

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. 429

A Career Service Board Public Hearing has been scheduled regarding a proposed revision to Career Service Rule 9-100 Payment for Overtime and related rules.

The scheduled time for the public hearing is **THURSDAY, JUNE 16, 2011, at 9:00 A.M.**, in the **CSA Board Room, 4.G.2.**, 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, JUNE 13, 2011.**

If anyone wishes to submit written comments, please submit them

**IN PERSON NO LATER THAN 12:00 NOON ON
MONDAY, JUNE 13, 2011, TO:**

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

**BY MAIL TO BE RECEIVED NO LATER THAN 12:00 NOON ON
MONDAY, JUNE 13, 2011, 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, JUNE 13, 2011 TO: (720-913-5720)**

**OR BY E-MAIL TO BE RECEIVED NO LATER THAN 12:00 NOON ON
JUNE 13, 2011, TO: Peter.Garritt@denvergov.org**

PLEASE POST ON ALL BULLETIN BOARDS

AS SOON AS POSSIBLE

RULE PROPOSAL 414B

TO: Appointing Authorities, Managers, and Employees

FROM: Christopher M.A. Lujan, Interim CSA Director

DATE: June 3, 2011

SUBJECT: Proposed revision of Career Service Rule 9-100 Payment for Overtime and related rules

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

THURSDAY, JUNE 16, 2011, at 9:00 A.M.

Earlier this year, the Controller's Office changed their practices regarding how non-exempt employees are paid. As a result, the City no longer makes a distinction between salaried and hourly non-exempt employees. Now, all non-exempt employees are treated as hourly employees as far as pay practices are concerned. The attached rule change is necessary to remove outdated references to salaried non-exempt employees in Rule 9.

Additionally, this proposal moves current definitions of 'emergency' and 'essential employees' to the beginning of Rule 9 so that they are easier to find.

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 9-5 Definitions

~~(Revised effective October 17, 2010; Rule Revision Memo 47C)~~

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.

9-72 Posting of Changes In Work Schedules

(Re-numbered October 10, 2008; Rules 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. ~~The determination of an essential City service shall be at the discretion of the appointing authority (Revised effective September 21, 2010; Rules Revision Memo 49C).~~
- 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.

Section 9-90 Overtime

9-91 Policy

~~E. For the purposes of this rule, 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.~~

Proposed revision to Career Service Rule 9-100 and related rules

Related to implementation of positive pay

Prepared for public hearing notice, 06/03/11

Section 9-100 Payment for Overtime

~~A. Employees in salaried positions: Employees in positions in which annual salaries are established who are eligible to receive overtime pay and who work overtime shall receive overtime compensation as follows:~~

~~1. Non-exempt employees: The overtime rate shall be at the rate of one and one-half (1 ½) times the regular rate of pay applicable to that position.~~

~~a. The regular rate of pay shall be computed as follows:~~

~~(i) Determine the weekly rate of pay in accordance with the FLSA by dividing the annual salary by 52; then~~

~~(ii) Total the weekly rate of pay plus all payments for differentials, standby, and any other compensation required by FLSA to be included in the regular rate of pay for the work week, and divide by the number of hours the employee is regularly scheduled to work during a non-holiday week.~~

~~b. Compensatory time:~~

~~(i) Overtime compensation 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 or agency's overtime compensation policy. Compensatory time off shall be accrued at the rate of one and one-half (1 1/2) times the overtime hours worked. An employee who has accumulated eighty (80) hours of compensatory time and is required to work overtime shall be paid at the employee's regular rate for such overtime in cash. All accrued compensatory time shall be used by March 31st or paid out in cash by the final pay period of April of that year (Revised effective September 18, 2009; Rules Revision Memo 41C).~~

~~(ii) Payment for accrued compensatory time on separation: An eligible non-exempt employee who has accrued compensatory time in accordance with this section shall receive payment for the unused portion of such accrual when the employee is separated from the Career Service. The rate of compensation for such payment shall be the larger of the following:~~

~~1) The average regular rate received by such employee during the last three years of the employee's employment;
or~~

~~2) The final regular rate received by such employee.~~

~~A B.~~ ~~Employees in hourly positions~~ **Non-exempt employees:** Non-exempt employees in ~~positions that receive an hourly rate and~~ **who** work overtime shall receive compensation at the rate of one and one-half (1 ½) times the regular rate of pay applicable to the position.

1. 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 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. ~~How paid: Earned overtime compensation for employees in hourly positions shall be paid in cash.~~ **Compensatory time:**

a. Overtime compensation 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. Compensatory time off shall be accrued at the rate of one and one-half (1-1/2) 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. All accrued compensatory time shall be used by March 31st or paid out in cash by the final pay period of April of that year.

b. Payment for accrued compensatory time on separation: An eligible non-exempt employee who has accrued compensatory time in accordance with this section shall receive payment for the unused portion of such accrual when the employee is separated from the Career Service. The rate of compensation for such payment shall be the larger of the following:

- 1. The average regular rate received by such employee during the last three years of the employee's employment; or**
- 2. The final regular rate received by such employee.**

≙ **B.** Exempt employees eligible to receive overtime: The overtime rate shall be:

- ≙ **1.** (i) **a.** At the rate **established for non-exempt employees by this rule** defined in ~~subparagraph 9-100 A.4~~ if eligible under paragraph 9-93 A.
- (ii) **b.** At the rate established by the DHHA for comparable positions if eligible under paragraph 9-93 B.
- (iii) **c.** At the straight time hourly rate of pay applicable to that position, if eligible under paragraph 9-93 C, where the hourly rate is computed by dividing the annual salary by 52 and then dividing by the regular hours of the position; and
- (iv) **d.** At the rate of one and one-half (1 ½) times the hourly rate of pay applicable to that position if eligible under paragraph 9-93 D, where the hourly rate is computed by dividing the annual salary by 52 and then dividing by the regular hours of the position.
- ≙ **2.** How paid: Overtime compensation for eligible exempt employees shall be paid in cash. Exempt employees eligible for overtime shall not accrue or use compensatory time in lieu of pay, except for Holiday Compensatory Time as defined in Rule 10 **PAID LEAVE**.