

Rule 10 Overview

Governance and Intergovernmental Relations Committee

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Rule 10: Relationship Definitions



1. 10-11 B. Domestic Partner.

- **Remove:** “shared living expenses” as a requirement for committed relationship.
 - **Reason:** Match state law under Colorado Healthy Families and Workplace Act (CHFWA).

2. 10-11 B. Immediate Family.

- **Remove:** Child-in-law, parent-in-law and sibling in-law.
 - **Reason:** Duplicative of already existing language: “the child, parent, or sibling of the partner or spouse.”
- **Add:** ‘sibling’s child’.
- **Add:** Miscarriage
 - **Reason:** Clarification of stillbirth to include miscarriage.

Rule 10: PTO



1. 10-24 Using PTO

- Add 7.: “The employee needs to care for a family member whose school or place of care has been closed to due inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the closure of the family member’s school or place of care, or...”
- Add 8.: “The employee needs to evacuate the employee’s place of residence due to inclement weather, loss of power, loss of heating, loss of water or other unexpected occurrence or event that results in the need to evacuate the employee’s residence.”
 - **Reason:** Match state law under CHFWA.

Rule 10: Sick Leave



1. 10.34 A. 1.
 - **Remove:** "...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,...."
 - **Reason:** Duplicative of 10.34 A. 1. a, b, c and d.
1. 10.34 A. 1. f., g. and h.
 - **Replace f with:** "The employee needs to grieve, to attend funeral services or a memorial or deal with financial and legal matters that arise after the death of an immediate family member, in conformance with rule 10-50 B."
 - **Reason:** Conform with 10-50 B, Bereavement Leave.
 - **Remove** public health emergency.

Sick Leave, continued



- Add g.: “The employee needs to care for a family member whose school or place of care has been closed to due inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the closure of the family member’s school or place of care, or”
- Add h.: “The employee needs to evacuate the employee’s place of residence due to inclement weather, loss of power, loss of heating, loss of water or other unexpected occurrence or event that results in the need to evacuate the employee’s residence.”
 - **Reason:** Match state law under CHFWA.

Rule 10: Donating Leave



1. 10.45 F. 2. a.

- **Add:** "... and Care Bank Leave as set forth in this Rule 10 Paid Leave,..."
 - **Reason:** The rule already requires the recipient to deplete their leave, Care bank should be included since it is occurring in practice today.

2. 10.45 H. 2.

- **Replace:** Computations of Donated Leave "...shall be reported to" with "...shall be managed by" the Department of Finance...
 - **Reason:** Match current practice.

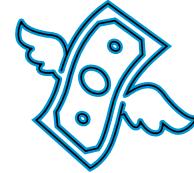
Rule 10: Designation of Holidays



1. 10-62.

- Add I. : “Indigenous People’s Day (second Monday in October)”
 - Reason: Match Denver Revised Municipal Code

Rule 10: Compensatory Time 1.



1. 10-71.

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

Rule 10: Compensatory Time 2.

1. 10-71.

- **With:** "...Compensatory time earned under the provisions of **Rule 9 PAY ADMINISTRATION** may be taken at any time mutually convenient to the employee and the appointing authority. However, all accrued compensatory time earned in the prior calendar year shall be used by the last pay period of the prior calendar year or shall be paid out in January of the following calendar year in cash and calculated based upon the employee's pay rate as of the last pay date of the prior calendar year..."
 - **Reason:** To ensure the payout is paid at the rate it was earned and move payout date from April to January if it was not taken by the final pay period in the final year.

Rule 10: Paid Military Leave

1. 10-73. A.



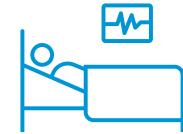
- Replace: "...15 days, but not to exceed one hundred twenty (120) hours of paid military leave each calendar year..." with "...the equivalent of three weeks of work on the employee's regular work schedule as paid military leave each calendar year..."
- Add D.: "Employees who take paid military leave will be reinstated upon their return to work in the position the employee held at the time their military service began or a position of like seniority, status, and pay if such a position is available at the same salary that the employee would have received if the employee had not taken leave."
 - Reason: Match USERRA.

Overview: Care Hours



- Replaces the State's FAMLI Benefit.
- 320 hours annually. A form of pay, not a type of leave.
- Initial rule allowed employees to earn Care Hours at end of their probationary period.
- Probationary periods are set in job description and vary from 6 months to one year.
- Name changed from “Care Bank” to Care Hours.

Care Hours: Summary of Changes



- *Clarify* hours are available annually on the anniversary of use.
- Remove probation eligibility and require FMLA eligibility (one year of service and 1,250 hours worked).
- Align dependent relationship with FMLA and State FCA.
- *Clarify* Care Hours do not count toward over time.

Care Hours 10-90 - 1



1. 10-90

- **Replace:** “Care provides up to three-hundred twenty (320) hours of paid leave for employees who qualify for, and use, Family Medical Leave Act (“FMLA”) leave as defined in Rule 12-20 or who use Colorado Family Care Act Leave pursuant to Rule 12-30. Care Hours must be used concurrently with continuous or intermittent FMLA leave. Care hours will be available starting January 1, 2023. All provisions of Rule 12-20 through 12-29 shall apply to the qualification for, and use of, Care hours subject to the following provisions:” (continued...)

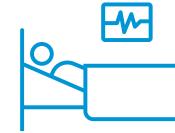
Care Hours 10-90 – 2



2. 10-90

- **With:** “The City provides up to three hundred twenty (320) hours of regular pay, referred to as “Care Hours,” within any rolling twelve-calendar month period for eligible employees. Care Hours are a form of salary or wage replacement and are not to be treated in the same manner as PTO, annual or sick leave. Care Hours may only be used concurrently with an approved leave under a federal, and/or state law referenced in Rule 10-90.B.”
 - **Reason:** (1) clarify Care hours are available on the anniversary date of use, not annually. (2) clarify Care hours are available for use for approved legally required leaves after at least one year of service.

Care Hours



1. 10-90. A. 2.

- **Replace:** "...Employees occupying on-call positions;"...
with "Employees occupying on-call, temporary, seasonal, or contract positions, or positions in which the incumbent is paid according to the community rate schedule;"
 - **Reason:** Match practice in rest of rules.

Care Hours



1. 10-90. B. Eligibility at Completion of Probationary Period:

- **Remove:** “Eligibility at Completion of Probationary Period: An employee who has fewer than 12 months of service, as required by Rule 12- 22(B), but has successfully completed the requirements of their employment probation as required in Rule 5-34(A), will be eligible for Care hours as long as the qualifications of Rule 12-20 to 12-22 are otherwise met.”
 - **Reason:** Employees with less than 12 months of service were allowed to receive up to 20 weeks of paid leave in their first year if they passed probation. Employees with more than 12 months of service could not. The changes make the benefit equitable for all employees.

Care Hours



1. 10-90. C (New B.). How Care Hours May be Used:

- **Replace:** “How Care Hours May Be Used 1. Employees may use Care hours to care for themselves or a family member as defined by Rule 12-21. Care hours may also be used to care for an employee’s partner in a civil union, children (including biological, adopted, foster, stepchildren, legal wards and children of a domestic partner), parents (including biological, adoptive, foster, stepparents, legal guardians and parents of the employee’s spouse or domestic partner), spouses and domestic partners, grandparents and grandchildren. “ (continued...)

Care Hours



1. 10-90. C (New B.). How Care Hours May be Used:

- **Replace:** “... 2. Employees may also use Care hours to care for someone with whom the employee has a significant personal bond that is, or is like, a family member, but must provide an affidavit supporting such significant personal bond, which may include, but is not limited to, the following factors: Shared financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations; b. Emergency contact designations; c. The expectation of care created by the relationship and/or prior provision of care; d. Co-habitation and the duration thereof; and e. Geographical proximity.”

Care Hours



1. 10-90. C (New B.). How Care Hours May be Used:

- **With:** “Eligible employees may use Care Hours concurrently with leave designated under these federal, state or local laws. See Rule 12 Accommodations for Disability, Pregnancy, Extended Illness or Injury and Leave for qualifications and approval process for each federal, state or local law referenced.”
 - **Reason:** Streamlined definition for use with FMLA and State FCA. Both laws overlap with previous definition.

Care Hours



1. 10-91, C. Amount of Care Hours Available:

- **Replace:** “Employees using Care Hours will not be compensated for any time exceeding their standard work week as defined in Rule 9-71.” **with -**
- “Care Hours are not to be considered hours worked when calculating overtime under Rule 9-91 B”
 - **Reason:** To clarify employees can continue to work additional hours during a week they use Care Bank, but Care Bank does not count toward overtime. Also matches state FAMLI rules.

Care Hours Changes: Employee Impact

Year	< 1 year service	Total Leave cases	Total Employees	Total Self Care	Total Care for Family	Total Care for Child
2022		2,810	2,430	1,856	512	442
2023	128	3,254	2,908	2,047	698	510
2024	98	3,926	3,489	2,542	752	632
2025	46 (6/25)	3,685	3,297	2,333	725	628