

**REVISION OF CAREER SERVICE RULE DEFINING AN EMPLOYEE'S LAST DAY WORKED
IN RULE 14 SEPARATION OTHER THAN DISMISSAL AND RELATED RULES**

PLEASE READ AS SOON AS POSSIBLE

TO: Appointing Authorities, Managers and Employees
FROM: Pete Garritt, HR Supervisor, Employee Relations and Records
DATE: May 7, 2012
SUBJECT: Revision of Career Service Rule 14 SEPARATION OTHER THAN DISMISSAL and related rules

This rule change simplifies current rules regarding the effective date of an employee's separation from employment with the City. The rule terminology has been changed from 'last day worked' to 'last day as a City employee' because there are currently many situations when an employee's last day worked is not the same day as the employee's last day as a City employee. The new rule defines the 'effective date' of a separation as the day after the employee's last day as a City employee. Each type of separation allowed by the rules will explain notice requirements and when an employee's last day as a City employee occurs. Related to this, the proposal puts the responsibility for approving employee use of leave after an employee gives a resignation notice on the appointing authority.

This rule change proposal also contains the following changes:

- Removes provision that appointments or separations of employees shall not be effective on a holiday.
- Simplifies notice requirements for resignations.
- Adds section covering separations caused by an employee's death.
- Consolidates the following provisions similar to all separations at beginning of Rule 14;
 - Service of written notices;
 - Effective date/last day as a City employee;
 - Payment for leave at separation;
 - Rule 14 separations are without fault.
- Adds language specifically allowing appointing authorities to delegate all authority given under Rule 14 (except the authority to sign and submit lay-off plans to the CSA) to subordinate employees. In the case of CSA lay-offs, CSR 14-46 B now provides that the manager responsible for the lay-off unit affected by the lay-off has the authority to submit lay-off plans to the Career Service Personnel Director for approval.
- Expands current section concerning separations of employees on employment probation to cover employees who are non-career status, trainees or interns.

MEMORANDUM

REVISION 62 SERIES C

TO: Holders of CSA Rule Books

FROM: Career Service Board

DATE: May 7, 2012

SUBJECT: Revision of Career Service Rule 14 **SEPARATION OTHER THAN DISMISSAL**
and related rules

	<u>Page Number</u>	<u>Issuance Dates</u>
Remove:	1-3 1-7, 8 5-6 10-8, 9, 13 10-18 11-6 11-8 14-1 14-2 14-3 14-9 14-10 14-11 16-9	December 29, 2009 May 4, 2007 October 14, 2010 December 29, 2009 September 21, 2010 December 29, 2009 December 20, 2010 September 21, 2010 January 20, 2012 September 21, 2010 January 20, 2012 September 21, 2010 January 20, 2012 January 22, 2010
Replace:	1-3, 7, 8 5-6 10-8, 9, 13, 18 11-6, 8 14-1, 2, 2.1, 3, 9, 10 16-9	May 7, 2012

PLEASE INSERT IN YOUR RULE BOOK AS SOON AS POSSIBLE. THANK YOU.

Continuous service date:

The effective date of an employment appointment or a re-employment appointment in the career service, whichever is later; or the effective date of appointment from a reinstatement list plus credits for service prior to lay-off. This definition does not affect employee rights to paid time off, sick leave and vacation leave as established in the Revised Municipal Code or the Career Service Rules. (Revised effective January 1, 2010; Rules Revision Memo 42C)

Disabled individual:

An individual who (1) has a physical or mental impairment which substantially limits one or more major life functions; or (2) has a record of such impairment; or (3) is regarded as having such an impairment; or (4) has begun or successfully completed a supervised drug rehabilitation program and is no longer engaged in the illegal use of drugs. (Eff. 1/1/93; Rules Rev. 160B).

Disqualification:

An involuntary no-fault separation of an employee, or action in lieu thereof, based on a legal, physical, mental or emotional impairment or incapacity, occurring or discovered after appointment, which prevents satisfactory performance of the duties and responsibilities of the position. (Eff. 3/15/79; Rules Rev. 110A).

Documented performance:

A verifiable assessment of an individual's work performance, including PEPR ratings, disciplinary actions, and safety violations. (Eff. 3/19/2004, Rule Rev. 247B).

Domestic Partner:

An unmarried adult, unrelated by blood (closer than would prohibit marriage in Colorado pursuant to the Colorado Revised Statutes), with whom an unmarried employee has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses. (Eff. 3/16/95; Rules Rev. 178, Series B).

Effective date:

The date when a personnel action takes effect (Revised effective May 7, 2012; Rules Revision Memo 62C).

3. Teaching, tutoring, instructing, or lecturing in the activity or imparting knowledge, as a teacher in the school system or educational establishment or institution, and
- B. Work requires the consistent exercise of discretion and judgment in its performance, and
- C. Work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and
- D. No more than 20% of hours worked in the work week is devoted to activities which are not an essential part of and necessarily incident to work described in paragraphs a) through c) above.
(Effective May 1, 1974; Rules Revision Memo 83A).

Promotional probationary status:

The initial status of an employee receiving a promotional appointment. (Effective September 18, 1980; Rules Revision Memo 127A).

Re-assignment:

The change of duties of an employee in a position in a class or the movement of an employee from a position in the same class within the same agency or within consolidated appropriation accounts.

Re-instatement List:

Employees shall be placed on the re-instatement list for the classification they have been laid off from, demoted in lieu of lay-off from, or have voluntarily resigned or voluntarily demoted in lieu of lay-off from. The re-instatement list shall only be used within the Lay-off Unit the employee was in when the lay-off took place. (Effective May 4, 2007, Rule Revision Memo 18C)

Return from promotional probation:

Change of a career status employee serving promotional probation to a position in the class from which promoted within the agency from which promoted. (Effective December 3, 1981; Rules Revision Memo 25B).

Serious health condition:

An illness, injury, impairment or physical or mental condition, which involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider. (Effective February 8, 2005, Rules Revision Memo 257B)

Sexual harassment:

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment. (Effective March 22, 1984; Rules Revision 60B).

Staggered work schedule:

The assignment of differing reporting times to individual employees. (Effective November 14, 1978; Rules Revision 104A).

Unlimited position:

One which has no specified ending date. (Effective September 18, 1980; 127A).

Workmen's compensation:

Benefits received by an employee who is injured while carrying out his work assignment as determined by the Workmen's Compensation Act of Colorado. (Effective May 16, 1956; Rules Revision 16A).

- C. Failure to file an end-of-probation notification letter or form: An employee who has completed the required probationary period and the training programs required by Rule 6 **EMPLOYEE TRAINING AND ORGANIZATIONAL DEVELOPMENT** shall attain career status unless the required notification letter or form stating successful completion or failure in completing the probationary period has been received at CSA prior to the end of the probationary period.
- D. Procedure when employee will not pass probation: If it is anticipated that the employee will not pass probation, the agency shall notify the employee of this decision a reasonable time in advance, but no less than two (2) working days prior to the completion of probation date, and shall allow representation at the meeting to discuss this action.
- E. The provisions of this subsection 5-53 End of Probation Notification, do not apply to employees in trainee or intern probation.

Section 5-60 Effect of Employment Status on Employee Rights, Privileges and Benefits.
 (Effective November 1, 1980; Rules Revision Memo 127A: Re-numbered effective October 17, 2010; Rules Revision Memo 47C)

5-61 Employees in Employment Probationary Status
 (Revised effective October 2, 2007; Rules Revision Memo 22C)

An employee in employment probationary status:

- A. May be terminated or demoted at any time;
- B. May not appeal any decision relating to his or her employment, including termination, except on the grounds of alleged discrimination or violation of the City's "Whistleblower Protection" ordinance;
- C. Is entitled to accumulate leave in accordance with Rule 10 **PAID LEAVE** (Revised effective May 7, 2012; Rules Revision Memo 62C);
- D. Is entitled to disability leave in accordance with Rule 11 **UNPAID AND EXTENDED LEAVE** (Revised effective January 1, 2010; Rules Revision Memo 42C); and
- E. Is entitled to such other rights, privileges, and benefits as set forth in these Rules.

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)		
THIS SUMMARY IS PROVIDED FOR INFORMATIONAL PURPOSES AND IS NOT CONSIDERED A PART OF THE RULES.		

- 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.

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).

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 (Revised effective May 7, 2012; Rules Revision Memo 62C).

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;

- 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 (Revised effective May 7, 2012; Rules Revision Memo 62C).
- 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.

**RULE 14
SEPARATION OTHER THAN DISMISSAL**

Purpose Statement: The purpose of this rule is to define the circumstances and processes by which an employee in the Career Service may be separated from employment other than by dismissal (Effective May 7, 2012; Rules Revision Memo 62C).

Section 14-10 Types of Separation Other Than Dismissal
(Revised effective May 7, 2012; Rules Revision Memo 62C)

- A. The separation of an employee from the Career Service other than by dismissal shall be designated one of the following:
1. Disqualification;
 2. Separation of employees holding non-career, trainee or intern probationary, or employment probationary status;
 3. Lay-off;
 4. Resignation;
 5. Retirement;
 6. Death;
- B. Written notices required under this Rule 14 shall be served either in person with a certificate of hand delivery, or by first class U.S. mail, with a certificate of mailing.
- C. The personnel action shall show the reason for the separation and the employee's last day as a City employee. The effective date of the separation shall be the day after the employee's last day as a City employee.
- D. Employees who separate from employment with the City shall receive payment for all compensatory time, paid time off, and vacation and sick leave, for which they are eligible according to the provisions of Rule 9 **PAY ADMINISTRATION** and Rule 10 **PAID LEAVE**.
- E. A separation of an employee under this Rule 14 is considered to be a separation without fault. An employee who has been separated under this Rule 14 may be considered for re-employment without examination as provided in Rule 3 **SELECTION**.

Section 14-15 Designees

(Effective May 7, 2012; Rules Revision Memo 62C)

Appointing authorities, including the Career Service Personnel Director (“Personnel Director”), may delegate any authority given to them under this Rule 14 to a subordinate employee except the authority to sign and submit lay-off plans to the Career Service Authority (“CSA”).

Section 14-20 Disqualification

14-21 General

An employee shall be separated without fault, hereinafter called a disqualification, if a legal, physical, mental or emotional impairment or incapacity, occurring or discovered after appointment, prevents satisfactory performance of the essential functions of the position.

Prior to disqualification because of physical or mental impairment or incapacity, if it is determined pursuant to the rule on reasonable accommodations for individuals with disabilities that an employee is disabled within the meaning of the Americans with Disabilities Act of 1990 (ADA), the agency or department must have attempted to make a reasonable accommodation pursuant to that rule. If a reasonable accommodation cannot be provided or the employee rejects a reasonable accommodation, disqualification may be initiated.

If it is determined that an employee is not disabled within the meaning of the ADA, the agency or department need not attempt to make a reasonable accommodation and disqualification may be initiated.

14-22 Grounds for Disqualification

(Effective 3/2/82; Rules Rev. 30B)

An employee shall be deemed to be disqualified if any of the following conditions occur:

- A. Pre-employment physical examination: When an applicant is appointed before the final report of a pre-employment health examination is received, and the final report shows that the employee is not physically qualified to perform the duties of the position;
- B. Physical or mental impairment or incapacity: When an employee becomes unable to perform the essential functions of the position because of mental or physical impairment or incapacity;
- C. Licensure, certification and other legal requirements: When laws require a license, certification, or other authorization by a federal, state or local governmental entity to perform the duties of a position and the employee does not have the required authorization.

14-23 Procedure

(Revised effective May 7, 2012; Rules Revision Memo 62C)

- A. The appointing authority shall follow the procedures for pre-disciplinary meetings before taking any action on the disqualification. The final notice of disqualification shall contain the same statement of the reason for the disqualification as contained in the pre-disqualification letter.
- B. Substantial amendments or additions are permitted only by repeating the pre-disqualification notice and meeting procedure. The final notice shall also contain a notice that the employee may appeal the disqualification.
- C. The appointing authority shall give the employee written notice of disqualification on or before the employee's last day as a City employee.
- D. However, an employee shall be relieved immediately of any duties requiring a license, certification, or other legal authorization if the employee lacks such license, certification, or other legal authorization. This change in duties shall in no way affect the employee's pay or classification prior to the completion of the disqualification proceedings.

Section 14-30 Separation of Employees Holding Non-career, Trainee or Intern Probationary, or Employment Probationary Status

(Revised effective May 7, 2012; Rules Revision Memo 62C)

- A. An employee holding non-career, trainee or intern probationary, or employment probationary status may be separated at any time in accordance with Rule 5 **APPOINTMENTS AND STATUS**. Such separation may only be appealed on the grounds of alleged discrimination or when the employee has alleged a violation of the City's "Whistleblower Protection" ordinance, in accordance with Rule 19 **APPEALS**.
- B. The employee shall be given written notice of separation on or before the employee's last day as a City employee.
- C. Employees holding on-call, trainee or intern probationary, or employment probationary status may also be dismissed as provided in Rule 16 **DISCIPLINE AND DISMISSAL**.

Section 14-40 Lay-off

(Effective August 1, 1980, Rule Revision Memo124A; Revised March 19, 2004, Rule Revision Memo 247B)

14-41 Definition

The separation of a Career Status, unlimited employee or a limited employee appointed prior to January 16, 2004 from the Career Service resulting from the abolishment of a position. (Revised Eff. 3/19/04, Rule Rev. 247 B)

14-42 Order of Lay-off

- A. Lay-off unit: Layoffs shall be determined by layoff unit. Lay-off units are appropriation accounts, appropriation sub-accounts, combinations of appropriation sub-accounts, or combinations of appropriation accounts which have been consolidated or de-consolidated in accordance with paragraph 14-42 B Consolidation of appropriation accounts. (Revised Eff. 3/19/04, Rule Rev. 247B)
- B. Consolidation of appropriation accounts:
1. The Career Service Board ("Board") may consolidate appropriation accounts or appropriation sub-accounts within a department into one lay-off unit if it can be shown that there is a high correlation between the activities of one unit of the department and others proposed to be consolidated. (Revised Eff. 3/19/04, Rule Rev. 247B)
 2. The Board may reverse the consolidation of appropriation accounts or appropriation sub-accounts making up one lay-off unit, or break a lay-off unit consisting of one appropriation account into sub-accounts or combinations of sub-accounts, based on business functions demonstrated by the department or upon a showing that circumstances giving rise to the consolidation are no longer applicable. (Rev'd Eff. 3/19/04, Rule Rev. 247B)
 3. A request for such consolidation or de-consolidation of appropriation accounts may be initiated by appointing authorities, employees, or the Career Service Personnel Director ("Personnel Director") and shall be determined by the Board only after interested parties have been given an opportunity to be heard in accordance with Rule 2 **CAREER SERVICE AUTHORITY**.
 4. Changes to lay-off units must be approved a minimum of forty-five (45) days prior to the effective date of the lay-off. (Eff. 3/19/04, Rule Rev. 247B)

14-46 Notice of Lay-Off

(Revised effective May 7, 2012; Rules Revision Memo 62C)

- A. Layoff planning: Layoff planning, including actions in lieu of layoff, is the responsibility of the appointing authority. However, the CSA is available for procedural assistance and consultation as soon as the appointing authority has decided the number of positions by class to be abolished.
- B. Audit and approval of lay-off plan: Before an official notice of layoff is given in accordance with this Rule 14, a written lay-off plan for the lay-off unit signed by the appointing authority shall be submitted to CSA and shall have been audited and approved in writing by the Personnel Director for conformance to Section 14-40 Lay-Off of these Rules, including all sub-sections thereof. In the case of a lay-off in the CSA, the lay-off plan shall be signed by the manager responsible for the lay-off unit affected by the lay-off.
- C. Thirty-day notices: The appointing authority shall give final written notice of lay-off to an affected employee a minimum of thirty (30) calendar days before the employee's last day as a City employee. A copy of each such notice shall be sent to the CSA. The period of time shall be computed in accordance with Rule 19 **APPEALS**.

14-47 Re-instatement

(Revised effective May 7, 2012; Rules Revision Memo 62C)

- A. Re-instatement appointments: The right of a former employee who was laid off, to be re-instated is set forth in Rule 3 **SELECTION**.
- B. Promotional re-instatement appointments: The right of an employee, who was given a demotion in lieu of lay-off, to be re-instated is set forth in Rule 3 **SELECTION**.
- C. Restoration of the balance of sick leave credits upon re-instatement shall be in accordance with Rule 10 **PAID LEAVE**.

14-48 Appeal

(Renumbered effective May 7, 2012; Rules Revision Memo 62C)

An employee who is laid off or who is demoted in lieu of layoff may appeal the action in accordance with Rule 19 **APPEALS**.

Section 14-50 Resignation

(Revised effective May 7, 2012; Rules Revision Memo 62C)

- A. Resignation is the voluntary separation by an employee from the Career Service.
- B. Notice to supervisor: It is the responsibility of an employee who plans to resign in good standing from the Career Service to provide written notice to his or her immediate supervisor at least ten (10) calendar days in advance of the employee's last day as a City employee. The appointing authority may waive this requirement for good and sufficient reasons.
- C. Job abandonment: An employee's failure to report for his or her assigned shift and notify his or her immediate supervisor of the absence prior to the start of his or her shift for three (3) consecutive work days may be called "job abandonment" and treated like a resignation. The required signature of the employee on the resignation shall be waived. Instead, the appointing authority shall file a statement indicating how the conditions of this paragraph have been met.
- D. Appointing authorities are responsible for approving or disapproving employee requests to use paid or unpaid leave (unless otherwise provided in these rules) between the time notice of resignation is given and the employee's last day as a City employee.

14-51 Retirement

Any employee in the Career Service may designate his or her resignation as a retirement when he or she meets the eligibility requirements of the Denver Employees Retirement Plan.

Section 14-55 Death

(Effective May 7, 2012; Rules Revision Memo 62C)

In the case of a separation caused by the death of an employee, the employee's last day as a City employee shall be the date of death.

Section 14-60 Change in Type of Separation

(Revised effective May 7, 2012; Rules Revision Memo 62C)

When additional facts are revealed that substantially alter the basis for the original decision as to type of separation, the type of separation may be changed. The Personnel Director, upon receipt of a written request together with documentation of the reasons for the change, will approve or disapprove the requested change in writing. Only the appointing authority who authorized the personnel action separating the employee, or his or her successor shall be authorized to request a change in the type of separation. A copy of the Personnel Director's written approval shall be attached to the personnel action which shall show the type of change and the reason for the change.

16-75 Procedure for Dismissal

(Revised effective May 7, 2012; Rules Revision Memo 62C)

- A. An employee holding non-career, trainee or intern probationary, or employment probationary status may be dismissed at any time. Such action may only be appealed on the grounds of alleged discrimination, or when the employee has alleged a violation of the "Whistleblower Protection" ordinance, in accordance with Rule 19 **APPEALS**.
- B. The appointing authority shall give an employee written notice of dismissal on or before the employee's last day as a City employee.
- C. Dismissed employees are not eligible for future employment in the Career Service for a minimum of five years following such dismissal. The Personnel Director shall establish procedures governing how dismissed employees may be placed on eligible lists after the five years have elapsed.
- D. Current address: It is the responsibility of each Career Service employee to assure that official personnel records of the City reflect the employee's current mailing address, current residence address and telephone number at all times.