

MEMORANDUM

RULE REVISION 89D

TO: Holders of Career Service Rule Books

FROM: Career Service Board

DATE: August 4, 2023

SUBJECT: Revision of Career Service Rules:

- 9-61 Golf Lesson Stipend
- 9-65 Work Assignment Outside of Job Classification
- 9-69 911 Communications Training Officer Stipend
- 13-34 Effective Date of Merit Increase

The above-mentioned Career Service Rules were revised and approved on July 20, 2023. Please replace the following pages in your books for revisions and re-pagination. Thank you.

<u>Page Numbers to Remove</u>	<u>Page Numbers to Insert</u>
Page 9-12 CSR 9-61	Page 9-12 CSR 9-61 (revised) Page issuance date: August 4, 2023
Page 9-17, 9-18, 9-19 CSR 9-65	Page 9-17 to 9-19 CSR 9-65 (revised) Page issuance date: August 4, 2023 Repagination: 9-20 to 9.B-1
Page 9-25, 9-26 CSR 9-69	Page 9-25, 9-26 CSR 9-69 (revised) Page issuance date: August 4, 2023
Page 13-5 CSR 13-34	Page 13-5 CSR 13-34 (revised) Page issuance date: August 4, 2023

Section 9-60 Stipends and Other Payments

(Re-numbered December 21, 2012; Rule Revision Memo 66C)

9-61 Golf Lesson Stipend

(Revised August 4, 2023; Rule Revision Memo 89D)

A The Manager of Parks and Recreation may allow eligible employees to receive a Golf Lesson Stipend for lessons conducted at City-owned golf facilities, subject to the following conditions:

1. The employee must meet agency criteria, as outlined by the Golf Division of the Department of Parks and Recreation.
2. The Department of Parks and Recreation retains the right to revoke eligibility for the stipend for any business-related reason, at any time.
3. The employee has the responsibility for the following:
 - a. Selling and booking the lesson.
 - b. Collecting the fees; and
 - c. Conducting the lesson.
4. All lessons must be entered into and tracked by the golf course's point of sale system, or other tracking system as specified by management.
5. All lessons must be conducted at a time that does not interfere with the employee's job duties. The employee is responsible for completing their assigned schedule each week, not including time spent teaching lessons.
6. Golf Lesson Stipends will be considered as compensation and included as reportable income.

B Amount of Stipend:

1. Exempt employees:
 - a. The only compensation the employee will receive for time spent teaching golf lessons is the Golf Lesson Stipend.
 - b. The City shall retain sixteen percent (16%) of the fee charged.

- c. Eighty-four percent (84%) of the fee will be paid to the employee as a Golf Lesson Stipend.
2. Non-exempt employees:
 - a. Non-exempt employees will receive their normal hourly rate of pay for time spent conducting lessons in addition to the Golf Lesson Stipend.
 - b. The City shall retain forty-five percent (45%) of the fee charged.
 - c. Fifty-five percent (55%) of the fee will be paid to the employee as a Golf Lesson Stipend.
3. The City portion of the fee will include the cost of golf balls.
4. Stipends will be paid on collected revenue only.

9-62 Protective Service Stipend

(Revised February 11, 2019; Rule Revision Memo 50D)

- A Volumes 7 and 30 of the Code of Colorado Regulations require the Department of Human Services (DHS) to have staff available twenty-four hours a day to receive reports of abuse and neglect, conduct initial assessments of such reports that are deemed emergencies, and investigate those reports that are appropriate for child and adult protective services.

In order to meet this requirement, the Manager of Human Services (Manager) for the Department of Human Services may schedule eligible employees to be available to respond to emergency calls at night and on weekends, mandated furlough days, and holidays. Employees so scheduled will be entitled to receive a Child or Adult Protective Service Stipend (together referred to as "Protective Service Stipend" or "Stipend") depending on the type of work assigned. An employee who is scheduled to respond to emergency calls is expected to:

1. Be available by telephone.
2. Be in a non-impaired condition that allows the employee to safely perform job duty assignments; and
3. Respond to a call and perform work within time frames established by the DHS.

Employees who are scheduled to respond to emergency calls and fail to meet these expectations may be subject to disciplinary action, up to and including dismissal.

B. To be eligible for the Protective Service Stipend, the employee must be exempt from overtime under Federal law and the Career Service Rules (employees who are eligible for overtime may receive standby pay as provided in the Career Service Rules) and meet other eligibility requirements as stated below.

C. Protective Service Stipend Eligibility and Amounts

1. After-hours Administrator.

- a. An employee must be at the type and level of Administrator II to be assigned After-hours Administrator duties.
- b. An After-hours Administrator supervises the After-hours Supervisor, the After-hours Caseworker, the After-hours Placement Navigator, the After-hours Call Taker, and directly supervises any egregious and fatal or near fatal allegations needing response during nights, weekends, or holidays.
- c. Stipend: \$40 per shift worked; \$60 per shift worked on paid City holidays and mandated furlough days.

2. After-hours Supervisor.

- a. Child Welfare
 - i. An After-hours Supervisor supervises the After-hours Caseworker through monitoring of call logs and being available by phone to staff critical decisions and determine if immediate response is warranted.
 - ii. Stipend: \$75 per shift worked; \$100 per shift worked on paid City holidays and mandated furlough days.
- b. Adult Protective Services (“APS”)
 - i. Available by phone to APS After-hours Call Takers to make critical decisions and determine what level of response is warranted.
 - ii. Stipend: \$30 per shift worked; \$50 per shift worked on paid City holidays and mandated furlough days.

3. After-hours Caseworker.

- a. An After-hours Caseworker answers after-hours hotline calls, generates referrals, and determines an appropriate response after consulting with the After-hours Supervisor. If an immediate or in- person response is required, the Caseworker will respond in the field to gather additional information and assess for safety.

- b. Stipend: \$200 per shift worked on a weekday; \$300 per shift worked on a weekend day; \$350 per shift worked on paid City holidays and mandated furlough days.
 - 4. After-hours Placement Navigator.
 - a. An After-hours Placement Navigator manages the placement of children in DHS custody or on a safety plan, including but not limited to, documenting placement efforts and ensuring requisite background checks are completed in a timely fashion.
 - b. Stipend: \$75 per shift worked; \$95 per shift worked on paid City holidays and mandated furlough days.
 - 5. After-hours Call Taker (non-responder).
 - a. Child Welfare
 - i. An After-hours Call Taker is scheduled as needed to support increased hotline call volume in order to answer after-hours hotline calls, generate referrals, and determine an appropriate response after consulting with the After-hours Supervisor.
 - ii. Stipend: \$130 per standard shift worked; \$150 stipend per shift worked on paid City holidays and mandated furlough days.
 - b. Adult Protective Services
 - i. An After-hours Call Taker answers after-hours hotline calls, generates referrals, and acts as first point of contact for after-hours incidents and emergencies related to County wards. Responses can include additional information gathering via phone or coordinating with the APS After-hours Supervisor to determine if emergency medical or other decision-making is required.
 - ii. Stipend: \$70 per weekday shift worked; \$100 per weekend shift worked; \$120 per shift worked on paid City holidays and mandated furlough days.
- D. The City is required by Federal law to treat exempt employees like non-exempt employees during a week in which the exempt employee takes an unpaid furlough.

If an exempt employee is assigned after-hours emergency response duties during a week in which a mandated furlough is scheduled to occur, the employee shall be required to work on the mandated furlough day, and take an unpaid furlough day during another week that year in which the employee has not been assigned after-hours emergency response duties.

If an exempt employee does take a furlough day during a week in which the employee has been assigned after-hours emergency response duties, the employee will be paid for all time spent performing emergency response duties in addition to the stipend provided by this rule.

9-63 Bilingual Services Stipend

(Revised February 11, 2019; Rule Revision Memo 50D)

- A. An appointing authority may pay an employee bilingual services stipend if the following conditions have been met:
 - 1. The employee's supervisor has determined that the employee's position requires that the employee use bilingual skills regularly to perform their work; and
 - 2. The classification specification for the employee's classification does not require bilingual skills for all incumbents of that classification; and
 - 3. The employee demonstrates a proficiency in the second language, according to procedures established by the OHR Executive Director.
- B. The effective date of the bilingual services stipend shall be the beginning of the work week following the employee's demonstration of proficiency in a second language.
- C. Employees who become eligible for bilingual services stipend after February 11, 2019 shall receive a stipend of fifty dollars (\$50) per pay period. Employees who were receiving a bilingual stipend prior to February 11, 2019 shall retain that stipend amount. However, if an employee receiving a bilingual stipend prior to February 11, 2019 loses eligibility for the stipend, upon regaining eligibility they will receive a stipend of fifty dollars (\$50) per pay period.
- D. When an employee changes positions and the language skills are not a requirement of the new position, the bilingual services stipend shall cease.

9-64 Forensic Pathology Fellow Program Director Stipend

(Revised December 21, 2012; Rule Revision Memo 67C)

- A. The City and County of Denver's Office of the Medical Examiner operates a teaching fellowship program in which recent graduates of an accredited pathology program receive training in forensic pathology.

- 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).

965 Work Assignment Outside of Job Classification
(Revised August 4, 2023; Rule Revision 89D)

- 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 cannot be above the range maximum.
- B. Working out-of-classification pay shall be set by the appointing authority at no less than 8% and no more than 12% above current salary, except that such pay shall not exceed the range maximum for the higher classification. If the range maximum requires setting an employee's working out of class pay below 8% and a subsequent adjustment to the pay grade of the higher classification increases the range maximum while the employee is still working out of class, the Office of Human Resources will apply the needed pay percentage change to the appropriate effective date. In determining the appropriate percentage increase, the appointing authority must consider both the number of pay grades between the two classifications, and the percentage of work being performed of the higher-level classification as follows:

Guidance of Pay Based on Number of Pay Grades Between Classifications	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%

(For non-exempt employees working out of class in exempt classifications, the pay grade difference will be determined by OHR's Classification and Compensation Analysts.)

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.

- 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

966 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.
1. City & County of Denver paid interns and on-call employees may be eligible for a recruitment bonus upon conversion to unlimited employment status. (Revised July 21, 2022; Rule Revision Memo 79D)
- 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.

<u>Position Level of New Hire</u>	<u>Amount</u>
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.

967 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.

969 911 Communications Training Officer Stipend
(Revised August 4, 2023; Rule Revision Memo 89D)

- 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 “Thriving” or higher in the employee’s most recent performance evaluation and continues to receive performance evaluations of “Thriving” 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.

- B. The appointing authority may pay a monthly stipend to employees who are enrolled in the Denver International Airport Communications Center 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 Airport Emergency Dispatcher, Airport Operations Representative, Airport Communications Center Specialist, or Airport Communications Center Lead classifications or the Airport Communications Center Supervisor classification when training.
 3. The employee has successfully completed the 911 Certified Training Officer (CTO) certification course.
 4. The employee was rated "Successful" or higher in the employee's most recent performance evaluation and continues to receive performance evaluation of "Thriving" 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 \$450.00 per month that they are enrolled, pro-rated for partial month enrollments, not to exceed \$5,400.00 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).

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 December 19, 2022; Rule Revision Memo 83D)

- 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 divided 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 or particular departments or agencies from temporarily increasing the overtime rate to be paid to non-exempt and/or exempt employees to no more than two (2) times the regular rate of pay, 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. All requests from departments or agencies to temporarily pay increased overtime rates, mandate the payment of overtime in cash and/or otherwise administer overtime in a manner that is more generous to employees than the FLSA requires shall be subject to approval by the OHR Executive Director.

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 and removed March 20, 2023; Rule Revision Memo 86D)

APPENDIX 9.A.

TELECOMMUTING GUIDELINES (REFERRED TO IN RULE 9-80 F)

OVERVIEW

The City and County of Denver utilizes a hybrid model workplace where employees work where needed in a city site or telecommute remotely within the State of Colorado. The City considers telecommuting to be a viable, flexible, and productive work option when the position and the business function of the department/agency is suited to such an arrangement.

Telecommuting allows employees to work in a designated site other than a department's/agency's central workplace for all or part of their workweek/month on a regular recurring or an occasional basis or as needed during an emergency. The hybrid work arrangement may be established at-hire or at some point during the employee's tenure for a long-term or short duration depending upon the business requirements. The telecommuting arrangement could change as directed by management.

Telecommuting is not suitable for all positions, nor is it an entitlement or a benefit, nor does it change the terms and conditions of employment for any employee.

Telecommuting can benefit employees, departments/agencies, and the community in many ways, including:

- Provide for a flexible workforce and continuity of operations, including the ability to operate during an emergency when the regular worksite is inaccessible.
- Increased productivity and efficiencies.
- Cost efficiency and innovation.
- Recruitment and retention of highly qualified and in-demand skilled employees.
- Greater flexibility for employees and agencies.
- Improved employee morale and job satisfaction.
- Reduced employee absenteeism.
- Reduced employee commuting time and costs.
- Improved mobility and sustainability for the city resulting from decreased energy consumption, air pollution, traffic and parking congestions, and transit overcrowding, helping the city achieve its sustainability and climate goals.

APPLICABLE RULES AND POLICIES

[Career Service Rule 9.80](#): Telecommuting

[Career Service Rule 16.28](#): Grounds for Discipline

[Executive Order No. 16](#): Use of Electronic and Communication Devices and Services

[Fiscal Accountability Rule 10.13](#): Time and Attendance

Telework and Ergonomic Guidance on [DenverHub](#)

TELECOMMUTING CATEGORIES

Telecommuting can be informal, such as working remotely for a day or for a short-term project, or it can be a normal work arrangement, such as working remotely on a recurring partial or full-time basis.

There are three types of telecommuting:

1. **Recurring** telecommuting, where an employee **is regularly assigned to** work at a designated alternate work site or in the field on either a full-time or part-time basis. If part-time, the employee regularly works at both a designated alternate work site and a city location or in the field.
2. **Occasional** telecommuting- this is a temporary, short-term arrangement, which may be approved by a supervisor for special projects or for special circumstances.
3. **Emergency** telecommuting- this is a temporary arrangement that may be utilized during a city emergency, such as a pandemic, power outage, or inclement weather.

Either an employee or a supervisor can propose telecommuting as a possible formal work arrangement. However, the decisions around which type of work arrangement is most suitable for each position reside with the Appointing Authority and can be changed at any time.

ELIGIBILITY

Employees may be eligible for any of the informal or formal types of telecommuting arrangements identified above, depending primarily on the suitability of their workgroup or the workforce strategy of the agency. Some agencies/departments may require employees in certain workgroups or who perform certain functions to telecommute on a regular basis.

All telecommuting arrangements must be approved in advance and are subject to change at any time. Telecommuting may be appropriate on a short-term or long-term basis, depending on the department/agency's particular business needs.

Telecommuting is not a benefit of employment. A decision to allow or not allow telecommuting is not subject to the grievance procedure or to any other review or appeal procedure unless there is alleged discrimination.

EQUIPMENT AND SUPPLIES

Telecommuting is intended to be cost neutral. The city will provide, per Technology Services' ("TS") guidelines, one workstation set-up, either in the city site or in the employee's remote office.

The city is not required to provide telecommuting employees with materials or supplies needed to establish an additional alternate designated worksite (desk, chair, computer, software, cell phone, fax, copier, headphones, etc.), and assumes no responsibility for set-up or operating costs at an alternate designated worksite (telephone or internet services, etc.). Departments/agencies must follow Executive Order 16 when establishing telecommuting workspaces for their employees.

Departments/agencies providing equipment, software, or other supplies to telecommuting employees must reasonably allocate those resources based on operational and workload needs. All city rules regarding the use of computers and the internet apply while an employee is telecommuting.

Equipment supplied by the department/agency will be maintained by the department/agency (TS will maintain all technology-related items). Equipment supplied by the employee, if deemed appropriate by the department/agency, will be maintained by the employee. The city accepts no responsibility for damage or repairs to employee-owned equipment.

The city is entitled to, and may access, any personal equipment used while telecommuting, such as personal telephone, internet records, etc. The city reserves the right to make determinations as to appropriate equipment, subject to change at any time.

Equipment supplied by the department/agency is to be used for business purposes only. Employee agrees to take appropriate action to protect the items from damage or theft. The employee must immediately return all city equipment, software, and supplies at the conclusion of the telecommuting arrangement, at termination of employment, or at the department 's request.

Employees must contact their supervisors if equipment, connectivity, or other supply problems prevent them from working while telecommuting.

EMPLOYEE COMMITMENT

Mutual trust and accountability are key components in shaping a hybrid flexible work environment. The success of this work arrangement requires that all participants have a clear understanding of performance expectations and work with their supervisor to ensure that business objectives are met.

Employees need to be aware of inter-department needs and ensure that, if they are unable to meet those needs while telecommuting, there is an appropriate back-up to meet the requirements of internal and/or external clients.

SECURITY OF CITY-OWNED PROPERTY/EQUIPMENT

Consistent with the city's expectations of information security for employees working at a city location, telecommuting employees will be expected to ensure the protection of proprietary city information, equipment and network accessible from their remote office. Steps include the use of locked file cabinets and desks if applicable, regular password maintenance, and any other measures appropriate for the job and the environment including completing Technology Services' quarterly mandatory cyber security training on a timely basis.

ALTERNATE DESIGNATED WORKSITE

The employee will establish an appropriate remote work environment suitable for conducting city business. Telecommuting employees must work in an environment that allows them to perform their duties safely, efficiently, and meet performance outcomes.

Employees are expected to maintain their workspace in a safe manner, free from safety hazards, and are responsible for ensuring their work areas comply with all health and safety requirements. Injuries sustained by the employee in a remote office location and in conjunction with the employee's regular work duties may be covered by workers' compensation laws. Benefits for these injuries may be reduced as a result of any unsafe practices or the employee's failure to comply with these guidelines.

Employees who suffer a work-related injury or illness while telecommuting must notify their supervisor and contact the "OUCH Line" immediately at 303.436.OUCH (6824). The city is not liable for any injuries sustained by visitors to the employee's remote worksite, nor is it liable for any injuries caused by third parties. The city is also not liable for damages to an employee's personal or real property while the employee is working at a remote worksite, or any worksite outside of a City and County of Denver offices or facilities.

OUT OF STATE TELECOMMUTING

All telecommuting employees must primarily work at a designated worksite in the state of Colorado, unless the department/agency has received exception approvals from the Office of Human Resources and the Department of Finance and has paid for any additional associated costs, if applicable. The department/agency is also encouraged to consult with the City Attorney's Office prior to permitting an employee to work outside of Colorado.

TYPES OF TELECOMMUTING

Occasional Telecommuting

Occasional telecommuting is telecommuting that is not utilized on a regularly recurring or scheduled basis and may generally limited to one business day. It is a flexible work option that may be offered to or required of certain employees. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance. The decision to allow occasional telecommuting is up to each department/agency and requires approval of the employee's supervisor.

Emergency Telecommuting

Emergency telecommuting is telecommuting that is used out of necessity due to extraordinary circumstances, such as during national emergency due to a pandemic, a snowstorm or other city emergency. These arrangements are declared by the city, with no expectation of ongoing continuance. Because of the extraordinary situation in which emergency telecommuting occurs, an employee may not be able to perform all of the position's essential functions.

Recurring Telecommuting

Recurring telecommuting is telecommuting that occurs on a formal, recurring basis. The department/agency will identify all work groups where implementing telecommuting is consistent with the department/agency's workplace strategy. Only positions within these work groups will be eligible for recurring telecommuting. In general, the department/agency will look at the following areas:

1. **Position responsibilities.** The position for which telecommuting is proposed is suitable for such arrangement, given the department/agency workplace strategy, with the ability to provide high quality service to the public or internal clients/customers while telecommuting being the most significant determining factor.

There should be no disruption to service or decline in the quality of services being provided by the department/agency to the public or internal clients/customers as a result of telecommuting.

Generally, this will include positions that are: independent in nature, primarily knowledge-based, lend themselves to measurable deliverables, and do not require frequent in-person interactions or the employee's immediate presence at a regular worksite.

A department/agency may have additional telecommuting requirements, guidelines, or procedures, provided they are consistent with the intent of this policy.

Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of employment. Telecommuting employees must comply with all city rules, policies, practices, and instructions.

A telecommuting employee must perform work during scheduled hours and minimize any distractions. Although an individual employee's schedule may be modified to accommodate care needs, the focus of the telecommuting arrangement must remain on job performance and meeting business demands, and not on taking care of dependents.

In addition, the prohibitions against engaging in other employment or business activities during regular work hours or while using city resources also apply to employees who are telecommuting.

Expectations relating to performance, methods and frequency of regular communications, physical attendance at meetings, participation in virtual meetings, leave usage, etc. should be established as part of the discussion process between the employee and supervisor.

The employee should be accessible to the workplace during regular work hours via virtual meeting software, cellular phone, e-mail, or other means and be able to report to work when notified, or to respond immediately to communications from other staff, supervisors, supervisors, or clients.

The city may deny, modify, or end telecommuting for any business reason that is not arbitrary or capricious. Any suspected abuse of these guidelines will be investigated and may result in corrective action, up to and including dismissal.

**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 workday and total hours worked each work week by non-exempt employees (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.

RULE 13
PAY FOR PERFORMANCE
(Revised October 24, 2022; Rule Revision Memo 80D)

Purpose statement:

The purpose of this rule is to explain the performance review program and how the individual performance of eligible Career Service employees is evaluated, reported, and rewarded with merit increases and merit payments.

Section 13-10 Definitions:

- A. Eligible Employee: All Career Service employees are eligible for merit increases and merit payments as provided in this Rule, except:
1. On-call employees.
 2. Employees holding positions in the Training pay table, which only has one pay rate.
 3. Employees who hold positions in classifications contained in the Undersheriff pay tables. and
 4. Employees hired into the city after September 30th of the previous year.
- B. Merit Increase: Periodic increase to an employee's base rate of pay as determined by an employee's performance rating and location in the applicable pay range.
- C. Merit Payment: Lump sum payment is a percentage of an employee's current annual base salary. A merit payment will not increase an employee's base rate of pay.
- D. Performance Improvement Plan ("PIP"): A document which may be used at any time during an employee's evaluation period to supplement the employee's individual goals that may include, but is not limited to, levels of performance that must be achieved to obtain a successful rating, current performance deficiencies, support that may be provided by the department or agency, actions the employee must take to address the performance deficiencies, and a timeline for completion of the actions.

Section 13-20 Goal Setting and Performance Reviews

13-21 Purpose

The purposes of goal setting and performance reviews are to outline job expectations, establish performance outcomes and measures, encourage, and support professional development, provide ongoing performance feedback, and evaluate performance in a timely manner.

13-22 Written Goal Setting

An eligible employee's supervisor shall work with the employee to identify the goals for the performance outcomes and measures against which the employee's performance is evaluated every year. This shall be done annually for current employees, as well as upon appointment to a new position, or the assignment of substantially different duties to an employee. These goals shall be provided to the employee in writing.

13-23 Performance Reviews

(Revised February 24, 2023; Rule Revision Memo 85D)

- A. All eligible employees shall have their performance for the previous calendar year formally evaluated and rated in a written performance review. This evaluation shall occur once every year according to the schedule attached as Appendix A.
 - 1. Eligible employees who have been absent from their position for less than a calendar year shall have their performance evaluated based on the time they were present at work.
 - 2. Eligible employees who have been on a leave of absence from their position for all of the preceding calendar year shall not receive a performance evaluation. These employees shall have their pay adjusted to reflect the merit increase they would have received with a "Thriving" performance rating, based upon the approved merit increase percentage pool for the applicable merit cycle. (Revised May 22, 2018; Rule Revision Memo 42D)
- B. Whenever an eligible employee changes supervisors, the employee's former supervisor should evaluate the employee's performance in relation to the employee's goals. Each goal should be rated individually, and no overall rating is required. If the change in supervisors is the result of the employee's former supervisor terminating employment with the City, the next level manager is responsible for evaluating the employee's performance. These ratings shall cover the period from the beginning of the year until the effective date of the change in supervisors.
 - 1. The employee's current supervisor, as well as the employee, will receive the interim evaluation electronically.
 - 2. At the end of the evaluation year, the employee's current supervisor shall prepare a performance review for the entire calendar year. This performance rating should consider the information provided by the previous supervisor, and the employee's current performance in proportion to the time spent in each assignment.

Section 13-30 Performance Review Process

13-31 Performance Ratings

(Revised February 24, 2023; Rule Revision Memo 85D)

- A. An eligible employee's performance shall be evaluated in an employee's review as one of the following:

Rating	Rating Name	Definition
3	Excellent	Significantly exceeds performance standards and goals on continuous basis. Frequently delivers outcomes that are superior. This rating reflects a level of performance that is truly superb throughout the rating period.
2	Thriving	Effectively achieves performance standards and on a consistent basis. Regularly delivers outcomes that are good or better than expected. This rating reflects a level of performance that are good or better than expected. This rating reflects a level of performance that is solid or in some respect even stronger than expected.
1	Development Needed	Falls short of performance standards and goals on a consistent basis. Delivers outcomes that are less than expected in terms of quality and/or consistency. This rating reflects a level of performance that needs improvement. It may also reflect that the employee has not spent enough time in the position to develop the knowledge or proficiencies needed to meet established standards.

13-32 Merit Increases and Merit Payments
 (Revised October 24, 2022; Rule Revision Memo 80D)

- A. The funding for merit increases and merit payments is provided in the annual appropriation ordinance. The pay increase associated with a particular performance rating shall be reviewed annually and adjusted as necessary to reflect prevailing practices in the community. The award of merit increases, and merit payments is contingent upon this annual appropriation being approved by the City Council and the Mayor. In case of a conflict between ordinance and these rules, the ordinance will prevail.
- B. 1. Departments and agencies are responsible for determining the percentage increase associated with each employee rating. The percent increase for all eligible employees shall average 4.00% for merit increases and merit payments delivered in 2023.
2. When there is a change to an employee's pay rate on the same effective date as the merit increase, the merit increase will be applied before any other pay rate change(s).
- C. Merit Table:
1. Eligibility for merit increases and merit payments is based on an eligible employee's overall annual performance rating as measured by a performance review.

2022 Performance Rating	2023 Merit Increase Percent	2023 Lump Sum Merit Payment Percent
5: Exceptional	3.20% - 5.20%	3.20% - 5.20%
4: Exceeds Expectations		
3: Successful		
2: Development Needed	0% - 2.00 %	0%
1: Unacceptable	0%	

2. An eligible employee whose current pay rate is within the pay range of the pay grade assigned to the employee's job classification shall receive a merit increase in accordance with the above table.
3. An eligible employee whose current pay rate is at or above the pay range maximum of the pay grade assigned to the employee's job classification shall receive a lump sum merit payment in accordance with the above table.

4. No eligible employee shall receive a merit increase that exceeds the range maximum of the pay grade assigned to the employee's job classification. If the application of this sub-paragraph results in an employee receiving a merit increase that is less than the percentage increase awarded to the employee, the employee shall receive the difference between the merit increase awarded and the merit increase received in the form of an additional merit payment.

- D. In the case of a declared fiscal emergency by the Mayor, and upon the request of the Mayor, there will be no merit increases or merit payments awarded for increments of at least one year. During the declared fiscal emergency appointing authorities, managers and supervisors shall complete performance reviews for eligible employees, but no merit increases, or merit payments will be awarded during this time.

13-33 Pro-ration for New Hires

Employees hired after January 1st and on or before September 30th will have their merit increase pro-rated to the employee's start date.

13-34 Effective Date of Merit Increase (Revised on August 4, 2023; Rule Revision Memo 89D)

- A. Merit increases and merit payments will be calculated from an employee's annual base salary as of December 31st of the previous year and will be effective in 2024 on Monday, January 1st.
- B. An employee's merit increase shall not be included as part of another pay change (such as a promotional increase) and must be applied as a separate merit increase.

13-35 Performance Review Schedule

Departments and agencies shall submit proposed merit increases and merit payments to the Office of Human Resources ("OHR") as provided in the schedule attached as Appendix A.

13-36 Review of Performance with Employee

Each employee's written performance review shall be reviewed with the employee as provided in the schedule attached as Appendix A.

13-37 Official Records

The annual performance review and any supporting documentation shall be made a permanent part of the employee's official personnel record.

13-38 Discipline

The written performance review and/or PIP(s) may be used as a basis for disciplinary action under Rule 16 **CODE OF CONDUCT AND DISCIPLINE**, up to and including dismissal, if an employee's performance fails to comport with the standards set forth in any of these documents.

13-39 Grievances and Appeals Relating to Performance Reviews

(Revised on February 24, 2023; Rule Revision Memo 85D)

- A. An eligible employee may grieve any performance rating pursuant to Rule 18 **DISPUTE RESOLUTION**.
- B. Grievances of performance ratings may not be appealed.
- C. An eligible employee may not grieve or appeal any other aspect of the performance review program.

APPENDIX 13.A

2022 PERFORMANCE REVIEW SCHEDULE

DUE DATE	TASK
December 16, 2022	Deadline for performance evaluations for the 2022 calendar year to be completed by supervisors, second level managers, and agency approvers.
January 13, 2023	Deadline for appointing authorities to submit merit increase and merit payment recommendations to OHR. All eligible employees must be accounted for in these recommendations. The percent increase for all eligible employees in a department or agency should average 4.00% for merit increases and merit payments delivered in 2023.
February 17, 2023	Merit increases and merit payments appear on employee paychecks, as well as retroactive merit increases and merit payments for the period from January 1 st until February 11 th .

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