

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules. When the Board or the Personnel Director considers that a change in the Rules is necessary or desirable, the procedure shall be as follows: ... 2) The proposed rule change shall be posted on bulletin boards and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule changes shall be posted with the proposed rule change. 4) A public hearing on the proposed rule change shall be held by the Board."

**PLEASE POST ON ALL BULLETIN BOARDS AS SOON  
AS POSSIBLE**

Public Hearing Notice - No. 419

A Career Service Board Public Hearing has been scheduled regarding **a proposed revision to Career Service Rule 9-101 Holiday Compensatory Time for Overtime Exempt Employees and related rules.**

The scheduled time for the public hearing is **THURSDAY, SEPTEMBER 16, 2010, at 9:00 A.M.**, in the **CSA Board Room, 4.F.6.**, Webb Municipal Building, 201 West Colfax Avenue.

If anyone wishes to be heard by the Board on this item, please contact Leon Duran at 720-913-5168 no later than 12:00 Noon on **MONDAY, SEPTEMBER 13, 2010.**

If anyone wishes to submit written comments, please submit them

**IN PERSON NO LATER THAN 12:00 NOON ON  
MONDAY, SEPTEMBER 13, 2010, TO:**

Pete Garritt  
HR Supervisor  
Career Service Authority  
201 West Colfax, 4<sup>th</sup> Floor  
Denver, Colorado 80202

**BY MAIL TO BE RECEIVED NO LATER THAN 12:00 NOON ON  
MONDAY, SEPTEMBER 13, 2010, ADDRESSED TO:**

Pete Garritt  
HR Supervisor  
Career Service Authority  
201 West Colfax, Department 412  
Denver, Colorado 80202

**BY FAX, TO BE RECEIVED NO LATER THAN 12:00 NOON ON  
MONDAY, SEPTEMBER 13, 2010 TO: (720-913-5720)**

**OR BY E-MAIL TO BE RECEIVED NO LATER THAN 12:00 NOON ON  
MONDAY, SEPTEMBER 13, 2010 TO: [Peter.Garritt@denvergov.org](mailto:Peter.Garritt@denvergov.org)**

**PLEASE POST ON ALL BULLETIN BOARDS**

**AS SOON AS POSSIBLE**

**RULE PROPOSAL 409B**

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

**FROM: Jeff Dolan, CSA Director**

**DATE: September 2, 2010**

**SUBJECT: Proposed revision to Career Service Rule 9-101 Holiday Compensatory Time for Overtime Exempt Employees and related rules**

**THIS PROPOSED REVISION TO THE CAREER SERVICE RULES IS BEING POSTED FOR PUBLIC COMMENT AND HEARING TO BE HELD ON**

**THURSDAY, SEPTEMBER 16, 2010, at 9:00 A.M.**

The Career Service Authority (CSA) is proposing that the Career Service Rules regarding compensation for working on City holidays be revised and moved to Rule 10 so that all of the rules regarding City holidays can be in one place. Currently, Rule 9-80 F covers how employees on alternative work schedules are paid for holidays; Rule 9-101 covers payment of holiday compensatory time to exempt employees, and Rules 10-54 and 10-55 cover paid holiday leave. This proposal combines all of these sections covering paid City holidays in one place in Rule 10. Additionally, after receiving numerous questions about the meaning of Rule 9-101 Holiday Compensatory Time for Overtime Exempt Employees, CSA staff is recommending the following changes to this rule (which will subsequently be part of Rule 10):

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

**If you would like to schedule a meeting with a member of Career Service Authority to discuss this proposal prior to the Public Hearing, please contact Pete Garritt at 720-913-5671.**

Section 9-80 Special Work Schedules

~~F. Holiday pay:~~

~~In a week in which a holiday occurs, employees receive eight hours of holiday leave and are expected to work for thirty two (32) hours. 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:~~

- ~~1. 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. Employees serving a probationary period after employment appointment shall be entitled to use earned vacation leave for this purpose only, upon completion of one (1) calendar month of service (Revised effective January 1, 2010; Rules Revision Memo 42C);~~
- ~~2. The employee may work additional hours within the work week; or~~
- ~~3. The employee may take the hours as leave without pay.~~

9-101 Holiday Compensatory Time for Overtime Exempt Employees:

~~An employee who is exempt from overtime and who is:~~

- ~~A. Scheduled to work on a holiday, or~~
- ~~B. Scheduled to work on his or her regularly scheduled day off in a week when a holiday occurs~~

~~Shall be given straight time holiday compensatory time off for the holiday in addition to pay for the time worked. 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 9-110 Record Keeping

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

- A. Responsibility for maintaining time and compensation records may be vested in the Department of Finance, the ~~Career Service Authority ("CSA")~~, or the agencies, as may be agreed among them from time to time.
- B. The content of these records shall be governed by guidelines established by CSA (see Appendix).
- C. These records shall be retained for a minimum of six (6) calendar years, in a location where they would be available for inspection within seventy-two (72) hours from the date when requested by the Wages and Hours Administrator or designees.

Proposed revisions to Career Service Rule 9-101 Holiday Compensatory Time and related rules  
Prepared for public hearing notice, 9/2/10

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

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

10-54 Holiday Leave

- 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.
- C. 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.
- D. *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 so long as the employee is notified of this change sufficiently in advance of the holiday week so that the employee is fully informed.***

- Ⓔ **E.** Unless otherwise provided in Rule 11 **UNPAID AND EXTENDED LEAVE**, an eligible employee must be at work or on an authorized, paid leave on the scheduled workdays immediately preceding and immediately following the day on which the holiday is observed in order to receive paid holiday leave.
- Ⓔ **F.** Religious or other holidays not observed by the City may be granted in accordance with the rules governing paid and unpaid leave.
- Ⓔ **G.** The appointment or separation of an employee shall not be effective on a holiday unless it is a scheduled workday for the employee.

**10-55 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.**

~~9-101~~ **10-56 Hours Worked in a Holiday Week** ~~Holiday Compensatory Time for Overtime-Exempt Employees:~~

- 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 their 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.** ~~An employee who is exempt from overtime and who is:~~
    - ~~A~~ **a.** ~~Scheduled to work~~ On a **the day the employee is scheduled to observe the** holiday **that week**, or
    - ~~B~~ **b.** ~~Scheduled to work~~ On **any of** his or her regularly scheduled days off in a week when a holiday occurs; **and**

**c.** **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.**

**3.** ~~Shall be given straight time holiday compensatory time off for the holiday in addition to pay for the time worked.~~ **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.**

**4.** **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.**

**5.** 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.