

**MEMORANDUM**

**RULE REVISION 78D**

**TO:** Holders of Career Service Rule Books

**FROM:** Career Service Board

**DATE:** June 17, 2022

**SUBJECT:** Revision of Career Service Rule 9-65 & New Career Service Rules 9-101 and 9-102

Career Service Rule 9-65 was revised and new Career Service Rules 9-101 and 9-102 were approved on June 16, 2022.

Please replace the following pages in your books for both re-pagination and updating the rules.

Thank you.

<b><u>Page Number to Remove</u></b>	<b><u>Page Number to Insert</u></b>
Page 9-17 through 9-30 CSR 9-65 and re-pagination	Page 9-17 through 9-33 CSR 9-65 and new CSR 9-101 and 9-102 Page issuance date: June 17, 2022

- B. The Chief Medical Examiner has the authority to assume the responsibility of directing this program or to assign this responsibility to any Forensic Pathologist who meets the criteria for program director established by the University of Colorado and the Accreditation Council for Graduate Medical Education (ACGME).
- C. As compensation for the additional duties required to direct this program, the Chief Medical Examiner may pay the Forensic Pathologist who is assigned and performing all of the duties of directing the Forensic Pathology Fellow Program additional pay equal to eight percent (8.0%) above his or her regular base pay. (Revised July 31, 2015; Rule Revision Memo 12D)
- D. The duties of the Forensic Pathology Fellow Program Director include:
  - 1. Ensuring that the Fellowship Program complies with University of Colorado and ACGME accreditation requirements.
  - 2. Recruiting Forensic Pathology Fellows for the program.
  - 3. Maintaining the program's educational curriculum; and
  - 4. Mentoring and supervising the Forensic Pathologist Fellow(s).

9-65 Work Assignment Outside of Job Classification  
(Revised June 16, 2022; Rule Revision 78D)

- A. An appointing authority may temporarily assign the duties of a vacant or temporarily unoccupied position in a higher-level classification to an employee in a lower-level classification for a period of no less than one month and no more than six months in accordance with the criteria established in this rule.

The six-month limitation applies to the vacant or temporarily unoccupied position and cannot be extended by subsequently assigning the duties of that position to a different employee or by allowing an employee to perform those duties without additional pay.

The six-month limitation may be extended by a maximum of six additional months when justified by compelling circumstances and approved in writing by the OHR Executive Director and the City Attorney's Office.

This subparagraph A is intended to comply with the Colorado Equal Pay for Equal Work Act, **C.R.S. § 8-5-101** et. seq. and underlying regulations.

- 1. Employees are eligible for additional pay for such assignments when they have been assigned a majority (70% or more) of the duties and responsibilities of the vacant or temporarily unoccupied position in the higher-level classification.

2. Assignments of duties from any vacant or temporarily unoccupied position in a higher classification may be assigned to one employee at a time; multiple employees may not share a working out-of-classification assignment and qualify for additional pay.
  3. The additional work and additional pay for work outside of an employee's job classification shall start at the beginning of a work week, which is the next available Sunday. The additional pay shall continue for the duration of the assignment.
  4. Pay shall be set within the pay range of the assigned classification and cannot be below the range minimum or above the range maximum.
- B. Working out-of-classification pay shall be set by the appointing authority with consideration given to the number of grade differences, and the percentage of work being performed of the higher-level classification as follows:

Working Out-of-Classification Scenario	Pay Increase %
The vacant higher-level classification is 1 or 2 pay grades higher	8%
The vacant higher-level classification is more than 2 pay grades higher	12%

If the employee's current classification is non-exempt and the employee will perform higher-level duties of an exempt classification, the employee retains their non-exempt pay status for overtime purposes.

If the employee is non-exempt and performing the work of an exempt classification, contact your OHR Classification and Compensation Analyst who will determine the pay grade difference.

- C. The employee's job classification will not change as a result of a temporary assignment of higher-level job duties and responsibilities. Employees receiving additional pay for working outside of their assigned classification shall not be eligible for re-allocation to the higher-level classification.
- D. If an employee receives a merit increase during the temporary assignment, the pay for the work assignment outside of job classification shall be re-calculated based on the employee's base pay including the merit increase. The re-calculated pay shall be effective on the effective date of the merit increase (Revised January 1, 2011; Rule Revision Memo 51C).
- E. Upon completion of the temporary assignment, the employee's pay shall return to the employee's base pay prior to the temporary assignment, including any merit increase awarded during the temporary assignment.
- F. Pay for work outside of an employee's job classification does not impact subsequent pay for promotion, demotion, or any other personnel action.

9-66 Recruitment bonus

(Revised September 21, 2017; Rule Revision Memo 30D)

- A. A department or agency may pay a one-time recruitment bonus of up to \$10,000 according to the below schedule to attract a highly qualified external candidate whose skills, knowledge and/or abilities are deemed essential to the mission and operations of the City.
- B. The amount of the recruitment bonus must be justified in writing and submitted by the department or agency to the appointing authority and the OHR Executive Director for approval. The justification must clearly demonstrate that the position is difficult to fill in the absence of a recruitment bonus.
- C. The determination to pay a recruitment bonus must be based on criteria including, but not limited to:
  - 1. The success (or lack thereof) of recent efforts to recruit external candidates for similar positions, using indicators such as job offer acceptance rates, the length of time required to fill similar positions, and the probable cost of renewed recruitment efforts.
  - 2. The current salary and fringe benefits package the candidate receives.
  - 3. Employment trends and competition in the local labor market that make it difficult to recruit candidates for similar positions.
  - 4. Special qualifications or competencies (i.e., knowledge, skills, abilities, education, etc.) required for the position. These competencies must be applicable to a vast majority of the duties and responsibilities of the job or be of critical importance to the job.
  - 5. The desirability of the duties, work, or organizational environment of the position; and
  - 6. Other supporting factors.
- D. The below amounts may not be exceeded unless the agency appointing authority has justification to do so (e.g., has identified a critical candidate whose skills, knowledge, and/or abilities are essential to the mission and operations of the City) and the appointing authority has obtained the approval of the OHR Executive Director. However, no recruitment bonus may exceed \$10,000.

<b><u>Position Level of New Hire</u></b>	<b><u>Amount</u></b>
Below the level of Manager	Up to \$2,500
Manager	Up to \$5,000
Director	Up to \$10,000

The above amounts will not be grossed-up to cover taxes and other deductions on behalf of the candidate.

- E. A request to provide a recruitment bonus must be approved by the appointing authority and the OHR Executive Director before the recruitment bonus is included in an offer. The appointing authority's approval indicates sufficient existing budget funds to cover the expense.
- F. The candidate is eligible to receive the recruitment bonus as a one-time payment (less applicable taxes and other deductions) upon successful completion of employment probation. If the candidate does not successfully complete employment probation, the recruitment bonus will not be paid.
- G. The employee receiving the recruitment bonus must remain employed by the City for two (2) years. If the employee voluntarily terminates employment before serving two (2) years, the employee must repay part of the recruitment bonus. The amount of the repayment shall be pro-rated for each year of service. The repayment of the recruitment bonus shall be deducted from the employee's final paycheck. Any remainder shall be paid by the employee to the City within 30 days of the employee's last day of employment with the City.

These terms must be included in the employment offer letter, and the employee receiving the recruitment bonus shall acknowledge acceptance of these terms when signing the employment offer letter. Payment of a recruitment bonus and the employee's acceptance of these terms shall not constitute an employment contract.

9-67 Relocation assistance

(Revised September 21, 2017; Rule Revision Memo 30D)

- A. A department or agency may pay relocation costs of up to \$7,500 to attract a highly qualified external candidate whose skills, knowledge, and/or abilities are deemed essential to the mission and operations of the City, provided that the candidate's new main job location is at least 50 miles farther from his or her former home than the candidate's old main job location was.
- B. The amount of the relocation assistance must be justified in writing and submitted by the department or agency to the appointing authority and the OHR Executive Director for approval. The justification must clearly demonstrate that the position is likely to be difficult to fill in the absence of relocation assistance.
- C. The determination to pay relocation assistance must be based on criteria including, but not limited to:
  - 1. The availability and quality of local candidates possessing the competencies required for the position, including the success of recent recruitment efforts to recruit external candidates for similar positions, using indicators such as job offer acceptance rates, the length of time required to fill similar positions, and the probable cost of renewed recruitment efforts;
  - 2. Employment trends and competition in the local labor market that make it difficult to recruit candidates for similar positions.

3. Special qualifications or competencies (i.e., knowledge, skills, abilities, education, etc.) required for the position. These competencies must be applicable to a vast majority of the duties and responsibilities of the job or be of critical importance to the job.
  4. Personal and/or professional disruption that will occur as a result of relocation.
  5. The desirability of the duties, work, or organizational environment of the position; and
  6. Other supporting factors.
- D. An appointing authority may offer up to, but may not exceed, a relocation assistance payment of \$7,500. The amount of the offer is to be determined by the appointing authority with considerations given to the distance of the move, the size of the household involved in the move, etc. The relocation assistance payment will not be grossed-up to cover taxes and other deductions on behalf of the candidate.
- E. A request to provide relocation assistance must be approved by the appointing authority and the OHR Executive Director before relocation assistance is included in an offer. The appointing authority's approval indicates sufficient existing budget funds to cover the expense.
- F. The candidate is eligible to receive relocation assistance as a one-time payment (less applicable taxes and other deductions) within his or her first month of employment. The candidate is not required to submit qualifying expenses documentation to Accounts Payable, but the candidate should work with his or her tax advisor to appropriately declare the qualifying expenses to the IRS.
- G. The employee receiving relocation assistance must remain employed by the City for two (2) years. If the employee voluntarily terminates employment prior to serving two (2) years, the employee must repay part of the relocation assistance.

The amount of the repayment shall be pro-rated for each year of service. The repayment of the relocation assistance shall be deducted from the employee's final paycheck. Any remainder shall be paid by the employee to the City within 30 days of the employee's last day of employment with the City.

These terms must be included in the employment offer letter, and the employee receiving the relocation assistance shall acknowledge acceptance of these terms when signing the employment offer letter. Payment of relocation assistance and the employee's acceptance of these terms shall not constitute an employment contract.

9-68 Fleet Technician Certification Stipend  
(Revised August 6, 2018; Rule Revision Memo 44D)

- A. An appointing authority may pay an employee within eligible classifications the

fleet technician certification stipend if the following conditions have been met:

1. The employee is in a full-time, unlimited position.
2. The appointing authority has determined that the employee's position requires that the employee use the skills obtained by the certification fifty percent (50%) or more of the time.
3. The classification specification for the employee's classification does not require the certification for all incumbents of that classification; and
4. The employee demonstrates a proficiency in the area of certification by passing a test from the certifying organization, according to the procedure established by the appointing authority.

B. Eligibility for the stipend is based on the employee's classification title, type of certification, and whether the certification is issued by an approved national certification and testing board. The order of completion shall be established by the appointing authority based on the duties assigned to eligible positions.

Eligible classifications are:

1. Fleet Technician, including Fleet Technician I, Fleet Technician II, Fleet Technician III and Fleet Technician Lead. Eligible certification and testing boards and certifications include:
  - a. Automotive Service Excellence (ASE):
    - i. Automobile & Light Truck Certification Tests (A1 –A9)
    - ii. Medium-Heavy Truck Certification Tests (T1 –T8)
    - iii. Collision Repair & Refinish Certification Tests (B2 –B5)
    - iv. Alternate Fuels Certification Test (F1)
    - v. Advanced Engine Performance Specialist Certification Test (L1)
    - vi. Electronic Diesel Engine Diagnosis Specialist Certification Test (L2)
    - vii. Light Duty Hybrid/Electric Vehicle Specialist Certification Test (L3)
  - b. Emergency Vehicle Technician Certification Commission Inc. (EVT):
    - i. Ambulance Tests (E0 – E4)
    - ii. Airport Rescue and Fire-Fighting Tests (A1 – A3, F1, F4)
    - iii. Law Enforcement Vehicle Installation Test (L1)
  - c. CNG issued by Natural Vehicle Gas Institute (NVGi):
    - i. Certified Natural Gas (CNG)

2. Fleet Collision Technician. Eligible certification and testing boards and certifications include:

a. I-CAR:

- i. Aluminum Structural Technician, Level 1 – 3
- ii. Estimator, Level 1 – 3
- iii. Non-Structural Technician, Level 1 – 3
- iv. Steel Structural Technician, Level 1 – 3
- v. Refinish Technician, Level 1 – 3
- vi. Production Management, Level 1 – 3
- vii. Electrical / Mechanical Technician, Level 1 – 3

b. Automotive Service Excellence (ASE):

- i. Collision Repair & Estimating (B2 – B6)

C. The effective date of the fleet technician certification stipend shall be the beginning of the first workweek following the appointing authority’s determination that the employee successfully passed the applicable certification test.

The employee must provide a copy of passing test results to their supervisor, and proof of renewal and recertification at the appropriate time in order to continue receiving the stipend. The employee is responsible for notifying their supervisor if a certification expires and they fail to renew it.

D. Employees who are eligible for the fleet technician certification stipend shall receive a stipend per pay period based on the level of proficiency demonstrated by that employee:

# Certifications	Fleet Technician I	Fleet Technician II	Fleet Technician III / Fleet Collision Technician	Fleet Technician Lead
Successful Completion of four (4) Certifications	\$30	\$30	\$30	\$45
Successful Completion of eight (8) Certifications	N/A	\$50	\$50	\$90
Successful Completion of twelve (12) Certifications	N/A	N/A	\$75	\$135
Successful Completion of fifteen (15) Certifications	N/A	N/A	\$100	\$180

E. When an employee changes positions and the skills are not a requirement of the new position, the fleet technician certification stipend shall cease.

- F. The appointing authority retains the right to revoke eligibility for the stipend for any business-related reason, at any time.

9-69 911 Communications Training Officer Stipend  
(Revised October 19, 2018; Rule Revision Memo45D)

- A. The appointing authority may pay a monthly stipend to employees who are enrolled in the 911 Communications Training Officer (CTO) program if the following eligibility conditions are met:
  - 1. The employee is in a full-time, unlimited position.
  - 2. The employee is a member of the 911 Emergency Communication Technician, 911 Dispatch Support Specialist, or 911 Police Dispatcher classifications.
  - 3. The employee has successfully completed the 911 CTO certification course.
  - 4. The employee was rated “Successful” or higher in the employee’s most recent performance evaluation and continues to receive performance evaluations of “Successful” or higher while receiving the CTO stipend.
  - 5. The employee has not been on a Performance Improvement Plan in the preceding year nor is the employee currently on a Performance Improvement Plan; and
  - 6. The employee is available to train new hires as requested for the duration of their CTO assignment. All trainings must be tracked through the tracking system specified by management.
- C. Individuals enrolled in the CTO program will receive \$250.00 per month that they are enrolled, pro-rated for partial month enrollments, not to exceed \$3,000.00 annually.
- D. The appointing authority retains the right to revoke eligibility for the stipend for any business-related reason, at any time.

Section 9-70 Hours of Work

9-71 Standard Work Week

- A. The five (5) day forty (40) hour week shall be the standard work week for employees of the Career Service.
- B. Standard work hours shall be eight (8) hours per day, excluding the meal period. In certain cases, because of the character of the work, it may be necessary for an employee to be required to eat a meal while working. When the meal period is spent predominantly for the benefit of the City, the employee shall be paid for the entire meal period (Effective October 10, 2008; Rule Revision Memo 32C).

- C. Appointing authorities shall be responsible for establishing daily work schedules.
- D. The work week shall begin on Sunday and end on Saturday, unless otherwise designated by the appointing authority.

9-72 Posting of Changes in Work Schedules  
(Re-numbered October 10, 2008; Rule Revision Memo 32C)

- A. If work schedules are changed, appointing authorities shall post such schedules so that affected employees are provided with adequate notice of the change in advance of the work week in which it is supposed to occur.

However, appointing authorities may require an employee to arrive early or stay beyond his or her regular work schedule or return to work to provide essential City services without such notice (Revised September 21, 2010; Rule Revision Memo 49C; and June 17, 2011; Rule Revision Memo 55C).

- B. Employees are permitted to request a temporary change in daily work schedules in order to accommodate personal needs. Appointing authorities have the discretion to grant this request based on the business needs of the department or agency.

9-73 Interruption of Work and City-wide Emergency Pay and Redeployment  
(Effective September 17, 2020; Rule Revision 58D)

- A. An employee who is excused from work for the day or any part of the day when the work program is interrupted (e.g., because of weather) shall be considered to have worked the number of hours included in his or her regular daily schedule. An on-call employee who is called to work and not assigned because of an interruption or change in the work program shall be considered to have worked two (2) hours on that day.

- B. Employees may be re-deployed to work in other capacities in their own agencies or in other City agencies to support core functions of the City during a City-wide emergency declared by the Mayor. Non-exempt employees shall be paid at their regular rate of pay for actual hours worked in a re-deployment assignment and shall be eligible for overtime in accordance with Section 9-90 Overtime.

Exempt employees eligible for overtime shall be paid their regular salaries during any workweek in which they are re-deployed and shall be eligible for overtime in accordance with 9-93 Overtime Exceptions. Exempt employees not eligible for overtime shall be paid their regular salaries during any workweek in which they are re-deployed.

Nothing in this rule prevents the City from authorizing additional pay for some or all employees working in redeployment assignments during a City-wide emergency declared by the Mayor.

Employees who were on other leave such as paid time off, vacation, compensatory time, sick, or unpaid leave at the time of a work interruption must use that leave unless called back to work. When called back to work, unused leave hours are returned to the banks and work hours are counted.

### Section 9-80 Special Work Schedules

- A. Deviations from the standard workweek, eight (8) hour workday or designation of special work schedules may be made so long as they are in accordance with the provisions of this section. The appointing authority must provide written notification to the OHR Executive Director of any change to the standard workweek or the designation of special work schedules for employees.
- B. Establishment:
1. When the work program of a department or agency is such that the interests of the City as well as the efficiency of the organization can better be served by a special work schedule, the appointing authority may establish one for specified units, individual employees, or the entire agency.
  2. Employees affected by the proposed schedule should be consulted concerning their preferences prior to the establishment of the special work schedule, and their wishes should be recognized wherever possible. The final determination shall be within the discretion of the appointing authority.
  3. When an appointing authority determines that the special work schedule has not served the best interests of the City, the appointing authority may discontinue the special work schedule and shall provide written notification to the OHR Executive Director.
- C. Ten-hour schedule:
- Under a ten-hour schedule, employees are scheduled to work ten (10) hours per day, four (4) days per work week. Days off shall be scheduled consecutively wherever possible, provided, however, that one of the three (3) days off may be scheduled on any day during the work week in order to prevent staff shortages on any workday.
- D. Nine/eighty schedule:
- Under a nine/eighty schedule, employees are scheduled to work nine (9) hours per day, four (4) days per work week, and four (4) hours on one day of the work week. The start and end date of the work week must be changed so that the work week does not contain more than forty (40) hours of scheduled work.
- This is accomplished by having the work week begin in the middle of the day on which the four (4) hour shift is scheduled, and end in the middle of that day a week later. This day is the flex day, upon which the employee will work eight (8) hours every other week and will have off the rest of the time.

Days off shall be scheduled consecutively wherever possible, provided, however, that the flex day may be scheduled on any day during the work week in order to prevent staff shortages on any workday.

E. Alternate work schedules:

The appointing authority may establish an alternate work schedule when neither the standard work week nor any of the special work schedules set forth in this section permit the department or agency to provide necessary services.

F. Telecommuting:

1. Telecommuting is the practice of working at home or from a site other than a department or agency's central workplace. It is a work alternative which appointing authorities may offer to or require of employees.
2. Telecommuting is not an employee benefit but an alternative method of meeting the City's needs. Telecommuting is a privilege, and an appointing authority has the right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time.
3. Employees may express a desire not to telecommute and appointing authorities should consider employees' wishes along with the needs of the City in making a final determination.
4. Permission to telecommute shall be conditioned on compliance with the telecommuting guidelines established by the OHR Executive Director (see Appendix).

G. Employee Volunteer Program  
(Revised August 19, 2021; Rule Revision Memo 70D)

1. In accordance with the Employee Volunteer Program (EVP) guidelines, maintained and published by OHR on the EVP website, full-time or part-time, limited and unlimited Career Service employees, are eligible to volunteer up to eight hours per calendar year for projects pre-approved by OHR. On-call employees are not eligible to participate in the program. OHR will maintain an approved volunteer project list.
2. Participation in the EVP is a privilege, and a supervisor or manager has the right to refuse participation in the EVP at any time due to employee job performance, business need, or other appropriate reason. Employees must request approval from their supervisor or manager at least two (2) weeks prior to their anticipated volunteer date.
3. Employees participating in the EVP will receive their regular rate of pay for volunteer hours. EVP volunteer hours count towards hours worked in the workweek. EVP volunteer hours do not affect vacation leave, sick leave, or paid time off (PTO) accruals.

## Section 9-90 Overtime

### 9-91 Policy

(Revised April 9, 2018; Rule Revision Memo 38D)

- A. In accordance with the FLSA, all work performed in excess of forty (40) hours per week by non-exempt employees shall be designated overtime work for the purposes of compensation. Overtime compensation for non-exempt employees may be paid either in cash or in compensatory time off, at the discretion of the appointing authority. The appointing authority shall inform employees of the department's or agency's overtime compensation policy.
1. Non-exempt employees who work overtime and are paid in cash shall receive compensation at the rate of one and one-half (1½) times the regular rate of pay applicable to the position. The regular rate of pay shall be computed as follows:
    - a. Multiply the hourly rate by the employee's actual hours of work in the work week to determine the weekly salary equivalent.
    - b. Total the weekly salary equivalent plus all payments for differentials, standby, and any other compensation required by the FLSA to be included in the regular rate of pay for the work week, and divide by the number of hours the employee actually worked during that week.
  2. Non-exempt employees who work overtime and are paid in compensatory time off shall accrue compensatory time at the rate of one and one-half (1½) times the overtime hours worked.
  3. Nothing in this subsection A shall be construed to prevent the City from temporarily increasing the overtime rate to be paid to non-exempt and/or exempt employees, mandating that all such overtime be paid in cash, or otherwise administering overtime in a manner that is more generous to employees than the FLSA requires due to a city-wide emergency declared by the Mayor. (Emergency Rule Revision January 14, 2022; Expires July 14, 2022)
- B. If a paid holiday, a period of paid leave, or use of compensatory time occurs during a work week, such time shall be counted as time worked when determining whether an employee has worked overtime.
- Time spent taking courses outside of the normal workday shall not be counted as time worked, even if the employee receives paid training leave to take the courses, unless the city has required the employee to take the course.
- C. Unpaid leave shall not count as time worked.

- D. The hours worked as an election judge by an employee shall not be counted as time worked for the purposes of determining overtime eligibility. If an employee wishes to work as an election judge during a regularly scheduled shift, the employee must request leave from the appointing authority.

9-92 Criteria for Authorizing Overtime Work

- A. Overtime work shall be authorized to provide essential City services when such services cannot otherwise be provided by regular or special work schedules. Except in cases of emergency, overtime work shall be authorized and assigned in advance by an employee's supervisor or other designated individual. Working unauthorized overtime may be grounds for discipline, up to and including dismissal.
- B. When an employee has been assigned work outside of his or her normal work schedule, such overtime shall be subject to the same reporting requirements as regular work hours. Failure to report for such work may be cause for disciplinary action, up to and including dismissal.

9-93 Overtime Exceptions

(Revised April 9, 2018; Rule Revision Memo 38D, April 9, 2021; Rule Revision Memo 66D)

- A. Employees in overtime exempt classes as defined by the FLSA shall not receive overtime pay, except in the following situations:
  - 1. Based on community practice, the OHR Executive Director may grant an exception to the overtime exclusion for a designated classification or classifications. The overtime rate shall be one and one-half (1½) times the hourly rate of pay applicable to that position.
  - 2. Career Service employees who are employed by the City and County of Denver and work for DHHA in exempt classifications in the Healthcare job family shall receive the same exceptions to overtime exclusion as comparable classifications at DHHA, not in the Career Service.
  - 3. Upon the request of an appointing authority, the OHR Executive Director may grant an exception to the overtime exclusion for a specified period of time when the employee or employees will provide services for the City during declared emergencies or when compelling operational needs exist.

The overtime rate shall be the straight time hourly rate of pay applicable to that position, however if the employee performs greater than forty (40) hours of non-exempt services in the work week, the overtime rate shall be one and one-half (1½) times the hourly rate of pay applicable to that position.
  - 4. Based on community practice, as approved by the OHR Executive Director, FLSA overtime exempt, first level supervisory classes shall receive overtime only under the circumstances outlined below:

- a. Scheduled overtime occurring in a holiday week.
- b. Overtime related to after-hour emergency response duties.
- c. Publicly scheduled events requiring infrastructure support; and
- d. Snow removal activities.

The overtime rate shall be one and one-half (1½) times the hourly rate of pay applicable to that position.

- 5. Upon the request of an appointing authority, the Office of Human Resources may grant an exception to the overtime exclusion for employees assigned to a classification below Director when the employee will provide snow removal and snow operations duties for the City.

The overtime rate shall be the straight time hourly rate of pay applicable to that position, however if the employee performs greater than forty (40) hours of non-exempt services in the workweek, the overtime rate shall be one and one-half (1½) times the hourly rate of pay applicable to that position. (Revised August 6, 2018; Rule Revision Memo 44D)

- B. The hourly rate of pay for purposes of overtime compensation under Rule 9-93 shall be computed by dividing the employee's annual salary by 52 and then dividing by the regular weekly hours of the position.
- C. Overtime compensation for eligible exempt employees shall be paid in cash. Exempt employees eligible for overtime pay shall not accrue or use compensatory time in lieu of pay, except for Holiday Compensatory Time as defined in **Rule 10 PAID LEAVE**.

#### Section 9-100 Record Keeping

(Revised April 1, 2008; Rule Revision Memo 26C)

- A. Responsibility for maintaining time and compensation records may be vested in the Department of Finance, the OHR, or the agencies, as may be agreed among them from time to time.
- B. The content of these records shall be governed by guidelines established by the OHR (see Appendix).
- C. These records shall be retained for a minimum of six (6) calendar years, in a location where they would be available for inspection within seventy-two (72) hours from the date when requested by the Wages and Hours Administrator or designees.

Section 9-101 Retention Bonus

(Revised June 16, 2022; Rule Revision Memo 78D)

- A. This rule is intended to temporarily assist agencies with staffing shortages occurring as a result of the COVID-19 pandemic and the “Great Resignation” which may cause a decline in the provision of essential city services and, as such, will only remain in effect until December 31, 2023.
- B. In order to retain a highly qualified employee(s) whose skills, knowledge and/or abilities are deemed essential to the mission and operations of the City, a department or agency may, upon approval of the OHR Executive Director, pay a retention bonus to a current employee(s) at the end of a specified period of time, but in no event shall the specified retention period extend past December 31, 2023.
- C. The payment of any retention bonus must be justified in writing and submitted by the appointing authority to the OHR Executive Director for approval.
- D. The following standards shall apply to an appointing authority’s request for approval to pay a retention bonus:
  - 1. The success (or lack thereof) of recent efforts to recruit external candidates for the same positions, using indicators such as job offer acceptance rates, the length of time required to fill similar positions, turnover rates, and the probable cost of additional recruitment efforts if the current employee(s) resigns;
  - 2. Employment trends and competition in the local labor market that make it difficult to recruit candidates for the same positions or that entice current employees to resign from the city;
  - 3. The degree to which essential services have been disrupted;
  - 4. Special qualifications or competencies (i.e., knowledge, skills, abilities, education, etc.) required for the position. These competencies must be applicable to a vast majority of the duties and responsibilities of the job and/or be of critical importance to the job;
  - 5. The desirability of the duties, work, or organizational environment of the position;
  - 6. The employee’s work history, including length of employment with the city, performance ratings, and disciplinary record; and
    - a) A retention bonus will not be considered for any employee that has been formally disciplined in the 12 months preceding the appointing authority’s request for approval to pay a retention bonus;
    - b) A retention bonus will not be given to any employee that received a Development Needed or Unacceptable performance rating in the prior year performance evaluation period.
    - c) To receive a retention bonus, an employee must have been employed with the Agency in the same classification for a minimum of 12 months prior to the start of the retention period. Exceptions may be made for on-call employees.

- d) A retention bonus will not be given to any employee who received a recruitment bonus for the same classification.
  - e) A retention bonus will not be given to an employee working out of class.
7. Any other supporting factors.
- E. No retention bonus may exceed \$5,000 to any employee in single or multiple payments and the amount of any payment should be scaled in proportion to the position, the level of need, and the length of the retention period. The amount of the bonus will not be grossed-up to cover taxes and other deductions on behalf of the employee.
  - F. No retention bonus shall be offered to an employee prior to final approval by the OHR Executive Director. The appointing authority's request for approval to pay a retention bonus indicates sufficient existing budget funds to cover the expense.
  - G. If payment of a retention bonus is approved, the agency or department will enter into an agreement with the employee(s) in which the employee(s) agrees to continue to be employed in their current position for a specified period of time in exchange for receiving the retention bonus at the end of that specified period of time, but in no event shall the specified retention period extend past December 31, 2023. Payment of a retention bonus and the employee's acceptance of these terms shall not constitute an employment contract. The terms of the agreement must include the following:
    - 1. The agreement does not prohibit the agency or department from applying and enforcing the Career Service Rules, including Rule 16, during the retention period.
    - 2. If the employee receives a suspension, a temporary reduction in pay, or is terminated or involuntarily demoted pursuant to Rule 16 prior to the end of the specified retention period, the employee shall forfeit the bonus.
    - 3. If the employee takes leave without pay for two or more weeks (consecutively and/or intermittently), resigns, retires, promotes, transfers, works out of class, or voluntarily demotes during the retention period, the employee will forfeit their right to the retention payment.

Section 9-102 Commuter Stipend

(Revised June 16, 2022; Rule Revision Memo 78D)

- A. In an effort to temporarily assist employees facing transportation challenges, including reduced bus routes and the rising costs of gasoline and parking, eligible employees will receive a monthly commuter stipend and a free EcoPass effective July 1, 2022 through December 31, 2022.
- B. "Eligible employees" for purposes of this rule shall include all full-time and part-time employees governed by this Rule 9 who are regularly scheduled to work in city offices or in the field at least two days per week. On-call employees are not eligible for the EcoPass, but on-call employees who qualify to receive benefits and are regularly scheduled to work in city offices or in the field at least two days per week are entitled to receive the monthly stipend.

C. The amount of the monthly commuter stipend paid to eligible employees shall be determined based on pay bands and work locations designated in Workday as follows:

<b>Pay Band</b>	<b>Locations Without Free Parking</b>	<b>Locations with Free Parking</b>
	<b>Monthly Subsidy</b>	<b>Monthly Subsidy</b>
Under \$52,000	\$100	\$50
\$52,001 - \$86,999	\$ 70	\$35
\$87,000 and over	\$ 50	\$25