

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

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

Public Hearing Notice No. 635

A Career Service Board Public Hearing has been scheduled regarding the proposed revisions to **Career Service Rule 10 Paid Leave**

A Career Service Board Meeting regarding Public Hearing Notice No. 635 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 65D

TO: Appointing Authorities, Managers, and Employees
FROM: Karen Niparko, OHR Executive Director
DATE: December 4, 2020
SUBJECT: Proposed revisions to Career Service Rule 10 Paid 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	PROPOSED	RULE	IMPACT AND REVISION
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	The purpose of this rule is to provide guidelines and policies for administering the City's paid leave programs, and to comply with the Colorado Healthy Families and Workplaces Act, SB 20-205, Effective January 1, 2021. For rules regarding leave for extended illnesses or injuries see Rule 12	Purpose Statement	Conforming language
10-11 <u>Definitions</u> A. <u>Leave</u> : 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.	10-11 <u>Definitions</u> A. <u>Leave</u> : 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. 13. Colorado Healthy Families and Workplaces Act ("CHFVA") Sick Leave; and 14. Colorado Public Health Emergency ("CPHE") Sick Leave.	10-11A	Conforming language
N/A	E. <u>Public Health Emergency</u> : An act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly fatal infectious agent, for which: a. An emergency is declared by a federal, state or local public health agency; or b. A disaster emergency is declared by the governor; or c. A highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.	10-10 E.	Conforming language

<p>10-23 Partial Leave Accrual Full-time employees, eligible to earn PTO:</p> <ul style="list-style-type: none"> A. Who begin employment with the City after the first day of a month; or B. Whose leave accruals stopped because of an extended absence from work and return to work after the first day of a month; or C. Who separate from employment with the City before the last day of a month. <p>Shall earn PTO in that particular month according to the following pro-ration schedule:</p> <p>Hrs. worked (including pd. iv) in the month Years of service</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>≤ 0.5</th> <th>0.5 < 5</th> <th>5 < 10</th> <th>10 < 15</th> <th>≥ 15</th> </tr> </thead> <tbody> <tr> <td>0-39</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>40-79</td> <td>2.5</td> <td>3</td> <td>3.75</td> <td>4.5</td> <td>4.75</td> </tr> <tr> <td>80-119</td> <td>5</td> <td>6</td> <td>7.5</td> <td>9</td> <td>9.5</td> </tr> <tr> <td>120-139</td> <td>7.5</td> <td>9</td> <td>11.25</td> <td>13.5</td> <td>14.25</td> </tr> <tr> <td>>140</td> <td>10</td> <td>12</td> <td>15</td> <td>18</td> <td>19</td> </tr> </tbody> </table> <p style="text-align: center;">PTO hours earned</p>		≤ 0.5	0.5 < 5	5 < 10	10 < 15	≥ 15	0-39	0	0	0	0	0	40-79	2.5	3	3.75	4.5	4.75	80-119	5	6	7.5	9	9.5	120-139	7.5	9	11.25	13.5	14.25	>140	10	12	15	18	19	<p>10-23 Partial Leave Accrual Full-time employees, eligible to earn PTO:</p> <ul style="list-style-type: none"> A. Who begin employment with the City after the first day of a month; or B. Whose leave accruals stopped because of an extended absence from work and return to work after the first day of a month; or C. Who separate from employment with the City before the last day of a month. <p>Shall earn PTO in that particular month according to the following pro-ration schedule:</p> <p>Hrs. worked (including pd. iv) in the month Years of service</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>≤ 0.5</th> <th>0.5 < 5</th> <th>5 < 10</th> <th>10 < 15</th> <th>≥ 15</th> </tr> </thead> <tbody> <tr> <td>0-29</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>30-79</td> <td>2.5</td> <td>3</td> <td>3.75</td> <td>4.5</td> <td>4.75</td> </tr> <tr> <td>80-119</td> <td>5</td> <td>6</td> <td>7.5</td> <td>9</td> <td>9.5</td> </tr> <tr> <td>120-139</td> <td>7.5</td> <td>9</td> <td>11.25</td> <td>13.5</td> <td>14.25</td> </tr> <tr> <td>>140</td> <td>10</td> <td>12</td> <td>15</td> <td>18</td> <td>19</td> </tr> </tbody> </table> <p style="text-align: center;">PTO hours earned</p>		≤ 0.5	0.5 < 5	5 < 10	10 < 15	≥ 15	0-29	0	0	0	0	0	30-79	2.5	3	3.75	4.5	4.75	80-119	5	6	7.5	9	9.5	120-139	7.5	9	11.25	13.5	14.25	>140	10	12	15	18	19	<p>10-23</p>	<p>Modify partial accrual levels to conform with state requirements for employees earning partial accruals.</p>
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<p>10-24 Situations Where Approval of PTO Use is not Required</p> <ul style="list-style-type: none"> A. An employee may use PTO without requesting the approval of the employee's appointing authority when the employee is incapacitated by sickness or injury; for necessary care and attendance during sickness of a member of the employee's immediate family, and for qualifying conditions under the Family and Medical Leave Act ("FMLA"). Such use shall be subject to reporting and investigation requirements set forth in this Rule 10. 	<p>10-24 Using PTO</p> <p>Employees must request and receive approval from their supervisor prior to using PTO, subject to the exceptions stated below.</p> <ul style="list-style-type: none"> A. An employee may use PTO for any of the reasons listed below or for qualifying conditions under the Family and Medical Leave Act ("FMLA") without requesting supervisory approval. Alternatively, such employees may request approval from their supervisor orally, in writing, or electronically (such as e-mail or text message). <ul style="list-style-type: none"> 1. The employee has a mental or physical illness, injury or health condition that prevents the employee from working; 2. The employee needs to care for a family member who has a mental or physical illness, injury or health condition that prevents the employee from working; 3. The employee or the employee's family member needs to obtain a 	<p>10-24</p>	<p>Conforming language for purpose of leave</p>																																																																								

	<p>medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or</p> <p>4. The employee or the employee's family member needs to obtain preventative medical care.</p> <p>5. The employee or the employee's family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to:</p> <p>a. Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;</p> <p>b. Obtain services from a victim services organization;</p> <p>c. Obtain mental health or other counseling;</p> <p>d. Seek relocation due to the domestic abuse, sexual assault or harassment; or</p> <p>e. Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.</p> <p>6. Due to a public health emergency, a public health official has ordered closure of the school or place of care of the employee's child</p>		
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	<p>and the employee needs to be absent from work to care for the employee's child.</p> <p>B. All such uses of PTO are subject to the requirements for reporting leave used for sickness or injury set forth in this Rule 10.</p> <p>C. When an employee's need to use PTO is foreseeable, including PTO use for the reasons stated in paragraph A above, such employee shall make a good-faith effort to provide notice to their supervisor in advance of using PTO and shall make a reasonable effort to schedule the use of the PTO in a manner that does not unduly disrupt the operations of the agency.</p> <p>D. All other uses of PTO are subject to supervisory approval based on the work requirements of the agency. Supervisors shall not unreasonably withhold approvals to use PTO, and are expected to confer with employees and recognize their wishes where possible. Preference in the scheduling of pre-approved PTO based on reasons other than those stated in Rule 10-24, Section A.1-6 shall be given to employees in order of their total length of continuous employment in the Career Service; provided, however, that an employee who has been re-instated or re-employed following a lay-off shall be given credit for the period of continuous employment in the Career Service prior to the lay-off.</p> <p>E. Absences from work because of authorized medical examinations or treatment related to an occupational injury or occupational disease arising out of and within the course and scope of employment with the City for which the City has admitted liability or has agreed to</p>		
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permit medical treatment while investigating the claim shall be treated as time worked. The employee shall make a reasonable effort to schedule the examination or treatment so as not to unduly disrupt the operations of the department or agency.

Section 10-30 Sick and Vacation Leave
10-33 Partial Leave Accruals
 Full-time employees, eligible to earn sick and vacation leave:

- A. Who begin employment with the City after the first day of a month; or
- B. Whose leave accruals stopped because of an extended absence from work and return to work after the first day of a month; or
- C. Who separate from employment with the City before the last day of a month

Shall earn sick and vacation leave in that particular month according to the following pro- ration schedule:

Hrs. worked (including Pd. Lv) in the month earned	Vacation hours earned Years of Service	Sick earned			
	0 < 5	5 < 10	10 < 15	>15	N/A
0-39	0	0	0	0	0
40-79	2	2.5	3	3.5	2
80-119	4	5	6	7	4
120-139	6	7.5	9	10.5	6
≥140	8	10	12	14	8

Section 10-30 Sick and Vacation Leave
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- C. Who separate from employment with the City before the last day of a month

Shall earn vacation leave in that particular month according to the following pro- ration schedule:

Hrs. worked (including Pd. Lv) in the month	Vacation hours earned Years of Service			
	0 < 5	5 < 10	10 < 15	>15
0-39	0	0	0	0
40-79	2	2.5	3	3.5
80-119	4	5	6	7
120-139	6	7.5	9	10.5
>140	8	10	12	14

And shall earn sick leave in that particular month according to the following pro-ration schedule:

Hours worked (including paid leave) in the month earned	Sick hours
0-29	0
30-79	2
80-119	4
120-139	6
≥140	8

10-33

Conforming language

10-34 Using Sick and Vacation Leave
 A. Sick leave:

1. Sick leave may be used when an employee is incapacitated by sickness or injury; for medical examinations, or treatment; for necessary care and attendance during sickness, or for death, of a member of the employee's

10-24 Using Sick and Vacation Leave
 A. Sick leave:

1. Sick leave may be used for the reasons set forth below, when an employee is incapacitated by sickness or injury; for medical examinations, or treatment; for necessary care

10-34

Conforming language

<p>immediate family, for qualifying conditions under the FMLA and as otherwise provided in these rules.</p> <p>2. Absences from work because of authorized medical examinations or treatment related to an occupational injury or occupational disease arising out of and within the course and scope of employment with the City for which the City has admitted liability or has agreed to permit medical treatment while investigating the claim shall be treated as time worked. The employee shall make a reasonable effort to schedule the examination or treatment so as not to unduly disrupt the operations of the department or agency.</p>	<p>and attendance during sickness, or for death, of a member of the employee's immediate family, for qualifying conditions under the FMLA and as otherwise provided in these rules.</p> <ul style="list-style-type: none"> a. The employee has a mental or physical illness, injury or health condition that prevents the employee from working; b. The employee needs to care for a family member who has a mental or physical illness, injury or health condition that prevents the employee from working; c. The employee or the employee's family member needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; d. The employee or the employee's family member needs to obtain preventative medical care; e. The employee or the employee's family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to: <ul style="list-style-type: none"> 1) Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment; 2) Obtain services from a victim services organization; 3) Obtain mental health 		
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	<p>or other counseling;</p> <p>4) Seek relocation due to the domestic abuse, sexual assault or harassment; or</p> <p>5) Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.</p> <p>f. Due to a public health emergency, a public health official has ordered closure of the school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.</p>		
Section 10-40 <u>Administration of Paid Time Off and Sick and Vacation Ordinances</u>	Section 10-40 <u>Administration of Paid Time Off and Sick and Vacation Leave</u>	10-40	This change is to clarify the otherwise confusing title
10-43 <u>Using Paid Leave</u> A. The amount of PTO or sick and vacation leave used shall be the amount of time an employee is absent from their scheduled shift(s). (Revised August 27, 2019; Rule Revision Memo 55D) B. PTO or sick and vacation leave shall not be used before it is accrued and posted to the employee's account. C. Employees may take PTO, sick leave, and vacation leave in increments of at least fifteen (15) minutes.	10-43 <u>Using Paid Leave</u> A. The amount of PTO, sick and vacation leave, and CHFVA Sick Leave used shall be the amount of time an employee is absent from their regularly scheduled shift(s). (Revised August 27, 2019; Rule Revision Memo 55D)	10-43	This clarification is to show that this is time away from regularly-scheduled shifts and not overtime shifts
10-44 <u>Reporting and Investigation of Leave Used for Sickness or Injury</u> 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	10-44 <u>Reporting and Investigation of Leave Used for Sickness or Injury</u> A. If an employee is absent for reasons that entitles the employee to use PTO, sick leave or CHFVA Sick Leave without supervisory 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	10-44	Conforming revisions and to clarify how fraudulent uses of leave may be investigated and to add the CHFVA leave.

<p>differ from the standard for an entire agency, for specific units, or for individual employees in order to meet special program needs or workloads.</p> <p>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</p> <p>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.</p> <p>D. An employee who is using PTO or sick leave for more than three (3) days because of their own illness or that of a member of 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, they should contact human resources. (Revised August 27, 2019; Rule Revision Memo 55D)</p>	<p>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.</p> <p>B. Appointing authorities may investigate any potential false or fraudulent uses of PTO, sick leave or CHFVA Sick Leave. False or fraudulent use of PTO, sick leave or CHFVA Sick Leave shall be cause for disciplinary action and may result in dismissal.</p> <p>C. An employee has used PTO, sick leave or CHFVA Sick Leave for four (4) or more consecutive work days, a supervisor may require reasonable documentation that the paid leave is for a purpose authorized by this Rule 10. An appointing authority, supervisor, or employee who has reason to believe that the absence may be a qualifying event under the FMLA, should contact human resources. (Revised August 27, 2019; Rule Revision Memo 55D)</p>		
<p>10-45 <u>Donating Leave</u> E. <u>Recipient requirements</u></p>	<p>10-45 Donating Leave E. No other form of paid leave, including CHFVA Sick leave and CPHE leave, may be donated or received by Career Service or non-Career Service employees. F. <u>Recipient requirements</u></p>	10-45	This language is necessary to ensure CHFVA cannot be donated or received. Also requires renumbering
<p>10-46 <u>Effect of Separation on Leave Accrual</u> Employees shall not earn PTO or sick and vacation leave after the employee’s last day as a City employee. Rule 14 SEPARATION OTHER THAN DISMISSAL</p>	<p>10-46 <u>Effect of Separation on Leave Accrual</u> Employees shall not earn PTO, sick and vacation, or CHFVA Sick leave after the employee’s last day as a City employee. Rule</p>	10-46	Clarifying Language

<p>and Rule 16 CODE OF CONDUCT AND DISCIPLINE provide this date for dismissals and other types of separations.</p>	<p>14 SEPARATION OTHER THAN DISMISSAL and Rule 16 CODE OF CONDUCT AND DISCIPLINE provide this date for dismissals and other types of separations.</p>		
<p>10-47 <u>Re-instated Employees</u></p>	<p>10-47 <u>Effect of Re-instatement and Re-employment Following Lay-off on PTO and Sick Leave Balance</u></p>	<p>10-47</p>	<p>New title</p>
<p>10-50 <u>Bereavement Leave</u> <u>Employees receiving PTO:</u></p> <p>Employees who receive PTO benefits shall be granted up to forty (40) hours of paid bereavement leave because of the death of a member of the employee's immediate family. This forty (40) hours of bereavement leave shall not count against the employee's PTO bank.</p>	<p>10-50 <u>Bereavement Leave</u></p> <p>A. Employees who receive PTO benefits shall be granted up to forty (40) hours of paid bereavement leave because of the death of a member of the employee's immediate family. This forty (40) hours of bereavement leave shall not count against the employee's PTO bank.</p> <p>B. <u>Employees receiving sick leave pursuant to Rule 10-32.A:</u> Employees receiving sick leave pursuant to Rule 10-32.A shall be entitled to use up to forty-eight (48) hours of sick leave because of the death of a member of an employee's immediate family.</p> <p>C. <u>Employees receiving CHFVA Sick Leave:</u> Employees who receive CHFVA leave shall not be entitled to receive bereavement leave or to use accumulated sick leave for bereavement purposes.</p> <p>D. <u>Additional Bereavement Leave:</u> A supervisor may grant additional paid or unpaid leave for bereavement</p>	<p>10-50</p>	<p>This language is necessary to clarify who receives bereavement leave and how.</p>
	<p>10-80 <u>Colorado Healthy Families and Workplaces Act ("CHFVA") Sick Leave</u> 10-81 <u>CHFVA Sick Leave Policy</u> It is the policy of the City to provide paid sick leave to its employees. This rule is intended to comply with and be interpreted consistent with the CHFVA and the corresponding rules, regulations and opinions issued by the Colorado Department of Labor and Employment. To the extent an issue is not addressed herein, or if there is a conflict with a Career Service Rule, the CHFVA and its corresponding rules, regulations and opinions shall govern.</p> <p>10-82 <u>CHFVA Sick Leave</u> "CHFVA Sick Leave" is sick leave paid pursuant to the Colorado Healthy Families and Workplaces Act, SB 20-205, Colorado Revised Statutes § 8-</p>	<p>10-80, 81, 82</p>	<p>Confirming language</p>

	<p>13.3-403, to on-call employees and part-time employees who normally work fewer than 20 hours per week.</p> <p>A. Employees who earn CHFWA Sick Leave shall accrue such leave at the rate of one hour of CHFWA Sick Leave for every 30 hours worked.</p> <p>B. Employees who earn CHFWA Sick Leave may not accrue or use more than 48 hours of paid sick CHFWA Sick Leave each year. Up to 48 hours of CHFWA Sick Leave that an employee accrues in a year, but does not use, may carry forward to and may be used in a subsequent year, except that the employee may not use more than 48 hours of CHFWA Sick Leave in a year.</p> <p>C. An employee may use CHFWA Sick Leave for the following situations:</p> <ol style="list-style-type: none"> 1. The employee has a mental or physical illness, injury or health condition that prevents the employee from working; 2. The employee needs to care for a family member who has a mental or physical illness, injury or health condition that prevents the employee from working; 3. The employee or the employee's family member needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; 4. The employee or the employee's family member needs to obtain preventative medical care; 5. The employee or the employee's family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is 		
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	<p>to:</p> <ul style="list-style-type: none"> a. Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment; b. Obtain services from a victim services organization; c. Obtain mental health or other counseling; d. Seek relocation due to the domestic abuse, sexual assault or harassment; or e. Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment. <p>6. Due to a public health emergency, a public health official has ordered closure of the school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.</p> <p>D. Employees receiving CHFVA Sick Leave shall not be paid out the balance of any such accumulated leave upon separation from the City. However, if an employee receiving CHFVA Sick Leave separates from employment and is rehired within six months after the separation, the employee's CHFVA Sick Leave balance shall be reinstated.</p>		
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	<p>E. The amount of CHFVA Sick Leave used shall be the amount of time an employee is absent from their regularly scheduled shift(s).</p> <p>F. CHFVA Sick Leave shall not be used before it is accrued and posted to the employee's account.</p> <p>G. Employees may take CHFVA Sick Leave in increments of at least fifteen (15) minutes.</p>		
	<p>10-83 <u>Colorado Public Health Emergency ("CPHE") Sick Leave</u></p> <p>A. Supplement</p> <ol style="list-style-type: none"> 1. In addition to any PTO, sick leave and CHFVA Sick Leave an employee may accrue, an employee may be eligible to receive a one-time supplement of paid sick leave in the event of a Public Health Emergency. 2. On the date a Public Health Emergency is declared, each employee may have his or her available paid sick leave supplemented in a CPHE Sick Leave bank to ensure the employee is able to take a total of 80 hours of paid sick leave as follows: <ol style="list-style-type: none"> a. Employees who receive PTO or sick leave and have 80 hours or more of accumulated leave on the date the Public Health Emergency is declared shall not receive any additional paid sick leave. b. Employees who receive PTO or sick leave and have fewer than 80 hours accumulated in their PTO or sick leave banks on the date the Public Health Emergency is declared shall have their CPHE Sick Leave bank 	10-83	Conforming language

	<p>supplemented as follows:</p> <p>(1) Full-time employees (those who normally work 40 hours or more in a week) shall have their CPHE Sick Leave banks supplemented by the difference between the number of hours accumulated in their PTO or sick leave banks and 80 hours so that the total amount of leave available to the employee is 80 hours.</p> <p>(2) Part-time employees (those who work fewer than 40 hours in a week) shall receive a supplement in the amount of the greater of:</p> <p>(a) the number of hours the employee is scheduled to work in a 14-day period; or</p> <p>(b) the number of hours the employee actually works on average in a 14-day period.</p> <p>c. Employees who receive CHFVA Sick Leave will have their CPHE Sick Leave bank</p>		
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	<p>supplemented by the difference between the number of hours already accumulated in their CHFVA Sick Leave bank on the date the Public Health Emergency is announced and 80 hours, such that the total amount of paid leave available is 80 hours.</p> <p>3. Employees are only eligible to receive a supplement of CPHE Sick Leave once during a Public Health Emergency, even if the Public Health Emergency is amended, extended, restated, or prolonged.</p> <p>4. CPHE Sick Leave may be used from the day on which the Public Health Emergency is declared until four weeks after the official termination or suspension of the Public Health Emergency.</p> <p>5. An employee may use the full amount of supplementary CPHE Sick Leave prior to using any of the employee's previously-accrued PTO, sick leave, or CHFVA Sick Leave, as long as the supplementary leave is used for any authorized use of CPHE Sick Leave as described in Section 10-83.B.</p> <p>6. An employee's previously-accrued PTO, sick leave or CHFVA Sick Leave may be used for any purpose listed in Section 10-83.B. for the entire duration of the Public Health Emergency and for four weeks after the date of the official termination or suspension of the emergency declaration.</p> <p>B. Authorized Uses of CPHE Sick Leave</p>		
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	<p>1. An employee may use CPHE Sick Leave related to a Public Health Emergency for the employee's need to:</p> <ul style="list-style-type: none"> a. Self-isolate and care for oneself because the employee is diagnosed with a communicable illness that is the cause of a Public Health Emergency; b. Self-isolate and care for oneself because the employee is experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency; c. Seek or obtain medical diagnosis, care or treatment if the employee is experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency; or d. Seek preventative care concerning a communicable illness that is the cause of a Public Health Emergency. <p>2. An employee may use CPHE Sick Leave related to a Public Health Emergency to care for a family member who:</p> <ul style="list-style-type: none"> a. Is self-isolating after being diagnosed with a communicable illness that is the cause of a Public Health Emergency; b. Is self-isolating due to experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency; 		
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	<ul style="list-style-type: none"> c. Needs medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency; or d. Is seeking preventative care concerning a communicable illness that is the cause of a Public Health Emergency. <p>3. An employee may use CPHE Sick Leave if the employee's Appointing Authority, or a local, state or federal public official, or a health official having jurisdiction over the City and County of Denver, determines that the employee's presence on the job or in the community would jeopardize the health of others because:</p> <ul style="list-style-type: none"> a. The employee has been exposed to a communicable illness that is the cause of the Public Health Emergency; or b. The employee is exhibiting symptoms of the communicable illness, regardless of whether the employee has been diagnosed with the communicable illness. <p>4. An employee may use CPHE Sick Leave to care for a family member if a local, state or federal public official having jurisdiction over the location where the family member's employer is located, or if the family member's employer, determines that the employee's family member's presence on the job or in the community would jeopardize the health of others because:</p> <ul style="list-style-type: none"> i. The employee's family member 		
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	<p>has been exposed to the communicable disease that is the subject of the Public Health Emergency; or</p> <ul style="list-style-type: none"> ii. The employee's family member is exhibiting symptoms of the communicable illness, regardless of whether the family member has been diagnosed with the communicable illness. <p>5. An employee may use CPHE Sick Leave to care for a child or other family member when:</p> <ul style="list-style-type: none"> a. The child's or family member's care provider is unavailable due to a Public Health Emergency; b. The child's or family member's school or place of care has been closed by a local, state or federal public official due to a Public Health Emergency; c. The child's or family member's school or place of care has been closed at the discretion of the school or place of care due to a Public Health Emergency, including if the school or place of care is physically closed but providing instruction remotely. <p>6. An employee may use CPHE Sick Leave due to an inability to work because the employee has a health condition that may increase susceptibility to, or risk of, a communicable illness that is the cause of the Public Health Emergency.</p> <p>C. Documentation and Notice</p>		
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	<ol style="list-style-type: none"> 1. An employee is not required to provide documentation in order to take CPHE Sick Leave. 2. An employee shall notify his or her supervisor of the need for CPHE sick leave as soon as practicable when the need for CPHE Sick Leave is foreseeable. 		
	<p>10-85 <u>Retaliation and Discrimination Prohibited</u></p> <p>A. It is a violation of this rule to retaliate, interfere with, or discriminate against any current or former employee because that individual has:</p> <ol style="list-style-type: none"> 1. Requested, taken, attempted to take, or supported another employee taking any type of paid sick leave; 2. Filed a complaint with the Colorado Department of Labor and Employment or any court; or 3. Participated or cooperated in an investigation, hearing, or proceeding brought by the Colorado Department of Labor and Employment. <p>B. It is a violation of this rule to count paid sick leave taken by an employee as an absence that may lead to or result in discipline, termination, demotion, suspension, or any other retaliatory personnel action against the employee. Nothing in this rule, however, prevents an employee from being disciplined for using paid sick leave for purposes other than allowed herein.</p>	10-85	Conforming language
	<p>10-86 <u>Confidentiality and Record Keeping</u></p> <p>A. Any information regarding the health of an employee or the employee's family member, or regarding domestic abuse, sexual assault, or criminal harassment affecting an employee or employee's family member, must be treated as</p>	10-86	Conforming Language

	<p>confidential and may not be disclosed to any other individual except the affected employee, unless the employee provides written permission prior to such disclosure.</p> <p>B. If the confidential information is in writing, it shall be maintained on a separate form and in a separate file from other personnel information.</p>		
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DELETIONS ARE INDICATED BY strike through AND ADDITIONS ARE INDICATED BY ***bold, italics, and underline.***

Purpose statement:

The purpose of this rule is to provide guidelines and policies for administering the City's paid leave programs, ***and to comply with the Colorado Healthy Families and Workplaces Act, effective January 1, 2021.*** 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;***
 13. ***Colorado Healthy Families and Workplaces Act ("CHFVA") Sick Leave; and***
 14. ***Colorado Public Health Emergency ("CPHE") Sick Leave.***

- E. **Public Health Emergency: An act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly fatal infectious agent, for which:**
- a. **An emergency is declared by a federal, state or local public health agency; or**
 - b. **A disaster emergency is declared by the governor; or**
 - c. **A highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.**

Section 10-20 Paid Time Off (“PTO”)

10-23 Partial Leave Accruals

Full-time employees, eligible to earn PTO:

- A. Who begin employment with the City after the first day of a month; or
- B. Whose leave accruals stopped because of an extended absence from work and return to work after the first day of a month; or
- C. Who separate from employment with the City before the last day of a month

Shall earn PTO in that particular month according to the following pro-ration schedule:

Hrs. worked (including pd. lv) in the month	Years of service				
	≤ 0.5	0.5 < 5	5 < 10	10 < 15	≥ 15
0-329	0	0	0	0	0
430-79	2.5	3	3.75	4.5	4.75
80-119	5	6	7.5	9	9.5
120-139	7.5	9	11.25	13.5	14.25
>140	10	12	15	18	19

PTO hours earned

10-24 Situations Where Approval of PTO Use is not Required Using PTO

Employees must request and receive approval from their supervisor prior to using PTO subject to the exceptions stated below.

- A. An employee may use PTO without requesting the approval of the employee’s appointing authority when the employee is incapacitated by sickness or injury; for necessary care and attendance during sickness of a member of the employee’s immediate family, and for qualifying conditions under the Family and Medical Leave Act (“FMLA”). Such use shall be subject to reporting and investigation requirements set

forth in this Rule 10.

- A. An employee may use PTO for any of the reasons listed below or for qualifying conditions under the Family and Medical Leave Act (“FMLA”) without requesting supervisory approval. Alternatively, such employees may request approval from their supervisor orally, in writing, or electronically (such as e-mail or text message).**
1. **The employee has a mental or physical illness, injury or health condition that prevents the employee from working;**
 2. **The employee needs to care for a family member who has a mental or physical illness, injury or health condition that prevents the employee from working;**
 3. **The employee or the employee’s family member needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or**
 4. **The employee or the employee’s family member needs to obtain preventative medical care.**
 5. **The employee or the employee’s family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to:**
 - a. **Seek medical attention for the employee or the employee’s family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;**
 - b. **Obtain services from a victim services organization;**
 - c. **Obtain mental health or other counseling;**
 - d. **Seek relocation due to the domestic abuse, sexual assault or harassment; or**
 - e. **Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.**
 6. **Due to a public health emergency, a public health official has ordered closure of the school or place of care of the employee’s child and the employee needs to be absent from work to care for the employee’s child.**
- B. All such uses of PTO are subject to the requirements for reporting leave used for sickness or injury set forth in this Rule 10.**
- C. When an employee’s need to use PTO is foreseeable, including PTO use for the reasons stated in paragraph A above, such employee shall make a good-faith effort to provide notice to their supervisor in advance of using PTO and shall**

make a reasonable effort to schedule the use of the PTO in a manner that does not unduly disrupt the operations of the agency.

- D. **All other uses of PTO are subject to supervisory approval based on the work requirements of the agency. Supervisors shall not unreasonably withhold approvals to use PTO, and are expected to confer with employees and recognize their wishes where possible. Preference in the scheduling of pre-approved PTO based on reasons other than those stated in Rule 10-24, Section A.1-6 shall be given to employees in order of their total length of continuous employment in the Career Service; provided, however, that an employee who has been re-instated or re-employed following a lay-off shall be given credit for the period of continuous employment in the Career Service prior to the lay-off.**
- E. **Absences from work because of authorized medical examinations or treatment related to an occupational injury or occupational disease arising out of and within the course and scope of employment with the City for which the City has admitted liability or has agreed to permit medical treatment while investigating the claim shall be treated as time worked. The employee shall make a reasonable effort to schedule the examination or treatment so as not to unduly disrupt the operations of the department or agency.**

—10-25 All Other PTO Uses

- ~~A. All other uses of PTO require the approval of the employee's appointing authority.~~
- ~~B. Appointing authorities shall approve such requests to use PTO on the basis of the work requirements of the agency after conferring with employees and recognizing their wishes where possible. Preference in the scheduling of pre-approved PTO shall be given to employees in order of their total length of continuous employment in the Career Service; provided, however, that an employee who has been re-instated or re-employed following a lay-off shall be given credit for the period of continuous employment in the Career Service prior to the lay-off.~~

Section 10-30 Sick and Vacation Leave

10-33 Partial Leave Accruals

Full-time employees, eligible to earn sick and vacation leave:

- A. Who begin employment with the City after the first day of a month; or
- B. Whose leave accruals stopped because of an extended absence from work and return to work after the first day of a month; or
- C. Who separate from employment with the City before the last day of a month

Shall earn sick and vacation leave in that particular month according to the following pro-ration schedule:

Hrs. worked (including pd. lv) in the month earned	Vacation hours earned Years of service				Sick hrs.
	0 < 5	5 < 10	10 < 15	>15	N/A
0-39	0	0	0	0	0
40-79	2	2.5	3	3.5	2
80-119	4	5	6	7	4
120-139	6	7.5	9	10.5	6
≥140	8	10	12	14	8

And shall earn sick leave in that particular month according to the following pro-ration schedule:

<u>Hours worked (including paid leave) in the month earned</u>	<u>Sick hours earned</u>
<u>0-29</u>	<u>0</u>
<u>30-79</u>	<u>2</u>
<u>80-119</u>	<u>4</u>
<u>120-139</u>	<u>6</u>
<u>>140</u>	<u>8</u>

10-34 Using Sick and Vacation Leave

B. Sick leave:

1. Sick leave may be used **for the reasons set forth below**, when an employee is incapacitated by sickness or injury; for medical examinations, or treatment; for necessary care and attendance during sickness, or for death, of a member of the employee's immediate family, for qualifying conditions under the FMLA and as otherwise provided in these rules.
 - a. **The employee has a mental or physical illness, injury or health condition that prevents the employee from working;**
 - b. **The employee needs to care for a family member who has a mental or physical illness, injury or health condition that prevents the employee from working;**
 - c. **The employee or the employee's family member needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition;**
 - d. **The employee or the employee's family member needs to obtain preventative medical care;**
 - e. **The employee or the employee's family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to:**
 - 1) **Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;**
 - 2) **Obtain services from a victim services organization;**
 - 3) **Obtain mental health or other counseling;**
 - 4) **Seek relocation due to the domestic abuse, sexual assault or harassment; or**
 - 5) **Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.**
 - f. **Due to a public health emergency, a public health official has ordered closure of the school or place of care of the**

employee's child and the employee needs to be absent from work to care for the employee's child.

Section 10-40 Administration of Paid Time Off and Sick and Vacation Leave Ordinances

10-43 Using Paid Leave

- A. The amount of PTO and sick and vacation leave used shall be the amount of time an employee is absent from their **regularly** scheduled shift(s). (Revised August 27, 2019; Rule Revision Memo 55D)
- B. ~~PTO or sick and vacation leave shall not be used before it is accrued and posted to the employee's account.~~
- C. ~~Employees may take PTO, sick leave, and vacation leave in increments of at least fifteen (15) minutes.~~

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 **or CHFVA Sick Leave** without **supervisory** 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 **any potential false or fraudulent uses of the alleged illness of an employee using PTO, or sick leave or CHFVA Sick Leave** without appointing authority approval. False or fraudulent use of PTO, or sick leave **or CHFVA Sick Leave** shall be cause for disciplinary action and may result in dismissal.
- D. An employee **has** who is ~~using~~ PTO, or sick leave **or CHFVA Sick Leave** for more than three (3) **four (4) or more consecutive work** days because of their own illness or that of a member of their immediate family may be required to furnish a statement signed by attending physician, or other proof of illness satisfactory to the appointing authority, **a supervisor may require reasonable documentation that the paid leave is for a purpose authorized by this Rule 10.** 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 a An appointing authority, supervisor, or employee **who** has reason to believe that the absence may be a qualifying event under the FMLA, they should contact human resources. (Revised August 27, 2019; Rule Revision Memo 55D)

10-45 Donating Leave

E. No other form of paid leave, including CHFVA Sick leave and CPHE leave, may

be donated or received by Career Service or non-Career Service employees.

F. 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:
 - i. Have exhausted their accumulated compensatory time, sick leave and vacation leave or PTO or personal holiday, be absent from work and;
 1. Be receiving salary continuation leave, or temporary disability benefits under the provisions of the Workers' Compensation Act. In either of these situations, the employee may only use donated leave to make up the difference between the employee's base salary, and the total of other paid leave received and the temporary disability benefits the employee is receiving;
 2. Be receiving leave as an accommodation because of the employee's pregnancy, physical recovery from childbirth, or related condition;
 3. Be receiving approved FMLA leave;
 4. Be receiving approved FCA leave;
 5. Be receiving approved ADA leave; or
 6. Have received written notice of a contemplation of medical disqualification meeting. The employee may use donated leave until medical disqualification occurs or until the end of the period in which a decision on medical disqualification must be issued, whichever occurs first.
3. Donated leave can be used to cover absences that occur up to fifteen (15) calendar days before the leave was posted to a recipient's account so long as the other conditions of this section have been met.
4. A Career Service employee may receive donated leave from a non-Career Service City employee provided that the donor employee's department or agency allows employees to donate leave to Career Service employees and that the recipient requirements listed above have been met.
5. Employees who are eligible to receive donated leave may receive either donated PTO or donated sick leave regardless of whether the employee is enrolled in the PTO or sick and vacation leave plan.

(Revised August 27, 2019; Rule Revision Memo 55D)

- G. Employees cannot use more than six hundred (600) hours of donated leave in a

calendar year. Employees cannot receive donated leave to the extent that the donated leave will increase the employee's PTO or sick leave bank over the applicable maximum accumulation limit.

1. The amount of donated leave to be credited to the recipient's account shall be computed as follows:
 - a. Multiply the number of hours of leave being donated by the hourly rate of pay of the donor employee;
 - b. Divide the result by the hourly rate of pay of the recipient; and
 - c. Round the result down to the closest full hour.
2. The computations made in paragraph G.1. shall be reported to the Department of Finance in accordance with procedures to be established by that office.

H. Recipients of donated leave are not entitled to receive pay upon separation for unused donated leave. Unused donated leave may not be donated to another employee or returned to the donor.

10-46 Effect of Separation on Leave Accrual

Employees shall not earn PTO, or sick and vacation, **or CHFWA Sick** leave after the employee's last day as a City employee. Rule 14 **SEPARATION OTHER THAN DISMISSAL** and Rule 16 **CODE OF CONDUCT AND DISCIPLINE** provide this date for dismissals and other types of separations.

10-47 Effect of Re-instatement and Re-employment **Following Lay-off** on PTO and Sick Leave Balance

Section 10-50 Bereavement Leave

B. Employees receiving sick leave **pursuant to Rule 10-32.A**:

Employees receiving sick leave **pursuant to Rule 10-32.A** shall be entitled to use up to forty-eight (48) hours of sick leave because of the death of a member of an employee's immediate family.

C. **Employees receiving CHFWA Sick Leave:**

Employees who receive CHFWA leave shall not be entitled to receive bereavement leave or to use accumulated sick leave for bereavement purposes.

D. Additional Bereavement Leave:

An appointing authority **supervisor** may grant additional paid or unpaid leave for

bereavement.

Section 10-80 Colorado Healthy Families and Workplaces Act (“CHFVA”) Sick Leave

10-81 CHFVA Sick Leave Policy

It is the policy of the City to provide paid sick leave to its employees. This rule is intended to comply with and be interpreted consistent with the CHFVA and the corresponding rules, regulations and opinions issued by the Colorado Department of Labor and Employment. To the extent an issue is not addressed herein, or if there is a conflict with a Career Service Rule, the CHFVA and its corresponding rules, regulations and opinions shall govern.

10-82 CHFVA Sick Leave

- A. “CHFVA Sick Leave” is sick leave paid pursuant to the Colorado Healthy Families and Workplaces Act, SB 20-205, Colorado Revised Statutes § 8-13.3-403, to on-call employees and part-time employees who normally work fewer than 20 hours per week.
- B. Employees who earn CHFVA Sick Leave shall accrue such leave at the rate of one hour of CHFVA Sick Leave for every 30 hours worked.
- C. Employees who earn CHFVA Sick Leave may not accrue or use more than 48 hours of paid sick CHFVA Sick Leave each year. Up to 48 hours of CHFVA Sick Leave that an employee accrues in a year, but does not use, may carry forward to and may be used in a subsequent year, except that the employee may not use more than 48 hours of CHFVA Sick Leave in a year.
- D. An employee may use CHFVA Sick Leave for the following situations:
 1. The employee has a mental or physical illness, injury or health condition that prevents the employee from working;
 2. The employee needs to care for a family member who has a mental or physical illness, injury or health condition that prevents the employee from working;
 3. The employee or the employee’s family member needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition;
 4. The employee or the employee’s family member needs to obtain preventative medical care;
 5. The employee or the employee’s family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to:
 - a. Seek medical attention for the employee or the employee’s family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;
 - b. Obtain services from a victim services organization;
 - c. Obtain mental health or other counseling;
 - d. Seek relocation due to the domestic abuse, sexual assault or

harassment; or

- e. Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.

- 6. Due to a public health emergency, a public health official has ordered closure of the school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.

- E. Employees receiving CHFVA Sick Leave shall not be paid out the balance of any such accumulated leave upon separation from the City. However, if an employee receiving CHFVA Sick Leave separates from employment and is rehired within six months after the separation, the employee's CHFVA Sick Leave balance shall be reinstated.

- F. The amount of CHFVA Sick Leave used shall be the amount of time an employee is absent from their regularly scheduled shift(s).

- G. CHFVA Sick Leave shall not be used before it is accrued and posted to the employee's account.

- H. Employees may take CHFVA Sick Leave in increments of at least fifteen (15) minutes.

10-83 Colorado Public Health Emergency ("CPHE") Sick Leave

A. Supplement

1. **In addition to any PTO, sick leave and CHFVA Sick Leave an employee may accrue, an employee may be eligible to receive a one-time supplement of paid sick leave in the event of a Public Health Emergency.**
2. **On the date a Public Health Emergency is declared, each employee may have his or her available paid sick leave supplemented in a CPHE Sick Leave bank to ensure the employee is able to take a total of 80 hours of paid sick leave as follows:**
 - a. **Employees who receive PTO or sick leave and have 80 hours or more of accumulated leave on the date the Public Health Emergency is declared shall not receive any additional paid sick leave.**
 - b. **Employees who receive PTO or sick leave and have fewer than 80 hours accumulated in their PTO or sick leave banks on the date the Public Health Emergency is declared shall have their CPHE Sick Leave bank supplemented as follows:**
 - (1) **Full-time employees (those who normally work 40 hours or more in a week) shall have their CPHE Sick Leave banks supplemented by the difference between the number of hours accumulated in their PTO or sick leave banks and 80 hours so that the total amount of leave available to the employee is 80 hours.**
 - (2) **Part-time employees (those who work fewer than 40 hours in a week) shall receive a supplement in the amount of the greater of:**
 - (a) **the number of hours the employee is scheduled to work in a 14-day period; or**
 - (b) **the number of hours the employee actually works on average in a 14-day period.**
 - c. **Employees who receive CHFVA Sick Leave will have their CPHE Sick Leave bank supplemented by the difference between the number of hours already accumulated in their CHFVA Sick Leave bank on the date the Public Health Emergency is announced and 80 hours, such that the total amount of paid leave available is 80 hours.**
3. **Employees are only eligible to receive a supplement of CPHE Sick Leave once during a Public Health Emergency, even if the Public Health Emergency is amended, extended, restated, or prolonged.**
4. **CPHE Sick Leave may be used from the day on which the Public Health Emergency is declared until four weeks after the official termination or suspension of the Public Health Emergency.**
5. **An employee may use the full amount of supplementary CPHE Sick Leave prior to using any of the employee's previously-accrued PTO, sick leave, or**

CHFVA Sick Leave, as long as the supplementary leave is used for any authorized use of CPHE Sick Leave as described in Section 10-83.B.

6. **An employee's previously-accrued PTO, sick leave or CHFVA Sick Leave may be used for any purpose listed in Section 10-83.B. for the entire duration of the Public Health Emergency and for four weeks after the date of the official termination or suspension of the emergency declaration.**

B. Authorized Uses of CPHE Sick Leave

1. **An employee may use CPHE Sick Leave related to a Public Health Emergency for the employee's need to:**
 - a. **Self-isolate and care for oneself because the employee is diagnosed with a communicable illness that is the cause of a Public Health Emergency;**
 - b. **Self-isolate and care for oneself because the employee is experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency;**
 - c. **Seek or obtain medical diagnosis, care or treatment if the employee is experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency; or**
 - d. **Seek preventative care concerning a communicable illness that is the cause of a Public Health Emergency.**
2. **An employee may use CPHE Sick Leave related to a Public Health Emergency to care for a family member who:**
 - a. **Is self-isolating after being diagnosed with a communicable illness that is the cause of a Public Health Emergency;**
 - b. **Is self-isolating due to experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency;**
 - c. **Needs medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency; or**
 - d. **Is seeking preventative care concerning a communicable illness that is the cause of a Public Health Emergency.**
3. **An employee may use CPHE Sick Leave if the employee's Appointing Authority, or a local, state or federal public official, or a health official having jurisdiction over the City and County of Denver, determines that the employee's presence on the job or in the community would jeopardize the health of others because:**

- a. The employee has been exposed to a communicable illness that is the cause of the Public Health Emergency; or
 - b. The employee is exhibiting symptoms of the communicable illness, regardless of whether the employee has been diagnosed with the communicable illness.
4. An employee may use CPHE Sick Leave to care for a family member if a local, state or federal public official having jurisdiction over the location where the family member's employer is located, or if the family member's employer, determines that the employee's family member's presence on the job or in the community would jeopardize the health of others because:
- i. The employee's family member has been exposed to the communicable disease that is the subject of the Public Health Emergency; or
 - ii. The employee's family member is exhibiting symptoms of the communicable illness, regardless of whether the family member has been diagnosed with the communicable illness.
5. An employee may use CPHE Sick Leave to care for a child or other family member when:
- a. The child's or family member's care provider is unavailable due to a Public Health Emergency;
 - b. The child's or family member's school or place of care has been closed by a local, state or federal public official due to a Public Health Emergency;
 - c. The child's or family member's school or place of care has been closed at the discretion of the school or place of care due to a Public Health Emergency, including if the school or place of care is physically closed but providing instruction remotely.
6. An employee may use CPHE Sick Leave due to an inability to work because the employee has a health condition that may increase susceptibility to, or risk of, a communicable illness that is the cause of the Public Health Emergency.

C. Documentation and Notice

1. An employee is not required to provide documentation in order to take CPHE Sick Leave.
2. An employee shall notify his or her supervisor of the need for CPHE sick leave as soon as practicable when the need for CPHE Sick Leave is foreseeable.

Section 10-85 Retaliation and Discrimination Prohibited

- A. **It is a violation of this rule to retaliate, interfere with, or discriminate against any current or former employee because that individual has:**
1. **Requested, taken, attempted to take, or supported another employee taking any type of paid sick leave;**
 2. **Filed a complaint with the Colorado Department of Labor and Employment or any court; or**
 3. **Participated or cooperated in an investigation, hearing, or proceeding brought by the Colorado Department of Labor and Employment.**
- B. **It is a violation of this rule to count paid sick leave taken by an employee as an absence that may lead to or result in discipline, termination, demotion, suspension, or any other retaliatory personnel action against the employee. Nothing in this rule, however, prevents an employee from being disciplined for using paid sick leave for purposes other than allowed herein.**

Section 10-86 Confidentiality and Record Keeping

- A. **Any information regarding the health of an employee or the employee's family member, or regarding domestic abuse, sexual assault, or criminal harassment affecting an employee or employee's family member, must be treated as confidential and may not be disclosed to any other individual except the affected employee, unless the employee provides written permission prior to such disclosure.**
- B. **If the confidential information is in writing, it shall be maintained on a separate form and in a separate file from other personnel information.**

RULE 10 PAID LEAVE

Purpose statement:

The purpose of this rule is to provide guidelines and policies for administering the City's paid leave programs, and to comply with the Colorado Healthy Families and Workplaces Act, effective January 1, 2021. 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

10-12 Definitions

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

- F. 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;
 13. Colorado Healthy Families and Workplaces Act ("CHFVA") Sick Leave; and
 14. Colorado Public Health Emergency ("CPHE") Sick Leave.

- F. Public Health Emergency: An act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly fatal infectious agent, for which:
 - a. An emergency is declared by a federal, state or local public health agency; or
 - b. A disaster emergency is declared by the governor; or
 - c. A highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.

Section 10-20 Paid Time Off (“PTO”)

10-25 Partial Leave Accruals

Full-time employees, eligible to earn PTO:

- D. Who begin employment with the City after the first day of a month; or
- E. Whose leave accruals stopped because of an extended absence from work and return to work after the first day of a month; or
- F. Who separate from employment with the City before the last day of a month

Shall earn PTO in that particular month according to the following pro-ration schedule:

Hrs. worked (including pd. lv) in the month	Years of service				
	≤ 0.5	0.5 < 5	5 < 10	10 < 15	≥ 15
0-29	0	0	0	0	0
30-79	2.5	3	3.75	4.5	4.75
80-119	5	6	7.5	9	9.5
120-139	7.5	9	11.25	13.5	14.25
>140	10	12	15	18	19

PTO hours earned

10-26 Using PTO

Employees must request and receive approval from their supervisor prior to using PTO, subject to the exceptions stated below.

- A. An employee may use PTO for any of the reasons listed below or for qualifying conditions under the Family and Medical Leave Act (“FMLA”) without requesting supervisory approval. Alternatively, such employees may request approval from their supervisor orally, in writing, or electronically (such as e-mail or text message).

7. The employee has a mental or physical illness, injury or health condition that prevents the employee from working;
 8. The employee needs to care for a family member who has a mental or physical illness, injury or health condition that prevents the employee from working;
 9. The employee or the employee's family member needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or
 10. The employee or the employee's family member needs to obtain preventative medical care.
 11. The employee or the employee's family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to:
 - a. Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;
 - b. Obtain services from a victim services organization;
 - c. Obtain mental health or other counseling;
 - d. Seek relocation due to the domestic abuse, sexual assault or harassment; or
 - e. Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.
 12. Due to a public health emergency, a public health official has ordered closure of the school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.
- G. All such uses of PTO are subject to the requirements for reporting leave used for sickness or injury set forth in this Rule 10.
- H. When an employee's need to use PTO is foreseeable, including PTO use for the reasons stated in paragraph A above, such employee shall make a good-faith effort to provide notice to their supervisor in advance of using PTO and shall make a reasonable effort to schedule the use of the PTO in a manner that does not unduly disrupt the operations of the agency.
- I. All other uses of PTO are subject to supervisory approval based on the work

requirements of the agency. Supervisors shall not unreasonably withhold approvals to use PTO, and are expected to confer with employees and recognize their wishes where possible. Preference in the scheduling of pre-approved PTO based on reasons other than those stated in Rule 10-24, Section A.1-6 shall be given to employees in order of their total length of continuous employment in the Career Service; provided, however, that an employee who has been re-instated or re-employed following a lay-off shall be given credit for the period of continuous employment in the Career Service prior to the lay-off.

- J. Absences from work because of authorized medical examinations or treatment related to an occupational injury or occupational disease arising out of and within the course and scope of employment with the City for which the City has admitted liability or has agreed to permit medical treatment while investigating the claim shall be treated as time worked. The employee shall make a reasonable effort to schedule the examination or treatment so as not to unduly disrupt the operations of the department or agency.

Section 10-30 Sick and Vacation Leave

10-35 Partial Leave Accruals

Full-time employees, eligible to earn sick and vacation leave:

- D. Who begin employment with the City after the first day of a month; or
- E. Whose leave accruals stopped because of an extended absence from work and return to work after the first day of a month; or
- F. Who separate from employment with the City before the last day of a month

Shall earn vacation leave in that particular month according to the following pro-ration schedule:

Hrs. worked (including pd. lv) in the month earned	Vacation hours earned			
	0 < 5	5 < 10	10 < 15	>15
0-39	0	0	0	0
40-79	2	2.5	3	3.5
80-119	4	5	6	7
120-139	6	7.5	9	10.5
≥140	8	10	12	14

And shall earn sick leave in that particular month according to the following pro-ration schedule:

Hours worked (including paid leave) in the month earned	Sick hours earned
0-29	0
30-79	2
80-119	4
120-139	6
≥140	8

10-36 Using Sick and Vacation Leave

C. Sick leave:

1. Sick leave may be used for the reasons set forth below, when an employee is incapacitated by sickness or injury; for medical examinations, or treatment; for necessary care and attendance during sickness, or for death, of a member of the employee's immediate family, for qualifying conditions under the FMLA and as otherwise provided in these rules.
 - g. The employee has a mental or physical illness, injury or health condition that prevents the employee from working;
 - h. The employee needs to care for a family member who has a mental or physical illness, injury or health condition that prevents the employee from working;
 - i. The employee or the employee's family member needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition;
 - j. The employee or the employee's family member needs to obtain preventative medical care;
 - k. The employee or the employee's family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to:
 - 6) Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;
 - 7) Obtain services from a victim services organization;
 - 8) Obtain mental health or other counseling;
 - 9) Seek relocation due to the domestic abuse, sexual assault or

harassment; or

10) Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.

- I. Due to a public health emergency, a public health official has ordered closure of the school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.

Section 10-40 Administration of Paid Time Off and Sick and Vacation Leave

10-48 Using Paid Leave

- D. The amount of PTO, sick and vacation leave, and CHFVA Sick Leave used shall be the amount of time an employee is absent from their regularly scheduled shift(s). (Revised August 27, 2019; Rule Revision Memo 55D)

10-49 Reporting and Investigation of Leave Used for Sickness or Injury

- E. If an employee is absent for reasons that entitles the employee to use PTO, sick leave or CHFVA Sick Leave without supervisory 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.
- F. Appointing authorities may investigate any potential false or fraudulent uses of PTO, sick leave or CHFVA Sick Leave. False or fraudulent use of PTO, sick leave or CHFVA Sick Leave shall be cause for disciplinary action and may result in dismissal.
- G. An employee has used PTO, sick leave or CHFVA Sick Leave for four (4) or more consecutive work days, a supervisor may require reasonable documentation that the paid leave is for a purpose authorized by this Rule 10. An appointing authority, supervisor, or employee who has reason to believe that the absence may be a qualifying event under the FMLA, should contact human resources. (Revised August 27, 2019; Rule Revision Memo 55D)

10-50 Donating Leave

- I. No other form of paid leave, including CHFWA Sick leave and CPHE leave, may be donated or received by Career Service or non-Career Service employees.
- J. 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:
 - i. Have exhausted their accumulated compensatory time, sick leave and vacation leave or PTO or personal holiday, be absent from work and;
 1. Be receiving salary continuation leave, or temporary disability benefits under the provisions of the Workers' Compensation Act. In either of these situations, the employee may only use donated leave to make up the difference between the employee's base salary, and the total of other paid leave received and the temporary disability benefits the employee is receiving;
 2. Be receiving leave as an accommodation because of the employee's pregnancy, physical recovery from childbirth, or related condition;
 3. Be receiving approved FMLA leave;
 4. Be receiving approved FCA leave;
 5. Be receiving approved ADA leave; or
 6. Have received written notice of a contemplation of medical disqualification meeting. The employee may use donated leave until medical disqualification occurs or until the end of the period in which a decision on medical disqualification must be issued, whichever occurs first.
- (Revised August 27, 2019; Rule Revision Memo 55D)
6. Donated leave can be used to cover absences that occur up to fifteen (15) calendar days before the leave was posted to a recipient's account so long as the other conditions of this section have been met.

7. A Career Service employee may receive donated leave from a non-Career Service City employee provided that the donor employee's department or agency allows employees to donate leave to Career Service employees and that the recipient requirements listed above have been met.
 8. Employees who are eligible to receive donated leave may receive either donated PTO or donated sick leave regardless of whether the employee is enrolled in the PTO or sick and vacation leave plan.
- K. Employees cannot use more than six hundred (600) hours of donated leave in a calendar year. Employees cannot receive donated leave to the extent that the donated leave will increase the employee's PTO or sick leave bank over the applicable maximum accumulation limit.
1. The amount of donated leave to be credited to the recipient's account shall be computed as follows:
 - d. Multiply the number of hours of leave being donated by the hourly rate of pay of the donor employee;
 - e. Divide the result by the hourly rate of pay of the recipient; and
 - f. Round the result down to the closest full hour.
 2. The computations made in paragraph G.1. shall be reported to the Department of Finance in accordance with procedures to be established by that office.
- L. Recipients of donated leave are not entitled to receive pay upon separation for unused donated leave. Unused donated leave may not be donated to another employee or returned to the donor.

10-51 Effect of Separation on Leave Accrual

Employees shall not earn PTO, sick and vacation, or CHFVA Sick leave after the employee's last day as a City employee. Rule 14 **SEPARATION OTHER THAN DISMISSAL** and Rule 16 **CODE OF CONDUCT AND DISCIPLINE** provide this date for dismissals and other types of separations.

10-52 Effect of Re-instatement and Re-employment Following Lay-off on PTO and Sick Leave Balance

Section 10-50 Bereavement Leave

E. Employees receiving sick leave pursuant to Rule 10-32.A:

Employees receiving sick leave pursuant to Rule 10-32.A shall be entitled to use up to forty-eight (48) hours of sick leave because of the death of a member of an employee's immediate family.

F. Employees receiving CHFVA Sick Leave:

Employees who receive CHFVA leave shall not be entitled to receive bereavement leave or to use accumulated sick leave for bereavement purposes.

G. Additional Bereavement Leave:

A supervisor may grant additional paid or unpaid leave for bereavement.

Section 10-80 Colorado Healthy Families and Workplaces Act ("CHFVA") Sick Leave

10-81 CHFVA Sick Leave Policy

It is the policy of the City to provide paid sick leave to its employees. This rule is intended to comply with and be interpreted consistent with the CHFVA and the corresponding rules, regulations and opinions issued by the Colorado Department of Labor and Employment. To the extent an issue is not addressed herein, or if there is a conflict with a Career Service Rule, the CHFVA and its corresponding rules, regulations and opinions shall govern.

10-82 CHFVA Sick Leave

- I. "CHFVA Sick Leave" is sick leave paid pursuant to the Colorado Healthy Families and Workplaces Act, SB 20-205, Colorado Revised Statutes § 8-13.3-403, to on-call employees and part-time employees who normally work fewer than 20 hours per week.
- J. Employees who earn CHFVA Sick Leave shall accrue such leave at the rate of one hour of CHFVA Sick Leave for every 30 hours worked.
- K. Employees who earn CHFVA Sick Leave may not accrue or use more than 48 hours of paid sick CHFVA Sick Leave each year. Up to 48 hours of CHFVA Sick Leave that an employee accrues in a year, but does not use, may carry forward to and may be used in a subsequent year, except that the employee may not use more than 48 hours of CHFVA Sick Leave in a year.
- L. An employee may use CHFVA Sick Leave for the following situations:
 - 7. The employee has a mental or physical illness, injury or health condition that prevents the employee from working;

8. The employee needs to care for a family member who has a mental or physical illness, injury or health condition that prevents the employee from working;
 9. The employee or the employee's family member needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition;
 10. The employee or the employee's family member needs to obtain preventative medical care;
 11. The employee or the employee's family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to:
 - a. Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;
 - b. Obtain services from a victim services organization;
 - c. Obtain mental health or other counseling;
 - d. Seek relocation due to the domestic abuse, sexual assault or harassment; or
 - e. Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.
 12. Due to a public health emergency, a public health official has ordered closure of the school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.
- M. Employees receiving CHFVA Sick Leave shall not be paid out the balance of any such accumulated leave upon separation from the City. However, if an employee receiving CHFVA Sick Leave separates from employment and is rehired within six months after the separation, the employee's CHFVA Sick Leave balance shall be reinstated.
- N. The amount of CHFVA Sick Leave used shall be the amount of time an employee is absent from their regularly scheduled shift(s).
- O. CHFVA Sick Leave shall not be used before it is accrued and posted to the employee's account.
- P. Employees may take CHFVA Sick Leave in increments of at least fifteen (15) minutes.

10-83 Colorado Public Health Emergency ("CPHE") Sick Leave

D. Supplement

7. In addition to any PTO, sick leave and CHFVA Sick Leave an employee may accrue, an employee may be eligible to receive a one-time supplement of paid sick leave in the event of a Public Health Emergency.
8. On the date a Public Health Emergency is declared, each employee may have his or her available paid sick leave supplemented in a CPHE Sick Leave bank to ensure the employee is able to take a total of 80 hours of paid sick leave as follows:
 - c. Employees who receive PTO or sick leave and have 80 hours or more of accumulated leave on the date the Public Health Emergency is declared shall not receive any additional paid sick leave.
 - d. Employees who receive PTO or sick leave and have fewer than 80 hours accumulated in their PTO or sick leave banks on the date the Public Health Emergency is declared shall have their CPHE Sick Leave bank supplemented as follows:
 - (3) Full-time employees (those who normally work 40 hours or more in a week) shall have their CPHE Sick Leave banks supplemented by the difference between the number of hours accumulated in their PTO or sick leave banks and 80 hours so that the total amount of leave available to the employee is 80 hours.
 - (4) Part-time employees (those who work fewer than 40 hours in a week) shall receive a supplement in the amount of the greater of:
 - (a) the number of hours the employee is scheduled to work in a 14-day period; or
 - (b) the number of hours the employee actually works on average in a 14-day period.
 - e. Employees who receive CHFVA Sick Leave will have their CPHE Sick Leave bank supplemented by the difference between the number of hours already accumulated in their CHFVA Sick Leave bank on the date the Public Health Emergency is announced and 80 hours, such that the total amount of paid leave available is 80 hours.
9. Employees are only eligible to receive a supplement of CPHE Sick Leave once during a Public Health Emergency, even if the Public Health Emergency is amended, extended, restated, or prolonged.
10. CPHE Sick Leave may be used from the day on which the Public Health Emergency is declared until four weeks after the official termination or suspension

of the Public Health Emergency.

11. An employee may use the full amount of supplementary CPHE Sick Leave prior to using any of the employee's previously-accrued PTO, sick leave, or CHFVA Sick Leave, as long as the supplementary leave is used for any authorized use of CPHE Sick Leave as described in Section 10-83.B.
12. An employee's previously-accrued PTO, sick leave or CHFVA Sick Leave may be used for any purpose listed in Section 10-83.B. for the entire duration of the Public Health Emergency and for four weeks after the date of the official termination or suspension of the emergency declaration.

E. Authorized Uses of CPHE Sick Leave

7. An employee may use CPHE Sick Leave related to a Public Health Emergency for the employee's need to:
 - a. Self-isolate and care for oneself because the employee is diagnosed with a communicable illness that is the cause of a Public Health Emergency;
 - b. Self-isolate and care for oneself because the employee is experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency;
 - c. Seek or obtain medical diagnosis, care or treatment if the employee is experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency; or
 - d. Seek preventative care concerning a communicable illness that is the cause of a Public Health Emergency.
8. An employee may use CPHE Sick Leave related to a Public Health Emergency to care for a family member who:
 - e. Is self-isolating after being diagnosed with a communicable illness that is the cause of a Public Health Emergency;
 - f. Is self-isolating due to experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency;
 - g. Needs medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency; or
 - h. Is seeking preventative care concerning a communicable illness that is the cause of a Public Health Emergency.
9. An employee may use CPHE Sick Leave if the employee's Appointing Authority, or a local, state or federal public official, or a health official having

jurisdiction over the City and County of Denver, determines that the employee's presence on the job or in the community would jeopardize the health of others because:

- f. The employee has been exposed to a communicable illness that is the cause of the Public Health Emergency; or
 - g. The employee is exhibiting symptoms of the communicable illness, regardless of whether the employee has been diagnosed with the communicable illness.
10. An employee may use CPHE Sick Leave to care for a family member if a local, state or federal public official having jurisdiction over the location where the family member's employer is located, or if the family member's employer, determines that the employee's family member's presence on the job or in the community would jeopardize the health of others because:
- i. The employee's family member has been exposed to the communicable disease that is the subject of the Public Health Emergency; or
 - ii. The employee's family member is exhibiting symptoms of the communicable illness, regardless of whether the family member has been diagnosed with the communicable illness.
11. An employee may use CPHE Sick Leave to care for a child or other family member when:
- d. The child's or family member's care provider is unavailable due to a Public Health Emergency;
 - e. The child's or family member's school or place of care has been closed by a local, state or federal public official due to a Public Health Emergency;
 - f. The child's or family member's school or place of care has been closed at the discretion of the school or place of care due to a Public Health Emergency, including if the school or place of care is physically closed but providing instruction remotely.
12. An employee may use CPHE Sick Leave due to an inability to work because the employee has a health condition that may increase susceptibility to, or risk of, a communicable illness that is the cause of the Public Health Emergency.

F. Documentation and Notice

- 3. An employee is not required to provide documentation in order to take CPHE Sick Leave.
- 4. An employee shall notify his or her supervisor of the need for CPHE sick leave as soon as practicable when the need for CPHE Sick Leave is foreseeable.

- C. It is a violation of this rule to retaliate, interfere with, or discriminate against any current or former employee because that individual has:
 - 4. Requested, taken, attempted to take, or supported another employee taking any type of paid sick leave;
 - 5. Filed a complaint with the Colorado Department of Labor and Employment or any court; or
 - 6. Participated or cooperated in an investigation, hearing, or proceeding brought by the Colorado Department of Labor and Employment.

- D. It is a violation of this rule to count paid sick leave taken by an employee as an absence that may lead to or result in discipline, termination, demotion, suspension, or any other retaliatory personnel action against the employee. Nothing in this rule, however, prevents an employee from being disciplined for using paid sick leave for purposes other than allowed herein.

Section 10-86 Confidentiality and Record Keeping

- C. Any information regarding the health of an employee or the employee's family member, or regarding domestic abuse, sexual assault, or criminal harassment affecting an employee or employee's family member, must be treated as confidential and may not be disclosed to any other individual except the affected employee, unless the employee provides written permission prior to such disclosure.

- D. If the confidential information is in writing, it shall be maintained on a separate form and in a separate file from other personnel information.