

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 implementation and 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. Bank & Accrual of Designation of Paid Sick Leave.

0. Initial Bank of General Leave and Designated Paid Sick Leave.

A. New employees are awarded general leave after they have been employed with the City for 6 months: Regular Employees

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) prorated by the number of full months remaining in the benefit year, as defined below, after the 6 months of service have been completed.

(a) During their first 6 months of employment, employees may be permitted, with supervisor approval, to take up to 3 days off with pay as an advance on the general leave bank they will receive upon successful completion of their 6-month introductory period or, in the event that the initial general leave bank granted is insufficient to satisfy the advance completely, their next annual general leave bank. If an employee is discharged before any advanced paid time off is satisfied, the City shall be authorized to deduct the value of the advance from the employee's final paycheck.

(a) **Initial Paid Sick Leave:** Employees will accrue limited purpose sick leave to. While these 48 hours of leave may be used during the first 6 months of employment at the rate of 1 hour per 30 hours worked (up to a maximum of 48 hours) for the first 6 months of employment ("Initial Paid Sick Leave") 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 the reasons all purposes permitted in the Colorado Healthy Families and Workplaces Act (C.R.S. § 8-13.3-401 et seq.) ("Paid Sick Leave Law"). Initial Paid

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~~except as set forth in subsection A(1)(d), below. Subsection A(3)(a-b) do not apply to After 6 full months of employment, full-time employees during the first 6 months of employment.~~

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~~(a) At the conclusion of the first 6 months of employment, when the pro-rated general leave bank is granted, a portion of the general leave bank will be designated as Paid Sick Leave provided general leave hours in an amount equal to any unused Initial Paid Sick Leave remaining from the initial bank or accrual plus 1~~

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1. ~~hour for every 30 hours of work remaining equivalent to the chart below in Paragraph 2 prorated by the number of full months remaining in the benefit year minus the 48 hours previously provided. For those employees that complete their initial 6 months of employment in the employee's schedule for the remainder of the benefit year up to a maximum of 48 hours, as defined below. If there is an insufficient a month when the amount of general leave available to satisfy this requirement, additional Paid Sick Leave will prorated leave the employee would be granted to make up is less than 48 hours, the difference. Subsection (A)(3) will apply to this Paid Sick Leave. between the prorated leave amount and 48 hours will be subtracted from their full leave bank in the next benefit year.~~

2. ~~2 Annual General Leave Bank.~~ The City's benefit year, for general leave and that portion of it designated as 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, 2010, that employee will complete his/her 5th year of service in 2015 and will, therefore, be awarded the full 200 hours on the first day of the first pay period of 2015. 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 the leave policy for the purposes of recruitment or retention.

3. General Leave Designated as Paid Sick Leave-

- (a) ~~For benefit year 2021,~~ 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 ("Paid Sick Leave").
- (b) ~~Each~~In each benefit year, beginning in the benefit year 2022, 48 hours of each annual general leave bank plus any unused Paid Sick Leave remaining from the prior benefit year will be 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

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designated as Paid Sick Leave.*.

(e) 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

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.

~~2. Notwithstanding Section 52(B)(1), leave designated as Paid Sick Leave may be used as follows:~~
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. 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.

~~Employee Policies effective January 9, 2012.~~

~~E.C.~~ Annual Cash Out, Carry Over, and Forfeiture. At the conclusion of each benefit year, unused general leave, with the exception of the frontloaded leave provided to employees within their first six months of employment, 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

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(c) ~~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 EF, below.~~

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~~3. Variable Hour Employee Paid Sick Leave. Variable hour employees (including any employees working less than full time) will accrue Paid Sick Leave at the rate of 1 hour for every 30 hours worked up to a maximum of 48 hours per benefit year. Such leave will be subject to the requirements of this policy for the conditions and use of Paid Sick Leave in subsection I(B)(2), below, except that up to 48 hours of unused, accrued Paid Sick Leave may be carried over each benefit year. Paid Sick Leave accrued by variable hour employees will not be considered general leave, will not be subject to the other provisions of the policy applicable to the use of general leave, including carry-over and cash-out, and will be forfeited upon separation.~~

D.B. General Leave Use and Scheduling.

4. 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.

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~~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.~~

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~~2. Notwithstanding Section 5.2(B)(1), leave designated as Paid Sick 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.~~

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~~3. 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~~

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Leave is taken for more than 4 consecutive days.

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E.C. Annual Cash Out, Carry Over, and Forfeiture. At the conclusion of each benefit year, unused general leave, with the exception of the frontloaded leave provided to employees within their first six months of employment, 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

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~~Paid Sick Leave is taken in 15 minute increments.~~

~~The City will request additional documentation only after designated Paid Sick Leave is taken for more than 4 consecutive days.~~

~~E.C. Annual Cash Out, Carry Over, and Forfeiture. At the conclusion of each benefit year, unused general leave, with the exception of the frontloaded leave provided to employees within their first six months of employment, 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. Remaining unused paid sick leave is not eligible for cash out at the end of the benefit year.~~

- ~~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, 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 ~~lost~~ 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 six months of employment at the start of a benefit year will carry over any remaining frontloaded 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.~~

~~F.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 1st of any calendar year, an employee will be paid for his or her actual unused general leave, in accordance with the following table:~~

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<u>Years of Service</u>	<u>Percentage of Unused General Leave Cashed Out</u>
<u>1 year</u>	<u>25%</u>
<u>2 years</u>	<u>45%</u>
<u>3 years</u>	<u>65%</u>
<u>4 years</u>	<u>85%</u>
<u>5 years or more</u>	<u>100%</u>

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<u>Years of Service</u>	<u>Percentage of Unused General Leave Cashed Out</u>
<u>1 year</u>	<u>25%</u>
<u>2 years</u>	<u>45%</u>
<u>3 years</u>	<u>65%</u>
<u>4 years</u>	<u>85%</u>
<u>5 years or more</u>	<u>100%</u>

Employees who are terminated do not receive any cash out of General Leave.

1. Reduced Cash Out: When separation occurs prior to April 1st 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, ~~all accrued paid sick leave that the employee accrued while employed that had not been cashed out will be reinstated upon rehire. The Initial Paid Sick Leave bank or~~ the bank of general leave will be 48 hours and designated as Paid Sick Leave in ~~amounts sufficient 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.

G. Public Health Emergency Leave.

1. 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) ~~actual~~ 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~~ 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

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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. include any previously accrued Paid Sick Leave hours or employee's banks of general leave in the calculation of Emergency Leave.