

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. 677

A Career Service Board Public Hearing has been scheduled regarding the proposed adoption of revisions to **Career Service Rule 9-90 - OVERTIME**.

A Career Service Board Meeting regarding Public Hearing Notice No. 677 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:

Cynthia Febres-Sutherlin
Administrator
Office of Human Resources
(720) 913-5650
cynthia.febres-sutherlin@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 Cynthia Febres-Sutherlin at (720) 913-5650 or at cynthia.febres-sutherlin@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 83D

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 9-90 - OVERTIME

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><u>Section 9-90 Overtime</u></p> <p>9-91 <u>Policy</u> (Revised April 9, 2018; Rule Revision Memo 38D)</p> <p>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.</p> <p>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:</p>	<p><u>Section 9-90 Overtime</u></p> <p>9-91 <u>Policy</u> (Revised April 9, 2018; Rule Revision Memo 38D)</p> <p>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.</p> <p>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:</p>	<p>Rule 9-91</p>	<p>The intent of the revision to Rule 9-91 is to allow the City or particular departments or agencies to implement temporary changes to the overtime policy during a citywide emergency that are more generous than the current rule allows in order to address issues such as staffing shortages, low employee morale or retention issues that can arise during a longstanding and/or traumatic crisis.</p> <p>The current impact of the rule revision will be to allow the City or particular departments or agencies to temporarily pay a higher rate of overtime to eligible employees than the current rule allows in an effort to address critical staffing shortages due to the various impacts of the COVID-19 pandemic, which shortages are potentially jeopardizing the City's ability to provide core services to the public.</p> <p>The increased rate of overtime pay will also serve to recognize and reward those employees who are sacrificing their personal time and/or potentially increasing their risk of contracting COVID-19 by working long overtime hours to fill staffing gaps.</p> <p>The revisions may also have a future impact of allowing the city or particular departments or agencies to temporarily mandate that all overtime be paid to employees in cash, or otherwise</p>

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<p>a. Multiply the hourly rate by the employee's actual hours of work in the work week to determine the weekly salary equivalent.</p> <p>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 divide by the number of hours the employee actually worked during that week.</p> <p>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. An employee who has accumulated eighty (80) hours of compensatory time and is required to work overtime shall only be paid for such overtime in cash.</p> <p>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.</p>	<p>a. Multiply the hourly rate by the employee's actual hours of work in the work week to determine the weekly salary equivalent.</p> <p>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 divide by the number of hours the employee actually worked during that week.</p> <p>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. An employee who has accumulated eighty (80) hours of compensatory time and is required to work overtime shall only be paid for such overtime in cash.</p> <p><u>3. Nothing in this subsection 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).</u></p>		<p>temporarily administer overtime more generously during a citywide emergency.</p>

CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
<p>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.</p> <p>C. Unpaid leave shall not count as time worked.</p> <p>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.</p>	<p><u><i>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.</i></u></p> <p>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.</p> <p>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.</p> <p>C. Unpaid leave shall not count as time worked.</p> <p>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</p>		

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	judge during a regularly scheduled shift, the employee must request leave from the appointing authority.		

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

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 divide 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. An employee who has accumulated eighty (80) hours of compensatory time and is required to work overtime shall only be paid for such overtime in cash.
 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.