

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. 634

A Career Service Board Public Hearing has been scheduled regarding the proposed revisions to **Career Service Rule 11-31 Granting Unpaid Military Leave**.

A Career Service Board Meeting regarding Public Hearing Notice 634 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 64D

TO: Appointing Authorities, Managers, and Employees
FROM: Karen Niparko, OHR Executive Director
DATE: December 3, 2020
SUBJECT: Proposed revisions to Career Service Rule 11-31 Granting Unpaid Military 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>11-31B. <u>Maintenance of Benefits:</u></p> <p>1. First Thirty Days of Military Leave:</p> <p>The first thirty (30) consecutive days of military leave (paid and unpaid) shall have no effect on the following:</p> <p>a. City contributions to health, dental, and life insurance; and</p> <p>b. Accrual of PTO or sick and vacation leave, and holiday eligibility.</p>	<p>11-31B. <u>Maintenance of Benefits:</u></p> <p>1. During unpaid military leave of three (3) consecutive months or less the City will continue to provide:</p> <p>a. employees with accrued PTO, or sick and vacation leave, and</p> <p>b. paid holiday leave for observed holidays, and</p> <p>c. payment of the employer’s share of the employee’s medical, dental, and life insurance premiums.</p>	11-31B.1.	This is a conforming revision to align with the furlough rule.
<p>11-31 B.2. After Thirty Days of Military Leave:</p> <p>a.</p> <p>1. Employees on military leave (paid and unpaid) for thirty-one (31) days or longer, are eligible for health benefit coverage from the military. In addition, an employee on military leave for thirty-one (31) days or longer may continue his or her</p>	<p>11-31 B.2. For unpaid military leave exceeding one (1) month, if continuing coverage, the employee must arrange for payment of the employee’s portion of the employee’s medical, dental, and life insurance premiums as well as supplemental insurance coverages such as vision and supplemental life insurance by executing a deduction agreement</p>	11-31B.2	This is a conforming revision to align with the furlough rule.

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<p>individual and/or family coverage under the City's group health plan for the duration of military leave. Employees opting for continuing coverage under the City's group health plan are responsible for paying 100% of the premium costs.</p> <p>2. During military leave, the employee may continue supplemental insurance coverage(s), such as dental, vision, and supplemental life insurance, for the duration of military leave. Employees opting for continuing supplemental insurance coverage are responsible for paying 100% of the premium costs.</p> <p>b. Paid time off (“PTO”), sick and vacation leave shall not be earned during military leave that lasts over thirty (30) consecutive calendar days, and employees on such extended leave will not be eligible for paid holiday leave.</p>	<p>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 deposit the amount of all premiums due with the City’s COBRA administrator every month. The employee’s failure to pay premiums will result in coverage being cancelled. The employee must notify the office of human resources upon return from military leave to reinstate coverage.</p>		
	<p>3. For unpaid military leave exceeding three (3) consecutive months, benefits will be administered as follows:</p> <p>a. City contributions to the employer’s portion of medical premiums will continue for the length of the stability period as defined in DRMC Sec. 18-172(2). The employee must arrange for payment of the employee’s portion of the employee’s medical benefits through the deduction agreement referred to above and upon exhaustion of paid leave, employees must deposit the amount of all premiums due with the City’s COBRA administrator every month. The employee’s failure to pay premiums will</p>	11-31B.3	<p>This is a new conforming rule to align with the furlough rule.</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 coverage if they worked more than 1560 hours in the previous 12 months.</p> <p>This addition is necessary to limit the City’s contribution to non-medical plan elections to three months and to</p>

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	<p>result in coverage being cancelled. The employee must notify the office of human resources upon return from military leave to reinstate coverage.</p> <p>b. City contributions to dental, and life insurance shall be discontinued. An employee may continue dental, and life insurance, as well as any supplemental insurance coverages (i.e. vision and supplemental life), by depositing the entire cost to the City's COBRA administrator every month. The employee's failure to pay premiums will result in coverage being cancelled. The employee must notify the office of human resources upon return from military leave to reinstate coverage.</p>		<p>identify how employees may continue these coverages.</p>
	<p>4. For unpaid military leave extending more than twelve (12) consecutive months, benefits will be administered as follows:</p> <p>a. City contributions to the employer's portion of medical premiums will be discontinued. An employee may continue to receive medical benefits by paying both the employer and the employee cost of continuing coverage by depositing the amount due with the City's COBRA administrator every month. The employee's failure to pay premiums will result in coverage being cancelled. The employee must notify the office of human resources upon return from military leave to reinstate coverage.</p>		<p>This is a new conforming rule to align with the furlough rule.</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 coverage if they worked more than 1560 hours in the previous 12 months.</p>

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	<p>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 entire cost to the City's COBRA administrator every month. The employee's failure to pay premiums will result in coverage being cancelled. The employee must notify the office of human resources upon return from military leave to reinstate coverage.</p>		

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

11-31 Granting Unpaid Military Leave

~~Unpaid military leave shall be subject to the following provisions:~~

A. Duration:

Unpaid military leave shall be granted for the duration of active military service not to exceed five (5) years plus ninety (90) days from the date of discharge, subject to exceptions set forth in USERRA and its corresponding regulations.

B. Maintenance of Benefits:

1. ***During unpaid military leave of three (3) consecutive months or less the City will continue to provide:*** ~~First Thirty Days of Military Leave:~~

~~The first thirty (30) consecutive calendar days of military leave (paid and unpaid) shall have no effect on the following:~~

a. ***employees with accrued PTO, or sick and vacation leave, and*** ~~City contributions to health, dental, and life insurance; and~~

b. ***paid holiday leave for observed holidays, and*** ~~Accrual of PTO or sick and vacation leave, and holiday eligibility.~~

c. ***payment of the employer's share of the employee's medical, dental, and life insurance premiums.***

2. ~~After Thirty Days of Military Leave:~~

~~a.1. Employees on military leave (paid and unpaid) for thirty one (31) days or longer, are eligible for health benefit coverage from the military. In addition, an employee on military leave for thirty one (31) days or longer may continue his or her individual and/or family coverage under the City's group health plan for the duration of military leave. Employees opting for continuing coverage under the City's group health plan are responsible for paying 100% of the premium costs.~~

For unpaid military leave exceeding one (1) month, if continuing coverage, the employee must arrange for payment of the employee's portion of the employee's medical, dental, and life insurance premiums as well as supplemental insurance coverages such as vision and supplemental life insurance 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 deposit the amount of all premiums due with the City's COBRA administrator every month. The employee's failure to pay premiums will result in coverage being cancelled. The employee must notify the

office of human resources upon return from military leave to reinstate coverage.

2. ~~During military leave, the employee may continue supplemental insurance coverage(s), such as dental, vision, and supplemental life insurance, for the duration of military leave. Employees opting for continuing supplemental insurance coverage are responsible for paying 100% of the premium costs.~~
 - b. ~~Paid time off (“PTO”), sick and vacation leave shall not be earned during military leave that lasts over thirty (30) consecutive calendar days, and employees on such extended leave will not be eligible for paid holiday leave.~~
3. **For unpaid military leave exceeding three (3) consecutive months, benefits will be administered as follows:**
 - a. **City contributions to the employer’s portion of medical premiums will continue for the length of the stability period as defined in DRMC Sec. 18-172(2). The employee must arrange for payment of the employee’s portion of the employee’s medical benefits through the deduction agreement referred to above and upon exhaustion of paid leave, employees must deposit the amount of all premiums due with the City’s COBRA administrator every month. The employee’s failure to pay premiums will result in coverage being cancelled. The employee must notify the office of human resources upon return from military leave to reinstate coverage.**
 - b. **City contributions to dental, and life insurance shall be discontinued. An employee may continue dental, and life insurance, as well as any supplemental insurance coverages (i.e. vision and supplemental life), by depositing the entire cost to the City’s COBRA administrator every month. The employee’s failure to pay premiums will result in coverage being cancelled. The employee must notify the office of human resources upon return from military leave to reinstate coverage.**
4. **For unpaid military leave extending more than twelve (12) consecutive months, benefits will be administered as follows:**
 - a. **City contributions to the employer’s portion of medical premiums will be discontinued. An employee may continue to receive medical benefits by paying both the employer and the employee cost of continuing coverage by depositing the amount due with the City’s COBRA administrator every month. The employee’s failure to pay premiums will result in coverage being cancelled. The employee must notify the office of human resources upon return from military leave to reinstate coverage.**

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 entire cost to the City's COBRA administrator every month. The employee's failure to pay premiums will result in coverage being cancelled. The employee must notify the office of human resources upon return from military leave to reinstate coverage.

- C. Employees may use any available paid leave (except sick leave) for some or all of their unpaid military leave.
- D. Break in service: Unpaid military leave shall not constitute a break in service.
- E. Completion of probationary period:
(Revised October 19, 2018; Rule Revision Memo 46D)
A probationary employee who is on unpaid military leave before or during the employee's probationary period shall be required to complete the remainder of their probationary period when the employee returns to work

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 - c. payment of the employer's share of the employee's medical, dental, and life insurance premiums.
2. For unpaid military leave exceeding one (1) month, if continuing coverage, the employee must arrange for payment of the employee's portion of the employee's medical, dental, and life insurance premiums as well as supplemental insurance coverages such as vision and supplemental life insurance 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 deposit the amount of all premiums due with the City's COBRA administrator every month. The employee's failure to pay premiums will result in coverage being cancelled. The employee must notify the office of human resources upon return from military leave to reinstate coverage.
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- C. Employees may use any available paid leave (except sick leave) for some or all of their unpaid military leave.
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