

**MEMORANDUM**

**REVISION 4, SERIES C**

**TO:** Holders of CSA Rule Books  
**FROM:** Career Service Board  
**DATE:** February 15, 2006  
**SUBJECT:** Revision of Career Service Rule 11-55 Military Pay Differential

The Career Service Board has revised Career Service Rule 11-55 Military Pay Differential. The effective date of this revision is January 1, 2006.

	<b><u>Page Number</u></b>	<b><u>Issuance Dates</u></b>
<b>Remove</b>	11-12.1 11-12.2	August 30, 2002 December 30, 2004
<b>Replace with</b>	11-12.1 through 11-12.2 11.A.-1	February 15, 2006 February 15, 2006

PLEASE INSERT IN YOUR RULE BOOK IMMEDIATELY. THANK YOU.

military service if the military duty lasted longer than one hundred eighty (180) days.

2. Employees who served thirty-one (31) to one hundred eighty (180) days shall give notice within fourteen (14) days of discharge.
3. Employees who serve less than thirty-one (31) days shall have three (3) days from discharge to give notice.

B. Certificate of satisfactory completion of military service:

A return from military leave without pay shall be conditional upon submission of a certificate of satisfactory completion of military service.

C. Effect of hospitalization for service connected medical condition:

In the event that the employee was hospitalized after discharge for medical conditions, which occurred during the military service, the employee's military leave without pay shall be extended not to exceed two (2) years. Application for return from military leave without pay must be made within ninety (90) days after discharge from hospitalization. Extensions may be granted due to circumstances beyond the employee's control.

D. Qualifications for return from military service:

The employee must be physically and mentally qualified and possess the necessary skills, knowledge and/or training to perform the essential functions with or without reasonable accommodations of the position to which the employee is returning. The City will provide appropriate training to returning employees.

E. Effect of service connected disability:

If the employee is not qualified to perform the essential functions with or without reasonable accommodations of the position left by reason of disability sustained during active military service, the appointing authority may transfer the employee to any other available position, the duties of which the employee is qualified to perform and which will provide like seniority, status and pay, or the nearest approximation thereof, as the employee achieved in the position from which he or she was granted military leave.

F. Effect of failure to give notice for return:

Failure to give notice for return from military leave without pay within the time limits stated shall be considered a resignation.

11-55 Military Pay Differential

(Effective January 1, 2006; Rules Revision Memo 4C)

- A. Career Service employees who are called to active military duty in time of war or national emergency are eligible for a military pay differential as provided by the Denver Revised Municipal Code. (See Appendix)
- B. A written request for military pay differential shall be made by an eligible employee to the employee's department or agency as soon as possible after the employee's return to City employment using the application form prepared by the Career Service Authority. Requests for military pay differential may also be made while the employee is on military leave.
- C. The employee shall provide copies of the following documents:
  - 1. Written military orders for reporting and/or discharge;
  - 2. Leave and earnings statements from the military;
  - 3. All military pay vouchers, including vouchers for temporary duty and travel; and
  - 4. Any other documentation deemed necessary to process the request by the Career Service Personnel Director, which may include documentation that the Auditor's Office advises the Personnel Director is necessary.
- D. Any overpayment of funds to the employee shall be reimbursed to the City in accordance with the City's Fiscal Accountability Rules.

Section 11-60 Election Leave

(Effective November 1, 1980; Rules Revision Memo 127A, renumbered and revised effective June 1, 2004, 249B)

Employees are urged to vote outside of working hours. If the employee's work schedule does not allow for two consecutive hours between either the opening of the polls and the start of work or after the end of work and the closing of the polls, employees shall be granted paid leave not to exceed two (2) hours in order to vote. Employees must apply for and receive approval for the leave prior to the election day.

Section 11-70 Court Leave

(4/27/56, 15A)

11-71 Policy

(9/1/82, 41B)

An employee who is required to serve as a juror in a Federal, State, or Municipal Court, or who is subpoenaed to testify concerning matters arising out of performance of his or her duties, shall be granted court leave with full pay to serve in that capacity.

**APPENDIX 11.A.**

**Sec. 18-164. Military pay differential.  
DENVER REVISED MUNICIPAL CODE**

(a) Employees in the career service and members of the classified service of the police and fire departments called to active military duty in time of war or national emergency are eligible for a military pay differential.

(b) The military pay differential is a benefit and not an entitlement, and applies only to employees in the career service and members of the classified service of the police and fire departments who are uniformed service members and who are called to active duty with written orders for military service exceeding one hundred seventy-nine (179) days in time of war or national emergency, and who are actually engaged in active military duty after December 31, 2005. A uniformed service member is defined as any member of the Army, Navy, Marines, Air Force, Coast Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve, Army National Guard and the Air National Guard.

(c) The military pay differential shall consist of the difference between the total compensation received by the employee while engaged in active military service and the amount of base salary the employee would have earned from the city had the employee not been called to active duty. In no event shall the military pay differential, coupled with the employee's military compensation, exceed the base salary the employee would have received had the employee not been called to active duty and remained in his or her position of employment with the city.

(d) The manager of safety and the career service board shall establish written policies and procedures for administration of the military pay differential. The city attorney shall approve these policies and procedures prior to implementation.

(e) This section 18-164 is automatically repealed at 11:59 p.m. on December 31, 2006.

This Appendix is provided for informational purposes and is not considered a part of the Rules.

Page issuance date: February 15, 2006