

CAREER SERVICE BOARD,
CITY AND COUNTY OF DENVER

NOTICE OF ADOPTION OF EMERGENCY RULES

NOTICE IS HEREBY GIVEN by the Career Service Board, City and County of Denver, pursuant to Denver Revised Municipal Code § 2-98, that, on this date, an emergency meeting of the Career Service Board was held with a quorum present, and upon a proper vote, the Career Service Board adopted emergency rule revisions to Career Service Rules 9-73.C, as attached, which were deemed necessary to immediately protect the public health, safety or welfare. The emergency rules so adopted will remain in effect for no more than 180 days from this date.

Respectfully submitted, this 20th day of December 2022.

Kathryn Nesbitt

Kathy Nesbitt
Executive Director, Office of Human Resources
On Behalf of the Career Service Board

Denver Revised Municipal Code 2-98 Emergency rules – Any adopting authority may adopt rules without following the notice and hearing requirements of this article if such action is necessary to comply with state, local or federal law or if it is deemed necessary by the adopting authority to protect immediately the public health, safety or welfare. After adoption, the complete text of rules so adopted shall be filed with the city clerk and a notice of adoption shall be published. Rules adopted in such cases shall take effect on the date of adoption, or such later date as stated in the notice of adoption of the rules. However, such rules shall not continue in effect for more than one hundred eighty (180) days after the date of their adoption and may not be re-adopted in the same or substantially the same form without meeting the rule-making requirements described in other sections of this article.

EMERGENCY RULE REVISION 9-73 C.

TO: Appointing Authorities, Managers, and Employees
FROM: Kathy Nesbitt, Executive Director, OHR
DATE: December 19, 2022
SUBJECT: Emergency adoption of revisions to Career Service Rule 9-73 Interruption of Work and City-wide Emergency Pay

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p><u>Section 9-70 Hours of Work</u></p> <p>9-73 <u>Interruption of Work and City-wide Emergency Pay and Redeployment</u> (Effective September 17, 2020; Rule Revision 58D)</p> <p>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.</p> <p>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.</p>	<p><u>Section 9-70 Hours of Work</u></p> <p>9-73 <u>Interruption of Work and City-wide Emergency Pay and Redeployment</u> (Effective September 17, 2020; Rule Revision 58D)</p> <p>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.</p> <p>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.</p>		

<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p><u>C. The City may ask employees during City-wide emergencies to volunteer to work in other capacities during or outside of their regular work hours to support core functions of the City.</u></p> <p><u>In such instances, non-exempt employees shall be paid at their regular rate of pay for actual hours worked in the voluntary assignment and shall be eligible for overtime in accordance with Section 9-90 Overtime. Exempt</u></p>		<p>The intent of the emergency revision to Rule 9-73 is to set forth the presumptive rates of pay for employees who voluntarily work in other capacities during or outside of their regular work hours during City-wide emergencies declared by the Mayor. The intent</p>
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	<p><u>employees eligible for overtime shall be paid their regular salaries during any workweek in which they work in the voluntary assignment 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 work in the voluntary assignment.</u></p> <p><u>However, nothing in this rule prevents the City from authorizing additional pay and/or other financial incentives not otherwise available under Career Service Rule 9 for some or all employees who agree to perform such work, or from exercising discretion in how such pay is administered.</u></p>	<p>of the emergency rule revision is to also give the City the ability to encourage employees to voluntarily work in other capacities during or outside of work by providing additional pay or other monetary incentives not otherwise available under Career Service Rule 9 during City-wide emergencies declared by the Mayor.</p> <p>The current impact of the emergency rule revision will be to allow the City to offer additional pay and/or other financial incentives to employees who volunteer to work in the City's migrant shelters during the holidays, as the City will otherwise be unable to staff the shelters properly and may have to resort to redeploying employees instead.</p>
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DELETIONS ARE INDICATED BY strike through AND ADDITIONS ARE INDICATED BY bold, italics, and underline.

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 returned to the banks and work hours are counted.

- C. **The City may ask employees during City-wide emergencies to volunteer to work in other capacities during or outside of their regular work hours to support core functions of the City.**

In such instances, non-exempt employees shall be paid at their regular rate of pay for actual hours worked in the voluntary 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 work in the voluntary assignment 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 work in the voluntary assignment.

However, nothing in this rule prevents the City from authorizing additional pay and/or other financial incentives not otherwise available under Career Service Rule 9 for some or all employees who agree to perform such work, or from exercising discretion in how such pay is administered.

9-73 Interruption of Work and City-wide Emergency Pay and Redeployment
(Effective September 17, 2020; Rule Revision 58D; Emergency Rule
Revision December 20, 2022; Expires June 20, 2023)

- 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.

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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.

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- C. The City may ask employees during City-wide emergencies to volunteer to work in other capacities during or outside of their regular work hours to support core functions of the City.

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However, nothing in this rule prevents the City from authorizing additional pay and/or other financial incentives not otherwise available under Career Service Rule 9 for some or all employees who agree to perform such work, or from exercising discretion in how such pay is administered.