

RULE 9
Pay Administration

Purpose statement:

The purpose of this rule is to explain the establishment and administration of pay practices (except merit increases and merit payments), and hours of work.

Section 9-5 Definitions

- A. Classification series: The arrangement in sequence of classes that are alike in kind but not in level. For the purposes of a market adjustment within the salary range, a classification series shall include first line supervisors and lead workers.
- B. Demotion: An appointment of an employee to a position in a lower classification as defined in Career Service Rule1 **DEFINITIONS**.
- C. Emergency: An emergency shall include the following events: fire, flood, catastrophe, severe weather conditions that impact public safety or essential services; other unforeseeable emergency where a station must be staffed and another employee is not available for work; or an occurrence affecting the general public which requires immediate action. A declared emergency shall mean an emergency declared by the Mayor or an appointing authority that complies with the definition of emergency stated above.
- D. Essential city services: The determination of what constitutes an essential City service shall be made at the discretion of appointing authorities.
- E. Market Conditions: Factors and trends in the market as determined by a compensation analysis that may affect compensation rates such as the supply and demand of workers.
- F. Pay Factors: When setting pay, appointing authorities, in alignment with OHR, shall base their decision on the following pay factors, which are not listed in any particular rank order: (Revised August 19, 2021; Rule Revision Memo 69D)
 - 1. Related experience.
 - 2. Previous work record.
 - 3. Education and/or certification.
 - 4. Internal equity.
 - 5. Level of responsibility of accepted; and
 - 6. Merit system.
- G. Promotion: An appointment of an employee to a position in a higher classification as defined in Career Service Rule 1 **DEFINITIONS**.
- H. Re-allocation: The formal process of assigning an existing position to its proper classification

on the basis of the duties performed and the responsibilities exercised.

- I. Reinstatement: An appointment of a laid off employee resulting from referral from a reinstatement list as defined in Career Service Rule 1 **DEFINITIONS**.
- J. Transfer: An appointment of an employee to a position in a lateral classification as defined in Career Service Rule 1 **DEFINITIONS**.

Section 9-6 Designees

Appointing authorities, including the Office of Human Resources (“OHR”) Executive Director, may delegate any authority given to them under this Rule 9 to a subordinate employee.

Section 9-10 Pay Practices

- A. Pay practices include, but are not limited to, items such as pay when first employed, changes in pay resulting from changes in position or classification, differentials, overtime pay, standby pay, merit increases and merit payments.
- B. The kind and level of pay practices for Career Service employees shall be determined by the Career Service Board (“Board”) following a survey of other employers or based on the City’s needs.
- C. Applicability to Deputy Sheriffs: None of the provisions of this Rule 9 shall apply to employees who hold positions in classifications in the Undersheriff pay tables. (Revised April 9, 2021; Rule Revision Memo 66D)

Section 9-20 Pay When First Employed

- A. An appointing authority, in alignment with OHR, should hire an employee at the range minimum if the employee minimally meets the position requirements.
- B. An appointing authority, in alignment with OHR, may set pay for a new employee higher than the range minimum and up to the range midpoint if the appointing authority determines that one or more of the pay factors defined in this Rule 9 **Pay Administration** justify such a starting salary.
- C. An appointing authority, in alignment with OHR, may set pay for a new employee higher than the range midpoint and up to the range maximum if the applicant substantially exceeds the minimum requirements for the position and the appointing authority determines that one or more pay factors defined in this Rule 9 **Pay Administration** justify such a starting salary.

Section 9-30 Changes in Classification and Pay

- A. A change in an employee’s classification may occur through promotion, transfer, demotion, or re-allocation.
- B. Retroactive pay changes shall not extend into the prior fiscal year, unless approved by the OHR Executive Director or designee. (Revised November 7, 2016; Rule Revision Memo 22D)

- C. An employee must pass probation before they may apply for a promotion or a transfer to a position in the same or another classification.

9-31 Promotion

Upon promotion an employee's pay shall be set by the appointing authority in accordance with the pay factors defined in this Rule 9. The pay shall not be lower than the range minimum, or greater than the range maximum of the pay range for the new classification. The increase in pay from the promotion shall be up to 15% or the range minimum, whichever is greater. When setting the increase in pay, internal equity shall be considered for other substantially similar workers.

9-32 Transfers

When an employee transfers positions from one classification to another classification with the same pay range minimum, the employee's pay shall be set by the appointing authority, in alignment with OHR, in accordance with the pay factors defined in this Rule 9.

If the employee's pay upon transfer will be more than the range maximum of the new pay range of the new classification the employee's pay shall be set at the range maximum of the pay range of the new classification.

An employee transferring to a position within the same classification for budgetary reasons shall not receive an increase in their pay. Otherwise, the increase in pay shall not be more than 5% if transferring to a different classification at the same pay grade.

An employee must remain in the position into which they were hired until they have passed probation.

9-33 Demotion

(Revised August 6, 2018; Rule Revision Memo 44D)

A. Voluntary demotion:

1. A voluntary demotion is a demotion initiated through the requestor application of an employee.
2. When an employee voluntarily demotes, pay shall be set by the appointing authority in accordance with the pay factors defined in this Rule 9, and shall not be lower or decreased by more than the range minimum, or greater than the range maximum of the pay range for the new classification.

Before the pay can be set at a rate lower than the employee's current pay rate, the employee must agree to the reduction. If the parties cannot agree on the amount of the reduction, the voluntary demotion will not occur.

B. Involuntary demotion:

1. An involuntary demotion is a demotion initiated:

- a. Through disciplinary action in accordance with Rule 16 **DISCIPLINE AND DISMISSAL**; or
 - b. In lieu of separation during employment probation in accordance with Rule 5 **APPOINTMENTS AND STATUS**.
2. When an employee is involuntarily demoted, pay shall be set by the appointing authority. At least an eight percent (8.0%) reduction shall be required, however pay shall not be lower than the range minimum or greater than the range maximum of the pay range for the new classification.

9-35 Re-allocation

A. When an individual position is re-allocated to another classification at the request of the appointing authority pursuant to Rule 7-34, the incumbent employee shall receive the same pay as before the re-allocation, subject to the following exception:

- 1. If the new classification has the same or a higher pay grade, the incumbent employee's pay shall be reviewed by OHR, in consultation with the appointing authority, as part of the reallocation process.

If, as a result of such a review, OHR and the appointing authority both agree that the employee's pay should be increased in accordance with Rule 9-39, the reallocation and accompanying increase in pay shall take effect on the same date. In no case shall employees be paid less than the range minimum of the pay range of the new classification.

B. When a classification is changed to a different pay grade, and/or pay range as the result of a classification study pursuant to Rule 7-35, the employees in that classification shall receive the same pay as before the re-allocation.

- 1. If the employee's current pay is less than the range minimum of the pay range of the new classification, the employee's pay shall be set at the range minimum of the pay range of the new classification.
- 2. If the employee's current pay is higher than the range maximum of the pay range of the new classification, the employee's pay shall remain the same until such time that either:
 - a. The employee changes positions; or
 - b. The pay range of the new classification is adjusted to the point that the range maximum exceeds the employee's current pay.

- 3. If the new classification has the same or a higher pay grade, the incumbent employee's pay may be reviewed by OHR, in accordance with Rule 9-39 and the process associated with 9-39, in consultation with the appointing authority, as part of the reallocation process.

9-36 Reinstatement Appointment

Upon reinstatement after layoff, an employee's pay shall be set at the rate of pay the employee received immediately prior to such layoff.

9-37 Counteroffer (Revised April 9, 2021, Rule Revision Memo 66D):

- A A counteroffer may be made for any of the reasons listed below:
1. To retain an employee whose skills, knowledge or abilities are deemed essential to the mission of the City or a department or agency.
 2. To avoid recruiting and training costs when those costs clearly exceed the costs of a counteroffer.
 3. When it has been determined that turnover rates in a classification exceed the calculated turnover rate for that job family, or classification and pay has been determined to be a significant cause; or,
 4. When the vacancy rate within a classification reaches a level where additional loss of personnel may interfere with the City's ability to provide adequate levels of services to the public.
- B An appointing authority may make a counteroffer to an employee when the following conditions have been met:
1. The base salary and employee benefits the employee will receive at the prospective employer are greater than the base salary and employee benefits the employee is currently receiving from the City.
 2. The counteroffer does not exceed the range maximum of the pay range the employee occupies at the time the offer is extended (Revised October 17, 2010; Rule Revision Memo 47C).
 3. The prospective employer is not a department or agency of the City; and
 4. The appointing authority has verified the authenticity of all job offers which constitute the basis for a counteroffer.
- C The appointing authority shall submit a copy of the written offer of employment from the prospective employer with the Personnel Action Form.

9-38 Interim pay practices

- A The OHR Executive Director may, on a temporary basis, create or temporarily adjust a pay practice for any type of employee (e.g. career service, on-call, etc.), to increase pay, if any of the following conditions exist:
1. **Recruitment and Retention Difficulties:** If the following factors apply to one or more classifications within an agency or division of an agency:

- a. Numerous vacancies exist in the classification(s) that will be affected by the proposed pay practice.
 - b. Recruitment has not been effective.
 - c. Retention rate is low; and
 - d. Market driven personnel shortages in the classification(s) are causing difficulty in fulfilling an essential mission of the City.
2. City-wide Emergency: The Mayor has declared a city-wide emergency and the employees' regular or temporarily assigned duties are critical to address the emergency; or
 3. Mayoral Request: The Mayor requests the OHR Executive Director to create or adjust the pay practice on the basis of exigent circumstances or compelling operational needs.
- B. At the next regular Board meeting the OHR Executive Director must inform the Board of the interim pay practice and the basis for the interim pay practice. If the Board does not agree with the interim pay practice then, upon a majority vote of a quorum of the Board members attending the meeting, the interim pay practice shall be suspended immediately or within a specified time period designated by the Board.
- C. An interim pay practice shall remain in effect for the time specified by the OHR Executive Director or the Board or for a period of six (6) months, whichever is shorter, and may be extended by the OHR Executive Director for such increments of time not to exceed two (2) years total. The OHR Executive Director shall follow the process set forth in subparagraph B, above, with respect to each approved extension.

9-39 Pay adjustment within the pay range

- A. An appointing authority may request a pay equity review for consideration to have an employee's pay adjusted within that employee's current pay range, as long as the purpose is to eliminate a pay disparity for which an employee's pay is being compared with the pay of another employee who is performing substantially similar work that is:
1. In the same classification; or
 2. In the same classification series; or
 3. In a classification within the same job family performing comparable types of duties; or (Revised April 9, 2021, Rule Revision 66D)
 4. Subordinate to the existing employee in that employee's chain of command.

If OHR does not find an existing pay disparity, then the adjustment shall not be implemented.

- B. The appointing authority's request shall explain:
1. The reason the pay inequity exists between or among the employee(s) performing substantially similar work including information about how pay factors (as listed in Rule 9-5 F and/or Appendix 7.A.) have contributed to the pay inequity; and
 2. How the employee's duties are substantially similar to the identified comparator; and
 3. If applicable, why employees in the same classification in the same work group are not being considered in the request. This explanation should include information about how the excluded employees are not affected by the pay factors as listed in Rule 9-5 F and/or Appendix 7.A.
- C. Substantially similar work most often exists within the employee's immediate work group but may be found within the employee's department or agency.
- D. A pay equity adjustment within the pay range requires the approval of the OHR Executive Director. The effective date of any such pay adjustment shall be the beginning of the work week following approval by the OHR Executive Director.
- In the case of extraordinary circumstances, and with the approval of the OHR Executive Director, the effective date of the pay adjustment may be for a retroactive date at the beginning of a work week. However, no retroactive pay adjustment shall extend into the prior fiscal year.
- E. Pay adjustment requests cannot be implemented after the last Sunday of November nor before the first Sunday of March. (Revised July 21, 2022; Rule Revision Memo 79D)

Section 9-40 Pay Adjustment for On-Call Employees
(Revised April 9, 2018; Rule Revision Memo 38D)

On-Call employees are not eligible for merit increases and merit payments. However, an appointing authority may grant on-call employees who have served a minimum of three hundred (300) hours in the year preceding the date of the proposed increase a pay increase not to exceed the average percentage merit increase established by the annual appropriation ordinance and **Rule 13 PAY FOR PERFORMANCE** for the year of the proposed increase. The pay increase permitted under this rule shall not exceed the range maximum of the applicable range and shall not be granted more than once in a year period from the pay increase effective date.

Section 9-50 Pay Differentials and Pay Practices
(Re-numbered December 21, 2012; Rule Revision Memo 66C)

951 Shift Differential
(Revised March 11, 2019; Rule Revision Memo 51C, Revised April 9, 2021, Rule Revision 6D)

A. Employee eligibility:

1. Employees in classifications in non-exempt pay tables are eligible for shift differential, unless the employee is eligible for the health care differential as provided in this Rule 9 **PAY ADMINISTRATION**.
 2. Employees in classifications in exempt pay tables are not eligible for shift differential, unless the employee is in a classification:
 - a. In which the OHR Executive Director has approved overtime based on community practice (unless also eligible for the health care differential as provided in this Rule 9 **PAY ADMINISTRATION**); or
 - b. That is a first-line supervisory classification and the employee's primary duties include directly supervising employees who have no subordinate supervisors and who are receiving shift differential for the time the employee (first-line supervisor) is supervising them.
 3. Employees in classifications in community rate pay tables are not eligible for shift differential. (Revised May 31, 2017; Rule Revision Memo 27D)
 4. The OHR Executive Director, upon the request of an appointing authority, may allow a department or agency to exclude otherwise eligible employees from receiving shift differential based on community practice. Requests based on other reasons require submission by the OHR Executive Director and approval by the Board.
- B. The following rates shall be paid for shift differential:
1. Night rate: Twelve percent (12%) of the current hourly rate of pay.
 2. Evening rate: Seven percent (7%) of the current hourly rate of pay.
- C. Shift differential shall be paid for all hours worked by an eligible employee in a workday under the following conditions:
1. If at least half of the hours worked occur between 11 p.m. and 7 a.m. the employee shall receive the night rate.
 2. If at least half of the hours worked occur between 3 p.m. and 11 p.m. the employee shall receive the evening rate, unless the other half of the hours worked occur between 11 p.m. and 7 a.m., in which case the employee will receive the night rate.
 3. If neither subparagraph 1 or 2 are applicable, but at least half of the hours worked occur between 3 p.m. and 7 a.m., the employee shall receive the applicable rate for the period in which a majority of the hours occur. If these hours are evenly divided between 3 p.m. and 11 p.m. and 11 p.m. and 7 a.m., the employee shall receive the night rate.
 4. If the employee's regularly scheduled shift is eligible for shift differential and that employee's shift is extended due to no fault of their own, such as through mandated overtime or late relief, and such extension would

cause the employee to lose shift differential eligibility, the shift differential shall still be applied to the regularly scheduled shift worked.

D. Shift differential shall not be paid during any period of paid or unpaid leave.

952 Equipment Differential

A Eligibility:

1. Equipment differential shall be paid to employees who are temporarily assigned to operate equipment, which is at a higher-level classification than the employee's current classification, and who are not receiving additional pay for a work assignment outside of job classification.
2. Employees in on-call positions including classifications in community rate pay tables shall be entitled to equipment differential. (Revised May 31, 2017; Rule Revision Memo 27D, Revised April 9, 2021; Rule Revision 66D)

B Equipment differential shall be paid under the following conditions:

1. The equipment being operated is on the Board's approved equipment list for payment of equipment differential.
2. Assignment in the higher-level classification must last for less than thirty (30) days. If all authorized limited positions for a term of nine (9) months or less are filled, the thirty (30) day limit is waived.

C. The pay shall be ten percent (10%) of the current hourly rate of pay for each hour worked in the next higher-level classification. The pay shall be fifteen percent (15%) of the current hourly rate of pay for each hour worked in the second higher level classification and above.

D. The total base pay for any pay period, excluding overtime and shift differential, shall not exceed the range maximum of the higher-level classification (Revised October 17, 2010; Rule Revision Memo 47C).

953 Health Care Differential

A Career Service employees who are employed by the Denver Health and Hospital Authority ("DHHA") in classifications in the Healthcare job family are eligible for health care differentials paid to comparable classifications at DHHA. (Revised July 31, 2015; Rule Revision Memo 12D, Revised April 9, 2021; Rule Revision Memo 66D)

B The differentials, eligibility criteria, and rates shall be established by DHHA.

954 **RESERVED FOR FUTURE USE**

(Revised August 6, 2018; Rule Revision Memo 44D)

955 Standby Pay
(Revised July 25, 2006; Rule Revision Memo 11C)

- A. Appointing authorities may schedule employees to be on standby duty only when there is a reasonable anticipation that the employee will have to respond and perform work immediately. Eligible employees shall receive an amount equal to one and one half (1 1/2) hours of work at the employee's straight time hourly rate for each eight hours the employee is on standby duty.
- B. To be eligible for standby pay, the employee must be:
 - 1. Eligible for overtime under the Fair Labor Standards Act ("FLSA") or under paragraphs A, B or D of subsection 9-93 Overtime Exceptions.
 - 2. Scheduled to be available by pager, cellular phone, or telephone.
 - 3. Required to respond to a call and perform work within a designated amount of time not to exceed two hours.
 - 4. In a non-impaired condition that allows the employee to safely perform job duty assignments; and,
 - 5. Subject to disciplinary action if he or she does not respond to the call within the designated amount of time.
- C. When an eligible employee on standby is required to perform work, standby pay will be suspended and the employee will be paid basic pay or overtime pay, as appropriate, for the period the employee performs work.
- D. An employee who merely carries a cellular telephone or pager as a routine part of his or her job duties is not eligible for standby pay unless all the conditions set forth in paragraph B of this subsection are met.

956 Call Back Pay

- A. Overtime eligible employees required by the appointing authority to report back to the work site shall be paid a minimum amount equal to two (2) hours of work at the employee's scheduled rate of pay from the time the employee begins work.
- B. Employees who work more than two hours shall be paid for the actual time worked.

957 Swim Instruction Differential
(Effective February 22, 2013; Rule Revision Memo 3D)

- A. The Manager of Parks and Recreation will allow eligible employees to receive a Swim Instruction Differential for group or private swim lessons conducted at City-owned recreation facilities. The Department of Parks and Recreation retains the right to revoke eligibility for the differential for any business-related reason, at any time.

B In order to be eligible to receive the Swim Instruction Differential, an employee must:

1. Be classified as a Lifeguard.
2. Have current certifications for Water Safety Instructor (WSI), First Aid (adult/infant/child) and Cardiopulmonary Resuscitation for the Professional Rescuer (CPR/PR); and
3. Be assigned to conduct the swim lesson(s) by management.

C. Amount of Differential:

1. Employees will receive their current hourly rate of pay for time spent conducting swim lessons.
2. In addition, employees will receive the following swim lesson differential.
 - a. Fifty percent (50%) of the employee's current hourly rate of pay for time spent teaching a group swim lesson.
 - b. Seventy-five percent (75%) of the employee's current hourly rate of pay for time spent teaching a private swim lesson.

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. ChildWelfare

- 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).

9-65 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.

9-66 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.

9-67 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.

9-69 911 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. 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 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

- A 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.
- B The payment of any retention bonus must be justified in writing and submitted by the appointing authority to the OHR Executive Director for approval.
- C 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 6 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.
- D. 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.
- E. 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.
- F. 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. 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.