

RULE 10.11 – SEPARATION FROM EMPLOYMENT

Adopted Date: 04/01/2010

Revised Date: 01/02/2013

PURPOSE

The purpose of this rule is to establish the policy of the City and County of Denver (city) concerning separation pay for all employees of the city leaving city service to ensure that the employee is paid accurately and timely.

This rule shall be read in conjunction with the following Denver Revised Municipal Codes, Fiscal Accountability Rules, Career Service (CS) Rules, and when applicable, Civil Service Rules and Collective Bargaining Agreements, to ensure compliance and understanding:

- [Revised Municipal Code – Chapter 18 – Employee and Officer Pay and Benefits, Article V. – Leave and Holidays;](#)
- [Revised Municipal Code – Chapter 22 – Fire Prevention and Protection, Article II. – Fire Department, Division 3. – Pay Rates and Fringe Benefits;](#)
- [Revised Municipal Code – Chapter 42 – Police, Article II. – Police Department – Division 3 – Salaries and Fringe Benefits for Police Officers;](#)
- [Fiscal Accountability Rule 10.2 – Overpayments to Employees and Contract Employees;](#)
- [Career Service Rule 1 – Definitions;](#)
- [Career Service Rule 5 – Appointments and Status;](#)
- [Career Service Rule 14 – Separation Other than Dismissal;](#) and
- [Career Service Rule 16 – Code of Conduct and Discipline.](#)

DEFINITIONS

Fringe Benefits – Paid time off, vacation leave, holiday leave, sick leave, payments for injuries or sickness received in the line of duty, health insurance, life insurance, pensions, termination pay, uniform and equipment allowances, dependents' benefits, longevity pay, and any other financial or economic benefits which are found by the Office of Human Resources to be the prevailing practice in the Denver metropolitan area ([Career Service Rule 1 - Definitions](#)).

Employee – For the purpose of this rule an employee is a person in a limited or unlimited position or a member of the Classified Service of the Police and Fire Departments, and the Undersheriff.

Limited Position – One which has a specified ending date ([Career Service Rule 1 - Definitions](#)).

Overpayment – Cash or paid leave that has been overpaid regardless of the reason.

Separation – The termination of employment by reason of failure to pass employment probation, disqualification, lay-off, resignation, retirement, dismissal, or death.

Unlimited Position – One which has no specified ending date ([Career Service Rule 1 - Definitions](#)).

RULES

1. Each employee separating from employment from the City and County of Denver for any reason shall be paid accrued benefits and salaries according to Career Service Rules, Civil Service Rules, or Collective Bargaining Agreements, whichever shall apply.
2. Accrued benefits and salaries shall be paid from the appropriate payroll funds of the department/agency in which the separated employee was employed.
3. The Controller's Office, Payroll Division, shall perform a separation audit on every eligible employee. Upon conclusion of the audit:
 - A. The employee shall be paid for any unused compensatory time, paid time off, vacation leave, and sick leave balance determined to be owed, and any other leave that a member of the Classified Service of the Police and Fire Departments, and the Undersheriff has accrued; or
 - B. If the employee has been overpaid wages, or if a discrepancy in the employee portion of benefit withholding is determined, the amount will be withheld (refer to [Fiscal Accountability Rule 10.2 – Overpayments to Employees and Contract Employees](#)).
4. Departments/Agencies shall develop procedures to track security access granted and property issued to employees. The security access and property issued shall be documented.
 - A. Upon separation, departments/agencies shall notify appropriate personnel to terminate access to all systems.
 - B. Upon separation, departments/agencies shall ensure all city property issued to the employee is returned on or before the employee's last day of employment.

AUTHORITY AND ACCOUNTABILITY

The **Controller's Office** is responsible for this fiscal accountability rule and any procedures, guides, job aids, forms, and one-page summaries associated with this rule.