

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. 596

A Career Service Board Public Hearing has been scheduled regarding proposed revisions to **Career Service Rule 9-51 Shift Differential**.

The scheduled time for the public hearing is **THURSDAY, MARCH 7, 2019 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
HR Compliance Officer
Office of Human Resources
201 West Colfax, 4th Floor
Department 412
Denver, Colorado 80202
(720) 913-5618
lauren.locklear@denvergov.org

Comments regarding this notice should be submitted no later than **12:00 P.M. on Monday, March 4, 2019.**

If anyone wishes to address the Board regarding this notice please contact George Branchaud at (720) 913-5650 or at george.branchaud@denvergov.org no later than **12:00 P.M. on Monday, March 4, 2019** 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 480B

TO: Appointing Authorities, Managers, and Employees
FROM: Karen Niparko, OHR Executive Director
DATE: February 21, 2019
SUBJECT: Proposed revisions to Career Service Rule 9-51 Shift Differential

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

**THURSDAY, March 7, 2019, 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 9-51:

Rule 9-51 <u>Shift Differential</u>			
CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
N/A	If the employee's regularly scheduled shift is eligible for shift differential but their shift is extended due to no fault of their own, the shift differential shall still be applied to the regularly scheduled shift worked.	9-51 C.	This new provision will allow employees to keep their shift differential pay if factors outside of their control, such as mandated overtime or late relief, would cause the employee to lose their shift differential eligibility. The pay would be applied to the regularly scheduled shift worked. In these instances, managers will submit a Time and Attendance Change (TAC) form to payroll.

ATTACHED BELOW YOU WILL FIND A STRIKETHROUGH VERSION OF THE PROPOSED REVISIONS TO RULE 9-51 Shift Differential.

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

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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 who are receiving shift differential for the time the employee (first-line supervisor) 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 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 hours worked occur between 3 p.m. and 11 p.m. the employee shall receive the evening rate, unless the other half of the 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 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 hours occur. If these 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.
- 4. *If the employee's regularly scheduled shift is eligible for shift differential and that employee's shift is extended due to no fault of their own, such as through mandated overtime or late relief, and such extension would cause the employee to lose shift differential eligibility, the shift differential shall still be applied to the regularly scheduled shift worked.***

D. Shift differential shall not be paid during any period of paid or unpaid leave.