

**MEMORANDUM**

**RULE REVISION 69D & 70D**

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

**FROM:** Career Service Board

**DATE:** August 20, 2021

**SUBJECT:** Revision of Career Service Rules 1, 3, 5, 9, and 12

Career Service Rules 1, 3, 5, 9, and 12 were revised on August 19, 2021. Please replace the pages in your books for the rules as soon as possible. Thank you.

<b><u>Page Numbers to Remove</u></b>	<b><u>Page Numbers to Insert</u></b>
Page 1-3 CSR 1-Definitions	Page 1-3 CSR 1-Definitions Page issuance date: August 20, 2021
Page 3-3 CSR 3-30 B.1 & C.1	Page 3-3 CSR 3-30 B.1 & C.1 Page issuance date: August 20, 2021
Page 3-8 CSR 3-51 A.1	Page 3-8 CSR 3-51 A.1 Page issuance date: August 20, 2021
Pages 5-2 through 5-11 CSR 5-12 C.1 & 2 Deleted	Pages 5-2 through 5-11 CSR 5-12 Re-sectioned Pages issuance date: August 20, 2021
Pages 9-1 through 9-11; 9-17 through 9-30; CSR 9-5 F & K; 9-32; 9-39 A & B; 9-65 A-C; 9-80 G.1	Pages 9-1 through 9-11; 9-17 through 9-30; CSR 9-5 F & K; 9-32; 9-39 A & B; 9-65 A-C; 9-80 G.1 Pages issuance date: August 20, 2021
Page 12-11 CSR 12-64 B.1	Page 12-11 CSR 12-64 B.1 Page issuance date: August 20, 2021

Lay-off unit:

A division within an agency or department as set forth in the City's Human Resource Information System, except the Fire, Police, and Sheriff departments shall each be one lay-off unit. If an agency or department is not organized by division, or an individual is not a member of a division, the next highest organizational unit will define the lay-off unit.

Length of Service:

Total number of years, months and days of continuous service, including time an employee is on unpaid leave, but exclusive of service in on-call status positions.

Month of service:

The period of time between a given date in one month and the preceding day in the following month (e.g., April 16 through May 15).

Office of Human Resources:

The agency created by the Denver Revised Municipal Code to administer the Career Service.

Promotional appointment:

An appointment of an employee to a position in a classification in which the range minimum of the pay range for the new classification is higher than the range minimum of the pay range for the employee's previous classification.

Promotional re-instatement appointment:

An appointment of an employee who has been demoted in lieu of lay-off which is made as a result of referral from a re-instatement list.

Transfer appointment:

An appointment of an employee from a position in one classification to a different position in the same classification or a classification with the same range minimum for which the employee meets the minimum qualifications.

- H. Extend a conditional verbal offer to the selected candidate;
- I. Prepare a conditional offer letter and send to the selected candidate;
- J. Facilitate the necessary pre-employment screening of the selected candidate;
- K. Upon successful completion of pre-employment screening, contact and confirm start date with the new hire;
- L. Notify candidates who were interviewed and not selected; and
- M. Update the status of all applicants in the applicant tracking system.

Section 3-30 Types of Recruitments and Posting a Job

- A. A recruitment for a job opportunity in the Career Service may be either an:
  - 1. External and internal recruitment: Open to all applicants; or
  - 2. Internal recruitment: Open only to applicants who are currently City employees, including anyone who has been the subject of a layoff within the past twelve (12) months.
- B.
  - 1. A job opportunity that is announced must be posted on the City's web site for at least two (2) business days and may not be posted for more than three (3) months. Posting a notice of a job opening for a transfer, demotion, or re-instatement appointment is not required. (Revised August 19, 2021; Rule Revision 69D)
  - 2. Continuously-posted evergreen requisitions must be refreshed at least every three (3) months.
- C. Content of Job Postings:
  - 1. The notice must contain the job classification title, business title, pay range, benefits, position type (limited/unlimited/on-call), job description, minimum qualifications, target qualifications, physical requirements (where applicable), information on assessments and/or tests, pre-employment screening, and probation requirements. (Revised August 19, 2021; Rule Revision 69D)
  - 2. Evergreen requisitions must state whether the job is open continuously and if a job opening is currently available.

- C. A deferred assessment or test must be taken within seven (7) days of the approval of the deferment. An applicant that takes and successfully passes a deferred assessment or test after the seven (7) days will be eligible at that point in the recruitment process only if a candidate has not yet been selected.

### Section 3-50 Candidate Referral List and Interviews

A department or agency may request any number of eligible candidates to be included on the Referred List for a job vacancy. However, at least three (3) eligible candidates will be provided and must be interviewed. If there are less than three (3) eligible candidates on the list, the department or agency must interview all the candidates on the list.

- A. The OHR and Agency Hiring Authority and/or Agency Hiring Manager will jointly determine the best qualified candidate for a job and are not required to provide a specific reason for not selecting any candidate.
- B.
  - 1. To avoid favoritism in hiring, the City's Code of Ethics prohibits an employee from appointing, hiring, or being in a direct line of supervision over a member of his or her immediate family for any type of employment. The Board of Ethics must approve any waivers to this requirement. Refer to the Denver Code of Ethics, as it may be amended from time to time.
  - 2. Immediate family in this context means immediate family as defined in the Denver Code of Ethics (**Source: D.R.M.C. § 2-52**). (Revised May 22, 2018; Rule Revision Memo 41D)

### 3-51 Selecting a Candidate for Hire

- A. An Agency Hiring Authority and/or Agency Hiring Manager may only fill a vacant Career Service job with a candidate whose names appears on the Referred List provided by the OHR as described in this Rule 3, or who falls within one of the following exceptions:
  - 1. Career Service employees who are eligible for transfer or demotion appointments (including employees who are eligible for an ADA re-assignment under Rule 12 **LEAVE AND ACCOMMODATIONS FOR PREGNANCY AND EXTENDED ILLNESSES AND INJURIES**, or former employees who are eligible for re-employment, as defined in Rule 5 **APPOINTMENTS AND STATUS**). (Revised August 19, 2021; Rule Revision Memo 69D)
  - 2. Paid trainees and paid interns who have successfully completed the training or internship as provided in Rule 5 **APPOINTMENTS AND STATUS** may be promoted into the job that the trainee or intern was being trained to perform.

- C. Re-employment appointment: An appointment of a former employee to a position in the classification in which the employee was previously employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same or lower range minimum than the former classification, subject to the following conditions:
1. Former employees whose separation was the result of a dismissal are not eligible for re-employment;
  2. An appointment that is a re-instatement is not a re-employment appointment;
  3. In order to determine eligibility for re-employment into a successor classification, the OHR Executive Director may, on a case-by-case basis, review the duties previously performed as well as classification and pay; and
  4. A former employee who is re-employed shall serve in an employment probationary status.

5-12 Appointments of Employees Who Are in the Career Service  
(Revised August 19, 2021; Rule Revision Memo 69D)

The following is a list of the types of appointments of employees who are in the Career Service as defined in Career Service Rule 1 **DEFINITIONS**:

- A. Promotional appointment:
- B. Promotional re-instatement appointment:
- C. Transfer appointment:
1. An employee may be given a transfer appointment between departments or agencies provided that the employee and the receiving appointing authority consent.
  2. Unless otherwise agreed upon, a transfer appointment between departments or agencies becomes effective thirty (30) calendar days after the releasing department or agency is notified that the employee and the receiving department or agency have both consented to the transfer. However, the time may be shortened if the effective date is set jointly by the releasing appointing authority and the receiving appointing authority.
- D. Demotion appointment
1. Reasons for demotion: An appointing authority may give a demotion appointment in the following instances:

- a. Voluntary:
    - i. When an employee requests the demotion, or accepts a voluntary demotion in lieu of lay-off as defined in Rule 14 **SEPARATION OTHER THAN DISMISSAL**; or
    - ii. When an employee accepts the offer of a position with lower pay and benefits as a reasonable accommodation in the ADA Interactive Process.
  - b. In lieu of lay-off: When a position is to be abolished, in accordance with Rule 14 **SEPARATION OTHER THAN DISMISSAL**.
  - c. Involuntary:
    - i. Through disciplinary action in accordance with Rule 16 **DISCIPLINE AND DISMISSAL**; or
    - ii. In lieu of separation during employment probation in accordance with this Rule 5.
2. Notice to employee: Before a demotion appointment is effective, the following documentation shall be provided to the employee and submitted to the OHR:
- a. Written consent of the employee to a voluntary demotion; or
  - b. A written notice of demotion in lieu of lay-off as required by Rule 14 **SEPARATION OTHER THAN DISMISSAL**; or
  - c. A written notice of disciplinary demotion as required by Rule 16 **DISCIPLINE AND DISMISSAL**; or
  - d. A written notice of demotion in lieu of separation during employment probation, or during paid trainee or paid intern status.

## Section 5-20 Types of Positions

### 5-21 General

All positions in the Career Service shall be identified by the following two (2) characteristics:

- A. Duration; and
- B. Number of hours worked.

## 5-22 Duration

The duration of each position in the Career Service shall be determined by one of the following definitions:

- A. Unlimited positions: A position which has no specified ending date.
- B. Limited position: A position which has a specified ending date. Examples are positions funded by grants, positions created to meet a special project or seasonal need, positions created to replace an employee on extended leave, positions created to provide program continuity on an acting basis while recruitment is underway to fill a vacant position, and similar positions created with a time limitation for comparable specific purposes.

## 5-23 Number of Hours Worked

- A. Identification of positions by category: Each position in the Career Service shall be identified by one of the following categories based on work schedule:
  - 1. Full time;
  - 2. Part time;
  - 3. On call.
- B. Criteria of categories:
  - 1. Full time: A full time position is one in which an employee is scheduled to work forty (40) hours per week.
  - 2. Part time: A part time position is one in which an employee is scheduled to work less than forty (40) hours per week.
  - 3. On call: An on call position is one in which the employee works as needed. On-call positions may have routine or variable work patterns and are generally filled to accommodate seasonal or short term activities in various city agencies. Ushers are an example. Since Election Judges are not in the Career Service, they are not considered to be on-call Career Service employees.

## Section 5-30 Employee Status

Every Career Service employee shall hold at least one of the following employee status identifications:

- A. At-will status, which is made up of:
  - 1. On-call status;
  - 2. Paid trainee or paid intern status; and
  - 3. Employment probationary status.

B. Career status

C. Senior Command Staff status.

5-31 At-will Status

At-will employees:

- A. May be separated with or without notice and with or without cause at any time; and
- B. May not appeal any decision relating to his or her employment, including separation, except on the grounds of violation of the City's "Whistleblower Protection" ordinance.

5-32 On-call status

Every person who is appointed to an on-call position shall hold on-call status for the duration of the appointment.

5-33 Paid Trainee or Paid Intern Status

- A. Every person who is appointed to a trainee or intern position shall hold paid trainee or paid intern status for the duration of the appointment. The Public Safety Cadet classification is considered a trainee classification under these rules.
- B. The duration of paid trainee and paid intern status is set by the applicable classification specification.
- C. End of paid training or paid internship period:
  - 1. The department or agency shall report to the OHR, in writing, at the conclusion of paid trainee or paid intern status, whether the trainee or intern has successfully completed the training or internship period by acquiring the competencies, knowledge, skills and abilities necessary to satisfactorily perform the duties of the position.
  - 2. An appointing authority may request, in writing to the OHR Executive Director, that the trainee or intern be deemed to have successfully completed the training or internship period prior to the employee's completion of the training or internship period.
  - 3. Upon a determination by the OHR that the trainee or intern has successfully completed the training or internship period, the department or agency may promote the trainee or intern into the position the trainee or intern was being trained to perform.



## 5-34 Employment Probationary Status

Every person when first appointed or re-employed to a full time or part time, limited or unlimited Career Service position, that is not a trainee or intern position, shall hold employment probationary status for the probationary period established by this Rule 5.

An employment probationary period shall be regarded as an integral part of the examination process. It shall be utilized for closely observing the employee's work, assisting the employee to adjust to the duties and responsibilities of the position, and to separate or demote an employee as provided in this rule.

### A. Duration of employment probation:

Except as provided below, the minimum period of employment probation shall be six (6) months.

1. The minimum period of employment probation for employees in Deputy Sheriff, County Court Marshal, and Social Case Worker classifications shall be twelve (12) months. (Revised July 15, 2021; Rule Revision Memo 67D)
2. The minimum period of employment probation for employees in the Airport Emergency Dispatcher, Emergency Communications Technician, Police Dispatcher, Staff Probation Officer, Child Support Technician I, and Eligibility Technician I classifications shall be nine (9) months. (Revised July 15, 2021; Rule Revision Memo 67D)

B. An employee's end of probation date shall be calculated by adding the required amount of months (six, nine or twelve months) to the employee's hire date and subtracting a day.

### C. Required training:

(Revised May 22, 2018; Rule Revision Memo 40D)

1. All Career Service employees serving employment probation are required to complete training programs during their probationary period that address the following topics:
  - a. New employee orientation;
  - b. Ethics and public accountability;
  - c. The Respectful Workplace: Employee Edition, which includes workplace violence prevention;
  - d. Sexual harassment prevention;
  - e. STARS – Denver City values;
  - f. Workday – the City's HR and financial information system;
  - g. Performance management – performance reviews and goal setting; and

- h. Any other training required by the employee's department or agency, the DRMC, and/or applicable Executive Orders, that are clearly communicated to the employee.
- 2. Employees appointed or re-allocated to positions with supervisory or managerial duties are required to complete, in addition to the training listed above, new manager training that addresses the following topics:
  - a. The Respectful Workplace: Manager Edition, which includes workplace violence prevention;
  - b. Employment laws, the Career Service Rules, and discipline;.-
  - c. Workday training for those who manage others; and
  - d. KRONOS timekeeping.

Employees who are serving employment probation in a position with supervisory or managerial duties are required to complete the required supervisory training during their probationary period.

Employees who are not serving employment probation, but are appointed or re-allocated into a position with supervisory or managerial duties, must complete the required supervisory training within ninety (90) calendar days of their appointment or re-allocation.

- 3.
  - a. Employees who completed the required training within the three years prior to the effective date of appointment are not required to take that training again.
  - b. All employees will be expected to complete refresher training on certain training topics.
- 4. City departments and agencies are expected to make sure their employees meet the training requirements of this rule.

D. Extension of employment probation:  
(Revised May 22, 2018; Rule Revision Memo 40D)

Appointing authorities may extend an employee's employment probation for a period not to exceed an additional six (6) months after the original end of probation date. Notice of the extension shall be given to the employee and received by the OHR prior to the employee's end of probation date. Employment probation for employees in the Aviation Emergency Dispatcher, Emergency Communications Operator, Police Dispatcher, and Staff Probation Officer classifications may only be extended for a period not to exceed an additional three (3) months after the original end of probation date.

- E. End of employment probation:  
(Revised May 22, 2018; Rule Revision Memo 40D)
1. Supervisors are encouraged to evaluate employee performance and discuss it with the employee during the employment probationary period so that employees are fully informed of their progress.
  2. An employee's successful completion of an employment probationary period shall be documented by the department or agency and the documentation shall be sent to the employee and OHR.
  3.
    - a. If a department or agency is going to separate an employee during employment probation, a written notice of separation or dismissal shall be given to the employee on or before the employee's last day of employment probation and last day as a City employee.
    - b. An employee who has completed the required employment probationary period and the training programs required by this rule shall attain career status unless a written notice of the extension of the employee's employment probation, or of the employee's separation or dismissal, has been given to the employee and has been received at the OHR prior to the end of the employment probationary period.
- F. An employee serving employment probation may be separated in accordance with Rule 16 **DISCIPLINE AND DISMISSAL** or demoted to a position with less responsibility in accordance with this Rule 5.
- G. An employee who is appointed to another position during employment probation shall begin a new employment probationary period.

#### 5-35 Career Status

- A. Employees attain career status through:
1. Successful completion of-the employment probationary period, and the training programs required by this Rule 5; or
  2. Re-instatement after lay-off.
- B. An employee in career status:
1. May only be disciplined or dismissed for cause, in accordance with Rule 16 **DISCIPLINE AND DISMISSAL**;
  2. Is entitled to lay-off protection specified in Rule 14 **SEPARATION OTHER THAN DISMISSAL**, except for employees in limited positions; and
  3. May have continuous service credits earned prior to lay-off restored if such employee is re-instated or re-employed while still on the re-instatement list.

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.

- D. Heavy (4): Work that involves lifting no more than 100 pounds at a time with frequent lifting or carrying of objects weighing up to 50 pounds.
- E. Very Heavy (5): Work that involves lifting objects more than 100 pounds at a time with frequent lifting or carrying of objects weighing 50 pounds or more.

#### 5-42 Adoption of Medical Standards

Medical criteria for each medical group or for individual classifications within a medical group shall be proposed by the Medical Director at the Center for Occupational Safety and Health at Denver Health or by another designated provider (as defined in Chapter 18, Article VII of the Denver Revised Municipal Code – Treatment of Occupational Injury or Disease) and approved by the City’s Risk Management Office. Medical criteria must be job-related and consistent with business necessity. Medical criteria shall be used as a guide in determining an applicant’s ability to perform the essential physical functions of a position either with or without reasonable accommodations.

#### 5-43 Medical Examinations

- A. Whether an applicant is required to submit to a medical examination after receiving an offer of employment is set by the applicable job classification specification. The offer of employment shall be conditioned on the results of the medical examination. The examination shall be administered by the Center for Occupational Safety and Health at Denver Health or by another designated provider (as defined in Chapter 18, Article VII of the Denver Revised Municipal Code – Treatment of Occupational Injury or Disease). The examination shall be completed after the conditional offer of employment has been given to the applicant and before the first day of work.
- B. If it is determined that the applicant is unable to perform the essential functions of the position with or without reasonable accommodations, the offer of employment shall be rescinded.

#### Section 5-50 Dual Incumbency

Subject to approval by the Budget and Management Office, or its designee, an employee may be appointed to occupy a position currently occupied by another employee for a period not to exceed three (3) months. If it is desired to continue such an arrangement for more than three months, it shall be done by the creation of a limited position rather than dual incumbency in a single position.

### Section 5-60 Dual Employment

The following rules shall apply as to dual employment in the Career Service:

- A. Since a position is by definition an aggregate of duties to be performed by one (1) person, an employee may occupy only one (1) full-time position.
- B. An employee may occupy more than one (1) part-time position, more than one (1) on-call position, or a combination of part-time and on-call positions provided that the total time worked does not exceed the equivalent of a full-time position.

### Section 5-70 Compliance with the Immigration Reform and Control Act of 1986

#### 5-71 Policy

The policy of the Board is to conform to the provisions of Federal and Colorado immigration law, including but not limited to the Immigration Reform and Control Act of 1986, the Immigration Act of 1990, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and regulations based upon these laws.

#### 5-72 New Hires

No person hired on or after May 21, 1987 shall be employed for more than three (3) working days unless such employee has submitted to the OHR the documentary evidence of identity and authorization to work required by Federal immigration law.

#### 5-73 Penalty

In accordance with the requirements of Federal immigration law, any employee failing to comply with this section of Rule 5 **APPOINTMENTS AND STATUS** shall be terminated immediately.

**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 August 19, 2021; Rule Revision Memo 69D)

- 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, which are not listed in any particular rank order: (Revised August 19, 2021; Rule Revision Memo 69D)
  - 1. Related experience;
  - 2. Previous work record;
  - 3. Education and/or certification;
  - 4. Internal equity;
  - 5. Level of responsibility of accepted; and
  - 6. Merit system;

- 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. 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  
(Revised August 19, 2021; Rule Revision Memo 69D)

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%).

9-32 Transfers  
(Revised August 19, 2021; Rule Revision Memo 69D)

When an employee transfers positions from one classification to another classification with the same pay range minimum, the employee's pay shall be set by the appointing authority in accordance with the pay factors defined in this Rule 9.

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 requestor 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 Counteroffer (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 counteroffer 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 counteroffer;
  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 counteroffer 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 counteroffer 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 counteroffer.
- 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 August 19, 2021; Rule Revision Memo 69D)

- 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 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. OHR Classification and Compensation will 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 careerpath with comparable duties. (Revised August 19, 2021; Rule Revision 69D)
  
- 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.

- 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 August 19, 2021; Rule Revision Memo 69D)

- 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. An extension of six months may be considered, with sound business rationale, for approval by the OHR Executive Director.
  - 1. Employees are eligible for additional pay for such assignments when they have been assigned a majority (70% or more) of the duties and responsibilities of the vacant or temporarily unoccupied position in the higher-level classification;
  - 2. Assignments of duties from any vacant or temporarily unoccupied position in a higher classification may be assigned to one employee only; multiple employees may not share a working out-of-classification assignment and qualify for additional pay;
  - 3. The additional work and additional pay for work outside of an employee's job classification shall start at the beginning of a work week; the additional pay shall continue for the duration of the assignment.

- B. Working out-of-classification pay shall be set by the appointing authority with consideration given to the number of grade differences, and the percentage of work being performed of the higher-level classification as follows:

Working Out-of-Classification Scenario	Pay Increase %
The vacant higher-level classification is 1 or 2 pay grades higher	8%
The vacant higher-level classification is more than 2 pay grades higher	12%

If the employee's current classification is non-exempt and the employee will perform higher-level duties of an exempt classification, the employee retains their non-exempt pay status for overtime purposes.

If the employee is non-exempt and performing the work of an exempt classification, contact your OHR Classification and Compensation Analyst who will determine the pay grade difference.

- C. 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.
- D. If an employee receives a merit increase during the temporary assignment, the pay for the work assignment outside of job classifications 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.

<b><u>Position Level of New Hire</u></b>	<b><u>Amount</u></b>
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 the procedure 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 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 Memo45D)

- 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 September 17, 2020; Rule Revision 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 workday 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 August 19, 2021; Rule Revision Memo 70D)

1. In accordance with the Employee Volunteer Program (EVP) guidelines, maintained and published by OHR on the EVP website, full-time or part-time, limited and unlimited Career Service employees, are eligible to volunteer up to eight hours per calendar year for projects pre-approved by OHR. On-call employees are not eligible to participate in the program. 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.

employee with a disability may decline a reassignment appointment that is a demotion and request that the ADA Coordinator continue looking for vacant positions within the three-month time period.

6. The ADA Coordinator shall analyze the employee's specific experience, skills and background, and the specific job duties of the vacant position. The employee does not need to be the best-qualified individual for the position in order to be re-assigned to it.
  7. The ADA Coordinator shall provide the employee with information about all vacancies for which the employee:
    - a. Meets the minimum education, experience and licensing or certification requirements; and
    - b. Is able to perform the essential functions with or without accommodations.
  8. The employee may express their preference regarding the selection of a re-assignment position. However, the ADA Coordinator chooses the re-assignment position to be offered to the employee.
  9. If no vacant positions become available during the three-month reassignment period, the ADA Coordinator will, in most instances, terminate the IAP and disqualification proceedings may be initiated by the employee's department or agency.
  10. The ADA Coordinator shall terminate the IAP before the end of the three-month period if the employee withdraws their request for re-assignment, or if the employee accepts a new position through re-assignment.
- B. Reassignment is not available:
1. To a position that constitutes a promotion. This does not preclude an employee from applying for promotions within the Career Service; and (Revised August 19, 2021; Rule Revision 69D)
  2. To job applicants who are not currently City employees.
- C. A department or agency to which an employee with a disability is being re-assigned is required to cooperate with the re-assignment process coordinated by the ADA Coordinator and accept the re-assignment of that employee through the IAP. However, the department or agency may file a request to the OHR Executive Director to review the re-assignment placement within five (5) calendar days of the re-assignment notice if the department or agency reasonably believes, based upon the employee's qualifications or other factors, that the