

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules (“Rules”). When the Board or the OHR Executive Director determines that a change in the Rules is necessary or desirable, the procedure shall be as follows: ... 2) The proposed rule change shall be posted on the same bulletin boards as the local, state, and federal-mandated posters, as well as the Career Service Board’s internet page, and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule change and the reason(s) for the proposed change shall be posted with the proposed rule change... 4) A public hearing on the proposed rule change shall be held by the Board.

**PLEASE POST ON ALL BULLETIN BOARDS AS SOON
AS POSSIBLE**

Public Hearing Notice - No. 675

A Career Service Board Public Hearing has been scheduled regarding the proposed adoption of revisions to **Career Service Rule 10 - PAID LEAVE**.

A Career Service Board Meeting regarding Public Hearing Notice No. 675 is scheduled for **Thursday, December 15, 2022, at 9:00 AM**, in the Webb Municipal Building, located at 201 West Colfax Avenue, Denver, CO, in the Career Service Hearings Office on the 1st floor.

If anyone wishes to submit written comments or talk to OHR staff regarding this notice, please contact:

Cinthia Febres-Sutherland
Administrator
Office of Human Resources
(720) 913-5650
cinthia.febres-sutherland@denvergov.org

Comments regarding this notice should be submitted **no later than 12:00 PM on Monday, December 12, 2022.**

If anyone wishes to address the Board regarding this notice, please contact Cinthia Febres-Sutherland at (720) 913-5650 or at cinthia.febres-sutherland@denvergov.org **no later than 12:00 PM on Monday, December 12, 2022**, to get on the agenda. You are encouraged to submit written comments regarding the subject matter of your testimony at this time so that the Board has time to adequately consider your input.

PLEASE POST ON ALL BULLETIN BOARDS
AS SOON AS POSSIBLE

RULE PROPOSAL 81D

TO: Appointing Authorities, Managers, and Employees
FROM: Kathy Nesbit, OHR Executive Director
DATE: Friday, December 2, 2022
SUBJECT: Proposed Adoption of Revisions to Career Service Rule 10 - PAID LEAVE

THIS PROPOSED PROVISIONAL REVISION TO THE CAREER SERVICE RULES IS BEING POSTED FOR PUBLIC COMMENT AND HEARING TO BE HELD ON

December 15, 2022, at 9:00 AM

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p>RULE 10 Section 10-10 General</p> <p>10-11 Definitions</p> <p><u>Leave:</u> Any absence during regularly scheduled work hours. The following types of paid leave are covered in this rule:</p> <ol style="list-style-type: none"> 1. Paid time off (“PTO”); 2. Sick and vacation; 3. Bereavement; 4. Holiday; 5. Compensatory; 6. Administrative; 7. Military; 8. Election; 9. Court; 10. Investigatory; 11. Training; 12. Occasional time off; 13. Colorado Healthy Families and Workplaces Act (“CHFVA”) Sick Leave; and 14. Colorado Public Health Emergency (“CPHE”) Sick Leave. 	<p>RULE 10 Section 10-10 General</p> <p>10-11 Definitions</p> <p><u>Leave:</u> Any absence during regularly scheduled work hours. The following types of paid leave are covered in this rule:</p> <ol style="list-style-type: none"> 1. Paid time off (“PTO”); 2. Sick and vacation; 3. Bereavement; 4. Holiday; 5. Compensatory; 6. Administrative; 7. Military; 8. Election; 9. Court; 10. Investigatory; 11. Training; 12. Occasional time off; 13. Colorado Healthy Families and Workplaces Act (“CHFVA”) Sick Leave; and 14. Colorado Public Health Emergency (“CPHE”) Sick Leave; <u>and</u> 15. <u>Care Bank.</u> 	<p>10-11</p>	<p>Add Care Bank as a type of paid leave</p>

<p><u>10-62 Designation of holidays</u> "Holidays" for the purposes of this rule shall mean eight (8) hours in the following days:</p> <ul style="list-style-type: none"> A. New Year's Day (January 1); B. Martin Luther King Day (third Monday in January); C. Washington's Birthday (observed on the third Monday in February); D. Cesar Chavez Day (last Monday in March); E. Memorial Day (last Monday in May); F. Independence Day (July 4); G. Labor Day (first Monday in September); H. Veterans' Day (November 11); I. Thanksgiving Day (fourth Thursday in November); J. Christmas Day (December 25); K. Personal holiday (one (1) personal holiday on date agreed upon by employee and the city to be used within the calendar year). 	<p>10-62 <u>Designation of holidays</u> "Holidays" for the purposes of this rule shall mean eight (8) hours in the following days:</p> <ul style="list-style-type: none"> A. New Year's Day (January 1); B. Martin Luther King Day (third Monday in January); C. Washington's Birthday (observed on the third Monday in February); D. Cesar Chavez Day (last Monday in March); E. Memorial Day (last Monday in May); F. <u>F.</u> <u>Juneteenth (June 19);</u> FG. <u>FG.</u> Independence Day (July 4); GH. <u>GH.</u> Labor Day (first Monday in September); H. <u>H.</u> Veterans' Day (November 11); I. <u>I.</u> Thanksgiving Day (fourth Thursday in November); J. <u>J.</u> Christmas Day (December 25); K. <u>K.</u> Personal holiday (one (1) personal holiday on date agreed upon by employee and the city to be used within the calendar year). 	<p>10-62</p>	<p>Adding the Juneteenth holiday to CSR to match DRMC 18-142</p>
<p>N/A</p>	<p><u>Section 10-90 Care Hours</u> <u>Care provides up to three-hundred twenty (320) hours of paid leave for employees who qualify for, and use, Family Medical Leave Act ("FMLA") leave as defined in Rule 12-20 or who use Colorado Family Care Act Leave pursuant to Rule 12-30. Care Hours must be used concurrently with continuous or intermittent FMLA leave. Care hours will be available starting January 1, 2023.</u></p>	<p>10-90</p>	<p>The new section is intended to provide provisions for granting and utilizing the new Care Bank</p>

All provisions of Rule 12-20 through 12-29 shall apply to the qualification for, and use of, Care hours subject to the following provisions:

A. Ineligible Employees:
The following employees are ineligible for Care hours:

1. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week;
2. Employees occupying on-call positions;
3. Uniformed officers of the Denver Sheriff's Department, Denver Police Department and the Denver Fire Department; and
4. Employees who have individually opted into the State of Colorado's FAMILI benefits program pursuant to 8-13.3-514 C.R.S.

B. Eligibility at Completion of Probationary Period:

An employee who has fewer than 12 months of service, as required by Rule 12-22(B), but has successfully completed the requirements of their employment probation as required in Rule 5-34(A), will be eligible for Care hours as long as the qualifications of Rule 12-20 to 12-22 are otherwise met.

C. How Care Hours May Be Used

1. Employees may use Care hours to care for themselves or a family member as defined by Rule 12-21. Care hours may also be used to care for an employee's partner in a civil union, children (including biological, adopted, foster, stepchildren, legal wards and children of a domestic partner), parents (including biological, adoptive,

foster, stepparents, legal guardians and parents of the employee's spouse or domestic partner), spouses and domestic partners, grandparents and grandchildren.

2. Employees may also use Care hours to care for someone with whom the employee has a significant personal bond that is, or is like, a family member, but must provide an affidavit supporting such significant personal bond, which may include, but is not limited to, the following factors:

- a. Shared financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
- b. Emergency contact designations;
- c. The expectation of care created by the relationship and/or prior provision of care;
- d. Co-habitation and the duration thereof; and
- e. Geographical proximity.

N/A

10-91 Amount of Care Hours Available

A. No more than annually, an eligible full-time employee shall be eligible to receive up to three-hundred twenty (320) hours of paid Care Hours.

B. No more than annually, an eligible part-time employee regularly scheduled to work at least twenty (20) hours per week shall be eligible to receive Care Hours as follows:

1. An employee who is regularly scheduled to

10-91

The new section enumerates the amount of care hours available to eligible employees. The tiers for non-full-time employees prorate the amount available to impacted employees to eight weeks of leave.

work between twenty (20) to twenty-nine (29) hours per week shall be eligible to receive up to one-hundred sixty (160) hours of Care Hours.

2. An employee who is regularly scheduled to work between thirty (30) to thirty-nine (39) hours per week shall be eligible to receive up to two-hundred forty (240) hours of Care Hours.

DELETIONS ARE INDICATED BY ~~strike-through~~ AND ADDITIONS ARE INDICATED BY ***bold, italics, and underline.***

RULE 10 PAID LEAVE

Purpose statement:

The purpose of this rule is to provide guidelines and policies for administering the City’s paid leave programs, and to comply with the Colorado Healthy Families and Workplaces Act, effective January 1, 2021. For rules regarding leave for extended illnesses or injuries see Rule 12 **ACCOMMODATIONS FOR DISABILITY, PREGNANCY, EXTENDED ILLNESS OR INJURY, AND LEAVE.** (~~Revised December 17, 2020; Rule Revision Memo 65D~~)

Section 10-10 General

10-11 Definitions

(~~Revised December 17, 2020; Rule Revision Memo 65D~~)

- A. Leave: Any absence during regularly scheduled work hours. The following types of paid leave are covered in this rule:
1. Paid time off (“PTO”);
 2. Sick and vacation;
 3. Bereavement;
 4. Holiday;
 5. Compensatory;
 6. Administrative;
 7. Military;
 8. Election;
 9. Court;
 10. Investigatory;
 11. Training;
 12. Occasional time off;
 13. Colorado Healthy Families and Workplaces Act (“CHFVA”) Sick Leave; ~~and~~
 14. Colorado Public Health Emergency (“CPHE”) Sick Leave; ***and***
 15. ***Care Bank.***

10-62 Designation of holidays

“Holidays” for the purposes of this rule shall mean eight (8) hours in the following days:

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- B. Martin Luther King Day (third Monday in January);
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- E. Memorial Day (last Monday in May);

F. Juneteenth (June 19);

~~**G.**~~ Independence Day (July 4);

~~**H.**~~ Labor Day (first Monday in September);

~~**I.**~~ Veterans' Day (November 11);

~~**J.**~~ Thanksgiving Day (fourth Thursday in November);

~~**K.**~~ Christmas Day (December 25);

~~**L.**~~ Personal holiday (one (1) personal holiday on date agreed upon by employee and the city to be used within the calendar year).

Source: D.R.M.C. §18-142

Section 10-90 Care Hours

Care provides up to three-hundred twenty (320) hours of paid leave for employees who qualify for, and use, Family Medical Leave Act (“FMLA”) leave as defined in Rule 12-20 or who use Colorado Family Care Act Leave pursuant to Rule 12-30. Care Hours must be used concurrently with continuous or intermittent FMLA leave. Care hours will be available starting January 1, 2023.

All provisions of Rule 12-20 through 12-29 shall apply to the qualification for, and use of, Care hours subject to the following provisions:

A. Ineligible Employees:

The following employees are ineligible for Care hours:

1. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week;
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3. Uniformed officers of the Denver Sheriff’s Department, Denver Police Department and the Denver Fire Department; and
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B. Eligibility at Completion of Probationary Period

An employee who has fewer than 12 months of service, as required by Rule 12-22(B), but has successfully completed the requirements of their employment probation as required in Rule 5-34(A), will be eligible for Care hours as long as the qualifications of Rule 12-20 to 12-22 are otherwise met.

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1. Employees may use Care hours to care for themselves or a family member as defined by Rule 12-21. Care hours may also be used to care for an employee’s partner in a civil union, children (including biological, adopted, foster, stepchildren, legal wards and children of a domestic partner), parents (including biological, adoptive, foster, stepparents, legal guardians and parents of the employee’s spouse or domestic partner), spouses and domestic partners, grandparents and grandchildren.
2. Employees may also use Care hours to care for someone with whom the employee has a significant personal bond that is, or is like, a family member, but must provide an affidavit supporting such significant personal bond, which may include, but is not limited to, the following factors:
 - a. Shared financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
 - b. Emergency contact designations;
 - c. The expectation of care created by the relationship and/or prior provision of care;
 - d. Co-habitation and the duration thereof; and
 - e. Geographical proximity.

10-91 Amount of Care Hours Available

- A. No more than annually, an eligible full-time employee shall be eligible to receive up to three-hundred twenty (320) hours of paid Care Hours.
- B. No more than annually, an eligible part-time employee regularly scheduled to work at least twenty (20) hours per week shall be eligible to receive Care Hours as follows:
 - 1. An employee who is regularly scheduled to work between twenty (20) to twenty-nine (29) hours per week shall be eligible to receive up to one-hundred sixty (160) hours of Care Hours.
 - 2. An employee who is regularly scheduled to work between thirty (30) to thirty-nine (39) hours per week shall be eligible to receive up to two-hundred forty (240) hours of Care Hours.