

1 **BY AUTHORITY**

2
3 ORDINANCE NO. _____
4 SERIES OF 2013

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:
Health, Safety, Education &
Services

5
6
7
8 **A BILL**

9 **For an ordinance amending Section 18-164 of the Revised**
10 **Municipal Code, eliminating the sunset provision for the military**
11 **pay differential provided to eligible career service employees**
12 **and members of the classified service.**

13
14 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

15
16 **Section 1.** Section 18-164 of Division 5, Military Leave and Pay Differential, of Article V,
17 Leave and Holidays, of Chapter 18, Employee and Officer Pay and Benefits, of the Revised
18 Municipal Code, is hereby amended by deleting the language stricken, to read as follows:

19 **Sec. 18-164. Military pay differential.**

20 (a) Employees in the career service and members of the classified service of the police
21 and fire departments called to active military duty in time of war or national emergency are
22 eligible for a military pay differential.

23 (b) The military pay differential is a benefit and not an entitlement, and applies only to
24 employees in the career service and members of the classified service of the police and fire
25 departments who are uniformed service members and who are called to active duty with written
26 orders for military service exceeding one hundred seventy-nine (179) days in time of war or
27 national emergency, and who are actually engaged in active military duty after December 31,
28 2005. A uniformed service member is defined as any member of the Army, Navy, Marines, Air
29 Force, Coast Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve,
30 and Coast Guard Reserve, Army National Guard and the Air National Guard.

31 (c) The military pay differential shall consist of the difference between the total
32 compensation received by the employee while engaged in active military service and the amount
33 of base salary the employee would have earned from the city had the employee not been called
34 to active duty. In no event shall the military pay differential, coupled with the employee's military

1 compensation, exceed the base salary the employee would have received had the employee not
2 been called to active duty and remained in his or her position of employment with the city.

3 (d) The manager of safety and the career service board shall establish written policies
4 and procedures for administration of the military pay differential. The city attorney shall approve
5 these policies and procedures prior to implementation.

6 ~~(e) This section 18-164 is automatically repealed at 11:59 p.m. on December 31, 2012.~~

7

8 CONSENT AGENDA: _____

9 MAYOR-COUNCIL DATE: _____

10 PASSED BY THE COUNCIL _____ 2013

11 _____ - PRESIDENT

12 APPROVED: _____ - MAYOR _____ 2013

13 ATTEST: _____ - CLERK AND RECORDER
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER
16

17 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2013; _____ 2013

18 PREPARED BY: Robert D. Nespore, Assistant City Attorney, _____

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office
20 of the City Attorney. We find no irregularity as to form, and have no legal objection to the
21 proposed ordinance. The proposed ordinance **is not** submitted to the City Council for approval
22 pursuant to § 3.2.6 of the Charter.
23

24 Douglas J. Friednash, City Attorney

25 BY: _____, Assistant City Attorney

26 DATE: _____