

NEW CAREER SERVICE PAY ADMINISTRATION RULE

PLEASE READ AS SOON AS POSSIBLE

TO: Appointing Authorities, Managers, and Employees

FROM: Don Cordova
CSA Director

DATE: March 31, 2006

SUBJECT: Revisions to Career Service Rule 9 PAY ADMINISTRATION

The Career Service Board has approved revisions to Career Service Rule 9 governing pay administration (and related rules). The revisions combine Rule 9 with Rule 7-80 Work assignment outside of job classification, and all of Rule 10, covering hours of work, overtime, record keeping, and telecommuting. **THIS NEW RULE WILL GO INTO EFFECT ON APRIL 1, 2006.** Please provide a copy of these new rules to employees who do not have access to the a City e-mail account.

The new Rule 9 contains the following substantive changes to Career Service pay administration rules:

- **Pay when first employed:** Approval of the Personnel Director is required for starting pay higher than step 16 (non-exempt pay ranges) and step 18 (non-exempt pay ranges).
- **Pay upon promotion:** Pay is set at the closest step to a 6.9% increase even if that means that the increase is slightly less than 6.9%.
- **Pay upon re-promotion:** Employees who re-promote within one year of a demotion that occurred without a loss in pay are not eligible for a pay increase.
- **Pay upon demotion:** Employees who voluntarily demote may have their pay reduced by up to 6.9%. Pay increases upon demotion require the approval of the Personnel Director. Employees who demote in lieu of lay-off shall receive their existing pay or the top of the range in the new classification, whichever is lower. Employees who are involuntarily demoted shall have their pay decreased by at least 6.9%.
- **Pay upon re-allocation to a higher classification:** No change to current rule.
- **Pay upon re-instatement:** Employees who are re-instated after a lay-off will receive the rate of pay they received prior to the lay-off unless that would result in a loss in pay for a current City employee.
- **Work assignment outside of job classification:** Additional pay for working out of class starts at the beginning of the pay period following the fifteenth day of the assignment.

- **Recruitment premium: Increased from \$1,000 to \$4,000.**
- **Relocation premium: Increased from \$2,500 to \$7,500.**
- **Pay adjustment within salary range: Now may be applied when there is pay inequity between employees in a classification series in an agency, including first-line supervisors.**
- **Shift incentive: Defines parameters of evening and night shifts, but allows agencies to define shifts differently if necessary. Establishes snow emergency shift with its own differential rate. Clarifies eligibility of exempt employees. Eliminates alternate method of calculating differential and only allows differential as a percentage of the employee's hourly rate.**
- **Health care differential: Career Service employees at Denver Health and Hospitals in the Health Technical and Related Support, Health Professional, and Doctors occupational groups are eligible for differentials paid to comparable classifications at Denver Health.**
- **Bilingual services differential: Differential eligibility starts when bilingual duties exceed 35% of an employee's job (was 50%). Differential rates vary depending on level of proficiency. Differential is no longer limited to non-exempt, front-line employees. Employer is required to request authority to pay differential from CSA when duties assigned.**

If you have questions about the revised rule, please contact Employee Relations at (720) 913-5710.

MEMORANDUM

REVISION 7, SERIES C

TO: Holders of CSA Rule Books

FROM: Career Service Board

DATE: April 1, 2006

SUBJECT: Revision of Career Service Rule 9 PAY ADMINISTRATION

The Career Service Board has revised Career Service Rule 9 PAY ADMINISTRATION and related rules. The effective date of this revision is April 1, 2006.

	<u>Page Number</u>	<u>Issuance Dates</u>
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Entire chapter 9	10-1 10-2 through 10-7 10-8 through 10-10 11-13.1 14-8	September 5, 2004 June 1, 2004 January 1, 2006 February 26, 1985 March 19, 2004
Entire chapter 10		
Replace	1-4 through 1-11 4-7 through 4-8.1 7-5 through 7-6 9-1 through 9-19 9.A.-1 through 9.A.-2 9.B.-1 11-13.1 14-8	April 1, 2006

PLEASE INSERT IN YOUR RULE BOOK AS SOON AS POSSIBLE. THANK YOU.

Continuous service date:

The effective date of an employment appointment or a re-employment appointment in the career service, whichever is later; or the effective date of appointment from a reinstatement list plus credits for service prior to lay-off. This definition does not affect employee rights to sick leave and vacation leave as established in the Revised Municipal Code or the Career Service Rules. (Eff. 12/15/83, Rules Rev. 51B; Revised 3/19/2004; Rules Rev. 247B)

Disabled individual:

An individual who (1) has a physical or mental impairment which substantially limits one or more major life functions; or (2) has a record of such impairment; or (3) is regarded as having such an impairment; or (4) has begun or successfully completed a supervised drug rehabilitation program and is no longer engaged in the illegal use of drugs. (Eff. 1/1/93; Rules Rev. 160B).

Disadvantaged:

As used in Rule 6 - Career Training Service, a person whose individual or family income falls below a given level established from time to time by the Personnel Director. (Eff. 1/1/88; Rules Rev. 101B).

Disqualification:

An involuntary no-fault separation of an employee, or action in lieu thereof, based on a legal, physical, mental or emotional impairment or incapacity, occurring or discovered after appointment, which prevents satisfactory performance of the duties and responsibilities of the position. (Eff. 3/15/79; Rules Rev. 110A).

Documented performance:

A verifiable assessment of an individual's work performance, including PEPR ratings, disciplinary actions, and safety violations. (Eff. 3/19/2004, Rule Rev. 247B)

Domestic Partner:

An unmarried adult, unrelated by blood (closer than would prohibit marriage in Colorado pursuant to the Colorado Revised Statutes), with whom an unmarried employee has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses. (Eff. 3/16/95; Rules Rev. 178, Series B).

Effective date:

The date when a personnel action takes effect; in the case of separation, the employee's last day of work, exclusive of accrued vacation leave or compensatory time. (Eff. 5/16/56; Rules Rev. 16A).

Eligible:

A person who has passed an examination and whose name is on an eligible list for certification. (Effective December 15, 1988; Rules Revision No. 118, Series B).

Eligible list:

A list of those who have met the requirements for a given class in the Career Service.(Effective May 16, 1956; Rules Revision Memo 16A).

Employee:

An incumbent of a position in the Career Service. (Effective May 16, 1956; Rules Revision Memo 16A).

Employment appointment:

One which is made as the result of certification from an employment list. (Effective September 18, 1980; Rules Revision Memo 127A).

Employment probationary status:

The initial status of an employee receiving an employment appointment or a re-employment appointment. (Effective September 18, 1980; Rules Revision Memo 127A).

Entry level professional class:

Any class where the principal minimum qualifications for education and experience are a college degree and no experience. These are identified as entry level by the word "staff" as part of the title. (Effective September 1, 1989; Rules Revision Memo 129B).

Executive class:

A class in which the duties and responsibilities meet the following criteria:

- A. Primary duty consists of the management of the agency or appropriation account, or of a customarily recognized subdivision or section thereof; and
- B. Regular direction of the work of two or more other employees therein, and
- C. Authority to hire or fire other employees, or suggestions or recommendations as to the advancement and promotion or any other change of status of other employees will be given particular weight, and
- D. Regular exercise of discretionary powers, and

- E. No more than 20% of hours worked in a work week are devoted to activities which are not directly and closely related to the performance of the work described in paragraphs a) through d) above; provided that this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated establishment. (Effective May 1, 1974; Rules Revision Memo 83A)

Fringe benefits:

Vacation, holidays, 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 Career Service to be the prevailing practice in the Denver metropolitan area. (Effective September 22, 1978; Denver City Charter, Section C5.26-1).

Full-time position:

One in which the employee is scheduled to work forty (40) hours per week or is scheduled to work eighty (80) hours in two (2) weeks under an authorized special work schedule. (Effective September 18, 1980; Rules Revision No. 127A).

General Reinstatement List:

Employees shall be placed on the General Reinstatement List for the classification they have been laid off from, demoted in lieu of lay-off from, or have voluntarily resigned or voluntarily demoted in lieu of lay-off from. The General Reinstatement List shall be used City-wide. (Effective March 19, 2004, Rule Revision Memo 247B)

Immediate family:

Husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, domestic partner, and the mother, father, son, daughter, brother, or sister of the domestic partner, as well as minor children for whom the employee or the employee's domestic partner provide day-to-day care and financial support. (Effective March 16, 1995; Rules Revision No. 178, Series B).

Incumbent:

The current occupant of a position in the Career Service. (Effective May 16, 1956; Rules Revision No. 16A)

Lay-off:

The involuntary separation of a career status unlimited employee, or a limited employee appointed prior to January 16, 2004, resulting from the abolishment of a position. (Eff. 9/18/1980, Rules Rev. 127A; Revised 3/19/2004, Rule Rev. 247B).

Lay-off unit:

An appropriation account, appropriation sub-account, combinations of appropriation sub-accounts, or combinations of appropriation accounts for the purposes of lay-off. (Eff. 11/01/1979, Rules Rev.115A; Revised 3/19/2004, Rule Rev. 247B).

Lay-off Unit Reinstatement List:

Employees shall be placed on the Lay-off Unit Reinstatement List for the classification they have been laid off from, demoted in lieu of lay-off from, or have voluntarily resigned or voluntarily demoted in lieu of lay-off from. The Lay-off Unit Reinstatement List shall only be used within the Lay-off Unit the employee was in when the lay-off took place. (Effective March 19, 2004, Rule Revision Memo 247B)

Leave:

An authorized absence from regularly scheduled work hours which has been approved by proper authority. (Effective May 16, 1956; Rules Revision No. 16A).

Length of Service:

Total number of years, months and days of continuous service, (for examination purposes) including time an employee is on authorized leave of absence without pay, but exclusive of service in non-career status positions. (Effective December 15, 1988; Rules Revision No. 118B; Revised March 19, 2004, Rule Revision Memo 247B).

Limited position:

One which has a specified ending date. (Effective September 18, 1980; Rules Revision No. 127A).

Minimum qualifications:

The qualifications contained in the class specification which a person must possess in order to qualify or compete for a given class of positions in the Career Service. (Effective November 1, 1979; Rules Revision No. 115A).

Month of service:

The period of time between a given date in one month and the preceding day in the following month (e.g., April 16 through May 15). (Effective October 12, 1981; Rules Revision Memo 19B).

Non-career status:

The status of an employee who works as needed and who serves no probationary period. (Effective September 18, 1980; Rules Revision Memo 127A; Rev. 3/19/2004, Rule Rev. 247B).

On-call position:

A position which may have routine or variable work patterns and is normally only filled to accommodate seasonal or short term activities in various city agencies. (Effective May 1, 1991; Rules Revision Memo 148B).

Organizational title:

The title of a position, which may differ from the class title, used in a given agency for operating purposes. (Effective May 16, 1956; Rules Revision Memo 16A).

Part-time position:

One in which an employee is scheduled to work less than forty (40) hours per week. (Effective September 18, 1980; Rules Revision Memo 127A).

Pay plan:

The listing of pay rates for all pay ranges assigned by ordinance to each class of positions in the classification plan. (Effective May 1, 1991; Rules Revision Memo 148B).

Position:

The aggregate of duties and responsibilities performed by one person. (Effective September 18, 1980; Rules Revision Memo 127A).

Position and personnel requisition form:

The form used by appointing authorities to create positions and to request certification of eligibles in order to make an appointment to a position. (Effective September 1, 1989; Rules Revision Memo 129B).

Position number:

The number assigned by an agency to each position within that agency. (Effective May 16, 1956; Rules Revision Memo 16A).

Probationary period:

A period of time following employment appointment, promotional appointment, or re-employment which is a work-test period for the employee, and during which the employee is on a trial basis. (Effective September 18, 1980; Rules Revision Memo 127A).

Professional class:

A class in which the duties and responsibilities meet the following criteria:

- A. Primary duties consist of the performance of:
 - 1. Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or
 - 2. Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee, or (Effective March 2, 1982; Rules Revision Memo 30B)
 - 3. Teaching, tutoring, instructing, or lecturing in the activity or imparting knowledge, as a teacher in the school system or educational establishment or institution, and
- B. Work requires the consistent exercise of discretion and judgment in its performance, and
- C. Work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and
- D. No more than 20% of hours worked in the work week is devoted to activities which are not an essential part of and necessarily incident to work described in paragraphs a) through c) above.
(Effective May 1, 1974; Rules Revision Memo 83A).

Promotional probationary status:

The initial status of an employee receiving a promotional appointment. (Effective September 18, 1980; Rules Revision Memo 127A).

Provisional class:

A class of positions established by the Career Service Board, subject to approval by the City Council within three months from the effective date of the action. (Effective May 16, 1956; Rules Revision Memo 116A).

Re-allocation:

The formal process of assigning a filled position to its proper class on the basis of the duties performed and the responsibilities exercised. (Effective December 18, 1978; Rules Revision Memo 107A).

Reassignment:

The change of duties of an employee in a position in a class or the movement of an employee from a position in the same class within the same agency or within consolidated appropriation accounts.

Reinstatement List:

The Reinstatement List shall be maintained in two forms: Lay-off Unit Reinstatement List and General Reinstatement list. (Eff. 3/19/04, Rule Rev. Memo 247B)

Return from promotional probation:

Change of a career status employee serving promotional probation to a position in the class from which promoted within the agency from which promoted. (Effective December 3, 1981; Rules Revision Memo 25B).

Resignation:

The voluntary separation of an employee from the Career Service. (Effective May 16, 1956; Rules Revision Memo 16A).

Retirement:

The separation of an employee from the Career Service who is required to retire because of mandatory retirement age or who is eligible to retire under the provisions of the Denver Employees' Retirement Plan. (Effective November 1, 1965; Rules Revision Memo 47A).

Separation:

The termination of employment by reason of probation, disqualification, lay-off, resignation, retirement, dismissal, or death. (Effective September 18, 1980; Rules Revision Memo 127A).

Serious health condition:

An illness, injury, impairment or physical or mental condition, which involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider. (Effective February 8, 2005, Rules Revision Memo 257B)

Sexual harassment:

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment. (Effective March 22, 1984; Rules Revision 60B).

Staggered work schedule:

The assignment of differing reporting times to individual employees. (Effective November 14, 1978; Rules Revision 104A).

Unlimited position:

One which has no specified ending date. (Effective September 18, 1980; 127A).

Workmen's compensation:

Benefits received by an employee who is injured while carrying out his work assignment as determined by the Workmen's Compensation Act of Colorado. (Effective May 16, 1956; Rules Revision 16A).

candidates who can be reached immediately in person or by any other available means will be considered ready to work.

Section 4-70 Selection and notification Following Certification of Eligibles

A. Selection by appointing authority:

The appointing authority shall select one of the eligibles certified to a vacancy as provided for in these rules.

B. Notification of Selection Decision:

When the appointing authority has decided whom to hire, Career Service Authority shall be notified immediately. Eligibles not hired shall be notified promptly by the appointing authority.

Section 4-80 Cancellation of Certification and Requisitions Because of Inaction

If the appointing authority fails to make an appointment within thirty (30) calendar days from the date of certification of the proper number of eligibles, the certification and the requisition upon which it is based shall be cancelled and the appointing authority notified. An extension of time may be requested in writing and may be granted by the Personnel Director when such extension of time would be in the best interest of the City.

Section 4-90 Exceptions to the Use of Employment Lists

Unless provided otherwise, the following exceptions to the use of employment lists may be used at the discretion of the appointing authority and shall not be construed as guaranteeing the employment or employment consideration of any employee or former employee:

- A. Transfer or demotion (Subsection 4-91)
- B. Re-promotion (Subsection 4-92)
- C. Re-employment (Subsection 4-93). (Revised 3/19/04, 247B)

4-91 Transfer or Demotion

An employee who meets minimum qualification requirements of the classification may transfer or demote to an existing vacancy at any time without concern for eligibility lists or may be transferred or demoted as a result of certification from an employment eligible list.

4-92 Re-promotion

A present employee may be re-promoted to a position in a higher classification in which the employee was employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same entry rate or an intervening entry rate as the former classification.

Such employee shall serve in a promotional probationary status, in accordance with Rule 5 APPOINTMENTS AND STATUS. Receiving pay for a work assignment outside of job classification under Rule 9 PAY ADMINISTRATION does not qualify an employee for re-promotion. (Eff. 04/01/06; Rule Rev. Memo 7C)

4-93 Re-employment

A former employee is eligible for re-employment if all the following conditions are met:

- A. Eligibility
1. Cause of separation: The separation was not due to a dismissal.
 2. Duration of separation: The separation occurred during the preceding five (5) years.
 3. Qualifications: The Career Service Authority certifies the former employee meets the current minimum qualification requirements for the classification in which re-employment is desired.
- B. Type of position for which eligible: The appointing authority may re-employ an eligible former employee in any position in any classification formerly held by the person, or in any other classification with the same or lower entry rate for which the person qualifies, or the person may be re-employed as a result of certification from an employment eligible list. Former employees over age 70 may be re-employed as Deputy Sheriffs only in limited or on-call positions. (Eff. April 1, 2006; Rule Revision Memo 7C)

For purposes of this rule, to determine eligibility for reemployment, the Personnel Director may, on a case-by-case basis, review the duties previously performed as well as classification and pay. The determination of eligibility for reemployment shall be made in writing. (Renumbered 3/19/04, 247B)

- C. Employment probationary status: A former employee who is re-employed shall serve in an employment probationary status in accordance with Subsection 5-42 How Status Attained, paragraph a) Employment Probationary. (Renumbered 3/19/04, 247B)

Section 4-110 Restrictions Concerning Certification

4-111 Restrictions by Appointing Authorities

- A. Special qualifications: At the written request of the appointing authority and approval of the personnel director certification may be restricted to eligibles possessing specific job-related knowledges, skills, abilities, or special requirements determined by the Personnel Director to be necessary to perform the work. Any special qualifications required will be reflected in the job announcement.

- B. Area of the city: Subject to the approval of the Personnel Director the appointing authority may request that certification be restricted to eligible residents of a prescribed area of the city when knowledge of the area and the ability to relate to residents of that area are essential requirements of the job. This restriction shall apply only to employment eligibles.

Section 7-70 Employee Status Upon Reallocation

An incumbent who has career status and who has been found eligible to remain in the reallocated position shall acquire career status in the new class as of the effective date of the reallocation. If such incumbent has probationary status, that employee shall complete the balance of his or her probationary period before attaining career status in the new class.

Section 7-80 (Reserved)

Section 7-90 Major Classification and Pay Plan Changes

7-91 Policy

The Personnel Director shall monitor the classification and pay plan to ensure it is reflective of the best practices of organizations in private industry as well as in the public sector. When the Personnel Director determines that modifications need to be made in the classification and pay plan, he or she shall make recommendations to the Career Service Board.

7-92 New Classification and Pay Plan

A new classification and pay plan shall have the following characteristics:

- A) A substantial number of the classes in the current plan are modified or replaced; and
- B) Horizontal and vertical relationships among the classes are redefined; and
- C) All affected positions in the Career Service are allocated to the new or modified classifications.

7-93 Notification

The Personnel Director shall notify appointing authorities and employees through posting of notices and/or individual notifications when the Career Service Board is considering adoption of a new classification and pay plan. Notices will be posted for fifteen (15) days. Employees may submit comments during the fifteen (15) day time period.

7-94 Public Hearings

The Career Service Board shall conduct a public hearing on the structure of the new classification and pay plan if a public hearing is requested in accordance with Rule 2-61(a) (4) Mandatory Public Hearings.

7-95 Action by the Career Service Board

The Career Service Board may adopt, modify, or not adopt the proposed new classification and pay plan. Such actions are subject to City Council approval.

7-96 Allocation of Positions

Following adoption of a new classification and pay plan, all affected positions in the Career Service shall be allocated to one of the classes in the classification and pay plan. Such allocations may be based on information the Career Service Authority has at the time, but individual job audits are not required.

7-97 Notice of Allocations

Appointing authorities and employees shall be notified of the classes to which affected positions have been allocated.

RULE 9
PAY ADMINISTRATION
(Effective April 1, 2006; Rules Revision Memo 7C)

Purpose statement

The purpose of this rule is to explain the establishment and administration of pay practices, except merit increases, and hours of work.

Section 9-5 Definitions

- A. Demotion: An appointment of an employee to a position in a classification in which the entry rate of the pay grade of the new classification is lower than the entry rate of the classification previously held.
- B. Employee Internship Appointment: An appointment of an employee to an entry level position in a new classification in accordance with the provisions of the Employee Internship program established by the Career Service Personnel Director (“Personnel Director”).
- C. Entry Rate: The first step in a pay range.
- D. Market Conditions: Factors and trends in the market as determined by a compensation analysis that may affect compensation rates such as the supply and demand of workers.
- E. Promotion: An appointment of an employee to a position in a classification in which the entry rate of the pay range for the new classification is higher than the entry rate of the pay range for the employee’s current classification.
- F. Re-allocation: When the classification of a filled position is changed by the Personnel Director to more accurately reflect the duties and responsibilities assigned to that position.
- G. Promotional re-instatement: A promotion of an employee resulting from certification from a re-instatement list.
- H. Re-instatement: An appointment of a laid off employee resulting from certification from a re-instatement list.
- I. Re-promotion: A promotion of an employee to a position in a higher classification in which the employee was previously employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same entry rate or an intervening entry rate as the former classification. Appointments that meet the definition of a promotional re-instatement are not re-promotions.
- J. Transfer: For the purposes of these rules, an appointment of an employee to one classification from another, if the entry rate of the pay range for the new classification is the same as the entry rate of the pay range for the classification previously held.

Section 9-6 Designees

Appointing authorities, including the Personnel Director, may delegate any authority given to them under this rule to a subordinate employee.

Section 9-10 Pay practices

- A. Pay practices include, but are not limited to items such as pay when first employed, changes in pay resulting from changes in position or classification, differentials, overtime pay, standby pay, and merit increases.
- B. The kind and level of pay practices for Career Service employees shall be determined by the Career Service Board ("Board") following a survey of other employers or based on the City's needs.
- C. Applicability to Deputy Sheriffs: None of the provisions of this Rule 9 shall apply to employees who hold positions in classifications in the Undersheriff pay schedules.

Section 9-20 Pay When First Employed

- A. Upon the appointment of a new employee, the appointing authority shall designate the pay for the employee. A step higher than the entry rate but not to exceed step "16" in a non-exempt schedule, step "18" in an exempt schedule, or the last step in all other schedules, may be designated if necessary to obtain the services of an unusually well-qualified person. The decision to appoint at a step higher than the entry rate should be based on market conditions, related experience, previous work record, specialization of education, salary history and quality/quantity of education. In any event, qualifications should exceed the minimum qualifications stated in the classification specification, and internal equity shall be considered. The appointing authority shall submit documentation with the Personnel Action Form documenting the justification for hiring an employee at a step between step "11" and step "16" in a non-exempt pay schedule or between step "12" and step "18" in an exempt pay schedule.
- B. If market conditions prevent the city from hiring qualified candidates, the appointing authority may request authorization from the Personnel Director to pay the new employee at a pay step higher than step "16" in a non-exempt schedule and step "18" in an exempt schedule. In no event shall an employee's pay exceed the highest step in the pay range applicable to that position. The request shall be accompanied by a written justification for the request. The Personnel Director may approve the request if the justification establishes that the waiver is essential to the accomplishment of the department or agency mission and is justified by market conditions, as well as the new employee's related experience, previous work record, specialization of education, salary history and quality/quantity of education.

Section 9-30 Changes in Classification and Pay

A change in an employee's classification may occur through promotion, transfer, demotion, Employee Internship Appointment, re-allocation, or re-instatement.

9-31 Promotion and re-promotion

- A. Upon promotion an employee's pay shall be set at the closest matching step in the new pay grade to a six and nine-tenths percent (6.9%) increase, except that under appropriate circumstances, the provisions of subsection 9-31 B. may be applied. If there is no step in the new pay range that exactly matches the employee's pay with a 6.9% increase, the pay shall be set at the step in the new pay range that is closest to the amount of the 6.9% increase, even if this results in an increase of less than a 6.9%. In no event shall the pay upon promotion be lower than the entry rate or exceed the last step of the pay range for the new classification.
- B. The appointing authority may designate the pay upon promotion at a rate higher than six and nine-tenths percent (6.9%) to obtain the services of an unusually well-qualified candidate with the prior approval of the Personnel Director. The decision to set pay upon promotion at a rate higher than 6.9% shall be based on any or all of the following factors:
1. Internal equity;
 2. Market conditions;
 3. Related experience;
 4. Previous work record;
 5. Specialization of education;
 6. Salary history;
 7. Level of responsibility accepted;
 8. Quality/quantity of education.
- C. Within the short range pay schedule the employee's pay shall be set at the closest matching step in the new pay grade to a five percent (5%) increase not to exceed the highest step of the pay range for the new classification. If there is no step in the new pay range that exactly matches the employee's pay with a 5% increase, the pay shall be set at the step in the new pay range that is closest to the amount of the 5% increase, even if this results in an increase of less than 5%.
- D. Demotion and subsequent re-promotion:
1. If an employee demotes without a loss in pay, that employee is not eligible for an increase in pay upon re-promotion if such re-promotion occurs within twelve months following the date of the demotion.
 2. In all other circumstances, an employee being re-promoted will have their pay set under the provisions of subsection 9-31 A.

9-32 Transfers

When an employee transfers, the employee shall receive the same pay as before the transfer, unless that would be more than the last step of the new pay range. In that case the employee's pay shall be set at the last step of the new pay range.

9-33 Demotion

A. Voluntary demotion:

1. A voluntary demotion is a demotion initiated through the request or application of an employee.
2. When an employee voluntarily demotes, pay shall be set by the appointing authority and shall not be decreased by more than six and nine-tenths percent (6.9%), unless doing so is necessary to keep the employee's pay from exceeding the last step of the pay range of the new classification. Before the pay can be set at a pay rate higher than the employee's current pay rate, the Personnel Director's prior approval will be required.

B. Demotion in lieu of lay-off: Upon a demotion in lieu of lay-off, the pay shall be maintained at the level received before the demotion, or at the last step of the pay range in the new classification, whichever is lower. If the level received before the demotion does not correspond to a step in the new pay range, the closest higher step shall be paid.

C. Involuntary demotion:

1. An involuntary demotion is a demotion initiated:
 - a. Through disciplinary action in accordance with Rule 16 DISCIPLINE AND DISMISSAL; or
 - b. In lieu of disqualification in accordance with Rule 14 SEPARATION OTHER THAN DISMISSAL; or
 - c. In lieu of separation during employment probation in accordance with Rule 5 APPOINTMENTS AND STATUS.
2. When an employee is involuntarily demoted, pay shall be set by the appointing authority. At least a six and nine-tenths percent (6.9%) reduction shall be required.

D. In no event shall the pay upon demotion be lower than the entry rate or exceed the last step of the pay range for the new classification.

9-34 Employee Internship Appointment

When a current Career Service employee accepts an Employee Internship Appointment, pay shall be set by the appointing authority. Any step between step "1" and step "9" of the non-exempt pay schedule or step "11" of the exempt pay schedule may be designated. In no event shall the new pay be lower than the entry rate or higher than step "9" of the non-exempt pay schedule or step "11" of the exempt pay schedule for the new classification.

9-35 Re-allocation

- A. When a position is re-allocated to another classification, the incumbent's pay shall be set at a step that is closest to that employee's existing rate of pay without losing pay. If the employee's pay is higher than the last step of the pay range of the new classification, the employee's pay shall remain at the employee's existing rate of pay until such time that either:
1. The employee changes positions; or
 2. The pay range of the new classification catches up to the employee's rate of pay when the pay range is adjusted.

In no event shall the employee receive less than the entry rate of the pay range of the new classification.

- B. When an employee meets the requirements to progress to a higher classification in a current delegated progressive classification series and the Personnel Director approves the progression to the higher classification, the employee's pay shall be set at a step that reflects a two and one quarter percent (2.25%) increase in pay. In no event shall the employee receive less than the entry rate of the pay grade of the new class.

9-36 Re-instatement Appointment or Promotional Re-instatement Appointment

Upon re-instatement or promotional re-instatement, either after lay-off or after demotion in lieu of lay-off, an employee's pay shall be set at the rate of pay the employee received immediately prior to such lay-off or demotion in lieu of lay-off. If payment at this rate would result in a decrease in pay for a current City employee, the pay rate shall be set at the pay step closest to the employee's present rate of pay, without a loss in pay. In no event shall the pay rate be lower than the entry rate of the pay range.

Section 9-40 Work Assignment Outside of Job Classification

- A. An appointing authority may temporarily assign the duties of a vacant position in a higher level classification to an employee in a lower level classification for a period of 180 consecutive calendar days in accordance with the criteria established in this rule. Assignments for periods longer than 180 consecutive calendar days or extensions of the original assignment require the approval of the Personnel Director.

- B.
 - 1. Employees are eligible for additional pay for such assignments when they have been assigned all of the duties and responsibilities of the vacant position in the higher level classification;
 - 2. Additional pay for work outside of an employee's job classification shall start at the beginning of the pay period following the fifteenth day of the temporary assignment, and continue for the duration of the assignment.
- C. The employee shall receive additional pay equal to six and nine-tenths percent (6.9%) above his or her regular base pay, unless the employee is receiving equipment differential.
- D.
 - 1. 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.
 - 2. If an employee's Merit Increase Date falls within the period of the temporary assignment and the employee receives a merit increase, the pay for the work assignment outside of job classification shall be re-calculated based on the employee's base pay with the merit increase. The re-calculated pay shall be effective as of the date of the merit increase.
- 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.

Section 9-50 Recruitment and Retention Pay

A. Recruitment premium:

A department or agency may pay a one-time premium of up to \$4,000 to attract a highly qualified external candidate whose skills, knowledge and/or abilities are deemed essential to the mission of the City. The request must be approved by the Personnel Director and the Budget and Management office prior to extending the bonus offer. The candidate will be eligible to receive this bonus upon the completion of employment probation.

B. Relocation premium:

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 of the City. The individual receiving the relocation assistance must stay employed by the city for two (2) years. If the individual voluntarily terminates employment prior to serving two (2) years, he or she must repay part of the relocation pay. The basis for repayment shall be pro-rated for each month of service. The Personnel Director and the Budget and Management office must approve relocation pay and the employee receiving such pay shall sign a form acknowledging their acceptance of the terms of this rule.

C. Counter offer:

An appointing authority may make a counter offer to an employee who provides a written offer of employment from a prospective employer that is not a department or agency of the City.

1. A counter offer may be made for any of the reasons listed below, with the approval of the Personnel Director:
 - a. To retain an employee whose skills, knowledge or abilities are deemed essential to the mission of the City or a department or agency;
 - b. To avoid recruiting and training costs when those costs clearly exceed the costs of a counter offer, as determined by the Personnel Director;
 - c. When it has been determined that turnover rates in a classification exceed the calculated turnover rate for that occupational group or classification and pay has been determined to be a significant cause;
 - d. When the vacancy rate within a classification reaches a level where additional loss of personnel may interfere with the City's ability to provide adequate levels of services to the public.
2. The Personnel Director may approve a counter offer, so long as:
 - a. The base salary and employee benefits the employee will receive at the prospective employer is greater than the base salary and employee benefits the employee is currently receiving from the City;
 - b. The counter offer does not exceed the highest step in the pay range the employee occupies at the time the offer is extended; and
 - c. The Personnel Director has verified the authenticity of all job offers which constitute the basis for a counter offer.

D. Interim market adjustments

1. The Board, following a public hearing, may make a market adjustment in a pay practice, or create a temporary pay practice, if the Board finds that all of the following conditions exist:
 - a. Numerous vacancies exist in the classification(s) that will be affected by the proposed pay practice;
 - b. Recruitment has not been effective;
 - c. Retention rate is low; and
 - d. Market driven personnel shortages in the classification(s) are causing difficulty in fulfilling an essential mission of the City.
2. An interim market adjustment shall remain in effect for up to one (1) year. Nothing in this subsection prevents a new market adjustment from being established for the same classification(s), provided that all of the requirements of the previous subsection are met.

E. Pay adjustment within the salary range

An appointing authority may adjust pay for an existing employee, within that employee's current salary range, if the purpose is to eliminate pay inequity created by market conditions which has resulted in the existing employee being in a lower pay step than a subsequent hire in the same classification series, up to and including the applicable first-line supervisor classification. A pay adjustment within the salary range requires the approval of the Personnel Director.

Section 9-60 Differential Pay Practices

9-61 Shift Incentive Differential

A. Work shifts:

A work shift is a period of work regularly scheduled by a department or agency. The four work shifts that may be used are the:

1. Day shift;
2. Evening shift;
3. Night shift; and
4. Snow emergency shift.

A. Eligible shift:

1. Evening and night shifts shall be considered eligible shifts for the purposes of this rule so long as:
 - a. An evening shift starts no earlier than 1:30 p.m. and no later than 9:59 p.m.
 - b. A night shift starts no earlier than 10:00 p.m. and no later than 5:59 a.m.
2. Snow emergency shifts:
 - a. A snow emergency shift shall be considered an eligible evening shift if fifty percent (50%) or more of the hours fall between the hours of 1:30 p.m. and 9:59 p.m.
 - b. A snow emergency shift shall be considered an eligible night shift if fifty percent (50%) or more of the hours fall between the hours of 10:00 p.m. and 5:59 a.m.
3. To be considered eligible for shift incentive differential, a shift must be regularly scheduled to last for a minimum of eight (8) hours.

C. An appointing authority may define work shifts differently for work units, divisions or departments. An appointing authority must provide written notification to the Personnel Director of the start and end times of evening, night, and snow emergency shifts. Other than snow emergency shifts, any shift that begins between 1:30 p.m. and 9:59 p.m. shall be deemed to be an evening shift and any shift that begins between 10:00 p.m. and 5:59 a.m. shall be deemed to be a night shift.

D. Eligibility:

1. Shift incentive differentials shall be paid to eligible employees who are assigned to work an eligible shift for all hours worked during such eligible shift.
2. Employees are eligible for shift incentive differential if they are not in a position in the short range or community rate pay schedules, and either:
 - a. In a position in a non-exempt classification, unless eligible for the Health Care Differential as provided in this rule; or
 - b. In a position in an exempt classification where:
 - i. The Board has approved overtime based on community practice, unless eligible for the Health Care Differential as provided in this rule; or

- ii. The primary duties of the employee include the supervision of overtime eligible employees who have no subordinate supervisors and are working an eligible shift.

E. Effect of paid leave on eligibility:

A shift incentive differential shall not be paid during any period of leave, including but not limited to vacation leave, sick leave, compensatory time off, or holidays.

F. Rate:

EVENING RATE: Seven percent (7%) of the current hourly rate of pay for the hours worked during this entire shift.

NIGHT RATE: Twelve percent (12%) of the current hourly rate of pay for the hours worked during this entire shift.

9-62 Equipment Differential

A. Eligibility:

1. Equipment differential shall be paid to employees who are temporarily assigned to operate equipment, which is at a higher level classification than the employee's current classification, and who are not receiving additional pay for a work assignment outside of job classification.
2. Employees in on-call positions and in classifications listed in the short-range pay schedule shall be entitled to equipment differential.

B. Equipment differential shall be paid under the following conditions:

1. The equipment being operated is on the Board's approved equipment list for payment of equipment differential.
2. Assignment in the higher level classification must last for less than thirty (30) days. If all authorized limited positions for a term of nine (9) months or less are filled, the thirty-(30) day limit is waived.

C. The pay shall be ten percent (10%) of the current hourly rate of pay for each hour worked in the next higher level classification. The pay shall be fifteen percent (15%) of the current hourly rate of pay for each hour worked in the second higher level classification and above.

D. The total base pay for any pay period, excluding overtime and shift differential, shall not exceed the last step of the higher level classification.

9-63 Health Care Differential

- A. Career Service employees who are employed by Denver Health and Hospital Authority ("DHHA") in classifications in the Health Technical and Related Support, Health Professional, and Doctors occupational groups are eligible for health care differentials paid to comparable classifications at DHHA.
- B. The differentials, eligibility criteria and rates shall be established by DHHA.

9-64 Standby Pay

- A. Appointing authorities may schedule employees to be on standby duty only when there is a reasonable anticipation that the employee will have to respond and perform work immediately. Such employees shall receive an amount equal to one and one half (1 1/2) hours of work at the employee's straight time hourly rate for each eight hours the employee is on standby duty.
- B. To be eligible for standby pay, the employee must be:
 - 1. Eligible for overtime;
 - 2. Scheduled to be available by pager, cellular phone, or telephone;
 - 3. Required to respond to a call and perform work within a designated amount of time not to exceed two hours;
 - 4. In a non-impaired condition that allows the employee to safely perform job duty assignments; and
 - 5. Subject to disciplinary action if he or she does not respond to the call within the designated amount of time.
- C. When an overtime eligible employee on standby is required to perform work, standby pay will be suspended and the employee will be paid basic pay or overtime pay, as appropriate, for the period the employee actually performs work.
- D. On-call duty: An employee who merely carries a cellular telephone or pager as a routine part of his or her job duties is not eligible for standby pay when there is not an expectation for immediate response and/or an immediate requirement to perform work.

9-65 Call Back Pay

- A. Overtime eligible employees required by the appointing authority to report back to the work site shall be paid a minimum amount equal to two (2) hours of work at the employee's scheduled rate of pay from the time the employee begins work.
- B. Employees who work more than two hours shall be paid for the actual time worked.

9-66 Bilingual Services Differential

- A. When it is a requirement of the position, as determined by the appointing authority, to use bilingual skills more than thirty-five percent (35%) of the time, and the classification specification does not require bilingual skills for all incumbents of that classification, the appointing authority shall request bilingual services differential for the employee in that position.
- B. The Personnel Director must approve all requests for bilingual services differential. The effective date of the bilingual services differential shall be the beginning of the pay period following approval by the Personnel Director.
- C. To qualify for the bilingual services differential, the employee must demonstrate a proficiency in the second language according to procedures established by the Personnel Director.
- D. Employees who are eligible for bilingual services differential shall receive a differential based on the level of proficiency demonstrated by that employee:
 - 1. Fifty dollars (\$50) per pay period for basic conversational skills;
 - 2. Seventy five dollars (\$75) per pay period for proficiency in the language in both speaking and writing or reading: and
 - 3. One hundred dollars (\$100) per pay period for expert proficiency in the language which includes translation skills.
- E. When an employee changes positions and the language skills are not a requirement of the new position, the bilingual services differential shall cease.
- F. The appointing authority may terminate the assignment of bilingual duties to a position 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.
- 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 Meal Periods

Meal periods may be established for one (1) hour or one-half (1/2) hour. 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. If the meal period is spent predominantly for the benefit of the City, the employee shall be paid for the entire meal period.

9-73 Posting of Changes In Work Schedules

- A. If work schedules are changed, such schedules shall be posted sufficiently in advance of rotation so that the affected employees are fully informed. 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. The determination of an essential City service shall be at the discretion of the appointing authority.
- 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.

9-74 Interruption of Work

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.

Section 9-80 Special Work Schedules

- A. Deviations from the standard workweek, eight (8) hour work-day or designation of special work schedules may be made so long as they are in accordance with the provisions of this subsection. The appointing authority must provide written notification to the Personnel 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 Personnel 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 subsection permit the department or agency to provide necessary services.

F. Holiday pay:

In a week in which a holiday occurs, employees receive eight hours of holiday leave and are expected to work for thirty-two (32) hours. If the holiday falls on an employee's regularly scheduled work day and the work day is scheduled to be more than eight hours long, one of the following choices shall be selected by the employee, subject to approval by the appointing authority, to make up for the difference between the length of the work day missed and the eight hours of paid holiday leave allowed:

1. Hours may be deducted from the employee's accrued vacation leave. Employees serving a probationary period after employment appointment shall be entitled to use accrued vacation leave for this purpose only, upon completion of one (1) calendar month of service;
2. The employee may work additional hours within the work week;
3. The employee may use accrued compensatory time; or
4. The employee may take the hours as leave without pay.

G. 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 Personnel Director (see Appendix).

Section 9-90 Overtime

9-91 Policy

- A. In accordance with the Fair Labor Standards Act ("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, subject to the following exceptions:
 1. Non-career employees working for seasonal recreational establishments that do not operate for more than seven months in any calendar year shall be exempt from overtime pay and shall be paid the straight time hourly rate for all hours worked in a work week, including all hours worked in excess of forty (40) hours per week.
 2. Non-career employees whose rates of pay are set by the community rate schedule established by ordinance shall be paid overtime according to that schedule. If the community rate schedule makes no provisions for overtime, such employees shall be paid overtime in accordance with Subsection 9-100.
- B. If a paid holiday, a period of paid leave, or discharge 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 work day 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. Leave without pay 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.
- E. For the purposes of this rule, an emergency shall include the following events: fire, flood, catastrophe, severe weather conditions that impact public safety or essential services; other unforeseeable emergency where a station must be staffed and another employee is not available for work; or an occurrence affecting the general public which requires immediate action. A declared emergency shall mean an emergency declared by the Mayor or an appointing authority that complies with the definition of emergency stated above.

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:

Employees in overtime exempt classes as defined by the FLSA shall not receive overtime pay, except in the following situations:

- A. Based on community practice, the Personnel Director may recommend an exception to the overtime exclusion for a designated classification or classifications to the Board for approval.
- B. Career Service employees who work for the DHHA in exempt classifications in the Health Technical and Related Support, Health Professional, and Doctors occupational groups, when comparable classifications in the DHHA personnel system have been granted an exception to the overtime exclusion by the DHHA.
- C. Upon the request of an appointing authority, the Personnel Director may grant an exception to overtime exclusion for a specified period of time when the employee will provide services for the City during declared emergency conditions. Such exception shall apply to a position or group of positions within a classification where the working conditions are distinctly different than working conditions of other positions in the same classification and shall apply to the hours attributed to the emergency condition.

- D. Based on community practice, overtime shall be paid only under the circumstances outlined below to incumbents in the FLSA overtime exempt, first level supervisory classes approved by the Board:
1. Scheduled overtime occurring in a holiday week;
 2. Overtime related to after-hour emergency response duties;
 3. Publicly scheduled events requiring infrastructure support; and
 4. Snow removal activities.

Section 9-100 Payment for Overtime

A. Employees in salaried positions: Employees in positions in which annual salaries are established who are eligible to receive overtime pay and who work overtime shall receive overtime compensation as follows:

1. Non-exempt employees: The overtime rate shall be at the rate of one and one-half (1 ½) times the regular rate of pay applicable to that position.
 - a. The regular rate of pay shall be computed as follows:
 - (i) Determine the weekly rate of pay in accordance with the FLSA by dividing the annual salary by 52; then
 - (ii) Total the weekly rate of pay plus all payments for differentials, standby, and any other compensation required by FLSA to be included in the regular rate of pay for the work week, and divide by the number of hours the employee is regularly scheduled to work during a non-holiday week.
 - b. Compensatory time:
 - (i) Overtime compensation 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 or agency's overtime compensation policy. Compensatory time off shall be accrued at the rate of one and one-half (1-1/2) times the overtime hours worked. An employee who has accumulated eighty (80) hours of compensatory time and is required to work overtime shall be paid at the employee's regular rate for such overtime in cash. All accrued compensatory time shall be used by September 30th of each calendar year or paid out in cash by the final pay period of October of that year.

(ii) Payment for accrued compensatory time on separation: An eligible non-exempt employee who has accrued compensatory time in accordance with this section shall receive payment for the unused portion of such accrual when the employee is separated from the Career Service. The rate of compensation for such payment shall be the larger of the following:

- 1) The average regular rate received by such employee during the last three years of the employee's employment; or
- 2) The final regular rate received by such employee.

2. Exempt employees eligible to receive overtime: The overtime rate shall be:

- a. (i) At the rate defined in subsection 9-100 A.1. if eligible under subsection 9-93 A.
 - (ii) At the rate established by the DHHA for comparable positions if eligible under subsection 9-93 B.
 - (iii) At the straight time hourly rate of pay applicable to that position, if eligible under subsection 9-93 C., where the hourly rate is computed by dividing the annual salary by 52 and then dividing by the regular hours of the position; and
 - (iv) At the rate of one and one-half (1 ½) times the hourly rate of pay applicable to that position if eligible under 9-93 D., where the hourly rate is computed by dividing the annual salary by 52 and then dividing by the regular hours of the position.
- b. How paid: Overtime compensation for eligible exempt employees shall be paid in cash. Exempt employees eligible for overtime shall not accrue or use compensatory time in lieu of pay, except for Holiday Compensatory Time as defined in this rule.

B. Employees in hourly positions: Non-exempt employees in positions that receive an hourly rate and work overtime shall receive compensation at the rate of one and one-half (1 ½) times the regular rate of pay applicable to the position.

1. 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 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. How paid: Earned overtime compensation for employees in hourly positions shall be paid in cash.

9-101 Holiday Compensatory Time for Overtime Exempt Employees:

An employee who is exempt from overtime and who is:

- A. Scheduled to work on a holiday, or
- B. Scheduled to work on his or her regularly scheduled day off in a week when a holiday occurs

Shall be given straight time holiday compensatory time off for the holiday in addition to pay for the time worked. At the discretion of the appointing authority, straight time pay may be substituted for the holiday compensatory time. Holiday compensatory time may be taken at any time mutually convenient to the employee and the appointing authority. However, all accrued holiday compensatory time shall be used by September 30th of each calendar year or paid out in cash by the final pay period of October of that year.

Section 9-110 Record Keeping

- A. Responsibility for maintaining time and compensation records may be vested in the Auditor, the Career Service Authority ("CSA"), 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 CSA (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.

APPENDIX 9.A.

TELECOMMUTING GUIDELINES (REFERRED TO IN RULE 9-80 G.)

- A. The position for which telecommuting is proposed shall be suitable for such an assignment, with the ability to provide high quality service to the public while telecommuting being the most significant determining factor.
- B. There shall not be any disruption of service or decline in the quality of services provided by the department or agency to the public as a result of telecommuting.
- C. No employee may telecommute unless their most recent performance rating is "Successful" or higher.
- D. If an employee subsequently receives a performance rating of "Needs Improvement", the employee's authorization to telecommute shall cease.
- E. The employee shall agree not to engage in employment activities other than for the agency or department during telecommuting hours.
- F. The employee must designate a primary workspace at home that is maintained in safe condition, free from hazards. As an extension of the City's work site, the same insurance and workers' compensation coverage applies.
- G. When the employee uses his or her own equipment, the employee is responsible for maintenance and repair of that equipment.
- H. The employee will take all necessary precautions to secure department or agency information and equipment in his or her home and to prevent unauthorized access to any department or agency system or information.
- I. Employees must receive prior written approval to telecommute from their appointing authority.
- J. An employee's status, benefits, compensation, and work responsibilities shall not change due to telecommuting.
- K. Representatives from the City's Office of Technology Services, CSA, and Workers' Compensation section, a designated City supervisor or the individual appointed by the employee's appointing authority for such purpose may inspect an employee's home for a business purpose related to this program upon giving reasonable notice to the employee.
- M. The employee must at all times be accessible to the workplace via cellular phone, e-mail, or other means of direct communication and be able to report to work when notified or to respond immediately to communications from other staff, supervisors, managers or clients.
- N. An employee who is granted telecommuting privileges must demonstrate that his or her productivity has been equal to or greater than his or her productivity before telecommuting was authorized.

- O. A telecommuting employee's home address and telephone number shall remain confidential and will not be released by the agency or department.
- P. The amount of time the employee is expected to work per day or pay period will not change as a result of telecommuting.
- Q. Training will be available from the CSA for all employees, supervisors and managers interested in telecommuting.
- R. Any abuse of the telecommuting privileges will be investigated and may result in corrective action, up to and including dismissal.
- S. Equipment provided by the City to the employee shall be immediately returned when telecommuting is stopped or the employee separates from employment with the City.
- T. Employees may not grieve or appeal a decision to allow or not allow telecommuting unless there is alleged discrimination.

**APPENDIX 9.B.
GUIDELINES REGARDING TIME AND COMPENSATION RECORDS
(REFERRED TO IN RULE 9-110)**

The following information shall be kept on time and compensation records for all employees, to the extent applicable:

- A. Name in full (same as shown on social security card);
- B. Identification number;
- C. Home address, including the zip code;
- D. Date of birth, if under 19;
- E. Sex;
- F. Classification;
- G. Time of day and day of the week on which the employees work week begins. If the employee is part of a work force all of whose workers have a work week beginning at the same time on the same day of the work week, a single notation of the time of the day and beginning day of the work week for the whole work force of the agency or unit will suffice. If, however, any employees or group of employees has a work week beginning or ending at a different time, a separate notation shall then be kept for that employee or group of employees;
- H. Hourly rate of pay for part-time, on-call, and non-exempt employees;
- I. Payroll period (i.e. bi-weekly);
- J. Amount and nature of each payment, such as tool and mileage allowances, excluded from the overtime rate of pay for non-exempt employees;
- K. Hours worked each work day and total hours worked each work week (for purposes of this clause, a "work day" shall be any consecutive 24 hours);
- L. Total daily or weekly straight-time earnings (including salaries, differentials, and standby);
- M. Total of daily and weekly-overtime payments;
- N. Total additions to or deductions from wages paid during each pay period; additionally, a record of the dates, amounts, and nature of the items which make up the total additions and deductions shall be maintained in individual employee accounts;
- O. Total wages paid each pay period;
- P. Date of payment and the pay period covered by the payment; and
- Q. Basis on which wages are paid in sufficient detail to permit calculation for each pay period of the employee's total remuneration for employment, including fringe benefits.

Paragraph 11-74 b)

- b. Employees who (a) are not entitled to shift differential under the provisions of Rule 9 PAY ADMINISTRATION, and (b) have been excused from jury service by the Jury Commissioner or other court official shall report to their regular city position when the following conditions are met: (Effective December 23, 1982; Rules Revision Memo 44B; Revised effective April 1, 2006; Rules Revision Memo 7C).
 - 1) The work site is within three (3) miles of the site of the jury service, and at least two (2) hours remains on the regular work day of the employee; or
 - 2) The work site is more than three (3) miles from the site of the jury service, but both sites are within the Denver metropolitan area, and the excused period is at least four (4) hours in duration.

- c. Employees (a) who are entitled to shift differential under the provisions of Rule 9 PAY ADMINISTRATION, and (b) who have reported for jury duty shall have the following city work schedule. (Effective December 23, 1982; Rules Revision Memo 44B; Revised effective April 1, 2006; Rules Revision Memo 7C).
 - 1) If such employee is held less than four (4) hours for jury service, he or she must report for the normal work shift that day, but will be required to work one-half of his or her scheduled work time.
 - 2) If such employee is held for four (4) hours or more for jury service, he or she shall be excused from work that day.

- (2) If the Career Service Authority determines that the demotion or separation is in lieu of layoff, it will place the employee's name on the appropriate reinstatement list.
- (3) Such actions in lieu of lay-off shall be considered to be voluntary actions and pay shall be set in accordance with the provisions of Rule 9 PAY ADMINISTRATION governing voluntary demotions. (Revised Eff. 3/19/04, Rule Rev. 247B; Eff. 4/1/06; Rule Rev. 7C)

14-46 Notice of Lay-Off

- a) Layoff planning: Layoff planning, including actions in lieu of layoff, is the responsibility of the appointing authority. However, the Career Service Authority is available for procedural assistance and consultation as soon as the appointing authority has decided the number of positions by class to be abolished.
- b) Audit and approval of lay-off plan: Before an official notice of layoff is given in accordance with paragraph 14-46 c) Thirty-day notices, a written lay-off plan for the lay-off unit shall be submitted to CSA and shall have been audited and approved in writing by the Career Service Personnel Director for conformance to Section 14-40 Lay-Off of the Personnel Rules, including all subsections thereof. (Revised Eff. 3/19/04, Rule Rev. 247B)
- c) Thirty-day notices: The appointing authority shall give final notice of lay-off to affected employees a minimum of thirty (30) calendar days before the effective date of the lay-off. A copy of each such notice shall be sent to the Career Service Authority. The period of time shall be computed in accordance with sub-paragraph 19-22 a) 2). (Effective April 1, 1982; Rules Revision Memo 348; Revised Eff. 3/19/04, Rule Rev. 247B)

14-47 Effect on Leave

- a) Compensatory time and vacation leave: An employee shall be paid for all eligible leave and compensatory time credits in accordance with Rule 11 LEAVE.
- b) Sick leave: Pay for eligible sick leave credits and restoration of the balance of sick leave credits upon reinstatement shall be in accordance with Rule 11 LEAVE.

14-48 Re-employment, Reinstatement, and Promotional Reinstatement Rights

- a) Re-employment or reinstatement appointments: The rights of a former unlimited employee, and limited employee appointed to their position before January 16, 2004, who was laid off, to a re-employment appointment or reinstatement appointment are in accordance with Rule 4 CERTIFICATION. (Revised Eff. 3/19/04, Rule Rev. 247B)
- b) Promotional reinstatement appointment: The rights of an employee who was given a demotional appointment in lieu of lay-off to a promotional reinstatement are in accordance with Rule 4 CERTIFICATION.

14-49 Appeal

An employee who is laid off or who is demoted in lieu of layoff may appeal the action in accordance with Rule 19 APPEALS.