

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. 632

A Career Service Board Public Hearing has been scheduled regarding the proposed revisions to **Career Service Rules 11-21, 11-24 and 11-25 Authorized Unpaid Leave.**

A Career Service Board Meeting regarding Public Hearing Notice 632 is scheduled for **Thursday, December 17, 2020.** The public hearing starts at **9:00 AM** and will be conducted through a provided conference call number and available digital link through public notice of the agenda, released no later than two days prior to the scheduled meeting.

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

Office of Human Resources
Employee Relations Team
(720) 913-5710
ERSTeam@denvergov.org

Comments regarding this notice should be submitted no later than **12:00 P.M. on Monday, December 14, 2020.**

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 Wednesday, December 16, 2020** 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 62D

TO: Appointing Authorities, Managers, and Employees
FROM: Karen Niparko, OHR Executive Director
DATE: December 3, 2020
SUBJECT: Proposed revisions to Career Service Rules 11-21, 11-24 and 11-25 Authorized Unpaid Leave.

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

Thursday, December 17, 2020, at 9:00 A.M.

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p><u>11-21 Authorized Unpaid Leave</u> Appointing authorities may permit the use of unpaid leave by employees who either do not have paid leave available or who have requested permission to use unpaid leave when it is in the interest of the City to do so.</p>	<p><u>11-21 Authorized Unpaid Leave</u> When it is in the interest of the City, appointing authorities may permit the use of unpaid leave by employees who either do not have paid leave available or who have requested permission to use unpaid leave. Other than FMLA, ADA, and USERRA, authorized unpaid leave shall not last longer than 180 consecutive days. Authorized unpaid leave shall not be considered a break in service.</p>	11-21.	<p>This revision is necessary to limit unpaid leave and the City's obligation to continue medical insurance for employees on leave to 180 days.</p>
<p><u>11-24 Maintenance of Benefits During Extended Absences</u> This section applies to the maintenance of benefits during extended absences except as otherwise provided in these rules. A. <u>First Thirty Days of Unpaid Leave:</u> The first thirty (30) consecutive calendar days of authorized, voluntary unpaid leave in a calendar year, shall have no effect on the following: 1. City contributions to health, dental, and life insurance; or</p>	<p><u>11-24 Maintenance of Benefits During Extended Authorized Unpaid Leave</u> A. <u>First Thirty Days of Authorized Unpaid Leave:</u> The first thirty (30) consecutive calendar days of authorized, voluntary unpaid leave in a calendar year, shall have no effect on the following: 1. City contributions to medical, dental, and life insurance; or 2. Accrual of paid time off (PTO), sick and vacation leave, and holiday eligibility.</p>	11-24A	<p>This is a conforming revision to bring Career Service rules in compliance with the Affordable Care Act (ACA). The ACA's measurement and stability period requires employers to provide employees with 12 months of affordable medical coverage if they worked more than 1560 hours in the previous 12 months. The current rule requires the employee to pay for the full cost of their medical insurance, which is prohibited.</p>

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p>2. Accrual of paid time off (PTO), sick and vacation leave, and holiday eligibility.</p>			
<p>11-24B. <u>After Thirty Days but Before One Hundred and Eighty-one Days:</u> After the first thirty (30) consecutive calendar days of authorized, voluntary unpaid leave in a calendar year: 1. City contributions to health, dental, and life insurance shall be discontinued, except for employees on Family and Medical Leave Act (“FMLA”) leave; and 2. Employees will no longer be able to earn PTO, sick and vacation leave, or paid holidays.</p>	<p>11-24B. <u>After Thirty Days of Authorized Unpaid Leave</u> 1. The City will continue to pay its portion of medical benefits, but the employee must arrange for payment of the employee’s portion of the employee’s medical benefits by executing a deduction agreement allowing the City to make monthly deductions from the employee’s accrued paid leave (PTO or vacation leave) and holiday leave accruals equal to the amount of employee owed premiums. Upon exhaustion of paid leave, the employee must make arrangements with the City’s COBRA administrator to pay any amount of premiums owed. An employee may cancel medical coverage but will not be able to add that coverages back again until the next open enrollment period. An employee’s failure to pay the cost of continuing medical coverage shall result in the discontinuance of such insurance. 2.City contributions to dental, and life insurance shall be discontinued, except for employees on Family and Medical Leave Act (“FMLA”) leave. a. An employee may cancel coverage for dental and life insurance as well as supplemental coverages (i.e. vision and supplemental life), but will not be able to add those coverages back again until the next open enrollment period. b. An employee may continue dental, and life insurance, as well</p>	<p>11-24B</p>	<p>This is a conforming revision to bring Career Service rules in compliance with the Affordable Care Act (ACA). The ACA’s measurement and stability period requires employers to provide employees with 12 months of affordable medical coverage if they worked more than 1560 hours in the previous 12 months. The current rule requires the employee to pay for the full cost of their medical insurance after 30 days, which is prohibited.</p>

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
	<p>as any supplemental insurance coverages (i.e. vision and supplemental life), by depositing the amount due with the City's COBRA administrator every month. An employee's failure to pay the cost of continuing insurance coverage shall result in the discontinuance of such insurance.</p> <p>3. Employees will no longer be able to earn PTO, sick and vacation leave, or paid holidays.</p>		
<p>11-24C. <u>After One Hundred and Eighty Days:</u> After the first one hundred and eighty (180) consecutive calendar days of authorized, voluntary unpaid leave, City contributions to health, dental, and life insurance shall be discontinued for all employees.</p>		11-24C	Deleted to comply with the ACA.
<p>11-24D. 1. An employee may pay the cost of continuing his or her health, dental, and life insurance, as well as any supplemental insurance coverage(s), such as vision and supplemental life insurance, during extended absences from work by: a. Depositing the amount due with the OHR every month; or b. Taking at least one day of paid leave from which the amount due shall be deducted. 2. An employee's failure to pay the cost of continuing insurance coverage shall result in the discontinuance of such insurance.</p>		11-24D	Deleted to comply the ACA.
<p><u>11-25 Other Provisions Regarding Extended Unpaid Leave</u> A. A period of unpaid leave shall not constitute a break in service.</p>	<p><u>11-25 Other Provisions Regarding Extended Authorized Unpaid Leave</u> A. A period of unpaid authorized leave shall not constitute a break in service.</p>	11-25A	Revisions necessary to limit the time an employee may be granted an unpaid leave to 180 days.

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p>11-25 B. A period of unpaid leave lasting longer than one hundred and eighty (180) consecutive calendar days and occurring during an employee's probationary period shall not be counted as part of that period. The employee to whom such leave has been granted will resume his or her probationary period upon returning from the period of unpaid leave.</p>	<p>11-25 B.A period of authorized unpaid leave occurring during an employee's probationary period shall not be counted as part of that period. The employee to whom such leave has been granted will resume his or her probationary period upon returning from the period of unpaid leave.</p>	<p>11-25B</p>	<p>Revisions necessary to limit the time an employee may be granted an unpaid leave to 180 days.</p>
<p>C. At the expiration of a period of unpaid leave, the employee shall return to the position and classification he or she held before going on leave. Failure to report promptly at the expiration of a period of unpaid leave shall be considered to be a resignation.</p>	<p>C. At the expiration of a period of authorized unpaid leave, the employee shall return to the position and classification he or she held before going on leave. Failure to report promptly at the expiration of a period of unpaid leave shall be considered a resignation.</p>	<p>11-25C</p>	<p>Revisions necessary to limit the time an employee may be granted an unpaid leave to 180 days.</p>
<p>H. Maintenance of benefits:</p> <p>1. During furloughs of three (3) consecutive months or less:</p> <p>c. the City will continue paying its share of the employee's health, dental, and life insurance premiums.</p>	<p>H. Maintenance of benefits:</p> <p>1. During furloughs of three (3) consecutive months or less:</p> <p>c. the City will continue paying its share of the employee's medical, dental, and life insurance premiums.</p>	<p>11-27H.1.</p>	<p>This revision is necessary to specify medical insurance versus the broader "health" term.</p>

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

11-21 Authorized Unpaid Leave

When it is in the interest of the City, appointing authorities may permit the use of unpaid leave by employees who either do not have paid leave available or who have requested permission to use unpaid leave when it is in the interest of the City to do so. ***Other than FMLA, ADA, and USERRA, authorized unpaid leave shall not last longer than 180 consecutive days.***
Authorized unpaid leave shall not be considered a break in service.

11-24 Maintenance of Benefits During Extended Authorized Unpaid Leave Absences

This section applies to the maintenance of benefits during extended absences except as otherwise provided in these rules.

A. First Thirty Days of Authorized Unpaid Leave:

The first thirty (30) consecutive calendar days of authorized, voluntary unpaid leave in a calendar year, shall have no effect on the following:

1. City contributions to ~~health~~***medical***, dental, and life insurance; or
2. Accrual of paid time off (PTO), sick and vacation leave, and holiday eligibility.

B. After Thirty Days ***of Authorized Unpaid Leave*** ~~but Before One Hundred and Eighty one Days:~~

~~After the first thirty (30) consecutive calendar days of authorized, voluntary unpaid leave in a calendar year:~~

1. ~~City contributions to health, dental, and life insurance shall be discontinued, except for employees on Family and Medical Leave Act (“FMLA”) leave;~~ ***The City will continue to pay its portion of medical benefits, but the employee must arrange for payment of the employee’s portion of the employee’s medical benefits by executing a deduction agreement allowing the City to make monthly deductions from the employee’s accrued paid leave (PTO or vacation leave) and holiday leave accruals equal to the amount of employee owed premiums. Upon exhaustion of paid leave, the employee must make arrangements with the City’s COBRA administrator to pay any amount of premiums owed. An employee may cancel medical coverage but will not be able to add that coverage back again until the next open enrollment period. An employee’s failure to pay the cost of continuing medical coverage shall result in the discontinuance of such insurance.***

2. City contributions to dental, and life insurance shall be discontinued, except for employees on Family and Medical Leave Act ("FMLA") leave.

a. An employee may cancel coverage for dental and life insurance as well as supplemental coverages (i.e. vision and supplemental life), but will not be able to add those coverages back again until the next open enrollment period.

b. An employee may continue dental, and life insurance, as well as any supplemental insurance coverages (i.e. vision and supplemental life), by depositing the amount due with the City's COBRA administrator every month. An employee's failure to pay the cost of continuing insurance coverage shall result in the discontinuance of such insurance.

~~2.3.~~ Employees will no longer be able to earn PTO, sick and vacation leave, or paid holidays.

~~C. After One Hundred and Eighty Days:~~

~~After the first one hundred and eighty (180) consecutive calendar days of authorized, voluntary unpaid leave, City contributions to health, dental, and life insurance shall be discontinued for all employees.~~

~~D. 1. An employee may pay the cost of continuing his or her health, dental, and life insurance, as well as any supplemental insurance coverage(s), such as vision and supplemental life insurance, during extended absences from work by:~~

~~a. Depositing the amount due with the OHR every month; or~~

~~b. Taking at least one day of paid leave from which the amount due shall be deducted.~~

~~2. An employee's failure to pay the cost of continuing insurance coverage shall result in the discontinuance of such insurance.~~

11-25 Other Provisions Regarding Extended Authorized Unpaid Leave

A. A period of unpaid authorized leave shall not constitute a break in service.

B. A period of authorized unpaid leave ~~lasting longer than one hundred and eighty (180) consecutive calendar days and~~ occurring during an employee's probationary period shall not be counted as part of that period. The employee to whom such leave has been granted

will resume his or her probationary period upon returning from the period of unpaid leave.

- C. At the expiration of a period of ***authorized*** unpaid leave, the employee shall return to the position and classification he or she held before going on leave. Failure to report promptly at the expiration of a period of unpaid leave shall be considered ~~to be~~ a resignation.

11-21 Authorized Unpaid Leave

When it is in the interest of the City, appointing authorities may permit the use of unpaid leave by employees who either do not have paid leave available or who have requested permission to use unpaid leave. Other than FMLA, ADA, and USERRA, authorized unpaid leave shall not last longer than 180 consecutive days. Authorized unpaid leave shall not be considered a break in service.

11-24 Maintenance of Benefits During Extended Authorized Unpaid Leave

A. First Thirty Days of ***Authorized*** Unpaid Leave:

The first thirty (30) consecutive calendar days of authorized, voluntary unpaid leave in a calendar year, shall have no effect on the following:

1. City contributions to medical, dental, and life insurance; or
2. Accrual of paid time off (PTO), sick and vacation leave, and holiday eligibility.

B. After Thirty Days of Authorized Unpaid Leave:

1. The City will continue to pay its portion of medical benefits, but the employee must arrange for payment of the employee's portion of the employee's medical benefits by executing a deduction agreement allowing the City to make monthly deductions from the employee's accrued paid leave (PTO or vacation leave) and holiday leave accruals equal to the amount of employee owed premiums. Upon exhaustion of paid leave, the employee must make arrangements with the City's COBRA administrator to pay any amount of premiums owed. An employee may cancel medical coverage but will not be able to add that coverage back again until the next open enrollment period. An employee's failure to pay the cost of continuing medical coverage shall result in the discontinuance of such insurance.
2. City contributions to dental, and life insurance shall be discontinued, except for employees on Family and Medical Leave Act ("FMLA") leave.
 - a. An employee may cancel coverage for dental and life insurance as well as supplemental coverages (i.e. vision and supplemental life)

but will not be able to add those coverages back again until the next open enrollment period.

b. An employee may continue dental, and life insurance, as well as any supplemental insurance coverages (i.e. vision and supplemental life), by depositing the amount due with the City's COBRA administrator every month. An employee's failure to pay the cost of continuing insurance coverage shall result in the discontinuance of such insurance.

3. Employees will no longer be able to earn PTO, sick and vacation leave, or paid holidays.

11-25 Other Provisions Regarding Extended Authorized Unpaid Leave

- A. A period of unpaid authorized leave shall not constitute a break in service.
- B. A period of authorized unpaid leave occurring during an employee's probationary period shall not be counted as part of that period. The employee to whom such leave has been granted will resume his or her probationary period upon returning from the period of unpaid leave.
- C. At the expiration of a period of authorized unpaid leave, the employee shall return to the position and classification he or she held before going on leave. Failure to report promptly at the expiration of a period of unpaid leave shall be considered a resignation.