

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

Public Hearing Notice - No. **532**

A Career Service Board Public Hearing has been scheduled regarding proposed revisions to the Career Service leave rules.

The scheduled time for the public hearing is **THURSDAY, November 3, 2016, at 5:00 P.M.**, in **Room, 4.G.2.**, Webb Municipal Building, 201 West Colfax Avenue.

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

Dani Brown  
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Denver, Colorado 80202  
(720) 857-9843  
[Danielle.Brown@denvergov.org](mailto:Danielle.Brown@denvergov.org)

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.

Comments regarding this notice should be submitted no later than 12:00 noon on **MONDAY, OCTOBER 31, 2016.**

If anyone wishes to address the Board regarding this notice please contact Alisha Gronniger at (720) 913-5650 or at [Alisha.Gronniger@denvergov.org](mailto:Alisha.Gronniger@denvergov.org) no later than 12:00 noon on **MONDAY, OCTOBER 31, 2016** to get on the agenda.

You are encouraged to submit written comments regarding the subject matter of your testimony at this time so that the Board has time to adequately consider your input.

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**RULE PROPOSAL 450B**

**TO:** Appointing Authorities, Managers, and Employees  
**FROM:** Karen Niparko, OHR Executive Director  
**DATE:** October 21, 2016  
**SUBJECT:** Proposed revision of Career Service rules - **CORRECTION**

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

**THURSDAY, November 3, 2016, at 5:00 P.M.  
Webb Municipal Building Room 4.G.2**

As a result of Workday implementation, this proposed change amends the schedule and timelines for 2016 merit increases.

OHR is currently proposing revisions to Career Service Rule 13 **PAY FOR PERFORMANCE**.

A public hearing has been scheduled before the Career Service Board on November 3, 2016 to consider this proposal and hear public comments about the proposed revisions.

Please refer to the following table for information on the former rule description, the revised rule description and the intended impact of the revisions to Rule 13.

<b>Rule 13 Pay for Performance</b>			
<b>CURRENT RULE</b>	<b>REVISED RULE</b>	<b>NEW RULE NUMBER</b>	<b>REVISION INTENTION &amp; IMPACT</b>
Departments and agencies are responsible for determining the percentage increase associated with each employee rating within each quartile. The percent increase for all eligible employees shall average 3.1% for merit increases and merit	Retains department/agency responsibility. The percent increase for all eligible employees shall average <b>3.3%</b> for merit increases and merit payments delivered in 2017.	13-32 B.	In accordance with what the market is doing, merit increases are being adjusted from 3.1% to 3.3% for 2017.

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<b>Rule 13 Pay for Performance</b>			
<b>CURRENT RULE</b>	<b>REVISED RULE</b>	<b>NEW RULE NUMBER</b>	<b>REVISION INTENTION &amp; IMPACT</b>
payments delivered in 2016.			
New Rule	When there is a change to an employee's pay rate on the same effective date as the merit increase, the merit increase will always be applied before the other pay change(s).	13-32 B.1.	This is the current practice. Putting this in rule provides a formal way of communicating and ensuring consistency in practice.
Outdated Table	New Table	13-32 C. <u>Merit Table</u> : 1.  Appendix 13.A.	New table to be inserted into the rule.
Employees hired after January in the previous year shall have their merit increase and/or merit payment reduced by 1/12 <sup>th</sup> for the number of months after January their hire or re-hire date occurs. For instance, employees hired in February shall have their merit increase and/or merit payment for that year reduced by 1/12 <sup>th</sup> .	Employees hired after January 1st and on or before September 30th will have their merit increase pro-rated to the employee's start date.	13-33	Workday will be able to calculate pro-rations on the day of hire.
New Rule	An employee's merit increase shall not be included as part of another pay change, and must be applied as a separate merit increase.	13-34 A.	To clarify what happens when an increase such as promotion occurs, and to ensure consistency in practice.

<b>Rule 13 Pay for Performance</b>			
<b>CURRENT RULE</b>	<b>REVISED RULE</b>	<b>NEW RULE NUMBER</b>	<b>REVISION INTENTION &amp; IMPACT</b>
Requires discipline for supervisors who fail to meet deadlines for processing performance reviews.	Requires agencies/departments to follow the merit timeline schedule.	13-35	<p>This language was carried over from when merit increases were effective on an employee's anniversary date.</p> <p>Merit increases for an entire agency or department must be submitted according to the schedule in order to be processed timely with payroll.</p> <p>Removal of this language does not prevent a department from disciplining a supervisor who fails to carry out his/her assigned responsibilities.</p>
Documented performance: A verifiable assessment of an individual's work performance, including PEPR ratings, disciplinary actions, and safety violations.	Remove this definition	Rule 1	Rule 13 no longer uses this as a term of art, so there is no longer a need for this definition.

Rule 13 Pay for Performance			
CURRENT RULE	REVISED RULE	NEW RULE NUMBER	REVISION INTENTION & IMPACT
New Rule	Retroactive pay changes shall not extend back into the prior fiscal year. In extraordinary circumstances an appointing authority may request retroactivity back into the prior year, which requires approval by the OHR Executive Director or designee.	9-30	Retroactivity may affect salary quartile placement and requires an employee's merit increase or merit payment to be recalculated. This also affects funding/budgets for prior years after the year has already been closed out.  Adding to Rule 9 since this affects all pay changes, not just merit.

**ATTACHED BELOW YOU WILL FIND:  
Rule 13 – strikethrough version**

**DELETIONS ARE INDICATED BY strike through AND ADDITIONS ARE INDICATED BY *bold, italics, and underline*.**

**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 Alisha Gronniger at (720) 913-5650 or at [Alisha.Gronniger@denvergov.org](mailto:Alisha.Gronniger@denvergov.org).**

## RULE 13 PAY FOR PERFORMANCE

### Purpose statement:

The purpose of this rule is to explain the Performance Enhancement Program (“PEP”) and how the individual performance of eligible Career Service employees is evaluated, reported and rewarded with merit increases and merit payments.

### Section 13-10 Definitions:

- A. Eligible Employee: All Career Service employees are eligible for merit increases and merit payments as provided in this Rule, except:
1. On-call employees;
  2. Employees holding positions in the Training pay schedule, which only has one pay rate ~~and cannot support merit increases~~;
  3. Employees who hold positions in classifications contained in the Undersheriff pay schedules; and
  4. Employees hired in the Career Service after September 30<sup>th</sup> of the previous year. (Revised July 31, 2015; Rule Revision Memo 13D)
- B. Merit Increase: Periodic increase to an employee’s base rate of pay **as** determined by an employee’s performance rating and location in the applicable pay range.
- C. Merit Payment: Lump sum payment ~~of~~ **is** a percentage of an employee’s current annual base salary. A merit payment will not increase an employee’s base rate of pay.
- D. Performance Improvement Plan (“PIP”): A document which may be used at any time during an employee’s evaluation period to supplement the employee’s PEP Plan that may include, but is not limited to, levels of performance that must be achieved to obtain a successful rating, current performance deficiencies, support that may be provided by the department or agency, actions the employee must take to address the performance deficiencies, and a timeline for completion of the actions.

### Section 13-20 Performance Enhancement Program

#### 13-21 Purpose

The purposes of the PEP is to outline job expectations, establish performance outcomes and measures, encourage and support professional development, provide ongoing performance feedback, and evaluate performance in a timely manner.

#### 13-22 Written PEP Plan

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Upon appointment to a position, or the assignment of substantially different duties, an eligible employee's supervisor shall provide the employee with a written PEP plan setting forth the performance outcomes and measures against which an employee's performance is evaluated every year.

13-23 ~~PEP Reporting~~ ***Performance Reviews***

- A. All eligible employees shall have their performance for the previous calendar year formally evaluated and rated in a ***written performance review*** PEP Report ("PEPR"). This evaluation shall occur once every year according to the schedule attached as Appendix A.
  - 1. Eligible employees who have been absent from their position for less than a calendar year shall have their performance ***evaluated based on the time they were*** while present at work ~~evaluated as provided in this Rule~~.
  - 2. Eligible employees who have been on a leave of absence from their position for all of the preceding calendar year shall have their pay adjusted to reflect what they would have received with a "Successful" merit increase set at the mid-point of the applicable range for the quartile containing the employee's pay rate.

13-24 ***Interim PEPRs***

(Revised July 31, 2015; Rule Revision Memo 13D)

- A. Whenever an eligible employee changes supervisors, an interim PEPR should be completed by the employee's former supervisor. If the change in supervisors is the result of the employee's former supervisor terminating employment with the City, the next level manager should complete the interim PEPR. The interim PEPR shall cover the period from the beginning of the year until the effective date of the change in supervisors.
- B. The employee's current supervisor should make reasonable efforts to obtain an interim PEPR or a documented review of the employee's performance prior to the change in supervisors. However, if an employee's former supervisor or next level manager fails to complete an interim PEPR and submit it to the current supervisor or the employee's current supervisor is unable to obtain a documented performance review prior to the deadline by which the current supervisor must complete the employee's PEPR, the employee will receive a rating of "Successful" for the performance period under the former supervisor.
- C. The employee's current supervisor shall prepare a PEPR for the entire calendar year. This performance rating should take into account the performance rating on the interim PEPR and/or the documented performance review and the employee's current performance in proportion to the time spent in each assignment. However, nothing herein shall prevent an employee from receiving an overall annual rating higher or lower than the rating given on the interim PEPR and/or the documented performance review.

Section 13-30 Performance Review ~~PEP~~-Process

13-31 Performance Ratings

- A. An eligible employee's overall performance shall be evaluated ~~rated~~ in an employee's review ~~PEPR~~ as one of the following:
1. Failing: Work does not meet expectations in most, if not all, areas.
  2. Below expectations: Meets many, but not all job requirements. Outcomes are generally less than expected, with improvement required in one or more specific areas.
  3. Successful: Consistently achieved performance standards.
  4. Exceeds expectations: Consistently performs well above expected job requirements. Outcomes frequently surpass expectations.
  5. Outstanding: Consistently delivers outcomes not often achieved by others; always exceeds standards.

B. "Failing" Rating Procedure:

1. If an eligible employee's annual performance evaluation rating is expected to be "Failing," the department or agency shall advise the employee of the expected rating a reasonable time in advance, but not less than seven (7) calendar days prior to the date of the meeting scheduled to review the employee's PEPR, and shall allow representation at the meeting to review the PEPR in accordance with the provisions of Rule 16 **CODE OF CONDUCT AND DISCIPLINE**. (Revised February 12, 2016; Rule Revision Memo 18D)
2. The employee shall be provided with a PIP no later than ten (10) calendar days after the date the PEPR is reviewed with the employee.

13-32 Merit Increases and Merit Payments

(Revised January 1, 2016; Rule Revision Memo 17D)

- A. The funding for merit increases and merit payments is provided in the annual appropriation ordinance. The pay increase associated with a particular performance rating shall be reviewed annually and adjusted as necessary to reflect prevailing practices in the community. The award of merit increases and merit payments is contingent upon this annual appropriation being approved by City Council and the Mayor. In case of a conflict between ordinance and these rules, the ordinance will prevail.
- B. Departments and agencies are responsible for determining the percentage increase associated with each employee rating within each quartile. The percent increase for all eligible employees shall average 3.3% ~~3.1%~~ for merit increases and merit payments delivered in 2017 ~~2016~~.

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1. When there is a change to an employee's pay rate on the same effective date as the merit increase, the merit increase will be applied before any other pay rate change(s).

C. Merit Table:

1. Eligibility for merit increases and merit payments is based on an eligible employee's overall annual performance rating as measured by a PEPR and the quartile in which the employee's salary is found in accordance with the following table:

Rating	1st- Quartile	2nd- Quartile	3rd- Quartile	4th- Quartile	Range Maximum	Above Range
<b>5: Outstanding</b>	4.6-5.0%	4.1-4.5%	3.6-4.0%	2.0-2.4% Plus 1% Lump Sum Merit- Payment	2% Lump Sum- Merit Payment	2% Lump Sum Merit- Payment
<b>4: Exceeds Expectations</b>	4.1-4.5%	3.6-4.0%	3.0-3.4%	1.2-1.6% Plus 1% Lump Sum Merit- Payment	1% Lump Sum- Merit Payment	1% Lump Sum Merit- Payment
<b>3: Successful</b>	3.6-4.0%	2.9-3.3%	2.4-2.8%	0.7-1.1% Plus 1% Lump Sum Merit- Payment	0.0%	0.0%
<b>2: Below Expectations</b>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>1: Failing</b>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

<u>Performance Rating Category</u>	<u>Merit Increases for Salaries in the 1st Quartile</u>	<u>Merit Increases for Salaries in the 2nd Quartile</u>	<u>Merit Increases for Salaries in the 3rd Quartile</u>	<u>Merit Increases for Salaries in the 4th Quartile</u>	<u>Salaries at or Above Pay Range Maximum</u>
<u>5. Outstanding</u>	<u>3.7-4.5%</u>	<u>4.3-5.1%</u>	<u>3.7-4.5%</u>	<u>3.1-3.9%</u>	<u>2.5% - 3.3% Lump Sum Merit Payment</u>
<u>4: Exceeds Expectations</u>	<u>3.1-3.9%</u>	<u>3.7-4.5%</u>	<u>3.1-3.9%</u>	<u>2.5-3.3%</u>	<u>1.9% - 2.7% Lump Sum Merit Payment</u>
<u>3: Successful</u>	<u>2.5-3.3%</u>	<u>3.1-3.9%</u>	<u>2.5-3.3%</u>	<u>1.9-2.7%</u>	<u>0.0%</u>
<u>2: Below Expectations</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>
<u>1: Failing</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>

2. However, ~~n~~**N**o eligible employee shall receive a merit increase that exceeds the range maximum of the pay grade assigned to the employee's job classification. If the application of this sub-paragraph results in an employee receiving a merit increase that is less than the percentage increase awarded to the employee, the employee shall receive the difference between the merit increase awarded and the merit increase received in the form of an additional merit payment.

- D. In the case of a declared fiscal emergency by the Mayor, and upon the request of the Mayor, there will be no merit increases or merit payments awarded for increments of at least one year. During the declared fiscal emergency appointing authorities, managers and supervisors shall complete PEPRs for eligible employees, but no merit increases or merit payments will be awarded during this time.

13-33 Pro-ration for New Hires  
(Revised July 31, 2015; Rule Revision Memo 13D)

Employees hired after January 1st and on or before September 30th will have their merit increase pro-rated to the employee's start date in the previous year shall have their merit increase and/or merit payment reduced by 1/12<sup>th</sup> for the number of months after January their hire or re-hire date occurs. For instance, employees hired in February shall have their merit increase and/or merit payment for that year reduced by 1/12<sup>th</sup>.

13-34 Effective Date of Merit Increase

Merit increases and merit payments will be calculated from an employee's annual base salary as of the Saturday before the first Sunday of the calendar year and be effective on the first Sunday of the calendar year for eligible employees who were employed in the Career Service on December 31<sup>st</sup> of the previous year.

**A. An employee's merit increase shall not be included as part of another pay change (such as a promotional increase), and must be applied as a separate merit increase.**

13-35 Enforcement of **Performance Review** PEPR Schedule

A. Departments and agencies shall submit proposed merit increases and merit payments to the Office of Human Resources ("OHR") as provided in the schedule attached as Appendix A.

~~B. 1. If a supervisor's or manager's failure to meet the deadlines set forth in Appendix A is a contributing reason to an appointing authority's failure to meet the deadline for submitting recommended merit increases and merit payments to the OHR for all of the appointing authority's eligible employees, the supervisor's or manager's rating shall be reduced as follows:~~

~~a. If the supervisor's or manager has missed a deadline, that supervisor or manager's rating for the outcome related to the timeliness of PEPR shall not exceed "Below expectations."~~

~~b. Once the supervisor or manager is more than one week late in meeting a deadline set forth in Appendix A, the overall performance rating that supervisor or manager would otherwise have received for the previous calendar year shall be reduced by one rating.~~

~~c. Each additional seven-day period of delay shall result in the supervisor's or manager's rating being reduced one rating for each additional seven-day period.~~

~~2. An appointing authority may request that the OHR Executive Director grant a supervisor or manager who is more than one week late in meeting a deadline set forth in Appendix A, relief from the operation of this paragraph 13-35 B, due to a showing of extenuating circumstances beyond the reasonable control or advance knowledge of the employee.~~

~~C. The failure of a supervisor or manager to meet the deadlines set forth in Appendix A may also be grounds for discipline, up to and including dismissal, for failure to perform assigned duties under Rule 16 **CODE OF CONDUCT AND DISCIPLINE**. (Revised February 12, 2016; Rule Revision Memo 18D)~~

13-36 Review of PEPR with Employee

Each employee's **written performance review** PEPR shall be reviewed with the employee as provided in the schedule attached as Appendix A.

13-37 Official Records

The **annual performance review** PEPR and any supporting documentation shall be made a permanent part of the employee's official personnel record.

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### 13-38 Discipline

The written performance review PEP plan, PEPR, and/or PIP(s) may be used as a basis for disciplinary action under Rule 16 **CODE OF CONDUCT AND DISCIPLINE**, up to and including dismissal, if an employee's performance fails to comport with the standards set forth in any of these documents. (Revised February 12, 2016; Rule Revision Memo 18D)

### 13-39 Grievances and Appeals Relating to **Performance Reviews** PEPRs

- A. An eligible employee may grieve any performance rating pursuant to Rule 18 **DISPUTE RESOLUTION**.
- B. An eligible employee may appeal a grievance of a "Failing" rating in accordance with Rule 19 **APPEALS**. Appeals of grievances of other ratings are not permitted.
- C. An eligible employee may not grieve or appeal any other aspect of the PEP.

**APPENDIX 13.A**

**2015 PEPR SCHEDULE**

<b>DUE DATE</b>	<b>TASK</b>
February 5, 2016	Deadline for performance evaluations for the 2015 calendar year to be completed by subordinate supervisors and managers.
February 19, 2016	Deadline for appointing authorities to submit merit increase and merit payment recommendations to the OHR. All eligible employees must be accounted for in these recommendations. The percent increase for all eligible employees in a department or agency should average 3.1% for merit increases and merit payments delivered in 2016. Supervisors may begin meeting with employees to review PEPRs and merit increase amount once the OHR has reviewed and approved merit increase and merit payment recommendations.
March 25, 2016	Merit increases and merit payments appear on employee paychecks.
April 8, 2016	Merit increases and merit payments are paid retroactively for the period from January 3 <sup>rd</sup> until March 5 <sup>th</sup> .

**2016 PERFORMANCE REVIEW SCHEDULE**

<b><u>DUE DATE</u></b>	<b><u>TASK</u></b>
<b><u>December 16, 2016</u></b>	<b><u>Deadline for performance evaluations for the 2016 calendar year to be completed by supervisors and managers.</u></b>
<b><u>January 13, 2016</u></b>	<b><u>Deadline for appointing authorities to submit merit increase and merit payment recommendations to the OHR. All eligible employees must be accounted for in these recommendations. The percent increase for all eligible employees in a department or agency should average 3.3% for merit increases and merit payments delivered in 2017.</u></b>

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<u>February 24, 2017</u>	<u>Merit increases and merit payments appear on employee paychecks.</u>
<u>March 10, 2017</u>	<u>Merit increases and merit payments are paid retroactively for the period from January 1<sup>st</sup> until March 10th.</u>

This Appendix is provided for informational purposes and is not considered a part of the Rules.

From Rule 1 **DEFINITIONS**

~~Documented performance:~~

~~A verifiable assessment of an individual's work performance, including PEPR ratings, disciplinary actions, and safety violations (Effective March 19, 2004; Rule Revision Memo 247B).~~

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**Section 9-30 Changes in Classification and Pay**

A change in an employee's classification may occur through promotion, transfer, demotion, reallocation, or promotional re-instatement. (Revised November 18, 2015; Rule Revision Memo 15D)

***Retroactive pay changes shall not extend into the prior fiscal year, unless approved by the Office of Human Resources Executive Director or designee.***