

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. 689

A Career Service Board Public Hearing has been scheduled regarding the proposed adoption of revisions to **Career Service Rule 9 (Pay Administration)** and **Rule 13 (Pay for Performance)**.

A Career Service Board Meeting regarding Public Hearing Notice No. 689 is scheduled for **Thursday, July 20, 2023**. The public hearing starts at **9:00 AM** and will be held at the Career Service Hearings Office, located on the 1st Floor in the Wellington Webb Municipal Building at 201 West Colfax, Denver, Colorado.

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

Cinthia Febres-Sutherlin
Administrator
Office of Human Resources
(720) 661-2767
Cinthia.febres-sutherlin@denvergov.org

Comments regarding this notice should be submitted **no later than 12:00 P.M. on Monday, July 17, 2023**.

If anyone wishes to address the Board regarding this notice please contact Cinthia Febres-Sutherlin at (720) 337 - 6447 or at cinthia.febres-sutherlin@denvergov.org, no later than **12:00 P.M. on Monday, July 17, 2023** 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 REVISION PROPOSAL 89D

TO: Appointing Authorities, Managers, and Employees
FROM: Kathy Nesbitt, OHR Executive Director
DATE: Friday, July 7, 2023
SUBJECT: Proposed adoption of the revisions to Career Service Rules 9 and 13

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

Thursday, July 20, 2023, at 9:00 A.M.

DELETIONS ARE INDICATED BY ~~strike-through~~ AND ADDITIONS ARE INDICATED BY underline.

9-61 Golf Lesson Stipend

- 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 ~~have passed either level one of the Professional Golf Association (“PGA”), Apprenticeship training, or the National Education Program 1 of the Ladies Professional Golf Association (“LPGA”) apprenticeship program, and either be enrolled in the PGA or LPGA apprenticeship program or have a valid PGA or LPGA membership.~~ 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.

9-65 Work Assignment Outside of Job Classification

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

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

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

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

1. Employees are eligible for additional pay for such assignments when they have been assigned a majority (70% or more) of the duties and responsibilities of the vacant or temporarily unoccupied position in the higher-level classification.
2. Assignments of duties from any vacant or temporarily unoccupied position in a higher classification may be assigned to one employee at a time; multiple employees may not share a working out-of-classification assignment and qualify for additional pay.
3. The additional work and additional pay for work outside of an employee’s job classification shall start at the beginning of a work week, which is the next available Sunday. The additional pay shall continue for the duration of the assignment.
4. Pay ~~shall be set within the pay range of the assigned classification and cannot be below the range minimum or~~ above the range maximum.

- B. Working out-of-classification pay shall be set by the appointing authority 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 with consideration given to the number of pay grades between the two classifications differences, and the percentage of work being performed of the higher-level classification as follows:

<u>Guidance for Pay Based on Number of Pay Grades Between Working Out-of-Classifications Scenario</u>	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.

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

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

9-69 911 Communications Training Officer Stipend

- 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 ~~and Airport Communications Center Administrative Manager~~ 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.

13-34 Effective Date of Merit Increase

- 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 the Saturday before the first Sunday of the calendar year and be effective on the first Sunday of the calendar year for eligible employees who were employed in the Career Service on December 31st of the previous year.~~

REVISION INTENTION and IMPACT

9-61 Golf Lesson Stipend

This revision removes the Professional Golf Association (LPGA/PGA) membership requirement to teach golf lessons and receive the associated stipend. This revision is needed because, while the demand for golf instruction has risen, the number of PGA and LPGA members continues to diminish. Professional-level instruction is not needed for all golf lessons, especially youth and beginners.

9-65 Work Assignment Outside of Job Classification

These revisions clarify that:

- Employees working out of class, up to two pay grades over their position, will receive a pay increase of up to 8%. If an employee is working out of class more than two pay grades over their position, they will receive an increase of up to 12%.
- However, if such an increase would exceed the maximum of the pay range of the higher classification, then the employee’s working out of class pay increase will be up to but not exceed the pay range maximum.
- In the unique situation in which an employee’s working out of class pay was limited to less than an 8% to 12% increase to avoid exceeding the range maximum of the higher classification and the pay range for that classification is adjusted while the employee is still working out of class, the employee’s working out of class pay will be adjusted by the Office of Human Resources.

9-69 911 Communications Training Officer Stipend

This revision removes reference to a classification that has never existed.

13-34 Effective Date of Merit Increase

This revision establishes Monday, January 1, 2024, as the merit effective date for 2024, and is a different effective date than would otherwise be mandated by current rule. The current rule sets the merit effective date as the first Sunday in the new year, which under current rule would be January 7, 2024. However,

this date would unduly extend the 3-week freeze on promotions, transfers, and demotions, as well as delay the date employees receive their merit pay. To avoid such outcomes, the merit effective date is reviewed and updated annually.