

RULE 11
UNPAID AND EXTENDED LEAVE
(Revised effective January 1, 2010; Rules Revision Memo 42C)

Purpose statement:

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

Section 11-10 Definitions

- A. Leave: Any absence during regularly scheduled work hours. The following types of unpaid and extended leave are officially established and shall be in effect unless otherwise provided by ordinance:
1. Military;
 2. Leave without pay;
 3. Unauthorized;
 4. Disability;
 5. Parental involvement;
 6. Family Medical Leave ("FMLA").

Section 11-15 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.

(Sections 11-20 through 11-40 reserved for future use)

Section 11-50 Military Leave Without Pay

- A. Employees who continue in military service beyond the initial one hundred twenty (120) hours for which paid military leave is allowed under Rule 10 **PAID LEAVE** shall be placed on unpaid military leave.
- B. This rule is intended to comply with and be interpreted consistently with the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). To the extent an issue is not addressed in this rule, or to the extent this rule is inconsistent with the USERRA, the USERRA and its corresponding regulations shall govern.
- C. A career status or probationary employee who continues in military service beyond the time for which leave with pay is allowed shall be placed on military leave without pay. Such request for military leave without pay shall be made in advance, when possible, in writing or by oral notification. In the event of military necessity, if the employee is unable to provide advance notice, the employee may give notice after starting duty.
- D. An employee in military leave without pay status may be eligible for a military pay differential. A military pay differential is for employees who are called to active military duty with written orders for services exceeding one hundred and seventy nine (179) days because of war or national emergency.

11-51 Granting Military Leave Without Pay

Military leave without pay shall be subject to the following provisions:

A. Duration:

Military leave without pay shall be granted for the duration of active military service not to exceed five (5) years plus ninety (90) days from the date of discharge, provided that extensions shall be granted where the employee is required to serve a longer period of time involuntarily because of a war or national emergency.

B. Effect on paid time off, sick and vacation leave:

Paid time off ("PTO"), sick and vacation leave credits shall not be earned during military leave without pay that lasts over thirty (30) consecutive calendar days.

C. Effect on health & supplemental benefits:

During military leave without pay, the employer continues to subsidize an employee's group health care benefits for up to thirty (30) days. Employees absent on military leave without pay for thirty-one (31) days or longer, are eligible for health benefit coverage from the military. In addition, an employee on military leave without pay for thirty-one (31) days or longer can arrange to continue his or her individual and/or family coverage under the City's group health plan for the duration of military leave without pay. Employees opting for continuing coverage under the City's group health plan are responsible for paying 100% of the premium costs.

During military leave without pay, the employee can arrange to continue supplemental insurance coverage(s), such as dental, vision, short-term disability, and supplemental life insurance, for the duration of military leave without pay. Employees opting for continuing supplemental insurance coverage are responsible for paying 100% of the premium costs.

D. Break in service:

Military leave without pay shall not constitute a break in service.

E. Completion of probationary period:

An employee who returns after thirty (30) days or longer from military leave without pay who held employment probationary status at the time of military leave without pay shall have attained career status upon returning to the City.

11-52 Return From Military Leave Without Pay
(Revised effective January 1, 2011; Rule Revision Memo 51C)

Employees returning from military leave without pay after an absence of ninety (90) days or less shall return to their former position. Employees returning after ninety-one (91) days or longer shall return to their former position or a job of equal status and pay, subject to the following provisions:

A. Due date for notice of return:

The notice time for return from military leave without pay that is provided to the appointing authority is dependent upon the amount of time served.

1. The employee must make notice for return from military leave without pay within ninety (90) days from the date of discharge from military service if the military duty lasted longer than one hundred eighty (180) days.
2. Employees who served thirty-one (31) to one hundred eighty (180) days shall give notice within fourteen (14) days of discharge.
3. Employees who serve less than thirty-one (31) days shall have three (3) days from discharge to give notice.

B. Certificate of satisfactory completion of military service:

A return from military leave without pay shall be conditional upon submission of a certificate of satisfactory completion of military service.

C. Effect of hospitalization for service connected medical condition:

In the event that the employee was hospitalized after discharge for medical conditions, which occurred during the military service, the employee's military leave without pay shall be extended not to exceed two (2) years. Application for return from military leave without pay must be made within ninety (90) days after discharge from hospitalization. Extensions may be granted due to circumstances beyond the employee's control.

D. Qualifications for return from military service:

The employee must be physically and mentally qualified and possess the necessary skills, knowledge and/or training to perform the essential functions with or without reasonable accommodations of the position to which the employee is returning. The City will provide appropriate training to returning employees.

E. Effect of service connected disability:

If the employee is not qualified to perform the essential functions with or without reasonable accommodations of the position left by reason of disability sustained during active military service, the appointing authority may transfer the employee to any other available position, the duties of which the employee is qualified to perform and which will provide like seniority, status and pay, or the nearest approximation thereof, as the employee achieved in the position from which he or she was granted military leave.

F. Effect of failure to give notice for return:

Failure to give notice for return from military leave without pay within the time limits stated shall be considered a resignation.

11-53 Military Pay Differential

- A. Career Service employees who are called to active military duty in time of war or national emergency are eligible for a military pay differential as provided by the Denver Revised Municipal Code. (See Appendix)
- B. A written request for military pay differential shall be made by an eligible employee to the employee's department or agency as soon as possible after the employee's return to City employment using the application form prepared by the Career Service Authority ("CSA"). Requests for military pay differential may also be made while the employee is on military leave.
- C. The employee shall provide copies of the following documents:
1. Written military orders for reporting and/or discharge;
 2. Leave and earnings statements from the military;
 3. All military pay vouchers, including vouchers for temporary duty and travel; and
 4. Any other documentation deemed necessary to process the request by the Personnel Director, which may include documentation that the Department of Finance advises the Personnel Director is necessary.
- D. Any overpayment of funds to the employee shall be reimbursed to the City in accordance with the City's Fiscal Accountability Rules.

(Sections 11-60 through 11-70 reserved for future use)

Section 11-80 Leave Without Pay

11-81 Policy

Leave without pay may be granted to an employee for any good cause when it is in the interest of the City and the employee to do so. An appointing authority may grant an employee leave without pay for up to ninety (90) days. The agency or department head may approve ninety (90) day extensions. Any appointment made to the position vacated by an employee on leave without pay shall be conditional upon the return of the employee on leave. If an employee's leave without pay is also designated as FMLA leave, the leave without pay and FMLA leave shall run concurrently.

11-82 Granting Voluntary Leave Without Pay

Voluntary leave without pay shall be subject to the following provisions:

A. Return

At the expiration of leave without pay, the employee shall return to the position he or she held prior to the leave. Failure to report promptly at the expiration of a leave without pay shall be considered a resignation.

B. Pay Increase and Fringe Benefits

FIRST 30 DAYS WITHOUT PAY

The first thirty (30) consecutive calendar days of voluntary leave without pay in a calendar year, which is approved by the employee's supervisor, shall have no effect on the following:

1. City contributions to health, dental, and life insurance; or
2. PTO, sick and vacation leave credits, and holiday eligibility.

AFTER 30 DAYS BUT BEFORE 180 DAYS

After the first thirty (30) consecutive calendar days of voluntary leave without pay, City contributions to health, dental, and life insurance shall be discontinued, except for FMLA leave:

Only employees on FMLA leave may pay for the cost of contributing the health care benefits, dental benefits, and life insurance by:

1. Depositing monthly, the employee's share of the premium for such benefits with the payroll clerk for the unit from which the employee is on leave or;

2. By taking at least one day of paid leave from which the cost of contributions to health, dental, and life insurance shall be deducted.

Failure to contribute to the cost of the benefits or insurance shall result in the discontinuance of such benefits or insurance consistent with the FMLA.

Employees on leave without pay who are not on FMLA leave may only maintain benefit coverage by depositing the full monthly premium for such benefits with the payroll clerk for the unit from which the employee is on leave.

AFTER 180 DAYS

After the first one hundred and eighty (180) consecutive calendar days of voluntary leave without pay, City contributions to health, dental, and life insurance shall be discontinued.

Employees on leave without pay for more than one hundred and eighty (180) consecutive calendar days may maintain benefit coverage by depositing the full monthly premium for such benefits with the payroll clerk for the unit from which the employee is on leave.

- C. No break in service: A leave without pay shall not constitute a break in service.
- D. During probationary period: Leave without pay for more than one hundred and eighty (180) consecutive calendar days during the probationary period shall not be counted as part of that period but the employee to whom such leave has been granted shall be allowed to complete his or her probationary period upon return from leave.
- E. Notification of CSA: The CSA shall be advised, in writing, of leave without pay granted for fifteen (15) consecutive calendar days or more.

11-83 Budget Required Furlough

If the Mayor of the City and County of Denver decides to furlough employees within the Career Service due to budgetary reasons, the following Career Service Rule applies:

- A. This Rule is intended to comply with the Fair Labor Standards Act regulation 29 C.F.R. § 541.710, which permits furloughs for budgetary reasons without affecting the exemption status of an overtime exempt employee except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.
- B. Furloughs of overtime exempt employees may be taken in work day or workweek increments. During the workweek in which an overtime exempt employee takes one or more furlough days, the furlough hours taken and the hours worked plus any leave taken by the exempt employee should not total more than forty (40) hours. A work day is eight (8) hours for the purposes of this rule.

- C. Furloughs of non-exempt employees need not be taken in work day or work week increments but shall be debited in no less than two (2) hour increments.
- D. The Mayor may exempt certain employees of the Career Service from a mandatory furlough in order to maintain essential City services or for other necessary business reasons.
- E. At the expiration of the furlough, the employee shall return to the position held prior to the furlough.
- F. During the period of time in which the Mayor has declared mandatory furloughs, employees, upon the agreement and prior approval of their appointing authority, may take additional voluntary furlough days, up to a maximum of forty-five (45) voluntary furlough days. Employees are not required to take voluntary furlough days.
- G. Pay increases and employees benefits:
(Revised effective January 1, 2011; Rule Revision Memo 51C)

A mandatory furlough or voluntary furlough shall have no effect on the following:

1. City contributions to health, dental and life insurance during the furlough period;
 2. PTO, sick and vacation leave credits accrued during the furlough period;
or
 3. Holiday eligibility.
- H. Mandatory furlough or voluntary furlough shall not constitute a break in service. Failure to report promptly back to work after the expiration of a mandatory furlough or voluntary furlough may be grounds for discipline, up to and including dismissal from employment.
 - I. During the period of time in which there are mandatory furloughs, the first forty-five (45) days of unpaid FMLA or ADA Interactive Process Leave shall be treated as voluntary furlough days.
 - J. Nothing herein precludes the mayor from designating specific furlough days or otherwise determining how to implement mandatory furloughs.

Section 11-90 Unauthorized Absence for Non-exempt Employees

- A. Non-exempt employees: A non-exempt employee who is absent from duty without approval shall receive no pay for the duration of the absence. Such denial of pay shall not affect the right of the City or any of its agencies to invoke any form of disciplinary action which it deems appropriate, up to and including dismissal.
- B. Exempt employees: Subject to the exceptions provided below, an employee need not be paid for any work week in which he or she performs no work.
 - 1. The pay of exempt employees shall be reduced, on an hourly basis, for absences of less than a day when the absence is due to sickness or personal reasons, and
 - a. The employee did not request leave; or
 - b. A request for leave was denied; or
 - c. The employee has no available leave; or
 - d. The employee requested, and was granted, leave without pay.
 - 2. Exempt employees may be allowed occasional time off with pay to attend to personal affairs, at the discretion of the appointing authority.

(Sections 11-100 through 11-110 reserved for future use)

Section 11-120 Disability Leave

11-121 Revised Municipal Code Provisions

- A. The Revised Municipal Code provides that under certain conditions and after compliance with certain requirements "...eligible employees shall be granted disability leave with pay for a period not to exceed ninety (90) calendar days."
- B. Compensation during disability leave shall be eighty percent (80%) of gross salary.

11-122 Policy

All Career Service employees, except employees holding on-call positions, shall be granted disability leave with pay for each occupational injury or occupational disease incurred in the course of employment, provided that the period of disability exceeds three (3) calendar days. If an employee's disability leave is also designated as FMLA leave, the disability leave and FMLA leave shall run concurrently.

11-123 Eligibility for Disability Leave

An employee shall be considered eligible for disability leave if such employee:

- A. Type of Position: Holds a full-time or part-time position but not an on-call position.
- B. Compliance with Ordinance: Has complied with the provisions of Sec. 18-287 of the Revised Municipal Code, 1982 codification, relating to reporting requirements and to examination and emergency treatment by the Employee's Medical clinic.
- C. Disability: Is physically or mentally unable to perform the duties of the employee's position or any other position within the City and County of Denver due to injury, occupational disease or accident experienced in the course of employment.

11-124 Granting of Disability Leave

Appointing authorities shall grant disability leave to eligible employees in accordance with the following provisions:

- A. Authority for disability leave pay: For absence in excess of three (3) calendar days, allowance of a claim for temporary disability benefits under the provisions of the Workmen's Compensation Act or the Occupational Disease Disability Act shall constitute authority for disability leave pay for a period of ninety (90) calendar days retroactive to the first day of disability.
- B. Notification of injury: Every employee who sustains an injury in the course of his employment shall notify his supervisor within two (2) days of its occurrence, unless:
 - 1. The employee is physically or mentally unable to do so; or
 - 2. Someone else reports the accident within the specified time limit; or
 - 3. The supervisor or person in charge has actual notice of the injury.

If an employee fails to report an injury, he shall lose one (1) day's disability leave for each days failure to so report; the number of penalty days established by the representative of the State Compensation Insurance Fund or Division of Labor shall constitute the number of disability leave days lost for late reporting.

For absences of three (3) calendar days or less and for penalty days deducted from disability leave because of late reporting, the employee may use other paid or unpaid leave if eligible under the terms of these rules.

- C. Reimbursement to City for advances on benefits: Temporary disability benefits due the employee from the Workers Compensation Fund for the duration of the disability leave shall be deposited to the credit of the City.
- D. Required physical examination: Any employee on disability leave may be required to report to Denver General Hospital for periodic physical examinations. Compliance with such requirements shall be a condition for the continuation of an approved disability leave with pay. An employee shall report to Denver General Hospital for a physical examination prior to being returned to work from disability leave.
- E. Effect of reduced or disallowed claims: No disability leave with pay shall be granted If the employee's claim for temporary workers compensation benefits has been disallowed or reduced under the terms of the state laws cited above, except as provided In paragraph 11-124 B. Notification of Injury. In the instance listed above, an employee absent from duty may use other paid or unpaid leave if eligible under the terms of these rules.

11-125 Expiration of Disability Leave

An employee who continues to be disabled beyond the maximum disability leave of ninety (90) calendar days may use his accrued PTO, sick leave and vacation leave at full benefits In addition to the temporary disability compensation he receives from the Workmen's Compensation Fund.

Disability leave shall not be granted beyond the date of mandatory retirement of an employee.

11-126 Paid Time Off, Sick and Vacation Leave During Disability Leave

Employees who are granted disability leave shall continue to accrue PTO, sick and vacation leave credits for the duration of the disability leave.

11-127 Procedure for Disability Leave

A personnel action placing the employee on disability leave and its estimated duration shall be submitted to the CSA immediately upon notification of allowance of a claim for temporary disability benefits under the laws cited above. Upon return of the employee to work or expiration of the disability leave, a personnel action returning the employee from leave shall be submitted.

Section 11-130 Parental Involvement Leave

It is the policy of the Career Service Board to provide leave for academic activities as required under the Parental Involvement in K-12 Education Act (C.R.S. §8-13.3-101 et seq.).

A. Definitions

1. Academic activity: Means:
 - a. A parent-teacher conference; or
 - b. A meeting related to any of the following topics;
 1. Special education services;
 2. Response to intervention;
 3. Dropout prevention;
 4. Attendance;
 5. Truancy; or
 6. Disciplinary issues.

School activities not included on the list above, including, but not limited to athletic or artistic events, are not considered to be academic activities for the purposes of this rule.

2. Academic year: Means the period, not to exceed twelve (12) consecutive months, allotted by a school for the completion of one grade level of study.
3. Eligible employee: Includes all Career Service employees.
4. Eligible employee's child: Means a child who is enrolled in a public school, private school, or in a non-public home-based educational program, in any grade between kindergarten and twelfth grade, for whom the eligible employee is parent, legal guardian, or is acting in the place of a parent.

B. Amount of leave allowed: Eligible employees are entitled to use parental involvement leave in an academic year to attend academic activities for or with the eligible employee's child as follows:

1. Full-time eligible employees are entitled to use eighteen (18) hours of parental involvement leave in an academic year.
2. Part-time eligible employees are entitled to use a percentage of the eighteen (18) hours of parental involvement leave that corresponds to the percentage of a forty (40) hour work week that they are regularly scheduled to work.

C. Notification requirements:

1. An employee shall provide the department or agency with notice of the need for leave at least seven (7) calendar days in advance of the academic activity. Such notice shall include written verification from the school or school district of the academic activity.
2. In the case of an emergency where the employee is not aware of the need for leave seven (7) calendar days in advance, the employee shall provide the department or agency with notice of the leave as soon as possible after becoming aware of the academic activity. Written verification shall be provided upon the employee's return to work.

D. Limitations on use

1. An employee shall make a reasonable attempt to schedule academic activities outside of regular work hours.
2. Eligible employees are not entitled to use more than six (6) hours of parental involvement leave in any one-month period. A department or agency may require that parental involvement leave be taken in no longer than three (3) hour increments.
3. A department or agency may limit the ability of an eligible employee to take parental involvement leave in cases of emergency, or where a person's health or safety may be endangered, or where the absence of the employee would result in a halt of service or production.

E. Substitution of paid leave: Parental involvement leave is unpaid leave, unless an eligible employee elects to substitute PTO, sick leave, donated leave, vacation leave or other accrued paid leave for unpaid parental involvement leave.

(Section 11-140 reserved for future use)

Section 11-150 Family & Medical Leave Act Policy

It is the policy of the Career Service Board to provide leave under the Family & Medical Leave Act of 1993 ("FMLA") to eligible employees. The purpose of FMLA leave is to provide up to twelve weeks of job-protected leave in a twelve-month period to eligible employees for specified immediate family and medical reasons. This rule is intended to comply with and be interpreted consistent with the FMLA and its corresponding regulations. To the extent an issue is not addressed herein, the FMLA and its corresponding regulations shall govern.

11-151 When Leave Under the Family & Medical Leave Act May be Used

FMLA leave shall only be available:

- A. For the birth and care of a newborn child of the employee (including a newborn child born into a domestic partnership);
- B. For placement with the employee or the employee's domestic partner of a child for adoption, foster care or legal guardianship;
- C. To care for an employee's immediate family member with a serious health condition; or
- D. To take leave when the employee is unable to perform the functions of the employee's job because of a serious health condition.

11-152 Eligibility for FMLA leave

Any employee who has been employed by the City for at least twelve (12) months and who has worked at least twelve hundred and fifty (1,250) hours in the twelve (12) months preceding the beginning of the leave shall be eligible for FMLA leave.

11-153 Requesting FMLA leave

- A. An employee may expressly request FMLA leave, or may merely state that he or she needs leave for a reason which the appointing authority knows is a qualifying reason for FMLA leave. In either instance, the appointing authority shall notify the employee that the leave may qualify as FMLA leave and request and provide information in accordance with this rule.
- B. In any situation where the need for FMLA leave is foreseeable, an employee shall provide thirty (30) days' notice or such notice as is practicable.
- C. In any situation where the need for FMLA leave is not foreseeable, the employee shall provide such notice as is practicable. Such notice may be provided by the employee or the employee's spokesperson if the employee is unable to do so personally. The employee or the employee's spokesperson will provide more information as required by the appointing authority when it can be readily accomplished as a practical matter.

- D. An employee requesting FMLA leave must provide to the appointing authority all information necessary to determine if such leave is appropriate, including:
1. The reasons for the leave so as to allow the appointing authority to determine if the conditions identified in 11-151 have been met.
 2. The anticipated start of the leave.
 3. The anticipated duration of the leave.
 4. Whether or not the employee has a spouse or domestic partner who is also an employee of the City and County of Denver.
 5. A health care provider certification on a form provided by the appointing authority consistent with the FMLA.

Information provided to the appointing authority regarding an employee's FMLA leave shall be maintained in a confidential file separate from the employee's personnel file.

- E. A request for FMLA leave which does not satisfy the conditions identified in 11-151 may be denied or delayed.
- F. A denial of a request for FMLA leave shall not preclude granting PTO or sick leave if the conditions identified in these rules are met.

11-154 Use of FMLA leave

- A. No more than twelve (12) workweeks of FMLA leave may be used in any twelve (12) month period. The twelve (12) month period shall begin when FMLA leave was first used by an employee.
- B. FMLA leave shall be granted consecutively, intermittently or on a reduced leave schedule, as provided for under the FMLA. Provided, however, if an employee requests FMLA leave intermittently or on a reduced leave schedule after the birth or placement of a child for adoption, foster care or legal guardianship, such leave shall be granted if it is consistent with the reasonable operational necessity of the agency, as determined by the appointing authority.
- C. It is the appointing authority's responsibility to designate qualifying leave as FMLA leave and the appointing authority shall notify the employee of such designation and provide other required information about FMLA leave. An employee may not refuse to allow the appointing authority to designate qualifying leave as FMLA leave.

- D. FMLA leave is unpaid leave, unless an employee elects to substitute PTO, sick leave, donated leave, vacation leave or other accrued paid leave for unpaid FMLA leave. PTO, sick leave, donated leave, vacation leave or other accrued paid leave substituted for unpaid FMLA leave shall be counted against available FMLA leave.
- E. In the case where both spouses or domestic partners are employees, the amount of FMLA leave available shall be determined as follows:
 - 1. When the leave is because of birth, adoption, foster care or legal guardianship of a child, or serious health condition of a member of either employee's immediate family (other than a child, spouse or domestic partner), the FMLA leave available shall be the combined total of twelve (12) weeks of FMLA leave during any twelve (12) month period.
 - 2. When the leave is because of a serious health condition of either or both employees or a child, twelve (12) weeks of FMLA leave may be used by each employee in any twelve (12) month period.

11-155 Secondary employment during FMLA leave

Appointing authorities may deny secondary employment during FMLA leave.

11-156 Investigation of Use of FMLA leave

Appointing authorities may investigate the use of FMLA leave consistent with the FMLA, including by a requiring a second opinion and third opinion, if appropriate.. Misuse of FMLA leave may be cause for disciplinary action up to and including dismissal. An appointing authority may not discipline an employee for appropriate use of FMLA leave.

11-157 Re-assignment

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on the planned medical treatment for the employee or an immediate family member, or if the appointing authority agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption, foster care or legal guardianship, the appointing authority may require the employee to transfer temporarily, during the period the intermittent or reduce leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

11-158 Maintenance of Benefits

- A. It shall be the responsibility of an employee on unpaid FMLA leave to provide that share of payment(s) necessary to maintain health insurance coverage as directed by the appointing authority.

- B. During any FMLA leave, the City must maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

11-159 Return from FMLA Leave

- A. An employee returning from FMLA leave due to his or her own serious health condition shall provide a certification from the employee's health care provider that the employee is able to resume work. An employee further may be required to report periodically on the employee's status and intent to return to work.
- B. An employee returning from FMLA leave shall be returned to the same position the employee held when leave began or to an equivalent position which is defined by the FMLA regulations as a position that is virtually identical to the employee's former position in terms of pay, benefits and working conditions.
- C. An employee need not be reinstated if the employee would not otherwise have been employed at the time reinstatement is requested.
- D. When an employee returning from FMLA leave is not qualified or able to perform the essential functions of the position to which the employee was returned, the employee shall be given a reasonable opportunity in which to become qualified or seek accommodation so long as such accommodation is required by and consistent with the Americans with Disabilities Act ("ADA").
- E. When an employee returning from FMLA leave is not able to perform the essential functions of the position to which the employee is returned, the appointing authority may disqualify the employee in accordance with Rule 14-20.

11-160 Additional information regarding the FMLA

Appointing authorities shall post information and otherwise provide information regarding the FMLA as required by the FMLA. In addition, information may be found on the United States Department of Labor's website, www.dol.gov.

APPENDIX 11.A.

Sec. 18-164. Military pay differential.

DENVER REVISED MUNICIPAL CODE

- (a) Employees in the career service and members of the classified service of the police and fire departments called to active military duty in time of war or national emergency are eligible for a military pay differential.
- (b) The military pay differential is a benefit and not an entitlement, and applies only to employees in the career service and members of the classified service of the police and fire departments who are uniformed service members and who are called to active duty with written orders for military service exceeding one hundred seventy-nine (179) days in time of war or national emergency, and who are actually engaged in active military duty after December 31, 2005. A uniformed service member is defined as any member of the Army, Navy, Marines, Air Force, Coast Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve, Army National Guard and the Air National Guard.
- (c) The military pay differential shall consist of the difference between the total compensation received by the employee while engaged in active military service and the amount of base salary the employee would have earned from the city had the employee not been called to active duty. In no event shall the military pay differential, coupled with the employee's military compensation, exceed the base salary the employee would have received had the employee not been called to active duty and remained in his or her position of employment with the city.
- (d) The manager of safety and the career service board shall establish written policies and procedures for administration of the military pay differential. The city attorney shall approve these policies and procedures prior to implementation.
- (e) This section 18-164 is automatically repealed at 11:59 p.m. on December 31, 2011.

This Appendix is provided for informational purposes and is not considered a part of the Rules.

Page issuance date: August 5, 2011

Effective date: January 1, 2011