

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules ("Rules"). When the Board or the OHR Executive Director determines 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 the same bulletin boards as the local, state, and federal-mandated posters, as well as the Career Service Board's internet page, and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule change and the reason(s) for the proposed change 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. 581

A Career Service Board Public Hearing has been scheduled regarding proposed revisions to Career Service Rule 9 **PAY ADMINISTRATION**.

The scheduled time for the public hearing is **THURSDAY, August 2, 2018, at 4:30 P.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:

*Lauren Locklear*  
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(720) 913-5618

Comments regarding this notice should be submitted no later than **12:00 P.M. on MONDAY, July 30, 2018.**

If anyone wishes to address the Board regarding this notice please contact George Branchaud at (720) 913-5650 or at [george.branchaud@denvergov.org](mailto:george.branchaud@denvergov.org) no later than **12:00 P.M. on MONDAY, July 30, 2018** 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.

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

**RULE PROPOSAL 473B**

**TO:** Appointing Authorities, Managers, and Employees  
**FROM:** Karen Niparko, OHR Executive Director  
**DATE:** July 19, 2018  
**SUBJECT:** Proposed revisions 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, August 2, 2018, at 4:30 P.M.**  
**Webb Municipal Building Room 4.G.2**

Please refer to the following table for additional information on the former rule description, the revised rule description and the intended impact of the revisions to Rule 9:

<b>Rule 9 PAY ADMINISTRATION</b>			
<b>CURRENT RULE</b>	<b>REVISED RULE</b>	<b>RULE NUMBER</b>	<b>REVISION INTENTION &amp; IMPACT</b>
Lists pay factors that appointing authorities should use to justify hiring employees at higher than range midpoint or increasing an employee's salary more than 10% upon promotion	Appointing authorities shall use the listed pay factors whenever setting pay.	9-5	These pay factors should guide all decisions at the City & County ("City") relating to pay; salary history is not indicative of how an employee should be paid for performing a certain job.
When an employee promotes, pay should be set between the range min and max and must be increased by at least 8%. Pay may be increased by more than 10% if the appointing authority finds that one or more of the pay factors justify such an increase.	When an employee promotes, pay should be set in the pay range and should be based on the pay factors. The recommended increase upon promotion is eight percent (8%).	9-31	Appointing authorities will rely on pay factors to guide all decisions relating to pay; 8% is still the <u>recommended</u> increase upon promotion.

<b>Rule 9 PAY ADMINISTRATION</b>			
<b>CURRENT RULE</b>	<b>REVISED RULE</b>	<b>RULE NUMBER</b>	<b>REVISION INTENTION &amp; IMPACT</b>
When an employee transfers, their pay does not change unless their pay would be outside the new pay range.	When an employee transfers, their pay does not change unless the employee is moving from on-call to limited or unlimited or vice versa, <u>and</u> internal equity warrants a pay adjustment	9-32	In certain transfers when internal equity will warrant a pay adjustment as part of the transfer process.
When an employee voluntarily demotes, pay cannot be decreased by more than 8% unless necessary to keep the employee's pay within the pay range of the new job. If pay is going to be increased, the OHR Executive Director must approve.	When an employee voluntarily demotes, pay must be set within the new classification's pay range and must be based on the pay factors.	9-33 A	Appointing authorities will rely on pay factors to guide all decisions relating to pay. The new rule will help eliminate pay inequities when employees voluntarily demote into other roles.
Employees are eligible for shift differential pay based on when their work hours fall.	Employees are eligible for shift differential pay based on when their regularly scheduled, non-overtime work hours fall.	9-51 C	This change ensures that employees receive shift differential pay as appropriate, regardless of outside factors that may require them to stay beyond, or start before, their regularly scheduled shift.
A Heavy Equipment Mechanic ("HEM") who is assigned HEM trainer duties by an appointing authority is eligible for a differential for all time spent performing HEM trainer duties.	An appointing authority may pay an employee a fleet technician certification stipend based on classification and number of certifications.	9-54 (old) 9-65 (new)	The City abolished the HEM class; it was replaced by the Fleet Technician III classification. The new fleet tech certification stipend is more common community-wide.

<b>Rule 9 PAY ADMINISTRATION</b>			
<b>CURRENT RULE</b>	<b>REVISED RULE</b>	<b>RULE NUMBER</b>	<b>REVISION INTENTION &amp; IMPACT</b>
The Office of Human Resources may grant an exception to the overtime exclusion for employees when the employee will provide snow removal and snow operations duties for the City.	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.	9-93 A 5	Rule 9-93 is being updated to exclude employees at Director-level and above from overtime eligibility for snow removal activities.

**ATTACHED BELOW YOU WILL FIND A STRIKETHROUGH VERSION OF THE PROPOSED REVISIONS TO RULE 9 PAY ADMINISTRATION.**

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

Section 9-5 Definitions

(Revised February 21, 2017; Rule Revision Memo 25D)

F. Pay Factors: ***When setting pay,*** A ***ap***pointing authorities ~~who wish to hire employees at higher than the range midpoint, or increase the salary of promoted employees by more than ten percent (10.0%), or provide an equity adjustment,~~ shall base the ***dec***ision on ~~one or more of~~ the following pay factors:

1. Market conditions;
2. Related experience;
3. Previous work record;  
Salary history;
4. ~~Specialization of e~~ Education ***and/or certification;***  
Quality/quantity of education;
5. Internal equity; ***and***
6. Level of responsibility accepted.

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 and re-promotion

- A. 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%).** increased by at least eight percent (8.0%). ~~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.~~ (Revised July 31, 2015; Rule Revision Memo 12D)
- B. ~~The appointing authority may increase an employee's pay by more than ten percent (10%) upon promotion if the appointing authority determines that one or more of the pay factors defined in this Rule 9 justify such an increase.~~ (Revised July 31, 2015; Rule Revision Memo 12D)
- C. ~~Within the community rate 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.~~ (Revised May 31, 2017; Rule Revision Memo 27D)
- D.B. Demotion and subsequent re-promotion:
  - 1. If an employee demotes without a loss in pay, that employee is not eligible for an increase in pay upon re-promotion if such re-promotion occurs within twelve months following the date of the demotion.
  - 2. In all other circumstances, an employee being re-promoted will have their pay set under the provisions of paragraph 9-31 A.

9-32 Transfers

When an employee transfers **positions within the same classification, or transfers from one classification to another classification with the same range minimum,** the employee shall receive the same pay as before the transfer; **unless the employee is transferring from on-call status to limited or unlimited status or vice versa and internal equity warrants a pay adjustment. If the employee's pay upon transfer will,** ~~unless that would be more than the range maximum of the new pay range of the new classification. In that case the employee's pay shall be set at 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 **in accordance with the pay factors defined in this Rule 9** and shall not be **lower** decreased by more than **the range minimum or greater than the range maximum of the pay range for the new classification.** eight percent (8.0%), 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 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 **voluntary** demotion will not occur. (Revised July 31, 2015; Rule Revision Memo 12D)

~~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.~~

- ### 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.**

- ~~D. In no event shall the pay upon demotion be lower than the range minimum or exceed the range maximum of the pay range of the new classification.~~

9-51 Shift Differential

(Revised September 14, 2008; Rule Revision Memo 31C)

A. Employee eligibility:

1. Employees in classifications in non-exempt pay schedules 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 schedules are not eligible for shift differential, unless the employee is in a classification:
  - a. In which the **OHR Executive Director** Board 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. ~~Which~~ **That** is a first-line supervisory classification, ~~in which the~~ **and the** employee's primary duties include **directly supervising** ~~the direct supervision of~~ employees who ~~have no subordinate supervisors and~~ are receiving shift differential for the time the employee is supervising them.
3. Employees in classifications in community rate pay schedules 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 **regularly scheduled non-overtime** 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 **regularly scheduled non-overtime** hours worked occur between 3 p.m. and 11 p.m. the employee shall receive the evening rate, unless the other half of the **regularly scheduled non-overtime** 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 **regularly scheduled non-overtime** 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 **regularly scheduled non-overtime** hours occur. If these **regularly scheduled non-overtime** 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.
- D. Shift differential shall not be paid during any period of paid or unpaid leave.

9-54 Heavy Equipment Mechanic Trainer Differential  
(Effective June 23, 2008; Rule Revision Memo 29C)

- A. A Heavy Equipment Mechanic ("HEM") who is assigned HEM trainer duties by an appointing authority shall be eligible for a differential of \$2.25 per hour for all time spent performing HEM trainer duties (but not to exceed four hundred hours per calendar year).
- B. The appointing authority shall select eligible HEM trainers through a formal process that shall include submission of an application, a formal interview, and demonstration and evaluation of technical skills.
- C. 1. The appointing authority shall provide a training plan which shall include the criteria that will be used for selecting HEM trainers to the OHR Executive Director for approval.
2. The appointing authority shall provide the name(s) of any eligible employee(s) to the OHR prior to payment of the differential.
- D. An appointing authority may terminate the assignment of training duties to an employee at any time. The appointing authority shall notify the OHR when an employee is no longer assigned training duties.

**9-65 Fleet Technician Certification Stipend**

- 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 procedures 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 must provide 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:**

<b><u># Certifications</u></b>	<b><u>Fleet Technician I</u></b>	<b><u>Fleet Technician II</u></b>	<b><u>Fleet Technician III / Fleet Collision Technician</u></b>	<b><u>Fleet Technician Lead</u></b>
<b><u>Successful Completion of four (4) Certifications</u></b>	<b><u>\$30</u></b>	<b><u>\$30</u></b>	<b><u>\$30</u></b>	<b><u>\$45</u></b>
<b><u>Successful Completion of eight (8) Certifications</u></b>	<b><u>N/A</u></b>	<b><u>\$50</u></b>	<b><u>\$50</u></b>	<b><u>\$90</u></b>
<b><u>Successful Completion of twelve (12) Certifications</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>\$75</u></b>	<b><u>\$135</u></b>
<b><u>Successful Completion of fifteen (15) Certifications</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>\$100</u></b>	<b><u>\$180</u></b>

**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.**

9-93 Overtime Exceptions  
(Revised April 9, 2018; Rule Revision Memo 38D)

- 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 occupational group 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 workweek, 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 work-week, the overtime rate shall be one and one-half (1½) times the hourly rate of pay applicable

- B. The hourly rate of pay for purposes of overtime compensation under this 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.