

## 5.2 General Leave and Variable Hour Employee Sick Leave

This policy applies to all City employees, provided only the provisions of this policy regarding the use of paid sick leave requirements shall apply to FOP and GWU employees employed with the City. Nothing in this policy is intended to diminish any rights FOP or GWU employees have pursuant to any collective bargaining agreement with the City.

### STATEMENT OF POLICY:

#### A. General Leave for Regular Employees

1. Effective July 1, 2023, new regular employees, defined as employees who are within their first six months of employment with the City working on a full-time basis, although such employment may be terminated earlier by action on the part of the City or the employee, are given an advance of 48 hours of general leave. The amount of the initial general leave bank is part of and not in addition to the amount of the annual general leave bank outlined in the table below. While these 48 hours of leave may be used for any purpose for which general leave is otherwise authorized, the hours also constitute paid sick leave for purposes of compliance with and may be used for all purposes permitted in the Colorado Healthy Families and Workplaces Act (C.R.S. § 8-13.3-401 et seq.) ("Paid Sick Leave Law"). After six months of employment, full time employees will be given general leave hours in an amount equivalent to the chart below in Paragraph 2 prorated by the number of months in the year after the employee's hire date minus the 48 hours previously provided.
2. The City's benefit year, for general leave and Variable Hour Employee Paid Sick Leave runs from the first day of the first pay period of each year through the final day of the final pay period of each year and does not necessarily correspond to the calendar year; there will be 26 pay periods each year. On the first day of the each new benefit year, non-Variable Hour employees, non-FOP and non-GWU employees who have completed their initial six months of service are awarded general leave as follows:

Years of Service*	Hours Awarded
6 months through 4 years**	152
5 through 9 years	200
10 through 14 years	232
15 or more years	272

\*An employee's year of service is determined by looking forward to the number of years the employee will complete during the upcoming calendar/benefit year. For example, if an employee was hired on July 1, 2020, that employee will complete his/her 5<sup>th</sup> year of service in 2025 and will, therefore, be awarded the full 200 hours on the first day of the first pay period of 2025. Employees designated by the City Manager as part of the Executive Team will begin accruing general leave at the 5 year accrual rate. Nothing herein limits the City Manager from departing from these the leave policy for the purposes of recruitment or retention.

\*\*Employees completed 6 months of full time employment with the City, will receive a prorated amount of leave based on the remaining months in a benefit year following their

month of hire.

3. General Leave Designated as Paid Sick Leave
  - (a) 48 hours of each annual general leave bank will be designated as Paid Sick Leave subject to the special requirements of this policy and state law.
  - (b) In each benefit year, 48 hours of each annual general leave bank is designated for use as Paid Sick Leave (“Designated Paid Sick Leave”) subject to the special requirements of this policy and state law. No carry-over hours, as that term is used in this policy or any bargaining agreement, will be designated as Paid Sick Leave.
  - (c) Except as specifically provided, Paid Sick Leave is and will be treated the same as general leave subject to all other requirements, including carry-over and cash-out standards. Designated Paid Sick Leave is considered part of and is not in addition to general leave. If an employee exhausts his or her general leave for any purpose during a benefit year, no additional leave will be available as Paid Sick Leave for the duration of that benefit year, except as provided in F. below.

**B. General Leave Use and Scheduling.**

1. General leave may be used for vacations, holidays not observed by the City, illness, personal business, parental involvement in children's school activities, to satisfy the 40-hour waiting period for short term disability, or any other purpose requested by the employee and approved by the supervisor, except that general leave may not be used to extend an employee's employment with the City. For example, an employee may not submit his or her resignation and seek to use general leave to maintain his or her employee status. General leave is taken in 15-minute increments.

Except in cases of illness or other unforeseeable events, general leave must be approved in advance by the employee's supervisor. Requests are reviewed based on a number of factors, including business needs and staffing requirements. When an employee is requesting time off to attend the academic activity of a child, the employee should notify his or her supervisor of such so that the City may review the request in accordance with state law.

2. General Leave that is used as Paid Sick Leave may be used as allowed by state law. Advance notification is requested, but is not required. When possible, employees should notify their supervisor/HR of their request to use designated paid sick leave. Either the employee or the employee's supervisor should complete a Paid Sick Leave form prior to an employee taking leave or as soon as practicable thereafter. If not requested in advance, the employee must notify their supervisor/HR and complete a Paid Sick Leave form when able. Paid Sick Leave will not be denied for failing to follow this notification policy. No more than 48 hours of Paid Sick Leave may be used in any benefit year, provided employees may use remaining general leave under the

City's standard leave policy. General leave used as sick leave can be taken in 15-minute increments. The City will request additional documentation only after general leave designated as Paid Sick Leave is taken for more than 4 consecutive days.

C. Annual Cash Out, Carry Over, and Forfeiture. At the conclusion of each benefit year, unused general leave is subject to cash out, carry over, and forfeiture as outlined below.

1. Annual Cash Out. Employees who have been employed with the City for at least a year from their date of hire will be paid for unused general leave, at their current rate of pay, as follows:

Years of Service	Annual Cash Out
1 through 4 years	30 hours
5 through 9 years	40 hours
10 through 14 years	60 hours
15 or more years	80 hours

The cash out will be included on the last paycheck of the benefit year. Unused general leave must be cashed out before any request for carry over may be made.

2. Carry Over. Unused general leave which exceeds the cash out amount contained in the table above may be carried over to July 1 of the following calendar year. *General leave can be carried over with written approval from the employee's department director that is received by Human Resources at least two weeks before the start of the final pay period of the benefit year.* Any general leave which is allowed to be carried over but which is not used by July 1 of the following calendar year will be forfeited. Carry over, as that phrase is used in this policy, is not used in the same manner as in the Paid Sick Leave Law. Employees that are within their first year of employment at the start of a benefit year will carry over any remaining general leave balance.

3. Forfeiture. Any general leave not cashed out or carried over is forfeited as of the last day of the final pay period of the benefit year.

D. Separation Cash Out. Employees who voluntarily leave the service of the City (not those who were terminated) after completing at least one year of service will be paid for their unused general leave, including any unused paid sick leave, as follows.

Normal Cash Out. When separation occurs on or after April 1<sup>st</sup> of any calendar year, an employee will be paid for his or her actual unused general leave in accordance with the following table:

Years of Service	Percentage of Unused General Leave Cashed Out
1 year	25%
2 years	45%
3 years	65%
4 years	85%

5 years or more	100%
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Employees who are terminated do not receive any cash out of General Leave.

1. **Reduced Cash Out:** When separation occurs prior to April 1<sup>st</sup> of any calendar year, an employee's unused general leave will be reduced by 25% prior to calculating the cash out.
  2. **Paid Sick Leave Upon Rehire:** If an employee is rehired within 6 months after separation, the bank of general leave will be 48 hours and designated as Paid Sick Leave in order to satisfy requirements of the Paid Sick Leave Law. The bank will operate in the same manner as described in Section A.1 above.
- E. Paid Sick Leave for Variable Hour Employees: Variable Hour Employees will accrue limited purpose paid sick leave to be used during their employment at the rate of 1 hour per 30 hours worked (up to a maximum of 48 hours). ("Paid Sick Leave") for purposes of compliance with and for the reasons permitted in the Colorado Healthy Families and Workplaces Act (C.R.S. § 8-13.3-401 et seq.) ("Paid Sick Leave Law"). Paid Sick Leave is not general leave. VHEs may carry over up to a maximum of 48 hours of Paid Sick Leave over to another benefit year, but may not use more than 48 hours during the course of a benefit year.
- F. Public Health Emergency Leave. On the day a public health emergency is declared as defined in the Paid Sick Leave Law, the City will supplement all employees' leave banks to ensure full time employees have 80 hours of leave available and part time employees or variable-hour employees (VHEs) have available the greater of the number of hours (a) the employee is scheduled for work or paid leave in the upcoming fourteen-day period, or (b) actually worked on average in the fourteen-day period prior to the declaration of the public health emergency (Emergency Paid Sick Leave) for use for any of the qualifying reasons stated in the Paid Sick Leave Law, C.R.S. § 8-13.3-405(3), during the duration of the public health emergency and for four weeks following the suspension or termination of any such public health emergency. Variable Hour Employees continue to accrue Paid Sick Leave during the public health emergency and may use any of those accrued hours for any of the qualifying reasons permitted by state law for Paid Sick Leave. Emergency Paid Sick Leave is a supplement to any accrued Paid Sick Leave and is not additional leave, unless necessary to meet the accrual requirements of the Paid Sick Leave Law. The City will include any previously accrued Paid Sick Leave hours or employee's banks of general leave in the calculation of Emergency Leave.