

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. 605

A Career Service Board Public Hearing has been scheduled regarding the proposed revisions to **Career Service Rule 10 PAID LEAVE**.

The scheduled time for the public hearing is **THURSDAY, AUGUST 15, 2019 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:

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, August 12, 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, August 12, 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 484B

TO: Appointing Authorities, Managers, and Employees
FROM: Karen Niparko, OHR Executive Director
DATE: July 18, 2019
SUBJECT: Proposed Revisions to Career Service Rule 10 PAID LEAVE

**THESE PROPOSED REVISIONS TO THE CAREER SERVICE RULES ARE BEING POSTED
FOR PUBLIC COMMENT AND HEARING TO BE HELD ON**

**THURSDAY, August 15, 2019, at 9:30 A.M.
Webb Municipal Building Room 4.G.2**

Please refer to the following table for additional information on the former rule description, the new rule description, and the intended impact of the revision of Rule 10:

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
"Immediate family" for bereavement leave purposes includes spouse, child, parent grandparent, grandchild, sibling, child-in-law, parent-in-law, sibling-in-law, brother, domestic partner and the parent, child, sibling of the domestic partner, as well as minor children for whom the employee or the employee's domestic partner provide day-to-day care and financial support.	The revised rule also includes: partner in a civil union and the child, parent, sibling of a partner in a civil union, step-relatives (child, parent, sibling), half-siblings, parent, child, sibling through adoption, foster care, or guardianship, and children lost through stillbirth	10-10	The purpose of this revision is to align with Sec. 18-22 of the D.R.M.C. which is in the process of being updated to be gender neutral and to reflect the composition of the modern family
Uses "his or hers" or "he or she" as pronouns	Uses "the employee" or "their"	10-26 10-36 10-43 10-44 10-45 10-48 10-66 10-75	Removing gender references to make Rule 10 gender neutral

ATTACHED BELOW YOU WILL FIND A STRIKETHROUGH VERSION OF THE PROPOSED REVISIONS TO RULE 10 PAID LEAVE.

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

**RULE 10
PAID LEAVE**

(Revised May 9, 2016; Rule Revision Memo 19D)

Purpose statement:

The purpose of this rule is to provide guidelines and policies for administering the City's paid leave programs. For rules regarding leave for extended illnesses or injuries see Rule 12 **ACCOMMODATIONS FOR DISABILITY, PREGNANCY, EXTENDED ILLNESS OR INJURY, AND LEAVE.** (Revised June 24, 2019; Rule Revision Memo 54D)

Section 10-10 General

10-11 Definitions

(Revised May 22, 2018; Rule Revision Memo 41D)

- A. Leave: Any absence during regularly scheduled work hours. The following types of paid leave are covered in this rule:
1. Paid time off ("PTO");
 2. Sick and vacation;
 3. Bereavement
 4. Holiday;
 5. Compensatory;
 6. Administrative;
 7. Military;
 8. Election;
 9. Court;
 10. Investigatory;
 11. Training;
 12. Occasional time off.
- B. Domestic Partner: An unmarried adult, unrelated by blood (closer than would prohibit marriage in Colorado pursuant to the Colorado Revised Statutes); with whom an unmarried employee has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses or an individual

with whom an employee has registered a domestic partnership with the municipality in which the individual resides or with the state, if applicable.

- C. Partner in a Civil Union: As defined in section 14-15-103 (5) of the Colorado Revised Statutes.
- D. Immediate family: ~~Spouse, child, parent, grandparent, grandchild, sibling, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, partner in a civil union, domestic partner, and the parent, child, or sibling of the partner in a civil union or domestic partner, as well as minor children for whom the employee or the employee's partner in a civil union or domestic partner provide day-to-day care and financial support.~~ **Spouse, partner in a civil union or domestic partner ("partner"), child, parent, grandparent, grandchild, sibling, child-in-law, parent-in-law, sibling-in-law, and the child, parent, or sibling of the partner. The terms child, parent, and sibling shall apply equally to relationships by birth, adoption, marriage, foster care, or guardianship (e.g. step-children and step-parents). Child shall also include children for whom the officer or employee or the officer's or employee's spouse or partner provide day-to-day care or financial support, and a child lost through stillbirth.**

Source: DRMC § 18-122.

10-26 Maximum Accumulation and Pay-out of PTO

- A. PTO earned by an employee shall be deposited in **their** ~~his or her~~ PTO bank. PTO may not be accumulated in the PTO bank in excess of four hundred (400) hours.
Source: D.R.M.C. §18-124 and 127(a)
- B. Exceeding the PTO Accumulation Limit:

Ordinarily an employee at the PTO leave accumulation limit of four hundred (400) hours cannot accumulate any additional PTO. However, if the appointing authority is unable to allow an employee who has accumulated the maximum hours of PTO to use PTO because of workload, the appointing authority shall request that the OHR Executive Director allow the employee to exceed the maximum amount. The employee must use the excess over four hundred (400) hours in the employee's PTO bank within one year of the approval date.
- C. Employees who elected to voluntarily convert from sick and vacation leave to PTO leave on February 1, 2010 were required to convert their sick and vacation leave balances into a special leave bank. PTO used by an employee shall be debited from the employee's PTO bank first unless it has been exhausted or if the employee requests that the special leave bank be used first. This special leave bank cannot:
 - 1. Exceed 400 hours; or
 - 2. Be replenished.

Source: D.R.M.C. §18-124

- D. Upon separation, a PTO recipient shall be paid at **their** ~~his or her~~ regular rate of pay for the unused portion of **their** ~~his or her~~ accumulated PTO bank and special bank if applicable.

10-36 Sick and Vacation Leave Pay Upon Separation

A. Sick leave:

1. The following table applies to the pay-out of sick leave upon separation for any reason other than death or retirement:

Full years Of service		Payout formula
<5	No pay out	
5	Sick leave balance minus	(5 X 40 hrs.) or 200 hrs.
6	Sick leave balance minus	(6 X 40 hrs.) or 240 hrs.
7	Sick leave balance minus	(7 X 40 hrs.) or 280 hrs.
8	Sick leave balance minus	(8 X 40hrs.) or 320 hrs.
9	Sick leave balance minus	(9 X 40hrs.) or 360 hrs.
>10	Sick leave balance minus	(10 X 40hrs.) or 400 hrs.

2. Upon separation due to retirement or death, an employee shall be paid at **their** ~~his or her~~ regular rate of pay for one-half (1/2) of all accumulated sick leave credits existing on the effective date of separation or death, or in accordance with the method described above, whichever is higher, but not to exceed five hundred sixty (560) working hours.

10-43 Using Paid Leave

- A. The amount of PTO or sick and vacation leave used shall be the amount of time an employee is absent from **their** ~~his or her~~ scheduled shift(s).

10-44 Reporting and Investigation of Leave Used for Sickness or Injury

- A. If an employee is absent for reasons that entitles the employee to use PTO or sick leave without appointing authority approval, the employee or a member of the employee's household shall notify the employee's supervisor as soon as possible but at least within two (2) hours after the employee's usual reporting time. Appointing authorities may establish reporting procedures which differ from the standard for an entire agency, for specific units, or for individual employees in order to meet special program needs or workloads.
- B. If an employee fails to notify the employee's supervisor or agency head, no PTO or sick leave shall be authorized, except in unusual circumstances, to be determined by the appointing authority.

- C. Appointing authorities may investigate the alleged illness of an employee using PTO or sick leave without appointing authority approval. False or fraudulent use of PTO or sick leave shall be cause for disciplinary action and may result in dismissal.
 - D. An employee who is using PTO or sick leave for more than three (3) days because of ~~his or her~~ **their** own illness or that of a member of ~~his or her~~ **their** immediate family may be required to furnish a statement signed by attending physician, or other proof of illness satisfactory to the appointing authority. An appointing authority may require this statement or proof for an absence chargeable to PTO or sick leave without appointing authority approval, of any duration. If an appointing authority, supervisor, or employee has reason to believe that the absence may be a qualifying event under the FMLA, ~~he or she~~ **they** should contact human resources.
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10-45 Donating Leave

- A. A Career Service employee may donate sick leave to another Career Service employee provided that the employee donating sick leave:
 - 1. Has been earning sick leave from the City continuously for the last five years; and
 - 2. Retains a sick leave balance of at least two hundred forty (240) hours after the donation.
- B. A Career Service employee may donate PTO to another Career Service employee provided that the employee donating PTO retains a PTO balance of at least eighty (80) hours after the donation.
- C. A Career Service employee may donate PTO or sick leave to a non-Career Service City employee provided that the recipient employee's department or agency and any applicable collective bargaining agreement allow employees to receive donations of leave from Career Service employees and provided that the applicable donor requirements have been met.
- D. A Career Service employee may donate PTO or sick leave to, or receive donated sick leave from, an employee covered by the Sheriff pay schedules to the extent permitted by the applicable collective bargaining agreement and provided that the donor and recipient requirements applicable to the non-Sheriff employee have been met.
- E. Recipient requirements:
 - 1. Before an employee can receive donated leave, the employee (or the employee's representative) must provide notice to the Department of Finance that the employee anticipates a need for donated leave. Such notice shall estimate how much donated leave the employee expects to use in the current calendar year. Should the employee need more donated leave beyond the

original estimate, the employee shall provide notice of this to the Department of Finance before the employee can receive additional donations.

2. In order to use donated leave, an employee must:
 - a. Have exhausted **their** ~~his or her~~ accumulated compensatory time, sick leave and vacation leave or PTO or personal holiday, be absent from work and;

10-48 Effect of Re-instatement and Re-employment on PTO and Sick Leave Balance

An employee who is re-instated after a lay-off shall have sick leave that **the employee** ~~he or she~~ was not paid for at the time of separation restored as follows:

- A. Employees who are enrolled in the PTO plan upon re-instatement may be able to convert sick leave that was lost at the time of lay-off to the special PTO bank. The amount that may be converted is based on the employee's accumulated sick leave at the time of separation. Up to one-half of this amount may be converted to the special PTO bank;
 1. So long as the amount converted does not exceed four hundred (400) hours; and
 2. After the sick leave the employee was paid for at the time of separation is deducted from this amount.
- B. Employees who elect to receive sick and vacation leave after re-instatement shall have all sick leave that **the employee** ~~he or she~~ was not paid for at the time of separation restored to the employee's sick leave bank.
- C. An employee who is re-employed while **their** ~~his or her~~ name is on a re-instatement list shall also be entitled to restoration of eligible sick leave under the terms of this subsection.

10-66 Compensation for Hours Worked in a Holiday Week

- A. In a week in which a holiday occurs, full-time employees receive eight hours of holiday leave and are expected to work (or use leave) for the remaining thirty-two (32) hours. Part-time employees are expected to work (or use leave) during the time left after the employee's paid holiday leave is deducted from the hours they are normally expected to work in a week.
- B. In addition, employees in classifications in exempt pay schedules shall receive straight time holiday compensatory time for the hours the employee actually works:
 1. a. On the day the employee is scheduled to observe the holiday that

week, or

- b. On any of **the employee's** ~~his or her~~ scheduled days off in a week when a holiday occurs; and
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10-75 Court Leave

- A. An employee shall be granted paid court leave during time the employee is regularly scheduled to work, if the employee is:
 - 1. Required to serve as a juror in a court of law;
 - 2. Subpoenaed by the City and County of Denver to testify in a court of law;
 - 3. Subpoenaed to testify in a court of law or administrative proceeding concerning matters arising out of the course of **their** ~~his or her~~ employment; or
 - 4. Requested to serve as a witness in a court of law or administrative proceeding by **their** ~~his or her~~ appointing authority or other authorized person to represent the City's interest in the legal proceedings.
- B. Court leave is intended only to apply to those time periods when the employee is needed for court service and for reasonable travel time between court and work.
- C. In order to receive court leave, an employee who is called for jury duty or to serve as a witness shall present the original summons or subpoena from the court to **their** ~~his or her~~ supervisor and, at the conclusion of such duty, a signed statement from the Clerk of the Court or other evidence showing the actual time of attendance at court.
- D. Fees received for jury service in a Federal, State, or Municipal court shall be in addition to, and irrespective of, an employee's regular salary.