

1 **BY AUTHORITY**

2
3 ORDINANCE NO. _____
4 SERIES OF 2012

COUNCIL BILL NO. CB12-0031
COMMITTEE OF REFERENCE:
Health, Safety, Education &
Services

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8 **A BILL**

9 **For an ordinance amending Section 18-164(e) of the Revised**
10 **Municipal Code, extending the military pay differential for**
11 **eligible career service employees and members of the classified**
12 **service through the end of calendar year 2012.**

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

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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 and adding the language
19 underlined, to read as follows:

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

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

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

32 (c) The military pay differential shall consist of the difference between the total
33 compensation received by the employee while engaged in active military service and the amount
34 of base salary the employee would have earned from the city had the employee not been called

1 to active duty. In no event shall the military pay differential, coupled with the employee's military
2 compensation, exceed the base salary the employee would have received had the employee not
3 been called to active duty and remained in his or her position of employment with the city.

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

7 (e) This section 18-164 is automatically repealed at 11:59 p.m. on ~~December 31, 2011~~
8 **December 31, 2012.**

9

10 CONSENT AGENDA: January 5, 2012

11 MAYOR-COUNCIL DATE: January 10, 2012

12 PASSED BY THE COUNCIL _____ 2012

13 _____ - PRESIDENT

14 APPROVED: _____ - MAYOR _____ 2012

15 ATTEST: _____ - CLERK AND RECORDER
16 EX-OFFICIO CLERK OF THE
17 CITY AND COUNTY OF DENVER
18

19 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2012; _____ 2012

20 PREPARED BY: Robert D. Nesor, Assistant City Attorney, January 12, 2012

21 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office
22 of the City Attorney. We find no irregularity as to form, and have no legal objection to the
23 proposed ordinance. The proposed ordinance is **not** submitted to the City Council for approval
24 pursuant to § 3.2.6 of the Charter.
25

26 Douglas J. Friednash, City Attorney

27 BY: _____, Assistant City Attorney

28 DATE: _____