

**RULE 10
PAID LEAVE**

(Effective January 1, 2010; Rules Revision Memo 42C)

Purpose statement:

The purpose of this rule is to provide guidelines and policies for administering the City's paid leave programs.

Section 10-10 Definitions

A. Leave: Any absence during regularly scheduled work hours. The following types of paid leave are officially established and shall be in effect unless otherwise provided by ordinance:

1. Paid time off ("PTO") including bereavement;
2. Sick and vacation including bereavement;
3. Holiday;
4. Military;
5. Election;
6. Court;
7. Investigatory;
8. Training;
9. Compensatory;
10. Administrative;
11. Occasional time off.

(Revised effective September 21, 2010; Rule Revision Memo 49C)

B. Immediate family: Husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, domestic partner, and the mother, father, son, daughter, brother, or sister of the domestic partner, as well as minor children for whom the employee or the employee's domestic partner provide day-to-day care and financial support.

Section 10-15 Designees

Appointing authorities, including the Career Service Personnel Director ("Personnel Director"), may delegate any authority given to them under this rule to a subordinate employee.

Section 10-20 Paid Time Off

SUMMARY OF THE PAID TIME OFF ORDINANCE
1. Eligibility
Covered employees: A. Career Service employees hired or re-hired after December 31, 2009. B. Career Service employees who elected to convert from receiving sick and vacation leave to receiving PTO.
Excluded employees: A. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week; B. Persons occupying or employed in on-call, temporary, or seasonal positions, or positions in which the incumbent is paid according to the community rate schedule; and C. Employees who hold positions in classifications in the Undersheriff pay schedules.
Source: D.R.M.C. §18-123
THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.

SUMMARY OF THE PAID TIME OFF ORDINANCE - continued

2. Conversion to PTO

A. Employees who were receiving paid sick and vacation leave on December 31, 2009 and who otherwise continue to remain eligible may elect to receive PTO benefits instead of paid sick and vacation leave. In order to receive PTO benefits, such employees must provide written notice of this election to the Department of Finance on or before February 1, 2010.

B. Employees who elect to participate in the PTO plan must convert their existing sick and vacation leave banks into a special leave bank. The employee shall convert one hundred (100) percent of his or her existing vacation leave plus a maximum of fifty (50) percent of his or her existing sick leave into PTO, which shall be deposited in a special leave bank. The amount of PTO in the special leave bank cannot exceed four hundred (400) hours. Any excess sick leave shall be forfeited. The amount of existing sick and vacation leave to be converted shall be the amount of leave earned as of January 31, 2010.

C. The PTO balance in an employee's special leave bank shall not be replenished. PTO subsequently earned by an employee shall be deposited in his or her PTO bank. PTO used by an employee shall be debited from the employee's PTO bank first unless that bank has been exhausted or if the employee requests that the special leave bank be used first.

Source: D.R.M.C. §18-124

3. Earning PTO

	Years of consecutive service				
	0 < 0.5	0.5 < 5	5 < 10	10 < 15	≥ 15
Paid time off earned per month	10	12	15	18	19

A proportionate amount shall be allowed eligible employees working part-time.

Source: D.R.M.C. §18-125

4. Limits on PTO accumulation

PTO may not be accumulated in excess of four hundred (400) hours.

Source: D.R.M.C. §18-127 (a)

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AND IS NOT CONSIDERED A PART OF THE RULES.**

10-21 Partial Leave Accruals

Full-time employees, eligible to earn PTO:

- A. Who begin employment with the City after the first day of a month; or
- B. Who separate from employment with the City before the last day of a month

Shall earn PTO in that particular month according to the following pro-ration schedule:

Hrs. worked (including pd. lv) in the month	Years of service				
	≤ 0.5	0.5 < 5	5 < 10	10 < 15	≥15
0-39	0	0	0	0	0
40-79	2.5	3	3.75	4.5	4.75
80-119	5	6	7.5	9	9.5
120-139	7.5	9	11.25	13.5	14.25
>140	10	12	15	18	19

PTO hours earned

10-22 Situations Where Approval of PTO Use is not Required

An employee may use PTO without requesting the approval of the employee's appointing authority when the employee is incapacitated by sickness or injury; for necessary care and attendance during sickness of a member of the employee's immediate family, and for qualifying conditions under the Family and Medical Leave Act ("FMLA"). Such use shall be subject to reporting and investigation requirements set forth in this Rule 10.

10-23 All Other PTO Uses

- A. All other uses of PTO require the approval of the employee's appointing authority.
- B. Appointing authorities shall approve such requests to use PTO on the basis of the work requirements of the agency after conferring with employees and recognizing their wishes where possible. Preference in the scheduling of pre-approved PTO shall be given to employees in order of their total length of continuous employment in the Career Service; provided, however, that an employee who has been re-instated or re-employed following a lay-off shall be given credit for the period of continuous employment in the Career Service prior to the lay-off.

C. Exceeding the PTO Accumulation Limit:

An appointing authority may not defer an employee's use of PTO to the extent that the employee will lose earned PTO. If the appointing authority is unable to allow an employee who has accumulated the maximum hours of PTO to use any of those hours because of workload, the appointing authority shall submit and the Personnel Director shall approve an emergency request to exceed the maximum amount. The employee must use the excess over four hundred (400) hours in the employee's PTO bank within one year of the approval date.

SUMMARY OF THE PAID TIME OFF ORDINANCE -continued
5. Bereavement leave
Employees who receive PTO benefits shall be entitled to use up to forty (40) hours of paid bereavement leave because of the death of a member of the employee's immediate family. This forty (40) hours of bereavement leave shall not count against the employee's PTO bank.
Source: D.R.M.C. §18-128
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10-24 Bereavement Leave

An appointing authority may, in addition to the forty (40) hours of bereavement leave permitted by ordinance, grant additional PTO, or may allow an employee receiving PTO to use other paid or unpaid leave because of unusual circumstances connected with the death of a member of the employee's immediate family.

SUMMARY OF THE PAID TIME OFF ORDINANCE -continued
6. Effect of separation on PTO balance
Upon separation from the City, an employee shall be paid at his or her regular rate of pay for the unused portion of his or her accumulated PTO.
Source: D.R.M.C. §18-127 (b)
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Section 10-30 Sick and Vacation Leave

SUMMARY OF SICK AND VACATION LEAVE ORDINANCES				
1. Eligibility				
<p>Career Service employees who were receiving paid sick and vacation leave on December 31, 2009; who remain continuously employed by the City; and who have not voluntarily elected to receive PTO benefits, shall be entitled to continue to receive paid sick and vacation leave so long as the employee does not become:</p> <p>A. A part-time employee who is regularly scheduled to work less than twenty (20) hours per week;</p> <p>B. A person occupying or employed in on-call, temporary, or seasonal position, or position in which the incumbent is paid according to the community rate schedule; and</p> <p>C. An employee who holds a position in a classification in the Undersheriff pay schedules.</p> <p>Source: D.R.M.C. §18-131</p>				
2. Earning vacation and sick leave				
Years of consecutive service				
	0 < 5	5 < 10	10 < 15	≥15
Vacation hrs. earned per month	8	10	12	14
Sick hours earned per month	8	8	8	8
<p>A proportionate amount shall be allowed eligible employees working part-time.</p> <p>Source: D.R.M.C. §18-132</p> <p style="text-align: center;">THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.</p>				

10-31 Partial Leave Accruals

Full-time employees, eligible to earn vacation and sick leave:

- A. Who begin employment with the City after the first day of a month; or
- B. Who separate from employment with the City before the last day of a month.

Shall earn vacation and sick leave in that particular month according to the following pro-ration schedule:

<u>Hrs. worked (including pd. lv) in the month earned</u>	<u>Vacation hours earned</u>				<u>Sick hrs.</u>
	<u>Years of service</u>				
	0 < 5	5 < 10	10 < 15	>15	N/A
0-39	0	0	0	0	0
40-79	2	2.5	3	3.5	2
80-119	4	5	6	7	4
120-139	6	7.5	9	10.5	6
≥140	8	10	12	14	8

SUMMARY OF SICK AND VACATION LEAVE ORDINANCES -continued
3. Limits on sick leave accumulation
Sick leave may be accumulated to a limit of nine hundred sixty (960) working hours. When the accumulation exceeds eight hundred eighty (880) working hours, an employee may request that accumulated sick leave in excess of the eight hundred eighty (880) working hours be converted to vacation leave. Such conversions are in addition to the monthly amount of vacation leave allowed by ordinance. Employees may not convert sick leave to vacation leave if such a conversion would result in the employee's accumulated vacation leave exceeding the limits allowed by the Career Service Rules.
Source: D.R.M.C. §18-132 (a)(2)
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10-32 Limits on Vacation Leave Accumulation

Employees with up to ten (10) years of service may accumulate up to two hundred eighty-eight (288) hours of vacation leave. Employees with ten (10) or more years of service may accumulate up to three hundred thirty-six (336) hours of vacation leave.

10-33 Using Sick Leave

Sick leave may be used when an employee is incapacitated by sickness or injury; for medical examinations, or treatment; for necessary care and attendance during sickness, or for death, of a member of the employee's immediate family, for qualifying conditions under the FMLA and as otherwise provided in these rules.

SUMMARY OF SICK AND VACATION LEAVE ORDINANCES -continued
4. Granting vacation leave
Vacation leave shall be taken at a time convenient to the appointing authority, provided that, every eligible employee shall be granted vacation leave during each twelve (12) month period of employment except where a deferment, not to exceed an additional twelve (12) months, is required for the good of the service. Source: D.R.M.C. §18-132 (b)(2) THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.

10-34 Granting Vacation Leave

A. Appointing authorities shall grant leave on the basis of the work requirements of the agency after conferring with employees and recognizing their wishes where possible. Preference in the scheduling of vacation time shall be given to employees in order of their total length of continuous employment in the Career Service; provided, however, that an employee who has been reinstated or reemployed following a layoff shall be given credit for the period of continuous employment in the Career Service prior to the layoff.

B. Exceeding the Vacation Leave Accumulation Limit:

An appointing authority may not defer an employee's use of vacation leave to the extent that the employee will lose earned vacation leave. If the appointing authority is unable to allow an employee who has accumulated the maximum hours of vacation leave to use any of it because of workload, the Personnel Director shall approve an emergency request by the appointing authority to exceed the maximum amount. The employee must use the excess over two hundred-eighty-eight (288) hours or three hundred thirty-six (336) hours, whichever applies, within one year of the approval date.

10-35 Bereavement Leave

Employees receiving sick leave shall be entitled to use up to forty-eight (48) hours of sick leave because of the death of a member of an employee's immediate family. An appointing authority may grant additional sick leave, or may allow an employee to use other paid or unpaid leave because of unusual circumstances.

SUMMARY OF SICK AND VACATION LEAVE ORDINANCES -continued		
5. Effect of separation on sick and vacation leave balances		
A. Sick leave		
The following table applies to the pay-out of sick leave upon separation for any reason other than death or retirement:		
Full years Of service		Payout formula
<5	No pay out	
5	Sick leave balance minus	(5 X 40 hrs.) or 200 hrs.
6	Sick leave balance minus	(6 X 40 hrs.) or 240 hrs.
7	Sick leave balance minus	(7 X 40 hrs.) or 280 hrs.
8	Sick leave balance minus	(8 X 40hrs.) or 320 hrs.
9	Sick leave balance minus	(9 X 40hrs.) or 360 hrs.
≥10	Sick leave balance minus	(10 X 40hrs.) or 400 hrs.
Upon separation due to retirement or death, an employee shall be paid at his or her regular rate of pay for one-half (1/2) of all accumulated sick leave credits existing on the effective date of separation or death, or in accordance with the method described above, whichever is higher, but not to exceed five hundred sixty (560) working hours.		
Source: D.R.M.C. §18-134 (a)		
B. Vacation leave		
Employees with more than six (6) months of service shall be paid at his or her regular rate of pay for the unused portion of his or her accumulated vacation leave upon separation from employment.		
Source: D.R.M.C. §18-134 (b)		
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Section 10-40 Administration of Paid Time Off and Sick and Vacation Ordinances

SUMMARY OF THE PAID TIME OFF AND SICK AND VACATION ORDINANCES
1. Effect of appointment to another City position:
When an employee is appointed to a Career Service position from any other City department or agency which is governed by the PTO ordinance or the sick and vacation ordinance, the employee's paid leave credits shall be transferred into the new place of City employment, provided that the entrance on duty in the new position immediately follows the separation from the former position.
Source: D.R.M.C. §18-126 & §18-133
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10-41 Length of Service

In computing length of service for the purpose of determining an employee's PTO or vacation leave accrual rate, service in a position in any City department or agency other than the Classified Service of Police and Fire, the Denver Water Board, on-call positions, and contact positions, shall be counted as service, provided such service was performed continuously, immediately prior to the employee's employment or re-employment appointment to the Career Service.

10-42 Effect of Appointment to Another Career Service Position

When an employee is appointed to one Career Service position from another, the employee's accumulated PTO or sick and vacation leave shall be transferred to the new position.

10-43 Using Paid Leave

(Revised effective January 1, 2011; Rule Revision Memo 51C)

- A. The amount of PTO or sick and vacation leave used shall be the amount of time an employee is scheduled to work when the leave is used.
- B. PTO or sick and vacation leave shall not be used before it is posted to the employee's account.

10-44 Reporting and Investigation of Sick Leave

- A. If an employee is absent for reasons that entitles the employee to use PTO without appointing authority approval, or sick leave, the employee or a member of the employee's household shall notify the employee's supervisor as soon as possible but at least within two (2) hours after the employee's usual reporting time. Appointing authorities may establish reporting procedures which differ from the standard for an entire agency, for specific units, or for individual employees in order to meet special program needs or work loads.
- B. If an employee fails to notify the employee's supervisor or agency head, no PTO or sick leave shall be authorized, except in unusual circumstances, to be determined by the appointing authority.
- C. Appointing authorities may investigate the alleged illness of an employee using PTO without appointing authority approval, or sick leave. False or fraudulent use of PTO or sick leave shall be cause for disciplinary action and may result in dismissal.
- D. An employee who is using PTO or sick leave for more than three (3) days because of his or her own illness or that of a member of his or her immediate family may be required to furnish a statement signed by attending physician, or other proof of illness satisfactory to the appointing authority. An appointing authority may require this statement or proof for an absence chargeable to PTO without appointing authority approval, or sick leave, of any duration. If an appointing authority has reason to believe that the absence may be a qualifying event under the FMLA, the FMLA medical certification requirements shall apply.

10-45 Donated Leave

- A. Donating Leave:
 - 1. A Career Service employee may donate sick leave to another Career Service employee provided that the employee donating sick leave:
 - a. Has been earning sick leave from the City continuously for the last five years; and
 - b. Retains a sick leave balance of at least two hundred forty (240) hours after the donation.
 - 2. A Career Service employee may donate PTO to another Career Service employee provided that the employee donating PTO retains a PTO balance of at least eighty (80) hours after the donation.

3. A Career Service employee may donate PTO or sick leave to a non-Career Service City employee provided that the recipient employee's department or agency and any applicable collective bargaining agreement allow employees to receive donations of leave from Career Service employees and provided that the applicable donor requirements have been met.
4. A Career Service employee may donate PTO or sick leave to, or receive donated sick leave from, an employee covered by the Undersheriff pay schedule to the extent permitted by the applicable collective bargaining agreement and provided that the donor and recipient requirements applicable to the non-Undersheriff employee have been met.

B. Recipient requirements:

1. Before an employee can receive donated leave, the employee (or the employee's representative) must provide notice to the Department of Finance that the employee anticipates a need for donated leave. Such notice shall estimate how much donated leave the employee expects to use in the current calendar year. Should the employee need more donated leave beyond the original estimate, the employee shall provide notice of this to the Department of Finance before the employee can receive additional donations.
2. In order to use donated leave, an employee must:
 - a. Have exhausted his or her accumulated compensatory time, sick leave and vacation leave or PTO, be absent from work and;
 - i. Be receiving disability leave, or temporary disability benefits under the provisions of the Workers' Compensation Act. In either of these situations, the employee may only use donated leave to make up the difference between the employee's base salary, and the total of other paid leave received and the temporary disability benefits the employee is receiving;
 - ii. Be receiving FMLA leave;
 - iii. Be receiving interactive process leave; or
 - iv. Have received written notice of a pre-disqualification meeting. The employee may use donated leave until disqualification occurs or until the end of the period in which a decision on disqualification must be issued, whichever occurs first.

or

- b. Have elected to substitute donated leave for unpaid parental involvement leave.
 - 3. Donated leave can be used to cover absences that occur up to fifteen (15) calendar days before the leave was posted to a recipient's account so long as the other conditions of this section have been met.
 - 4. A Career Service employee may receive donated leave from a non-Career Service City employee provided that the donor employee's department or agency allows employees to donate leave to Career Service employees and that the recipient requirements listed above have been met.
 - 5. Employees who are eligible to receive donated leave may receive either donated PTO or donated sick leave regardless of whether the employee is enrolled in the PTO or sick and vacation leave plan.
- C. Employees cannot use more than six hundred (600) hours of donated leave in a calendar year. Employees cannot receive donated leave to the extent that the donated leave will increase the employee's PTO or sick leave bank over the applicable maximum accumulation limit.
- D. 1. The amount of donated leave to be credited to the recipient's account shall be computed as follows:
- a. Multiply the number of hours of leave being donated by the hourly rate of pay of the donor employee;
 - b. Divide the result by the hourly rate of pay of the recipient; and
 - c. Round the result down to the closest full hour.
2. The computations made in paragraph D.1. shall be reported to the Department of Finance in accordance with procedures to be established by that office.
- E. Recipients of donated leave are not entitled to receive pay upon separation for unused donated leave. Unused donated leave may not be donated to another employee or returned to the donor.

10-46 Effect of Separation on Leave Accrual
(Revised effective May 7, 2012; Rules Revision Memo 62C)

Employees shall not earn PTO or sick and vacation leave after the employee's last day as a City employee. Rule 14 **SEPARATION OTHER THAN DISMISSAL** and Rule 16 **DISCIPLINE AND DISMISSAL** describe this date for dismissals and other types of separations.

SUMMARY OF THE PAID TIME OFF AND SICK AND VACATION ORDINANCES - continued
2. Re-instated employees
<p>Employees who were laid off while receiving paid sick and vacation leave benefits, and are re-instated under the Career Service Rules after December 31, 2009, will be enrolled in the PTO plan unless they elect in writing to continue to receive sick and vacation leave. Such election must be made within thirty (30) days of the effective date of the re-instatement.</p> <p>Source: D.R.M.C. §18-123 (c)</p> <p style="text-align: center;">THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.</p>

10-47 Effect of Re-instatement and Re-employment on PTO and Sick Leave Balance

An employee who is re-instated after a lay-off shall have sick leave that he or she was not paid for at the time of separation restored as follows:

- A. Employees who are enrolled in the PTO plan upon re-instatement may be able to convert sick leave that was lost at the time of lay-off to the special PTO bank. The amount that may be converted is based on the employee's accumulated sick leave at the time of separation. Up to one-half of this amount may be converted to the special PTO bank;
 - 1. So long as the amount converted does not exceed four hundred (400) hours, and
 - 2. After the sick leave the employee was paid for at the time of separation is deducted from this amount.
- B. Employees who elect to receive sick and vacation leave after re-instatement shall have all sick leave that he or she was not paid for at the time of separation restored to the employee's sick leave bank.
- C. An employee who is re-employed while his or her name is on a re-instatement list shall also be entitled to restoration of eligible sick leave under the terms of this subsection.

Section 10-50 Paid Holiday Leave

(Revised effective September 21, 2010; Rule Revision Memo 49C)

SUMMARY OF THE HOLIDAY ORDINANCE
1. Eligibility:
Excluded employees: A. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week; B. Persons occupying or employed in on-call, temporary, or seasonal positions, or positions in which the incumbent is paid according to the community rate schedule; and C. Employees who hold positions in classifications in the Undersheriff pay schedules. Source: D.R.M.C. §18-141
2. Paid holidays
A. New Year's Day (January 1); B. Martin Luther King Day (third Monday in January); C. Washington's Birthday (third Monday in February); D. Cesar Chavez Day (last Monday in March); E. Memorial Day (last Monday in May); F. Independence Day (July 4); G. Labor Day (first Monday in September); H. Veterans' Day (November 11); I. Thanksgiving Day (fourth Thursday in November); J. Christmas Day (December 25); K. Personal holiday (one (1) personal holiday on a date agreed upon by the employee and the City to be used within the calendar year). Source: D.R.M.C. §18-142
THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.

SUMMARY OF THE HOLIDAY ORDINANCE - continued
3. Observation of holiday
<p>A. If any of the holidays listed above falls on a Sunday, then the following Monday shall be considered as the holiday. If any of the holidays listed above falls on a Saturday, then the preceding Friday shall be considered as the holiday.</p> <p>B. An employee may be required to work on a holiday in order to maintain essential services to the public.</p> <p>Source: D.R.M.C. §18-143</p> <p style="text-align: center;">THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.</p>

10-51 Amount of Paid Holiday Leave Received

- A. An eligible full-time employee shall receive eight (8) hours of paid holiday leave in a week in which a holiday occurs.
- B. An eligible part-time employee regularly scheduled to work at least twenty (20) hours per week shall receive paid holiday leave as follows:
 - 1. An employee who is regularly scheduled to work from twenty (20) to twenty-nine (29) hours per week shall receive four (4) hours of paid holiday leave.
 - 2. An employee who is regularly scheduled to work from thirty (30) to thirty-nine (39) hours per week shall receive six (6) hours of paid holiday leave.

10-52 Observing Holidays

- A. When a holiday falls on an employee's regular day off, it shall be observed as follows:
 - 1. If the holiday falls on the first day off, it shall be observed on the preceding workday.
 - 2. If the holiday falls on the second or third regular day off, it shall be observed on the next workday.
- B. Appointing authorities who require an employee to work on an observed holiday may schedule the employee's paid holiday leave to be taken on another day during that holiday week as long as the employee is provided with adequate notice of this change in advance of the holiday week.

10-53 Eligibility for Paid Holiday Leave

- A. Unless otherwise provided in Rule 11 **UNPAID AND EXTENDED LEAVE**, an eligible employee must be at work or on an authorized, paid leave on the scheduled workdays immediately preceding and immediately following the day on which the holiday is observed in order to receive paid holiday leave.
- B. Religious or other holidays not observed by the City may be granted in accordance with the rules governing paid and unpaid leave.

10-54 Holiday Pay for Employees on Special Work Schedules

If the holiday falls on an employee's regularly scheduled work day and the work day is scheduled to be more than eight hours long, one of the following choices shall be selected by the employee, subject to approval by the appointing authority, to make up for the difference between the length of the work day missed and the eight hours of paid holiday leave allowed:

- A. Hours may be deducted from the employee's administrative leave granted for exemplary performance, earned compensatory time, earned paid time off, or earned vacation leave;
- B. The employee may work additional hours within the work week; or
- C. The employee may take the hours as unpaid leave.

10-55 Compensation for Hours Worked in a Holiday Week

- A. In a week in which a holiday occurs, full-time employees receive eight hours of holiday leave and are expected to work (or use leave) for the remaining thirty-two (32) hours. Part-time employees are expected to work (or use leave) during the time left after the employee's paid holiday leave is deducted from the hours they are normally expected to work in a week.
- B. In addition, employees in classifications in exempt pay schedules shall receive straight time holiday compensatory time for the hours the employee actually works:
 - 1. a. On the day the employee is scheduled to observe the holiday that week, or
 - b. On any of his or her scheduled days off in a week when a holiday occurs; and

The employee is not entitled, under Rule 9 **PAY ADMINISTRATION**, to receive overtime for working on the holiday or regularly scheduled day off in that holiday week.

2. In no event shall an employee receive more hours of holiday compensatory time than the employee would have been entitled to receive as paid holiday leave in a holiday week.
3. Employees shall only receive holiday compensatory time to the extent that the combination of hours worked and paid leave used (including paid holiday leave) during a holiday week exceeds forty (40) hours.
4. At the discretion of the appointing authority, straight time pay may be substituted for the holiday compensatory time. Holiday compensatory time may be taken at any time mutually convenient to the employee and the appointing authority. However, all accrued holiday compensatory time shall be used by March 31st of each calendar year or paid out in cash by the final pay period of April of that year.

Section 10-60 Other Paid Leave

(Re-numbered September 21, 2010; Rules Revision Memo 49C)

10-61 Paid Military Leave

- A. All probationary and career status employees in the Career Service shall be eligible for up to fifteen (15) days, but not to exceed one hundred twenty (120) hours of paid military leave each calendar year for the time the employee is engaged in military training or service.
- B. Notification Requirement: Employees engaged in military service or training requiring military leave shall provide notice in advance to their appointing authority, when possible. If the employee is unable to provide advance notice because of military necessity, the employee may give notice after starting duty.
- C. Employees who continue in military service beyond the time for which paid military leave is allowed shall be placed on unpaid military leave, which is covered by Rule 11 **UNPAID AND EXTENDED LEAVE**.

10-62 Election Leave

Employees who are eligible to vote in an election are entitled to use up to two (2) hours of paid election leave for the purpose of voting during the time the polls are open, if an employee's work hours on the day of an election are such that there are less than three (3) hours between the time of opening and the time of closing of the polls during which the employee is not required to be on the job. Employees must request and receive approval for the leave prior to the election day. The appointing authority may specify the hours during which the employee may be absent, except that the employee shall be allowed to take the election leave at the beginning or end of the work shift if requested. (Source: C.R.S. §1-7-102).

10-63 Court Leave

- A. An employee shall be granted paid court leave during time the employee is regularly scheduled to work, if the employee is:
 - 1. Required to serve as a juror in a court of law;
 - 2. Subpoenaed to testify in court of law or administrative proceeding concerning matters arising out of the course of his or her employment; or
 - 3. Requested to serve as a witness in a court of law or administrative proceeding by his or her appointing authority or other authorized person to represent the City's interest in the legal proceedings.
- B. Court leave is intended only to apply to those time periods when the employee is needed for court service and for reasonable travel time between court and work.
- C. In order to receive court leave, an employee who is called for jury duty or to serve as a witness shall present the original summons or subpoena from the court to his or her supervisor and, at the conclusion of such duty, a signed statement from the Clerk of the Court or other evidence showing the actual time of attendance at court.
- D. Fees received for jury service in a Federal, State, or Municipal court shall be in addition to, and irrespective of, an employee's regular salary.

10-64 Investigatory Leave

An appointing authority may place an employee on paid investigatory leave pending an investigation of a possible rule violation or failure to meet standards of performance as provided in Rule 16 **DISCIPLINE AND DISMISSAL**. Investigatory leave may be for no more than forty-five (45) calendar days, unless an extension of time has been approved by the Personnel Director.

10-65 Training Leave

- A. Appointing authorities may grant paid training leave. Any training program for which such leave is granted must be job-related, which includes career development training that will prepare the employee for advancement with the City.
- B. Appointing authorities may grant training leave for the purpose of attending institutes, seminars, or educational courses related to an employee's work for extended periods of time, at the appointing authority's discretion.
- C. Appointing authorities shall allow trainees or interns to arrange their work schedule if they need to attend classes during normal working hours. Trainees or interns are not entitled to training leave while attending classes for the degree or certificate program they are required to complete during their trainee or intern probationary period.
- D. Use of training leave by employees shall be arranged whenever possible during regularly scheduled work hours. Appointing authorities who require attendance at training activities during off-duty hours that are designed to increase the competencies, knowledge, skills and abilities of employees for the position which they presently occupy shall temporarily change the affected employee's standard work hours to include the training schedule. Employees who are required to attend such training during off-duty hours shall be granted paid training leave for the time spent in training.
- E. For the purposes of this subsection, on-line training courses shall be treated the same as classroom training sessions.
- F. Employees must present proof of attendance at any training for which they are authorized to receive training leave.

10-66 Compensatory Time

Compensatory time earned under the provisions of Rule 9 **PAY ADMINISTRATION** may be taken at any time mutually convenient to the employee and the appointing authority. However, all accrued compensatory time shall be used by March 31st of each calendar year or paid out in cash by the final pay period of April of that year.

10-67 Administrative Leave

(Revised effective January 1, 2011; Rule Revision Memo 51C)

- A. Appointing authorities shall grant paid administrative leave for the following purposes:
1. To present grievances or appeals to an official of the City or to represent an employee presenting a grievance or an appeal. However, if flexibility exists as to the exact date and time, the leave shall be granted at the convenience of the appointing authority;
 2. To participate in the Career Service Authority alternative dispute resolution program. Administrative leave shall be granted to employees who participate in mediation either as a party or as the mediator and to an employee who attends mediator training; or
 3. To represent another City employee at meetings with that employee's supervisor or manager, as set forth in Rule 15 **CODE OF CONDUCT**. The representative shall be allowed to take up to a maximum of four (4) hours of administrative leave per pay period so long as the use of such leave does not adversely affect the representative's department or agency and has been approved in advance.
- B. Appointing authorities may grant paid administrative leave for the following purposes:
1. To compete for positions in the Career Service, including all related interviews and examinations;
 2. To reward exemplary performance, such as Employee of the Quarter, Employee of the Year, or if the appointing authority wishes to recognize an employee's outstanding contribution to the agency. The appointing authority may grant, and an employee may use up to twenty (20) hours of administrative leave per calendar year for exemplary performance; or
 3. When the appointing authority deems there is a business necessity, for a maximum of ten (10) calendar days per calendar year. The appointing authority may request an extension of up to twenty (20) calendar days from the Personnel Director. The Personnel Director may approve the request for an extension for good cause shown.

Granting or failing to grant administrative leave under this paragraph B shall not be subject to grievance or appeal.

10-68 Occasional Time Off

Exempt employees may be allowed paid occasional time off to attend to personal affairs, at the discretion of the appointing authority.