

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules. When the Board or the OHR Executive 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. 504

A Career Service Board Public Hearing has been scheduled regarding the proposed revision of Career Service Rule 9 **PAY ADMINISTRATION**.

The scheduled time for the public hearing is **THURSDAY, JULY 16, 2015, at 9:00 A.M.**, in **Room, 4.G.2.**, Webb Municipal Building, 201 West Colfax Avenue.

If anyone wishes to submit written comments or talk to OHR staff regarding this notice, please contact:

Pete Garritt
HR Supervisor
Office of Human Resources
201 West Colfax, 4th Floor
Department 412
Denver, Colorado 80202

(720) 913-5671

Peter.Garritt@denvergov.org

Comments regarding this notice should be submitted no later than **12:00 noon on MONDAY, JULY 13, 2015**.

If anyone wishes to address the Board regarding this notice please contact Alisha Gronniger at (720) 913-5650 or at Alisha.Gronniger@denvergov.org no later than **12:00 noon on MONDAY, JULY 13, 2013** to get on the agenda.

PLEASE POST ON ALL BULLETIN BOARDS

AS SOON AS POSSIBLE

RULE PROPOSAL 439B

TO: Appointing Authorities, Managers, and Employees

FROM: Karen Niparko, OHR Executive Director

DATE: July 1, 2015

SUBJECT: Proposed revision of Career Service Rule 9 PAY ADMINISTRATION

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

**THURSDAY, July 16, 2015, at 9:00 A.M.
Webb Building Room 4.G.2**

Here is a summary of the proposed changes:

- **9-5 Definitions:**
Minimum percentage increase upon promotion which requires appointing authority consideration of pay factors raised from 8% to 10%.
- **9-31 Promotion and re-promotion:**
Minimum pay increase upon promotion raised from 6.9% to 8.0%.
Minimum percentage increase upon promotion which requires appointing authority consideration of pay factors raised from 8% to 10%.
- **9-33 Demotion:**
Clarifies that any pay reduction associated with a voluntary demotion needs the consent of the employee or the demotion will not occur. Maximum pay decrease for a voluntary demotion changed from 6.9% to 8.0%. Minimum pay decrease for involuntary demotion changed from 6.9% to 8.0%.
- **9-39 Pay adjustment within the salary range:**
Removes the requirement that an existing employee's pay must be compared to a new hire's pay, and allows them to be based on internal pay inequities.
- **9-40 On-Call Employees:**
Appointing authorities will be allowed to grant on-call employees (not just employees in the Short-range and Community Rate schedules) a pay increase under certain circumstances (moved from Rule 13)
- **9-53 Health Care Differential:**
Updates the names of occupational groups covered by this rule to reflect changes to City occupational group names.

- **9-64 Forensic Pathology Fellow Program Director Stipend**
Additional pay increased from 6.9% to 8.0% to align with new minimum promotional increase
- **9-65 Work Assignment Outside of Job Classification**
Additional pay increased from 6.9% to 8.0% to align with new minimum promotional increase.
- **9-66 Recruitment premium:**
Maximum increased from \$4,000 to \$10,000.
- **9-93 Overtime Exceptions:**
Removes requirement that overtime paid to exempt employees for services performed during an emergency only be paid when the duties performed are distinctly different than duties normally performed for that classification.

If you would like to schedule a meeting with a member of the OHR to discuss this proposal prior to the Public Hearing, please contact Meredith Creme at (720) 913-5722.

9-5 Definitions:

- F. Pay Factors: Appointing authorities who wish to hire employees at higher than the range midpoint, or increase the salary of promoted employees by more than ~~8.0~~10%, or provide an equity adjustment, shall base that decision on one or more of the following pay factors:
1. Market conditions;
 2. Related experience;
 3. Previous work record;
 4. Salary history;
 5. Specialization of education;
 6. Quality/quantity of education.
 7. Internal equity;
 8. Level of responsibility accepted.

9-31 Promotion and re-promotion

- A. Upon promotion an employee's pay shall be increased by at least ~~six and nine tenths~~ eight percent (~~6.9~~ 8%). In no event shall the pay upon promotion be lower than the range minimum or exceed the range maximum of the pay range of the new classification.
- B. The appointing authority may increase an employee's pay by more than eight ten percent (810%) upon promotion, if the appointing authority determines that one or more of the pay factors defined in this Rule 9 justify such an increase.
- C. Within the short range pay schedule the employee's pay shall be increased by five percent (5%), but not to exceed the range maximum of the pay range of the new classification.

9-33 Demotion

- A. Voluntary demotion:
1. A voluntary demotion is a demotion initiated through the request or application of an employee.
 2. When an employee voluntarily demotes, pay shall be set by the appointing authority and shall not be decreased by more than ~~six and nine tenths percent (6.9%)~~ eight (8%) unless doing so is necessary to keep the employee's pay from exceeding the range maximum of the pay range of the new classification. Before the pay can be set at a pay rate higher than the employee's current pay rate, the OHR Executive Director's prior approval will be required. **Before the pay can be set at a rate lower than the employee's current pay rate, the employee must agree to the reduction in writing. If the parties cannot agree on the amount of the reduction, the demotion will not occur.**

C. Involuntary demotion: (Revised July 19, 2012; Rule Revision Memo 64C)

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 ~~a six and nine tenths percent (6.9%)~~ **an eight percent (8%)** reduction shall be required.

9-39 Pay adjustment within the salary range

- A. An appointing authority may adjust pay for an ~~existing~~ employee, within that employee's current salary range, if the purpose is to eliminate pay inequity ~~created by external market conditions~~, so long as **that** the existing employee's pay is being compared with the pay of a **nother employee** ~~subsequent hire from outside the City~~ in the same department or agency **who is** ~~if the following conditions are met:~~

- ~~1. Employees at or above the level of Manager 1 are eligible for this pay adjustment only if the subsequent hire is also at or above the level of Manager 1.~~
- ~~2. Other employees are eligible for this pay adjustment if the subsequent hire is:~~
 - 1** a. In the same classification; or
 - 2** b. In the same classification series; or
 - 3** c. In a classification in the same occupational group within the same career path performing similar types of duties; or
 - 4** d. Subordinate to the ~~existing~~ employee in **that** ~~the existing~~ employee's chain of command.

B. Employees at or above the level of Manager are eligible for this pay adjustment only if the other employee is also at or above the level of Manager.

- ~~3. The effective date of the subsequent hire's employment occurred no more than one year before the request for the pay adjustment is made to the OHR Executive Director. Exceptions to this limitation may be granted by the OHR Executive Director upon good cause shown.~~

- ~~C~~ **B.** 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.
- ~~D~~ **C.** The appointing authority's request for approval shall explain ~~how external market conditions have caused the~~ **reason the** pay inequity **exists** ~~between the existing employee's pay and that of the subsequent hire.~~ This explanation should include information about how pay factors (as defined in this Rule 9) have **contributed to** ~~affected the pay inequity between the two employees.~~

Appointing authorities will be allowed to grant on-call employees (not just employees in the Short-range and Community Rate schedules) a pay increase equivalent to the average percentage merit increase established by the annual appropriation ordinance after serving a minimum of 300 hours in the current calendar year.

9-40 ~~**On-Call** Employees in the Community Rate and Short-range Pay Schedules~~

~~**On-Call** employees holding positions in the Community Rate and Short-range pay schedules are on call, accordingly, **are not eligible for** merit increases and merit payments are not available. However, **an appointing authority may grant on-call** employees **who have served** a minimum of three hundred (300) hours in the current calendar year ~~in these schedules may receive a two and one quarter percent (2.25%) a~~ pay increase **not to exceed the average percentage merit increase established by the annual appropriation ordinance and Rule 13. 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 calendar year.** ~~upon the approval of the appointing authority, except during a declared fiscal emergency;~~~~

A. ~~_____~~; or

B. ~~_____~~ One term and completion of a certificate program as approved by the appointing authority.

9-53 **Health Care Differential**

- A. Career Service employees who are employed by Denver Health and Hospital Authority ("DHHA") in classifications in the ~~Health Technical and Related Support, Health Professional, and Doctors~~ **Healthcare** occupational groups are eligible for health care differentials paid to comparable classifications at DHHA.
- B. The differentials, eligibility criteria and rates shall be established by DHHA.

9-64 Forensic Pathology Fellow Program Director Stipend

- 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 ~~six and nine-tenths percent (6.9%)~~ **eight percent (8%)** above his or her regular base pay.
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9-65 Work Assignment Outside of Job Classification

- A. An appointing authority may temporarily assign the duties of a vacant position in a higher level classification to an employee in a lower level classification for a period of one year in accordance with the criteria established in this rule. Assignments for periods longer than one year require the approval of the OHR Executive Director.
- B. 1. Employees are eligible for additional pay for such assignments when they have been assigned all of the duties and responsibilities of the vacant position in the higher level classification;
2. Additional pay for work outside of an employee's job classification shall start at the beginning of the work week following the fifteenth day of the temporary assignment, and continue for the duration of the assignment.
- C. The employee shall receive additional pay equal to ~~six and nine-tenths percent (6.9%)~~ **eight percent (8%)** above his or her regular base pay, unless the employee is receiving equipment differential.
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9-66 Recruitment premium

A department or agency may pay a one-time premium of up to ~~\$4,000~~ **\$10,000** to attract a highly qualified external candidate whose skills, knowledge and/or abilities are deemed essential to the mission of the City. The request must be approved by the Budget and Management office prior to extending the bonus offer. The candidate will be eligible to receive this bonus upon the completion of employment probation.

9-93 Overtime Exceptions

Employees in overtime exempt classes as defined by the FLSA shall not receive overtime pay, except in the following situations:

- C. Upon the request of an appointing authority, the OHR Executive Director may grant an exception to overtime exclusion for a specified period of time when the employee will provide services for the City during **related to the** declared emergency conditions. ~~Such exception shall apply to a position or group of positions within a classification where the working conditions are distinctly different than working conditions of other positions in the same classification and shall apply to the hours attributed to the emergency condition.~~

**APPENDIX 9.B.
GUIDELINES REGARDING TIME AND COMPENSATION RECORDS
(REFERRED TO IN RULE 9-110)**

The following information shall be kept on time and compensation records for all employees, to the extent applicable:

- K. Hours worked each work day and total hours worked each work week **by non-exempt employees** (for purposes of this clause, a "work day" shall be any consecutive 24 hours);