. Subject to the following provisions, all offices, agencies, commissions and departments of the city are hereby authorized and directed to grant to employees, with pay, the previously designated holidays.
1. If any of the holidays shall fall upon a Sunday, then the Monday following shall be considered as the holiday. If any of the holidays shall fall upon a Saturday, then the preceding Friday shall be considered as the holiday.
  2. An employee may be required to work on a holiday in order to maintain essential services to the public.

**Source: D.R.M.C. §18-143**

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

#### 10-64 Amount of Paid Holiday Leave Received

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

#### 10-65 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 schedules shall receive straight time holiday compensatory time for the hours the employee actually works:
  - 1. a. On the day the employee is scheduled to observe the holiday that week, or
  - b. On any of 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.

4. At the discretion of the appointing authority, straight time pay may be substituted for the holiday compensatory time. Holiday compensatory time may be taken at any time mutually convenient to the employee and the appointing authority. However, all accrued holiday compensatory time shall be used by March 31<sup>st</sup> of each calendar year or paid out in cash by the final pay period of April of that year.

#### Section 10-70 Other Paid Leave

##### 10-71 Compensatory Time (Revised April 9, 2018; Rule Revision Memo 38D)

Compensatory time earned under the provisions of Rule 9 PAY ADMINISTRATION may be taken at any time mutually convenient to the employee and the appointing authority. However, all accrued compensatory time shall be used by March 31<sup>st</sup> of each calendar year or paid out in cash by the final pay period of April of that year. An eligible non-exempt employee who has accrued compensatory time in accordance with Section 9-90 shall receive payment for the unused portion of such accrual at the final regular rate of compensation received by such employee when the employee is separated from the Career Service.

##### 10-72 Administrative Leave

- A. Appointing authorities shall grant paid administrative leave for the following purposes:
  1. To present grievances or appeals to an official of the City or to represent an employee presenting a grievance or an appeal. However, if flexibility exists as to the exact date and time, the leave shall be granted at the convenience of the appointing authority;
  2. To participate in the Career Service Mediation Program. Administrative leave shall be granted to employees who participate in mediation either as a party or as the mediator; or
  3. To represent another City employee at meetings with that employee's supervisor or manager, as set forth in Rule 16 **CODE OF CONDUCT AND DISCIPLINE**. The representative shall be allowed to take up to a maximum of four (4) hours of administrative leave per pay period so long as the use of such leave does not adversely affect the representative's department or agency and has been approved in advance by the employee's supervisor.
- B. Appointing authorities may grant paid administrative leave for the following purposes:
  1. To compete for positions in the Career Service, including all related interviews and examinations;

2. To reward exemplary performance, such as Employee of the Quarter, Employee of the Year, or if the appointing authority wishes to recognize an employee's outstanding contribution to the agency. The appointing authority may grant, and an employee may use up to twenty (20) hours of administrative leave per calendar year for exemplary performance; or
3. When the appointing authority deems there is a business necessity, for a maximum of ten (10) calendar days per calendar year. The appointing authority may request an extension of up to twenty (20) calendar days from the OHR Executive Director. The OHR Executive Director may approve the request for an extension for good cause shown.

Granting or failing to grant administrative leave under this paragraph B shall not be subject to grievance or appeal.

#### 10-73 Paid Military Leave

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

#### 10-74 Election Leave

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

**Source: C.R.S. §1-7-102**

#### 10-75 Court Leave (Revised August 27, 2019; Rule Revision Memo 55D)

- A. An employee shall be granted paid court leave during time the employee is regularly scheduled to work, if the employee is:

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

#### 10-76 Investigatory Leave

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

#### 10-77 Training Leave

- A. Appointing authorities may grant paid training leave. Any training program for which such leave is granted must be job-related, which includes career development training that will prepare the employee for advancement with the City.
- B. Appointing authorities may grant training leave for the purpose of attending institutes, seminars, or educational courses related to an employee's work for extended periods of time, at the appointing authority's discretion.
- C. Appointing authorities shall allow paid trainees and paid interns to arrange their work schedule if they need to attend classes during normal working hours. Paid trainees and paid interns are not entitled to training leave while attending classes for the degree or certificate program they are required to complete during their training or internship period. (Revised November 18, 2015; Rule Revision Memo 15D)

- D. Use of training leave by employees shall be arranged whenever possible during regularly scheduled work hours. Appointing authorities who require attendance at training activities during off-duty hours that are designed to increase the competencies, knowledge, skills and abilities of employees for the position which they presently occupy shall temporarily change the affected employee's standard work hours to include the training schedule. Employees who are required to attend such training during off-duty hours shall be granted paid training leave for the time spent in training.
- E. For the purposes of this subsection, on-line training courses shall be treated the same as classroom training sessions.
- F. Employees must present proof of attendance at any training for which they are authorized to receive training leave.

#### 10-78 Occasional Time Off

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

### Section 10-80 Colorado Healthy Families and Workplaces Act ("CHFVA") Sick Leave (Revised December 17, 2020; Rule Revision 65D)

#### 10-81 CHFVA Sick Leave Policy

It is the policy of the City to provide paid sick leave to its employees. This rule is intended to comply with and be interpreted consistent with the CHFVA and the corresponding rules, regulations and opinions issued by the Colorado Department of Labor and Employment. To the extent an issue is not addressed herein, or if there is a conflict with a Career Service Rule, the CHFVA and its corresponding rules, regulations and opinions shall govern.

#### 10-82 CHFVA Sick Leave

- A. "CHFVA Sick Leave" is sick leave paid pursuant to the Colorado Healthy Families and Workplaces Act, SB 20-205, Colorado Revised Statutes § 8-13.3-403, to on-call employees and part-time employees who normally work fewer than 20 hours per week.
- B. Employees who earn CHFVA Sick Leave shall accrue such leave at the rate of one hour of CHFVA Sick Leave for every 30 hours worked.
- C. Employees who earn CHFVA Sick Leave may not accrue or use more than 48 hours of paid sick CHFVA Sick Leave each year. Up to 48 hours of CHFVA Sick Leave that an employee accrues in a year, but does not use, may carry forward to and may be used in a subsequent year, except that the employee may not use more than 48 hours of CHFVA Sick Leave in a year.

- D. An employee may use CHFVA Sick Leave for the following situations:
1. The employee has a mental or physical illness, injury or health condition that prevents the employee from working;
  2. The employee needs to care for a family member who has a mental or physical illness, injury or health condition that prevents the employee from working;
  3. The employee or the employee's family member needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition;
  4. The employee or the employee's family member needs to obtain preventative medical care;
  5. The employee or the employee's family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to:
    - a. Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;
    - b. Obtain services from a victim services organization;
    - c. Obtain mental health or other counseling;
    - d. Seek relocation due to the domestic abuse, sexual assault or harassment; or
    - e. Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.
  6. Due to a public health emergency, a public health official has ordered closure of the school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.
- E. Employees receiving CHFVA Sick Leave shall not be paid out the balance of any such accumulated leave upon separation from the City. However, if an employee receiving CHFVA Sick Leave separates from employment and is rehired within six months after the separation, the employee's CHFVA Sick Leave balance shall be reinstated.
- F. The amount of CHFVA Sick Leave used shall be the amount of time an employee is absent from their regularly scheduled shift(s).
- G. CHFVA Sick Leave shall not be used before it is accrued and posted to the employee's account.

- H. Employees may take CHFVA Sick Leave in increments of at least fifteen (15) minutes.

10-83 Colorado Public Health Emergency (“CPHE”) Sick Leave

A. Supplement

1. In addition to any PTO, sick leave and CHFVA Sick Leave an employee may accrue, an employee may be eligible to receive a one-time supplement of paid sick leave in the event of a Public Health Emergency.
2. On the date a Public Health Emergency is declared, each employee may have his or her available paid sick leave supplemented in a CPHE Sick Leave bank to ensure the employee is able to take a total of 80 hours of paid sick leave as follows:
  - a. Employees who receive PTO or sick leave and have 80 hours or more of accumulated leave on the date the Public Health Emergency is declared shall not receive any additional paid sick leave.
  - b. Employees who receive PTO or sick leave and have fewer than 80 hours accumulated in their PTO or sick leave banks on the date the Public Health Emergency is declared shall have their CPHE Sick Leave bank supplemented as follows:
    - (1) Full-time employees (those who normally work 40 hours or more in a week) shall have their CPHE Sick Leave banks supplemented by the difference between the number of hours accumulated in their PTO or sick leave banks and 80 hours so that the total amount of leave available to the employee is 80 hours.
    - (2) Part-time employees (those who work fewer than 40 hours in a week) shall receive a supplement in the amount of the greater of:
      - (a) the number of hours the employee is scheduled to work in a 14-day period; or
      - (b) the number of hours the employee actually works on average in a 14-day period.
  - c. Employees who receive CHFVA Sick Leave will have their CPHE Sick Leave bank supplemented by the difference between the number of hours already accumulated in their CHFVA Sick Leave bank on the date the Public Health Emergency is announced and 80 hours, such that the total amount of paid leave available is 80 hours.
3. Employees are only eligible to receive a supplement of CPHE Sick Leave once during a Public Health Emergency, even if the Public Health Emergency is amended, extended, restated, or prolonged.

4. CPHE Sick Leave may be used from the day on which the Public Health Emergency is declared until four weeks after the official termination or suspension of the Public Health Emergency.
5. An employee may use the full amount of supplementary CPHE Sick Leave prior to using any of the employee's previously-accrued PTO, sick leave, or CHFVA Sick Leave, as long as the supplementary leave is used for any authorized use of CPHE Sick Leave as described in Section 10-83.B.
6. An employee's previously-accrued PTO, sick leave or CHFVA Sick Leave may be used for any purpose listed in Section 10-83.B. for the entire duration of the Public Health Emergency and for four weeks after the date of the official termination or suspension of the emergency declaration.

B. Authorized Uses of CPHE Sick Leave

1. An employee may use CPHE Sick Leave related to a Public Health Emergency for the employee's need to:
  - a. Self-isolate and care for oneself because the employee is diagnosed with a communicable illness that is the cause of a Public Health Emergency;
  - b. Self-isolate and care for oneself because the employee is experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency;
  - c. Seek or obtain medical diagnosis, care or treatment if the employee is experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency; or
  - d. Seek preventative care concerning a communicable illness that is the cause of a Public Health Emergency.
2. An employee may use CPHE Sick Leave related to a Public Health Emergency to care for a family member who:
  - a. Is self-isolating after being diagnosed with a communicable illness that is the cause of a Public Health Emergency;
  - b. Is self-isolating due to experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency;
  - c. Needs medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency; or
  - d. Is seeking preventative care concerning a communicable illness that is the cause of a Public Health Emergency.

3. An employee may use CPHE Sick Leave if the employee's Appointing Authority, or a local, state or federal public official, or a health official having jurisdiction over the City and County of Denver, determines that the employee's presence on the job or in the community would jeopardize the health of others because:
  - a. The employee has been exposed to a communicable illness that is the cause of the Public Health Emergency; or
  - b. The employee is exhibiting symptoms of the communicable illness, regardless of whether the employee has been diagnosed with the communicable illness.
4. An employee may use CPHE Sick Leave to care for a family member if a local, state or federal public official having jurisdiction over the location where the family member's employer is located, or if the family member's employer, determines that the employee's family member's presence on the job or in the community would jeopardize the health of others because:
  - i. The employee's family member has been exposed to the communicable disease that is the subject of the Public Health Emergency; or
  - ii. The employee's family member is exhibiting symptoms of the communicable illness, regardless of whether the family member has been diagnosed with the communicable illness.
5. An employee may use CPHE Sick Leave to care for a child or other family member when:
  - a. The child's or family member's care provider is unavailable due to a Public Health Emergency;
  - b. The child's or family member's school or place of care has been closed by a local, state or federal public official due to a Public Health Emergency;
  - c. The child's or family member's school or place of care has been closed at the discretion of the school or place of care due to a Public Health Emergency, including if the school or place of care is physically closed but providing instruction remotely.
6. An employee may use CPHE Sick Leave due to an inability to work because the employee has a health condition that may increase susceptibility to, or risk of, a communicable illness that is the cause of the Public Health Emergency.

C. Documentation and Notice

1. An employee is not required to provide documentation in order to take CPHE Sick Leave.
2. An employee shall notify his or her supervisor of the need for CPHE sick leave as soon as practicable when the need for CPHE Sick Leave is foreseeable.

Section 10-85 Retaliation and Discrimination Prohibited  
(Revised December 17, 2020; Rule Revision 65D)

- A. It is a violation of this rule to retaliate, interfere with, or discriminate against any current or former employee because that individual has:
  - 1. Requested, taken, attempted to take, or supported another employee taking any type of paid sick leave;
  - 2. Filed a complaint with the Colorado Department of Labor and Employment or any court; or
  - 3. Participated or cooperated in an investigation, hearing, or proceeding brought by the Colorado Department of Labor and Employment.
  
- B. It is a violation of this rule to count paid sick leave taken by an employee as an absence that may lead to or result in discipline, termination, demotion, suspension, or any other retaliatory personnel action against the employee. Nothing in this rule, however, prevents an employee from being disciplined for using paid sick leave for purposes other than allowed herein.

Section 10-86 Confidentiality and Record Keeping  
(Revised December 17, 2020; Rule Revision 65D)

- A. Any information regarding the health of an employee or the employee's family member, or regarding domestic abuse, sexual assault, or criminal harassment affecting an employee or employee's family member, must be treated as confidential and may not be disclosed to any other individual except the affected employee, unless the employee provides written permission prior to such disclosure.
  
- B. If the confidential information is in writing, it shall be maintained on a separate form and in a separate file from other personnel information.