

MEMORANDUM

REVISION 44 SERIES D

TO: Holders of Career Service Rule Books

FROM: Career Service Board

DATE: August 6, 2018

SUBJECT: Amendments to Career Service Rule 9 – Promotion, Demotion, Transfer, Fleet Tech Stipend, and Overtime

The amendments to Career Service Rule 9 were approved by the Career Service Board on August 2, 2018 and are effective August 6, 2018. Please insert the following pages in your rule book as soon as possible. Thank you.

<u>Page Numbers to Remove</u>	<u>Page Numbers to Insert</u>
Page 9-1 Page issuance date: February 21, 2017	Page 9-1 Page issuance date: August 6, 2018
Page 9-2 Page issuance date: February 21, 2017	Page 9-2 Page issuance date: August 6, 2018
Page 9-3 Page issuance date: May 31, 2017	Page 9-3 Page issuance date: August 6, 2018
Page 9-4 Page issuance date: July 31, 2015	Page 9-4 Page issuance date: August 6, 2018
Page 9-10 Page issuance date: July 31, 2015	Page 9-10 Page issuance date: August 6, 2018
Page 9-20 Page issuance date: September 21, 2017	Page 9-20 Page issuance date: August 6, 2018
Page 9-25 Page issuance date: April 9, 2018	Page 9-20.1 (new) Page issuance date: August 6, 2018
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**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

(Revised February 21, 2017; Rule Revision Memo 25D)

- A. Classification series: The arrangement in sequence of classes that are alike in the 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 Rule 1 **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 shall base their decision on the following pay factors:
 - 1. Market conditions;
 - 2. Related experience;
 - 3. Previous work record;
 - 4. Education and/or certification;
 - 5. Internal equity; and
 - 6. Level of responsibility accepted.

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

- 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. Promotional re-instatement: A promotion of an employee resulting from referral from a re-instatement list as further defined in Career Service Rule 1 **DEFINITIONS**.
- J. Re-instatement: An appointment of a laid off employee resulting from referral from a re-instatement list as defined in Career Service Rule 1 **DEFINITIONS**.
- K. Re-promotion: A promotion of an employee to a position in a higher classification as further defined in Career Service Rule 1 **DEFINITIONS**. Appointments that meet the definition of a promotional re-instatement are not re-promotions.
- L. 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 schedules.

Section 9-20 Pay When First Employed

(Revised December 21, 2012; Rule Revision Memo 66C)

- A. An appointing authority may set pay for a new employee higher than the range minimum (but not to exceed the range maximum of the applicable pay range) if necessary to obtain the services of an unusually well-qualified person.
- B. The appointing authority may decide to appoint an employee at a pay rate higher than the range minimum if the appointing authority determines that one or more of the pay factors defined in this Rule 9 justify such a starting salary. In any event, qualifications of the new employee should exceed the minimum qualifications stated in the classification specification, and internal equity shall be considered.

Section 9-30 Changes in Classification and Pay
(Revised October 17, 2010; Rule Revision Memo 47C)

- A. A change in an employee's classification may occur through promotion, transfer, demotion, re-allocation, or promotional re-instatement. (Revised November 18, 2015; Rule Revision Memo 15D)
- 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)

9-31 Promotion and re-promotion
(Revised August 6, 2018; Rule Revision Memo 44D)

- A. 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 recommended increase upon promotion is eight percent (8%).
- B. Demotion and subsequent re-promotion:
 - 1. If an employee demotes without a loss in pay, that employee is not eligible for an increase in pay upon re-promotion if such re-promotion occurs within twelve months following the date of the demotion.
 - 2. In all other circumstances, an employee being re-promoted will have their pay set under the provisions of paragraph 9-31 A.

9-32 Transfers
(Revised August 6, 2018; Rule Revision Memo 44D)

When an employee transfers positions within the same classification, or transfers from one classification to another classification with the same range minimum, the employee shall receive the same pay as before the transfer unless the employee is transferring from on-call status to limited or unlimited status or vice versa and internal equity warrants a pay adjustment. 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.

9-33 Demotion
(Revised August 6, 2018; Rule Revision Memo 44D)

- A. Voluntary demotion:
 - 1. A voluntary demotion is a demotion initiated through the request or 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 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. Demotion in lieu of lay-off: Upon a demotion in lieu of lay-off, the employee shall continue to receive the pay rate he or she earned before the demotion unless this exceeds the range maximum of the pay range of the new classification, in which case the employee shall receive the range maximum of the pay range of the new classification.
- C. 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.

- 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).

9-53 Health Care Differential

- A. Career Service employees who are employed by Denver Health and Hospital Authority (“DHHA”) in classifications in the Healthcare occupational group are eligible for health care differentials paid to comparable classifications at DHHA. (Revised July 31, 2015; Rule Revision Memo 12D)
- B. The differentials, eligibility criteria and rates shall be established by DHHA.

9-54 **RESERVED FOR FUTURE USE**

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

- 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 procedures 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 must provide 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.

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).
- C. Appointing authorities shall be responsible for establishing daily work schedules.
- D. The work week shall begin on Sunday and end on Saturday unless otherwise designated by the appointing authority.

9-93 Overtime Exceptions

(Revised April 9, 2018; Rule Revision Memo 38D)

- 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 occupational group 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 this 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.